Children, Young People & Learning

APPENDIX 3



Special Guardian Allowances Financial Assessment Guidance Notes

Version 3.0 January 2016

Bracknell Forest Council www.bracknell-forest.gov.uk

Document name &	Special Guardian Allowances Assessment					
file location	CSC Policy Lil	CSC Policy Library				
Document Author	Peter Hodges					
Document owner	Family Placen	nent Team, Children's Social Care, CYP&L				
Review date		This document is to be reviewed a minimum of every [number] years, the next review to occur no later than 2018. Incremental reviews may take place as required.				
Accessibility	This documen	t can be made available in hard and electronic forma	ats.			
	No copies in o	ther languages are currently available.				
Destruction date	Details of dest	truction dates				
How this	Version 1	Author and Team				
document was	Version 2	Team / Line Manager				
	Version 3	CSMT / DMT / CMT				
	Version 4	Executive Briefing / Executive / Full Council / Portfolio Holder				
	Version 5	Public document or Pre-print Design Circulation				
Circulation restrictions	No exceptions, FOI Exempt (Delete as appropriate)					
Version	Detail of change Name & Date					
1.0	Document cre	Document created				

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1 Guidance for the Financial Assessment Form

It is important that the following information is understood when:

- Making an Special Guardian allowance application for the first time;
- The allowance payable is reviewed each year.
- The financial assessment carried out by the Local Authority will take account of the applicant's total income and we will evaluate against this the family's total outgoings.
- The sum left when total commitments are subtracted from total income is called the Residual Income and will dictate at what rate an allowance is payable.
- Where the outgoings are equal to or more than income, a full allowance less child benefit and child tax credits would be payable.
- Disability Living Allowance will be disregarded for the purpose of the assessment.

1.1 How the allowance is determined

Section 14F of the Children Act 1989 (as amended by the Adoption and Children Act 2002) requires local authorities to make arrangements for the provision of special guardianship support services. The requirements of the support services are set out in the Special Guardianship Regulations 2005. Regulation 6 (2) sets out the criteria under which support may payable

All sections of the form must be completed.

The Special Guardianship Allowance, if agreed, will be dependent on an assessment which considered:

- The age of the child
- The needs of the child
- The circumstances of the placement and / or the financial circumstances of the Special Guardians.

In all cases, the final decision as to whether a Special Guardian allowance will be paid rests with the Chief Officer. The exercise of discretion in this matter will be based on the individual's assessment of need.

Should you disagree with any final decision regarding the payment or non payment of an allowance then this should be put in writing using the complaints procedure (a copy of this will be provided upon request)

When the amount payable is decided, you will need to enter into a written agreement with Bracknell Forest Council.

All allowances are reviewed annually, this is a legal requirement. Special Guardians are required to notify the Family Placement Team immediately of any change in their circumstances or the circumstances of the child which may affect the payment of a Special Guardian allowance.

If granted, an allowance will **not** automatically continue to be paid until your child is 18 or completes his / her full-time education as this will be subject to an annual review.

1.2 Changes to your circumstances and / or the child's needs

Where your financial or family circumstances change substantially at any time during the year, you must notify the Bracknell Forest Family Placement Team immediately without waiting for the yearly review. When you do so, an early review will then be carried out.

The amount payable will change over time according to your financial situation, the needs of the child and in line with Bracknell Forest Council's Special Guardian allowance age-related bands which are outlined in Appendix 1.

If changes in your financial situation mean that you no longer meet the criteria for payment of an allowance, the allowance will be **suspended**. We will continue to undertake a review annually when a change in your financial circumstances indicates that it is appropriate for us to do so.

1.3 The Financial Assessment

1.3.1 Who undertakes the assessment

The financial assessment is carried out by Bracknell Forest Council Family Placement Team.

1.3.2 How the allowance is worked out

We will take account of your total income assessed as if the child were placed without the payment of a Special Guardian allowance and compare to your total commitments and outgoings, including any costs relating to the child, see 1.3.3

1.3.3 What rates are payable?

The Special Guardian allowance rates are based on the Fostering Network's Fostering Allowance rates, spread over a 52 week year to represent the all inclusive costs of bringing up a child within an 'average' household. The allowance does not include any reward elements.

Child Benefit which can be claimed by the Special Guardians from the date of order. Please be aware that changes to the payment of Child Benefit nationally means that some households where either parent / guardian earns over the threshold for higher rate income tax - (at present around £44,000 in 2015) — will no longer be eligible for this benefit. In these circumstances an adjustment will **not** be made to your allowance payments and you will therefore not receive an additional benefit not paid by another agency

.

NB: Special Guardians should claim for a Child Benefit from the date of placement if a child is living with them and they are not Looked After (in care); however; it may not be awarded until the Special Guardian Order is granted. The Special Guardians should complete a claim form (CH2) and provide details of the child's social worker. If the Special Guardians apply after the granting of the Special Guardian Order, they do not need to involve the social worker but will need to provide the Special Guardian certificate.

There are four age bands for allowances:

- **0-4**
- **5-10**
- **11-15**
- 16 plus years

For full rates please see Appendix 1.

Families receiving Income Support or Jobseeker's Allowance or equivalent Allowance will automatically receive the full standard Special Guardian allowance.

1.4 Support and Allowances

1.4.1 Regulation 6 sets out the circumstances in which financial support may be paid to a Special Guardian or prospective special guardian. All are discretionary and subject to approval by our Chief Officer.

1.4.2 Sibling Placements

Good support packages for families are absolutely essential if they are to parent large sibling groups. A Special Guardian allowance will be considered but this will be paid subject to the required means test. Settling-in grants for equipment may be considered if there is financial hardship. Bracknell Forest Council's Family Placement Team may offer a payment for children who require specialist equipment to support them e.g. cot, bed, pushchair car seat etc.

1.4.3 Transitional Arrangements for Foster Carers

Financial support cannot normally include remuneration to Special Guardians. However, where the child has been Looked After and is cared for under this order by former foster carers for more than a year, the local authority may continue to remunerate the Special Guardians at the same rate for the first two years, or, longer in exceptional cases at the discretion of the Chief Officer. Exceptional cases would include 'hard to place' children, including sibling groups; children over the age of five years; with a disability or have other special needs. The expectation would be that the department has actively sought a long-term foster family for six months or more and all other measures have been exhausted. In some of these cases, again at the discretion of the Chief Officer and a decision made at the time placement about the level of payment and length of time any agreed allowance will be paid at a specific rate.

For example, the payment to the foster carer is an exception by reason of the particular circumstances in which the placement arises. Payment of remuneration in these circumstances must always be agreed by the Chief Officer and recorded on the carers and child's file.

1.4.4. Payments made by the Department

Financial support may be payable to a Special Guardian for the purposes of supporting the placement of the child or the continuation of Special Guardian arrangements after the order is made. Where it is necessary to ensure that the Special Guardian can look after the child

- Where the child needs special care, which requires greater expenditure of resources by reason of illness, disability, emotional or behavioural difficulties or the continuing consequences of post abuse or neglect;
- Where it is necessary for the local authority to make any special arrangements to facilitate the placement or the order by reason of the age or ethnic origin of the child;
- The desirability of the child being placed with the same Special Guardian as his brother or sister (whether of full or half blood) or with a child with whom he previously shared a home. Where the local authority consider it appropriate to make a contribution to meet the following kinds of expenditure;

 Where the local authority consider that it is appropriate to contribute to a one-off legal consultation and in Public Law cases pay the court fees, of a Special Guardian or prospective Special Guardian;

1.5 Income

1.5.1 Earnings

All income must be declared:

- A proof of income is required in the form of the most recent payslips. Provide the pay slips for the last 3 months if paid monthly or the last 8 weeks pay slips if paid weekly. These need to be current payslips.
- Net wages or salaries from an employer (for both partners in the case of couples) before any contributions to a company pension scheme.
- Details of overtime and other earnings should be included.
- When providing your monthly wage or weekly wage an average should be taken, over 3 months for monthly – paid, or 8 weeks for weekly paid.
- All income from capital will be treated as income.

1.5.2 Earnings

If you are self employed, an Inland Revenue approved Statement of Drawings for the previous tax year should be provided with your application.

A statement of expected drawings for the current year may be asked for, and may be used to assess current income for the year if it is expected to be substantially different from the previous year, or if a full year's Inland Revenue Statement is not available, i.e. new business.

1.5.3 Equity in a second property, Savings and Investments

Income received from equity in a second property, savings and investments will be treated as income.

All savings, investments, assets and equity in a secondary property must be declared.

If you have investments, saving or equity in a second property of £100,000 or more you must declare this. If you are deemed as eligible for an allowance and the Chief Officer makes the decision than an allowance should be paid then your allowance will be reduced by £5 per £1,000 of investment, savings or equity in a second property above £100,000. Evidence of savings must be provided for the purposes of the assessment.

Any income received from lodgers or tenants must be declared and will be counted in your total income. Reasonable expenses in connection with renting can also be declared

Any contributions made by adult children living in the household. Unless otherwise stated a standard contribution of £50 per week will be taken into account in the assessment where other adults (aged over 18 years) including adult birth children are living in the household, unless they are in full time education and therefore still dependent.

Any additional income from any source not mentioned above <u>must be declared</u> See appendix 2 for the financial form.

1.6 Pensions, Allowances and Benefits

You must declare:

- All state and private pensions (including those paid for disabilities).
- All benefits and allowances including Disability Living Allowance (also known as Personal Independence Payment), Housing Benefit, Sickness Benefit and any adoption or fostering allowances received fro any child(ren) in your family.
- Disability Living Allowance (DLA) /Personal Independence Payment will not be included in the calculation neither will the Special Guardian Allowance for the child for whom the assessment is being carried out.
- Child Benefit claimed from the date that an order is made for Special Guardianship.
- Child Tax Credit and Working Tax Credit are classed as income under the assessment and will be included in our calculations.

Money received under a Maintenance or Separation Order, or from the Child Support Agency is also classed as income under the assessment and will be included in our calculations.

1.7 Commitments and Outgoings

Payments and monies paid out by you must be declared and include the following:

- Council tax most councils charge monthly for 10 months only, so if a monthly figure is given, it will be multiplied by 10 to give an annual figure. If a rebate is given, the net figure must be declared.
- A total of household insurances should be given to include both buildings (where not included in mortgage repayments) and contents.
- Any commitments under a Court Order, includes such things as payments made under a Separation or Maintenance Order.

1.8 Regular Family Expenses

If there are any additional expenses not covered in the above classifications but to which you are already committed prior to the Special Guardian allowance being set up, or which are

related to the placement, they can be declared. Examples include such things as play therapies. Note that each case will be considered on its own merits and some discretion may be applied.

Care expenses cannot be claimed for.

1.9 Financial Resources of the Child

1.9.1 Allowances

If the child receives a Disability Living Allowance Personal Independence Payment, it must be declared when considering eligibility for a Special Guardian allowance

However, it will be considered when assessing the amount of any enhancement that may be paid on the grounds of special needs.

1.9.2 Lump sum payments or trust funds

Any lump sum payment or trust fund held in the child's name must be declared, along with any regular payment received in respect of the child.

This will be considered as part of the financial assessment and may affect the allowance you receive.

1.9.3 Ceasing payment

All financial support is the subject of annual review and in line with Section 9 of the Special Guardianship Regulations 2005 ceases to be payable if:

- (a)the child ceases to have a home with him; .
- (b) the child ceases full-time education or training and commences employment; .
- (c)the child qualifies for income support or jobseeker's allowance in his own right; or .
- (d)the child attains the age of 18 unless he continues in full-time education or training, when it may continue until the end of the course or training he is then undertaking.

1.9.4 Recovery of allowance

Applicants should be aware that applicants have a duty to inform the local authority of any changes in their circumstances include changes to address, circumstances or financial situation. Failure can do so can lead to the local authority seeking to withdraw or recover any allowances paid under regulation 10.

- 1.9.5 Lump sum payments or trust funds
- 1.9.6 Lump sum payments or trust funds

2 Guidance Notes for Special Expenses Forms

The rules that determine the payment of Special Guardian allowances are enshrined in the *Special* Guardianship Regulations 2005 and the Children Act 1989 as amended by section 115 of the Adoption and Children Act 2002

Financial support provided under the above Regulations must complement and not duplicate financial support available through the Benefits and Tax Credits system. Special Guardians should apply for all Benefits and Tax Credits which are available to them. Where a level of Disability Living Allowance is payable, the Care Component of the Disability Living Allowance will be offset against any enhancement to a Special Guardian allowance. (Any Mobility Component received will not usually be offset against an enhancement). This means that an enhanced additional disability element can only be applied for and subject to agreement payable where the child meets the criteria for eligibility below:

The additional expenses in caring for the child are greater than the Care Component of the Disability Living Allowance received

and/or

No Disability Living Allowance is payable.

Children who are placed in Special Guardianship homes will, in the majority of cases, have had difficult early life experiences which may make their future care more demanding than is usual for children of comparable age. This is acknowledged and recognised through the scheme for the payment of the additional disability element of the Special Guardian allowance. There an expectation that applicants should access services which the child is entitled to under the NHS and education services prior to requesting these be funded by the local authority.

Payment of an additional disability element Special Guardian allowance will only be considered where:

(i) The child has a significant physical or learning disability or severely disruptive behaviour

and/or

The child requires significantly greater levels of care than might otherwise be expected for a child of similar age

and/or

There are additional extra costs associated with caring for the child than might otherwise be expected for a child of similar age.

Payment of an additional disability element allowance will only be considered where the child has profound disabilities in addition to the above criteria, and his/her dependency is such that 24- hour care is necessary.

You will be asked to provide details of a professional whom the Agency can contact to provide independent verification of the child's special needs and current level of additional expenditure. Examples of such a professional might be your family GP, a Paediatrician, Health Visitor or Behavioural Therapist.

When detailing the extra costs of caring for the child, please bear in mind that you should only include the part of the costs by which the expenditure is greater than that expected for a child of similar age, e.g. clothing costs for most children are quite high, if your child needs special shoes or clothing which you have to buy, you should detail only the additional cost over and above those that you might expect to incur to clothe any other child of a similar age.

See appendix 3 for a copy of this form.

Appendix 1 Special Guardian Allowance Rates

The rates are prior to the deduction of Child Benefit or other benefits that may impact.

Age of child	Core Rate 2015-2016
0 – 4 yrs.	153.85
5 – 10 yrs.	175.25
11 – 15 yrs.	218.16
16 + yrs.	265.40

Age of child	Core with Disability 2015-2016
0 – 4 yrs	228.85
5 – 10 yrs	250.25

11 – 15 yrs	293.16
16 +	340.40

Appendix 2 Financial Assessment Form

3 Applicant Details

	Title	First Name	Last Name	Э
Applicant 1				
Applicant 2			<u> </u>	
Address				
				_
Post Code		Telephone		
	-			
3.2 Name(s)	of child(re	n) to whom applicat	ion relates	
	•		ion relates Date of Birth	Age
	•			Age
Name (first name or	nly)		Date of Birth	Age
Name (first name or	nly)	resident at the above	Date of Birth	Age
Name (first name or	of all others	resident at the above	Date of Birth ve address	
Name (first name or 3.3 Names of 3.3	of all others	resident at the above	Date of Birth ve address	

4 Support and Allowances

Market Street Bracknell

Berkshire RG12 1JD

Complete this section ONLY if you receive Income Support or Jobseeker's Allowance.

If you (and your partner) are (both) in receipt of Income Support or Jobseeker's Allowance, please give Reference Number(s) below and sign below. You do not need to complete the rest of this form.

4.1 R	Refer	enc	e Numb	er(s)						
		,	Applicant 1	1			App	olicant 2		
Income Su	pport									
Jobseeker Allowance	S									
4.2 D	ecla	aratio	on							
I/We confir child(ren) r				-	•		` '	tlined above ar	nd that	the
a) still	has/ł	nave h	nis/her/thei	r home	with me/u	us or				
b) is	to	be	placed	with	me/us	for	Specia	l Guardian	on:	[Date]
Signed							Date:			
	(A	oplica	nt 1)				-	-		
Signed							Date:			
	(A	oplica	nt 2)				-			
Please retu	urn th	is forn	n to us at:							
Family Pla Children's Bracknell F Time Squa	Servi Forest	ces		cil						

5 Income

Enter income under each heading using the weekly or monthly column as appropriate.

All income *must* be declared:

- Proof of income is required in the form of the most recent payslips. Provide the pay slips for the last 3 months if paid monthly or the last 8 weeks pay slips is paid weekly.
- Net wages or salaries from an employer (for both partners in the case of couples) before any contributions to a company pension scheme.
- Details of overtime and other earnings should be included.
- When providing your monthly wage or weekly wage an average should be taken, over 3 months for monthly-paid or 8 weeks for weekly-paid.

5.1 Earnings

5.1.1	Wage Earners	Weekly (£)	Monthly (£)
Average	net salary or wages from an employer – Applicant 1		
Average	net salary or wages from an employer – Applicant 2		-
Average	overtime payments – Applicant 1		-
Average	overtime payments – Applicant 2		
5.1.2	Self-employed people		
Ū	s as per year end accounts for most recent year as sed by the Inland Revenue.		
5.2	Pensions, Allowances and Benefits		
		Weekly (£)	Monthly (£)
•	eceived under Maintenance or Separation Order, or Child Support Agency		
Child Be	nefit		
Child Ta	x Credit		
Working	Tax Credit		
Sicknes	s Benefits		
Housing	Benefit		
Other ac	loption or fostering allowances		
State Pe	ension		
Private F	Pension		
Other (p	lease specify)		_

5.3 Equity in a second property, Savings and Investments

All savings, investments or equity in a second property over £100,000 should be declared. Where these exceed £100,000, if eligible following the financial assessment, will reduce by £5 per £1000 per week.

	Weekly (£)	Monthly (£)
Income from investments, savings and annuities –see above		
Income from lodgers, adult children, tenants and sub-tenants, rental income		
Other equity e.g. tied up in a second home stocks and shares – see above		
Any other income, please specify:		
6 Commitments and Outgoings		
Your allowable commitments are the following. Please note the per calculated by the Inland Revenue will take into account all usual hours.		
	Weekly (£)	Monthly (£)
Mortgage Repayment (or Mortgage Interest and Endowment Premium)		
Contributions to Personal Pension Plans		
Rent		_
Council Tax		
Life Assurance Premiums		
Health Insurance Premiums		
House Insurances - Buildings (where not included in mortgage payments) and contents		
Any commitment under a Court Order (please give details)		
Any other commitments and outgoings, please specify:		

	Weekly (£)	Monthly (£)
6.1 Regular Family Expenses		
	Weekly (£)	Monthly (£)
Please give details of any additional regular family expenses that you wish to be taken into consideration for the assessment.		
Please note that the personal allowance made will take account of all usual household expenses.		
7 Financial Resources of the Child(ren)		
	Weekly (£)	Monthly (£)
Trust Funds		
Lump Sum Payments		
Any other known financial benefit(s) which the child(ren) receive(s), or to which he/she/they is/are entitled. (Please specify) e.g. disability allowance		
8 Additional information in support of you	ur applica	ation

Declarations

I/We have read and understood the accompanying guidance notes.

I/We certify that the above details are correct to the best of my/our knowledge and I/we request assessment for a Special Guardianship Allowance.

I/We confirm that the above named child(ren) (Please delete as appropriate):

a) still has/have his/her/their home with me/us or

b) is to be placed with me/us for Special Guardianship on: [Date]

If an allowance is agreed, your financial situation has to be reviewed each year during the period of the agreement - this is a requirement. As set out in Government regulations you will need to fill out a new financial assessment form <u>each year</u> and return a declaration that you are continuing to care for the child(ren) stated.

If changes in your financial situation mean that you no longer meet the criteria for the payment of an allowance, the allowance will be <u>suspended</u>, but the Local Authority will continue to undertake regular reviews, annually or whenever a change in your financial circumstances indicates that it is appropriate for one to be completed.

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By signing this form I/we accept liability to repay monies if I/we give false information or fail to notify Bracknell Forest Council of any significant change in our circumstances.

Signed		Date:	
	(Applicant 1)		
Signed		Date:	
	(Applicant 2)		

Appendix 3 Special Expenses Form

CHILDRENS SOCIAL CARE

Name of Child

SPECIAL EXPENSES RELATING TO YOUR CHILD UNDER SPECIAL GUARDIANSHIP

Date	Date of Birth				
1	Does your child need regular therapy or medical appointments over and above what would be expected for a child of his/her age?	YES/NO			
	If so, how often?				
	Why?				
	What are the average WEEKLY costs incurred to you by these?				
2	Does you child have special dietary needs?	YES/NO			

	What is the average WEEKLY cost of these? (i.e. the <u>additional</u> cost over and above a normal diet for a child of his/her age).	
3	Does your child have special physical care needs?(e.g. skin care)	YES/NO
	What is the average WEEKLY cost of this? (i.e. the <u>additional</u> cost over and above the usual physical care needs for a child of his/her age)	

4	Are there additional clothing costs for your child?	YES/NO
	Why?	
	What is the average WEEKLY cost of these? (i.e. the <u>additional</u> cost over and above usual clothing needs for a child of his/her age?	
5	Are there additional bedding costs for your child?	YES/NO

	Why?	
	What is the average WEEKLY cost of this? (i.e. the <u>additional</u> costs over and above usual bedding needs for a child of his/her age?)	
6	Are there additional heating costs for your child?	YES/NO
	Why?	
	What is the average <u>additional</u> WEEKLY cost to your heating bill due to these?	

7	Does your child have special equipment which is not provided by other services?	YES/NO
	Why?	
	What is the average WEEKLY cost of these?	
8	Are there any other costs attributable to your child's special needs which you would like us to take into account?	YES/NO
	Please give details and average WEEKLY costs of these:	
9	Does you child receive a Disability Living Allowance?	YES/NO
		I ES/NO

If so, at what rate? (WEEKLY amount)	CARE COMPONENT		MOBILITY COMPONENT	
	Higher		Higher	
	Middle		Lower	
	Lower			

Please give us details of your GP and any other care professionals involved with your child e.g. nurse, occupational therapist, physiotherapist, teacher, social worker, whom we may need to contact to confirm this information:

NAME	ADDRSS	TEL NO

I/We certify that the above details are correct to the best of my/our knowledge and I/We request assessment for an enhanced Special Guardian Allowance.				
I/We also confirm that the above child still has his/her home with me/us or is to be/was placed with me/us for Special Guardian on				
Signed Special Guardian				
Signed		Special Guardian		
Date				