
STATUTORY INSTRUMENTS

2005 No. 1109

The Special Guardianship Regulations 2005

PART 2

SPECIAL GUARDIANSHIP SUPPORT SERVICES

CHAPTER 2

PROVISION OF FINANCIAL SUPPORT

Circumstances in which financial support is payable

6.—(1) Financial support is payable under this Chapter to a special guardian or prospective special guardian—

- (a) to facilitate arrangements for a person to become the special guardian of a child where the local authority consider such arrangements to be beneficial to the child's welfare; or
- (b) to support the continuation of such arrangements after a special guardianship order is made.

(2) Such support is payable only in the following circumstances—

- (a) where the local authority consider that it is necessary to ensure that the special guardian or prospective special guardian can look after the child;
- (b) where the local authority consider that the child needs special care which requires a greater expenditure of resources than would otherwise be the case because of his illness, disability, emotional or behavioural difficulties or the consequences of his past abuse or neglect;
- (c) where the local authority consider that it is appropriate to contribute to any legal costs, including court fees, of a special guardian or prospective special guardian, as the case may be, associated with—
 - (i) the making of a special guardianship order or any application to vary or discharge such an order;
 - (ii) an application for an order under section 8 of the Act;
 - (iii) an order for financial provision to be made to or for the benefit of the child; or
- (d) where the local authority consider that it is appropriate to contribute to the expenditure necessary for the purposes of accommodating and maintaining the child, including the provision of furniture and domestic equipment, alterations to and adaptations of the home, provision of means of transport and provision of clothing, toys and other items necessary for the purpose of looking after the child.

Remuneration for former foster parents

7.—(1) Financial support under this Chapter may include an element of remuneration but only where the decision to include it is taken before the special guardianship order is made and the local

authority consider it to be necessary in order to facilitate arrangements for a person to become a special guardian in a case where—

- (a) the special guardian or prospective special guardian has been a local authority foster parent in respect of the child; and
- (b) an element of remuneration was included in the payments made by the local authority to that person in relation to his fostering the child.

(2) But that element of remuneration ceases to be payable after the expiry of the period of two years from the making of the special guardianship order unless the local authority consider its continuation to be necessary having regard to the exceptional needs of the child or any other exceptional circumstances.

Payment of financial support

8. Financial support under this Chapter may be paid—

- (a) periodically, if it is provided to meet a need which is likely to give rise to recurring expenditure; or
- (b) in any other case by a single payment or, if the local authority and the special guardian or prospective special guardian agree, by instalments.

Cessation of financial support

9. Financial support ceases to be payable to a special guardian or prospective special guardian 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.

Conditions

10.—(1) Where financial support is to be paid periodically it is not payable until the special guardian or prospective special guardian agrees to the following conditions—

- (a) that he will inform the local authority immediately if—
 - (i) he changes his address;
 - (ii) the child dies;
 - (iii) any of the changes mentioned in regulation 9 (cessation of financial support) occurs; or
 - (iv) there is a change in his financial circumstances or the financial needs or resources of the child which may affect the amount of financial support payable to him,
 and, where the information is given orally, to confirm it in writing within seven days;
- (b) that he will complete and supply the local authority with an annual statement as to the following matters—
 - (i) his financial circumstances;
 - (ii) the financial needs and resources of the child;
 - (iii) his address and whether the child still has a home with him.

(2) The local authority may provide financial support subject to any other conditions they consider appropriate, including the timescale within which, and purposes for which, any payment of financial support should be utilised.

(3) Subject to paragraph (4), where any condition imposed in accordance with this regulation is not complied with, the local authority may—

- (a) suspend or terminate payment of financial support; and
- (b) seek to recover all or part of the financial support they have paid.

(4) Where the condition not complied with is a failure to provide an annual statement in accordance with an agreement referred to in paragraph (1), the local authority shall not take any steps under paragraph (3) until—

- (a) they have sent to the person who entered into the agreement a written reminder of the need to provide an annual statement; and
- (b) 28 days have expired since the date on which that reminder was sent.