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Legal Training & Consultancy

Securing better special guardianship orders in court

Presented by

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Solicitor and national trainer

**Kingsley Knight Training
www.kingsleyknight.co.uk**

About us



Kingsley Knight

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- Kingsley Knight Training provides specialist legal and social care training.



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A real case



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Introduction of SGOs



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- Legal Framework
 - Adoption and Children Act 2002
 - S.14A-G Children Act 1989
- Intention of SGOs
- Application and Contact
- Effect of SGO on the child.
- Parental responsibility

LA responsibility and Support Services



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- The Local Authority is required to make provision of support services for Special Guardians.
- These include:
 - Counselling, advice, information;
 - Support Groups for children, parents and Special Guardians;
 - Help with contact arrangements between child and parents and relatives;
 - Therapy services for the child;
 - Training for the Special Guardian;
 - Respite care;
 - Mediation;
 - Financial support.
- The support services should be similar to those available to adopters and potential adopters.

Research



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- Hall (2008) significant orders made to extended family members
- Wade et al (2010) 86% made to family and friends form 2005-2007.
- Wade et al (2014) reinforced earlier studies.
- SGO on increase

SGO on increase



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- 2010- 1290 SGOs
- 2011- 2011 SGOs mostly to relatives, grandparents or children settled in placement.
- 2014- 3330 SGOs
- 2015- 5300 SGO granted (81% increase since 2011)
- Why the increase?
- Consequences of increase

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The screenshot shows a web browser displaying the homepage of Kingsley Knight, Legal Training and Consultancy. The browser's address bar shows the URL <http://www.kingsleyknight.co.uk/>. The website header includes the company logo, contact information (Telephone: 01908 969 039, Email: info@kingsleyknight.co.uk), and a navigation menu with links for HOME, TRAINING, CONSULTANCY, ABOUT US, TESTIMONIALS, CONTACT US, LATEST NEWS, and OPPORTUNITIES.

The main content area features a large banner for "KEY CHANGES TO FAMILY JUSTICE (ENGLAND)" by Shefali Shah. The banner includes a photograph of a child and a woman's hand. Below the banner is a call to action: "COMING SOON: OUR LATEST E-BOOK ON ENHANCING YOUR COURT SKILLS. Sign up now to be the first to receive it." To the right of the banner is a sign-up form with fields for "First name", "Surname", and "Email *", and a "SUBMIT" button.

Below the banner are four smaller images with captions:

- We offer high quality legal/specialist training to social workers, foster...
- We offer legal advice, assistance and management support.
- Take the fear out of the court work and stand one of our best selling...
- Find out more about Kingsley Knight through a video of Shefali Shah on...




HOME TRAINING ABOUT US TESTIMONIALS CONTACT US LEGAL BLOG OPPORTUNITIES

Helping you to stay up to date in the ever changing world of social care.

Challenges for Local Authorities following the impact of Re B (A child) and Re B - S (Children) to public children and adoption cases.

Summary

This briefing will examine the two appeal cases which are considered to have far-reaching implications on cases on permanence option available for a child who is subject to care or adoption proceedings. The impact of these cases has arguably required a complete rethink of the way in which evidence is presented and analysed in cases.



The two case are *Re B (A Child)* [2013] UKSC 33 and *Re B-S (Children)* [2013] EWCA Civ 1146, both have challenged social workers, and children's guardians to examine their standards of analysis and how evidence should now be presented in the family courts. The cases have also set in trend the current judicial approach to evaluation of cases where the care plan for the child is adoption with a clear focus on proportionality.

These cases further present a challenging reinterpretation of the interplay between the *Children Act 1989* and the *Human Rights Act 1998*.

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TOPICS



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- What are the consequences in court proceedings of delays in carrying out assessments of SGO placements?

What causes the delay



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- Difficulties in identifying potential SGs

Keegan (also known as Shi-Anne) Downer with her SG, Kandyce Downer



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Shanay Walker



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Other cases



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- Bonnie subject to SCR by Dorset LSCB
- Re A [2016]

Government's response



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The Special Guardianship (Amendment) Regulations 2016



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- passed on 02 February 2016 and apply to assessments commenced after 29 February 2016.

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Update on Special Guardianship Orders – Strengthening the assessment process

Essential and necessary information for all Local Authorities.

Special Guardianship Orders were created under the Adoption and Children Act 2002, which introduced this as a new performance option for children which came into effect from December 2005. A special guardianship order (SGO) gives parental responsibility for a child to a special guardian (SG), who can exercise it to the exclusion of others with parental responsibility. This new type of order was to allow a child, who could not live with his or her parents and for whom adoption was not considered appropriate, to live with someone permanently rather than be in local authority care long term. The original intention for this order was for it to be an alternative permanency option for older children.

One of the notable impacts post *Re B-S (Children) [2013] EWCA Civ 1146* is the increase of Special Guardianship Order (SGO), due to the test applied further to *Re B (A Child) [2013] UKSC 33* that is

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About the child



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- “any harm suffered which the child has suffered
- any risk of future harm to the child posed by the child’s parents, relatives or any other person the local authority consider relevant;”
- “a description of the child’s personality, his social development and his emotional and behavioural development and any related **current or in the likely future**”

The prospective Special Guardians



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- “an assessment of the nature of the prospective special guardian’s current and past relationship with the child”
- “their understanding of, and ability to meet the child’s current and likely future needs, particularly, any needs the child may have arising from harm that the child has suffered;
- their understanding of, and ability to protect the child from any current or future risk of harm posed by the child’s parents, relatives or any other person the local authority consider relevant, particularly in relation to contact between any such person and the child;
- their ability and suitability to bring up the child until the child reaches the age of eighteen;”.

No jargon, use plain language



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Are SGOs a realistic
permanence option for all looked-after
children?

Realistic option?



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- Connected person-
- Wade et al (2014)- low disruption rates and many children doing well, especially where there was a prior relationship and few emotional problems.
- Re H [2015]



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The role of supervision orders in SGO placements



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Should placements be tested prior to the final SGO order?



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How to deal with the challenges and barriers of carrying out SGO assessments within the 26-week time limit

challenges



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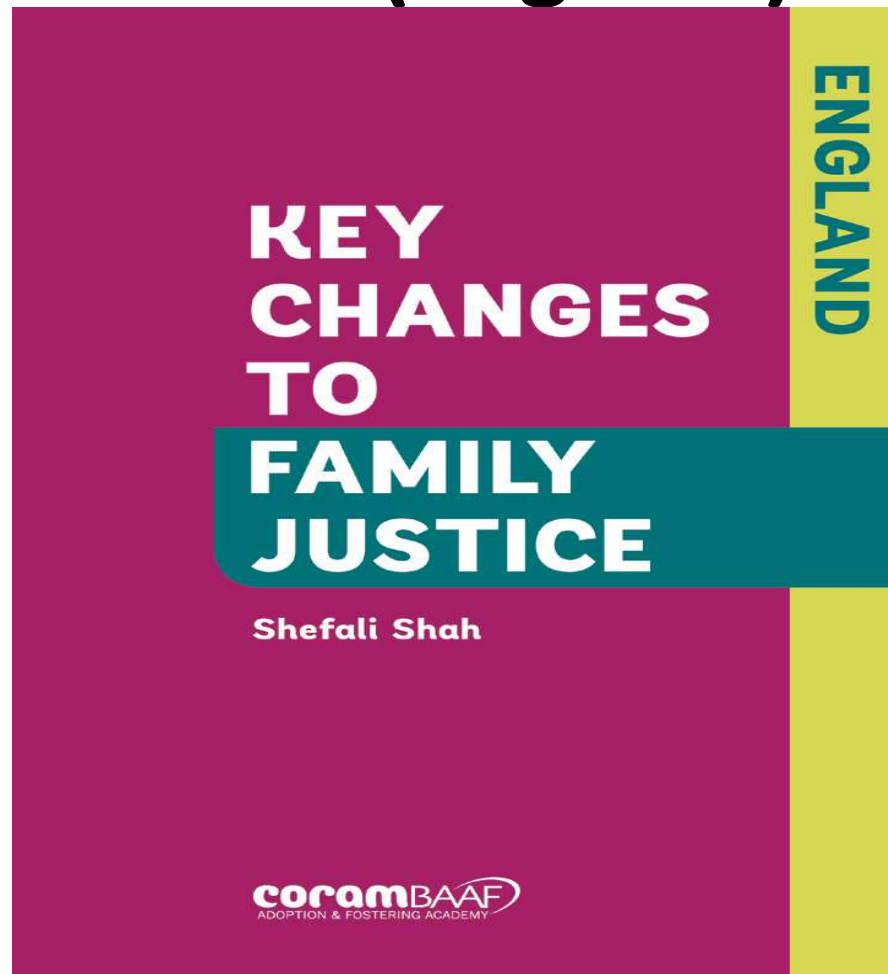
- Revised PLO imposing the statutory 26 week time limit for care proceedings.
- How to achieve this in court?

Key Changes to Family Justice (England)



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The screenshot shows a web browser window displaying the Kingsley Knight website. The address bar shows the URL <http://www.kingsleyknight.co.uk/kingsley-knight-news/>. The search bar contains the text "kingsley knight law ltd shefali shah". The main content area features several article previews:

- Secret recording by parents or service users, should I be worried?**
This question was raised at a recent training event I was delivering on Law for Social Workers. It resulted in an interesting discussion, which I considered would benefit other social care professionals. What is the problem? These days anyone with a smartphone can covertly record. The recording itself may not ...
- Get ahead with the legal update on the Children and Social Work Bill**
Children and Social Work Bill- Controversial or Beneficial? You decide what this new legislation means to you. The government's new proposed legislation is intended to overhaul social work. Read on to see what this will mean for frontline workers, vulnerable children and care leavers. There are mixed views as to ...
- Surviving the Witness Box**
Does the mere thought of attending court make you fearful or anxious? Come and get some tips on how to become an impressive witness. Does the thought of having to go to court feel like an exciting prospect or does it make you feel uncomfortable, nervous or perhaps frightened, Are your ...
- Social Work Evidence Template Update**
Local authority social workers preparing court statements. are you up

On the right side of the page, there is a contact form with the following fields: Title, First name, Surname, Company name, and Email. A SUBMIT button is located at the bottom of the form. Below the form is a TOPICS section with a list of categories: ADOPTION, ADVICE, BOOK, CHILDREN, CHILDREN AND FAMILIES ACT, FAMILY, COURT, FAMILY LAW, JARGON, LEGAL, BRIEFING, LOCAL AUTHORITY, RECORDINGS, REGULATIONS, SOCIAL CARE, SOCIAL WORKERS, SPECIAL, GUARDIANSHIP ORDERS, THE CARE ACT.

How to overcome challenges



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Success stories



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- SGOs can be a positive option for a significant group of children irrespective of age.
- They are good permanency option for children who may at times be difficult to place, particularly those that are already placed and settled with relatives or foster carers, where the children are already thriving in their care.

Social Workers you are experts

**Sir James Munby, President
of the Family Division**



- “One of the problems is that in recent years too many social workers have come to feel undervalued, disempowered and de-skilled.If the revised PLO is properly implemented one of its outcomes will, I hope, be to re-position social workers as trusted professionals playing the central role in care proceedings which too often of late has been overshadowed by our unnecessary use of and reliance upon other experts. “

Questions



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Thank
you!



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- Questions
- Review
- Thank you for your participation

Contact details:

- W: www.kingsleyknight.co.uk
- E: sshah@kingsleyknight.co.uk