

## SLOUGH BOROUGH COUNCIL

**REPORT TO:** Cabinet **DATE:** 15 September 2014  
**CONTACT OFFICER:** Jackie Pape, Acting Head of Service for Placements & Resources, 01753 690701  
**WARD(S):** All  
**PORTFOLIO:** Education & Children, Councillor Mann

### PART I NON-KEY DECISION

#### CHANGE TO POLICY – FAMILY PLACEMENT ALLOWANCE SCHEME

##### 1. Purpose of Report

The purpose of this report is to inform Cabinet of proposed changes to the Slough Special Guardian's Allowance policy following a ruling from the Local Government Ombudsman (LGO).

##### 2. Recommendation(s)/Proposed Action

Cabinet is asked to make a decision and agree the proposed changes to the Special Guardianship Allowance Policy. The Cabinet is requested to resolve:

- (a) That the maximum allowance payable to be the same as for Adoption and Residence Order Allowances.
- (b) That any annual up-rating to be consistent with the up-rating of fostering allowances and to form the basis for the required means test.
- (c) That all allowances that have been in place since 1<sup>st</sup> April 2012 be adjusted to the current Fostering Network rate.

This will bring Slough in line with the LGOs ruling.

##### 3. Slough Joint Wellbeing Strategy Priorities –

The proposed change to the Special Guardianship Allowance Policy is consistent with the Health and Safer Communities priorities within the Joint Wellbeing Strategy. The policy will ensure that vulnerable children achieve good outcomes when cared for by Special Guardians.

#### **Corporate Plan**

The proposed changes to the Special Guardianship Policy will contribute to Slough's operational priority 'Improving Children's Social Care' as set out in the Corporate Plan 2014/15. In particular, the policy change will contribute to 'delivering local and national change and improvement' and the intention to 'develop and implement a new permanency strategy for children in care that provides increased opportunities for permanency'.

#### 4. **Other Implications**

##### (a) **Financial**

The proposed policy change will cost an additional £14,241. This will be managed within current budgets.

##### (b) **Risk Management**

The risk is that if this change to policy is not agreed Slough will not be meeting the legal requirements in respect of payments to Special Guardians. This would leave the Council open to legal challenge.

##### (c) **Human Rights Act and Other Legal Implications**

The proposed policy change is consistent with the right to family life.

##### (d) **Equalities Impact Assessment**

There are no issues in this report that relate to a new or substantially revised policy, procedure or function needing an equalities impact assessment.

#### 5. **Supporting Information**

5.1 The LGO investigated a complaint brought by a Special Guardian. The subject of the complaint was two-fold:

- That Special Guardianship Allowances should be up-rated in line with the up-rating of fostering allowances
- That state benefits should not be taken into account (discounted) in the means test calculation.

5.2 Following investigation, the LGO recommended that Special Guardianship Allowances should be subject to the same up-rating as fostering allowances but concluded that it was correct to discount any state benefits payable to a Special Guardian in respect of the cared for child from the means test calculation.

5.3 These recommendations from the LGO led the Family Placement Service to review its policy in respect of Special Guardianship Allowances in line with the recommendations.

#### 6. **Comments of Other Committees**

No other committees were consulted for this report.

#### 7. **Conclusion**

This report follows a review of allowances paid to those with Special Guardianship Orders and Residence Orders. It makes a recommendation for a change to the way we pay Special Guardianship Allowances that is consistent with recent recommendations from the LGO.

#### 8. **Appendices Attached**

'A' Family Placement Service Allowance Scheme 2014