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# **Investigating Special Guardianship: experiences, challenges and outcomes**

**Research report**

**November 2014**

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## Acknowledgements

The completion of this report would not have been possible without the help and support of many people. To all we are extremely grateful.

We would like to thank the Department for Education for sponsoring the study and, in particular, Gail Peachey for her advice and support throughout. We are also grateful for the advice, encouragement and critical engagement at different stages of the project provided by members of our research advisory group. Our thanks go to: Richard White, Gail Peachey, Veronica Berti (Department for Education); Elena Giovannini (Ministry of Justice); Kelly Eboji (London Borough of Brent); Norma Barnes (London Borough of Islington); Joan Hunt (University of Oxford); Julie Selwyn (University of Bristol); Barry Luckock (University of Sussex); Colette Dutton (CAFCASS); David Roth (Family Rights Group); Lynn Chesterman and Louisa Wearn (Grandparents Association); Hazel Halle, Raina Sheridan and Alison King (The Fostering Network) and Margaret Grant (BAAF).

We have also been greatly supported by our colleagues at BAAF. Particular thanks go to Elaine Dibben, Margaret Grant and Caroline Thomas who carefully conducted depth interviews with guardians, children and national stakeholder agencies. We also benefitted from the excellent administrative support provided by Rebecca Thompson (SPRU) and Danielle Sawyer (BAAF).

A special thank you goes to our thirteen auditors who painstakingly read and extracted information from social work case files. We cannot identify you by name since this would breach the confidentiality agreement we have with our local authorities, but we greatly appreciate the contribution you have made to this study. Thank you.

We are also indebted to the many people within the local authorities and national agencies who took part in this study and willingly gave us their time, advice and assistance and responded patiently to our requests for information. Above all, we would like to thank the special guardians, children and young people who took part in the research. Their willingness to help and to find time in their busy lives to complete questionnaires and talk to us about their experiences is very much appreciated. We hope we have done justice to their views.



## **Part 1: background to the study**

This part of the report provides an introductory background to the study, describes the study design and examines the development of Special Guardianship policy and practice.

Chapter 1 provides a brief introduction.

Chapter 2 sets out the study design, methodology and describes the types of analyses that were undertaken.

Chapter 3 sets out the legislative framework that underpins Special Guardianship and draws on evidence from 23 interviews with local authority managers and national stakeholder agencies to consider its development in policy and practice.



# Chapter 1 Background to the study

## 1.1 Introduction

Permanency planning has been a central driver of child welfare policy and practice since the identification of large numbers of children who had ‘drifted’ in care without the security, commitment and opportunity that ‘ordinary’ family life provides for most children (Rowe and Lambert, 1973). Permanence has a particular prominence in child care policy and practice across the U.K., a tradition that is not reflected in the rest of Europe in anything like the same way. Permanence is a complex concept but it typically combines both the psycho-social features associated with family life, the physical environment called ‘home’ and the legal framework that identifies who can exercise parental responsibility for the child.

When families find themselves in difficulty and parents cannot provide a safe, stable and appropriately child-centred environment, the state has a responsibility to support those families through a series of universal and specialist services with the aim of restoring the capacity of the parents to provide the parenting and environment the child needs. For some parents this might involve their children being cared for by the State as a temporary solution. For a very small number, their capacity to provide safe and effective parenting may be so limited that an alternative solution may be required and a range of options is possible including: most commonly, family and friends care in which the State may or may not be involved, stranger foster care or adoption. Each is typically associated with particularly groups of children, with age a significant determining factor, and each is associated with a distinctive set of characteristics and linked pathways (Sinclair *et al.*, 2007). Each is also associated with a particular legal framework with Residence Orders, Care Orders and Adoption Orders the most commonly used to frame and enable the permanence plan. The Adoption and Children Act 2002, fully implemented on 30 December 2005, provided a further legal option in establishing permanency through Special Guardianship.

This report reviews the progress that has been made in implementing Special Guardianship, explores the extent to which it is meeting the needs of children and families whose permanency plans have become enabled by Special Guardianship and identifies a range of important new messages for policy and practice. The study draws on national datasets to describe the extent to which Special Guardianship is being used by local authorities and the courts across England, how its use varies from one area to another, the characteristics of the children and their families and assesses the risk of disruption to these arrangements and the factors associated with breakdown. At the heart of this study, however, is a three to six year follow-up of a sample of families in seven local authorities where a Special Guardianship Order (SGO) was made between 1 January 2006 and 31 December 2009. The follow-up study charts their experiences, describes the support they have received and assesses the progress and outcomes of children. It is therefore the first study to assess how well Special Guardianship is working for children and their guardians over the medium term and to evaluate the strengths and weaknesses of this new legal order in providing permanence for children. This chapter briefly sets the scene for the study.

## 1.2 The development of Special Guardianship as a legal order

The Prime Minister's Review of Adoption in 2000 identified that the range of legal options to provide permanence to children was at that time not complete (Performance and Innovation Unit, 2000). In particular, there was a need identified for an intermediate legal status for children that offered greater security than long-term fostering without the absolute legal severance from the birth family associated with adoption (para. 8.5). Recommendation 81 identified that the government should consult on a suitable legislative option for enabling this. The subsequent White Paper identified Special Guardianship as this new legal option with older children, children settled with relatives, some minority ethnic communities and unaccompanied asylum seeking children as potential groups to whom the new order may apply (Department of Health, 2000a). The White Paper reinforced the messages it had already made in relation to adoption in saying that: 'all these children deserve the same chance as any other to enjoy the benefits of a legally secure, stable permanent placement that promotes a supportive, lifelong relationship with their carers, where the court decides that is in their best interests' (para. 5.8). The objectives for Special Guardianship were identified as:

1. Giving the carer clear responsibility for all aspects of the child's care, including making decisions about their upbringing and that, in doing so, the child would no longer be in care to the local authority.
2. Providing a firm foundation on which to build a lifelong permanent relationship.
3. Being legally secure but maintaining the basic legal link with the birth family.
4. Having proper access to a full range of support services, including financial support.

Special Guardianship was introduced as an amendment to the Children Act 1989 by the Adoption and Children Act 2002 and came into law on the 30<sup>th</sup> December 2005. It was designed as a private law order made on application to the court by a prospective special guardian. The role of the local authority was to provide a report on the needs and circumstances of the child and the motivation, circumstances and suitability of the applicant. Other issues such as contact arrangements and the provision of support would also be considered. The status of Special Guardianship as a private law order was very significant, especially when compared to the role and responsibilities of local authorities in agency adoptions. Where local authorities were involved because the child was in care, a clear duty was specified in regulations to assess the needs of child and carer for financial and other support services if requested to do so by an eligible person. Where the child was not in care, the duties of local authorities were more limited, although they were empowered to undertake similar assessments. A clear duty existed for local authorities to make provision for a broad range of services, but whether and how these services were delivered in response to needs identified during assessment was at their discretion (Department for Education and Skills, 2005). The responsibilities of local authorities arising from the Special Guardianship regulations and statutory guidance are described more fully in Chapter 3.

The implementation of Special Guardianship was accompanied by Statutory Guidance (Department for Education and Skills, 2005) and subsequently its implementation was supported by a series of workshops funded by the Department of Children, Schools and Families and delivered by Price, Waterhouse, Cooper (now PwC) and the British Association for Adoption and Fostering (BAAF). Practice Guidance was published following these workshops (Simmonds,

2011). As always with new developments there were significant questions asked about whether the intended objectives of Special Guardianship would be achieved. Would it be seen as a workable option in securing permanency for children who could not live with their birth parents? With which children and in what circumstances might it prove successful? Which carers would see this as a positive option for them? What would the view be of local authorities and other agencies in seeing Special Guardianship as a suitable option in the permanency planning process? What would be the experiences, views and outcomes for children? These questions lie at the heart of this report.

Many of the above questions had also arisen in relation to a similar (but much earlier) legal order called Custodianship which was introduced by Part II of the Children Act 1975. Where a Custodianship Order was made by the courts, the legal custody of the child was vested in the applicants, suspending the rights of the parents, with the power of the court to revoke or vary the order and with the Order expiring when the child reached 18. There were provisions in respect of maintenance (support) of the child and access (contact). Custodianship was described as being 'midway between that of adopter and foster parent',<sup>1</sup> a status that is very similar to Special Guardianship. But the complexity of the statute, a staggered delay of 10 years in coming into force and the subsequent introduction of Residence Orders through the Children Act 1989 and the repeal of Custodianship meant it was a short-lived option. Custodianship also raised questions about its role, advantages and disadvantages in respect of adoption, an issue that has been important in the implementation of Special Guardianship (Ward, 2004; Bainham, 2007).

### **1.3 Research context**

The history, design and outcome of Custodianship illustrates that there can be a serious gap between intention and delivery. These questions apply to Special Guardianship and are particularly important given the history of Custodianship. It needs to be seen to work as a lawful and appropriate remedy in the courts – and as a private law Order. It needs to work alongside other legal remedies such as adoption and long-term foster care. It needs to be identified by local authorities and other public bodies as offering a solution when children cannot be cared for by their birth parents whether a local authority has become involved or not. It needs to be seen by potential special guardians as establishing a secure, long-lasting and meaningful framework within which they can create a loving family life for the child. It needs to be experienced by the child in a similar way. Here there are questions about the way that Special Guardianship enables and is understood to deliver outcomes for the child that are positive – in relation to their physical health and wellbeing, social and emotional development, educational progress and achievement and in developing a secure and meaningful identity that can sustain them through various life stages and particularly into adulthood. The research evidence on Special Guardianship, though limited, has tended to give positive answers to many of these questions.

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<sup>1</sup> Hansard HL (1975) 'Children Act 1975', House of Lords.

### 1.3.1 Special Guardianship

Basic figures for the number of children leaving care through Special Guardianship have increased year-on-year with 9.6 per cent leaving care in the year to March 2013, compared to 14 per cent through Adoption Orders and 5.8 per cent through Residence Orders. This increase appears across different regions in England but broadly there is variation in the rate of take-up depending on the region.

Two early studies covering the first two years following implementation (Hall, 2008; Wade *et al.*, 2010) established the profile of those that applied for Special Guardianship Orders and the children placed. A number of issues were striking that require further exploration. The age of the children ranged from babies to late adolescence, but there were a large number of children aged under five (52 per cent) in Wade and colleagues' study. The profile for these children was very similar to those for children where adoption was the plan, with high levels of maltreatment and familiar characteristics in the birth parents – drug and alcohol misuse, serious mental health problems and domestic violence.

A second striking issue was the profile of the special guardians. The national statistics for England split special guardians into those who were former foster carers and those who were not. It was anticipated that Special Guardianship would be attractive in those placements where a child had developed a strong relationship with a foster carer which could form the basis of a life-long relationship, with the child no longer remaining in care. While this was the case in some circumstances, the profile of special guardians was strongly on the side of family carers, with grandparents the largest group, whether or not these kinship carers had been approved as foster carers. Linked to this there was evidence that while there was an established relationship in many cases, in others, the making of the Order was at the start (or close to the start) of the relationship.<sup>2</sup> There was therefore some similarity with adoption where the court was authorising the placement, except that in adoption a period of monitored settling-in and relationship building is required before an application for an Adoption Order can be made by the adoptive parent/s. In Special Guardianship, the order can be made with no such period of settling-in being required and many practitioners at that time were concerned about the longer-term implications for stability where strong bonds were not already evident.

Other issues were also identified that were connected to this profile. As is common in kinship care settings, patterns of contact and management of birth family relationships were often complex, were sometimes conflicted, and were perceived to place quite heavy demands on local authorities to supervise and support contact. In Wade and colleagues' study, three-in-five guardians (61 per cent) had received support in this area. For many guardians, financial support to care for their child(ren) was essential and most guardians were in receipt of a regular allowance, although provision varied across local authorities and entitlements also varied according to type of applicant (especially whether or not the child had been looked after). Linked to the family backgrounds of children, their needs and circumstances were identified as being similar to those of children in the

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<sup>2</sup> For example, almost one-quarter (24 per cent) of children had not lived with their carers prior to the order being made (Wade *et al.*; 2010). A similar finding was evident in Hall's study (2008).

care system generally and it was not surprising that on-going support was therefore seen to be as important in Special Guardianship as it was in other placement types. Substantial minorities of children in Wade and colleagues' study had therefore needed therapeutic (34 per cent), educational (33 per cent) or behavioural services (52 per cent) after the Order had been made. However, the study also emphasised a strong thread of self-reliance amongst special guardians and a desire for children's lives to be normalised within the family network.

What was not emerging at that time, however, was a strong profile of children in established stranger foster care placements leaving care through Special Guardianship. The reasons for this were not too dissimilar to those that inhibited their take-up of Custodianship (see Bullard *et al.*, 1991). These included concerns about financial security, especially once the two-year protected period for foster carer allowances specified in regulations came to an end, the potential loss of social work support for the child, including lower entitlements to leaving care support, and about the loss of the predictable routines that surround foster care, including responsibilities involved in self-managing relationships with the child's birth family. Some local authorities were attempting to address these concerns through the development of financial and support packages agreed for the duration of placement or until the child reached 18.

In most respects, these two early studies indicated that there had been a positive response to the implementation of Special Guardianship and of a quite different kind to that which followed the implementation of Custodianship. Most children were reported to be thriving and doing well. There was nothing to suggest that these placements were unstable or unsuitable, although there was concern whether the truncated form of preparation, information and advice provided, especially when compared to that required in adoption, would have a longer-term impact on these placements. However, the follow-up period for these studies was very short, given the intention for permanence implicit in Special Guardianship, and very little is known about the medium and longer-term outcomes for children living in Special Guardianship families. This is an important gap in knowledge that this study is intended to fill.

### 1.3.2 Kinship care

Special Guardianship has very much been a family affair, with the vast majority of applicants being relatives or family friends. As such, this study will build on the growing body of research concerned with kinship care and this literature is embedded in the report where appropriate. Since the introduction of the Children Act 1989, greater priority has been given to placing children within the extended family network. Although earlier UK legislation had also emphasised the importance of family placement, it marked the rediscovery of the extended family after a substantial period of decline (Hunt, 2003). Further emphasis has been provided through the Children and Young Persons Act 2008, which reinforced the potential of the extended family as a first placement consideration for children unable to live with their birth parents, the *Public Law Outline*, revised and fully implemented in 2014, which is intended to tackle pre-court delays and the case management of public law proceedings, and the implementation of statutory guidance on *Family and Friends Care* in 2011 (Department for Education, 2011).<sup>3</sup> Despite these developments,

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<sup>3</sup> The revised Outline is available at: <http://www.justice.gov.uk/protecting-the-vulnerable/care-proceedings-reform>.

however, there is little evidence of an increase in use of foster placements with family and friends carers in recent years, with the proportion of children in such placements between 2008 and 2013 remaining quite static at 10.5-11.5 per cent of all looked after children.

Research evidence on family and friends care is cautiously encouraging (see, for example, Sinclair, 2005; Farmer and Moyers, 2008; Hunt *et al.*, 2008). Children's outcomes in these settings appear to be similar to those for children in unrelated foster placements, but often tend to be achieved in more adverse circumstances. A Cochrane review of evidence on outcomes of the kinship care placements of 666,615 children in 102 studies (Winokur *et al.*, 2009) suggested that such placements were shown to be effective and, perhaps, more effective than unrelated foster care in respect of behavioural development, mental health functioning and placement stability. Not surprisingly, children in kinship care were less likely to be placed for adoption and, worryingly, were less likely to receive an appropriate level of support. Whilst the review identified a range of methodological problems in the studies that were used as evidence, overall it concluded that kinship care provided a viable out-of-home placement option for children removed from the parental home for abuse or neglect.

The context of kinship care highlighted in these studies makes these outcomes appear quite impressive. Kinship carers are often more economically disadvantaged, less well educated and less well remunerated than other foster carers. They also tend to receive less training, have fewer parenting skills and lower levels of social work support. The personal cost of caring for grandchildren, nieces and nephews is high and families may come under strain (Broad, 2007). Not only do carers have to adjust their own life plans and employment patterns, they also have to manage the complex dynamics of family contact (Broad, 2007; Farmer and Moyers, 2008; Hunt *et al.*, 2010).

Of course, most kinship care takes place outside of the care system. Nandy and Selwyn (2011) used 2001 census data to identify the number of children living in kinship care placements, irrespective of whether local authorities were involved in arranging or supporting these placements. In England at that time 1:77 children were found to be living in kinship care households, with children over 13 years of age and children from minority ethnic communities figuring prominently. Well over two-fifths of carers were grandparents (44 per cent), while over one-half were siblings (38 per cent) or other relatives (17 per cent). Kinship carers were typically female lone carers. The numbers of children they were caring for ranged from one to nine, with one child being typical. They estimated that around 95 per cent of these carers were providing informal care without the protection afforded by a legal order or involvement of the local authority. As might be expected from their profile, the carers were more likely to be economically disadvantaged, in poorer health and with lower levels of qualifications and/or careers. The potential for cycles of deprivation and disadvantage is significantly greater for the children in these arrangements. Over two-thirds of kinship carers (70 per cent), most of whom had to rely on their own economic resources, were found to be experiencing multiple deprivations (Nandy and Selwyn, 2013).

The introduction of Special Guardianship (alongside existing legal orders) has therefore opened up a new legal option for kinship carers who are committed to caring for a child in the long-term.

The evidence on these placements is encouraging and suggests that, despite their more disadvantaged starting points, the commitment and loyalty of carers to children who are ‘family’ may outweigh these disadvantages and help to diminish risks. However, these findings should also make us mindful of the complexities of caring for children in extended family settings and the implications of this for the forms of assessment, financial assistance and support that might be needed to ensure successful outcomes for children. This is the kind of package that Special Guardianship is meant to provide. However, the potential pool of applicants is large. While local authorities now have a duty to publicise their policies on services for family and friends carers, including those taking up SGOs, it is perhaps understandable that they would also be wary about the long-term resource implications of communicating these policies too widely. How local authorities have developed their Special Guardianship services and how they have managed the demands and dilemmas that have consequently arisen will be carefully considered in the chapters that follow.

## 1.4 Structure of the report

The report is structured in three parts. The remainder of Part 1 includes two main chapters. **Chapter 2** provides a brief description of the overall study design and methodology. Analysis of the representativeness of our various study samples is provided in **Appendix A**. **Chapter 3** outlines the legal framework for Special Guardianship and reports findings from our policy study describing the development of policy and practice in Special Guardianship since its inception, highlighting the emergence of distinctive service approaches and identifying a range of issues and challenges for local authorities in meeting their responsibilities.

Part 2 reports findings from work on national datasets. **Chapter 4** presents findings from a national survey of all English local authorities on (a) the numbers of children moving on to Special Guardianship from care and (b) the numbers of Special Guardianship Orders concerning non-looked after children. It therefore provides the most reliable evidence to date on incidence of SGOs of all kinds. **Chapter 5** presents an analysis of children leaving the looked after system for Special Guardianship, drawing on the Department for Education’s national administrative dataset. In doing so it describes the characteristics of children, their pathways to Special Guardianship, the variations in use of Special Guardianship between local authorities and estimates rates of breakdown in Special Guardianship arrangements for previously looked after children.

Part 3 reports findings from our intensive study undertaken in seven local authorities. **Chapter 6** introduces the children and guardians that comprised the survey sample. **Chapter 7** explores different pathways to Special Guardianship and the process of becoming a special guardian, including experiences of assessment, preparation and the court hearing. **Chapter 8** explores the experiences, progress and outcomes for children over a three to six year follow-up period and highlights a range of challenges that were faced by special guardians in providing care for them. The detailed analyses that underpinned the findings in this chapter are presented in **Appendix B**. **Chapter 9** examines the often vexed issue of contact and relationships with birth families. **Chapter 10** explores the issues associated with movement, change and breakdown, providing a close examination of the small number of children and young people within the survey sample

whose placements had ended prematurely. **Chapter 11** examines provision of support and services to Special Guardianship families over the course of the follow-up period and highlights a range of issues associated with the enduring needs of families for support.

**Chapter 12** draws together the main findings from the study and highlights a number of key messages for policy and practice.

## Chapter 2 Study design and methods

Special Guardianship represents a major legislative initiative to increase the range of permanent placements available to children. Since its inception in 2006, the use of Special Guardianship has been steadily rising. However, there has been very limited research on how it is being used, whether and how its usage varies between local authorities (Wade *et al.*, 2010; Simmonds, 2011), who it is predominantly being used for, how children and guardians get on, and what implications these patterns will have for the use of other permanence pathways for children, especially adoption. This study provides an opportunity to explore these issues. This chapter sets out the main aims of the Special Guardianship study and how it was conducted.

### 2.1 Overview of the study design

The purpose of the study was to:

- Describe the characteristics and experiences of special guardians and the children subject to SGOs (including disruption of SG arrangements).
- Assess outcomes for children three to six years after the SGO was made.
- Identify key issues in local authority policy and practice in relation to the development of Special Guardianship services.

The study design incorporated several elements:

First, we conducted a national survey of all English local authorities, supplemented by analysis of national administrative data on looked after children provided annually by local authorities to the Department for Education (known as the SSSDA903 collection). This allowed us to provide estimates of looked after and non-looked after children moving to Special Guardianship between January 2006 and March 2012. Comparisons could also be made with children being made subject to adoption and residence orders in these years.

Second, we conducted further analysis of this national SSSDA903 dataset to identify the characteristics of 5,936 looked after children leaving care for Special Guardianship (2006-2011), variations in the use made of it by local authorities, the implications of this for other pathways to permanence for children (principally use of adoption) and to establish a rate of disruption for children who return to the care system after the order had been made.

Third, we conducted an intensive study in seven local authorities. The main aim of this component was: (a) to understand how Special Guardianship had developed in practice and to identify the key challenges that had arisen for these local authorities over the eight years since its original implementation; (b) to conduct a three-six year follow-up of 230 Special Guardianship families to describe their experiences, the support and services they had received and to assess progress and outcomes for children. The former was conducted through key informant interviews with service and legal managers in each authority and interviews with national stakeholder agencies,

including professionals working in the family justice system. Key findings from the policy study are summarised in Chapter 3. The latter was conducted through analysis of social work case files, a survey of special guardians, and depth interviews with a sample of special guardians and their children.

In undertaking this study we have had the considerable advantage of being able to build on our existing datasets, drawn from our earlier study of Special Guardianship which investigated developments in most of the same local authorities over the first two years of implementation (Wade *et al.*, 2010). Six out of the seven local authorities that are included in this follow-up study also took part in our earlier investigation. The authorities provide a reasonably good spread, both geographically and by type of authority. They comprise three London boroughs (two inner and one outer), two Midlands authorities (one county, one unitary) and two Northern authorities (one city and one metropolitan district).

## **2.2 The national surveys**

The national survey work incorporated two elements: (a) the survey of all English local authorities and (b) the secondary analysis of SSDA 903 data on looked after children.

### **2.2.1 National survey of local authorities (n=139)**

The purpose of the national survey was to provide information on:

- The total number of SGOs made each year since implementation (2006-2012).
- The number of SGOs made to former looked after and non-looked after children.
- The number of disruptions in SGO arrangements each year (defined as re-entry to care).

The data request was sent by email to British Association of Adoption and Fostering (BAAF) contacts in each local authority in August 2012 (152 in total). Attached to the email request was a leaflet about the project and an Excel spread sheet containing our questions and instructions for completion. The spread sheet contained, for each relevant year (2006-2011), the key data items listed above. At this stage data was only requested up to 31 March 2011. The response to this was disappointing. A decision was therefore made to approach all other local authorities with a Freedom of Information request. This request was sent out in early January 2013. We received returns from 139 local authorities (a response rate of 91 per cent), 132 of which were able to provide some information (87 per cent). Findings from the survey, including an assessment of data quality issues, are provided in Chapter 4.

### **2.2.2 Analysis of the SSDA 903 dataset (n=5,936)**

The work being undertaken on adoption breakdown by Julie Selwyn, Dinithi Wijedasa and Sarah Meakings at Bristol provided an opportunity for us to analyse patterns of movement to Special Guardianship by looked after children. Approval to share the SSDA 903 data held by the Bristol team was granted by Department for Education in January 2013. The data that was transferred to

us included information on all 5,936 looked after children who were identified as having left the care system at the time an SGO was made between January 2006 and March 2011. We are extremely grateful for the help and cooperation provided by the Bristol team and Department for Education that made this work possible.

This dataset represents an important step forward, given that so little is known about the characteristics of looked after children entering Special Guardianship. It has provided information on:

- The characteristics of children subject to an SGO.
- Episode data relating to their care careers prior to the making of an SGO.
- Analysis of local authority variation in use of SG for different groups of children and, using the Department's published data, how this relates to usage in adoption.
- Disruption rates and factors associated with disruption in SGOs where these have led to a new care episode in the authority originally responsible for the SGO.
- Episode data relating to post-SGO care careers of children who have experienced a disruption.

Findings from these analyses and further methodological issues are presented in Chapter 5.

## **2.3 The survey of special guardians**

The survey was designed to provide a retrospective three to six year follow up of all Special Guardianship families that had obtained SGOs in our seven participating authorities between 1 January 2006 and 31 December 2009. The survey included guardians caring for both formerly looked after and non-looked after children. There were two elements to the survey:

1. A questionnaire sent to all guardians who consented to take part.
2. A case file audit of all eligible cases (including those for which we had not received questionnaires).

The purpose of the questionnaire was to provide information on:

- The characteristics of special guardians and children.
- The circumstances surrounding the SG application.
- The subsequent experiences of SG families over the follow-up period.
- Progress and outcomes for the child.
- The frequency and management of birth family contact.
- The support services provided and satisfaction with these.

- Movement and change (including breakdown) in the lives of guardians and children (and the reasons for and consequences of these).
- Overall satisfaction with SG.

A number of standardised and in-house measures were incorporated to explore progress and outcomes. Some of these have been used with earlier York samples of fostered and adopted children and therefore provided a basis for contextual comparison (marked \*).

- Child's emotional and behavioural difficulties (SDQ\*)
- Measure of Family Integration (\*)
- Measure of child's overall progress in different life domains (\*)
- Measure of guardians' mental well-being (GHQ-12)

Several versions of the guardian questionnaire were created, adapted to different age groups and circumstances (see below).

The case file audit provided background information that complemented data collected directly from special guardians. Two versions of the schedule were prepared: a full version where guardians had agreed to take part in the study; a shortened version to collect anonymised comparable information on non-respondents. The purpose of the audit was to:

- Provide detailed descriptive information on a broadly representative sample of all SG cases that had arisen during the first three years of the new legislation in our seven authorities.
- Provide baseline information as a prelude to the follow-up survey of special guardians (including a number of variables that would help us to understand and predict the circumstances in which SG may be more or less successful).
- Provide some tracking and outcome information for all cases over the follow-up period (so far as this was recorded on files).
- The non-respondent sample also allowed us to check for sampling bias in the respondent sample.

The case file audit was carried out by experienced social work staff working in (or recently retired from) each of the participating local authorities. This was seen as ethically strong (for an anonymous survey) and practical (as they knew their way around local systems better and could more readily gain access to non-electronic files). A total of 12 auditors were recruited, trained and supported by the research team. As schedules were completed and returned, they were carefully checked by the research team for accuracy and consistency and any queries that arose were followed up with auditors. Figure 2.1 below shows the survey summary.

### 2.3.1 Sample recruitment

For the period 1 January 2006 to 31 December 2009 our seven local authorities were able to identify 289 eligible special guardians caring for 402 children (including both looked after and non-looked after children). We were provided with anonymised data including: child's date of birth, child's gender, date of SGO and whether placement was with kin or an unrelated foster carer. Where it was evident that sibling groups had been placed with the same guardian, the eldest child was selected to be the *index* child for the survey.<sup>4</sup>

A rolling programme of recruitment was then undertaken:

- Guardians received an information pack from their local authority (covering letter, leaflet, consent and contact details form, reply paid envelope).
- Consent forms (with contact details) were returned to the research team by the guardian together with information regarding whether the SGO was still intact or not (so that the correct version of the questionnaire could be sent) and so that their preference for type of questionnaire (postal, telephone, electronic) could be met.
- After three weeks, local authorities forwarded reminder packs from the research team.
- After a further three weeks our local authority contacts were asked to contact non-respondents by telephone to encourage their involvement in the study.
- Once consent and contact forms had been received, questionnaires were sent and further follow-up was undertaken directly by the research team to encourage a good response rate (including both written reminders and telephone contact).

Most guardians requested a postal version of the questionnaire (109), with only small numbers preferring telephone (16) or electronic versions (23). As the questionnaires were returned, they were checked and prepared for data entry into SPSS. For children known to be living with their special guardians, slightly altered versions of the questionnaire were prepared to suit different age groups:

- School-aged 'in-tact' (the full version).
- Pre-school 'in-tact' version.
- Aged 17 'in-tact' - this did not include the SDQ as this is not validated for use on young adults aged 17 and over and included additional questions on work and training.

For children known to be no longer living with their guardian, an alternative 'not-in-tact' version was developed to provide a sharper focus on movement, change, breakdown and its repercussions (including transition to adulthood and leaving home). This version was used with five guardians only.

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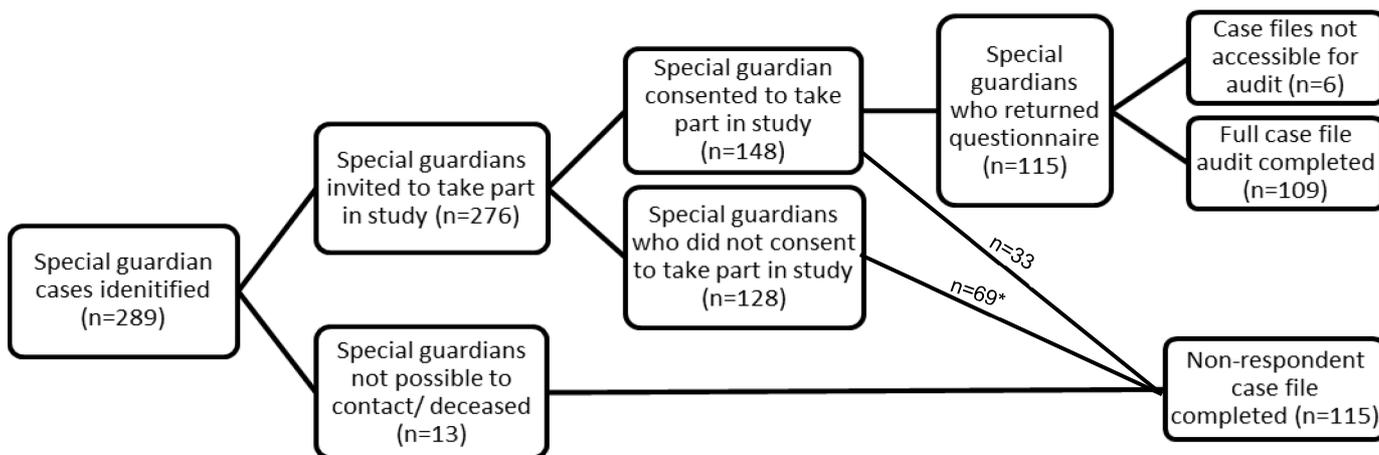
<sup>4</sup> We adopted an 'index' child system for sibling groups in our survey, since it was not realistic to expect a special guardian to complete a questionnaire for each child, especially where their circumstances were likely to be broadly similar.

Once a completed survey was returned to the research team guardians were sent a £20 shopping voucher with a thank you letter and a receipt. The thank you letter provided a link to the project page on the SPRU website to enable them to access research outputs in 2014. They could also request a summary of the final report.

### 2.3.2 Response rate

Of the 289 special guardians who were identified by our local authorities only 276 were found to be in a position to have completed a questionnaire.<sup>5</sup> Just over one-half of these guardians gave their consent to take part in the survey (53.5 per cent; n=148) and 115 eventually returned a completed questionnaire – an overall response rate of 41.5 per cent. Our final survey sample included 109 ‘full’ cases (with information available from both the questionnaire *and* case file), six ‘guardian only’ cases (where case file data could not be retrieved) and a further sample of 115 ‘non-respondent’ cases (which drew on case file information alone), giving a final sample of 230 cases (see Figure 2.1 and Table 2.1).

Figure 2.1 - Special Guardian survey flow chart



\*Not all non-respondents from Area 3 were included in the case file audit as numbers referred were too high for this to be feasible within project resources (see Table 2.1).

As indicated in Table 2.1 below, there was considerable variation in the number of SGOs identified across the seven local authorities, ranging from 15-107. This reflects differences in geography, size of care populations and (most likely) differences in the enthusiasm with which SG has been embraced.

<sup>5</sup> Three special guardians had died and a further 10 could not be contacted by their local authorities. These cases were, however, eligible for inclusion in the ‘non-respondent’ case file audit.

**Table 2.1 - Response to the survey of special guardians and case file audit**

Area	1	2	3	4	5	6	7	Total
Guardians referred	32	25	107	19	15	40	51	289
Children referred	44	32	139	29	18	63	77	402
Survey returns	9	14	41	11	5	12	23	115
Full case file audit	9	14	37	9	5	12	23	109
Non-respondent case file audit	23	11	7	8	10	28	28	115
<b>Total</b>	32	25	48 <sup>6</sup>	19	15	40	51	230

## 2.4 Representativeness of our samples

It is possible that the selection of local authorities and/or of Special Guardianship cases for this study may have introduced some bias that would affect the interpretation of results from the study. For example, it may be that the selection of our seven sample local authorities may not be representative of the national picture. It may also be the case that there were systematic differences between guardians who responded to our survey and those that did not. The important question is whether any differences that we find affect outcomes for children; for example, in relation to (a) whether placements last or (b) how well things turn out for the child (our main outcomes). These issues were investigated through further analysis. The results are summarised here and presented fully in Appendix A.

First, we considered the representativeness of our local authority samples. This could only be done for looked after children made subject to SGOs over the course of the study using the three sources of information available to us: (a) the national administrative dataset on all looked after children moving from care to Special Guardianship in England (SSDA903 collection); (b) the same data for our seven sample authorities; (c) case file information for the looked after children in our survey sample. These analyses were undertaken in two stages and examined:

- (i) The degree to which looked after children who left care for SGOs in our seven sample authorities were similar or different to those who did so in England as a whole;
- (ii) The degree to which looked after children in our survey sample were similar or different to all looked after children moving to SG in our sample authorities.

<sup>6</sup> Area 3 proved to be the most complicated research site. With over 100 SG cases reported, it would not have been practical (given time and resources available) to include all cases. All 107 SGs were invited to take part; 47 provided consent and 41 completed questionnaires. A stratified random follow-up sample was selected as a non-respondent sample (the sample was selected to boost breakdown cases and cases involving unrelated foster carers, both of which would have been unlikely to have been included if a purely random sample had been drawn). Our aim had been to obtain a total sample of 60 cases, but these audits could not be completed within the project timescale.

In summary, the findings suggested that looked after children in the study local authorities and in the survey sample were in most respects similar to the national picture, differing on average by less than five percentage points on the majority of variables tested. The principal difference between the samples was in relation to ethnic origin, with rather more minority ethnic children being represented in the study samples than would be expected amongst all looked after children receiving SGOs nationally. Other differences flowed from this, for example, a slightly higher proportion having been placed with relatives immediately before the SGO. In addition, the sample authorities included more children who had first entered with a need code of abuse and neglect and, largely in consequence, had moved on to full care orders before the SGO. Importantly, none of these differences were associated with placements ending prematurely, as broadly similar percentages of children had returned to care from each sample over the study period (see Appendix A).

Second, we used evidence from case files to compare guardians who had returned questionnaires with those who had not (the respondent and non-respondent samples). Comparisons between these sub-samples produced more complex findings. First, the non-respondent sample contained within it more cases where SG placements had ended prematurely.<sup>7</sup> Where this outcome had occurred guardians had been more reluctant to complete questionnaires. Account was taken of this important difference in our analyses by only relating this outcome (stability) to variables that were available for the survey sample as a whole.

Further analyses for these sub-groups were undertaken only for cases that were intact at follow-up to see what other differences might exist amongst cases that had remained stable. For these children, differences were relatively few. Those in the respondent sample who returned questionnaires were less likely to be from minority ethnic backgrounds, were more likely to be older, with fewer other children in the household and their children were more likely to have experienced past abuse or neglect. In other respects they were broadly similar and there were no significant differences between the groups in relation to how the placement had turned out for the child.

Overall there are two major conclusions from these analyses. First, we have been limited in the range of variables we could relate to our key outcome of stability. There is, however, no reason to think that the associations with stability that we do report should not be found in other authorities. Second, our findings from data provided directly by guardians should be taken as applying to those children whose placements remain intact. As we have seen these are the great majority. With this caveat, we would expect these findings, too, to be applicable in the rest of England.

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<sup>7</sup> Fisher's Exact Test  $p=.004$ ,  $n=224$ . We only received questionnaires for five out of 24 not intact cases.

## 2.5 The case studies

The case studies aimed to provide an in-depth understanding of how and why the SGO came about, from the perspectives of guardians and children, and of how events have unfolded subsequently. Semi-structured interviews were conducted with 20 special guardians (drawn from 60 SGs from the survey sample who expressed their willingness to take part) and with 10 of their index children.

Criteria for the interview sample included:

- Area – to ensure a spread across each local authority.
- Child's age - children were not interviewed below the age of 9.
- Whether the arrangement was 'in-tact' or had ended (all of these latter cases, where possible, were included).
- Whether or not the guardian was a relative – to ensure the perspectives of unrelated foster carers were also included.

Although the number of factors that could be taken into account when recruiting a small number of cases was necessarily limited, we were also mindful of some other factors:

- Age of special guardians.
- Children's special needs (child interviews only at discretion of guardian).
- Ethnicity and matching.

Interviews with children were designed to explore their understanding of Special Guardianship and the meaning this has for them, their perceptions about how they were getting on in their lives and feelings of belonging and permanence. Interviews also aimed to explore children's feelings about the degree to which their wishes had been taken into account, their experience of children's services involvement and their feelings about the contact and relationships they have with birth parent(s) or other family members with whom they are not resident. Children were also asked about their transition to their Special Guardianship family, what (if any) difference Special Guardianship had made to their lives and what (if anything) could be done to make this transition and their subsequent experiences easier. Because of the nature and content of the interviews, a decision was taken to only interview children aged nine years and over. Where a carer agreed to be interviewed but it was not thought appropriate to interview their child because of either age or other circumstances, we carried out a guardian-only interview.

Interviews with guardians explored their views on:

- The circumstances and motivations that gave rise to Special Guardianship;
- Their experience of the application process and the role of different agencies during this period;

- The arrangements that have been made to provide financial or other forms of support and their experiences over time (including views about decisions to close cases or terminate services);
- How things have gone for the child and the family since the making of the order, including their relationship with SG family members and progress at school;
- Contact and relationships with the child's birth parent(s); whether support was needed to manage contact and whether it was received (in their view) appropriately;
- Where arrangements had formally ended (the child had moved on) or had been informally adjusted (to include shared care arrangements), how and why this had come about and what had been the implications for them and their child;
- The nature of Special Guardianship and similarities and differences between this and other forms of parenting (adoption, fostering or 'birth' parenting);
- Issues that may need to be tackled to make Special Guardianship more effective.

### **2.5.1 Recruitment of the case study sample**

Special guardians who had consented to interview and were selected from our survey sample were contacted by telephone by the project researcher allocated to their interview. The guardian was reminded about the project and consent to take part in an interview was re-confirmed. Where a guardian was happy to take part in an interview, they were given the choice of a telephone or face-to-face interview. An information pack and consent form was sent to them in the post in advance of the interview to provide further information. After going through the purpose of the interview and the use and storage of the interview data with the guardian, informed written consent was requested. With the guardian's permission interviews were audio-recorded and transcribed. Where a guardian cared for a child aged nine or over, they were asked to pass on an information pack to their child. All interviews with children and young people were carried out face-to-face. Other procedures were the same as with the guardian interviews. To facilitate discussion, children were asked as part of their interview to draw an eco-map of the people in their family.

Twenty guardians were originally selected to take part in an interview. Three of these carers subsequently declined or could not be contacted, therefore we selected a further three guardians with a similar case history. Sixteen cases were still intact at follow-up and four were not. Two of these represented the child 'moving on' in young adulthood. The other two involved scenarios where a breakdown in relationships had occurred. Only one eligible young person still resident with their guardian declined to take part. In the two cases where young adults had moved on, the guardian asked them if they would be happy to be interviewed, but they declined. In the two 'breakdown' cases the guardians did not have regular contact with the children concerned and it was not possible to arrange to speak to them.

Fifteen of the guardians were relative carers and the remainder had been unrelated foster carers. The ages of the guardians ranged from 27-69 and the dates their SGOs were granted ranged from

2006-2010.<sup>8</sup> Overall, the sample of children was aged 6-19 at time of interview (although those interviewed directly were aged 10-17) and 11 were female. Nine had been placed together with at least one sibling and four were reported to have recognised additional physical or mental health needs.

## 2.6 The policy study

The purpose of the policy study was to describe how Special Guardianship services had developed in the seven local authorities, identify issues of policy, practice and resources that had arisen (including financial resources) and assess the likely impact of Special Guardianship on children's alternative pathways to permanence. We sought to gain an understanding of the different perspectives and developing relationships between local authorities, solicitors and the court system in Special Guardianship cases. This was achieved through:

- Analysis of relevant government and local authority policy documents;
- Key informant interviews with 14 professionals within our seven local authorities with strategic responsibility for Special Guardianship and legal services (two per area);
- Key informant interviews with nine national stakeholder agencies (including agencies involved with family law proceedings, advocacy and rights practice, voluntary and statutory child welfare agencies and court services).

These interviews have enabled multi-layered local and national perspectives on Special Guardianship to be gathered. The policy study has helped to situate the findings generated by our surveys and interviews and provide a grounded understanding of the development of Special Guardianship and of its place within the spectrum of permanence options for children. All interviews were carried out on the telephone and were digitally-recorded and transcribed. The main findings from the policy study are presented in Chapter 3.

The interviews explored a number of core issues:

- The nature of local provision for supporting the implementation of services, the progress made over the past eight years and identified variations in the approach of local authorities;
- Patterns of take-up and factors linked to the policy, resource or service environment that may be promoting or inhibiting take-up;
- The strengths and difficulties of working in partnership (with children, guardians and birth parents) and across agencies (children's services, voluntary sector and the courts);
- The adequacy of the current regulatory and guidance framework for delivering effective pre- and post-order services.

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<sup>8</sup> In Area 5 we had to interview two guardians who had had their SGOs granted in 2010 because of a lack of interested guardians from earlier years.

Triangulation of data from the policy study with that emerging from the case files, survey and interviews has provided for a grounded understanding of the changing place of Special Guardianship amongst the range of permanence options for children, the extent to which it is meeting the policy objectives set for it by government and, most importantly, of whether and in what ways it is working successfully for children.

## 2.7 Data analysis

In this study we have collected a range of quantitative and qualitative data from a variety of sources. Below we describe our approach to analysing these data.

### 2.7.1 Quantitative data

Our quantitative data came from four sources:

1. The local authority returns to our national survey
2. The SSDA 903 dataset
3. The Special Guardianship questionnaire
4. The case file audit

#### The national survey

Local authorities returned these data to the research team in Excel format. It was carefully checked, entered into SPSS-21 and combined with official government data that can be downloaded from the internet on children leaving care for Special Guardianship, adoption or through residence orders.

The analysis:

- Provided a statistical picture of the extent to which Special Guardianship is being used for **all** children (looked after and non-looked after), the way it has built-up over time and of variations in its use between authorities;
- Provided exploratory correlations between the use of SGOs and the use of other kinds of legal orders (for example, the degree to which authorities that have supported a high use of SGOs have reduced their use of adoption/residence orders and/or decreased numbers of children that enter care or are in care).

These correlational analyses have provided hypotheses which in turn were checked against the analyses in other parts of the study. These findings are presented in Chapter 4.

#### The SSDA903 data

The original dataset was transferred to SPSS v21 for analytical purposes by the Bristol team. We then created additional variables in which we were interested. For some limited analyses we have combined these data with publicly available data on local authorities. In addition we transferred some of our data into MIWin v2.27 so that we were able to analyse it using a multilevel model (i.e. one in which we could explore the apparent effects of both variations between individual children

and, at the same time, variations between the authorities looking after them). In practice, however, we have only used this facility as a check on conclusions reached by other methods. Further details and findings from the analysis of the SSDA data are reported in Chapter 5.

### **The case file audit and survey of special guardians**

The case file audit and survey of special guardians have provided descriptive statistical data (and some qualitative data, see below) that have been used to (a) map patterns of SGO usage in greater detail; (b) describe the starting points, experiences and outcomes for a sample of special guardians and their 'index' children (and siblings); (c) explore variations in these experiences and identify factors associated with differential child outcomes; (d) predict for which children or in which circumstances outcomes are likely to be better (so far as these data allowed). All statistical data was prepared, cleaned and entered into SPSS-21. Where we had data on the same variable from both the guardian and the case file audit, the guardian's data was generally given preference, unless strong alternative evidence was available from the file. Where relevant, items were combined to provide summary scores for a characteristic, for example: a preparation score (combining six separate variables) measured the extent to which guardians had felt prepared for the role they were taking on. Their development and use are explained where they have been included in statistical models throughout the report.

Bivariate analyses explored associations between the characteristics and circumstances of families at baseline, subsequent interventions and children's safety, stability and psychosocial well-being at follow-up. Multivariate analyses tested these associations and simple regression models have simplified these data and identified the most important factors that were predictive of different child outcomes. For analyses involving the smaller survey sample, a confidence level of 95 per cent or better was regarded as statistically significant. However, probability values and correlation coefficients for all significant findings are included in footnotes to enable the reader to draw their own conclusions about the strength of the associations being tested.

The surveys have also provided data comparable (on key measures) to that collected on long-term fostered and adopted children in a prior York study comparing long-term outcomes in adoption and fostering (Biehal *et al.*, 2010). That study contained information on 77 adopted children and 63 children in long-term foster care. Comparisons have been made on key aspects of child outcomes in relation to emotional and behavioural difficulties (SDQ), family integration and education progress, controlling for age and time in the placement.

### **2.7.2 Qualitative data**

We collected qualitative data through open-ended questions in the case file audit and Special Guardianship survey and also through the semi-structured interviews with special guardians, children, local authority managers and key policy stakeholders. Qualitative information derived from the surveys has complemented and enhanced these statistical data, by use of comments and case illustrations. All interviews from the case studies and policy study were digitally recorded and transcribed. The case studies were analysed thematically, using NVivo Framework software to manage the data. The analysis identified key themes across cases to explore how SGO applications had come about, the subsequent experiences of families, the usefulness of services that had been provided (or needs that had been unmet) and, in particular, how and why child and

family histories, placement experiences and support related to outcomes for children in these cases. This has added to our understanding of the reasons why some children appear to do better or worse in Special Guardianship families. The interview data have also been used to construct detailed illustrative case study material. The details of some cases were altered (where necessary) to protect the anonymity of participants and any names ascribed to cases are fictional.

The policy study yielded qualitative data drawn from analysis of policy documents and key informant interviews with professionals. At a local level, it generated information on the development of policies, procedures and services to support Special Guardianship and allowed us to analyse differences in approach across the seven participating authorities. At a national level, it incorporated views of key stakeholders about patterns of take-up, the existing framework for delivering services and its place within the range of permanence pathways for children. Themes from the key informant interviews were identified and data associated with each theme were summarised and recorded on an Access database designed for the purpose. Data from policy documents were also added to this database. Taken together, this evidence combined with that from our surveys and interviews has provided a grounded understanding of developments that have taken place since our earlier study was completed and for some comparative analysis of the characteristics and outcomes of children in Special Guardianship, adoptive and long-term foster families.

## **2.8 Ethical considerations**

The study adopted a sound ethical framework based on SPRU's code of practice. This has been informed by the Social Research Association's Ethical Guidelines 2003, the Data Protection Act 1998 and Departmental guidance on Research Governance. SPRU also follows the University of York's Code of Good Practice for Research, see the following link:

[http://www.york.ac.uk/research/policy/code\\_of\\_practice\\_research.htm](http://www.york.ac.uk/research/policy/code_of_practice_research.htm)

SPRU has an established record of successfully researching social work services for vulnerable groups of children and has a reputation for conducting high quality, ethically sound research in this environment. Formal ethical approval for the study was sought from the Association of Directors of Children's Services (ADCS), the Humanities and Social Sciences Ethics Committee at the University of York and from research governance committees in the seven local authorities. An advisory group was established for the overall study to advise on, amongst other things, ethical issues that arose during the course of the project.

The collection of summary data for the national survey and for mapping local data on SGOs (from case files) was undertaken with complete anonymity. For the intensive study, each case was given a project code and the local authority retained the link between this and the unique Child Identifier for that case. Our invitation materials were routed through children's services to special guardians. Our consent forms sought permission to (a) send a questionnaire and (b) to link data from the questionnaire to the case file. Only once consent had been provided were we able to link case file and questionnaire data to provide a complete case study. The anonymous case file data collected on non-respondents was used to (a) provide baseline and outcome information for a larger sample and (b) to investigate potential sampling bias between those who responded and those who did

not. Given the constraints of time and resources for this project, this was the most practical solution for meeting the objectives set for this study that was consistent with data protection requirements.

All participants (special guardians and children where applicable) were sent leaflets explaining the purpose of the research, what their involvement would entail and what would happen to the information they provided. Guarantees were also provided with respect to the handling, storage and subsequent use of data in line with data protection legislation. At the time of interview, this information was reiterated and it was made clear to interviewees that they could withdraw consent at any stage and that, if any questions caused discomfort, they were at perfect liberty not to answer or to take a break from the interview. A guarantee of confidentiality was provided to all participants and it was made clear that no agencies, professionals, carers or children would be identified in any products of this research. In this light, some case study material has been altered to protect identities and any names used in the text are entirely fictitious. The only exception to the confidentiality guarantee would be in circumstances where a child was reported to be at significant risk of harm. This was made clear at the outset of interviews and in the advanced information sent to participants. A Link Officer was identified in each authority for the research team to relate to if this situation arose. Fortunately, it did not.

### **2.8.1 Data security**

The personal details of special guardians and children were only held with their consent. The names and work contact details of professionals who assisted with data collection and who participated in the telephone interviews were stored securely (separate from any information they provided) and were only used for the purposes for which it had been gathered.

SPRU has clear procedures in place to ensure the highest standards of data management and data security. All data were stored in password-protected computer files in a secure central University file store. Data was backed-up as soon as it were obtained, and then weekly, in a password-protected file on the main project computer. The University computing network is protected from viruses and data piracy by various virus checkers and firewalls. This also ensures the security of the data held on the project computers. No-one outside the research team and transcription service had access to the research data. SPRU has used the same transcription service for many years and transcribers are subject to written confidentiality agreements. Manual files are securely held in locked cabinets in a locked office at York and never removed from the office. Personal details of research participants are held in password-protected computer files in a secure central University file store, stored separately from any other data on them.

## **2.9 Summary**

This study has investigated the development of Special Guardianship over the past eight years and has followed-up a sample of Special Guardianship families over a period of three to six years after their SGOs had been made. We have made use of national datasets and carried out a survey of all English local authorities. The intensive study focused on the experiences of 230 Special Guardianship families in seven English local authorities. It has described and assessed

their experiences through a combination of surveys, case file analysis and interviews. The study involved a number of phased stages.

**Phase 1:** Combined a national survey and secondary analysis of national administrative datasets. The survey provided national estimates of the total numbers of children made subject to SGOs (2006-2012), including for both looked after and non-looked after children. Secondary analysis of the Government's SSDA903 dataset (2006-2011) on looked after children leaving the system through SGOs provided important information on the characteristics of these children, identified differences in how local authorities were encouraging the use of SGOs and provided information on breakdown in SGO arrangements.

During Phases 2-5 of the research, we conducted an intensive study in our seven local authorities. This focused on *all* SGOs made in these areas during the years 2006-2009 (to allow for a 3-6 year follow-up) and comprised a number of elements:

**Phase 2:** Analysis of 224 social work case files (including court reports) mapped these cases in greater detail and provided important baseline and follow-up data on the experiences, support and progress of children and guardians.

**Phase 3:** A postal survey of guardians (n=115) provided information on post-order experiences, the services provided and assessed outcomes for children with respect to their safety, stability and overall wellbeing. The case file audit and Special Guardianship questionnaire provided detail for 230 special guardian families in total.

**Phase 4:** Depth interviews with a sub-sample of 20 guardians (and ten of their children) provided detailed case studies charting the experiences of children and guardians over the follow-up period.

**Phase 5:** A policy study, involving interviews with our local authority managers and national stakeholders (n=23), brought together the perspectives of social workers, child welfare agencies and advocates, lawyers and court professionals to improve understanding of the development of Special Guardianship policy and practice.

This was a mixed methods study providing a rich array of both qualitative and quantitative data. Quantitative data was entered into SPSS-21 where it was checked and analysed. Qualitative data from the special guardian survey was also entered into SPSS-21 for data management purposes. All interviews were digitally recorded and transcribed. Interview data from SG families was entered into NVivo and managed using their Framework software which facilitated thematic analysis and interview data from key policy stakeholders was managed using Access.

## Chapter 3    **Developing special guardianship: law, policy and practice**

This chapter provides a brief overview of the development of Special Guardianship since its implementation at the end of 2005. In doing so it builds on our earlier study that considered the early progress made by local authorities over the first two years since implementation (Wade *et al.*, 2010). The chapter provides a short summary of the legislative framework that underpins Special Guardianship and, more substantively, draws on evidence from 23 key informant policy interviews undertaken during the course of this study. Fourteen interviews were conducted with service and legal managers with leadership responsibilities for Special Guardianship in our seven participating local authorities and a further nine interviews were conducted with stakeholders in national agencies with a leading interest in this field. The chapter draws together their often differing perspectives on the progress that has been made, identifies different models of practice in local authorities and key challenges that have been encountered along the way. Most would share a good degree of optimism about the potential of Special Guardianship to secure legal permanence for certain groups of children unable to live with their birth parents. If the discussion that follows focuses more on the difficulties encountered in making Special Guardianship work effectively, we should keep in mind that most practitioners are in support of what the order can offer.

### **3.1 The legal framework**

Special Guardianship was introduced as an amendment to the Children Act 1989 by the Adoption and Children Act 2002 and was implemented on 30 December 2005. It was the outcome of issues identified in the *Prime Minister's Review of Adoption* (Performance and Innovation Unit, 2000) that included the need for a new legal order to be made available to the courts where children are unable to live with their birth parents. The new order was intended to provide greater legal security for children (up to the age of 18) than would be possible in long-term foster care without legally severing their link with their birth parents, as would be the case with adoption. It is a private law order, although it can be considered in either private or public family law proceedings. To accompany the new order the government also enacted the Special Guardianship Regulations 2005 and issued statutory guidance to local authorities outlining their responsibilities (Department for Education and Skills, 2005). This document clarified who may apply for an order, the circumstances in which an order can be made, the nature and effect of Special Guardianship Orders (SGOs) and the support services that should be provided. More recently it has also been supported by practice guidance published by BAAF (Simmonds, 2011).

A Special Guardianship Order was designed to be a powerful legal order, granting the special guardian a high degree of parental responsibility for virtually all decisions affecting the child and limiting the rights of birth parents to intervene or challenge the order without leave of the court. Where a child was previously looked after by the local authority, s/he ceases to be so once the order is made. An application for an SGO may be made by a broad range of people, including an

existing guardian, anyone holding a residence order or with consent from those who have one,<sup>9</sup> anyone with whom the child has lived for three out of the past five years or a relative or local authority foster carer with whom the child has lived for at least one year or who has the consent of the local authority to apply. In most scenarios, therefore, it was envisaged that the question of where and with whom the child should live would have been settled at the time of the SGO application and that, in most cases, the issue before the court will not be the actual placement of the child but the form of order that will best provide for their future welfare.<sup>10</sup> This expectation is reflected in the statutory framework for Special Guardianship which does not provide for introductions, matching or for a period of monitored 'settling-in' as would always be the case in adoption and may be the case in fostering (Simmonds, 2011). The period for assessment, reflection and preparation is also limited by the expectation that the child and special guardian know one another well and that the order secures what already has been established.

Applicants must give the responsible local authority at least three months' notice of their intention to apply. This is the expected period for assessment and preparation of a report for the court. However, the court may also give leave for a carer to make an application in the context of existing care or placement order proceedings. In doing so, the court must direct the local authority to prepare a report<sup>11</sup> and may set a timescale for completion. The form and coverage of this report are set out in some detail in Regulation 21 (Department for Education and Skills, 2005). Once the court receives this report, it must weigh this evidence together with representations from other interested parties and with reports from officials, such as a children's guardian. As with all private law orders under the Children Act 1989, the court must give paramount consideration to the welfare of the child and pay due attention to the welfare checklist prescribed within it (s.1(3)).

It is envisaged that children subject to SGOs will continue to have contact with many (if not all) members of their birth families. When making a SGO, therefore, the court must decide whether other orders for contact or residence (now known as Child Arrangement Orders) should be made, varied or discharged. Unlike adoption orders, SGOs can be challenged or revoked. Those who can apply to court as of right include the special guardian, the local authority (where the child had been on a care order), or anyone who held a residence order before the SGO (Jordan and Lindley, 2006). Birth parents or other relatives can seek to vary an order with the leave of the court, but only if the court decides there has been a 'significant change' in circumstances. However, there is nothing to prevent parents or other relatives applying for child arrangement, prohibited-steps or specific-issues orders, unless the court has placed a restriction on further applications.<sup>12</sup> In these respects, Special Guardianship provides less protection against further court proceedings by parents than is the case in adoption (Masson *et al.*, 2008).

Local authorities have a duty to make provision for continuing support services to meet the needs of children and special guardians. The range of services that are required are set out in Regulation 3 (Department for Education and Skills, 2005). These include provision for financial assistance,

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<sup>9</sup> Although Residence Orders and Contact Orders were in statute throughout this study, the Children and Families Act 2014 has now replaced them with a new Child Arrangement Order that makes provision for where children should live and with whom they should have contact.

<sup>10</sup> *Re S [A Child]* [2007] EWCA Civ 54.

<sup>11</sup> *Re S [A Child]* [2007] EWCA Civ 54.

<sup>12</sup> S91(14) Children Act 1989.

advice and information, mediation, counselling or other therapeutic services for the child, support with contact arrangements, respite and training to help special guardians provide care for their child(ren). This regulatory framework is broadly the same as that outlined in adoption regulations (Department for Education, 2013c).

Where a child had been looked after immediately before the application was made, the child, special guardian or birth parent may request an assessment of need for financial or other support services. In these cases the local authority must undertake an assessment. Other applicants may also request an assessment, although the local authority may refuse to provide one. In these circumstances, written notification must be given stating the reasons for refusal. In reaching its decision to refuse an assessment, the local authority must also take account of court decisions defining those actions that are considered tantamount to having looked after a child irrespective of how the local authority may interpret its own actions (Simmonds, 2011).<sup>13</sup> The procedures for assessment are set out in Regulation 12 and local authorities are encouraged to model assessments on the holistic approach set out in the *Assessment Framework* (Department of Health, 2000b).

Services that are to be provided as a result of this assessment must be set out in a support plan and presented to the court for consideration. Support plans should be reviewed annually or in the light of changed circumstances. However, there is no legal entitlement for special guardians to receive specific services identified as a result of an assessment (Masson *et al.*, 2008). Where services are refused, written reasons must be provided and, should initial representations fail, the only recourse for special guardians is through the courts (Jordan and Lindley, 2006).

The statutory guidance indicates that the regulatory framework does allow local authorities to provide financial support to secure a Special Guardianship placement and that no such placement should fail simply due to financial issues. Regulation 6 sets out the circumstances in which financial assistance may be payable: to enable the special guardian to look after the child; meet any particular care needs; assist with legal or transport costs or to assist with accommodation or maintenance costs for the child. Local authorities need to ensure that special guardians access all welfare benefits to which they may be entitled and financial support under Regulation 6 is generally subject to a means test, the framework for which is set out in Regulation 13.

Financial allowances should not allow for any element of remuneration. However, an exception is made for former foster carers. Where a foster carer had been looking after the child immediately prior to the Special Guardianship application and receiving an element of remuneration in their fostering allowance, this may be protected for a transitional period of two years after the SGO is made. Of course, local authorities may choose to extend this for the duration of the placement (or until the child reaches 18) and they may also choose to have a consistent benchmark against which to judge the financial needs of all applicants. In this respect, Regulation 13 encourages local authorities to consider the amount of fostering allowance that would have been payable if the child were fostered when determining financial allowances. When setting the level of allowance payable to different categories of applicant, local authorities must be mindful of court judgements that have

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<sup>13</sup> See, for example: London Borough of Southwark v D [2007] EWCA Civ 182; R (SA) v Kent County Council [2011] EWCA Civ 1303.

ruled on unlawful local policies on allowances that discriminate between stranger and kinship foster carers or between foster carers and special guardians.<sup>14</sup> Some local authorities in this study had historically paid special guardians at well below the fostering rate.

## 3.2 Take-up of Special Guardianship

There is no single source of national statistics on the number of children made subject to SGOs. Statistics compiled by the Ministry of Justice point to an upward curve in the take-up of Special Guardianship, rising from 1,125 in 2008 to 5,527 children in 2012. Of these, 4,016 arose in public and 1,511 in private law proceedings.<sup>15</sup> The Department for Education's annual statistical collection on looked after children also shows a steady upward curve in children leaving the system for Special Guardianship, rising from 1,236 children in year ending 31 March 2009 to 2,127 in 2011-12.<sup>16</sup> While there has been a steady increase in children leaving care for Special Guardianship, perhaps the most striking aspect of recent patterns is the apparent increase in cases arising during (or sometimes prior to the initiation of) care proceedings; cases concerning children on the edge of care. We will look further below at material from our policy interviews that shed a little more light on these patterns.

Prospective special guardians fall into one of five main groups (Simmonds, 2011, p.19):

- Unrelated foster carers approved by a local authority or independent foster care provider;
- Family and friends carers approved as foster carers by a local authority;
- Family and friends carers temporarily approved as foster carers under Regulation 24 of the *Care Planning, Placement and Case Review [England] Regulations* (Department for Education, 2010);
- Family and friends carers who are caring for a child who is not looked after by a local authority (but may well have been known to one);
- Others where the applicant and child are unknown to the local authority until the notification to apply for an order has been made. These we call 'private' cases.

Early research into patterns of take-up during the first two years or so of the new order found that Special Guardianship was primarily being used by kinship carers, with grandparents being in the majority. The children were younger than might have been anticipated (around one-half being aged five or younger) and most came from troubled family backgrounds. Most children (around 70 per cent in one study) had been looked after immediately before the application was made. Most had also been living with their guardians prior to the application, often in family and friends foster

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<sup>14</sup> *R (ota X) v London Borough of Tower Hamlets* [2013] EWCA Civ 904 (on allowances for kinship and stranger foster carers); *B v London Borough of Lewisham* [2008] EWHC 738 Admin (on foster carer and special guardian allowances).

<sup>15</sup> These court statistics are available from: <https://www.gov.uk/government/collections/court-statistics-quarterly#court-statistics-quarterly-tables>.

<sup>16</sup> Department for Education statistics available from: <https://www.gov.uk/government/collections/statistics-looked-after-children>.

care. 'Private' applicants appeared to be low in number and take-up from unrelated foster carers was also low. Special Guardianship was, in the main, being used as an exit strategy from care or as a diversion from it (Hall, 2008; Wade *et al.*, 2010). Many local authority practitioners had been surprised by the profile of those applying for Special Guardianship and concerned about the implications this would have on scarce resources. Evidence from policy interviews for this study suggests these patterns have largely endured.

*'I think the overall trend is still family and friends carers who are foster carers, some children in-need cases where we are involved anyway, who are certainly on the edge of care, and the occasional private application out of the woodwork.'*

(Team manager, Area 1)

*'It's become a very realistic and secure option for family and friends care and its helped boost family and friends care really.'*

(National Advocacy Agency)

Some local authorities have embraced Special Guardianship with considerable enthusiasm, while others have proceeded with caution. Differences in approach have led to differences in the use of Special Guardianship. Most local authority practitioners felt that Special Guardianship had become more established, as you would hope it would seven years on, and more firmly embedded in the procedures and practices of the local authority. Considerable activity was now directed towards encouraging movement from care to Special Guardianship for looked after children, most successfully for those in kinship foster care settings. It was common for interviewees to stress how Special Guardianship was now a regular option considered when planning for permanence, that it was firmly on the agenda of care planning and review meetings and emphasised the important role of Independent Reviewing Officers in ensuring its consideration.

*'I think local authorities see it as a better permanence option for children, rather than long-term foster care. For them, the care plans are more reflective of this as an option. So it's been put on the table now.'*

(Team manager, Area 3)

*'It is discussed much more in reviews and as part of the IRO's role in looking at permanence for children through that avenue...So we're talking to foster carers much more about Special Guardianship Orders to develop permanency plans for children.'*

(Service manager, Area 2)

Unrelated foster carers, however, have not embraced Special Guardianship very readily. The reasons cited in interviews were very similar to those that deterred foster carers in the early 1980s from taking up Custodianship, an unsuccessful forerunner to Special Guardianship (Bullard *et al.*, 1991). Concerns were evident in this study in relation to loss of financial support, especially once the two-year protected period for foster carer allowances ended. In response, some local authorities were attempting to construct a financial level playing field across all permanence pathways to reduce any financial disincentive and, in some instances, for allowances to continue for the duration of placement.

*'There should be nothing you can provide for a child in care that you cannot provide for a child on a permanency order.'*

(National Social Work Association)

Concerns amongst unrelated foster carers (and some family and friends carers) also centred on the potential loss of social work support for the child, both now and in the future. The Children and Young Persons Act 2008 strengthened support for looked after children in relation to health and education, providing for priority access to school places and for bursaries for students in higher education. Considerations of these kinds could be significant for foster carers caring for older children. Alongside this were fears about the loss of predictable structures and routines, the responsibilities involved in managing birth family relationships or the emergence of challenging behaviour patterns in adolescence. Access to leaving care services was also less certain. Although young people who move straight to Special Guardianship from care do qualify for advice and assistance as 'qualifying' children under s24 of the Children Act 1989, the more prescribed arrangements outlined in the Children (Leaving Care) Act 2000 may not apply (Department of Health, 2001). In one or two instances, the local authority had written a guarantee of access to leaving care services into the Special Guardianship support plan.

*'For older children we've made a commitment that we would provide the same level of leaving care support as we would have done if they had remained looked after for that period. We wouldn't have helped them move to (SG) without giving that commitment...I don't think it has to be a barrier, but it can be unless you are willing to give that same level of commitment.'*

(Service manager, Area 1)

Applications for care orders made to the courts by local authorities have increased year-on-year since 2008. CAFCASS reports having received 10,235 care applications during the year April 2011 – March 2012, an 11.2 per cent increase on the preceding year.<sup>17</sup> Local authorities have become rather more risk averse, whilst greater media attention on and public awareness of child abuse and neglect (following the death of baby Peter Connelly) has led to substantial increases in referrals. In this context, Special Guardianship may provide one outcome of (or an alternative to the initiation of) care proceedings for local authorities, children and families. A number of local authorities and independent legal representatives perceived there to have been a notable increase in these 'edge of care' cases in recent years.

It is a requirement of the Children Act 1989 that local authorities should always consider placing a child within the family network before considering placements with unrelated carers. There are many good reasons why this could be the placement of choice for children since, as recent studies have highlighted, the determination, commitment and sacrifices made by related carers frequently tend to overcome the more disadvantaged circumstances that often affect kinship placements (Farmer and Moyers, 2008; Hunt *et al.*, 2008). In this context, several of our local authorities were investigating the potential for Special Guardianship at the very early pre-proceedings stage, once it had become clear that the child could not remain living with their birth parents. Some local

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<sup>17</sup> CAFCASS (The Children and Families Court Advisory Service) statistics are available from: <http://www.cafcass.gov.uk/news/archive/2012/november-care-application-statistics-released.aspx>.

authorities had invested quite heavily in the development of family group conferencing as a methodology for the early identification of family members that might care for the child and as a way of enabling families to find their own internal solutions. Where successful, these processes could provide a pathway to Special Guardianship without the need for care proceedings. Greater use was also being made of initial Regulation 24 placements with family and friends carers (often with the protection of an interim care order) with a care plan for Special Guardianship provided that the assessment and trial period proved to be satisfactory.

'Private' applications from carers of children not previously known to the local authority were considered to be very low in all local authorities. One identified barrier related to the availability of initial information and advice about Special Guardianship. Some local authority practitioners recognised its patchy nature and legal representatives highlighted the implications of reduced access to legal aid and, in consequence, the potential loss of specialist solicitors operating in the family law field.

*'I think potentially that those (inquiries) that come from people for non-looked after children, where we don't know them, their access to information could be difficult...Some will go to solicitors; some may come to children's services. But I suspect that the level of information they would get would be very sketchy really.'*

(Team manager, Area 4)

*'I would have said the information is probably not there. They'd have to know where to go and look for it.'*

(Local authority solicitor, Area 5)

The extent to which Special Guardianship was promoted across all community groups varied considerably. One area, concerned at high numbers of informal fostering arrangements locally that were not registered, was attempting to reach out to informal kinship carers. Others were much more cautious, concerned at the potential demand for services that might arise. Some other groups that, at the time of implementation, had been expected to benefit from Special Guardianship had not done so in great numbers. For example, though some minority ethnic communities had been considered less likely to consider adoption, there was little evidence of any disproportionate take-up amongst these communities. In one area with a relatively high minority ethnic population there were some grounds for optimism, but in another similar local authority they had seen no evidence that applications were higher than for any other community group.

Where relatives caring for non-looked after children were seeking SGOs, the attraction was reported to lie in the greater legal security and parental responsibility it conferred (relative to residence orders or no order), the promise of financial assistance and access to other services. There was some evidence of a very slow increase in these applications – spread by 'word of mouth and people talking to each other'. There is no reason to suppose as Special Guardianship continues to grow in the public consciousness that the numbers of 'private' applications will not increase further in the future.

### 3.3 Service models and approaches

The Special Guardianship regulations and guidance do not prescribe how local authorities should structure their services, although they are advised to take account of other similar services when planning provision, such as adoption support services (Department for Education and Skills, 2005). Evidence from our policy interviews (local and national) demonstrates considerable variation in the approach taken by different local authorities.

*'In terms of getting (Special Guardianship) on the agenda and being actively considered, I think we're pretty much there. I think in terms of putting systems in place...to make it effective, consistently effective, I think we've got a long way to go yet...The best local authorities...have got coherent policies, they've got consistent support, but most are doing it very much in a piecemeal way.'*

(Association of Child and Family Lawyers)

Evidence from our seven local authorities points to a service continuum, ranging from what may be described as 'non-specialist dispersed' models at one end of the spectrum through to 'centralised specialist' models at the other, with these specialist teams located as part of either kinship or post-adoption services. One area was also in transition. Rising numbers of applications in this area had placed previous arrangements under considerable strain and a restructure of services was taking place, leading to greater specialisation. Not surprisingly, specialisation tended to have taken place in areas with a higher number of referrals. However, it is equally possible that the development of a specialist team, with greater expertise, had led to a wider promotion of Special Guardianship locally and increased take-up. In contrast, non-specialisation was associated with smaller local authorities, where demand would be lower and not warrant that investment, or with areas that had a more cautious approach to Special Guardianship and its place within the spectrum of permanence pathways for children.

Specialisation tended to centre services (from referrals through to post-order support) in the hands of one or two teams. Only in two areas was this within the purview of a single kinship team. In these areas, the teams had oversight of all referrals, the assessment and court report was completed in tandem with the child's social worker (where one existed) and post-order services were co-ordinated by these teams (perhaps in concert with social workers for a time). These areas were enthusiastic about the benefits of specialisation and, given the profile of Special Guardianship applications, its location within the specialism of kinship care was thought to be appropriate.

*'I think there is a specialism in terms of assessing birth families...There is a need for people to specialise in family and friends care/Special Guardianship, but I don't think Special Guardianship on its own is so different from the kinds of skills involved in assessing families.'*

(Team manager, Area 7)

Pathways through the procedures for referral, assessment and access to services were more complex in the three areas operating a dispersed non-specialist model. In these areas the teams that became involved tended to depend on the type of case; whether it concerned a look after child, a child 'in need' or a 'private' application and whether a social worker was already allocated

to the child or family. Private applications were frequently received by the legal service from family solicitors and then referred on to ensure that they got processed and were not missed. In these areas, a variety of teams were often involved at different stages of the process, including duty and assessment teams, locality based looked after children and/or child protection teams, fostering and family support teams. In these areas, most practitioners felt that systems worked effectively. However, as we have seen, access to information could be variable for carers of non-looked after children and one or two practitioners (though reasonably content with the approach taken in their authorities) recognised the potential downside of multi-team involvement.

*'I don't suppose it is a bad service, but there are some structural things that might mean (special guardians) will come across a few different workers, which I guess would then result in them having to tell their story again.'*

(Local authority solicitor, Area 5)

*'We are disjointed in our procedures here. Different teams get to do many different things...and we may lose a complete overview of what is happening.'*

(Team manager, Area 4)

In general, however, interviewees based in these authorities tended to be less enthusiastic about the need for specialisation.

*'I think we attach a specialism for everything. And I think lots of the issues are the same issues we have with lots of other children and young people out there in the community. And I don't know how beneficial it would be to people...It's not like the adoption support team, where adopters want a lot of support. If special guardians come back and they need support that would be managed within the mainstream fostering teams.'*

(Team manager, Area 2)

The expectation that special guardians would need little if any support derived from a philosophy of caution in relation to its use. In these areas, the approach was considered to be more in line with the original expectations for Special Guardianship – that it would be primarily used for older children, living within a very settled family environment and where (for most) the transition to a new legal order represented a juridical change that would free the family from local authority involvement and normalise already existing family relationships. In consequence, take-up in these areas tended to be lower and Special Guardianship tended not to be widely promoted, other than through the care planning process to encourage this transition for suitable children living in stable foster placements with related or unrelated foster carers. In these areas, therefore, there was less evidence of provision being made for post-order support services, beyond provision of financial assistance. In one of these areas, for example, a service manager (in Area 4) explained why they had had relatively few private or care proceedings applications:

*'It tends to be for settled foster placements where there doesn't appear to be an obvious need for ongoing social work involvement...We also look to have settled contact arrangements where there isn't going to be a large amount of intervention...in maintaining the arrangement.'*

In this area, where children had not been living with their carer for very long, it was reported that the authority would initially try to develop the placement through fostering regulations with a care plan for Special Guardianship should relationships proceed well. For similar reasons, there had also been resistance to referrals arising in the context of care proceedings.

*'We had one or two cases where the court made an SGO as an outcome of proceedings early on, but that practice seems to have died out... That has stopped because we were very concerned we were getting SGOs made in respect of placements where the child had only been living for a short period of time, and that was not how the Special Guardianship legislation was designed.'*

These are very live issues and many other practitioners expressed concern about the longer-term implications of permanent placements being made relatively quickly for quite young children without sufficient evidence of the stability and permanence of that arrangement.

### **3.4 Special Guardianship policies**

As we have seen, Special Guardianship has to date mostly been used in the context of family and friends carers. Statutory guidance on family and friends care, issued in 2011, set a deadline of 30 September 2011 for all English local authorities to publish a policy setting out their approach to promoting and supporting the needs of children living with family and friends carers (Department for Education, 2011). A survey conducted by Family Rights Group later that year found that 45 per cent of local authorities had still not complied (Roth *et al.*, 2012). We wanted to use the policy interviews to establish whether our local authorities had written policies in this area and whether Special Guardianship, as an option for family and friends carers, was clearly written into them.

Irrespective of model, most of our seven local authorities had written family and friends policies. One area had not yet complied and another was in the process of revising an older policy to bring it into line with current guidance. Five areas therefore had policies. In two of these areas the focus was primarily on family and friends foster care, rather than on those caring outside of the care system. However, even in these documents some mention was made of Special Guardianship and residence orders and local policy in relation to them. Three other areas had fully integrated policies that looked more even-handedly across all potential pathways to permanence for family and friends carers. Clearly, therefore, there is some way to go before all the requirements of the statutory guidance are met.

### **3.5 The pre-order phase: assessments, support plans and the courts**

Before the court is able to make a SGO, it must receive a local authority report evaluating the background and suitability of applicants and the views and circumstances of birth parents and children. The coverage of this report is prescribed in Regulation 21. Regulation 14 also specifies that, if the local authority proposes to provide specific support services, a written support plan must be prepared (Department for Education and Skills, 2005). These are complex tasks that need to be completed within a relatively short timeframe. The expected period is 13 weeks after

the carer's notification although, as we shall see below, this timeframe is now being influenced by the expectation that public law cases be completed within 26 weeks.

The success of a family placement will depend to a large degree on the quality of assessment that is undertaken, the preparation the family has for the task they are taking on and the degree to which sufficient safeguards exist to quality assure the decisions that are being made. Of course, where prior assessments have been undertaken under fostering regulations, these should provide a foundation for the Special Guardianship assessment. In these respects, the earlier York study identified a number of challenges for local authorities. These included the perception by social workers that there was insufficient time to complete analytical and reflective assessments, especially where the child and carer relationship was relatively new, and to adequately prepare carers for the task; a lack of provision within the regulations for the child and carers to 'settle in' and start to make a relationship, as would be the case with adoptive placements; and variations in procedures to quality assure decision-making from one local authority to another. In contrast, most kinship carers felt that, in their experience of the assessment, there was sufficient time to explore the main issues. Indeed, some were frustrated by its overly intrusive nature, the proliferation of visits by different workers and at overall delays in the process, especially where their children had been living with them for some time (Wade *et al.*, 2010).

There is clear evidence about the importance of providing an assessment that is supportive and relevant to family and friends carers (Farmer and Moyers, 2008; Hunt, 2009). Many relative carers have not chosen to provide care or, in the case of grandparents, to resume a caring role. They tend to be thrust into it through force of family circumstances. Many also do not want to be mainstream foster carers and some would fail to meet its more rigorous assessment requirements; nor do all want a continuing link with the local authority, beyond the particular support they might need (Hunt, 2003; Broad, 2007; Farmer and Moyers, 2008). The challenge for practitioners is therefore to balance the need to safeguard children through a robust assessment process with a clear focus on the parenting capacity of carers, while simultaneously developing a flexible and inclusive format that is not too off-putting to family carers. In this regard, two of our local authorities had adapted the unified model of kinship care assessment developed by the Family Rights Group.<sup>18</sup>

The timescales for public law proceedings have also been subject to change and have created a new environment within which local authorities are required to operate. The final report of the *Family Justice Review*, published in November 2011<sup>19</sup>, produced wide ranging recommendations to improve the structure, procedures and operation of the family court system. Amongst these recommendations, resulting from long-standing concerns at the duration and complexity of care proceedings and the consequences of these for children and families, was a recommendation to reduce the expected timescale for these proceedings to a total of 26 weeks. This recommendation was first operationalised through the *Revised Public Law Outline* and has been included within the provisions of the Children and Families Act 2014.<sup>20</sup> In the public law context, these changes have

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<sup>18</sup> Available from: <http://www.frg.org.uk/involving-families/family-and-friends-carers/assessment-tool>

<sup>19</sup> The Family Justice Review Final Report is available at: <https://www.gov.uk/government/publications/family-justice-review-final-report>.

<sup>20</sup> The revised Outline is available at: <http://www.justice.gov.uk/protecting-the-vulnerable/care-proceedings-reform>.

significant implications for identifying family members early in the process and almost certainly in the pre-proceedings work undertaken by the local authority. In the private law context, while these provisions will not apply, the severe restrictions on legal aid currently being implemented are likely to mean that there will be greater pressure on family members to make their own representations in court.

Evidence from our policy interviews highlights a continuing concern about the timescales set for assessment and preparation of court reports in Special Guardianship cases. Where children were placed in foster care or where notification was received from a relative carer in the community, local authorities could exert more control over the timing of the process. Although 13 weeks still represented a tight timetable for many, there was rather more room for negotiation to delay the application in circumstances where more time was needed to complete assessments in more complex family situations. As suggested above, greater concern centred on the growing number of cases arising in the context of care proceedings. In these circumstances, tighter timescales were more commonly being set by the courts in line with the new 26 week rule.

*'The days of being able to ask for 12 week assessments for family members are long gone here.'*

(Local authority solicitor, Area 2)

*'The assessments have taken anything from 12-20 weeks. But we now have guidelines to complete them in 10 weeks because of the new 26 week framework for care proceedings.'*

(Service manager, Area 6)

While the court could offer some flexibility for relatives that arrived late on the scene during proceedings, there was a general consensus in all areas that timescales for assessment were generally being reduced. Practitioners tended to worry that rushed assessments might lead to later placement problems; especially where family structures and dynamics were complex or children were not already settled in placement.

*'I have some concerns about the pressure being put on us by the courts...The courts are obviously concerned to meet their timescales and therefore are pushing us...I do have concerns about quick assessments when you have very complicated family structures.'*

(Service manager, Area 3)

*'We've had one or two breakdowns that have occurred, I think, because we were forced to complete the assessments in a much tighter timescale...So (in these cases) the assessments were done in a couple of weeks, which is just not okay...You can't get a proper picture of the family or the type of care the child needs in that amount of time.'*

(Team manager, Area 1)

Concern was expressed at the limited time that would be available for reflection, analysis and the appropriate preparation of carers for the task ahead. It is important that the avoidance of delay does not come at the expense of good analysis and decision-making (see, Simmonds, 2011).

*'The educative aspect of doing an assessment I think is quite important. You are there not only to find out if they are suitable, but to give them information that might just stick there to help them in the future and there isn't time to do that anymore.'*

(Team manager, Area 7)

*'I think from a social work perspective, they're anxious about that. Because...they feel they are rushing these assessments and that there is less time for reflection...It's a big ask, isn't it, taking on somebody else's child forever? You're not just dealing with the child but with lots of relationships within families...Often-time they are already fractured or you've got mental health or alcohol problems. That just adds layers of complexity to the task you are taking on.'*

(Local authority solicitor, Area 6)

An important emphasis in the *Public Law Outline* is to encourage local authorities to reduce the scale of documentation presented to the court and for a greater emphasis to be placed on incisive analysis over lengthy description. Local authorities and external professionals recognised the need for improvement. Greater emphasis was being given to streamlining assessment procedures, the development of bespoke assessment tools, changing the content of reports from descriptions of historical biography and introducing a sharper analytical focus on short and longer-term risks and potential difficulties. This was, however, not always a comfortable transition for social workers, especially if it risked jeopardising thoroughness.

*'There's much more focus now on assessment of the current risk and therefore there's probably less space to consider the subtleties of their ability to manage the child's identity in future years, for example...What we're faced with is significant risk now, so that's what is preoccupying us.'*

(Team manager, Area 7)

*'What we're seeing sometimes is (that) not a thorough enough assessment has been done. Not enough work with the special guardians about how they will manage this or that situation when this eight month old child is eight or nine...It's about how thorough that assessment is at the outset to make sure that whatever does come out in the future, people have got an understanding that this was something that may raise its head.'*

(Children's guardian)

It is a requirement of the Children Act 1989 that local authorities should always first consider placing a child with family members before considering placement with non-related carers. The *Public Law Outline* has given much greater emphasis to work undertaken before care proceedings commence. An important appeal court judgement requires local authorities to thoroughly explore all placement options for the child (including family options) and to demonstrate that these have been clearly considered in all cases where a court is being asked to approve a care plan for adoption or make a non-consensual placement order.<sup>21</sup> It is expected that Special Guardianship assessment reports and support plans will be completed before the first hearing (unless a suitable relative is only identified subsequently). Our local authorities had become much more mindful of

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<sup>21</sup> Re B-S (Children) [2013] EWCA Civ 1146.

the need to front-load assessments during the pre-proceedings phase. Greater use was being made of family group conferences at the earliest point, once it had been decided that the child could not remain with their birth parents. Some areas were developing 'edge of care' panels to identify all issues that needed to be dealt with at the pre-proceedings stage or engaging in parallel planning processes where care proceedings were thought likely. This enabled social workers to simultaneously consider the potential for rehabilitation with birth parents whilst also identifying and assessing other relatives. Successful assessments might mean that proceedings could move straight to a SGO and avoid the need for care proceedings by encouraging approved relatives to make an application supported by the local authority, thereby diverting children from care.

An unintended consequence of the new arrangements might, however, be the emergence of a tiered pathway towards Special Guardianship in cases where there are concerns about the viability of the placement, where birth family relationships are particularly complex or conflicted or where the placement has not been properly tested. In these scenarios 26 weeks may be too short a timescale to make a balanced judgement about the right order that is needed to ensure the child's welfare throughout their childhood. There was a broad consensus amongst local authority and external professionals that this might lead to a stepped process where the local authority seeks an interim residence or care order initially (to keep within the 26 week rule), while (in most cases) the relative is approved as a Regulation 24 foster carer with a care plan to return to court for a SGO should the placement prove successful. It was reported that the courts could agree to a strategy of this kind, even though some considered it to be an undesirable consequence of these changes. It would give time for carers to be properly prepared and for placement relationships to be monitored. The downside would be that kinship carers would require approval for fostering which, as we have seen, not all want.

*'So now you will have a positive viability assessment. Then there will be a court direction for a full Special Guardianship assessment. The placement will often be made under an interim care regime with the local authority instructed to see how the placement goes and what sort of legal framework should be the final order. So I think that's changed.'*

(Association of Child Care Lawyers)

Children's guardians and legal professionals have an important role in public law proceedings in scrutinising the quality of assessments and, where services are to be provided, the content of support plans. It was also reported that the courts could be assertive in scrutinising support plans and in requiring local authorities to reconsider their plans. A number of local authorities recognised that the quality of support plans had been a weak link. Difficulties were amplified for carers of non-looked after children, where clear care plans that could be incorporated into the support plan were not already in place. Compared to unrelated foster carers, kinship carers were sometimes considered to be less informed and less able to advocate for a good support package. This was reinforced by the discretionary nature of the regulations concerning carers of non-looked after children, about which some respondents felt there should be greater prescription.

*'I think we have struggled with developing a proper SGO support plan. We clearly have that with adoption, where we will have a real support plan in place, where it's very clear...I don't think we have that with the SGO.'*

(Solicitor, Area 2)

*'They (kinship carers of non-looked after children) have very little idea what to expect and therefore they don't advocate well for themselves or for the young person in their care...The solicitors try to but it's not always easy because there's so little prescription around Special Guardianship...At the moment the regulations distinguish between those who were looked after and those who were not, but the practical distinction isn't very much. In one case you have to assess but you don't have to provide. In the other case, you don't even have to assess.'*

(Association of Child Care Lawyers)

It was also considered important for support plans to take a longer view, to look ahead at difficulties that might arise at some point in the future and consider how these might be addressed. Some needs may only arise as the child grows or the circumstances of carers change. Some anticipation of these needs ought to be embedded into plans, including procedures by which carers can return for support and how practically they may access services (such as CAMHS) that may have been promised.

*It can look good on paper, but actually there's no substance to it and no easy way back in to access those services. Obviously that can be where (the plan) fails...I suppose the special guardians can then feel very disheartened...because they took on this child with this package and then it hasn't come to fruition.*

(Children's guardian)

## **3.6 Post-order support services**

The regulations require local authorities to make provision for a range of prescribed services to support children and their guardians. As we have seen, the potential range of services is quite broad. There exists a distinction between different categories of applicant. Local authorities *must* assess the support needs of children looked after at the time of the application, if requested by an eligible person to do so, whereas they *may* accede to requests from carers of non-looked after children. Local authorities are not obliged to meet specific support needs uncovered during assessment, although the process must be fair and mindful of actions taken by the authority that may equate to the child being looked after.<sup>22</sup> Local authorities also have broader duties to safeguard and promote the welfare of children 'in need' through the Children Act 1989.

### **3.6.1 Approaches to support**

The earlier York study identified a level of concern amongst practitioners about the extent of discretion in the regulatory framework and the implications of this for the development of inconsistent services between local authorities and for equity between different categories of applicant. Some local authorities were developing a broad range of services, while in others services were more residual. Some extended services to all categories of applicant (whether it concerned a looked after child, a child 'in need' or a 'private' applicant), while others did not

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<sup>22</sup> London Borough of Southwark v D [2007] EWCA Civ 182; R (SA) v Kent County Council [2011] EWCA Civ 1303.

(Wade *et al.*, 2010). Evidence from this study suggests these patterns have continued some years later. Discretion was a major concern for some interviewees, especially in relation to carers of non-looked after children.

*'At the moment, essentially, carers have little right to anything and as long as that remains the case I think (Special Guardianship support) is always going to be problematic.'*

(Association of Child Care Lawyers)

*'There's definitely a gap for them (private applicants) in terms of what they're entitled to and what they're not entitled to. And it's almost a bit of a postcode lottery as to what they get. So it may feel very different for the carer in terms of the advice and support they access.'*

(Local authority solicitor, Area 2)

As we have seen, differences in local authority models or approaches to Special Guardianship that were rooted in different views about the purpose of Special Guardianship carried implications for the organisation and delivery of services. Areas that had moved towards specialisation had tended to more readily embrace Special Guardianship and, in response to rising numbers of applications from a wider range of backgrounds, had invested more heavily in service development. In areas that had been more cautious and non-specialist in approach, where there was an expectation that families would require less support, its development had been more restricted. Overall, therefore, service patterns were inconsistent.

Across the local authorities as a whole, the range of available services was quite large, including: financial assistance; allocated social work support (for differing lengths of time), arrangements for preparation and training, access to therapeutic services (mainly CAMHS), support groups, newsletters, helplines, arrangement and supervision of birth family contact, advice and advocacy with regard to welfare rights, health and education services. No area, of course, provided all of these. Access to services was often difficult and, in some areas, provision was largely restricted to signposting guardians to mainstream providers or alerting them to the availability of a duty service.

*'Sometimes I think the support packages are maybe a little light... Obviously, we're always reluctant to provide resources if we don't have to... One almost feels that there's a support package that comes out as... there's going to be someone on the end of the phone if you need them. That's quite common.'*

(Local authority solicitor, Area 6, critical of the quality of support plans)

In contrast, a number of interviewees emphasised the importance of maintaining a continuing link with families for some time after the order is made, precisely to avoid the difficulties of carers having to cold call a duty service at a time of need. Having a dedicated worker at the end of the phone, whom carers know, being able to maintain at least annual 'how's it going' visits or links through newsletters or social activities were seen as important ways of maintaining these links and making a return for help easier.

*'It's such a nightmare coming through to a Duty service... and you've got to re-explain your history. It's a real issue. So for me to be able to provide a consistent and good*

*service for those families...having someone to manage it, having the resources to put in the support when it's needed, that's important.'*

(Team manager, Area 1)

*'A dedicated support worker) should be a good way of keeping people linked into the local authority, some port of call, and somebody that's proactively making contact with them, so they don't feel they've got to pluck up the courage or feel they're failing by ringing us up. We ring and contact them.'*

(Service manager, Area 3, describing a new service development)

These are sensitive issues for kinship carers, whose past experience of social workers may not have been positive. Asking for help may be viewed as a risky business, carrying the threat of unwanted intervention or the risk that social workers will rush to a negative judgement.

*'My sense is that (kinship special guardians) don't ask (for help)...and the longer you leave it without ringing them up to ask how they are, the more difficult it gets to ring...A lot of our families have very mixed feelings about children's services anyway. They might remember the person who assessed them was nice, but maybe their overall impression is of awful social workers who meddled in their family.'*

(Team manager, Area 7)

The ability of some local authorities to maintain these services was, however, under considerable threat from restrictions within the current financial climate. All local authorities are going through a period of retrenchment with major reductions taking place in most service areas. Local authorities that had taken on Special Guardianship with enthusiasm were coming under strain from the scale of demands it had generated. Hard won gains were therefore at risk.

*'I think the impact of the caps on local government spending mean that some of the enthusiasm with which we implemented things originally, we might now be trying to roll back from...So some of those early (support) packages I don't think would necessarily be repeated.'*

(Team manager, Area 1)

Managing support services for children placed out of authority could be especially challenging. Regulation 5 specifies that the area where the special guardian lives is responsible for undertaking an assessment of need and for provision of any support services that flow from it unless the child is a looked after child, in which case the responsibility rests with the authority where the child was looked after for three years after the SGO is made. These arrangements made for greater complexity and there was concern that services could unravel if border disputes arose or an agreed package was not delivered properly. Support for former looked after children living in other parts of the country (or even overseas) was made extremely difficult unless careful negotiation had been undertaken and contracting arrangements and systems for monitoring the delivery of services were clearly in place.

*'I think that out of area placements can be problematic...We don't have any contracting arrangements with local services, whether that's special education, CAMHS or other health services... We don't have any local relationship with them. So I think it's a*

*problem sometimes getting them engaged...You're dependent on the local social work teams to advise us on what referrals can be made and help us gain access. If they are reluctant to do this, I don't know what the answer is.'*

(Service manager, Area 4)

### **3.6.2 Financial assistance**

The Special Guardianship regulations recognise that financial issues should not present an obstacle to an otherwise suitable arrangement for a child. The powers available to local authorities are quite extensive, including payment of regular allowances, one-off settling in grants and assistance with accommodation, legal or transport costs or with costs associated with meeting the identified support needs of a child. Although financial allowances are generally subject to means testing and annual review, and should not allow for an element of remuneration, payments to foster carers are protected for a transitional period of two years after an order is made. Local authorities may choose to extend this for the duration of the placement (or until the child reaches 18) or to extend it to other categories of applicant. Case law also requires local authorities to benchmark Special Guardianship allowances against the fostering allowance that would have been payable if the child had been fostered.<sup>23</sup>

Apart from financial allowances for foster carers, however, this framework is discretionary, making it necessary for agreed packages of financial support to be written into support plans and placed before the court. Despite these limitations, there was evidence across the authorities of occasional (sometimes regular) assistance being provided to help with legal costs, with costs of child care or nursery placements, with contact arrangements with birth parents or other family members, to meet transport costs or essential items for the home to accommodate a child or a sibling group. Very occasionally assistance was given to extend an existing home, provide for private transport or to help a family to move to a larger home. However, these cases were very much the exception rather than the rule and, where they did occur, were more often perceived to have been driven by pressure from legal representatives or the court.

Provision was not consistent across all areas or in all types of Special Guardianship cases. In keeping with patterns identified in the earlier York study, foster carers (both unrelated and kinship) had greater entitlement. In all areas, allowances were protected for the required two year period and, in line with current legal requirements, were based on the basic fostering rate. In some areas, payments for former foster carers were not means tested, while in others they were, in particular for kinship rather than unrelated foster carers. In some areas, provision was available to maintain the remuneration element and to extend payments for the duration of placement, while in other areas it was not. In most areas, provision for payment of regular allowances had also been made for carers of children involved in care proceedings where entry to care would have been the alternative had a family member not stepped forward. Payments for cases involving children not previously known to the local authority were much more highly restricted. While some areas did make provision where 'exceptional circumstances' applied, these circumstances were not clearly defined in policy documents.

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<sup>23</sup> B v London Borough of Lewisham [2008] EWHC 738 Admin

*'Our policy at the time it was set up was for those children who were looked after rather than where there were private applications for Special Guardianship. We didn't really include those cases.'*

(Service manager, Area 3 – these policies are under review)

*'The duty to assess finance doesn't arise if the child hasn't been known to the local authority, under our policy.'*

(Local authority solicitor, Area 7 – although an allowance can be approved at assistant director level)

*'That's what we're looking at. Do they (carers of non-looked after children) need a monthly amount to maintain the placement? And nine times out of ten that's going to be no, because the child will already have been living with that person prior to the application being made, so it would not be necessary to maintain the placement.'*

(Service manager, Area 4)

Local authorities were therefore, perhaps understandably in the current climate, restricting the use of scarce resources to children for whom they had a legal and continuing obligation to provide support and services and for whom Special Guardianship represented the best outcome of permanence planning. More cynically, perhaps, it could also be suggested that it was also a less expensive outcome for the local authority than long-term foster care.

*'There's always a tension between the budget holders and the visionaries.'*

(Service manager, Area 3)

Several local authorities had endeavoured to establish a level playing field across the main permanent placements (fostering, adoption and Special Guardianship) in order to reduce the potential for disincentives, although these arrangements were generally restricted to looked after children. It was hoped through this to create the circumstances in which the most appropriate plan was determined by the needs of the child and family and not by the advantages and disadvantages that stem from different legal orders. When carers face high levels of uncertainty about the long-term security of their finances, this can act as a powerful motivating factor for choosing one option over another and, as we have seen, has acted as a major disincentive for foster carers taking up Special Guardianship. Of course, carers of children outside the care system are much less likely to be able to exercise choice at all. This relationship between needs, services and legal status has also been the focus of attention in recent literature on kinship care (see, for example, Hunt and Waterhouse, 2012).

*'What we did when (SG) first came out was to try and look at it alongside adoption...to have a level playing field in terms of orders, particularly for existing foster carers, so that if they took out an SGO on a child, or if they were thinking about long-term fostering or adoption, that they wouldn't be disadvantaged financially.'*

(Service manager, Area 3)

However, the financial pressures on local authorities meant that some were now considering reviewing and restructuring their financial support packages to reduce the strain it placed upon

resources – through consideration of means testing, reducing the duration of allowances or their applicability to non-looked after children.

*'I think that the legal profession has felt that local authorities should give an allowance in all Special Guardianship cases, even where they are private arrangements. I think the challenge is that we're not a welfare agency...We only have so much money and we're not a welfare benefits agency.'*

(Service manager, Area 6)

*'I can see a bit of a mismatch in terms of how we can go on funding all these allowances whilst also having less money to spend. That's the main problem as I see it.'*

(Service manager, Area 5)

Within local authorities and national agencies there is a general concern about where the boundary lies between local and central state responsibilities for providing income maintenance to families caring for the children of others. As indicated above, there is a feeling that these are being devolved on to local authorities that are not resourced to provide assistance to those for whom they have no legal obligation, even though the needs of children living in private kinship settings may in practice be very similar. Charities and organisations working in family and friends care have therefore long advocated for a national allowance to be paid to those providing substitute care for children who would otherwise be living within the care system and for changes to the tax and benefit system that would help to ease the financial burden on these families (Hunt *et al.*, 2008; Nandy and Selwyn, 2013). Such an approach would find favour with many of the professionals interviewed during the course of this study.

### 3.7 Summary

This chapter has set out the legal framework that supports Special Guardianship. It has also reviewed findings from local and national policy interviews to highlight policy, practice and resources issues that have arisen over the past seven years.

- Patterns of take-up continue to be similar to those identified in earlier studies. There was a predominant view that most take-up continued to be by relatives and mostly concerned children in or on the edge of care. The majority of cases therefore arose in the public law arena and 'private' applications concerning children not previously known to local authorities were few in number. There was perceived to have been an increase in cases arising during, or as an alternative to, care proceedings. However, applications from unrelated foster carers were low, reflecting concerns about their financial circumstances, loss of support and concerns about birth family contact.
- Different models of service organisation and delivery were evident across our local authorities. These were on a continuum ranging from 'dispersed non-specialist' to more 'centralised specialist' approaches. Specialisation was more likely where numbers of applications justified it, but also reflected a more open approach to the potential of Special Guardianship to provide permanence for a broader range of children and families. In contrast, non-specialist models tended to reflect a more cautious approach to its use mainly

for children in highly settled relationships (mostly foster care) where the need for continuing support (beyond a financial allowance) was much less likely. Different approaches therefore tended to impact on the range of pre- and post-order support services available.

- Concerns were expressed about the increasingly tight timescales for completion of assessments and court reports. For cases arising in care proceedings these are being reduced further (below 13 weeks) to comply with the new 26 week time limit for completing these proceedings. It was perceived that these pressures left insufficient time for in-depth coverage, reflection and analysis and to prepare carers for the responsibilities they were taking on and the difficulties that might arise. Quick assessments in the context of long-term permanence decisions for often young children could create future risks for the placement.
- Assessment of family and friends carers requires sensitivity and insight. Many have not chosen to care, many do not want to be foster carers nor do they necessarily want enduring involvement with the local authority. Models of assessment need to safeguard children through a rigorous assessment process (with a holistic focus on parenting capacity) while developing a format that is acceptable to relatives who may have been caring for the child for some time. Some local authorities were drawing on specialist models of assessment and tools developed by Family Rights Group.
- The quality of support plans was generally recognised as a weak link, especially for carers of non-looked after children. The absence of prescription in the regulations for these carers makes the likelihood of there being a good assessment of need highly variable and the weakness of support plans more difficult to challenge.
- Local authorities were trying to respond to the new environment created by the *revised Public Law Outline*. Greater emphasis was being placed on the need for early identification and assessment of relatives at the pre-proceedings stage (wherever this was possible), including greater use of mechanisms such as family group conferences, panel systems and parallel planning strategies. Where successful, it would be more likely that children could be diverted from care proceedings to Special Guardianship. Compliance with the 26 week rule might also lead in some more complex cases to a tiered pathway to Special Guardianship in which placements could be tested for a time under fostering regulations and, if successful, a later application could be made to the court for a SGO.
- Although local authorities must make provision for post-order services, differences in model were linked to differences in the nature of services provided and to whom they applied. However, even in areas with a high commitment to services, existing provision was reported to be at risk of contraction due to the scale of demand and the financial pressures faced by local authorities. A few, however, were managing to grow their services by relocating them into kinship or post-adoption teams.
- Arrangements for financial assistance were variable across the local authorities. In general, entitlements were greater for former foster carers (both unrelated and kinship carers), including protection of income for at least two years and sometimes for longer. Entitlements

were much more varied where children had not been looked after and often non-existent where local authorities had not had prior involvement with the family.

## **Part 2: the national survey**

This part of the report presents findings from primary and secondary analysis of national data on children who have been made subject to Special Guardianship Orders since the legislation was first implemented in December 2005.

Chapter 4 presents findings from a national survey of all English local authorities undertaken in an attempt to provide estimates of the total number of looked after and non-looked after children who have received SGOs between 1 January 2006 and 31 March 2012.

Chapter 5 presents findings from a secondary analysis of national administrative data held by Department for Education on looked after children leaving the system for Special Guardianship between 1 January 2006 and 31 March 2011 (the SSDA 903 collection).



## Chapter 4 Estimating the number of SGOs concerning looked after and non-looked after children: a survey of English local authorities

The national survey was undertaken primarily to obtain a more reliable estimate of the overall numbers of Special Guardianship orders (SGOs) that have been made since the introduction of Special Guardianship at the end of 2005. Our concern was to include data on both looked after and non-looked after children. At present, there is no single source of published statistics on SGOs. The Ministry of Justice collects quarterly information from Family Courts on the numbers of children involved in public and private law proceedings, which includes SGOs. However, prior to 2011 these data were estimated, they are based at court rather than local authority level and are unable to distinguish between looked after and non-looked after children – even though most of the former would be made in the course of public law proceedings and most of the latter in private law proceedings. The only other national collection derives from annual local authority returns to Department for Education on looked after children (SSDA 903 collection). While these data can generate estimates of children who leave the care system through Special Guardianship, they cannot provide estimates of SGOs provided for children ‘in need’ or for those children not previously known to the local authority.

Our national survey was therefore designed to meet the need for an overall estimate of the numbers of children moving to Special Guardianship between 1 January 2006 and 31 March 2012. Information was sought on:

- The total number of SGOs made in each year.
- The number of these SGOs that concerned looked after and non-looked after children.
- The number of disruptions in SGO arrangements each year (defined as re-entry to care).<sup>24</sup>

Data from the SSDA 903 collection has also been incorporated into the analysis that follows. This has enabled some comparisons to be made between the growing use made of SGOs over these years by local authorities and the use of adoption and residence orders drawing on publicly available data.

As described in Chapter 2, local authorities were first approached to provide this information by email in August 2012 by BAAF, our research partners. The response proved to be disappointing. A further approach was then made through a Freedom of Information request (FOI). This was more successful and returns were eventually received from 139 local authorities (from a total of 152), although some were only able to provide partial information.

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<sup>24</sup> Our initial survey had intended to collect data on a further two items: 1. The number of SGOs granted during public and private proceedings. 2. The number of SGOs granted when the initial plan had been for an adoption order. Unfortunately local authorities were not able to consistently provide this information. This further illustrates the need for better data recording by local authorities as highlighted in the discussion.

## 4.1 Data limitations: the need for improved information on Special Guardianship

The survey presented local authorities with significant challenges and raised a number of issues concerning the quality of data on Special Guardianship that is currently available. Many local authorities were unable to provide reliable answers to the information sought (above). A small minority lacked any centrally recorded information on SGOs and, within the time and resource constraints of an FOI, were not prepared to undertake a manual file search. Most areas were reasonably confident about numbers of SGOs that concerned looked after children. This is not surprising, given their obligation to report these numbers annually to the Department for Education. However gaps were still evident, especially for the earlier years. Much greater uncertainty was evident about SGOs for non-looked after children. Data on these cases was often not recorded and/or collated, was sometimes based on estimates linked to those receiving financial allowances or would have required an often unacceptable manual trawl of case files.

Less than one-half of local authorities were able to provide any information at all on breakdowns in SGOs. Where no data were provided, most reported that they had no mechanism for capturing this information electronically. Although 114 cases of re-entry to care were identified by local authorities in total (across all years), this information is unreliable. For example, it is very unlikely to include cases where former looked after children re-entered the system in a different area to the one where the SGO was made or those where children were not looked after at the time of the SGO but entered the system for the first time at a later point. Furthermore, only 17 local authorities nationally were able to provide reliable information on *both* the making and breaking of SGOs. This has meant that it has not been possible to analyse rates of breakdown across local authorities. For all these reasons, further analysis of breakdown is not presented in this chapter. However, further work on disruption for looked after children has been undertaken in Chapter 5 (utilising our SSDA 903 dataset).

Some of these difficulties have arisen due to the late introduction of centralised databases in many local authorities (and the teething problems associated with these). In part, however, it also reflects the fact that Special Guardianship has not so far found a settled home within local authorities. Often different parts of the process (referral, assessment, court reports, and post-order support services) are spread across multiple teams. Cases therefore become fragmented and central oversight (including the recording and collation of information) is lost:

*'I have only recently come into post as the SG social worker, prior to which cases were spread across different teams. I am collating a database of our SGOs now so should be able to provide such information in the future. All I can advise is that I am not aware of any cases of breakdown up to now, though that is not to say it hasn't happened, just that it has not been possible to identify such. I know we have had one breakdown recently (2012), though that child has returned to SG.'*

(Special Guardianship social worker)

Several local authorities reported that they were developing improved information systems going forward. Some mentioned that this was in preparation for new reporting requirements (including breakdown statistics) that are to be introduced by the Department for Education. These

developments would be welcome. It is vital for local authorities to have access to centralised electronic information on the numbers of children leaving the system through Special Guardianship and on what happens to them subsequently – whether they return to the care of the same or another local authority or whether they move within the family network more informally should these arrangements break down.

However, improvements in data systems for looked after children alone are insufficient. Special Guardianship bridges the public world of local authorities and the private world of families. Every Special Guardianship application (even those concerning children not previously known to service providers) requires the local authority to undertake an assessment of suitability and to prepare a report for the court. These cases also need to be made identifiable on the information system so that, in the future, local authorities are able to deliver information on *all* SGOs. This is not just an academic exercise. Local authorities have a duty to make provision for services (including financial assistance) to support Special Guardianship families (Department for Education and Skills, 2005). Knowing the size of the local (and national) population affected by Special Guardianship is vital to the development of effective service planning and commissioning. A Department for Education requirement for local authorities to report annually on all SGOs (looked after and non-looked after) would not only encourage local authorities to comply but also provide for a single (more accurate) statistical collection on the national use being made of Special Guardianship for all children.

#### **4.1.1 Limitations to the data presented here**

Given this pattern of variability, some compromises to our analysis and presentation have been necessary. In relation to numbers of SGOs for looked after children, we have employed both our survey returns and the Department for Education's statistics for the relevant years.<sup>25</sup> We have used these data in two ways. First, we matched both sets of statistics to create a maximum annual number of SGOs for looked after children in each local authority. In doing this, we followed some simple rules:

1. Where our survey data from local authorities was missing for particular years, we substituted the number of SGOs returned to the Department for Education for that year.
2. Where data for a particular local authority and year was available from both our survey and Departmental statistics, but did not match, we selected the higher figure to establish a maximum estimate. Our assumption was that local authorities were more likely to underestimate rather than overestimate SGOs by failing to identify real cases.

Second, we have used the Department for Education statistics (alone) on numbers leaving the care system in each local authority through SG, adoption and residence orders for each year to compare relative patterns in usage of these different permanence pathways for children. Our purpose was to provide a simple test of whether a rise in the use of SG had effects on these other pathways.

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<sup>25</sup> We thank colleagues at the Department for Education who provided us with unsuppressed statistics by local authority on all children ceasing to be looked after for SG, Adoption and Residence Orders for the relevant years (1 April 2005 to 31 March 2012).

A further issue relates to information provided by local authorities on children not previously looked after. As we have seen, much greater uncertainty surrounded these SGOs. Many local authorities simply failed to provide a response, while others entered 'zero' for every year. Unless (as requested) a note had been attached to establish the authenticity of these responses, these data were treated as missing. In consequence, information was provided for less than half (45 per cent) of the possible data entry points and only 24 local authorities had been able to provide data for all years.<sup>26</sup> The analysis of these cases is therefore inevitably basic. We describe the numbers of SGOs that were identified annually and, taking account of the relative size of local authorities, provide an indicative national estimate. However, caution should be exercised in relation to these findings.

## 4.2 Looked after children moving to Special Guardianship

Using the method described above to create a maximum estimate, we identified that a total of 8,971 SGOs had been made during our survey period. Some small discrepancy exists with Department for Education statistics, where 8,338 children were reported to have left care under a SGO during the same period (7 per cent fewer) – see Table 4.1.

**Table 4.1 - Looked after children moving to Special Guardianship: annual numbers**

Years	2005-6	06-07	07-08	08-09	09-10	10-11	11-12	Total
Total SGOs in year	98	807	1180	1332	1421	1960	2173	8971
Mean SGOs granted per LA	.65	5.38	7.86	8.88	9.35	12.89	14.29	
Std. Deviation	1.71	5.14	8.06	7.86	8.43	10.93	12.09	
LAs with 1 or more SGOs in year	44	127	136	142	144	147	148	

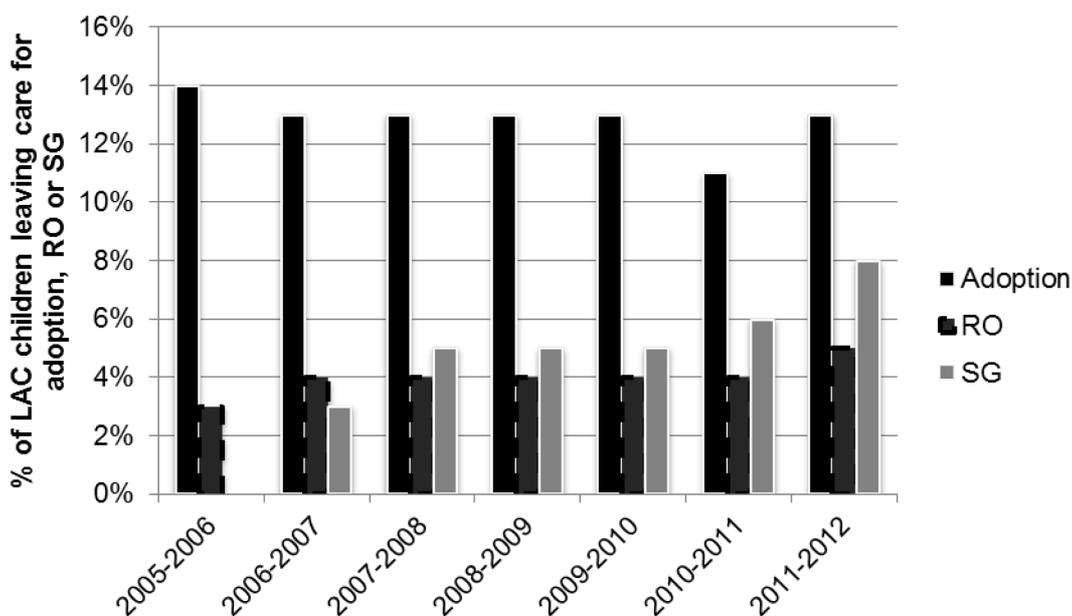
Table 4.1 gives the annual figures for all local authorities that had one or more SGOs in a year and shows a steady pattern of increase in the use of Special Guardianship. Local authorities vary in the degree to which they use Special Guardianship, as indicated by variations in standard deviation. However, the number of authorities using Special Guardianship as a strategy for enabling children to exit the care system has become more widespread. Less than one-third of local authorities (n=44) made early use of this provision compared to 97 per cent of local authorities in 2011-12.

<sup>26</sup> Our first data request did not seek data for 2011-12. It was not practical to follow up the 47 local authorities that had responded, thereby reducing further the sample size for that year.

## 4.2.1 Comparing SGOs to adoption and residence orders

Utilising solely the Department for Education’s unsuppressed statistics on children ceasing to be looked after in each year for Special Guardianship, adoption or residence orders, we made a basic comparison of patterns of usage between 2006 and 2012. Figure 4.1 shows the steady increase in use of Special Guardianship, such that approximately eight per cent of all children who ceased to be looked after in year ending 31 March 2012 had taken this pathway.

**Figure 4.1 - The proportion of children in England leaving care for Adoption, Residence Order or Special Guardianship 2005/6-2011/27**



In the three years prior to the introduction of Special Guardianship (2002-2005), around 15 per cent of all children ceasing to be looked after had left through the making of an adoption order. This had reduced slightly to around 14 per cent in 2006 and (apart from a small dip in 2010-11) has remained broadly stable at 13 per cent. Furthermore, while there had been speculation that use of residence orders may reduce in light of the introduction of Special Guardianship (see Wade *et al.*, 2010), the data presented here does not confirm that. Indeed, there has been a slight upward trend (from around three per cent in 2005-6 to five per cent in 2011-12). Overall, the proportion of children leaving the system through one of these permanence pathways has increased from around 17 per cent in 2005-6 to 24 per cent in 2011-12.

These figures were also explored at a regional level to identify any regional variations (see Table 4.3 at the end of this chapter). Not surprisingly, variations at regional level did exist, although explanations for these variations cannot be derived from these datasets. Overall, however, this analysis (though basic) has not found evidence to support a contention that the growth in use of Special Guardianship by local authorities has been offset by a reduction in the use of adoption or residence orders. It is therefore more likely that these pathways to permanence are being used (as originally intended) in a complementary way to extend permanent solutions to a broader range of

<sup>27</sup> A tabular representation of these patterns is provided in Table 4.3

children than would previously have been the case. Further analysis of this dataset undertaken in Chapter 5 suggests that this may well be the case.

### 4.3 Non-looked after children moving to Special Guardianship

The absence of a national statistical collection that includes children not previously looked after by local authorities means that the size of this population has not been known. We are only able to provide a crude estimate here, since many local authorities were unable to report on these children. As shown in Table 4.2, we have been able to identify a minimum of 2,009 SGOs for non-looked after children from January 2006 to March 2012.

**Table 4.2 - Observed numbers of non-looked after children receiving Special Guardianship Orders by year**

	2005-6	2006-7	2007-8	2008-9	2009-10	2010-11	2011-12	Total 2006-12
Total SGOs granted per year	11	124	218	317	421	484	434	2,009
Mean SGOs per LA	0.2	1.72	2.95	4.17	5.13	5.83	9.43	
Std. Deviation	0.519	4.26	5.21	6.065	6.216	7.219	15.129	
Number of LAs providing data	56	72	74	76	82	83	46	

However, given the amount of missing data the real number is likely to be much higher than this. In order to generate an (admittedly crude) national estimate we have extrapolated from the number of SGOs reported by local authorities that were also able to provide information on non-looked after children.<sup>28</sup> Taking account of the relative sizes of the 0-17 populations in these areas for each relevant year (and the total population for England), we can estimate that there may have been in the region of 4000-5000 SGOs made for this group of children in the study period (Office for National Statistics, 2013).<sup>29</sup>

Whilst these estimated figures need to be interpreted with caution, not least because they rest on an assumption that missing data were randomly rather than systematically distributed across

<sup>28</sup> Further checks were undertaken to ensure that these local authorities were broadly representative of all authorities in England. First we checked that there was no over-representation of large or small authorities in the sample. Second, in local authorities that provided data for **both looked after (LAC) and non-looked after children (NLAC)**, we checked to ensure that the numbers of LAC children in these areas obtaining SGOs was in line with our national estimate for all LAC children. As a result, we can be more confident that these local authorities providing data on NLAC were reasonably representative of all local authorities nationally.

<sup>29</sup> Worked example: In 2005-6 the total population of the 56 LAs that provided data on non-looked after children (NLAC) represented 32% of the total 0-17 population for England that year. If we then crudely assume that the 11 NLAC SGOs represent 32% of all NLAC SGOs granted in that same year we can estimate that the total SGOs granted was in the region of 30-40  $(100/32)*11=34$ .

authorities, we felt it was important to present the likely numbers of non-looked after children being made subject to Special Guardianship Orders as they form a substantial proportion of the Orders being made.<sup>30</sup> Their absence in previous reporting may therefore lead local authorities and the government to underestimate the resources required to support Special Guardianship families.

In addition to the total number of SGOs in those local authorities that were able to provide us with data, Table 4.2 also reports on the pattern of growth in the use of Special Guardianship for non-looked after children. The mean number of SGOs per local authority has increased year on year as the order has become more established. It is also important to note that the standard deviation also increases and is quite large – demonstrating significant variability across local authorities in the number of orders that are being made for non-looked after children.

Where local authorities were able to provide us with annual data for *both* non-looked after and looked after children receiving SGOs, we have been able to look at what proportion each group makes up of the total Orders made in these local authorities. Children not previously looked after have represented between 24 per cent (2006-7) and 41 per cent (2011-12) of all SGO cases (as shown in Figure 4.2). As before, there is a great deal of variability across local authorities with respect to the use of Special Guardianship for looked after and non-looked after children. Overall, however, the proportion of SGOs concerning children not previously in the care of local authorities appears to have risen over the years.

Using published data from the Ministry of Justice for the period April 2011-March 2012, the proportion of non-looked after children made subject to SGOs in all tiers of court during that year appear to be even higher (at approximately 51 per cent of all SGOs).<sup>31</sup> Of course, some caution is needed when interpreting these data. First, while our national survey was based on numbers of SGOs made (and applications may relate to more than one child), this dataset is based on numbers of children subject to SGOs and should therefore be higher. Second, MOJ statistics do not distinguish between looked after and non-looked after children but rather report on cases arising in public and private law proceedings. Evidence on the proportion of SGOs affecting non-looked after children can therefore only be inferred. Despite these limitations, however, the use of these data adds to the story and demonstrates that a high (and growing) proportion of SGOs concern children who have not previously been looked after by local authorities as more people

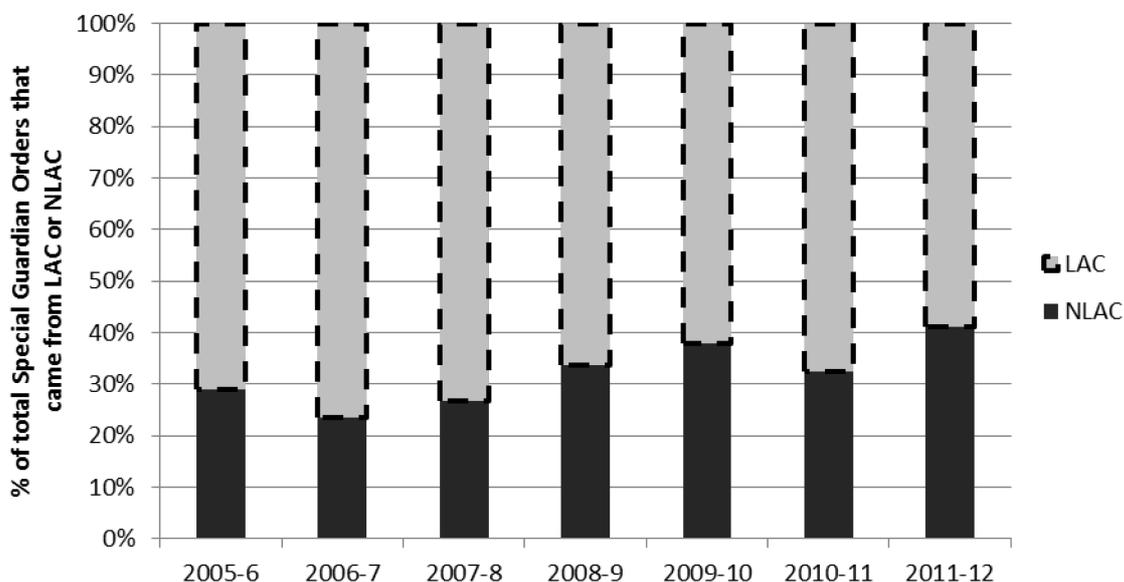
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<sup>30</sup> To confirm the reliability of our estimate, rather than just use population estimates, we checked our findings by using the reported numbers of looked after (LAC) and non-looked after (NLAC) children moving to SGOs in our survey period (2006-2012). In doing this we calculated an estimated total figure for non-looked after children in two additional ways, both of which provided estimates within our predicted range. For these analyses we used **data from local authorities that had provided both LAC and NLAC figures** (which ranged from 46 to 83 depending on the year). 1: We identified that these local authorities accounted for 44% of all the looked after children that moved to SG within the study's timeframe. From this, assuming a similar pattern of variance for non-looked after children across these authorities, we may estimate that our reported NLAC figures may account for approximately 44% of the total NLAC sample  $(100/44)*2009=4565$ . 2. As an additional check, we calculated that the reported NLAC total for these local authorities was approximately one half (51%) the LAC figure in these areas for the years 2005-2012. From this, we can then estimate that the total NLAC figure for all local authorities for this period may be approximately half the total LAC figure  $(8971*.51)=4575$ .

<sup>31</sup> We can estimate from our survey returns that approximately 2,173 SGOs were made for looked after children in that year. Published Ministry of Justice statistics for the same period indicate that 3,093 children were subject to SGOs in public law proceedings and that a further 1,379 children to SGOs made in private law proceedings. If we deduct the SGOs for looked after children from the overall total, we can estimate that in the region of 2,299 non-looked children were made subject to SGOs (51 per cent of the total).

have become aware of the provisions of Special Guardianship and what it can offer to carers of children who cannot live with their birth parents.

**Figure 4.2 - The proportion of children moving into Special Guardianship who were not previously looked after**



## 4.4 Conclusion

Since the introduction of Special Guardianship, the number of children being provided with permanence through SGOs has steadily increased as have the number of local authorities using it to secure permanence for looked after (and other) children. How local authorities use it varies considerably and these variations exist both in relation to looked after and non-looked after children.

As a route out of care for looked after children, there is no obvious indication that this increase has been offset by a decrease in the use of adoption or residence orders, with the proportions of children taking these alternative pathways to permanence remaining fairly stable. This evidence (consistent with findings to be presented in Chapter 5) therefore suggests that Special Guardianship is so far being used in a broadly complementary way to provide a permanence pathway for a broader group of children for whom some form of legal permanence is planned.

Despite limitations in the accuracy of some of the data that we received, we feel we can be fairly confident in the patterns of growth in Special Guardianship that have been presented. We estimate that there has been in excess of thirteen thousand SGOs granted since 2006, with approximately one-third of these being for non-looked after children. The fact that over 30 per cent of the 115 respondents to our survey of special guardians reported that their children had not been looked after immediately prior to obtaining the SGO, gives us further confidence in these identified patterns.

Our intensive study in seven local authorities, the findings from which are presented in later chapters, provides a much richer picture of the characteristics and circumstances of Special

Guardianship families and on the experiences, support and progress of children within them. This serves to strengthen our understanding of the factors that contribute to the successful permanent placement of children through Special Guardianship and of its place within the spectrum of permanent arrangements for the upbringing of children. However, there is considerably more that can be learnt from large-scale administrative data on looked after children leaving the system for Special Guardianship and it is to this that we now turn in our next chapter.

## 4.5 Summary

- Since the Order's inception in December 2005 the numbers of children being offered permanency through Special Guardianship has steadily increased year on year. As a route out of care, there is no obvious indication that this increase has been offset by a decrease in the use of adoption or residence orders, with the proportions of children taking these alternative pathways to permanence remaining fairly stable.
- There is a great deal of variability between local authorities in the extent to which Special Guardianship is being used and the particular groups of children it is being used for. Chapter 5 looks at these issues in greater detail.
- At present, there is no single national statistical collection on use of Special Guardianship. Data provided by Department for Education has focused on children moving out of care into Special Guardianship. In addition, statistics provided by the Ministry of Justice have been unable to distinguish between looked after and non-looked after children. Despite the challenges of obtaining information on this latter group, the data collected from this survey indicates that since 2008-9 at least a third of all SGOs have been made for non-looked after children.
- In order to obtain accurate data on SGOs local authorities should collect and collate information on all cases, including non-looked after children where a Special Guardianship order is made. Local authorities are legally required to undertake assessments and prepare court reports for all Special Guardianship applications and, provided there is an identifier for these cases on the central information system, this should therefore be feasible. This will be important information for local authorities and government, not least in assisting local authorities to meet their obligations to provide a framework of services to support Special Guardianship.
- Despite limitations in the accuracy of some of the data that we received, we feel we can be fairly confident in the patterns of growth in Special Guardianship that have been presented. We estimate that there has been in excess of thirteen thousand SGOs granted since 2006, with a third of these being for non-looked after children.

**Table 4.3 - Regional patterns of growth of Special Guardianship**

<b>England</b>	<b>2006-2007</b>			<b>2007-2008</b>			<b>2008-2009</b>			<b>2009-2010</b>			<b>2010-2011</b>			<b>2011-2012</b>		
<b>Reason Leaving Care</b>	<b>Adoption</b>	<b>RO</b>	<b>SG</b>															
<b>England</b>	<b>13%</b>	<b>4%</b>	<b>3%</b>	<b>13%</b>	<b>4%</b>	<b>5%</b>	<b>13%</b>	<b>4%</b>	<b>5%</b>	<b>13%</b>	<b>4%</b>	<b>5%</b>	<b>11%</b>	<b>4%</b>	<b>6%</b>	<b>13%</b>	<b>5%</b>	<b>8%</b>
<b>North East</b>	17%	5%	4%	14%	6%	5%	16%	5%	5%	15%	5%	5%	15%	8%	7%	17%	7%	7%
<b>North West</b>	14%	6%	4%	14%	5%	6%	15%	5%	7%	15%	6%	7%	13%	6%	8%	15%	6%	11%
<b>Yorkshire and The Humber</b>	16%	5%	2%	16%	4%	3%	18%	4%	4%	17%	6%	5%	15%	5%	7%	17%	6%	8%
<b>East Midlands</b>	15%	5%	2%	17%	4%	4%	17%	4%	4%	16%	3%	4%	13%	6%	6%	15%	5%	7%
<b>West Midlands</b>	14%	5%	3%	13%	4%	3%	13%	4%	3%	12%	5%	4%	12%	6%	6%	12%	5%	7%
<b>East of England</b>	19%	2%	2%	16%	4%	5%	16%	4%	5%	15%	4%	5%	12%	4%	7%	13%	4%	9%
<b>London</b>	9%	3%	3%	9%	2%	5%	9%	2%	6%	7%	2%	5%	7%	2%	5%	8%	3%	7%
<b>Inner London</b>	10%	3%	4%	9%	2%	7%	11%	2%	8%	7%	3%	7%	7%	2%	6%	9%	4%	8%
<b>Outer London</b>	7%	3%	2%	9%	2%	3%	8%	2%	4%	8%	2%	4%	7%	2%	4%	7%	4%	6%
<b>South East</b>	13%	4%	4%	14%	3%	6%	11%	4%	5%	13%	3%	5%	10%	3%	7%	11%	3%	9%
<b>South West</b>	13%	3%	3%	12%	3%	3%	12%	4%	5%	12%	4%	5%	11%	4%	4%	11%	4%	5%

# Chapter 5 Looked after children and Special Guardianship: further analysis of national administrative data

## 5.1 Introduction

Wade and his colleagues (2010) earlier study documented the hopes, disappointments and fears that surrounded the introduction of Special Guardianship. One concern was that, because an SGO is made upon application to the court by those eligible to do so, procedures for assessment and preparation may not always be as stringent as for adoption and foster care, especially as SGOs are made without a requirement for a prior legally sanctioned settling-in period. A second was that variation in the way SG was implemented as part of the permanence planning arrangements of local authorities would lead to inconsistent practices, such that it would be too much a matter of chance whether SGOs were used appropriately and when needed. A third and related concern was that in consequence of inadequate assessment and variable practice children might be made subject to SGOs when they would have been better adopted and that perhaps in consequence the breakdown rate would prove to be unduly high.

In this chapter we will explore how far these fears have come about and in particular we will ask:

- What kinds of children are receiving SGOs and are they so similar to those receiving adoption that it looks as if one might be substituted for the other?
- Whether authorities making heavy use of SGOs make less use of adoption.
- Whether authorities vary in the way they use SGOs and in the children they deem appropriate for them.
- Whether the outcomes in terms of known breakdowns are as high as feared, either in general or for particular groups of children.

### 5.1.1 Data

Our main source of data was provided by local authority (SSDA 903) returns on 5,936 children who were recorded as receiving an SGO at some point between 1 January 2006 and 31 March 2011. The data covered the basic characteristics of the children (age, sex, ethnicity and reason for entry) and of their care histories. The latter included the dates, legal basis, locations, and providers involved in the children's different placements, the categories of placement involved (e.g. whether fostered with strangers or with family or friends) and their destination on leaving the system prior to any SGO (e.g. whether they were adopted, went home and so on). From these data it is possible to construct other variables of interest such as the child's age at entry, the number of times they left or entered the system and the length of time they spent in care.

The data themselves were provided by local authorities to the Department for Education who carried out various checks in order to produce a 'clean set'. Further work was done on them by Julie Selwyn and Dinithi Wijedasa at the University of Bristol who had been given access by the Department to a wider set of data relevant to adoption. They in turn provided us with this subset of data. As with any large data set collected for administrative purposes there was inevitably some inconsistency and inaccuracy. However these problems were not so great as to make us doubt the patterns we found<sup>32</sup>. We are very grateful to all those involved for the work they have done in providing us with data in which we have confidence.

By themselves these data were able to answer most but not all of the questions we have asked above. For example, they enabled us to compare the characteristics of the children receiving SGOs with what is known about children who are adopted, to explore how far the characteristics of children receiving SGOs differed between authorities, and to examine how many SGOs were known to 'break down' in the sense that the children returned to the care system in the same authorities. The question that could not be answered from these data concerned the degree to which authorities making heavy use of SGOs may or may not have reduced their use of adoption. In exploring this question we have used information made public by the Department for Education.

### 5.1.2 Analysis

The original data were in Excel but were transferred to SPSS by the Bristol team. We have used their file to create additional variables in which we were interested and have analysed the total data set using SPSS v21. For some limited analyses we have combined these data with publicly available data on local authorities<sup>33</sup>. In addition we transferred some of our data into MIWin v2.27 so that we were able to analyse it using a multilevel model (i.e. one in which we could explore the apparent effects of both variations between individual children and, at the same time, variations between the authorities looking after them). In practice, however, we have only used this facility as a check on conclusions reached by other methods.

There are two caveats to the analysis we should make here. First, the numbers are very large. This means that very small differences of say two or three per cent may appear on statistical testing to be very highly significant, while being of very little practical significance. Where we report a significant result of this kind, we point out how small the difference in question really is.

Second, the analyses we report are exploratory and in some cases we do them simply because we could. We predict little since by and large we do not know what to expect. This does not mean that our 'findings' are suspect – for example, if we report the percentage of children in our sample

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<sup>32</sup> For example, it is possible to define date of first entry to the care system in terms of the date of the first recorded placement or, alternatively, the date of the first placement recorded as an entry to the care system. Logically these two dates should be the same but in practice this is not always so and this anomaly also has consequences for the natural way of counting the number of entries to care. In practice, however, it is possible to get round such anomalies to some extent (e.g. by treating the first recorded placement as an entry) and whatever way the variables are defined the relationship between (say) 'number of placements' and (say) future instability remains much the same.

<sup>33</sup> This provided us with some problems – for example, how to deal with changes in authority boundaries over time, how to deal with numbers that were missing. We have described our response to such difficulties with footnotes in the text.

fostered with families and friends, this figure should be accurate for our sample and, unless policy and practice changes, should be a guide as to what one can expect in the future.

What are inevitably doubtful are any interpretations that we put on our findings. In part this reflects the limited nature of the data available to us – so our findings on outcomes are based on information on whether a child returns to the same local authority before the cut-off date for our follow-up. This does not mean that children who do not have this outcome are necessarily doing well. They might have gone into the care of another authority, they might ‘break down’ at a later date when they become teenagers, they might have moved to live with other relatives or they might simply be very unhappy where they are.

Overall therefore our analysis has to be seen as a ground clearing exercise, a matter of mapping out what is there and sketching some of the relationships that seem to exist among the data. In practice we think that this takes us farther than we expected to get. We are confident that the more detailed look described later in this report takes us further and gives us a greater ‘feel’ for these and other data and thus greater confidence over where the truth may lie.

## **5.2 Describing and comparing the sample**

This section sets out to describe the sample, compare it with children who were adopted, and use publicly available data, along with new findings on adoption from Julie Selwyn and her colleagues in the Bristol team (Selwyn *et al.*, 2014), to explore how far authorities were using SGOs to complement adoption or substitute for it.

### **5.2.1 Characteristics of children**

The basic data covered age, age at entry, sex, and ethnicity. All of these are also available on those who are adopted.

#### **Age at Entry to Care**

Those who are adopted from care almost always enter it at a very young age. Previous research suggested an average of 1.6 years (Sinclair *et al.* 2007) and 2.1 years on entry to care (Biehal *et al.* 2010). Selwyn and colleagues (2014) report an even younger age at 1.2 years. The average age at first entry of those eventually subject to an SGO was over a year older at 3.2 years. This is clearly still a young age group, with just 26 per cent aged five or over at first entry.

#### **Age at first Special Guardianship Order**

According to the latest English statistics for looked after children the average age at adoption was 3.7 years (3 years 8 months). Again those receiving an SGO were somewhat older being on average five and a half years old, a difference of nearly two years at the time of the order. Table 5.1 gives the age distribution at the time the first (and almost always only) Special Guardianship order was made. The findings confirm previous research on Special Guardianship (Wade *et al.*, 2010; Hall, 2008) in suggesting that just over half (55 per cent) of the children were under five years old.

**Table 5.1 - Percentages in different groups at time first SGO was made**

<b>Years</b>	<b>Number</b>	<b>Per cent</b>
Under 5 years	3275	55.2
5-9 years	1624	27.7
10 years or over	1037	17.5
<b>Total</b>	<b>5936</b>	<b>100.1</b>

As in the case of adoption the great majority of the orders are made when the child is young – nearly three quarters (83 per cent) before the age of ten. That said, 17.5 per cent of the orders were made when the children were older (including 20 when they were 17) whereas in 2012 only two per cent of adoptions were made for children aged ten or over. As envisaged at the time the legislation was implemented, therefore, Special Guardianship does appear to be providing a route out of care for some older looked after children<sup>34</sup>.

### **Sex**

National figures for adoption out of care in the year 2011/12 suggest that it is evenly divided between boys and girls (50 per cent male and 50 per cent female). The Bristol team reported that 51 per cent of their sample was male. In our sample the figures for SGOs are very similar (50.4 per cent male and 49.6 per cent female). In the care system as a whole, boys outnumber girls by around 10 per cent (Department for Education, 2012). Clearly this is not so among those adopted or on SGOs. Two factors may help to explain this. First, the disparity in the number of girls and boys is much greater among the older age groups who are less likely to get these orders. Second, even after allowing for age, girls are somewhat more likely to be adopted (and also perhaps put on an SGO) than boys (Sinclair *et al.*, 2007)

### **Ethnic origin**

Most of the children adopted out of care (85 per cent) are white<sup>35</sup>. Of the remainder, ten per cent are of 'dual heritage', two per cent Asian and the remainder are of Black or Black British (three per cent) or other origin (two per cent). Table 5.2 gives the breakdown for the SGO sample.

<sup>34</sup> The Department for Education adoption and Special Guardianship pack shows a similar distribution but cuts the age ranges slightly differently. Between April 1<sup>st</sup> 2007 and March 31<sup>st</sup> 2010, 51 per cent of children on SGOs were under five as against 74 per cent of those adopted. At the other end of the age scale 10 per cent of those on SGOs were aged 12 or over as against only 1 per cent of those adopted.

<sup>35</sup> Figures are from Department for Education statistics for the year 2011/12. The Bristol team report a slightly higher figure of 88 per cent white for their adoption sample.

**Table 5.2 - Ethnic origin of children moving from care to Special Guardianship**

	<b>Number</b>	<b>Per cent</b>
White British	4486	75.6
Black or Black British	444	7.5
Asian	109	1.8
Mixed origin	672	11.3
Other ethnic origin	225	3.8
<b>Total</b>	<b>5936</b>	<b>100</b>

Again the majority of the children are White British. This is, however, less pronounced than in the case of adoption and equivalent to the percentage found in the latest (2012) figures for those children who had stayed in care at least a year (75 per cent). Other research (Sinclair *et al.*, 2007, Selwyn *et al.*, 2008)<sup>36</sup> has found that white children are disproportionately likely to be adopted. There does not seem to be a similar trend for those made subject to SGOs.

One of the hopes for Special Guardianship was that it would be more acceptable to some minority ethnic families where reservations may have been held about adoption. One reason put forward for this was the close connection between Special Guardianship and kinship care, which was relatively common. Against this background Table 5.3 sets out the relationship between ethnicity and the use of kinship care at the first placement and then at the placement prior to the SGO.

The first column in Table 5.3 provides no support for the idea that minority ethnic families would be more likely to welcome a kinship placement than would be the case for White British families. More than a third (36 per cent) of the White British children were in placements of this kind while the same was true for less than a third of the mixed origin (30 per cent), Black (32 per cent) and Asian (23 per cent) children. By the time of the placement before the SGO all groups had greatly increased their proportionate use of SGOs, the Asian children by around 50 percentage points, and the others by between 29 to 34 percentage points. So although kinship placements may not be initially more attractive to minority ethnic families than to White British families, they may become more attractive to them once the child is looked after.

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<sup>36</sup> "Amongst cases referred to adoption panel, black and Asian children spent longer being looked after before the recommendation for adoption was made. White and mixed ethnicity children were more likely to be adopted and to be adopted at older ages (up to 10 years old). Children from minority ethnic backgrounds were also more likely to have their plan changed away from adoption if no adopters had been found within six months, whilst efforts to place white children continued for longer." Selwyn *et al.*, (2008)

**Table 5.3 - Ethnic origin by percentage of children first and last placed with family and friends carers**

	First placed with kin		Last placed with kin	
	Number (n=2081)	Per cent	Number (n=4058)	Per cent
White British	1623	36.2	3137	69.9
Black or Black British	141	31.8	267	60.1
Asian	25	22.9	79	72.5
Mixed origin	202	30.1	414	61.6
Other ethnic origin	90	40.0	161	71.6

### Reasons for first entry

All looked after children are given a need code which is meant to describe the main reason they needed to be looked after. Inevitably this coding is rough and ready. The codes themselves (e.g. abuse and neglect) cover a very wide variety of situations, and in many cases the problem is not so much one difficulty but the way a number of different difficulties build up. Nevertheless the different codes certainly provide useful information and are associated with different ages at entry and different pathways in care (Sinclair *et al.*, 2007).

Table 5.4 gives the distribution of need codes in the sample when they were first looked after. We also looked at the same distribution in their last placement before the SGO. In practice the two distributions were almost identical and almost all the children had the same need code at that point as they had had when they first entered the system.

These figures are very similar to those found for adoption<sup>37</sup>. The Department for Education's 2012 figures identify 4 per cent of adopted children first entering care due to 'parent/ill disabled' as against the seven per cent found in our sample. It is possible that this is a real difference. For example, there might be a wish to preserve family ties where the problem is identified as being one of parental physical or mental ill health for which no one is seen as being to blame. Alternatively, there may be a difficulty in arranging adoptions for children who are disabled. This, however, is speculation and the main picture is that the distribution of need codes for those adopted out of care in the year 2011/2 and those receiving SGOs in our sample is very similar (for example, abuse and neglect 72 per cent and 69 per cent respectively, family dysfunction 13 per cent and 13 per cent and family stress six per cent and six per cent).

<sup>37</sup> The comparisons are with the 2011/2 adoption figures but the Bristol team similarly report that 72 per cent of their adoption sample had a first need code of abuse or neglect (maltreatment)

**Table 5.4 - Need codes at first entry to care**

	<b>Number</b>	<b>Per cent</b>
Abuse or neglect	4103	69.1
Child disability	42	0.7
Parental illness/disability	420	7.1
Family stress	425	7.2
Family dysfunction	792	13.3
Child behaviour	25	0.4
Low income	20	0.3
Absent parent	109	1.8
Total	5936	100

There are some differences in the distribution of need codes between adoption and Special Guardianship, on the one hand, and figures for all looked after children on the other. For example, the 2012 figures for all children looked after at a particular point identify 62 per cent as having had a need code of abuse or neglect in comparison to 69 per cent of our sample. Much, perhaps all, of these differences have to do with the relatively young age of those adopted or subject to an SGO. The coding for abuse and neglect is, for example, much more common among those children entering at a relatively young age (Sinclair *et al.*, 2007)<sup>38</sup>.

### **Legal Status**

The legal status of children reflects their age, need code and length of time in the system (Sinclair *et al.* 2007). At admission, younger children are much more likely to be on an Order (in this case predominantly an Interim Care Order) than older children. So too are those with a need code of abuse or neglect (Sinclair *et al.*, 2007). These facts no doubt reflect the perceived vulnerability of these children and the need for the local authority to exert control over their situation. With the passage of time those who have been looked after for some time are much more likely to be subject to an Order (interim or full) than those who have just started to be looked after, a fact that no doubt reflects the return home of some of those entering voluntarily and the conversion of some voluntary admissions into Care Orders. In 2011/12, for example, 62 per cent of those *entering* the care system did so voluntarily but this was true of only 29 per cent of those looked after on 31 March 2012<sup>39</sup>.

<sup>38</sup> This study was largely focused on children looked after at any point in a given year. Among these 71 per cent of those entering under the age of 11 had a need code of abuse or neglect as against 32 per cent of those entering when older.

<sup>39</sup> These figures exclude those entering as part of an agreed series of voluntary placements.

Table 5.5 sets out the legal status of our sample at first entry and immediately prior to their first (and almost always only) Special Guardianship Order. As can be seen the proportion of voluntary admissions was lower than that found among looked after children as a whole, a finding that is again likely to reflect their relatively young age and the somewhat higher proportion with a need code of abuse or neglect.

As would be expected, immediately prior to the SGO the number without any legal order had reduced to around one-in-seven. The Table also identifies a small number of children (n=46) where adoption had been planned prior to Special Guardianship proceedings.

**Table 5.5 - Legal status at first entry and immediately prior to SGO**

	Legal status at entry		Legal status at time of SGO	
	Number	Per cent	Number	Per cent
Voluntary accommodation	2306	39.0	859	14.5
Voluntary series of linked episodes	31	0.5	6	0.1
Interim Care Order	2459	41.6	3809	64.2
Full Care Order	59	1.0	1211	20.4
Emergency Protection Order	358	6.1	0	0
Police protection	498	8.4	0	0
Freeing/Placement Order	2	0.0	46	0.8
Assessment Order	1	0.0	0	0
Supervision Order	0	0	3	0
Not recorded	198	3.3	0	0
Total	5912	99.9	5934	100

### 5.2.2 Careers in care

A calculation was made of the children's 'career length'. We defined this as the period from the child's first entry to the care system to the time he or she was subject to a first Special Guardianship Order. On average this time was 2.32 years (roughly two years four months) and nearly eight out of ten children (78 per cent) received their Order later than six months but within five years of their entry into care. Nevertheless, there was a wide range with a handful of children spending hardly any time in care while others had spent a number of years:

- Just over a quarter (28 per cent) were subject to their first SGO within a year of entry;

- Nearly four out of ten (37 per cent) were subject to their first SGO during their second year;
- A further one-in-eight (12 per cent) were subject to their first SGO in their third year;
- The remaining quarter (23 per cent) were subject to their first SGOs from three to fifteen years after entering the care system.

We will look later at whether there are other differences between those who wait a relatively long time and those who wait for less.

The great majority of these careers were continuous. Ninety per cent of the children never officially left the care system before receiving an SGO. A further eight per cent did so once. The remaining two per cent had done so from two to 43 times with the high numbers being almost certainly those who had been tried on an agreed series of voluntary admissions<sup>40</sup>.

The number of placements fell into three roughly equal groups. In the period before they received an SGO nearly four in ten of the children (39 per cent) had one placement, just under a third (30 per cent) had two placements and a similar proportion (31 per cent) had three or more placements. Eight children out of nearly 6000 had 21 placements or more.

### 5.2.3 Nature of first and final placements

Table 5.6 sets out the first and last known placements of our sample of children. More than one-third of these children were first placed with relatives. This contrasts greatly with published statistics for 2011-12 for looked after children, where just 10-11 per cent of those who started to be looked after in that year were placed with relatives.<sup>41</sup> Overall, the direction of travel towards placement with family and friends reflects the findings of earlier studies on Special Guardianship (Wade *et al.*, 2010; Hall, 2008), with over two-thirds having a last placement of this kind.

These findings contrast sharply with those on adoption. Previous research (Sinclair *et al.* 2005a) has suggested that very few, if any, of those who are placed in family and friends foster care go on to be adopted. The Bristol team reported that only four per cent of their adopted sample was first placed with relatives or friends (Selwyn *et al.*, 2014). By contrast around two-thirds of those subject to an SGO were fostered with a relative or friend immediately before the order was made.

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<sup>40</sup> The Bristol team highlighted that the codes for 'short breaks' do not always seem to have been used when appropriate.

<sup>41</sup> Department for Education (2012) *Children looked after by local authorities in England, including adoption, year ending 31 March 2012*, Table C4. Available at: <https://www.gov.uk/government/collections/statistics-looked-after-children>.

**Table 5.6 - Nature of first and final placements**

	Placement type at entry		Placement type prior to SGO	
	Number	Per cent	Number	Per cent
Family and friends care	2081	35.1	4058	68.4
Other foster care	2978	50.2	1826	30.8
Placement with parents	332	5.6	36	0.6
Residential care	304	5.1	7	0.1
Other	241	4.1	9	0.1
<b>Total</b>	<b>5936</b>	<b>100.1</b>	<b>5936</b>	<b>100</b>

### 5.3 Do local authorities making greater use of SGOs make less use of adoption?

In many ways children made subject to SGOs share very similar characteristics to those who are adopted. They enter care at a very young age; they are mostly looked after because of concerns about abuse or neglect and they leave the care system on average about two years and four months after they first entered it. These characteristics, and in particular their young age, almost certainly account for many of their differences from looked after children as a whole.

Despite the similarities between those adopted and those made subject to SGOs the two groups also differed in certain respects. Although young, the SGO group were on average around a year older at first entry into care and around one in six were made subject to an SGO over the age of ten. By contrast very few (about 1 in 50) are adopted at this age out of care. The most striking difference from those who were adopted relates to the proportion placed with kin.

So children subject to SGOs are in some ways like and, in some ways, unlike those who are adopted. The similarities raise the question of whether SGOs are sometimes used as a substitute for adoptions. If so we might expect that local authorities that used SGOs frequently would seek fewer Adoption Orders than they had done in the past. Care, however, needs to be taken in defining what we mean by 'substitution' in this context. A local authority may, in an individual case, plan for a SGO when previously they would have planned for adoption. This may happen quite often without reducing the number of adoptions since the effect may be to enable a potential adopter to adopt another child who would otherwise have remained in care. So 'individual substitution' can take place without necessarily resulting in 'group substitution', whereby growth in the number of SGOs is reflected in a reduction in the number of adoptions. In this section we are looking at 'group substitution'.

We explored this hypothesis by using nationally available data. To do this we needed a measure of the degree to which authorities changed their use of adoption following the introduction of SGOs. We therefore compared their average yearly rates of adoption per thousand children over

the period 1 April 2003 to 31 March 2004 with the rates achieved between 1 April 2007 and 31 March 2010 (the period covered by the Department for Education data pack). By subtracting the first figure from the second we achieved a measure of the degree to which each authority was increasing or decreasing its rate of adoptions. We also measured the yearly average rate per authority for using SGOs over the period 1 April 2007 to 31 March 2010 and correlated this with our measure of change in the use of adoption.

The analysis was not refined,<sup>42</sup> but suggested that SGOs were not being used as a substitute for adoption at a group level. Authorities that were relatively high users of SGOs relative to their population also seemed to be high users of adoption in 2007- 2010, although the correlation was small ( $r=.25$ ,  $p=0.004$ ). There was also a positive correlation between change in the rate of adoptions and the rate of SGOs in 2007-2010 ( $r=.24$ ,  $p=0.03$ ). These correlations are small and could have a variety of explanations. However, they are in the opposite direction to what would be expected if heavy users of SGOs were for this reason making less use of adoption.

As we have seen there are also differences in the characteristics of children placed through adoption and those on SGOs. This raises the question of how far the two Orders complement each other. If this was so, for example, it would be expected that authorities which used many SGOs would reduce their use of the care system over time. At first sight there was evidence that this had happened. This time we measured the change as the difference between the average rate of children in the care system in the three years prior to the introduction of SGOS and the average rate for 2008 to 2010. We found a negative correlation between a high use of SGOs and growth in the rate of children in the care system ( $r=-.24$ ,  $p=0.006$ ). At first sight therefore SGOs seem to be complementing adoption by providing an alternative route to permanence and thus reducing the numbers in care.

In practice, however, the negative correlation between growth in the care population and use of SGOs is hard to interpret. Authorities using a lot of SGOs seem to have been 'permanence minded' and tended to make more use of residence orders<sup>43</sup> and adoption. More importantly they tended to have relatively high rates of children in the care system in the first place and, if this was taken into account, the association between change and use of SGOs vanished. So it seems likely that the encouraging association between a reduction in care and the use of SGOs partly reflects

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<sup>42</sup> We faced various difficulties, changes in the names and/or boundaries of local authorities over the periods we were considering (dealt with by dropping these authorities), uncertainty over whether missing data genuinely reflected missing data or simply a figure that it was felt too low to record (we dealt with this as missing data and omitting authorities with missing data from analyses to which these were relevant) and lack of time to obtain the population data needed to calculate rates (we estimated these using the rate calculations done by the Department for Education for 2006 and 2010). With additional time it would probably have been possible to find more satisfactory solutions to these problems. However, it seemed clear from the analysis we did that even so the results would not be clear cut.

<sup>43</sup> We used the Adoption data pack to carry out an analysis of the effects of the use of residence orders similar to that reported here for the use of SGOs. We decided, however, that the results were even more tentative than those reported above. We did not have a baseline for the use of residence orders (as we did for both adoption and SGOs). In addition there were a large number of 'blank' entries and we were not sure if these reflected a 'no return' or a figure that was close to nought. The analysis we did do seemed to point to the same conclusion as the analysis of SGOs and adoption. This, however, is very uncertain territory.

'regression to the mean'<sup>44</sup> combined, perhaps,<sup>45</sup> with a determination on the part of authorities with high rates in care to reduce these by various means including the use of SGOs.

## 5.4 Differences by local authority and by routes to an SGO

Preceding sections have looked at the characteristics of children moving from care to Special Guardianship and at differences between SGOs and adoptions. They also examined differences between local authorities in the amount of use they made of SGOs and whether this appeared to affect the number of adoptions they made or the size of their care populations. In this section we stay with the differences between local authorities and thus with the question of whether the introduction of SGOs has led to a post-code lottery with different local authorities making varied use of them, both in terms of the frequency with which they use them and the type of children they consider appropriate for them.

Our analysis in this section explores three main sources of difference between children and in the practice of local authorities:

- Whether or not the children were made subject to a SGO within a year of entering care.
- Whether or not they were living with kin immediately before the SGO was made.
- Whether or not they remained with the same carer after the SGO was made.

The proportion of children receiving their SGO within a year of becoming looked after can be considered a marker for what might be termed a 'family arrangement' model of SGOs. It suggests that the local authority is being asked to assess an existing arrangement or at least an arrangement on which the family is broadly agreed, while the local authority also ought to have satisfied itself on what it considers to be the best plan for the child.<sup>46</sup> Of course, where the child is not yet living with these carers or has only been doing so for a relatively short period of time, there will have been less chance (if any) for the local authority to test the strength of the proposed arrangements.

Being fostered with kin is also a marker of a 'family arrangement' model. The situations of those fostered with kin (and our assumption here is that the vast majority of those involved in family and friends care are in fact kin) are also likely to differ from those fostered with strangers. Quite a lot is

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<sup>44</sup> Very high or low values of any measure at a particular point in time tend to reflect some element of chance which has led to the unusually high or low scores (e.g. an individual has been tested on a particularly 'good day') When the measure is taken again the same chance factors may not be operating and so the measure tends to move towards (regress to) the mean.

<sup>45</sup> This caveat is necessary since it is also possible that some other factor (e.g. a high degree of urbanisation) leads to a high use of both care and SGOs. If so, the use of SGOs might have nothing to do with any conscious policy to reduce the care population.

<sup>46</sup> When an application for an SGO is made, the local authority is expected to complete a report for the court within three months.

known about the advantages and disadvantages of kinship and stranger foster care and some at least of these issues are likely to carry over where SGOs are made with kin.<sup>47</sup>

Our last main source of difference is whether or not the SGO is made to the foster carer who looked after the child. The potential importance of this is that it would seem to allow a chance for the arrangement to be thoroughly tested before it is made final by a SGO.

In our next three sections we will look at whether there were differences between local authorities in these respects (e.g. if in some a much a higher proportion of orders were made within a year than in others). We will also look at the correlates of these measures (e.g. at whether orders made quickly were more likely to be associated with certain types of order) and at whether these correlates might explain any differences we find between authorities. In our final section we will examine whether these measures seem to predict differences in outcome (understood as a breakdown and return to care).

#### **5.4.1 Did the children obtain an SGO within a year?**

Depending on the authority, the percentage of children that obtained an SGO within a year of entering care varied from none to 86 per cent. As might be expected, the extreme values tended to be among those authorities where there were very few children. However, even among the 40 authorities where 50 or more children had received SGOs the percentages still varied from eight to 52 per cent.<sup>48</sup> Statistically it is virtually impossible for variations of this size to occur by chance.

There could be various explanations for these startling variations. For example, the authorities could be looking after different kinds of children; they could differ in their view of the kind of child suitable for an SGO; they could vary in the priority they gave to getting the child's future settled quickly as against giving everyone a chance to see how things were working out; or they could simply have more time available for getting matters settled. Similar differences could obviously apply to the local courts. From our point of view the first question is whether the differences have to do with differences in the kinds of children involved or in the way they were treated, and if so whether either or both of these differences are able to explain the variations between the authorities.

In practice the most obvious factors distinguishing the children whose SGO was made within the year followed from the short time they spent in the care system. So it was no surprise, for example, that they had had fewer placements. Nor was it particularly surprising that they were younger at the time of the SGO, as they had spent less time in care. The shaded rows in Table 5.7 (showing differences in the average number) set out the extent of these 'obvious' differences.

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<sup>47</sup> See, for example: Farmer and Moyers (2008); Hunt *et al.*, (2008); Lutman, *et al.*, (2009); Sinclair (2005).

<sup>48</sup> One-fifth of the local authorities reached this figure for less than 19 per cent of the cases and one-fifth did so for more than 40 per cent of the cases.

**Table 5.7 - SGOs made within a year by average number of placements, length of last placement, age at SGO, and average number of exits from care before the SGO**

SGO within year of entry		Placements before SGO	Length of Last Placement	Age at SGO	Exits before SGO
No	Mean	2.51	1.84	6.23	0.196
	Number	2301	2301	2301	2301
	Std. Deviation	1.66720	1.74561	4.20804	.81219
Yes	Mean	1.56	0.60	3.80	0.007
	Number	899	899	899	899
	Std. Deviation	.79236	.24916	3.75442	.08147
Total	Mean	2.2434	1.4898	5.5469	.1431
	Number	3200	3200	3200	3200
	Std. Deviation	1.53579	1.58579	4.22886	.69528

Other differences were either slight or applied to very small groups of children. There was an average difference of four months in the age at which they first entered the care system – something which was very highly significant statistically but probably not of great practical importance. In addition they were less likely to be given a need code of ‘absent parent’, ‘child disability’ or ‘child behaviour’. These codes, however, accounted for less than three per cent of the sample.

Two factors did distinguish the ‘early SGO group’ in ways that did not seem either obvious or inconsequential. First, they were less likely to be voluntarily accommodated at the start of their period in the care system (28 per cent as against 44 per cent), and slightly less likely to be so at the end (13 per cent as against 18 per cent). Part of the explanation for this may be the time needed to obtain a sound legal basis for dealing with the group that waited longer.

Second, those where an SGO was made within one year were more likely to have had a family and friends placement at the beginning (52 per cent as against 29 per cent). There was a similar but much less marked contrast in the last placement (77 per cent as against 65 per cent). At present, SGOs seem to be primarily an Order that is used in kinship placements (see also Wade *et al.*, 2010). No doubt it takes time to get some of these arrangements into place and tested. Less time may be needed if the children are placed with relatives in the first place, especially where they have been placed with a view to Special Guardianship as a planned outcome. Assessment and care planning are also likely to have different timescales attached to such placements, enabling a speedier transition.

It seems on the face of it unlikely that these associations with kinship care and being on a Care Order are sufficiently powerful to explain the major variations between local authorities in the

proportions who obtain SGOs within a year. We confirmed that this was so by examining the differences between authorities within four groups:

- Child on any Care Order and in a kinship placement when first looked after.
- Child on any Care Order but not in a kinship placement when first looked after.
- Child accommodated under s20 and in a kinship placement when first looked after.
- Child accommodated under s20 and not in a kinship placement when first looked after.

Within each of these groups there were very large and massively significant variations between local authorities in the proportions of children receiving an SGO within twelve months of entry to care.<sup>49</sup>

### 5.4.2 Placements with kinship foster carers

Local authorities differed greatly in the proportion of first placements which were made with family and friends foster carers (range 0 per cent to 70 per cent). The extreme values tended to be found in those authorities which had placed few children. However, even when we restricted the analysis to those authorities with at least 50 children in our sample the range was still large (10 per cent to 56 per cent).<sup>50</sup>

The range in the percentage of kinship foster placements was even greater with respect to the last placements that preceded the SGO. In fact it was as great as it could be (0 per cent to 100 per cent). Restricting the analysis to the smaller group of local authorities with at least 50 in the sample reduced the range, but it nonetheless remained very large (23 per cent to 92 per cent).<sup>51</sup>

We compared those whose first placement was with kinship foster carers with the rest of the sample. They differed from the others in being rather older at entry (an average of three years four months as against two years six months). They were also more likely to be on some form of Care Order (68 per cent as against 59 per cent of others). In other ways they seem to have had a less complicated time in care. Thus they spent less time on average in care before the SGO was made, were less likely to leave the system at any point and had fewer placements (see the shaded rows in Table 5.8). Once the SGO was made they were more likely than others to stay with the person who had been looking after them in foster care (71 per cent as against 61 per cent).

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<sup>49</sup> In order to achieve reasonable numbers in the various cells we restricted this analysis to authorities which had at least fifty children in our sample. A similar analysis using a multi-level model and the programme MIWin produced a similar finding using 'career length' as the dependent variable. In this model age at entry was significant but voluntary admission was not. The overall effect of the local authority remained very highly significant.

<sup>50</sup> One-fifth of the local authorities reached this figure for less than 20 per cent of the cases and one-fifth did so for more than 48 per cent of the cases.

<sup>51</sup> One-fifth of the local authorities reached this figure for less than 56 per cent of the cases and a fifth did so for more than 80 per cent of the cases.

**Table 5.8 - First placement with relative or friend by average time from entry to SGO, number of placements before SGO and number of exits before SGO**

First placement with relative or friend		Years from Entry to First SGO	Placements before SGO	Exits before SGO
No	Mean	2.57	2.69	0.25
	N	3855	3855	3855
	Std. Deviation	2.25583	2.48065	1.54128
Yes	Mean	1.85	1.45	0.024
	N	2081	2081	2081
	Std. Deviation	1.80319	1.00417	.15788
Total	Mean	2.32	2.26	0.17
	N	5936	5936	5936
	Std. Deviation	2.13592	2.16818	1.25005

We also compared those whose final placement was with kinship foster carers with the rest of the sample. In general the results were very similar to those just given. They also were more likely than others to be subject to some form of Care Order, to have spent less time on average in care, had fewer placements and were less likely to have left the system before the SGO was made, but they were more likely to stay with the same carer post-SGO. The contrasts were, however, less sharp and they were not on average older at entry than others. In short, some of the differences seem to have been diluted by some children who entered when quite young, did not go immediately to a family and friends foster placement and took some time to arrange the kinship foster placement that was their final destination.

The children in kinship foster placements did not differ much from the rest of the sample in their individual characteristics. So they were not more likely to be male than the others and did not differ from them greatly in age. They did differ significantly in their need codes, but this reflected the large numbers rather than any pronounced contrast. Certainly there was no difference which would have prepared us for the great differences between local authorities in their use of these placements.

### **5.4.3 Special Guardianship Orders and continuity of care**

Our data allowed us to distinguish between SGOs that were made to the child's existing foster carer (kinship or unrelated) and those made to a new carer, thereby involving a move for the child. Once again there was a massive variation between different local authorities. In this case the range was 15 per cent to 100 per cent. Restricting the analysis to local authorities that had at least

50 children reduced the range slightly but it still stood at 18 per cent to 94 per cent.<sup>52</sup> In some areas, therefore, children were much more likely to have to move at the time of the SGO.

Moreover, amongst those who did not move, there were large variations in the proportions that stayed with unrelated or related foster carers. Again restricting the analysis to authorities that had at least 50 children, the proportion of SGOs made to unrelated carers varied from 0 to 42 per cent and the proportion of SGOs to kinship carers from 24 to 91 per cent.

Across all local authorities the differences between those who stayed with the same carer and others were not great. There were effectively no or only tiny (less than 4 per cent in any cell) differences in terms of sex, need code, and legal status at the start of the order. There were small differences of the order of six per cent in terms of legal status immediately prior to the order and ethnicity (those staying with the same carer were more likely to be White British). There were larger differences in terms of whether they were at first placement or immediately prior to the order placed with relatives (39 per cent as against 29 per cent at first placement and 74 per cent as against 58 per cent at placement prior to SGO). As we have seen, placement with relatives provided for greater continuity.

Other differences and similarities are more easily expressed in terms of averages rather than percentages. So there were no differences on average between the two groups in terms of the number of their placements in care or the number of times they left the system before the first SGO. By contrast those where an SGO was made to their previous carers entered when older, had spent longer in the care system before receiving an SGO, and had spent longer in their last placement. Table 5.9 sets out the mean or average figures.

**Table 5.9 - Comparisons between those who do/do not stay with the same carer after receiving an SGO**

Type of SGO		Age at Entry	Years from Entry to First SGO	Placements before SGO	Length of Last Placement	Number of Entries	Exits before SGO	Age at SGO
Previous Carer	Mean	3.46	2.62	2.29	1.81	1.36	.170	6.08
	N	3798	3798	3798	3798	3798	3798	3798
	S.D.	3.55063	2.31394	2.30300	1.85286	5.34039	1.14002	4.37215
Not to previous Carer	Mean	2.74	1.79	2.22	1.11	1.31	0.17	4.53
	N	2079	2079	2079	2079	2079	2079	2079
	S.D.	3.28711	1.65478	1.92035	1.18375	2.29694	1.44469	3.74450
Total	Mean	3.20	2.33	2.26	1.56	1.34	0.17	5.53
	N	5877	5877	5877	5877	5877	5877	5877
	S.D.	3.47633	2.14179	2.17543	1.68119	4.50508	1.25615	4.22614

<sup>52</sup> One-fifth of the local authorities reached this figure for less than 43 per cent of the cases and one-fifth did so for more than 84 per cent of the cases.

It was not to be expected that the differences in the characteristics of the two groups would explain the very large differences we found between authorities. We checked this assumption using a multilevel model which also suggested that they did not.

## 5.5 Estimating known breakdowns in SGOs: children returning to care

It seems that local authorities can make a difference to how quickly orders are made, whether they are to relatives and friends and whether they are made to the carer who has been looking after the child. A crucial question is whether these differences make a difference to outcome and if so whether they make enough of a difference to justify the fear that variations in practice could lead to an undesirably high level of breakdowns.

Our measure of outcome was whether or not the child was shown as having returned to the care system following the first SGO. Across the sample as a whole, only 136 children (2.3 per cent) were known to have done so. At first sight this looks like encouraging evidence of the durability of SGOs. Here, however, there are three reasons for caution. First, as explained in the footnote, the measure 'returned to the care system' is a very imprecise measure of the degree to which SGOs 'disrupt'<sup>53</sup>. Second, many of the children in our sample were very young and in no real position to disrupt placements in which they were unhappy. Third, the length of follow-up varied from a matter of days to years. The chance that an SGO would break down is clearly much greater if it has three years in which to do so than if it has three weeks.

In practice the last of these problems may have made little practical difference. An estimate of the proportion of children who returned to the care system over three years was around four per cent and not much greater than the unadjusted figure (using Cox regression). This is consistent with findings from Selwyn and colleagues' study which, working with the same administrative dataset and using a similar methodology, estimated an SGO disruption rate of 5.7 per cent over five years,

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<sup>53</sup> The Bristol team correctly pointed out that some of those who appeared to have returned to the care system were in fact almost certainly on 'an agreed series of short breaks'. These breaks should have been excluded from the data but because of miscoding may sometimes have been present. Their own enquiries with local authorities had indeed established that this error did occur. In considering this problem we took into account the fact that in theory an agreed short break should last no longer than 17 days. Examination of the data identified 11 children who appeared to have had episodes of care after their SGO but where the episodes had never lasted longer than 17 days. Of these 11, one had had two SGOs implying that the first one had indeed ceased. Two began the putative episode within 17 days of the cut-off date of 31<sup>st</sup> march 2011 and had no end date. It is likely that these two actually lasted longer than 17 days, although we cannot tell. The largest group (seven) had a code of E4 for the end of the relevant episode(s) and this is supposed to be given when the child returns to parents but not when a child returns to a Guardian or on a residence order. So it is most likely that at some point the child left the Guardian and returned to parents. One did have the E8 code for the ending which would be correct for a short break, but it is possible that this child too had returned to parents. It seems therefore that the great majority of those we identified as returning to the care system will have had SGOs that did not last. Our measure can therefore be useful in analyses of the kinds of children whose SGOs are least likely to last and we have not changed it.

higher than the equivalent rate for adoption (0.72 per cent) but much lower than for children on residence orders (14.7 per cent) (Selwyn *et al.*, 2014).<sup>54</sup>

As might be expected, the risk of breakdown rose with age. Examination of the differences by age suggested that children who were older at the time the SGO was made were at greater risk of a disruption. Table 5.10 shows the proportion of children in different age groups (at the time the SGO was made) who it was estimated (using survival analysis) would continue to reside with their Special Guardianship family after five years.

**Table 5.10 Percentage of children that had not returned to the care system over five years by age group**

Age group (at time of SGO)	Number	Per cent <sup>55</sup> not returned to care after five years
0-1	1571	98
2-4	1704	96
5-6	747	95
7-8	626	90
9-10	476	86
11-12	388	94
13+	424	92
Total	5936	

While, overall, the estimated percentage of children known to return to the care system averaged just over one per cent per year, this rose to an estimated peak of nearly three per cent per year for those aged nine to ten when the SGO was made (14 per cent in total over five years), before settling back again for those who were older than this.<sup>56</sup> The higher rates of return to care among these smaller groups of older children almost certainly reflect two rather different influences. First, it reflects the greater difficulties that are found in achieving all forms of permanence among those who enter the system relatively late and, second, the greater risk of breakdown among children passing through early adolescence.

One final caveat to these findings should also be noted. The fact that the placement does not disrupt (in the way we have defined disruption) does not necessarily mean that the placement has

<sup>54</sup> Both studies employed survival analysis to calculate rates of disruption over time. In this study, we used Cox regression and life tables. Selwyn and colleagues employed Kaplan-Meier to estimate these rates. Although different techniques were used, the results are essentially the same.

<sup>55</sup> Percentages shown are life table estimates.

<sup>56</sup> Of course, children aged 13 or over at the start of their order will have had a reduced length of time at risk (they could not legally return to the care system when aged over 18 and would be very unlikely to do so when aged 17). Similarly they probably had more options open to them if they decided they no longer wished to live with their Guardian(s) when aged 16 or over.

not ended or, if still there, that the child is happy and doing well. For example, the child may have been looked after in a different authority or have moved to live with people other than their special guardians, such as other family members or, if old enough, out of family altogether to live alone or with non-related adults or friends. Sinclair and his colleagues (2007) also found a number of children who, when young, had spent a long time in placements where they had been acutely unhappy but from which they were unable to move. There is, of course, no evidence in these figures that anything of this kind is happening here. However, the possibility does underline the need for the kind of detailed look at the placements that comes later in this report.

Amongst the 136 children who were known to have returned to the care system after the SGO had been made, half of them did so after 15 months and half before this. This is consistent with findings from the Bristol team, where disruptions of SGOs were found to occur much more quickly than was the case for adoptions – 75 per cent within two years compared to just 14 per cent of adoption disruptions (Selwyn *et al.*, 2014). The Bristol team also found that, after a SGO disruption, 82 per cent of children returning to the care system were placed in unrelated foster care and only small minorities were placed in kinship foster care (6 per cent) or residential care (8 per cent).

Amongst our SGO sample, just over half (52 per cent) had only one recorded placement after returning to care, a further 30 per cent had two or three placements, while the remainder had four or more. Twelve out of the 136 children had one more SGO, one of which had subsequently broken down again. However, one child was subject to three SGOs all of which broke down.

### **5.5.1 Correlations with breakdown**

As we have seen, the rate of breakdown, as we measured it, is very low. There are reasons for regarding this finding with caution. However, it is nonetheless important to examine which children are most likely to return to the care system after an SGO. This is partly because, although the event is rare, it is highly significant to those experiencing it. In addition, the factors which are associated with breakdown may also be associated with other negative outcomes which we did not measure but which are also very important to children and their families.

We carried out a variety of analyses seeking to predict breakdown after taking account of the length of time we followed the child after the first SGO. To do this we used the method of Cox's regression and looked at the following variables:

- Basic variables – age at entry, sex, whether White British, whether had a need code of abuse or neglect at entry;
- First Placement variables - whether first placed with kinship carers, whether first placement voluntary;
- Stability variables – number of placements prior to SGO, number of exits from the system prior to SGO;

- Last placement variables - whether last placement in public sector, whether last placement with kin, whether last placement voluntary, length of last placement;
- SGO variables – age at receiving first SGO, whether SGO within a year, whether SGO to previous carer.

In making our analyses we ‘set the bar high’, only including variables in the final model if they were significantly associated with our outcome at a level of at least one in a thousand, after taking account of the other variables in the model.

Information on these variables is variously available at different stages of a child’s career, but our final model (see Table 5.11) used all the information that would be available to a social worker or court considering an SGO at the point when the final pre-SGO placement had been made. As can be seen children were more likely to return to the care system:

The greater the number of placements they had;

- The older they were at the time of the SGO;
- If they did not go to the carer who was looking after them in the care system;
- If they had not had their last placement with kin.

**Table 5.11 - Cox logistic regression with breakdown as dependent variable**

	<b>B</b>	<b>SE</b>	<b>Wald</b>	<b>df</b>	<b>Sig.</b>	<b>Exp(B)</b>
Placements (n)	.057	.009	39.037	1	.000	1.058
Last placed with kin	-1.107	.177	38.881	1	.000	.331
Age at SGO	.099	.019	26.389	1	.000	1.104
SGO not with Carer	.782	.180	18.796	1	.000	2.185

**Note –** A positive figure in the B column denotes a positive association with breakdown

These findings are similar to those found with comparable populations. Age at entry is associated with stability in the care system and in adoption. Kin placements tend to be robust and often last longer than others in the care system (Farmer and Moyers, 2008; Hunt *et al.*, 2008; Sinclair *et al.*, 2007; Selwyn *et al.*, 2014). Children who have had many placements in care tend to break down more than those who have had few (Sinclair *et al.*, 2005b) and children who are adopted by their carers are (initially at least) more likely to adapt to adoption (Sellick and Thoburn, 1996; Sinclair *et al.*, 2005a). In these respects, therefore, SGOs seem to be showing similar trends to those already observed in other comparable provision.

Four final points should be made.

First, the positive finding on the effect of kin should be regarded with some caution. Our criterion was return to the care system. Kin carers are almost certainly more likely than stranger carers to react to the potential breakdown of a placement by seeking an alternative within the wider family rather than in the care system.

Second, the finding that SGOs that are made with carers who have not previously fostered the child are more likely to breakdown should, perhaps, make authorities cautious about using such placements for SGOs before they have had a chance to test them out within the care system. In addition, those who are placed with kin are more likely to have a bond with them than those who are placed out-with kin with whom they have not previously been living. As we have seen, authorities differ very greatly in the degree to which SGOs are made to the previous foster carer so that some might well review their practice in this area.

Third, the final model contained only two of the key variables on which we have shown local authorities to differ (placement with kin and SGO with previous carer) but not the third (looked after for less than a year). Provided the child is placed with kin and goes to the same carer it does not seem to matter how long their care career is. Where these criteria are met, therefore, there is good sense in making the decision for a SGO early in the child's care career. Apart from anything else, this would reduce the age at which the child receives an SGO which is one of the factors associated with breakdown.

Finally although these differences are massively significant they do not seem in themselves large enough to justify ruling certain children out for an SGO. For example, children who are aged over ten at the time of the SGO, were not living with kin and did not go to the same carer should be, on the basis of our model, high risk. Yet out of 60 children who met this definition only 2 (3.3 per cent) were known to have returned to the care system within the period of the study.

## 5.6 Summary and conclusion

We began this chapter by pointing to anxieties that surrounded the introduction of SGOs. These included the particular fears that:

- SGOs could be used where adoption would have been the better permanence plan for the child.
- Authorities would make very different use of SGOs.
- The resulting breakdown rate among those with SGOs might be unduly high.

As far as it goes, our analysis counts against these fears.

Children moving from care to SG are indeed quite like those adopted in that they are, on average, much younger than others in the care system and thus more likely to have a need code of neglect or abuse. They are nevertheless, on average, somewhat older than those adopted and they are much more likely to have been living with a relative at some point in their care career. Contrary to fears that were expressed when SGOs were introduced, there was no evidence that authorities

that encouraged greater use of them became for that reason less likely to make use of adoption. Indeed, local authorities encouraging a high use of SGOs seemed if anything to make more use of adoption than other authorities and to be more likely than others to reduce the numbers in their care system, albeit from an initially high rate. As children tend to receive SGOs when they might otherwise have spent a very long time in the care system, this suggests that the use of SGOs has complemented other pathways to permanence for children and enabled a substantial saving of money.

It certainly was true that authorities were using SGOs in very different ways. The extent of these differences must be startling even to those who are inured to the fact that different authorities do things very differently. In particular, some authorities virtually restricted their use to children placed with kin whereas others made quite frequent use of stranger foster placements. There were also striking differences between authorities in the speed with which SGOs seem to have been made and the degree to which children subject to an SGO stayed with the same carer. In general the data suggested that the children could be divided into three groups: an agreed family arrangement group where the child was first placed with kin, stayed in care for less than a year and moved to the same kin; an achieved family arrangement group whereby the child was not initially placed with kin but later moved to them either within the system or on the granting of an SGO; and a stranger carer group where the SGO was made to the foster carer with whom the child had been living. Local authorities varied greatly in the proportion of children who fell into these different groups.

These differences were certainly not explained by differences in the children concerned. They could, however, be seen as an opportunity, since they suggest that authorities that make relatively little use of SGOs for either stranger foster care or, alternatively, for kinship placements might be able to adjust their permanence policies to encourage the overall take-up of Special Guardianship.

Whether or not authorities should adjust their policies depends on the outcomes of these policies. In this respect our analysis was mildly encouraging. The apparent breakdown rate for the whole sample was very low, although this may have partly reflected our definition of 'breakdown' (known return to the care of the same local authority). Risk factors for breakdown on this definition seemed to be similar to those that are found elsewhere in the care system (age, number of previous placements, whether placed with kin, whether starting a new placement). It was true that the rate of known breakdowns was higher among those who were not kin and also where the SGO was not with the previous carer. However, the rate of breakdown seemed to be low even among high risk groups. To this extent the fears (amongst some) of a high rate of breakdowns may have been exaggerated.

For these reasons the variations in practice that we found among authorities may be more of an opportunity than a problem. In particular, local authorities who are reluctant to use SGOs where children are already placed with stranger foster carers should find that they can do so without greatly increasing breakdowns. Authorities who are reluctant to use SGOs for kinship placements can also alter their policy without running this particular risk. What is important is that they have an eye to what we will argue later are the potential strengths of SGOs (in particular their ability to benefit from the pre-existing bonds between child and carer) and also their potential downsides

(such as the withdrawal of support from the authorities when it may be needed or difficulties with birth families). Overall therefore these statistics should be seen as encouraging. They are, however, limited. We know at the moment far too little about the way in which children and families experience SGOs and about the way in which this experience changes over time. These are issues for the chapters that follow.

## **Part 3: the intensive study**

This part of the report presents findings from the intensive study conducted in seven local authorities. The intensive study focused on a three to six year follow-up of Special Guardianship families in these authorities who had obtained SGOs between 1 January 2006 and 31 December 2009.

Chapter 6 introduces the children and guardians who formed this sample of 230 families.

Chapter 7 describes their journey towards Special Guardianship and experiences of assessment, preparation and of the court hearing itself.

Chapter 8 describes the experiences of these families over the follow-up period, the support provided to them and assesses the progress made by children in key life domains. The more complex analyses that inform this chapter are set out fully in Appendix B.

Chapter 9 considers the often vexed question of birth family relationships and the effects of managing these on children and their guardians.

Chapter 10 looks at movement, change and stability and provides a descriptive focus on disruption in Special Guardianship arrangements and the consequences of breakdown for all concerned. Appendix B sets out the statistical analyses for this chapter.

Chapter 11 turns a spotlight on the support and services provided to Special Guardianship families.



## Chapter 6 The carers and their Children

In this chapter we describe the characteristics and backgrounds of the special guardians and children in the seven local authorities included in our intensive study. We begin by profiling the 'index' children, the special guardians and their households, including other children living with the special guardian. The index child is either the only child that the carer has become a special guardian for during the study timeframe or the eldest child in the case of sibling groups.<sup>57</sup> We then trace the children's journey, as far as this is known, by describing the reasons children were unable to live with their birth parents and their care histories prior to Special Guardianship. Where possible, we consider the representativeness of our study sample, as compared to the national data available for children leaving care for Special Guardianship (see Chapter 5), whilst remaining mindful that our study sample is made up not only of children who have exited the care system, but also children who were on the edge of care or were the subject of a 'private' application, having not been previously been known to the local authority. The chapter concludes with a description of the typical routes to Special Guardianship that these children had taken.

### 6.1 Profile of the children

Special Guardianship is intended to provide a pathway to permanence for certain groups of children for whom adoption is not thought feasible or appropriate. The profile provided of children and special guardians points to how SGOs are being used in practice. These findings are broadly consistent with the perceptions of practitioners that were presented in Chapter 3. As detailed in Chapter 2, our case file audit and survey of special guardians provide information on 230 carers who became special guardians between 2006 and 2009 and on their index child.<sup>58</sup> For some cases data was obtained from both special guardians and case files (n=109). Where the same information was provided from both sources we most commonly merged these responses, in the main giving preference to information provided by the special guardian.<sup>59</sup> In the remaining cases we have information solely from the special guardian (n=6) or the case file audit (n=115).

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<sup>57</sup> It would have been unreasonable to expect special guardians to complete multiple questionnaires on sibling groups, especially when their circumstances were often broadly similar. However, the index questionnaire did collect some information on siblings.

<sup>58</sup> There were six cases (2.5 per cent) from two local authorities that had been granted a Special Guardianship order post 2009 who had been included in the survey of special guardians' mail out by these local authorities and who returned a questionnaire. We decided to include these cases to maximise the data we had available.

<sup>59</sup> Many cases had been closed for some time at follow-up and information on the current circumstances of the child was therefore sparse. We also assumed that special guardians would generally be best placed to know about the day-to-day progress and wellbeing of their children. However, researcher judgement was also exercised (see Chapter 2) where data on key variables were included from both sources. Data were not merged in relation to the stability of children and only case file evidence was used, as this would otherwise have biased our findings (see Chapter 2 and Appendix A for details).

### 6.1.1 Gender and ethnic origin

The sample included an equal number of boys (50.5 per cent) and girls (49.5 per cent). These figures are comparable with the national data on use of Special Guardianship for looked after children, but contrast with data for the care system as a whole where boys are usually over-represented by about 10 per cent (Emerson *et al.*, 2001).

Just over one half of the children were described as being of White British ethnic origin (55 per cent), with just over one-in-six children described as being Black or Black British (15.5 per cent). A further 15.5 per cent of children were of mixed White and Black heritage. Table 6.1 shows the breakdown for the remaining children.

National statistics indicate that minority ethnic groups make up approximately 14 per cent of the population of England and Wales (Office for National Statistics, 2012), 22 per cent of looked after children in England (Department for Education, 2013b) and 24.5 per cent of looked after children in England moving to Special Guardianship. Whilst minority ethnic groups appear to be over-represented in our sample this is a reflection of the local authorities involved in our research, with 87 per cent of all the ethnic minority children coming from local authorities that have a more diverse population. This breakdown is very similar to the findings of the earlier York study of Special Guardianship which included six of the same local authorities as this study (Wade *et al.*, 2010). In addition to an effect of area, this variation may also reflect the types of families in these areas for whom Special Guardianship could provide a suitable option. It is known that adoptive placements for children from minority ethnic backgrounds can be more difficult to find (Lowe *et al.*, 2002; Thoburn, 2002; Selwyn and Wijedasa, 2009). Furthermore, minority ethnic children are known to be over-represented in kinship care (Department for Education, 2010), with kinship carers making up 90 per cent of our sample in this study.

**Table 6.1 - Child's ethnic origin**

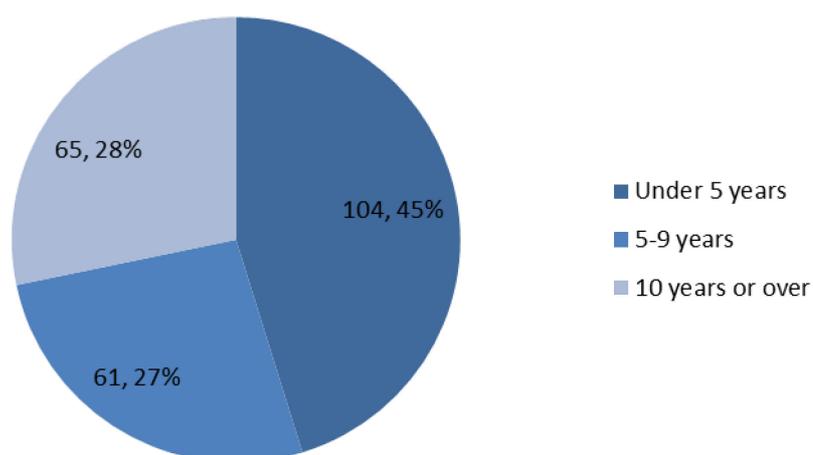
	Number (n=230)	Percentage
White British	126	55
White Other	5	2
Black or Black British	36	15.5
Mixed White and Black Caribbean/African	36	15.5
Asian	13	5.5
Other Mixed Background	9	4
Other ethnic group	1	0.5
Ethnic group unknown	4	1.5

In 2013, unaccompanied asylum seeking children formed 2.5 per cent of the looked after population in England (Department for Education, 2013b). These children were identified as potential beneficiaries of Special Guardianship (Department for Education and Skills, 2005), however, there was little evidence that Special Guardianship was being considered as a route out of care for these children. Just one index child was an *accompanied* asylum-seeker when they first came to the UK. This child had come to England with her siblings and an older female cousin who subsequently became their special guardian. These findings correspond with data from the earlier York study.

### 6.1.2 Age

When Special Guardianship orders were introduced, they were expected to at least in part be used to provide security and permanence for older children, for whom finding an adoptive placement had become unlikely (Lowe *et al.*, 2002; Thoburn, 2002; Selwyn *et al.*, 2006; Sinclair *et al.*, 2007) or for children for whom adoption may not be possible, appropriate or desired (Department for Education and Skills, 2005). For example, they may be considered appropriate for children who have been settled in long-term foster care but who do not want to sever ties with their birth family. Special Guardianship has been taken up by carers of younger as well as older children, with 45 per cent of children in our sample being aged under five years old when the SGO was granted and one-third of children being two years old or younger (see Figure 6.1).<sup>60</sup> Children in the survey sample were slightly older than those who were included in the national dataset (See Chapter 5; 55.2 per cent under five years of age at SGO), but is consistent with our earlier York study. Given the young age of many of the children at the time of the order, it may be more difficult to anticipate their future support needs.

Figure 6.1 Child's age at Special Guardianship Order



<sup>60</sup> The average age of children at the time of the SGO was 6.02 years (median=5 years, SD=4.74, range=0-18)

Moving now to the age of children at the time of follow-up, just over half (54 per cent) of the children were aged ten or over.<sup>61</sup> This is a key period in these children’s lives, with challenging behaviour more likely to emerge at this time (Roth *et al.*, 2012). Evidence from large studies of adoption and fostering has also suggested that placement breakdown is most likely to occur during adolescence (Sinclair *et al.*, 2007; Department for Education, 2011; Selwyn *et al.*, 2014). Special guardians of younger children acknowledged that, even when things were currently going well, they were quite likely to experience difficulties in the future.

*‘The teenage years, that’s the critical stage...’*

(Aunt to Dion, aged 13 years)

*‘Not yet anyway. I’ll tell you when she’s fifteen.’*

(Grandmother to Victoria, aged 11 years)

### 6.1.3 Health, disability and behavioural difficulties

Just under one-quarter of children were reported to have a chronic health problem or a physical, sensory or learning impairment (see Table 6.2). Where there was evidence that a child had either health problems and/or a disability, a learning disability was the problem most often presented (63 per cent of all children with additional needs), accounting for nearly one-in-seven children in the total sample. Furthermore, it was likely that those children with additional needs would have multiple difficulties, accounting for 65 per cent of those with additional needs.<sup>62</sup>

**Table 6.2 - Child’s health and disability**

	Number (n=230)	Percentage
Mental health problem	20	8.5
Chronic physical health problem	16	7
Learning disability	34	15
Physical or sensory disability	19	8.5
Child has one or more health problems or disabilities	54	23.5

Table 6.3 identifies the proportion of the sample that was reported to have social, emotional or behavioural difficulties, with one-half reported to have moderate to more severe difficulties.

<sup>61</sup> The average age of children at follow-up (typically 3-6 years post order) was 11.03 years (median=10 years, SD=4.71, range=4-23)

<sup>62</sup> Given the relatively small number of children with chronic health conditions or impairments, we have combined these into an ‘additional needs’ variable for further analysis in subsequent chapters. These children account for over 20 per cent of the survey sample.

**Table 6.3 - Children's social, emotional and behavioural difficulties**

	<b>Number (n=202)</b>	<b>Percentage</b>
Serious problems	21	10.5
Moderate problems	80	39.5
No problems	101	50.0

Evidence from qualitative data collected from special guardians illustrates the ways in which social, emotional and behavioural difficulties are not constant, but rather may improve or deteriorate over time as the circumstances of children change or helpful interventions are made.

*'Towards the end of the first year, things started to go slightly wrong...but I'd say that was sort of normal teenage rebellion. And...then she was going out with Cara and I discovered... they'd both been truanting from school.'*

(Family friend of Holly, whose Special Guardianship placement broke down following a deterioration in the behaviour of Holly and the guardian's adopted daughter)

*'He was suffering from post-traumatic stress and he's also got learning disabilities and ADHD. And she put him on a low dose of [medication]...for the ADHD and he just started to come on leaps and bounds. The tantrums very, very slowly went less and less to the point where really he didn't have them.'*

(Former stranger foster carer to Danvir who had autism and learning disabilities who was doing very well with his special guardian)

Children are at risk of developing insecure attachments as a consequence of maltreatment (Main, 1986). Furthermore, children with insecure attachments are subsequently more likely to demonstrate aggression and other behaviour problems (Campbell, 2002; Clegg and Sheard, 2002). Just over one-in-four children in our survey sample (for whom there was data available) were reported to have had some attachment difficulties (27 per cent) and a similar proportion (28 per cent) had shown signs of delayed development. We found children who also had learning disabilities were twice as likely as other children to have had difficulties in forming secure attachments<sup>63</sup> or to have had social, emotional and behavioural problems<sup>64</sup>, suggesting that this group of children are likely to need more intensive support. The management of social, emotional and behavioural problems is critical. Chapters 8, 10 and Appendix B illustrate the poor outcomes that can be associated with such difficulties.

Evidence concerning the presence of a statement of educational need was available for 105 children in the survey sample. Over one in five (n=22) of these children had a statement, which whilst much higher than the national average of 3 per cent of all school pupils (Department for

<sup>63</sup> Fisher's Exact Test p=.013, n=178.

<sup>64</sup> Mann Whitney U Test p<.001, n=197.

Education, 2013a), is comparable to other groups of vulnerable children, including those in the care system, where this figure is closer to 25 per cent (Berridge *et al.*, 2002; Biehal, 2005).

Overall, therefore, children living in Special Guardianship families appear similar in many ways to other groups of vulnerable children, including those looked after by local authorities. Children were often very young when they entered their Special Guardianship families. However, over one-quarter were aged ten or over at the time of the order, compared to adoption where just two per cent of adoption orders in 2012 were made to children aged 10 or over. A sizeable minority of these children had additional needs related to health or disabilities. Whilst the stability and security provided through Special Guardianship may establish the basis for a family life with all the advantages that security, stability and commitment bring, this may not of itself address the longer-term impact of their poor start in life. Many families are therefore likely to have continuing needs for access to high quality support. In Chapters 8-11 (and Appendix B) we explore outcomes for these children, taking into consideration any support offered and used by these families.

## 6.2 Carer characteristics

Information was provided on the basic characteristics of the 230 special guardians in the study. The majority of primary carers were female (89 per cent). Just over one-half indicated that they were living with a partner at the time of the application (52 per cent). Of the 111 lone carers, just two were male.

The ethnic origin of special guardians was broadly similar to the children in their care (Table 6.4). Children were typically placed with a special guardian with a shared ethnic heritage to the child. This was not unsurprising given the high number of relative special guardians.<sup>65</sup> However, there were slightly more special guardians reporting either a White British or Black or Black British heritage compared to children in these categories<sup>66</sup> which is likely to be due to children of mixed White and Black African/Caribbean heritage moving to a relative guardian of either heritage.<sup>67</sup> Occasionally, where a guardian was of a different ethnicity to the child, there was evidence of some resistance by particular local authorities or social workers to support the placement, even when the placement had been in place successfully for some time. There are concerns that some cross-cultural placements may bring challenges in relation to the child's identity formation (Nandy and Selwyn, 2013), which whilst well-intended can be upsetting and sometimes puzzling for their carers.

*'I just thought there's a... little bit of racism there, and...to be truthful with you, I was ready to go to the papers, you know? But at, at the end of the day, like I said to them "I don't care if he's green with yellow spots, he has still got my blood running through his veins".'*

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<sup>65</sup> A collapsed 3\*3 contingency table comparing children and guardians either White British, Black or mixed Black origin, Asian or mixed Asian origin. Fisher's Exact Test (n=203, p<.001)

<sup>66</sup> The proportion of White British special guardians to children was 62.6 per cent vs 54.8 per cent. The proportion of Black or Black British special guardians to children was 22.2 per cent vs 15.7 per cent.

<sup>67</sup> We received data for 33 mixed heritage children for whom this had been the case; 15 were being cared for by special guardians of White heritage and 18 were being cared for by special guardians of Black heritage.

(White grandmother of Gareth, a mixed heritage child)

*'She'd been a new manager... she was saying this is the way it went and... I just couldn't understand it when they were going on about culture because, you know, I'd already got one child... which was the same culture as Danvir who I'd adopted. So I couldn't understand why they were making culture an issue.'*

(White former long-term foster carer to Danvir, an Asian child)

**Table 6.4 - Special Guardian's ethnic origin**

	Number (n=230)	Percentage
White British	144	62.5
White Other	6	2.5
Black or Black British	51	22
Mixed White and Black Caribbean/African	7	3
Asian	11	4
Other Mixed Background	2	1
Other ethnic group	2	1
Ethnic group unknown	7	3

Special guardians ranged in age from 21 to 78 years old at the time the SGO was made.<sup>68</sup> The sample represented a large proportion of special guardians who would be older than the 'typical' parent; 41 per cent of carers were aged 50 or over at the time of the order and nearly one-in-ten special guardians aged 60 or over. Many of these older carers were looking after young children, with approximately three-in-ten of the index children aged nine or younger placed with or living with a carer aged 50 or over. If we turn for a moment to include younger siblings in this analysis, 73 per cent of special guardians aged 50 and over had become a special guardian to a child aged nine or younger at the time of the order. The age gap between special guardians and their children was highlighted as a potential risk factor for the longevity of the placement in the earlier York study with regard to both the health and life expectancy of the carer and their ability to care for these children as they age. However, with age comes experience, and some special guardians felt their more advanced age had provided benefits to their parenting.

*'I'm bringing them up the same, probably with more knowledge, I'm older, I know ...possibly a bit more of what I'm doing'*

(Lydia's aunt, aged 47, who had three older birth children still living at home)

<sup>68</sup> Mean age of special guardians at the time the order was granted 46.5 years old (SD=10.81, median age=47 years).

*'I've just got a bit more wisdom.'*

(Grandfather, aged 63, to Amy and Teddy)

### 6.3 Child and carer relationship

The majority of special guardians were related in some way to the child, with nine out of every ten SGOs being made to a relative or someone known to the family (see Table 6.5).<sup>69</sup> Almost half of the special guardians in the sample were grandparents, who were often caring for the child alone. Just over one-quarter of special guardians were aunts and uncles (n=61, 26.5 per cent). More extended family members included several great-aunts, great-grandparents, distant cousins and relatives and step-relatives linked to the child through marriage.<sup>70</sup> Whilst the largest single relative group was grandparents, their majority was not so marked as it has been in other studies (Hall, 2008; Hunt *et al.*, 2008). Most of the grandparents (64 per cent) were aged 50 and over, with grandparents accounting for three-quarters of the special guardians in this age group. Unrelated foster carers accounted for a very small minority of the cases (9.5 per cent). Seventeen of these carers were caring for the child with their partner (74 per cent) and had been caring for the child between one and twelve years prior to the order being granted.

Special Guardianship is therefore being used predominantly for kinship carers. We explored this further across six of the local authorities in our sample,<sup>71</sup> finding the proportion of unrelated foster carers being granted a Special Guardianship order ranged from 0-16 per cent. This suggests that in some areas no or very few unrelated foster carers have taken up Special Guardianship which may relate to differences in the promotional strategies of local authorities. The low take up by unrelated foster carers is consistent with policy findings discussed in Chapter 3.

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<sup>69</sup> The distinction between 'kin' and 'unrelated foster carers' is blurred with some kinship carers unrelated to the child by blood, but perceived as a family member due to longstanding links with the child: for example an adoptive parent of a birth mother or sibling with whom the child has a bond with. In these analyses stranger foster carers will only include unrelated foster carers who have no former link to the child's family (prior to becoming their foster carer).

<sup>70</sup> Due to the large number of eligible special guardians in Area 3, it was not feasible to include all cases in the case file audit (n=106). Audits were requested for all cases where a survey had been returned by the special guardian, non-respondent cases were requested where the carer was an unrelated foster carer, or where there were known incidences of breakdown. A further random sample of all other non-respondent special guardians was selected, weighted towards relatives other than grandparents 2:1. Proportions of the six areas which included all identified cases were examined to determine what effect our purposive sampling had had on the distribution of relationship to the child. The proportion of grandparents was largely unchanged (45.1 per cent) with a slightly higher proportion of aunts/uncles (29.1 per cent) and fewer unrelated foster carers (6.6 per cent). The proportions of cousins, siblings and other relatives remained broadly the same (19.1 per cent).

<sup>71</sup> In these six areas we had information on all SGOs made during our study period. We excluded the local authority which referred many more cases than we were able to include in our sample.

**Table 6.5 - Children's relationship to their carers**

	<b>Number (n=230)</b>	<b>Percentage of Kin</b>	<b>Percentage of Total Sample</b>
<b>Friends and Family</b>	<b>207</b>		<b>90</b>
Grandparent	106	51	46
Aunt/Uncle	61	29.5	26.5
Brother/sister	4	2	2
Cousin	7	3.5	3
Other Relative	25	11.5	11
Family Friend	5	2.5	2
<b>Unrelated foster carer</b>	<b>22</b>		<b>9.5</b>

## **6.4 Where were the children living before moving to their Special Guardianship family?**

In order to understand the children's journeys to a Special Guardianship family, we collected information about their family history and prior involvement with children's services. Table 6.6 shows that the majority of children (86 per cent) were reported to have been living with their special guardians prior to the order being granted. For the vast majority of these children, the carer who subsequently became the special guardian was a relative or family friend. In one-in-seven cases (14.5 per cent), children had not been living with their carer prior to the Special Guardianship order being granted.<sup>72</sup> These children were typically moving from a placement with an unrelated foster carer to a kin special guardian (79 per cent of children who moved placement at time of order). Only occasionally had children moved from one kin placement to another at this stage (n=3).

<sup>72</sup> This is smaller than the proportion found in the earlier York study (24%), but does suggest that not all children moving to Special Guardianship were already in settled placements.

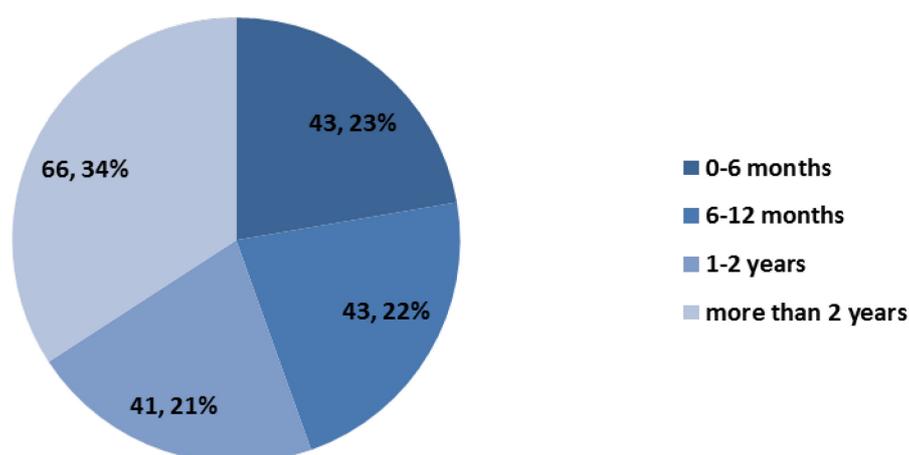
**Table 6.6 - Type of placement prior to Special Guardianship application**

	<b>Number (n=230)</b>	<b>Percentage</b>
<b>Living with Special Guardianship carer prior to order</b>	<b>198</b>	<b>86</b>
Kinship Foster Care <sup>73</sup>	119	51.5
Residence Order	37	16
Informal (kin)	20	9
Unrelated foster carer	22	9.5
<b>Not living with special guardian prior to order</b>	<b>32</b>	<b>14.5</b>
Unrelated foster care	26	11.5
Family/friends foster carer	2	1
Residential care/other looked after placement	3	1.5
Kin (informal)	1	0.5

The children who were placed with their carer prior to the Special Guardianship order had been living there between one month and 14 years, with just over a third of children having lived with their carer for more than two years. However nearly one quarter of children had been living with their SG for six months or less before the Special Guardianship order was made (see Figure 6.2). In the earlier York study the majority of children had lived with their special guardian for over two years at the time of the order. This shift is perhaps not surprising as the earlier sample may have been skewed by carers who would have applied for Special Guardianship earlier, if it had existed. It may also reflect a rise in the use of SGOs as an outcome of care proceedings where relatives have been identified to care for the child prior to or during these proceedings.

<sup>73</sup> Including six cases where the child was looked after and living with kin, but it wasn't classified as kinship foster care: for example *child subject to ICO placed with family - not deemed family and friends arrangement as we now know i.e. they did not review as foster carers*

Figure 6.2 - How long had children been living with their special guardian prior to the order



## 6.5 The Special Guardianship household

The composition of Special Guardianship households was often complex. Just over one-third of children in our sample were placed in the care of their special guardian along with at least one sibling (35.5 per cent). A further fourteen children (6 per cent) were placed independently where a sibling was already in residence in the Special Guardianship household. In addition to the index child and their siblings just over one half of the special guardians (51 per cent) were already caring for other children when they took on the care of the index child.

We have explored this amongst the cases where we had data available from the full case file audits (n=108):

- Most often, carers who had other children living in the household were still caring for their own birth children (62 per cent), with three-in-ten special guardians' birth children still at home (29 per cent), often cousins of the index children.
- Less often, special guardians were caring for other foster children (7.5 per cent), adopted children (three per cent), children on residence (two per cent) or Special Guardianship orders (one per cent).

This profile suggests a complex set of structural and relationship issues in special guardian families as the other children who were officially cousins or even aunts and uncles became more like siblings to these children.

*'What had happened was Emily used to come weekends and they knew Emily was their cousin... and Tabby and Jessica was only four and a half and two and a half, the minute Emily was here all the time sleeping, oh my God, I thought I was gonna go crazy. Jess was only two, she was, every time you opened that front door: "Are we taking her back now, are we taking her back now, are we taking her home now?" "No, she's your new sister now, you know, she's here." And then, you know, they'd knock on the door on a night, cos we had the cot in our room, just to see if she's not in her bed, and...their behaviour changed.'*

(Aunt describing the confusion her daughters experienced when their cousin Emily came to live with them)

Caring for sibling groups as well as other children could accentuate the impact and constraints associated with becoming a special guardian.

*'The size of it was they're resentful, you know? ... Going on holiday with three children's one thing, going on holiday with five children is a totally different thing altogether. So they've often gone off on their own...my Dave's taken them on their own holiday and I've stayed here, behind with the girls.'*

(Aunt to Lydia whose family have gone on separate holidays since becoming special guardians to their two young nieces, whilst having three teenage children)

In some instances, however, where carers already had children living with them and where they were just taking in one more child, this could be less of an issue.

*'It were just like slotting another one in.'*

(Grandmother of 11 year old Victoria)

## **6.6 Care history and past involvement with children's services**

### **6.6.1 Child's care status**

As can be seen in Table 6.7, Special Guardianship provided a route out of the care system for almost three-quarters of these children. Half of all the looked after children were being fostered under kinship fostering arrangements prior to the order and these placements were likely to have remained stable, with just a legal change in their status made. One-fifth were being fostered by an unrelated foster carer and around one-half of these children eventually moved to another carer, typically a relative, at the time of the SGO.

All those children who were not looked after at the time of the order were living with family and friends. The majority of these children were subject to residence orders. However several were being cared for informally. Three children were living with their birth parents prior to the order.

**Table 6.7 - Care status immediately prior to order**

	<b>Number (n=230)</b>	<b>Percentage</b>
<b>Looked after:</b>	<b>169</b>	<b>73.5</b>
Kinship foster care	119	50.5
Unrelated foster care	48	20.5
Residential Care/Other looked after placement	2	2.5
<b>Not looked after:</b>	<b>61</b>	<b>26.5</b>
Kinship – residence order	37	16
Kinship – no order <sup>74</sup>	24	10.5

### **6.6.2 Past involvement with children’s services**

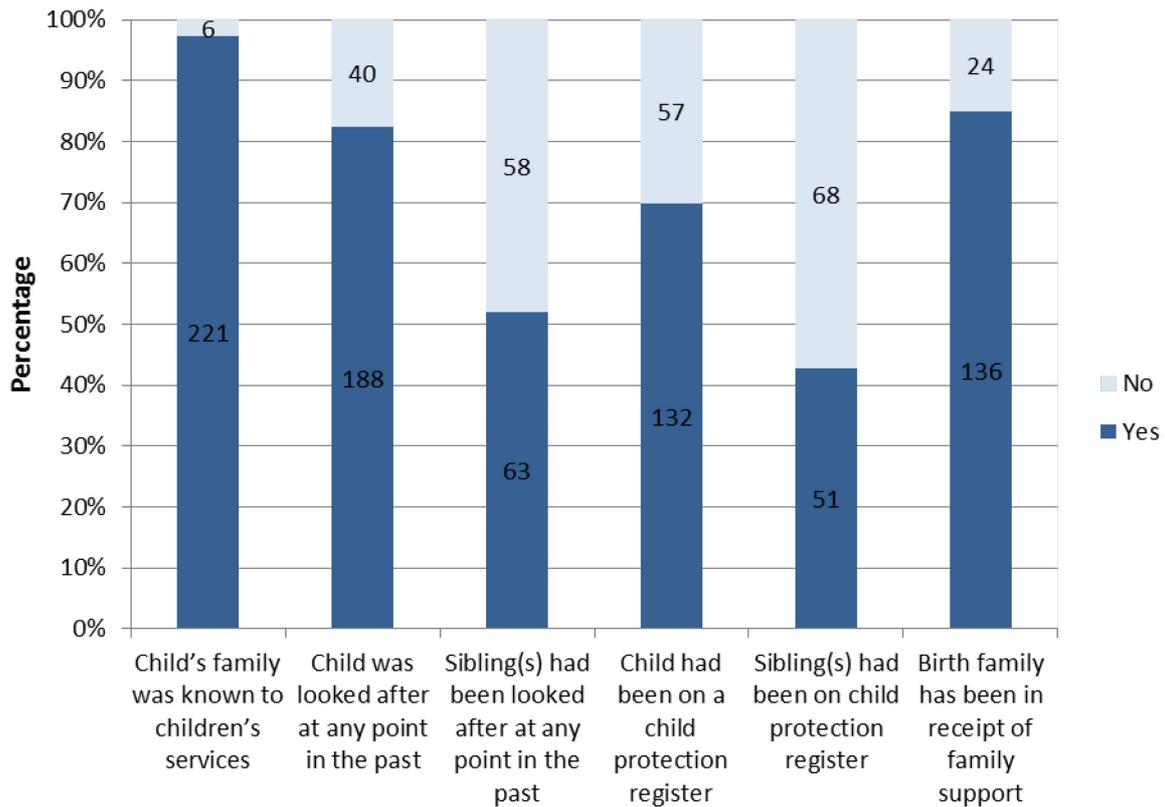
Figure 6.3 illustrates the children and their families’ past involvement with children’s services.<sup>75</sup> The vast majority (97.5 per cent) of children’s birth families were reported to have had some history of contact with children’s services, the majority having been in receipt of family support services at some stage (85 per cent). Only six families were identified as not having had prior contact. Over four-fifths of children (82.5 per cent) were identified as having been looked after at some point in the past and almost seven-in-ten children had been on a child protection register or plan.<sup>76</sup> A large proportion of children had also had siblings who had been looked after or subject to child protection plans.

<sup>74</sup> Including two cases where, immediately prior to the order, a birth parent was also living with the child and their kin.

<sup>75</sup> In some cases there was no evidence on file.

<sup>76</sup> Unfortunately there were varying amounts of missing data for these items either because information could not be retrieved from the audit or because we did not ask details about siblings in the non-respondent cases. Therefore our totals do not add up to 230 for each item, but the sum of cases for which data was available.

**Figure 6.3 - Children and their families past involvement with children’s services**



For some of the older children, their care histories went as far back as 1995 for their first entry to care. The data available indicated that most of the looked after children (79.5 per cent) had experienced just one care episode prior to the SGO. However, sizeable minorities of these children had experiences of care that were less certain and certainly less stable:

- Over one-quarter of children (26.5 per cent) had experienced a failed reunification with their birth parents.
- One-quarter of these children had experienced two or more placement moves (24.5 per cent).
- One-in-five children had experienced a placement breakdown (19 per cent).

*‘They were in and out of foster care for two and a half years before they came to us.’*

(Amy and Teddy’s Grandfather)

*‘When it was decided her mum couldn’t cope she then remained in foster care, which was highly unnecessary, for another, oh I think it was about nine months. In total...she was about fifteen months when we got her, and she’d had... a bit of... unnecessary pillar to post I found.’*

(Emily’s aunt)

## 6.7 Plans for adoption

For a sizeable minority of cases (26.5 per cent), adoption had been actively considered during care planning, prior to the SGO being made. These children were more likely to have been younger at the time of the order than those children for whom plans for adoption had not been made.<sup>77</sup> Where case file audits provided detail of what planning had taken place, it was predominantly the case that parallel planning was not pursued very far because a suitable carer had put themselves forward to care for the child.

*'Twin tracking' referred to in LAC review minutes. Child Permanence Report completed, but not heard at Adoption Panel. It did not progress any further as assessment in relation to these special guardians was successful.'*

In other instances adoptive parents were sought, but not found, or adoption had been deemed inappropriate because of the child's needs, behaviour or age.

*'Initially considered, when first looked after, as per mother's request, but explorations were made and following this it was decided that it would be difficult to find adopters who could meet the child's complex needs. Therefore permanency in the form of a long term foster placement was sought.'*

For two children, Special Guardianship came about following the breakdown of an adoptive placement. The evidence from the case file audits indicated that only in a minority of cases was adoption actively considered by the prospective special guardian prior to the SGO being made. In one instance adoption was discounted because the child had wanted to maintain links with their birth family and in another Special Guardianship was chosen as it was considered to be more appropriate. There was one interesting example where Special Guardianship appeared to be seen as a potential 'stepping stone' to adoption.

*'The case was being progressed by the adoption team. A permanency planning meeting had taken place. When maternal great aunt [MGA] came forward an initial visit was undertaken and although there were some concerns it was felt a fuller assessment of MGA needed to be undertaken. MGA favoured Special Guardianship over adoption. She indicated she may consider adoption at some point in the future.'*

For the special guardians we spoke to it was often reported to have been the case that adoption by a stranger carer had been considered by the local authority for the child, but adoption by a kinship carer was not seen as possible or appropriate. Often, the special guardians agreed that adoption might blur family relationships and confuse identity, whilst others simply felt it was simply unnecessary to adopt your 'kin'.

*'His mum would have become his sister, his sisters would have become his sisters and his nieces...They straightaway really said that adoption...wouldn't have been...the correct thing to do. Otherwise I would have adopted him.'*

(Grandmother who became Zach's special guardian when he was a baby)

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<sup>77</sup> Median age for children who had had plans for adoption = 2 years. Median age for children who did not have plans for adoption = 6 years. Mann-Whitney U Test p=.002, n=193.

*'Why would you adopt your own grandchild?'*

(Grandmother to Victoria who became her special guardian aged six)

However, some kin special guardians would have liked to have adopted their child, but this was not supported by their local authority.

*'It wasn't a choice we was given. In hindsight...I would have loved to adopt her.'*

(Natalie's aunt who became her special guardian when she was a baby)

An unrelated foster carer also reported resistance to adoption by the local authority because the child and special guardian were not ethnically matched. This had occurred despite the child being happy and well settled, the placement being permanent and both his parents having passed away.

*'I had mega problems...when I was asking to...adopt him...Both his parents had died, so there was no chance he was ever gonna go back home, they were just coming up with silly excuses all the time. Will you be able to cope...what about when he's older and what about the culture?'*

(Danvir's unrelated foster carer who cared for him for several years prior to becoming his special guardian)

As mentioned earlier in this chapter, there could be resistance to severing family ties. Resistance may come from the child or the parents. Some special guardians felt the order provided the potential for children to return to their parents care one day.

*'If I was in [my sister's] situation I'd like to be given the opportunity to try and prove that I can have my children back, and...Special Guardianship allowed that...flexibility, as it were, whereas with adoption it was kind of permanent.'*

(Uncle to Dion and Alicia, whose mum hoped that the children may eventually return to her care)

Some stranger foster carers acknowledged the benefit of continued support from the local authority, whether financial or practical.

*'I was quite happy to do the Special Guardianship because, as I said, mum didn't want to [have her child adopted] and the Special Guardianship would also give me help, if I needed any.'*

(Unrelated former foster carer to Kelsey and his siblings Callum and Summer)

Where a child had complex needs and would never live independently, consideration was given to who would care for the child when the special guardians were no longer able to. This was the reason mentioned by an unrelated foster care couple who had chosen not to adopt their child.

*'We did have a...discussion, but...because he's, well he's got very complex needs...we wouldn't have wanted our children to feel they had to take him on.'*

(Unrelated former foster carer to Toby, a child with multiple complex needs)

## 6.8 Arrival stories: reasons for placement

The reasons that children cannot live with their birth parents are often multifaceted and complex. We now examine the factors that led to these children living with their current carers. All case file audits included a list of possible factors that may have led to the child not being able to live with their birth parents, with space available to identify other, non-listed factors and add qualitative detail. As expected, children's circumstances were complicated, with several intertwined problems leading to the decision that the child needed to be permanently placed with an alternative carer. Nearly two-thirds of children (63.5 per cent) had experienced or had been at risk of abuse or neglect whilst in the care of their parents.<sup>78</sup> This appears typical of looked after children moving to Special Guardianship (See Chapter 5) and is similar to figures found for children moving to adoption (Emerson *et al.*, 2001). As shown in Figure 6.4, the most commonly cited single reasons were domestic violence and parental drug misuse (both 41 per cent). For one-third of children, parents suffered from mental health problems and one-in-ten parents were unable to parent adequately due to their physical ill health or disability.

*'Birth mother had a long history of depressive illness and was diagnosed with borderline personality disorder in 2001. She also had a history of drug misuse. Mother requested child be accommodated/adopted as she felt unable to meet the child's complex needs in the short- or long-term. Concerns regarding severe neglect, failure to thrive, suspected sexual abuse and risk of physical abuse due to domestic violence within the home, emotional harm due to mother's inability to form/maintain relationships/ attachments with her children due to her own complex needs.'*

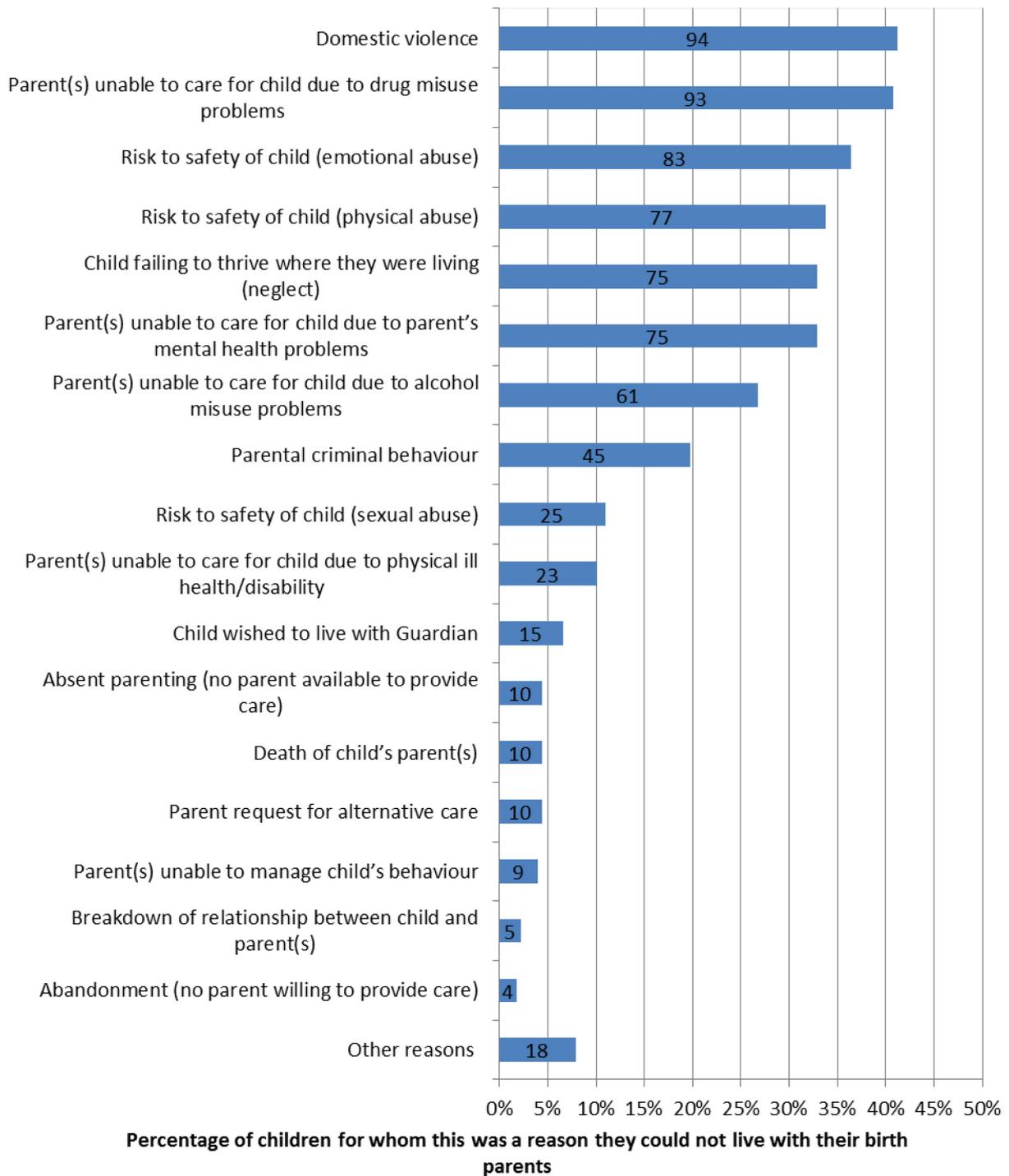
These background factors were broadly consistent with the earlier York study of Special Guardianship and with those found for all children entering the looked after system (Selwyn and Nandy, 2014).<sup>79</sup>

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<sup>78</sup> Calculated by totalling the number of children who were reported to have experienced or have been at risk of experiencing at least one of the following: physical, sexual or emotional abuse, or neglect.

<sup>79</sup> Gibbs *et al.*'s (2011) work could not be compared directly as it categorised children according to a *primary* reason whilst the child had entered care, whilst we allowed auditors to check multiple reasons for why the child no longer lived with their parents.

**Figure 6.4 - Background factors leading to child being unable to live with birth parents (n=228)**



Carers believed that by becoming special guardians they could offer security and stability for their child, and by taking their child out of the looked after system they could provide a sense of 'normality' and belonging. Amongst the kinship carers a high value was placed on keeping the child within the family network both because of their love for the child and a sense of duty and responsibility that it was the right thing to do. This is something we will look at in more detail in Chapter 7.

*'I felt it would be better if the kids were with the family...I've grown up that way.'*

(Uncle to Dion and Alicia)

*'It was nice for the children...to sort of belong...We thought we'll do the Special Guardianship ...so that they can feel more a part of a family, you know, and not sort of an outsider.'*

(Former unrelated foster carer to Kelsey, Callum and Summer)

## 6.9 Clusters of children's pathways

Analysis of the survey sample enabled us to identify four clusters of children that broadly encapsulate the typical routes to a SGO for looked after children. These are consistent with findings based on national statistics on looked after children presented in Chapter 5. A further two pathways were identified for non-looked after children (see Tables 6.8 and 6.9).

**Table 6.8 - Pathways to Special Guardianship**

<b>Looked after immediately prior to Special Guardianship Order</b>	
Early Kin	Initially placed with family or friends on entry to care. Special Guardianship Order with this carer (typically) or with another relative.
Late Kin	Initially placed with an unrelated foster carer. Moved to kin placement prior to Special Guardianship Order.
Stranger Foster Carer	Child never placed with kin. Last unrelated foster carer becomes special guardian.
Stranger to Kin at SGO	Move from unrelated foster carer to relative guardian at the time the SGO was granted.
<b>Children not Looked After immediately prior to Special Guardianship Order</b>	
Edge of Care	Child typically living with their special guardian either informally or under a Residence Order immediately prior to the Special Guardianship Order. Child has been looked after or been a child 'in need' in the past.
Private	Application by kin for a Special Guardianship Order with whom the child typically already resided. Child not known to children's services prior to application.

The purpose of this typology is that it allows us to identify and describe the features of these different pathways into Special Guardianship. Where possible, in later chapters we also use these clusters to explore outcomes for children.

**Table 6.9 - Profile of children according to their typology**

	N (%)	Age at SGO Mean=years (SD)	Time (years) spent living with SG prior to SGO (SD)	Proportion of children with additional needs <sup>80</sup>	Bond with Special Guardian % rated very strong
<b>Looked after immediately prior to Special Guardianship Order</b>					
Early Kin	63 (27.5)	5.9 (4.62)	2.5 (2.65)	16.5%	74%
Late Kin	53 (23)	4.8 (4.26)	1.2 (1.55)	17.5%	62.5%
Stranger Foster Carer	22 (9.5)	11.5 (3.93)	5.9 (3.36)	54.5%	86.5%
Stranger to Kin at SGO	30 (13)	3.8 (3.69)	NA	17.2%	24%
<b>Children not Looked After immediately prior to Special Guardianship Order</b>					
Edge of Care	54 (23.5)	6.0 (4.51)	2.4 (3.05)	29%	59.5%
Private	7 (3)	9.1 (4.74)	3.9 (3.14)	43%	71.5%

Several interesting distinctions can be made between the different clusters:

- Children whose stranger foster carer became their special guardian were the oldest at the time of the order.<sup>81</sup> They had also spent longer living with their carer prior to the order.<sup>82</sup> This group also had the greatest proportion of children with health, physical or learning disabilities.<sup>83</sup>
- Children who had not lived with their special guardian prior to the making of the SGO had the weakest bonds with their carer.<sup>84</sup>

<sup>80</sup> This includes all children identified as having one or more physical or mental health problems or disabilities.

<sup>81</sup> Kruskal Wallis Test  $p < .001$ ,  $n = 229$ . Mann Whitney U Exact Tests comparing each pair of classifications found Stranger Foster Care to be significantly different to all clusters apart from Private at  $p < .001$  (Bonferroni adjustment set at  $p < .0033$  for multiple comparisons).

<sup>82</sup> Kruskal Wallis Test  $p < .001$ ,  $n = 182$ . Mann Whitney U Exact Tests comparing each pair of classifications found Stranger Foster Care to be significantly different to all clusters apart from Private at  $p < .001$  (Bonferroni adjustment set at  $p < .005$  for multiple comparisons). The Stranger to Kin group was excluded from this analysis as length of time living with SG prior to SGO was a factor in its classification.

<sup>83</sup> Fisher's Exact Test  $p = .007$  ( $n = 222$ ). A carer in the Stranger Foster Carer group was significantly more likely to have a child with additional needs than carers in the Early Kin group (Fisher's Exact Test  $p = .003$ ). Other comparisons were non-significant, although comparisons with stranger foster carers and the late kin and stranger to kin groups approached significance. (Bonferroni adjustment set at  $p < .0033$  for multiple comparisons)

<sup>84</sup> Fisher's Exact Test,  $p < .001$  ( $n = 225$ ). Children who moved to their carer at the time the SGO was made were less likely to have a strong bond with their carer. Comparisons significant against Early Kin  $p < .001$ ,  $n = 91$ , Late Kin  $p = .001$ ,  $n = 82$ , Stranger Foster Carers  $p < .001$ ,  $n = 51$  and Edge of Care  $p = .003$ ,  $n = 81$ . (Bonferroni adjustment set  $p$  at  $p < .0033$  for multiple comparisons). Strength of bond was based on a four point researcher rating drawn from case file evidence (very strong to very weak).

- The children who formed the Late Kin group tended to be slightly younger and less settled than the Early Kin group at the time of order, which was reflected in the smaller proportion of child-special guardian bonds being rated as 'very strong' prior to the order.<sup>85</sup>
- For all the looked after Kin groups children tended to have moved to live with their guardian aged between 3-4 years old. The differences lay in the time it then took for their carer to become their special guardian.
- Children who had not been looked after immediately prior to the order did not appear vastly different to children who had been in looked after kin placements. Slightly fewer 'edge of care' cases had strong bonds with their carers, and a greater proportion of these children were reported to have additional needs than the previously looked after children living with kin.<sup>86</sup>

In order to provide greater depth to the arrival stories of children, this chapter concludes with a selection of case studies typical of each of the clusters, drawing together some of these background factors in a more integrated manner.

## Case Studies

### 1. **Early kin:** *Lydia – fostered by maternal aunt and uncle who later became special guardians*

When Lydia was four years old, she and her younger sister Harriet were removed from the care of their mother because of concerns regarding her alcohol misuse and inability to prioritise her children's needs. Lydia's mother would not work in partnership with the local authority leading to a decision for permanence to be sought elsewhere. Lydia's aunt and uncle were advised that if they did not take the children they would go into local authority care. Lydia and Harriet were fostered by their aunt and uncle whilst Special Guardianship was considered and applied for. Initially Lydia's uncle had concerns regarding the impact their placement would have on his own three children. During proceedings, the court granted custody of the children to their birth father. However he died shortly after they returned to his care. Lydia and Harriet then returned to their aunt and uncle's care who, having already been approved to be special guardians, were quickly granted the order. The children remain with their special guardians and are currently well settled, seeing their guardians as their 'mum' and 'dad'. Their birth mother lives nearby and has contact which can sometimes cause tensions.

### 2. **Late kin:** *Natalie – moved from unrelated foster care to kinship foster care by her aunt and uncle prior to their application to become special guardians being approved*

Natalie was removed from the care of her birth parents shortly after being born due to concerns that had already been raised about the care of her older siblings. Her parents had a history of violence and drug misuse, with an apparent lack of a basic understanding of children's emotional

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<sup>85</sup> Differences between age at SGO non-significant. Early kin had lived with their SG significantly longer before placement  $p < .001$ ,  $n=107$  Differences between the proportions of carers reported to have a strong bond with the child non-significant.

<sup>86</sup> It was not possible to make distinctions from those children whose carer had made a private application because there were so few of these cases.

needs. Natalie was initially placed in stranger foster care. Several family members came forward to be assessed as special guardians and Natalie's aunt and uncle received a positive assessment. Natalie came to live with them aged eight months, three months prior to the Special Guardianship order being granted, under a kinship fostering arrangement. Natalie has been embraced within the family very much as another daughter and the special guardians would have '*loved to adopt her*' but this wasn't offered. Natalie currently has no contact with her parents, although they do live nearby.

**3. Stranger foster carer: Danvir – living with an unrelated foster carer who became his special guardian**

Danvir lived with his birth parents until he was aged seven, when he was removed from their care and placed with unrelated foster carers as an emergency fostering placement. Danvir's mother was an alcoholic and Danvir was at risk of abuse and neglect. Danvir had autism and learning disabilities, problems exacerbated by his neglectful upbringing. His special guardian was contacted by children's services to provide a long-term fostering placement for Danvir as an experienced foster carer of children with disabilities. After Danvir had lived with his foster carer for five years, a new link worker supported the foster carer's application to become Danvir's special guardian. Danvir's foster carer would have liked to have adopted Danvir, whose parents had now both passed away, however this was resisted by her local authority, at least partly because the foster carer was White-British, whilst Danvir was Asian-British. Danvir remains in contact with his older brother who had been fostered separately. Danvir remains with his special guardian as a young adult, where, because of his additional needs it is likely he will remain in adulthood.

**4. Stranger to kin at Special Guardianship order: Gareth – placed with paternal grandmother immediately after the SGO was made**

Gareth was placed with stranger foster carers shortly after birth after having been left at the hospital by his birth mother. His first foster placement lasted one month and his second placement lasted until the SGO was granted, which was approximately ten months later. Both birth parents had a history of drug use and their relationship had broken down prior to Gareth's birth, with Gareth's father being uncertain of his paternity. Once DNA tests confirmed paternity, the father supported his mother's application to become the child's permanent carer as it was evident that neither birth parent would be granted custody of the child. There was initially some resistance by local authority social workers who had already identified prospective adopters. The grandmother chose to apply for a SGO rather than a residence order or adoption because this allowed her relationship to Gareth as his 'nan' to remain, whilst also providing the parental rights and legal security that Gareth needed. It meant that his birth parents could not simply turn up and take him back. As a likely consequence of neo-natal substance exposure, Gareth's behaviour can be challenging, but overall his guardian feels that things have gone very well. He hears from his father regularly, but there has never been contact with his mother.

**5. Edge of care: Victoria – lived with grandparents under a Residence Order prior to them becoming her special guardians**

Victoria spent long periods of time informally in the care of her grandparents from birth as her mother struggled to cope. Victoria's mother had been looked after herself as a child, before being adopted by Victoria's grandmother. She was diagnosed with a personality disorder and had a history of drug misuse. Victoria's mother was unable to form attachments with her and did not engage with support that was offered, intermittently requesting for her daughter to be adopted or fostered, however this never happened. When Victoria was six, her mother hit her, resulting in children's services placing her with her grandparents who were known by children's services as foster carers. Victoria's grandparents initially cared for her under a Residence Order, but it was felt that more security would be helpful to prevent her mother from trying to take her back. Her grandparents didn't see long-term fostering or adoption as appropriate as the child was legitimately their grandchild. Victoria sees her mother and half-brothers three times a year in supervised visits, there is no contact with her father. Despite Victoria's early experiences, she appears to have settled very well in the care of her grandparents who she has always had a strong bond with.

**6. Private: Jamila – cared for privately by family friends who became her special guardians**

Jamila's mother gave birth to her whilst visiting the UK. The following year, her mother had to return to the Caribbean and left Jamila in the care of her friend. This was a private arrangement which the parents and the special guardian had agreed between themselves. When Jamila was six years old, her carer sought advice from a solicitor who advised her to apply for a SGO to resolve benefit and immigration issues. Jamila was at this point now very well settled with her carer and her parents wished for her to remain in her care permanently. Jamila's carer subsequently gave notice to the local authority of her intention to apply for a Special Guardianship order. Since the granting of the order the placement appears to have remained stable with no social work involvement other than in connection with the immigration application. Her older sister lives nearby with her children allowing Jamila to keep close links with her birth family.

## 6.10 Summary

- Information was available on the characteristics of 230 Special Guardianship families across seven local authorities. In just under two thirds of these families, the index child was the sole child subject to a SGO at that time. In the remaining families, carers had obtained SGOs for sibling groups.
- In the seven sampled local authorities a similar number of boys and girls had entered Special Guardianship families in the three years following its introduction and Special Guardianship was being taken up for younger as well as older children with nearly one half of all children younger than five years old at the time of the order.
- In line with original expectations for Special Guardianship, it appears to have provided a permanence pathway for children from a range of ethnic backgrounds.
- Almost one-in-four index children were reported to have either a chronic physical health or mental health problem or a sensory, physical or learning disability. Most often children with

additional needs had some level of learning disability and/or multiple difficulties. One half of these children were reported to have demonstrated some social, emotional or behavioural difficulty.

- These children appear similar to other groups of vulnerable children, including looked after children. The children's families had nearly always (97.5 per cent) had past involvement with children's services, indicating to their often troubled backgrounds.
- Whilst most special guardians (90 per cent) were kin, some unrelated foster carers wanting to provide a permanent placement for their child had also become special guardians.
- Special guardians typically shared their ethnic heritage with the child they cared for. The main exception to this being where a child of mixed ethnicity was cared for by a related special guardian who was of either heritage.
- Special guardians were typically older than the average parent, partly due to the high proportion of grandparents in the sample. However, there were also special guardians aged as young as 21 when the SGO was made. Special guardians almost always had experience of parenting birth, fostered or adopted children, with over half of the index children moving into a family which already had other children living there.
- Children's histories prior to Special Guardianship allowed for most cases to be classified into one of six clusters. These clusters were determined by whether the child had lived with their carer prior to the Special Guardianship order, whether they were looked after immediately before the order, whether their carer was kin, whether they had ever been in a stranger foster care placement and whether they had ever been known to children's services.

## Chapter 7 The journey towards Special Guardianship

Chapter 6 explored the difficulties experienced by children in early life and the reasons why children were no longer living with their birth parents. In this chapter we now consider important aspects of children's journeys towards Special Guardianship. The chapter describes how these applications came about and the factors that motivated carers to apply, charting their experiences up to the final court hearing. Where relevant we examine whether there were any differences in experiences, dependent on the pathway by which the child had entered into the Special Guardianship family. The chapter draws on evidence from 224 case file audits, complemented by survey and interview data provided by Special Guardianship families. For some items, we have missing data as the auditors were unable to retrieve sufficient information from the relevant case file. The chapter presents a range of different experiences. On the whole, these experiences are positive, but there are also areas for improvement.

### 7.1 The application

Prospective special guardians must give the responsible local authority<sup>87</sup> at least three months' notice of their intention to apply, unless they are given leave of the court to make an application in the context of existing family proceedings. If the court is considering making an order of its own motion, it must direct the local authority to prepare a report assessing the background and suitability of the applicants.

#### 7.1.1 How the application came about

For just over one-half of families, the Special Guardianship application had arisen during planning and review meetings for a looked after child, reflecting the high number of looked after children in the sample (see Table 7.1). For seven-in-ten looked after children, this was how the application came about. The next most common circumstance was that the carer gave notice to children's services of their intention to apply for a Special Guardianship order. For private applications or children on the edge of care, this was the most common route by which an application occurred, accounting for one-half of all non-looked after cases (51 per cent). Less often, the court granted the carer leave to apply for a Special Guardianship order or the order was discussed in a child 'in need' meeting.

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<sup>87</sup> If the application involves a looked after child, notice must be given to the local authority responsible for his/her care. In all other cases notice should be given to the local authority in which the carer lives.

**Table 7.1 - How did the Special Guardianship application come to children’s services attention?**

	<b>Number (n=212)</b>	<b>Percentage (100)</b>
Guardian gave notice to apply	67	31.5
Looked after child planning or review meeting	111	52.5
Court granted carer leave to apply	10	4.5
Child in need planning meeting	8	4
Other circumstances, for example court granted Special Guardianship order in course of other family court proceedings	16	7.5

### **7.1.2 What motivated carers to apply for Special Guardianship**

The interviews with special guardians illustrated the different circumstances in which the Special Guardianship application had come about. As these interviews were conducted with some of the first carers to become special guardians, they had often not heard of this order before it was discussed with them, often by their social worker, but sometimes by their solicitor or the judge. Typically, carers were informed of the different permanence options available to them and their child and gave reasons for why they had chosen Special Guardianship. Others, however, had not been presented with any alternative or had felt coerced by the local authority or other family members when this was not the order they had necessarily most wanted. This is explored in more detail in section 7.1.3.

*‘Consideration has been given as to whether a residence order or a Special Guardianship order would be preferable in the situation. The applicants feel that a Special Guardianship order would provide more security for Cory and better enable them to meet his needs.’*

(Excerpt from Cory’s court report)

A key priority for carers was to provide a permanent stable home for their child. Carers were keen for their child to have a ‘normal’ family life. For kinship carers, the importance of keeping the child within the family network was highlighted. Often, Special Guardianship provided a ‘middle ground’ where carers could acquire parental responsibility for the child without severing the legal link with birth parents. This was seen as a major advantage over residence orders, fostering or adoption, with Special Guardianship described by one carer as sounding ‘*brilliant*’.

*‘The solicitor told us about this...there was no choice then, you’d got to go for the one where you’d got control otherwise you were going to be doing a lot of work really where you could be overruled at any minute.’*

(Cory’s grandparents)

Where a child had already been living with their carer, the order provided security for both the carer and the child.

*'What I wanted was Hannah to have a normal life, or as normal as possible. You know, not having social workers turn up, being able to call someone mum and dad, being part of a family.'*

(Hannah's former foster carer)

*'There was no hesitation whatsoever because we just want her here and safe.'*

(Victoria's grandmother)

*'She's my niece at the end of the day...she needs to be with family.'*

(Natalie's Aunt)

*'Chantelle didn't come from my womb, but she came from my heart. I could've never given her up.'*

(Family friend who became Chantelle's special guardian).

These motivations are very much in line with the intentions of Special Guardianship. Special Guardianship appears to be filling an important gap in the permanency options available to children. The typical advantages reported of Special Guardianship included:

- The removal or avoidance of the child entering the care system;
- An opportunity for the child to return to or remain with the family (for kinship carers);
- Majority parental responsibility;
- Removal of local authority involvement in the child's life.

Whilst identified later to be of great value to guardians, the promise of financial support or services was not typically identified as a major motivating factor to choose Special Guardianship.

### **7.1.3 Preparing carers for Special Guardianship**

Special guardians were asked to rate the advice and information provided by their local authority social workers during the application stage (see Table 7.2). These items provided a proxy measure indicating the degree to which guardians had felt prepared to undertake the role of being a special guardian.<sup>88</sup> One-half of responding special guardians felt their local authority had not fully prepared them for what lay ahead. Just three-in-five had felt the information provided had enabled them to feel fully confident that Special Guardianship was the right order for them and their child and only one-half had felt fully able to properly consider the advantages and

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<sup>88</sup> The items in Table 7.2 were combined to create a Preparation Score. Scores could range from 0-12 with a higher score reflecting feelings of being more prepared. Factor analysis (using varimax rotation) identified these variables as forming a single component (Cronbach's alpha 0.898). Good preparation was one of the factors associated with how well the placement subsequently turned out for the child (see Chapter 8).

disadvantages of alternative legal orders. Furthermore, fewer than six-in-ten special guardians felt they had chosen Special Guardianship free from local authority pressure and only just over one-half of guardians had felt that their child was prepared to join the Special Guardianship family.

**Table 7.2 - Special Guardians' confidence in their decision to become a special guardian**

	Percentages of special guardians giving each rating		
	Very much so	To some degree	Not at all
Confident that a SGO was the right order for the carer and the child (n=105)	62	27.5	10.5
Felt able to properly consider the pros and cons of other available options (e.g. foster care, adoption, residence order) (n=99)	52.5	29.5	18
Able to choose Special Guardianship free from local authority pressure (n=97)	57.5	21.5	20.5
Felt prepared for the Special Guardianship role (n=98)	51	32.5	16.5
Child was prepared (in age appropriate way) to join a Special Guardianship family (n=80)	52.5	27.5	20
Understood financial or other services available to care for child (n=96)	36.5	37.5	26

The comments provided by special guardians highlighted their feelings of uncertainty, in particular with regard to the financial and practical services that would be available to them post-order, where two-thirds of carers had felt this had not been made clear.

*'We had to seek advice from other sources which included legal advice. Very little information was available at the time we took [out] Special Guardianship as it was very new.'*

(Survey response from a former foster carer)

*'No advice. Boys were dumped and financial support not given.'*

(Survey response from an aunt)

Information and advice was sought from a range of people in addition to local authority social workers. In addition to their solicitor (where carers had one), special guardians spoke to their child's social worker or other local authority professionals they had built relationships with, for example post-adoption or kinship team social workers. Some carers recalled they had been provided with written resources to enable them to better understand the order and others researched Special Guardianship on the internet.

*'The guardian appointed on behalf of the [child] was extremely helpful, as was the solicitor who acted on my behalf.'*

(Survey response from a great-aunt)

Consequently, special guardians reported varying degrees of satisfaction with the amount of information they had received when the application was made. It is important to note that often, whilst carers reported being satisfied with the information that they were given at the time, several had not anticipated what the impact of becoming a special guardian would be, or had not known what sources of support they might need in the future. Some carers reported being happy at the time that the order was granted, but as the long-term needs for the child were unknown at this time, the implications of these needs had been underestimated.

*'At that time, before we made the guardianship official, we felt that they [the Local Authority] couldn't do enough for us. They were, if I rang up they'd sort it out, information, yeah, not a problem. So yes, at that time, yes.'*

'So now, looking back, was there anything else that you think you should have been told about at the beginning?'

*'Yeah, more, for us, more information of what happens afterwards.'*

(Exchange between interviewer and an aunt who became a special guardian for four siblings)

Prior experience with the local authority was often helpful for former foster carers and those who had experience of the social care system, although this was not always the case with some unrelated foster carers receiving incorrect advice or even hostility from their local authority who did not support or understand their reasons for wanting to become special guardians.

*'Social services weren't helpful at all. I mean the advice they gave us was completely wrong.... We had to seek our own legal advice and we used our own solicitor.'*

(Former foster carer to Alex)

It is clear, therefore, that many Special Guardianship families do not feel fully prepared for this parenting role. Improvements are needed to better equip potential guardians with the information they need to make an informed decision and for them to feel prepared (as much as is possible) for the likely obstacles they may face once the order is granted. Particular consideration is needed to prepare families who may be caring for a child with additional needs and for the many who are taking more than one child into their family home. It is particularly worrying that some special guardians did not appear to feel that they had made the decision to become a special guardian entirely of their own volition. As outlined in Chapter 3, Special Guardianship was initially envisaged primarily as a pathway to permanence for settled children. In accordance with this, the statutory framework for Special Guardianship does not provide for introductions, matching or for a period of monitored 'settling-in' as would be the case with fostering or adoption (Simmonds, 2011). In our sample, nearly one-in-seven special guardians were not already caring for the child prior to the order and of those already caring for their child; many had not initially expected to become their

child's permanent carer. There is clearly a gap here in terms of ensuring that these carers are prepared in a similar way to foster carers and adopters.

#### 7.1.4 Factors associated with how prepared special guardians felt

Given the number of cases where the child did not move to live with the special guardian until the time of the order, we hypothesised that this group may feel particularly unprepared for the role. However, these carers felt only slightly less prepared compared to those cases where the guardian was already caring for the child.<sup>89</sup>

Carers often acknowledged that the order was very new at the time they had applied. However there did not appear to have been an improvement in the proportions of guardians who felt happy with the information and advice they had received amongst those cases where the order had been granted more recently.<sup>90</sup> It was not possible from our data to determine reasons for this, but it does point to the likely existence of a continuing problem.

*'Nobody really knew much about it...because it was so new...I just knew that if I had Zach on the Special Guardianship order I could get rid of social services.'*

(Zach's grandmother, granted a Special Guardianship order in 2007)

Chapter 3 described concerns raised by practitioners regarding the variable information about Special Guardianship that might be provided to carers of non-looked after children. There was, however, no evidence for this sample that private applicants or applicants for children on the edge of care had felt less prepared than applicants for looked after children.<sup>91</sup> However, the circumstances in which the Special Guardianship application arose did appear to be a factor. Where the application derived from discussions in planning or review meetings for looked after children or for children in need, these carers went on to feel better prepared than when the guardian had given notice to children's services of their intention to apply or the court had granted the carer leave of court to apply for Special Guardianship.<sup>92</sup> Presumably these discussions provided greater opportunity for carers to be included in decision-making and planning and, in consequence, to obtain appropriate information and guidance about the nature of the task they were taking on.

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<sup>89</sup> Median preparation score by whether child living with them prior to SGO 8.17 (n=84). Median preparation score by whether child moved to them at SGO 7.36 (n=14). Mann-Whitney U Exact Test p=.412, n=98 (however note the small number of cases for which we have a preparation score for when the child had not lived with the SG beforehand).

<sup>90</sup> Median preparation scores by year of SGO: 2006 M=8.83 (SD=3.35), 2007 M=8.57 (SD=2.99), 2008 M=7.20 (SD=3.89), 2009 M=7.97 (SD=4.04). Kruskal-Wallis Test p=.600 (df=3).

<sup>91</sup> Preparation score by whether LAC/NLAC: Mann Whitney U Exact Test p=.680, n=98.

<sup>92</sup> Preparation score by guardian gave notice (n=19) or discussed in a planning/review meeting (n=54): Man-Whitney U exact test: p=.03, n=73.

## 7.2 To what extent did everyone support the Special Guardianship application?

Figure 7.1 shows the extent to which the main parties to the application viewed the SGO as the right legal order for the child.<sup>93</sup> From a social work perspective, the evidence available on file suggested that the vast majority of special guardians perceived it to be the right order. In most cases this was fully supported by local authority social workers and legal advisors. This contrasts somewhat with the uncertainty expressed by the guardians themselves, indicating that at least in some cases, social workers may be assuming that potential special guardians were satisfied with the decision for the Special Guardianship application, when in fact there remained reservations for some carers. Social workers should be mindful of this and consider why it may occur. For example, some special guardians may have found the process too fast to fully take on board the weightiness of the order, whereas others may not have felt confident raising concerns if they thought that to do so might jeopardise the child's placement with them.

*'You kind of find yourself in a position where it's difficult for you to make what is an informed decision at any given point because you are so...bogged down with loads and loads of things that you're thinking.'*

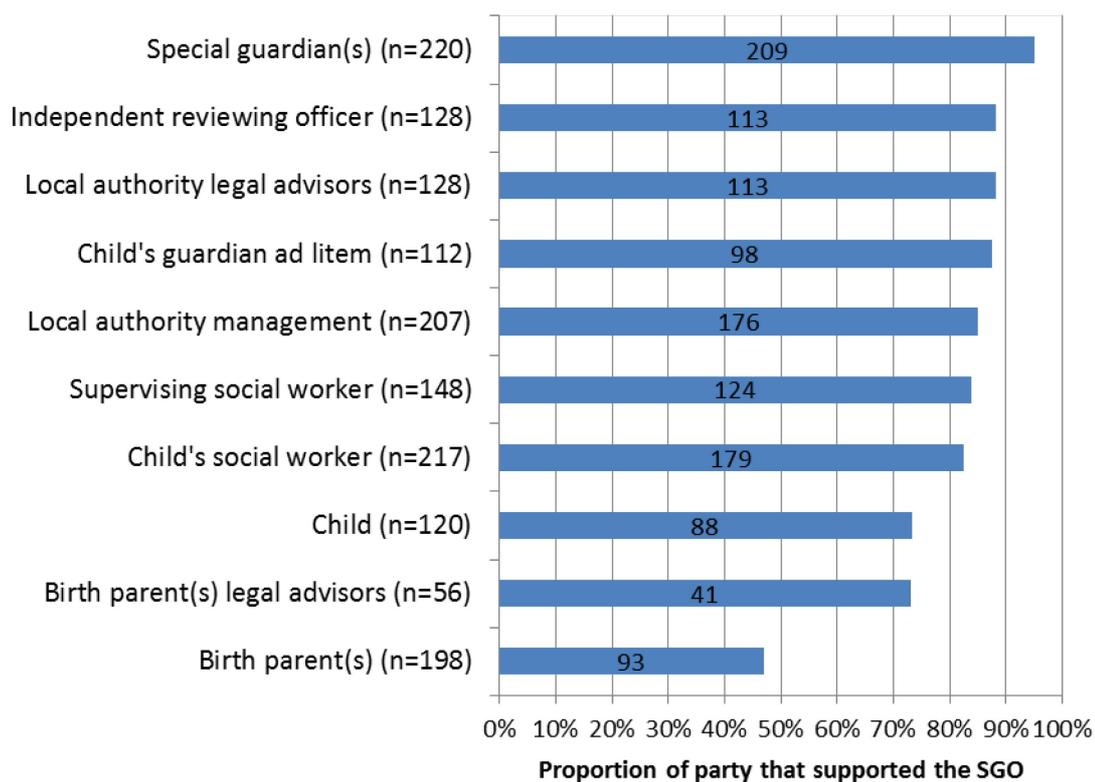
(Uncle to Dion and Alicia)

Perhaps unsurprisingly there was ambivalence reported with regard to the extent that birth parents supported the order. This will be discussed further in section 7.2.2

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<sup>93</sup> Using case file evidence, Figure 7.1 represents the number and proportion of the different parties that were rated as 'very much' in support of the application. Data was not always available or applicable for all cases of each group, so each party has a different total *n*.

**Figure 7.1 - The extent to which the main parties to the application viewed Special Guardianship as the right legal order for the child**



### 7.2.1 Concerns expressed by special guardians

The interviews with special guardians revealed that whilst most felt that this was the right legal order, the decision was not always made without reservations and could create tensions within the family, especially when a kinship carer was applying for the order. Partners of the blood relative could be more hesitant about becoming a permanent carer. One special guardian reflected on the reservations her partner had felt when they were deciding to apply to care for the children permanently.

*'He finds it quite hard to talk about...His reasons for not wanting to do it were really valid...The father was verbally very aggressive occasionally, and we had our own three kids here....I felt differently than he did and it was very difficult and it caused a huge amount of upset for a long time...I just felt it was the thing to do. I mean ...if someone needs help...especially in your family you have to step up and do it.'*

(Lydia and Harriet's Aunt)

Older relatives, typically grandparents, were not unaware of the risks associated with becoming a permanent carer at their older age. However, these concerns were typically overcome and guardians were usually positive about their decision to have become a special guardian when they reflected back.

*'I'm old and it's not my family. Those are two damn good reasons to give it a lot of thought, and I did give it a lot of thought. But I think I've gone into it now three thousand*

*per cent, you know. I can never say that I regret what I've done...so that's a wonderful thing really.'*

(Cory's step-grandfather)

Wider family members could also add further pressure to the situation. These scenarios could arise where they were opposed to the order, for example, where other family members wanted to care for the child themselves or believed the child should remain with its parent(s), or where they were overly keen for the carer to apply for the order, when the special guardian themselves had reservations. Making the decision was described by one relative as 'overwhelming' as other family members kept 'putting their oar in'.

*'My mother was very manipulative, and unfortunately she kind of manipulated me into it, I believe. Because if I'd have thought about it properly, I don't think I would've had the children...cos I've never actually wanted children.'*

(Aunt to Lewis and Brendan, whose placement later broke down).

Other apprehensions included allowing the child to settle before getting the order (described earlier), financial remuneration and just not knowing enough about Special Guardianship. Clare, Holly's special guardian whose placement also subsequently broke down reported that the family had expressed concerns about the speed with which they were to become special guardians. However, Clare had been advised against Special Guardianship by her post-adoption social worker as she already had two 'high-maintenance' children that she had adopted.

*'The one thing that we were concerned about at the time was that, because we'd already got two adopted children, we couldn't afford to (laughs) have another child, you know, so it had to be something that was going to be financed, and one thing we were concerned about was her education, with her being an older child.'*

Toby's special guardian expressed similar concerns.

*'We were worried about...provision for post-eighteen...because of government cuts, you know, things like that would be a problem. But when you look at the schedule, it states there that the local authority has to pick up the bill.'*

Marie, Emily's special guardian, explained that she would have rather gone for adoption as she didn't feel she knew enough about Special Guardianship, but as her local authority would not support this, she was concerned she would have been left with large legal fees to pay.

*'I didn't want to agree to this, I said: "There are too many grey areas in this Special Guardianship, nobody knows much about it"...The only information we had was what they said: "Oh, you know, the outcome will be the same, you'll still have her but if you fight against this," the Social Services said: "we won't support you, so you don't know if you're going to win this case". And the solicitor was saying: "It could cost you £10,000 to fight against this".'*

## 7.2.2 Feelings of children and birth parents

Given the young age of many of the children when the SGO was granted, it was not always possible to determine whether a child was in support of the order and their permanent placement with their carer. However it was often perceived to be a happy time for the child.

*'I was pleased because I knew that I was coming back to my family...that I was going to be with my family and see my mum and dad more.'*

(Dion, who moved from his unrelated foster carer to his aunt and uncle who became his special guardians)

Where evidence was available on file, children who were rated as being more supportive of the order were, not surprisingly, more likely to be older.<sup>94</sup> There were no differences noted with regard to the child's gender or how long they had been living with their carer. In Dion's case (above), like some other children, he was pleased that Special Guardianship was going to enable him to maintain contact with his birth parents and have a better relationship with them.

The interviews explored the meaning that Special Guardianship had for children. Carers, social workers and others were reported as having provided simple explanations to children. For example, Special Guardianship would enable the child to remain living where they were already settled, or in contrast, that it would enable them to move to live with family members who wanted to care for them.

*'We didn't really sit and discuss it with them at that time, cos I thought they were a bit young...We just told them they were going to be here for a long time....I think they understood that. But I don't think they understood Special Guardianship, not at that time.'*

(Unrelated foster carers of Kelsey and Callum)

*'I think the way we described it to her was: "This is what we need to do to make sure that we're your permanent mum and dad."*

(Unrelated foster carers becoming guardians to Hannah)

*'They said it's just like it was before but they're even more like responsible for you.'*

(Victoria describing how her social worker explained Special Guardianship to her).

The term Special Guardianship itself did not always mean a great deal to these children. More often, it was the understanding that they would be moving to live with a family member, or that they would be able to stay living with their current carer permanently that was significant. Where children had already perceived their placement as permanent the order may have had less meaning. What appeared to matter most, therefore, was not the particular legal arrangement but

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<sup>94</sup> The variable was highly skewed, with social workers reporting children were in support of the SGO in 88/120 cases. A binary variable was therefore used to classify highly supportive/less supportive cases (some degree/not very). Man-Whitney U exact test:  $p=.04$ ,  $n=120$ . In addition to cases where the audit had been unable to provide a rating from the information available, this number also does not include those cases where the item was rated as not applicable due to the child's young age.

rather the feeling of psychological permanence that developed through carers making a long-term commitment to them (see Gleeson *et al.*, 1997; Altshuler *et al.*, 1999).

*'We tried to get them to understand it and we gave them...the Court declaration, but I think once they came to live with us that was the significant thing, as opposed to the guardianship order really.'*

(Amy and Teddy's Grandfather)

*'The only thing he was aware of was that this was going to be his home forever and that he'd be my boy...He'd be like the others...this was going to be his real family.'*

(Unrelated foster carer to Danvir who had adopted other children).

One older child, Fiona, had clear recollections of what had happened and how she had felt when she knew her aunt and uncle were going to become her special guardians following the death of her mother. Fiona's social worker had drawn a diagram for her of the different options and had talked to her about where she would like to live.

*'I knew that's what I wanted, I didn't want to live with anyone else, I wanted to live here, but I was scared, cos...I felt...it's so different to what we were used to.'*

Two of the guardians where there had been a breakdown in the placement reported that they didn't feel that their child had been given a proper opportunity to express their wishes prior to the order being granted. In one of these cases the siblings were only told two weeks beforehand that they would be going to live with their aunt. The aunt acknowledged that the children were young when they were placed with her, but was not aware of anyone ever talking to them about where they would like to live.

In Figure 7.1 we saw that less than one-half of the birth parents had been fully supportive of the order. Where relatives were applying for a SGO, often the birth parents were reported to be in a state of reluctant acceptance, seeing the order as the *'least worst alternative'*. Several expressed a desire for their child to return to their care, even though guardians felt that these parents usually knew that their children were in the best place and were at least happy that they had remained within the family. Some guardians felt that this also gave parents the potential to apply to have the children back if they turned their lives around. It was sometimes unclear whether guardians or birth parents understood the criteria that courts would require in order to consider revoking the order.

*'Well I think they were [happy] but they weren't prepared to say they were.'*

(Aunt to Lydia and Harriet)

*If I was in [birth mum's] situation I'd like to be given the opportunity to try and prove I can have my children back, and that Special Guardianship allowed that...flexibility, as it were, whereas with adoption it was kind of permanent."*

Occasionally birth parent(s) were fully opposed to the order which could cause rifts within the family. One mother was put on a police order after assaulting a police officer when trying to remove her child from the care of her grandparents. Another special guardian couple reported

having their car and property damaged by the birth parents. One special guardian no longer speaks to her uncle since becoming the permanent carer for his two children. Some birth parents simply could not accept that they were not getting their children back.

*'She believed that we took her child away from her, we'd stolen her child.'*

(Aunt to Emily)

*'If she couldn't have the children no-one could.'*

(Former special guardian – aunt to Lewis and Brendan)

In contrast, there were occasions where the special guardian reported that the birth parent was very supportive of the order. Some parents were able to acknowledge that they were unable to care for the child themselves perhaps because of their poor mental health or learning disabilities. Where a parent did have a learning disability or mental health problems, there was then the concern that the parent may not fully understand the implications of the order.

*'Mum is very supportive cos she knows that she can't look after them, and she's not pretending that she could.'*

(Former foster carer of Kelsey and Callum, whose mum has a learning disability)

*'We didn't have any conflict...to be honest, I don't think [mum] wanted Holly living with her, you know, cos she...doesn't have good mental health herself.'*

(Holly's former special guardian who was a family friend)

*'She claims that when the Order was made she hadn't fully understood the implications...She hadn't realised that...she wasn't going to be able to get the kids back.'*

(Amy and Teddy's Grandfather)

Other parents appeared indifferent, either they were completely uninvolved in the process or they were aware of events but did not turn up to meetings or court hearings. This could make life easier and less stressful for the applicant special guardian, but also elicited feelings of guilt at this relief and occasionally pity for the parent who was losing their child.

*'She was fine....I thought I'd have a lot stronger feelings towards her of dislike and hate, but I felt quite sorry for her really.'*

(Hannah's former foster carer)

*'She just didn't turn up...I was secretly thinking "thank God" because it's so much easier.'*

(Lydia and Harriet's aunt)

Children were often moving to or already living in families where there were other children. In some instances the views of these children were clearly sought. However, some guardians reflected during interviews that the impact of Special Guardianship on the children already present

in the household needs to be carefully considered and children may not always have fully thought through or realised the implications of Special Guardianship. Where studies have investigated the impact of other resident children on placements, they have suggested that the presence of other children can act as both a protective and a risk factor with regard to the success of the placement (Farmer *et al.*, 2004; Lutman *et al.*, 2009). Lutman and colleagues (2009) suggested that one possible reason that kinship placements with aunts and uncles were more likely to end prematurely in comparison to grandparent placements was because of the increased likelihood that other children would already be present in the household, leading to the potential for rivalry and carer resources becoming stretched. However, Farmer and colleagues (2004) found that while children placed in foster placements with other children of a slightly older age acted as a protective factor, children placed with families who had younger children were at a higher risk of breakdown. Holly's placement broke down following the deterioration of her behaviour which was found to have a detrimental effect on the other children in the household, one of whom was younger than Holly and one of whom was a similar age.

*'My Cara was wrecked because she didn't ever know where her sister was, and...she was being sort of shunned by her own sister and by Holly, and my husband...just couldn't cope at all, and we made a decision then that something had to be done.'*

(Holly's former special guardian)

In contrast, Dion's uncle felt that his older children had been a positive influence for Dion as they had worked hard at school and had gone on to study at university.

*'I think it's helped him being around Theo and Leticia because he's seen them going to university.'*

Encouragingly, relationships with other children in the family were typically reported as being good. Many children saw the other children in the household, typically cousins or other foster children, as being like their brothers and sisters, placing them close to themselves on their eco-maps and describing relationships that were typical of siblings. Victoria mentioned that an older foster boy living with her special guardians called her his 'sister' and said he was like her brother because: *'He like sticks up for me and everything.'*

Fiona had become very close to her older cousin, who she tended to confide in more than her special guardian: *'She's like my best friend.'*

Children and carers would often include both birth-siblings and SG-siblings when describing the child's siblings. However, where a child did not retain a strong bond with birth siblings, these may actually be superseded by non-birth siblings who were physically present in the child's life. Diane described the process by which Hannah had adapted her family story over time.

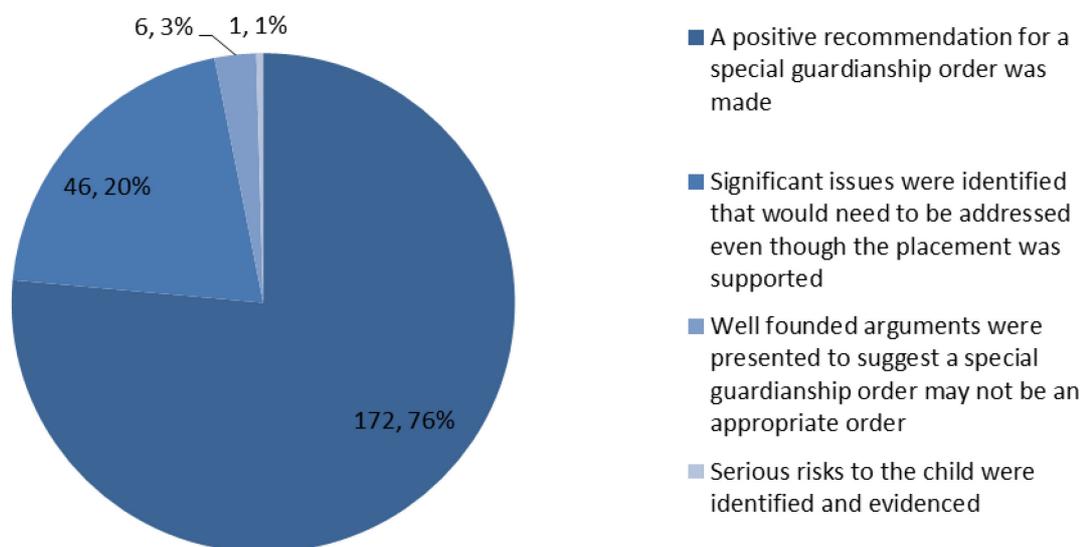
*'When she first came to us and people would say: "Have you got any brothers or sisters?" And she'd go: "Oh yeah, I've got a sister called did-a-lah". And then it wasn't long after that, that stopped and it was like: "Yeah, I've got a brother called Richard." And so she adapted pretty quickly. It wasn't that we tried to make her forget about them, but it was this is where we are now.'*

Like siblings, the children and special guardians reported that the children would squabble with one another and tease each other in a way that would be expected. With the exception of the younger child who became excluded in Holly’s placement this behaviour was not usually reported to be problematic and represented an important feature of bonding crucial to the development of family-like relationships.

### 7.2.3 Concerns expressed by the local authority regarding the viability of the order

As highlighted earlier, in the majority of cases the local authority was reported to have been very much in support of the SGO (see Figure 7.1). However, in just over one-fifth of cases there were significant issues identified by the local authority, although the placement was ultimately supported (see Figure 7.2). In seven cases, well-founded arguments or even serious risks were presented to suggest that a Special Guardianship order may not have been the appropriate order for the child. Despite these concerns, these orders were granted. Only two of these latter cases involved a looked after child who was already being cared for by the person applying to be their special guardian. The remainder were applicants where the child would move from an unrelated foster carer to a relative guardian when the order was granted (n=2) or children who were on the edge of care (n=3).

Figure 7.2 - The degree of support by the local authority in the making of the Special Guardianship order



The case files provided more detail about the reservations held by the local authority. In four of these cases there had been concerns that the carer would not be able to safeguard the child from their birth parents.

*‘The Local Authority rejected the plan initially as they did not feel that Gran could keep the child safe from mum or the impact of her behaviour. Following a contested hearing in May 2008, an independent social worker was appointed and psychological*

*assessments of grandma were completed. All reports were positive and at a meeting in October 2008, the local authority agreed to support the plan.'*

(Case file audit of a child on the edge of care)

Other reservations included household residents not co-operating with the Special Guardianship assessment, carer's physical or mental health problems, carer's limited support network, and overcrowding in the home. In one case the auditor was unable to determine the reason that the guardian had been ruled out during a viability assessment and in another case gave reasons including the preference that the child be placed for adoption (outside of the family). Six of these seven placements remained intact at the end of the follow-up period, although the likelihood of permanency in three of these cases was rated as being unlikely. In other words, the auditor did not judge that the chances of the placement lasting as long as needed were good.

The case that had broken down had involved two siblings moving to a cramped household with two special guardians and four older/adult birth children still residing at home. The auditor reflected that this case had seemed to her to be a 'non-starter'. In the three cases where permanency remained unlikely there were concerns regarding how well the special guardian could manage the child's behaviour (2 cases) and about the child spending increasing amounts of time with his birth mother (1 case). This latter case was not perceived as a poor outcome as the mother had matured and settled down. In one case the auditor reported concerns that the family were unlikely to ask for help when needed.

Information was requested from some case file audits regarding whether any concerns had been noted about the short- or long-term viability of the order (n=115).<sup>95</sup> In just over two-fifths of these cases (42 per cent) some concerns had been noted (see Figure 7.3). Where concerns were expressed, these were most commonly with regard to the relationship between the special guardian(s) and the birth parent(s) (60.5 per cent). This is not uncommon in kinship care, where there can be fraught relationships between birth parents and the kin who are caring for their children (Harwin *et al.*, 2003). How special guardians went on to manage these relationships with birth parents is discussed in more detail in Chapter 9.

For over a third of cases concerns were evidenced in relation to the child's developmental needs or behaviour problems. Other common problems included concerns about carer characteristics including their age or health, their parenting capacity, the relationship between the child and his/her parents and financial, housing or employment concerns. These were all raised in 20-30 per cent of the cases where concerns were evident. Less often there were concerns regarding the match (for example the cultural or ethnic match) between the child and the special guardian.

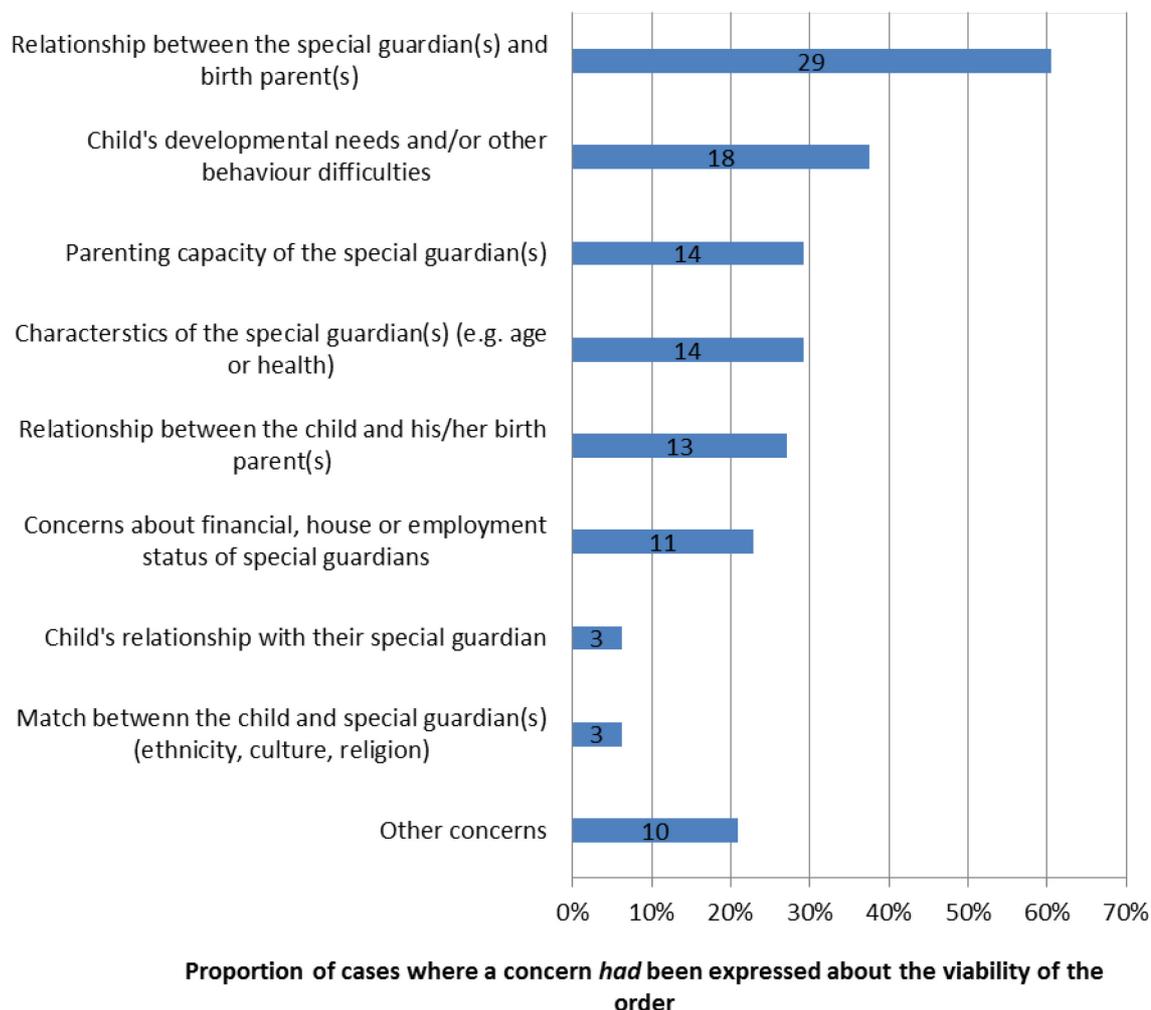
Local authorities concerns were less evident where the applicant was currently fostering the child, but were more likely for children on the edge of care or where children had not lived with their

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<sup>95</sup> As described in Chapter 2, additional questions were included in the case file audits for which there was a corresponding guardian survey, hence the smaller *n*.

carers for a time prior to the SGO application.<sup>96</sup> These concerns tend to be well founded since, as we will see further in Chapter 8, the strength of bond between carer and child at this stage was a key predictor of later outcome.

**Figure 7.3 - The concerns local authorities had about the viability of the SGO (n=48)**



### 7.3 The assessment process and court report

The local authority will be made aware of a carer's application for Special Guardianship through a social worker, the legal services department, a solicitor acting on behalf of the applicant or by the courts. On receipt of this application, the local authority, or someone acting on their behalf,<sup>97</sup> must make an assessment of the child, family and carer's circumstances and the carer's suitability to be a special guardian. In all cases, the court must have received a report from the local authority before it can grant a SGO (Department for Education and Skills, 2005). Preparation of the report involves a social worker carrying out a Regulation 21 assessment. The guidance encourages use

<sup>96</sup> Fisher's Exact Test  $p=0.027$  ( $n=114$ ). Stranger foster carer  $n=3$ , 21.5%; early kin;  $n=6$ , 25%; late kin  $n=11$ , 35.5%; edge of care  $n=18$ , 62%; stranger to kin at SGO cases:  $n=9$ , 69%. There were too few private cases ( $n=3$ ) to describe the likelihood of concerns for this group.

<sup>97</sup> The local authority can make arrangements for this investigation to be carried out by a suitable qualified and experienced professional on its behalf.

of the *Framework for Assessment of Children in Need and Their Families* (Department of Health, 2000b; Department for Education and Skills, 2005).

### 7.3.1 The assessment experience

The interviews with special guardians (n=20) revealed a range of experiences of the assessment process. For former foster carers or adoptive parents, the assessment process was not novel. These carers sometimes knew the social workers who were going to be completing the Special Guardianship assessment.

*'We've been doing it for thirty-odd years, so we...know just about everybody in the whole organisation.'*

(Former foster carer to Toby)

This familiarity could make the assessments feel more straightforward. Carers who had not had prior experience of children's services tended to find the process more daunting. One grandparent described going to a meeting with the local authority in the following way:

*'It was like going into me last supper. There was me on my own and there was about fourteen different people around this big table.'*

(Grandmother to Gareth)

This grandparent also lived in a different local authority to that which was responsible for her child, resulting in considerable travel to and from meetings for both herself and the social workers who visited her at home. This was not uncommon (see Chapter 10). Anxieties could be alleviated by a social worker with whom the special guardian managed to form a good rapport. Because a social worker was of a similar age to one prospective special guardian, this carer had felt it led to them feeling they were *'all on the same wavelength'*. Another couple reported clashing with their first social worker who failed their residence order assessment, whilst their second social worker listened to them and was *'absolutely brilliant'*. One grandparent was especially pleased with the support she had received from her social worker.

*'Gone more than the extra mile, she'd gone an extra ten miles...I was so pleased with her.'*

(Grandmother to Victoria).

Some special guardians found their social worker inexperienced or experienced a lack of continuity due to people changing roles or moving on. A lack of a specialised model, as was the case in three of the seven local authorities in this study, could also result in special guardians having contact with a greater number of professionals. This lack of continuity could be particularly problematic, resulting in the assessment process taking longer than necessary, adding to the pressure and stress of the situation, as carers had to retell the same stories to different people. It also prevented guardians from forming relationships with social workers who they may subsequently need to contact if problems arose in the future.

*'It would have helped enormously to have been able to stay with the same person, if you built... a good relationship with them. But you know, there was...different people all the time.'*

(Aunt to Lydia).

Guardians recalled being asked lots of questions, often by lots of different people. Some kin carers felt that their status as a relative to the child should count for something. They felt that, as family members, a lower level of assessment was needed than would be the case for strangers. One grandparent simply described the assessment as *'over-elaborate'*.

*'I understand...they're not just going to give your kids to anybody, but equally, we're family so why wouldn't you?'*

(Aunt to Fiona)

One grandparent did not feel that the purpose of some of the questions was very well explained. As a grandmother who just wanted to make sure her grandson was safe, secure and happy, questions about ambitions for the child felt a bit meaningless. However, whilst some perceived the assessments as intrusive, others could see the value in them and understood that it was for the benefit of the child.

*'It felt as though...I was being interviewed by the Gestapo...I know they've got to do these things...and it's good they do...it just feels as though...they're ready to hang and quarter you.'*

(Grandmother to Gareth).

*'It is intrusive, but that's the nature of the beast.'*

(Uncle to Dion)

*'They...asked us questions about absolutely everything, which I think is only right, you know. You can't hide anything if you're going to go to court and take on another child.'*

(Aunt to Natalie)

In addition to assessing potential special guardians, other family members and friends were interviewed, with some guardians reporting that their own children's schools were contacted to check their attendance and behaviour. One guardian, an experienced foster carer, felt guilty at the length of time her friends had had to give to be interviewed.

*'We thought she'd just go and say "Do you know them? Hello, bye-bye"'*

(Former foster carer of Toby)

These remain challenging issues for practitioners. There is still no firm consensus on what makes for a good assessment in kinship care. However, studies on family and friends foster care have highlighted the importance of a robust assessment process, with a clear focus on the parenting capacity of carers, showing some association with the quality and durability of placements (Farmer and Moyers, 2008; Hunt *et al.*, 2008). A balance needs to be found that safeguards the child whilst

being flexible and inclusive to families and long-term carers. These assessments also need to determine not only whether the carer is suitable now, but whether they will be into young adulthood. This issue is particularly salient for carers of children with additional needs. One grandmother indicated that she felt the assessments had not been as thorough as perhaps they could have been, taking into consideration the additional needs of the children she was becoming a special guardian for. In light of these issues, two local authorities have adapted the unified model of kinship care assessment developed by the Family Rights Group (see Chapter 3). This model attempts to provide a single assessment process for all kinship care placements including Special Guardianship, fostering and adoption.

Overall, despite feelings of intrusiveness and occasional slow progress, special guardians appeared generally positive regarding the assessment in terms of assessing their suitability to parent the child. However, the assessment is not just about testing the suitability of carers, it is also required to help carers prepare for the role of becoming a special guardian, something which only one-half of special guardians had felt that their local authority had managed to do successfully (see Table 7.2). Whilst most special guardians felt that the assessment process was thorough enough in terms of assessing their suitability, there were some reflections suggesting that the process had been a bit one-way and that the social workers hadn't provided the special guardians themselves with an opportunity to consider the implications of the order for them.

### 7.3.2 Quality assurance of the order

The case file audit<sup>98</sup> provided information on the level at which the assessment, court report and support plan were quality assured and signed off within the local authority (see Figure 7.4). In over four-in-ten cases the Special Guardianship application was authorised by a permanence panel, following a similar process as would be the case for adoption. In the majority of the remaining cases, the case was signed off by a service manager. Less often, a team manager or, occasionally, the child's social worker signed off the case.<sup>99</sup>

Practice appeared to have remained stable over time. However, different local authorities appeared to have different practices with regard to the level of seniority at which cases were quality assured. In one local authority, all cases for which there was evidence on file were (until recently) quality assured by a permanence panel. This contrasted with another three local authorities where fewer than five per cent of cases were signed off by a permanence panel. Data from policy interviews (see Chapter 3) suggested that there had been recent changes to quality assurance procedures in some local authorities. For example, the local authority that had initially quality assured all cases at permanence panel had very recently removed this requirement.

*'There used to be a panel that it went to, rather than the service manager. So that's a recent change...the panel has been replaced by the service manager.'*

(Team Manager, Area 7)

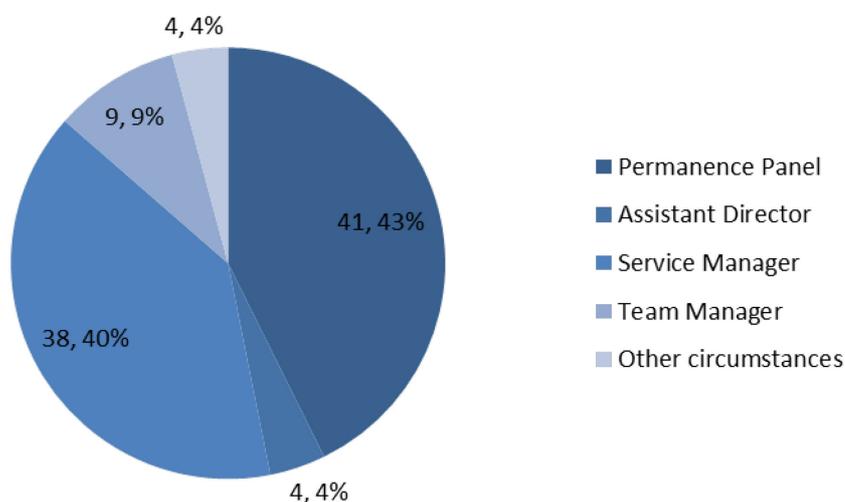
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<sup>98</sup> This was the case for the sub-sample of case file audits where we had a corresponding survey return.

<sup>99</sup> The cases classified as 'other' were typically those where the supervising social worker had signed off the case.

With increased pressure to meet tight timescales, quality assurance at the service manager level was perceived to be less laborious. However, it was acknowledged by some practitioners who had used them that panels provided a better sense of shared responsibility when making long-term decisions for permanence.

**Figure 7.4 - Level of seniority at which Special Guardianship orders were quality assured and signed off**



## 7.4 Court hearing and outcome

As described in Chapter 3, social workers were under pressure to complete assessments and court reports within 13 weeks (and often sooner for children in care proceedings). A small number of guardians had noticed that the speed of the application was being moved along more by these pressures rather than by the time actually needed to get everything done.

*'You schedule meetings, they get cancelled, but the time still runs...it wasn't coordinated...in terms of what the parents really wanted...so it kind of higgledy-piggledy went, but the time kept going by and then eventually the court date was looming and the Judge was like: "This, I want a decision here".'*

(Uncle to Dion)

*'It was supposed to be a six month assessment but they rushed it and done it in three months, so instead of coming round a couple of days here and there for a couple of hours, they was here from nine 'til five some days.'*

(Aunt to Emily whose initial assessment had been for a Residence Order)

On the other hand, it was not uncommon for guardians to report experiencing what they felt were unnecessary delays, having to repeatedly chase the local authority to complete the necessary paperwork, or wait for reports requested by birth parents who were contesting the allegations of abuse against them to be compiled.

*'It was the longest case in [this area's] history. They [the local authority] were absolutely frustrated by the length of time it was taking...it went on for so long, it was unbelievable.'*

(Family friend of Chantelle)

The interviews also asked about the court hearing itself. Not all guardians had been present at their court hearing. One couple were represented by their social workers because they were not local to the acting local authority. However this appeared to be an exception. Prior to the court hearing, guardians who had not experienced court hearings before tended to report some anxiety. However, on the whole, once in court, court officials were found to be helpful in making the court hearing less intimidating. One special guardian recalled her anxieties that she would not be granted Special Guardianship. There was a three way 'fight' in court between the children's father who wanted the children to return to his care, the local authority who wanted to free the children for adoption and the special guardian who wanted to care for the children.

*'I didn't have any hope.'*

(Cousin to Christina)

However, Christina's court hearing itself actually went very smoothly and the SGO was made. In another case the Judge invited the child up to the bench and let her try on his wig and take photos.

*'It was quite a nice day. It wasn't daunting ...they didn't make a big thing about it.'*

(Former foster carer of Hannah)

In addition to the court officials explaining what was going on in court, many special guardians reported that their solicitor had been a helpful source of support and information. However, not all parents had legal representation in court, either because the local authority refused to provide legal support or the local authority was ambiguous as to whether the family would be financially reimbursed. Where special guardians reported they had not been prepared for the court hearing they reported researching it on the internet.

*'If I don't understand something, I Google it.'*

(Aunt to Lewis)

Often there were multiple hearings whilst proceedings developed, because parents did not turn up or because the local authority social workers were not prepared, but had not declared this to the court in advance. In contrast one special guardian had the order granted at an earlier than expected court hearing, because the judge felt there was already sufficient evidence to support the order and did not see the need for further delays.

*'We turned up at Court once, only for them to say "Well we've not done anything yet".'*

(Former foster carer to Alex)

Familiarity with the 'system' was perceived as an advantage. One grandparent who whilst not a former foster carer had previously worked at a senior level in social care felt this ensured he was taken seriously. Another guardian who had previously adopted two children explained her experiences of the adoption process had meant she knew what to expect. Sometimes, it was not only the guardian, but also the local authority representatives who were not adequately familiar with Special Guardianship. One early case set a precedent for the order when it was to be granted for a sibling group. In this case the Director of Children's Services and the Director of Housing attended the court hearing and were instructed by the Judge to find suitable accommodation for the family who already had three children of their own living at home.

Despite the weightiness of the order, the court hearing often did not take very long, some taking as little as five minutes. Special guardians did not report that this speed detracted from their perception of the importance of the order. An experienced foster carer remained confident that speediness was a reflection of there not being any issues and if there had been these would have been dealt with accordingly.

*'You've never seen anything like it in your life, it was rattled though.'*

(Former foster carer to Toby).

#### **7.4.1 Court decisions**

When granting the order, the court may decide to make an additional contact or supervision order. In the majority of cases where evidence was available, no contact orders were made or changed (68.5 per cent). In the remaining cases, the court sanctioned the making or changing of contact orders for birth parents or other relatives in addition to the SGO. Contact orders were made to allow contact for birth mothers in one-fifth of cases and for birth fathers in over one-in-eight cases. Two mothers, two fathers and one step-parent received orders preventing any future contact with their child. With regard to other family members, there was little evidence of contact orders being made in favour of siblings (n=3) or other relatives (n=1). In summary, it was envisaged that most contact arrangements would go on much as they had before or be negotiated informally between family members. Of course, while contact patterns may have gone on as before, this might still have included provision for local authorities to continue supervising contact arrangements or assisting in other ways. Overall, around one-half of guardians had received support of this kind at some stage during the follow-up period (see Chapter 11).

For one-in-nine SGOs made (11 per cent), there was evidence that the court had attached a supervision order.<sup>100</sup> These appeared to be common in all jurisdictions. Only in one area were no supervision orders made. All twenty five of these cases were SGOs to kinship carers. The reasons for attaching a supervision order reflected concerns about the level of support that might be required by some carers. This was most likely where concerns existed about contact and management of birth family relationships or, to a lesser extent, where, there were concerns regarding the guardian's age, existing health problems or lack of support network. Occasionally

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<sup>100</sup> A supervision order (under s31(2) of the Children Act 1989) places a child under the supervision of the local authority for a period of time specified by the court.

supervision orders were put in place to ensure that agreed support was provided by the responsible local authority when they lived in a different area. Special Guardianship regulations require local authorities to make provision for post-order support and services. At first sight, therefore, it seems surprising that courts (or local authorities) sometimes feel the need to fall back on supervision orders to guarantee these resources. It may also reflect concerns that once a SGO has been granted, children's services have limited power to monitor and intervene should difficulties arise. In 11 of the 25 cases where a supervision order had been granted, the local authority had some concerns about the viability of the order. Similar issues were also raised by Hall (2008).

## 7.5 Becoming a special guardian

For many special guardians, the granting of the SGO was a significant event marked with a celebratory meal or even a holiday. Many guardians still recalled the immense joy they had felt when they obtained the order, the words *'ecstatic'*, *'elated'*, *'over the moon'* and *'over joyed'* were just a few of the words special guardians used to capture how they had felt at the time. The granting of the order had enabled them to feel more secure in their parenting role and that they could provide a safe and stable placement for their child. Often it increased the sense of belonging within the family, several special guardians reporting that the child now felt like one of their own and that there was now a sense of normality: 'He became my boy.'

Where there had been some uncertainty about the child's future, the granting of the order provided relief that everything was finally settled and the family could get on with their lives and stop worrying. Kinship carers often reported that they were happy that their child was now able to grow up within their own family environment. For many, a distinct advantage of the order being granted was that there would be no more social work involvement, they would be free from paperwork and had more of a say over what they thought was best for the child. In some cases the order had significant consequences; for example it enabled one special guardian to apply for British Nationality for their child. Whilst most carers were happy to have been granted the order, many did not feel that the SGO made any difference to their relationship with their child, it was merely a formality.

*'It made no difference to our relationship...we already would have regarded her as our own.'*

Just one carer reported feeling *'scared and overwhelmed'* when they received the SGO, feeling let down by the lack of support to be offered post-order. This was an aunt who was becoming the sole carer for two young children who moved to live with her just one month before the SGO was granted. Whilst the placement was still intact at the time of the follow-up study, the aunt had endured considerable stress, having to relocate because of problems she had experienced with the children's birth parents.

Guardians were mindful that this might not be a happy day for all parties. If birth parents were also present at the court hearing, special guardians did not feel it was appropriate to have visible celebrations.

*'I thought it was a difficult situation for...her mum...Holly's becoming part of this other family...I don't remember any whoops of joy or anything like that.'*

(Family friend who became Holly's special guardian)

Often the children themselves were too young at the time of the order to understand what it meant, however special guardians of older children relayed the joy their child had felt when the order was granted: '*[Our] child was jumping around he was so happy.*'

The order was reported to help children feel more settled and have more confidence in their own future. Some children had more mixed feelings, sometimes due to the loss of a relationship with a parent. Achieving Special Guardianship had often been the end of a long and sometimes difficult journey. In the next chapter we look at how things subsequently turned out for the children and their families.

## 7.6 Summary

- For just over half of families, the Special Guardianship application had arisen during a planning and review meeting for a looked after child, reflecting the high number of looked after children for whom this provides a route out of care. For non-looked after children, the application more often arose when their carer gave notice to children's services of their intentions to apply for a SGO.
- Many special guardians did not feel fully prepared by their local authority social worker to become a special guardian. In particular one-half of carers did not feel they had been able to properly consider the pros and cons of different permanency options and over two-fifths felt they had not been able to make the decision completely free from local authority pressure. Children were often not felt to have been fully prepared to join a Special Guardianship family. These represent key challenges for social workers, with some local authorities appearing to perform better at preparing families than others.
- Social workers need to make sure that carers consider the long term implications of becoming a special guardian and the support they might need in the future.
- Carers perceived the main advantages to Special Guardianship to include: the removal or avoidance of the child entering the care system, having majority parental responsibility and the removal of bureaucracy from the local authority. Kinship carers also saw SG as providing an opportunity for a child to return or remain with family.
- Carers concerns about Special Guardianship included: tensions within the family (particularly for kinship carers); concerns about own ability to provide long-term care (e.g. age and/or health problems); whether the child was sufficiently settled before the order was granted; getting enough support, including financial support; not fully understanding the implications of a SGO.

- Where children were old enough to express an opinion, they usually supported their special guardian becoming their permanent carer. Ensuring the order is explained in a meaningful way is important to children. It is also important to consider other children in the household and how a SGO may affect them.
- Birth parents often accepted Special Guardianship reluctantly, acknowledging it as the 'least worst' alternative. Some parents understood that they were not able to provide the care their child needed and were supportive of the special guardian. Others were fully opposed, which made life difficult for carers.
- Local authorities were most often highly supportive of the order. Concerns typically regarded the ability of the special guardian to safeguard the child from their birth parents. Other concerns included the child's developmental needs or behaviour difficulties, household residents not co-operating with the assessment, the SG applicant's physical or mental health, overcrowding or perceived lack of a support network for the special guardian.
- Carers who had not had much experience with children's services often found the assessment process quite intimidating. This could be alleviated if the social worker formed a good rapport with the carer. The process could be hindered by inexperienced social workers or a lack of continuity. Whilst the process could be perceived as intrusive most carers accepted that it had been in the best interests of the child.
- Special guardians had mostly positive experiences in court, although some felt it had taken too long to get there and others felt they had been rushed to court to meet court deadlines.
- In three-in-ten cases, the judge made a contact order in addition to the SGO. These were typically to allow mothers and fathers contact with their child. Rarely, orders were granted to prevent contact between the parents and child.
- In one-in-nine cases, the judge attached a supervision order. These were often applied so that the local authority could supervise contact with birth parents and so that guardians were ensured to receive the support they needed.
- The granting of the order was seen as a cause for celebration for most guardians, although it often was not perceived to make a substantial difference to the child-carer relationship. The order often provided a sense of security for children, although for some it raised concerns about bonds with their birth parents.



## Chapter 8 Progress and wellbeing of children

The previous two chapters have described the characteristics of our survey sample and the journey towards Special Guardianship by children and their carers. This chapter moves forward in time to explore how they were getting on together over the follow-up period. It describes the progress and wellbeing of these children and young people in relation to home, school, personal development and behaviour, assesses the extent to which they had become integrated into the everyday life of their families and considers the impact of Special Guardianship on the lives of special guardians and their families. Our next chapter will explore patterns of contact and quality of relationships with non-resident birth family members.

In doing this, we will draw primarily (though not exclusively) on survey data collected directly from special guardians and on interviews with them and their children.<sup>101</sup> In addition to describing the progress and wellbeing of children, this chapter also explores factors that help to predict which children seemed to fare best and the circumstances in which this occurred. An important objective for Special Guardianship is to provide children with a stable home base at least up to the age of 18 and generally beyond. Stability will be explored in Chapter 10.<sup>102</sup> The reader should be advised, therefore, that the findings in this chapter have primary relevance to Special Guardianship families where these placements endure rather than to those placements that end prematurely.<sup>103</sup> This chapter will focus on three child-centred outcomes:

- How well things were reported to have gone for the child overall during the follow-up period (rated for the whole sample by auditors, special guardians and the research team);
- The social, developmental and educational progress of children (rated by special guardians only);
- The extent to which children had become integrated into the family (rated by special guardians only).

More complex statistical findings will be presented here in summary form for ease of reading. A statistical appendix is attached for those who want greater detail on how these analyses were conducted and on the findings themselves (see Appendix B).

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<sup>101</sup> It was not generally possible to collect accurate information on the wellbeing of children some years later from social work case files. Most cases had been closed and subsequent recording in these areas was frequently sparse or completely absent. In any event, it was felt that guardians would be best placed to know how their children were getting on in their day-to-day lives. Only an overall rating of how well the placement had gone (at follow-up or last known point of contact) was available for almost the whole survey sample (n=223 children).

<sup>102</sup> Questionnaires were received from 115 special guardians, with just five of these cases concerning children who were no longer resident at follow-up. A further 19 children for whom we had case file information only were also no longer resident, while some had aged-out and moved on, others had broken down. Differences between resident and non-resident children will be considered in Chapter 10.

<sup>103</sup> For reasons presented in Chapter 2 and Appendix A, evidence based solely on questionnaires returned by guardians (n=115) should be regarded as applying primarily to placements that endure. As indicated above, very few guardians completed questionnaires for placements that had broken down. Only the first outcome measure above applied to the whole survey sample and, as we will see, was strongly related to stability.

## 8.1 About the sample at follow-up

Across the survey sample as a whole (n=230), the length of follow-up ranged from 20-92 months, with a median duration of 60 months since the SGO was made.<sup>104</sup> Of course, the total time the children and young people had lived with these carers (before and after the SGO) was often longer. The overall duration ranged from just over three to seventeen years (median 74 months). Children who were living with a special guardian who was their former unrelated foster carer had been with them for longer on average before the SGO and in total than was the case for those living with relatives. They were also older at follow-up.<sup>105</sup>

These findings reflect the different use that is made of Special Guardianship. On the one hand, it may be used for older young people in very settled long-term foster placements with unrelated foster carers. This is in line with one of the original expectations for Special Guardianship (Department for Education and Skills, 2005). On the other hand, relatives may come to Special Guardianship in several different ways. Some may have very settled relationships with children in their care; some children may be placed by the local authority in the short term with a view to obtaining an SGO, while other relatives may come forward during the course of care proceedings. These different pathways have been highlighted in preceding chapters.

The age range of children and young people at follow-up was also quite large. Across the whole survey sample, ages ranged from four to twenty three, with a mean age of 11 years. Almost one half (47 per cent) were still aged under ten, less than one in five (18 per cent) were in the 14-17 age range and just 14 per cent were aged 18 or over. It is therefore important to bear in mind that, despite the overall length of follow-up, this remains a relatively young sample of children. This reflects the early age at which many children move to Special Guardianship. It should also remind us, given the positive tenor of the findings to be presented, that some of the difficulties that tend to present themselves in adolescence may still lie ahead for a substantial proportion of this sample.

As we saw in Chapter 6, most children (90 per cent) were living with relative carers. Of these, the vast majority (90 per cent, 187) were still resident at follow-up. Most of these children (85 per cent, 176) had been living with this carer before the SGO was made. Two-thirds (67.5 per cent) had been placed in family and friends foster care, around one-fifth (21 per cent) were living with these relatives on a residence order and one in nine (11 per cent) without a legal order. For just under one-in-ten children (9.5 per cent) placed in unrelated foster care, their foster carer became their special guardian, and all but three children were still resident at follow-up. For all of these children, the placement continued once the SGO had been made. Amongst those children who only moved to their Special Guardianship family at (or around) the time the SGO was made (14.5 per cent), most (79 per cent) had moved from unrelated foster care to live with relatives. The transition to Special Guardianship therefore entailed a move to a new home.

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<sup>104</sup> Three questionnaires were returned by carers who obtained SGOs outside of our recruitment period (2006-2009). These did not allow for a minimum follow-up of three years but were kept in to maximise the data available.

<sup>105</sup> Duration: Mann Whitney U exact test:  $p < .001$ ;  $n = 198$ . Age at follow-up: Mann Whitney U exact test:  $p < .001$ ;  $n = 230$ . Before the SGO was made, children with unrelated foster carers had been resident for an average of 70.67 months (SD 40.320) compared to just 24.69 months for relatives (SD 30.916). Mean age at follow-up was 15.82 years for those with non-relatives (SD 4.090) compared to 10.52 years for those with relatives (SD 4.484).

## 8.2 Overall placement progress<sup>106</sup>

Only one of our three child-centred progress measures was available for as many as 223 children and young people at follow-up. This involved a rating on a four point scale (from 'very well' to 'not at all well') to assess how well the placement was perceived to have gone for the child over the follow-up period.<sup>107</sup> Overall, the findings are positive, as shown in Table 8.1. Six-in-ten children were reported to be doing very well and the placement was rated as going quite well for almost one-third of children. Only one-ten-children were rated negatively. Where the placement was reported to have gone 'not at all well', none of these children were still resident at follow-up, and this was also the case for half of those that were rated 'not very well'.

**Table 8.1 - How well things had gone for the child over the follow-up period**

	Number	Per cent
Very well	132	59
Quite well	69	31
Not very well	10	4.5
Not at all well	12	5.5
Total	223	100

At face value, these ratings appear to be somewhat higher than those found in more specialist studies of kinship care.<sup>108</sup> Hunt and colleagues (2008) study of children placed with relatives through care proceedings rated over one-third (36 per cent) of placements as being problem free, a further 44 per cent as having some problems and one-in-five (20 per cent) as presenting major concerns. Farmer and colleagues (2008) study of kinship foster care rated 66 per cent of these placements as being satisfactory. Although comparisons are inevitably inexact, it perhaps suggests a tendency for Special Guardianship to be taken up by families where the chances of success appear to be quite good and where relationships between carers and children are more firmly cemented. As we will see in a moment, the strength of this bond at the outset proved to be an important predictor of how the placement subsequently went.

While the analysis that follows in this chapter is not focused primarily on the question of stability, it is important to emphasise the strong correlation that existed between how well the placement had gone for the child and whether or not they were still living there at follow-up.<sup>109</sup> Stability is one

<sup>106</sup> Although children subject to an SGO are not really in a 'placement' (it is rather a legal endorsement of a family arrangement), we continue to use the term placement for brevity and convenience (as is often the case in adoption).

<sup>107</sup> The same question was asked of case file auditors and special guardians. Where information was provided by both, an independent judgement was made by the research team based on written information attached to the rating. The rules for making these judgements are outlined in Appendix B.

<sup>108</sup> However comparisons can only be approximate as methods for rating placement success differed. These studies assessed the quality of placements through researcher ratings based on analysis of case files, which was only partially the case for this study, and used rather different criteria in relation to somewhat different samples.

<sup>109</sup> Mann Whitney U exact:  $p < .001$ , correlation coefficient  $-.471$ ,  $n=223$ .

obvious marker of placement success and ratings of how things had gone were considerably higher for intact placements. These issues will be pursued further in Chapter 10.

Two measures were employed in this study to assess emotional and behavioural difficulties in children. First, guardian's completed the Strengths and Difficulties Questionnaire (Goodman, 1997) which was only available for the reduced guardian sample (n=95).<sup>110</sup> Second, a simple four point rating of emotional and behavioural problems was available for most of the sample (n=202). Both of these measures were associated with how well guardian's thought things had gone for the child.<sup>111</sup> In relation to the SDQ, where guardian's had rated things as going very well, 85 per cent of children fell within the 'normal' range compared to just 13 per cent of those who were rated as exhibiting clinical symptoms.

The cut-off points of the SDQ have been calculated so that only 10 per cent of children in the general population would be expected to have scores over the clinical threshold for severe emotional and behavioural problems (Goodman, 1997). Overall, 24 per cent of our sample had total scores above that threshold. While this is rather lower than one recent study of long-term fostered and adopted children, where 38 per cent of that sample were above the threshold (Biehal *et al.*, 2010), it is significantly higher than the population at large. As Biehal and colleagues found, boys scored more highly for hyperactivity, but children with learning disabilities scored highly across all sub-scales. Overall, these findings highlighted the challenges that many guardians faced in coping with the behavioural difficulties presented by their children and, while these placements were lasting, wider research on fostering and adoption has made connections between the continuation of these problems and poorer outcomes both while in placement and after leaving care (Sinclair *et al.*, 2005b; Wade and Dixon, 2006; Sinclair *et al.*, 2007; Quinton and Selwyn, 2009a; Biehal *et al.*, 2010).

Where children had lived with their special guardian *before the order was made* – and for a longer period of time – and most especially where the bond between primary carer and child was rated as being very strong at this point, the outcome at follow-up was better.<sup>112</sup> Where the bond was considered 'very strong', 76 per cent of children were also rated as having done 'very well' in placement, compared to 32 per cent where the bond was rated as 'quite strong' and just 15 per cent where it was rated as 'quite weak'. In Chapter 3 we identified concerns, arising from a policy and practice perspective, about the risks that might accrue from SGOs being made quickly, before placement relationships had been properly tested. The evidence presented here suggests that there is reason to believe that this may well be the case and that strength of bond is an important predictor of how things will turn out some years later.

Finally, there were also some contrasting associations with this outcome that related to the role of the local authority before and after the SGO was made. An improved outcome was significantly more likely where the local authority had been highly supportive of the original Special

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<sup>110</sup> The SDQ provides a total score and scores for five sub-scales (emotional symptoms, conduct problems, hyperactivity, peer problems and pro-social behaviour). The sum of the first four scales forms the total. A score of 17 or over is indicative of clinical mental health symptoms.

<sup>111</sup> SDQ total score and outcome: Kendall's tau-b:  $p=.005$ ,  $t =-.241$ ,  $n=94$ ; EBD measure and outcome: Kendall's tau-b:  $p=.002$ ,  $t =-.203$ ,  $n=200$ .

<sup>112</sup> Whether lived with guardian and outcome (Mann-Whitney U:  $p=.032$ ,  $n=223$ ); duration (Kendall's tau-b:  $p=.04$ ,  $t =.119$ ,  $n=184$ ); strength of bond (Kendall's tau-b:  $p<.001$ ,  $t =.415$ ,  $n=220$ ).

Guardianship application.<sup>113</sup> Potentially, this is an important finding since it implies that where local authorities have concerns about the placement and are less supportive of the SGO application, the evidence at their disposal at that stage is associated with how things subsequently turn out. A better outcome was also the case where guardian's felt well prepared for the task that lay ahead.<sup>114</sup> In contrast, provision of more services to the child and/or guardian after the order was made was associated with a more negative outcome.<sup>115</sup>

This is a very familiar finding in relation to children's social work services more generally (Sinclair, 2005; Dixon *et al.*, 2006; Biehal *et al.*, 2010). It generally means that services tend to be provided in response to difficulties being experienced by children and their families. Given the scarcity of these resources and the often high thresholds for accessing services, these difficulties often have to be quite serious before intervention occurs. Although interventions do not cause these problems, many interventions are short-term, when the need may be for longer-term support, or insufficiently intensive to resolve the problems they seek to address, perhaps especially where children's behavioural problems are severe and not easily amenable to change. This finding features in relation to all outcomes considered in this study. It also reflects the concerns of practitioners reported in Chapter 3, where many were quite aware that they were unable to provide longer-term services of sufficient intensity to meet the needs of Special Guardianship families. Some teams reported being so stretched that it was difficult even to make the occasional phone call to their families to see how things were going.

Multivariate analysis, combining variables significantly associated with overall placement progress, was used to create a 'model' that best predicted how things had gone for the child (see Appendix B for further details). A combination of two factors was found to make a significant contribution, once account had been taken of other relevant variables. The rating given at follow-up was higher where:

- The bond between carer and child had been rated as strong at the time of the SGO (p<.001).
- Children were not rated as having more serious emotional and behavioural problems (p=.029).

As suggested above, therefore, the strength of the relationship between special guardian and child at the outset coupled with an ability to manage the behavioural challenges that children presented predicted a more successful outcome at follow-up.

Most children were reported to be doing well. Alongside the rating provided by guardians, space was provided for them to write a note of their reasons for making the assessments they did. Where

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<sup>113</sup> This variable was highly skewed, with local authorities highly supportive of 78 per cent of the applications. A binary variable was therefore used to classify highly supportive/less supportive (some degree/not very). Mann-Whitney U exact test: p=.008, n=221.

<sup>114</sup> Preparation score by outcome: Kendall's tau-b: p=.035, *t* .181, n=98. The preparation score sums together related variables assessing the information and advice provided to carers at the time the application was being considered and their confidence in a SGO being the right order for them. It is described more fully in Chapter 11.

<sup>115</sup> Child services score (combining therapeutic, behavioural and educational services) and outcome: Kendall's tau-b: p<.001, *t* -.297, n=185; Guardian services score (combining social work contact, financial and birth family services): Kendall's tau-b: p=.015, *t* -.165, n=169.

things had gone very well, the comments from special guardians pointed to the close family relationships that had developed over time, the strong affection that had grown and to a pride in the hard-won achievements that children had made, often from quite disadvantaged starting points.

*'Because he wouldn't be anywhere else and we wouldn't be without him. The bonds are too close. He means everything. He's come on leaps and bounds in every way.'*

*'She is just a part of the family. I couldn't imagine her not being with us.'*

*'He is now a happy and well-adjusted little boy who started off life with various difficulties...He is making good progress in school with excellent reports. It was difficult, at first, with other family members, and was very hard at times.'*

*'I have done the best I can to raise him. He's doing very well in school. He sees his family, both the maternal and paternal sides. He has given me a reason to improve myself and I have become a better person.'*

These brief comments also point to the challenges that have had to be faced along the way. Although all of these children were doing well, the emotional and behavioural legacy of their past experiences was still evident as, in some instances, was the personal cost of taking on their care.

*'Although there are emotional and behaviour issues which are quite perplexing to handle, I think we are handling things as well as possible. She is reasonably happy, but her circumstances lead to some anxiety.'*

*'My child is very happy, looking healthy, enjoys school and is confident. She was very shy, lacking in self-esteem, but she is now becoming a different child. As for me, I enjoy having her, but it has affected me financially and in my social life. I haven't been on holiday once in six years.'*

*'Although there were quite a lot of problems in the beginning, the situation has now stabilised.'*

Doing well, therefore, did not mean the absence of problems or the presence of only minor ones, the rating was more likely where the bond between carer and child had become strong and where the difficulties that existed had become more manageable, where carers felt they were in control or where improvements could be discerned, often after a rocky start.

Unfortunately no comments were provided by guardians where their child was rated as not doing very well and only one grandparent in the interview sample had given this rating. However, the description of her life with her grandson that follows is illustrative of the difficulties of providing care for children with complex needs, of the close affection and commitment that is needed to sustain it and of the personal cost that may frequently be involved.

Gareth, now aged seven, had lived with his paternal grandmother, Julie, since he was 13 months old. Previously he had been in foster care and he had moved to his grandmother at the time the SGO was made. He no longer has contact with his birth mother and just occasional contact with his father. Gareth has long-term and complex health problems linked to his birth mother's extensive drug and alcohol addiction while pregnant. He has also been diagnosed with autism and ADHD. His grandmother, a single lone carer, spoke of him with great affection. She has tried hard to engage him in activities he likes, such as swimming and drama, although he lacks friends and is quite isolated, and has 'fought tooth and nail' to get him additional one-to-one tuition at school where he struggles to keep up and exhibits quite serious behavioural problems. She took great pride in his achievements. She said that he can be very funny and loving, but that he can also be very aggressive when frustrated – 'he takes his frustrations out on nanny'. His aggression had got rather worse with age. She gets by through 'taking one day at a time'. Overall, she felt that she had received quite good support from health services (including a health visitor and CAMHS), but that support from social care and education had been lacking. Providing care had exacted a high personal cost. Her life plans had been rewritten and opportunities to take a break were rare: 'I haven't had a night out. I don't know what a night out is anymore'.

### 8.3 Family integration

Special guardians were asked to provide answers to a series of questions about their relationships with their children. Overall, these provided proxy measures of the extent to which children were perceived to be easy to care for, to have become integrated into family life and to have a sense of attachment and belonging to their carers. Table 8.2 shows a distribution of their responses.

Once again the findings were very positive. By all accounts most special guardians thought that their children had integrated well into the fabric of family life. Almost all were considered to feel fully part of the family, to feel well cared for and for there to be a high degree of trust between children and their special guardians. Very few carers reported any strongly negative experiences in relation to the children. Only a small minority were thought to feel marked out as different from other family members in any way. The central column also points to some ambivalence with respect to the challenges of providing care and to the ability of children to confide in other family members.

**Table 8.2 - Special guardian assessment of relationship with child**

(Columns show per cents)	Very much so	To some degree	Not at all
* Is easy to care for (n=11)	64	28	8
* Feels part of the family (n=110)	92	7	1
* Trusts you (n=111)	93	6	1
* Feels you care for him/her (n=108)	93	5	3
* Talks to you about personal things (=106)	59	31	9
* Feels encouraged (n=110)	87	12	1
Feels like the odd one out	2	18	80
Wants to leave	3	5	93
Feels picked on	2	14	84

To permit further analysis the six items marked with an asterisk were combined into a Family Integration Measure.<sup>116</sup> This measure has been used in previous York studies on foster care and adoption (see Sinclair *et al.*, 2005a; Biehal *et al.*, 2010; Wade *et al.*, 2012). Using this measure it was possible to identify a number of factors that were associated with variations in the degree to which children were reported to be integrated within the family.

There was an obvious association between this measure and our previous outcome measure (how well things were rated as having gone for the child). Children were also rated as being less integrated where they were considered to have more serious emotional and behavioural difficulties, as measured by both the SDQ total score and our more simple measure of these problems.<sup>117</sup> It was difficult for special guardians to view children as being well integrated where they were perceived as being disruptive or disturbed and where, consequently, things were not going well. As before, where these challenges were greater, special guardians were more likely to report that they experienced greater strain and anxiety.<sup>118</sup>

Children with multiple disabilities or health conditions were likely to score worse on this measure, although the correlation was not strong.<sup>119</sup> Almost one-quarter of the sample (24 per cent) were reported to have a physical or sensory impairment, a learning disability, mental health problem or long-term health condition. None of these on their own were significantly related to the measure, but this was the case when they existed in combination (as was the case for 25 children). These

<sup>116</sup> The Family Integration Measure provided for a 0-12 scale. Factor and scale analysis suggested that the scale provided acceptably good internal consistency and reliability (Cronbach's alpha .708).

<sup>117</sup> Family integration by placement rating ( $p < .001$ ,  $t = .348$ ,  $n = 105$ ); by SDQ score ( $p < .001$ ,  $t = -.392$ ,  $n = 85$ ); by EBD rating ( $p < .001$ ,  $t = -.310$ ,  $n = 102$ ).

<sup>118</sup> Family integration by carer strain score ( $p = .001$ ,  $t = -.259$ ,  $n = 105$ ); by GHQ-12 ( $p < .001$ ,  $t = -.291$ ,  $n = 98$ ).

<sup>119</sup> Kendall's tau-b:  $p = .028$ ,  $t = .193$ ,  $n = 100$ .

children were reported to be less integrated into the family. However, the relationship between these special needs and integration was, in the main, being mediated by emotional and behavioural problems, since these children also tended to score more highly on the SDQ.<sup>120</sup> Once account was taken of this, the relationship between special needs and integration was no longer significant ( $p=.54$ ).

Table 8.3 shows the average rank on the family integration score according to the type of relationship that existed between the special guardian and the child. A higher mean rank in this table means that the family integration score tended to be higher and that children were therefore rated as being more integrated. The table suggests that where children were being cared for by their grandparent(s), the relationship was closer than tended to be the case for other relatives (especially aunts and uncles). The difference reported between grandparents and aunts/uncles was significant, but this was not the case for former unrelated foster carers.<sup>121</sup> It is not clear why this was so, although we know that relationships with grandchildren can be particularly close.

Studies assessing factors associated with kinship foster care disruption have found that placements with grandparents tend to be more robust when compared to other family and friends placements (Harwin *et al.*, 2003; Farmer and Moyers, 2008; Hunt *et al.*, 2008). For example, Farmer and Moyers found that while eight per cent of placements with grandparents disrupted over two years, this was the case for 27 per cent of those with aunts and uncles and 30 per cent of those with other relatives or family friends. However, these differences were not found to be due to variations in the level of carer commitment to the children in their care. Hunt and colleagues also found that placements with aunts and uncles were almost twice as likely to disrupt as those with grandparents. Explanations for why this may be the case are less certain. It has been suggested that it may be associated with the presence or otherwise of other children in the household, which can impact negatively on placements, and which is less likely to occur in grandparent placements. However, we found no variation in integration according to whether children were placed with siblings or other children for this sample.

**Table 8.3 - Type of guardian/child relationship by family integration score**

Relationship to child	Number (n=105)	Mean rank
Grandparent	53	60.66
Aunt/uncle	23	35.89
Other relative	15	54.27
Former unrelated foster carer	11	55.23
Other person	3	34.33

<sup>120</sup> Mann-Whitney U:  $p=.001$ ,  $n=88$ .

<sup>121</sup> Kruskal-Wallis test ( $p=.01$ ). Mann-Whitney U tests for aunts/uncles ( $p=.001$ ); for former foster carers ( $p=.54$ ).

Multivariate analysis was employed to create a 'model' that best predicted how well children were integrated into their families (see Appendix B for further details). Several factors were found to make a significant contribution, once account had been taken of all other relevant variables. The rating given at follow-up was higher where:

- Children had fewer emotional/behavioural difficulties (as measured by the SDQ –  $p=.001$ ).
- Where greater support was available from the guardian's immediate family ( $p=.036$ ).
- Where frequency of contact with birth mothers was *lower* ( $p=.004$ ).
- Where guardian's felt they had been well prepared in advance for the role of being a special guardian ( $p=.038$ ).

These findings are complex. The implications of a high SDQ score, the strongest predictor, have been explained above. Once this was taken into account, being cared for by a grandparent or the child having special needs were no longer significantly related to family integration.

The other three predictive factors require further explanation and, given the limited strength of these associations, should be viewed with more caution. Of the three, only good preparation was significantly and directly associated with family integration. The others only became so when entered into a regression equation in combination with other predictive variables.<sup>122</sup> With respect to preparation, while guardians may tend to reflect back negatively on the preparation they received when things have not turned out well, it is nonetheless an area in which local authorities can make a positive difference. Our policy interviews (see Chapter 3) highlighted the concerns amongst practitioners about the short timescales available for Special Guardianship assessments and preparation of court reports and, in consequence, the limited time available for good preparation. Preparation is accepted as good practice in fostering and adoption and it is important that time is found to prepare guardians adequately for the task that lies ahead of them.

Family integration seemed to be improved where guardians felt that they received a higher level of support from their own immediate birth families. However, the finding in relation to the frequency of the child's contact with their birth mothers is harder to interpret. Guardians generally welcomed this contact and its frequency was higher where it was perceived to have a beneficial impact on the child and where relationships were positive.<sup>123</sup> However, the finding tentatively presented above suggests that greater contact may also serve to weaken the child's integration within the Special Guardianship family. For some children it may therefore create a tension or sense of divided loyalty, especially where their relationship with their birth mother is positive. This tends to be confirmed by other findings. Where this contact was higher children also tended to speak more often about going back to live with their birth mothers and the more often they talked in this way, the lower the level of reported family integration (although this did not reach significance).<sup>124</sup> This is not to say that contact should be restricted. One of the strengths of Special Guardianship is the possibility for both a secure home base and continuing relationships with birth parents and other

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<sup>122</sup> Kendall's tau-b: Family Integration by support from immediate family ( $p=.083$ ); preparation score ( $p=.064$ ); frequency of contact with birth mothers ( $p=.58$ ).

<sup>123</sup> Kendall's tau-b:  $p<.001$ ,  $t .396$ ,  $n=76$ .

<sup>124</sup> Kendall's tau-b: frequency of birth mother contact by talk of return ( $p=.001$ ,  $t .327$ ,  $n=90$ ); family integration by talk of return ( $p=.068$ ,  $t -.180$ ,  $n=85$ ).

family members. However, it does raise a dilemma that guardians and social workers need to be mindful of and, where it does arise, to find ways to help children resolve it successfully. If they can, children’s feelings of security and belonging within their Special Guardianship families may be increased.

## 8.4 Child development and wellbeing

Information was collected from special guardians on the progress and wellbeing of children in some key developmental areas – health, education, emotional ties, friendships, skills and confidence and behaviour. Each guardian was asked to rate their child in relation to these developmental indicators according to how they had been faring over the past six months. The distribution of their responses is shown in Table 8.4.

Other than health, which appeared to be good for most children, the most positive ratings were in relation to emotional ties and, to a slightly lesser degree, children’s emotional wellbeing. Over two-thirds of children were thought to have a close attachment to at least one adult. Overall, most children were reported to be healthy, thriving and normally happy. These three indicators also received the most positive ratings in our earlier York study of Special Guardianship (Wade *et al.*, 2010). As was the case in that study, some continuing difficulties were also evident, as sizeable minorities had poorer ratings for emotional and behavioural difficulties, educational progress, skills and interests and in relation to the depth of their age-appropriate friendship networks. Overall, one-third or fewer children were rated as poor or quite poor in any category.

**Table 8.4 - Child wellbeing indicators**

	Poor (%)	Quite poor (%)	Quite good (%)	Good (%)	Number
<b>Health</b> (very frequently ill; normally well and thriving)	8.5	5	8.5	78	104
* <b>Educational progress</b> (relative to age and ability)	14.5	14.5	34	37	103
* <b>Skills, interests, hobbies</b>	10.5	17.5	34.5	37.5	104
* <b>Self-confidence</b>	7.5	15.5	39.5	37.5	104
<b>Emotional ties</b> (to at least one adult)	4	11.5	16.5	68	103
<b>Close friends</b> (no real friends; several close)	15.5	8.5	28	47.5	103
* <b>Emotional and behavioural difficulties</b>	12.5	24	21	42.5	104
* <b>Self-care skills</b> (competence for age)	6.5	15.5	25	53	104
* <b>Emotional wellbeing</b> (sad, unhappy; normally happy)	6.5	6	26	61.5	104

In order to see whether the overall development of these children and young people was associated with other factors, the six scale items marked with an asterisk were combined to provide an overall score.<sup>125</sup> Some themes are now becoming familiar. The development and wellbeing scale contains within it a measure of emotional and behavioural difficulties. There was therefore an obvious strong correlation with the total SDQ score, which accounted for a large part of the variation within it (see Appendix B). However, the relationship between SDQ score and the development scale remained strongly significant even when the measure of emotional and behavioural difficulties was removed from it.<sup>126</sup> The scale was also associated with our Family Integration Measure. However, once account was taken of the SDQ score, this measure ceased to have significance.<sup>127</sup> Once again, therefore, more severe difficulties were negatively related to the progress of children.

Although there was no association between age and behaviour difficulties for this sample ( $p=.21$ ), there was an association between age at the time of the SGO (and at follow-up) and the development scale - with older children tending to be faring less well.<sup>128</sup> Research on fostering and kinship care has suggested that where children are placed at an older age the chances of breakdown are significantly increased (Sinclair, 2005; Farmer and Moyers, 2008; Hunt *et al.*, 2008). Hunt and colleagues found that age at the conclusion of care proceedings was also associated with later wellbeing and overall placement outcome. Similar findings are also evident in this study. As we will see further in Chapter 10, age at the time of the SGO was also associated with placements no longer being intact at follow-up. Not all of these endings would necessarily have been due to breakdown, however, as some young people would have aged out and left home for other reasons.<sup>129</sup>

Two other factors were associated with child development and wellbeing. Females were more likely to have a positive rating than males and children with special needs were reported to be faring less well than other children.<sup>130</sup> In particular, children with a learning disability or mental health problem were rated as doing quite poorly across all categories, but especially in relation to education.

Multivariate analysis, combining variables significantly associated with this outcome, was used to create a 'model' that best predicted developmental progress (see Appendix B for further details). Three of these factors were found to have made a significant contribution.

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<sup>125</sup> Factor analysis suggested that these 6 items formed a single main component (health, emotional ties and friendships did not combine with them well). This was confirmed through scale analysis, where the reliability of the scale was increased once these components were removed (Cronbach's alpha .836). This means that each item was measuring a similar kind of thing. It formed a 0-18 scale in which a higher score was positive.

<sup>126</sup> SDQ by development scale: Kendall's tau-b:  $p<.001$ ,  $t = -.569$ ,  $n=84$ . SDQ by development scale (without EBD):  $p<.001$ ,  $t = -.515$ ,  $n=84$ .

<sup>127</sup> Linear regression was used to model this relationship ( $r^2=.443$ ; SDQ: Beta  $-.688$ ,  $p<.001$ ; Family integration: Beta  $-.004$ ,  $p=.97$ ).

<sup>128</sup> Kendall's tau-b:  $p=.002$ ,  $t = -.223$ ,  $n=103$ .

<sup>129</sup> Mann-Whitney U:  $p=.001$ ,  $n=230$ .

<sup>130</sup> Mann-Whitney U: sex ( $p=.017$ ,  $n=103$ ); special need ( $p<.001$ ,  $n=101$ ).

The rating given at follow-up was lower where children:

- Had emotional and behavioural problems, as measured by the SDQ score ( $p < .001$ ).
- Were male ( $p = .037$ ) and were older at the time the SGO was made ( $p = .048$ ).

Only gender and age were therefore able to add significantly to the ability of the SDQ to predict this progress measure and suggests the risks of not doing well are increased for children who share these characteristics at the start of the Special Guardianship journey. In particular, boys were more likely to have behavioural problems and to suffer in comparison to girls in relation to education progress ( $p = .03$ ) and in the acquisition of skills, interests and hobbies ( $p = .045$ ).

Although most children were considered to be normally healthy, some special guardians worried about the physical and emotional health needs of their children, while the health of other children had improved once they had begun to receive safer and more predictable care. Some children had chronic health problems that required careful management. Some children had bowel, kidney and heart conditions that had required surgery and long-term medication and monitoring, while others were reported to have had acute respiratory problems, autism, learning disabilities and/or a diagnosis of ADHD. As we have seen, for a number of children, these conditions existed in combination. Sometimes these diagnoses came rather late in the day and were only achieved after great persistence by guardians. This was the case for Toby, who had a long-term bowel condition, but who was only diagnosed with autism at age nine. For Ellen, his guardian, obtaining that diagnosis was important both as confirmation of what she had been seeing and as a pathway to support.

*'It (getting a diagnosis) makes all the difference because, if you say somebody's got autism, they say: 'Yeah, who says?' You get that a lot...even though it's as plain as the nose on your face, unless somebody's diagnosed it. You do need to know and you do need the support. I mean they were able to help us. They did play therapy with him.'*

Linked to these conditions were concerns about the mental health and emotional wellbeing of some children. Neo-natal and early life experiences had left a legacy for some children. Some had experienced, even witnessed, the untimely deaths of birth parents, episodes of violence between parents and their partners or acute distress caused through exposure to parental addictions and/or mental health problems. Alex, aged 19 at the time of our interviews, had continuing anxieties that his mental health would break down as it had for his birth mother. According to his guardian, Samantha, he continued to have feelings of guilt about his inability to protect his sister from earlier abuse and about the conditions his siblings had experienced at home.

*'He was hitting himself and bashing himself against the wall...He said that his brain wasn't working. I said to him: 'it's fine, your brain works fine'. I said: 'you're not going to end up like your mum. You can change things. You don't have to be like that...And he did understand, but he always felt this guilt, a lot of guilt, that he'd got such a nice life and the others hadn't.'*

Some carers also worried about the psychological consequences of poor early life experiences for children as they grew up, how they would manage these should they arise and what, if any, support would be available to help them.

These past experiences also created problems in the present and several carers mentioned the presence of attachment and behaviour difficulties in children. As we saw in Chapter 6, over a quarter of the sample were reported to have attachment difficulties and symptoms of developmental delay at the time the SGO was made and, as Table 8.4 shows, over a third of the sample were reported to have periods of emotional or behavioural turbulence. Some children were considered to be withdrawn and self-enclosed, while others were reported to be clingy or attention-seeking. Special guardians tended to worry when children were difficult to reach and concerned about the feelings they kept inside and about when and in what way these might emerge in the future. This was a concern shared by Amy's grandmother, even though things were going well on the surface.

*'I've still got concerns about Amy because I think she's quite cut off and she has real problems remembering any of her history...She is actually quite disengaged a lot of the time. She's got very close friends...That's the one indicator where I think she's doing really well.'*

Good friendships could be protective. There was also a beneficial closeness highlighted quite frequently where siblings were placed together or in relationships forged with other related children living in or orbiting around the family. Generally these relationships were reported to be positive. Children spoke about these family relationships and highlighted how they were able to join together in activities, share confidences with each other and how they reinforced a sense of belonging. Alongside their primary carers, these relationships were often at the very centre of the 'eco-maps' that children drew during our interviews.

*'We do get on all the time, cos like we're always with each other, we socialise and stuff.'*

(Dion, aged 13, referring to his younger sister and cousin)

*'Well, all my cousins are older than me so I don't exactly play with them. But they sometimes take me out somewhere. Like my sister took me out for my birthday. And, yeah, they take me out to places and do stuff with me.'*

(Lydia, aged 11)

Bouts of aggression, however, were not uncommon. For some children, guardians explained their link to neurological conditions or their roots in early life experiences. Although these behaviours were sometimes described as tantrums, aggressive and defiant behaviour was sometimes linked to experiences of neglect and to a lack of boundaries and routines in children's early lives. Attempts to provide structure and discipline could meet resistance. Dion eventually came to appreciate the structure his aunt and uncle had put in place for him. In his mind, being strict now equated with being cared about.

*'Some kids won't like it when their parents are strict, but I get what they're trying to say. So when they're being strict, I understand that they want me to learn from it, my mistakes and stuff.'*

For Holly, who was placed with Clare, a friend of the family, at the age of 14, there was no reconciliation and this placement had eventually broken down. Holly had a history without boundaries, had experienced domestic violence at home and had also been encouraged to

shoplift by her birth father. Although there had been an initial honeymoon period for a year or so after the SGO, Holly resumed a pattern of non-school attendance, shoplifting, consuming drugs and alcohol, staying out all night and placing herself at considerable risk with strangers. She also drew Clare's adopted daughter into these activities. From Clare's perspective, it was a very unhappy time that could not be resolved.

*'I think that with the stress on the family, we felt as though the whole thing was imploding...That our relationship with our adopted daughters...I don't know whether it would be different if they were your birth children, but it's a sort of fragile thing when you've got adopted children as well...I didn't find it a nice experience at all. There was no pleasure to be had in any of it.'*

Unlike Holly's experience, truancy amongst the large survey sample of children and young people was relatively rare. Most children were described by guardians as having attended regularly (85 per cent) and to have been enjoying school most of the time (81 per cent). Occasional non-attendance was linked to the usual range of illnesses, to hospital, dental or CAMHS appointments and only three per cent of children truanted frequently. Some young people had left school by the time of data collection. Amongst this group, five were attending further education, three had moved on to study in higher education, two had taken up training, two were employed and only four young people were described as not being in employment, education or training.

Many children were described as making good progress at school and for some children their subsequent improvement had been marked. Cory, who moved to live with his grandmother when aged eight, felt that everything had changed in the past four years.

*'It's changed everything. Before I came to live with my grandparents I couldn't read or write or anything and they've helped me with that. They've helped me with loads of stuff and I've progressed a lot thanks to them.'*

For some children, like Holly, education had proved more problematic. As Table 8.4 showed, around three-in-ten children were rated as making below average progress. One-fifth of children (21 per cent) had a statement of special educational need, while others were reported to have difficulty with concentration, focus and confidence in the classroom or as being periodically disruptive. Where primary school children were considered vulnerable, their carers worried about how the transition to secondary school would be managed. They feared their children would become lost or just become another name on the school roll: 'he's just become another child, to be honest with you'.

Schools varied considerably in the response that was made to children's difficulties. Some guardians were full of praise for the responsiveness of schools (more often primary schools) and for the sensitivity with which they took account of children's individual needs, including through provision of additional classroom support, one-to-one tuition or use of learning mentors. Others felt schools had been unresponsive, even in circumstances where children had experienced bullying because of their differences compared to other children. In some instances, they had made a decision to move the child to another school to avoid these negative experiences or in an attempt to get more support for their child. Melanie (Lydia's aunt) made this decision when Lydia's school failed to respond appropriately to taunts from other pupils about Lydia's circumstances. She felt the new school had a more inclusive culture.

*'They make children aware that not everyone lives in the same, you know, kind of idyllic setting...and certainly there the teacher would be on top of (pupils) if there was any taunting.'*

Special guardians varied in the amount they told schools about children's circumstances. Schools also varied considerably in the amount they knew about Special Guardianship. Some, like Melanie, decided to be open about Lydia's situation at school, although doing so still caused her considerable anxiety about the potential consequences that could have.

*'That's been one of the biggest dilemmas I've had and I'm still not sure about it. I wanted to be honest with people about the situation...I didn't want someone to find out...and (for it) to gather momentum around the school...I just thought that could be quite traumatising. So I just decided to be really honest about it.'*

Others decided to keep the child's circumstances to themselves. In part, there was concern about the reaction of other parents or children. However, there was also a sense that they wanted their children to be like all the others; to not be marked out as different. In many schools, children living with relatives other than their birth parents were not so uncommon and, in these circumstances, it was possible for children to blend in quite naturally. Where this was not the case, children could be stigmatized, and explanations would be needed in an effort to gain support from the school staff team. Normalisation was an important theme amongst special guardians and, where children had been previously looked after, the routines of a normal school life were greatly appreciated. Special guardians were at last able to take routine decisions (for children to take part in school trips or holidays, for example) without having to involve social workers and children were no longer subject to social work involvement in key aspects of their school lives. These were important benefits that accrued from Special Guardianship.

## **8.5 Perceptions of permanence**

Despite the challenges of caring for these children, most special guardians who responded to our survey still felt, on reflection, that taking up Special Guardianship had been the right decision for them (78 per cent), their child (88 per cent) and for the guardian's own family (74 per cent). Most also felt that the SGO was doing what it was intended to do. They were generally satisfied that it had provided the foundation for a lasting permanent placement (94 per cent), the legal security they needed (78 per cent) and provided sufficient scope for them to make decisions on behalf of their children as parents (84 per cent). In addition, most guardians felt there was no longer a risk of their children entering (or re-entering) foster care (89 per cent). Clearly, therefore, there was a good degree of satisfaction with the order itself.

Special guardians were asked what had been most rewarding about becoming a special guardian. Their brief comments on the questionnaire were frequently very moving. At its heart, were their feelings of love for their child, the pleasure they derived from their everyday interactions and from the close attachments that had grown over time. Their brief comments demonstrate the very high level of commitment carers displayed towards their children; a finding common in studies of kinship care (Hunt, 2003; Broad, 2007; Farmer and Moyers, 2008).

*'He is a wonderful little boy who is engaging and hilarious to be around. He has added another dimension to my life.'*

*'She's a pleasure, the best thing that ever happened to us. I'm so happy that she is safe now.'*

Feelings of satisfaction arose from being able to provide children with a safe, secure and permanent family home within which they could experience stability and have opportunities to grow in confidence and develop new skills in ways that they might not otherwise have done, given their disadvantaged starting points.

*'He was very unsettled emotionally. We feel we have given him confidence and stability. He still struggles sometimes but we know he loves us very much and loves being part of a loving family.'*

*'Giving him a stable and loving home and watching him grow into a wonderful, kind and helpful young man. He has had large obstacles to overcome over the years and has faced them head on.'*

*'I am able to give love and support to a beautiful intelligent little girl, without fear of anyone taking her away, disrupting and confusing her. Love stability and a sense of permanent belonging.'*

Watching children flourish and mature as they grew older gave carers a strong sense of pride in their own achievements, with some feeling it was the most important thing they had done in their lives. Equally rewarding was the potential that Special Guardianship gave for children to experience a normal family life, for guardians to feel that they could now take all the important decisions that affected their children's lives and, where the child had previously been looked after, to do this without interference from the local authority.

*'We could cut the ties with the local authority and move on. He was not labelled as 'fostered' and had a 'normal' life without interference. He didn't feel under pressure and felt free.'*

Feelings of permanence were therefore enhanced through the legal security the order provided. There was great comfort to be had from knowing that their child could grow up within the family network and that they were no longer at risk of being taken into care and perhaps placed for adoption as, in some instances, had been the case for other family members.

*'I've had the pleasure of watching my grand-daughter grow up in a loving home around her family rather than in care.'*

*'Most rewarding has been keeping her and her brother out of the system. I know that they're not going to be a statistic; that's been the most rewarding thing. Keeping them in the family; offering them what I have. I give them whatever I have, which amounts to stability, a reasonable standard of living and someone who unconditionally loves them.'*

Within the interview sample, children also often spoke with great fondness about the quality of the relationships they had established with their guardians. Children's feelings of permanence grew not so much through the granting of a particular legal order, which frequently seemed relatively insignificant, but from a feeling of psychological permanence that accrued from their carers making

a long-term commitment to them (see, Gleeson *et al.*, 1997; Altshuler, 1999). Children's sense of belonging grew through feelings of safety, security and gradual inclusion within the wider family network.

*'I'm happy now. I do like it, it's great...They (his grandparents) always think what's best for me...They don't let me down ever, so it's always nice to know that, innit? I love everything about it. I feel loved. I'm just happy here.'*

(Cory, age 12)

*'It just feels like a normal family really...We do normal things. It's nothing different from a normal family really...My life is perfect how it is now.'*

(Hannah, age 13, living with her former foster carers)

## 8.6 The major challenges

Naturally, as the comments noted by guardians above indicate, there had been many challenges along the way. Special guardians were asked to note what had been most challenging for them. Where things were not perceived to be going well, the rewards were clearly fewer.

*'I can't say that we find it rewarding as looking after our child has been hard for us at times. He seems to be unhappy and doesn't get on with both my husband and I at the moment.'*

Overall, guardians were less likely to report that Special Guardianship had been the right decision for them and for their child where children were perceived to be less integrated within the family and where their developmental progress had been poorer.<sup>131</sup> In a sense, therefore, these negative reflections were the product of experience and the stresses to which this gave rise.

Some guardians mentioned the tensions that had arisen during the early phases of adjustment to life in the family, for which sometimes they had felt ill-prepared. Even where the new child was well known to the family, where other children were already living in the household the strength of the rivalries and jealousies that ensued could be surprising. Similar adjustments were also needed where birth parents were relinquishing care of their children to their mothers or sisters. In many cases, like the illustration below, the situation eased over time as relationships became more cemented.

*'Managing our own daughter's jealousy of the new child was something we had never anticipated. Also we found that her mother was difficult in the early years of the order. I believe that this also arose from a jealousy of me having her daughter and having legal rights over her; something she couldn't have anticipated either when she asked me to care for [her child]. There was also the bonding with a new child, and for me this was more difficult than I thought it would be. I have grown to love her over the years but in the early days it was really difficult dealing with her little ways when there wasn't the foundations in place to build on, because although I cared about her I didn't love her'*

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<sup>131</sup> Kendall's tau-b: Family Integration Measure by right decision for guardian ( $p=.006$ ,  $t .243$ ,  $n=105$ ); for child ( $p=.013$ ,  $t .221$ ,  $n=105$ ). Developmental progress scale by right decision for guardian ( $p=.073$ ,  $t .147$ ,  $n=103$ ); for child ( $p=.015$ ,  $t .202$ ,  $n=103$ ).

*unconditionally as I have always done with my own child, and it was this unconditional love that saw me through some of the difficult patches with her.'*

(Maternal great aunt)

Some key areas of difficulty involved themes that are by now quite familiar. Some guardians highlighted the difficulties involved in caring and advocating for children with complex long-term physical or mental health conditions. Other guardians noted difficulties arising from the attempt to provide and reinforce discipline and boundaries where children had not previously experienced them. Some also mentioned the physical and mental anxiety that was associated with managing children who had continuing aggressive or unpredictable behaviour patterns.

*'His behaviour is very unpredictable so I always have to be on 'my guard' with hm. As a single parent I don't get the chance to 'switch off' unless he sleeps over at my parents' or brother's house.'*

*'Past trauma and damage to [our child]; constantly dealing with his challenging behaviours, which leaves us absolutely exhausted mentally and physically; needing to keep going day after day no matter what.'*

Taking up the care of children within the family, even though undertaken willingly, involved a considerable sense of loss. Those who were parenting for the first time or those, such as grandparents, who were resuming care of often very small children once their own had reached adulthood, had many life adjustments to make. Some gave up or had to reduce their employment. Some planning their retirement had to put these life plans on hold. Grandparents sometimes saw the major challenge as coping with the day-to-day care of children when their own reserves of energy were dwindling and worrying about what would happen to the children in the future if their health failed. First-time parents had also had important psychological adjustments to make as their former more complex identities gradually became subsumed under the concept of 'mum'; mums whose friendship networks and former social lives had gradually dwindled.

*'Mum' has become my new personality and there doesn't seem to be anything else. It's hard having no free time to myself or freedom to do my own thing anymore.'*

*'I'm finding it a bit hard keeping up with them at my age. I wish I was younger and had more energy.'*

*'Explaining the suicide of their father; explaining their mother's mental illness; needing to stay healthy for a considerable time in my 'autumn' years.'*

As indicated in this last comment, some guardians found the biggest challenge to be linked to their child's need for a coherent life story and for explanations of why they were living where they were, why their birth parents were no longer present in their life and/or why they could not live with them. Some had started to use life story books as a way of providing this coherence. Explanations needed to be repeated at various stages of the child's life and in different ways so that the child could present him or herself appropriately to the outside world. Children also found ways of testing the reliability and predictability of their new home. Providing this reassurance, when children's prior experiences had involved disruption and loss, could be a major challenge.

*'Reassuring her at first that we weren't going to let her down, that we were not the same as all the previous adults in her life and that we were always going to be there for her. It was really difficult for her to believe that at first, seeing as it was just words which I am sure had been said to her over and over again by various adults.'*

Connected to these issues, relationships between the child, the guardian and the child's birth parents was the most frequently reported area of greatest difficulty.<sup>132</sup> Alongside financial strain, it was also the area where the lack or unpredictable nature of local authority support was most acutely felt. Where these relationships were strained, the management of birth family relationships could be highly problematic. Sometimes birth parents failed to understand the implications of Special Guardianship and, in the view of guardians, actually worked to undermine the child's relationship with the guardian. In other scenarios, parents with substance misuse or mental health problems would be unpredictable in their pattern of contact, frequently letting the child down, or were prone to bouts of aggressive behavior. Kinship carers sometimes also felt a sense of guilt trying to control the behavior of their sister or daughter when it came to contact arrangements and bemoaned the limited amount of support from the local authority that was available to help them.

*'Calibrating and marshalling their exposure to their mother. It is extremely mentally tiring having to keep on top of this and their mother is intimidating and aggressive at times. It really doesn't feel natural telling your sister when, where and how she can be exposed to her own children, however much she has lost the right to do so.'*

*'His birth parents are always trying to undermine all we do, so there is always a problem at every visit. Their visits must be reduced to keep our child safe from disorder.'*

*'Coping with how upset the children were when their parents kept letting them down and trying to rebuild their confidence again afterwards.'*

The issues surrounding the potentially difficult area of birth family relationships will form the substance of our next chapter.

## **8.7 Factors linked to carer strain**

Studies on family and friends care suggest that, while outcomes for children are broadly similar to those for children in unrelated foster care, they are frequently achieved in more adverse circumstances (Sykes *et al.*, 2002; Sinclair, 2005; Farmer and Moyers, 2008; Hunt *et al.*, 2008). Kinship carers have been found to experience greater financial strain, to be less well educated and have lower levels of employment, to have more health problems and to be living in worse housing conditions. They also tend to receive lower levels of social work support than unrelated foster carers. One recent study, re-examining data from the 2001 census, found that 70 per cent of kinship carers, the majority of whom were caring informally and without the protection of a legal order, were experiencing multiple deprivations (Nandy and Selwyn, 2013). A recent UK wide study has also uncovered evidence of considerable deprivation amongst kinship carers and of the significant strain this can place on relationships with partners and other family members (Aziz *et al.*, 2012).

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<sup>132</sup> Out of 109 completed responses, almost one-quarter (23 per cent) identified birth parent relationships as the most difficult challenge, 13 per cent cited child behaviour difficulties.

Table 8.5 shows the responses of special guardians to a number of questions that might indicate the presence of these pressures. Financial strain, a lack of leisure time or possibilities for a break from the caring role and, perhaps as a consequence, feeling tired much of the time were the key issues identified by a majority of special guardians. However, even in other areas, three-in-ten guardians identified some problems with unsuitable housing, over one-fifth had experienced some restrictions on employment and for four-in-ten these pressures had placed some strain on family relationships. These findings are consistent with those provided by the aforementioned studies.

**Table 8.5 - Indicators of strain on special guardians**

<b>Columns show percentages</b>	<b>Not at all</b>	<b>To some degree</b>	<b>Very much so</b>
Overcrowding at home/lack of privacy (n=114)	70	20	10
Increased financial strain on family resources (n=115)	39	40	21
Limited my/our employment opportunities (n=114)	58	24.5	17.5
Lack of leisure time/not getting a break (n=115)	28.5	41	30.5
Feeling tired much of the time (n=113)	38.5	37.5	24
It has put a strain on family relationships (n=114)	59	23	18

We measured carer strain in two ways: first, through the General Health Questionnaire (to assess mental wellbeing) and, second, through a Carer Strain score that combined the above variables into a single scale.<sup>133</sup> Understandably, there was a fairly strong correlation between these two measures.<sup>134</sup> There were also strong associations between these variables and children's emotional and behavioural difficulties (as measured by SDQ scores) and with ratings of children's developmental progress and of their integration within the family.<sup>135</sup> In other words, the findings reflect a tendency for children with greater emotional and behavioural difficulties to be progressing less well in these ways and for them to have more highly stressed carers. The SDQ score was the only variable that predicted a high total GHQ score or high carers strain score when these variables were all entered together (see Appendix B).

Both measures also varied according to type of carer, with grandparents (and unrelated foster carers) showing fewer symptoms of strain than other relative carers.<sup>136</sup> This is likely to reflect the higher rating on family integration given to children living with grandparents and unrelated foster carers compared to other relatives, especially aunts and uncles. Once family integration had been

<sup>133</sup> Factor analysis showed these items forming a single component, showing that they combined well together, and reliability testing was also acceptable (Cronbach's alpha .784).

<sup>134</sup> Kendall's tau-b:  $p < .001$ ,  $t = .393$ ,  $n = 106$ .

<sup>135</sup> Carer strain by development progress scale ( $p < .001$ ,  $t = -.267$ ,  $n = 97$ ); family integration score ( $p = .001$ ,  $t = -.259$ ,  $n = 105$ ); SDQ ( $p < .001$ ,  $t = .343$ ,  $n = 93$ ). GHQ by development progress scale ( $p = .013$ ,  $t = -.179$ ,  $n = 101$ ); family integration ( $p < .001$ ,  $t = -.291$ ,  $n = 98$ ); SDQ ( $p < .001$ ,  $t = .275$ ,  $n = 89$ ).

<sup>136</sup> Kruskal-Wallis test for carer strain by type of carer ( $p = .014$ ,  $n = 114$ ).

taken into account, the relationship between type of carer and carer strain was no longer significant ( $p=.47$ ).

In keeping with the comments made by special guardians on the biggest challenges they had faced, there was also an association between carer strain and contact with birth mothers. However, it was not the frequency of contact that was significant, but the consequences of that contact for children's wellbeing.<sup>137</sup> Where guardians rated their children as being more often adversely affected by that contact the levels of stress in guardians was higher.

Finally, as had been the case with family integration, there was also an association between carer strain and the situation of carers at the time of the application. There was evidence that where the local authority was highly supportive of the original application for an SGO and where carers felt they had been well prepared for the task they were taking on (as measured by our preparation score), they were also likely to be experiencing less strain at follow-up.<sup>138</sup>

The final regression 'model' identified three variables that, in combination, best predicted the carer strain score (see Appendix B for more detail). Carers were likely to be experiencing greater strain at follow-up where:

- Children scored more highly for emotional and behavioural problems ( $p=.004$ ).
- The local authority was less than fully supportive of the SGO application ( $p=.044$ ).
- Carers had felt less well prepared for the task they were taking on ( $p=.028$ ).

These variables need to be understood separately. The challenges created by caring for children with emotional and behavioural problems have been well rehearsed in this chapter and affected all outcome areas. These children did less well in the placement, were less likely to be perceived as being integrated within the family and did less well in their personal and social development. Their carers also experienced greater strain. Although these difficulties are not easy to change, children who score above the cut off for clinical symptoms (at least one-quarter of all children in this sample as measured by the SDQ) should therefore receive therapeutic support to help alleviate these problems in an effort to improve outcomes for them and their carers.

Evidence of local authority support was drawn from case files at the time of the application. Auditors were asked to make a judgement, on the balance of evidence available, about the degree to which social workers had concerns about the viability of the placement. As we have already seen in this chapter, that judgement was associated with how well the placement had turned out for the child. It is also associated with levels of carer strain. This provides local authorities with an opportunity to make a substantive difference to children's outcomes. In some cases, the evidence may lead practitioners to question whether an SGO is the right order for the child and seek an alternative permanence plan. At the very least, it should alert practitioners to the need for the

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<sup>137</sup> Kendall's tau-b: carer strain by impact of birth mother contact ( $p=.002$ ,  $t = -.286$ ,  $n=75$ ); frequency of contact ( $p=.33$ ). This did not reach significance for the GHQ ( $p=.1$ ) but was in the same direction.

<sup>138</sup> Carer strain score by local authority support (Mann Whitney U:  $p=.007$ ,  $n=111$ ); by preparation score (Kendall's tau-b:  $p<.001$ ,  $t = -.267$ ,  $n=97$ ). The former was not significant for the GHQ ( $p=.46$ ), although this was almost the case for preparation ( $p=.078$ ).

transition to Special Guardianship to be carefully managed and well supported (perhaps in the long-term) in order to give these families the best chance of a successful outcome.

The preparation score was derived from questions presented to special guardians to assess the extent to which they had all the information and support they needed to identify an SGO as the right order for them and to understand its full permanence implications. The carer strain rating was also provided by carers. As we have seen, the direction of travel here is therefore more complicated. It may well be the case that special guardians who have not received good preparation may be more likely to experience strain. However, it may also be the case that carers who are under strain will have reflected back on the preparation they received negatively. After all, a poor rating for preparation was also associated with the placement not having turned out so well for the child. Despite this conundrum, it is difficult to argue that good and well-rounded preparation is not beneficial to carers and children.

## 8.8 Summary

This chapter explored the progress and wellbeing of children over the follow-up period, which ranged from 20-92 months (median 60 months), and on the impact of providing care on special guardians. It focused primarily on children still resident at follow-up, almost one-half of whom (47 per cent) were still aged under ten, and centred on three broad outcome measures: a) how well the placement had gone for the child overall; b) the extent to which they had become integrated into the family; c) their overall developmental progress in key life domains.

- Most children were doing well in placement, in their personal and social development and had become well integrated into family life. Where things had not gone well in placement, children were considerably less likely to be still resident at follow-up.
- Almost one-quarter of children had SDQ scores above the clinical threshold for serious emotional and behavioural difficulties. Guardians rated these children (and others who were borderline) as doing worse in relation to all outcomes. The challenges of managing these behaviours meant that guardians were also significantly more stressed and anxious than other carers at follow-up.
- Placement progress tended to be better where children had lived with their carers for some time before the order was made and, most importantly, where the bond between them at that point was rated as very strong. Making SGOs quickly, before relationships have been properly tested, may therefore carry some future risk, as strength of bond was the most important predictor (alongside SDQ scores) of how the placement subsequently turned out.
- Two social work factors also had some association with placement outcome. First, the outcome tended to be better when the local authority had been highly supportive of the original SGO application. Second, it was better where guardians felt they had been well prepared for the task they were taking on. Where these were positive, they were also associated with carers feeling less strain at follow-up. Good preparation, a well-managed transition and, especially where viability concerns are evident at the outset, provision of a package of targeted support and services post-order may help to achieve a better

placement outcome. Alternatively, in some cases it may suggest that an SGO is not the best order to secure permanence for the child.

- Overall, guardians thought their children were quite well integrated into family life. Almost all were considered to be fully part of the family, to feel well cared for and for there to be a high degree of trust in these relationships. Very few carers reported any strongly negative experiences. Children with multiple disabilities or health conditions scored less well on this measure, although this relationship was mediated by these children also having higher SDQ scores. Grandparent carers and former unrelated foster carers also rated their children as being more integrated than was the case for other relatives or family friends, especially aunts and uncles. These carers also reported lower levels of stress at follow-up.
- Family integration appeared to be higher where guardians felt well supported by their own immediate families. Frequent contact with birth mothers, however, was an ambivalent good. Frequent contact was welcomed and rated (where it was positive) as beneficial for the child, but family integration could be lower as some children experienced divided loyalties and more readily harboured thoughts of a return to their mothers. Helping children to reconcile these feelings may provide them with a stronger sense of security and belonging.
- In relation to personal and social development, most children were rated by guardians as doing relatively well, especially in relation to health, attachments and emotional wellbeing. Sizeable minorities were faring less well in education, in development of skills and hobbies and in relation to their friendship networks. Children with a learning disability or mental health problem were tending to fare less well in all areas, but especially in relation to education.
- However, the three most important predictors of poorer developmental progress were: being male; being older at the time the SGO was made and having a higher SDQ score. The risks of not doing well are therefore increased for children who share these characteristics at the beginning of the Special Guardianship journey.
- Despite the challenges involved in caring for these children, the vast majority of guardians still thought that an SGO had been the right order for them and their child and that it provided a sufficiently secure foundation for a lasting permanent home for their child(ren). Their testimonies (and those of their children) demonstrated the high degree of love and commitment that had grown between them and the pride that had accrued from watching their children flourish and grow, often from very unconfident and insecure beginnings.
- There had of course been considerable personal cost to providing this care - and financial strain, loss of employment opportunities, lack of leisure time or respite and periods of exhaustion figured quite prominently for large numbers of guardians. Apart from managing the behaviour problems displayed by children, their often fraught relationships with children's birth parents tended to represent the biggest challenge for them.

## Chapter 9 Contact with birth parents and other family members

Special Guardianship envisages that there will be a continuing connection between children and members of their immediate and extended birth family. The legal link between the child and his/her birth parents is not severed and it is anticipated that this relationship will continue in some form, irrespective of whether the child lives with family and friends or unrelated carers. This chapter provides a focus on these relationships, primarily with birth parents, but also with the wider network of kin that surrounded children's lives. Relationships between children, guardians, parents or other relatives are by no means unproblematic and, as we found in the earlier York study, help to manage these relationships was one of the most common enduring needs identified by guardians (Wade *et al.*, 2010). As we have also seen in previous chapters, most children (90 per cent) were living with relatives. This chapter explores relationships with family members who were living elsewhere.

Parental contact is a right for children who are unable to live with their birth parents, provided that such contact is consistent with their best interests (UN General Assembly, 1989). The benefits for children in maintaining continuity in family relationships, where it is safe to do so, have also been a consistent theme in the literature on children in and leaving care (Millham *et al.*, 1986; Biehal *et al.*, 1995; Sinclair *et al.*, 2005a). However, studies also remind us that contact with some family members is not always safe or unequivocally positive (Quinton *et al.*, 1997; Sinclair *et al.*, 2005a). In addition, as our policy data has suggested (see Chapter 3), concerns about the potential loss of local authority support in relation to contact and the likelihood of having to self-manage birth family relationships was an important deterrent to the take-up of Special Guardianship by unrelated and some kinship foster carers.

An advantage of kinship care is perceived to lie in its built-in inclusiveness. Contact in kinship care settings is reported as being more frequent and more enduring than is the case in unrelated foster care (Farmer and Moyers, 2008). Parental contact in these settings can act as a flashpoint for many families (Hunt *et al.*, 2010) and evidence of children's experiences of contact are mixed, including some concerns about children's safety (Hunt *et al.*, 2008; Farmer, 2010; Roth *et al.*, 2011). However, research on kinship care points to a high level of commitment to maintaining contact, even where circumstances are challenging (Hunt, 2003; Hunt *et al.*, 2008), and the complexities involved in managing contact were evident for many special guardians who participated in this study.

The perspective of birth parents on contact with their children has been under-reported in the literature. Kiraly and Humphries (2013) recently reviewed eight studies that provided a focus on parent views of contact with children in kinship care settings. Parents expressed considerable affection towards their children and an intention to resume care at some point or to play a significant role in their lives. Studies reported variable insight by parents into the reasons for children living with kin, feelings of remorse about the impact of substance misuse on children and at their disempowerment as parents. While more informal contact was observed in kinship care

settings parents' relationships with caregivers were frequently problematic, a finding consistent with the present study.

## 9.1 Patterns of family contact

In Chapter 7 we saw that, at the time the SGO was made, the court sometimes made or changed contact orders with birth parents or occasionally with other relatives. However, in over two-thirds of the cases where information was available on case file, no orders had been made or changed. In these cases it was envisaged that family relationships would continue much as before and contact between relatives would either be negotiated informally or be subject to the same constraints that existed prior to the making of the order. Only in a very small number of cases were new orders made to prevent contact between children and their birth mothers (n=2), birth fathers (n=2) or another relative (n=1).

Special guardians were asked to report on the frequency of face-to-face contact children had at follow-up with birth family members who were not living in the child's household. Table 9.1 shows that over one-quarter of children were not in contact with their birth mothers at this stage, over one-half had no contact with their birth fathers and almost two-fifths were not in touch with grandparents. The proportions here are higher than those reported for the earlier York study (Wade *et al.*, 2010).<sup>139</sup> Parental contact has been found to decline over time in kinship care placements (Hunt *et al.*, 2008) and it could be that the lower levels of contact reported here may be due to the extended length of follow-up for this study. Having said this, our findings are consistent with those of Farmer and Moyers (2008) study where, over a two year follow-up period, 30 per cent of children in family and friends care were reported to have no contact with birth mothers and 51 per cent with birth fathers. This pattern of erosion is therefore probably not uncommon.

**Table 9.1 - Frequency of contact with birth family members**

(Columns show per cents)	At least weekly	At least monthly	Less often	No contact	Indirect contact only <sup>140</sup>
Birth mother (n=113)	20.5	16	30	27.5	6
Birth father (n=99)	14	10	18	55	3
Grandparents (n=83)	20.5	11	27.5	38.5	2.5
Aunts and uncles (n=89)	39.5	17	23.5	20	0
Other relatives (n=60)	35	15	28.5	18.5	3

<sup>139</sup> The earlier study found that 12 per cent of children had lost contact with birth mothers, 40 per cent with birth fathers and 36 per cent with grandparents. The rate for aunts and uncles was similar at 23 per cent. Length of follow-up for that study was 18 months compared to three to seven years for the current study.

<sup>140</sup> Letterbox, telephone or social media contact only.

Nonetheless, Table 9.1 also shows the high level of regular contact children had with a range of relatives. Amongst the group of ‘other relatives’ children were maintaining regular contact with siblings and half-siblings placed elsewhere, family friends and their relatives, cousins, great aunts and uncles, great grandparents and step-relatives. Some children were prohibited from having contact with certain relatives. Altogether, including those where these orders had been made at the time of the SGO, five children were prohibited from contact with birth mothers, seven with birth fathers and one child was prohibited from contact with a wide range of family members. Generally this had occurred where children had previously experienced abuse or neglect at the hands of these relatives and where it was judged that future contact would place the child at further risk of harm.

## 9.2 Quality of contact between children and their birth parents

Contact may occur because it is expected or because it is required by the court. It is not uncommon for carers to feel obliged to encourage contact between children and their birth parents even when they harbour suspicions that frequent contact is not in the best interests of their children. We were therefore keen to explore, from the guardian’s perspective, how contact with one or both birth parents appeared to affect the children in their care. Table 9.2 shows that where face-to-face contact did take place just over one-half of guardians (53 per cent) thought that contact with birth mothers had a broadly positive effect on the child. Although, as we have seen, contact with birth fathers was less common, where it did occur it was more often rated as being positive for the child (71 per cent). However, the table also points to substantial concern amongst guardians about the potentially negative implications of contact for their children.

**Table 9.2 - Impact on child of contact with birth parents**

<b>(Columns show per cents)</b>	<b>Very positive</b>	<b>Quite positive</b>	<b>Not very positive</b>	<b>Not at all positive</b>
Birth mother (n= 77)	22	31	35	12
Birth father (n= 44)	30	41	27	2

It was not surprising to find that there was a strong correlation between the perceived effects of contact on the child and the frequency of contact with birth mothers and fathers.<sup>141</sup> Where contact with birth mothers was rated as having been broadly positive for the child, almost three-quarters of mothers (74 per cent) were in at least monthly contact compared to just 32 per cent where it was rated as being broadly negative. A similar pattern was evident for birth fathers, with two-thirds (67 per cent) of those rated as positive in at least monthly contact compared to 23 per cent where this contact was considered negative for the child.

Guardians were more likely to rate the impact of contact with birth mothers (but not birth fathers) as being negative for the child where the child scored highly for emotional or behavioural difficulties (as measured by the Strengths and Difficulties Questionnaire) and where their overall

<sup>141</sup> Kendall’s tau-b: impact by contact frequency for birth mothers ( $p < .001$ ,  $t = .486$ ,  $n = 73$ ); for birth fathers ( $p = .003$ ,  $t = .387$ ,  $n = 44$ ).

developmental progress was relatively poor.<sup>142</sup> This may signify that, from the guardian's perspective, where children were already challenging to care for and where they were not perceived to be doing well overall, the tensions and fall-out that could arise from contact with their birth mothers could make the overall situation worse. Certainly where guardians rated this contact negatively it was associated with higher levels of carer strain.<sup>143</sup>

Finally, the impact of contact with birth mothers was rated more positively where guardians felt they had been well prepared by their social workers for the task they were taking on prior to becoming special guardians.<sup>144</sup> Of course this may represent a *post hoc* assessment by guardians. Where relationships with birth parents had proved troublesome over the years, the degree of preparation they had to manage these relationships may, on reflection, have come to appear inadequate. However, it is an area where the local authority can make a significant difference and, at the very least, it signals that close attention needs to be given to future family dynamics when assessment and preparation takes place. As these findings suggest, many guardians clearly found the management of contact both challenging and stressful in ways that had probably not been anticipated at the time of application. Many also felt they could have been better prepared for the challenges that lay ahead. However, this was not always the case. As we will now see, some had relatively positive relationships with birth parents and were able to negotiate contact informally and broadly to the satisfaction of all concerned.

### 9.2.1 Broadly positive relationships

Information provided by guardians in response to our survey and interview questions helped to shed further light on the nature of family relationships and on the management of contact.<sup>145</sup> In just over one-half of cases contact with birth parents had been rated as largely positive for the child. Where these relationships were stronger, arrangements for contact were more often flexible and negotiated informally. Setting a framework for contact that was acceptable to all those involved tended to be easier where the relationship between the guardian and birth parent(s) was good, where parents understood and accepted the need for the child's placement, where they were prepared to work with the guardian and helped to reinforce their role as primary carer rather than to undermine it. In these circumstances, guardians were more likely to appreciate the beneficial impact of contact for their children. Children were also less likely to experience distress as a consequence of contact and be more accepting of the framework in which it took place.

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<sup>142</sup> In relation to impact of contact with birth mothers, SDQ total score ( $p=.004$ ,  $t .277$ ,  $n=67$ ); for development and wellbeing scale ( $p=.024$ ,  $t .220$ ,  $n=67$ ). The full scale was introduced in Chapter 8. For this test, a 5 item scale was used, excluding a measure for EBD, since this would merely duplicate the SDQ score. Neither the SDQ ( $p=.92$ ) nor the progress scale ( $p=.54$ ) were significant for birth fathers.

<sup>143</sup> The carer strain score was also introduced in Chapter 8: Kendall's tau-b:  $p=.002$ ,  $t -.286$ ,  $n=75$ ). The negative sign indicates that as the impact of contact was rated more negatively, carer strain levels increased.

<sup>144</sup> The preparation score was also introduced in Chapter 8. It combined six questions designed to assess the degree to which guardians had received sufficient advice, information and preparation to enable them to make an informed decision about whether a SGO was the right order for them. Its relationship with impact:  $p=.024$ ,  $t .284$ ,  $n=63$ .

<sup>145</sup> Attributed quotes (with fictionalised names) come from our interview sample; non-attributed quotes are from written responses to survey questions.

*'She gets on very well with both parents and she really likes to see them.'*

(Grandparent to 6 year old child)

*'They get on very well with their mother, my daughter, they see her every day and they love it. She has been clean from drugs for four years now.'*

(Grandparent to sibling group)

*'He loves his dad, but he accepts that when he has seen him, he comes home with me and this has never been a problem.'*

(Former foster carer to boy aged 12)

In some instances, the rhythm of contact had improved and become more normalised once the local authority was no longer directly involved. In these scenarios, the passage of time meant that the informal arrangement of contact had become part of the fabric of every-day family life, as was the case with Dion.

Dion, aged 13, had lived with his paternal aunt and uncle for six years at follow-up. Ella, his aunt, told us that in the early days contact with his mother had been supervised by social workers because, at that time, her behaviour could be difficult and she was less accepting of the arrangement. Over time, this had changed. Dion was now in touch daily with both parents by mobile phone (his father lived some distance away). He would go to stay with each of them on alternate weekends, although he had recently suggested to Ella that he should have every third weekend to relax at home. He was also in regular touch with his older brother, his paternal grandparents and other aunts and uncles on his father's side of the family. Ella felt that Dion was now old enough to manage his relationships with his parents by himself. From Dion's perspective, he obviously felt very close to both parents and drew them close to him on his eco-map.

Placement of children on the maternal or paternal side of the family may affect patterns of contact, as was the case with Dion, or bring about tensions in relationships (see Farmer and Moyers, 2008). It was not uncommon for guardians to report that while their child's relationship with one parent was broadly positive, the relationship with the other (usually birth mothers in the examples that were provided) was much less so. These children had tended to be placed with paternal relatives and the comments made about mothers could be excoriating.

*'Her birth mother has no maternal instinct. She and her brother are lucky if they get a birthday or Christmas card off their mum...Whilst the child has a great time with her dad when they are together, she doesn't really think about him afterwards.'*

(Paternal great-aunt to child aged 9)

*'He always seems particularly pleased to see his dad, because he is limited in his engagement with men. His mum he's less bothered by and will seek my company over hers when we're in the same place.'*

(Boy aged 5 living with aunt and uncle)

Even where contact was viewed as being broadly positive, progress was certainly not always untroubled and tensions frequently lay beneath the surface. Some guardians reported that, though their children cared about their parents, wanted a relationship with them and looked forward to contact, the consequences left them troubled, with reports of children being clingy, naughty or aggressive, wetting the bed or feeling resentful at having to leave their parents again.

*'He is very close to his dad, but the impact of their relationship can be less positive for our family. After his visits his behaviour can become troublesome as he is resentful that he cannot stay with his father and there can be backlashes and fights.'*

(Boy aged 12 living with great aunt)

*'[My child] loves her mum but sometimes she acts babyish and erratic when she is with her and after contact she can be aggressive towards me and also wets the bed for a few nights.'*

(Girl aged 4 with grandparent)

Birth parents whose children are placed with relatives may also feel disempowered, experience role confusion and, when they see their children, may therefore behave inappropriately (see Kiraly and Humphreys, 2013). Some guardians felt that parents, even though they genuinely cared for their children, behaved in ways that were inappropriate. In some instances, the relationship they had with their children was perceived to be more like a peer than a parental relationship; while in others, displays of excessive affection could overwhelm or embarrass their children.

*'Their relationship is like one between a child and older siblings. There's lots of play, horse play and fun – that's all.'*

(Girl aged 7 living with aunt and uncle)

Lynn, grandmother to Cory, also felt that, while Cory clearly had great affection for his mother, her inappropriate public displays of affection were likely to have left him feeling embarrassed and not wanting to spend time with her alone.

*'The last time he said: 'Don't, don't leave me on my own with me mum...I love me mum, don't get me wrong', he says, 'but please don't'...She's all over him...cuddling him and kissing him in the middle of the street...and I think he just gets embarrassed.'*

## 9.2.2 Tensions in relationships

Many relationships were marked by greater tension. In Chapter 6, we saw that less than one-half of birth parents were fully supportive of their child living in a Special Guardianship family. Amongst this group there was often a reluctant acceptance that this would prove to be the 'least worst alternative' for them. Some hoped that the arrangement would prove to be temporary and that they would be able to resume care when they had returned their lives to order. Even where parents understood, if reluctantly, that this arrangement was in their child's best interests and where they were at least happy (in most cases) that the child had remained within the family, there were likely to be continuing feelings of tension and ambivalence in these relationships.

Where it could be readily discerned that these tensions were likely to be strong, local authorities could make provision for supervised contact arrangements to be written into support plans. If they did not, the courts could require them to do so. More rarely, the courts could place restrictions on parental contact. As we have seen previously, the ability of special guardians to manage contact with birth parents appropriately and to keep children safe was one of the main reasons given where social workers had concerns about the viability of a SGO. Ensuring access to support in this area was also one of the main reasons for courts attaching a supervision order to the SGO, which occurred in around one-in-nine cases. Overall, for almost one-half of special guardians in this sample (49 per cent) contact meetings had been supervised by the local authority at some stage. This is rather lower than was found in our earlier York study, where six-in-ten special guardians had received support of this kind (Wade *et al.*, 2010).

Several children in our interview sample were continuing to go to supervised meetings with their parents in contact centres or, in one instance, with a disabled mother in her residential home. Supervised contact was being used where parents suffered from mental health problems, for sibling groups where the mother was unable to cope with the children on her own, or in circumstances where there was a risk of aggressive behaviour by the parent. In most cases, contact was not frequent, usually no more than bimonthly. Victoria (aged 11), for example, was fully aware of why supervised contact was in her interests. Her mother suffered acute episodes of mental ill-health, contact was twice yearly (as set by the court) and, although her mother had returned to court for more frequent contact, Victoria did not really want to see her more often. In the past she had found these meetings upsetting.

*'She might say stuff about things I don't want to hear anymore...The last time when my mum started...I was in tears and had to leave.'*

Joleen, a family friend and special guardian to Chantelle, had also faced a legal battle over contact with her child's birth mother which had lasted for over two years. At one of her monthly supervised sessions in a contact centre Chantelle (aged 7) had been assaulted by her mother and had subsequently refused to have further contact. Her mother had returned to the courts in an attempt to enforce her contact order (and increase its frequency) and further assessments and reports were continuing at the time of interview.

*'You can imagine all these changes in and out of a child's life. [Chantelle] gets so frustrated with it. She's been interviewed by CAF/CASS, had a full report done, and the report said that he truly believes that this was what [Chantelle] wanted, that she did not want contact with her, and yet here we still keep going on and on.'*

(Joleen)

Where special guardians and their children were faced with continuing litigation from birth parents, it was generally upsetting for the child, frustrating for guardians and almost invariably served to further damage relationships that were already fragile. However, even where this was not the case, the management and regulation of contact could prove challenging. Most guardians believed in contact and wanted to promote it, but were also mindful of their primary responsibility to their children, in particular their responsibility to keep children safe during contact. Most managed these encounters with considerable skill, even where the degree of conflict that would emerge over time had not been anticipated at the outset.

*'I hadn't anticipated the degree of conflict that we would experience in relation to contact with mum. Now I'm not saying that could have been pre-empted, but it was more difficult than I imagined.'*

(Eleanor, Amy's step-grandmother)

Where birth parents, such as Amy's, experienced mental ill-health or were drug or alcohol dependent and, in consequence, their behaviour could be very unpredictable, or where they associated with other doubtful adults, guardians seemed mindful of the need to manage contact situations with great care. Decisions about how frequently children should be exposed to their parents, in what circumstances and how contact should be satisfactorily regulated were highly challenging. In extreme situations, guardians sometimes felt the need to break all contact for a time.

*'We had a couple of episodes where we had to withdraw all the contact, the whole works, because her behaviour was so completely off the planet, it would sort of terrify them...One minute she is reasonably OK, the next minute she's completely off the ceiling. She's turned up here a few times really tanked up.'*

(Melanie, Lydia's aunt)

Where the behaviour of birth parents was unpredictable, contact could be highly distressing for children, and this was the case even where children cared deeply about their parents and wanted to see more of them, as was the case with Alex.

*'He just couldn't cope with it. He got quite upset, especially if she wasn't talking properly or in her right mind...We went through a period of about two years without seeing [his mother] at all because she was so bad, and he didn't want to see her when she was like that.'*

(Samantha, Alex's former foster carer)

Tensions in these relationships also grew stronger where guardians felt that parents had difficulty accepting their role as primary carer and where, from the guardian's perspective, their behaviour tended to undermine the placement or manipulate the feelings of their children. Contact could lead to children receiving negative messages about their carers, mixed messages about whose children they really were, how long they might stay and whether they would return to the parent. In these circumstances, children tended to be left feeling confused and anxious after contact.

*'She loves her mother very much and it is clear to see that there is a bond there which I hope will continue to develop. I know that mum would like her to live with her and talks to her about it. However, this makes her feel conflicted because she is settled in her life [here] and she loves us as well as her mum. Additionally, I think that when this is discussed [our child] takes it literally and thinks that a move back is imminent, whereas it would have to go through the courts and it would take some time. This adds to her feelings of anxiety. I know that I ought to talk to her mother about this, but I fear it would lead to animosity from her because she assumes, as the child's natural mother, that she knows what's best for her. She is grateful that we have cared for her but makes it clear that she still sees this as a temporary solution.'*

(Maternal great aunt to a girl aged 8)

The balanced and sympathetic judgement made by this guardian highlights the sensitivities that are often at play, especially between relatives, and the skills in diplomacy that may be required to sustain constructive relationships that are helpful for the children concerned. Having said this, scenarios like this may create feelings of divided loyalty amongst children. In relation to our survey sample as a whole, this was more likely where contact with birth mothers was more frequent. In these circumstances there was a significant association between frequency of contact and the likelihood that children would express a desire to return to live with their birth mothers.<sup>146</sup> The closeness of the relationship between birth mother and child may therefore have some consequences for the child's feelings of belonging and permanence in their Special Guardianship family.

Children's feelings of permanence and belonging could be reinforced by the names they used to describe members of their Special Guardianship family and other members of their birth families, especially birth parents. However, these issues could also cause discomfort. Some guardians were initially cautious about creating confusion for the child and tried to keep a demarcation between their status and that of birth parent. Over time, however, these distinctions tended to dissolve. Where a child had called their guardians by their first names initially, where contact with birth parents had ended or was very infrequent guardians gradually came to be known as mum and dad. Where contact continued, but this switch had occurred, parents were sometimes resentful, guardians sometimes felt guilty about taking their places in this way, and relationships could become more brittle. Joleen acknowledged how difficult it must have been for Chantelle's birth mother during contact sessions to hear each of her children, who were living in different placements, call their respective carers mum and dad.

*'As you can imagine, there were four young children involved. To give them the benefit of the doubt, it must have been hard for the birth parents to hear their birth children calling their aunts and uncles mum and dad.'*

Maintaining a commitment to contact was therefore difficult for birth parents, especially where mental health or addiction problems meant that their health was unpredictable and their lives were frequently chaotic. It required courage, commitment and stamina. Where contact stopped for lengthy periods of time (or was stopped by guardians due to the difficulties it created), children frequently worried about the health and whereabouts of their parents.

*'[He] always got cross or mad with his mum. She never tried. She had mental health problems which led to [him] not seeing her for years at a time. He always loved her and would be extremely upset about how she was.'*

(Former foster carer to young person aged 19, reflecting on the past)

Where contact had become very infrequent, meetings tended to become stilted and formal with little evidence of attachment between the child and the parent. Where birth parents were unreliable, repeatedly failing to turn up when they were expected to, or where they had disappeared altogether from the child's life, strong feelings of loss and rejection were often

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<sup>146</sup> Kendall's tau-b:  $p=.001$ ,  $t .309$ ,  $n=93$ . This was an issue for only a small minority of children. Just 3 children spoke to their guardians about going back to their mothers 'very often' and a further 18 did so 'occasionally'. Only 6 children spoke 'occasionally' about returning to their birth fathers.

engendered. In response, some children rejected their parents and wanted no further contact, while others continued to feel wounded and yearned for a renewal of the relationship. Hannah had not received anything more than an initial birthday card from her mother, who had spent some time in prison, in over six years. She no longer wanted contact because of things she had been told about her.

*'It's just the things I've heard about her. How she's been in prison, the things that she's done. It's just like, why would I want to know a person like that?'*

(Hannah, age 13, living with her former foster carer)

Kate, Natalie's aunt and guardian, had very much wanted Natalie to stay in touch with her birth parents, both of whom had serious problems with drugs and alcohol. Contact had initially been on a weekly basis, but subsequently both parents had cut all contact with devastating consequences for Natalie.

*'They've cut her off totally, totally cut her off; no birthday cards, no Christmas cards, nothing. That's really hard for a child to get her head around. It got to the point where they didn't want to know and they'd walk straight past her in town.'*

In contrast to Hannah, Fiona wanted to re-engage with her father but, despite her repeated attempts to re-establish contact, he repeatedly let her down.

*'I think she craves attention from (her dad) because he is her dad, but he's never there. She's tried to contact him, tried to arrange a meeting, but with no success.'*

(Sarah, Fiona's aunt)

*'He's a let-down. Cos like we used to arrange to go see and him and he'd just cancel'*

(Fiona)

Where contact was very infrequent or had ended, guardians needed to provide an explanation to children about why this was the case. A similar coherence was needed to help children understand why they could no longer live with their parents. Where children were young, some guardians chose to provide a fabricated narrative that would hopefully satisfy children without casting undue blame on the parent. Julie, Gareth's paternal grandmother with whom he had lived since he was a baby, provided such a narrative to explain why he was unable to live with his father and why he stayed away during his frequent bouts of drug-taking. She felt these explanations were protective and preferable to the truth.

*'I'm not lying, it's kind of protective, and I look at it as fibbing to him. I look at it as being his little protection, you know?'*

Some other guardians preferred to provide more honest explanations from the outset or, where patterns of unreliability persisted over time, were no longer prepared to cover up parental misdemeanours.

*'I think he's old enough to understand. I said we're not trying to stop him from seeing his dad...We tried to get in contact with him. He knows where we are...but his dad just'*

*doesn't turn up. That's the only way I can explain it.'*

(Jane, Kelsey's former foster carer, aged 11)

Where siblings were placed elsewhere and contact between them was infrequent or had not been sustained, this could be a source of distress to children. On occasion, when a parent ended contact arrangements, sibling contact would also be lost. This had happened to Alex. Although he had grown up with his sister and they had been fostered together, she had returned to live with her father while Alex remained with his foster carer, Samantha, who later became his special guardian. Contact only lasted with his father and sister for six months, at which point his father ended all contact.

*'The contact only lasted for six months and then he just pulled it, he pulled it out from under him and he stopped contact altogether. That hurt him cos he'd grown up with his sister.'*

Where siblings were placed elsewhere and where contact only occurred infrequently, usually at formal contact sessions, relationships between siblings tended to become increasingly distant. Several children, like Victoria, desperately wanted more contact, describing her twice yearly meetings with her sisters as:

*'Heart-warming...I feel happy when I see them, cos I never really see them enough.'*

Overall, one-fifth of children in our survey sample (n=47) had no contact with either birth parent, either because they were deceased, they had rejected their children, were prevented from making contact by the courts or because their lifestyles were too chaotic to make contact realistic. Finding ways of explaining the reasons for children's separation and distance from their birth parents was not easy. Maintaining a record of events in children's lives was therefore important to some guardians, with some undertaking aspects of life story work to help provide children with a coherent narrative that would be available to them as they grew up. As we have seen, most children also had strong connections to a wider set of kin that would help them to develop a strong sense of family identity and to sustain them as they moved forward in their lives. As we have also seen, the complex and frequently conflicted nature of family relationships that are evident in many Special Guardianship families raise important questions about the nature of support that may be required from local authorities to help families to manage these relationships successfully. It is to these matters that we turn in Chapter 11.

### **9.3 Summary**

Special Guardianship assumes that there will be continuing relationships between children, their birth parents and other family members. This chapter explored patterns of contact with family members not living in the Special Guardianship household, the quality of the relationship between children and their birth parents and the challenges for guardians in managing birth family relationships.

- One-in-five children had no contact with either birth parent at follow-up. More than one-quarter (27.5 per cent) had no contact with their birth mothers, more than one-half with

their birth fathers (55 per cent) and almost two-fifths with grandparents (38.5 per cent). It was very rare for children to be prohibited contact with birth parents by court order.

- However, many children did have quite a high level of contact with relatives, including at least monthly contact with birth mothers (36.5 per cent), grandparents (31.5 per cent), aunts and uncles (56.5 per cent) and with a wide range of other family members (50 per cent), including siblings, cousins and more distant relatives.
- From the guardian's perspective, the quality of contact between children and their birth parents was highly variable. In relation to contact with birth mothers, in only just over one-half of cases (53 per cent) was contact considered to have a broadly positive effect on children. Although contact with birth fathers was less common, where it occurred regularly it was more often perceived to be beneficial (71 per cent).
- The effects of contact with birth mothers (but not fathers) were more likely to be rated negatively where children scored highly for emotional and behavioural problems and where their overall developmental progress was relatively poor. It is likely that where children were already challenging to care for, the fall-out that could arise from unsatisfactory contact could make the overall situation worse. In these scenarios guardians also reported experiencing greater stress and anxiety.
- Where relationships were reported as being broadly positive, arrangements for contact were often more flexible and arranged informally. This was easier where the guardian-parent relationship was cordial, where there was acceptance of the placement by the parent and where there was some willingness to work together constructively to support the child. In these circumstances children appeared to experience less distress and to be more accepting of the framework for contact. Even where relationships were considered positive, however, contact was not always untroubled.
- Many relationships were marked by greater tension and, for one-half of guardians in the survey sample, the local authority had made arrangements for supervised contact at some stage. A small number of guardians were also subjected to further litigation by birth parents over contact which proved to be upsetting for children, frustrating for guardians and tended to further weaken already fragile relationships.
- The management and regulation of contact could prove very challenging. Most guardians wanted to promote contact, appeared to handle these relationships with considerable skill and diplomacy and seemed very mindful of the need to keep their children safe during contact. Where the behaviour of birth parents was very unpredictable (due to mental health or addiction problems), guardians sometimes felt the need to break all contact for periods of time.
- Tensions were greatest where parents had difficulty accepting the placement or they tried to manipulate the feelings of children. In these scenarios contact could be unsettling for children and destabilising for Special Guardianship families.
- Children suffered feelings of loss and rejection where contact was irregular and unpredictable or where contact had stopped altogether. In response, some children eventually rejected their parents and wanted no further contact, viewing their Special

Guardianship family as their sole family or, alternatively, continued to yearn for a renewal of the relationship.

- Where siblings were placed elsewhere and contact between them became infrequent or had been stopped, this was often a source of considerable distress to children. Where contact was only occasional, often at formal contact sessions, relationships between siblings (while welcome) tended also to become more formal and distant. Children sometimes pined for the closeness they felt they had lost.
- Especially where contact had ended, children needed carers to provide them with a coherent life narrative that helped to explain the events that had taken place in their lives and the reasons for their separation from birth parents. Some guardians had undertaken life story work with children to help provide this coherence and to help them understand why their parents behaved the way they did. However, children's family identities were also strengthened by their connections within the wider kinship network.



## Chapter 10 Exploring movement, change and breakdown

In Chapter 6, we identified the number of special guardians who were not living in the local authority area responsible for the looked after child. This chapter provides a profile of where guardians were living at the time the SGO was made and of any subsequent patterns of movement and change. Most importantly, it provides a focus on disruption. It describes in greater detail cases where the child was no longer living with their special guardian at follow-up due to a breakdown in the child-carer relationship, to the ill-health or death of the guardian or due to them reaching adulthood and moving to live independently.

Chapter 5 presented findings on disruption to SGO arrangements for looked after children, based on secondary analysis of national statistics. The analysis undertaken there had to use a limited definition of a return to care in the same local authority. Overall the findings were encouraging, showing a breakdown rate of just over one per cent per year. In this chapter, we use data collected through our intensive study to explore placement disruption in more detail, identifying not only cases where the child had entered local authority care, but also those where the child had moved on to live with other relatives, returned to their parents' care or had gone on to live independently after a breakdown. We present case examples and contextualise our findings against those placements that were still intact at follow-up. In addition to identifying some factors associated with breakdown, we examine the consequences of it. In particular, we describe the relationships between guardians and children after disruption. Given the small numbers of cases presented here (n=24), these findings are very much exploratory and require further investigation in larger samples.

### 10.1 Where special guardians were living at the time of the order

The Special Guardianship regulations specify that the local authority where the special guardian lives is responsible for assessments of need and the provision of services that flow from it, except where children were looked after immediately before the SGO was made. In these circumstances, services remain the responsibility of the authority where the child was last looked after for three years from the date of the order (Department for Education and Skills, 2005).

We first look at where special guardians were living at the time of the order, relative to the local authority responsible for their child. Of the 123 cases where we had this information, over four-in-ten carers were not living in the local authority area responsible for the child (See Figure 10.1).<sup>147</sup> This includes one-quarter of cases where the carer did not live in a neighbouring local authority. Five of these children were moving to carers living in another country. This included two children moving to countries within the United Kingdom (Scotland and Northern Ireland), and two children moving to countries in mainland Europe.<sup>148</sup> These two children were placed with family abroad as

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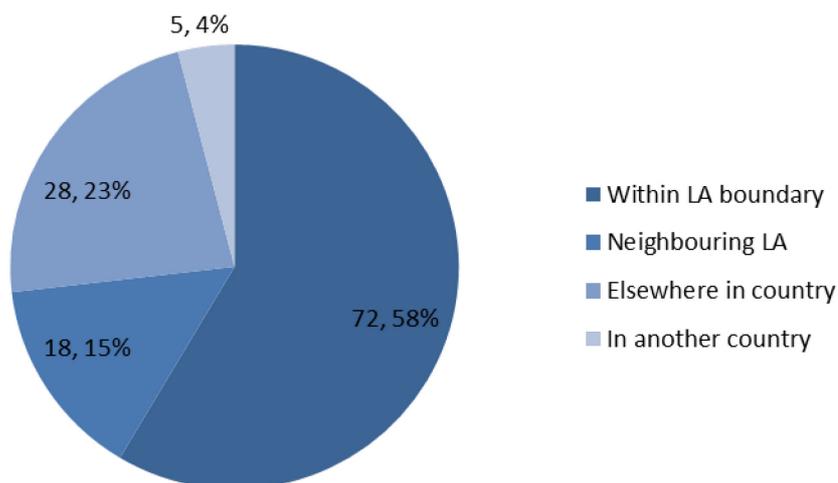
<sup>147</sup> National figures reported in Chapter 5 suggested approximately one-third of children were placed outside their local authority at SGO. This information was not routinely collected in case files where the guardian had not consented to take part in the study.

<sup>148</sup> This information was not available for one child.

babies and from the evidence available appeared to be doing well at follow-up. One guardian is currently applying to adopt the child.

Not surprisingly, most children who were not living within the local authority boundary were looked after children who had been placed in out-of-authority foster placements. While 52 per cent of looked after children were placed elsewhere, this was the case for just 18 per cent of non-looked after children.<sup>149</sup>

**Figure 10.1 - Where carers were living relative to the local authority making the application for the SGO**



For families who do not live nearby, access to post-order support can be more difficult, as social workers may not have the capacity to make regular long journeys to visit guardians and guardians may have difficulty accessing locally available support, such as peer support groups or other prescribed services. In one example, following a Special Guardianship family's move to a neighbouring local authority, social workers were reported as subsequently not turning up to appointments. This resulted in the local authority losing contact with the family and becoming unaware of the difficulties that the carers were experiencing with their child. The placement eventually broke down.

Once the child has lived with their special guardian for three years post-order, the responsibility for providing support (other than regular financial assistance) transfers to the local authority in which the family resides. These local authorities can be resistant to taking over this responsibility. A great aunt describes her anxieties in getting her local authority to assume provision of post-order support for her two children:

*'Now Jamie is coming up to the third year [post-SGO]...so I'm assuming when that happens they're going to drop both of them. Then where will I be, because I don't know who to contact and I think that because Special Guardianship comes with a financial implication I might get [the] run around. Because they weren't responsible they may keep passing the buck until I just give up. When there's a paper trail in your own office*

<sup>149</sup> Pearson's Chi Square:  $p=0.004$ , Chi Sq. 13.298,  $df=1$ ,  $n=123$ .

*you can't say that it doesn't exist, but when the paper trail comes from somewhere else you can deny that you've ever received it.*<sup>150</sup>

Positively, there was no evidence overall from the case file audit that provision of post-order support was less likely to be given if the carer did not live in the local authority. However, our case file audit only reports whether a form of support was provided. We do not have information regarding the intensity and quality of support given. As noted by the carer above, issues may only arise later when support services are to be transferred to the local authority where the guardian resides.

Twenty-nine carers had moved at least once following the making of the SGO (24 per cent). This included eleven cases where the guardian had already lived out of area at placement. A further five cases included carers who had moved from within the child's local authority to a neighbouring local authority (n=1) or elsewhere in the country (n=4). Where special guardians had moved to another local authority after the SGO had been made, only four guardians reported that they had contacted their new local authority for support. Of these, one carer, who received social work support when their child started nursery, found them to be a '*big help*'. The remaining three had had less positive experiences as the following quote illustrates:

*'Not able to give us any help or support when we requested 'emotional' support when trying to deal with [child's] behavioural problems.'*

House moves were often essential as part of the arrangements to secure the placement, in particular where the guardian, often an aunt or uncle, had more than one birth child living at home and was planning to care for a sibling group. For Dion and Alicia's uncle, housing was, and remained a significant issue. Dan and Ella, Dion's special guardians, had been promised a five bedroom house by their local authority, when one became available, to accommodate both their birth and special guardian children, who were much younger than their own. However, due to the unavailability of suitable accommodation this had never transpired. The consequences of their over-crowded living arrangements had resulted in their eldest daughter sleeping in the living room for a period of time and subsequently failing her exams, which her father attributed to her lack of a suitable study space. It should be noted that special guardians also moved for reasons other than overcrowding. Amy and Teddy's grandfather had specifically rented and later bought a house in the area where they were already settled so that his grandchildren could stay at the same school.

Given the sizeable minority of carers who did not live within the boundary of the local authority that was initially responsible for the child, policy makers may need to consider further the implications of this for the delivery of post-order support. Whilst the research evidence is limited, there is data to suggest there was anxiety amongst some carers about whom they should contact and how they could get the help they need when they do not live near the local authority that was originally responsible for their child. In addition to difficulties accessing formal services, carers who did not live near the local authority responsible for their child often also did not live near the child's birth family, specifically their parents. This could be advantageous or detrimental to the placement,

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<sup>150</sup> As financial support remains with the original local authority this quote also indicates that guardians were not always well informed.

depending on the child's relationship and feelings towards their parents (see also Hunt *et al.*, 2008; Farmer, 2010; Roth *et al.*, 2011). One carer specifically moved to a different area so that her child's birth parents could no longer cause her any trouble. However another placement broke down following the family's move to a neighbouring local authority and their child returned so that he could be closer to his birth family. Local authorities will need to consider carefully how they will manage and support contact with birth parents in these circumstances. They also need to consider how they may strengthen transitional arrangements and communication between originating and receiving authorities so that Special Guardianship families do not miss out on essential support and services.

## 10.2 Placement stability

Stability in a secure, committed and loving family has been highlighted as very important for children and their long-term development (Sinclair, 2005; Sinclair *et al.*, 2007; Quinton and Selwyn, 2009b). Associated with this have been concerns where placements have been made but subsequently break down. Different forms of placement have been associated with variable risks of disruption (Sinclair *et al.*, 2005b; Lutman *et al.*, 2009; Aziz *et al.*, 2012; Selwyn *et al.*, 2014). In Chapter 5 we explored placement disruptions for looked after children moving to Special Guardianship (using national datasets) and identified a disruption rate of just under six per cent over five years post-SGO. Disruption was defined as a return to care in the same authority. This is considerably higher than the rate found for Adoption Orders over an equivalent period (and using a similar definition of breakdown - 0.72 per cent), but much lower than that for Residence Orders (14.7 per cent) (see Selwyn *et al.*, 2014). Risk factors for breakdown were similar to those that are found in comparable populations. Risks were higher for children who were older at the time of the SGO, who had experienced past placement instability, who had not last been placed with kin and for those who had moved to a different carer at the time of SGO. Positively, the rate of breakdown appeared low even among these higher risk groups (see Chapter 5 for details).

In our survey sample, we were able to explore not only those cases where a previously looked after child returned to care, but also cases where the child moved on to another placement within the family, or alternatively moved on to live independently. Whilst obviously smaller than the national dataset, our sample also includes children who were not looked after immediately prior to the SGO. Twenty-four children, just nine of whom were boys, were no longer resident with their guardians at follow-up. Prior to the SGO, seventeen of these children had been looked after and the remaining seven had been on the 'edge of care'. Placements had lasted between just over one year and five and a half years; children had ranged in age from 5 to 19 at the time they moved on from the placement.<sup>151</sup> Seven cases involved young adults who were 18 or over at the time of follow-up and five of these cases involved young adults whose placements had ended around age 18. In the next section we look specifically at the cases which disrupted whilst the index child was aged 16 or under. We then go on to look at how things have gone for the five young people who moved on in young adulthood.

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<sup>151</sup> We only have data from 9 cases for the length of the placement so we can only calculate age at breakdown and placement length from these cases.

## 10.2.1 Placements that had ended prematurely

Nineteen placements disrupted when the child was aged 16 or under. Where subsequent information was recorded on file, nine of these children were being cared for by the local authority at follow-up, four had gone on to live with other relatives and five were now living with one or both of their birth parents.

Prior to the SGO, 12 had been looked after by a kinship foster carer and seven children had been on the edge of care. Nine of these placements had been with grandparents, eight placements had been with aunts or uncles and two were living with other relatives or a family friend. None of the cases that had disrupted prior to the child turning 17 were with an unrelated foster carer. In contrast, three of the five carers of young adults who were reported to be living independently at follow-up were former unrelated foster carers.

We explore some of the factors that appear to be associated with risk of a premature placement disruption below (see also Appendix B). In addition to data on all of these children from the case file audit, we have additional data from five special guardians whose placements were not intact at follow-up, each of whom also took part in an interview. Unfortunately, we were unable to recruit any of these young people for an interview.

In our sample, children whose placements had broken down had been older at the point the order was made than was the case for the study sample as a whole (aged 8.2 years old, median 9, range 0-14).<sup>152</sup> Eleven of the nineteen premature placement disruptions concerned girls who had a median age of ten years (at the time of the SGO).<sup>153</sup> Placements for older children may be more likely to breakdown as older children may feel more able to challenge the placement. Behaviour problems are also most likely to emerge during adolescence (see below). A meta-analysis of foster placement breakdowns has found that the effect of age was moderated by sex, with older girls more likely to experience a placement breakdown (Oosterman *et al.*, 2007). However, we should exercise caution when interpreting these findings as age, but not gender, was found to be a predictive factor in the larger sample of looked after children (see Chapter 5).

For two-thirds (n=11) of the children whose placements had disrupted prematurely, evidence of social, emotional and behaviour problems were reported and in six cases these problems were classified as serious. In Chapter 6 we identified 21 children in the whole sample who were reported to have serious social, emotional and behavioural problems. For over one-quarter of these children, the placement had subsequently broken down. This compares to less than one-in-eight cases where no social, emotional or behavioural problems were reported.<sup>154</sup> Studies of children in foster placements have found that children who exhibit behaviour problems are more likely to experience placement disruption, leave care early and experience poorer outcomes.

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<sup>152</sup> The average age of all children at the time of the SGO was 6.04 years (median=5 years, SD=4.74, range=0-18). There was a significant relationship between age at SGO and placement disruption: Mann Whitney U Test p=.017, n=225.

<sup>153</sup> 8/19 children were male, mean age at SGO 7 years, median 8 years; 11/19 children were female, mean age at SGO 9.1 years, median 10 years. When looking at the association between age and placement disruption by gender, there remained a significant association for females, but not for males. Females: Mann Whitney U Test p=.019, n=110. Males: Mann Whitney U Test p=.339, n=115.

<sup>154</sup> Mann-Whitney U Exact Test p=.003, n=202

(Sinclair *et al.*, 2005a; Wade and Dixon, 2006; Rostill-Brookes *et al.*, 2011; Biehal *et al.*, 2012). Some of the cases presented here broke down because the carer was no longer willing or able to care for the child, often as a result of being unable to manage their behaviour problems. In others cases the child left the placement voluntarily to live with other family members. Unfortunately, these moves often resulted in further instability for the child.

Close relationships between children and their guardians tended to be protective. The strength of the bond between the child and carer at the time of the SGO was associated with later placement stability.<sup>155</sup> There was, however, no association between the length of time a child had lived with their carer and this outcome.<sup>156</sup> Fifteen children whose placements had ended prematurely had been living with their carer for at least six months before the order was made and just three children had moved to their special guardian from an unrelated foster care placement when the order was made.

As we will see further in Chapter 11, the provision of services to children and guardians tended to be higher when difficulties were greater. As a result, there was no quantitative evidence to suggest that carers at risk of a placement disruption had received less in the way of support and services. However, it is evident that services provided to meet the particular difficulties of children (therapeutic, behavioural and educational) did not prove effective in preventing disruption. Of course, this may have been a question of providing 'too little, too late' or at insufficient intensity to provide a remedy, since qualitative evidence provided by carers whose placements had disrupted tended to indicate that the support they had received was frequently inadequate and/or that their relationships with social workers were sometimes poor or non-existent. Danielle, former guardian to Lewis and Brendan, who had both returned to local authority care following the breakdown in their placement, did not think highly of her social worker, but also suggested that her own lack of experience of dealing with social services had impinged on her ability to get the support she needed. Knowing how to access and take advantage of support may therefore be an additional barrier for kinship carers who have not previously fostered. Doing so requires a degree of confidence and knowledge of how the system works.

*'They set me up to fail. There was no continuity between either department and even before I had the children...they'd had two different social workers that I'd been involved with, Lord knows how many before they came to me. There was no one person that sort of knew the case from day one to the end.'*

Studies of foster care placement disruption have found that some carers appear to cut themselves off from support, possibly because they feel they are being judged, or because they think that children's services are ineffective (Green *et al.*, 2014). Where poor relationships with the local authority exist, the special guardian may not seek to inform them if their child's placement with them breaks down. This may be particularly the case when the child they are caring for has become a young adult. In our sample we are aware of two cases of a placement disruption were

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<sup>155</sup> Mann-Whitney U Test  $p=.03$ ,  $n=221$

<sup>156</sup> The length of time that children had lived with their SG did not appear to be associated with risk of breakdown. For children who had lived with their carer prior to the SGO - median length of time living with care prior to order 13 months (mean 27.5 months). This was similar to the sample as a whole (median 14 months, mean 30 months).

the local authority were not informed. This may lead to an underestimation in figures of placement disruption. These examples highlight the need for social workers to foster and maintain good relationships with special guardians, to be approachable and to adequately signpost families to evidence based early interventions.

## 10.2.2 Predicting breakdown

Multivariate analysis, combining variables significantly associated with placement stability for all children in our survey sample, was used to create a 'model' that best predicted placement stability (see Appendix B for more details).

- The age of the child was the most significant predictor of placement stability, with children aged 12 and over at greater risk of a placement breakdown ( $p=.001$ ).
- Children who had a stronger bond with their carer at the time of the SGO were more likely to remain in placement at follow up ( $p=.032$ ).

Being a teenager was by far the most important predictor of disruption. Its ability to predict was increased by adding information on whether a child had more serious emotional or behavioural difficulties and by adding information on the strength of bond between child and carer. Once information on the bond had been added to the model, the addition of information on child difficulties no longer added significantly to the prediction.

The findings from our study indicate that children who are older at placement, who are not emotionally close to their carer prior to the SGO and, to a lesser degree, who exhibit serious behaviour problems are vulnerable to placement disruption. These findings are consistent with other studies of placement disruption for children who are unable to live with their birth parents (Waterhouse, 2001; Sinclair, 2005; Sinclair *et al.*, 2005b; Lutman *et al.*, 2009; Biehal *et al.*, 2010; Department for Education, 2011). The likelihood of a child having emotional and behavioural difficulties rose with age. Teenagers are also better placed to disrupt a placement than very young children where they are unhappy. Older children in this sample had almost always received their SGO at a later age and, as with late entry to adoption or foster care, these children are more likely to already have challenging behaviour (Sinclair *et al.*, 2007). All other things being equal, therefore, the earlier in a child's career that a decision for a SGO can be made the less likely it is that they will have these difficulties.

However, the strength of the pre-existing bond between child and carer has an independent effect. Where the bond was strong, the effects of behavioural disturbance were likely to have been lessened and risks to the placement reduced. This was intended to be one of the key strengths of Special Guardianship, although for one-in-seven children in our survey sample the move to live with their guardian and receipt of the SGO happened simultaneously. At the assessment stage, therefore, close attention to the quality of these relationships is very important. Caution needs to be exercised where there is evidence that this relationship is weak and consideration should be given to an intermediate step where relationships can be monitored and tested before moving to a

full SGO. It is in circumstances such as these that some commentators have called for the introduction of an 'interim SGO' to allow for such a trial period. Our evidence suggests that this could have merit, especially if the alternative would involve the child being unnecessarily drawn into the care system for a period of time.

### 10.2.3 Stories of premature placement disruption

In this section we explore the experiences of children whose placements had disrupted before they had turned 17. As we were unable to talk to any children who were no longer in their placement, our data comes from the case file audit, the special guardian questionnaire and interviews with special guardians. Other than three placements where grandparents had passed away,<sup>157</sup> placements had ended before the child turned 17 because of a breakdown in the relationship between the carer and the child. In Chapter 8 it was noted that where placements had not gone well, children were less likely to be resident with their carer at follow-up. Even when the child returned to the care of his/her parents (sometimes temporarily) file evidence suggested that this was a consequence of poor relations between the carer and child rather than the result of a planned application by the parent to resume custody of their child.

*'After initially living with the maternal grandmother after the SGO break-up the child is now living with dad. The child's relationship broke down with the aunt who still wanted him to live with her but he refused.'*

The association between past placement movement and later breakdown in an SGO placement was noted in Chapter 5. Although sample size precluded this being tested for our breakdown sample, there was evidence that these children appeared to face further instability, with details of several moves post-SGO given for 11 of the nineteen cases of premature placement breakdown. These findings resonate with studies of foster placement disruption where earlier instability tends to predict future instability (Sinclair and Wilson, 2003; Sinclair *et al.*, 2005b; Sinclair *et al.*, 2007). These children had moved between two and seven times since the breakdown of their placement. Below are some extracts from the case file audits of the reasons given for why some placements had disrupted.

*'The placement broke down after 18 months due to the special guardian finding it difficult to manage the child's difficult behaviour. The child moved to stay with his maternal aunt [for nine months]. The child then returned to the care system and was placed with very experienced foster carers. Unfortunately the foster carers after two years gave notice to retire after seventeen years as foster carers. The child is now placed in a 52 weeks residential placement that provides home and education. His care status is now a full care order and he will remain in care.'*

*'This child entered back into the care system [following a breakdown in the SGO]. It was agreed by an independent social worker, psychologist, social worker, team manager and service manager that permanency through adoption was in the best interests of the*

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<sup>157</sup> Three cases of a special guardian (grandmother) passing away were recorded. In one case the child remained in the care of her grandfather for a time before returning to the care of her father and his partner. In another there had been a plan in these circumstances for the child to move to other relatives who would become her special guardians. They struggled to manage her behaviour and she was then placed with another relative (order unknown). The third child stayed in the Special Guardianship home cared for by other relatives until she turned 18.

*child. The child was then adopted and this placement broke down. The child has moved seven times since entering back into the care system. It is evident to see that the child has experienced numerous placements which questions the child's ability to form secure attachments as well as their stability.'*

There was often sparse information on file as to what had led to the breakdown of placements. However the reason most often given was the guardian's inability to manage the child's challenging behaviour. This corresponds with the findings presented above that the presence of behaviour problems was associated with an increased risk of placement disruption.

*'The special guardian began to struggle with child's challenging behaviour and felt it was impacting negatively on her own birth children. The child moved first to another family member before re-entering the care system.'*

We now turn to the data given by the guardians themselves about their experience of being a special guardian. There was often a period that led up to the placement disruption where the carer was aware that the placement was at risk. However, not all carers appeared to receive support from their local authority during this time. Below is the story of Holly, whose placement with a friend of the family had broken down.

#### **Box 10.1 Holly's story**

After Holly had lived in her Special Guardianship family for about a year, there began a gradual deterioration in the relationship between her special guardian, Clare, and herself. Holly began engaging in rebellious behaviour, truancy and not coming home, and also began to detach herself from the family. Initially Clare's eldest daughter Yasmin also engaged in this rebellious behaviour with Holly, causing additional anxiety for the family. Holly began to spend more and more time with her birth family and began to spend alternate weekends at her sister's flat. This initially worked well. The placement finally disrupted when Clare discovered that Holly had stolen from her. Holly took this opportunity to move out and go to live with her sister. Clare reported Holly saying to her: "I never bloody wanted to come and live with you anyway"

*'That is what she wanted...what she'd always wanted...and she'd come up against some obstacles trying to make that happen, and then she'd sort of got to a place where, yeah, it is going to happen now.'*

Holly resided for a time with her sister, but as this was a one-bedroomed flat, which was not ideal. Clare tried to involve children's services, but as the child was then aged 16: '*they didn't want to know*'. Holly's financial allowance was stopped and Holly did not receive any further support from the local authority. Holly later moved to live with other relatives before moving on to a refuge, then a hostel, and finally to a flat where, as far as Clare is aware, Holly remains.

At the time of the follow-up study, Clare and Holly had not been in touch for over a year. Whilst Clare would like to see Holly and know how she is doing, Claire's family are more cautious following the upset her relationship had caused within the family. Clare didn't feel that she could offer a home for Holly if she wanted to return as it was too destructive for the rest of the family.

*'We're not having Holly back, it's too destructive for the rest of them...We had a lot of pieces to pick up after Holly had gone, particularly with Cara.'*

[Clare's youngest daughter].

Clare wanted to highlight the importance of maintaining links with the local authority post-order and of the authority being more responsive when a request for help is made. She reflected that she might have found it easier to cope with Holly if she had not had two children of her own at home, both of whom had their own issues. Given the circumstances, Clare wondered whether she might have received more support if she had fostered Holly.

### 10.3 Special Guardianship in young adulthood

At the time of the follow-up study, there were thirty-one young adults who were then aged 18 and over. Just seven of these young adults no longer lived with their carers, six of whom were female, and five of whom had moved on after or around the time that they had turned 18. It was encouraging to see that almost four-fifths of young adults had remained living in the Special Guardianship home during early adulthood. However, it is worth noting that one-in-three young people who had lived with an unrelated foster carer had moved on post-18, compared to less than one-in-five of the young adults who had been placed with kin. This may have some connection to access to post-18 leaving care provision for these young people. Although young people in Special Guardianship families may access leaving care services as 'qualifying children' under the Children Act 1989, much of this provision is discretionary, and the stricter regulations provided through the Children (Leaving Care) Act 2000 would not apply (see Department of Health, 2001).

Several managers felt this could be a deterrent for unrelated foster carers becoming special guardians, particularly when they were caring for older children. A service manager in Area 3 reported that unless post-18 support was explicitly agreed at the time of the SGO the family were unlikely to receive it later on. Ellen and Toby, experienced foster carers, had made sure they had access to post-eighteen leaving care services written into their support plan for Toby.

*'We worried about the likes of say provision for post-eighteen and, if anything, because of government cuts, you know, things like that would be a problem. But when you look at the schedule, it states there that the local authority has to pick up the bill.'*

Some young adults had made a positive choice to move on to live independently. Christina had applied to go to university and decided to apply for her own flat as she wanted more privacy and independence. Jacob, her younger brother had remained living with their special guardian, Julie (their cousin) and Julie's child. Julie was sad to see Christina move out, but their relationship has continued to be strong. Christina still sees Julie and Jacob regularly and will occasionally stay over. She has just completed her first year at university and is reported to be doing well.

However, for other young adults, the move to independence did not appear to be wholly voluntary. A move to independence and a placement disruption are not therefore mutually exclusive.

Candice presented herself as homeless four days before her 18<sup>th</sup> birthday. The data on her case file was scant, however it was alleged that the placement with her special guardian had broken down because her guardian (a former unrelated foster carer) had asked her to move into the conservatory so that the family could accommodate two younger foster children. Given the lack of information on Candice's file, it is not possible to determine what exactly had happened. However, the timing of two younger foster children moving to the family indicates that this may have been due to a withdrawal of financial support for Candice.

Emerging adulthood can be a particularly confusing time for young adults who may feel they can now exert more choice over who they would like to live with. Where a young person is still in contact with their birth family, they may experience conflicted emotions and divided loyalties between their birth parents and carers. Below, is the story of Alex, who moved out of his Special Guardianship home when aged 17 so that he could be closer to his birth family.

### **Box 10.2 Alex's story**

When Alex was 17, against his carers' wishes, he moved out from his Special Guardianship home to go and find his birth mother, whose mental health problems had led to him being cared for by Samantha and Kevin, his former foster carers. Kevin took Alex leaving particularly hard, as they had loved and cared for Alex as their own son. Alex stayed with his aunt for several months, where he slept on the sofa. On discovering Alex's change in circumstances, local authority social workers went to assess Alex's accommodation and deemed it unsuitable. Alex was placed in shared accommodation, before moving to his own flat which he has lived in for about a year.

Samantha had not found the local authority approachable in terms of getting post-order support when Alex was wanting to move back to be nearer to his family. She was very angry with the way they handled his changed placement, feeling they had ignored her parental rights as a special guardian. Both Samantha and Kevin have maintained contact with Alex.

*'I make sure he's all right with clothes, his food and stuff, and obviously give him money.'*

*'[Kevin] was talking to him every other day, he's either calling him or Alex's talking to him via email or messages, texting, just about life and things.'*

Whilst Alex still has a relationship with his former special guardians, he appears to have found it difficult to return to the family home, having only visited twice since he has left. Alex is now working and sees a lot of his younger sister and his aunt. His guardians hear more from him when he is depressed, but not so much when he is happy. His guardians feel that Alex is happy where he is now, but he is always welcome to return to them if he wanted to.

*'There's always a place for him here if he needed it.'*

The interview with Alex's special guardian revealed that Alex had been particularly hurt by the loss of contact he had with his siblings and the rejection he experienced when his step-father decided that he only wanted to care for his younger sister and not him.

*'We just thought this was so totally unfair for him...at the last minute to be left like that.'*

This childhood trauma may have remained with Alex. There is evidence to suggest that for some children, the separation from siblings can increase the risk of disruption (Fratter *et al.*, 1991), especially where a child may have been singled out for rejection in their family (Roth *et al.*, 2011). There were clear conflicts for this child, who wanted to be seen as living in a 'normal' family by the outside world, where he would call his special guardians 'mum' and 'dad', in contrast to his feelings as an outsider within the family home where he then reverted to calling them by their first names. The other children in the Special Guardianship home have also maintained contact with Alex, seeing him as an older brother who has moved out. A key message from Samantha was that carers should make sure that they get support plans in writing and that they should think carefully, so far as they can, about what support they might need in the future.

## 10.4 How carers felt following a placement disruption

Special guardians were often still very upset by the circumstances in which their child had left their home, unless it had been part of a planned and positive move to independent living (See also Clegg and Sheard, 2002; Biehal *et al.*, 2014). Perhaps unsurprisingly, only Julie, whose child Christina had gone away to university, felt that they were still very close. The other guardians reported more strained and distant relationships and Danielle, Lewis and Brendan's aunt, was no longer in touch with her children, on the advice of her social worker. '

*'I was told by social services that I should move on and have no contact with the children.'*

(Lewis and Brendan's Aunt)

Contact was influenced by the feelings of the guardian, their family and the child who had moved on. Whilst Clare rated her relationship with Holly as: *'quite good, but less close than it was'*, the rest of her family were not interested in maintaining contact with Holly who they felt had been: *'instrumental in the near family breakdown we went through'*. Samantha felt that it was Alex's pride that stopped him from returning to his Special Guardianship home to be with the guardians and children who saw him as their son and brother.

*'Alex feels guilty about how he left and he missed the other children in the household. His pride stops him. He doesn't want to be seen as a failure.'*

## 10.5 Children's views on stability

We interviewed ten children who were all still living with their special guardian. The children were asked where they would like to live if given the choice. All of the children we spoke to reported

being happy living with their guardians, wanting to, and usually expecting to live with their guardians until they were older. For children living with kin, the familiarity of family was appreciated. Lydia said she wanted to stay living with her aunt and uncle until she was a grown up and got her own place to live. She was happy to be living with her aunt and uncle rather than with people she had never met. Children could also be conscious that this was probably the best place for them. Whilst Dion said he would like it if his mum and dad started to have a good relationship again so that he could go and live with them, he acknowledged that he had started to think about his future and that he might do better at school and be able to go to university if he stayed living with his aunt and uncle. When thinking about the future, and for some, the possibility of going on to university, some children were keen to stay living with their family. Cory quipped that he would like to stay living with his grandparents for: *'as long as they'll have me'*. Others appeared to be happy living with their carer at the moment, but were keen eventually to live independently like any group of young people.

It was encouraging to see children feeling very confident and secure in their placement with their guardian. Zach, now 15, had moved to live with his grandmother when he was a baby and was clearly very close to her.

*'I was going to say until the day I die...Nanny's brave and knows she'll never get rid of me, won't you nan?'*

Some children appeared a bit more cautious and anxious about the future. Whilst Kelsey wanted to stay living with his guardian (an unrelated foster carer) until he was older, he wasn't sure whether he would. This anxiety contrasted against the feelings of his guardian who saw him as her own child. Given the indication that children living with former unrelated foster carers may be at risk of moving on in young adulthood, it lends itself to the theory that these children's anxieties and insecurities about their sense of belonging and permanency within the family may be putting these placements at risk once the child transitions into young adulthood and their place within the home becomes voluntary.

Whilst on the whole the risk of breakdown still appears low after including non-looked after children, we should note that at follow-up, nearly one half of the children were still under ten years old (see Chapter 6). Local authorities need to make sure as these children enter adolescence, their families are properly supported.

## 10.6 Summary

- Four-in-ten special guardians did not live in the local authority originally responsible for their child. Where guardians lived at some distance from the responsible local authority, variations were evident in support provided to them.
- Where children were no longer resident with their guardians at follow-up, this was usually due to a breakdown in the relationship between the child and the carer, even when the child was on the cusp of adulthood.

- Nineteen placements ended prematurely, before the young person had reached the age of 17. Two factors predicted breakdown in the survey sample. Being a teenager was the strongest predictor. However, the strength of bond between child and carer prior to the SGO being made also had an independent effect. A strong relationship acted as a protective barrier against the corrosive effects of emotional and behavioural difficulties in children. Caution should be exercised before moving straight to an SGO where this relationship is assessed as being weak.
- Half of the placements that disrupted prematurely concerned children placed with carers who had not been their former foster carer, either because the child had only moved to the carer at the SGO or because the child had not been looked after immediately prior to the order. Typically fewer of these children had strong bonds with their carer at SGO.
- More child services were provided to placements in difficulty. However, the results of interventions were not positive. Some carers may also have been less confident about asking for the necessary help to support their child's placement as difficulties arose.
- The use of Special Guardianship for unrelated foster carers was low, and in the main used where children were already very settled. These placements had appeared mostly robust, at least until the child had reached young adulthood, at which point some moved on quite quickly for apparently negative reasons. Further investigation is needed into whether emerging adulthood is a particular risk stage for these children and the reasons why that might be.
- Guardians did not always tell the local authority that their child was no longer living with them. This may mean that the incidence of breakdown is higher than recorded.
- Following a placement disruption, children often faced further instability. Nine children had moved into local authority care, five had returned to the care of their parents, four were living with other relatives and five were known to be living independently. After disruption, guardians reported that the relationship with their child had become strained and more distant. Post-disruption support provided by the local authority was also variable.
- Social workers have information to hand at the time of the order (age of child, strength of child-carer bond, evidence of behavioural problems) that can indicate the risk of the placement being unstable. This should be taken into account when considering the merits of a SGO and when designing packages of support.
- Children who remained living with their carers spoke of their wish to stay living with their special guardians and some were aware that this was the best place for them, even when they also wished to be reunited with their parents. For some children, the stability of their placement had provided security, confidence and a sense of belonging. Some others felt less secure about their place within the family.

## Chapter 11 Support and services for Special Guardianship families

The provision of support to those subject to Special Guardianship is set out in an amendment to the Children Act 1989 and in associated regulations and guidance. These provisions make it clear that local authorities have a duty to make provision for continuing support and services to meet the identified needs of special guardians and their children (Department for Education and Skills, 2005). These services should include provision for financial assistance, advice and information, services to meet the therapeutic needs of children, to assist families in their contact with other birth family members and to help guardians provide the quality of care their children need. The framework is very similar to that which applies in adoption. This chapter examines the services provided to our sample of special guardians at any stage in the study's follow-up period of three to six years, identifies key areas of enduring need for Special Guardianship families and explores the main sources of support upon which these families tended to rely. It is important to bear in mind, however, that while regulations require local authorities to make provision for services and to undertake assessments, there is no legal entitlement for special guardians to receive specific services that might have been identified during that assessment process.

### 11.1 Needs assessments and support plans

The entitlements of carers to have their need for services assessed differ for different categories of applicant. Where a child has been looked after immediately prior to the application, local authorities must comply with a request for assessment by the child, the child's carer or birth parents. Where the child has not been looked after, the local authority may exercise its right to refuse to respond to such a request. In these circumstances, the local authority must provide written notification of the reasons for refusal and make provision for representations by carers.<sup>158</sup> Any services that are to be provided as a result of this needs assessment should be included in a support plan and presented to the court during its consideration of the application.

Information drawn from social work case files enables us to describe the services that had been identified in the support plans of our survey sample. It was reassuring to find that most reports that had been prepared for the court had included a written support plan for the Special Guardianship family (80 per cent).<sup>159</sup> A breakdown of the services that had been included in these support plans is presented below (see Table 11.1). The vast majority of plans included provision for a regular financial allowance. A sizeable minority of plans also included provision for assistance with legal fees or for other financial payments. These other payments included settling-in grants (up to £1,000 in some cases), assistance to obtain essential items (such as beds, bedding and furniture),

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<sup>158</sup> When making these decisions, local authorities must also be cognisant of their wider duties to safeguard and promote the welfare of children 'in need' under the Children Act 1989 and of legal judgements relevant to this area of practice (see Chapter 3 for further details).

<sup>159</sup> Whilst it was reported that there was not a support plan for just 9 cases (4%), case file auditors reported a lack of evidence to suggest there had been a support plan for a further 45 cases (16%).

to move to a larger house or, in a few instances, to fund an extension to an existing home where families were accommodating sibling groups (amounts ranging from £27,000-£65,000 were noted), to purchase a larger car or, more modestly, to meet nursery and child-minding fees, to assist with further or higher education costs, with contact arrangements for families or activities for children.

Continuing access to social work support was planned for over two-thirds of families and arrangements to help families to manage birth family contact were planned for over one-half of special guardians. Services planned to address the therapeutic, behavioural and educational needs of children had been less commonly included in support plans (or considered to have been necessary) at this stage and planned provision for respite or short-breaks to provide relief for hard-pressed families was extremely rare. The extent to which these plans were realised or new needs emerged over the course of the follow-up period of the study will be considered further below.

In one-in-five cases access to 'other' services had been written into support plans. Where further details were noted, these planned services included access by guardians to training to help them understand the past trauma experienced by children or to manage the behavioural challenges they presented, access to commissioned life story work, to parenting classes, child mentoring or to specialist health services, including occupational therapy, support from child disability teams or from speech and language therapists. In the main these interventions tended to be short-term and were planned in response to the clearly identified needs of guardians and their children.

**Table 11.1 - Services included in support plans**

<b>(n=218)</b>	<b>Yes</b>	<b>No</b>	<b>No evidence on case file</b>
Regular financial allowance	85.5	5	9.5
Continuing social work contact (advice, information, guidance)	68	15	17
Support in relation to birth family contact	55	27	18
Any other financial payments	43	23.5	33.5
Financial assistance with legal fees	35	20	45
Therapeutic services for the child (e.g. CAMHS, educational psychologist)	31.5	41	27.5
Services to support child's education	26.5	46	27.5
Services related to child's behaviour difficulties	16.5	51.5	32
Respite/short break provision	3.5	61.5	35
Any other services	19.5	39.5	41

The policy interviews described in Chapter 3 pointed to a potential for variation in planned services according to whether children had been looked after or not immediately prior to the Special Guardianship application. Although there was no difference in the likelihood of there being a support plan for these two groups of children ( $p=.78$ ), there were differences in the kinds of services that were included in these plans. Where children had been looked after, local authorities were more likely to have included provision for a regular financial allowance, for assistance with legal fees, for help with arrangements for birth family contact and for the child's education.<sup>160</sup> For example, a plan for a financial allowance was made for 98 per cent of looked after children compared to 83 per cent of children who were not looked after at this time; for support with family contact, the proportions were 73 per cent and 49 per cent respectively. No significant differences were observed in relation to other service areas. Nor were any differences observed according to whether the child was related or unrelated to their primary carer.

Interviewees were asked to recall the services that had been agreed with them prior to the SGO being made. Their responses were varied. Some special guardians felt happy with the support package that had been offered by the local authority, whilst others, including former foster carers, had been more disenchanted. Whilst many were informed that they would receive a financial allowance to care for the child once the order was made this was not always agreed from the beginning and, in some instances, had to be fought for. Reimbursement for legal costs was very helpful for carers but was not offered routinely and, as we have just seen, was more likely to have been made available to carers of looked after children. When free legal advice was offered, it not only alleviated the financial burden for families, but in the instances where a lack of reimbursement would have left the family without legal representation, it provided access to an invaluable source of advice. Local authorities could be slow to confirm what financial support they would provide, meaning that families sometimes had to make decisions on the assumption that they would not be receiving any assistance.

Special guardians were also not consistently informed of the non-financial support they were entitled to. Some were given a contact name if they felt they should need help in the future, but not all knew that they were entitled to ask for an assessment of their child's needs. In fact, some guardians were given the impression they were not eligible for any post-order support.

*'We had the SGO and that was it, we never heard from children's services again. And the thing was, they just said: 'OK he's yours now...enjoy your life with him.'*

(Samantha, Alex's special guardian, remembering what she had been told)

What support (if any) would be needed in the future was sometimes difficult for carers to identify at the application and assessment stage. As we have seen previously, over one-half of the children were less than five years old at this time and some needs would only emerge over the course of time. Foster carers were often more aware than other carers of the responsibilities of the local authority and the support that might be attached to different legal orders. A good support package

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<sup>160</sup> Continuity correction test for looked after/not looked after by allowances ( $p<.001$ ,  $df=1$ ,  $n=197$ ); legal fees ( $p=.016$ ,  $df=1$ ,  $n=120$  – 70 per cent vs 43 per cent); family contact ( $p=.006$ ,  $df=1$ ,  $n=179$ ) and child's education ( $p=.048$ ,  $df=1$ ,  $n=158$  – 41 per cent vs 22 per cent). There were no significant differences in other support areas, such as social work contact ( $p=.61$ ), child therapeutic services ( $p=1.0$ ) and child behaviour services ( $p=.83$ ).

was likely to make an SGO a more viable and realistic plan. While obtaining a SGO was therefore often seen by foster carers as a way to reduce the involvement of children's services in family life, the benefits of having access to support when needed were not unnoticed. In hindsight special guardians reported the importance of getting support agreements in writing to avoid situations where support that had been promised was later refused. Some special guardians reported that they had been left with large legal fees or house adaptation costs after the local authority refused to pay what it had promised.

*'I've got nothing concrete that would say we offered you this or we offered you that.'*

(Sarah, an aunt who became a special guardian to four children reporting on the lack of clarity regarding the support offered).

*'They've tried to get out of it quite a few times, because it's on the order they can't get out of it you know.'*

(Helen, Zach's grandmother, who reported that children's services would have tried to reduce her allowance if it had not been stipulated in her support plan).

Of course, not all special guardians wanted services (beyond a financial allowance) to continue.

*'We did not want any support; [she] is our little girl.'*

The importance of self-reliance amongst special guardians was an important theme highlighted in our earlier York study (Wade *et al.*, 2010) and also featured amongst this larger sample of guardians.

## **11.2 Social work contact**

As we have just seen, not all special guardians had remained in touch with social workers once the order had been made. Whilst for some guardians this may have been by choice, for others little choice had existed. In some instances, as indicated by Samantha above, case closure had been abrupt and procedural. In other instances, closure came after a period of support had come to an end. As we will also see further below, initial case closure was not always permanent and it was not uncommon for cases to be reopened subsequently for a time in response to requests from guardians or reported concerns about the progress of children.

### **11.2.1 Did social work contact cease after the SGO was made?**

Where a SGO is made and the child was previously in care, the child formally leaves care and the role of the local authority changes significantly. One of the primary benefits of the order lies in the potential for guardians and children to live a private family life. However, where support needs are identified and continuing contact from social workers is necessary, how this will work in practice needs to be discussed and agreed. In most cases this agreement will be written into support plans. In others, however, new needs may emerge over time and guardians will need to know how to make contact and who with if such a need arises. In particular they need to know that their right to an assessment continues.

For the majority of special guardians (82 per cent, n=189) social work involvement had ceased at some stage after the SGO was made. Fewer than one-in-five guardians (18 per cent) had received continuous social work contact throughout the follow-up period. Amongst the former group, case closure (beyond continuing provision of financial assistance) had occurred for one-third of special guardians (33 per cent) at the same time the SGO was made. Including this group, case closure had occurred for three-quarters of the overall sample (76 per cent) within one year of the order having been made and only one-in-seven of closed cases (14 per cent) had received social work involvement for two or more years.

For this sample of children at least, the likelihood of continuous social work involvement seemed to bear little relationship to how children were faring. None of our key measures of child progress, including measures of emotional and behavioural difficulties, were significantly associated with continuous social work contact.<sup>161</sup> However, there was some evidence that it was more likely where children were younger at follow-up and where they had a physical or sensory impairment.<sup>162</sup> With respect to this latter group, 29 per cent received continuous contact compared to just six per cent of other children.

There is some evidence from kinship care research that kinship cases may be closed prematurely, before carers have the confidence to manage without support (Laws, 2001; Harwin *et al.*, 2003), although not all studies have found this to be the case (Hunt *et al.*, 2008). There is also evidence that they tend to be given lower priority by children's services in comparison to mainstream foster carers (Waterhouse, 2001; Farmer and Moyers, 2008), that social workers may underestimate the desire of kinship carers for support (Rowe *et al.*, 1984) or report that kinship carers do not always respond well to offers of support, even where support is needed (Schofield *et al.*, 2008). For our current sample, it was four times more likely that social work contact with kinship families would close at some point after the SGO was made than was the case for former unrelated foster carers.<sup>163</sup> Whilst over one-quarter of unrelated carers (26 per cent) had continuous social work support over the follow-up period, this was the case for just six per cent of kinship carers.

## 11.2.2 Why did social work contact cease?

Where cases had been closed at some stage, special guardians were asked to make a note of the reasons they were given for closure, whether this was what they had wanted at the time and whether they felt they had been given a choice. Guardians were also asked to note whether, from their viewpoint, contingency arrangements had been put in place should they need to access help in the future. Written responses were received from seven unrelated and 78 kinship guardians. This was supplemented by information provided during interviews.

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<sup>161</sup> Child placement progress (p=.43); child development and wellbeing scale (p=.79); SDQ total score (p=.12); educational progress (p=.51); family integration measure (p=.15).

<sup>162</sup> Age at follow-up (p=.019, n=198); physical or sensory disability (p=.006, n=197). Perhaps surprisingly there was no association for children with learning disabilities (p=.28) or mental health problems (p=.68). We tested age against duration of follow-up period, even though the latter was not significantly associated with social work contact (p=.16). However, even when duration was taken into account age retained a significant association with social work contact.

<sup>163</sup> Fisher's exact test: p=.01, n=198.

Across the survey sample as a whole, contact with social workers ended at the same time the SGO was made for around one-third of both related and unrelated guardians. For some guardians, over one-quarter of the 85 who provided a written note (27 per cent), this had been what they had wanted. Some carers (and most children spoken to) wanted to establish the everyday routines of family life without the intrusion of social workers or the restrictions imposed by foster care: *'Cos it feels more like it's just us'* (Hannah, aged 13). In these cases the parting of the ways had generally been amicably agreed, even though there was often an expectation communicated by social workers that support would not continue, and guardians were generally prepared to go it alone.

*'I managed to bring up three children without social services, I was sure I could bring up this child as well.'*

(Related guardian)

*'We're self-sufficient...and I think it's working quite well.'*

(Related guardian)

*'It was what we wanted. However, we did still have involvement with social care because we were still foster carers.'*

(Unrelated guardian)

However, some guardians wanted to free themselves from social work involvement because their past experiences of social workers had been negative. In these scenarios, resentments concerning past involvement with their families, the experiences of children whilst in care, difficulties involved in gaining local authority approval to become special guardians, experiences of the assessment process itself or of trying to gain support from social workers could sometimes roll together to create a high degree of anger and frustration. Lynn, grandmother to Cory (aged 12), expressed this sense of frustration after having struggled to obtain approval from her local authority. This was also a view shared by Cory with respect to his fostering experience.

*'I don't think we would really want any contact with them at all. I'm sorry, but...they have hurt us deeply, not just through what they said, but what they've actually put in writing as well.'*

(Lynn)

*'They (social workers) kept moving me about and I didn't like the decisions they were making...I wouldn't want (contact with social workers) either.'*

(Cory)

Amongst those guardians that responded, around one-third felt they had been given no choice about whether social work contact would continue or not. Most of these cases were closed at the time of the SGO in a procedural way. There was generally no debate to be had. In one or two instances, it had rapidly fizzled out with no explanation at all.

*'I didn't realise contact with our social worker had ended until I tried to arrange a visit for (him) to see his birth mum.'*

(Unrelated guardian)

*'As soon as I went to court and got the SGO, I never saw anybody again.'*

(Related guardian)

*'Because that's how it's supposed to be; you were 'on your own'. It was what my child wanted, but it didn't feel like we had a choice anyway.'*

(Related guardian)

As indicated in these comments, some guardians expressed resentment about the way social workers had handled closure, leaving little or no room for negotiation. Some guardians were also frustrated that services promised in support plans had never been delivered and they had been ultimately left to fend for themselves.

*'The social worker told us that we would get three years support from the local authority and that it would then be referred to our authority (where we live), but this referral never happened. Support should be continuous and it was not our choice or what we wanted when it ended.'*

(Related guardian)

*'They were supposed to contact us to make sure everything's alright...but I've never heard a dicky bird from them.'*

(Unrelated guardian)

As we have seen, a minority of guardians received continuing social work contact throughout the study timeframe. Some others experienced a negotiated closure, usually after a period of time had passed. In these circumstances, social workers were generally reassured that whatever services were needed (from other agencies) were in place and that things were going well and guardians felt sufficiently confident to take up the reins independently. In a small number of cases (around one-in-nine in total) a supervision order had been made by the court at the same time as the SGO. Closure generally followed this order or sometimes contact ended sooner *de facto* if things appeared to be going well.

*'Attached to the order was one year of supervision. However, our social worker thought everything was going well and so did not continue the supervision. We were happy with their decision.'*

(Related guardian)

Where there was no additional order, an informal agreement was frequently reached about the need for continuing contact, in some cases making provision for guardians to re-establish contact should the need arise.

*'I felt I didn't need continued regular support after 24 months, but I can contact them if necessary and we have annual reviews.'*

(Relative guardian)

*'Social workers felt the child was settled and happy and so didn't need further support. I was happy with the decision as it gave our family time to get on with family life. I didn't really want social work visits.'*

### 11.2.3 Contingency plans

Higher levels of contact and support are likely to be needed in the early stages of kinship placements (Farmer and Moyers, 2008). As the comment above suggests, prior to social work contact ending, it is important that guardians are fully aware of how they may get back in contact should advice be needed or difficulties emerge at a later stage. For example, a small number of guardians who had not seen the need for support at the beginning did later come to regret their decision when life with their child and/or its birth family members had become more challenging.

*'That was what happened at the time. I was probably happy about contact ending at the time, but now it would have been useful to be able to go back. We weren't given any choice about contact ending.'*

(Unrelated guardian)

*'They went on to new cases when our case was complete, so there was no need to stay in touch. I do not recall any guidelines for getting in touch again if needs be. Yes, I was happy taking on my new son and naively thought it would all go smoothly. In hindsight, I think a yearly update or knowing I could contact them should I have a concern would have been very helpful.'*

(Related guardian)

These guardians were not alone. Amongst guardians who provided a written response, more than one-third (35 per cent) reported that no contingency arrangements had been put in place, while just over one-quarter (26 per cent) reported that they had been given a named contact or phone number to ring should they need to make contact later on. Where no arrangements were put in place, some guardians reported feeling uncertain how they would go about finding support if they needed it, even if they were happy (at present) not to have social work involvement. Where guardians lived in a different local authority area, and where transfer arrangements had not been negotiated efficiently, accessing later help could prove to be particularly challenging.

*'None really, they just cut you off. We've just got to get on with it and find help yourself. I feel stuck to know where to go and what to do. However, I was quite happy at the time as I wanted more freedom.'*

(Related guardian)

*'No arrangements were offered. The local authority refused to take our calls when problems arose. They let us all down very badly.'*

(Related guardian)

*'I know they are at the end of the phone if needed and I'm happy with this arrangement.'*

(Unrelated guardian)

*'I would like some contact to organise respite sometimes. I don't know who to contact (locally) and whenever I have contacted the team (in our original local authority), they have been very personable but say they can only write letters to the local authority where I live to respond, but the local authority is not responding. We are falling in between the cracks.'*

(Related guardian)

As we have seen, difficulties may not always be discerned at the outset and new needs are likely to emerge as time goes by. Many cases were closed peremptorily as a matter of procedure and even where this was not the case some guardians felt that they had been eventually cut adrift without a known contact that they could return to for help, one who would not read their approach as a sign of failure. Guardians felt reassured where such contact was in place, even where they did not envisage the need to use it. It is important for social workers to be mindful of the need to manage endings with sensitivity and to ensure that guardians feel comfortable with the arrangements that are then put in place. Some continuing low key contact was found by many guardians to be helpful. An annual phone call or review can offer reassurance and identify any emergent problems before they become too serious.

#### **11.2.4 Renewal of contact**

The closure of a case, however, by no means always signalled a final termination of contact. Amongst those cases where social work contact had ceased at some stage, there was some evidence on file of a later renewal of contact for over one-half of special guardians (57 per cent, n=108). Table 11.2 provides a broad indication of the reasons why contact had been resumed in these cases.

**Table 11.2 - Reasons for a renewal of social work contact**<sup>164</sup>

<b>(n=108)</b>	<b>Per cent</b>
A request for financial assistance	14
A request for support and services	47
A child protection referral	17
A report that the child was no longer resident or there was an actual/threatened breakdown in the relationship	22

<sup>164</sup> A renewal of contact may have occurred for more than one reason. Each cell is presented as a proportion of all 108 cases where there was evidence that renewal had occurred.

Almost one-half of cases included a request for support and services. Although provision of services will be considered in greater detail below, consistent with findings in earlier chapters, two areas of need stood out. First, guardians (or other agencies, such as schools) had made referrals to the local authority for help in managing children's emotional and behavioural problems. Although some requests sought advice or access to counselling, a small number of cases that were reported seemed particularly serious, including a school referral concerning a child who was engaging in 'head-banging and biting himself and other children' at school, concerns about a very small number of children who were 'displaying sexualised behaviour' towards other children or who had been violent towards their guardian or other members of the guardian's family. The outcome to some of these cases was not clear from the file evidence available, but at least two cases involving sexualised behaviour resulted in referrals to CAMHS.

The second area concerned assistance to manage contact and/or conflict with birth parents, including some requests for help where birth parents were making legal challenges to existing contact arrangements. As we saw in Chapter 9, this was an enduring area of need for guardians. Requests for help, however, met with a mixed response. In some instances local authorities facilitated transport, venues or provided contact supervision. In others, very little support was given, apart from one-off pieces of advice or a suggestion that guardians should contact a solicitor.

In a minority of cases the involvement of the local authority was prompted by a child protection referral. Fifteen of the 18 children involved in these referrals were still resident with their special guardians at follow-up. Where they were not, two had returned to the care system and one was living with a birth parent. The referrals were divided between, first, allegations of sexual abuse against our index children. These cases concerned the brother of a special guardian, the ex-boyfriend of a 15 year old girl, older siblings who had abused a girl during family contact, and a girl who was sexually assaulted by a school classmate. From the evidence available, it appears that formal child protection investigations had been held in three of these cases, while in two others the responses of the local authorities concerned were unknown. Interventions included the provision of counselling and family support services and/or a prohibition on contact with birth family members.

Second, three referrals concerned injuries to children, about which (after investigation) no further action was taken. Third, five cases involved concerns about domestic violence (and children's exposure to it) during contact or, in one instance, within the special guardian's own home. One special guardian was exposed to violence from an ex-boyfriend, the solution to which was for the local authority to assist them to move to new accommodation. Three children were considered to be at risk during family contact due to violence exacerbated by alcohol use by family members and a teenage girl had experienced violence from her ex-boyfriend. The final group of referrals concerned allegations about the quality of care provided by special guardians. Three of these reports were found to be malicious allegations made by birth parents; one concerned a report that a guardian had left their children in a car on a very hot day, for which appropriate advice was given and no further action taken; and the last was of sufficiently serious concern to warrant a child protection investigation, a psychological assessment of the guardian and provision of further support services.

Around one-in-seven guardians had requested financial assistance. These requests were highly variable, ranging from assistance with legal fees, costs of child-minding or nursery places, one-off advice on tax credits or debt management and assistance with school trips, holidays or travel arrangements. Sometimes these requests had been accepted by the local authority and on other occasions they had not. More weighty requests included assistance after a fire in the home (which was met) and a request for help to build an extension to provide an additional bedroom (which was refused). In one instance the local authority met the cost for a child to travel to the Caribbean to visit her mother who had become seriously ill.

Finally, referrals were made concerning 24 children for whom there were reports that they were either no longer living with their special guardians or where there was perceived to have been a high risk of breakdown in these arrangements. The issues concerning movement, change and disruption were explored in considerable detail in Chapter 10. At follow-up, 17 of these children were no longer living in their Special Guardianship families. Where they were still resident, three cases concerned child protection risks arising from contact with birth family members (as outlined above). Two cases involved temporary stays with other relatives where guardians were unable to cope temporarily, in one instance because of the illness and subsequent death of the guardian's baby and, in the other, while a guardian was recuperating from surgery. The other scenario concerned a guardian who had asked for a child to be removed as they felt unable to cope with the demands of providing care. They had requested that the child be moved to her sister but, while viability assessments were being conducted, she changed her mind and wanted the child to remain with her. This was evidently acceded to by the local authority.

### 11.3 Financial assistance

The Special Guardianship regulations specify that financial issues should not be an obstacle to an otherwise suitable arrangement for the child (Department for Education and Skills, 2005). The powers available to local authorities are quite extensive, including provision for payment of weekly allowances, one-off payments to assist settling-in and help with accommodation, legal or transport costs associated with meeting the support needs of a child. Allowances are generally subject to means testing and annual review and should not include an element of remuneration. Payments for former foster carers may be protected for a minimum of two years (or for the duration of placement or until a child reaches 18) and this provision may be extended to other categories of applicant. Local authorities also need to be mindful of legal judgements that require them to benchmark Special Guardianship allowances against the fostering allowance that would have been payable if the child had been fostered.<sup>165</sup>

Local authority policy interviews conducted for this study (see Chapter 3) identified patterns of variability in both allowances and other financial payments across these seven authorities, with greater variability evident for guardians of children not previously looked after. They also highlighted that, where local authorities had attempted to establish a financial level playing field across the main permanence options for children to reduce financial disincentives, the financial

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<sup>165</sup> B v London Borough of Lewisham [2008] EWHC 738 Admin.

climate today meant that some were considering a restructuring of these packages with a view to reducing costs. As we have seen earlier in this chapter, the largely discretionary nature of this framework emphasises the need for financial arrangements to be agreed in advance and written into support plans.

For the current study, arrangements for financial assistance were made between 2006 and 2010, when these orders were made. It was reassuring to find that a majority of guardians (87 per cent) had received a regular allowance for some part of the follow-up period and that more than two-thirds were continuing to receive it (see Table 11.3). This is consistent with the provision for allowances that had been agreed in support plans (see Table 11.1) and with findings from earlier research on Special Guardianship (Hall, 2008; Wade *et al.*, 2010). Of course, allowances were often still lower than the full fostering rate, since (in some areas) they were subject to means testing and additional benefits (such as holiday, clothing and other subsidies) were no longer routinely met.

**Table 11.3 - Provision of a weekly financial allowance**

	Per cent (n=216)
Yes, and they still do	71
Yes, in the past (but not now)	16
No	7
No evidence	6

Where children had been looked after immediately before the order was made, it was more likely that their guardians would have received a regular allowance than was the case for guardians caring for non-looked after children. This was the only significant finding in this area.<sup>166</sup> Just three per cent of the former group were reported not to have received an allowance (although it was not clear why) compared to 18 per cent of the latter group. Although numbers were too small for significance testing,<sup>167</sup> a visual inspection of different clusters suggested that 97 per cent of guardians for looked after children had received an allowance, compared to 86 per cent of guardians caring for children who had been on the 'edge of care' and 50 per cent of 'private' applicants whose children had not previously been known to the local authority.

Where the payment of allowances had ceased at some stage and written evidence was available, two main factors were observed. First, allowances had ended for young people on reaching 18 years of age, irrespective of whether they had continued to reside with their guardians or had eventually moved on (n=15). Second, allowances had also ended when the placement had broken down. In these circumstances some children had returned to care (n=5), while some had moved to

<sup>166</sup> Chi Square continuity correction: Chi Square 12.181, df=1, p<.001, n=216. The small sample size prevented us from exploring variation by local authority.

<sup>167</sup> For this reason it was also not possible to test for local authority differences.

live with other relatives (n=4) or had moved early to independent living (n=3). Three other scenarios were also noted. One guardian simply no longer wanted local authority involvement, so they withdrew their entitlement to an allowance in order to get on with family life. Both of the other cases involved children not previously looked after. In one instance, an allowance had been agreed for three years while the guardian, who had accommodated a very young child, was unable to work. Once the child had entered nursery and the guardian resumed employment, the allowance had ended. The other case concerned a carer who had been receiving an allowance (under s17 of the Children Act 1989) that only lasted until the SGO had been made; it was not clear why.

Overall, the findings emphasise the importance for kinship carers of obtaining formal parental responsibility through a court order. A recent analysis of data from the 2001 national census highlighted the disadvantages faced by informal kinship carers who lacked the formal parental responsibility conferred by a legal order and whose children formed the vast majority of those living in kinship care. Over two-thirds of kinship carers (70 per cent), most of whom had to rely on their own economic resources, were found to be experiencing multiple deprivations (Nandy and Selwyn, 2013). The link between kinship care and financial strain is well established in the literature, as the acquisition of additional children often places a significant strain on family resources (Broad, 2001; Hunt, 2003; Aldgate and McIntosh, 2006; Broad, 2007; Aziz *et al.*, 2012). Financial assistance has also been found to be the most needed and most appreciated service by kinship carers (Hunt *et al.*, 2008). This was certainly the case for guardians in this study, as almost all guardians (92 per cent) had found provision of an allowance 'very helpful'.

Of course, receipt of an allowance did not mean that families were not under pressure. As we saw in Chapter 8, one-in-five guardians (21 per cent) reported that the care of additional children had seriously strained the financial resources of their families and created pressure in other ways, through overcrowding (10 per cent), severely limiting employment opportunities (17.5 per cent), being unable to get a break from caring (30.5 per cent) and by feeling tired much of the time (24 per cent). Almost one-in-five (18 per cent) reported that it had placed a significant strain on family relationships.<sup>168</sup> Although a desire for permanence, legal security and parental control had been the primary motivating factors in carers seeking a SGO, the potential for continuing financial assistance and other support had been important factors in ensuring the viability of placements.

*'The whole support package that we have had has been of considerable benefit. The financial package we get has made a huge difference. We could not have managed without it.'*

(Grandmother)

Some guardians had been able to access other forms of financial assistance. Where evidence was available on file, almost two-fifths of guardians (39 per cent) had received assistance to meet

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<sup>168</sup> See Table 8.5 for full details. Here we have only reported the proportions of guardians who answered 'very much so' to these questions. Many more had experienced these pressures to a lesser degree.

their legal costs and rather more (56 per cent) had received an additional one-off payment.<sup>169</sup> Other financial help included provision for settling-in grants of varying amounts, nursery or child-minding fees, help with school trips or transport costs for school or for contact with birth families, help with removal costs and, in one or two instances, to obtain larger items such as a car (to accommodate a sibling group) or very occasionally to extend or move home. However, there were an equal number of examples where requests for assistance had been refused and guardians had had to fund essential items for a child or sibling group (including costs for expensive items such as refurbishments, furniture and bedding) from their own pockets.

Help with legal fees, where it was given, was universally rated by guardians as having been very helpful.

*'Social services...they paid for all his fees, the court fees and everything to get him, which was brilliant.'*

(Grandparent)

However, in some cases local authorities had been very slow to approve these costs. In these scenarios, solicitors were reluctant to act without assurance that the family would not face a considerable bill for their services or, alternatively, were used by families to pressure recalcitrant local authorities into accepting the need to provide support. The uncertainties generated created delays, anxiety and frustration for families. In one or two instances, guardians who were not eligible for legal aid and who failed to obtain local authority support had either employed solicitors directly or had represented themselves in proceedings; a scenario that is likely to increase as provision of legal aid contracts further.

*'We paid for the guardianship. We paid for solicitors, you name it, we did it, because what else can you do? At the end of the day they're your family.'*

(An aunt seeking to convert a residence order into a SGO)

## 11.4 Post-order support services

Although guardians have no legal entitlement to receive specific services, local authorities have a duty to make provision for the delivery of post-order services (Department for Education and Skills, 2005). The scope of these services is potentially large, including provision of advice and information, mediation, counselling or other therapeutic services for the child, support with contact arrangements, respite services and training to help guardians provide high quality care.

### 11.4.1 An overview of service provision

Evidence of the services that guardians had received at any stage after the SGO had been made was derived from case files. Table 11.4 sets out these services for all cases where evidence was

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<sup>169</sup> These proportions are slightly lower than those found in the earlier York study, where 50 per cent were reported to have received help with legal costs and 48 per cent had received other payments (Wade *et al.*, 2010). However, they are slightly higher than those laid out in support plans (see Table 11.1).

available on file. In every support area actual provision was somewhat higher than that which had been written into support plans (see Table 11.1), perhaps reflecting the response of social workers to later requests for assistance or to new concerns that had arisen over the course of time.

According to this evidence, just over three-quarters of guardians had accessed advice, information or guidance at some stage from their local authority. Where this had been the case, the vast majority of guardians (84 per cent) reported that this had been helpful in enabling them to overcome difficulties or to access mainstream services that were of importance to their or their children’s wellbeing. As we have seen, access to financial support or support to help manage birth family contact and relationships were prominent for many Special Guardianship families. Services to meet the specific difficulties of children were less commonly provided. In most respects they were broadly in line with those found in the earlier York study, although provision of behavioural services were considerably lower for this sample (Wade *et al.*, 2010).<sup>170</sup> If we consider only survey responses provided directly by guardians for these three services, around one-third reported that they had not needed these forms of help for their children, while a further third or more suggested that these services had simply not been offered (whether or not they were needed). Where any of the specific services in Table 11.4 had been provided, guardians were generally positive about their helpfulness (with satisfaction ranging from 73-100 per cent, depending on the service). Only provision of short breaks or respite care, which was a very rare provision, was rated lower with a satisfaction level of 57 per cent.

**Table 11.4 - Services provided at some point in the follow-up period**

	Yes (per cent)	Total number of responses <sup>171</sup>
*Therapeutic services for the child	35	165
*Services related to child behaviour difficulties	25	155
*Services to support child’s education	32	164
+ Advice, information or guidance from local authorities	78	192
+ Supporting contact/relationships with birth family	57	187
+ Assistance with legal costs	39	134
+ Any other financial assistance	56	157
Short breaks/respite care	6	146

In order to explore further the factors associated with services provided to children and guardians, two scales were created. The first, capturing services for children included those categories

<sup>170</sup> In the earlier study, according to the combined reports of guardians and social worker, 52 per cent of children had received services linked to their behaviour, 34 per cent had accessed therapeutic services and 33 per cent had received educational support (Wade *et al.*, 2010, Table 7.3, p.171).

<sup>171</sup> This column excludes cases where no evidence was available from files.

marked with an asterisk. The second, covering services more related to the needs of guardians included those marked with a cross.<sup>172</sup> It is interesting to note, as we will see further below, that the factors associated with child and guardian services were different, with each telling a slightly different story.

## 11.4.2 Child-centred services

With respect to the children's services scale, as we saw in Chapter 8, more child-centred services had been provided where children were not doing well. As such, delivery of more services equated to poorer outcomes.<sup>173</sup> This was especially the case for children with learning disabilities, mental health problems or a wider range of emotional or behavioural difficulties.<sup>174</sup> As pointed out in Chapter 8, this is a familiar finding in relation to children's social work services (Sinclair *et al.*, 2005b; Dixon *et al.*, 2006; Biehal *et al.*, 2010). Even though these interventions were insufficient to achieve a more positive overall outcome, it does not mean that they failed to make any difference, that they exacerbated these problems or that they were not needed. Indeed, some guardians were desperately in need of help to understand and manage the highly challenging behaviours exhibited by some of the children in their care, and coping with these difficulties was one of the key factors associated with placement breakdown.<sup>175</sup> Provision of support was also helpful to guardians and was associated with reports of less carer strain.<sup>176</sup> Carers therefore felt more in control and were less stressed where they felt they were being better supported. However, it does highlight the need for greater evidence to be generated about which particular kinds of interventions appear to be most effective in supporting families to cope successfully with these challenges and also points to the longer-term nature of these support needs. Where children's difficulties are deep-seated, there is unlikely to be a quick fix.

Interviews with special guardians revealed that the child services most often sought were in response to children's complex needs, combining physical and learning disabilities and/or mental health and behavioural problems. Some guardians were very appreciative of support provided by paediatricians, health service providers, CAMHS or, in one instance, a post-adoption therapeutic service that had been made available to special guardians.

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<sup>172</sup> Factor analysis suggested that these three child services (therapeutic, behavioural and educational) formed a single component when all the above items in Table 11.4 were included (Cronbach's alpha 0.783). The guardian services scale (financial assistance, birth family support and advice/guidance) also formed a single component although the reliability of the scale is lower (Cronbach's alpha 0.580). Short break provision did not fit well with this scale.

<sup>173</sup> All of our main child outcome measures (introduced in Chapter 8) were negatively associated with the child services scale: overall placement outcome ( $p < .001$ ,  $t = -.333$ ,  $n = 143$ ); family integration ( $p = .02$ ,  $t = -.262$ ,  $n = 62$ ); child development and wellbeing scale ( $p < .001$ ,  $t = -.428$ ,  $n = 63$ ).

<sup>174</sup> Child services scale by learning disability (Mann Whitney U exact:  $p < .001$ ,  $n = 143$ ); mental health ( $p < .001$ ,  $n = 143$ ); emotional and behavioural problems (Kendall's tau-b:  $p < .001$ ,  $t = .525$ ,  $n = 132$ ).

<sup>175</sup> Emotional and behavioural difficulties by placement breakdown: (Mann Whitney-U exact:  $p = .03$ ,  $n = 202$ ).

<sup>176</sup> Child services scale by carer strain score (Kendall's tau-b:  $p = .001$ ,  $t = .339$ ,  $n = 67$ ). The relationship between child services and total GHQ score for guardians (measuring symptoms of poor mental wellbeing) failed to reach significance ( $p = .168$ ).

*'They've been so helpful, they've been lovely.'*

(Julie, Gareth's grandmother, referring to the combined role of health agencies in meeting his complex needs)

*'The outstanding piece of support we have received was the therapeutic support service...I was absolutely astonished how good they were.'*

(Eleanor, Amy's grandmother, referring to the post-adoption service)

*'We got a lot of help from them (CAMHS), they were absolutely brilliant, and I was able to ring them at any point and discuss any problems.'*

(Nancy, former foster carer to Danvir)

Not all were satisfied with the therapeutic services their children had received or felt that they had been effective in helping to change children's behaviour patterns. Others had been desperate for support of this kind but never received it. In most of these cases, social work contact had ended at or soon after the making of the SGO. Even where these guardians had returned to the local authority to request help in meeting the behavioural challenges or counselling needs of children, they felt they had been met with a lack of understanding, outright rejection or, in one or two instances, had eventually been made to feel responsible for the behaviour in question.

*'It's like banging my head against a brick wall with these people...I've said to them before: 'Give me a camera to put in my house and then you'll see for yourself what it's like.'*

(Julie, this time referring to local authority support)

Danielle, aunt to Lewis, had repeatedly asked her local authority to help Lewis access a therapeutic service. Danielle had found his behaviour increasingly difficult to manage. None of the traditional parenting strategies had worked and she had also requested further specialised training for herself. However, she felt that over time the local authority increasingly came to blame her for the behaviour of her children and failed to provide the services she felt she needed.

### **11.4.3 Guardian-centred services**

Different associations were observed in relation to the guardian services scale which, as we have seen, captured provision of local authority advice, guidance and advocacy, financial assistance and support in relation to birth family contact. First, there was significant variation by local authority in provision of these services.<sup>177</sup> The proportion of guardians who accessed none of these services across our local authorities ranged from 0-27 per cent. While a similar pattern was evident for child-centred services (ranging from 47-69 per cent of children accessing no services), these differences were not significant ( $p=.17$ ).

The policy interviews (reported in Chapter 3) revealed differences between local authorities in their approach to Special Guardianship and identified different models of service that had implications

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<sup>177</sup> Guardian services scale by local authority (Kruskal-Wallis test:  $p<.001$ , Chi square 9.024,  $n=113$ ).

for the type and range of services that would be available locally. Some local authorities had adopted a more cautious approach to the use of Special Guardianship, tending more often to reserve its use for very settled, often older, fostered children and for families that would need little or no support beyond provision of a financial allowance. In these areas, the range of post-order services would therefore tend to be more restricted. In contrast, other areas had made greater use of Special Guardianship, for a wider group of children, and were more likely to have concentrated a somewhat broader range of services within a more specialised service structure. It was not surprising, therefore, to find some variation in access to post-order services by local authority.

Second, fewer services were accessed by guardians over the follow-up period where children were older and where the local authority had been highly supportive of the original application for Special Guardianship. This is probably as it should be. Where the local authority had initial concerns over the viability of the placement, perhaps especially where more tensions existed in birth family relationships or where financial assistance was needed to enable children to be accommodated in the home, more services of these kinds were provided, at least in the short-term. In these circumstances, social workers may have had greater concerns in relation to young children.

Although, as we have seen, many guardians welcomed the withdrawal of social workers from their lives, some still expressed a wish for a very low key link, perhaps a named contact, an annual visit or a phone call to see how things were going for the family as a whole. Where problems arose at a later point, several guardians felt that this would have been helpful to them.

*'I don't have a social worker or anything now, it's just us...When you get granted the special guardianship you're on your own then...Nobody was there to answer those questions that you needed to ask, and I thought, hmmm, but anyway I sorted it. But I just think it might be happening to someone else who won't get the answers they need.'*

(Kate, aunt to Natalie)

#### **11.4.4 Support with birth parent contact and relationships**

Chapter 9 identified contact and relationships between birth family members as a complex and frequently difficult arena. Although not quite reaching the threshold for significance in this sample, frequency of contact with birth mothers was higher where children were placed with grandparents or aunts and uncles rather than with former unrelated foster carers ( $p=.07$ ). This was also the case for birth fathers ( $p=.01$ ). From the guardian's perspective, in only just over one-half of cases was contact with birth mothers considered to be positive for the child. Contact with fathers, though less common, was rated more positively. The impact of contact with mothers was more likely to be rated as negative where children scored highly for emotional and behavioural problems and when their overall progress had been relatively poor. In these circumstances, the fallout from contact tended to exacerbate these difficulties.

Chapter 3 revealed, from the perspective of practitioners, the high level of demand that existed for support around family contact, the frequency of contact that was sanctioned by the courts in comparison to contact in adoption cases, and the resource implications for services. Some local

authorities had a higher expectation that guardians would self-manage these relationships than was the case in others.

Where relationships between children, guardians and parents were harmonious, contact tended to be flexible and to be arranged informally, although even in these cases it was not always untroubled. Where relationships were more troublesome, one-half of guardians had received support from the local authority at some stage to supervise contact arrangements, as shown in Table 11.5.

Table 11.5 gives a more detailed picture of the forms of support that were required from local authorities. Overall, 24 guardians (around one-quarter of guardians who answered these survey questions) reported that they had not needed help with the management of birth parent relationships. These 24 guardians have been included in the total numbers responding to each question so that we can provide a more accurate representation of the proportion of the sample of guardians that had received or had not been provided with (but may have needed) the services described in Table 11.5. This also explains why the percentages reported in each row do not total 100 per cent.

**Table 11.5 - Services provided by local authority in relation to birth parent contact**

<b>(Columns show per cents)</b>	<b>Yes, have in past and still do now</b>	<b>Yes, have in past but not now</b>	<b>Not provided</b>
Provided advice and information (n= 103)	10	46	21
Helped to resolve/manage conflicts (n=100 )	9	34	33
Have supervised contact meetings (n= 104)	8	41	28
Have provided a venue for contact (n= 105)	8	39	30
Have arranged transport for contact (n= 102)	8	25	43

At follow-up, the picture presented is one in which most Special Guardianship families were no longer receiving support in this area. Families were managing these relationships for themselves, although a small minority were still able to call on some advice and assistance from social workers. However, while one-quarter of guardians had felt that support was not needed, a substantial minority of guardians (21-43 per cent depending on the question) reported that support in these areas had not been available to them. If we exclude those who had not needed support, the proportions not offered it would be even higher (28-56 per cent). Where support had been provided, guardians were generally appreciative of its beneficial effects, with 77 per cent of guardians reporting that the support had been helpful to them.

#### **11.4.5 Respite, informal shared care and support arrangements**

Table 11.4 showed that only a very small minority of guardians (six per cent) had made use of formal respite care arrangements provided by their local authority. Fifteen carers were reported as

having received formal respite or short-breaks care for their child at some stage in the follow-up period. Nine of these children were reported to have special needs, five of whom were living with former unrelated foster carers and four with relatives. Provision appeared to vary across the local authorities, with three local authorities accounting for thirteen of the fifteen cases. The lack of short-breaks care provided in the remaining local authorities may indicate a support shortfall for families who may otherwise have benefited from a break. It may also reflect differences in attitude towards Special Guardianship amongst local authorities, with some viewing it as an inappropriate solution for families who would need this kind of on-going support (see Chapter 3).

A guardian from a local authority that had no reported cases of formal respite appeared to be bemused by the survey question regarding respite and shared care.

*'I have not been informed that respite care is available for me. Generally, my friends who I live with and immediate family (sister, mum) will care for [my child] during school holidays.'*

(Related guardian)

Danielle, struggling to cope with the behaviour of Lewis and his brother, was left feeling that her request for respite had been interpreted by the local authority as an inability to parent her children and that, by asking for support, she was demonstrating her failure to cope. This placement subsequently broke down and the children are now in separate foster placements.

*'I asked social services for [respite care] for Lewis and was refused. The maternal aunt offered to have him for a short period of time and she also found Lewis's behaviour difficult. (She had two children of her own). She was also blamed for his behaviour. Both children are now separated in foster care...I wasn't even offered respite care - I was told that if I needed this at such an early stage they would be concerned about me coping in the future.'*

A majority of guardians, however, reported that their primary sources of support came from their immediate family (61 per cent), from friends (28 per cent) or other relatives (25 per cent). In managing their everyday lives these informal support networks were considered to be far more important than support derived from professionals. The survey therefore collected information from guardians on informal care and support arrangements agreed between family and friends. Most guardians reported that, where they existed, they organised these shared care arrangements informally. This support could be arranged on a regular basis. For example, one child went to stay with her mother every weekend, whilst another child returned to her former foster carer for a week once a year to allow her special guardian to spend time with her now grown up birth children. Another carer's adult children looked after her child when she visited her family abroad. Often guardians reported sharing the care of their child only when they needed a short break. Family and close friends provided this support by arranging sleepovers or child-minding for short periods.

Where children had behaviour problems or disabilities, it was not always possible to ask family or friends to care for the child, even for very short periods. Julie, Gareth's grandmother experienced difficulties in finding other people to care for Gareth because he could be boisterous and his

cousins were afraid of him. Julie spoke about the isolation she had experienced from caring for Gareth alone.

*'I haven't had a night [out in so long], I don't know what a night out is no more.'*

Prior to the SGO, Danvir, who had autism and a learning disability used to go to a day centre once a week which he very much enjoyed. As soon as the SGO was granted, this support was terminated. Danvir's special guardian was very disappointed as it had provided Danvir with an opportunity to learn about his culture and also gave his carer some much needed time to herself.

*'As much as I love him it is nice to have a break from him now and again.'*

Even where informal support was provided by family and friends, this was not always felt to be enough for some carers who perhaps didn't want to over-burden their relatives. Dion's uncle reported that whilst family members occasionally looked after the children, it was rare.

*'It's not adequate because you need the break and...what you need is to break regularly.'*

Even where regular informal arrangements were made with a family member, they did not always prove to be reliable. Sarah and Martin cared for their niece and nephew, of which the youngest had very complex needs. They had an agreement with their child's father that he would look after her one weekend a month, but this was occasionally cancelled without being rearranged and given the complex needs of their child Sarah did not feel it was sufficient. Sarah felt things were getting to the point where the placement was starting to become vulnerable.

Although some guardians experienced quite high levels of strain and social isolation, some were able to conjure mutual support and solidarity from connections they had made with other special guardians, foster carers or adoptive parents. As we have seen, many guardians had been foster carers and had continuing relationships with colleagues who were continuing to foster or who had become special guardians themselves. The insights they could provide helped to supplement support obtained from other networks.

*'All my support is, like, I've got a neighbour who is a foster carer, I've got my children and I've got loads of friends. I've got another friend just up the road and she's got Special Guardianship, but that's for her grandson. So I don't have any problems with that.'*

(Jane, former unrelated foster carer)

Getting on for one-third of guardians who responded to the survey (30 per cent) had accessed support groups for special guardians or foster carers. Where they had done so, a majority had found them to be helpful (59 per cent). They provided opportunities for mutual discussion and support and helped to reduce feelings of isolation. The possibility of attending such meetings was affected by the timing of groups, the potential for lone carers to find childcare or, in some cases, difficulties in arranging transport. Clearly they did not suit all, perhaps especially where groups were generic rather than specifically tailored to the needs of special guardians, where guardians

were resistant to further local authority involvement or where they wanted themselves and their children just to live ordinary family lives.

## 11.5 Summary

This chapter has explored the support and services provided to special guardians at some stage during our follow-up period of 3-6 years.

- For most special guardians (80 per cent) there was file evidence of a support plan having been prepared prior to the SGO being made. Although looked after and non-looked after children were equally likely to have plans, the plans for looked after children were more likely to include provision for a wider range of services. No differences were observed for related and unrelated carers.
- Some special guardians, especially kinship carers, were less aware of their entitlement to have the needs of their children assessed, while others had to fight (sometimes through solicitors) to gain agreement. Having plans agreed in advance and in writing helped to prevent later negotiations becoming protracted.
- Fewer than one-in-five special guardians had received continuous social work support throughout the follow-up period. One-third of cases had been closed at the time of the SGO and three-quarters within one year. Closure bore little relationship to how children were getting on, but was more likely for kinship carers than for former unrelated foster carers.
- Some guardians wanted an ordinary family life, free from contact with social workers, and closure had generally been amicably agreed. Others wanted no further involvement due to past negative experiences of local authority involvement in their families, while around one-third of respondents felt that they had been given no choice at all. These carers had not been given any expectation that contact would continue and closure was abrupt. For other carers, however, closure had been negotiated once services were in place and things seemed to be going well.
- Contingency arrangements were important to guardians, although they were not provided for over one-third of respondents. A named contact or team phone number can provide reassurance and a point of contact should later needs arise, as they often did. Newsletters, support groups or an annual visit or phone call were generally appreciated as a way of accessing help without guardians feeling they would be judged or seen to be failing as parents. Help was harder to come by for guardians living some distance from the responsible local authority.
- However, more than one-half of closed cases (57 per cent) were reopened (if only briefly) at some stage during the follow-up period. These cases involved requests for support and services (47 per cent), for financial assistance (14 per cent), reports that children were no longer resident (22 per cent) or referrals for child protection reasons (17 per cent).

- The vast majority of guardians (87 per cent) had received a regular financial allowance and 71 per cent were continuing to receive one at follow-up. Receipt of an allowance was more likely for previously looked after rather than non-looked after children. Receipt of an allowance did not mean that guardians no longer experienced financial strain.
- Substantial numbers of guardians had accessed a wide range of services over the follow-up period, though access to short breaks/respice care was extremely rare. Where services had been provided, most guardians had found them to be helpful.
- More child-centred services (therapeutic, behavioural or educational) were provided to children with learning disabilities, mental health or emotional/behavioural problems. However, provision of these services was associated with children doing less well at follow-up. These difficulties are not easy to change and services were generally insufficient to produce a more positive overall outcome. However, they were associated with less carer strain. Further evidence is needed on effective interventions in a Special Guardianship context.
- Provision of guardian-centred services (advice and guidance, financial or in relation to birth family support) varied significantly by local authority and was more often provided where social workers had had initial concerns about the viability of the placement.
- Contact and relationships between birth family members is a complex arena for Special Guardianship families, the bulk of whom are related to the child. In many cases contact with birth mothers, in particular, had not been rated as positive for the child. One-half of special guardians had received support from the local authority to supervise contact meetings and substantial numbers had received advice and guidance, help to manage conflicts or assistance with contact arrangements. By the time of follow-up most families were managing these relationships by themselves.
- Formal respice arrangements were very rare, but more often provided where children had complex needs. Most guardians found support through family and friends. The informal network was rated as being far more important to guardians than any sources of professional support and some found solidarity from connections with other special guardians, foster carers or adoptive parents within their networks or through access to local authority support groups where these existed locally.



## Chapter 12 Conclusion

Special Guardianship was introduced through an amendment in the Children and Adoption Act 2005 to the provisions of the Children Act 1989. Since its implementation on 30 December 2005, it has provided an additional pathway to permanence for children up to the age of 18 (alongside adoption, residence orders and long-term fostering) for children who are unable to live with their birth parents.<sup>178</sup> A Special Guardianship Order (SGO) was designed as a private legal order enabling the special guardian to exercise parental responsibility for the child to the exclusion of all others. This enables the guardian to take almost all decisions affecting the welfare of the child and limits the right of birth parents to intervene or challenge the order without leave of the court. However, SGOs do not legally sever the child's relationship with its birth parents as happens when an Adoption Order is made. In consequence, there is an expectation that children may continue to maintain a relationship with their birth parents and other family members where this is in their best interests.

The order was originally intended for use with children who already have settled relationships with their primary caregivers, whether they are looked after in unrelated or kinship foster care or living with relatives or other adults outside the care system. In most scenarios, therefore, it was envisaged that the primary issue before the court would not be the question of where and with whom the child should live but the form of order that would best provide for their future welfare. This expectation is reflected in the accompanying regulations and statutory guidance where the period for assessment and preparation is limited to 13 weeks following an application to the court by a prospective special guardian. This is quite different to the period of assessment, preparation and monitored 'settling in' that would be the case in adoption (Department for Education and Skills, 2005; Simmonds, 2011). Children leaving the care system for Special Guardianship cease to be the responsibility of the local authority and, apart from a duty to make provision for post-order support and services, local authorities no longer have direct powers of intervention in the lives of these families beyond those that exist for any child in the community. The regulatory framework governing post-Order services is extensive, with a list of prescribed services set out in regulations. Despite this, provision of services following an assessment is discretionary, as it has been in adoption regulations (Department for Education, 2013c). However, new measures to strengthen adoption support services in the Children and Families Act 2014 are likely to lead to a divergence between these two forms of permanence for children.

The current study builds upon an earlier investigation undertaken by the York team that looked at the implementation of Special Guardianship over the first two years (Wade *et al.*, 2010). This study has a longer reach and, in addition to an examination of the policy and practice of local authorities, has centred on a three to six year follow-up of a sample of Special Guardianship families. The research design incorporated secondary analysis of national datasets, a national survey of all English local authorities, interviews with key agency stakeholders, an analysis of social work case files for 230 children, a survey of 115 special guardians and 20 case studies, involving interviews

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<sup>178</sup> The Children and Families Act 2014 has now replaced Residence Orders and Contact Orders with a new Child Arrangement Order that makes provision for where children should live and with whom they should have contact.

with guardians and some of their children. This chapter draws together the main findings from the study and considers some of the messages these generate for policy and practice.

## 12.1 The development of Special Guardianship

Over the past eight years, Special Guardianship has been bedding in. Most practitioners have welcomed it and view it as providing an important pathway to permanence for some children. The vast majority of guardians involved in the study also responded positively. Although taking on the care of children had presented them with many challenges, most guardians felt it had been the right decision for them and their children and had provided the foundation for a lasting permanent placement. It was broadly delivering what it said on the tin.

Many practitioners reported that the policies, procedures and practices of local authorities had gradually become more established. Special Guardianship, at least in respect of looked after children and children in care proceedings, was more firmly on the agenda of review and care planning meetings. It had become a regular option to be considered when permanence plans for children were being formulated. National statistics demonstrate a year-on-year increase in the numbers of children leaving the care system for Special Guardianship and our national survey of English local authorities indicated that around one-third of SGOs were being made in respect of non-looked after children over the study period. Systematic collection of national information on the number of SGOs being made is needed. At present there is no single data source that provides information of this kind for all SGOs, including all looked after and non-looked after children.

An important concern of practitioners at the time of the earlier York study was that the rise of Special Guardianship might lead to a diminishing use of adoption or residence orders. There is no evidence from this study that, to date at least, this has been the case. Whilst use of SGOs for looked after children has increased, use of adoption and residence orders have remained broadly stable (or increased in line with the rising number of children in care proceedings) over this period. There was also no evidence that authorities making a high use of Special Guardianship made less use of adoption. Overall, there has been an increase in permanent placements for children and the proportion of children leaving the care system for permanence secured through one of these legal orders has risen from 17-24 per cent over the study period (see Selwyn *et al.*, 2014 for corroborating evidence). This suggests that, as originally intended, Special Guardianship has tended to provide a complementary pathway to permanence for a broader range of looked after children, many of whom might otherwise have remained in foster care. Although children moving from care to Special Guardianship were in many ways similar to children moving to adoption, they were on average older and much more likely to have been placed with family and friends carers.

From the perspective of local authorities, the number of 'private' applications concerning children not previously known to the local authority has been very low. They only comprised about three per cent of our survey sample. Strategies to promote Special Guardianship to informal kinship carers were thin on the ground and there was acknowledgement that information on the merits of different legal orders was likely to be hard to come by for these carers. Recent changes to the

structure of legal aid provisions may also serve to limit their access to information and, more importantly, representation from solicitors.

Take-up from unrelated foster carers has also remained persistently low (at around 15 per cent of all applications concerning looked after children). The reasons for this have not changed greatly over the years (Bullard, 1991; Hall, 2008; Wade *et al.*, 2010), with major concerns centring on the potential loss of financial and social work support, the loss of predictable structures and routines, the complexities involved in self-managing birth family relationships and, in relation to teenagers, uncertainty about the likely support available to young people when transitioning to adulthood.

There was some evidence from practitioners of an increase in use of Special Guardianship for children on the 'edge of care'. This group comprised almost one-quarter of our survey sample. As the number of care order applications made to the courts has increased in recent years, the use of SGOs as an outcome of (or alternative to) care proceedings may also increase further. Local authorities are required to consider placement with family or friends before they consider placements with strangers. Furthermore, the *revised Public Law Outline*,<sup>179</sup> in particular the explicit aim for care proceedings to be completed within 26 weeks, has created a new environment for local authorities. In response, greater emphasis was being placed (wherever possible) on identification and assessment of relatives at the pre-proceedings stage, including use of mechanisms such as family group conferences, panel systems and parallel planning strategies. Compliance with the 26 week requirement, as set out in the Children and Families Act 2014, might also lead in more complex cases to a tiered pathway to Special Guardianship in which placements are tested for a time under fostering regulations before the final application for a SGO is made. This is a direction of travel that evidence from this study would tend to support. It is also likely to further cement Special Guardianship as a preferred option for children in kinship care settings.

## 12.2 The characteristics of children and guardians

It follows that Special Guardianship has primarily been used as a permanence pathway for children living with relatives, although this is not equally true for all local authorities. The profile of children and guardians taking up Special Guardianship has remained remarkably consistent with that found in the earlier York study (see Wade *et al.*, 2010, Chapter 4). Well over four-fifths of applications were from relatives, the majority of whom were grandparents (51 per cent) or aunts and uncles (29.5 per cent). Almost one-half were lone female carers.

The children concerned were relatively young, with more than one-half aged five or under. However, in contrast to adoption, 17.5 per cent of children who left care for Special Guardianship over the study period were aged 10 or over, an age group for which adoption is very rare. Furthermore, while studies have pointed to the over-representation of White British children amongst those adopted, this was not evident for Special Guardianship, with minority ethnic children constituting almost one-quarter of those leaving the care system (Sinclair *et al.*, 2007; Selwyn *et al.*, 2010). As envisaged at the time the legislation was implemented, therefore, Special Guardianship does appear to be providing a route to permanence for some older children and for

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<sup>179</sup> The revised Outline is available at: <http://www.justice.gov.uk/protecting-the-vulnerable/care-proceedings-reform>.

some children from minority ethnic backgrounds, proportionately more of whom are placed with relatives.

Most children in our survey sample had come from troubled families marked by parental mental health problems, drug or alcohol misuse, domestic violence and other associated difficulties. Almost two-thirds of children were reported to have been at risk of abuse or neglect. Virtually all of these families had a history of involvement with children's services. In keeping with this profile, almost three-quarters of children had been looked after immediately before the SGO was made, most commonly in kinship foster care, and most (86 per cent) had already been living with their future special guardians, the remainder moving only at the time of the SGO from stranger foster care to live with relatives. Consistent with the earlier York study, therefore, Special Guardianship was being used as a pathway out of the care system for children or as a means of diverting children from it. Keeping children within the family network or returning them to it were strong motivating factors for special guardians. Practitioners were also mindful of the service implications that arise from this profile.

### **12.3 Local authority variation**

Although Special Guardianship has bedded in over the past eight years, how local authorities are using it for looked after children varies considerably. Analysis of national statistics on looked after children showed a high degree of variation between local authorities in the extent to which Special Guardianship was being used for children in unrelated foster care (ranging from 0-42 per cent of all SGOs made in each area) or in kinship foster care (24-91 per cent). While some local authorities were using them almost exclusively for children placed with relatives, others were making much greater use of SGOs for children placed with strangers. Other differences were also evident. Large variations existed in the proportion of looked after children for whom SGOs were finalised within a year of them entering care and in the proportion of SGOs made to carers with whom the children were already living. In some areas, therefore, children rarely moved when the SGO was made, while in others this was much more common. Provided account is taken of factors associated with later disruptions (see below), there should be scope for local authorities to make adjustments to their permanence policies to expand the use of Special Guardianship to groups that are currently under-represented in their respective areas.

Differences between local authorities were also evident in the structure, organisation and scope of services. Some local authorities had adopted a more cautious approach to its use, while others had been more expansive. Service models varied from 'dispersed non-specialist' to more 'centralised specialist' approaches. Specialisation was more likely where numbers of applications justified it, but also reflected a more open approach to the potential of Special Guardianship to provide permanence for a broader range of children and families, with recognition that services were likely to be needed to support these families successfully. In contrast, non-specialist models tended to reflect a more cautious approach with its use reserved more for children in highly settled relationships (mostly in foster care) and where the need for continuing support, beyond a financial allowance, was much less likely. This approach is more in line with the original intentions of the legislation.

Different approaches therefore tended to impact on the range of services available to children and guardians. However, all local authorities were experiencing a financial squeeze and some areas that had provided more generous support packages were now developing strategies to reduce expenditure in this area. The potential for expanding Special Guardianship is therefore likely to depend both on the judgement of local authorities about the circumstances in which this may be considered the best plan for a child and on the availability of resources to deliver an expanded service. Clearly enabling children to leave the care system, where this is the right decision for them, especially where this occurs early in their carer careers, should release sufficient resources to provide good services, provided authorities consider this to be a priority area for expenditure.

## 12.4 Preparation for Special Guardianship

Local authorities have a duty to assess the suitability of applicants for Special Guardianship and to prepare a report for the court. As we have seen, the expected timescale for doing so is relatively short at 13 weeks; it is becoming more compressed for children in care proceedings and relies for its rationale on the belief that children will already have settled living arrangements at the time of application. This was not always the case. Almost one-quarter of cases in our survey sample had arisen in the context of public law proceedings, as relatives or family friends were identified who were willing to provide a home, and one-in-seven children only moved from stranger foster care to live with a relative guardian at the time the SGO was made.

Many practitioners expressed concern at these reduced timescales. They were worried that the short timescales for completing assessments, especially where family structures and dynamics were complex or children had only recently arrived in placement could lead to later placement problems. They also worried that insufficient time was available to prepare potential special guardians adequately for the challenges they were quite likely to face. The views of guardians about the preparation they had received were also mixed. Around one-half of guardians, reflecting back on their preparation, felt they had not been fully prepared for their role as special guardians and a similar proportion felt the same in relation to their children's understandings of what joining a Special Guardianship family would mean. Of greatest concern, however, was the finding that fewer than six-in-ten felt that they had been able to choose this order (rather than another) free from local authority pressure and that, within this group, one-fifth had felt that pressure strongly.

Offering guardians the time and space to reflect on the appropriateness of a SGO in the context of their lives, helping them to understand the challenges that may lie ahead and providing them with sufficient information to weigh up the relative merits of different legal orders is of obvious importance. Although evidence from this study is not conclusive, better preparation was associated with children being reported to be more highly integrated within the family at follow-up and with guardians experiencing less strain, usually in the context of managing children's emotional and behavioural problems. While it may be the case that guardians are likely to reflect back negatively on the preparation they received when things have not turned out so well, nonetheless, it is an area in which local authorities can make a positive difference. Preparation is accepted as good practice in fostering and adoption and it is important that time is found to prepare guardians adequately for the task that lies ahead of them. This may not happen unless local authorities are required to make provision for it.

There is another reason why the concerns expressed by practitioners warrant serious consideration at the assessment stage. There are grounds for local authorities to exercise greater caution where children have not lived with the prospective special guardian at this stage and, in particular, where the relationship between the carer and child is not assessed as being strong, since these were two of the key factors that predicted later disruption. Where relationships are weak there is greater risk and, in these circumstances, should strengthen the argument for relationships to be first tested (perhaps under fostering regulations) before a move to Special Guardianship is made.

The guardians' experiences of the assessment process were also varied. Foster carers, with a greater knowledge of the system and with a regular social worker, often found the process relatively straightforward. Some kinship carers, on the other hand, while recognising the need for children to be properly safeguarded, were more likely to report the process as daunting and overly intrusive, failing to take account of their status as kin, or that the reasons for detailed questioning were poorly explained. Discontinuity of social workers, delays in the process and involvement of multiple professionals caused particular frustration. Assessment should also not be a one way street. While most guardians were satisfied that the assessment process sufficiently tested their suitability to parent their child, as we have seen, many more did not feel it gave them sufficient opportunity to prepare for the role of being a special guardian.

These issues are familiar in kinship foster care and present challenges for practitioners. There is clear evidence about the importance of providing an assessment framework that is supportive and relevant to family and friends carers. Studies have highlighted the importance of a robust assessment process, with a clear focus on the parenting capacity of carers, finding some association between this and the quality and durability of placements (Farmer and Moyers, 2008; Hunt *et al.*, 2008). Many relative carers have not freely chosen to provide care or, for grandparents, to resume a caring role, rather it is generally taken up through force of family circumstances. Many do not want to be mainstream foster carers, not all would meet the strict requirements for approval, nor do all want a continuing link with the local authority, beyond the particular financial and support services they may need (Hunt, 2003; Broad, 2007; Farmer and Moyers, 2008; Schofield *et al.*, 2008). The challenge for practitioners is therefore to deliver a robust assessment process through a format that is flexible, inclusive and sensitive to the structure and nature of family relationships. In this regard, two of our participating local authorities had adapted the unified model of kinship care assessment developed by the Family Rights Group.<sup>180</sup> Special Guardianship is a family affair and social workers need to ensure that all relevant members of the family are properly consulted. While many family members were supportive in this study, it is important to be mindful that tensions and jealousies did arise and, in respect of birth parents, less than one-half were reported by guardians to have been supportive of them obtaining a SGO. If these viewpoints are not taken into account and attempts made to ameliorate tensions where they exist, the potential for later conflict is likely to be high (see also Harwin *et al.*, 2003).

Local authorities were highly supportive of three-quarters of Special Guardianship applications. Where concerns existed, they centred on the quality of guardian-birth parent relationships, the age, physical or mental health of guardians, the particular additional needs of children (especially

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<sup>180</sup> Available from: <http://www.frg.org.uk/involving-families/family-and-friends-carers/assessment-tool>.

behavioural needs) and the capacity of guardians to meet them and non-cooperation by guardians with social work assessments. The information that is available to local authorities at this stage is important, as it can help to predict later difficulties. Where local authorities had concerns at this stage, children tended to do less well in placement overall and guardians reported experiencing more strain linked to caring for them. Where assessments raise significant concerns, therefore, there are grounds for proceeding with greater caution.

## 12.5 Stability over the follow-up period

Special Guardianship is intended to provide permanence into adulthood. One measure of a successful placement is therefore the extent to which it lasts as long as it is needed. In this regard, the findings from this study were positive. The disruption rate for looked after children moving to Special Guardianship from care was found to be low. Using the yardstick of a later return to the care of the same local authority, analysis of national statistics provided an estimated disruption rate of just over one per cent per year (less than six per cent over five years). This is consistent with findings from Selwyn and colleagues' study which, using a similar methodology, estimated an SGO disruption rate of 5.7 per cent over five years, higher than the equivalent rate for adoption (0.72 per cent) but lower than that for children on residence orders (14.7 per cent) (Selwyn *et al.*, 2014).

As expected, children who were older at the time the SGO was made were at higher risk. However, even for those who were aged nine or ten at that time (the highest risk age group) we estimate a breakdown rate of just under three per cent per year (around 14 per cent returning to the care system within five years). Of course, these data may underestimate overall disruption. First, children may have moved to a different area and re-entered the care system there.<sup>181</sup> Second, disruption may not lead to a return to care and children may move informally to other relatives or, if older, move on to independence. Third, many children were young and continued to be so at follow-up (over one-half aged 10 years or younger). Many were therefore not yet of an age where they could disrupt a placement if they were unhappy. Despite these caveats, however, the findings on disruption were encouraging.

Further analysis of the administrative dataset (with a more restricted range of variables available) and of our survey data identified a number of factors that, in combination, tended to predict disruption. These data suggested that children were more likely to experience a disruption where:

- They were older at the time the SGO was made (being a teenager was the most important predictor in both the national and survey datasets);
- Where they were not last placed with a relative before the SGO was made;
- Where the SGO was made to a carer with whom the child had not been living;
- Where the bond between carer and child was not rated as having been strong at the time of the SGO (based on survey data only);
- Where looked after children had experienced more past placement moves.

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<sup>181</sup> One-quarter of guardians in our survey lived elsewhere in the country and five lived in a different country.

The importance of children having a settled relationship and close bond with their carer prior to the SGO being made has already been highlighted. Where this is not the case, a period of time in which these relationships can be tested before moving to a final Order is to be recommended. In other respects, the findings are consistent with those found in comparable populations. Being first placed at a young age is associated with greater stability in the care system and in adoption (Sinclair *et al.*, 2007; Biehal *et al.*, 2010; Selwyn *et al.*, 2014). Kinship placements tend to be more enduring than stranger foster placements (Farmer and Moyers, 2008; Hunt *et al.*, 2008). Past placement movement tends to predict further instability (Sinclair *et al.*, 2005b) and children who are adopted by their carers are more likely to adapt, in the early stages at least (Sellick and Thoburn, 1996; Sinclair *et al.*, 2005a). It would seem that Special Guardianship broadly follows these patterns.

The positive finding on placement with relatives should be read with some caution. While it was predictive in the large administrative dataset, it was not found to be so in the admittedly much smaller survey sample. It is therefore possible that disruptions in these arrangements may be less likely to result in a return to care and, perhaps, may more often result in movement within the wider family network. In our survey sample, all disruptions involving children below 17 years of age were in kinship placements. One-third involved children who had been on 'the edge of care' rather than looked after prior to the SGO application. Where information was provided on what had happened to these children, eight had entered care, five had gone to live with a birth parent and three had gone to other relatives. While this evidence is certainly not conclusive, it is suggestive of a more complex picture surrounding disruption in kinship settings.

Age was a powerful predictor of disruption. As indicated above, young children are less likely than older ones to be able to disrupt placements when they are unhappy. Older children had almost always come to Special Guardianship later. Like late entrants to care or adoption they were also more likely to have come with more established patterns of challenging behaviour (see also Sinclair *et al.*, 2007). Two-thirds of children in our survey sample whose placements disrupted before the age of 17 were rated as having severe emotional and behavioural difficulties. The older children were when the SGO was made, the more likely it was that they would score more highly for emotional disturbance. The strength of bond between guardian and child may, however, be protective and provide the conditions in which these behaviours may be better managed. As we will see in a moment, the strength of the pre-existing bond between carer and child proved to be a crucial factor in predicting a good overall outcome. Where evidence of such a bond exists, like in adoption, the younger the child is when they are settled into a Special Guardianship family the better the chance of a successful outcome (see Selwyn *et al.*, 2014).

Finally, although these differences were highly significant they should not be read too rigidly, thereby ruling out certain children from Special Guardianship. Overall, the risk of disruption was low, even for higher risk groups. They should, however, provide a signal to proceed with greater caution and allow for the fact that more in the way of support and services are likely to be needed in the longer-term. Although guardians who have experienced a breakdown may tend to reflect negatively on the social work support they have received, perceptions of poor or non-existent relationships with social workers were not uncommon, as were reports that counselling had not been provided to the child or guardian before or especially after the breakdown had occurred. The experience was highly distressful, relationships with children (or young adults) tended to be more

distant and strained and feelings of loss, guilt and personal responsibility were evident. It is important that a route back into support is provided to guardians and their children when life becomes difficult, especially since there is evidence from research on foster breakdowns that carers may cut themselves off from support, either because it has been inadequate in the past or for fear of being judged (Rostill-Brookes *et al.*, 2011). It is equally important that support is provided to help everyone involved to come to terms with what has happened and to try to preserve continuing supportive connections between children and their families. The potential for reunion should not be discounted.

## 12.6 The progress and wellbeing of children

Stability is one measure of outcome. However, younger children sometimes continue living in placements in which they are very unhappy (Sinclair *et al.*, 2005b). Three measures were therefore developed to assess: (a) the overall placement progress of the child; (b) the degree to which guardians thought children were integrated into the family and (c) the development and wellbeing of children in key life domains. The first was available for the whole survey sample (n=223) and the others only in relation to guardians who returned questionnaires (maximum n=115).

Once again, the overall findings were very positive. Most children were reported to be doing well. The great majority (90 per cent) of children were rated as having done very or quite well in placement over the follow-up period. Most special guardians also thought their children had integrated well into the fabric of family life. Few guardians reported any strongly negative experiences, but just over one-third reported children as being challenging to care for (at least to some degree). A similar story unfolded in relation to children's progress and wellbeing in key areas of development (health, education, emotional ties, friendships, skills, confidence and behaviour). Most children were reported to have made good progress, but over one-third were reported to have emotional and behavioural difficulties, and three-in-ten were doing less well in education, particularly children with special needs.

Further analysis identified factors that predicted children's progress in these areas. The overall progress of children in placement was rated more highly where:

- The bond between the child and guardian was stronger prior to the SGO;
- Where children were reported to have fewer emotional and behavioural difficulties.

Children scored more highly for family integration where:

- They had fewer emotional and behavioural difficulties;
- Guardians felt they had been well prepared for their role;
- Greater support was available from the guardian's immediate birth family;
- And where frequency of contact with birth mothers was lower.

The progress and wellbeing of children was rated more highly where:

- They had fewer emotional and behavioural difficulties;
- They were female and were younger at the time the SGO was made.

The presence of more serious emotional and behavioural difficulties was an important predictor of all three outcomes. These children were tending to fare worse across the board and guardians coping with the highly challenging behaviour of some children were amongst those experiencing most overall strain and anxiety. One-quarter of children scored above the threshold for clinical symptoms on the SDQ. While this is lower than one recent study of long-term fostered and adopted children (Biehal *et al.*, 2010), it is almost 2.5 times higher than the child population at large (Goodman, 1997). Boys scored more highly for hyperactivity, while children with learning disabilities scored more highly across all sub-scales. Both groups were faring less well in relation to their educational progress and social skills. For reasons presented above in relation to the risk of disruption, boys who came to Special Guardianship at an older age were particularly vulnerable to poor developmental outcomes.

The quality of the bond between guardian and child at that time of the SGO acted as a crucial protective barrier against the effects of emotional and behavioural problems. It certainly was a factor that predicted a positive rating by guardians of how well the placement had gone for the child overall. It may be that a close bond engenders greater staying power or enables carers to better defuse and manage challenging behaviour and that, as a consequence, their children are less likely to face rejection. How carers react to difficult behaviour may be more important for outcomes than the behaviour itself (see Sinclair and Wilson, 2003).

There was also some evidence (at a bivariate level) that children being cared for by grandparents (or former unrelated foster carers) were rated as being more highly integrated into the family than was the case for children living with other relatives, especially aunts and uncles. This was likely to be due to the closeness of bond that tended to exist between grandparents and their grandchildren. Research on kinship foster care disruption has found that placements with grandparents tend to be more robust than other family and friends placements, including placements with aunts and uncles (Harwin *et al.*, 2003; Farmer and Moyers, 2008; Lutman *et al.*, 2009). There was no significant difference between grandparents and former unrelated foster carers. Typically, the latter had become special guardians for very settled children who had lived with them for a longer period before the SGO was made than had tended to be the case for kinship carers. This may account for their reports of greater integration.

## **12.7 Relationships with birth parents and other family members**

As indicated above, children's integration within the family was reported to be higher where guardians felt that they received a higher level of support from their own immediate birth family members. Everyday interaction with kin seemed to strengthen feelings of inclusion amongst children and helped to relieve stress. The presence of informal networks of support is one of the factors that can act as a buffer for adults against adverse life experiences (Kelly *et al.*, 2000).

Given the high proportion of lone female carers in our sample, support from within the family network was likely to be essential.

A majority of guardians reported that their primary sources of support included their immediate families (61 per cent), friends (28 per cent) and/or other relatives (25 per cent). In managing their everyday lives, these networks were considered to be far more important than support derived from professionals. Similar findings are also evident in relation to foster care more widely (Sinclair *et al.*, 2004). Where these relationships were positive, opportunities existed for guardians to get a break from the caring routine. Children sometimes stayed with relatives, visited them regularly or relatives were able to babysit occasionally. These functions were highly valued by guardians. However, these networks could be very thin and could also be fragile. Where conflicts erupted or divisions existed between different sides of the family, the potential for support was diminished and guardians reported higher levels of strain. This was also the case for some guardians caring for children with disabilities or more serious challenging behaviour. For these children informal support was often more difficult to find. Almost one-third (31 per cent) of guardians reported that they were very rarely able to get a break and one-quarter (24 per cent) that they felt tired most of the time. Social workers should therefore be mindful of the need to assess the strength of these networks during assessment and, wherever possible, help guardians to strengthen them before the local authority withdraws from the scene.

In keeping with the intentions of Special Guardianship, children's contact with birth parents and other family members was relatively high; certainly much higher than would be the case in adoption. An advantage of kinship care is perceived to lie in its inclusiveness and, as we have seen, Special Guardianship is predominantly a family affair (see also Hall, 2008; Wade *et al.*, 2010; Simmonds, 2011). A majority of children had face-to-face contact with birth mothers, siblings, grandparents, aunts, uncles and other relatives, although the frequency of contact was much more highly variable. However, just over one-half of children (55 per cent) had no contact with their birth fathers and more than one-quarter (27.5 per cent) with birth mothers and this pattern of a gradual erosion in contact over time is not untypical in studies of kinship care (Farmer and Moyers, 2008; Hunt *et al.*, 2008).

Parental contact in kinship settings can also be a source of considerable tension. Evidence on children's contact experiences is mixed. Relationships can be harder to manage and some concerns are evident in relation to child safety (Farmer, 2010; Hunt *et al.*, 2010; Roth *et al.*, 2011). Where family relationships were positive, contact arrangements tended to be negotiated informally between family members. This was easier where there was acceptance of the placement by the birth parent and a willingness to work together to support the child. In these scenarios, children experienced fewer signs of distress and tended to be more accepting of the framework for contact.

However, contact with birth parents was a complex and frequently difficult arena. Guardians rated parental contact as being positive for the child in just over one-half of cases. Contact with fathers, though less common, was rated more positively. A negative rating for birth mother contact was more likely where children scored highly for emotional and behavioural problems and when their overall developmental progress was poor. For these children, the fallout from contact tended to exacerbate already existing problems.

Paradoxically, once other factors had been taken into account, family integration appeared to be lower where the child's contact with his or her birth mother was higher. This finding was more difficult to interpret. Guardians generally had a high commitment to contact, broadly welcomed it and its frequency was higher where it was perceived to have a positive effect on the child. In these circumstances, relationships were generally harmonious but could also serve to weaken children's integration within the Special Guardianship family. For some children, therefore, it may generate tension or a sense of divided loyalty. This interpretation tended to be confirmed by other findings. Where contact with birth mothers was higher, children were more likely to speak of going back to live with them. The more often they talked in this way, the lower the rating for family integration. One of the key advantages of Special Guardianship is its potential for providing children with both a secure home base and the chance to maintain relationships with birth parents. Where this tension does arise, however, guardians and social workers need to be mindful of the dilemma it may present to children and develop strategies to help them resolve it successfully. It is important to strengthen children's feelings of security and inclusion within their Special Guardianship families.

Practitioners were concerned about the level of resources required to support parental contact. Although most guardians were no longer receiving support in this area at follow-up, for around one-half of guardians local authorities had provided arrangements for supervised contact meetings in the past. Tensions were greatest where parents were unable to accept the placement, where their behaviour was unpredictable (often due to mental health or addiction problems) or where they tried to manipulate the feelings of children when they saw them. In these situations contact was upsetting for children and destabilising for the Special Guardianship family. Children suffered feelings of loss and rejection where contact was irregular, unpredictable or where it stopped altogether. Loss of contact with siblings placed elsewhere was also a source of great distress to some children. Where parental contact had ended or was highly unsatisfactory, children needed their carers to provide them with a coherent life narrative that helped them to place in context the reasons that their lives had taken the shape they had. Some guardians had undertaken life story work (or sought help in this area, sometimes unsuccessfully) to help provide this coherence. However, as we have seen, children's identities and feelings of inclusion were also strengthened by connections within their wider kinship network.

## 12.8 Support services

Local authorities have a duty to make provision for post-order support services. Foster carers have rather more protection than is the case for carers of non-looked after children. Local authorities must assess the needs of foster carers, if requested to do so, and their financial allowances are protected for a minimum of two years (although this can last longer). For other applicants, all provision is discretionary (see Jordan and Lindley, 2006; Masson *et al.*, 2008). It was therefore of some reassurance to find that most guardians (80 per cent) had received an assessment and a written support plan. While there was no difference in the likelihood of having a plan, the range of services planned was greater for foster carers. Some guardians emphasised the importance of having this agreement in writing. In some instances, promises that had been made were not subsequently delivered or had to be fought for over a lengthy period, sometimes involving solicitors or the courts on their behalf. Equally, not all needs were evident at the time of

assessment, perhaps especially where applications concerned very young children or the child was new to placement. It is therefore important that the provisions for annual reviews set out in the regulations are used to identify any emergent needs. Many guardians reported, however, that these frequently failed to take place at all.

Very few guardians were still in touch with social workers at the end of the three to six year follow-up period. Less than one-fifth had received continuous contact throughout. One-third of cases had been closed immediately the SGO was made and three-quarters within one year. Case closure at some stage was also around four times more likely for kinship carers than was the case for former unrelated foster carers. Where closure was immediate, for one-quarter of guardians who commented this is what they had wanted. They either wanted to establish the everyday routines of family life without the involvement of social workers or their past experience of social work contact had been largely negative. However, around one-third felt they had been given no choice. They had not been given any expectation that contact would continue and closure was abrupt. In contrast, for other guardians a negotiated closure had taken place sometime later, usually after social workers were reassured that the services that were needed (from other agencies) were in place and that things were going well. Supervision Orders were sometimes used to ensure access to these services for a period of time or in response to initial concerns about the viability of the placement.

Prior to closure, it is important that contingency plans are put in place to allow guardians to re-establish contact at a later point. This happened too infrequently. A named contact or team phone number can provide reassurance that help would be at hand should the need arise, as it often did. Newsletters, support groups or an annual visit or phone call were generally appreciated. They provided avenues for guardians to seek help and advice or gain peer support without feeling that they would be judged or seen as failing. Where guardians were living far away from the local authority where the SGO had been made, they tended to find it harder to access support unless the arrangements made between local authorities were well structured. Case closure, however, by no means always signalled a final termination of contact and there was evidence on file that more than one-half of closed cases were subsequently reopened, at least for a short time.

The Special Guardianship regulations emphasise that financial issues should not be an obstacle to an otherwise suitable arrangement for the child (Department for Education and Skills, 2005). Concerns about the financial implications of taking up Special Guardianship have acted as a deterrent to unrelated foster carers and are a major worry for kinship carers, who have often received more limited assistance (Waterhouse, 2001; Broad, 2007; Schofield *et al.*, 2008; Wade *et al.*, 2010). Our policy study revealed the variability that existed across our sample authorities. Consistent with findings from the earlier York study, foster carers (both unrelated and kinship) had greater entitlement to financial allowances and other financial assistance. In all areas allowances for foster carers were protected for at least two years and, in line with legal requirements, were benchmarked against the basic fostering rate. Most areas were providing allowances to children in care proceedings, where the alternative may have been entry to care, but payments to 'private' applicants were more highly restricted. Some areas had attempted to establish a level playing field (mainly for foster carers) across all permanent legal orders in an attempt to ensure that placement decisions were based on need rather than financial advantage. However, in the current financial climate, these policies were under some duress.

These patterns were reflected in our survey findings. Most guardians (87 per cent) had received a financial allowance for some part of the follow-up period and more than two-thirds (71 per cent) were continuing to receive one at follow-up. While this was the case for virtually all former foster carers (97 per cent), and most guardians of children who had been on the 'edge of care' (86 per cent), it was the case for just one-half of 'private' cases (50 per cent). Where payments had ceased, it was mainly due to the young person having reached 18 or to them no longer being resident. This suggests that, in most cases, financial packages had generally been agreed for the duration of placement or to the age of majority. Of course, receipt of an allowance did not mean that families were not under pressure. One-in-five guardians reported that caring for additional children had seriously strained the financial resources of the family and created pressures in other ways, through overcrowding or severely limiting opportunities for employment. Given the established link between kinship care and poverty, the findings reinforce the importance for kinship carers of obtaining formal parental responsibility through a court order (Broad, 2001; Hunt, 2003; Aldgate and McIntosh, 2006; Aziz *et al.*, 2012; Nandy and Selwyn, 2013).

Over the follow-up period, a sizeable minority of children had accessed therapeutic (34 per cent), behavioural (25 per cent) or educational (32 per cent) support services at some stage. Guardians revealed that these services had most often been sought in response to children's complex needs, combining physical and learning disabilities and/or in response to mental health and behavioural problems. While some guardians were highly appreciative of support provided by paediatricians, health service providers, CAMHS or school support services, some felt that they had not been particularly effective. Other guardians had desperately wanted but never received support as they struggled to understand and manage the challenging behaviour of children. In most of these cases social work contact had ceased at or soon after the SGO had been made and guardians had been left to cope as best they could. Although one-third of guardians had reported not needing these services for their children, a further third or more reported that they had not been made available or had proved too difficult to access.

Evidence on the effectiveness of these services was, however, not encouraging. More child-centred services had been provided where children were not doing well and guardians were struggling to cope. As such, delivery of more services to the child or the guardian correlated with children having poorer outcomes at follow-up. This is a familiar finding in relation to children's social work more generally (Sinclair, 2005; Dixon *et al.*, 2006; Biehal *et al.*, 2010). Services tend to chase difficulty. Given the relative scarcity of these resources, thresholds for intervention tend to be quite high. The services that are applied may therefore be too little and too late. Although interventions generally do not cause or exacerbate these problems, some interventions are short-term, when the need may be for longer-term support, or insufficiently intensive to resolve the problems they seek to address. The findings also reflect concerns expressed by practitioners in this study. Many were aware that they were unable to provide sufficient services to meet the needs of Special Guardianship families or even, especially in the current climate, to stay in touch long enough to detect problems at an early stage. However, the findings also highlight the limited evidence base that currently exists on effective interventions to alleviate children's emotional and behavioural difficulties and, certainly, on their transferability to kinship and Special Guardianship families. Blaming guardians for their poor parenting skills, as happened to some carers in this

study, is clearly not an answer and the evidence base for what works needs to be expanded through rigorous evaluations of promising interventions in this area.

Some services were directed more at the needs of guardians. These included provision of local authority advice, guidance and advocacy, financial assistance (with legal costs, settling-in grants and other payments) and, perhaps most importantly of all, support in relation to birth family contact. Access to these services varied by local authority, with the proportions of guardians accessing none of these services ranging from 0-27 per cent. A similar pattern was evident for child-focused services. Rather like findings from the earlier York study, service provision continues to be inconsistent, and differences in the approaches taken to Special Guardianship by local authorities leave a significant imprint on service developments.

Many guardians, like kinship carers more generally, had risen to the challenges that caring for their children had brought forward. As we have seen, most children had come from highly troubled backgrounds and many had brought with them the behavioural legacies of their past experiences of maltreatment. As is the case for foster and adoptive parents, parenting these children was not like 'ordinary parenting'. Many guardians had been left to cope with these challenges alone. The Special Guardianship regulations in 2005 were modelled on adoption services as they existed at that time. However, policies on post-adoption support are now being strengthened. The Children and Families Act 2014 has introduced the 'adoption passport' and provision for 'personal budgets'. The introduction of the adoption support fund establishes a further divergence.<sup>182</sup> Similar policy developments are now also needed for special guardians and other kinship carers. This would help to provide recognition for the task that they have taken on and enable more carers to access the services they need.

## 12.9 Conclusion

Overall, eight years on, the findings on Special Guardianship are encouraging. Most children were reported to be thriving, had made quite strong attachments, were making good developmental progress and appeared to be well integrated within the family network. From the perspective of guardians, Special Guardianship had delivered most of what it had promised by providing a secure legal relationship and a high degree of parental control over decisions affecting their children's lives. Overwhelmingly they were satisfied that this had been the right decision for them.

Contrary to fears expressed at its birth, Special Guardianship has not so far diminished the use of Adoption or Residence Orders. Instead it is making a particular and valuable contribution to the range of permanent placements that are available for children, especially for children who are fostered by kin or otherwise living with relatives.

Special Guardianship has been taken up overwhelmingly by kinship carers, caring for vulnerable children, some of whom have very complex difficulties. As such, the findings from this study will hopefully contribute to the growing evidence base on kinship care. Its particular strength lies in its ability to build on bonds and relationships that already exist and do not have to be created. The prognosis is better where the pre-existing bond between child and guardian is strong and when

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<sup>182</sup> See the *Adoption Support Services (Amendment) Regulations 2014*.

children are younger at placement. Where children are new to placement or these bonds appear weak, there are good grounds for testing these relationships before moving to a final court order. In other respects, the key determinants of outcome appear similar to those in comparable populations. As with all forms of placement, therefore, it can be threatened by the disturbed or difficult behaviour of the children for whom it caters.

A further strength lies in the continuing contact it affords children with their birth parents and wider family. However, this can also be a weakness. The structure and dynamics of family relationships are generally complex and frequently prone to tension and conflict. The management of these relationships is challenging for guardians. Even where children had close and beneficial relationships with their birth mothers, it is important to be mindful that these could serve to confuse children, create divided loyalties and serve to weaken the placement.

Overall, the risk of breakdown appears low, even though it is higher than for adoption, and appears to be relatively low, even amongst higher risk groups. In this context, local authorities that currently make little use of Special Guardianship (or reserve it for particular groups) can be safely encouraged to use it more widely.

Where breakdown does occur, however, it is immensely distressing for all concerned and services to support children and guardians at times of crisis need to be strengthened. Annual visits, occasional phone calls to assess how things are going or linking guardians in through newsletters or support groups may help to catch developing problems at an early stage and limit the damage caused through breakdown.

Initial concerns that there would be a 'postcode lottery' with respect to Special Guardianship services do, however, have force. Access to post-order services varied considerably between local authorities and within them, with respect to different kinds of cases. Greater consistency is needed. Guardians coping with the troubled or disruptive behaviour of children or managing deeply conflicted family relationships need help. Improved arrangements are also needed between local authorities for guardians living in other parts of the country or overseas. Access to services was severely restricted unless local authorities were willing to cooperate and clear contracting arrangements had been established.

Special Guardianship predominantly provides a route for children to leave the care system or for them to avoid entering it. Keeping children within the family network or returning them to it was a central motivation for kinship carers. SGOs are also often made when children are young. The potential financial savings to local authorities are considerable, given that these children might otherwise spend years in the care system. Resources should therefore be available to provide proper preparation and post-order services to help families manage successfully.

The question for local authorities is one of priority. The drive by the current Coalition Government to increase adoption and, to some degree, to strengthen the structure of post-adoption support services should be applied equally to Special Guardianship and, by extension, to other kinship carers in the community whose needs are very similar. Providing a home to the children of others, even where they are family members, should be seen as an important public service and a resource that is worthy of our collective support. In order for this support to be more effective,

however, there is need for a determined programme of development and evaluation to identify proven practice tools that are effective in tackling some of the deep-seated difficulties amongst children that this study (and others on adoption and fostering) has identified.

## **12.10 Summary of messages for policy and practice**

The final section summarises some of the key messages for policy and practice that arise from this study. Overall, the findings on Special Guardianship (SG) are encouraging. Most children were reported to be thriving and doing well. From the perspective of guardians, SG was delivering what it had promised by providing a legally secure relationship and a high degree of parental control over decisions affecting children's lives. This positive central message is important and should encourage the further use of SG as a permanence pathway for children, alongside adoption. However, some children and guardians experienced difficulty and there are actions that government, local authorities and other agencies could take to strengthen these provisions and to enable SG to work more effectively for families. These messages are summarised briefly below.

### **Statistics on SGOs**

At present, there is no single source of information on the total numbers of SGOs that are made for looked after and non-looked after children. This can be obtained through local authorities (LAs) if there is a requirement for this information to be collected and submitted to Department for Education. This information is essential for planning national and local service developments.

### **Regulations, guidance and strategic messages**

Not all LAs are fully compliant with the requirement set out in statutory guidance on family and friends care (2011) to publish their policies on promoting and supporting the needs of children living in all forms of kinship care. In particular, they should include local policies in relation to all legal orders, including SGOs, and set out any differences in provision for different categories of applicant (stranger/kinship, looked after/non-looked after).

Access to leaving care services was a deterrent for some foster carers caring for older children, especially concerning support for further/higher education. The entitlement of children in SG families to leaving care services should be strengthened in line with provisions in the *Care Leavers (England) Regulations 2010*.

Transitional arrangements, where former looked after children moved from one LA to another or where service responsibility was transferred at the end of the required three year period, were not always smooth. Currently there is no requirement to notify the receiving LA when a child moves into that area. This should be reconsidered in guidance and should include non-looked after children who move area.

Where the receiving LA is to take up responsibility for service provision, it should notify the child and special guardian in writing of the services that are available locally and how to access them.

### **Organisation of SG services**

SG is now more routinely considered for looked after children and children on the 'edge of care' through care planning mechanisms. Some LAs were resistant to promoting it more widely and

information for relatives in the community was often sparse. LAs should develop strategies to publish information on SG more widely within their communities, with a focus on those groups where take-up has been low.

Where numbers justify it, consideration should be given to development of more specialised models of service. Specialisation benefits from the development of pools of expertise and more coherent service structures. Linking SG with specialist kinship or adoption teams, as some LAs were doing, may be a helpful strategy. The role and scope of SG services should be documented and be made publicly available.

### **Assessment and preparation**

Assessments should take account of factors that predict later difficulty. In addition to the parenting capacity of carers, focus should be placed on the quality of pre-existing relationship between carer and child. Caution should be exercised about moving to a SGO before there has been a chance to assess and monitor the strength of this bond. With sanction of the court, some LAs had made use of Care or Child Arrangement Orders to allow time for these relationships to be properly assessed.

Age was a powerful predictor of later disruption and many older young people had come to SG later with a range of difficulties already evident. Plans for SG should therefore be developed early in the child's care career. Those who were younger at placement tended to fare better.

SG involves whole families. It is important that all are consulted at the assessment stage. Children need help to understand the meaning of SG, why it has come about and how it will affect their family relationships.

In adoption and fostering the importance of good preparation packages is well understood. Many special guardians felt ill-prepared for the role they were taking on. LAs should consider developing preparation courses within the 13 week window (or as soon as practicable after this) along the lines of those provided to potential adopters.

LAs are required to provide a range of dedicated SG support services. These include financial support, support groups, help for contact, therapy, advice and information. For children looked after immediately before the SGO, LAs must carry out an assessment of their support needs at the request of the child, guardian or birth parent. In cases where the child was not looked after, while no equivalent duty exists, LAs may offer such an assessment. It is a matter of good practice, however, for these assessments to be undertaken with all applicants, including those concerning children not previously known to the LA. Provision of support is, however, discretionary.

Reports for the court should always include a detailed support plan (even where no services are required). It is important that all services that are to be provided are agreed in writing in advance of the SGO. This was not always the case.

Support plans should also include a clear contingency plan to enable guardians to access support should difficulties arise at a later stage. Contact details for a person or team known to the guardian appeared most helpful. Not all guardians wanted support at the time the SGO was made, but did do so later on as new difficulties emerged.

Provision for training and support groups were helpful for some guardians. Guardians needed help to understand and manage the complex behaviour patterns of some children and support groups (and newsletters) helped to reduce feelings of isolation and provided a mechanism for peer support.

The structure and dynamics of family relationships in kinship settings are often complex. Many guardians struggled in this area and only one-half thought contact with birth parents was positive for their children. Assessments of need should include a thorough assessment of these relationships, including the potential need for supervising contact, supporting guardians to manage contact successfully and to monitor the impact of contact on the child and SG family. Legal solutions may be needed where contact is dangerous or destructive to the child.

Provision for respite or short-breaks was extremely rare. While many guardians first seek solutions within their own networks, there are circumstances where such provision is vital. Creative solutions may need to be found to avoid children having to become looked after, since this would not be acceptable to most families. Where provision of this kind may be needed, this should be considered during at the assessment stage, but also include contingencies in case circumstances change.

### **Financial services**

Financial arrangements to support the children of special guardians are highly variable. All guardians need to be informed in advance of the financial support package that they will receive and be made aware of procedures for review and complaint.

Access to independent legal advice is important. Reductions in legal aid make this more difficult. LAs should therefore give consideration to assistance with legal fees. Many did so and it was greatly appreciated by guardians. This may arise not only in relation to the SGO application, but also in relation to later legal challenges by birth parents.

### **Services for children**

Access to CAMHS and other therapeutic services (including those provided through post-adoption support services) was often difficult. Where they were accessed, they were generally found to be helpful. Further consideration should be given to how these services can be made more comprehensive and more easily accessible to special guardians and their children.

Provision of support and services must be subject to annual reviews. Evidence suggested, however, that these frequently failed to take place. It is important that these are undertaken (by visit or phone), not just to establish that the child is still resident, but also as a check on how things are going. Many guardians would have appreciated this and it may provide an avenue for detecting difficulties at an early stage.

A minority of children had highly complex needs (learning disabilities, mental health problems and/or serious emotional and behavioural difficulties). These children tended to have poorer outcomes. Specialist multidisciplinary services will be needed to provide tailored interventions for these groups of children and young people, many of whom were teenagers.

Additional support provided by schools was generally appreciated. Further work is needed to raise awareness of SG amongst the teaching profession. Virtual heads, designated special needs teachers in schools and education teams for looked after children may have a valuable role to play in helping school staff to recognise and respond to the particular needs of SG children.

Loss of contact with birth parents or siblings was often distressing for children. One-fifth had no contact with either birth parent. Some children will need to be helped to construct a coherent life narrative to explain the shape their life has taken. Some guardians were undertaking life story work, but some will need support to do this successfully.

In contrast, social workers and guardians need to be mindful of the potential for children to experience a conflict of loyalties, especially where contact with their birth mothers is frequent and positive. Where this occurs, it is important to find ways to help the child come to terms with their feelings.

### **Allegations and breakdowns**

Where allegations are made against SG carers or re-referrals are made on child protection grounds it is a feature of good practice that cross agency collaboration and communication is established. Guardians should also have access to independent advice and support. Findings from a recent study of allegations made in foster care provides helpful evidence to support the handling of allegations (Biehal *et al.*, 2014).

Where notification is made to an LA that a child is no longer resident or there is a risk of breakdown this should trigger a visit to assess the needs of the child, guardians and other family members. Provision of support after breakdown is needed to help everyone come to terms with what has happened, to maintain communication between family members and to assess the potential for reunion or continuing contact and support.

Where young people move to independent living at an early age, this may be a sign that things have not gone well. LAs should help young people to access supported accommodation where this is needed and identify and respond to any continuing support needs.

### **Evaluation and dissemination of positive practice**

The study has identified large variations in the way SG is being used from area to area. There is a need to identify LAs that are successful in promoting and using SG across different social groups and that are developing promising models of practice and disseminate these examples as widely as possible. Pockets of good practice did exist and need to be more widely known.

A baseline of effective interventions is needed, especially in alleviating the difficult behaviour of some children. The applicability of interventions to kinship settings needs to be tested. Promising initiatives require rigorous evaluation and the results to be disseminated to local authorities and other agencies with an interest in this field.

We should be mindful that, even at follow-up, many of these children were still relatively young and further difficulties were likely to lie ahead for some. Further research will therefore be needed to track outcomes for children through the latter teenage years and into early adulthood. Only then will the permanence outcomes of SG arrangements be fully understood.

## Appendix A Representativeness of the study samples

In Chapter 2 we describe our sample and how this was achieved. Because our study involved an intensive exploration of Special Guardianship within seven local authorities, with full data collected only where special guardians consented to take part in our study and returned a completed questionnaire, there is a risk this may have introduced sample bias into our study. To determine this we have carried out a number of comparative tests to determine:

1. The representativeness of our seven study local authorities and our survey sample compared to the remaining 145 local authorities that were only included in our analysis of national secondary data on looked after children (see Chapter 5).
2. The representativeness of (a) our 'respondent' sample of special guardians who participated in our survey (and for whom we had both a questionnaire and information from case files) compared to (b) our 'non-respondent' sample for which we had only collected anonymised data from case files.

If this has been the case, if either of our samples were substantially different, particularly with regard to key variables that may be related to outcomes, we would need to determine the extent to which these differences were likely to affect substantially the representativeness of our main survey findings.

### A.1 Representativeness of our local authority samples

We had three main sources of data on the children in our study: (a) the SSDA903 national administrative dataset on all looked after children in England who had received an SGO over the study period; (b) our survey sample (n=230 children) based on the anonymised case file records of children in our seven sample authorities; (c) a guardian sample (n=115) covering those children whose guardians who returned our questionnaires. For (c) we also had case file information. This section looks at the representativeness of the local authority and survey samples, or at least of those among them who were looked after. It does this in two stages looking:

- a) at the degree to which looked after children who left care for SGOs in the seven sample authorities were similar to those who did so in the rest of England (see columns 1 and 2 in Table A.1 below);
- b) at the degree to which looked after children in our survey sample (column 3 in Table A.1) were similar to the looked after children who had received an SGO in the seven sample authorities.

Our assumption is that the SSDA903 children in the seven sample authorities contain *all* looked after children subject to SGOs in those areas. Our comparisons allow us to see: (a) how far this group represents the national picture; and (b) how far our survey sample differs from the overall picture both nationally and within the seven sample authorities. Table A.1 sets out the results.

**Table A.1- Comparison of sample and non-sample authorities by selected variables**

<b>Characteristic</b>	<b>Per cent (LAC SGOs in 7 sample authorities)</b>	<b>Per cent (LAC SGOs in all 145 other authorities)</b>	<b>Per cent (LAC SGOs in our survey sample)</b>
Male	53	50	52
White British	61	77	52
Under Four at Entry to 'Care'	71	68	79
First Placement Rel. or Friend	35	35	-
Need Code Abuse or Neglect at first Placement	77	69	-
First Placement with own LA	78	79	-
First Legal Status Interim Care Order	46	41	-
Last Placement Rel. or Friend	73	68	68
Need Code abuse or neglect at Last Placement	78	70	-
Last Placement with own LA	92	87	-
Last legal status Interim Care Order	62	64	-
One Placement only before SGO	32	39	-
Last Placement 1 year or more	45	47	68
Under Four at SGO	47	47	40
Return to Care after SGO	2.8	2.3	3.6

As can be seen, the children in the sample and non-sample authorities were in most respects very similar (see the first two columns), differing by less than five percentage points on the great majority of variables on which we compared them. The main difference was in terms of ethnicity. Only 61 per cent of the children in the sample authorities were White British and this compared with 77 per cent of the children in the remainder. This difference explains two others – the relatively high proportion of children with more than one placement and the slightly higher proportion of children placed with relatives and friends just before the SGO. The latter differences reflected the high proportion of children in the sample authorities who achieved a placement with kin after arriving in care because they moved rather than because they had a kin placement in the first place. Minority ethnic children were much more likely to fall into this category.

In addition to differences related to ethnicity the sample authorities had a slightly higher proportion of children with a need code of abuse and neglect and were, in consequence, slightly more likely to have had interim care orders at entry to care and to have progressed to full care orders before

the SGO. Importantly these differences did not seem to lead to differences in apparent outcome. The proportions known to return to the care system post-SGO were very similar at 2.8 per cent and 2.3 per cent respectively.

The comparison between our seven sample authorities and our survey sample also identified some differences (see columns 1 and 3). The children in the survey sample were less likely to be white British (52 per cent as against 61 per cent) and, although more likely to enter at a relatively young age (79 per cent as against 71 per cent were aged under four), they were rather more likely to exit the care system when rather older (only 40 per cent as against 47 per cent being aged less than four) and to have final placements that lasted for more than a year (68 per cent as against 45 per cent). These characteristics suggest, perhaps, that they had a more intensive involvement with children's services and it may have been this that increased their chance of being in our sample. In other respects, however, these two samples did not differ, being similar (for example), in the proportions returning to the care system (3.6 per cent as against 2.8 per cent) and the proportions living with a foster carer immediately before the order (68 per cent as against 73 per cent).

## A.2 The representativeness of the guardian survey

Chapter 2 described our approach to the recruitment of the survey sample (n=230). It was important to check whether there were any systematic differences between those who returned a questionnaire and those who did not. To determine the representativeness of the 'respondent' and 'non-respondent' samples we compared information that was available from case files for (a) special guardians who had also completed a questionnaire (the respondent sample, n=115) to (b) those guardians for whom only case file information was available (non-respondent sample, n=115). Our comparisons could only be made on the basis of case file evidence.

Initial exploration of the data had revealed that virtually all cases of breakdown were in the non-respondent sample (19 out of 24). Very few guardians who were no longer caring for their child had been willing to complete questionnaires.<sup>183</sup> This is an important difference between the two sub-samples and suggests that where analyses in the report draw solely on questionnaire data provided by guardians, we should be mindful that these findings have primary relevance only to cases that remain intact.

Once this key difference was known, we wanted to know in what other ways the two sub-samples may have differed. These analyses were therefore undertaken for intact cases only. The findings presented here will therefore be relevant to the characteristics of Special Guardianship families that endure, at least in the medium term.

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<sup>183</sup> Fisher's Exact Test, p=.004, n=230. 95.5 per cent of respondents were still caring for their child compared to 83.5 per cent of non-respondent cases.

Comparisons were made on a number of key characteristics, including:

- Characteristics of the child;
- Characteristics of the special guardian;
- Characteristics of the pathway to the SG placement;
- Characteristics of the child's care history;
- Characteristics of the Special Guardianship placement.

Table A.2 compares these samples according to characteristics of the child. These samples were very similar, with the only significant difference being that respondents' children were more likely to be of White British ethnic origin than the children of carers who did not respond. White British guardians were more likely to have responded to the survey (see Table A.3). Whether the child demonstrated social, emotional or behavioural difficulties varied between the groups by over ten percentage points, with the proportion amongst non-respondents being higher. However this difference was not statistically significant.

**Table A.2 - Respondent and non-respondent samples by child characteristics**

<b>Characteristic</b>	<b>Respondent Sample percentage</b>	<b>Non-respondent Sample percentage</b>	<b>P value, n=</b>
Male	51	53	p=.749, n=206
White British ethnic origin	66.5	46	p=.005, n=188
Under 5 at SGO	49	47	p=.749, n=206
Has any additional needs	25	15.5	p=.116, n=200
Has a learning disability	12.5	9.5	p=.507, n=200
Has a mental health problem	4	3	p=1.000, n=200
Has a physical/sensory disability	9.5	6.5	p=.442, n=200
Has a long term health condition	9.5	5	p=.289, n=200
Evidence of social, emotional or behavioural difficulties	47	59	p=.299, n=186
Evidence of attachment difficulties	27.5	23.5	p=.716, n=160
Evidence of developmental delay	30	23.5	p=.378, n=163

Table A.3 identifies three differences between the two groups of special guardians. In addition to differences in ethnic origin, respondents were likely to be older. Possibly associated with age, a higher proportion of grandparents responded, although this difference was not significant.

**Table A.3 - Respondent and non-respondent samples by special guardian characteristics**

Characteristic	Respondent cases (per cent)	Non-respondent cases (per cent)	P, N
Child's grandparent	52.5	40.5	p=.068, n=206
White British origin	76.5	53.5	p=.002, n=190
Aged over 50	44.5	31.3	p=.001, n=195

Table A.4 shows that there appeared to be few differences between the groups in terms of their placement characteristics. Special guardians who had other children living in the household appeared less likely to respond. These were likely to be younger carers who were reported above to have been less likely to have responded to the questionnaire.

**Table A.4 - Respondent and non-respondent samples by placement characteristics**

Characteristic	Respondent cases (per cent)	Non-respondent cases (per cent)	P, N
SGO with kin	88	94	p=.228, n= 206
Placed with siblings	34.5	37	p=.771, n=205
Living with other children	45.5	61.5	p=.024, n=202
Lived with carer before SGO	86.6	85.5	p=1.00, n=206
Very strong bond with carer at SGO	63.5	66	p=.713, n=203

Table A.5 presents comparisons in relation to the child's history prior to the SGO. Children in the respondent sample were significantly more likely to have experienced abuse or neglect in the past but, although not a significant difference, they were less likely to have been in care immediately before the SGO was made.

**Table A.5 - Respondent and non-respondent samples by child's history**

<b>Characteristic</b>	<b>Respondent cases (per cent)</b>	<b>Non-respondent cases (per cent)</b>	<b>P, N</b>
Child looked after immediately before SGO	69	79	p=.114, n=206
Evidence of abuse or neglect	74	49	p<.001, n=203
Child had failed reunion with parents	25.5	25	p=.1.00, n=130
Child had more than two placement moves prior to SGO	22.5	23.5	p=1.00, n=130
Child had one or more placement breakdowns	13.5	22	p=.246, n=128

There were no significant differences noted between the two groups in terms of outcome measures that we could test across the whole sample or in relation to post-order services received (see Table A.5).

**Table A.6 - Respondent and non-respondent samples by selected post-SGO variables**

<b>Characteristic</b>	<b>Respondent cases (per cent)</b>	<b>Non-respondent cases (per cent)</b>	<b>P, N</b>
LA less supportive of SGO	20.5	23	p=.773, 202
Things have gone very well for the child	71.5	62	p=.151, 190
Things have gone very well for the SG	64.5	58.5	p=.365, n=190
Very likely that SGO will provide permanency for child	73.5	72.5	p=.742, n=196
SG was 'very much' the right decision	70.5	73	p=.779, n=194
Social work involvement has ceased post SGO	81	71	p=.132, n=195
No child centred support received	62.5	62.5	p=.753, n=131
No guardian centred support received	12	17	p=.093, n=102

## A.3 Conclusion

The analysis undertaken in this appendix was designed to check for sampling bias arising from: (a) the selection of our seven local authorities and, from within them, our survey sample; (b) systematic differences between our respondent and non-respondent survey sub-samples.

In summary these data suggest that, on the whole, children in the study local authorities and survey sample share similar characteristics to SGO children in other local authorities in England. The principle difference between these samples was in relation to ethnic origin, with rather more minority ethnic children being represented in the study samples than would be expected amongst all looked after children receiving SGOs nationally. Other differences flowed from this. In addition, the seven survey authorities had rather more children who had first entered care with a need code of abuse or neglect. However, most importantly, these differences were not reflected in differences in outcome, with roughly similar proportions returning to care after an SGO breakdown.

Comparisons between our respondent and non-respondent survey samples produced more complex findings. First, the non-respondent sample contained within it more cases where SG placements had ended prematurely. Where this had occurred guardians had been more reluctant to complete questionnaires. Account was taken of this important difference in our analyses by only relating this outcome (stability) to variables that were available for the survey sample as a whole.

Further analyses for these sub-groups were undertaken only for cases that were intact at follow-up. For these children, differences were relatively few. Those in the respondent sample who returned questionnaires were less likely to be from minority ethnic backgrounds, were more likely to be older, with fewer other children in the household and their children were more likely to have experienced past abuse or neglect. In other respects they were broadly similar and there were no significant differences between the groups in relation to how the placement had turned out for the child.

Overall there are two major conclusions from these analyses. First, we have been limited in the range of variables we could relate to our key outcome of stability. There is, however, no reason to think that the associations with stability that we do report should not be found in other authorities. Second, our findings from data provided directly by guardians should be taken as applying to those children whose placements remain intact. As we have seen these are the great majority. With this caveat, we would expect these findings, too, to be applicable in the rest of England.



# Appendix B Exploring outcomes for children

## B.1 Introduction

Chapter 8 summarised findings that best predicted the progress and wellbeing of children in our survey sample over the follow-up of 3-6 years. Chapter 10 summarised findings on stability. This Appendix sets out the analysis that underpins the findings in those chapters.

This appendix is about ‘outcomes’, a key ‘primary’ outcome and also a number of secondary or subsidiary ones. Our aim is to understand which children seemed to do best and, as far as possible, why this was so. These issues are, of course, central to the research, and much that is covered here is also dealt with elsewhere in the main body of the report. In contrast to these other chapters, however, this appendix, while intended to be broadly intelligible, is written primarily for referees and for other researchers.

A possible concern for referees, in particular, is that such a large and complex body of data can be analysed in many different ways. Inevitably some analyses will show associations which are significant ‘by chance’. Chance findings and the temptation to select only interesting results can yield a very unreliable picture. To overcome this problem we have specified our hypotheses in advance and gone through the data in a rather mechanical way.

There are two other reasons that the appendix may interest other researchers. First, we have felt able to use some slightly more complicated analyses, presenting them in a way which we hope the ordinary reader can understand, but not shying away from them for fear of alienating our target audience. Second, we have indicated the analyses we made which were not significant but which may be relevant to other researchers when planning or reporting their studies.

## B.2 Outcomes

Our key outcome measure is a judgement on whether the placement had turned out well for the child. This was embodied in a four point rating made by a researcher who took into account similar judgements made separately by auditors and special guardians. The auditors’ judgements were based on case file evidence for 223 cases.<sup>184</sup> Special guardians answered the same question in all 116 questionnaires that were returned.

The final judgements made by the researcher followed two simple rules: a) where we only had evidence from the auditor or the special guardian, we accepted that judgement; b) where evidence was provided by both, we privileged the response from the special guardian unless clear written evidence was provided by the auditor that led to a different rating. In these cases, the auditor’s judgement was accepted. As a check on the reliability of these researcher judgements, a second member of the team assessed separately a random sample of these cases and their ratings were correlated with those already made.<sup>185</sup> Only one case was rated differently.

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<sup>184</sup> Insufficient evidence was recorded on file in seven cases for a satisfactory judgement to be reached.

<sup>185</sup> Kendall’s tau-b:  $p < .001$ , value .982, standard error .016,  $t$  4.565.

Table B.1 gives the distribution for this overall outcome. As can be seen we judged that in about six out of ten cases the outcome was as good as could possibly be expected. About one in ten had clearly turned out badly and the remaining three in ten had gone reasonably well.

**Table B.1 - Outcome: How well things had gone for the child over the follow-up period**

	Per cent	Number
Very well	59	132
Quite well	31	69
Not very well	4.5	10
Not at all well	5.5	12

Further measures addressed the following questions: a) whether in the light of known circumstances the decision to make an SGO was the right one; and b) whether it fulfilled its purpose of providing a stable home in which the child could grow up. As might be expected, children who scored highly on our going well measure also tended to score well on these other two (Tau B=.696 (right decision) and Tau B=.595 (purpose fulfilled)

It would, of course, be hoped that children where our main outcome was good would do well at school and in other ways. For this reason we also looked at four secondary outcomes:

- Whether the child was still in placement (stability measure);
- Was well integrated into the family (family integration scale);
- Had developed a positive emotional tie with at least one adult (adult ties);
- Was functioning well at school and in their social relationships (development and wellbeing scale).<sup>186</sup>

We also looked at whether the special guardian appeared to be coping without undue strain as measured both by a standardised measure (the GHQ score) and by our 'bespoke' measure looking at the impact of the SGO on different aspects of the special guardian's life.<sup>187</sup>

Table B.2 gives the correlations between our main outcome and our secondary ones. Two secondary outcomes – Stability and Family Integration – have medium sized correlations with our overall judgement of how well things have gone for the child. Contrary to what we had expected, the rest do not.

<sup>186</sup> The composition of the family integration and child development/wellbeing scales were described in Chapter 8). These two measures (and 'ties') were only available for a reduced sample where guardians had completed a questionnaire (maximum 116). Stability was available for the full sample (n=230) at follow-up or at last known point of contact with local authority.

<sup>187</sup> The carer strain scale combined a number of components, including adequacy of housing, financial strain, employment opportunities, lack of leisure time, feeling tired and presence of strain on family relationships. The GHQ-12 is a standardised measure of mental wellbeing and was introduced in Chapter 8.

**Table B.2 - Correlations of main and secondary outcomes**

Secondary outcomes	Main outcome (How well the placement had gone for the child)		
	Number	Coefficient	Significance
Stability (still resident at follow-up)	223	.471	<.001**
Family integration scale	105	.348	<.001**
Child development and wellbeing scale	102	-.131	.408
Has close ties	102	.069	.673
Carer strain scale	112	-.131	.102

Correlations are Kendall's Tau-B

Clearly the judgement that things have gone well for the child is at least partly based on the aspiration that an SGO should be permanent in the sense that the child is accepted into her or his new family and the placement lasts. By contrast, the existence of close ties with at least one adult, the child's developmental progress and the strain on the carer counted less in forming this judgement and were not significantly associated with our key outcome. The question of whether a child succeeds on these measures therefore needs to be separated from that of whether the placement fulfils its primary purpose of providing a permanent home.<sup>188</sup>

Table B.3 gives the associations of our secondary outcomes with each other. As might be expected, the positive outcomes are associated positively with each other and negatively with strain on the carer. The correlations are, however, small. Stability is not significantly associated with any other secondary outcome.<sup>189</sup> Our measure of 'close ties' is only significantly associated with the measure of progress and even so at a very low level. Child progress, Family integration and the Strain on the Carer are significantly associated with each other, but the associations are not at all strong.

<sup>188</sup> The correlations in Table B.2 are affected by the nature of our sample. As seen later, the vast majority of those for whom we had guardian questionnaires were still in their SGO placement. For most of those who were no longer in placement, no questionnaire was returned. All but the stability variable depended for their measurement on the presence of a guardian questionnaire. It is highly likely that had we been able to measure strain, ties and progress for those who were not in placement we would have found these significantly correlated with our main outcome. That said, it remains the case that in the guardian sample they were not correlated with our main outcome and the mechanisms for achieving them therefore need to be considered separately.

<sup>189</sup> It was rare for a guardian to answer the questionnaire when the child was no longer with them and when they did so the child was almost invariably over 18 (see section on Stability later in this appendix).

**Table B.3 - Inter-correlations of secondary outcomes**

	<b>Stability</b>	<b>Family integration</b>	<b>Close ties</b>	<b>Development scale</b>	<b>Carer strain</b>
Stability		<i>t</i> .171 p .057	<i>t</i> .135 p .172	<i>t</i> .153 p .068	<i>t</i> -.138 p .086
Family integration	<i>t</i> .171 p .057		<i>t</i> .093 p .327	<i>t</i> .250 p .002	<i>t</i> -.259 p .001
Close ties	<i>t</i> .135 p .172	<i>t</i> .093 p .327		<i>t</i> .178 p .035	<i>t</i> -.034 p .692
Development scale	<i>t</i> .153 p .068	<i>t</i> .250 p .002	<i>t</i> .178 p .035		<i>t</i> -.175 p .016

Correlations are Kendall's Tau-B

On these data the achievement of one secondary outcome does little to guarantee the achievement of the others. Separate explanations are therefore required for each of our secondary outcomes and also for our main outcome, to which, by contrast, two of the secondary outcomes (stability and family integration) do make important contributions.

## **B.2.1 Explaining outcomes**

Our approach is to examine each outcome separately but in the same way.

We begin by looking at the relationship between the outcome and a standard set of basic variables:

- Sex of child.
- Ethnic origin of child.
- Whether child has a special need (disability or long-term health condition).
- Whether child has been 'in care'.
- Whether special guardian is related to child and if so how.
- Whether special guardian's ethnic origin is matched with that of child.
- Whether special guardian has a partner.

These are what we might call 'housekeeping variables'. We saw them as key to the description of the sample but had no hypotheses about their relationships with outcomes. We do report significant associations, which need to be regarded with caution given the number of tests. We summarise the results of all the tests at the end of the Appendix.

We next tested the association between each outcome and four groups of variables which could be measured in this study and which research in fostering and adoption has suggested should be related to 'positive' or 'negative' outcomes. These were:

- Age (age at SGO and being aged 12 or over at follow-up)<sup>190</sup>.
- The existence of a strong bond between special guardian and child at the time the SGO was made<sup>191</sup>.
- Being challenging (as measured by a rating of Emotional and Behavioural Difficulties and by the total score on the SDQ)<sup>192</sup>.
- Being a grandparent.<sup>193</sup>

We used these variables to build an ‘explanatory model’ of our primary and each secondary outcome, one which would predict the outcomes we would expect for any given child. After building this ‘model’ we tried to improve it by adding all or any of three variables - the special guardian’s reported experience of preparation, the provision of post-order services, or the existence and frequency of contact with birth parents. We did this because we thought that these were avenues whereby the local authorities could seek to improve outcomes. So it was important to see whether children who were, for example, visited by their birth mothers, had better or worse outcomes than would be expected from the other information we had about them.

A rather different question concerned the ability of the local authority to predict the outcome of the SGO. For this purpose we looked at the bivariate relationship between the outcome in question and the degree to which the authority supported the original SGO application. We tested this association for all outcomes but have only reported it when it was significant.

### B.3 Stability

Ninety per cent (206 out of 230) of the children were still in the same placement when we followed them up. Seven of the 24 no longer with their special guardians were aged 18 or over and so may well have moved on simply as a result of growing older. The others probably moved for less

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<sup>190</sup> Older children entering care or adoption tend to have less stable careers than younger ones (Sinclair, I., Baker, C., Wilson, K. and Gibbs, I. (2005a) *Foster Children. Where They Go and How They Get On*, London, Jessica Kingsley Publishers, Sinclair, I., Wilson, K. and Gibbs, I. (2005b) *Foster Placements. Why They Succeed and Why They Fail*, London, Jessica Kingsley Publishers, Sinclair, I., Baker, C., Lee, J. and Gibbs, I. (2007) *The Pursuit of Permanence A Study of the English Care System*, London, Jessica Kingsley Publishers, Quinton, D. and Selwyn, J. (2009a) 'Adoption as a solution to intractable parenting problems: Evidence from two English studies', *Children and Youth Services Review*, **31**, pp. 1119-1126, Biehal, N., Ellison, S., Sinclair, I. and Baker, C. (2010) *Belonging and Permanence: Outcomes in Long-Term Foster Care and Adoption.*, London, BAAF.

<sup>191</sup> There is statistical evidence that placements where the carer rejects the child tend to do badly [Beek and Schofield, Beek, M. and Schofield, G. (2004) *Providing a Secure Base in Long-term Foster Care.*, London, BAAF.; Biehal *et al.* 2010]. By contrast foster children often talk of the key importance of their carers commitment to them [Schofield, G., Beek, M. and Ward, E. (2012) 'Part of the family: care planning for permanence in foster care', *Children and Youth Services Review*, **34**, pp. 244-253.; Sinclair *et al.*, 2005b] - and this commitment may be apparent even when the foster children are very young [Green, B., Kaltman, B.L., Chung, J.Y., Glennie, M., Jackson, S. and Dozier, M. (2012) 'Attachment and health care experiences among low-income women with trauma histories: A qualitative study', *Journal of Trauma and Dissociation.*] The recognition of mutual commitment seems to be a key part in successful decisions over permanence in fostering [Beek and Schofield, 2004], while rejection of fostering or even ‘care’ on the part of the child is a predictor of placement failure (Sinclair *et al.*, 2005b, Sinclair *et al.*, 2007).

<sup>192</sup> See, for example, Quinton and Selwyn, (2009), Biehal *et al.*, (2010), Sinclair *et al.* (2005a, 2005b, 2007).

<sup>193</sup> Harwin, J., Owen, M., Locke, R. and Forrester, D. (2003) *Making Care Orders Work: A Study of Care Plans and Their Implementation*, London, The Stationery Office. Farmer, E. and Moyers, S. (2008) *Kinship Care: Fostering Effective Family and Friends Placements.*, London, Jessica Kingsley Publishers. Hunt, J., Waterhouse, S. and Lutman, E. (2008) *Keeping them in the family: Outcomes for children placed in kinship care through care proceedings.*, London, BAAF..

desirable reasons and the association between movement and a negative rating on our main outcome was very strong (see Table B.4, which is restricted to those aged less than 18).

**Table B.4 - Whether Child still living with Special guardian by main outcome**

Is child still resident at follow-up?	Main outcome: how well things had gone for child in placement (number)				Total
	Not at all well	Not very well	Quite well	Very well	
Yes	0	5	58	114	177
No	11	5	1	0	17
Total	11	10	59	114	194

Kendall's tau-b:  $t .52$ ,  $p < .001$

It turned out that the relationship between being in the same placement and the main outcome was similar but less strong among the small group who were over 18 at follow-up ( $t .34$ ,  $p = .1$ ). Nevertheless it seemed safer to restrict further analysis of what we called 'stability' to those under 18, and this is done for the rest of this section.<sup>194</sup>

Table B.5 shows key variables associated with whether children (under 18) were still resident or not with their Special Guardianship family at follow-up. None of the basic descriptive variables outlined earlier were significantly related to stability. There was, however, a strong relationship with three of the variables we predicted would have an impact. Children who were older, had emotional or behavioural difficulties and/or had a weak bond with their special guardian before the SGO was made were all less likely to be still in their placement at follow-up.<sup>195</sup>

**Table B.5 - Selected characteristics by whether child still with Special Guardian at follow-up**

		With special guardian (%)	Not with special guardian (%)	Sig (number)
Aged 12 or over	Yes	81	19	$p = .001$ , $n = 199$
	No	96	4	
Child has emotional/behavioural difficulties	Yes (very much so)	67	33	$p = .001$ , $n = 176$
	Yes (some degree)	94	6	
	No	96	4	
Strong initial bond with carer	Yes	96	4	$p = .01$ , $n = 195$
	No	86	14	

<sup>194</sup> It might seem that we ought to take account of length of follow-up on the grounds that the greater the period over which the child could leave the placement the greater the chance that he or she would do so. In this sample, however, there was no evidence that length of follow-up was related to our measure of stability.

<sup>195</sup> The predicted relationship with being a grandparent was not found.

We tested the ability of these variables to predict instability when they were entered together into a logistic equation.<sup>196</sup> Being a teenager was by far the most important predictor. Its ability to predict was increased by adding information on whether a child had more serious emotional or behavioural difficulties and by adding information on whether the child had a strong bond with their carer at the time of the SGO. The addition of information on the bond gave the greatest improvement and once this was done the addition of information on emotional/behavioural difficulties did not add significantly to the prediction (see Table B.6).<sup>197</sup>

**Table B.6 - Predictors of stability**

	<b>B</b>	<b>S.E.</b>	<b>Wald</b>	<b>df</b>	<b>Sig</b>	<b>Exp(b)</b>
Aged 12 or over	-2.334	.636	10.813	1	.001	.098
Bond	1.362	.707	4.594	1	.032	3.905
Constant	3.086	.609	25.684	1	.000	21.892

The association between age and instability almost certainly reflects two rather different effects. First, older children are much more likely than younger ones to be able to 'break' placements where they are unhappy. Second, older children in this sample have almost always received their SGO later than younger ones and as with late adoption or late entry into foster care these late entrants are more likely to be 'challenging' (Sinclair *et al.*, 2007). So 'being over 12' in this equation probably draws its influence from the greater assertiveness and 'stoppiness' of teenagers and the disturbed behaviour characteristics of those who have been removed late from their birth families. The existence of a strong bond with the future guardian has an independent and positive effect.<sup>198</sup>

In analysing these data we were not able to use information that was only supplied by the guardians. This was because the guardians hardly ever returned questionnaires on children who were not living with them. We were, however, able to look at whether stability was related to the number of services received, about which information was collected for the full sample. We

<sup>196</sup> These estimate the effect of a combination of variables on the chance of a given outcome (strictly speaking the log of the odds from which the chance can be derived). Those not familiar with tables of this kind might find it easiest to look first at the sign under the column headed B. This gives the direction of the association (e.g. a minus sign against 'teen' suggests that after taking account of the other variables age decreases the chance that a child's placement will last). They might next look at the numbers under 'Sig' which give the likelihood that an association of this size would be found in a sample when the actual association in the underlying population was zero.

<sup>197</sup> It might be expected that the earlier the SGO the more time there would be for the child to leave the home and therefore the greater the likelihood that the child would be not there at follow-up. Curiously the addition of information on the length of follow-up added nothing to the efficiency of this prediction and we have therefore not allowed for time at risk.

<sup>198</sup> In this sample the correlation between age at receipt of SGO and being 12 or over at follow-up is very highly significant (Tau b=.675, p<.001) as are the correlations between age at SGO and SEBD (Tau B=.25, p<.001) and being 12 or over (Tau B=.236, p<.001). We discuss these findings again at the end of the Appendix

counted only those services which seemed designed to benefit the child and included therapeutic services, services designed to improve behaviour and support for education.<sup>199</sup> As has been found in other research,<sup>200</sup> the greater the number of services received the worse the apparent outcome (see Table B.7).

**Table B.7 - Number of services to child by whether child still with Special Guardian at follow-up**

Number of services to child	Child still resident		Total number
	Yes (per cent)	No (per cent)	
None	100	0	61
One	92	8	72
Two	93	7	30
Three	83	17	24
Four	58	42	12
Total number			199

Correlations are Kendall's Tau-B: .25,  $p < .001$ .

This did not, of course, mean that the services were producing this outcome but rather that they were commonly given in response to difficulties which they failed to arrest. The association between instability and receipt of services remained highly significant even after we had taken account of the variables in Table B.6.<sup>201</sup> We could not test the associations with preparation and contact with birth mother since these were only asked in the survey of special guardians. We did, however, find that the more qualified the local authority's endorsement of the SGO the greater the chance that the child would not be in the placement at follow-up. This suggests that local authorities do have information at their disposal at that stage that is pertinent to how well the placement turns out.

## B.4 Family integration

Most foster children want to be a proper part of their foster family and resent it if they feel they are the odd one out (Sinclair *et al.*, 2005a, 2005b). The same would be expected to be true of children in Special Guardianship families and, indeed, one of the advantages of Special Guardianship should be that the new family will have gone out of its way to 'claim' the child without cutting her or

<sup>199</sup> The full list was continuing social work contact, services for behaviour, therapeutic services, services for education. The list is inevitably rather arbitrary (e.g. it does not include support for contact) but similar results are obtained however the list is defined.

<sup>200</sup> E.g. Sinclair *et al.* 2005b.

<sup>201</sup>  $p = .005$

him off from their family of origin. For these reasons, and as already described in Chapter 8, we measured the degree to which children were integrated into their Special Guardianship families.<sup>202</sup>

The family integration score was available on 105 children, 46 (44 per cent) of whom had a maximum score of 12. A further 45 (43 per cent) scored 10 or 11. Only 14 scored less than this. As we have already seen, the higher the score the more likely the children were to score highly on our main outcome score, rating how well things were thought to have gone for the child overall in the placement.

We used Kruskal-Wallis tests to test the associations between family integration and our standard list of eight variables. Three of these associations were significant: the type of relationship between guardian and child ( $p=.01$ ), whether the child had a 'special need' ( $p=.009$ ) and the ethnic origin of the child ( $p<.05$ )<sup>203</sup>.

Table B.8 gives the average rank on the family integration score by relationship of the special guardian to the child. In this table a high mean rank means that the score is usually high and the differences are significant ( $p<.01$ , on Kruskal-Wallis). As can be seen, the highest rank was given to grandparents and there is some evidence that the relationship between them and the children in kinship foster care may be unusually close. It is therefore not unreasonable to think that this is a real association. The low ranking given to aunts and uncles is perhaps even more striking and this too has been found before (Harwin *et al.*, 2003; Farmer and Moyers, 2008; Hunt *et al.*, 2008).

**Table B.8 - Level of Family Integration by Relationship to Child**

Special guardian's relationship to child	Family integration measure	
	Number	Mean rank
Grandparent	53	60.66
Aunt or uncle	23	35.89
Other relative	15	54.27
Former unrelated foster carer	11	55.23
Other person	3	34.33
Total	105	

<sup>202</sup> The Family Integration score was only available for a reduced sample for which questionnaires had been returned by special guardians. The measure summed key variables that rated how easy the child was to care for, the extent to which they felt part of the family, trusted the carer, felt cared for, confided and felt encouraged (see Chapter 8, Table 8.2 for further details).

<sup>203</sup> We originally did these analyses using a shorter version of the family integration measure based on five questions. We used this score because it had rather better reliability and the omitted question which related to talking about personal issues did not correlate as highly with the others. We later substituted the longer score in order to achieve comparability with other studies that have used the six question version (Sinclair *et al.*, 2005b; Biehal *et al.*, 2010). It was, however, interesting that there was a significant association between the ethnic match between carer and child and the 5 question score ( $p=.03$ ), with ethnically matched children feeling more integrated. The association with the 6 question score was similar but not significant ( $p=.068$ ). It makes sense to feel that children find it harder to integrate with families who are ethnically different from them, even though they may be related. In addition, there are case examples where this clearly happens (e.g. Sinclair *et al.*, 2005b). We therefore suggest that this issue of ethnic matching is examined in other related research projects when opportunity arises.

Three of our six standard ‘predictor’ variables had medium sized associations (Tau B > .25) with family integration. These were having a grandparent as a special guardian ( $p=.01$ ), the degree of the child’s emotional and behavioural difficulties ( $p<.001$ ) and the SDQ ( $p<.001$ )<sup>204</sup>.

When taken together only one of these variables, the SDQ score, contributed significantly to the prediction of family integration<sup>205</sup>. The EBD and GHQ score were strongly related and we did not enter them together. Once we had taken account of the SDQ, neither being a grandparent nor the presence of a special need added to the strength of our prediction.

We added four further hypotheses to our standard set. These related to the effect of other children and of support from the immediate family:

- The greater the number of other children in the family the less integrated the child;
- Children who have siblings placed elsewhere would be less integrated;
- Children placed as part of a sibling group would be more integrated;
- Children in families where the special guardian perceives a high level of support from the immediate family will be more integrated.

All the hypotheses are derived from research on adoption and foster care (Rushton *et al.*, 2001; Sinclair *et al.*, 2005a; Sinclair *et al.*, 2005b) and we used our ‘predictive model’ to see whether they were supported after we had taken account of the SDQ score. As can be seen from Table B.9, the only hypothesis to survive this test was that support from the immediate family would increase family integration.

As a final step we looked at the apparent effect of the variables that we felt could be influenced by the local authority – maternal visiting, preparation of the carer and the provision of services to the child. We added these to our model, eliminating those which made no significant contribution to predicting family integration. Table B.9 sets out our final model.

**Table B.9 - Model predicting family integration**

	<b>B</b>	<b>S.E.</b>	<b>Wald</b>	<b>df</b>	<b>Sig</b>	<b>Exp(b)</b>
Support from immediate family	1.228	.586	4.386	1	.036	3.415
SDQ score	-.172	.053	10.778	1	.001	.842
Frequency of birth mother contact	-.857	.298	8.293	1	.004	.424
Preparation score	.198	.095	4.296	1	.038	1.218
Constant	-.801	1.329	.363	1	.547	.449

<sup>204</sup> On average those scoring 12 were well within the normal range (mean=7.06), those scoring 11 or 10 did less well but were still on average within the normal range (mean=12.19), while those scoring 9 or less were well into the clinical range (mean=21.47)

<sup>205</sup> For this analysis we used logistic regression, dividing the sample into two, those who scored 12 on the family integration measure and those who scored less.

Two of the variables in Table B.9 – support from the birth family and the SDQ score – may be hard to influence. Authorities can, however, influence the visiting of birth parents and improve the preparation they give to foster carers. The finding on the latter is interesting, although not conclusive. We measured it through questions to guardians who were, perhaps, unlikely to feel that they had been well prepared if the placement had not turned out well. Nevertheless the finding is encouraging and supports what in any case would normally be taken to be good practice.

The findings on frequency of contact with birth mother did seem to be important. This variable was negatively related to family integration after (but not before) account was taken of the other variables in Table B.9. This suggests that contact with birth mother makes children less likely to feel integrated within their family, an association disguised by the fact that contact tends to be more common in easier situations. This would be an unsafe conclusion, given the modest level of significance, but it does fit with other evidence. Special guardians were asked whether the child ever talked to them about going to live with their birth mother and the likelihood of this increased significantly with the frequency of maternal visiting (Tau-b=.327,  $p=.001$ ). And the more often they talked of going home to their mothers the lower the degree of integration reported, although the association was not significant ( $p=.068$ ).

Even if further research showed that maternal visiting lowers commitment to the placement, it would not follow that it should necessarily be reduced. The guardians valued contact when it occurred – indeed the more frequent the contact the more beneficial for the child the special guardians saw it as being (Tau-b=.396,  $p<.001$ ). So it is possible that frequent contact is ‘good for the child’ but also lessens their commitment to the placement. Hence perhaps there is a potential conflict between two things that are potentially good for the child but can conflict. We discuss this further in the conclusion.

## B.5 Emotional ties

Our third secondary outcome was a rating by the special guardian of the child’s emotional ties to at least one adult. A key potential advantage of Special Guardianship is that it can build on a child’s existing relationships and it seemed important to test whether this advantage was achieved.

This measure was again highly skewed and we dichotomised it between the 70 children who were given the best rating and the 33 who were given something less than this. Our analysis essentially repeated the one we have described for Family Integration with the exception that we substituted ties as the outcome variable and did not look at the possible effects of numbers of children or support from immediate family.

The results are easily described. Children were more likely to be seen as having relatively weak emotional ties if they were older at follow-up and at the time of the SGO and if they were rated as having more serious emotional and behavioural problems.<sup>206</sup> Taken by itself, this variable was not associated with any of our key descriptors, any of the variables so far associated with other

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<sup>206</sup> All associations are significant at .05 when their strength is measured by Kendall’s Tau-b.

secondary outcomes, or with the preparation of the special guardian, services received or contact with birth parents.

It was particularly surprising that children with relatively weak ties were not significantly more likely to have weaker bonds with the special guardian at the time of the SGO. The explanation seemed to relate to age. Children who were older at the time of the SGO were more likely to be seen as having strong bonds with their future guardian at that time. This probably reflects selection. Older children were only considered for Special Guardianship if they had bonded with their potential guardian. Older children, however, are also more likely to have come into care later and at a time when their capacity to attach may have reduced. Arguably because of this older children were also likely to be seen as having weak ties at follow-up. At any given age at the time of the SGO those with a strong bond were more likely to have strong ties later.

Table B.10 gives the best combination of predictors we could find of strong emotional ties at follow-up.<sup>207</sup> Children who were relatively young at the time of the SGO and also had a stronger bond at that time with their special guardian tended to do best on this measure.

**Table B.10 - Predictors of emotional ties**

	<b>B</b>	<b>S.E.</b>	<b>Wald</b>	<b>df</b>	<b>Sig</b>	<b>Exp(b)</b>
Age at SGO	-.185	.057	10.374	1	.001	.831
Bond	1.101	.522	4.453	1	.035	3.006
Constant	1.325	.441	9.013	1	.003	3.762

## **B.6 Social and educational progress**

Our fourth secondary outcome was the measure of the child’s development and wellbeing. The development and wellbeing scale has already been described in Chapter 8 and, as we saw earlier, it is significantly associated with Family Integration, emotional ties and (negatively) with carer strain. Males tended to score worse on this measure as, for obvious reasons, did those who had special educational needs. Otherwise it did not vary significantly by any of our standard descriptive variables.

This scale contains a measure of emotional and behavioural difficulties and very nearly half the variation in it is accounted for by its association with the total SDQ score ( $r = -.69, p < .001$ ). Table B.11 shows that only two variables out of the set we have been considering – the child’s sex and their age at the SGO – added significantly to the ability of the SDQ to predict this progress measure.<sup>208</sup> Our three ‘intervention variables’ - the degree of preparation, the provision of services to the child, and the existence and frequency of contact with birth parents – did not significantly improve the ability of this model to predict the outcome.

<sup>207</sup> Table B.10 gives the results of a logistic regression with Ties as the dependent variable.

<sup>208</sup> Table B.11 reports a linear regression with the development score as dependent variable.

**Table B.11 - Predictors of the development and wellbeing score**

	<b>B</b>	<b>S.E.</b>	<b>Beta</b>	<b>t</b>	<b>Sig</b>
Constant	21.821	1.229	-.648	17.758	.000
SDQ score	-.334	.040	.166	-8.256	.000
Being female	1.318	.620	-.155	2.126	.037
Age st SGO	-.190	.095	-.648	-2.012	.048

## **B.7 Strain on special guardians**

Our last secondary outcome explores factors associated with greater or lesser Carer Strain. As already described, we measured this in two ways, through the widely used General Health Questionnaire-12, a standardised self-report measure of mental wellbeing (Goldberg and Williams, 1988; Goldberg *et al.*, 1997) and through a bespoke 'strain score' (see Chapter 8, Table 8.5 for further details).

A number of variables were associated with Carer Strain at a bivariate level. Greater strain was more likely where children had:

- Higher SDQ scores ( $p < .001$ ).
- Lower scores for family integration ( $p = .001$ ) and for developmental progress ( $p = .013$ ). However, once SDQ scores were taken into account, these ceased to have significance.
- To a lesser extent, where the bond between child and guardian was less strong at the time of the SGO ( $p = .069$ ).

Strain was also more likely where:

- The local authority had been less than highly supportive of the original SGO application ( $p = .007$ ).
- And where guardians felt they had not been well prepared for the task ( $P < .001$ ).

However, the final model identified just three of these variables to be predictive of greater carer strain (see Table B.12). Clearly, where guardians were coping with the challenging or disturbed behaviour of children in their care they were much more likely to be experiencing greater stress. The other two factors once again point to areas where the local authority can make a substantive difference. Guardians were reportedly experiencing less strain where the local authority had been highly supportive of the original application. There was, therefore, evidence that the local authority could predict difficulties for the carer and that the more reservations they expressed about the order the more likely it was that the carer would be under strain. In addition, provision of good preparation packages may (with caveats expressed earlier) help to improve outcomes and thereby reduce the strains experienced by guardians.

Further analysis suggested that the impact of the SDQ score on strain is no longer apparent if account is taken of its association with family integration.<sup>209</sup> This in turn suggests that the impact of a high level of disturbance on this outcome may depend on the reaction of other family members to it.<sup>210</sup>

**Table B.12 - Predictors of carer strain score**

	<b>B</b>	<b>S.E.</b>	<b>Beta</b>	<b>t</b>	<b>Sig</b>
Constant	5.536	1.010		5.481	.000
SDQ score	.121	.040	.305	3.008	.004
Carer preparation score	-.204	.091	-.239	-2.239	.028
Local authority support for SGO	-1.578	.769	-.214	-2.051	.044

## **B.8 Main outcome**

Our final task was to create a model ‘explaining’ our main outcome variable: how things had gone for the child in placement. In practice we needed two models, one applicable to the whole sample and one for the sub-sample which included information from the special guardians as well as the auditors.

In the sample as a whole, none of our standard descriptive variables were significantly related to the main outcome. Two variables, having a strong bond and having emotional and behavioural difficulties proved to be the best, indeed the only, significant combination of predictors of outcome (see Table B.13 for which the outcome has been dichotomised into those with best rating and the remainder). So the children who did best on our measure were those who were not seen as having more serious emotional or behavioural problems and who already had a strong bond with the special guardian at the time of the SGO.

<sup>209</sup>We applied the model in Table B.12 to cases for which we had information on family integration and then reran the analysis after adding in the family integration variable. Neither family integration nor the SDQ score were significant in the resulting model. However, the family integration variable was highly significant if the SDQ score was removed from the equation. The interpretation of these results depends on how the relationship between the SDQ and family integration is seen (e.g. if one causes the other or the influence runs both ways).

<sup>210</sup> There is evidence that the impact of SDQ on the breakdown of foster placements is mediated by the reaction of the main carer to the disturbed behaviour. In one study the higher the SDQ score the more likely it was that the carer would reject the foster child and that the placement would break down in future. Carers who did not react to a high SDQ score with rejection were no more likely than carers dealing with low SDQ children to experience breakdowns (Sinclair and Wilson, 2003).

**Table B.13 - Predictors of how well the placement had gone for the child overall**

	<b>B</b>	<b>S.E.</b>	<b>Wald</b>	<b>df</b>	<b>Sig</b>	<b>Exp(b)</b>
Strength of bond with carer at SGO	1.871	.332	31.817	1	.000	6.492
Score for emotional/behavioural difficulties	-.530	.242	4.797	1	.029	.588
Constant	.005	.455	.000	1	.991	1.005

As usual we tested the effect of adding information on the number of services which were specifically targeted at the child. As might be expected these were strongly and negatively associated with our outcome. Neither the preparation score<sup>211</sup> nor contact with birth parents appeared to have any affect.

Table B.14 gives our predictors for the sub-sample of special guardians who returned questionnaires. As can be seen, this too depended on the strength of the bond at the time of the SGO and the degree of emotional and behavioural disturbance in the young person, although this time measured by the SDQ total score which was available for this sample.

**Table B.14 - Predictors of main outcome for special guardians sub-sample**

	<b>B</b>	<b>S.E.</b>	<b>Wald</b>	<b>df</b>	<b>Sig</b>	<b>Exp(b)</b>
Strength of bond with carer at SGO	1.853	.506	13.424	1	.000	6.378
Score for emotional/behavioural difficulties	-.092	.034	7.289	1	.007	.912
Constant	.586	.506	1.339	1	.247	1.796

## **B.9 Summary**

Table B.15 summarises the results of the descriptive analyses. There are 56 of them, nine are significant but these associations were not predicted and two to three would be expected to be significant simply by chance. It is hard to know how much weight to put on them.

<sup>211</sup> This was after allowing for the bond and SDQ. The bivariate association between preparation and main outcome is significant.

**Table B.15 - Analyses of basic descriptors by primary and secondary outcomes**

	<b>Main outcome</b>	<b>Stability</b>	<b>Family integration</b>	<b>Close adult tie</b>	<b>Social progress</b>	<b>Carer strain</b>	<b>GHQ score</b>
Been 'in care'	ns	ns	ns	ns	ns	ns	ns
Being female	ns	ns	ns	ns	Positive P<.05	ns	ns
Child ethnicity	ns	ns	P<.05	ns	ns	ns	ns
Special need	ns	ns	ns	ns	ns	ns	ns
SG is lone carer	ns	ns	Negative p<.05	ns	Negative p<.001	ns	ns
SG relationship to child	ns	ns	ns	ns	ns	ns	ns
Ethnically matched	ns	ns	P<.01	ns	ns	P<.05	P<.05

Table B.16 identifies the significant bivariate associations between our key predictors and the various outcomes

**Table B.16 - Significant associations between key predictors and outcomes**

	<b>Main outcome</b>	<b>Stability</b>	<b>Family integration</b>	<b>Close adult tie</b>	<b>Social progress</b>	<b>Carer strain</b>	<b>GHQ score</b>
Bond	yes	no	no	no	no	Yes	no
EBD	no	Yes	yes	yes	yes	yes	yes
SDQ	yes	NA	yes	no	yes	yes	yes
Grandparent	no	No	Yes	no	no	yes	no
Teen	No	yes	no	yes	yes	no	no
Age at SGO	No	yes	no	yes	yes	no	no

Table B.17 summarises the main models, including the independent variables, which were not part of our predictive set but which we included for one reason or another.

**Table B.17 - Main models: Direction of apparent impact of independent variables**

	Stability	Family integration	Close adult tie	Social progress	Carer strain	Main outcome
Age at SGO			Bad	Bad		
Aged 12 or over	Bad					
Bond	Good		Good			Good
EBD	(Bad) <sup>2</sup>					Bad
Total SDQ score		Bad		Bad	Bad	(Bad) <sup>3</sup>
Grandparent carer						
Child female				Good		
Immediate family support		Good				
Contact frequency with birth mother		Bad				
Services for child	Bad					Bad
Preparation score		Good			Good	

Model applies to those under 18 and does not use variables from carer questionnaire, (2): EBD is significant if Bond is omitted from the equation and vice-versa. (3): The SDQ is the variable entered in preference to EBD but this is only possible for the sample with Guardian questionnaires.

## **B.10 Discussion of main findings**

The key variables in Table B.17 relate to age, the relationship between guardian and child at the time of the order, and the emotional and behavioural disturbance of the child.

Age features in three of the models but the mechanisms involved are probably rather different. We used 'over 12' rather than 'age at SGO' to predict stability since other studies have found that being a teenager is almost (not quite) a necessary condition of having a placement disruption. Moreover the likelihood of a disruption does not increase steadily with age – disruptions are, for example, highly unlikely among babies and among those aged four or five. It is generally only when a child reaches teenage years that they acquire the power to vote with their feet, more or less forcing a breakdown by their behaviour or simply moving out to live on their own or with people they choose. It would seem that a similar process applies here.

In the case of adult ties and educational and social development the problem is almost certainly that the older the children are at the time they enter their SGO the more likely they are to have fallen behind socially and educationally and to have reached a stage where they have difficulty in attaching to anybody.<sup>212</sup> Some evidence that this is so comes from the fact that length of follow-up (which, as expected, is weakly correlated with age) is not associated with either of these outcomes. So it is likely that those children who are relatively old at the time of the SGO start off from a poor position and end up in a similar one. And this suggests that SGOs that are made early in a child's care career are more likely to succeed.

The presence of a pre-existing bond seems to be a crucial determinant of our main outcome. It is correlated at a bivariate level with the strain on the guardian. It features in the models for ties and stability. The existence of such a bond is surely a key reason for considering Special Guardianship rather than stranger adoption. As such it is a gift from which children's services may profit but which they will find hard to create. In this context it is important that when all has been taken into account what seems to matter is the relationship rather than whether it arises through kinship or long acquaintance. Thus authorities who make little use of SGOs other than for kin placements may do well to reconsider this policy. At the same time, however, there may be a need for caution in making SGOs in cases where the bond has not been tested by a prior fostering arrangement. In these cases the 'downsides' of an SGO (the lack of a right to certain kinds of support, for example) may outweigh the advantages. And if all goes well, an SGO can always be made at a later date. So for all these reasons our findings reinforce the crucial importance of a proper assessment of the bond between potential guardian and child, and of the need to allow opportunities to observe and test it.

If it is important to pay attention to the bond with the SG, it is equally important to be mindful of the role of the birth parents. In this study frequent contact with the birth mother was seen by the guardians as beneficial (arguably they found ways of limiting contact where they did not approve of it). At the same time frequent contact with the birth mother appeared to reduce or at least be associated with a lower degree of integration into the guardian's family. All children in family placements have to struggle with the potential conflict of loyalties and with the need to accept that past wrongs may not be righted and some of their family's problems are unlikely to be resolved. Arguably the successful resolution of this problem is crucial to the success of both foster care and SGOs. It is not, however, an easy problem, and it would seem important that guardians and social workers are aware of it, and that ways are found of helping children resolve it. It is a potential strength of SGOs that they enable the child to get the best of both worlds - a secure base with their guardian and a continuing relationship with their families - the danger is that they get the worst.

The two variables relating to disturbance (EBD and GHQ) are so highly correlated that only one of them can be safely used at any one time. Despite this one or other of these variables features in all the models explaining outcomes except the one for emotional ties. A potential problem with these measures is that the GHQ is measured at follow-up while the EBD measure draws on evidence

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<sup>212</sup> A qualification to this statement is that in this sample, the older the child the more likely they were to be assessed as having a bond to their guardian at the time of the SGO. This probably reflects the nature of the selection process. Older children are probably only considered for an SGO if they have a bond with their carer. In itself this does not negate the hypothesis that children who come into care later have more difficulty in forming attachments to anyone.

throughout the child's career. It might seem therefore that these variables should more properly be considered an outcome than a determinant of one. Previous work in our unit, however, has found that once a child is in the care system the SDQ is a remarkably stable measure. Over time neither the average scores nor the positioning of children relative to each other on the score change to any significant degree (Sinclair *et al.* 2005a, 2005b, Biehal *et al.*, 2010). It therefore seems that the degree of child's disturbance at the time of the SGO is almost certainly a key driver of its outcome.

The points made earlier are relevant to these problems of disturbed behaviour. First, the likelihood that a child will have emotional and behavioural disturbance rises with age. Those seen as having no problems have an average age at the SGO of four years seven months, those with some an average of seven years and eight months and those with many an average of seven years and one month. This is not a smooth rise but it is statistically massively significant. It suggests that the younger a child is when decisions are made over an SGO the less likely it will be that he or she will be disturbed.

Second, it is likely that a pre-existing bond will protect against the impact of disturbed behaviour on disruptions. Sinclair and Wilson (2003) found that children who were highly disturbed as judged on the basis of the SDQ scores were more likely to be rejected by their carers and also to experience a placement breakdown. If, however, their disturbance was not accompanied by rejection, they were no more likely to have a placement breakdown than children who were not disturbed. There is a suggestion in our own data that a similar process may operate in relation to EBD and the pre-existing bond. Among teenagers (over 12 and under 18) who did not have a pre-existing bond the chance of instability was high (seven out of 18 were not with their Guardians at follow-up). It was also related to EBD (Tau B=.41,  $p=.064$ ). Where there was a pre-existing bond the chance of breakdown was much lower (three out of 40) and only weakly related to EBD (Tau B=.09). Measures intended to ensure that SGOs are based on an existing bond may therefore help to lower the impact of disturbed behaviour on breakdowns.

Early decisions and a focus on the pre-existing bond may help but disturbed behaviour will remain a major issue. It is, therefore, disappointing that the provision of services was negatively related to poor outcomes and at times significantly so. As we have reiterated, this does not mean that services were causing rather than just responding to the problems. It does, however, suggest that they are not very effective. In part this may be as some Guardians told us that it was a case of too little, too late. However, it is also the case that we do not have proven tools that will work in reducing the problems and enhancing the child's emotional and educational progress. We do, however, have promising ones. It does seem that multi-dimensional Treatment Foster Care (MTFC) can contain difficult behaviour and in this way reduce its impact on other areas of a child's life while the placement lasts. It is a weakness that this benefit tends to erode when the placement ends but this disadvantage should not apply to placements that are intended to be permanent (Biehal *et al.*, 2012; Green *et al.*, 2014). What remains to be worked out is how to apply this highly restrictive model in the context of an ordinary SGO. There are promising examples of how to make such adaptations in foster care. It is crucial that these and other developments are properly evaluated both in foster care and in the special context of an SGO.

Finally, two further findings suggest that the lessons of foster care should be applied to SGOs. First, SGO placements like foster placements are a matter for the whole family. Integration into the

family is important to the children. It is not ensured by the bond with the main carer and it is put at risk by the disturbed behaviour of the child. Measures that ensure that all members of the family are properly consulted about the SGO decision may help to ensure the commitment of all members as may measures intended to support the children involved. Second, proper preparation for the SGO (or at least the perception of this) is associated with good outcomes. As pointed out earlier, the association may or may not be causal but proper preparation is in any case good practice and these findings reinforce the need to pay attention to it.

## B.11 Implications

The practical messages we would draw from the above are as follows:

- Decisions over an SGO should be made as early as possible in a child's care career but not before there has been a chance to assess the strength of the bond between potential guardian and child.
- SGOs can be safely considered irrespective of the kinship tie but there is no obvious case for using them rather than adoption or permanent fostering when an emotional bond between carer and child does not exist. In this context some authorities may be able to safely increase their use of SGOs, while others may need to curb their enthusiasm for them.
- The timing and arrangements for bringing about SGOs should take these requirements into account (e.g. there should be caution about making an SGO to carers when a child has not had a chance to test out his or her relationship with them). Ways of enabling these assessments need to be found.
- Guardians and social workers should be aware of the child's potential conflict of loyalties between birth family and guardian and should work to enable her or him to talk about it and ideally resolve it.
- The degree of a child's emotional and behavioural difficulties is a strong predictor of outcomes. There was no evidence that the help that guardians did receive with behaviour was particularly effective. Effective interventions need to be developed, tested and then made widely available.
- Social workers and guardians should always be mindful that Special Guardianship is a family affair and that all relevant members of the family need to be consulted about it in advance and their interests taken into account after it has begun. Initiatives such as those identified by a Google search on 'children who foster' may be relevant.
- Good preparation is vital and may well contribute to better outcomes.

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2014

**Reference: DFE-RR372**

**ISBN: 978-1-78105-428-4**

The views expressed in this report are the authors' and do not necessarily reflect those of the  
Department for Education.

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