

## Previously in Care Briefing Sheet

### Special Guardianship Order

A Special Guardianship Order (SGO) grants care of a child to a special guardian and will normally last until the child is 18 years old. While they will no longer live with their parents, parents retain their parental responsibility, but the special guardian also gains parental responsibility for that child. Special guardians are expected to seek the parents' and child's view in making decisions. Where the parents' opinion conflicts with the special guardian, the special guardian's parental responsibility will overrule the parents. However, special guardians cannot decide the following: changing the child's name, living abroad for more than three months or consenting to the child being adopted. When the SGO is granted, the special guardians will have a support plan that details where to go for help and whether the local authority has agreed to support specific things including financial arrangements and for how long.

To be considered previously in care, the child must have been in the care of the local authority (subject to a Care/Interim Care Order) immediately before the SGO was granted. If a suitable guardian stepped in and the child was never taken into care, and there was no Care Order then they would not meet the Department for Education (DfE) definition of being previously looked after. This would mean they would not be eligible for the pupil premium plus.

A Supervision Order (SO) can be made alongside an SGO, normally for 12 months but sometimes 6. It acts as a safeguard for the local authority (LA) as it ensures the continued involvement of the SG's/child with the LA.

### Adoption

Where it has been decided it is in the child's best interests, a child can be placed for adoption. Before the Adoption Order changing the legal parentage of a child is granted, there will be a Placement Order where the child can be placed with prospective adoptive parents. Once the Adoption Order is granted, the adoptive parents would gain full legal status as the child's parent, including full parental responsibility. The birth parents lose their parental responsibility. Children adopted outside of England and Wales are not eligible for the pupil premium plus grant for previously looked after children.

### Child Arrangement Order (Previously Residence Orders)

A Child Arrangement Order (CAO) means a court settles arrangement for matters such as what name a child will be known as, where and with whom they will live, what contact they will have with parents and siblings, where they go to school and other matters that might be in contention such as medical care. The Child Arrangement Order in relation to where the child will live can last until a child reaches 18 years old. In relation to contact, this ceases to have effect when the child reaches 16 years old, unless the court is satisfied that the circumstances of the case are exceptional.

A person named in the order as a person with whom the child is to live, will have Parental Responsibility for the child while the order remains in force. Where a person is named in the order as a person with whom the child is to spend time or otherwise have contact but is not named in the order as a person with whom the child is to live, the court may provide in the order for that person to have Parental Responsibility for the child while the order remains in force.

### Private Fostering

If you are not a grandparent, aunt, uncle or sibling (this includes through birth or marriage e.g., stepparent) and you have arranged to look after a child under the age of 16 (or 18 if the child has a disability) with a child's parent (s) for more than 28 days, this is classed as Private Fostering. The parents of the child still retain full parental responsibility, but the private foster carer can act in loco parentis to make decisions regarding the child's health, education, social, physical and emotional needs. An example of this is can also be where a child is adopted in another country, and the adoption is not legally recognised in the UK. There is no financial support from Cambridgeshire County Council for private fostering arrangements and parents should ensure the child has everything they need including financial arrangements. The private foster carer can claim child benefit and tax credits for the child.

Children's services have a legal responsibility to assess the suitability of the arrangement. Therefore, they should be informed six weeks before the child goes to live with the private foster carer or as soon as possible if that time has elapsed. When professionals (including teachers and doctors) become aware that a child is being privately fostered, they should ensure that Children's services know about the arrangement.

### Virtual School Responsibility

We are responsible for providing information, advice, and support for Children previously in Care including Children in Kinship Care from September 2024 if they attend an educational setting within Cambridgeshire. At this point our role will extend to include championing the educational attendance, attainment, and progress of children in Kinship Care through a strategic approach.