

SCHEDULE

MATTERS TO BE DEALT WITH IN REPORT FOR THE COURT

Regulation 21

The following matters are prescribed for the purposes of section 14A(8)(b) of the Act.

1

In respect of the child--

- (a) name, sex, date and place of birth and address including local authority area;
- (b) a photograph and physical description;
- (c) nationality (and immigration status where appropriate);
- (d) racial origin and cultural and linguistic background;
- (e) religious persuasion (including details of baptism, confirmation or equivalent ceremonies);
- (f) details of any siblings including their dates of birth;
- (g) the extent of the child's contact with his relatives and any other person the local authority consider relevant;
- (ga) Any harm which the child has suffered;(gb) any risk of future harm to the child posed by the child's parents, relatives or any other person the local authority consider relevant;**
- (h) whether the child is or has been looked after by a local authority or is or has been provided with accommodation by a voluntary organisation and details (including dates) of placements by the authority or organisation;
- (i) whether the prospective special guardian is a local authority foster parent of the child;
- (j) a description of the child's personality, his social development and his emotional and behavioural development and any related **current needs or likely future needs**;
- (k) details of the child's interests, likes and dislikes;
- (l) a health history and a description of the state of the child's health which shall include any treatment the child is receiving;
- (m) names, addresses and types of nurseries or schools attended with dates;
- (n) the child's educational attainments;
- (o) whether the child is subject to a statement of special educational needs under the [Children and Families Act 2014]; and
- (p) details of any order made by a court with respect to the child under the Act including--
 - (i) the name of the court;
 - (ii) the order made; and
 - (iii) the date on which the order was made.

2

In respect of the child's family--

- (a) name, date and place of birth and address (and the date on which their last address was confirmed) including local authority area of each parent of the child and his siblings under the age of 18;
- (b) a photograph, if available, and physical description of each parent;
- (c) nationality (and immigration status where appropriate) of each parent;
- (d) racial origin and cultural and linguistic background of each parent;
- (e) whether the child's parents were married to each other at the time of the child's birth or have subsequently married and whether they are divorced or separated;
- (f) where the child's parents have been previously married or formed a civil partnership, the date of the marriage or civil partnership;
- (g) where the child's parents are not married, whether the father has parental responsibility and, if so, how it was acquired;
- (h) if the identity or whereabouts of the father are not known, the information about him that has been ascertained and from whom, and the steps that have been taken to establish paternity;
- (i) the past and present relationship of the child's parents;
- (j) where available, the following information in respect of each parent--
 - (i) health history, including details of any serious physical or mental illness, any hereditary disease or disorder or disability;
 - (ii) religious persuasion;
 - (iii) educational history;
 - (iv) employment history;
 - (v) personality and interests;
- (k) in respect of the child's siblings under the age of 18--
 - (i) the person with whom the sibling is living;
 - (ii) whether the sibling is looked after by a local authority or provided with accommodation by a voluntary organisation; and
 - (iii) details of any court order made with respect to the sibling under the Act, including the name of the court, the order made and the date on which the order was made.

3

In respect of the wishes and feelings of the child and others--

- (a) an assessment of the child's wishes and feelings (considered in light of his age and understanding) regarding--
 - (i) special guardianship;
 - (ii) his religious and cultural upbringing; and
 - (iii) contact with his relatives and any other person the local authority consider relevant,

and the date on which the child's wishes and feelings were last ascertained.

- (b) the wishes and feelings of each parent regarding--
 - (i) special guardianship;
 - (ii) the child's religious and cultural upbringing; and

- (iii) contact with the child,

and the date on which the wishes and feelings of each parent were last ascertained; and

- (c) the wishes and feelings of any of the child's relatives, or any other person the local authority consider relevant regarding the child and the dates on which those wishes and feelings were last ascertained.

4

In respect of the prospective special guardian or, where two or more persons are jointly prospective special guardians, each of them--

- (a) name, date and place of birth and address including local authority area;
- (b) a photograph and physical description;
- (c) nationality (and immigration status where appropriate);
- (d) racial origin and cultural and linguistic background;
- (e) if the prospective special guardian is--
 - (i) married, the date and place of marriage;
 - (ii) has formed a civil partnership, the date and place of registration of the civil partnership; or
 - (iii) has a partner, details of that relationship;
- (f) details of any previous marriage, civil partnership, or relationship;
- (g) where the prospective special guardians wish to apply jointly, the nature of their relationship and an assessment of the stability of that relationship;
- (h) if the prospective special guardian is a member of a couple and is applying alone for a special guardianship order, the reasons for this;
- (i) whether the prospective special guardian is a relative of the child;
- (j) **An assessment of the nature of the prospective special guardian's current and past relationship with the child_**
- (k) a health history of the prospective special guardian including details of any serious physical or mental illness, any hereditary disease or disorder or disability;
- (l) a description of how the prospective special guardian relates to adults and children;
- (m) previous experience of caring for children;

(n) ;

An assessment of the prospective special guardian's parenting capacity, including:

- (i) **their understanding of, and ability to meet the child's current and likely future needs, particularly, any needs the child may have arising from harm that the child has suffered;**
- (ii) **their understanding of, and ability to protect the child from any current or future risk of harm posed by the child's parents, relatives or any other person the local authority consider relevant, particularly in relation to contact between any such person and the child;**

(iii) their ability and suitability to bring up the child until the child reaches the age of eighteen;

(o) where there have been any past assessments as a prospective adopter, foster parent or special guardian, relevant details as appropriate;

(p) details of income and expenditure;

(q) information about the prospective special guardian's home and the neighbourhood in which he lives;

(r) details of other members of the household and details of any children of the prospective special guardian even if not resident in the household;

(s) details of the parents and any siblings of the prospective special guardian, with their ages or ages at death;

(t) the following information--

(i) religious persuasion;

(ii) educational history;

(iii) employment history; and

(iv) personality and interests;

(u) details of any previous family court proceedings in which the prospective special guardian has been involved (which have not been referred to elsewhere in this report);

(v) a report of each of the interviews with the three persons nominated by the prospective special guardian to provide personal references for him;

(w) whether the prospective special guardian is willing to follow any wishes of the child or his parents in respect of the child's religious and cultural upbringing;

(x) the views of other members of the prospective special guardian's household and wider family in relation to the proposed special guardianship order;

(y) an assessment of the child's current and future relationship with the family of the prospective special guardian;

(z) reasons for applying for a special guardianship order and extent of understanding of the nature and effect of special guardianship and whether the prospective special guardian has discussed special guardianship with the child;

(aa) any hopes and expectations the prospective special guardian has for the child's future;
and

(bb) the prospective special guardian's wishes and feelings in relation to contact between the child and his relatives or any other person the local authority considers relevant.

5

In respect of the local authority which completed the report--

(a) name and address;

(b) details of any past involvement of the local authority with the prospective special guardian, including any past preparation for that person to be a local authority foster parent or adoptive parent or special guardian;

(c) where section 14A(7)(a) of the Act applies and the prospective special guardian lives in the area of another local authority, details of the local authority's enquiries of that other local authority about the prospective special guardian;

(d) a summary of any special guardianship support services provided by the authority for the prospective special guardian, the child or the child's parent and the period for which those services are to be provided; and

(e) where the local authority has decided not to provide special guardianship support services, the reasons why.

6

A summary prepared by the medical professional who provided the information referred to in paragraphs 1(l) and 4(k).

7

The implications of the making of a special guardianship order for--

(a) the child;

(b) the child's parent;

(c) the prospective special guardian and his family; and

(d) any other person the local authority considers relevant.

8

The relative merits of special guardianship and other orders which may be made under the Act or the Adoption and Children Act 2002 with an assessment of whether the child's long term interests would be best met by a special guardianship order.

9

A recommendation as to whether or not the special guardianship order sought should be made in respect of the child and, if not, any alternative proposal in respect of the child.

10

A recommendation as to what arrangements there should be for contact between the child and his relatives or any person the local authority consider relevant.

NOTES

Initial Commencement

Specified date

Specified date: 30 December 2005: see reg 1(1).

Extent

These Regulations apply to England only: see reg 1(2).

Amendment

Para (1): in sub-para (o) words "Children and Families Act 2014" in square brackets substituted by virtue of SI 2014/2103, art 18.

Date in force: 1 September 2014: see SI 2014/2103, art 1.

Document information

Special Guardianship Regulations 2005

Date made

04/04/2005

UK Parliament SIs 2000-2009/2005/1101-1150/Special Guardianship Regulations 2005 (SI 2005/1109)/EXPLANATORY NOTE

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to special guardianship orders which are provided for in sections 14A to 14G of the Children Act 1989 ("the Act").

Part 2 relates to the requirement in section 14F(1) of the Act for local authorities in England to make arrangements for provision of special guardianship support services. Special guardianship support services are defined by section 14F(1) of the Act as counselling, advice and information, and other services prescribed by regulations, in relation to special guardianship.

Chapter 1 of Part 2 deals with the provision of services. Such services are prescribed by regulation 3 and include financial support (as required by section 14F(2)). The provision of services may be secured from the persons specified in regulation 4. Regulation 5 provides for services to persons outside the local authority's area.

Chapter 2 of Part 2 deals with financial support. It may only be paid in the circumstances specified in regulation 6. It may include a remuneration element where it is paid to a former local authority foster parent under regulation 7. Regulations 8 to 10 provide for payment of financial support, including conditions that may be imposed.

Chapter 3 of Part 2 deals with assessment of a person's needs for special guardianship support services, plans for provision of services and notifications of proposals and decisions in relation to the provision of services.

Chapter 4 of Part 2 deals with reviews of special guardianship support services.

Chapter 5 of Part 2 contains miscellaneous provision in relation to special guardianship support services, including a general exemption from the requirements in relation to assessments, giving of notice etc in cases of urgency (regulation 19) and provision as to service of notices (regulation 20).

Part 3 contains miscellaneous provisions. Regulation 21 and the Schedule prescribe the matters that must be included in a report to the court where a person gives notice of an application to be made a special guardian. Regulation 22 specifies for the purposes of sections 24A and 24B of the Act the relevant authority in relation to a child in respect of whom a special guardianship order is in force and who was immediately before the making of that order looked after by a local authority.

A Regulatory Impact Assessment has been carried out for these Regulations and a copy has been placed in the library of each House of Parliament. Copies of the Regulatory Impact Assessment can be obtained from the Department for Education and Skills' website <http://www.dfes.gov.uk/ria/>.

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