



VOICES FROM CARE CYMRU

**Voices From Care Cymru**

45, The Parade, Roath, Cardiff, CF24 3AB

Tel: 029 20451431

[info@vfcc.org.uk](mailto:info@vfcc.org.uk)

[www.voicesfromcarecymru.org.uk](http://www.voicesfromcarecymru.org.uk)

## Special guardianship orders

Consultation  
Response Form

Deborah Jones

Voices from Care Cymru

[debbie@vfcc.org.uk](mailto:debbie@vfcc.org.uk) / 029 2045 1431

45 The Parade, Roath, Cardiff. CF24 3AB

### Question 1

Are you satisfied that the updated list of matters to be included in local authority reports to the court cover all relevant matters? See draft regulation 5

Yes

If you answered 'No', please tell us what additional matters you think should be included and why.

### Question 2

Do you agree with the proposal to require a local authority which formerly looked after a child (immediately before a special guardianship order was made) to meet any special guardianship support needs for three years regardless of where that child is living? See draft regulation 6(1) and (2)

Yes however we would like to see support needs defined in as holistic a way as possible. From our experience and knowledge support can be defined in a narrow way with limited services being provided. This is despite assessments identifying a range of eligible needs. We would like support being more clearly linked to well-being as defined under Section 2 of the Social Services and Well Being (Wales) Act

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2014. Linking this to the identification of unmet need as defined in Section 14( Population Assessment) of the Social Services & Well Being (Wales) Act 2014 is crucial

If you answer 'No', please tell us why.

### Question 3

Do you agree that in these circumstances a local authority must review the special guardianship support services provided, and notify the local authority where the person lives of any continuing need for support? See draft regulation 6(3)

Yes however again we would want support defined in its broadest sense so that the Local Authority should offer proactive and preventative services . By moving towards preventative services we would want this to be adequately resourced .

If you answer 'No', please tell us why.

### Question 4

Do you agree that local authorities should have a duty to inform relevant people of their entitlement to ask for an assessment for special guardianship support services? See code of practice, page 23

Yes

Please see comments re proactive services above. We envisage this as being part of the IAA services.

If you answer 'No', please tell us why.

### Question 5

Are there any other persons you think should be added to the list of prescribed people? See draft regulation 7

### Question 6

Are there any other comments you wish to make on the draft Special Guardianship (Wales) (Amendment) Regulations 2018?



### Question 7

Are there any comments you wish to make on the draft Code of Practice on the exercise of social services functions in relation to special guardianship orders?

Within the Code of Practice we note that Advocacy is mentioned at 4.14, 6.4 and 9.8. It is not mentioned at 1.29 when article 12 of the UNCRC is mentioned. We would suggest that advocacy has its own section within the COP as this would move from an 'add on' as it appears now to something integral to the process. That is, the child's voice being heard and listened to. The danger in terms of how advocacy is written in the COP is that it becomes a tick box exercise and not integral to the process. We would also like this to be included in the assessment report so that the role of advocacy is clear within the assessment process. We see advocacy as being commissioned independent of the Local Authority. The current commissioning process is too short term and minimally funded. From our experience advocacy for children and young people in the care system is often provided on a spot purchase basis with young people not having an ongoing relationship with the advocate. This can be especially so where young people have complex needs or are moving around Wales.

We are unhappy with the provisions of part 11 of the COP as this will mean that placing authority loses responsibility for SG support services if the child/young person moves LA area within 3 years. We are concerned with any provision which reduces the potential for support services. From our experience anything which reduces the quality of support should be challenged. We would hope that the COP could address this deficit in some way.

### Question 8

Are there any other changes you think we should make, in regulations or in the code of practice, to improve the way special guardianship arrangements work in Wales?

### Question 9

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here:

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Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

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