Section 1: EMASS Toolkit

Adoption and Special Guardianship

A guide for schools

Produced by Family Action’s East Midlands Adoption Support Service (EMASS)



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What are the key facts that schools need to know about Adoption and Special Guardianship Orders (SGOs)?

Adoption Orders (AOs)

Adoption Orders are usually made in respect of children who are in local authority care or children who have been given up for adoption by their parents.

An Adoption Order can only be made in a court, and it permanently removes all legal parental responsibility (PR) of birth parents (or anyone else with PR prior to the making of the order), giving the adopters sole parental responsibility for the child.

Before making an Adoption Order, the court has to be convinced that this AO is the best way to secure the lifelong welfare of the child.

See Adoption and Children Act 2002.

Step parent adoption

Step children can be adopted with the consent of the other birth parent, or the court may choose to dispense with their consent. The Adoption and Children Act 2002 introduced a Step Parent Responsibility Order, which means that step parents can acquire PR without birth parents losing it. Again, this can be with consent or by order of the court.

Special Guardianship Orders (SGOs)

Children can be made subject to Special Guardianship Orders in favour of any person(s) as long as certain conditions are met.

A Special Guardianship Order is a private law order, meaning that it is the person(s) wishing to be the special guardian(s) who has to apply to the court.

The court also has the discretion to grant an SGO to a person(s) following an assessment during other court proceedings.

An SGO does not remove PR from birth parents or others having PR prior to the order being made. It does, however, give the special guardian the power to make almost all decisions relating to a child by exercising their parental responsibility to the exclusion of all others with PR (apart from another special guardian).

See Children Act 1989, as amended by Adoption and Children Act 2002.

Who are the children?

Children who are adopted have all had experiences of separation and loss. They may also have experienced some form of abuse or neglect, resulting in them being removed from their birth families and placed in the care of the local authority.

The local authority has a duty to help to reunite the child with its birth parents, with support where this is possible. Failing this, Children’s Services will seek a home for the child with other family members. If there is no safe or suitable alternative, the child will be placed with a foster carer.

For some children in care, where there is no possibility of them going to live with family, the local authority may decide that they will place the child for adoption. In these cases the parent may object to the application for a Placement Order or an Adoption Order and the court has to decide whether there is enough evidence to dispense with parental consent.

Some children’s birth parents are content for them to be placed for adoption or accept that they cannot care for them within the family. In these cases a court official can witness them giving formal consent for adoption.

Children made subject to Special Guardianship Orders may have had very similar experiences to those outlined above, although in some cases there may have been no abuse or harm or involvement with social care.

In the latter cases, the child’s parents may have had long-term health problems or have died, and relatives may have stepped in to look after the child before applying for an SGO.

Special Guardians will normally be expected by the court to have an established relationship with the child. This means that, usually, they are relatives – often grandparents and sometimes foster carers – who wish to give a long-term commitment to the child they have been looking after.

This means that adopted pupils and those under SGOs may have:

* experienced neglectful or abusive care (or not)
* experienced trauma
* experienced multiple moves and multiple caregivers
* brothers and sisters who have been placed elsewhere
* ongoing contact arrangements with parents or other relatives

As a consequence, these pupils may find it difficult to:

* develop positive relationships with peers, support staff and teachers
* feel safe in the school environment
* behave in a socially acceptable way
* tolerate stress, frustration, worries and fear
* cope with change, separation and transition
* be empathic and develop a conscience
* deal with certain topics in the school curriculum or certain situations in the school environment which may trigger trauma
* feel safe enough to explore the learning opportunities offered at school.

What duties do schools have?

The Children and Social Work Act 2017 brought a duty for schools to appoint a designated staff member for previously looked-after pupils. This applies to maintained schools and academies.

Governors or proprietors must:

* designate a member of the staff at the school (the ‘designated person’) as having responsibility for promoting the educational achievement of registered pupils
* ensure that the designated person undertakes appropriate training and has regard to any guidance issued by the Secretary of State.

This applies to pupils who were in care and have ceased to be looked after due to:

* a Child Arrangements Order
* a Special Guardianship Order
* an Adoption Order.

This also applies to children from states outside England and Wales, where they were looked after because they would not have been adequately cared for, and left State care through adoption.

How to help and support these children in school settings

In 2013 the DfE introduced Pupil Premium Plusfor looked-after and previously looked-after children. In doing this, the DfE acknowledged the enduring impact of trauma and loss in children's lives and the key role of schools in supporting children who have had a difficult start in life. Pupil Premium Plus is currently £1,900per child per year. It is expected to rise to £2,300 in 2018/19. The DfE has said that it intends the funding to be spent on:

*‘...helping adopted children emotionally, socially and educationally by providing specific support to raise their attainment and address their wider needs.’*

The focus on children’s social and emotional and wider needs is in contrast to the Pupil Premium for children eligible for free school meals, which is focused on closing the attainment gap. ([www.pac-uk.org/education/](http://www.pac-uk.org/education/) )

Below are a variety of ways in which you and your school can support children who have experienced the issues covered above:

* Offer a safe space and a safe relationship – children who have experienced harm in a relationship need to heal in a relationship. When a pupil is in a state of alarm, they need to have a safe space to go to and a safe adult to be with. Children with attachment difficulties will respond better to ‘Time in’ with a caring and calm adult than ‘Time out’ alone. Key adults in a child’s life play a vital role in establishing their understanding of relationship and permanence – consistent relationships with one or two support staff can act as a bridge for children who struggle with the multiple relationships they are expected to form in school environments.
* Teach all your pupils relaxation and breathing techniques – the emotional wellbeing of all children can be increased by practising awareness and mindfulness.
* Give children ‘brain breaks’ during lessons – this will improve their performance.
* Carefully planned introductions to the school environment and routines can also benefit all your pupils. Some schools identify a cohort of pupils who may need extra help in settling in, and teach them in a nurture group for one or two terms at school until they can be integrated into other classes.
* Use structure, routines, visual cues and demonstrations to show children what will happen next and what is expected of them.
* Limit unstructured play time if children struggle with this – offer alternative creative activities such as ‘golden time’ with a key worker or small group of children.
* Limit discipline that induces shame – instead, offer choices and rewards for positive behaviours or tasks that are done well. Always set goals that you know the child can achieve.
* Provide transitional objects and sensory reminders of home for children (eg mum’s perfume sprayed on a tissue).
* Plan how to manage difficulties in conjunction with parents/carers and the child before they arise.

Where to go for further information and support

Guide for schools and parents and other resources for schools  
[www.adoptionuk.org/sites/default/files/documents/LetsLearnTogetherNIMarch2013.pdf](http://www.adoptionuk.org/sites/default/files/documents/LetsLearnTogetherNIMarch2013.pdf)

Three minute brain breaks  
[www.mindsinbloom.com](http://www.mindsinbloom.com)

Mindfulness for children and teenagers  
<https://positivepsychologyprogram.com/mindfulness-for-children-kids-activities/>

Meeting the needs of adopted and permanently placed children: a guide for school staff (PAC-UK/DfE)  
[www.pac-uk.org/wp-content/uploads/2017/10/Meeting-the-needs-of-adopted-and-permanently-placed-children-A-guide-for-school-staff.pdf](http://www.pac-uk.org/wp-content/uploads/2017/10/Meeting-the-needs-of-adopted-and-permanently-placed-children-A-guide-for-school-staff.pdf)

Promoting the education of looked after children: statutory guidance for local authorities (July 2014, DfE )  
[www.gov.uk/government/publications/promoting-the-education-of-looked-after-children](http://www.gov.uk/government/publications/promoting-the-education-of-looked-after-children)

Training resources from Young Minds  
<https://youngminds.org.uk/resources/tools-and-toolkits/transitions>

Resources for professionals   
[www.bathspa.ac.uk/education/research/attachment-aware-schools/resources-and-bibliography/](https://www.bathspa.ac.uk/education/research/attachment-aware-schools/resources-and-bibliography/)

Resources for adopters and special guardians

Adoption UK website  
[www.adoptionuk.org](http://www.adoptionuk.org)

Coram Baaf bookshop and information for professionals   
[www.corambaaf.org.uk](http://www.corambaaf.org.uk)

Accessing therapeutic support for children  
[www.adoptionsupportfund.co.uk](http://www.adoptionsupportfund.co.uk)

Special Guardian Support Service  
[www.specialguardiansupport.org.uk](https://www.specialguardiansupport.org.uk)

Grandparents Plus

[www.grandparentsplus.org.uk/special-guardianship-orders](http://www.grandparentsplus.org.uk/special-guardianship-orders)

Legal support and advice

Family Rights Group offers a helpline for legal issues and signposting to relevant organisations  
[www.frg.org.uk](http://www.frg.org.uk)

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| About us  Family Action is a charity committed to building stronger families and brighter lives by delivering innovative and effective services and support that reaches out to many of the UK’s most vulnerable people. We seek to empower people and communities to address their issues and challenges through practical, financial and emotional help.  Our East Midlands Adoption Support Service (EMASS) was funded by the Department for Education (DfE) until March 2018. This document forms part of the EMASS Toolkit, a set of resources produced to support schools that have taken part in the project.  DfE 2955 - Funded by**Training and consultancy**  Family Action’s Training and Consultancy Service can offer a wide range of training workshops for schools and educational establishments, including all the issues covered in the EMASS Toolkit. To book a workshop or inset training day contact:  Family Action, Training and Consultancy  55 Stevens Avenue Bartley Green Birmingham B32 3SD  Email: [TandC@family-action.org.uk](mailto:TandC@family-action.org.uk) or [Joy.broadhurst@family-action.org.uk](mailto:Joy.broadhurst@family-action.org.uk)  Tel: 020 3640 2303  Visit: [www.family-action.org.uk/training](http://www.family-action.org.uk/training)  *Disclaimer: This document includes links to websites and resources used by those involved in the EMASS project. External links were reviewed in February 2018 when this document was produced; however, we are not responsible for the changing content of external websites over time.*  *Last updated 1.3.18* |