
WELSH STATUTORY INSTRUMENTS

2005 No. 1513

The Special Guardianship (Wales) Regulations 2005

PART 3

SPECIAL GUARDIANSHIP SUPPORT SERVICES

Review of the provision of special guardianship support services

12.—(1) Where a local authority provide special guardianship support services for a person which do not include financial support, they must review the provision of such services—

- (a) if any relevant change in the person's circumstances, including a change of address, comes to their notice; and
- (b) in any event, from time to time.

(2) Where a local authority provide special guardianship support services for a person which comprise, or include, financial support they must review the provision of such services—

- (a) if any relevant change in the person's circumstances, including a change of address, comes to their notice; and
- (b) upon receipt of the annual statement referred to in regulation 4(2)(b).

(3) Regulations 6 to 8 apply with any necessary modifications in relation to a review under this regulation as they apply in relation to an assessment under regulation 5.

(4) The local authority must, having regard to the review and after considering any representations received within the period specified under regulation 8—

- (a) decide whether to vary or terminate the provision of special guardianship support services; and
- (b) review and, where appropriate, revise the plan.

(5) If the local authority decide to vary or terminate the provision of special guardianship support services, or revise the plan—

- (a) they must give notice of their decision in accordance with regulation 10, and that notice must include the reasons for the decision; and
- (b) paragraphs (3) to (10) of regulation 9 apply to a decision under paragraph (4) as they apply to a decision under paragraph (1) of regulation 9.

(6) Subject to paragraph (7), where any condition imposed in accordance with regulation 9(10) is not complied with, the local authority may—

- (a) review, suspend, or cease payment of financial support; and
- (b) seek to recover all or part of the financial support they have paid.

(7) Where the condition not complied with is the requirement to provide an annual statement in accordance with an agreement referred to in regulation 4(2), the local authority must not take any steps under paragraph (6) until—

- (a) they have sent to the person who entered into the agreement a written reminder of the need to provide an annual statement; and
 - (b) 28 working days have expired since the date on which that notice was sent.
- (8) Where, having taken the steps specified in paragraph (7), the local authority determine under paragraph (6) that payment of financial support should be suspended, they may lift that suspension upon receipt of the annual statement referred to in regulation 4(2)(b).
- (9) The local authority must cease payment of financial support with effect from the date that they become aware that the circumstances in paragraph (10) apply.
- (10) The circumstances are that—
- (a) a special guardianship order has ceased to have effect, or has been revoked; or
 - (b) the child in respect of whom the special guardianship support services are provided—
 - (i) has ceased to have his or her home with a special guardian or prospective special guardian;
 - (ii) is in receipt of income support under Part VII of the Social Security Contributions and Benefits Act 1992⁽¹⁾ or of jobseeker's allowance under the Jobseekers Act 1995⁽²⁾; or
 - (iii) has begun full-time paid employment.

(1) 1992 c. 4.
(2) 1995 c. 18.