
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Schedule to the Special Guardianship Regulations (2005) (“the 2005 Regulations”) which prescribes the matters to be dealt with by local authorities in reports they prepare for the court in applications for special guardianship orders.

The amendments do not apply where a local authority has been placed under a duty to report prior to the date that these amendments come into force (regulation 3).

Regulation 4 amends paragraph 1 of the Schedule to the 2005 Regulations (matters in respect of the child) by requiring the report to deal with any harm which the child has suffered and any risk of future harm to the child posed by their parents, relatives or any other person considered relevant, for example a partner of the parent. It also amends the provision relating to the child’s needs to ensure that both the child’s current needs and their likely future needs are dealt with in the report.

Regulation 5 amends paragraph 4 of the Schedule to the 2005 Regulations (matters in respect of the prospective special guardian or, where more than one, each of them). It replaces the provision relating to the prospective special guardian’s relationship with the child with a more detailed provision requiring an assessment of the nature of the child’s relationship with the prospective special guardian both at the time of the assessment and in the past. It also substitutes a new and more detailed provision relating to the parenting capacity of the prospective special guardian.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen. An Explanatory Memorandum is available alongside this instrument on www.legislation.gov.uk.