

## Applying for Welfare Guardianship for young people with significant additional support needs.



If the young person you care for has an additional support need that impacts on their ability to manage their own affairs as they approach adulthood, it may be necessary for you to consider applying for a Welfare Guardianship on their behalf.

When young people reach the age of 16 years, they are considered to be adult and have the right to be consulted independently in connection with decisions that may affect their future e.g. in connection with visits to the GP/Hospital, where they might want to live, and issues around their safety.

In the first instance you should consider contacting a Lawyer who can act on behalf of you and your son/daughter. A list of local firms provided by Enable is attached for information only to help you identify an appropriate organisation who may be able to help you with your application. It is not possible to make any recommendations from this list

Please see overleaf for an outline process that you may want to consider when applying for Welfare Guardianship. If you already know someone who has gone through the process it might also be helpful for you to talk with them so that they can give you the benefit of their experience of the process.

Application can be made 3 months in advance of the young person's 16th birthday.

## Suggested Steps to applying for Welfare Guardianship



1. Identify an appropriate firm of solicitors and arrange an appointment to discuss an application for Welfare Guardianship with limited financial powers. Limited financial powers allow for Guardians to handle affairs such as Direct Payments (self-directed support). Separate arrangements can be made through DWP to act as appointee for payments of benefits such as DLA
2. The solicitor will help you to make an application for Legal Aid on behalf of the young person. This process is reported to take around 28 days.
3. After Legal Aid is in place, a number of reports require to be undertaken in order to assess the appropriateness of the application, and these include: Psychologist, GP, and Mental Health Officer. These should be completed in 28 days and should be back in the hands of the solicitor acting on your behalf within that timescale.
4. Prior to submitting the application you should agree the length of time that the Guardianship should be in force for - minimum is 3 years to a maximum of 10 years. However, it will be the Sheriff who will make the final decision regarding duration of the Guardianship.
5. Other documents in support of your application can include:- IEPs (from school), DLA information, birth certificate of young person, proof of address
6. Solicitor will then submit reports to the Court
7. Sheriff will consider the application and outline terms of the guardianship as appropriate
8. Once the Guardianship has been granted, the Local authority will continue to review and monitor the Guardianship.