

## SPSO decision report

**Case:** 201908784, Dumfries and Galloway Council  
**Sector:** Local Government  
**Subject:** Child services and family support  
**Decision:** upheld, recommendations

### Summary

C complained on behalf of their client (A) that the council had unreasonably failed to handle a request for kinship care assistance. A assumed care of their grandchildren and applied for and was granted a residence order. A one-off payment along with weekly payments were paid by the council. While a kinship assessment was commenced, it was approximately three years later before A was told that they were not an approved kinship carer and that the weekly payments would be stopped.

C complained to the council that the decision to stop the weekly payments was unreasonable and that A had been treated poorly by the council. In addition, C complained that the kinship assessment had restarted three times with three different social workers which had made this a distressing process for A. Also, the grandchildren were incorrectly not being recognised as being 'at risk of becoming looked after'.

We took independent advice from an adviser with a background in social work and children and family services. We found that there were significant delays in concluding the kinship assessment which had not adhered to the timescales set out in the Guidance on the Looked After Children (Scotland) Regulations and the Adoption and Children (Scotland) Act 2007. We also found that the outcome had not been communicated to A as per this guidance. While it is for the council to determine whether or not a child is at risk of becoming looked after, we accepted the advice we received that, in this case, the council had failed to evidence that they carried out a sufficient level of assessment to conclude whether or not A's grandchildren were at risk of becoming 'looked after'. In addition, we found that the council had failed to carry out an in-depth assessment of the family's circumstances, particularly the six months before the residence order was granted, under the terms of the National Guidance. Finally, we found that the council's communication with A was unreasonable.

For the reasons detailed above, we upheld the complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to A for the failings identified by the investigation. The apology should meet the standards set out in the SPSO guidelines on apology available at [www.spsso.org.uk/information-leaflets](http://www.spsso.org.uk/information-leaflets).

What we said should change to put things right in future:

- The council should reconsider the situation at the time it was first presented to them, with respect to whether the children were at risk of being accommodated (as outlined by Section 71 (5) (a) of the Children and Young People (Scotland Act 2014) given there was no legislative security in place for them against a father who was alleged to be a risk to the children and who had parental rights and responsibilities that A did not have. Depending on the outcome of the above reconsideration the council should reassess whether there is a requirement to now carry out a kinship assessment. A should be notified of the

outcome. The council should consider revisiting the robustness of assessment and risk assessment and how this is quality assured to ensure that the right questions are being asked at the outset and that ongoing assessments are addressing the issues such as those highlighted by the Kinship Panel.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.