

SPSO decision report

Case: 202108359, West Lothian Council
Sector: Local Government
Subject: Kinship care
Decision: upheld, recommendations

Summary

C, a support and advocacy worker, complained on behalf of their client (A) who had looked after their grandchild since the sudden death of the child's parent (B). A approached the council for both general and financial assistance. In particular, to support them in obtaining a residence order (a court order that regulates the arrangements made about where a child lives). The council decided that A was not eligible for financial support to apply for an order or for a kinship care allowance. A was later granted a residence order.

C complained to the council. The council confirmed that A had not been initially entitled to a kinship care allowance. However, following the granting of the order a kinship allowance was granted and was backdated to the date of the order.

We took independent advice from a social worker. We found that the assessment carried out by the council when the child was placed in A's care was reasonable and in line with guidance and legislation. However, there had been a failure to initiate appropriate follow-up and support when A contacted them again a few months after the assessment. We also found that there had been a failure to action referrals to other agencies who could have offered support to A. In addition, we found that there had been a failure to provide written evidence that they had fully reviewed the information provided by A when they contacted them after the assessment or that they had contacted A at the conclusion of the review. Finally, there had been a failure to capture critical information in the case records. Therefore, we upheld C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to A for the failings identified. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsa.org.uk/information-leaflets.

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

- Staff should be reminded that kinship procedures are not only about financial support but about offering practical parenting advice and support to kinship carers. Staff should be reminded of the importance of recording critical information, including action taken and decision-making consideration in case notes.

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.