

## SPSO decision report

**Case:** 201704052, Dumfries and Galloway Council  
**Sector:** local government  
**Subject:** child services and family support  
**Decision:** not upheld, recommendations

### Summary

Mrs C's daughter (Ms B), was a looked after child subject to a Compulsory Supervision Order (CSO, a legal document that means that the local authority is responsible for looking after and helping the young person). Ms B had a child (Child A) and spent time living with family and in foster care. While in care, Ms B attended school and Child A attended nursery with financial help from the council. This accommodation did not work out and Ms B and Child A returned to live with Mrs C. This was in breach of the CSO but the council agreed to a temporary move.

Ms B then enrolled at school in the area where Mrs C lived (a different council area). Mrs C sought permission to place Child A with her own childminder and expected the council to cover the costs as they had before. The council refused and Mrs C said that as a consequence she incurred a debt for which she held the council responsible. Ms B and Child A later moved out and returned to her previous council area where she was supported to live independently. Mrs C complained that the council unreasonably refused to cover child-care costs while Ms B and Child A lived in the family home.

We took independent advice from a social worker and found that there was no evidence of an agreement that the council would cover the child-care costs. Mrs C knowingly breached a CSO. Although there had been a looked after child (LAC) review to consider Ms B's circumstances, there was no record of what had been discussed. A note provided by a social worker appeared to show that child-care costs had not been discussed. However, once Ms B returned to the family home, there was an expectation that she would be supported by her family as this was one of the guiding principles of national legislation (that parents should normally be responsible for looking after their children). Therefore, we did not uphold Mrs C's complaint. However, we were critical of the fact that the council did not hold a minute of the LAC review and we made recommendations in relation to this.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to Mrs C for their failure to record the LAC review. The apology should meet the standards set out in the SPSO guidelines on apology available at <https://www.spsso.org.uk/leaflets-and-guidance>.

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

- A formal record should be available for every LAC review.

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.