

## SPSO decision report



**Case:** 202000338, The Moray Council  
**Sector:** Local Government  
**Subject:** child services and family support  
**Decision:** upheld, recommendations

### Summary

C is an independent advocate who complained on behalf of their client (A). Following social work involvement, A's child (B) was placed with kinship carers. This was a voluntary arrangement, in terms of section 25 of the Children (Scotland) Act 1995. After the relationship with kinship carers broke down, C said that A repeatedly informed social workers and said at meetings that they were no longer in agreement with the arrangement. A did not withdraw consent in writing or specifically say they withdrew consent, but A believed they did so by saying they were not in agreement with the local authority's position. B was then placed with their other parent (D). A disagreed with that decision.

C complained that the Children's Reporter (a person who makes decisions to help young people who need care and protection) was not made aware that A was not in agreement with the kinship care plan or with the plan to place B with D. B had no contact with D for four years before being placed with them. C said that A repeatedly expressed their views and those of B in relation to not wanting to be placed with D, but that these were ignored.

We took independent social work advice. We found that after the kinship care arrangement broke down, there followed a period of time during which B's legal status was unclear. At this point the matter should have been referred back to the Children's Reporter; this did not happen. We considered that it was incumbent on the council to ensure that there was absolute clarity regarding the legal status of B's care and what A's rights were. We found that the council did not do enough to satisfy this obligation or consider whether section 25 was still the most appropriate legislative framework to safeguard B. Taking all of the above into account, we upheld the complaint.

We asked the council to apologise to A but made no further recommendations given significant learning already identified by the council.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to A for failing to follow appropriate processes before placing B with D. The apology should recognise the impact of the council's failings on A. In preparing the apology, the council should have regard to the new Quality Assurance system they refer to in their correspondence. 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).

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.