

SPSO decision report

Case: 202000613, Angus Council
Sector: Local Government
Subject: kinship care
Decision: not upheld, no recommendations

Summary

Prior to 2015, C's grandchild was placed in their care by social work. C was granted a Section 11 Residence Order by a court (also known as a Kinship Care Order, conveying parental rights and responsibilities in respect of the child). The case was then closed to social work in mid-2015.

C complained that the council did not contact them directly to advise of the changes to the kinship care legislation in October 2015. C stated that they found out that the law had changed through word-of-mouth in September 2019. C also complained that when they applied for a kinship care allowance this was only backdated to the date of their application and not to October 2015.

We took independent advice from a social work adviser. We found that the legislation and guidance did not require the council to directly contact all closed cases where a section 11 order was in place to notify them of the changes. The legislation requires local authorities to publish certain information about kinship care assistance and the council provided evidence that they had done this. We also found that there was no indication in the legislation and guidance that C's particular circumstances entitled them to a backdated allowance to October 2015.

We did not uphold C's complaints.