

SPSO decision report



Case: 202005368, Argyll and Bute Council
Sector: Local Government
Subject: Kinship care
Decision: upheld, recommendations

Summary

C became kinship carers of A and B. C complained that the council had decided that they were not entitled to a kinship care allowance relevant to a period of nearly two years (in respect of both A and B). C said that they approached the council about kinship support and an allowance but this was not responded to appropriately at the time (including a lack of record-keeping by the council). C was of the view that if they had been given appropriate information in at the beginning, they and A and B would have been awarded what they were entitled to.

We considered the relevant legislation and guidance and took independent advice from a social work adviser. We found that C was not provided with information and advice about eligibility for a kinship care allowance and Kinship Care Orders. We also found that there was an unreasonable failure to maintain case records regarding C and A and B's involvement with social work.

We upheld C's complaint and made recommendations to the council, which, as far as possible, aim to put C back in the position that they would have been in had the failings not occurred.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for not providing them with information and advice about eligibility for a kinship care allowance and Kinship Care Orders. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.
- Complete an assessment, in line with relevant guidance, in respect of C's care of A and B. As far as possible, consideration should be given to the circumstances of the household when the assessments would have originally taken place (not just the current circumstances). If, following the assessments, the council is satisfied of A's and B's eligibility, consideration should be given to making a backdated ex gratia payment equivalent to the amount of kinship care allowance that C would have received had they been appropriately informed about the need to obtain a kinship care order.

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

- Information and advice should be provided to kinship carers about eligibility for a kinship care allowance and Kinship Care Orders in accordance with the relevant legislation and guidance.
- Written case records should be appropriately maintained and retained.

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.