

SPSO decision report



Case: 202100413, The City of Edinburgh Council
Sector: Local Government
Subject: Kinship care
Decision: upheld, recommendations

Summary

C complained following the council's decision to decline C's request for financial kinship care assistance in respect of their grandchild (A). C complained that the council failed to adequately consider their eligibility when there was a change of circumstances in the family home and they became the primary carer for A.

In responding to C's complaint, the council upheld their original decision to decline C's request for kinship allowance on the grounds that the decision for A to reside with C had been a private family arrangement and that they had not formally placed A in C's care. The council did acknowledge that conflicting information was given to C regarding their eligibility for kinship allowance, that the provision of information regarding eligibility on the council's website was lacking, and that the process for challenging the council's decision on C's application for kinship allowance was unclear. They agreed to take a number of improvement actions in response.

We took independent advice from a social work adviser. In addition to the failings identified from the council's own complaint investigation, we found that when there was a reported change in circumstances in the family home, the council failed to carry out an assessment of A's wellbeing or seek their views to determine whether they were a child at risk of being looked after (an eligible child). We found that when C made a request for kinship allowance, the council's assessment was lacking in detail and reasoning, and failed to consider A's wellbeing and seek their views. We found that the council's position that C was not eligible for kinship allowance failed to adequately take into account the relevant legislation and national guidance or the changed circumstances in the family home. We also found that the council failed to provide a full and informed response to C's complaint. Therefore, we upheld the complaint.

Recommendations

What we asked the organisation to do in this case:

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

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

- The outcome of assessments for kinship care allowance should be appropriately completed and the rationale for decision-making, and specifically whether a child meets the relevant eligibility criteria, clearly documented and clarified as necessary.
- When there is a reported change in circumstances of a child, and/or an application for kinship care allowance is made to the council, or a kinship care order is granted following an application having been made, wellbeing and eligibility assessments should be undertaken in line with relevant legislation and national guidance in relation to kinship care assistance.
- Decisions to award kinship allowance should be based on a robust assessment of eligibility, which take into account a child's wellbeing and views, circumstances/change of circumstances, and the relevant

legislation and national guidance in relation to kinship care assistance.

In relation to complaints handling, we recommended:

- Complaint responses should be informed and accurate, and take account of any relevant legislation and national guidance.

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.