

SPSO decision report

Case: 202110756, Dumfries and Galloway Council
Sector: Local Government
Subject: Kinship care
Decision: not upheld, no recommendations

Summary

C, a support and advice worker, complained on behalf of their client (A). A is a kinship carer to two grandchildren (child B and child D). When child B was born, they stayed with their parent and A at the same address. The following year, child B's parent left the house and child B remained in A's care. There was social work involvement during this period, with a section 25 being signed and a noted intention to assess further and refer to the Children's Reporter. Within a few months, A was granted a residency order conferring parental rights and responsibilities and the council closed the case.

Child D was born and lived with their parent for four years, until they were placed with A under a Compulsory Supervision Order. A received kinship care allowance for child D and also applied for kinship care allowance for child B. This was initially refused, but after A made a complaint to the SPSO, the application was reconsidered. The council backdated the kinship care allowance in respect of child B.

C complained that kinship care allowance was not backdated far enough for child B. The council responded that they had never considered child B to be a "looked after" child and therefore eligible for kinship care allowance. As such there was no reason to backdate further.

We took independent advice from a social work adviser. We found that due to lack of evidence and dispute between parties it was not possible to definitively determine the status of child B in earlier years. On application, the council paid kinship care allowance and backdated to the point at which child D had been placed with A under a Compulsory Supervision Order. We determined that the council had acted reasonably in this matter. We did not uphold the complaint.