

SPSO decision report

Case: 201705014, Perth and Kinross Council
Sector: local government
Subject: child services and family support
Decision: not upheld, no recommendations

Summary

Mrs C complained about the council's policy on kinship care allowances. She and her husband are kinship carers for their granddaughter and previously obtained a residency order. The council pays approved/formal kinship carers the same additional four week holiday allowance that is paid to foster carers. However, they do not pay this to previously approved/informal kinship carers, which is the category that Mrs C falls into. Mrs C feels that a council committee report proves that she should be paid the four week allowance, as it states that approved/informal kinship carers should not be disadvantaged by obtaining a residence order (now known as a kinship care order).

We made a number of enquiries to both the council and the Scottish Government. Although we were not satisfied by the council's initial response, they eventually provided a more robust justification for why they reached their decision within the existing legal framework. The Scottish Government also provided a far clearer explanation of their intentions than was contained in the letter detailing the funding agreement which led to the changes to kinship care allowances. They stated that the funding agreement only applied to regular weekly allowances and was intended to bring allowances for eligible kinship carers in line with foster carers. Therefore, local authorities had discretion to make additional payments as they saw fit. In addition to this, we saw no evidence to support the statement in the council's committee report which stated that kinship carers should not be disadvantaged by obtaining a residence or kinship care order. On this basis, we did not uphold Mrs C's complaint. However, we did provide feedback to the Scottish Government as they are currently carrying out a national review into kinship and foster care payment arrangements.