

## SPSO decision report

**Case:** 201803770, Midlothian Council  
**Sector:** local government  
**Subject:** child services and family support  
**Decision:** not upheld, no recommendations

### Summary

Ms C, a support and advocacy worker, complained on behalf of her client (Ms A). Ms C complained that the council failed to handle Ms A's request for kinship care allowance in an appropriate or reasonable manner. When Ms A lived in another local authority area, she was considered to be the kinship carer for her grandchildren and was paid kinship allowances. After she moved to the Midlothian area, Ms A approached the council to request kinship allowances. The council reviewed the household circumstances and concluded that Ms A was not the primary carer for the children. As a result, no kinship allowances was paid. Ms C complained that the council failed to handle Ms A's request for kinship care allowance in an appropriate or reasonable manner. Ms A also felt that she should have been treated as the main carer for the children.

We took independent advice from an adviser with a background in social work. The adviser noted that it was a complex situation due to the number of local authorities involved and the frequent movement of the children and family during the period of time the complaint relates to. However, based on the information available, we found that it was appropriate for the council to carry out a review to establish the caring arrangements at the time. We also considered that the conclusions reached by the council appeared to be reasonable and based on appropriate evidence. Finally, we found that the evidence indicated that Ms A was treated fairly by the council during this process.

We recognised that Ms A disputed the council's understanding of the family circumstances. However, we concluded that the council had acted reasonably and reached conclusions that were justifiable and based on appropriate evidence. Therefore, we did not uphold Ms C's complaint.