

## SPSO decision report

**Case:** 201904147, Aberdeenshire Council  
**Sector:** Local Government  
**Subject:** care leavers / throughcare and aftercare  
**Decision:** upheld, recommendations

### Summary

C was on a Compulsory Supervision Order (CSO) and in the care of their grandparents. When C became a care leaver, C complained to the council that they failed to provide the appropriate Throughcare and Aftercare. C said that the council wrongly advised that C was not entitled to any financial support and that they failed to implement a support system.

The council said that C did not always respond to social work contact, and following C's complaint, they identified they had misunderstood the changes to their responsibilities with regards to financial assistance for care leavers.

We took independent social work advice. We found that the council incorrectly identified C's status as not being an eligible young person in terms of Section 29 of the Children (Scotland) Act 1995 from the outset. This resulted in C not being provided with access to certain services. We also found there was a delay in putting in place a Pathway Plan. While the council did take steps to backdate a financial payment to C, we considered that they should have backdated the payment further to the point when C first contacted the service to ask for assistance. We upheld the complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to C for failing to correctly assess the care leaver's legal status and for failing to provide the appropriate Throughcare and Aftercare. The apology should meet the standards set out in the SPSO guidelines on apology available at [www.spsso.org.uk/information-leaflets](http://www.spsso.org.uk/information-leaflets).
- The council should make the additional payment of Basic Living Allowance they proposed.

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

- Staff should be familiar with the relevant guidance and regulations and care leavers should receive clear information about the supports that are available to them.

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.