

SPSO decision report

Case: 202203947, Renfrewshire Council
Sector: Local Government
Subject: Kinship care
Decision: resolved, no recommendations

Summary

C complained on behalf of their client (A), who has looked after their grandchildren since the sudden death of the children's parent (B) but never received kinship care allowance.

A kinship care assessment commenced and the outcome was that A was not suitable to be approved as kinship carer. However, a Children's Hearing panel decided that both children should remain in the care of A (contrary to the recommendation of social work).

A couple of years later the children's other parent (D) died (and it was stated by C that D would not have been able to look after the children prior to that). After this, C states a regular payment was given to A, albeit less than the kinship care rate. C states that the children had previously had a social worker involved and A had worked with social work regarding the care of the children, and that they had asked A to look after them following their parents (B) death.

C considered that A was eligible for an allowance because the children are 'looked after' as they were cared for under a Section 25 arrangement Children (Scotland) Act 1995 and then a Compulsory Supervision Order. C refers to Regulations 36, 38 & 39 in The Looked After Children (Scotland) Regulations 2009. C was concerned about the length of time taken to commence a kinship care assessment and that this was not commenced at the point that the council asked C to look after the children. The council stated that there is a new kinship care assessment in progress.