

Meeting of the Cabinet – 19th March, 2008

Joint Report of the Director of Law and Property and Director of Children's Services

Complaint to the Local Government Ombudsman – Children's Services Matter

Purpose Of Report

1. To note the view and finding of the Local Government Ombudsman into a complaint made in respect of a Children's Services matter as set out in the attached report.

Background

2. In October, 2006, the Council received details of a formal complaint from a complainant that it had failed to act fairly in that it did not make the same payments to kinship carers (relatives or friends who care for another family's children) as it made to other foster carers. The Council at that time paid allowances to kinship carers at the same rate as foster carers but did not make additional payments to cover events such as birthdays and Christmas. The Council changed its policy to make these payments from 1st April, 2007. The payment of these additional payments was not backdated.
3. The Ombudsman found that the Council was at fault in unreasonably discriminating between categories of foster carer and in not back dating payments of the difference between the support payment made to the complainant and the payments made to foster carers once it had placed the child with the complainant and started the process of assessment as a kinship carer.
4. Arising from the investigation of the complaint a local settlement was agreed whereby the Council has paid the complainant £2872.39 and is reviewing its kinship care policy.
5. The Ombudsman has issued the report attached as Appendix 1 to this report as he considers that the complaint raises issues of public interest. Details of the Ombudsman's finding are set out in paragraphs 13 and 14 of the attached report.
6. A copy of the report of the Ombudsman is also available in the Member's Room.

7. The views of the Director of Children's Services on the Ombudsman's view and finding, as set out in paragraphs 10 to 14 of the report, are as follows:-

The Director accepts the report, its conclusions and recommendations. Work has been commissioned to review the policy, process and procedures for the assessment, approval and remuneration of Kinship carers.

Finance

8. As indicated in this report and the report attached as Appendix 1 payments have already been made to the complainant.

Law

9. Section 31(2) of the Local Government Act, 1974 requires the Council to consider the Ombudsman's report.
10. Section 31(3) of the Act enables the Council to incur expenditure in making a payment and providing a benefit to a person who has suffered injustice.

Equality Impact

11. This matter has a direct bearing on children who are cared for by kinship carers.

Recommendation

12. That the content of the Ombudsman's report, attached as Appendix 1 to the report submitted, and the actions taken by the Director of Children's Services to remedy the complaint made, as set out in paragraphs 13 and 14 of that report and as set out in the views of the Director of Children's Services at paragraph 7 of this report, be noted.

John Poyellis

DIRECTOR OF LAW AND PROPERTY

John Freeman

DIRECTOR OF CHILDREN'S SERVICES.....

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List of Background Papers

Report on the investigation into complaint number 06B09795 against Dudley Metropolitan Borough Council dated 24th January,2008.