



STRICT EMBARGO: 00:01 12 January 2017
Good Samaritan exploited by local authority

The Local Government Ombudsman has issued a report today which has found that a foster carer of a young vulnerable child was left without any support for six years as a result of the London Borough of Tower Hamlets wrongly failing to comply with its legal responsibilities.

This shocking case involves three children whose mother was drug and alcohol dependent and had frequently been in and out of hospital. Following a crisis in late November 2010, when the mother had been drinking all day, a friend of the children's aunt was asked by social workers to take the children to live with her and her three children in a small terraced home. The eldest two children stayed with this good Samaritan for a month, the little girl is still living there, six years later. Their mother died in 2012.

Despite continual requests for help, the local authority denied responsibility for placing the children and the kinship carer was forced to bare all the costs, including clothing, food and transport.

There is clear case law about the responsibilities of a local authority in such a situation and the local authority chose to flout this. It failed to assess the suitability of the kinship carer, regularly review the placement or provide the carer and the children with the support to which they were legally entitled.

The Council later tried to persuade the kinship carer to seek a Special Guardianship Order for the girl and to consider adopting her. The kinship carer applied for a Special Guardianship Order, and the Judge was scathing about the local authority's failings and challenged the local authority's claim that it was just a private arrangement between the kinship carer and the mother. The carer also contacted Family Rights Group's advice service, which explained that she should have been assessed and supported as a local authority foster carer by the local authority from the outset. She therefore withdrew her Special Guardianship Order application and pursued a complaint against the Council.

The Local Government Ombudsman found fault rested with the LB of Tower Hamlets. The children's mother had not consented to the placement, nor had the carer made an informed decision to choose to privately foster the children. It found that the Council's actions had resulted in an injustice. It recommended that the Council recompense the carer, for monies owed, to the tune of tens of thousands of pounds. It also

recommended that the Council should assess and appropriately remedy any injustice caused to the older children and their carers.

The local authority has accepted the Local Government Ombudsman's findings.

Cathy Ashley, Chief Executive of Family Rights Group,

"It is just luck that this amazing woman has provided this young girl with the love, security and care that she required. However, this is despite rather than because of the actions of the local authority. This was a good Samaritan who herself was impoverished. She did right by three children whom she hardly knew before they came to live with her. Her reward was to be treated appallingly by the very organisation that should have been protecting and promoting the welfare of these children.

Despite case law and published reports, the Local Government Ombudsman are still seeing a disappointing number of cases where councils try to pass on responsibility to somebody else when records clearly show they should be responsible for supporting the children. They are almost a daily feature of calls to our advice service. This is inexcusable. Those who suffer are some of our country's most vulnerable children and their kinship carers.

We would encourage any kinship carer who feels that they have been similarly badly treated to contact our advice service or read materials on our website www.frg.org.uk.

Ends.

To speak to Cathy Ashley contact 07931 570149 or ring office 020 7923 2628

Notes to editors.

1. **Family Rights Group** is the national charity that works with parents in England and Wales whose children are in need, at risk or are in the care system and with members of the wider family who are raising children unable to remain at home.

We advise around 6000 parents, grandparents, other relatives and friends a year about their rights and options when social workers or courts make decisions about their children's welfare.

We campaign for families to have their voice heard, be treated fairly and get help early to prevent problems escalating. We champion family group conferences and other policies and practices that keep children safe within their family network.

**Family Rights Group's Freephone advice line is open 0808 801 0366
Monday-Friday 9.30-3.00pm**

2. **Local Government Ombudsman Report: Investigation into a complaint against Tower Hamlets reference number 15 018 561**

<http://collateral.vuelio.uk.com/RemoteStorage/LGO/Releases/1157/15018561%20-%20Tower%20Hamlets%20-%20CYP%20-%20Fostering%20-%20EMB.pdf>