

email No 9

**From:** lormac1053@aol.com**To:** barry.eggleson@sky.com; Josephlumbasi@aol.com; IEC1053@aol.com**Subject:** updated reports**Date:** Sun, 15 Feb 2009 12:41**Attachments:** SWD\_alleges.docx (32K), shortened\_report.doc (47K), record\_re\_investigation.docx (23K)

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heres the reports now with names removed. can you check and see that i have removed everything i should please. once we pass this by the lawyer it will be going to cooncil so check properly please.

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## Answers to SWD Allegations Jan 2009

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**23<sup>rd</sup> Jan 2009      SWD allegations (as read from written memo/e mail)**

SWD workers were initially concerned during November regarding the following points: -

- i) Unclear how the volunteer had become involved with the young person?*

Response from EAU: The C family were first referred to EAU on 23 Feb. 2008. The boy C was the first to engage with EAU followed by the boy D. The boy W did not want to engage with the service until June. After discussion with the family, the boys and EAU, W began to receive support from volunteer K on 9<sup>th</sup> July. This support continued until 10<sup>th</sup> Dec 2008.

Evidenced by: Referral sheets, contact information sheets, phone stat sheets and volunteer records.

- ii) The young person had been provided with personal information about the volunteer support worker and had been in his house overnight. The personal information was that the volunteer was a 'homosexual' and that he had a male partner who lived outwith Dundee. His accommodation was described as 'sparsely furnished'*

Response from EAU: The parents were informed by volunteer K that he was gay and the young people were informed by the parents. This was in June 2008. The parents and young people had no issue with the sexuality of the volunteer.

On 24<sup>th</sup> October 2008, the volunteer K was contacted by Mrs C who said she was in crisis and SWD could not help her. She asked K to take W overnight. EAU had no knowledge of this until 10<sup>th</sup> Dec.

SWD was told about the overnight stay on 12<sup>th</sup> Nov. EAU still had no knowledge of this at this time.

EAU cannot see what the volunteers sexual orientation, the male partner or the furnishings in the home has to do with anything so we cannot answer those particular concerns/allegations.

Evidenced by: Report from Mrs C, report from K, EAU internal investigation report.

## Answers to SWD Allegations Jan 2009

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***iii) Contact had been made with 18 and Under with requests that the volunteer support worker's supervisor contact SWD. The supervisor was S Mcl.. There had been no contact until 10<sup>th</sup> December, at least two weeks had passed since the first contact had been made by SWD.***

Response from EAU: This is simply not true. Contact between EAU and SWD was as follows. The following list is EAU calls out.

**F. St.** 01382 436563

11 <sup>th</sup> Nov	11.11am	00:00:31
12 <sup>th</sup> Nov	16.04pm	00:01:09
12 <sup>th</sup> Nov	16.05pm	00:06:55
12 <sup>th</sup> Nov	16.23pm	00:00:29
21 <sup>st</sup> Nov	10.59am	00:02:14
3 <sup>rd</sup> Dec	15.20pm	00:12:08
10 <sup>th</sup> Dec	15.05pm	00:11:00

**P MacI** 01382 436084

10 <sup>th</sup> Dec	10.09am	00:00:25
10 <sup>th</sup> Dec	14.45pm	00:00:30

Evidenced by: phone stat sheets, message book, BT phone records

S. Mcl was off work sick between 10<sup>th</sup> Nov and 27<sup>th</sup> Nov. She contacted SWD on the 10<sup>th</sup> Nov. 08 and left details of who to contact in EAU in her absence. Name and number of Co-ordinator, LM were supplied.

Evidenced by: Sickness record, phone stat sheets, office diary

## Answers to SWD Allegations Jan 2009

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Additional issues surrounding the conduct of the volunteer support worker were: -

***i) The volunteer had bought a computer game (aged 18) for a 13 year old;***

Response from EAU : EAU did not know about this allegation until 23<sup>rd</sup> Jan 2009. EAU investigated this matter on 24<sup>th</sup> Jan 2009 and found that K did not buy a computer game for the young person. The young person W borrowed the game when at K's home.

EAU first found out about the issue with the game on 23<sup>rd</sup> Jan. 2009. If we had been informed about this sooner, we would have disciplined our volunteer for not checking the age appropriate level of the game.

Evidenced by: Report from K. Report from LM

***ii) On 2-3 occasions contact had been cancelled at short notice;***

Response from EAU: Due to the death of a close relative K cancelled a meeting with the young person at short notice. Anniversary of father's death at same time which cause upset.

During the period 17/11/08 to 24/11/08, the boy W made several allegations to K about homophobia in the unit where he was living. These allegations were repeated later to several staff members at EAU. K cancelled several meetings with W because he was very upset at what he had been told and wanted to make sure he had a clear head before raising the issue in a calm way with staff at the unit. After confronting staff in the young person's unit about alleged homophobic remarks, K felt unable to go to the unit to meet the young person.

Evidenced by: Contact record sheets of W, K's diary, Office Diary, Complaint made to EAU staff by W and later K.

## Answers to SWD Allegations Jan 2009

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### ***iii) Allegations were made about unit staff being homophobic;***

Response from EAU: This is true.

Am not sure how this can actually be a complaint against Eighteen And Under but it is certainly true that K made a complaint to the staff in the unit. K then made a complaint to staff in Eighteen And Under about the staff in the unit.

Evidenced by: Complaint report, phone records, office diary

The young person also made a complaint to Eighteen And Under about staff in the unit being homophobic.

Evidenced by: Contact record sheets, reports from EAU staff who spoke with W

Eighteen And Under phoned the unit on 3<sup>rd</sup> December to request a meeting to discuss some of the issues being raised with us by boy W and volunteer K. The unit was to arrange a meeting to discuss further.

Evidenced by: phone records, EAU staff reports

### ***iv) Young person missing and not attending school;***

Response from EAU: Young person W came to drop in service at EAU very distressed on 3<sup>rd</sup> December at 3pm. At 3.15pm he said he had run away. At 3.20pm EAU staff phoned SWD to report where he was. He complained to EAU about not being allowed contact with EAU and K. He complained of homophobia. EAU spoke with staff at unit and agreed to meet. Unit would call EAU with time and date. Still awaiting a date and time.

W came to EAU on 10/12/08. He stayed briefly and left for school.

Evidenced by: Drop in book records, Contact sheet records, phone stat sheet record, phone records, complaint record from W.

## Answers to SWD Allegations Jan 2009

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***v) Volunteer support worker still contacting the family after the support had been terminated.***

Response from EAU: This, if it is the case, is nothing at all to do with EAU. However, it now begs the question, what is this all about? You knew before this meeting that we had stopped the support work of K as soon as we were told about the volunteer breaching **our** policies.

Further Questions raised by SW during meeting

***A key question was how the referral system worked in 18 and under?***

Response from EAU: Young people refer themselves to the services. Other agencies refer young people but the young person decides, for themselves, if they want to use any of the services.

Evidenced by: policies, procedures, book BeAware.

***A further series of questions were: with volunteer recruitment, support, supervision and training –how did this (the volunteer taking the lad home) happen? Also asked... did EAU take up references, did EAU carry out disclosure checks and why did the volunteer do what he did?***

Response from EAU: Volunteer recruitment, support, training and supervision are dealt with in the information already supplied to DCC. It also states quite clearly in the policies supplied that EAU does indeed take up references and carry out disclosure checks. Regarding the question about why the volunteer broke EAU policies, we can only conclude...because he chose to do so.

Evidenced by: EAU Policies

***Further Questions raised by SW during meeting***

***Concerns remain about the timeline from the initial SWD contact and the action being taken?***

## Answers to SWD Allegations Jan 2009

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Response from EAU: On 10<sup>th</sup> December EAU received a call from SWD. This was received at 10.05 am by worker SC. She was asked to pass a message to S.McI to call SWD urgently.

At 10.09 am. S.McI returned the call to SWD. The worker was busy.

At 10.30am, SWD phoned back. S.McI took the call. She was asked if EAU could possible take on support of the brother of W called C and was then told about K having W and D in his home on 2 separate occasions overnight. SMcI informed SWD that this was against EAU policy and would be dealt with immediately.

At 11.30 am the volunteer K was suspended and was later sacked due to breach of EAU policies.

At 2.45 EAU phoned SWD to update. Did not get the worker.

At 3pm SWD called back and was informed as to how EAU had dealt with the matter. EAU asked if there were CP concerns and were told no. EAU were informed that the overnights had been with the parents knowledge and permission.

Evidenced by: phone records, phone message book, phone stat records, internal investigation report, office diary, volunteer records

***How does matching of volunteers with referrals work? How do EAU get volunteers? Where do they come from? How do EAU check them? What is the referral system in EAU? What records do EAU keep? If EAU does not keep details of referrals how can EAU deal with child protection? Why did the volunteer take the young person home?***

Response from EAU: Matching of volunteers is done after assessment of needs and wishes of young people. EAU gets volunteers in exactly the same ways as other organizations ie from Volunteering Centre, press, etc. How they are checked is already dealt with in policies.

Records kept are statistical, with consent of service users (except in cases of suspected child protection).

## Answers to SWD Allegations Jan 2009

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EAU does not need the details of referrals to deal with child protection. EAU would call the police.

The volunteer did not in fact take the young person home. The parents dropped him off at the volunteers home.

Evidenced by: EAU policies and procedures, volunteer records, internal investigation report, report from Mrs C.

***Could 18 and under define support ? What exactly is it. What do EAU do. How do EAU keep young people safe. Who refers young people. SW stated only interest is in those who are under 16.***

Response from EAU: Details of exactly what we do in support are available in the book BeAware which has already been supplied to DCC. There are also details available in the training programmes, which EAU made available to DCC. EAU policies and service apply to young people under 18. EAU, as stated in Child Protection Policy accepts the definition of child as stated in the UN Convention of the Rights of a Child as anyone under the age of 18.

EAU keeps children safe by adhering to good practice, robust child protection policies, by keeping the young person central to any work we carry out, keeping up to date with legislation, sharing good practice. By providing evidence based personal safety programmes in schools.

Evidenced by

Consultation and Evaluation reports on the views and needs of young people. The latest one is available on EAU website.

Independent research published report 2007 produced by NPC (New Philanthropy Capital) 'Not Seen and Not Heard'

Ian Barron of Dundee University independent research report in to VIP programme, 'Tweenees'

Sarah Nelson published Scottish government research 'See Us! Hear Us! 2008

Sarah Nelson published research (Feb 3<sup>rd</sup> 2009), Care and Support needs of Men Who Survived Childhood Sexual Abuse

## Answers to SWD Allegations Jan 2009

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Referrals have already been explained.

***Can the referral system be explained? Is there a statistical record?***

Response from EAU: This was already explained.

***Further questions raised in meeting from SW***

***So, you keep no track of referrals? How then can you keep children safe? How can you go back to the referrer if you become concerned?***

Response from EAU: This was already explained.

***EAU asked in the last few minutes of the meeting:***

*If there are child protection issues, are the police being informed? Answer from SWD ... it was nothing to do with EAU.*

EAU did raise the issue of why no one from SWD contacted sooner, but left it up to claiming that messages were left for a member of staff. These were implied to be serious concerns and surely a letter to the Co-ordinator was called for, at the least?

If SWD had a concern about this volunteer early in November as they are now claiming, why did they not contact EAU as a matter of urgency? If this was a 'real' child protection concern why did EAU not hear about it until the 10<sup>th</sup> Dec?

SWD explained that 3 calls to 18 and Under were logged and that it is practice within 18 and Under that is the subject of investigation not SW.

It was emphasized by EAU that we are not happy that a letter or other contact had not been made by SWD bearing in mind this was implied to be a child protection issue.

## Answers to SWD Allegations Jan 2009

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### **Conclusion:**

A young person was taken by the parents to volunteer K's home where he stayed the night with permission from the parents. EAU were not informed.

There is no proof that EAU workers did not respond to SWD phone calls. Our phone records show regular calls to SWD. The day a call was received and marked urgent, the call was returned in 4 minutes.

We were not informed about a young person having an age inappropriate game therefore could not take action.

Several appointments were indeed cancelled at short notice. Once because of a family bereavement and then after allegations of homophobia from the young person W.

There was a breach of EAU policies by a volunteer. On being informed of the breach, EAU acted promptly and suspended the volunteer. The volunteer was later dismissed.

Homophobia was indeed alleged by young person W and by volunteer K.

No Child Protection issue has been discovered or openly stated.

DCC is not being clear about what they are investigating.

## **Eighteen And Under's Internal Report re allegations by SWD on 23/01/09**

It should be noted that before any support commenced between K and any of the C boys he spoke with Mrs C to make her aware that he was gay and ask whether there would be any issues with that. Mrs C had stated that there would be no problems with K supporting any of the boys due to his sexuality.

### **23<sup>rd</sup> Feb 2008**

The first referral from P regarding the C boys. S Mcl (Lead Support Worker), S H, A C (Worker) and G M visited the home of Mrs C to discuss possible support for her children Ch, D and W. W decided he didn't require support at this time.

### **Between 28<sup>th</sup> June – 9<sup>th</sup> July 2008**

W asked K who was with Ch and D in the C home to start supporting him. K went back to Eighteen And Under to discuss this matter with S Mcl. This was agreed in the centre for K to start supporting W.

### **9<sup>th</sup> July 2008 (summer holidays)**

K supported W for the first time. This was also the last day that K supported C due to the conversation with the SWD about C attending the B Project.

### **10<sup>th</sup> July 2008**

During the support session W had used homophobic terms which K immediately confronted W on. W understood what K was saying taking on board the information. (Check support sheet W - 10/7/2008)

During the following 26 sessions with W there were no longer any issues of homophobia confirmed by K and support sheets. (Check all support sheets for W C after 10<sup>th</sup> July)

### **24<sup>th</sup> October 2008**

W stayed over at K's house unknown to anyone at Eighteen And Under but with the consent of Mrs C. Mrs C claims she phoned SWD and asked for assistance with W, SWD could not help with accommodation for W that night. Mrs C was at breaking point so felt she had no choice but to ask K to take W overnight. Mrs C dropped off W at K's house.

### **10<sup>th</sup> November 2008**

W went into temporary care as he was unhappy at home. K was present alongside Social Work and the Police during the interview at Seymour Lodge which lasted 2.30 hours.

### **10<sup>th</sup> November – 27<sup>th</sup> November 2008**

S Mcl went off work between 10<sup>th</sup> November and 27<sup>th</sup> November. S had contacted SWD at the start of this period and had left a message for P Macl to contact L M if there were any issues to be dealt with.

### **Just after 10<sup>th</sup> November 2008**

Mrs C confirmed to K that she informed SWD about W staying over with K on 24<sup>th</sup> October 2008

### **17<sup>th</sup> November 2008**

W claimed that C from F St. said that he should find another support worker as K was gay. This comment was dismissed by W absolutely.

### **17<sup>th</sup> November – 24<sup>th</sup> November 2008**

W conveyed the details of his conversation with C from F St. with K. K decided to give it a week to calm down before going back to F St.

### **Approx a few days later**

W alleged overhearing F St. staff discussing his support situation and agreeing that K should not support him because he was a gay man.

### **24<sup>th</sup> November 2008**

K felt able to finally go back to F St. to visit W for a support session. This visit led to the staff of F St. asking K into the office to discuss this support. There were 2 members of staff from F St. at the meeting. The female member of staff started off the meeting by discussing whether K could confirm dates and times of support sessions with W. (K had previously spoken to W about whether he could raise what had been disclosed by W re. homophobic remarks. W had given K permission to raise these points in the meeting. At this point K confronted the member of staff about the comments of homophobia W had knowledge of. The staff present at the meeting denied these allegations of homophobia and did not make any motion to look further into the issue.

K asked if he could bring W into the room to confirm these allegations. When this request was denied K felt he could no longer take part in the discussion because he felt that there was no chance of a fair hearing due to their initial dismissal of the allegations.

**3<sup>rd</sup> December 2008**

Approx 3.00pm

W arrived at Eighteen And Under by himself after running away from F St. Went to the blue room. W confirmed to S Mcl and S H that F St. had taken his phone from him and stated that he was not allowed to phone Eighteen And Under, K or W's sister which resulted in W running out of the unit.

3.05pm

S Mcl left the room to speak to L M. S T entered the blue room to chat with W and S H.

3.15 pm

S Mcl came into the room. It was announced by W that F St. had made it clear that if he left the unit then the police would be contacted. It would be declared a missing person issue at that point. It was decided that S Mcl should phone F St. to discuss W's absence from the unit.

3.20pm

S Mcl and S H at this point left the room to make the phone call. S Mcl spoke to N Macl (12mins 8secs). Firstly it was confirmed that W was at the Eighteen And Under centre and there was no reason to phone the police. N said that it was ok to be at the centre but could we ensure that W got back to the unit for his tea. S Mcl made it clear that Eighteen And Under was to close at 5pm and we would advise W to go straight to F St at that time. N made a point of suggesting to S Mcl that it was our responsibility to get W back at the unit. He warned us that after we closed for the day and W hadn't returned to the unit in time for his tea then it would become a police issue as he would be declared missing.

(K was phoned to come to the centre and see W. After the centre closed for the day K decided to take W back to F St. to make sure he got there safely. W stated he would go back with K to make sure he didn't get K or Eighteen And Under into trouble but also mentioned that he would run away from the unit again. K had confirmed that W did run away from F St. that same night).

There was a request from F St. to have appointments and set times for the contact between K and W and also that F St. should at all times be notified of any contact between K and W. S Mcl clarified that they would have to speak to K directly about this matter however he wasn't at the building at the time.

(It should be pointed out that W had confessed to K that he lied to F St. about meeting K because of the hassle he was receiving from the unit in terms of K being his support worker).

N said there should be a meeting between P Macl, F St and representatives from Eighteen And Under in reference to K walking out of a previous encounter where K was pulled into the office at Fairbairn St. during a visit to see W.

3.20pm

When S T was alone with W in the blue room W confirmed that he ran away from F St. because of the way they spoke about K his support worker. He didn't go into too much detail about the things the workers at F St. said but mentioned that they didn't think it was appropriate for him to be supporting W due to his sexuality. W was visibly agitated at this point as he saw no reason for the F St. concern.

**10<sup>th</sup> December 2008**

10.05am

P MacI phoned Eighteen And Under requesting to speak to S Mcl urgently. P left the message with S C.

(copy of the message book entry attached)

10.09am

S Mcl had received the message and recalled P. P was unavailable at the time and would phone back. (30 sec call)

Sometime around 10.30am

P called back and asked whether Eighteen And Under could reinstate the support work with Ch. A couple of minutes went by when P mentioned that K had W C to stay over at his house on 24<sup>th</sup> October and D C on the 31<sup>st</sup> October. S Mcl confirmed this was a breach in Eighteen And Unders' Policies and Procedures. S Mcl clarified that her intention once the call was finished would be to notify L M of the discussion right away.

10.50am

L M was informed of the breach in procedures and as soon as K arrived at the centre he was pulled into L's office and told that due to a breach of Policy and Procedures he could no longer be a volunteer at Eighteen And Under and therefore would have to end all support.

2.45pm (30 sec call)

Once S Mcl arrived back at the centre she phoned P MacI to update her on the developments regarding K in relation to Eighteen And Under. P was unavailable at the time and S left a message for P to return her call.

Approx 3pm

P phoned S back. P was informed that K was sacked as a volunteer at Eighteen And Under and therefore to longer supporting any Young People. S asked if there was a Child Protection issue and the response from P was 'no'. Parents were aware of the children staying at K's house on both occasions and had dropped W off at Kevin's on the 24<sup>th</sup> October 2008. S asked P how the C boys would be informed of K no longer supporting them. P said that could be left for either the SWD or Mrs C to deal with. K confirmed on 30<sup>th</sup> January 2009 to Eighteen and Under that the SWD updated the boys of an end to the support K could provide them.

W dropped in during 10<sup>th</sup> December at 1.05pm for a short time. He was asked if he should not be at school and asked to leave.

### **11<sup>th</sup> December 2008**

Mrs C dropped in on this day and spoke with I C as L M was out of the office at the time. Mrs C was distraught that K had been taken off supporting W and pleaded for the support to continue. We had to make clear that K could no longer continue supporting any Young People and we apologised for the affect this had on her family but there was nothing else that could be done.

### **27<sup>th</sup> January 2009**

I C phoned Mrs C in an Eighteen And Under capacity to ask if she ever had problems with K supporting W. Mrs C confirmed that she never had any issues with K and was disappointed that the support work K was doing had come to

an end because 'K was like a brother to her sons and considered a member of the family'.

## Timeline of EAU Investigation Jan 2009

Date	Event	Information	Evidenced by
23/02/08	1 <sup>st</sup> referral of C boys	S.H. S. Mc. G	Referral sheet
28/06/08-09/07/08	Support ongoing with 2 of the C boys D and C.	G provided support . A and K provided support	Contact record sheet
06/08	Parents informed of K sexuality	K informed parents and checked out if they had any problems	Report from Mrs C Report from K
09/07/08	Support of W commenced	K and S.Mc	Contact record sheets
09/07/08	Withdrew support of C	Discovered issues of abuse and possibility C might be offending	Contact record sheets Phone record sheets
10/07/08	W made homophobic comments	Challenged on this and there were no recurrences	Contact record sheets
05/09/08	SWD asks for support for C	LM called in Oz for advice. Advised we could not provide support due to offending. Is a CP risk to EAU	Phone records E mail records Diary entry
24/10/08	W stayed at home of K	Mrs C in crisis. Asked for help from SWD -not help. Asked help from K and dropped W off at his home	Phone call to Mrs C made by I. C. Investigation report
10/11/08	W goes into Care	K went to Seymour Lodge with W	Contact record sheet
10/11/08-27/11/08	S. Mc off work sick	SWD phoned by S.Mc to inform of sickness and give contact info of LM in case of any problems	Office Diary, sickness record, S.Mc diary
12/11/08	Mrs C tells SWD about K taking W over night	Mrs C confirmed to K that she had informed SWD about the overnight. EAU was not informed	K diary
17/11/08	Allegation of homophobia made by young person	W claimed to K that staff in unit had told him he must get another worker as K was gay	K diary Contact record sheet
17/11/08-24/11/08	Cancelled apts with W	K cancelled apts because he was so upset at what W had told him. He was unsure what to do about it	K diary
	Further allegations made by young person re homophobia	W claimed he had overheard staff talking about K and his sexuality	W
24/11/08	K confronted staff during meeting	K was asked into office to talk to 2 staff. He raised issue of what W had said. It was denied. K asked to get W in to confirm. Refused K walked out of meeting	W K Contact sheets Diary Complaint to EAU
03/12/08 3pm	W drops in to EAU	W appeared at EAU alleging not allowed to call us or K	YP record book Contact sheet
3.15	W at EAU	W says he has run away and police will be called. Spoke to SH, ST,S Mc	As above
3.20	EAU calls SWD (12min call)	Reported W at EAU to unit. SH present . S Mc. Agreed meeting . Unit to set date and time	Phone records Contact record sheet Witnesses
3.20	W makes allegations	W spoke to ST and alleged	Contact record

## Timeline of EAU Investigation Jan 2009

		homophobia	
10/10/08	10.05 am urgent call to EAU	Call taken by SC at 10.05 from SWD saying urgent that S.Mc call back	Phone message book
	10.09am S.Mc called SWD	Call returned person not available	Phone stat records Phone records
	10.30 am SWD call	P called S. Mc back. Asked if we would take on C for support, told about K having D and W overnight in home. S told P it was against our policies.	Phone records Phone stat sheet Diary
	10.50am action re breach of policies	K phoned by SH asked in immediately	Phone stat sheet Diary
	11.30 meeting with K	K asked about incident and he confirmed boys at his home on 24 <sup>th</sup> and 31 <sup>st</sup> Oct at the request of their parents. Suspended and sacked.	Diary Investigation report Volunteer records
	2.45 call to SWD	S.Mc called to update SWD about K	Phone record Phone stat sheet
	3pm call from SWD	Call taken by SMc . Updated SWD as to action taken and to inform K no longer involved. EAU asked if there were any CP issues and were told no. Told there was parental permission	Phone stat record Investigation report
	1.05pm W dropped in	Evidenced in the sign in book that W had dropped in to EAU. W was asked whether he should be at school. He left shortly after this.	Sign in book
11/12/08	Parent of W at EAU	Mrs C came to office to plead that K be allowed to continue. Very upset at K being taken off case.	Investigation report Report from IC
05/01/09	Letter from DCC	Letter raising allegations and concerns	Letter , mail book
05/01/09	Reply to DCC	Sent all information plus a request for clarity	Letter
	Letter from DCC	Letter asking for more information.	Letter, mail book
	Provided all information	Gave information, very confused about reason for asking as it implied CP and something serious	Diary
16/01/09	Meeting time changed	CP further implied as SW involved	E mail
	Venue changed	Venue changed to DCC premises	Phone stats sheet, diary
23/01/09	3pm meeting DCC	LM, SH attended. Serious concerns regarding this meeting.	SH minutes LM minutes
27/01/09	E mail from DCC	More information requested. Note of meeting sparse.	E mail Note of meeting