

From: Laura Gow <laura.gow@macroberts.com>

To: iec1053@aol.com

Subject: FW: Letter from Dundee City Council

Date: Mon, 29 Jun 2009 16:43

Hello Irene,

It sounds as though the Council are offering the possibility of further funding in exchange for you agreeing to drop the complaint and the FOI request.

I do not know precisely what was agreed between Laurie and Mr Stephen at the meeting. My understanding is that, although you are willing to do what is necessary to be considered for funding next year (i.e. "apply for approved provider status"), you want to preserve your right to escalate your complaint to the Ombudsman at a later stage. The FOI request is useful in that regard - if only because, if the Council fails to respond or to disclose anything of significance (which is likely), this may give weight to the allegation that they have acted improperly. Having said that, the FOI request is not essential to making a complaint.

How you respond is really a commercial decision for Eighteen And Under to make. You will need to weigh up what is more important to you: the possibility of further funding, or your right to pursue a complaint. Given the Council's track record, it would not surprise me if they encouraged you to apply for "approved provider status" as as a supposed incentive to get the current problems to go away but then failed to give you any funding/give you 'approved provider' status. On the other hand, they could make life even more difficult for you if you decide to pursue the complaint.

When we spoke the other week you indicated that, in your view, there was no conflict between the Freedom of Information request and what was discussed at the meeting with Mr Stephen. If your position remains the same, you may wish to respond in the following terms:

- (a) EAU would welcome and would take the opportunity to apply for approved provider status/funding next year;
- (b) as discussed at the meeting with Mr Stephen (if indeed that is the case), if you are given appropriate opportunity to be an "approved provider" and treated fairly by the Council, EAU would currently have no intention of pursuing a legal complaint against the Council in relation to the withdrawal of funding. (Though nothing should be stated so as to compromise or waive any right to do so later); and
- (c) the FOI request is completely independent of both matters: at no point has it been suggested that this is either withdrawn or conditional, and accordingly the Council is expected to comply with this as required by the Freedom of Information (Scotland) Act 2002.

This is just one suggested response. I would emphasise that this is now a commercial (rather than a legal) decision for you to make and, as such, I cannot advise you on the best course of action. You will no doubt also want to adopt a tone that you consider is most appropriate. If you require any further assistance once you have decided how to proceed, please do not hesitate to get in touch with me.

Kind regards,

Laura

From: iec1053@aol.com [mailto:iec1053@aol.com]

Sent: 24 June 2009 09:10

To: Laura Gow

Subject: Letter from Dundee City Council - FYI

Laura,

Just for your information I am attaching a letter we received from Alex Stephen at Dundee City Council this morning. Maybe you could let us know whether they can now postpone the reply to the Freedom Of Information Request until we answer this letter? As always we are at a complete loss!!

The audit report came out yesterday and Dundee City Council were absolutely slated. The bit we thought was funny - they were told their policies and procedures were not up to scratch by a long way!

Thanks.

Regards,
Irene.

Irene Clark