

email No 30

From: iec1053@aol.com

To: alex.stephen@dundeecity.gov.uk

Subject: Complaint Against Dundee City Council

Date: Fri, 15 May 2009 9:54

Attachments: Dundee_City_Council_Complaint.doc (561K), Timeline.docx (22K)

Good morning,

Please find attached a rather serious complaint from Eighteen And Under against Dundee City Council. A hard copy of this will also be sent to your office today marked for your attention.

Should you require any further information please do not hesitate to get in touch. Thank you.

Regards,
Irene.

Irene Clark
Office Manager
Eighteen And Under
Telephone: 01382-206222

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Mr. Alex Stephen,
Chief Executive,
Dundee City Council,
21 City Square,
Dundee.
DD1 3BY.

15th May, 2009.

COMPLAINT AGAINST DUNDEE CITY COUNCIL

Dear Sir,

I wish to make a complaint about the actions of Dundee City Council staff and its impact on Eighteen And Under as an organisation, and the individuals connected with it. Eighteen And Under is a registered charity which has worked in Dundee for 15 years now. We have always found the council to be supportive and helpful until recently.

In early December 2008 we were advised by Social Work Department that one of our volunteers had allowed a service user (a boy whom the volunteer had been supporting) to stay at his home on the 24th October, 2008. This was a clear breach of our policies and, as soon as we learned what had happened, we dismissed the volunteer. Whilst the incident was regrettable there was nothing we could have done to prevent it and we acted instantly when we found out about it.

On 30th December 2008 we were informed by the Council that it had concerns about matters relating to Eighteen And Under's policies and practices. The Council requested information about the charity's staff, its recruitment and selection procedures and its code of conduct for staff. We provided this information. In January 2009 the Council requested more information about the constitution of the charity, its board members, internal policies, training programmes etc. Again we provided this information.

On 23rd January 2009 there was a meeting called by Dundee City Council which was attended by Laurie Matthew and Sandra Hutton on behalf of Eighteen And Under. We were given no indication prior to the meeting what would be discussed. Dundee City Council was represented by Ken McAra, Gordon Sharp and Margo Dymock.

The first part of the complaint is against Margo Dymock who was aggressive, rude and made homophobic comments during this meeting. Questions were fired in quick succession by Margo Dymock but she interrupted constantly before they could be answered. Ken McAra, the chair, made no attempt to properly "chair" this meeting.

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Eighteen And Under, 1 Victoria Road, Dundee, DD1 1EL, (tel) 01382 206222 website: www.18u.org.uk
Reg. Charity No. SCO 26688



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Margo raised her voice, implied child protection concerns and said about an ex-volunteer, "This man is a homosexual. He has a male partner. He has a sparsely furnished flat!" The inference from this was to imply that the ex-volunteer was an abuser who had "done something". This turned out later not to be the case and while we had been unaware and uninterested in his sexuality prior to this, there was an implication that, because he was a "homosexual" he was somehow a danger to children.

The meeting ended with Eighteen And Under being asked to leave the room so that Dundee City Council could talk about the next step. Margo was heard to say something about an audit. Eighteen And Under protested about leaving the room, and asked about procedures towards "sorting" whatever the problem was. Dundee City Council stated that they would be in touch.

On 3rd February 2009 Eighteen And Under wrote to Dundee City Council to inform that we were carrying out an internal investigation into some of the points raised on 23rd January. ON 9th February 2009 Eighteen And Under wrote again to Dundee City Council informing that we had completed our investigation and could now answer all the questions raised. Eighteen And Under requested a meeting with Dundee City Council to share this information. Despite this, and without even looking at our investigation report which could answer the questions Dundee City Council had raised, on 13th February 2009 Dundee City Council wrote to health, police, education, social work and voluntary organisations to say they had serious concerns about Eighteen And Under, were investigating Eighteen And Under, and mentioned a very wide range of issues including child protection, recruitment, selection, governance etc.

Dundee City Council did not take any time to allow Eighteen And Under to answer the issues raised and, to this day, has not allowed or been interested in our answers. Instead, Dundee City Council staff decided to act as judge and jury, with no evidence whatsoever, and wrote to agencies in Dundee to imply serious problems where, in fact, none existed. Not only has this impacted on the work of the organisation, but it has affected individuals in their private life. Two workers were being assessed for fostering and, due to the vagueness of the allegations made by Dundee City Council, this process has been stopped.

On 18th February 2009 Eighteen And Under were finally informed by letter from Dundee City Council that they had issues with aspects of Eighteen And Under. The issues were still too vague to be addressed and a meeting was arranged by Dundee City Council for 20th February 2009. Eighteen And Under asked repeatedly for clarity and an agenda for the meeting and, when none was forthcoming, with consideration to the previous meeting and the intended presence of the homophobic and aggressive Margo Dymock at the meeting, Eighteen And Under informed Dundee City Council that our solicitor would be attending this meeting with us. The response of Dundee City Council was to cancel the meeting.

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It then took Eighteen And Under several legal letters and a further six weeks to get Dundee City Council to state finally what the allegations against Eighteen And Under were. On 30th March 2009 Eighteen And Under found out, for the first time, exactly what the issues were. Some of the allegations seemed to revolve around supposed relationships between people and recruitment of staff, and some around policies. These were answered, in full, on the 7th April by Eighteen And Under and Eighteen And Under also asked if there were any other issues. Dundee City Council wrote to OSCR to make allegations about relationships within Eighteen And Under. OSCR has since confirmed that there is no issue regarding relationships within Eighteen And Under. All staff are fairly recruited, all jobs openly advertised and Eighteen And Under can prove this to any funder upon request.

Eighteen And Under heard no more until 30th April 2009 when a letter was received stating that Dundee City Council was not satisfied and therefore Fairer Scotland Funding was ended. At no point during April was Eighteen And Under informed that Dundee City Council was not satisfied with any other issues or given any opportunity to address this. Another letter was received the same day from Dundee City Council asking for further information and contradicting the first letter.

Eighteen And Under were without a Lead Officer until October 2008. Much of this dispute could have been prevented if a Lead Officer had been in place. Also, the Lead Office who was eventually appointed did nothing to explain what was going on, nothing to assist Eighteen And Under in getting to the bottom of the problem and nothing to advise or assist. The Service Level Agreement states that the Lead Officer is there for the purpose of liaison.

The council's approach has been inconsistent and confusing throughout this incredible affair. Dundee City Council has been completely unreasonable and unapproachable. There has been no clear complaint against Eighteen And Under, rather it has been the Council asking for more and more information in order to search for some perceived faults to complain about. The time Dundee City Council has taken to answer even simple requests for clarity has been outrageous and unacceptable. Furthermore, the Fairer Scotland Grant was to deliver Violence Is Preventable sessions in schools under Dundee City Council policies so there was no reason for Dundee City Council to stop this work in schools. We were finally told it was so that young people could not self-refer to Eighteen And Under which is ridiculous as disclosures made in schools during sessions are instantly given to teachers to deal with as we work with Council policies while delivering V.I.P. in schools.

Dundee City Council could have come to the offices of Eighteen And Under informally and been provided with all required information at any time. Eighteen And Under has always been open and transparent with Dundee City Council. Dundee City Council, through Eighteen And Under's Lead Officer, Ken McAra, could have questioned and helped remedy any policies that were considered not up to standard as it has done in the past through a previous Lead Officer.

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Eighteen And Under has always appreciated the input of Dundee City Council in this respect and, considering previous Lead Officers and Senior Social Workers in particular have always been involved in the writing of Eighteen And Under's policies, it is unclear why Dundee City Council now has a problem. Eighteen And Under has remained open to improving any parts of policy and procedures and indeed is now undertaking a full independent review of all policies to ensure their robustness.

It is interesting to note that Eighteen And Under was involved with several families which were also involved with social services and would, under normal circumstances, have been approached in the recent Child Protection Audit in Dundee. Dundee City Council declaring a problem with Eighteen And Under was extremely timely in preventing Eighteen And Under being approached by the Audit, thus preventing a full disclosure of all the facts in relation to certain families involved with the Social Work Department.

Due to this dispute with Dundee City Council, Eighteen And Under has had to pay off five staff due to the lack of ability to work in Dundee. This is half our workforce. Dundee already has high unemployment and its Council have now added to it. Due to the lack of clarity by Dundee City Council, the reputation of workers and Eighteen And Under has been damaged and no opportunities have been made by Dundee City Council to remedy this.

The Council is a large body with far greater resources to call upon than a small voluntary organisation and it surely has a responsibility to be fair and reasonable. It also surely has a duty to act according to common law rules of natural justice and fairness. We believe the decision-making process of Dundee City Council has been improper, flawed and unfair and this whole matter has been very badly handled from start to finish. In particular, we wish to complain about the refusal of Dundee City Council to be clear about the supposed "allegations", the lack of agenda, the lack of clarity and due process, the lack of sight of Dundee City Council's alleged investigation and the failure to look at our investigation results, the failure to listen to our attempts to clarify and answer questions raised, the refusal to meet with us, the length of time to respond to even basic requests and letters and the lack of any retraction of any of the allegations to the Partnership even after Eighteen And Under has proven most things to be quite simply untrue.

Eighteen And Under is a very small charity with 15 years experience of working closely with Dundee City Council and other Councils. It has had senior social workers, education workers and police on its advisory board and management, has been used widely by social workers and teachers and is widely respected across the U.K. Independent U.K. research into Eighteen And Under policies, procedures and methods of work has evidenced a unique and innovative service that has proven value in protecting children and young people in the U.K. and beyond.

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After 15 years of working together in harmony and partnership Dundee City Council has now, for no apparent reason, become hostile and unreasonable. We would not normally complain, even when we have witnessed poor practice, but we can see no other way forward. We remain open to working towards improving our services. We also remain open to making any improvements in all policies and procedures should anyone clearly point out exactly what these improvements should be.

I enclose a timeline of events for clarity and we look forward to hearing from you in due course.

Sincerely yours,

KAREN DUFFY
Chairperson

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Eighteen And Under (18u) v. Dundee City Council (DCC) Timeline

10 th Dec '08	18u informed by a social worker that a 18u volunteer broke 18u rules
10 th Dec '08	18u sacks volunteer who broke the rules
30 th Dec '08	DCC write to 18u about, "a complaint and concerns" and request information
5 th Jan '09	18u receives DCC letter and deliver all to DCC the same day. 18u asks for clarification of what exactly the complaint and concerns are.
14 th Jan '09	18u receives a letter from DCC requesting more information. 18u responds same day.
23 rd Jan '09	18u summoned to meeting where further questions were asked by DCC. During this, a senior social worker stated that 18u ex volunteer was 'a homosexual with a male boyfriend'. She implied child protection concern . 18u not been given an Agenda prior to meeting, so some questions could not be answered by those at the meeting. 18u asked but still not told exactly what the complaint and concerns were.
3 rd Feb '09	18u wrote to DCC to say that 18u would, in light of issues raised on 23 rd , be carrying out an internal investigation into work done by ex volunteer to get clarity.
9 th Feb '09	18u wrote to DCC to advise that the internal investigation was complete and 18u had a written a report and could now answer all questions raised on 23 rd . 18u asked for a meeting to share findings of investigation. DCC have still not responded to this.
13 th Feb '09	DCC wrote to everyone saying they were investigating 18u, had a complaint and concerns, had asked 18u to not work with under 16's and to say they were stopping all referrals. DCC also said that 18u was to stop VIP in all Dundee schools.
13 th Feb '09	DCC told 18u they were to come to a meeting on 20 th February
18 th Feb '09	18u received DCC letter saying that they had e mailed everyone to say investigating 18u and not to work in Dundee till they were satisfied.
Throughout Feb 09	18u asked DCC repeatedly for an agenda for meeting on 20 th informed that 'the letter from DCC' was agenda. 18u still not told what exactly the complaint and concerns are.
19 th Feb '09	18u solicitor requests a copy of DCC complaint , the concerns, the exact problem, copy of the investigation that DCC claimed to have held, etc and also advise DCC that they will be attending meeting on 20 th with 18u
19 th Feb '09	5pm DCC calls off the meeting on 20th
17 th March '09	4 weeks later, 18u solicitor writes to DCC again asking for the complaint , the concerns, the problem, the investigation, etc
23 rd March	Letter from OSCR saying they have a complaint about 18u (DCC)
24 th March '09	18u solicitor writes again to DCC requesting same and threatening legal action if it isn't forthcoming. They demand a reply within 7 days.
30 th March	18u replies to OSRC
30 th March '	DCC finally replies with a poorly written, letter full of incredible accusations. Every one could have been answered informally. Accusation were , 18u has no referral system, no records, doesn't carry out disclosures, has poor policies etc. in schools, 18u works to DCC policies. So why stop VIP?
7 th April '09	18u responds to accusations with a letter answering each accusation in detail and asking that DCC respond swiftly as our reputation has been damaged by DCC.
29 th April '09	Letter from OSCR saying 18u fully compliant with charity law
30 th April '09	Letter from DCC saying 18u not satisfied about our response to DCC letter of 13 th Feb
1 st May	Letter from DCC asking for information eg records, referrals to statutory agencies, investigation, disclosures, qualifications, evidence of recruitment, evidence of supervision and several strange claims eg the ex volunteer has been in our premises?
1 st May	18u asks for clarity from DCC at 15 th May still awaiting a reply.