

Letter No 14

Our Ref: LAG/CDT/LAG/EIG/1/2 2761634V3

Your Ref: PA/AR DCC15.9

24 March 2009

Peter Allan  
Community Planning Manager  
Dundee City Council  
21 City Square  
Dundee  
DD1 3BY

**Also By Fax: 01382 434996**

Dear Mr Allan

**Eighteen and Under  
Fairer Scotland Fund**

We refer to the above matter and to our letters of 19<sup>th</sup> February and 17<sup>th</sup> March, to which we have not received a response.

More than five weeks have passed since you advised our clients that you had instructed your social work teams and other partner agencies to refrain from having any further involvement with them. In that time, you have given them no explanation for your actions and no opportunity to respond. Our clients have, in good faith, complied with your request not to accept self-referrals from children or young people under the age of 16 or to offer their services to schools and other educational establishments. As a result of your actions, they have effectively been forced to cease all charitable work throughout Dundee - not just with children and young people but with vulnerable adults and senior citizens too. They find themselves in a very difficult position, and cannot allow this to drag on any longer.

As previously requested, we require you to provide us with a clear explanation of what your concerns are about our clients' governance, policies and practices, what you consider they must do (if anything) to address your concerns, whether the Fairer Scotland Funding will be withdrawn and, if so, why.

We also require an undertaking from you that, if you cannot substantiate your concerns or you consider that they have been satisfactorily addressed, Dundee City Council will immediately issue a written retraction to all of the individuals and organisations that you originally instructed not to have any further involvement with our clients.

If you fail to provide us with this information within 7 days of the date of this letter our clients will have no option but to take further action to protect their position and to ensure that the Trustees continue to meet their obligations under the Charities and Trustee Investment (Scotland) Act 2005, including:

1. Making a formal complaint to Dundee City Council and, where necessary, lodging a complaint with the Scottish Public Services Ombudsman;
2. Making a request to Dundee City Council under the Freedom of Information (Scotland) Act 2002 for all information relating to the alleged complaint against our clients, the Council's investigation into the alleged complaint and its findings, and the Council's proposal to withdraw the Fairer

Scotland Funding provided to our clients; and

3. Raising legal proceedings against Dundee City Council to recover losses incurred as a result of the Council's actions.

Separately, in your letter of 13<sup>th</sup> February you stated that Dundee City Council has concerns about our clients' policies and procedures. Our clients have looked into this further and have advised us that their internal policy documents were, in fact, originally written by a member of your Social Work department. Since then, a lead worker supplied by your Social Work department has worked closely with them in updating their policies. They have also received assistance in developing their policies and procedures from an advisory committee of representatives from the Police, social work department and health and educational establishments. Our clients are therefore keen to understand which part of their policies and procedures you consider does not meet your required standards, does not comply with law or does not accord with good practice for organisations working with children and young people.

Our clients have been entirely open, honest and co-operative with you throughout this matter. They have no wish to be difficult but the current situation cannot continue. We therefore look forward to hearing from you by return.

Yours faithfully

**Partner**  
**MacRoberts LLP**

Cc: Alex Stephen, Chief Executive, Dundee City Council, 21 City Square, Dundee DD1 3BY