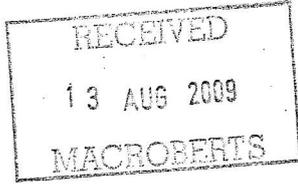


MacRoberts  
152 Bath Street  
Glasgow  
G2 4TB



Patricia McIlquham - Depute Chief Executive  
(Support Services)

Roger Mennie - Legal Manager

21 City Square, Dundee DD1 3BY  
LP - 38 DUNDEE

Tel 01382 434000  
Fax 01382 434182

If calling please ask for

Mr Roger Mennie (01382) 434577  
email roger.mennie@dundeecity.gov.uk

Our Ref RM/TK  
Your Ref LAG/CDT/MHB/EIG/1/2  
Date 5 August 2009

Dear Sir

Freedom of Information (Scotland) Act 2002 - 20090605001

My Decision

I refer to your letter of 27 May.

Section 35(1)(g) and 2(a) and (c) of the Freedom of Information (Scotland) Act 2002 provide that information is exempt and does not have to be disclosed if that would be likely to prejudice substantially the exercise of a public authority's functions in ascertaining whether a person has failed to comply with the law and whether circumstances exist which would justify regulatory action being taken. The disclosure of some of the information you have requested would be likely to prejudice substantially the exercise of these functions of the Council because citizens making complaints do not expect to have their identities disclosed to the person being complained about, those citizens would be less likely to complain if their identities were to be disclosed and as the Council relies on citizens to assist in carrying out its functions by making such complaints it would not be in the public interest to do anything (in particular by disclosing their identities) which would dissuade them from doing so.

Other information you have requested information which attracts legal professional privilege and litigation privilege. It is therefore exempt from disclosure in terms of Section 36(1) of the 2002 Act. While Section 36(1) is subject to the Public Interest Test I take the view that in all the circumstances of the case the public interest in disclosing the information is not outweighed by that in maintaining the exemption.

For these reasons I refuse those parts of your request. I enclose the other information requested.

Your Right to Appeal

If you are unhappy with this reply you may require the Council to review its actions and decisions in relation to your request.

The requirement for review must

- be in writing or other permanent form (please address it to me)
- state your name and give an address for correspondence
- specify the original request for information and the matter which gives rise to your dissatisfaction; and
- be made within 40 working days of the date of this response, although the Council may, if it

如閣下不十分明白英語，請與以下的通訊處聯絡  
 considers it appropriate to do so, consider requirements for review after that time has passed.  
 যদি আপনি ইংরেজি বুঝতে অসুবিধা বোধ করেন  
 যে ত্রুটি ইতিবাচক সমস্যা হলে বৈধ সময়ের পরে  
 তাহলে অনুগ্রহ করে নিচের ঠিকানাতে যোগাযোগ করুনঃ  
 তাং দ্বিধা বরবে হিস পতে উ ম্পতর বটে:



Your requirement for review will be dealt with by the Chief Executive. He will reply to you in writing promptly and in any event within 20 working days. He may

- confirm my decision with or without modification
- substitute a different decision for my decision and will give you his reasons for so doing

If you are unhappy with the Chief Executive's decision you may then appeal to the Scottish Information Commissioner. Further details on his appeal procedure can be found at [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info) or telephone (01334) 464610 or write to Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R. Mennie', with a horizontal line above it and 'R.P.' written below the signature.

Roger Mennie  
Legal Manager

## Meeting held 23/12/08 to discuss 18 & Under Project

Present:

Peter Allan, Sandra Culley, Margo Dymock & Paul Davies

	Action by
<ul style="list-style-type: none"> <li>• Collaborative approach to investigation agreed, to make use of Social Work expertise and use of Approved Providers List application form where appropriate</li> <li>• Stewart Murdoch chairs recently formed group looking at a Corporate Approach to Accrediting Providers (<i>PD invited to next meeting</i>)</li> </ul>	PD to forward minute to PA
<p>Opinion of project was asked for prior to FSF funding being agreed</p> <ul style="list-style-type: none"> <li>• No hard evidence held</li> <li>• Lack of trust of the project fairly widespread</li> <li>• Not enough to prevent agreement of funding</li> </ul>	
<p>Concerns raised by SW over content on project website</p> <ul style="list-style-type: none"> <li>• Inappropriate language</li> <li>• Inappropriate activities on interactive parts</li> </ul>	
<p>Investigation should</p> <ul style="list-style-type: none"> <li>• Address concerns raised</li> <li>• Show whether they are able to deliver a good service (via use of the APL forms)</li> </ul>	
<p>Initiation of investigation:</p> <ul style="list-style-type: none"> <li>• We have a right as purchaser of services to do so</li> <li>• Sufficient concerns have been raised to prompt an investigation</li> <li>• Normally, Lead Officer would ask project in for a discussion, but Ken McAra may not be sufficiently aware of project activities</li> <li>• Margo Dymock or Fred McBride willing to give advice to Ken on what he needs to ask for</li> <li>• Contract needs to form the basis of the investigation</li> </ul>	PAD to check with GS ( <i>Ken has met with project and GS</i> )
<p>Need to find out:</p> <ul style="list-style-type: none"> <li>• How many under 16's / 16-18's they are working with</li> <li>• What work they are doing with under 16's</li> <li>• (<i>note there are different criteria for 16-18's as they are regarded as adults</i>)</li> <li>• Where referrals to the project currently come from <ul style="list-style-type: none"> <li>◦ Referrers to be asked what their views on the service are</li> </ul> </li> <li>• Need to check what aspect of their work we're funding (<i>Work in Primary schools, primarily carried out through volunteers</i>)</li> <li>• What policies and practices the project has in place</li> <li>• What the projects response is to issues – what actions have / will they take to address them? We then need to analyse whether they are appropriate</li> <li>• Who else funds the project</li> </ul>	PAD / GS

<p>Procedure:</p> <ul style="list-style-type: none"> <li>• Establish reasonable cause for investigation – <i>done</i></li> <li>• Arrange a meeting with the project to present our concerns and give them a chance to respond verbally <ul style="list-style-type: none"> <li>○ This would be followed up by them with a response in writing</li> </ul> </li> <li>• Letter to go out to the project advising them that an investigation will take place, setting out the timescales and process <ul style="list-style-type: none"> <li>○ Recommendation from MC that no further under 16 clients be taken on by the project while investigation is under way</li> </ul> </li> </ul>	<p>GS</p> <p>SC to forward example letter <i>(done)</i></p>
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Other actions:

- PD to email full project SLA to MD / SC
- PD to request electronic copy of APL from SC
- Project website to be looked at by PD / GS
- PD - Info on project to be taken from Scottish Charities Commission and Companies House websites



## Eighteen and Under

Summary of concerns following the meeting held on 23/01/09 and the review of their documentation.

The following is a list of concerns regarding the operational management and delivery of services to children by the Eighteen and Under organisation.

1. The blurring of roles and responsibilities within the organisation, no clear governance accountability and independence between volunteers, paid employees and the board.
2. The policies, particularly the child protection policy relies on the decision making and judgment of the people who are in these roles.
3. The child protection policy suggests that a referral to other agencies is only a last resort.
4. The child protection policy which refers to abusers is not acceptable practice.
5. The lack of evidence that policies were being followed or monitored, particularly the supervision of volunteers.
6. No record of referrals and where they have come from.
7. No clear referral systems.
8. Their practice not to ask details about children including their age and their care arrangements.
9. The delivery of the support service is vague.
10. The recruitment process was unclear and the policy does not follow equal opportunities.
11. The qualifications/experience of the workers/volunteers/board to make child protection decisions.
12. No evidence and records to substantiate decisions made through the policies.
13. Use of language and inference in the code of conduct for young people.
14. Policies on Confidentiality not clear, particularly when referring to statutory agencies.
15. Training materials for volunteers appears problematic and needs to be reviewed.
16. Lack of Clarity on Procedures for the use of volunteers.

The child protection policy and the code of conduct for young people have been sent to the lead officer for Dundee's Child Protection Committee for his views.

I am happy to explain all of the above in much more detail. However after discussion with Fred McBride our view on the basis of these child protection concerns is that as a corporate parent and Council we should not be referring anyone to this organisation for individual support who is under the age of 16. In our view they are not practising to the standards we expect to keep children safe and protected. Their policies at this stage are not protecting children and may be leaving children in more vulnerable situations.

The following are the findings from a meeting held with Eighteen and Under on 23/01/09 following a complaint made to them regarding the conduct and actions of one of their volunteers who had been working with a vulnerable young person and their family. The outcome of the complaint led to a subsequent review of the policies which underpins practice at the organisation.

### *Outcome of the Complaint*

The explanation given for this volunteers conduct was that this volunteer had broken the rules. Clearly this was the case but more concerning was that despite us being advised that volunteers were supervised weekly the organisation did not know about his actions and that it was the social work department that had brought the concerns to their attention. The organisations response to this was that the social work department hadn't done this timeously, not recognising the fact that several attempts over a few weeks had been made by the department to contact the volunteers supervisor and that the organisation has full responsibility for the monitoring, support and supervision of their volunteers.

As the organisation holds no records there was no evidence that any one at the organisation had been monitoring the volunteers conduct or his actions for a number of weeks, perhaps months.

The policies relating to the conduct, of this volunteer were not adhered to by him but equally the policies relating to the supervision and support of a volunteer by the organisation were not being adhered to either, and this was not acknowledged by the organisation during the investigatory meeting.

In not acknowledging these shortfalls or being able to explain why this happened, the organisation could not reassure the council that the same thing would not happen again, which leaves vulnerable children and families at risk.

### *Child Protection Policy*

Closer scrutiny of the organisations child protection policy highlighted a number of issues which may leave children and young people who are using the services provided by Eighteen and Under at risk.

The organisations Child protection policy places the responsibility for the welfare and safety of children on "child protection workers" within the organisation, these workers can be paid workers, volunteers or members of the management committee it is not detailed what qualifications these workers have to make decisions regarding the immediate protection and welfare of children. Within the policy they are given the authority to use their discretion without reference to qualified child protection workers or statutory agencies.

The policy does not give clear guidance in terms of when it is necessary to contact statutory agencies who are qualified to make decisions regarding the safety of children. The policy suggests contacting agencies (not specified) for advice but without giving details that will identify the child, this is an unsafe practice and the organisations policy on confidentiality is unclear about in what circumstances you would not give the details of a child in need of protection.

There is no safeguard in this policy which will protect children who complain against a worker, volunteer or a committee member in the organisation itself. The policy as it stands and the make up of the organisation allows the management committee and the "child protection workers" to make decisions regarding the safety of children, when child protection workers, volunteers and some members of the management committee are related to each other, it means that there is no independent governance of child protection matters relating to complaints against staff, volunteers and committee members in the organisation.

The child protection policy should relate to safe recruitment practices, it is not clear if all the all the management committee, workers and volunteers who are allowed to make child protection decisions have had enhanced disclosure checks.

The policy also suggests that the workers or the management committee will have the discretion when it comes to informing parents and carers and this may only be as a matter of courtesy, depending on the age of the child or young person this is not considered as acceptable practice.

The part of the policy which refers to abusers is not acceptable as it again leaves the discretion of what action to take to Child protection workers or the management committee again this questions safe recruitment processes and appropriate qualifications.

### *Referrals*

It is not clear where referrals for children and young people come from and what their need is, as no record is kept of either the referral the referrer or the details of the young person, including their age and care arrangements, similarly there is no record of self referrals kept. The advice you would give a child or young person is influenced by their age, stage of development and their current care arrangements in not asking a Childs age or their living arrangements when giving advice could have potentially harmful consequences for a child.

The organisation does not keep records therefore it is difficult to evidence that advice support or guidance is being helpful and that the type of service being offered is suited to their needs, and is effective in keeping them and others safe.

### *General Policies*

There were a number of other policies which would not meet standards for example the General code of conduct policy but don't relate specifically to this complaint but to the ethos of the organisation generally

