

Our Ref: LAG/CDT/EIG/1/2 2863198V1

Your Ref: JMCD/CH 4/2/1

15 May 2009

John McDonald  
Team Leader (Legal Services)  
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ALSO BY FAX: 01382 434182

Dear Sir

**Eighteen and Under  
Fairer Scotland Fund**

We refer to the above matter and to our letter of 1 May, to which we have not had the courtesy of a response.

We are advised that the instalment of funding for May has not been received by our clients. Taken together with Mr Allen's letter of 29 April, we can only assume from this that Dundee City Council has made the decision to terminate the Service Level Agreement, and therefore the provision of Fairer Scotland Funding to our clients.

If that is the case, obviously there is nothing that our clients can do to influence the Council's decision. However, for the sake of completeness, they wish to respond to your letter of 28 April. We are advised that:-

1. Of the three brothers in this family, two were referred to our clients by the Council's social work department and one by the police. Several meetings took place between our clients, social workers and the police before they started working with the family. They have records which substantiate that.
2. Our clients cannot comment on your social work department's telephone records. They were informed by the boy's mother that she phoned the social work department on the day in question.
3. The purpose of the telephone call from your social work department on 10<sup>th</sup> December 2008 was to refer another service user to our clients. The incident involving Kevin was only mentioned at the end of the call. Our clients were told that it was not considered serious. Four of our clients' employees were present in the room when that conversation took place.
4. Our clients have had no recent involvement with the volunteer who was dismissed. He has not visited their premises since he was dismissed. They are unaware of whether he has had contact with the boy or his family since he was dismissed but, even if he has, we cannot see what relevance that has to this dispute. Our clients obviously cannot dictate who service users or their families are in contact with.
5. Our clients' records of supervision with their volunteers are confidential. They may be willing

to provide the Council with redacted copies of the records, but as the Council now appears to have concluded its investigation and reached a decision to withdraw the funding without ever asking for these supervision records, we are unsure quite what this would achieve.

6. As previously advised, our clients prepared a report of their investigation into the circumstances leading up to the volunteer's dismissal and wrote to Peter Allan on 9<sup>th</sup> February offering to discuss their findings with the Council. The offer was never taken up. Our clients have no objection to you visiting their premises and inspecting the report. (Mindful of their data protection obligations, personal details have been redacted). Again, however, as the Council has already reached a decision regarding the funding, we wonder where this would actually take us?
7. There is no requirement – either in the Service Level Agreement or otherwise – for our clients to have accredited child protection workers. However, if you can provide a reasonable explanation for why it would be "helpful" for the Council to see them, our clients are willing to allow you to visit their premises and inspect the Scotvec qualifications of their child protection workers.
8. Ms Duffy was not a member of the Management Committee when the chart was originally provided to the Council. Largely because of this ongoing dispute with the Council, she has since co-opted onto the Management Committee.
9. Our clients are in the process of reviewing their child protection policy, as previously advised, and will take on board your comments. As we have already explained, in relation to referrals to outside agencies, the wording of their policy was deliberately broad: the type of agency they contact will depend on the type of concern they have. They are happy to insert details of the agencies that are typically consulted in relation to the situations they encounter most frequently. In practice, they consulted with John MacInally of Seymour Lodge in relation to [child protection issues].
10. Our clients are well aware of the findings and recommendations contained in the document *"It's everyone's job to make sure I'm alright"*. They consider that they do adhere to the principals of that document, but are happy to acknowledge that to the Council.
11. It is surprising that the Council's Approved Provider's process did not happen until one year after the Fairer Scotland funding agreement was put in place, and even then was only "accelerated" because of this dispute. Our clients have received funding from the Council for several years in one form or another, and consider that the Council has had ample opportunity to review their organisation and policies before now. We also note that Clause 2.1 of the Service Level Agreement states that the Providers' performance shall be reviewed by the Dundee Partnership on a quarterly basis throughout the term of this Agreement.
12. As regards recruitment procedures, for obvious reasons our clients cannot disclose application forms and interview notes which contain personal information about prospective and actual employees. They have records of all steps that were taken to recruit – including job advertisements – during the period in which they received the funding, and can prove that all posts were advertised widely. Our clients are willing for you to visit their premises and inspect those records for the period in which they have received the Fairer Scotland funding. However, no workers were recruited for the Fairer Scotland funded work in this period.
13. For confidentiality reasons, our clients are obliged to destroy Disclosure Scotland certificates after they have been obtained, although they do keep a record of the certificate number and issue date. We have taken advice from Disclosure Scotland in relation to what our clients are able to disclose to you. We are advised that our clients are not permitted to share the

disclosures with any third party, including the Council, and that confirmation that the checks have been carried out should be sufficient. We have already given you this confirmation on our clients' behalf. Our clients do keep a note that the checks have been carried out and are willing for you to inspect it, but if you have any reason to doubt the confirmation that we have already given you, we suggest you take up your concerns with Disclosure Scotland.

Yours faithfully

**Partner**  
**MacRoberts LLP**