

21/01/2019

West Lothian Council Social Policy Service  
West Lothian Civic Centre,  
Howden Road South,  
Livingston,  
West Lothian  
EH54 6FF

E Mail: [REDACTED]

Email: [SocialPolicyLR@WestLothian.gov.uk](mailto:SocialPolicyLR@WestLothian.gov.uk)

Dear [REDACTED]

Freedom of Information

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Our reference: SAR 101006196665

I refer to your request for information received 11<sup>th</sup> December 2018:

1. Please advise the legislation that informs the duty of the police and social workers who when presented with evidence that either the other parent, social worker, Police Officer or civilian has been mis-truthful (perverted the course of justice) when my court case was current, but more importantly now I have been acquitted by the court proving previous findings of fact have been based on malicious falsehoods?
2. Is it an offence for myself the (innocent) person to report false reporting or other criminal offences to social workers and including Police Scotland, The Crown and Procurator Fiscal's Office or any other agency. If so what is the offence and please direct me to the relevant legislation showing this offence in law and include any/all policy? .
3. As this is an inter-agency collaboration what form of independent scrutiny and oversight of all decisions made is there is place?

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#### **WEST LOTHIAN COUNCIL RESPONSE**

1. Please advise the legislation that informs the duty of the police and social workers who when presented with evidence that either the other parent, social worker, Police Officer or civilian has been mis-truthful (perverted the course of justice) when my court case was current, but more importantly now I have been acquitted by the court proving previous findings of fact have been based on malicious falsehoods?

**I am only in a position to provide information relating to social work practice and unable to comment on other services such as the Police or Court. There is no specific legislation that informs social work practice in relation to this matter. When undertaking a social work assessment staff follow procedures and guidance relevant to presenting issue. This will include local guidance, pan Lothian procedures and national guidance. Where possible social work staff will attempt to gather information from a range of sources to inform their assessment and corroborate any information provided. Where possible assessments are then reviewed with the subject to seek their views and identify any areas of disagreement. Social work are required to follow action as directed by a Court. If an individual is not content with the service received from social work services this can be raised via our complaints procedure.**

Director: Jim Forrest

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2. Is it an offence for myself the (innocent) person to report false reporting or other criminal offences to social workers and including Police Scotland, The Crown and Procurator Fiscal's Office or any other agency. If so what is the offence and please direct me to the relevant legislation showing this offence in law and include any/all policy?

**It is not part of the social work function within West Lothian Council to establish if an individual has committed an offence. We work closely with partner agencies, such as the Police, to inform assessments as detailed above.**

3. As this is an inter-agency collaboration what form of independent scrutiny and oversight of all decisions made is there is place?

**We would require additional information to establish the context of this request. The requester has previously received information regarding the IRD process, which should in part if not wholly address this matter**

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You are free to use the information supplied in this response for your own non-commercial research or private study purposes. The information may also be used for any other purpose allowed by a limitation or exception in copyright law, such as news reporting. Any such use must be in context and must not be misleading. Any other type of re-use, for example by publishing the information in analogue or digital form, including on the internet or commercial use, will require the permission of the intellectual property owner and copyright owner.

Further details as to how to apply to re-use information supplied by us can be found on our website at [www.westlothian.gov.uk/freedom-of-information](http://www.westlothian.gov.uk/freedom-of-information)

If you have any complaint about the Council's handling of your request for information, you may require the Council to review its actions and decisions in relation to this response. Please write, within 40 working days from the receipt of this information, to Carol Johnston, Chief Solicitor, West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston EH54 6FF (Telephone: 01506 281605, email: [carol.johnston@westlothian.gov.uk](mailto:carol.johnston@westlothian.gov.uk)). The request should be in writing, email or other permanent format and should state your name, address and specify the original request for information and the reason for your dissatisfaction.

You may, within a further six months, if you are dissatisfied with the outcome or with the Council's failure to review its actions and decisions in relation to this response, apply in writing to the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS (01334 464610; email [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)) requesting his decision in this matter. The application must be in the format and contain the information referred to in the paragraph above. The application should also state the reason for dissatisfaction with the Internal Review.

Yours Sincerely

West Lothian Council

DATA LABEL: Official (Sensitive)

In accordance with our Corporate Policy you may be contacted shortly to obtain your views on how we handled your request.

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