

Corporate Services

**Carol Johnston
Chief Solicitor
Legal Services**

Private & Confidential - Addressee Only

WEST LOTHIAN COUNCIL
WEST LOTHIAN CIVIC CENTRE
HOWDEN SOUTH ROAD
LIVINGSTON
EH54 6FF

DX 552060, LIVINGSTON 7

e-mail:

Our Ref: FOI-024025

Your Ref:

Contact: Carol Johnson

Tel:

5 January, 2021

Dear Requester,

**Freedom of Information Request – 101006873838
Internal Review Reference 101006906584**

I refer to your request for internal review received by the council on 21 December 2020.

Social Policy has been contacted in connection with the review.

In your review request, you state “West Lothian Council has not described the process for identifying and addressing emotional abuse perpetrated by one parent when false information is provided by an Independent Domestic Abuse Advocate (IDAA) at a Local Authority-held Multi-Agency Risk Assessment Conference (MARAC).” And ask “Will West Lothian Council provide the process for identifying and helping those children who feel “unloved” as a consequence of one parent being alienated from them when that alienated parent has identified (by one or more Data Protection Act 2018 Subject Access Request) false information held on them provided by the other parent using an IDAA and Police Scotland as the conduits and cannot go through a Family Court contact process by virtue of public authorities holding false and malicious information on them that suggests the alienated parent is a danger to their own children?”

In your original request, you sought details of the “stringent checks and balances are in place to ensure that there is no inappropriate ethos of custom and practice approach being taken” and “The Standard Operating Procedures (SOPs), Flow Charts, Risk Assessments and Law Enacted that is used by Social Services when a parent raises an emotional harm Child Welfare Concern”.

In response, you were provided with details of the relevant legislation and links to the relevant guidance. There is no one specific recorded process to identify and help children who feel “unloved”. When a referral is received relating to emotional abuse, the investigation, assessment and response is undertaken by social workers and social work team managers in the children and families duty and child protection and practice teams. The council’s duties are set out in the Children (Scotland) Act 1995 and Children and Young People (Scotland) Act 2014.

Social Work staff use the National Risk Framework to support assessment of children and young people; to identify risk, assess, analyse and respond. GIRFEC sets out the expectations for promoting and protecting children's welfare.

Edinburgh and the Lothians Interagency Child Protection Procedures outline the responses to referrals of a child protection nature. Supplementary COVID-19 National Child Protection Guidance was published in March 2020 and was updated in December 2020. <https://www.gov.scot/publications/coronavirus-covid-19-supplementary-national-child-protection-guidance/>

Interagency Referral Discussions are all subject to multi-agency independent review by representatives in Police, Health and Social Work.

In addition, Social Work staff are expected to meet the Scottish Social Services Council Codes of Practice, are members of the PVG scheme and have regular supervision with their line manager.

All of the professionals involved work within the legislation and guidance using their own professional training and experience to identify, assess and address abuse of any kind, including emotional abuse.

The council does not hold details of the particular process in any more detail than has already been provided and so must refuse your request for the "process" in terms of section 17 of the Freedom of Information (Scotland) Act 2002.

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 <http://www.westlothian.gov.uk/freedom-of-information>.

If you are dissatisfied with the outcome of the internal review, a further right of review exists to the Scottish Information Commissioner. You can apply online: www.itspublicknowledge.info/Appeal or in writing to the Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St. Andrews, Fife, KY16 9DS (01334 464610; email enquiries@itspublicknowledge.info).

You can apply to the Commissioner for a decision on the manner in which the Council has dealt with your request under the Freedom of Information (Scotland) Act 2002. The application must be submitted within 6 months after the date of receipt by you of the outcome of the internal review. The application must be in writing, e-mail or some other permanent format and should state your name, address and specify the original request for information and the reason for your dissatisfaction. Should you then wish to appeal against the Commissioner's decision, there is a right of appeal to the Court of Session on a point of

law only. Any such appeal must be made within 42 days after the date of intimation of the Commissioner's decision.

Yours sincerely

Carol Johnston
Chief Solicitor

PRIVACY INFORMATION

Information held about you

West Lothian Council will hold all personal information contained in your request and all personal information needed to answer your request in accordance with data protection law. It is important that we hold accurate and up to date information about you in order to respond to your request. If any of your details have changed, or change in the future, please ensure that you tell us as soon as possible so that we can update your records.

How will we use information we hold about you?

We will use your personal information to respond to your request and to any appeal submitted in relation to your request.

Who we will share your information with?

The council will not share your information with any third party unless you ask us to do so or we are required to do so by law.

How long do we keep your records?

We will keep personal information relating to your request for a maximum of six years after your request and any appeal associated with your request has been answered.

Your rights

If you have any questions or concerns about how your information is used, please contact the Data Protection Officer. More information about data protection and how it applies to you, including how to make a complaint, is available from the [Information Commissioner's Office](#).

You have a number of rights under data protection law, including the right to request your information and to request that the information be amended if incorrect or, in some circumstances, erased.

To make a request for information, amendment or erasure, you will need to put your request in writing and provide proof of identification to the Data Protection Officer, West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston, West Lothian, EH54 6FF Email – DataProtectionOfficer@westlothian.gov.uk