

LEGAL AND ENFORCUMENT ISSUES

1. **SCSWIS – v – Francesca Staley**

The Care Inspectorate raised proceedings at Livingston Sheriff Court seeking the cancellation of the registration of this childminder on the basis that there would otherwise be serious risk to the life, health or wellbeing of minded children. A child of the family alleged violence by the childminder and her partner who was a named childminding assistant. Previous, similar allegations then came to light. An *interim* order suspending the registration was granted. The childminder then cancelled her registration. The action has therefore been dismissed.

2. **Fatal Accident Inquiry – Death of Dawn McKenzie**

The Care Inspectorate withdrew as a party to this in this Inquiry, in light of clarification of the other parties' positions following receipt of the expert report by a fostering placement consultant, instructed by the Procurator Fiscal. The evidence in the Inquiry has now concluded and the sheriff has invited written submissions on the evidence. A hearing will take place on 29 June at which parties still involved will address the sheriff on their written submissions. The Care Inspectorate will be present at that hearing.

3. **Alt-Na-Craig Limited –v- Care Inspectorate - Judicial Review**

This action of Judicial Review was heard in the Court of Session on 27 February. The care service involved was challenging the decision to issue an inspection report because it was unhappy about the Care Inspectorate's evaluation of the service. The care service argued that the outcomes of complaints which had been upheld should not have in any way informed the Care Inspectorate's evaluation of the service, that the complaints themselves had not been investigated fairly, and that one of the complaints should not have been taken account of because the Care Inspectorate should have regarded the complainant as "vexatious". Following a further hearing on 15 May, the court's decision was issued on 21 May. The court did not accept any of the care service's arguments and upheld the Care Inspectorate's decision to publish the report in the terms in which it did. The care service has appealed against this decision. The appeal is unlikely to be heard for a number of months.