

SPSO decision report

Case: 201101198, South Lanarkshire Council
Sector: local government
Subject: policy/administration
Outcome: some upheld, recommendations

Summary

Mr C complained that the council did not ask for his permission before authorising the building of an access ramp for a neighbour, which affected Mr C's garden path. He also said that they had not responded to his complaint about the member of staff who authorised the work, and he was unhappy with the council's complaints handling. He said that there was delay in resolving a problem with a leaking pipe, which he believed was associated with the work.

Mr C also complained that the council unreasonably told him to resolve this with the contractor, rather than with them, and did not honour their commitment to restore his path to its original condition after the ramp was removed. Finally, he said that he had been denied a right of review under the social work complaints procedure.

Our investigation found that the council had already investigated and apologised to Mr C for failing to obtain his permission before the work began. They had acted on his complaint about a member of staff, but did not record or follow up on it, so we upheld that complaint.

We did not uphold the complaints about the problem with the leaking pipe, and that the council unreasonably instructed Mr C to resolve the matter with the contractor. The evidence showed that the council had not delayed in responding to Mr C's complaint nor had anything gone wrong in their handling of the matter. We also did not uphold the complaint that the council failed to restore Mr C's path after the ramp was removed. We found that they had restored his path and any dispute about liabilities that he claimed arose from that work was not a matter within our remit.

However, we upheld Mr C's complaints about the delay in responding to his complaint, and about being denied a right of review. Whether Mr C should have been allowed to appeal through the statutory complaints procedure is a matter

of interpretation of the law and we could not comment on this. However, we did find fault in the council's handling of the complaint. We also found that, having decided that Mr C did not have a right of review through the social work complaints procedure, they had failed to tell him that his complaint could in fact be considered under the council's complaints procedure.

Recommendations

We recommended that the council:

- apologise to Mr C for their oversight and for the shortcomings in the handling of his complaint;
- take steps to ensure that the errors in dealing with the complaint are addressed and make any necessary improvements to the social work resources complaints procedure; and
- ensure that staff handling complaints in social work resources have guidance which makes clear the criteria for both the social work and the council's complaints procedures.