

SPSO decision report

Case: 201302970, The City of Edinburgh Council
Sector: local government
Subject: maintenance and repair of roads
Outcome: upheld, recommendations

Summary

Mr C made a claim to the council for damage from a road accident caused by a pothole, saying that they had not maintained the road in line with their procedures. The council refused his claim, as they said they had complied with their procedures for inspecting the road, and repaired the pothole within the required time-frame. They also said the pothole was less than the minimum depth required for them to be liable for the accident. Mr C disagreed with several of these findings, and complained to the council that they had not handled his claim reasonably. They apologised for delays in responding, but did not agree that they had relied on inaccurate information. Mr C was dissatisfied with the council's response, and complained to us about their handling of his claim and complaint.

We found that the council had used inaccurate information when determining his claim, as they had used inspection dates for the wrong route and had relied on a measurement that they acknowledged was probably an estimate rather than an actual measurement. Although Mr C had video evidence of the pothole depth, which he offered to share, the council had not taken account of this. We also found that they failed to deal with his complaints reasonably, as they did not acknowledge or respond within the required time-frames, and did not consider all the available evidence. When Mr C complained that the information was inaccurate, the council double-checked the accident inspection report they had relied on, but did not compare this to documents that would have shown that the information was inaccurate.

Recommendations

We recommended that the council:

- review their procedures for identifying, logging and tracking complaints, to ensure that the time-frames in the complaints handling procedure are met;
- remind complaints handling staff of the importance of considering and testing all the evidence available, particularly where factual issues are disputed by the complainant;
- issue a written apology to Mr C for the failings our investigation found;
- consider amending their job ticket templates, so that it is clear the published 'target date' is for inspection rather than repair, and to include the target date for repairs; and
- reconsider Mr C's claim, in line with their procedures.