

## SPSO decision report

**Case:** 201405344, Scottish Environment Protection Agency  
**Sector:** Scottish Government and devolved administration  
**Subject:** complaints handling  
**Outcome:** not upheld, no recommendations

### Summary

Mr C complained that the Scottish Environment Protection Agency (SEPA) had failed to investigate his complaint that his neighbour's septic tank was discharging unsafely into a roadside ditch and that it was, on occasion, flooding his back garden. Mr C said his submission to SEPA had been ignored and SEPA had refused to test the discharge. Mr C also complained that SEPA could not show that the consent to discharge granted in 1968 was being properly adhered to.

SEPA said their officers had investigated Mr C's complaint in line with their procedures, which allowed officers to take discretionary decisions on the extent of any investigation carried out. The site had been visited three times, with no evidence found by officers to justify further testing. Although the issues around the conditions attached to the consent to discharge had not been raised by Mr C initially, SEPA did not agree the conditions were being breached and said there was no evidence to that effect.

We found that SEPA had followed their procedures correctly in investigating the complaint. The procedures allowed their officers to exercise their professional judgement, which they had done in a reasonable fashion and which they had extensively documented at the time. We did not find they had failed to respond to Mr C's complaints and, although we accepted that he did not agree with their conclusions, this was not sufficient to constitute maladministration.