

SPSO decision report

Case: 201407836, Scottish Borders Council
Sector: local government
Subject: communication staff attitude and confidentiality
Outcome: not upheld, recommendations

Summary

Mr C complained that a council officer unreasonably barred his entry into a public event that was being held in a council facility. He also complained that the officer's behaviour at the time was inappropriate. He then complained to the council about this incident but was dissatisfied with their investigation and response. He said that they had not explained the complaints process to him, and they had not interviewed the only independent witness to these events.

We considered the investigation carried out by the council and noted that they had given Mr C information about the complaints process and asked for contact details for his witness by email. We noted, however, that one of these emails was returned undelivered as the email address, despite being correct, was not recognised. We were satisfied that they had properly investigated his complaint and asked for the witness's details, which Mr C had not originally provided. We also noted that council staff were entitled to take action where they consider that their staff are likely to be subjected to unacceptable behaviour by a member of the public, and that this complied with the council's unacceptable actions policy and their policy on dignity and respect in the workplace. We found no additional evidence to support Mr C's claim that staff had behaved inappropriately when barring him from the event. For these reasons, we did not uphold his complaint. However, we did recommend that, for the sake of completeness, the council now contact his witness to see whether his recollection of events would affect their decision on Mr C's complaint. We also recommended that they ensure that all incidents of unacceptable behaviour by members of the public are properly recorded in line with their own procedures.

Recommendations

We recommended that the council:

- phone Mr C's witness to discuss his recollection of the incident and consider whether his testimony would alter their decision on Mr C's case; and
- ensure that all incidents of unacceptable behaviour towards staff, in council offices or outwith the workplace, are recorded appropriately and in line with their unacceptable actions policy and their policy on dignity and respect in the workplace.