

SPSO decision report

Case: 201602744, East Lothian Council
Sector: local government
Subject: improvements and renovation
Decision: some upheld, recommendations

Summary

Mr C complained that the council had unreasonably failed to act in line with their responsibilities in overseeing a programme of works that was carried out in the area by a third party company. Mr C considered that the works carried out at his home had not been done to a reasonable standard and also complained that the council had not handled his complaint about this appropriately.

After investigating Mr C's concerns about the oversight of the programme of works, we did not uphold his complaint. We found that the council had used a managing agent to oversee the programme of works and there was evidence that a supervisory service was provided by them. While the council had no liability or responsibility for the works, we found that when issues arose at Mr C's property, they took an active co-ordination role to work towards resolving these. However, we found that in responding to Mr C's official complaint, the council failed to respond within the 20 working days specified in their complaints handling procedure. Therefore, we upheld this aspect of Mr C's complaint and made recommendations to the council.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for the failings in complaints handling. This apology should comply with SPSO guidelines on making an apology, available at www.spsso.org.uk/leaflets-and-guidance.

In relation to complaints handling, we recommended:

- Complaints should be handled in line with the complaints handling procedure. Any revised timescale should be agreed with the complainant or approved by senior staff in line with the policy and the reasons for this should be explained to the complainant.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.