

SPSO decision report

Case: 201701236, The City of Edinburgh Council
Sector: local government
Subject: complaints handling
Decision: upheld, recommendations

Summary

Mr C, who is an MSP, complained on behalf of his constituent (Mr A). A council operative was instructed to clear a number of garages and dispose of the contents. The council operative opened Mr A's garage in error, cleared it and disposed of the items within it. Mr A realised that this had happened two days later and contacted the council. Mr A complained and the council admitted the error and advised Mr A to submit a claim for compensation for the disposed of items. This was handled by the council's claims handlers. They offered Mr A less than he had claimed for, as he could not provide proof of exactly what was in the garage.

Mr C complained to our office that the council had not taken reasonable precautions to ensure the correct garage was cleared and had not reasonably investigated his complaint.

We found the council had not carried out a sufficient investigation into how the mistake had occurred and it was still not clear how it had happened. We also determined that the council's claims handlers had therefore not been provided with sufficient information about the incident. We upheld both aspects of Mr C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr A for failing to take reasonable precautions to prevent the incorrect garage from being cleared. Also apologise for failing to carry out a detailed enough investigation to identify what had happened. These apologies should meet the standards set out in the SPSO guidelines on apology available at <https://www.spsso.org.uk/leaflets-and-guidance>.
- Re-investigate the course of the error and provide a copy of their report to the claims handlers. They should also include what appears to be a reasonable list of items provided by Mr A that were removed from the garage.

In relation to complaints handling, we recommended:

- Complaints should be investigated thoroughly.

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.