

SPSO decision report

Case: 201806323, Glasgow City Council
Sector: local government
Subject: policy / administration
Decision: upheld, recommendations

Summary

Ms C, an MSP, complained on behalf of her constituent (Ms A) that the council unreasonably failed to follow their Unacceptable Actions Policy (UAP - a policy that outlines how an organisation will approach situations where the behaviour of individuals using their service becomes unacceptable, including any actions the organisation will take to restrict contact from the individuals concerned).

The council are entitled to apply their UAP in appropriate circumstances and we are not an appeal route for that decision, rather, our role was to consider their administrative handling of the matter. We considered the council's UAP and the actions they took in Ms A's case.

We found that the council's letter to Ms A, restricting her contact with them, failed to include details of the appeals process, failed to make it clear what behaviour they considered unacceptable that led to them apply the UAP, and failed to explain the extent of the UAP restriction. The council also failed to respond to Ms A's appeal against the UAP restriction.

There was no contemporaneous record or audit trail to explain the rationale for not issuing a warning letter to Ms A prior to invoking the UAP restriction, and not reviewing Ms A's restriction at a bi-annual meeting as per the council's UAP. We therefore upheld Ms C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Ms A for failing to include the details of the appeals process, failing to respond to Ms A's appeal and the failure to review Ms A's unacceptable actions restriction at a bi-annual meeting. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/leaflets-and-guidance.

What we said should change to put things right in future:

- Letters restricting a person's contact with the council should include details of the appeals process, details of the behaviour that is considered to be unacceptable and explain the extent of the restriction.
- Appeals against an unacceptable actions restriction should be responded to in accordance with s7.2 of the Unacceptable Actions by Customers Policy.
- Clear records should be kept to explain the rationale for not issuing a warning letter and for not reviewing a restriction at a bi-annual meeting as detailed in the Unacceptable Actions by Customers Policy.