

Learning from Complaints

SPSO Enquiries:

SPSO received an enquiry about water damage to property due to works carried out by the council as part of a Flood Prevention Scheme (FPS). The complainer said the council failed to investigate the effect of the water damage and remedy these issues. They also complained about vibrations from a nearby road, the quality of the council's communication with them and the response to her complaint.

SPSO found that the council did conduct a suitable investigation into the effect of water damage to the property and had investigated concerns about sediment in a burn and took action to remedy this. The Council also continued to monitor both the water flow and level and conducted annual inspection of the burn. No further problems had been identified since remedial actions had been installed. SPSO considered the Council's investigation and remedial action had been reasonable and did not uphold these aspects of the complaints.

In relation to the vibrations from the nearby road, SPSO noted that the Council repaired the road, but when the complainant raised continued concerns, no further inspection was conducted. SPSO considered that the Council should have attended the road and/or met with the complainant to establish any outstanding issues and therefore upheld this aspect of the complaint.

In relation to complaints handling, SPSO found that the council's response to the complaint was appropriate and responded to the issues raised within the timescales set out in their complaint handling procedure. This aspect of the complaint was not upheld.

SPSO found that the council did not respond to two letters the complainant had sent raising concerns and SPSO upheld this aspect of the complaint.

SPSO made the following recommendations:

- Apologise for failing to respond to letters. The apology should meet the standards set out in the SPSO guidelines on apology. .
- Contact complainer to establish if the road issue remains a problem and if it does Council should conduct an investigation and advise complainer of their findings.

Enquiry 2:

SPSO received an enquiry from resident who complained about works carried out by the Council to lower the footway at their property to allow for access to the driveway. The Council carried out works to drop the kerb, but did not lower the heel kerb. The complaint was that as a result of the Council not lowering the heel kerb, their car grounded on the footpath and they believed the council should have dropped the heel kerb as part of the works. The Council advised works had been carried out to specification and considered the issue was the level of the driveway which was not their responsibility

SPSO requested documentation with respect to the inspection and agreed specification for the works. The Council was not able to provide documentation relating to their inspection, even though they had visited the site on a number of occasions. SPSO concluded the council had failed to appropriately document their inspection and the specified works. The Council confirmed during the investigation that they no longer offered to carry out such works and that, in an effort to conclude matters and in acknowledgement of the inconvenience, they agreed to waive their fee for the works carried out. SPSO considered the Council should re-inspect the driveway, document findings with respect to the works that should have been carried out at the time and, if further works were required should liaise with the complainant to arrange for these to be completed.

SPSO upheld the complaint and made the following recommendations:

- Apologise for failure to document further assessment of whether the heel kerb should have been lowered. The apology should meet the standards set out in the SPSO guidelines on apology. .
- The Council should carry out a further inspection of the footway and driveway to determine whether, at the time the works were completed (prior to the installation of the gravel grid system on the driveway); the heel kerb should have been dropped to provide level access. If it was determined the kerb should be dropped, the Council should arrange, in consultation with the complainant to drop the kerb and pavement to the original driveway levels.

SPSO requested the Council provide SPSO with evidence that the recommendations have been implemented.