

SPSO decision report

Case: 201102465, The Highland Council
Sector: local government
Subject: policy/administration
Outcome: not upheld, no recommendations

Summary

Mr and Mrs C who were housing association tenants raised their concern about the condition of their back garden. A joint visit by the council and the housing association to view the condition of the garden had been carried out in 2007. The complainants were unhappy with that visit and disagreed with the accuracy of the report prepared by the council following the visit in 2007. They were dissatisfied that the council had now advised them that they would not inspect their back garden.

Our investigation found that there was no evidence of maladministration in relation to the council's handling of the matter. The council's social work service had visited the property in 2006 and had made a number of recommendations to the housing association in line with their social work responsibilities. At the request of social work services the council's health and safety adviser had visited the complainants' property in 2007 and had prepared a note of the visit. This was within their remit of giving advice to social work services. While Mr and Mrs C disagreed with the accuracy of the note, the council had confirmed that the officer who had drafted the document had confirmed that it was an accurate record. We advised the complainants that, as this related to a note prepared a number of years ago and as the officer was no longer with the council, further enquiries by this office would not add to the information already available.

We also found it was not within the remit of the council's health and safety service to carry out an inspection of a household at a householder's request and, as a result, the council had advised the complainants that they would not carry out a visit to their property. However, we found that discussions were ongoing between Mr and Mrs C and the housing association, as their landlord in relation to the garden.