

SPSO decision report

Case: 201103929, The City of Edinburgh Council
Sector: local government
Subject: statutory notices
Outcome: some upheld, recommendations

Summary

Ms C complained about various aspects of the council's handling of a repair under the Tenements (Scotland) Act 2004. Ms C questioned whether the original repair to the roof had ever been done and, even if it had, the standard of the workmanship. This was because no one remembered the work having been done; the chronology of the notices and repair did not correspond; and another repair was required soon after. The council acknowledged administrative errors in their handling of the repair, but maintained that the work was carried out in 2010. They also felt that the time that had since passed made it impossible to confirm whether the latest repair was related in any way to the 2010 repair.

The fact that the work was carried out under the Tenements (Scotland) Act 2004 meant that we could not look at the first two aspects of Ms C's complaint, as these were outwith our jurisdiction. However, we investigated the third aspect, about how they handled Ms C's complaint. The council acknowledged to us that they had not met their own timescales in doing so. They explained that they had reviewed their processes and had given feedback to the relevant members of staff. They had also recently adopted the model council complaints handling procedure recommended by our Complaints Standards Authority. However, we also found evidence that a council employee had told Ms C that the council would conduct the later repair at its own expense. This contradicted the council's final response which said that they would only pay their individual share (as a part-owner of the building), so we asked the council for more information about this. In the light of the evidence received, we found there had been maladministration. We upheld this aspect of Ms C's complaint and made a relevant recommendation.

Recommendations

We recommended that the council:

- consider whether it would be appropriate to reimburse the residents for their respective shares of the repair conducted in 2010.
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