

## SPSO decision report

**Case:** 201102008, The Highland Council  
**Sector:** local government  
**Subject:** claims for damage; injury, loss  
**Outcome:** not upheld, no recommendations

### Summary

Mrs C hurt herself after falling on a loose paving stone. She made a claim against the council's insurers but they denied liability on the grounds that the pavement had been inspected two days prior when no fault was identified. Mrs C complained about this decision. In response, the council explained that as they had an inspection process in place which complied with national guidelines which they had followed in this case, they could not uphold her complaint. Unsatisfied with their response, Mrs C approached our office.

We cannot consider the question of liability, we can only review whether or not the council followed their own procedures and whether these procedures are, in themselves, appropriate. Having reviewed the evidence in this case, it was clear that the council had the right procedures in place and that they had followed them properly. As a result, and as they could demonstrate that they inspected the site of the accident two days before it took place, and found no defect, we did not uphold the complaint.