

Case: 201101886, Scottish Government
Sector: Scottish Government and devolved administration
Subject: policy/administration
Outcome: some upheld, recommendations

Summary

Mr C rears cattle. He complained about the actions of an officer working on behalf of the Animal Health and Veterinary Laboratories Agency (AHVLA) (an executive agency of the Department for Environment, Food and Rural Affairs, working partly on behalf of the Scottish Government). He also complained about the AHVLA's handling of his complaints.

Mr C complained that the officer had been aware of the location of some of his cattle, yet had written asking for clarification of their whereabouts. Mr C said that one of the officer's colleagues had told the officer where the cattle were. We did not, however, uphold this complaint as there was no evidence available to suggest that the officer was in fact aware of the location of the cattle. Although there appeared to have been some misunderstanding during the correspondence between the officer and Mr C, it was clear that the movements of the cattle were complex and we considered it reasonable for the officer to seek clarification of their whereabouts.

Mr C also complained that the officer had unreasonably requested that Mr C present his cattle for testing, when the officer had not done anything about the situation for over two years. Our investigation established there were a number of sound reasons why he had not made contact with Mr C during that time. These included that Mr C had made a complaint about the officer to the Royal College of Veterinary Surgeons; there were ongoing criminal proceedings against Mr C in relation to the Tuberculosis Order 2007; and the Rural Payments and Inspections Directorate were trying to complete inspections of the cattle. The officer had, therefore, been advised to await the conclusion of all of these before contacting Mr C again about tuberculosis testing, which is why the delay occurred. On that basis we did not uphold this complaint.

We upheld Mr C's complaint about the AHVLA's complaints handling, as we found that they did not respond fully to all aspects of Mr C's complaint letter.

Recommendation

We recommended that Scottish Government:

- review their complaints handling procedure to ensure complainants receive full responses to complaints.