

SPSO decision report

Case: 201200120, Scottish Water
Sector: Scottish Government and devolved administration
Subject: complaints handling
Outcome: not upheld, no recommendations

Summary

Mr C complained that Scottish Water failed to respond adequately to his complaint about damage caused by a fish pass they had built. He said that this was causing erosion to a riverbed beside his property. In response to our enquiries, Scottish Water confirmed that they had built the fish pass because their sewer pipe was stopping salmon from getting up the river. They said they had a duty under legislation not to restrict salmon movement upstream. However, they said that the fish pass was not their asset and that it had not been shown that this was causing the erosion. They told us that there had been erosion in the riverbed before the fish pass was built.

Scottish Water said that they were not liable for the problem. We cannot establish legal liability. Only a court can look at legal liability between individuals and organisations. However, we can consider complaints about how a body have handled such matters. We were satisfied that Scottish Water had investigated the matter and there was no evidence of administrative error. We also found that Scottish Water's explanation to Mr C about the matter was satisfactory.