

SPSO decision report

Case: 201200216, Comhairle nan Eilean Siar
Sector: local government
Subject: trading standards
Outcome: upheld, recommendations

Summary

Mr C had a complaint about a building company who were members of the council's 'buy with confidence' scheme. Mr C contacted council officers about his complaint and they took action in relation to it. He complained to the council that the company had been allowed to join the scheme contrary to its conditions, that the council unreasonably refused to implement conditions of the scheme in regard to his complaint and that officers had not responded reasonably to his correspondence. The council's final position was that some of his correspondence could have been responded to more quickly but that they had otherwise acted reasonably. Mr C was dissatisfied with this response and with other aspects of complaints handling and complained to us.

We upheld Mr C's complaints because there was no evidence that the company had complied with the conditions of membership of the scheme at the time of their joining. We also found that the council had not sought Mr C's agreement to use an arbitration scheme in relation to his complaint against the company, and had not responded reasonably to his correspondence or complaints.

Recommendations

We recommended that the council:

- review the application audits of all members of their 'buy with confidence' scheme, identify any application audits that were not reasonably completed and re-audit those applications (members whose applications are found not to have met the conditions for membership should then be removed from the scheme pending re-application);
- provide refresher training to all officers who undertake audits of applications for membership of the scheme;
- apologise to Mr C for not implementing a condition of the scheme;
- remind relevant officers of the conditions of the scheme and the steps that require to be taken in dealing with complaints about members of it;
- seek the agreement of Mr C and the company for the use of an arbitration scheme in relation to any outstanding complaints; and
- apologise to Mr C that they did not respond reasonably to correspondence.