

SPSO decision report

Case: 201200643, Scottish Borders Council
Sector: local government
Subject: policy/administration
Outcome: some upheld, recommendations

Summary

Mrs C was unhappy with the way in which the council dealt with her complaint. She said it was confusing; her complaint was not clarified; she was not offered a three stage process to which she said she was entitled; and her allegations about missing documentation were not acted upon.

In investigating her complaint, we carefully considered all of the information provided by Mrs C and by the council. A review of the documentation showed that although some of Mrs C's complaints were dealt with under the council's social work complaints procedure, it had been inappropriate to do so as she was not a user of social work services. After that, although she was correctly told that other complaints could not be dealt with under this procedure, she was not advised of the council's standard complaints procedure nor was she signposted to us in the event that she was unhappy with the outcome of her complaint. We noted that the reason that she expected to be able to use a three stage procedure was because some of her complaints had incorrectly been put through the (three stage) social work complaint procedure. Our investigation went on to find that the terms of Mrs C's complaint were confirmed with her; that the council were unable to disclose all the available information to her in accordance with the Data Protection Act and that the offer of a meeting that had been made still stood. Therefore, while we upheld Mrs C's complaint about lack of proper advice about the complaints procedure, we did not uphold her other complaints.

Recommendations

We recommended that the council:

- apologise to Ms C for failing to provide adequate information about the complaints procedure; and
- ensure that all staff who deal with the public are fully apprised of how their complaints procedures work in order that they can give appropriate advice.