

SPSO decision report

Case: 201200888, Scottish Water
Sector: Scottish Government and devolved administration
Subject: sewer flooding - external
Outcome: some upheld, recommendations

Summary

Mr C's garden was contaminated when a blocked sewer overflowed. In the process of clearing up other gardens, further contamination was washed into Mr C's garden. Mr C said he was not properly notified of the contamination or the risk to his health. He complained that the clean-up of his own garden, which involved an operative spraying disinfectant for less than five minutes, was completely inadequate. He said that, in contrast, other properties got new topsoil, turf and stone chippings. Lastly, Mr C was unhappy that an operative suggested that he dig raw sewage into the soil.

We upheld three of Mr C's five complaints. Scottish Water accepted that some contamination was washed into Mr C's garden during the clean-up operation. We concluded that this run-off had, inappropriately, gone unnoticed. We found evidence that Mr C had not been properly issued with written information and guidance about contamination early enough. We also found that the option of a further clean-up was not discussed with or offered to Mr C, as it should have been.

We did not uphold Mr C's complaint of unfair treatment, in that his garden was not re-turfed etc. We took the view it was appropriate for Scottish Water to act proportionately, and to allocate more resources to those who were worst affected. It was not possible for us to establish what Mr C had been told by the operative and, as there was no supportable evidence, we did not uphold the complaint that Mr C had been told to dig sewage into the soil.

Recommendations

We recommended that Scottish Water:

- apologise to Mr C for those aspects of his complaint that we upheld.