

SPSO decision report

Case: 201201085, Glasgow City Council
Sector: local government
Subject: claims for damage, injury, loss
Outcome: upheld, recommendations

Summary

Mr C's partner submitted a claim to the council for damage to their car. After a number of messages from Mr C about delay in dealing with this, the council refused the claim, saying that there was no fault or negligence attributable to them. Mr C disputed this on a number of occasions and asked for the decision to be reviewed. He then complained about the way the council were handling matters. The council upheld part of his complaint but said that the complaints procedure did not allow for a review of the decision on his claim and that he should seek legal advice if he remained unhappy. Mr C wrote to the council again saying that their response had been unreasonable, in particular with relation to his claim, but the council repeated their decision.

Mr C continued to write to the council, and they wrote again, saying that while their decision on the insurance claim was one for the courts, they recognised that they had not been as helpful as they could have been and that their explanations could have been clearer. As a consequence, they said, the claims process was being reviewed.

Mr C complained to us that the council failed to operate and comply with reasonable procedures concerning his claim and because of this they did not deal properly with his complaint. We upheld Mr C's complaint as our investigation confirmed that there were defects in the council's internal claims process and that the council failed to follow their own stated procedures when dealing with his complaint.

Recommendations

We recommended that the council:

- apologise for their failing in this matter; and
- ensure that staff in the claims department are fully aware of the policies with regard to complaints handling and to requests for liability reviews.