

SPSO decision report

Case: 201201774, Forestry Commission Scotland
Sector: Scottish Government and devolved administration
Subject: policy/administration
Outcome: not upheld, no recommendations

Summary

Mr C phoned Forestry Commission Scotland (FCS) in June 2007 to complain about unauthorised tree felling. He complained that, at the time, the officer concerned failed to make appropriate follow-up enquiries, and that, although correct information eventually became available in August 2007, the officer failed to report the matter to the procurator fiscal.

Our investigation found that when the officer spoke to the tree fellers, he was led to believe that they were working on behalf of Scottish Power. He understood that they were working within their remit and so a tree felling licence was not necessary.

The same officer later became involved in the investigation of a further incident and, in November 2007, Scottish Power confirmed that they had not been engaged in any tree felling in June 2007. (Mr C had told us that he believed that this information in fact came to light in August 2007. Our investigation into the documentary evidence, however, revealed that an email sent from Scottish Power included a date that had been written in American formatting - ie with the month preceding the day.) The officer discussed the changed circumstances with his manager, and decided that, due to the passage of time and the fact that they were unlikely to be able to establish the amount of wood involved, they should instead focus on pursuing the most recent allegation of unauthorised felling. This more recent incident was ultimately reported to the procurator fiscal.

Ultimately, Mr C was unhappy with FCS's decision. Taking into account the information provided by both parties and the relevant legislation, we concluded that this was a discretionary decision that FCS was entitled to take. We cannot look at such decisions if there is no evidence that something has gone wrong when taking them and, as we found no evidence of failure in that respect, we did not uphold this complaint.