

SPSO decision report

Case: 201202461, Scottish Water
Sector: water
Subject: complaints handling
Outcome: upheld, recommendations

Summary

Mrs C complained that Scottish Water had acted unreasonably by asking her to remove concrete blocks and fencing from her land, which they said were restricting access to a water main. We found that under the relevant statutory powers and case law, Scottish Water were entitled to ask Mrs C to remove the blocks, as they were on top of the main, but that there was some confusion about the fencing. Scottish Water's records referred to temporary fencing around the property, but Mrs C said that the fence had been in position for over 35 years, and although it had recently been replaced, it was of the same dimensions and at the same location as the previous fence.

When we asked Scottish Water about this, they said they would need to investigate. However, they then failed to do so satisfactorily. Our investigation found that Scottish Water were not sufficiently clear about the position of the fence in relation to the water main before asking Mrs C to move it. We considered that they should have clarified this before they wrote asking her to do so, so we upheld this aspect of the complaint. We also found that they delayed in responding to her complaint.

Recommendations

We recommended that Scottish Water:

- issue a written apology to Mrs C for asking her to move the fence before confirming its position;
- visit Mrs C's property and carry out a satisfactory investigation into whether the fence in question is simply a replacement fence, and whether it needs to be moved in order that they can protect/access their assets;
- consider if Mrs C is entitled to financial redress under their code of practice for the delay in responding to her complaint; and,
- make the relevant staff aware of our findings.