

SPSO decision report

Case: 201302415, Scottish Water
Sector: water
Subject: sewer flooding - external
Outcome: some upheld, recommendations

Summary

Mr and Mrs C complained to Scottish Water about a blocked drain, but were told that the problem was theirs to resolve as the blockage was on their property. Mr and Mrs C instructed contractors, who established that the problem lay under the public footpath and was for Scottish Water to address. Scottish Water later confirmed this as correct. Mr and Mrs C requested that Scottish Water reimburse their costs, and complained about delay in completing the work. Scottish Water refused, however, to refund the costs on the grounds that they had no legal liability. They did, however, apologise for and explain the delay. Mr and Mrs C continued to pursue their complaint both with us and Scottish Water, who reviewed the circumstances and offered Mr and Mrs C 50 percent of their costs.

During our investigation we took into account all the relevant documentation and made further enquiries of Scottish Water. Our investigation found that the blockage causing problems was indeed under the public footpath and was for Scottish Water to resolve. However, accessibility to the drain from Mr and Mrs C's side was complicated by an existing shaft. In the circumstances, Scottish Water said that they had no alternative but to ask Mr and Mrs C to address this, at their own cost, to allow access. However, we found that Scottish Water could have asked to do this work themselves or installed an access chamber from the public side of the blockage which, while it would have increased the time taken, would have been at Scottish Water's cost. While Scottish Water ultimately offered to reimburse 50 percent of costs, they were entirely responsible for the blockage under the public footpath. We upheld Mr and Mrs C's complaints about the costs and the handling of the complaint, but not about delay, for which we found the explanation reasonable.

Recommendations

We recommended that Scottish Water:

- repay the costs incurred;
- make a formal apology for the way in which the complaint was handled; and
- consider formulating a policy to cover circumstances where an ex-gratia payment may be required.