

## SPSO decision report

**Case:** 201304698, Dumfries and Galloway Council  
**Sector:** local government  
**Subject:** caravan sites  
**Outcome:** some upheld, recommendations

### Summary

Mr C complained to the council that they had not taken action in response to reports of health and safety issues at a residential caravan site, including abandoned vehicles, and piles of wood and debris that could be a fire hazard. The council first handled Mr C's complaint as a service request. He then wrote to the council again, asking for his original letter to be treated as a complaint. The council told Mr C that he would need to agree with them what he was complaining about and that after this they would respond to his complaint within 20 working days. The council met with Mr C three weeks later and agreed the points of the complaint. They investigated his complaint and gave him a response another four weeks later.

Mr C was not satisfied with the council's response, and brought his complaint to us. He complained that they had failed to deal with his complaint in line with their procedures, failed to take action in response to health and safety concerns at the site, and failed to consider formal action under the legislation to revoke the site owners' licence.

We investigated Mr C's complaint, and found that the council had not dealt with it in line with their procedures. They had wrongly interpreted the complaints handling timescales and there were unreasonable delays in responding to him. They also gave some incorrect information in their investigation report and failed to clearly respond to all of the agreed points of complaint. We also found, on balance, that they had not taken reasonable action in response to Mr C's concerns about health and safety. While they had responded well to these at first, there was no evidence that they then followed up appropriately on the measures they put in place. However, we found that the council had not failed to consider taking action under the legislation, as they were waiting for action by a third party, which could resolve the issues, before considering formal action themselves.

We issued a decision in which we recommended, amongst other things, that the council consider developing a policy in relation to their health and safety enforcement obligations. In response, the council provided copies of several policies relating to health and safety, which they had not provided before. We pointed out that they should have sent us these during our investigation, and we issued a revised decision on the complaint, with new recommendations.

### Recommendations

We recommended that the council:

- remind staff of the requirements of the model complaints handling procedure in relation to timeframes;
- raise the complaints handling failings our investigation identified with the relevant staff to ensure a similar situation does not re-occur;
- apologise to Mr C for the failures our investigation identified;
- demonstrate to us that action has been taken in relation to the health and safety concerns Mr C raised;
- remind staff of the requirement in the enforcement policy to inform a person requesting action of the outcome of their request, including where the officer feels that no action is required, or the request is not justified;

- review the enforcement policy, to ensure that there is no unintentional overlap with the complaints handling policy; and
- undertake an internal audit to ensure that requests for action on health and safety issues and reports of accidents are handled in line with the enforcement policy and service delivery plan, including record-keeping requirements, and notify us of the findings.