

SPSO decision report

Case: 201400625, Falkirk Community Trust
Sector: local government
Subject: policy/administration
Outcome: upheld, recommendations

Summary

Mr C was excluded from all the leisure facilities operated by the trust after an incident at one of the centres, which involved a member of staff. He complained that the investigation into his complaint about being excluded failed to take account of all the evidence.

We found that the decision to exclude Mr C appeared to have been taken on an arbitrary basis at the discretion of senior staff within the trust, and that they put no time-frame on his exclusion. The trust told us that they did not have a particular policy about excluding customers. We also found evidence that their investigation was not completed properly, because they did not clarify with Mr C what he was complaining about, and the evidence on which they relied in coming to their decision was incomplete, informal or unavailable. We upheld his complaints and made relevant recommendations.

Recommendations

We recommended that the trust:

- prioritise formulating appropriate policy and procedures on the handling of complaints about unacceptable behaviour by customers, and the penalties if a complaint is upheld;
- consider the requirement for any complaint about a customer to be put to him/her in writing, providing advice of the right to make representations and a deadline for the submission, and an explanation of how any investigation will be conducted;
- set timescales for the length of time an exclusion will be in place when the trust have decided to exclude a customer from their facilities; and
- revisit the current situation on Mr C's exclusion in the light of the failings identified.