

SPSO decision report

Case: 201407377, West Lothian Council
Sector: local government
Subject: policy/administration
Outcome: upheld, recommendations

Summary

Mr C kept items of property in a locked storage cupboard on the ground floor of his building. Mr C tried to gain access to the cupboard but the lock had been changed. Mr C discovered that council staff had changed the lock and had given the key to a neighbour. Mr C complained to the council, but was not satisfied with their response. Mr C complained to us that the council failed to check whether the storage cupboard was in use or owned before changing the lock, and that the explanation given to him about why his complaint was rejected was inadequate.

The council confirmed that they did fail to check whether the storage cupboard was in use. We found inconsistencies in the council's investigation of Mr C's complaint, and we felt their decision was based on flawed or incomplete information, which meant their explanation to Mr C was inadequate. We also found that the council failed to respond to Mr C's complaint within the timescales set out in their complaints procedure. We upheld Mr C's complaints.

Recommendations

We recommended that the council:

- reinvestigate Mr C's case in order to clarify the inconsistencies, and provide evidence for a full and accurate account of events, then reconsider Mr C's claim for reimbursement notifying us of the outcome;
- apologise to Mr C for the mishandling of his complaint;
- remind relevant staff of the requirements of the model complaints handling procedure in relation to timeframes, and delays or extensions; and
- raise the complaints handling failings with relevant staff to ensure a similar situation does not recur.