

SPSO decision report

Case: 201407873, Fife Council
Sector: local government
Subject: claims for damage, injury, loss
Outcome: some upheld, recommendations

Summary

Ms C complained that the council had failed to deal properly with her claim to them for damage to her car, which she believed was due to a pothole. She also complained that they failed to deal with her subsequent complaint in line with their complaints process.

We found that the council had followed their claims process properly, apart from their failure to provide one piece of photographic evidence submitted with the claim to their claims handlers. This photograph was later provided and the council asked their claims handlers to reassess the claim. Having done so, they did not admit liability because the council had met their responsibilities in terms of roads inspections. However, as they had failed to pass the photograph on to their claims handlers, and as this resulted in an increase in the time taken to fully assess the claim, we upheld this aspect of the complaint. We recommended that the council review their procedures to ensure that all evidence is provided to claim handlers and, when photos cannot be accessed, they ask the claimant to provide copies in another format.

We found that, with the exception of a delay in acknowledging the complaint, the council dealt with the complaint in line with their complaints procedure.

Recommendations

We recommended that the council:

- review their claims procedure to ensure that all relevant evidence is provided to their claims handlers and, if photographic evidence cannot be accessed, that they revert to the claimant to obtain copies through other means.