SPSO decision report

SPSO Scottish Public Services Ombudsman

Case:	**201507537, Crofting Commission**
Sector:	Scottish Government and devolved administration
Subject:	handling of application
Outcome:	not upheld, recommendations

Summary

Mrs C complained on behalf of her mother-in-law (Mrs A) and her sister-in-law (Ms B) about the Crofting Commission's handling of an assignation application for the croft tenancy. The tenancy was held by Mrs A to be assigned to Ms B, who wished to take on the tenancy. Mrs C said that the commission made a number of errors in the processing of the application, which led to a delay in the completion of the assignation process.

Our investigation found that errors were made by the commission in their handling of the assignation application, but that these did not appear to have led to a delay in the processing of the application. We noted that the commission had already acknowledged these errors and that in general they appeared to have taken appropriate remedial action to address these. We therefore considered that the commission did not take unreasonably long to process the assignation application and we did not uphold Mrs C's complaint.

In recognition of costs involved in preparing Mrs C's complaint about areas where they had acknowledged failings on their part, the commission offered Mrs A a payment. The commission said that it was their understanding that the surveying costs and legal consultancy costs which Mrs C said Mrs A incurred were not as a result of the mistakes made by the commission. However, we considered that the breakdown of the costs submitted by Mrs C to the commission contained entries detailing extra work done which did not appear to relate solely to the preparation of the complaint about the commission's errors and made a recommendation in relation to this.

Recommendations

We recommended that the commission:

- review the breakdown of costs Mrs C submitted to them and reconsider their offer of compensation in line with the terms set out in our decision and provide us with a copy of their findings.