

## SPSO decision report

**Case:** 201602125, East Lothian Council  
**Sector:** local government  
**Subject:** improvements and renovation  
**Decision:** some upheld, recommendations

### Summary

Mrs C complained that the council had unreasonably failed to act in line with their responsibilities in overseeing a programme of works that was carried out on her home by a third party company. Mrs C considered that the works carried out at her home had not been done to a reasonable standard and also complained that the council had not handled her complaint about this appropriately.

After investigating Mrs C's concerns about oversight of the programme of works, we did not uphold her complaint about this. We found that the council had used a managing agent to oversee the programme of works and that there was evidence that a supervisory service was provided by them. While the council had no liability or responsibility for the works, we found that when issues arose at Mrs C's property, they took an active co-ordination role to work towards resolving these.

We did, however, uphold Mrs C's complaint about the way the council had handled her complaint. We found that the council accepted that Mrs C's initial complaint had not been dealt with appropriately in terms of their complaints handling procedure. We also found that Mrs C had not received a response to her complaint within the prescribed timescales and that, while she had been contacted about the delay, a revised timescale was not offered. This was not in line with the council's complaints handling procedure. We made recommendations to address these issues.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to Mrs C for the failings in complaints handling. This apology should comply with SPSO guidelines on making an apology, available at [www.spsso.org.uk/leaflets-and-guidance](http://www.spsso.org.uk/leaflets-and-guidance).

In relation to complaints handling, we recommended:

- Complaints should be handled in line with the complaints handling procedure. Any revised timescale should be agreed with the complainant or approved by senior staff in line with the policy and the reasons for this explained to the complainant.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.