

## SPSO decision report

**Case:** 201602498, Dumfries and Galloway Council  
**Sector:** local government  
**Subject:** complaints handling (including appeals procedures)  
**Outcome:** upheld, no recommendations

### Summary

Mr C complained about the council's handling of his complaint. He had initially contacted the council for information about the named person scheme for children and was unhappy with the response he received. He then wrote to the council to complain about this. He did not receive a response to this complaint and emailed the council again to complain that they had not followed their complaints handling procedure. The council sent him a response to his initial complaint on the same day. They said that this had been completed several weeks earlier, but had not been issued due to an administrative oversight. They also apologised for this.

Mr C then wrote to the council to complain about the response. He said that it appeared to him that the council had simply backdated a letter and then pretended it had not been sent due to an administrative oversight. In response to this, the council wrote to him and said that they had progressed his complaint to stage 2 of their complaints process. Mr C subsequently phoned the council and said that he wanted his complaint about the delay in responding to his original complaint to be dealt with as a new complaint. The council then wrote to Mr C stating that it was their view that the points raised would be best considered under stage 2 of their complaints handling procedure and as part of their consideration of the other issues he had raised.

We upheld Mr C's complaint due to the council's failure to send the original response to his complaint to him. We also found that the council should have been clearer to Mr C about how his subsequent complaints would be handled, although we found that it had been reasonable to deal with them under stage 2 of their complaints handling procedure. We were also satisfied that the council had apologised for these failings and had taken action to try to prevent similar problems from occurring.