

SPSO decision report

Case: 201607569, South Ayrshire Council
Sector: local government
Subject: complaints handling
Decision: upheld, recommendations

Summary

Mr C complained about a neighbouring dog owner who persistently allowed his dog to foul in the street. Mr C repeatedly contacted the council about this problem and made a formal complaint when this issue continued to occur. He was unhappy with the perceived lack of action from the council with no staff visiting his property to discuss this issue. He received a verbal response to his complaint over the phone and noted no improvement following this, so escalated his complaint. The council investigated the matter and partially upheld the part of Mr C's complaint which related to poor communication and the length of time to respond to his complaint. However, they did not agree that staff had misinformed him about the actions they could take.

During our investigation we gathered information from the council, including their policies and procedures on dog fouling. We found that Mr C had made numerous reports of fouling to the council but they had not met with him or contacted him to discuss the situation. It was only once he made a formal complaint that he received a response and this was a delayed response to his complaint which was completed over the phone. The accompanying case note did not sufficiently outline what was discussed and this formed part of Mr C's escalated complaint. The council highlighted that their policy was not to issue a fixed penalty notice unless council officers had witnessed an offence, but the legislation does allow for exceptions to be made where strong, objective evidence is provided. However, this does not appear to have been explained to Mr C until almost four months after his initial report of an issue, and only then as part of the council's final response to his complaint. We upheld Mr C's complaints as there was a lack of contact and communication from council staff during the initial months when Mr C reported numerous incidents. There was also a delayed response to his complaint and the evidence to summarise the council's response was lacking in detail.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for failing to take reasonable action to stop dog fouling in his street. Apologise further for failing to respond to appropriately to him. This apology should comply with SPSO guidelines on making an apology, available at www.spsso.org.uk/leaflets-and-guidance.

In relation to complaints handling, we recommended:

- In cases where they make a decision to respond verbally to a complaint at stage one, instead of in writing, the case note to accompany the phone call should include an appropriate level of detail to reflect what was discussed.

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.