

SPSO decision report

Case: 201608871, Argyll and Bute Council
Sector: local government
Subject: animals/abattoirs/kennels/dog wardens
Decision: upheld, recommendations

Summary

Mr C reported concerns to the council about out of control dogs and possible breaches of a dog control notice. He was dissatisfied with the council's actions in relation to the reports and continued to communicate with them. He said that a council officer responded inappropriately in an email to him, implicitly threatening legal action. He complained to the council about these matters and the council responded saying that they considered that their actions had been reasonable. Mr C remained unhappy and brought his complaints to us.

We found that the council failed to reasonably consider his reports or to give him reasonable advice or information about their consideration of his reports. We found that the response to the email was inappropriate. We found that the council's handling of Mr C's complaints was not reasonable as they did not follow their complaints handling procedure and made statements that led to confusion about their powers. We upheld all of Mr C's complaints.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for failing to reasonably investigate his reports and for the inappropriate content of an email they sent to Mr C. Further apologise for failing to reasonably handle or respond to Mr C's complaints. These apologies should comply with SPSO guidelines on making an apology, available at www.spsso.org.uk/leaflets-and-guidance.

What we said should change to put things right in future:

- In response to every report of out of control dogs or potential breaches of dog control notices, council staff should properly advise members of the public making such reports about:
 - whether reports should be made to other authorities
 - what kind of evidence the council requires to take action
 - what investigations the council intend to take and the reasons for those
 - the progress of such considerations or investigations
 - the conclusions of such considerations or investigations and as much information as possible about what further action they intend to take.
- Council staff should be aware of the council's expected standards of communication with members of the public.
- The council's written statements should be clear and unambiguous.

In relation to complaints handling, we recommended:

- Complaints should be properly acknowledged, responded to, investigated and followed up on, in line with the council's complaints handling procedure.

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.