

SPSO decision report

Case: 201702414, East Dunbartonshire Council
Sector: local government
Subject: policy / administration
Decision: upheld, recommendations

Summary

Mr C complained that the council unreasonably applied their Unacceptable Customer Behaviour Policy (UCBP, a policy that outlines how an organisation will approach situations where the behaviour of individuals using their service becomes unacceptable, including any actions the organisation will take to restrict contact from the individuals concerned). The council decided to apply their UCBP on the basis that the correspondence received from Mr C placed an unreasonable demand on the business of the council. They confirmed that they would still accept Freedom of Information (FOI) requests.

We found that the council were unable to provide enough evidence to support their decision to apply the policy. We noted that the correspondence recorded from Mr C was mainly based under FOI requests which the council had stated that they did not take into consideration when deciding to implement their UCBP. We also noted that the council were unable to access some correspondence as they had been issued to members of staff who had since left the council. We upheld Mr C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for unreasonably applying their Unacceptable Customer Behaviour Policy. The apology should meet the standards set out in the SPSO guidelines on apology available at <https://www.spsso.org.uk/leaflets-and-guidance>.
- Clarify and review the status of the restriction of access under the UCBP.
- Respond to Mr C's emails providing him with the information he requested where they are able to do so and where they have not previously provided it.

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

- The council should take steps to ensure that when correspondence is received it is identified and recorded at the outset which part of the correspondence relates to FOI and non-FOI.
- The council should take steps to ensure that when the UCBP is implemented the correspondence which this refers to is identified and highlighted to the customer.

In relation to complaints handling, we recommended:

- The council should establish how they can retain access to emails issued by customers to members of staff, who leave the employment of the council to ensure that evidence they rely on is retained for the purpose of complaints investigations.

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.