

SPSO decision report

Case: 201703550, Angus Council
Sector: local government
Subject: other
Decision: some upheld, recommendations

Summary

Mr C fell on a pedestrian railway crossing and injured himself. He complained to the council that they had not taken steps to ensure that the walkway was safe for members of the public, including providing adequate lighting and warnings of steps on the approach to the bridge. The council responded that they considered the footbridge was adequately maintained and that there was no obligation to provide lighting. Mr C was unhappy with this response and brought his complaint to us.

We found that the council had entered into an agreement with the rail company, and their predecessors, that stated the rail company was responsible for the maintenance of the footbridge. They were also responsible for specifying what lighting was required. Therefore, we determined that it was not the responsibility of the council to ensure that the footbridge was safe. We did not uphold this aspect of Mr C's complaint.

Mr C also complained that the council unreasonably failed to respond to his complaint. We found that the council's response was insufficient as it failed to explain that the rail company was responsible for the maintenance of the footbridge, and that they were the appropriate party to deal with the complaint. We also found that there was an unreasonable delay in providing Mr C with a response to his complaint. Therefore, we upheld this aspect of Mr C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for unreasonably failing to respond to his complaint and provide Mr C with a full explanation. The apology should meet the standards set out in the SPSO guidelines on apology available at <https://www.spsso.org.uk/leaflets-and-guidance>.

In relation to complaints handling, we recommended:

- Complainants should be informed of any delays in providing a response ahead of the deadline set and revised timescales should be agreed.

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.