

SPSO decision report

Case: 201706195, Business Stream
Sector: water
Subject: policy / administration
Decision: some upheld, recommendations

Summary

Mrs C, who is an MSP, made a complaint about Business Stream on behalf of her constituent (Mr A). Mrs C complained that plans which Business Stream prepared for a new water and sewerage connection were not accurate. Mr A said that his contractor had to undertake additional work as a result of concrete surrounding the pipework and that this resulted in an increased bill for Mr A. Mrs C considered that Business Stream should be liable for these costs. Mrs C was also unhappy about the time taken by Business Stream to respond to the complaint.

Business Stream advised us that the purpose of the drawings was to allow Scottish Water to make an informed judgement as to whether a connection could be granted; it is stated on the drawings that they are created on approximate information and that no guarantee of accuracy can be given. Given this, Business Stream stated that any contractor providing a quote for prospective work should undertake an investigation prior to proposing the cost of work. Business Stream acknowledged that the layout of the pipework was different than expected but stated that, despite some additional difficulties, they understood that the contractor completed the work. They were unsure why the costs had increased but speculated that this was because the contractor opted to drill through the concrete rather than follow an approach that the inspector had suggested.

We noted that Business Stream provided documentation to Mr A prior to the creation of the plans which he was charged for. This documentation stated that plans were a "best estimate of work" and that the existing location of water and sewer mains were unknown and therefore all lengths "will be assumed at this stage"

Based on the above information, we considered the potential for the plans to be inaccurate was outlined to Mr A prior to the plans being drawn up and work commencing. No further charges were raised by Business Stream when it was identified that the pipework was different from the plans. The only additional cost to Mr A arose from the invoice from his contractor. We did not uphold this aspect of the complaint.

Regarding complaints handling, we found that Mrs C submitted the complaint to Business Stream but did not receive a final response for many months. There was no evidence to suggest that Business Stream had identified that it was going to take longer to respond to the complaint or that they had proposed an extended deadline. We also held concerns that, in addition to the excessive delays in responding to Mrs C's complaint, Business Stream continued to fail to meet deadlines to respond to enquiries from this office. We also noted that complaint responses did not include reference to SPSO as the next stage available in the process. Moreover, Business Stream seemed to be under the impression that as long as they continued to update Mrs C within a 20 working day timescale then it was acceptable to continue to delay providing a substantive response to the complaint. We upheld this aspect of Mrs C's complaint.

We noted that Business Stream had apologised for the delays, but we did not consider that this was commensurate with the excessive nature of the delays. We asked Business Stream to consider their position on this further and they agreed to credit a further £100.00 credit to Mr A's outstanding balance. We also made some

recommendations.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mrs C for the unacceptable delay in responding to her complaint. 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:

- Business Stream should ensure that all complaints handling staff are familiar with the complaints handling procedure, and identify and address any training needs. If a complaints response takes more than 20 working days, Business Stream should explain the reasons for the delay and agree a new timeframe. This should be the exception, not the norm.

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.