

SPSO decision report

Case: 201706324, Scottish Environment Protection Agency
Sector: Scottish Government and devolved administration
Subject: delay
Decision: some upheld, recommendations

Summary

The Scottish Environment Protection Agency (SEPA) stopped Mr C's shipping container for inspection. Mr C complained about the amount of time it took SEPA to release the hold on the container and the amount of time it took SEPA to arrange a further inspection. Mr C also complained that SEPA did not communicate reasonably.

We found that, during the period that the hold was on the container, SEPA were undertaking investigations to establish if the container could be returned to Mr C's load site, and to establish if it was safe for their staff to carry out a further inspection there. We found that the hold on the container was released 12 days before it was returned to Mr C's load site for inspection. We found that the container was not moved as soon as the hold was released because of a disagreement between Mr C and his shipping agent. We, therefore, did not uphold Mr C's complaint that SEPA took an unreasonable amount of time to release the hold on the container.

We also found that SEPA were in a position to carry out a further inspection of the container five days after the hold on the container was released. However, we found that they were not able to carry out this inspection because the container remained in port due to the disagreement between Mr C and the shipping agent. We did not uphold Mr C's complaint that SEPA took an unreasonable amount of time to arrange a further inspection of his container.

Regarding communication, we found that SEPA should have communicated to Mr C, or to his shipping agent, why there was a delay in releasing the hold on the container. 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 failing to explain what investigations were taking place regarding the load site before the hold on the container could be released. The apology should meet the standards set out in the SPSO guidelines on apology available at <https://www.spsso.org.uk/leaflets-and-guidance>.

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

- Any reasons for a delay in releasing a hold on a shipping container should be communicated to the shipping agent or to the shipper.

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.