

SPSO decision report



Case: 201706467, Glasgow City Council
Sector: local government
Subject: policy / administration
Decision: upheld, recommendations

Summary

Mr C complained that the council unfairly imposed restrictions on his contact with them, had not followed their unacceptable actions policy (UAP) and failed to properly consider Mr C's appeal against the restrictions imposed under the UAP. Mr C also complained that the council unreasonably failed to respond to his complaint in line with their obligations.

We found that the council had failed to provide Mr C with a warning about his contact at the time these contacts were received from Mr C. In addition, we considered that the council were unable to evidence that a warning letter, which is required under the UAP, was sent to Mr C. Therefore, when restrictions on Mr C's contact were imposed, these were done immediately and without the UAP having been followed. We also found that the council failed to properly consider Mr C's appeal against the restrictions imposed. We, therefore, upheld these aspects of Mr C's complaint.

In relation to complaint handling, we found that Mr C raised issues in his complaint that the council had not considered as a complaint, and had not responded to. We found that these issues should have been considered as a complaint and that, in accordance with the council's complaints handling procedure, a response should have been provided. 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 not providing him with warnings, as required under their UAP, prior to imposing restrictions on his contact. Also apologise for failing to respond to his complaint in accordance with their complaints handling procedure. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/leaflets-and-guidance.
- Apologise to Mr C for failing to respond to the appeal within 10 working days, and not appropriately considering the points raised in Mr C's appeal. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/leaflets-and-guidance.

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

- The council must make a note of phone calls and retain evidence of a customer's contact where this is relied upon to justify imposing restrictions on a customer's contact under the UAP.
- The council must ensure that relevant staff are reminded of the requirements of the UAP, particularly the procedures to be followed on receipt of an appeal, including the appropriate staffing and timescales of appeals.
- The council must ensure that consideration of appeals under the UAP are appropriately documented.

In relation to complaints handling, we recommended:

- Complaints should be appropriately identified and responded to in accordance with the 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.