

SPSO decision report

Case: 201801864, North Lanarkshire Council
Sector: local government
Subject: estate management / open spaces / environment work
Decision: upheld, recommendations

Summary

Mr C complained to the council that flooding in his back garden was caused by drainage problems in the school grounds located to the rear of his back garden. The council's position was that the flooding was not their responsibility and may be caused by landscaping in Mr C's garden.

The council said that the school contract requires the school area to be free of standing water after a number of hours following rainfall and that additional gully drainage was installed many years ago to assist with localised ponding. They said their investigation showed there was a gradual slope to the playground which water would run down away from Mr C's property.

The council instructed an engineer to attend Mr C's home and visit the school site. A few weeks later a council officer and a contractor visited Mr C at home, and advised Mr C that their opinion was that the hard landscaping in his back garden was forming a basin which was likely to be the reason the rainfall was pooling in his garden. The council emailed Mr C to confirm that, given his concerns, their facilities management contractor had instructed work to be carried out to jet the drains in the school again. They later confirmed to our office that this work had not been carried out.

Although we considered that the council had carried out reasonable investigations in order to assess Mr C's concerns, we were critical of the council for failing to carry out their commitment to jet the drains. We also noted discrepancies in the records of the facilities management contractor, which showed no evidence or record of ponding. This was at odds with the engineer's reports and confirmation supplied by Mr C, showing evidence of ponding.

On the basis that the council offered to undertake works, which an appropriately qualified person instructed and put in writing to Mr C, but then did not carry out, we upheld this complaint.

Mr C also complained that the council failed to handle his complaint reasonably. We found that the council had failed to set out or explain their investigations in their complaint responses. We found the responses to be brief and that they did not include the level of detail required to evidence that the council had investigated Mr C's complaint. We also upheld this aspect of the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for failing to adequately address his concerns about flooding on his property and for failing to handle his complaint reasonably. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsa.org.uk/information-leaflets.
- Arrange for the jetting of the drains at the school to be completed. They should contact Mr C, following receipt of a report from the contractor, to discuss the findings.

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

- Council staff should properly inspect and scrutinise maintenance records of external facilities management services, taking into account information received from third parties, its own inspections and complaints, to ensure records are being maintained correctly and contractual obligations are being met.

In relation to complaints handling, we recommended:

- The council should respond to complaints in accordance with their complaints procedure. Stage 2 responses should contain sufficient detail to evidence the investigations undertaken and the conclusions.

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.