

## SPSO decision report

**Case:** 201807030, North Ayrshire Council  
**Sector:** Local Government  
**Subject:** communication / staff attitude / confidentiality  
**Decision:** upheld, recommendations

### Summary

Mr C complained about the council's communication with him. Mr C owns a flat in a building in which the council owns another flat. Mr C arranged repairs due to rising damp in the property, and he complained that the council's communication with regard to their contribution to repairs was unreasonable. He felt the council did not make it clear what they would contribute to and how much; failed to ask for details at the beginning of the process that they later requested; and generally made the process complicated.

We found that much of the council's communication had been reasonable, however, we also found that there had been a delay in acknowledging one of Mr C's emails and that the council had failed to respond to Mr C within the timescale they had agreed to. We also found that at one stage, the council continually referred to requiring invoices when estimates had already been agreed as being sufficient, and that the council's position on betterment and the evidence needed from Mr C could have been clearer from the outset.

For these reasons, we upheld the complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for the delay in acknowledging his communication and that the response did not adhere to the timescales the council set themselves; the repeated references to requiring invoices when estimates had already been agreed as being sufficient; and the failure to make the council's position on betterment and the evidence required from Mr C clear from the outset. The apology should meet the standards set out in the SPSO guidelines on apology available at: [www.spsso.org.uk/leaflets-and-guidance](http://www.spsso.org.uk/leaflets-and-guidance).

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

- Acknowledgements and responses to communication should be timely; where there is an unavoidable delay in providing a full response this should be explained to the service user.
- In similar circumstances, wherever possible, the obligations of the service user and the position of the council should be made clear from the outset.
- Where a position has previously been agreed, ongoing reference to the previous position should be avoided as this can be confusing.

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.