

SPSO decision report



Case: 201808261, South Ayrshire Council
Sector: Local Government
Subject: refuse collections & bins
Decision: some upheld, recommendations

Summary

Ms C had concerns in relation to changes to the recycling system introduced by the council. Ms C told the council that she had a disability and needed reasonable adjustments in relation to the recycling system. The council took steps to visit Ms C and explain the changes to the system. Ms C remained unhappy and complained to the council. Her complaint was not upheld and the council concluded that there was no failure to provide reasonable adjustments under the Equality Act 2010. Ms C was dissatisfied with this response and brought her complaint to us.

Ms C complained that the council failed to consider her request for reasonable adjustments appropriately. Although we noted that council officers had attempted to assist and engage with Ms C, it was not apparent from the evidence available that the council had appropriately taken into account how Ms C's disability impacted on her ability to use the recycling system. We did not find evidence that the council considered the adjustments in a systematic way. We upheld Ms C's complaint.

Ms C also complained that the council had not carried out an appropriate equality impact assessment in relation to the changes to the recycling system. We found that the council had performed equality impact scoping exercises at two stages during the implementation of changes to the recycling system. These assessments did not identify that the proposals would result in negative impacts on people with disabilities. We found that the council has acted in accordance with their guidance in relation to equality impact assessments. While we did not identify failings, we suggested that the council may wish to review their assessments in light of the evidence about Ms C's experience of the recycling system. We did not uphold this complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Ms C for failing to appropriately consider making reasonable adjustments. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.
- Contact Ms C to seek further information about how her disability impacts upon her capacity to use the recycling system. Refer to the Equality Act 2010 Statutory Code of Practice Services, public functions and associations (2011) and reconsider whether or what reasonable adjustments can be made. Inform Ms C of their decision and provide reasons.

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

- Officers should be aware of the duty to consider reasonable adjustments. Evidence of this consideration should be documented.

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.