

SPSO decision report

Case: 201901409, Midlothian Council
Sector: Local Government
Subject: claims for damage / injury / loss
Decision: some upheld, recommendations

Summary

C's property was flooded from an attic above where both they and the council had water storage tanks. The complaint concerned the council's response to C's concerns that they had been responsible for the damage to their home and about how the council responded to their associated compensation claim and complaint.

We found that, after C's insurance claim was made, it took the council seven weeks to provide information to allow the insurers to consider the matter. It took a further six weeks to provide information after being approached by the insurers for comments on their reasons for repudiating the claim. Furthermore, the council failed to comment on an apparent contradiction in those reasons. Therefore, we upheld this aspect of C's complaint.

However, we found no grounds to show that the council behaved unreasonably to C during and after the flood was reported. In addition, although C's councillor raised the complaint on their behalf, there were no specific details or date logged in relation to this. Accordingly, it was not possible for us to determine whether or not the complaint had been appropriately addressed in a timely manner. We did not uphold these aspects of C's complaint.

Recommendations

What we asked the organisation to do in this case:

- The council should now comment appropriately on the information provided by the insurers and they should apologise to C for their delay in dealing with this matter.

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.