

SPSO decision report



Case: 202005412, Scottish Government
Sector: Scottish Government and Devolved Administration
Subject: Policy / administration
Decision: some upheld, recommendations

Summary

C was a grower of seed potatoes. They complained about the actions of the Scottish Agricultural Science Agency (SASA), a division of the Scottish Government. C complained that SASA failed to follow their own published procedures when handling the assessment and certification of C's seed potato crops.

C complained that SASA unreasonably delayed inspecting their crops by requiring payment for the inspections in advance, contrary to the normal procedure of paying after the inspection. C also complained that the initial crop inspection identified an unrealistically high level of plant virus. Whilst a check inspection found C's crops to be well within the tolerance levels for virus, C was advised that the crops would not be certified until further lab tests were carried out. C complained that they were subjected to unreasonable additional testing and that they were not treated the same as other farmers. C said that the testing process caused unnecessary delays to their crops being certified and listed on the Potato Register. As such, C was unable to market the seed potatoes for sale until the purchasing season had ended. C explained that, as a result of the issues they encountered, they lost sales worth hundreds of thousands of pounds.

We found that SASA required C to pay for the inspection in advance as their account was in arrears. We were satisfied that this was standard practice in the circumstances and, whilst there was a delay to the payment being confirmed by SASA, this did not have a significant impact on the time taken to arrange C's initial crop inspection.

We were satisfied that SASA were able to demonstrate that they took a reasoned approach to inspecting and testing C's crops that focussed on the health of the crops and their suitability for sale. We did not find any evidence to suggest that C was treated unfairly or that SASA instructed additional testing without giving proper consideration to all of the circumstances. We did not uphold these aspects of C's complaint. Whilst we were satisfied that SASA followed their normal procedures, we were critical of their failure to state these procedures clearly in the guidance they issue to farmers. We also found that they failed to explain their actions clearly to C, or to proactively guide them towards the appeals process.

We found that there was an unreasonable delay of three months between C's crops being certified and them being listed on the online Potato Register. We were critical of SASA's communication with C regarding the status of the crops during this period. Therefore, we upheld this aspect of C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for the issues highlighted in this decision. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

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

- SASA should review how they communicate their appeals procedure.
- SASA should review how they communicate their procedures for crops that fail their inspections or that are certified later in the season than normal.

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.