

SPSO decision report

Case: 202008542, Glasgow City Council
Sector: Local Government
Subject: Licensing - taxis
Decision: upheld, recommendations

Summary

C, a taxi driver, complained about the way the council had handled their medical examination which they were required to attend to determine their fitness to DVLA Group 2 medical standards (medical standards for driver licencing refer to two groups, with Group 2 licence holders usually requiring substantially higher medical standards).

C had passed the medical examination pending the results of an Exercise Tolerance Test (ETT). However the council did not follow up on the results of this test. As such, C was unaware until their next medical some years later that their ETT had met the threshold for referral to DVLA for further consideration of their fitness to drive. C had continued to work as a taxi driver throughout this time. On recognising this oversight, C's taxi licence was suspended to be later re-instated after an assessment undertaken by an NHS cardiologist (heart specialist) was reviewed by the council's occupational health provider and they were considered fit to drive. In complaining to the council, C was advised the matter would be investigated internally and no further response was received, despite their requests for further updates.

We found that the council's administration of C's medical examination was unreasonable, noting that the ETT results had not been followed up on as they should have been, and that this oversight had not been noticed until C's next medical examination some years later. Therefore, we upheld C's complaint.

We found failings with the council's complaint handling, noting they had not fulfilled their duties in keeping with the Model Complaint Handling Procedure for local authorities. Therefore, we also upheld this complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for failing to process their taxi driver licence application reasonably and for failing to reasonably respond to their complaint. 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:

- The council should ensure the status of driver licences pending further medical tests are checked to ensure they remain valid.

In relation to complaints handling, we recommended:

- Complaints should be accurately identified and dealt with through the complaints handling procedure.

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.