

SPSO decision report

Case: 202107105, The City of Edinburgh Council
Sector: Local Government
Subject: Neighbour disputes and anti-social behaviour
Decision: upheld, recommendations

Summary

C complained about the council's handling of reports of anti-social behaviour and their subsequent complaint about the way that these issues were handled. The council housed a number of vulnerable and high-risk tenants in the same block of flats as theirs. C complained that, over a period of seven years, the council tenants were involved in a number of incidences of anti-social behaviour, some involving serious criminal activity.

The council's investigation report concluded that the view they were failing in their duties under anti-social behaviour legislation may have been based on a lack of understanding of the priority for support rather than enforcement, the level of evidence required for enforcement, and a lack of clarity around activities and behaviours which sit within the scope of the relevant legislation. They did, however, recognise that their communication fell short of the level of consistency that is expected.

We were largely satisfied that the Family and Household Support team investigated C's reports of anti-social behaviour in line with the council's procedure.

However, in terms of the procedure there is a clear expectation that the nature of the complaint should be agreed at the outset, that updates should be given at agreed times, and that discussion should take place regarding what outcomes could realistically be achieved. We found no evidence of a structured approach to this communication. Therefore, we upheld this part of C's complaint.

With regard to the complaint handling, we found the total length of time taken to respond to C's complaint was unreasonable. There was a significant delay to the response being issued, and we found no evidence of regular updates during this delay. Therefore, we upheld this part 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.spsos.org.uk/information-leaflets.

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

- The council should review how communication with anti-social behaviour complainants follows a structured pathway as suggested by the antisocial behaviour procedure and that complainants are kept informed through to their complaint's conclusion whilst maintaining confidentiality for the other parties involved.
- The council should review how they communicate with anti-social behaviour complainants with a view to ensuring complainants are fully aware of how the anti-social behaviour procedure works and whether their concerns are being progressed through this, or another 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.