

**Case 200502873: The City of Edinburgh Council**

**Summary of Investigation**

***Category***

Local government: Finance, Council Tax

***Overview***

The complainant (Mr C) complained on behalf of his parents (Mr and Mrs A) about the actions of a Sheriff Officer and the way the City of Edinburgh Council subsequently responded to his concerns.

***Specific complaints and conclusions***

The complaints which have been investigated are that:

- (a) Mr and Mrs A were wrongly pursued for arrears of council tax (*upheld*);  
and
- (b) the Council did not handle Mr C's complaint about this matter correctly (*upheld*).

***Redress and recommendations***

The Ombudsman has no recommendations to make.

## **Main Investigation Report**

### **Introduction**

1. On 2 November 2005, the complainant (Mr C) wrote to the City of Edinburgh Council (the Council) to complain about the actions of their Sheriff Officers (debt collecting agents) who had telephoned his parents (Mr and Mrs A) in connection with an outstanding council tax debt. The Council acknowledged this complaint, saying that they would pass it to their Sheriff Officers for them to respond. Mr C did not receive a response to his complaint and referred the matter to the Ombudsman on 20 January 2006.

2. The complaints from Mr C which I have investigated are that:
- (a) Mr and Mrs A were wrongly pursued for arrears of council tax; and
  - (b) the Council did not handle Mr C's complaint about this matter correctly.

### **Investigation**

3. During my investigation of this complaint, I reviewed the correspondence between Mr C and the Council. I made inquiry of the Council on 20 December 2006 and received their response, including further correspondence with their Sheriff Officers, on 16 February 2007.

4. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mr C and the Council were given an opportunity to comment on a draft of this report.

#### **(a) Mr and Mrs A were wrongly pursued for arrears of council tax**

5. In his original complaint letter of 2 November 2005, Mr C complained that the Council's Sheriff Officers had contacted Mr and Mrs A by telephone to demand repayment of an outstanding council tax debt of £1600. He stated that their account was not in arrears, that they had received no written notification of a debt and they felt threatened by this unexpected approach. Although it was confirmed that Mr and Mrs A's account was not in arrears, no explanation was given for the approach made to them by the Sheriff Officers.

6. In their response to my inquiries, the Council provided an explanation from their Sheriff Officers of why this approach was made. Mr and Mrs A's council tax account was not in arrears and the Sheriff Officers had received no instruction from the Council to pursue a debt owed by them. The Sheriff Officers were handling the account of another council tax payer with the

same surname as Mr and Mrs A who lived in the same street. When they contacted directory enquiries for the telephone number of this council tax payer, they were erroneously given Mr and Mrs A's number. They then called Mr and Mrs A on one occasion to pursue the debt owed by the other council tax payers.

*(a) Conclusion*

7. From the evidence I have seen, it is clear that Mr and Mrs A were, indeed, wrongly approached in relation to a debt they did not owe and were very distressed by the action taken by the Sheriff Officers. It is equally clear that the Council was not responsible for initiating this action. However, the Sheriff Officers were acting on behalf of the Council in pursuing the debt of another council tax payer when this mistake was made. In these circumstances, I uphold this complaint.

8. In the course of my investigation, the Council agreed to arrange for their Sheriff Officers to apologise to Mr and Mrs A for the distress caused by the incorrect approach made to them for arrears they did not owe. They also reminded the Sheriff Officers of the need for such action should a complaint occur when carrying out any future work for the Council. I commend the Council for this action and have no recommendations to make.

**(b) The Council did not handle Mr C's complaint about this matter correctly**

9. Following the contact made by Sheriff Officers to Mr and Mrs A, Mr C wrote a letter of complaint to the Council on 2 November 2005, with a copy sent to his councillor on the same day. An officer from the Council's revenues and benefits service acknowledged this complaint, in a letter dated 8 November 2005, and noted that she had referred it to the Sheriff Officers. She asked Mr C to contact her if he had received no response from the Sheriff Officers within seven days. Mr C stated that the date stamp on the letter showed that it was not sent until 24 November 2005.

10. Although evidence provided by the Council shows that Mr C's complaint was passed to the Sheriff Officers on 8 November 2005, the Sheriff Officers later stated to the Council that they had no record of having received it. This explains their failure to respond to Mr C.

11. In their submission to this office of 16 February 2007, the Council said that, at the time of this complaint, they did not regard it as their responsibility to track the internal complaints handling of their Sheriff Officers and noted that they had asked Mr C to contact them if he had not heard a response from them. Mr C had called the Council's customer care team on 15 November 2005 to pursue this matter further. The customer care team wrote to acknowledge Mr C's complaint that day stating that the matter would be referred back to the revenues and benefits service. In response to my inquiry of 20 December 2006, the Council was unable to locate this letter. Mr C had no further contact from the Council on this matter. In their letter to me of 16 February 2007, the Council suggested that Mr C's contact on 15 November 2005 would not have generated any further action as the matter was already being processed by the revenues and benefits service. However, Mr C called seven days after the date on the original acknowledgement letter (8 November 2005) and it is clear that he had had no response from the Sheriff Officers by that time. He had not received the letter of 8 November 2005 at this point.

12. In response to a further inquiry, the Council wrote to this office on 12 June 2007 to inform me that their Revenues and Benefits Manager will now put in place a system to track responses to complaints received against Sheriff Officers. In that same letter, they also informed me that, although they do not currently have a written protocol for complaints handling with their Sheriff Officers, they propose to include a procedure for this as part of the revised service requirement with the Sheriff Officer Service which goes out to tender during 2007/08.

*(b) Conclusion*

13. Mr C made his complaint to the Council about Sheriff Officers who were acting on their behalf. As a matter of good customer care, it would have been reasonable for the service receiving the complaint to ask for a copy of the Sheriff Officers' response and to pursue the matter if no response was forthcoming. Furthermore, by chance, Mr C did pursue this matter further at the time suggested in the Council's letter of 8 November 2005 and this did not elicit a further response. I conclude that Mr C did not receive a response to his complaint because of shortcomings in the Council's complaints handling and, therefore, uphold this complaint.

14. The Council have accepted the need for better systems to track responses to complaints made to them by customers who experience poor service from contractors. I commend them for the action they have taken and for the further action they have planned to remedy this shortcoming and have no recommendations to make.

19 September 2007

**Explanation of abbreviations used**

Mr C

The complainant

The Council

The City of Edinburgh Council

Mr and Mrs A

Mr C's parents