

SPSO decision report

Case: 201403465, The City of Edinburgh Council
Sector: local government
Subject: complaints handling
Outcome: some upheld, recommendations

Summary

Miss C complained that the council failed to properly investigate when she complained to them that she had been knocked off her bicycle by a council employee who opened his van door directly into her path. She complained that the driver did not stop to make sure she was unhurt. She said he said that she should have rung her bell and he then left in his van. She also complained to our office about the significant length of time it had taken the council to respond to her complaint. The council eventually wrote to Miss C to advise that they were unable to trace the van or driver from the details Miss C had provided and could not, therefore, accept any liability for the incident.

Although the issue of liability in an accident like this can only be determined by the courts, we did look into the background of the case in order to establish whether or not the council's investigations into the incident were reasonable, and whether they had dealt with Miss C's complaint appropriately.

We found that the council did conduct an investigation to identify the van and driver involved but, on the basis of the limited information provided by Miss C, they were unable to identify the vehicle or driver. We found their investigations to be reasonable. However, we noted that the council initially failed completely to respond to Miss C's complaint and, when they did contact her, this was through the claims process rather than the complaints process. We noted that the council did not respond to the questions Miss C raised in her complaint even after prompting by our office. It was not until we had begun our investigation that the council finally wrote to Miss C to answer her questions and to provide information about how to complain to our office. As a result of these failings, and the significant delay in responding to her complaint (around 15 months), we upheld this aspect of the complaint. We recommended to the council that they review their procedures, in light of our findings, in order to ensure that complaints are directed to the relevant team for response.

Recommendations

We recommended that the council:

- review the process they follow, in light of the circumstances of this case, when identifying and acknowledging complaints to ensure that in future, complaints such as these are passed to the appropriate service for response in line with their complaints procedure, and let us know when this review is complete.