

SPSO decision report

Case: 201702372, Argyll and Bute Council
Sector: local government
Subject: improvements and renovation
Decision: some upheld, recommendations

Summary

Mr C complained about the way in which the council dealt with his application for payment of a home improvement grant for his mother. Mr C had not received a receipt from the contractor who had carried out the work, so he had submitted other evidence as proof of payment. Mr C complained that the council:

unreasonably refused to make payment of the full grant, despite receiving evidence that he had paid the contractor in full

failed to advise him that the documents that he had provided as evidence of payment were insufficient

unreasonably failed to verify whether his documents, or the documents that they had received from the contractor, were accurate in order to establish if payment for the works had been carried out

unreasonably failed to clarify in their response to his complaint why he had not been advised of what would have been an acceptable proof of payment.

We found that it was reasonable that the council did not accept the proof of payment provided by Mr C, as it was not an official bank statement, and that they therefore did not pay the full grant until further evidence was received. We did not uphold this aspect of the complaint. However, we considered that the council could have been more helpful in that they could have advised Mr C of what documentation they would accept as proof of payment. We upheld this aspect of the complaint.

We found that it would not be reasonable to expect council staff to seek to independently verify the legitimacy of any document it received which did not meet the requirements set out in the booklet issued with every grant awarded. This would be impractical and in some cases, not possible, due to data protection restrictions. We did not uphold this aspect of the complaint.

We also noted that the failure to advise Mr C of what would be acceptable proof of payment was not identified in the council's handling of the complaint and so we upheld this aspect of the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for failing to advise him of what would constitute sufficient evidence of payment. Also apologise for failing to acknowledge this in their response to his complaint.

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

- Staff should advise service users who are unable to obtain a receipt from a contractor exactly what may

be accepted as sufficient proof of payment in the absence of a receipt, rather than telling them what will not be accepted.

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.