

## Scottish Parliament Region: North East Scotland

### Case 200502645: Aberdeen City Council

#### Summary

#### **Category**

Local government: Council Tax

#### **Overview**

The complainant (Mrs C) alleged that a verbal payment agreement for Council Tax was not recorded or honoured by Aberdeen City Council (the Council). It is also alleged that Council staff treated Mrs C abruptly when the complaint was initially raised.

#### **Specific complaints and conclusions**

The complaints which have been investigated are that

- (a) the council failed to adequately record a verbal agreement reached between Mrs C and a member of staff regarding her payment schedule for Council Tax. Mrs C claims that this error resulted in a summary warrant being issued (*upheld*).
- (b) staff failed to treat Mrs C with an open mind – Mrs C claims she was not believed by staff when referring to this previous agreement and was treated abruptly (*not upheld*).

#### **Recommendations**

The Ombudsman recommends that the Council

- (i) devise and pilot a clear procedure for staff updating customer records once a verbal payment agreement has been reached via a face to face discussion. Ideally, this would include the production of a signed agreement which both parties can keep as a record. This would clearly prevent similar complaints from arising again; and
- (ii) write an apology to Mrs C for the inconvenience and distress caused by the issuing of an unnecessary Summary Warrant.

## **Main Investigation Report**

### **Introduction**

1. I will refer to the complainant as Mrs C. On 22 December 2006 the Ombudsman received a complaint from Mrs C against Aberdeen City Council (the Council).

2. The complaints from Mrs C which I have investigated are that:
- (a) the council failed to adequately record a verbal agreement reached between Mrs C and a member of staff regarding her payment schedule for Council Tax. Mrs C claims that this error resulted in a summary warrant being issued; and
  - (b) staff failed to treat Mrs C with an open mind – Mrs C claims she was not believed by staff when referring to this previous agreement and was treated abruptly.

3. Mrs C visited her Local Council Office on 16 August 2004 to pay a portion of her Council Tax as she had been notified via letter that her account was in arrears. The total amount due was £366 which was to be paid by 17 August 2004. Mrs C met with Officer 1 to pay £100 of her bill and discuss arranging a further payment to pay the remainder of the outstanding bill. Officer 1 and Mrs C agreed that £100 would be paid that day and the remaining balance would be paid at a later date. Mrs C paid a further £300 on 6 September 2004. However, a summary warrant was issued to Mrs C on 17 September which stated that an outstanding balance of £769.10 was due. Mrs C later claimed that a final notice, which should have preceded a summary warrant being issued, was never received. The Council claimed that as the final notice was sent out and not returned undelivered, they, therefore, believe it to have been delivered. I have not included in this report every detail investigated, but I am satisfied that no matter of significance has been overlooked.

### **Investigation**

4. In the course of the investigation I examined documentary evidence supplied by Mrs C. I also made written enquiry of the Council. Officer 3 was appointed as point of contact and subsequently submitted relevant background documentation which included:

- The relevant correspondence with Mrs C
- Written statements of Officers 2 and 3 regarding the conversations with Mrs C on 23 September 2004
- Information relating to the cancellation of the summary warrant.

**(a) The council's failed to adequately record a verbal agreement reached between Mrs C and a member of staff regarding her payment schedule for Council Tax. Mrs C claims that this error resulted in a summary warrant being issued**

5. Having reviewed all the evidence provided by both parties, I decided to uphold the first aspect of complaint for the following reasons:

- Council records show Mrs C did visit the office on 16 August 2004 and spoke with Officer 1;
- evidence also shows that Mrs C did pay £100 towards her Council Tax bill on the same date;
- a subsequent payment of £300 was made on 6 September 2004 which is recorded on a payment receipt provided by Mrs C;
- although Mrs C was not able to identify Officer 1 by name, she was able to provide the Council with a detailed description of his appearance and accent and also where he was sitting in the office at the time of the conversation in her written correspondence;
- records later identified by Council staff indicate that Mrs C's description of Officer 1 was accurate; and
- information provided by the Council show that there was no clear procedure in place for updating customer records once a payment agreement had been reached and obtaining instant confirmation of the agreement.

*(a) Conclusion*

6. Therefore, on the balance of probability, I find that a payment agreement was reached between Mrs C and Officer 1. The failure of Officer 1 to update the relevant records, therefore, resulted in the issuing of an unnecessary Summary Warrant which would have caused distress to Mrs C.

**(b) Staff failed to treat Mrs C with an open mind – Mrs C claims she was not believed by staff when referring to this previous agreement and was treated abruptly**

7. My reasoning for not upholding the second aspect of complaint is due to a lack of evidence. My investigation showed two differing versions of what was said with Mrs C claiming that Officer 2 was rude and unhelpful. Officer 2's written version of the conversations claimed that Mrs C was in fact being abusive. The Council have stated that they felt Mrs C's behaviour when dealing with staff was unacceptable. It would have been very difficult to ascertain what was actually said, and taking into account the proportionality of the work that would be required and the length of time since the event, it was decided that this was not practical.

*(b) Conclusion*

8. In conclusion, the first aspect of complaint has been upheld and the second aspect of complaint has not been upheld for the reasons previously highlighted.

*Recommendations*

9. Specific recommendations the Ombudsman is making resulting from this investigation are that the Council should:

- (i) devise and pilot a clear procedure for staff updating customer records once a verbal payment agreement has been reached via a face to face discussion. Ideally, this would include the production of a signed agreement which both parties can keep as a record. This would clearly prevent similar complaints from arising again; and
- (ii) write an apology to Mrs C for the inconvenience and distress caused by the issuing of an unnecessary Summary Warrant.

10. I am pleased to note that the Council have indicated that they will introduce a pilot scheme which will allow customers to obtain a signed record following a face to face payment agreement being reached within the Area Office. I have asked the Council to update me once the pilot scheme has been concluded and indicate their intention to take up the pilot scheme or not.

11. The Council have also issued a formal apology to Mrs C.

30 November 2006

**Explanation of abbreviations used**

Mrs C	The complainant
Officer 1	Staff member who agreed payment schedule
Officer 2	Staff member who dealt with Mrs C on both occasions at the Area Office
Officer 3	Senior staff member who initially dealt with the complaint under the complaints process