



COMPLAINT UPHeld BY THE LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN SERVICE RELATING TO PEST CONTROL

To:

Councillor Rosy Moore, Executive Councillor for Climate Change, Environment & City Centre

Environment and Community Scrutiny Committee

27th January 2022

Report by:

Claire Adelizzi, Team Manager – Residential

Tel: 01223 457724 Email: claire.adelizzi@cambridge.gov.uk

Wards affected:

Not a Key Decision

1. Executive Summary

- 1.1 The Local Government & Social Care Ombudsman Service has “found there was fault causing injustice” in relation to a complaint about how the Council used rat poison at a residential property within the City which incurred vet bills after their dog came into contact with it.
- 1.2 This customer also complained that the Council failed to provide details of the poison or an emergency contact number, causing distress and did not deal with this complaint properly, causing them time and trouble.

2. Recommendations

The Executive Councillor is recommended to:

Note the findings of the Local Government & Social Care Ombudsman Service in respect of this case and the actions taken by the Council in response to these findings.

3. Background

- 3.1 The complainant will be anonymized for the purposes of this report and will be referred to as Mr D throughout.
- 3.2 Following a request for service from Mr D's mother, the Council's Pest Control Service carried out assessment and treatment for rats within the rear garden of their home within the City on 15th and 22nd April 2020 respectively.
- 3.3 In the late afternoon of 24th April the complainant Mr D contacted the Council's Customer Services Team by telephone reporting his concern that he had allegedly seen one of their pet dogs eat some of the poison left by Pest Control before he could stop it and that the dog had been to the vet and was on charcoal treatment but the vet wanted to know what exactly was in the product so he could treat it properly. This telephone enquiry was escalated to the Environmental Health Manager who in liaison with a former Pest Control Officer of the Council passed the requested information to Mr D that same evening to provide to the vet.
- 3.4 On 28th April 2020 Mr D complained to the Council that:
 - The Council was wrong to consider the bait was not harmful to cats or dogs.
 - There was a risk of the bait being transferred out of the box by rodents, and a small dog could get their nose/tongue into the tunnel if they got to the box.
 - There was a lack of information on the box about the type of bait used, causing problems for vets.
 - Some bait had been put loose in the neighbouring garden between decking. Mr D was concerned this could be carried to his garden.
- 3.5 Mr D also asked the Council to reimburse his vets bills of £481.46 and attached the invoices. This was logged as a stage 1 complaint, which was then responded to in 2 parts, the 1st part of the response being sent to Mr D on 7th May and the 2nd part of the response being sent to Mr D on the 18th June 2020 following information being sought from the

British Pest Control Association, (BPCA), as the impartial organisation representing, supporting, and assuring the pest management sector.

- 3.6 The information sought from the BPCA was specifically in relation to Mr D's concern about fragmented pieces of the secure bait block being transported into the tunnel of the bait station box and any fragments being transported out of the box completely. The Technical & Compliance Officer from the BPCA who provided the Council with a response in relation to this confirmed that the fragmented debris referred to by Mr D within photographs taken by him of the bait box that the Council's Pest Control Officer used is common in boxes where rodents have fed due to their natural activity and that in their professional opinion this concurred with the knaw marks seen on the knawed block within the bait station box used as per photographs that the Council's Pest Control Officer had taken. This Officer from the BPCA went on to further state that these fragments were an "insignificant amount" and even for the target species, (rat), would not, in their professional opinion, be enough to cause any concern health wise.
- 3.6 Both stage 1 complaint responses confirmed that the Council's Residential Team Manager as Investigating Manager was satisfied that the use of rat poison at Mr D's property and a neighbouring property had been carried out by the Council's Pest Control Officer in a safe and considered manner from the outset. These responses also both acknowledged Mr D's request for their dog's veterinary bills to be reimbursed for which he had provided the Council with invoices. The responses stated that in order for the Council to be in a position to consider this request, blood test results / written confirmation from the vet of the findings of these would need to be provided.
- 3.7 The second part of the Stage 1 complaint response also gave details of how the complaint could be escalated to Stage 2 of the Council's complaint procedure for review by a senior manager.
- 3.8 Mr D made a request for his complaint to be escalated to stage 2 of the Council's complaint process via e-mail to the Residential Team Manager on 26th November 2020 however, this e-mail was unfortunately received into a 'junk' e-mail folder which led to it being overlooked for which an apology was provided to Mr D within the stage 2 complaint response that followed on 29th April 2021.

3.9 The Stage 2 complaint response confirmed the following from the Senior Investigating Manager, the Head of Environmental Services:

- Mr D's complaint that the Council failed to provide him with a response to his email of 26th November 2020 requesting a "Final Decision" was upheld and an apology issued for this unfortunate oversight.
- Mr D's complaint that the Council was negligent in our deployment of a bait box at his property on 22nd April 2020 was not upheld as the Environmental Services Manager found that all due process and professional guidance had been followed by the Council's Pest Control Officer.
- In the absence of the requested blood test results and veterinary report, no decision was able to be reached as to whether or not the dog involved in the case ingested fragments of rodenticide bait used by the Council at their property.
- Mr D's complaint that, when deploying the bait box, the Council failed to provide any detail of the type/ ingredient of rodenticide poison being used or an emergency contact number; and that when Mr D phoned the Council to try and obtain this information, he received conflicting details from different officers that he spoke with was also upheld.

3.9.1 The Stage 2 complaint response also confirmed the following outcomes:

- That the Council were not prepared to reimburse the dog's veterinary treatment costs in the absence of the outstanding requested blood test results and veterinary report evidence.
- The Council had already actioned the inclusion of information on bait boxes of the ingredients being used; and would now consider how best to provide customers with the required emergency contact details.
- The Council would ensure relevant Customer Service Centre and Environmental Health customer contact staff take ownership of reported Pest Service issues and can provide the necessary information to keep 'non-target' animals protected.

4. The Ombudsman's findings, orders, and recommendations

4.1 The Local Government & Social Care Ombudsman noted the following in its assessment of the case:

- At the heart of this complaint is an issue about liability. Whilst I can consider whether the bait box was placed in accordance with the Council's policies and procedures, the Ombudsman cannot determine whether the Council is liable for any harm suffered by Mr D's dog. The question of liability is a matter for the Council's insurer, and ultimately the courts, to decide.
- This has caused delay and time and trouble to Mr D, as the matter could have been resolved in 2020.

4.2 The Local Government & Social Care Ombudsman made the following orders to the Council in relation to their findings:

Within a month of their final decision, the Council agreed to:

- Forward Mr D's claim for a refund of the vets' fees to its insurer to consider
- Pay him £100 to acknowledge the time and trouble he has been put to because of fault.

5. The Council's response

5.1 The Council has dealt with the Local Government & Social Care Ombudsman's orders detailed in 4.2 within the stipulated time frame.

5.2 With a view to ensuring that this circumstance does not arise again in terms of a customer(s) attempting to determine the type of poison used by the Councils Pest Control Service the following actions were taken:

- Waterproof stickers are now routinely adhered to the secure, tamper proof bait station monitor boxes used by the Councils Pest Control Officers who also use permanent ink to mark these with the type of poison used. Customers are also provided with confirmation of the National Poisons Information Service that can be accessed via the NHS 111 telephone number in terms of emergency contact including out of hours.
- All relevant Council Customer Service Team call handling staff were provided with refresher training in relation to response to such

complaints from customers as were wider staff within the Environmental Health Residential Team of which Pest Control is part.

- 5.3 Mr D's complaint was taken very seriously by the Council and was dealt with via thorough investigation and review of procedures as necessary following the matter being brought to our attention. It is acknowledged that there was an unfortunate delay in us investigating the matter at stage 2 of our complaint investigation procedure for which a sincere apology has been given, something that the Ombudsman considered to be a proportionate and appropriate remedy for any injustice caused to Mr D.
- 5.4 It is also acknowledged by the Residential Team Manger as well as other senior managers that rather than being dealt with via the Council complaints procedure this matter should have been notified to the Council's Insurance Officer upon receipt for referral to the Councils insurers, learning that can be utilised in future as necessary.

6. Implications

a) Financial Implications

A compensation award has been made to the claimant as set out in 4.2 of this report.

b) Staffing Implications

Relevant officers within the Councils Customer Services, Environmental Health Department including Pest Control have been briefed about the outcome of the Local Government & Social Care Ombudsman ruling in this case as well as receiving necessary refresher training.

c) Equality and Poverty Implications

An EqlA is not required in this case as this report is for information with no decisions to be made.

d) Net Zero Carbon, Climate Change and Environmental Implications

The report is for information with no decisions to be made, there are no climate change related implications therefore the overall rating is 'Nil'.

e) Procurement Implications

None.

f) Community Safety Implications

None.

7. Consultation and communication considerations

None.

8. Background papers

None.

9. Appendices

None.

10. Inspection of papers

If you have a query on the report please contact Claire Adelizzi, Team Manager – Residential, tel: 01223 457724, email: Claire.adelizzi@cambridge.gov.uk.