



## Briefing for the Public Petitions Committee

**Petition Number:** [PE1212](#)

**Main Petitioner:** Jean Camdige

**Subject:** Calls on the Parliament to urge the Scottish Government to hold a public inquiry into whether the Scottish Public Services Ombudsman has delivered the quasi-judicial complaints handling service it claims to provide and to review all complaints brought by members of the public but subsequently rejected by the SPSO.

### Background

The office of the [SPSO](#) was established in 2002 by the [Scottish Public Services Ombudsman Act 2002](#) ("the Ombudsman Act"). The Ombudsman is appointed by Her Majesty on the nomination of the Scottish Parliament. Professor Alice Brown has announced her intention to stand down as Scottish Public Services Ombudsman in March 2009.

The SPSO provides a 'one-stop-shop' for individuals making complaints about organisations providing public services in Scotland. The SPSO deals with complaints about councils, housing associations, the National Health Service, the Scottish Government and its agencies and departments, colleges and universities and most Scottish public authorities. The bodies the SPSO can receive complaints about are listed in Schedules 2 and 3 to the Ombudsman Act.

The SPSO looks into complaints where a member of the public claims to have suffered injustice or hardship as a result of maladministration or service failure. The SPSO is effectively the 'last resort', investigating cases only when the complainant has already exhausted the formal complaints procedure of the organisation concerned.

If a complainant is unhappy with a decision not to take on all or part of a complaint, the SPSO website provides details of the process to be followed. The SPSO will not normally look at a complaint again solely because a complainant does not agree with a decision. If, however, the complainant is of the view that the SPSO has not considered something, or there is new evidence or information, the SPSO may take another look at the complaint. Inevitably, some individuals or bodies who do not regard the SPSO's decision as being favourable will remain aggrieved.

In 2007–08 the SPSO responded to a total of 4,661 enquiries and complaints (10% more than the year before) and investigated 426 complaints, of which 55% were either fully or partially upheld.

### **Scottish Parliament Action**

The SPCB supports 6 bodies: the Scottish Public Services Ombudsman; the Scottish Information Commissioner; the Commissioner for Children and Young People in Scotland; the Commissioner for Public Appointments in Scotland; the Scottish Commission for Human Rights; and the Scottish Parliamentary Standards Commissioner.

On 13 November, Motion S3M-2870 establishing the Review of the Scottish Parliamentary Corporate Body (SPCB) Supported Bodies Committee was agreed to by the Scottish Parliament. The Committee's remit is:

To consider and report on whether alterations should be made to the terms and conditions of the office-holders and the structure of the bodies supported by the SPCB; to consider how any proposals for future arrangements should be taken forward, including by way of a Committee Bill, and to make recommendations accordingly.

The [Review of SPCB Supported Bodies Committee](#) met for the first time on 18 November 2008. It agreed, amongst other things, to seek written evidence from the SPSO on matters within the Committee's remit.

The SPCB has proposed merging the existing six bodies for which the SPCB has responsibility into three bodies, creating a complaints and standards body, a rights body and an information body. It proposed that the complaints and standards body would undertake the functions of the Scottish Public Services Ombudsman as well as the functions of Waterwatch Scotland, the prisons complaints function, the Standards Commission for Scotland, the Office of the Chief Investigating Officer, the Commissioner for Public Appointments in Scotland and the Scottish Parliamentary Standards Commissioner.

### **Other petitions**

There are currently three other active petitions on the subject of the SPSO.

#### **[PE1076](#)**

Petition by D W R Whittet QPM calling for the Scottish Parliament to set up an Appeal Tribunal to review final decisions by the Public Services Ombudsman where any complainer so requests.

On 9 September 2008, the Public Petitions Committee agreed to write to the Scottish Government seeking an update on what action it will be taking and when arising from its response to the Crerar review

#### **[PE1163](#)**

Petition by Gregor Hamilton calling on the Scottish Parliament to invite Audit Scotland to conduct, without delay, an economy, efficiency and effectiveness audit of the office of the Scottish Public Services Ombudsman.

On 10 June 2008, the Public Petitions Committee considered agreed to seek responses to the issues raised in the petition from the Scottish Government, Scottish Public Services Ombudsman and Audit Scotland.

### **PE1186**

Petition by Jean Mullan calling on the Scottish Parliament to urge the Scottish Government to abolish the Scottish Public Services Ombudsman and replace it with a transparent organisation accountable to the people.

On 23 September, the Public Petitions Committee agreed to seek responses on the issues raised in the petition from the Scottish Government. It also agreed to link further consideration of the petition with PE1076 and PE1163.

### **Scottish Government Action**

The Scottish Government's [Fit-for-purpose Complaints System Action Group](#) (FCSAG), under the chairmanship of Douglas Sinclair (Scottish Consumer Council), was established to consider how to improve the complaints handling system in Scotland, taking account of the recommendations made by Professor Crerar in his [review of regulation, audit, inspection and complaints handling of public services](#). The Group [reported](#) to Ministers in July 2008.

**Richard Hough**  
**Senior Research Specialist**  
**8 December 2008**

SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However if you have any comments on any petition briefing you can email us at [spice@scottish.parliament.uk](mailto:spice@scottish.parliament.uk)

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.