



The Scottish Parliament
Pàrlamaid na h-Alba

Local Government and Regeneration Committee
Kevin Stewart MSP
Convener

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8 February 2015

Dear Mr. Martin,

Scottish Public Services Ombudsman

Thank you for your letter of 30 January and the full response to the additional information sought by the Committee.

In relation to the Integration of Health and Social Care the Committee agreed to seek further information from each of the bodies involved and the Scottish Government and I will be writing to them to seek an update on progress towards the integration everybody seems to recognise as being desirable.

The Committee has also written to the SPCB to seek a better understanding of the way in which your office is financed and for information I attach a copy of the response received which will also be made available on the committee web pages.

Turning now to the other information supplied in your Annex A. At item 3 I would be grateful for some further elaboration of the position which is not wholly quite clear to me at present. You indicate "the review process is open to anyone when a delegated decision has been made." However it seems from the information then provided that such a review is not available unless certain criteria are met. While anybody can seek a review it seems clear very few will fall within the internally set criteria. I would welcome your comment on whether it is accurate to imply review is available to all not least as I understand your

Please contact the Committee clerking team in the first instance.

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literature makes clear review is not open “if you simply disagree with the outcome of your complaint.”

It would also be helpful if you could clarify what review might be available to a person if for example a complaint reviewer made an error in handling, perhaps overlooked a material fact or misunderstood the complaint. Neither of which appear to be grounds which would lead to a request for a review being accepted.

I note also in this regard the final sentence in the answer to question 12 in Annex B which states “all delegated decisions..... can be reviewed by the Ombudsman on request” I am not sure how that ties in with the qualified answer in Annex A and would also welcome your comments on this.

Would I also be correct in understanding review through the SPSO is not available when you yourself have made the decision, regardless of the grounds upon which a review is sought? If this is the position I would appreciate a little more detail on the mechanisms that are in place to safeguard the integrity of your process in relation to decisions made by the Ombudsman.

Finally on this aspect I would be grateful if you would confirm the aspects on grounds for review as covered above are all clearly signposted on the SPSO webpages and literature.

Thank you also for the responses to the outstanding questions submitted by members of the public and provided at your Annex B. There are 3 matters upon which I would appreciate further elaboration.


Question 14 ask at the end “Why not give the body the full information?” In your answer you refer to the petition and also the answer to question 10. As I understand it both the petition and question 10 are directed at information being provided to the complainer. This part of question 14 is directed towards the body complained about. I would be grateful for the answer to this part of the question.

Question 15 and 16 both ask when the customer satisfaction process will resume. You provide detail of a proposed approach and I would appreciate detail of when you expect that to commence. It would also be useful to know how often the new process will provide data. In your letter to the Committee dated 15 December at answer 16 you provide more detail in this regard. Has the position set out in that letter now been superseded given the reticence in your latest response?

On question 18 would I be correct in thinking the answer in relation to the corruption or deliberate maladministration portion of the question can be found in the answer to question 20?

I look forward to your response on these matters which it would be helpful to receive by 20 February.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Kevin', followed by a large, stylized flourish that extends upwards and to the right.

Kevin Stewart MSP
Convener
Local Government and Regeneration Committee