



The Scottish Parliament
Pàrlamaid na h-Alba

**Local Government and Regeneration Committee
Kevin Stewart MSP
Convener**

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Dear Mr. Martin,

Scottish Public Services Ombudsman

Thank you and your staff for the helpful and interesting session with the Committee earlier this month. The Committee has taken a little time to reflect on the meeting before following up on some areas we discussed.

At the outset it is important to acknowledge the substantial increase in workload now being handled by the SPSO, more cases across a wider range of organisations. You and your staff were clear to us about the efficiency gains that have been made and are to be congratulated on the achievements.

Similarly the good work undertaken in improving complaint handling across the public service is a considerable achievement and has clearly had an impact as demonstrated by some of the figures you provided. That that work has been completed so effectively will have clearly released some resources in the SPSO to become involved in other activities.

The Committee recognises one of the purposes underpinning the creation of the SPSO is for this Parliament to have an organisation that would have unique insight into the operation of our public services through the medium of complaint handling and for the benefits from having independent eyes and ears as to how public services are working to assist us in our work. We discussed one recent example in relation to the integration of

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health and social care complaints and we were pleased we have been able to assist and speed up the necessary work. I consider that to be a good example of how the SPSO and the Parliament can work in tandem. Equally should you be facing a lack of co-operation from bodies under your jurisdiction you should not hesitate in bringing the matter to our attention. We can often resolve blockages and misunderstandings quickly.

Another area discussed related to your concerns around potential systemic issues you might identify and your lack of powers to investigate¹. In such circumstances the Committee recommends you immediately alert the Parliament of your concerns. That would allow the relevant parliamentary committee to consider what action it should take. We consider it is one of your key responsibilities to alert the authorities when you have any such concerns.

During our meeting we discussed some aspects of your operation, we touched upon such matters as added value and effectiveness. It has become clear to us we do not possess sufficient operational detail to fully understand how your office works and we will invite the clerk to see if there is any way he can obtain some general operational detail which we feel will assist us in the future. It may be that a very short visit for a member of the clerking staff would prove beneficial and David will be in touch to see if there is any opportunity in the coming months. Meantime I would be grateful if you could provide a little more broader detail on the following areas:

- Is it possible to provide the cost basis of investigating a complaint, perhaps for a range of stages including initial handling, investigation and reporting?
- Could you provide a little detail of the actual investigatory work undertaken on a typical inquiry, we understand there are exchanges of letters seeking information. Could you elaborate what more, the added value, that is input by the investigatory staff?
- On a number of occasions there was mention of a “user focus”, it would be helpful to better understand how that encompasses those who have been complained about. What is for example the extent of the consideration given to the needs and resources of those bodies being complained about?
- The suggestion of adjusting time limits for those complained about responding to complaints has been made, could you indicate what discussions and/or research underpins your proposals in that regard.

The Committee is shortly to take evidence from the Commissioner for Ethical Standards in Public Life in Scotland and he has proposed developing a range of factors to be taken into account in establishing and applying priorities to help him decide when and how to carry out an investigation. You have observed your absolute discretion in relation to complaints you receive and I wonder whether you have been considering anything similar in an attempt to improve the effectiveness of the SPSO in the face of increasing workloads and budget restrictions?

In the above context I note for example your comments in the February SPSO News around cases relating to statutory repairs and that you commonly find councils actions to be reasonable. Are these types of cases which could be considered using your experience as having a lesser priority particularly when there is a pressure on your resources?

¹ We are aware of the recommendation of the review committee in this regard who recommended your role should not be extended beyond the investigation and resolution of specific complaints by affected persons.

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Such an approach might be one way of focusing on matters which are more likely to lead to recommendations which go beyond the complainant simply being “unhappy” as suggested to us on the 3rd. When we considered the impact of the recommendations in the four cases we followed we were left wondering about the extent to which they would meet a public benefit test, should one exist. We recognise the comments Niki Maclean made to us about the proportionality of investigations and would be interested in your further views on possible ways to address the burden such investigations place on you and those investigated. We would welcome and support any such attempts.

We have also noted the various reviews now undertaken and in particular your 10% sample, a healthy 440 cases selected randomly resulted in no changes to decisions. We wonder about the value of reviewing so many cases given the results reported also bearing in mind the existence of other review mechanisms. Your thoughts going forward on the numbers and multiplicity of reviews would be of interest to us.

Finally there was discussion on the free use being made of SPSO training material across the world and we are unclear what work might have been undertaken to investigate the cost effectiveness of instituting a charging regime which we understand would be within your existing powers. Again here we would welcome further information.

Although we are approaching the end of this Parliamentary session it is our intention to bring the ongoing discussions we have had with the SPSO and their value as a window on public services to our successor committee in our legacy report. To meet our now tight timescales to report it would be helpful if you were able to respond to us by 4 March.

Yours sincerely

Kevin Stewart MSP
Convener
Local Government and Regeneration Committee