



Briefing for the Public Petitions Committee

Petition Number: [PE1489](#)

Main Petitioner: John W.H. McLean

Subject: Realignment of Parliamentary Governance on Scottish Public Services Ombudsman

Calls on the Parliament to urge the Scottish Government to establish proper Parliamentary scrutiny and accountability of the Scottish Public Services Ombudsman (SPSO) as required by legislation. To further impose action that will ensure compliance by the Ombudsman to his Parliamentary remit and provide a fit for purpose SPSO.

Background

The Scottish Public Services Ombudsman (SPSO) was established by [the Scottish Public Services Ombudsman Act 2002](#) (the 2002 Act) and the first Ombudsman took up her responsibilities on 23 October 2002.

The SPSO is the final stage for complaints about councils, the National Health Service, housing associations, colleges and universities, prisons, most water and sewerage providers, the Scottish Government and its agencies and departments and most Scottish authorities.

After conducting an investigation, the Ombudsman must lay a copy of his report before the Scottish Parliament.

SPSO and the Scottish Parliament

The SPSO is one of the bodies supported by the Scottish Parliamentary Corporate Body (SPCB). The 2002 Act was amended by the [Scottish Parliamentary Commissions and Commissioners etc. Act 2010](#), primarily, in order to standardise the SPSO's terms and conditions. The 2010 Act also standardised the accountability and governance arrangements with those of the other officeholders and bodies supported by the SPCB.

The SPSO is directly accountable to Parliament through the laying of annual and other reports but is independent of the Scottish Government, members of the Scottish Parliament and the SPCB in the exercise of its functions.

SPSO Strategic plan

Before it is published the SPSO provides the SPCB with a draft of its strategic plan, which covers a four year period, asking for comments before the final plan is laid before Parliament. Under the provisions of the 2002 Act, the Ombudsman may also submit the draft plan to a committee of the Parliament for comment.

The draft of the latest plan, covering 2012-16, was one of SPSO activities discussed by the Local Government and Regeneration Committee (LGR) at its meeting on [14 March 2012](#).

In a letter to the SPSO ([12 February 2013](#)), following the annual oral evidence session held on 23 January 2013 (see below), the Committee requested that the Ombudsman produce a report on how the Strategic Plan 2012-16 was being implemented and how the SPSO was tackling the, apparently systemic, problem of the public's difficulty in understanding where to go with complaints. The Ombudsman responded by letter on [28 February 2013](#), providing the Business Priorities 2012-2013 and the Key Targets and Year-to-date Performance 2012-2013.

SPSO Annual report

The SPSO is required by law to lay an annual report on the work of his office before the Parliament each year. The SPCB may give the SPSO directions as to the form and content of the annual report.

The LGR Committee takes evidence from the Ombudsman every year, based on the annual report.

At the last session, on the 2011-12 annual report, held on [23 January 2013](#), the Committee discussed issues including the service delivery and workload for the SPSO; his budget expenditure for 2011-12; a review of the operation of the SPSO, as well as the issues of corporate governance and the arrangements for the laying of special reports by the SPSO in individual cases before the Parliament (as allowed for in legislation).

The next evidence session with the LGR Committee is planned for December 2013.

SPSO special reports

In November 2012, the Convener of the LGR Committee wrote to the Standards, Procedures and Public Appointments Committee (SPPA) to ask it to examine the parliamentary procedure for considering special reports laid before the Parliament by the SPSO.

If in carrying out its investigation the SPSO finds that the person aggrieved has sustained injustice or hardship and it appears to the Ombudsman that the injustice or hardship has not been, or will not be, remedied, the Ombudsman may then make a special report on the case.

In June 2013 the SPPA Committee considered an options paper for dealing with special reports. The Committee is currently pursuing its preferred option for a parliamentary procedure for special reports

SPSO evidence to Committees

The Ombudsman, Jim Martin, has also attended oral evidence sessions with the Health and Sport Committee. For example, in January 2013, the SPSO gave his views on the regulation of the care of older people in acute settings.

Other petitions

From 2006, a number of reviews have taken place which examined the operation of the SPSO. These reviews were primarily concerned with accountability, governance and budgetary issues (these reviews are described more fully in the [SPICe briefing on petitions PE1342, PE1343, PE1344, PE1345, PE1346, PE1347, PE1348 and PE1349](#)).

Previous petitions relating to the SPSO include: [PE1076](#), [PE1163](#), [PE1186](#), [PE1212](#), [PE1341](#) and [PE1405](#).

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21 October 2013

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