

PE1740/D

Scottish Government submission of 4 November 2019

Thank you for your letter of 30 September 2019. To make you aware, I have recently written to the Convenor of the Local Government and Communities Committee outlining our position in relation to proposals to amend the functions of the Scottish Public Services Ombudsman (SPSO).

It is correct that the Scottish Government has had discussions with the SPSO, following a request from the SPSO for a package of, mainly technical, amendments to the Scottish Public Services Ombudsman Act 2002, including the power for the SPSO to take complaints in any format.

During a discussion between SPSO and officials in July 2019, the view was that some of the amendments being sought would support and improve the efficiency and transparency of the Ombudsman's services. The power to allow the SPSO to take complaints in any format was one of the proposals we were supportive of. SPSO and Scottish Government officials discussed whether an Order under section 14(1) of the Public Services Reform (Scotland) Act 2010 (the 2010 Act), might be a suitable mechanism to deliver those amendments which would support and improve the exercise of public functions, having regard to efficiency, effectiveness and economy.

Whilst we are supportive of the majority of technical amendments, due to competing demands and current pressures, we have no plans to progress matters at this time. I have agreed to keep this situation under review and officials will revisit the issue early in the new year.

Given Parliament's interest in this subject, perhaps it may be worth exploring whether this could be an appropriate subject for a Member's Bill or Committee Bill.

Turning to the SPSO's second proposal- *to require bodies under SPSO jurisdiction (BUJs) and the SPSO to permit complainants to audio-record meetings and phone calls and use this as evidence in any subsequent complaint*. This proposal did not form part of our discussions with the SPSO in July 2019.

Before the Scottish Government can express a view on this proposal, we need to carefully consider the matter, understand the rationale and business case and what it is intended to achieve. We would also want to consider what implications this may have on each of the public bodies under the SPSO's jurisdiction.