

**PE1740/I**

Petitioner submission of 19 August 2020

We are very grateful for the Cabinet Secretary for Justice's letter of 17 July 2020 regarding the above petition, involving the Scottish Public Services Ombudsman (SPSO) and complaints handling in Scotland.

We are grateful that the Scottish Government supports the main technical amendments our petition proposes. We understand that the pandemic has created other priorities for the Scottish Government, but that the aim is ultimately to make these changes and we would ask to be kept updated on the review of the Scottish Government's ability to put an Order to Parliament on behalf of SPSO.

We note that the Scottish Government recognises that, while there is nothing in the law to stop individuals recording meetings and phone calls with BUJs, there is "a lack of clarity and consistency" by BUJs in this regard and that the Scottish Government believes this is best resolved in the complaints handling guidance SPSO issues and by individual BUJs. BUJs, however, are many and various, and - as the Cabinet Secretary for Justice states - already show a lack of consistency in this matter. There are obvious reasons why organisations might not always be inclined to allow the openness and transparency of recordings, in the event they are recorded doing the very things that result in complaints, or because it might hinder them acting in ways that they prefer to keep private. It seems unlikely that all BUJs would independently take this action unless they are required to do so.

We would therefore request that the Petitions Committee and the Cabinet Secretary for Justice take action to achieve the desired outcome. We would be extremely grateful if this is resolved by the Petitions Committee and the Cabinet Secretary for Justice writing directly to the Ombudsman, requesting that she alters model complaints handling guidance to require BUJs to agree to being recorded by individuals involved in disagreements with them, so long as the individuals understand that the recording is for their personal use only, or (in some cases) for submission to SPSO as evidence in a complaint on the matter. SPSO could also request that BUJs publish this in their own complaints handling processes. We would also ask that the requests of the Petitions Committee and the Cabinet Secretary for Justice be forwarded to the Justice Committee for endorsement.

We look forward to a response from the Petitions Committee.