

Scottish Public Services Ombudsman
Strategic Plan 2018-2020: Putting People at the Heart of Public Services

Submission from Accountability Scotland

Preamble

We believe that Scotland needs a strong, adequately financed and trusted SPSO. Anyone paying attention to current affairs is aware of the corruption, incompetence and denial in most walks of life. The support of NHS whistleblowers by the SPSO is an acknowledgement of this situation. Despite this, the SPSO is suspected of showing bias towards Bodies Under Jurisdiction (BUJs). In contrast, there is little motivation for the general public to concoct false complaints, and should be generally assumed to be more honest. Too little attention is paid to the dreadful impact bad rulings can have on complainants and even less to their impact on Scotland's finances. Of course, much is good in the plan and not our concern.

HEADING: *"Putting People at the Heart of Public Services"* are lofty words meaning little. Lest they lower expectations of the whole document, we suggest, for example, "working to improve administrative justice".

15. It is not true of the SPSO that *"the organisation has a track record of delivering quality services in a demanding environment"*. If there is evidence for consistent quality complaint handling, it has not been produced. Contrary evidence is abundant, including the customer surveys. The working environment of investigators may well be demanding (see below).

26. *"Achievement and progress will also be reported through other mechanisms as needed including: Stakeholder engagement."*

Define 'stakeholders' for the benefit of readers less familiar with the usage. The general public has the largest stake in the SPSO.

RESOURCES AND FUNDING

Background

19. *"... Scottish public services themselves are increasing in complexity and facing huge challenges in how they [are] resourced to deliver services to expected standards and [with?] a changing service-user demographic"*.

28. *"The SPSO recognises that resourcing the public sector is increasingly challenging, and the operating environment uncertain."*

Clarify the 'operating environment'.

29. *"The SPSO will seek funding in five ways:..."*. Regarding item 5 (*Volume driven requirements*), staff and complainant surveys, fifteen Google comments and the unhappy experiences of many complainants, all show that more investigators are needed.

More funding is therefore essential if investigations are to be adequate and effective.

This should exceed the limits discussed under item 31.

Staff surveys have shown that many investigators are under pressure, with resulting low morale. The need to continue both staff and customer (complainant) surveys should be recorded in the Plan.

(We acknowledge that some disgruntled complainants understandably say that the SPSO should not be financed at all.)

ACCOUNTABILITY AND SCRUTINY OF SPSO

28. *"In common with other public services, the SPSO understands that it is incumbent on her to ensure the services her organisation delivers are reviewed and scrutinised to achieve best value and continuous improvement."*

This is interesting, given the poor scrutiny in the past and the freedom from government and ministerial scrutiny assured by the 2002 Act.

Item 26 refers to *'Parliamentary scrutiny'*. This seems to be negligible.

13.5 "Be an accountable, best value organisation."

We agree with this, but accountable to whom?

There has never been a full and independent investigation of SPSO performance and there needs to be one, independent of SPSO and government.

The SPCB has ruled this out in past years, pointing out that the SPSO is not accountable to government or ministers.

Audit Scotland has declined to take on this role.

Other points

The SPSO has no authority to enforce her decisions, so that rulings against BUJs are often disregarded. Opinions differ on whether this is appropriate. We suggest that BUJs should be required to give their reasons if they choose to disregard SPSO rulings.

It is reported that information supplied under FOI requests by ministers and their departments has not always fully disclosed the requested information. If that is so, and complainants to the SPSO therefore get limited information, their ability to produce competent complaints is massively reduced.

9. Independent National Whistleblowing Officer

Whistleblowing schemes should be extended from the NHS to other BUJs and to quangos.