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Fergus Cochrane
Clerk to the Public Petitions Committee

20 November 2008

Dear Mr. Cochrane

PUBLIC PETITION PE 1186: ABOLITION OF SPSO

You have asked for comments from the Scottish Government on the above petition, which calls for the abolition of the Scottish Public Service Ombudsman (SPSO).

The Government notes the comments made by Rhoda Grant MSP on 23 September 2008 but the Committee members may by now be aware that the Cabinet Secretary for Finance and Sustainable Growth wrote to Trish Godman MSP on 31 October 2008, confirming his understanding that Ms. Godman will convene an ad-hoc committee on the Ombudsman and other Commissioners, whilst also expressing the belief that the Parliament and the Government have a mutual interest in these matters and committing the Government to work closely with the Parliament on resolving them.

The Government certainly agrees with the Convenor's suggestion on 23 September 2008 that the petitions received on the subject of the Ombudsman should be grouped together: in recent response to Petition PE 1163, which called for an investigation of SPSO by Audit Scotland (an alternative course of action to achieve similar remedy), the Government has already clarified to the Committee its general belief that there a need to review the arrangements for complaints handling in Scotland, including the role of the Scottish Public Services Ombudsman, both for the pursuit of public sector efficiency and in specific response to recommendations made by the Crerar Review, which can be found at: <http://www.scotland.gov.uk/Topics/Government/PublicServiceReform/IndependentReviewofReg/latest-news/TheCrerarReview>

The Government's response to the Crerar review was been published in January 2008 and remains publicly available. It can be found at: <http://www.scotland.gov.uk/Topics/Government/PublicServiceReform/IndependentReviewofReg/latest-news/Response-to-Crerar>

Following publication of the Government's response, five short-life action groups involving key external stakeholders were established to make recommendations across a range of issues, including the the accountability and governance of scrutiny bodies such as SPSO. One of the short-life action groups focused its work specifically on the complaints handling systems in Scotland.

The Government intends to respond to the action group recommendation by setting out proposals for a new framework of accountability, which will include improved transparency, and will require to take account of the Parliament's own considerations of the scrutiny and complaints handling functions for which the Parliament has oversight, as referred to above.

Notwithstanding these acknowledgements of a need for performance improvements, the Government has no reason to believe that SPSO has ceased to perform a valuable function. The 24% annual increase in cases investigated by SPSO and reported to the Scottish Parliament in 2007-8, and the 52% reduction in SPSO end-year open caseload over the same period are particularly noteworthy.

The Government considers it to be an important principle that all cases - even those without merit - may be presented to the SPSO but considers it to be somewhat inevitable that with nearly 3,000 complaints referred annually, there will be some cases where the complainer remains dissatisfied after a decision not to investigate further has been taken by SPSO. In this respect, the Government also acknowledges the comment made by Robin Harper MSP that people should not automatically expect to be satisfied with the SPSO judgement.

With reference to the merits of this petition, the Scottish Government is not persuaded that the petitioner seeks the most appropriate course of action in calling for abolition of the office of SPSO.



Lachlan Stuart
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