

PE1341/B

1 October 2010

Fergus Cochrane
Clerk to the Public Petitions Committee
The Scottish Parliament
EDINBURGH
EH99 1SP

Dear Mr Cochrane

Petitions PE1341

Thank you for asking for a response to issues raised by this Petition. Please find below my response to the specific questions arising.

What measure have you taken and will you be taking to monitor your costs and demonstrate probity and good value?

What mechanisms do you have in place to examine public dissatisfaction at the SPSO in managing complaints raised by members of the public?

In answering the first question, I will repeat part of my response to Petitions 1342-1349 in which I outline the main measures the SPSO takes and will take to ensure its accountability in general, and financial scrutiny in particular.

The process by which the SPSO receives its annual budget is an opportunity for the Parliament to externally scrutinise this office. The SPSO makes an annual budget application to the Scottish Parliamentary Corporate Body (SPCB). This is considered by 1st March each year (as part of the SPCB's expenditure plan) by the Parliament's Finance Committee and the Scottish Government. As part of this process, we are required to report on our performance. The SPCB's final expenditure proposals (including the SPSO's budget) then appear in the annual Budget Bill which is voted upon by the Parliament. In addition, I and my Director of Corporate Services provide financial and performance information on a regular basis to SPBC officials with whom we meet throughout the year.

I welcome external scrutiny. This office has adopted many non-statutory measures to ensure greater accountability and to open up the office to external bodies that monitor our costs and ensure that the SPSO demonstrates probity and good value. For example:

- The SPSO established an Audit and Advisory Committee (A&AC) in 2007. The A&AC, chaired by Sir Neil McIntosh, is tasked with monitoring the adequacy of the SPSO's governance and control systems through offering objective advice on issues concerning the risk, control and governance of the SPSO and associated assurances provided by audit and other related processes. I and my senior management team report to the A&AC three times a year.
- The SPSO is subject to scrutiny by external auditors (currently Grant Thornton who were appointed by Audit Scotland in 2006) and internal auditors (currently provided by the compliance team of the Scottish Legal Aid Board under a shared services arrangement).

- Like all public bodies, the SPSO is required to operate effectively and efficiently and demonstrate a commitment to the principles of Best Value. The SPSO incorporates this as a strategic objective within its Corporate Plan and by adopting the Public Service Improvement Framework (PSIF) to help drive improvement and monitor performance.
- Since its inception, the SPSO has published data about its casework, governance and budget on its website. Since 2008 we have issued a Performance Report every year summarising this information.
- Committees invite us to give evidence – this year I have spoken to both the Local Government and Communities Committee and the Health and Sport Committee.

There are future obligations under the Public Services Reform (Scotland) Act 2010 that the SPSO will of course comply with. Along with other Parliamentary bodies, the SPSO is required under the Act to consult on its corporate strategic plan, to disclose specified categories of expenditure and to make statements on a number of areas including on how we have improved efficiency, economy and effectiveness.

I would add that the SPSO's budget process is a zero-based one, i.e. implying an inherent year on year efficiency saving. Our staffing numbers have remained static for the past three years, even while complaints to the SPSO have increased year on year. We are taking on the significant additional duty of complaints about prisons from 1 October this year, following the abolition of the Scottish Prisons Complaints Commission and we are doing this without increasing our headcount.

We have also been asked to lead on the development of standardised and streamlined complaints handling procedures across the whole of the public sector. The Sinclair Report that was the foundation for the provision in the Public Services Reform (Scotland) Act 2010 made clear that as complaints escalate through a complaints procedure, the costs of dealing with them increase disproportionately. I believe the provisions in the Act present real opportunities to achieve greater efficiencies through better complaints handling.

At an operational level, we regularly review all contracts and expenditure to ensure value for money and identify opportunities to reduce or streamline costs whilst maintaining service levels. We have also been able demonstrate cost savings through shared service arrangements such as our sublet of office space to the Scottish Human Rights Commission.

What mechanisms do you have in place to examine public dissatisfaction at the SPSO in managing complaints raised by members of the public?

I would contest the implication in the question that there is widespread public dissatisfaction with the SPSO in managing complaints raised by members of the public. There is, of course, some dissatisfaction, but it is by a minority and is entirely in keeping with the nature of our business. It is true of all Ombudsman services that some complainants, in particular those who have not had their grievance upheld, will criticise the body for making a decision that was not in their favour.

The SPSO actively seeks the views of all the people who use its service through our satisfaction surveys. We openly publicise their feedback on our website, and use their views to inform improvements to our service.

Individuals who are unhappy with the outcome of their complaint have the opportunity to express their dissatisfaction through our challenge to a decision process. The final external step of that process is judicial review.

Complainants who are unhappy with the service we provided can use a separate process which culminates in an investigation by an external reviewer. In 2009-10, the SPSO received service delivery complaints on 21 cases (out of a total caseload of 4,210 contacts). Of these, 12 were fully or partly upheld and nine were not upheld. Six cases were escalated to the external reviewer. We post the outcomes of all of the complaints we receive about our service on our website on a quarterly basis.

Although it is difficult to identify systemic issues on the basis of such small numbers, we do have in place mechanisms to ensure that the lessons from challenges and service delivery complaints are fed back to the organisation through formal reporting and action planning at Audit and Advisory Committee and Senior Management Team level.

Since I took office, I have made crystal clear my wish to meet in person with members of the public who vocally express their dissatisfaction with the SPSO. I repeated this call in my evidence to the Local Government and Communities Committee¹ in May 2010 when I said:

‘An organisation called Scottish ombudsman watch was set up some time ago. It appears to be made up of people who did not find satisfaction with the ombudsman’s office—they probably did not get the decision that they wanted. I have tried three times to meet representatives of the organisation in order to understand their viewpoint and to get their input about how we do things. It is never very productive talking to people who are happy with the service; it is always productive talking to people who are unhappy with it.

We are trying hard to engage and learn, but we can do only so much.’

To date, the group has declined to meet with me. Another group of critics, however, called Integrity4Scotland, did take up the offer to meet with members of my office to discuss their concerns in the context of the consultation we issued this summer. Their views and comments were helpful and I was pleased to hear of the constructive nature of the discussions. I will meet Integrity4Scotland in person in November.

I trust that the Committee will find this response useful. Should you have any further queries, please be in touch.

Yours sincerely

Jim Martin
SPSO

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¹ <http://www.scottish.parliament.uk/s3/committees/lgc/or-10/lg10-1602.htm#Col3272>