

PE1076/E

Mr D.W.R. Whittet QPM



RECEIVED 22 JAN 2008

Mr F. Cochrane
Public Petitions Committee
Scottish Parliament

EDINBURGH. EH991SP 20 Jan 08

Dear Mr Cochrane

PETITION PE1076

Thank you for your letter of 10th inst., with enclosures relative to the above. Due to our imminent house move we are extremely busy at the moment and my comments on the responses will be somewhat restricted. I would ask, however, that these comments be copied to all members of the Petitions Committee before their formal meeting and that this be confirmed in writing.

Most the comments recount, in somewhat patronising tones, details of the present Ombudsman system which are well known by those who have had experience of it. I am well aware that my Petition, if successful, would add to the complaints process. This would not need to be excessive and could surely be provided from the extensive resources given to the Scottish Parliament at vast public expense. How else would one resolve the question of complaints against maladministration and failure by the current Ombudsman and her staff, as described in graphic detail in my comprehensive submissions to the Petitions Committee?. I do not know precisely how the question(s) were put to the named consultees but most of them have simply commented on the question of whether or not an Appeal Process against the current Ombudsman's decisions should be created. In isolation, this evades the crucial question as to how to resolve the problems encountered by me – and many others - in dealings with the current Ombudsman. (See *scottishombudsmanwatch* on the Web.) These included maladministration, failure to take proper account of relevant evidence, widespread expression of evidence of opinion, loss of mail, inordinate delay etc.

The object failure not to include one single comment made by me on her Draft Report in the final Report, was particularly reprehensible. As a principle of justice my comments, as complainer, should have been included in full and acknowledged. The adoption of such tactics concealed the true facts of the case and created bias in favour of senior officials of Perth & Kinross Council. She has proved to be beyond reproach and answerable to no one. The "laying" of Reports before the Scottish Parliament is but a "paper exercise". These reports are simply placed in the library where they are seen by no one. They are certainly not debated.

The suggestion that existing Civil Process provides an opportunity for redress is fatuous. The costs alone are exorbitant and well beyond the means of "the-man-in-the-street", not to mention the excessive delays involved. Local Councils and other public bodies, of course, can defend such Actions on the back of the public purse and do so.

The third last paragraph of the letter from the Scottish Parliament Consultative Body, (SPCB) offers some hope insofar that it refers to powers of parliamentary bodies to take evidence from the SPSO and the recommendation from the Finance Committee that this should be done on a regular basis. The time is surely now opportune for this to be done in view of the high level of dissatisfaction with the present Ombudsman.

On a lighter note the letter from BICA tells us nothing new apart from the fact that I now know that here in Britain we have "**independent escalated complaint handlers**" dealing with our affairs.

I can conclude with a general comment on this sad affair. My complaint initially against senior officials of Perth & Kinross Council could have been easily resolved if they had taken up my offer for a simple meeting of reconciliation, made in writing I might add, to their Chief Executive. **She never even answered my letter.** So much for fair and reasonable treatment.

I served in Tayside Police, (and its predecessor Dundee City Police), for almost 35 years, 12 at senior supervisory level. In all my experience dealing with innumerable crimes, minor and major, complaints etc., I never encountered such incompetence, maladministration and dismissive treatment as that perpetrated by senior officials of Perth & Kinross Council and the Scottish Public Services Ombudsman.

I rest my case.

Yours sincerely



Encls: Copies & Relevant papers:

Alex Salmond MSP

Frank McAveety MSP _ Convener Petitions Committee

Murdo Fraser MSP

File