

**REPORT TO PARLIAMENT
THE SCOTTISH PUBLIC SERVICES OMBUDSMAN**

This paper has been prepared by the SPCB to inform debate on consideration of the Scottish Public Services Ombudsmen, Professor Alice Brown for re-appointment.

The Scottish Public Services Ombudsman

Background

1. The Scottish Public Services Ombudsman Act 2002 makes provision for the appointment of the Scottish Public Services Ombudsman who will be nominated by the Scottish Parliament and appointed by Her Majesty The Queen.

2. The Act provides for the SPCB to set the Ombudsman terms and conditions of appointment and provides that a person whose term in office expires is eligible for re-appointment.

Office of the Scottish Public Services Ombudsman (SPSO)

3. The Scottish Public Services Ombudsman (SPSO) provides a one-stop-shop for individuals making complaints about maladministration or service failure in a wide range of organisations providing public services in Scotland. It normally only considers complaints that have been through the formal complaints process of the organisation concerned.

4. The SPSO's remit covers an extensive range of public authorities who deliver many services to those living in Scotland. The SPSO receives complaints about councils, housing associations, the National Health Service, the Scottish Executive and its agencies and departments, the Scottish Parliamentary Corporate Body, colleges and universities and most Scottish public authorities.

5. The SPSO aims not only to consider complaints from an individual but also to share learning from its work in order to improve the delivery of public services in Scotland. It has a programme of Outreach activities that raises awareness of its service among the general public and promotes good complaint handling in bodies under its jurisdiction.

6. At the end of an investigation, the Ombudsman sends a copy of the final report to the complainant and the body complained about and lays the report before the Scottish Parliament. With each compendium of Reports, the Ombudsman sends a Commentary in which she highlights trends and issues brought out by the investigations. The Ombudsman's latest Commentary (February 2007) can be found at <http://www.spsso.org.uk/reports/report.php?id=376>

7. The Ombudsman is currently supported in her work by three part-time Deputy Ombudsmen (whose second term in office ends on 29 September 2007) and 38 members of staff rising to 45 in the financial year 2007/08.

Term of office

11. The Ombudsman is a Crown appointee who is nominated to Her Majesty The Queen for appointment on the recommendation of Parliament. Her first term of office will expire on 29 September 2007. Any additional appointment, if agreed by the Parliament, will be for a period of 4 years, the maximum time recommended by the Procedures Committee. The Ombudsman's second term in office will end on 29 September 2011.

The Re-appointment Panel

12. SPCB Members sat as a re-appointment panel on Wednesday 21 March to consider the Ombudsman for re-appointment. The panel was chaired by the Presiding Officer and the other members were Kenny MacAskill MSP, Duncan McNeil MSP, Nora Radcliffe MSP, and John Scott MSP. The Independent Assessor at the interview was Louise Rose.

Remit of the Panel

13. The remit of the panel was to determine whether the Ombudsman should be nominated to the Parliament for re-appointment.

Information provided to the panel

14. Prior to the interview, the following information was made available to the panel:

- Part B of the Ombudsman's application form;
- An overview of SPCB Papers;
- Parliamentary Questions and Petitions and extracts from Parliamentary Committee meetings;
- A selection of media coverage;
- An overview of complaints received about the SPSO;
- Extracts from Scottish Ombudsman Watch website;
- Extracts from the Ombudsman's website; and
- Copies of the Ombudsman's Annual Reports.

Independent Assessor

15. The Independent Assessor's role is to oversee that the re-appointment process conforms to good practice and to confirm or otherwise that the nomination of the appointee is being made on merit after a robust and fair process. A copy of the Independent Assessor's report is attached at Annex B and the Validation Certificate at Annex D.

16. Dr Bernard Kingston, The SPCB's Independent Assessor was involved in the process from 22 January until 8 March 2007. Unfortunately, due to personal circumstances, Dr Kingston had to withdraw from the process. The SPCB would wish to record their thanks to Dr Kingston for all his help and assistance up to and including 8 March.

17. Having started the process, the panel agreed that it should be completed as soon as practicable subject to being able to appoint another Independent Assessor. In the circumstances, we were fortunate to be able to appoint Louise Rose as the Independent Assessor for the interview.

Interview

18. Due to unforeseen circumstances, the Ombudsman's interview had to be re-scheduled from 8 March to 21 March 2007.

19. In line with the Procedures Committee's report on the re-appointment of Crown appointees, work continues on devising an annual system to evaluate officeholders nominated by the Parliament.

20. In the absence of such evaluation, the panel agreed that the Ombudsman should be tested at interview on the following criteria and scored against each of them.

- Managing change;
- Management of staff, workload and finance;
- Fulfilling functions of the post;
- Communication;
- Leadership and motivation skills;
- Forward planning; and
- Achievements

21. Based on the agreed scoring criteria, panel members awarded the Ombudsman a pass mark in every competency.

Decision of panel

22. The unanimous decision of the panel was that Professor Alice Brown should be nominated to the Parliament to be considered for re-appointment by Her Majesty The Queen for a second, 4 year term.

BIOGRAPHICAL INFORMATION

Scottish Public Services Ombudsman

Professor Alice Brown was Vice-Principal and co-director of the Institute of Governance at Edinburgh University. She served on the Consultative Steering Group and different bodies including the ESRC and SHEFC as well as the British Council and the EOC in Scotland. She chaired the task group on Community Planning and was a member of the Committee on Standards in Public Life.

Report by Louise Rose, the Independent Assessor

My terms of reference were agreed with SPCB and are attached as Annex C.

I have only recently become involved with this appointment after a colleague needed to withdraw for personal reasons.

I have been provided with a comprehensive set of background papers and have had the opportunity to scrutinise all paperwork including Part B of the Ombudsman's application form. I am satisfied that they conform to good practice.

I was in attendance on Wednesday 21 March 2007 for a pre-interview briefing with members of the Selection Panel and was present throughout the interview with the Ombudsman and also the post interview discussion and evaluation.

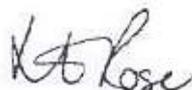
Given that the interview was pivotal to re-appointment, there was a need for a searching and robust approach. A number of exploratory questions had been designed and were allocated to panel members. Nonetheless, the Ombudsman was treated with respect and courtesy by all those present.

Each panel member scored the Ombudsman against pre-determined criteria. All scores, by each panel member for each criterion, were above the line.

The panel were unanimous in recommending that the Ombudsman be re-appointed for a further four years.

I am pleased to enclose my Validation Certificate.

Many thanks to the Presiding Officer and to Mrs Janice Crerar and Mr Huw Williams for their support and assistance.



Louise Rose
26 March 2007

APPOINTMENT SPECIFICATION FOR INDEPENDENT ASSESSOR

Scottish Public Services Ombudsman – re-appointment

OBJECTIVE

The Independent Assessor will assist the Scottish Parliamentary Corporate Body (SPCB) when considering the current Scottish Public Services Ombudsman for re-appointment. The assessor's role will be to:-

- oversee that the process conforms to good practice;
- confirm or otherwise, that the nomination of the Ombudsman has been made on merit after a fair, open and transparent process; and
- assist the SPCB in making an appointment that commands the Parliament's and the public's confidence.

DUTIES

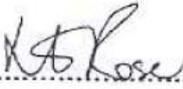
- To comment, if necessary, on the paperwork concerning the re-appointment;
- To participate in a pre-briefing meeting with the Panel prior to the interview;
- To oversee the interview and participate in any subsequent discussions;
- To raise concerns if necessary about any shortcomings in the process;
- To evaluate Part B of the Ombudsman's application form;
- To prepare a written report; and
- To certify, or otherwise by way of a Validation Certificate that the process complied with good practice.

SCOTTISH PUBLIC SERVICES OMBUDSMAN

Validation Certificate from Independent Assessor

I confirm that I have been involved in the key stages to date associated with the re-appointment of the Scottish Public Services Ombudsman. My report and terms of reference are appended at Annex B and C respectively.

In my view the nomination is made on merit after a fair and robust process which conformed to good practice.

Signed (Independent Assessor):..........

Name: Louise Rose

Date: 26 March 2007