

**EVIDENCE TO THE REVIEW OF SPCB SUPPORTED BODIES COMMITTEE FROM MURDO FRASER MSP, MID-SCOTLAND AND FIFE**

Thank you for the opportunity to provide evidence for the Review of SPCB Supported Bodies Committee. In this statement, I would like to concentrate my views and evidence on the role of the Scottish Public Services Ombudsman (SPSO).

The SPSO plays a pivotal role in Scotland and I believe that it must carry out its work with the full confidence of the public and Parliament. However, following my experience with several cases that I have worked on in the past and am working on at present, I have concerns that the SPSO office does not in all cases satisfactorily fulfil its duties.

In my role as an MSP, I have worked with a number of constituents on their cases that have been considered or investigated by the SPSO office. In the cases that I have been involved in, there seems to be several similar criticisms that my constituents have noted regarding their case. These can be summarised as follows:

1. the length of time taken to decide whether or not to take the complaint to an investigation;
2. the length of time taken to undertake the investigation;
3. the quality of the investigation;
4. the quality of the final report;
5. the lack of dialogue and opportunity to change the draft report once it has been completed; and
6. the way that the complaint was generally handled by the SPSO office.

These underlying problems of the SPSO office in relation to a complainant's case must be resolved in order to have an effective Ombudsman.

There is an issue of resources in relation to the SPSO for the volume and variety of work demanded of the Ombudsman's office.

The SPSO requires investigative staff who are able to specialise in different areas of investigation so that there is expertise in different fields. The SPSO office must also ensure to undertake a more thorough investigation, such as calling in experts where necessary and carrying out more visits and face-to-face interviews.

Another issue is lack of accountability. I believe that there should be a more systematic way of ensuring that the Ombudsman is held to account more regularly by the Parliament. I understand that the SPSO has to be independent of Parliament. However, apart from judicial review, there is no way for a complainant to call into account the work of the SPSO. Stronger

accountability is required so that MSPs can question any reports that constituents have concerns with and can also question the conduct of the office.

There is a real concern that much of the investigation work by the SPSO is based on information handed to them by the complainant and the body that has a complaint lodged against them. This information is useful for a primary stage, but there seems to be a lack of going out in the field and interviewing organisations in order to develop and question the information given to them. Investigations can not just be a 'paper-trail'.

I understand that the above criticisms and grievances in relation to the SPSO are primarily from constituents who have approached their MSP. I also understand that these criticisms and grievances come from individuals who, in many cases, have not had their complaint upheld by the SPSO. However, I believe that the majority of these constituents, although disappointed with the outcome of their complaint, are primarily unhappy with the SPSO experience and the processes of the SPSO office.

In some of the cases that I have worked on, it was clear that the individual concerned would have accepted the decision much easier if the final report had been completed to an expected standard.

In one example of a complaint that I helped work on, after the draft report was submitted by the SPSO, it was clear that there were some basic inaccuracies as well as some important and quite central information not included. There were basic errors and the complainant was never given an explanation for the conclusions. Furthermore, there were some statements in the report that appeared to conflict with other statements in the same report. It is quite right that a complainant will not accept or be happy with a report if the report published gives the instant impression that the issue has not been fully investigated or understood.

During the cases that I have worked on I have met with the Ombudsman and members of her staff on several occasions. I have a good working relationship with the Ombudsman and her office and believe that the Ombudsman carries out a difficult job, especially within the confines of the resources provided to the office. Each case that the SPSO undertakes is an individual case and requires an individual answer and many of these are complicated and some quite emotionally stressful.

The SPSO is a vital and important public body and I believe that improvements to the way that complaints are handled and carried out are needed in order to fulfil the Ombudsman function.

This contribution is a submission by me as an MSP and my dealings with the SPSO and is not the official views of the Scottish Conservative and Unionist Party.

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