

From: [REDACTED]
Sent: Thursday, January 13, 2011 2:32 PM
To: Crerar J (Janice)
Subject: Appointment of Ombudsman
Importance: High

Dear Mr. Fergusson MSP Presiding Officer & Mrs. Crerar,

May I respectfully request that members of the committee not to proceed with extending the appointment of Mr. James Martin as Scottish Public Service Ombudsman at their forthcoming meeting? I would draw the committee's attention to the overwhelming dis-satisfaction by the Scottish Public at the failure of Mr. Martin to apply any discernable level of justice in his current regime: in contradiction to exactly the opposite attitude enthused by those public service bodies that shelter under his protection.

An analysis of the operations of the Ombudsman's office identified the following failures in the application of Ombudsman's mandate given by the Scottish Parliament to Mr. Martin, including but not limited to:

- SPSO does not comply with either spirit or language of their mandate defined by the SPSO Act 2002
- "Code of Audit Practice" never fully implemented for "Governance & Quality Performance" criteria
- Deliberate rejection of SPSO Act 2002 definition for 12 month Time Bar in favour of a determination that will maximise earliest rejection rate without consideration
- Lessons learnt feedback into Public Service Bodies required by SPSO Act 2002, fails due to insufficient analysis of complaints with circa 67% of complaints rejected within 5-10 days.
- Principle operational document, "Complaints Handling Guidance" incomplete and still fatally flawed after 7 months since implementation
- Quality and scope of investigations undertaken totally inappropriate to need
- Deliberate bias against Complainants and in favour of Public Service Bodies is evident within SPSO policies, procedures & guidance documentation
- Ombudsman has set inappropriate criteria to allow only 1 in 100 complaints to be fully upheld, with 97 in every 100 rejected without being investigated
- Some 3 in every 4 complaints (75%) not already rejected within 5-10 days are dismissed without cause, based only on the whim of "discretion"

All of the above conditions are a direct reflection of an organisation that is clearly "**Unfit for Purpose**"; and results' directly from Mr. Martin's personal drive to avoid any consideration of the injustices imposed upon the Scottish People and instead establish only speed as the sole performance criteria upon which he should be judged. Mr. Martin's inappropriate claims that the subject of complaints against his organisation are not applicable; but reflect an inherited

situation now long past is totally disingenuous. All the serious maladministration matters noted are applicable to his latest / current operation.

In my opinion, for Mr. Martin to have his current appointment extended when the magnitude of his deliberate, numerous failures of due diligence is known: would be to enshrine maladministration within the acceptable governance for the Scottish People and the deliberate rejection of any "democratic accountability" and "justice" as core ethical planks of government.

Plainly such an act should be unacceptable to all reasonable people and I trust you and your committee concur and will act accordingly in the best interest of all Scottish citizens by rejecting Mr. Martin's current application? It should also not be forgotten that Mr. Martin has formally been seriously criticised by the previous Ombudsman in respect to his own actions over a complaint brought before her when she found Mr. Martin the offending party. This would therefore be an appropriate time to correct this earlier oversight and appoint a more worthy applicant to the most important post of Ombudsman?

Yours respectfully,

