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Mr Jim Martin,
Scottish Public Services Ombudsman
4 Melville Street,
Edinburgh EH3 7NS

Your ref: 200800985

17 January 2011

Dear Mr Martin

Complaint against HM Inspectorate of Education (HMIE)

I write in regard of this case which I brought to the Scottish Public Ombudsman Service on 2 August 2008. I met with Alice Brown, then Public Services Ombudsman, on 9 March 2009 at her request in regard of it. She then authorised it to proceed to case investigation. On 7 December 2009 you deleted it without investigation and without a report. You have not sent a statement of the reasons for discontinuing the case to the listed authority in question as is necessary under section 11(2) of the Scottish Public Services Ombudsman Act 2002.

A comparable case was perhaps the main public interest news story of December 2009 and January 2010 in my profession at the time when I received the letters from you and Steve Carney. From his letter it was clear that Mr Carney had not read the original complaint. You did not reply to my letter of 17 February 2010 yet it was also a service delivery complaint and should have received response. I wrote to you on 25 August 2010 containing major analysis and observation on complaints handling in regards of this case and its wider implications. You did not reply. Being within the period of your consultation on complaints handling you should have replied and also forwarded this communication as part of the responses to the consultation. I consider that you still should.

My case has not received due consideration and treatment by the SPSO service. The office of Ombudsman is intended to protect the citizen from arbitrary and overbearing power of an executive and its agents. It is not created to function in such a way itself. Yet I consider that is what has occurred as per the treatment and disposal of my case.

I have written an accompanying report detailing wider and outstanding issues. They now go far wider than just my case, pertaining to the role and function of HMIE and now the SPSO. In the report I make it clear that I have not involved MSPs in this case. I have also not forwarded my letter of 25 August 2010 other than to XXXXXX of AHDS. However I am now doing so. My purpose is in regard of due process of case handling, investigation and adjudication. There are clear breaches of the public stated positions of your office and of HMIE with that of the treatment and disposal of my case.

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I write in a personal capacity since the main continuing damage is to me rather than the institution for which I work.

My case warrants consideration as an 'other' Ombudsman investigation and I give reasons in an accompanying report.

Yours sincerely

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Encs.

My report of 12 January 2011.

My letters to you of 17 February 2010 and 25 August 2010.

My letters to Alice Brown, then SPSO, of 17 January 2009 and 4 February 2009.