

Dear Mr. David,

Referring to your Email of 9 October, please note that I have no objection to details of all and any written submissions by me concerning the above being made public.

I shall be glad if you will record the following as my response to the contents of the Audit Scotland letter of 7 October :

So far as I am concerned, the purpose of raising the Petition was not in the expectation that Audit Scotland would look into the circumstances of my individual complaint, or indeed those of any other complainant, rather that the operation of the SPSO in general would come under scrutiny. The motivation and rationale behind the Petition was the widespread perception among members of the public (including, of course, me) that the SPSO was not being run in the best interest of those whose interests it was supposed to be serving, and that it was instead intent on preserving and promoting a favourable relationship with the very public bodies it was intended to call to account.

To support this view the Petition presented considerable evidence, not least the result of the SPSO's self-commissioned "Complainant Satisfaction Survey" of 2007. It is also fairly widely known that a number of MSP's have expressed concern over the SPSO's priorities and many of its' decisions which were irrational and perverse.

Given the foregoing, I and many others feel that there is a case to answer for the proposition that the SPSO is not functioning effectively, efficiently nor is it providing value for money.

It may be the case that the SPSO have learnt lessons since publication of the ORC International Survey in 2007, but this would be small comfort to those who genuinely believe they have suffered injustice and have been victims of the SPSO's apparent policy of not "rocking the boat" in dealing with most complaints against public bodies.

In respect of Audit Scotland's contention that an audit as requested is not appropriate whilst action groups are considering the Crerar Review, may I respectfully point out that Professor Crerar's main recommendation was that the role of the SPSO actually be expanded - as far as I understand it, he did not offer comment on how well or otherwise the SPSO was dealing with its' existing remit. I doubt that any other individual Scottish public body has received such a concentration of complaints, which makes Audit Scotland's reluctance to do what is patently required unsupportable. My own experience of asking Audit Scotland to undertake this work is that there has been a perverse resistance to exploring the operation of the SPSO without rational explanation given.

Audit Scotland's reply to the Committee of 7 October seems merely to repeat well-worn phrases and seeks to justify inaction by offering the smokescreen of the action groups considering the Crerar Review which was not intended to examine the operation of the SPSO other than extending its' remit.

Yours sincerely,

G.A. Hamilton

Dear Mr. David,

Further to my Email of 10 October in response to Audit Scotland's reply to the Public Petitions Committee, I am now forwarding an Email received by me, the contents of which I would like to have recorded as part of the submission to the Committee for further consideration..

I trust this will be in order, but please let me know if any further information is required.

Yours sincerely,

G.A. Hamilton

----- Forwarded Message -----

From: Scottish Ombudsman Watch

To: Gregor Hamilton

Sent: Sunday, 12 October, 2008 22:39:37

Subject: Petition PE1163

Dear Gregor,

I read with interest your petition PE1163 asking that Audit Scotland perform an economy, efficiency and effectiveness audit of the SPSO.

A just recently discovered fact about the SPSO is that the SPSO have not reported 641 complaints about their decisions (or as the SPSO like to call them "comeback complaints") to the Scottish Parliament or public since 2003.

The attached letter from the SPSO dated 3rd September 2008 gives details of these 641 "missing" complaints about their decisions.

Up until Autumn 2006, the Scottish Public Services Ombudsman provided a document titled "[If you are unhappy about our service](#)" (copy attached) which detailed what they did if you 1, disagreed with a decision or 2. were unhappy with the service provided by the SPSO. This document also detailed how the Scottish Public Services Ombudsman would record and advise the Public and Parliament of any complaints made against them through the Annual Reports that are laid before Parliament quote:

"We keep a record of all complaints made about our service and record the outcome of each complaint. We publish statistical information relating to these complaints each year in our Annual Report. If shortcomings in our service have been identified through a complaint, we use this information to review and change the service we provide."

So during the period 2003 to date the SPSO have failed to record the outcome of each decision complaint or publish any statistical information about them.

In November 2006 the SPSO only started to report the "service complaints" on their web site after the Scottish Ombudsman Watch started to ask about why the SPSO did not report complaints about themselves. To date there have been 147 "service complaints".

In August 2008 it became apparent that when the public complains about how the SPSO has dealt with their complaint, the SPSO splits these complaints into two types 1. "Service complaints" and 2. "comeback complaints".

The SPSO do not mention that they receive comeback complaints and do not report anything about these "comeback complaints" on their web site and have never reported them to Parliament.

I have attached a FOI response from the SPSO dated 3rd September 2008 where the SPSO has had to admit that they have received 641 “comeback complaints”.

The SPSO are meant to be the guardians of the complaints system and the Crerer review recommends that the SPSO “Be given responsibility for developing and overseeing the standardised complaints handling system” (see attached section from the Crerer review). One aspect of the standardised complaints system is that “A standard approach to reporting outcomes from complaints and appeals should be introduced, which should include details of service improvements likely to be made as a result, or details that may require further investigation”.

The SPSO’s “valuing complaints web site” says

"An organisation that truly welcomes, values and uses complaints to inspire and guide improvement will deliver better public services than one that does not" and that “Complaints data (should be) regularly published internally and externally”.

The SPSO does not report “comeback complaints” to anyone and appear to want to keep the level of dissatisfaction the public have regarding their investigations and decisions a secret..

The letter of the 3rd September is proof that the SPSO are not fit to oversee a standardised complaints system as they are unable to accept or report that they have received 641 complaints about their own decisions and performance.

The Scottish Parliament should be alarmed that the SPSO have received 788 complaints about the service/decisions and concerned that the SPSO have not reported any to the Scottish Parliament, contrary to their published reporting standards.

The MSPs and Scottish Government should be asking Audit Scotland to perform an “economy, efficiency and effectiveness” audit to determine why there is such a high level of public dissatisfaction with an organisation which sole purpose is to provide a quasi-judicial service to the public and hold the authorities to account where maladministration exists.

A possible reason for this high level of public dissatisfaction with the SPSO is that, in my experience, the SPSO did everything in their power to protect the authorities from valid and irrefutable evidence of maladministration.

It may be that my experience was not a lone case.

Regards

Scottish Ombudsman Watch

Point 4 – Comebacks Received by Year to 29 August 2008

Year Received	Total
2003-04	41
2004-05	146
2005-06	77
2006-07	70
2007-08	222
2008-09 (to date)	85
Grand Total	641

Point 7 – SPSO Caseload at 29 August 2008

Year First Received as Complaint	No of cases open at 29 August 2008
2003-04	1
2004-05	1
2005-06	15
2006-07	42
2007-08	103
2008-09	274
Total	436

Note – SPSO reporting years run from April to March