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Fergus Cochrane
Clerk to the Public Petitions Committee

October 2008

Dear Mr. Cochrane

PUBLIC PETITION PE 1163: SPSO

You have asked for comments from the Scottish Government on the above petition, which calls for an investigation with delay by Audit Scotland of the Scottish Public Service Ombudsman. The Scottish Government remains unpersuaded that the petitioner seeks the most appropriate course of action and presents no specific view on the organisation, timing or prioritisation of Audit Scotland's work, because Audit Scotland publishes its reports on behalf of the Auditor General, who is independent of Ministers, reports to the Scottish Parliament and is appointed by the Crown.

However, both in the general pursuit of public sector efficiency and in specific response to recommendations of the Crerar Review, the Governemnt has already made clear its belief that there a need to review the arrangements for complaints handling in Scotland, including the role of the Scottish Public Services Ombudsman. Five short-life action groups involving key external stakeholders were established to make recommendations across a range of issues, including the the accountability and governance of scrutiny bodies such as SPSO. One of the short-life action groups focused its work specifically on the complaints handling systems in Scotland. The Government intends to respond to the action group recommendation by setting out proposals for a new framework of accountability, which will include improved transparency.

Legislation for improving complaints handling and the wider scrutiny framework is currently being drafted and may include provisions about the way the SPSO works. Account will need to be taken of the Parliament's own considerations of the role of the Ombudsman and other Commissioners, and the Committee will be aware that the an ad-hoc Committee is expected to start work later this year.

Lachlan Stuart
Courts and Administrative Justice Team Leader
Constitution, Law and Courts Directorate

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