

**EVIDENCE TO THE REVIEW OF SPCB SUPPORTED BODIES COMMITTEE
FROM JAMES P TERRAS**

1.0 **Introduction.**

1.1 From a personal perspective I welcome this review as being long overdue.

1.2 I base my comments and submission on my recent personal experience with the Scottish Public Service Ombudsman who I think reflects the problems in relation to the “lack of accountability” and “lack of service”, that pertain to some public and publicly funded bodies. To say that I was not satisfied with the standard and quality of service supplied by the SPSO is to some extent an understatement, even though they found partially in my favour.

1.3 I believe concerns about the SPSO are borne out by other complaints and Parliamentary Petitions that have recently been lodged with the Scottish Parliament.

2.0 **The Basis of my Submission.**

2.1 I work on the principle that all publicly funded bodies and organisations should adhere to the principles public service, which detail that:-

“ Holders of Public Office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.”¹

2.2 I would like to suggest therefore that this is a good starting point with which to develop the changes required to Public Service in Scotland in particular the SPSO.

2.3 What I am not asking for is open free and direct accountable to the public but a clear and agreed system where by Public “Servants” on “ Public Bodies” and “Publicly Funded Bodies”, do have to some extent an appropriate and proportionate level of accountable to the Scottish Parliament and must embody this principle in their operation and principles of service.

¹ Source. Summary of the Nolan Committee's First Report on Standards in Public Life

e.g. My experience and correspondence clearly shows that even up to the Presiding Officer of the Scottish Parliament there are no procedures in place where concerns about the handling of a case become evident. In my case after three years , the SPSO upheld my complaint of undue delay in their handling of my complaint. My case was well known to the senior management of the SPSO who because of their delegated authority to develop and apply SPSO processes chose not to respond to many other factors and concerns which to this date remain un answered.

2.4 Any public body which has the delegated authority to limit investigation into the quality and standard of the service it supplies, decide not to answer questions and concerns, is in a worryingly privileged position. ²

2.5 Before any organisation is given additional powers and responsibilities e.g. as detailed in The Crerar Review, published in September 2007. the principles and procedures of accountability to Parliament have to be clarified taking into consideration the needs and aspirations of the public³ and their role in society.

3.0 **Accountability Vs Control**

3.1 In my submission which focuses on the SPSO, I appreciate the quasi legal position that this organisation holds, and its function on making determinations on often sensitive subjects which could go into the heart of the political and public service establishment.

3.2 There is though a clear difference between the concept of accountability and control and this is where the Scottish Parliament can take the lead.

e.g. Complaints as to how the SPSO has or is handling a case must be reported and reviewed by an appropriate standing committee of the Scottish Parliament who may if considered appropriate call for evidence in private.

That I would suggest is not “control “, but appropriate and proportionate accountability in action.

² The Joke of Judicial Review. The SPSO stands behind what I refer to as the joke of Judicial Review. The Scottish Court Service has intimated that only one JR, against a decision made by the SPSO has been lodged. This is because of the cost of mounting such a challenge is prohibitive the vast majority of complainants do not have these resources available and therefore by default the SPSO operates unchallenged. The need for a system of accountability is therefore even more important.

³ See recent Satisfaction Surveys recently published by the SPSO whereby almost 50 % of complainants were dissatisfied with the experience of dealing with the SPSO. Any other public service with this level of satisfaction would be under considerable scrutiny.

3.3 Allowing the SPSO to continue as they are, would allow them to maintain levels of service which they have recently revealed to me⁴ considerable shortcomings in their internal administration when the SPSO stated on 12th December 2008, “ We do not have a document trail relating to procedures that were in place prior to 2007 “ . In other words asking the SPSO how they made decisions and how they came to decision prior to 2007 is undefined.

4.0 **Recommendations for Future Developments.**

4.1 It is difficult in such a short submission to fully cover the issues that I experienced with the SPSO in their handling of my case, which from contact with other complainers seems not to be an isolated occurrence.⁵

4.2 **Recommendation 1.**

The legislative basis in relation to accountability of SPCB Supported Bodies, should be reconsidered, in the light of recent concerns as to the quality and standard of reports published by the relevant bodies, complaints received and Parliamentary Petitions.

Recommendation 2.

Within the current parliamentary set up, a standing committee of the Scottish Parliament be formed to investigate complaints against SPCB Supported Bodies, which may take evidence in private if necessary.

Recommendation 3.

That the principles of public service as detailed by the Nolan Committee`s report on the Standards in Public be included in the legislation governing SPCB Supported Bodies, and not referred to or applied indirectly.

Submitted for your consideration.

James P Terras Ba Hons GDL LPC.
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⁴ FOI Request 5th December 2008. in relation to the number of Come Back Complaints which had apparently not been handled correctly by the SPSO or reported to the Scottish Parliament.

⁵ Recent Petitions to the Scottish Parliament re the handling of cases by the SPSO