



The Scottish Parliament

(For official use only)
PUBLIC PETITION NO.

PE1163

Should you wish to submit a public petition for consideration by the Public Petitions Committee please refer to the guidance leaflet [How to submit a public petition](#) and the Guidance Notes at the back of this form.

1. NAME OF PRINCIPAL PETITIONER

Mr G.A Hamilton

2. TEXT OF PETITION

Petition by Gregor Hamilton calling on the Scottish Parliament to invite Audit Scotland to conduct, without delay, an economy, efficiency and effectiveness audit of the office of the Scottish Public Services Ombudsman.

3. ACTION TAKEN TO RESOLVE ISSUES OF CONCERN BEFORE SUBMITTING THE PETITION

a) I have been in frequent contact with my MSP, Alex Fergusson, who has confirmed his awareness of widespread di-satisfaction at the operation of the SPSO.

b) I have asked Audit Scotland on two occasions to look into the operation of the SPSO, but have had only "stock" responses that this may form the basis of some future audit.

4. ADDITIONAL INFORMATION

1. Personal Experience: I consider the SPSO's investigation and handling of my original complaint (against a Local Authority) (SPSO ref. 200501297) to have been shallow, cursory, superficial and driven by expediency. The SPSO took no account of the Council complained of flagrantly manipulating the Council Tax Benefit Regulations in an effort to improve their Statutory Performance Indicators, despite the Council having been the subject of a scathing audit report by the Benefits Inspectorate prior to the Ombudsman's report being issued. In addition, both Audit Scotland and the DWP have confirmed to me the detail of the CTB Regulations which the Council chose to ignore. The SPSO are aware that I continue to challenge the disparities between the Ombudsman's "Monthly Commentary" of May 2006 to MSP's generally and her "Final Report" (laid before Parliament and presumably having a much smaller readership). The former advised MSP's that my complaint against a Local Authority had been partially upheld and made recommendations to the Council to remedy matters. The latter, which has the force of law however, made no mention of these facts and MSP's were likely therefore to have been misled into believing that effective action had been taken. The Council, meantime, has been entitled to rely on a "Final Report" which placed no blame or obligations upon it. As a disabled person I had a right to rely on the Disability Discrimination Act, 1995 (Secs. 21 & 49A) which provides amongst other things that a disabled person may be entitled to treatment which is more favourable than that normally offered to others. Despite my raising this issue the SPSO completely ignored the possible application of the Act and by the time the SPSO reached a determination I found that any action to raise a complaint with the Disability Rights Commission had become time-barred. Access to copy E-mails between the Council and the SPSO reveal a disturbing level of intimacy between personalities in both camps. Use of over-friendly greetings and first names in correspondence did not instil in me a sense of dispassionate impartiality in investigating my complaint.
2. Anecdotal Experience: (a) between 2003 and 2005 the SPSO received 2,680 complaints, of which only 27 were investigated in a 2-year period (figures obtained from the SPSO's own statistics), (b) the SPSO are unaccountable to the public as they self-evidently do not investigate complaints about their own service, nor do they report them to Parliament and (c) previous criticism of the SPSO's operations has been supported by a number of MSP's, many of whom seem only too well aware of public disquiet at the way in which the SPSO is run, and the priorities which it deems appropriate.
3. Report by ORC International of February 2008 entitled "Complainant Satisfaction Survey 2007" : I enclose copy of the above, which was commissioned by the SPSO itself. From this, numerous indications of unsatisfactory operation and failure to represent the interests of complainants can be identified. A brief summary of some of these is shown below :-
 - (a) 50% dis-satisfied with "thoroughness of the investigation".
 - (b) 51% dis-satisfied with "time taken to complete the investigation".
 - (c) 47% dis-satisfied with the "independence/impartiality of the complaints investigator".
 - (d) 56% dis-satisfied with the "redress/recommendations provided (if any)".
 - (e) 53% dis-satisfied with the "explanation for the decision made".

-/ (f)

- (f) 48 % dis-satisfied with the “impartiality/objectivity of the investigation”.
- (g) 45% dis-satisfied with the “thoroughness of the report”.
- (h) 62% of respondents felt the SPSO had not met their original expectations.
- (i) 81% of all respondents fell into various categories of dis-satisfaction, including disillusionment with the process and a feeling that there had been a “closing of ranks” between the SPSO and various public bodies.

5. DO YOU WISH YOUR PETITION TO BE HOSTED ON THE PARLIAMENT’S WEBSITE AS AN E-PETITION?

YES **NO**

If “Yes” please enter a closing date for gathering signatures on your petition (we usually recommend a period of around six weeks). Please also provide at least one comment to set the scene for an on-line discussion on the petition, not exceeding ten lines of text.

CLOSING DATE

31 May 2008

COMMENTS TO STIMULATE ON-LINE DISCUSSION

The SPSO, since its inception, has disappointed and disillusioned many hundreds if not thousands of complainants about public services in Scotland. There is a widespread perception that the SPSO’s priorities lie more towards preserving the “Status Quo” in its relationship with public bodies than properly representing the interests of those complaining.