

02 JUL 2002

SCOTS PARLIAMENT

To the Scottish Parliament

Scottish Public Services Ombudsman Act 2002

I the undersigned declare that the existing Ombudsman complaint handling procedure does not provide a fair and efficient complaints handling system in respect of grievances against Scottish local authorities. This system has been in existence for over two decades and is out of date.

Local authorities are one of the main providers of public service in Scotland. They do not appear to have a proper complaints handling procedure which is open and fair. Under the present system, only complaints of maladministration arising from unsatisfactory management procedures and or practices within the local authority that cause injustice to complainants are taken up by the Ombudsman. The Ombudsman system does not accommodate other complaints which have a substantial bearing on the community.

The Ombudsman is unwilling to define maladministration and has said that the onus of specifying what may or may not constitute administrative failing is on the aggrieved person. This creates uncertainty and confusion. In my case, the Ombudsman took 23 weeks to reject the complaint and could have taken another 23 weeks to conduct an Inquiry. These times should be reduced. In general the Ombudsman rejects some 90% of the complaints and proceed with an Inquiry only on 1% of the complaints. This is a very expensive and inefficient complaint handling procedure costing some £100,000 per complaint investigated.

I have considered the two consultation papers on public sector ombudsman in Scotland and the recent Scottish Public Services Ombudsman Act 2002, sadly these do not address the issues raised above.

The petitioner therefore requests that the Scottish Parliament should amend the new Act to incorporate:

- a. either define or make it obligatory for the Ombudsman to define administrative failings,
- b. extend the application of the Act to all functions of the Local Authorities,
- c. set time limits within which a decision must be notified to the complainant,
- d. make it obligatory for the Ombudsman to provide full reasons if the complaint is rejected,
- e. appoint an organisation to audit 10% of complaints each year,
- f. change the role of the complaint handling procedure from an Inquiry to complaints handling.

In the longer term the Ombudsman Act should be repealed and replaced by a regulatory framework.

I the petitioner has already approached the First Minister Mr McConnell MSP, Mr Fitzpatrick MSP Mr Sweeney MSP, Mr McLetchie MSP, Mr Sheridan MSP, Mr Bruce MP, Mr Lyons MP elected representatives for assistance in resolving the issues raised in this petition.

Copies of the report and other documentation are attached to this petition.

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