

Glossary of Terms

Enquiry

We use this term to describe an approach to us by a member of the public seeking information, for example about whether we can deal with a complaint about a particular issue or how to pursue a complaint about a particular organisation. Enquiries include queries made about organisations and subjects outwith our jurisdiction.

Complaint

We use this term to describe an approach to us by or on behalf of a member of the public making a complaint about something which, subject to more detailed consideration (see below), might be investigated under the terms of the Scottish Public Services Ombudsman Act 2002. The Act says a complaint must be made in writing or electronically unless the SPSO is satisfied that there are special circumstances which make it appropriate to consider a complaint made orally.

Consideration

This is the stage at which we look in detail into whether or not the SPSO can investigate a complaint that has been made. We look at whether the organisation and subject complained about were within our jurisdiction, and whether the complaint had first been made to the organisation in question (we cannot normally investigate a complaint unless this has been done).

Investigation

If we do decide to take on the complaint, our next step is to investigate. We will usually contact the organisation complained about to ask for information about what happened and how they dealt with it. Our investigation process is described in our leaflet called 'Investigating your Complaint' which can be downloaded from our website at <http://www.spsso.org.uk/advice/publications.php>.

Maladministration and Service Failure

The Scottish Public Services Ombudsman Act 2002 says that SPSO can only investigate a complaint relating to maladministration or service failure which a member of the public feels has caused them hardship or injustice. The Act does not define 'maladministration'. A dictionary definition of the term is 'bad, inefficient or dishonest administration'. This can cover things like unreasonable delay, rudeness, failure to apply the law or rules properly. The term 'service failure' covers both failure in a service provided and failure to provide a service which should be provided. The Act says that SPSO cannot question the merits of a decision taken without maladministration. This means we cannot look at a complaint just because somebody is unhappy about something a public body has done (or not done). There has to be some evidence of maladministration or service failure.

Draft, or Proposed, Investigation Report

This is the provisional version of the investigation report that is sent to the complainant and the organisation being complained about. Both parties are invited to check and comment on the report before it is published.

Final Report

This is the report that is published and laid before the Scottish Parliament. The final report may be an amended version of the proposed report, if we have decided to make changes as a result of comments received from the complainant and/or the organisation being complained about.

SQM

This stands for 'Service Quality Manager'. If a complainant is unhappy with the service they have received from the SPSO, they can complain to the SQM. Details are in our 'Unhappy with our Service' leaflet (see our publications page at <http://www.spsso.org.uk/advice/publications.php>).

Recommendations and Redress

Following an investigation, the Ombudsman may make recommendations to the organisation complained about. These may be designed to provide redress to the individual complaint (for example, an explanation, an apology or re-imburement of costs incurred as a result of the organisation's fault), or to improve general working practices within the organisation (for example, a change in procedure). In almost every case, an organisation complies with the Ombudsman's recommendations. If, however, an organisation were to fail to implement her recommendations, she can lay a 'special' report before the Scottish Parliament highlighting any concerns she may have. Since the inception of the SPSO in 2002, the SPSO has never had occasion to issue a 'special' report.