

RECEIVED

26 JUL 2010

CLERK/CE

23rd July 2010.

The Clerk,
Scottish Parliament Corporate Body,
Scottish Parliament,
Edinburgh.

Re. : Possible re-appointment of Scottish Public Service Ombudsman .

Dear sir,

It is my understand that Jim Martin the present Scottish Public Services Ombudsman was engaged as Ombudsman for an initial two-year term which expires on May 2011 .

It is also my understanding that Mr. Martin was appointed by Parliament on the recommendation of the SPCB or some sub-committee operating under the direction of the SPCB .

I have followed Mr. Martin's performance as Ombudsman and, should he seek re-appointment, will wish to make representations to the recommending body on his suitability for re-appointment .

I would be grateful if you could advise me as to the procedure which will be used to ensure that the post of Ombudsman will be filled on the expiry of Mr. Martin's initial term of office .

Please also advise me as to the appropriate time to make my representations in respect of Mr. Martin's possible re-appointment and to whom I should make those representations .

Yours faithfully,



August 8, 2010

To:

Mrs. Janice Crerar, Officeholder Services, The Scottish Parliament, Edinburgh.
EH99 1SP

Subject:

Reappointment of Jim Martin as Scottish Public Services Ombudsman

I wish to make it known that I object to the reappointment of Jim Martin as Scottish Public Services Ombudsman. I do not believe this office is sufficiently impartial to deal with complaints justly and he has not addressed the injustices in my complaints:

<http://www.medicalneglect2.webs.com/> &

<http://www.medicalneglect.webs.com/>

U



Crerar J (Janice)

From: [REDACTED] [REDACTED]
Sent: 05 October 2010 23:55
To: Presiding Officers; Crerar J (Janice)
Subject: Jim Martins reappointment as SPSO - don't let it happen

Dear Mr Fergusson, MSP Presiding Officer and Mrs Crerar,

In light of recent information made available by the FOI office regarding the performance of the SPSOI would like to make representations as to why re-appointing Jim Martin to the position of Scottish Public Services Ombudsman is not in the public interest,

In his first term Jim Martin and his teams performance has proven to be worse than Professor Alice Brown's which was quite an appalling record in the first instance. It is inconceivable that 96.6% of the 3,513 members of the public who felt the need and took time to put pen to paper during Jim Martins appointment could have their complaints dismissed by the Ombudsman and his team, most of which failed to go further than the preliminary stage.

The number of complaints made against the current Ombudsman has increased by some 57% over the previous one. Where this performance to be mirrored in a profit based organisation the shareholders would be incensed and rightfully call for the removal of the administration responsible for these figures. Sadly it seems that since the public are funding this abomination the "service" provided by these people is allowed to continue. It is outrageous that the persons who are making complaints are also forced to pay around £3.5 million per annum for it through central government tax collections.

Allow me to take this opportunity to highlight a number of instances that I personally attempted to expose through the previous Ombudsmans office only to be told that my complaint was "timebarred". Although it is understood that the present Ombudsman has not had a hand in this particular complaint former case officers and present members of his office who most certainly do have prior knowledge of the complaint now occupy more senior controlling roles in his office.

My complaint involved the first in a series of instances of child grooming and conspiracy to prostitute minors, initially using council chambers to hide the perpetrators activities and latterly at any opportunity that the people involved could manufacture without raising the suspicions of the general public. Note that these activities took place within weeks of an unsubstantiated accusation made against myself by a council employee (this having been used as a basis to discredit any complaint I have) however due to the fact that the first of this sequence of instances was carried out by a senior member of the constabulary and two of his associates the police are extremely reluctant to assist in this matter. Indeed they have since partaken in a catalogue of attacks to suppress complaints made to them regarding their collusion in these activities. Further complaints of complicity and corruption in these matters to a detective who claimed to be a child protection officer resulted in further demonstrations of collusion but quite remarkably did include a written "affirmation" that they would have destroyed any evidence of their activities since the initial incident took place some time ago.

The persons in charge of the departments against which I have information concerning complicity in criminal conduct against minors include the former head of [REDACTED] Councils Legal Services Dept. ([REDACTED]) the former head of the districts Social Work Dept. ([REDACTED]) and one police [REDACTED] formerly a Chief Inspector in this council area.

While it may be the case that my complaint would be "time barred" I would have expected the Ombudsman to advise that the complaint against the parties involved was of a criminal nature and therefore outwith the Ombudsmans jurisdiction. The fact that a complaint of this nature can be summarily dismissed by all parties is demonstrative of complicity by the people and organisations involved.

Excuse my use of this forum to highlight a few summary points of this case but the people concerned seem to think I have been endeavouring to expose them for the good of my health and I feel it is essential that senior public service representatives who should have no allegiance to these individuals are able to get a glimpse of what actually goes on when the authorities who are paid to serve us are let off the reins.

If you know of anyone who would be interested in progressing this complaint I'd be interested to know, but at the very least don't allow such injustices to continue unchecked. It could be your child that they deploy next. Ensure that someone who is willing to assist in the exposure of such activities gets Jim Martins job. Perhaps a new broom should sweep through a number of other public service building corridors.

Regards

William Martin

Crerar J (Janice)

From: [REDACTED]
Sent: 09 October 2010 19:43
To: Crerar J (Janice)
Subject: Objection to the re-appointment of the Ombudsman
Importance: High

Dear Mr. Fergusson MSP Presiding Officer & Mrs. Crerar,

May I respectfully offer some comments for your consideration on the matter of the potential re-appointment of Mr. Jim Martin as Scottish Public Services Ombudsman? Let me first declare an interest as a citizen that has had dealing with the SPSO and unfortunately gained first-hand experience of the inequity in which this organisation deals with the General Public.

I understand that if the ruling of Professor Brown as the Ombudsman, against Mr. Martin's conduct in a previous post; had been made aware to the original appointment committee that it would have been sufficient to have exerted considerable influence upon their determination at that time. As it was, the recommendation of civil servants proved to be the swaying factor.

Prior to the initial appointment of Mr. Martin there already existed a body that did not serve the public well. The potential for significant improvements in service to the Public was therefore immense; it is disappointing to witness it has become far worse than the previous regime under Mr. Martin's leadership.

During the current term of office Mr. Martin has groomed this organisation to become far more efficient in the administration of complaints and the manipulation of statistics to present a misleading impression to the outside world. The recent "**Fast-track - Early Resolution**" compliant system initiated in May 2010 certainly does move complaints rapidly to the "out" tray, but not with any sense of impartiality or justice.

The initial "**Early Resolution**" phase is used to find a reason to reject the complaint on any grounds and not to find a genuine way forward for the Public. The corrupt culture at the SPSO is actually geared to work against the interest of the Public and positively set to protect public servants. The term "**Unfit for Purpose**" is often used to describe organisations that fail to meet their brief and this is particularly true in the case of the SPSO.

There is an inherent bias against Complainants which permeates subtly throughout SPSO documentation and which is clearly spelt out in the SPSO's procedures. Complaints Handling Procedure Principles starts by immediately noting the need to "**managing occasional difficult behaviour of Service Users**". This is followed up by a demand that an "**Unacceptable Actions Policy**" is established by all public bodies to control Service Users. At no point during the whole procedure is there any consideration that Unacceptable Actions could be the result of the action or inaction of public servants, and consequently propose no methodology for handling this fundamental fact of life!

There exists an anomalous 12 month time bar within the Act that start from the time a Complainant first recognises a problem & this is totally inappropriate, since it takes control away from the Complainant regarding their ability to comply in approaching the SPSO; if all other conditions are also to be met. Whilst the Act contains a provision for **special conditions** these are blithely ignored by the SPSO in their rush to judgement on whether or not to accept complaints for investigation.

A recent example in support of this contention is the determination by the SPSO that complaints submitted which technically exceeded the 12 month time bar were rejected as failing the "**Fit For SPSO**" requirement. They were however well within the parameters defined for "**special conditions**" and the SPSO ignored the fact that the time bar would not have been applicable at all; if the SPSO had not delayed the

process six months to review these same complaints on behalf of the Local Authority! To add insult to injury, it was the SPSO opinion that such a delay due to the SPSO involvement could not be considered in their judgement, since they claimed those complaints could have still submitted during the same period that they were already being evaluated for the Local Authority. This is perhaps reaching new heights for cynicism?

I would note that the SPSO Act was and is not a perfect instrument. It can and should be revised to correct for those serious aspects that are already well recorded. But does the existing legislation allow the public to receive a reasonably balanced and fair service – absolutely. So why is there evidence of growing concern by the public which states the opposite?

The number of SPSO complaints keeps increasing as a reflection of the worsening performance of public bodies that have grown more confident and arrogant in the comfort that they will never be held to account for maladministration and service failures by the SPSO. The SPSO claim that, “**we are the last resort**” whilst true, it fails to note it has now become the only resort for the Public. Due to their unwillingness to hold public bodies to account without favour, it becomes only a theoretical option on a very uneven playing field.

It should be remembered that the potential for waste in Public Funds is far greater than the direct £3.5million costs just to finance the SPSO. Such a calculation must include all the costs resulting from being unable to hold all the Public Bodies to account at the point at which these problems occur and this could be far greater than the £3.5million on the table.

That the SPSO Act is not perfect is not of itself a great cause of concern, since it would still allow for an equitable outcome for Complainants. Again this has become more theoretical than practical due to the perverse interpretation placed upon the Act in the application pursued by the SPSO under the direction of Mr. Martin. Given the consistency of the current results, it follows that the intent of Mr. Martin fails to appropriately reflect the spirit and language of the SPSO Act 2002.

Whilst the SPSO is currently and regrettably “**Unfit for Purpose**” it does reflect accurately the philosophy and intent of Mr. Martin; which to my mind also makes him “**Unfit for Purpose**”. For the General Public the Ombudsman is possibly the most important public servant to be elected; as without someone with the essential character trait of genuine integrity: there exists no safety net for the population of Scotland in their dealing with public bodies. This appointment has an indirect impact upon all our lives.

Perhaps this is an argument for the post of Ombudsman to be reaffirmed annually? Thereby guaranteeing the full light of scrutiny is maintained which should in turn ensure the Ombudsman retains support of all involved parties. After all, the Ombudsman is the ultimate guardian of all our trust in public service bodies: it is therefore of paramount importance that the incumbent enshrines those principles of integrity and fairness at the heart of the SPSO Act 2002 and I believe that through his own actions Mr. Martin has amply demonstrated that he is not the correct person for this most important of appointments.

Trust you will accept my comments for your consideration in this serious matter before you?



12th October, 2010

Dear Mr. Fergusson MSP Presiding Officer & Mrs. Crerar,

May I respectfully offer my objection to the re-appointment of Mr. Jim Martin as Scottish Public Service Ombudsman?

In the last 2 years Mr. Martin has taken a poorly performing organisation and turned it into a more efficient machine and all to the detriment of the Scottish Public. Greater number of Complainants than ever have been rejected as having any credibility and this has been achieved in shortest possible duration ever seen before within the SPSO. There is a serious imbalance in the interpretation that the SPSO place on their statistics that is never addressed by that organisation.

Unfortunately the culture and effectiveness of this new machine is predominately aimed to deprive the Scottish Public of the fairness and justice embodied within the SPSO Act 2002 which Mr. Martin was appointed to achieve. Mr Martin is therefore not a champion of the people, which is the common mis-conception of the public, but more a Judas goat.

We the people are led to be slaughtered in the abattoir that is now the new SPSO machine. This is not a place of justice, but some last-chance saloon where only grim determinations are relentlessly ground out in some obscene parody of impartiality.

Whilst all the spin contained in the SPSO literature is continually stressing how the SPSO will help move Complainants forward in their long running struggle to find some genuine ethical standards in public life: reality is far different. The question therefore is; why this should be so after 2 years under a new regime that has absolutely no constraints upon their actions – both good and bad?

It can only be that the organisation is actually performing to the standards and objectives of Mr. Martin, but not those as dictated by his brief as Ombudsman. The direct result of Mr. Martin's abuse of power, which is really what we have witnessed over this last 2 years; is that there is no-one looking after the shop when it comes to holding all the public service bodies to account. It is after all not just what is happening inside the walls of the SPSO, but what such failure means to all those other organisations that no longer need worry at their failure of services to the Scottish Public.

To cover all of the reasons in detail of how Mr. Martin has failed in his appointment as "The People's Champion" would take far too long and could never explain why Mr. Martin has taken this rogue approach to the most important of Public appointments. Perhaps it is as simple as the old adage, "Absolute power, corrupts absolutely".

I hope my comments will assist you in your determination on the matter of Mr. Martin's reappointment and that you find in favour against such action.

Yours faithfully,

13th October 2010.

Janice Crerar
Officeholders Services,
The Scottish Parliament,
Edinburgh.

Re. : Possible Reappointment of Jim Martin as SPSO.

Dear Mrs Crerar.

I would be grateful if you would bring to the attention of the reappointment panel my objection to the reappointment of Jim Martin. Very briefly my objection is based on these concerns :

Jim Martin as has shown that he either does not understand or does not accept that as Scottish Public Services Ombudsman he has the duty to continually demonstrate to the people of Scotland that he is fit to make the decisions he makes on their behalf.

When our family challenged him to explain why he decided that our local council should not have to comply with planning legislation in dealing with our application (by advertising it and thereby allowing the public to make representations on it) he was unwilling or unable to give an answer. If anyone is given the powers of an ombudsman they have to be able to explain their decisions. Mr Martin demonstrated that he is not.

While Mr. Martin appears to have made no attempt to win the public's confidence he appears to be expending much time and expense on forging "good working relationships" with the public service deliverers whose misconduct his office was established to combat. Mr Martin may feel more within his "comfort zone" when dealing with people of a similar background to himself but that practice leaves him wide open to suspicions of "chumminess" between himself and the personnel of the bodies whose administration he is charged with investigating. It also demonstrates that Mr Martin does not regard himself as any kind of "peoples' champion" which the people and their elected representatives expect him to be.

Finally, reading the SPSO's 2009/10 annual report I have to ask myself how much of it Mr Martin himself believes. I have seldom seen such a "gloss" put on an account of a public servant's failure to fulfill his remit as on Mr Martin's annual report. What does the annual report tell us about Mr Martin's success in forcing fair treatment for individual Scottish people out of our public services? If you look closely at what it says about justice delivered you will see that it says very little.

If you wish me to expand on any of these points please ask me.

Yours faithfully,

