

Jean Erskine submission of 31 October 2022

PE1964/D – Create an independent review of the Scottish Public Services Ombudsman

This is a letter of support for PE1964 seeking an independent review of the SPSO, in order to investigate complaints against the SPSO, assess the quality of its work and decisions, and establish whether current legislation governing the SPSO is fit for purpose.

In 2006-2007 the SPSO was not fit for purpose when dealing with my medical negligence case. After rejection by the SPSO, for over ten years I fought and won my case in a court of law in 2017 at much personal expense, loss of time and deep anxiety, and thereby proved how wrong the SPSO had been.

It had required a lawsuit to correct the SPSO's blunders.

Catalogue of my experience with SPSO's blunders:

- No personal interview. A personal, face to face, interview should have been offered to me as complainant to prevent innocent errors by a lowly citizen in front of a faceless bureaucracy. No empathy with someone's personal plight and distress. We were not gratuitous troublemakers but honourable people acting with integrity.
- The SPSO had sent me a draft report which I amended to correct inaccuracies (with reasons). Most of these amendments were ignored in the final report.
- There was no appeal procedure against a decision by the SPSO.
- 'Open to all': The SPSO produced a leaflet stating: '....provides an open, accountable and accessible public services complaints system.' Also: '...an independent, free and fair response to complaints about public services.'

The SPSO never probed deeply into my individual situation, nor with any personal attention to my distress; I was just another bureaucratic exercise, to be ruthlessly dispensed by blinkered practices compliant with the need for a speedy outcome.

At present it seems to us that the office of SPSO is wasting taxpayers time and money by refusing to listen to voices of experience.

Cases handled by the SPSO can be from individuals and families who genuinely believe in their grievance. To be faced by an incompetent and unfair system of judgement can be psychologically damaging to their wellbeing and their welfare for the rest of their life.

As a knowledgeable woman who cared for her body and knew its workings, I was convinced from first noticing changes in my breasts that I had breast cancer as early as 2002. The SPSO in 2006-2007 could have concluded the same, and could have saved me over ten years of wearying work, at the same time as surviving a late diagnosis and poor prognosis, regardless of the cost of hiring a legal expert.

This case is now over, but seemingly over the years (ie 2007-2022) the SPSO has not been prepared to listen to similar failures on their part, nor attempt to make improvements for the future.