

Scottish Government submission of 9 February 2023

PE1964/J: Create an independent review of the Scottish Public Services Ombudsman

Thank you for your letter of 14th December 2022 regarding Petition PE1964, which seeks to create an independent review of the Scottish Public Services Ombudsman (SPSO).

Your letter asks for clarity on the Scottish Government's view on the need for, and desirability of, a review of the SPSO after 20 years of operation. At present, our view is that an independent review of the SPSO on the terms suggested by the petition is not required. Whilst the SPSO has been in operation for 20 years now, its remit has considerably evolved so that it now covers four distinct and varied statutory functions. Naturally the SPSO's powers and processes have changed as its remit has widened, so that in those 20 years matters have been far from static in terms of progress and reform.

We would also reiterate the point made in our letter of 26 October 2022 that we do not currently have the available resources required to take forward an independent review due to existing priorities and commitments, regardless of whether it would be desirable to do so.

However, we continue to look at how improvements can be made and keep matters under regular review within this context. For example, as part of policy development in relation to a forthcoming Human Rights Bill, we are liaising with a wide range of stakeholders, including the SPSO, to explore how best we can strengthen non-court routes to remedy under that Bill. This includes exploring the role of the SPSO, such as in relation to potential own initiative investigation powers and receiving complaints in other formats.

Policy development is continuing ahead of a public consultation that will be launched in the first part of this year to inform the Bill. The Cabinet Secretary for Social Justice, Housing and Local Government recently wrote to the Convener of the Local Government, Housing and Planning Committee in relation to the Bill and consideration of the role of the SPSO.

You have also asked whether the Scottish Government considers that:

- **The processes and safeguards in relation to the SPSO are sufficient and effective.**

Our letter of 26 October sets out in detail the processes and safeguards which are in place within the SPSO which the Scottish Government consider to be sufficient and effective. There is an independent and impartial body who is responsible for dealing with complaints against the SPSO (namely the Independent Customer Services Complaints Reviewer (ICSCR)). There is also scope to appeal against a decision of the SPSO if it can be shown that a mistake was made in the original decision. In addition to this, the SPSO publish and lay before Parliament their annual report every year which allows for public scrutiny of their process and safeguards and holds them accountable for the work they have carried out.

- The legislation governing the SPSO is fit for purpose or would benefit from a review and what revisions may be required.

As stated above, we keep the legislation regarding the SPSO under consideration to ensure that it remains fit for purpose. Our letter of 26 October referred to lack of resources as a reason why we did not consider that we could progress with a review. However, if the Committee felt it was required, Parliament could commission a review of its own volition. Should such a review be commissioned the Scottish Government would engage as necessary regarding the outcome.

- **The SPSO internal complaints process is in line with other parts of the UK/Europe.**

Our letter of 26 October set out in detail the procedures that are in place in respect of internal complaints. We consider that the procedures are robust however we cannot comment on the systems that are in place for other jurisdictions as we do not have the data to provide that analysis.