

PE2161/F: Extend the time period for complaints through the Scottish Public Services Ombudsman for neurodivergent people to two years

Petitioner written submission, 13 February 2026

I respectfully but fundamentally disagree with the Ombudsman's response to my petition. The response fails to engage with the substance of the petition and instead relies on generalised assertions that existing policies are sufficient. My petition does not challenge the existence of policy. It challenges whether that policy operates in practice as a lawful, effective, and accessible reasonable adjustment for neurodivergent people, as required under equality and human rights obligations.

At the core of this petition is a question that remains unanswered:

Is the Ombudsman's extension-of-time policy real, measurable, and accessible — or merely theoretical?

The Ombudsman's response does not provide evidence capable of answering this question.

A policy that never results in accommodation is not a reasonable adjustment.

The Ombudsman asserts that its "exceptional circumstances" policy enables extensions of time for complainants with neurodivergent conditions. However, the evidential record demonstrates that **no amount of evidence ever satisfied this test in practice**, thus making it theoretical only.

In my case, repeated professionally supported requests for additional time were made over a period of a year. These requests were supported by:

- medical evidence,
- autism-specific advocacy,
- Citizens Advice representation, and
- direct interventions by my local MSP, Edward Mountain.

Every request was refused. Every appeal was refused. No alternative adjustment was offered at any stage.

This is not a matter of disagreement over the merits of an individual decision. When repeated, well-evidenced requests — supported by professionals and elected representatives — are refused in every instance, the conclusion is unavoidable: the policy does not function as a reasonable adjustment. It functions as a barrier.

This makes the refusal **structural, not discretionary**.

Documented pattern of refusal

The following sequence is not disputed:

- Initial request for an extension: refused
- Further request: refused
- Citizens Advice submission requesting an extension: refused
- Autism advocate providing medical evidence: refused
- Medical letters explaining health-related need: refused
- Internal appeal, reviewed by the same individual who made the original decision: refused
- MSP intervention citing impact on health and fairness: refused
- “Independent” review (later confirmed to be internal): refused
- Second MSP intervention consolidating all evidence and representations: refused.

At no point was the cumulative weight of evidence acknowledged. At no point was flexibility exercised. At no point was an alternative reasonable adjustment proposed.

I also hold written confirmation from the original complaint-handling body stating that any time bar would be waived. This assurance was never actioned by the Ombudsman, further undermining claims of flexibility.

This is not an isolated outcome. It is a demonstrable pattern.

Absence of data prevents parliamentary scrutiny

Throughout this process, I sought basic, legitimate information via Freedom of Information requests, including:

- how many neurodivergent complainants are granted extensions under the exceptional circumstances policy; and
- the criteria met when such extensions were granted.

My requests were refused and obstructed at every stage.

The Ombudsman’s response to the Petitions Committee relies on broad assurances but provides no **verifiable data** to support his assertion. Without outcome data, neither the Committee nor Parliament can determine whether the policy operates as claimed.

A policy that cannot be evidenced, measured, or independently scrutinised **cannot be relied upon as proof of accessibility or compliance with equality legislation**. Transparency is not optional where statutory bodies exercise discretionary power that determines access to justice.

Disproportionate impact on neurodivergent people

Neurodivergent conditions, including autism, frequently involve impairments in executive functioning, information processing, and intolerance of uncertainty. Systems that rely on opaque processes, shifting rationales, and repeated refusals without clear criteria place a disproportionate burden on neurodivergent complainants.

The Ombudsman’s process requires complainants to:

- interpret diffuse and discursive information,
- repeatedly reapply without knowing what threshold must be met, and
- absorb ongoing uncertainty about whether any accommodation will ever be granted.

This is not a neutral process. It predictably and disproportionately disadvantages neurodivergent people and leads many to disengage before their complaints are ever heard. This disengagement is then used to sustain the illusion that existing policies are sufficient.

Equality law requires reasonable adjustments to be **effective in practice**, not merely asserted in policy documents.

Furthermore, Scotland is bound by its obligations under the *UN Convention on the Rights of Persons with Disabilities (UNCRPD)*, specifically Articles 5, 9, and 13. The Convention makes clear that failure to provide effective “reasonable accommodation” constitutes direct/indirect discrimination, and disabled people must be afforded procedural accommodations to ensure equal access to justice. A policy that exists in theory but never results in accommodation, and whose operation cannot be evidenced through data, cannot satisfy these obligations. The evidential record in this case demonstrates a structural failure to provide effective accommodation, not a series of discretionary decisions.

Lack of independence and imbalance of accountability

The Ombudsman’s internal appeals process lacks meaningful independence, with reviews conducted by the same individual or within the same service that made the original decision. This raises serious concerns about procedural fairness and natural justice.

At the same time, the Ombudsman acknowledges that its own missed deadlines carry no sanction, while complainants face absolute time bars. This asymmetry highlights a fundamental imbalance of power and accountability.

A system in which the Ombudsman sets the rules, interprets them, applies them, reviews its own decisions, and refuses to disclose outcome data **cannot be said to be subject to effective oversight.**

The Petitions Committee’s role and unresolved issues

The Petitions Committee has significantly more experience than I do in weighing competing claims. However, at present, the Committee appears to have accepted the Ombudsman’s assurances without examining whether those assurances are borne out by evidence.

The Committee has not yet considered:

- whether the exceptional circumstances policy ever results in extensions for neurodivergent people;
- whether refusal rates reveal a structural barrier; or

- whether the Ombudsman's approach complies with equality and human rights obligations in practice.

Closing this petition without determining whether the Ombudsman's extension-of-time policy operates as a reasonable adjustment or as a structural barrier would require the Committee to substitute untested assurances for evidence. In doing so, Parliament's scrutiny role would be withdrawn from unresolved equality and human-rights concerns, with the foreseeable consequence of silencing neurodivergent voices and perpetuating their exclusion from access to remedy.