



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Local Government, Housing and Planning Committee

**Tuesday 2 December 2025**

**Session 6**



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Pàrlamaid na h-Alba

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**LOCAL GOVERNMENT, HOUSING AND PLANNING COMMITTEE**

**31<sup>st</sup> Meeting 2025, Session 6**

**CONVENER**

Ariane Burgess (Highlands and Islands) (Green)

**DEPUTY CONVENER**

Willie Coffey (Kilmarnock and Irvine Valley) (SNP)

**COMMITTEE MEMBERS**

\*Meghan Gallacher (Central Scotland) (Con)

\*Mark Griffin (Central Scotland) (Lab)

\*Fulton MacGregor (Coatbridge and Chryston) (SNP)

\*Alexander Stewart (Mid Scotland and Fife) (Con)

\*Evelyn Tweed (Stirling) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Andrew Crawford (Scottish Public Services Ombudsman)

Paul McFadden (Scottish Public Services Ombudsman)

Judy Saddler (Scottish Public Services Ombudsman)

**CLERK TO THE COMMITTEE**

Jenny Mouncer

**LOCATION**

The David Livingstone Room (CR6)



## Scottish Parliament

### Local Government, Housing and Planning Committee

*Tuesday 2 December 2025*

*[Alexander Stewart opened the meeting at  
09:30]*

#### Temporary Convener

**Alexander Stewart (Mid Scotland and Fife)**

**(Con):** Good morning, and welcome to the 31st meeting in 2025 of the Local Government, Housing and Planning Committee.

We have received apologies from both the convener and the deputy convener. As the oldest member of the committee, it is my role to chair the meeting while we appoint a temporary convener. As there are no nominations for the role of temporary convener other than me, as the oldest member in the room, are members content for me to take on that role?

**Members** *indicated agreement.*

**The Temporary Convener (Alexander Stewart):** Thank you for that.

### Decision on Taking Business in Private

09:30

**The Temporary Convener:** Under agenda item 1, does the committee agree to take items 4 and 5 in private?

**Members** *indicated agreement.*

## Scottish Public Services Ombudsman

09:30

**The Temporary Convener:** The next agenda item is to take evidence from the Scottish Public Services Ombudsman. We are delighted to welcome Paul McFadden, the ombudsman; Andrew Crawford, head of improvement, standards and engagement; and Judy Saddler, head of investigations for public service complaints.

There is no need for you to deal with your microphones, as they will come on automatically. Mr McFadden, would you like to make a short opening statement?

**Paul McFadden (Scottish Public Services Ombudsman):** I start by putting on the record how much of a privilege it is for me to have recently taken up the role of ombudsman. I very much look forward to engaging with the Parliament over the coming years, and with this committee over the remainder of the current session.

I took up office just over a month ago. In that time, I have focused on assessing the SPSO and its work, meeting all its people and beginning my outward focus with stakeholders across all four of the organisation's statutory remits.

It is helpful to have this early opportunity to engage with you to lay out some of my early impressions and priorities and, of course, to address any areas of scrutiny from the committee. I understand that the key focus of this agenda item is our 2024-25 annual report but, of course, half a year has passed since then, and I am happy to answer questions about the SPSO's performance since that period.

My early impressions are of an organisation that has been and is very focused on efficiency and delivering more outcomes for people in the face of significant increases in demand. That trend has continued into this year. There have been two or three consecutive years of the organisation's increasing the amount of work that it puts out. This year alone, there has been a 17 per cent increase in the number of public service complaints compared with last year, and some 400 additional complaints have been resolved so far.

The demand and pressure on the organisation are accelerating. The latest figures show that we have received 40 per cent more public service complaints than we received in the equivalent period last year, and that is on the back of successive increases in demand from people who have needed our help in previous years. There has been a focus on reducing waiting times to an

acceptable level, on doing more and on reviewing ways of working. However, that is now being placed under significant pressure. A 40 per cent increase in demand is a significant challenge and certainly a critical risk, and I have been very focused on that, as you will appreciate, in my short time in post.

Towards the end of last year, my predecessor, Rosemary Agnew, indicated to the committee that, in her view, the organisation was approaching a point at which it would struggle and would be at the limits of what it was able to do. I think that we have reached a point at which that is something for my early consideration.

The annual report provides updates across the wider aspects of our function, including whistleblowing, the Scottish welfare fund and our external focus. I am joined by Andrew Crawford, who held the role of acting ombudsman from April as I waited to take up post, and Judy Saddler, who is our head of investigations for public service complaints. I am very happy to answer questions across the whole annual report and our activity, as well as what I have just outlined to the committee.

**The Temporary Convener:** Thank you for your opening statement. A number of our members are attending the meeting online, as you can see, and they will join in and ask some questions.

You have talked about your priorities and given an overview of where you think you are. As you have worked in other parts of the United Kingdom, it would be good to hear whether you think that the office can learn from any of the processes in which you have been involved elsewhere. Is there scope within the organisation for development and perhaps more cohesion?

**Paul McFadden:** I bring experience from different ombudsman roles across the UK. I think that there is much to learn and that there are opportunities. In broad terms, when I look at the organisation and its focus on handling maladministration complaints, there is a lot of comparability to other ombudsman organisations.

In the face of similar challenges, such as the demand challenge and the long-term sustained pressures on ombudsmen, the ombudsman model has evolved and is evolving. Across the board, including in my previous roles, it is increasingly about looking at ways in which we can make decisions earlier, get to outcomes and be more outcome focused as early as possible in a process in order to prevent people from having to go through the full investigative process, which may bring quite a lot of challenge for them and for organisations' resources.

There are some things that we can learn in focusing on that resolution approach. For me, at a strategic level, there is more that we can do as an

organisation—this is certainly my experience given my time as an ombudsman—when it comes to our impact and its visibility, how systemic we are in our focus and how we feed that back and connect it to public services. We can do more to understand the drivers of demand and try to assess and target ways in which we can use our unique vantage point to stem some of the increase in demand for particular areas of service.

Given the pressures on organisations, we will have to look at ways of working. The organisation has been focused on that, as I said, and a lot is comparable in approach to that of other ombudsman organisations, but other things are going on. There are particular opportunities in digital and artificial intelligence. My assessment is that others, including the Legal Ombudsman, where I worked in my previous role, are perhaps a little further ahead on the journey of understanding the opportunities that could come from AI and digital to support investigation processes and mine a bit more of our data. The potential of our data is huge, and it is about trying to understand how we can draw that out. An early focus that I have had with the SPSO leadership team and staff has been on how we can harness that.

We can also do more to build confidence in the organisation. I have noted the scrutiny by the committee over recent years, and I think that we can do more to demonstrate the visibility of the impact that we have throughout our process, including in the preliminary investigation, and not just at the final statutory investigation level. We can also do more when it comes to our performance, such as in customer satisfaction and levels of quality.

Those are all areas for which I bring experience from other organisations, from which we can learn. A lot of it comes back to resource, but I have certainly already laid down a few key priorities in the early and the longer term.

**The Temporary Convener:** You touched on public satisfaction. It would be good to get a view on what you think the public's expectations are of the SPSO and what evidence you have that you are meeting—or not meeting—those expectations.

**Paul McFadden:** On customer satisfaction, we have published in recent weeks surveys from customers that relate to last year and the first half of this year. From my experience with other ombudsman organisations, I know that satisfaction and expectations can be very much tied up with the outcome that individuals receive in relation to their individual complaints. The challenge is always to get behind that to assess where the complainants are when it comes to our service.

Resolving more complaints, making more decisions and becoming more outcome focused at

an earlier point is the right thing to do. Putting experienced people in at an earlier point and undertaking some preliminary investigatory work to get to an outcome can be difficult in terms of people's expectations, and that can lead to asks for further detailed investigation. As an organisation, we have to make sure that we are focused on doing what is right and achieving outcomes early.

For me, a key indicator of whether we are delivering quality decisions and meeting those expectations is the requests for reviews. As ombudsman, I review those personally, and I have done so since I took up office. I think that my predecessor, Rosemary Agnew, reviewed some 400 last year, which represented a significant proportion of the complaints that we resolve—around 10 to 12 per cent. Reviewing those requests personally gives me a sense of whether we are making the right decisions, so that, even where complainants are dissatisfied with the outcome and their expectations have not been met, I can take a personal view on that.

It is early days and there is more for me to review in that regard but, from what I have seen, our decisions are robust and evidence led and, on the whole, we are getting to a point where we are making the right decisions.

**The Temporary Convener:** Previously, the committee recommended the instigation of a programme of externally verified customer satisfaction data. It would be good to know whether you have progressed that and, if so, whether any lessons have been learned from it.

**Paul McFadden:** The recent customer satisfaction surveys were undertaken by the organisation itself. In previous roles that I have held, particularly with the Legal Ombudsman, we regularly commissioned externally-led satisfaction surveys at various points of our process. I would be keen to do that, and I know that the organisation has indicated to the committee that it would be keen to do that. The challenge is that it comes with quite a significant cost. It is all about the balance of resources and where we place our focus.

I think that there is more that we can do and build on in relation to that recent customer satisfaction survey. First, we need to work on trying to get a better response rate, although it is on the record that that is going in the right direction—the latest results show an uptick in the response rate. When we look at what people are telling us about our service, a lot of it comes down to communication and timeliness, as you would expect. Within the communication point, there is a clear sense that satisfaction is tied to the regularity and frequency of updates. That corresponds very much with my experience elsewhere. That is very

important to people. Even where they may be disappointed by the outcome that we reach, we need to make sure that they are regularly updated, particularly when there is a wait or a long process to follow. It is important that we do that, and we are focused on it.

As I said, it is early days and there is more to do. One of my key priorities is to ensure that we look at all the ways of building external confidence in the organisation through the information that we publish on our performance.

**The Temporary Convener:** You indicated that complaints are at a record high with reference to the services that the SPSO covers. In the past, the committee has talked about communication and making sure that the data is correct and that people are processed. As you identified, it can take some time to go through all of that to ensure that you have the right information to make a decision. Why do you think that there are record numbers of complaints at this time? What action are you taking to try to manage that or to stem it? How could a lowering of the number of complaints be managed in the organisation?

**Paul McFadden:** The demand pressures are sustained and long term. Even a cursory analysis of the figures in the annual report will show that the pressures are significant. The figure from the pre-pandemic period is used as a baseline by the organisation. There was a 40 per cent increase last year, and there has been a 40 per cent increase in the current year to date. That corresponds with the experience of other organisations. Early in my term, I have been engaging with other public service ombudsmen across the UK to benchmark the levels of demand, the impacts on their organisations and what might be driving that. I also have experience of that from my time as chief ombudsman at the Legal Ombudsman, where there are similar rates of sustained demand.

09:45

For us, a clear part of the reason for the demand is the pressure and strain on public services and the prioritisation of services. That is driving increases in complaints across pretty much all the areas that we cover. It is a concern for us, as an organisation, that we are seeing particular increases in those sectors about which we receive the most complex complaints and the largest numbers of complaints. The two sectors with some of the highest increases are health and social care, and local government.

There are other factors. Post-pandemic, there is a societal aspect to the increases in people's willingness to complain and in the stress that is experienced by, and the increasing vulnerability of,

the public. In my early engagement with Citizens Advice Scotland and advocacy agencies, I have seen that levels of poverty and isolation are adding to a sense of increased stress, which other ombudsmen are seeing, too.

A more recent factor in the experience here and elsewhere is the use of available AI tools to drive complaints. In the past week, I heard that one ombudsman organisation's analysis has shown that more than 50 per cent of the complaints that it receives are now generated through some form of AI tool. There are two sides to that. One is the increased accessibility and the fact that it is easier for people to complain; the other is that, on the flip side, for organisations such as ours, it adds to the complexity of how those complaints are being brought. Given that a key element of what we need to do to resolve complaints and put things right is to understand the root cause in simple terms, that presents a challenge. There are lots of drivers involved.

On what we are doing, in the short term, I have established a command team across the organisation to go underneath the data to understand more about what is driving the complaints. My next focus is for the organisation to be a bit more outward focused with regard to the organisations and sectors that are generating high volumes of complaints in order to see whether there are reasons for that, but also opportunities to help to manage it.

In the very short term, we are going to have to look at ways of working, including the prioritisation of complaints. A 40 per cent increase is not something that any organisation can resolve with its current resource. My clear message is that, in the future, the resource is going to have to be part of the picture. Looking at ways of working and innovation will absolutely help us to address the increase in complaints, but the resource picture is challenging. That follows on from the update that my predecessor gave the committee.

**The Temporary Convener:** As you identified, you need the resource to manage the increase. That might involve more staff or more financial input, so where do you see that coming into the budget process that you have to deal with?

**Paul McFadden:** The immediate challenge that I am facing is that I took up post after the budget process had commenced. I have had informal discussions with the Scottish Parliamentary Corporate Body about how we might approach that, as an organisation. Our current budget bid, which is before the SPCB, does not add at all to our investigative resource. There is a need for me to set out more context and to develop a case on the basis that, if we do not have the resource we will, over the next year and beyond, see longer waiting times. I am very conscious of the wider

financial picture, and I recognise that a 40 per cent increase in complaints does not bring a 40 per cent increase in resource.

The message that I gave very early on to our organisation's leadership team and our staff is that we need to look at our ways of working and embrace innovation, and that we need to do so quickly. However, there is a short-term pressure with regard to waiting times, which will lead into the medium term very quickly, unless we can address the resource picture. I intend to write to the SPCB in the coming period to provide the latest picture of the demand on the organisation, and I am increasingly trying to forecast where that demand might take the key indicators for our service over the next year, 18 months and beyond.

**Evelyn Tweed (Stirling) (SNP):** Mr McFadden, you have mentioned the drivers that you think have led to a record number of public service complaints being made. How will you help public sector organisations to deal with the ballooning number of complaints?

**Paul McFadden:** That is a very good question, which takes us to the organisation's statutory remit on good complaints handling, model complaints-handling procedures, the frameworks that we have in place and the networks that we have in place for engaging with public services and their complaints handlers. Very early on in my term, we had a national complaints conference that involved more than 120 organisations and 200 staff. My message was that we are starting a conversation about how we need to evolve the model CHPs and the framework, standards and best practice guidance that we lay out.

We have done a lot in that area and been a leader across the UK on that, but things have moved on for the reasons that I have talked about, such as the nature of complaints and complainants and the developing technology picture. There are areas in which our frameworks need to be brought up to speed. I have started a conversation on what guidance we can provide and what work we can do to address the increase in complaints, how we respond to them, how we tailor our approaches and how we better target valuable resources. That is what we are doing on the complaints-handling aspects and how organisations deal with them. We are always focused on resolving as many complaints as possible, which is a very important part of the system.

The second part is about how we make more of the data and insight that we have, which is a strategic priority for me, as I said early on in my update. The organisation has to do more on that, and we need to target more on the drivers of complaints. We need to connect our data and investigative experiences in particular areas, such

as health and social care or local government, in which we see common mistakes and failures, so that we can make recommendations and feed back those findings in a more effective way.

As I touched on earlier, a large part of my strategic focus is on how we can become more systemic. As you have seen across other ombudsman organisations in the UK, grouping together themes, producing more thematic interventions and reports and adopting a more systemic focus can really help to target issues and draw to the attention of public services—and, indeed, regulators and other bodies that scrutinise public services—areas where changes might be made to help to address some of those issues. Some of that work might be short term, but, as you can see, many of the pressures are long standing. The solution is also, to an extent, medium to long term.

**Evelyn Tweed:** You have mentioned your investigative capacity, the budget-setting process, and how you want to dig into that and expand your capacity. How important do you see that as being? That is something that you have been criticised for.

**Paul McFadden:** I have seen the scrutiny from groups that have commented publicly on the percentage of complaints that have been investigated. In the early stages, I have focused on assessing that, and there is more to do in that regard. In part, that goes back to what I referred to earlier: my benchmarking across other organisations, focusing on demand levels and the equivalent proportions, which is really important.

When I looked at the SPSO's process, I found that 3 to 4 per cent—at one point, the figure was 6 per cent—of complaints were going through the final investigative stage. However, with all the complaints that we take in, a level of investigatory work and inquiry is done, and independent advice is often taken. We take views from both parties, make assessments based on that and achieve outcomes.

The other element to consider—this is an area in which the ombudsman model has increasingly evolved—is whether we should take complainants through full investigation processes when, at an early stage, it might be quite apparent that the outcomes that we can achieve, or that the organisation has already achieved, are sufficient and we are unlikely to be able to add to that. That is an important consideration.

It is undoubtedly, and has been, a question of resource. More resource allows us to increase our investigative capacity. However, it is also important to mention that the right approach is to try to achieve the right outcome and decisions at

as early a point as possible, as long as those decisions are rigorous and evidence based.

**The Temporary Convener:** We will move on to Meghan Gallacher, who joins us remotely.

**Meghan Gallacher (Central Scotland) (Con):** Good morning. Congratulations on your new role, Mr McFadden, although I think that you have your work cut out.

I have just been on the SPSO website, which says that the current complaint allocation time is 16 weeks. Do you think that that is an acceptable period to wait simply for the organisation to allocate someone to review a complaint that has been submitted to the SPSO?

**Paul McFadden:** As I said at the start, a key element of confidence in the organisation is being fully transparent with information about the organisation's performance. Another key part of that is peer benchmarking across similar organisations, and I have been looking at that in the early part of my term.

I expect the 16-week timescale to increase, given the 40 per cent increase in the number of complaints, but when you look at it, you see that it is comparable with timescales in other organisations. Post-pandemic, ombudsman organisations have struggled to deal with backlogs that were created during the pandemic period. As I understand it, at one point, the SPSO had an allocation time of 10 months, and other organisations have longer allocation times.

The current picture, based on information that we have so far, is that we are broadly comparable with similar organisations. I will put caveats on that because there is more to do, but we are broadly comparable with other organisations. The allocation time is always a focus. It is clearly one of the most important ways in which people view whether they are satisfied with our service, and it is important that they get timely outcomes.

That is part of our focus, and there are opportunities to address it through innovative ways of working and AI, but, given the demand pressure, we have to be open and honest with people at the earliest point and throughout the process by informing them that there is that wait time. We will continue to be transparent with people, publicly, at the earliest point.

**Meghan Gallacher:** That was a helpful answer. Perhaps customers or complainants are frustrated because they might have had to deal with a complaint that has lasted for one or two years with whatever body they have been dealing with and then, when they come to the ombudsman, they are hit with a further 16-week wait just for someone to pick up their case before beginning to investigate the complaint itself. You can

understand the potential frustration and how desperate people are for the ombudsman to step in and help in those circumstances. I know that that is what you are hoping to do in your time at the SPSO.

The annual report shows that only 3.4 per cent of the total number of complaints considered went through to the full investigation stage. To go back to my original question about the 16-week wait, given that only 3.4 per cent of those complaints went through to the full investigation stage, how can the SPSO say that complainants are now receiving a better service? It does not add up.

**Paul McFadden:** There is more for us, as an organisation, to do in explaining the intricacies of the earlier stages of our process. My predecessor, Rosemary Agnew, referred to the 3.4 per cent figure as being for statutory investigation, and a lot of this comes from the ins and outs of our legislation.

Our process for dealing with complaints has various points. We have a triage and early decision point when we focus on the more apparent or clear decisions that can be made, including that there is not much that we can add to the response of the body.

When we undertake investigatory work and inquiries, if we take the preliminary investigation and the final statutory investigation, which is the 3.4 per cent, together, last year, 39 per cent of our activity on all complaints that were closed was undertaken at those stages. Even from an early comparison and from my experience, that compares with other public service ombudsman organisations.

We need to do more to explain what we do at those stages as well as the outcomes from those stages. We will achieve significant outcomes during preliminary investigation, which comes before the 3.4 per cent that are subject to statutory investigation, and the right decisions will be made. There is investigatory work and work on inquiries, and we take advice on those cases. Therefore, the picture is that people are getting a full service. Increasingly, we are making decisions as early as possible and, for the reasons that I outlined, that is the right thing to do, particularly when resources are constrained.

10:00

On that issue, and in relation to the question that you asked about timeliness, there is a point about prioritisation. As an organisation and as an ombudsman, it is increasingly important that we make sure that we identify the complaints that are critical and the complainants who are vulnerable and who need our help most. There is prioritisation. Throughout the organisation's

processes, it has a focus on prioritising those who need a quicker answer and who need more of our help, and that will certainly continue to be a large part of my focus, too.

**Meghan Gallacher:** In relation to lessons to be learned and how to improve the system, what follow-up support is given to people when the SPSO has not progressed their complaint to investigation stage? I am sure that you have a lot of feedback from people who have contacted the SPSO and who are struggling to work out what measures are in place to ensure that the organisation is not acting unreasonably in relation to complaint resolution. There is also a question about signposting such people to other areas where they might be able to seek help.

**Paul McFadden:** A lot of our signposting happens at the very early stages of our process. To go back to my previous answer, our advice and guidance team is focused on identifying those where there is a vulnerability or a need for advocacy support. We refer and signpost to other organisations that can help or to advocacy and support.

I am keen to engage with the third sector and advocacy agencies, but there is a question about their resourcing capacity. Even from early discussions, I know that they face very similar pressures. For people who are vulnerable, that is a system or societal issue—we need to be really careful about the support that they get.

We advise and signpost at the early stages. Clearly, as we go through our process, our follow-up to our investigations, decisions or recommendations involves ensuring that bodies comply with the recommendations that we make and that things are put right. A large part of our focus is on making sure that bodies take the action that we identify is needed in relation to individuals and, indeed, more systemically across their organisations.

**Meghan Gallacher:** That is helpful.

My final question is on the extra duties of the SPSO, which include the functionality surrounding national health service whistleblowing and the role of reviewer of the Scottish welfare fund. Is the SPSO at risk of being spread too thinly? Is it now perhaps shifting away from focusing on complaints to dealing with those other responsibilities? How do you intend to balance that?

**Paul McFadden:** I do not think that the whistleblowing officer and Scottish welfare fund statutory functions spread the organisation too thinly. They are stand-alone functions. They are self-sufficient parts of the organisation that draw very little on other parts of the organisation and place limited pressure there.

We actually get a lot of cross-learning from having those roles. I know from my experience many years ago in helping to establish the Scottish welfare fund that it deals with absolutely the most vulnerable people in our society. There is a lot to learn from that in how we deal with those 300 to 400 people every year who we have taken over into public service complaints processes and wider aspects of the organisation. That includes how we adapt to being accessible, so that people do not have to make written complaints—that is about finding ways around the statutory requirement for a written complaint in complaints handling. In many other ways, I think that we understand the vulnerability a lot more, and we share that across the organisation.

It is four or five years since the national whistleblowing role came into being in the SPSO. When services are under pressure, it is incredibly important that that role is there. As an organisation, we are equipped with the skills and the understanding of the sector to allow us to assess the complaints and issues that come through there.

By its nature, that work is systemic and focused. When we consider complaints, we focus on improvements and assess whether there are systemic issues that we should feed back to the organisation itself or to regulators such as Healthcare Improvement Scotland and, in the future, the Patient Safety Commissioner for Scotland. I am keen to bring that focus on systemic issues and improvements to the wider organisation, given the priority that we place on those issues. There is more that we can do to join up our insight on both sides. For example, there are a lot of confidentiality issues in relation to whistleblowing, and there is more that we can do to share learning in that regard.

On the essence of your question, I do not think that our roles mean that we are spread too thinly, because parts of our organisation are very self-sufficient. The pressure on our organisation at this point and as we go forward will be caused by the increase in demand as a result of the 40 per cent increase in the number of public service complaints.

**Meghan Gallacher:** Thank you.

**The Temporary Convener:** Fulton MacGregor, who also joins us online, will ask the next questions.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** Good morning. I thank the witnesses for their evidence so far.

I have some questions about complaints-handling processes in local authorities and other bodies. The new child-friendly complaints process was launched across the public sector this year.

Mr McFadden, I know that you have not been in your post for long, but are you able to give an assessment of the difference that the new approach has made? What difference would you like it to make over the coming years? Personally, I think that it is a really good initiative and that we should all be working with child-friendly processes. Have you had a chance to assess the early impact of the new approach?

**Paul McFadden:** It is very early days, and I have not had the chance to do as much as I would like to do to assess it. I will ask Andrew Crawford to give his sense of the impact, given that his team has led on the new approach. I agree that it is a progressive development. I know that other ombudsmen across the UK and beyond have considered the initiative to be very forward looking and progressive—it very much represents the gold standard. It is absolutely right that we put children’s voices and rights at the heart of complaints handling, given the low uptake among young people generally. Andrew, would you like to add anything about the roll-out of the new approach and its effectiveness?

**Andrew Crawford (Scottish Public Services Ombudsman):** We see a really positive picture. The approach has been in place for a little over a year and, from the complaints that are coming in, we are starting to get concrete evidence that organisations are following the duties and taking note of the United Nations Convention on the Rights of the Child.

When we launched the approach, there was a lot of nervousness among organisations because they thought that it would involve a lot of extra work. It is important to note that we have delivered training, met various organisations, carried out workshops with senior managers and worked with complaints handlers at the front line. A few extra little bits are involved, but it is now becoming part of the process. The approach is starting to become embedded in local authorities, which are very good at it, and health authorities are starting to get on board with it. As Paul McFadden said, the real challenge relates to those authorities and public bodies having the resources to dive deeper into such issues when that is needed.

There has not been high uptake of the service among young people. Most of the complaints that have been made have been brought to us on behalf of young people, but there are now checks to ensure that the voices of young people are part of such complaints. That is the most positive thing that has come out of the new approach over the past year.

**Fulton MacGregor:** It is an exciting development, and I am sure that this committee and other committees across the Parliament will

be interested in how the approach continues to develop.

You have been doing other work to improve access for those who are underrepresented in complaints statistics. One such group is female prisoners—we can understand why they might be a very underrepresented group. I am interested in how you are progressing work in that area, as well as in relation to people with disabilities. How do you handle complaints in those areas?

It is probably not about trying to drum up work—certainly not considering how busy you are and the nature of your work. That would not be appropriate. I am always interested to see how you make sure that folks in very underrepresented and disadvantaged groups know about the SPSO and how they can access it.

**Paul McFadden:** The profile of our complainants and how that relates to the overall population is very important. Looking back across my previous time at the SPSO and with other ombudsman organisations, I note that female prisoners are a group with which there has been a long-standing challenge; the Scottish Human Rights Commission has focused on that group recently, too. We have an initiative to visit some female prisons—in the new year, I believe—to speak directly to female prisoners to understand what might be going on. There is a lot more for us to do to understand that and to promote an accessible culture.

Like you, I have been very pleased to see the focus on the Scottish index of multiple deprivation and the laying over of our complainant demographics on areas of deprivation. Those have always been areas from which ombudsman organisations have struggled to get take-up. A cursory analysis shows that the results of that work are quite encouraging, but there is more to do. In the face of relentless demand, we might be questioned about why we are going out to groups to identify accessibility needs and, potentially, more complaints, but that speaks to my earlier point about prioritising those who need us most. Those using services and those who are in most critical need often come from those groups, so we always need to do more and we must never be complacent about that. Andrew, do you want to add anything, particularly on the SIMD initiative?

**Andrew Crawford:** Yes, thank you. The past couple of times that I have come to the committee, I have spoken about that project, which has been developing over a couple of years. It took us the best part of a year to analyse all the data and look at where the complaints were coming from, and we were able to compile the data on our website at the start of this year. We have an interactive map that will show complaints against deciles 1 to 4; we are focusing on the most vulnerable deciles.

The next stage is to start engaging with local authorities and other bodies across Scotland where we can see that there is either low uptake or excessively high uptake to find out whether there is good practice that we can learn from and share with other local authorities or bodies. The first part of that work starts tomorrow; we are piloting it in Edinburgh with a group through Citizens Advice Scotland. On the basis of questions such as, “Do you know what the SPSO is?”, “Do you know what your rights are?”, “Do you know how to complain?” and “If you’ve complained before, were you happy with the result?”, we will start gathering some data so that we can go out and share good practice, develop further training or support the development of guidance materials to make sure that we are accessible.

The deprivation index is due to be reviewed so, in the next stages, as we move through the work, we will gather the data again and remap everything. The increase in the number of new builds will change the demographic picture slightly in a lot of those areas, but it will remain a focus, certainly for my team, in how we support users that are in vulnerable situations to access services that they are entitled to.

**Fulton MacGregor:** As with the visits to prisons in the new year to find out what is going on, which Paul McFadden mentioned, it sounds like you are doing really great proactive work around the SIMD stuff. I appreciate hearing about that work, which, again is something that we would be interested in hearing updates on.

I have a final question. Earlier, Paul McFadden touched on adult social care provision and so on. Last year, we were told that relatives are often fearful of complaining about care provision because they think that it might impact relationships or that care might not be provided any more. MSPs and other elected members come across that issue quite a lot—it does not need to be the SPSO that people speak to; they come into our surgeries and say that they are worried about their relationship with the council, the health board or whatever. Have you managed to get any more insight into that? Is there anything more that you can do in that area to improve matters and put people’s minds at ease, because, as I said, the issue was raised with us last year, too.

10:15

**Paul McFadden:** The answer to that is probably less about those who come to us and more about those who do not. Some of this will touch on my previous answer. The way for us to improve things is to be engaging and outward. A priority for me is that, as an ombudsman, we focus on outreach and on going into areas where people may have those

fears. To go back to my previous answer, the fear of the consequence of complaining is certainly a factor for female prisoners. There is more for us to do to unpick that.

At a service provider level, there is more that we can do with our complaints-handling best practice role. As an ombudsman, there is more that we can do on engaging on culture, accessibility and openness in terms of complaining, and on the visible outputs, so that people can see that complaining does not lead to consequences and that dealing with complaints is a healthy part of any organisation, particularly public services.

My immediate focus will be on engaging with leaders and chief executives across health and social care early in the new year, and on trying to reinforce some of the messages that came through in our complaint standards framework about that healthy culture, and about making sure that complaints teams are resourced, that complaints processes are visible and that the outputs of what has changed as a result of complaints are visible. There is an organisational and cultural aspect to that.

To go back to my first point, there is more for me to unpick in some of the views of service users who do not come to our organisation. That is something we have down as a priority.

**Fulton MacGregor:** Thank you very much. Before I pass back to the convener, I want to wish you and your team all the best, in case I do not come in with another question. I know that you are at the start of your tenure, and it sounds like you have many good ideas.

**Mark Griffin (Central Scotland) (Lab):** Good morning. You touched earlier on the use of AI in generating submissions. Have you heard anything through your office about the use of AI by public bodies in responding to complaints? What is your view of the potential use of AI in the public sector in responding to complaints, and does your office use AI at all?

**Paul McFadden:** It is an area that is growing at pace, and there are two sides to it. There are challenges. Complaints can be presented in very complex ways, with reference to precedent, rights and legislation, which can draw away from the central root cause of an individual’s complaint.

On the other hand, I think that, for organisations that handle complaints, including us, AI is an opportunity, but it is one that we need to take careful steps with. You can see from other ombudsman organisations—we saw this at a recent complaints conference—that some public bodies in Scotland are using AI in ways that undoubtedly support efficiency and really help investigators who are looking at complaints. I give the examples of the very basic summarisation and

collation of large amounts of information, drafting elements of decisions—to an extent—and getting to the heart of some of the insight.

There is an opportunity with AI, and it is something that we as an organisation need to embrace. However, we also need to guide public service bodies on best practice on its use, because there are clear risks. We have all seen examples of hallucinations and things that appear to be not quite as they are, so, for me, there is always the need for human oversight and human input. In particular, for an ombudsman organisation, there is a need for human oversight of and input into decision making; indeed, that is the case throughout the complaints process.

There are real opportunities in automation and robotic processing in the front-end distillation of issues and complaints, but we always hear about how valuable and essential the person-centred approach is, and how important human contact—picking up the phone—and empathetic communication are, even in relation to a difficult decision. We hear about how influential and important those things are in understanding the issues that have been raised, the way in which a public body has interacted or what needs to change.

Careful steps are needed, and it is important that we are careful in our governance of data and so on. However, there is a huge opportunity for AI to support investigation and decision making, rather than replace it.

**Mark Griffin:** In June this year, the committee considered and approved the SPSO's revised statement of principles for complaints-handling procedures. What difference will that make? How will you monitor its impact?

**Paul McFadden:** That is an important part of the SPSO's work and one that has been followed by all the public services ombudsmen in the UK. The standards that we have set are important and have led to real improvements in complaints handling among public bodies. I have been pleased to see things such as the child-friendly initiative being taken forward and continued. On the principles, it is welcome that a more person-centred and rights-based focus is clear. That is important at the strategic level, as something that frames our approach.

On your point about how we know that there is an impact, the practicalities of implementation are really important. In that part of our role, we are helping organisations to implement the processes, the procedures, the accessibility mechanisms and, indeed, the decision-making mechanisms for their systems that reflect those principles.

There is a developing gap on that. For example, on AI, which you just raised, at the recent

complaints conference, we were asked, "What should we be doing on that and what is the best practice?" There is a gap there. To go back to my point about human involvement, person-centred contact and empathetic approaches, we need to ensure that any implementation of AI does not ride roughshod over some of the core principles, which are important to the effectiveness of complaints handling.

On monitoring, there is more that we can do, but that comes back to the question of resources. There is more for us to do in looking at the data on complaints processes at the local level, not only in terms of how they are handled and the performance of public bodies, but in terms of themes. As I mentioned, part of my early focus is looking at the drivers of demand and trying to understand what is happening there. We can look at our 5,000 or 6,000 complaints to see themes and issues, but those are the tip of the iceberg, and there are a lot more at the local level. That is a challenge that we cannot overcome on our own. We need to work with other agencies and regulators and with the public service sector to understand better how we join up our data in that regard.

That goes to the point around monitoring. We need more information, and we need to find a way to assess it. As I said, that is a resource challenge, and it is a question of balancing priorities. However, I place importance on that issue.

**Mark Griffin:** Under the model complaints-handling procedures, organisations have a responsibility to publish statistics. Obviously, they publish statistics only for the geographical area that they cover—for example, a council or health board area. What is your view on collation and publishing of the statistics at national level? Is that right or appropriate? What role might your office have in co-ordinating that work?

**Paul McFadden:** That would add a huge deal. I have to be honest and say that, early in my term, I still have to assess the published information from health and local government, which are the two sectors on which we publish the most information on complaints. However, to go back to my point about the importance of looking at what is happening across complaints as a system, there is a role for the approach that you mention.

On whether that is a role for the SPSO, we have a statutory role to monitor and promote best practice in complaints handling, and I would argue that the issue is in that territory. However there is a question of resource. We have fewer than three full-time equivalent staff who are focused on that work, a lot of which is about ensuring that the CHPs are implemented and that complaints handling is positive and improving, and about

engaging with networks and looking at training, guidance and best practice.

The requirement to monitor the data and make sure that it is published in the right way is a bigger task, although we would like to do it. It fits with our statutory role of having oversight of best practice in complaints handling. However, it is a question of resources, and it goes back to the earlier evidence around where we place our focus when 40 per cent more individuals are seeking our help with complaints.

**Mark Griffin:** This is my final question.

This is the committee's final evidence session with you and your team. We are in the run-up to the dissolution of Parliament, and the committee is thinking about legacy reports. Your predecessor felt that this committee might not be the appropriate committee to scrutinise you and your role, given that your remit goes far beyond local government, housing and planning. In that context, what is your view on the appropriate parliamentary mechanism or committee to scrutinise you and your team?

**Paul McFadden:** I have seen the discussion about scrutiny in the landscape review and where we should direct our assurance. The idea of a more holistic and dedicated committee is the right one. That is not to denigrate any of the committee's scrutiny. Looking back, when the local government committee was identified as the appropriate committee to scrutinise us, the largest percentage of complaints that we received involved local government. That has shifted, and health now makes up the largest percentage. That indicates that a change is needed.

Then there is the question of resources. I know that some of the evidence from my predecessor was about whether we should be scrutinised by the Finance and Public Administration Committee or another committee. The Parliament and the SPSO would benefit from being able to have conversations in the round about things such as our impact, our performance, the percentage of investigations, the pressures and the work that we are doing externally, but to have those conversations within that resource picture. Those things are separate at the moment, and I do not think that they should be. We will have to think more about those two approaches, but scrutiny that is able to look at those things in the round would be beneficial for the Parliament and the SPSO.

There is a conversation to be had about the regularity of scrutiny. Currently, the SPSO comes to the committee once a year, which feels a little bit light when I compare it with scrutiny mechanisms for other ombudsman organisations that I have been involved with. For example, we

should be speaking to the Parliament earlier on about short-term critical spikes in the number of complaints that are being made. Waiting for an annual scrutiny appearance might not fit with that, and it presents risks to scrutiny for Parliament, the SPSO and those whom we serve. There is a discussion to be had about that.

A broader issue is our relationship with the Parliament in terms of our insight. What relationship should we have with specific subject committees around some of that insight? For example, there are more opportunities for that with the Health, Social Care and Sport Committee given the huge amount of information that comes through our investigations and our work, and the learning that get from it. What reports should we be providing, not just on investigations but on preliminary investigations, which I mentioned earlier? There is a bigger question there.

To get to the heart of the answer, I think that having a dedicated committee would work for the Parliament and for the SPSO.

**The Temporary Convener:** Thank you for your answers this morning. I would like to touch on one area before we finish. You have given us a good overview of where the organisation is, what you are trying to achieve and where you are going. However, complaints about SPSO services themselves are potentially problematic and they are at a record high. It would therefore be good to get a flavour of where you see those complaints going and how you manage them as an organisation. That is an area that you will require to tackle.

**Paul McFadden:** Yes. I go back to the point that I raised about confidence in the organisation and having a holistic picture. Feedback, complaints, reviews, quality and benchmarking are important to me, because they are important if people are to have confidence in the organisation.

The service complaints statistics in the annual report that I have to hand show that, last year, we had just under 140 service complaints, and that we had 122 in the previous year.

On demand for our service, we dealt with 5,200 complaints last year, plus additional contacts through advice, guidance and signposting, and 140 service complaints are a small proportion in that regard—that is an important point of context. In my experience, the level is comparable to other organisations. When it comes to external scrutiny, the independent service complaints reviewer reviewed somewhere in the region of 16 complaints last year and I am not sure that any was fully upheld, although there were points that were partly upheld. That is not to dismiss the significance or importance of such complaints, or the need to continue to monitor the situation, but

that is a little bit of context. As the number of complaints rises, interactions with people who are perhaps unhappy with aspects of the service will also increase.

10:30

What is important to me is what we see when we look at the independent reviewer's reports and some of the complaints that we have had. It is fair to say that the majority of issues were about timeliness and communication, which we would probably expect. Digging underneath that, we see the question of the frequency and regularity of updating, which is an area to monitor.

If I am being objective, I would not necessarily say that the increase from 122 to 139 service complaints is a red flag, but I am not complacent about it and I will continue to look at and monitor the area.

**The Temporary Convener:** I thank you for your evidence this morning and your answers to the committee's questions. I, too, wish you well for the future. As you know, we are coming to the end of the parliamentary session in the next few months.

I suspend the meeting for a moment while our witnesses leave the room.

10:31

*Meeting suspended.*

10:32

*On resuming—*

## **Subordinate Legislation**

### **Building (Scotland) Amendment Regulations 2025 (SSI 2025/312)**

**The Temporary Convener:** Item 3 is formal consideration of a Scottish statutory instrument. When the committee previously considered the Building (Scotland) Amendment Regulations 2025 on 18 November, we agreed to seek further information from the Scottish Government following a submission that we received from the Royal Incorporation of Architects in Scotland. We have now received the Government's response.

As members do not have any comments, does the committee agree that we do not wish to make any recommendations in relation to the instrument?

**Members** *indicated agreement.*

**The Temporary Convener:** As previously agreed, we will take our remaining business in private.

10:33

*Meeting continued in private until 11:11.*

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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