

25 November 2013

David Stewart MSP
Convener of the Public Petitions Committee
The Scottish Parliament
EDINBURGH
EH99 1SP

Dear Convener,

Petition PE1488

I would like to thank the Committee for the opportunity to comment on the petition.

As the Committee knows, the primary role of the SPSO is to be the independent adjudicator members of the public can turn to if they are unhappy with actions of a public organisation. The petitioner has highlighted situations where he says reports have been put forward by officers to Councillors which are biased or misleading.

We can and do receive such complaints from members of the public who feel they have been disadvantaged by reports prepared by Council officers. It is important that Councillors and the public can trust the information on which critical decisions are made and we will investigate and report on such cases when appropriate. I would be happy to provide further detail to the Committee about our role in this area if that would be helpful.

To turn to the main topic of the petition, as the Committee knows, we do not have a direct role in connection with whistleblowing by employees and there are legislative restrictions preventing us becoming involved in the employer/employee relationship. This means we cannot consider complaints from an employee about how their employer has responded to their concerns. We might, in some circumstances, be able to look at whether an organisation has acted in line with its whistle-blowing policy, just as we can look at any policy. However, the legislative restrictions means our role is likely to be limited and we would have to be careful we were not becoming involved in an issue that should be raised through another procedure or which should be considered under employment legislation.

This does not mean we do not have an interest in whistleblowing and how organisations respond to concerns raised by staff. As well as our adjudicatory role, we have a role in service improvement. We seek to achieve this in a number of ways. We publicise the decisions we make in individual cases to share learning as far as possible and encourage organisations to share their learning from complaints and changes they have made to prevent problems recurring. We also have a statutory role in helping organisations improve their own complaints handling, and thereby improve the services they are providing.

In these roles, we are aware of the importance of a culture of openness and transparency in responding to complaints and concerns. Leadership is required from the top of organisations

to demonstrate that complaints are valued and to ensure that frontline staff have the power to respond quickly and effectively to concerns.

I would suggest that the way an organisation responds to concerns from their own staff is a very powerful way of demonstrating how an organisation values openness and transparency and, in turn, will model the behaviour that an organisation expects when staff receive complaints from the public.

Our lack of direct experience in this area means it is difficult for us to give advice on what system may be most appropriate but we would support a culture in any organisation that aims to ensure that whistleblowing is encouraged and taken seriously.

I hope the Committee find this response helpful and would be very happy to assist further.

Yours sincerely

Jim Martin
Ombudsman

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