

Scottish Public Services Ombudsman (SPSO) on the Northern Ireland Public Services Ombudsperson (NIPSO) Bill

About the SPSO

1. The Scottish Public Services Ombudsman (SPSO) is the independent body that investigates complaints from members of the public about devolved public services in Scotland. Under our statutory duties to lead the development and implementation of standardised complaints handling procedures and promote best practice we can also, in the absence of any other statutory provision, set standards for the way these organisations handle complaints.

The NIPSO Bill – General Principles and sections 1-4

2. We welcome the Bill and the approach it takes to the landscape of complaints handling in Northern Ireland. The SPSO was founded in 2002 as a “one-stop-shop” to complaints. The aim of such a single door approach to complaints is that it is built around the experience of the citizen and not the organisation. It is notable that this approach has since been followed in Wales and is likely to be implemented in England. The Bill also allows for legislation which covered the offices which are to be abolished to be modernised.

Own Initiative Investigations – sections 8-9

3. We support the ability of the proposed Ombudsperson to be able to undertake own initiative investigations. This is a standard part of the powers of such offices internationally and one where the UK has been out of step with the rest of Europe for some time. The most vulnerable in society are often the most dependent on public services and that dependence can make them reluctant to complain. There is fear of upsetting an organisation who may have real power over your life. Complaints processes, however designed can feel like an additional hurdle for someone who may have multiple interactions with public bodies. The ability of an Ombudsman to step in when there is evidence that there may be real problems affecting a group of individuals is an important part of the key role of an Ombudsman – ensuring fairness in the relationship between the citizen and the state.

Complaints Standards – A Possible Addition to the Bill

4. In 2010, section 119 of the Public Services Reform (Scotland) Act 2010 introduced a small number of new sections to my legislation. This led directly to the set up of the Complaints Standards Authority. This part of the role of the SPSO has never been heavily resourced. At present, we have 1 ½ members of staff and in the early days when more resource was needed it was no more than 3. This small team, working collaboratively with many others across the public services in Scotland have arguably had greater impact on the day to day relationship between the public and public services than any other initiative undertaken by this office. In 2011, the Scottish Parliament approved a set of complaints handling principles, making it clear that this work had public and significant endorsement. Since then, standard models of complaint handling have been put in place across the majority of the public sector. Thousands of public sector staff have been trained to respond better to complaints.

And, for the first time, we are beginning to see regular, reliable and comparable data on complaints being published. Opportunities to legislate around the role of Ombudsmen are rare and, given this, we would recommend the Committee give serious consideration to considering whether a similar role should also be given to the proposed Northern Ireland Public Services Ombudsperson.