

08 May 2015

Kenneth Gibson MSP
Convener
Finance Committee
The Scottish Parliament
EDINBURGH
EH99 1SP

Dear Convener,

I am writing in response to your call for written evidence on the Financial Memorandum of the Apologies (Scotland) Bill.

I set out the Committee's questions and our responses below.

Consultation

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

We made the following comments in response to the Consultation undertaken in 2012:

"Good, timely apologies do reduce the number or escalated complaints. If encouraged and supported throughout the public sector, it is possible that we may see a reduction in complaints and some financial benefit from this Bill. We do not anticipate that there would be any negative financial impact"

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

Yes

3. Did you have sufficient time to contribute to the consultation exercise?

Yes.

Costs

4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

Since the consultation, we have seen significant increases in the complaints coming to us each year. There may be a number of explanations for this. One, which we are certainly seeing, is an increased willingness by people to challenge public organisations. Complaints also have improved visibility and, organisations who are required to comply with the Scottish Model Complaints Handling Procedures (devised by my office) are more open about the availability of the process and are much more likely to have staff trained in complaints handling. All of this mean that people who may have been unhappy previously but not complained are more likely to have confidence to do so. This means, while we remain of the view that good apologies reduce the percentage of complaints that escalate, this does not necessarily mean there will be a reduction in the number of complaints we receive.

5. *Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?*

I agree that good apologies can reduce the need for litigation. However, savings may be hidden by the general increase in confidence that the public have in raising concerns. It is the case that shorter complaints processes do lead to savings for organisations and also the quicker a problem is resolved the less cost there is in terms of dealing with the problem.

6. *If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?*

Yes.

7. *Does the FM accurately reflect the margins of uncertainty associated with the Bill's estimated costs and with the timescales over which they would be expected to arise?*

The uncertainty is clearly stated and we would agree this is highly unlikely to have any detrimental impact.

Yours sincerely

Jim Martin
Ombudsman