Response of the Scottish Public Services Ombudsman (SPSO) to the Cabinet Office's Consultation: "A Public Service Ombudsman".

About the SPSO

1. We are Scotland's Public Service Ombudsman. We were founded in 2002 by the Scottish Parliament as a one-stop-shop for complaints. At that date, we took on the functions in Scotland of:

- the Housing Ombudsman;
- the Local Government Ombudsman;
- the Health Ombudsman;
- some aspects of the (Westminster) Parliamentary Ombudsman in relation to cross-border bodies such as the Forestry Commission; and
- what would have been the role of a Scottish Parliamentary Ombudsman (ie we took on complaints about the Scottish Government and related organisations).

2. Since then we have taken on responsibility for Prisons, Further and Higher Education; and Water (including complaints about private sector water providers).

3. In 2010, we took on a new statutory role as a Complaints Standards Authority, with a remit over complaints handling by public organisations and ensure sharing of best practice. Working in partnership, we have developed model complaint handling procedures with one simple, standardised system for handling complaints now in operation across most public services in Scotland. These are helping to ensure a quick, consistent response to complaints across the public services with a strong focus on frontline resolution by empowered staff and transparent and consistent reporting and monitoring of complaints performance and learning by public services. We are now supporting organisations in wider improvement work with emphasis on benchmarking and the quality of performance and responses

4. In 2016 we will be taking on another new role as the independent reviewer of decisions about the new Scottish Welfare Funds.

The Proposals

5. The experience we have had of the benefits from bringing complaints from different sectors together means we strongly support the principle of a single English Public Service Ombudsman. This will be the last country within the UK to have such a single service.

6. Having a single "one-stop-shop" service is not enough to ensure real accessibility for users, the service needs to be simple and easy to use. We support the proposal that access should be simple and through a number of different methods. It is also important to note that the way in which people

access services is changing all the time and the way in which people can access any complaints process should be able to reflect this.

7. Generally, it is our experience that the Ombudsman model is inherently a flexible one and it can change and adapt as service delivery models and also the needs of service users change.

8. In making decisions about what model would best deliver an effective Public Services Ombudsman for England, there are now a number of models available both in the UK and internationally in terms of breadth of coverage and governance and accountability structures.

9. While we support the general proposal for a single English Public Services Ombudsman, we would counsel against the risk of thinking of this of a merger of existing organisations or of adding additional functions to one or other of those existing organisations. The opportunity to look closely at Ombudsman legislation comes along rarely and we would suggest that it allows for future flexibility. For example, when we were created we tried to reflect the three existing organisations formally in our structures, we had deputy ombudsmen and some staff specialised in each area, reflecting previous roles. In order to better serve the public we have moved to a flatter management structure (we no longer have deputy ombudsmen) and staff are expected to work broadly across the areas under our jurisdiction. They are experts in Ombudsman-level decision-making and can draw on appropriately qualified external and independent expertise when required.

10. The lessons from our experience is that it is important to anticipate that the organisation may need to adapt and change and that, when deciding how to move forward, the starting point should not be how to combine existing structures but how to create a new organisation that could best respond to the needs and interests of service users.

Concerns about aspects of the proposals

11. While we are broadly in support of the proposals we would like to highlight two points of concern.

a) The inclusion of the UK Parliamentary Ombudsman within the new organisation in so far as that covers UK reserved matters.

12. We have noted above that we are, in effect, the Scottish Parliamentary Ombudsman, and also that we can take complaints about some organisations that operate across the UK. Those organisations all operate within areas devolved to the Scottish Parliament. The, proposed, new English Public Service Ombudsman will operate within a devolved constitutional settlement and one that is continuing to evolve.

13. We are concerned that it appears to be assumed in the consultation that matters which are reserved and UK-wide should simply be given to an Ombudsman whose primary jurisdiction will be England only. This is likely to

cause confusion not only for the public but also in terms of accountability. It is important that that the UK Parliamentary Ombudsman is seen to be for all of the UK and to have a standing on its own. The concept of an Ombudsman for UK Parliamentary matters should not be discarded lightly or subsumed. Nor should a signal be sent that this is anything other than an important part of our unwritten constitution. In playing a part in holding UK Government and public bodies to account, the role deserves the full attention and respect of the UK Parliament.

b) The proposed title for the new organisation

14. There are already three existing Public Services Ombudsmen schemes in the UK, the Ombudsman for Wales, the SPSO, and the Northern Irish Ombudsman. We already find that the title currently used by the PHSO can cause confusion, particularly around health where it has a solely English jurisdiction. We consider that the new Ombudsman should follow the model already set and make the limits and extent of its jurisdiction clear geographically by either calling the new Ombudsman the EPSO or the PSOE.