

Survey of the Scottish Public Services Ombudsman

Report Dated: 17th March 2020

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Executive Summary

Accountability Scotland was formed a decade ago to Campaign for the Improvement of Administrative Justice in Scotland. The key Scottish body charged with this is the Scottish Public Services Ombudsman [SPSO].

Over the years it has become apparent that there are many failings in Administrative Justice ranging from bullying in the NHS, to maladministration in the Inspection of Schools, to the levying of Water Charges, and many many other matters.

However, our efforts have concentrated on attempting to persuade the SPSO to reform their practices, and to improve the standard of their decisions which in many cases appear to be what may be best described as protectionist of the organisations they seek to monitor [Bodies Under Jurisdiction or BUJs]

To demonstrate this we surveyed our members many of whom joined as a result of suffering what they believe is an unjust decision.

The results of the survey, thus possibly somewhat biased, are arguably conclusive.

Many of our members are well educated and experienced: they include University Professors, Chartered Engineers, Journalists, Business people, Teachers, Nurses, and other professionals.

We trust that our recommendations will be read, understood, considered, and implemented.

We seek to engage with Parliament and Government to enable constructive improvements to our society and governance of state organisations in Scotland.

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Introduction

Overview

The Questionnaire was presented using Google Forms, and released on 12th November 2019.

The data shown in this report relates to forty separate responses and the comments that had been received by 3rd December 2019. Three duplicates were removed, the earlier ones being deemed the ones to remove. By 20th February 2020, a further four valid responses have been received, but these have barely changed the statistics.

Sixty three people who had been invited declined to complete the form. Several declined as they had not put a complaint to the SPSO.

Only the Accountability Scotland Administrators have access to the email addresses to which the questionnaire was sent and who responded.

The sample size, although not large, was considerably larger than, for example, that of the Commission on Parliamentary Reform.

Some points

Representation

The vast majority of people are unable to properly represent themselves. Lord Denning's famous quote that "A lawyer who represents himself has a fool for a client" applies. Most people cannot afford representation: thus there needs to be "a public investigator".

There is also a huge group of people who cannot express themselves in writing, or seek out and address the basics of the matter forming the complaint.

Exchange of Information

Having received a complaint, the SPSO sends it to the BUJ. The BUJ sends their response to the SPSO - often that which has already been sent to the complainant in summary. This is NOT sent to the complainant for review, which is contrary to the rules of natural justice. The courts in both Scotland and the rest of the UK require that any relevant document or information in one party's possession that may aid the other party must be provided to that party. [Note the collapse of rape trials in recent years.]

Independent and Effective.

The SPSO MUST ensure that the BUJ's investigation has been "structurally independent" and effective. [search "Ruddy" on the Accountability Scotland web site]. This implies that the BUJ must behave in an Open, Honest, and Accountable manner

Publish Procedures

The SPSO does not publish its procedural documentation in a manner similar to the courts.

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Determination of Facts

The facts in a case are determined by the SPSO with the same legal significance that a Tribunal has, but without the necessary formality.

Interpretation of the Law

The SPSO is not allowed by statute to interpret law - but very often it does.

Independent Appeal Procedure

There is no proper Appeal Procedure. All that is available is to proceed to the courts by way of Judicial Review to have a decision on a point of law corrected.

Erroneous Decisions

Decisions are often erroneous. There are some typical cases where:

- Someone went to a tribunal and having secured a YES result, then went to the SPSO who returned a different result NO [Housing Benefit].
- The facts reported by the SPSO are evidence that the determined result is wrong [Water Charges].
- The SPSO has acted counter to legal advice it sought and received, and then closed the complaint by issuing a statement of jurisdiction to the Body Under Jurisdiction removing jurisdiction, so countering the legal advice.

Staff Training

Poor staff training [employing people “off the street”] combined with low staff morale, and an absolute lack of proper public audit would be solved by the SPSO seeking accreditation to ISO9001.

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Methodology and Conclusions

Methodology

The results of the Questionnaire are presented in pie-chart form for ease of understanding:

- “Yes” responses are in blue,
- “No” responses are in red,
- “Don’t Know / Doesn’t Apply” neutral responses are in yellow.

The questions are posed in a way so that a satisfactory outcome would be for lots of blue and little red. This would show that SPSO are perceived to be dealing with complaints appropriately - fairly, transparently and thoroughly. The results, however, show that, for those who responded to this survey, the opposite has been true over the years viz since 2002.

Of the 27 questions in this survey, all but four (2, 14, 22 and 25) were asked in such a way as to elicit a “Yes” if SPSO acted in a way that everyone can agree would be beneficial, e.g. *“Were the statements in SPSO’s decision letter accurate and truthful?”*

The answers received show that in the case of every such question the predominant answer (usually by a large margin) was “No”, with the exception of four specific questions (11, 19, 20 and 24) that only applied to a fraction of respondents. To these questions, large numbers of people answered “Doesn’t apply / Don’t know”, and none or a tiny percentage answered “Yes”.

An example is question 19. *“If your complaint involved a child / children, did SPSO demonstrate that they had considered whether the public body had acted in the child(ren)’s best interests?”*. (2.5% “Yes”, 45% “No”, 52.5% “Doesn’t Apply / Don’t Know”)

Bias of Respondents

It can be argued that the people who have reached out to Accountability Scotland are the very people who have had distressing experiences with SPSO and therefore negative responses are to be expected. Yet there is no reason to believe that all these people have arbitrarily chosen to criticise SPSO without cause. It is important to listen to these experiences and learn from them. It is telling to find that, while the complaints they took to SPSO are of various types, and cover a range of different organisations and Ombudsmen, the problems they have experienced and articulated with SPSO are similar and broad.

Scope of Problems within the SPSO

The problems this survey has identified don’t fall into one narrow area of the SPSO’s work that needs to be focussed on. Rather, common problems have been identified from the outset, for example with the way SPSO agrees the wording of a complaint, through the investigation process, such as the SPSO’s failure to appear impartial, and all the way to substantial concerns about the way SPSO investigates itself through its service complaints process. (3.7% of respondents believed SPSO responded adequately to their service complaint, while none believed SPSO had learned from mistakes they made in their case. We have received evidence highlighting significant cause for concern over how SPSO deals with complaints against itself.)

Apart from the request for general comments at the end of the survey (to which everyone responded), the optional request that received the most significant response (75% of respondents)

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was when we asked the relevant people if they wished to explain why they answered “No” to Question 4: *“Was it clear that SPSO investigated fairly? (That is without bias to either yourself or the public body)”* (87.5% of respondents had answered “No” to this question.)

Not only did this receive the highest number of written entries, but the entries included a lot of detail and strong opinion on the matter.

Independent Witnesses

It is notable that only 2.5% of respondents stated that the SPSO contacted independent witnesses. This means that 97.5% of cases relied on a two-sided argument, with one side wielding significant power and resources relative to the other. Our members have complained to us that the SPSO refused to contact independent witnesses who would have provided critical unbiased evidence. It is also notable that only 5% of respondents said that SPSO recognised when the public body made which in the the respondent's view were demonstrably false statements, and only 7.5% said that the SPSO showed that the BUJ provided evidence in substantiation.

These elements of the SPSO's investigations are very concerning with the SPSO rejecting independent witnesses, and accepting the statements of the public body without any supporting evidence when the complainant's evidence was in their view to the contrary.

It is hard to imagine that the courts would refuse to hear from witnesses when they are available, and simply accepts the unproven evidence of one party when the other party produces evidence to the contrary.

Applicability of Review

Readers of this report may try to play down its content on the grounds that:

- the respondents were few, biased and self-selected, and
- only part of the evidence relates to the present incumbent ombudsman.

It must therefore be stressed that:

- even one miscarriage of justice can be very serious.
- there have been major problems with every ombudsman since the beginning and one cannot count on future ombudsmen being better.
- the survey was not designed to elicit full accounts of individual cases. Many of these would horrify even readers unimpressed by pie-charts and statistics.

Comparisons

In Gibraltar, with a retired Barrister as Ombudsman, they have a very high satisfaction rate - effectively and adequately closing down complaints to the satisfaction of all concerned with minimal cost..

In Singapore, one of the world's leading jurisdictions, there is no equivalent to the SPSO. The reason cited is that the very concept of an Ombudsman is flawed. They do have an Ombuds Service which is simply a mediation service.

Failure Demand

Please see <http://accountabilityscotland.org.uk/index.php/spsso/140-complaints-waste-resource> for a description of this complex problem.

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Recommendations

ISO 9001, et al

Implementing ISO 9001 and obtaining formal external accreditation would solve a number of the SPSO's endemic problems.

Please see: <http://accountabilityscotland.org.uk/index.php/quality-and-the-spsa>

Natural Justice.

Ensuring that the rules of natural justice are applied to ensure that complainant's Human Rights are not breached, particularly with regard to the making of information provided by one party to the other, especially when such information might assist the complainant.

Ensuring that any witness who might shed any light on any matter is heard.

Failure to do this jeopardises, and probably makes futile, any notion of making an Appeal to the Court of Session.

Communication

Have cognisance of the inability of many people to present an argument in a coherent manner. This would include accepting audio or audio-visual recordings of meetings etc.

Convention on Child Rights

Adhering to the United Nations Convention on the Rights of the Child, or UNCRC.

See: https://downloads.unicef.org.uk/wp-content/uploads/2019/10/UNCRC_summary-1_1.pdf

Review of Cases with Erroneous Decisions

Where it is self evident to any reasonable person that the decision is wrong, to review the decision. This might require a volunteer lay panel of professional people.

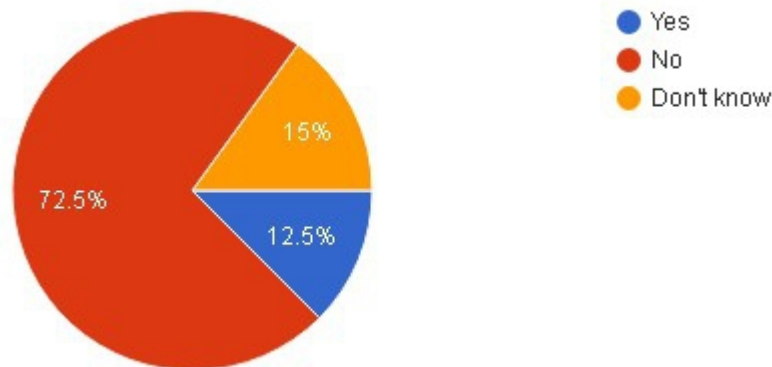
Complaints against the SPSO

Once a complaint has been made against the SPSO, and rejected by them, an independent review is required. The Scottish Legal Complaints Commission is suggested.

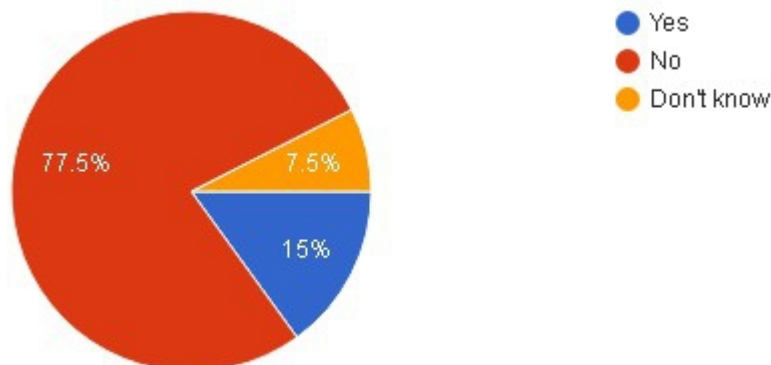
The Questionnaire & Answers

Section One: Mandatory questions and optional comments

1. Were you satisfied with SPSO's wording of your complaint?



2. Did SPSO ever advise you on how much evidence you ought to submit?



2a. (Optional) If you answered "Yes" please give brief explanation

This guidance on this was inadequate.

On the phone The SPSO adviser went over the evidence and paperwork I initially sent to them with my complaint form and checked with me that it was appropriate and adequate.

SPSO told us not to submit very much as "it wasn't needed"

They did not do this

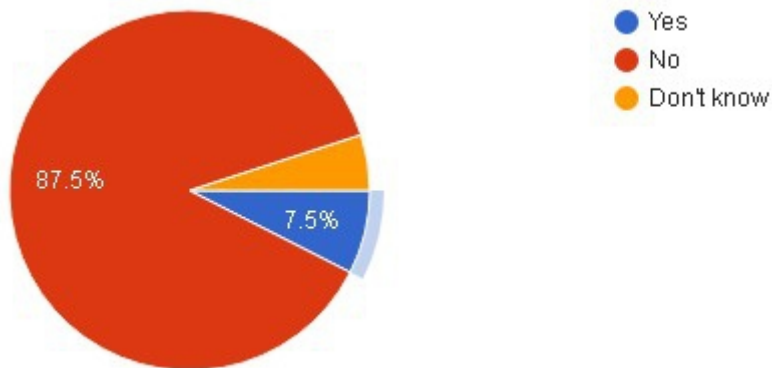
2 different members of staff told me not to submit all my evidence as it wasn't necessary. (I thought this meant it was clear the Council were in the wrong.) A 3rd one later told me they make their decisions based on what the public body submits and don't need the Complainants evidence at all.

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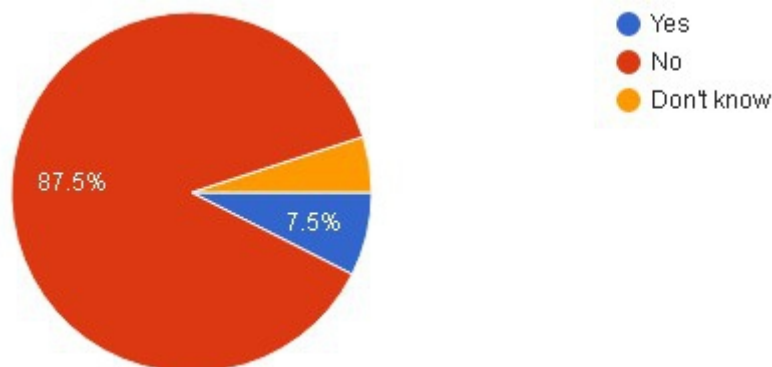
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Tried to suppress some of my case

3. Did SPSO investigate and address all aspects of your complaint?



4. Was it clear that SPSO investigated fairly? (ie. without bias to either yourself or the public body)



4a (Optional) If you answered "No" please give brief explanation

Inadequate and ineffective Spso favoured thier unqualified expert against world expert

The bias was quite obviously in support of the BUJ

They were very selective about points of complaint they chose to investigate. There was a fair level of predetermination in favour of the public body. When evidence of corruption was found, they flat-out refused to investigate (absolute bias).

The head of the SPSO was closely connected to the body I complained about.

It appears that SPSO did not actually investigate at all, they merely took 9 months to decide whether to investigate or not and then decided not to investigate

complaint was dismissed from the first complaint, SPSO appeared not to understand the complaint/ not competent to understand complex technical issued.

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They refused to investigate certain aspects of the case as there were no witnesses to what happened. They refused to address the NHS providing garbled responses that did not even seem to show they had a coherent story. Frankly the NHS response was so incoherent that it seemed to me they simply assumed I had no chance with SPSO regardless of what they said. When the NHS withdrew part of their response, when I pointed out it was ridiculous, they replaced it with a response that did not address the question I had asked. The SPSO seemed incapable of seeing this as a problem even when it was pointed out. The SPSO told me that though they couldn't address part of my complaint if they were able to and believed my version they would still have seen what the NHS did as acceptable. My claim was that the NHS attempted to get me to put on gloves I was allergic to. I thought it that this seemed a pretty unprofessional comment to make, quite antagonistic. They told me my refusal to comply with the request to wear the gloves meant no harm had been done to me... as negligence required me to be harmed, not just refused a stupid treatment plan. This to me seemed like they were confusing negligence with "medical negligence" but maybe they just meant negligence itself was fine with them as long as the patient saved themselves from the idiocy. More worryingly maybe they meant it's not even considered negligent to ask someone to wear stuff they are allergic to. I was very unclear why they thought it was ok. They refused to see the mental stress as harm, or my lack of trust in health professionals as an issue.... this despite a huge decline in my mental health since the incident.

As the complainant didn't get to see the evidence that was gathered..

LIES LIES LIES and when I took 7 months of my own time to gather evidence Rosemary Agnew admitted "discrepancies" but still sided with the local authority anyway and said it was my legal right to go to Judicial Review well aware I could not because of time lapsed. Also the so called investigator (more proof no investigation had even taken place other than asking the local authority) took the word of the local authority without any written testimony because shock horror!!! The local authority failed to record several incidents but the "investigator" sided with them anyway even going as far as criticizing them but still did NOTHING??????

Investigation wasn't through

Ignored published medical evidence that contradicted opinions of 'independent' expert witnesses. Did not investigate one part of complaint with the excuse of 'clinical judgement'. Did not answer all questions. SPSO chose what aspects of complaint to investigate and ignored others.

One one occasion they did however a year later they didn't investigate despite much evidence

The latest complaint.. yes they did investigate fairly but I had to fight to get that investigator who seemed to be quite thorough and accurate. Past cases less so and they have in the past favoured the NHS. Quite blatantly.

the spso always show preference to the public body despite evidence the spso always take the word of public body

The SPSO have a history of bias and incompetence when dealing with our three complaints about CEC Planning Dept. Decisions were based on information which was shown to be inaccurate, contradictory and illogical, at the time e.g. a new development being in two places at once, they started to deal with a complaint in 2007 which wasn't raised until 2008 etc. Investigating officers lacked the necessary skill set to deal with the issues they were being asked to address, e.g. they didn't understand relatively simple plans, what had been approved and failed to establish what that was. Poor decisions were made based on inaccurate notions. We were left to establish the competent and verifiable facts upon which robust decisions should have been made. When we provided evidence confirming their mistakes, it transpired that the ombudsman had known of it for a year. Yet he failed to acknowledge or apologise for their failings. No amendments were made to the reports which had been submitted to the Scottish Parliament. Most important of all, no action was taken to rectify the hardship and injustices they had caused. A total of 19 examples of maladministration were brought to the

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SPSO's attention. Contrary to their vision and legal obligations, these were ignored. When challenged, no alternative definition was provided. A FOI request has been submitted twice in an effort to obtain answers to questions raised via the LGRC, (as was) which they felt unable to ask. Two ombudsmen have failed to answer these. Their independent advisor in one case clearly had not visited the site. It was claimed that trees that didn't exist were removed to make way for utility works which we have no knowledge of. The previous ombudsman claimed it was not in the public interest to address the issues we had raised despite their vision and legal obligations, 100+ local residents submitting a petition requesting a review of the three planning applications in question and 6,000 members of the public signing a 38degrees petition showing no confidence in CEC Planning Dept management. Edinburgh's planning system is still fundamentally dishonest and at odds with the recommended Planning Charters.

Their interpretation of my complaint as 'a personnel matter' was inaccurate - it was about a lack of transparency in the use of pre-inspection reports, which I believe amounted to fraud, and a failure to record a decision in line with HMIE's Records Management Policy. 2. Their claim that my case was 'time-barred' was unfair because they started the 12 month rule from a much earlier date rather than from the point where 'the person aggrieved first had notice of the matter complained of' as detailed in their regulations. 3. They insisted on my following HMIE's complaints procedure fully before any referral to the SPSO which took my complaint over the 12 month rule. It was, therefore, reasonable, and within the Ombudsman's discretion, to allow an extension. 4. They claimed they could not deal with my complaint because I had already sought the release of key information through the Scottish Information Commissioner, despite the SIC informing me that I would have to take my complaint to the SPSO as it was not within their remit to investigate the matter further.

they were overtly and obviously biased toward the council!

They deleted their remit, sought legal advice and then acted counter to that legal advice

Spso ruled in favour of council despite overwhelming evidence of their failure they either didn't carry out proper investigation or simply ignored evidence in front of them it has left me with no faith in the process and when you look at complaints upheld is lower than 8% does this suggest 92% of people complaints are lies or unjustified or in my opinion it shows this organisation is not fit for purpose and a waste of public money

Complete disregard of irrefutable evidence. Chummy wording of SPSO emails to BUJ.

They refused to investigate the complaint.

It was clear the investigation was unfair and was biased towards the public body. To the point I received a letter stating words to the effect they could not believe me but they could believe what a professional in the public body writes. They took out parts I wrote and left out parts of the same sentence to make it look as if I was writing things I had not written consistently. It was without a doubt biased in favour of the public body. The heading of complaint was altered to fit wide ranging categories which would render it no longer a valid complaint when asked to alter by adding a couple of words there was a refusal and it was stated that this would be dealt with in the complaint - it was NOT. When stated that inaccuracies were written which were incorrect, misleading, incomplete and a refusal to correct - I was advised that a clinician would not do this because it would be a criminal offence - the SPSO would not investigate. It was an experience that was traumatic in an extreme and still leaves me traumatised that a professional can be so unprofessional on so many accounts and even an organisation such as the SPSO will not make any attempt to prevent it.

correspondence and FOI received material indicate this to be a mess

SPSO returned the complaint by return with a 'noted' card with no complaint reference number and no indication of who in the SPSO took this action

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Ignored all my evidence and latched onto an excuse to deflect

SPSO contradicted the evidence and statutory policy. They ignored a supporting witness statement and accepted the Council's unsupported statements that contradicted the facts. The decision read like it was written by the guilty party.

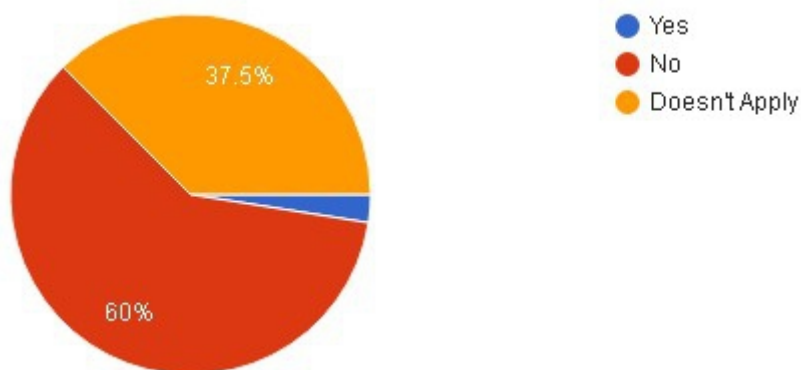
Refused to contemplate some complaints or analyse details. Said policy could not be challenged, even if unreasonable. Refused to accept the requirement of the Scotland Act 1998 that the European Convention on Human Rights should be observed.

The SPSO never claimed that independent medical experts examined my case. For me it was unfair that I was kept in the dark, even if medical experts were involved. I would have had more faith in the judgement if I had known that her experts had been involved. This aspect seemed arbitrary.

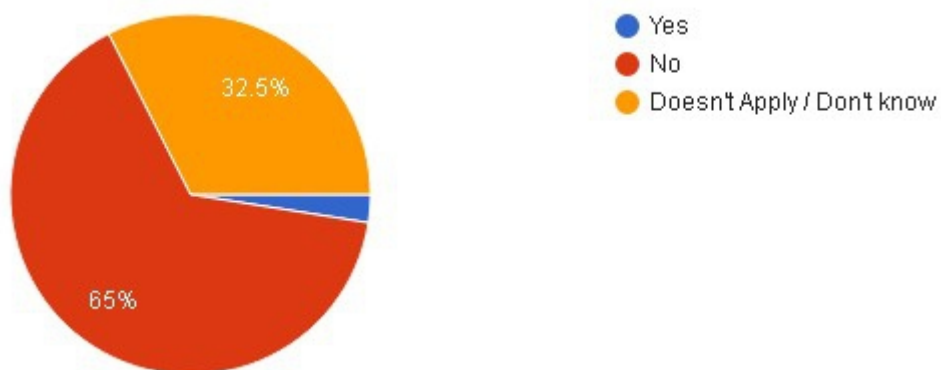
No common sense at all in their outcome and explanation.

My complaint was completely ignored and returned all my paperwork

5. If you submitted witness names or statements, did SPSO cite them as credible evidence?



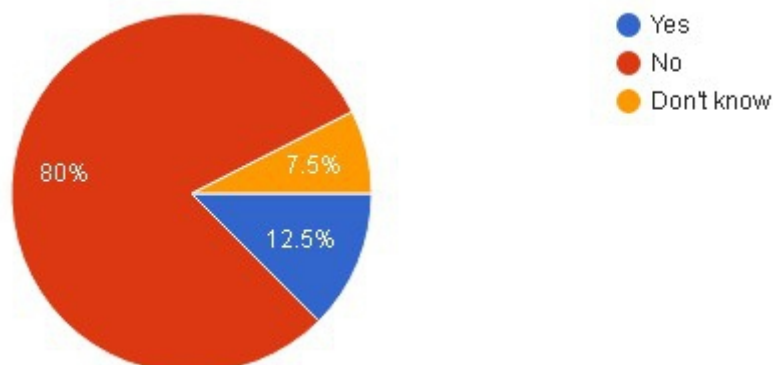
6. Did SPSO demonstrate that they contacted witnesses that did not work for the body you were complaining about?



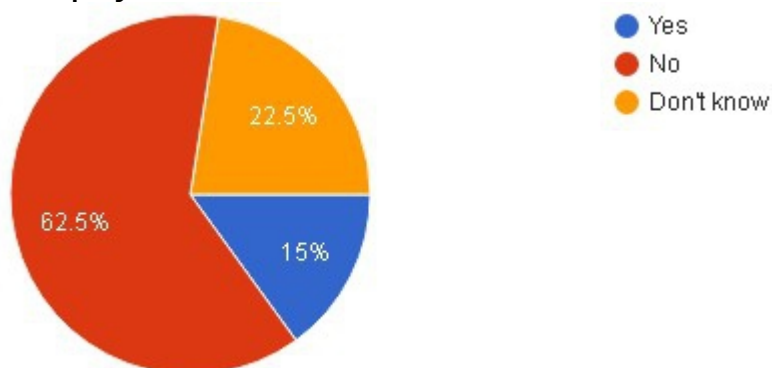
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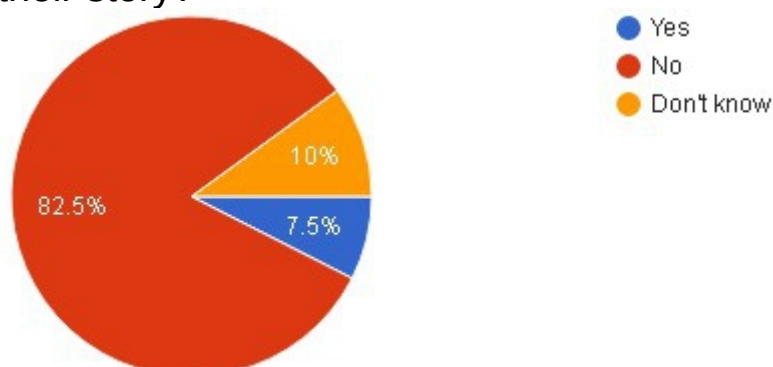
7. Did SPSO demonstrate that they had correctly understood the events that occurred in your case?



8. Did SPSO accept your version of events?



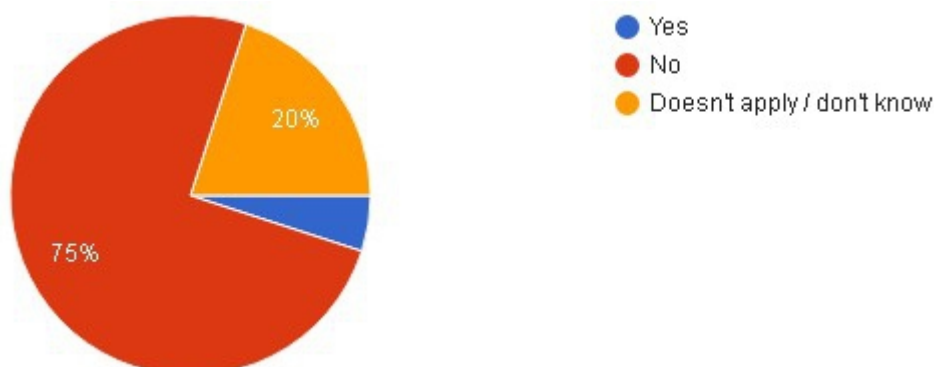
9. Did SPSO show that the public body provided evidence that substantiated their story?



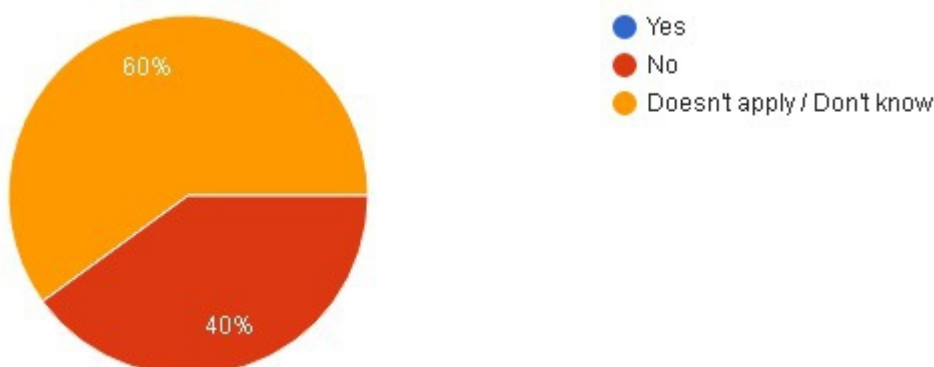
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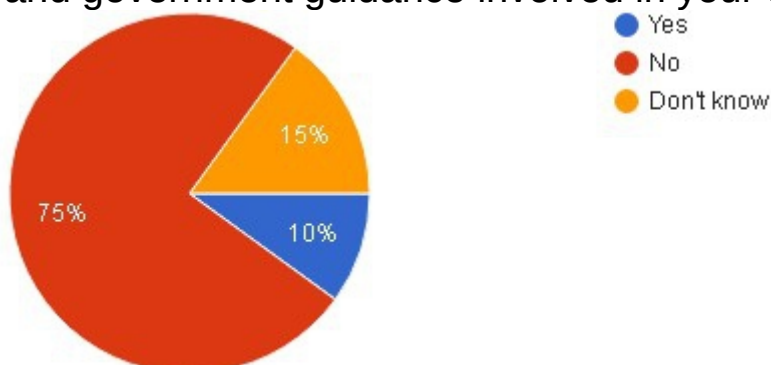
10. If the public body made demonstrably false statements did SPSO recognise them as false?



11. If SPSO consulted any specialists to assist them in their investigation, were you satisfied that they had the appropriate expertise and competence ?



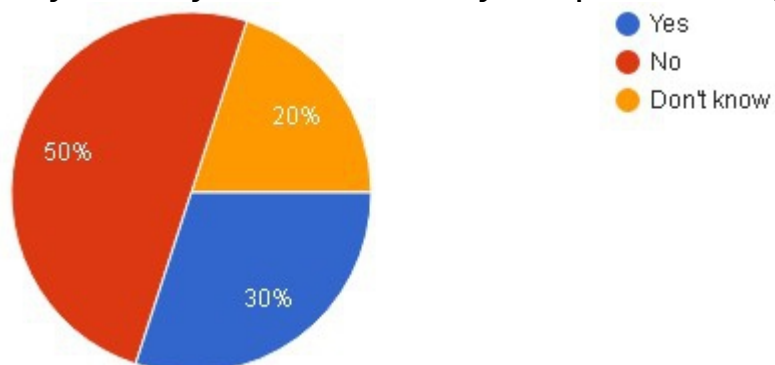
12. Did SPSO demonstrate that they understood the relevant policy/policies and government guidance involved in your case?



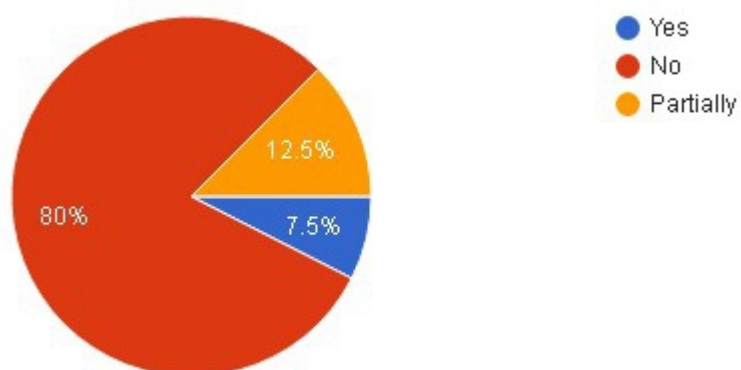
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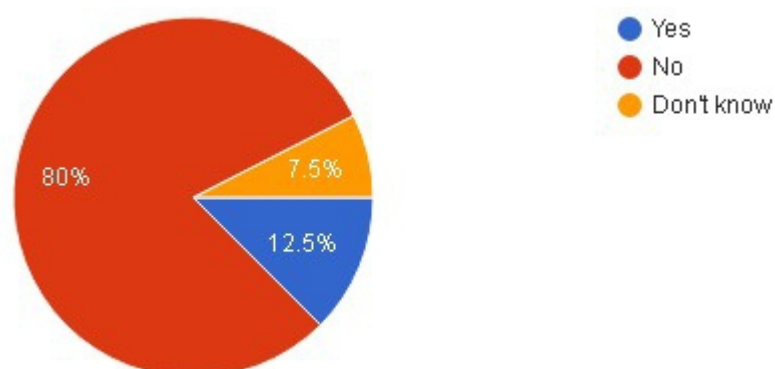
13. Did staff always treat you with courtesy, respect and dignity?



14. Did SPSO uphold your complaint?



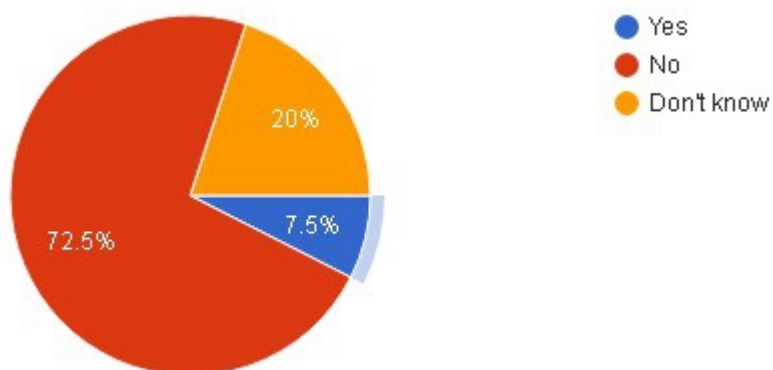
15. Did SPSO's decision letter explain their decision in a way that made sense?



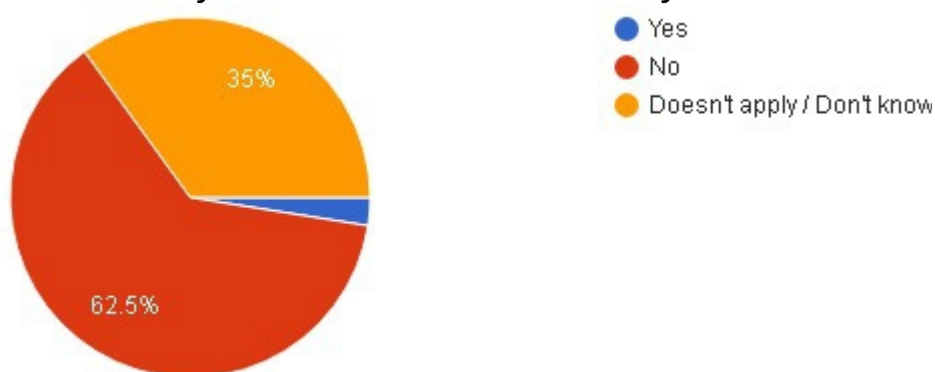
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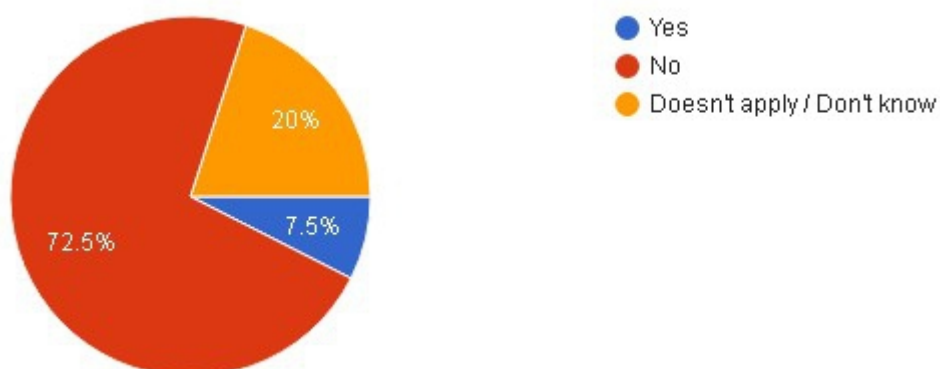
16. Were the statements in SPSO's decision letter accurate and truthful?



17. If SPSO made any false statements, did they correct them?



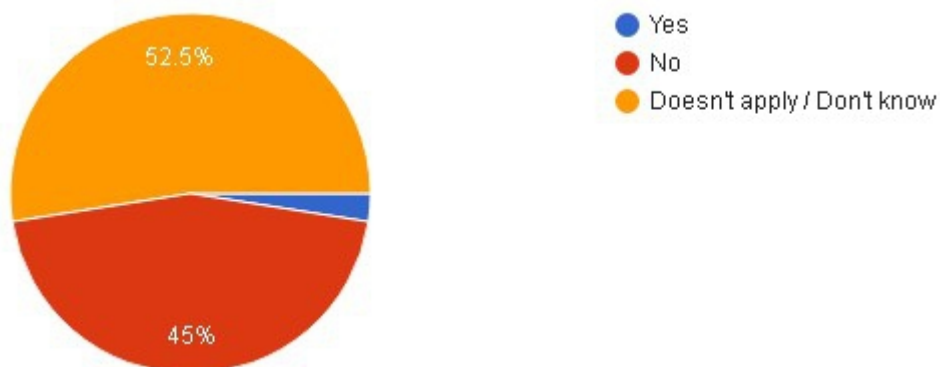
18. If you provided evidence that the public body had violated policy, did SPSO hold the public body accountable for that?



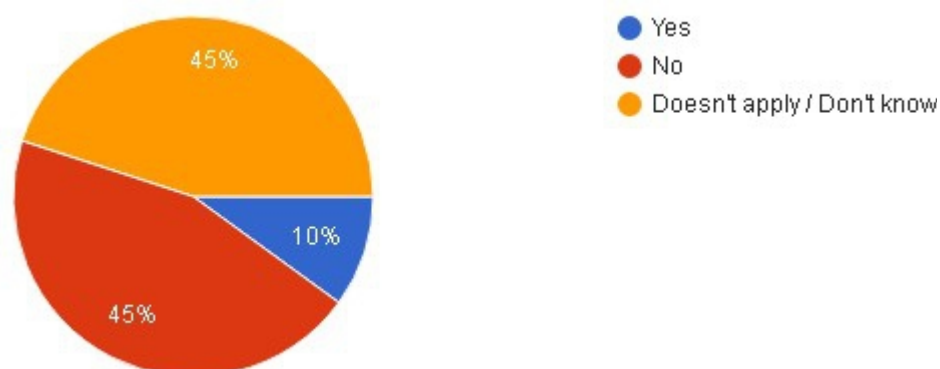
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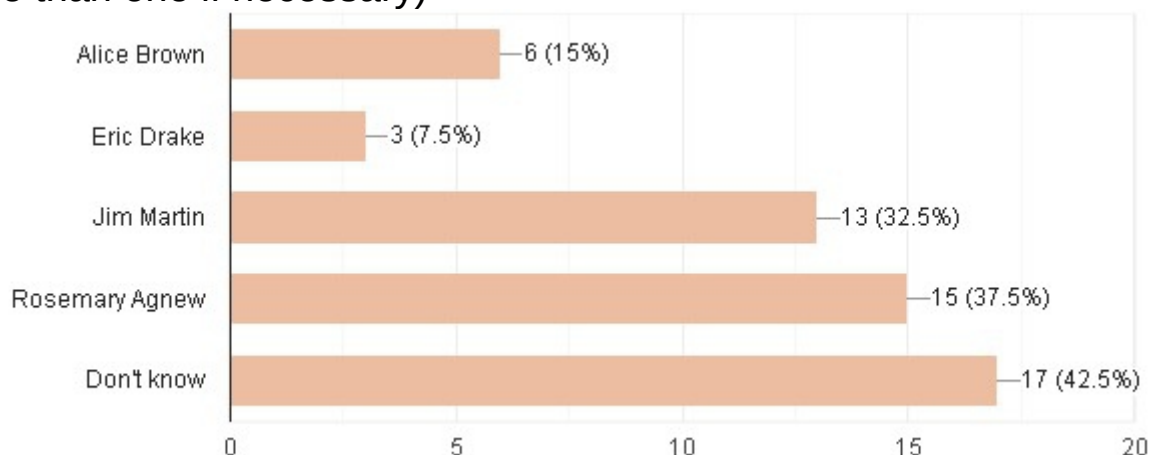
19. If your complaint involved a child / children, did SPSO demonstrate that they had considered whether the public body had acted in the child(ren)'s best interests?



20. If SPSO made any recommendations in your case have the public body acted on them?



21. Who was the Ombudsman involved in your case? (you can check more than one if necessary)

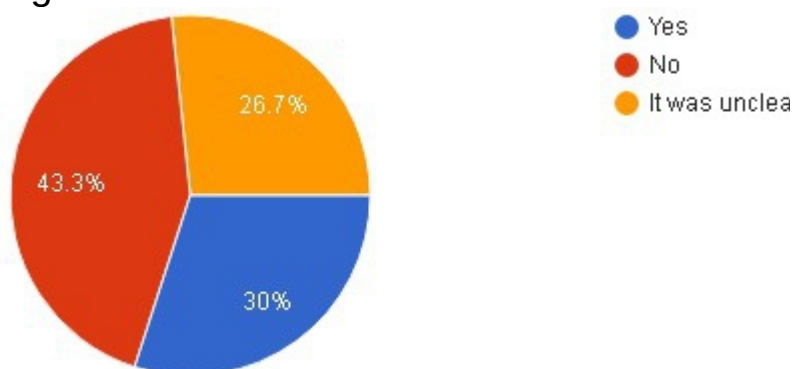


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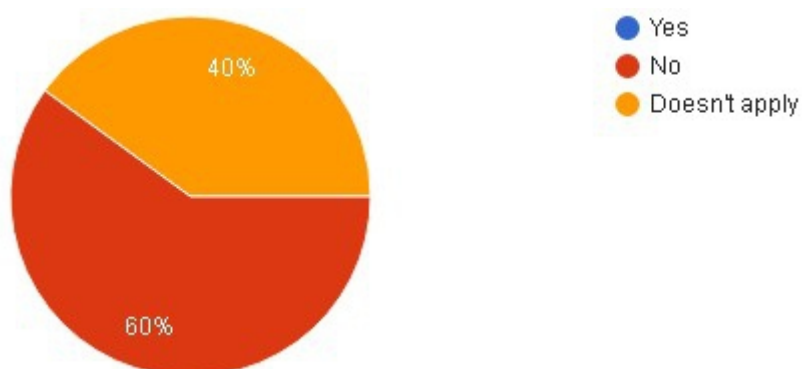
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Section Two: Questions and optional comments if you requested a review of SPSO's decision

22. Did SPSO agree to review?



23. If SPSO conducted a review, were you satisfied that they did so in good faith, properly weighing the issues you had brought to their attention?



23a. If you answered "No" to Q 23, please give a brief explanation if you wish

Eric drake wanted to reopen case with a real expert Jim martin closed it within half an hour of becoming ombudsmen without satisfactory explanation

They didn't give me enough time to submit further evidence (I suffer from health/mental health issues that made gathering evidence difficult). When corruption was found to have occurred, the SPSO swept it under the rug (acted like it never happened).

Some external guy based in London just fudged all the issues set out. They reframed the whole complained so as to avoid investigation and refused to hold up the actual complaint.

SPSO STILL failed to understand the issues involved and how the LCA had deliberately misinterpreted/misrepresented the facts.

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As previously mentioned I took my own evidence to RoseMary Agnew but after admitting discrepancies she advised I had the legal right to Judicial Review knowing fully that timescales did not allow this, the local authority involved have ignored all recommendations and still practice the criticisms.

Useless

We were assured that our first complaint had been dealt with properly. This was later shown to be inaccurate when we established the verifiable facts. The third complaint was raised by CEC rather than answer our questions. See 24a. below.

The Ombudsman (Jim Martin) made no attempt to address any of the inconsistencies in the SPSO's decision as detailed above.

they contradicted statutory policy and accepted obvious falsehoods from the council

The ombudsman countered the legal advice and the internal reporting conclusion of the adjudicator but never looked at the case

They never worked without bias it was always biased in favour of the public body and even adding there own inaccuracies incomplete statements and misleading information.

Ombudsman sought legal advice, subsequent ombudsman acted against that legal advice and countered complaint adjudicator who stated had found evidence of maladministration but ombudsman never looked at case substance.

Just stonewalled and gave responses contradicting policy and procedure of SPSO and the public body

John Stevenson informed us that Rosemary Agnew had already decided her original decision would remain in place prior to conducting her "review". Her "review" was senseless and illogical, so I assume he was right.

Did not ask for a review but they went ahead with a Mr Hunter. I was unhappy.

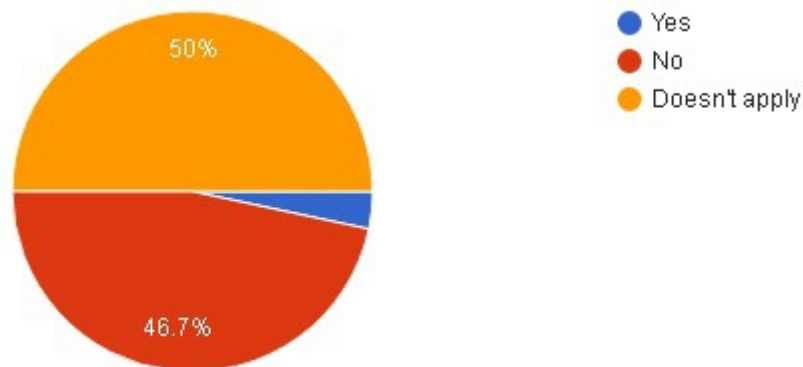
Did do some reviews but ignored a final rebuttal of their decision

No report on my case was ever produced by Prof George, West of Scotland Breast Screening Centre, and so my complaint was incomplete. New evidence could not be admitted (quote letter from Alice Brown, 15 August 2006): "Once I have issued the report of an investigation, I am, to use a lawyer's term, 'functus officio', that is, I retain no legal authority because my duties and functions have been completed. Unfortunately, this means that once a report is issued, I cannot amend it in any way, unless I am ordered to do so by the courts following, for example, judicial review."

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24. If SPSO refused to review, did they have just grounds to reject a review?



24a. If you answered "No" to Q 24, please give a brief explanation if you wish.

The independent reviewer could not even get the enterprise companies name right. She called it south east enterprise in fact it was Scottish enterprise Tayside so no hope in justice

As mentioned above despite real evidence provided from myself Rosemary Agnew refused a review and told me to go to a Judicial Review full aware this was not possible due to the length of time which I had to spend myself gathering my own evidence.

They just refused to review or say why

There were still questions unanswered

Jim Martin claimed it was not in the public interest to address the acknowledged failing in CEC's planning system. Planning Dept staff can and do mislead members of the public and Planning Committee by submitting inaccurate and contradictory information in planning applications even when these anomalies are pointed out to them in advance. This was despite it being a recognised form of maladministration, 'fundamentally dishonest', and a petition signed by 6,000 members of the public showing no faith in Planning Dept management, claims made in the SPSO's vision and their legal obligation.

they said our new evidence had not been presented before therefore it could not be considered

There was and is something 'going on' and the SPSO system does not follow due process

All evidence was presented directly to rosemary Agnew and there attitude was unprofessional I believe they added in evidence at a later stage they failed to look at and then failed to send an updated explanation and as this escalated to a complaint against ombudsman as well as council I was told tough if you don't like it take it to court The experience of this organisation gives me the opinion that it is corrupt and when you complain they simply use bullying tactics and try and hide behind d p a laws when it suits there purpose Investigation would be too expensive.

They never had grounds to reject a review because they ALWAYS worked with bias in favour of the public body.

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Rosemary Agnew came over to speak to me at a conference on regulation and accountability in September. I told her this briefly. She frowned. I asked for a copy of her speaking notes which she sent me.

When we requested a review, SPSO said that new evidence (proving systematic violations and supporting the complaint in its entirety) could not be considered since we had not presented it before.

See my answer above 23a in that the SPSO claimed to have no legal authority to review. Refusal to review meant that there was no chance to appeal against the report or bring new evidence. The door is thus closed against the complainant and you have no power to do anything about it.

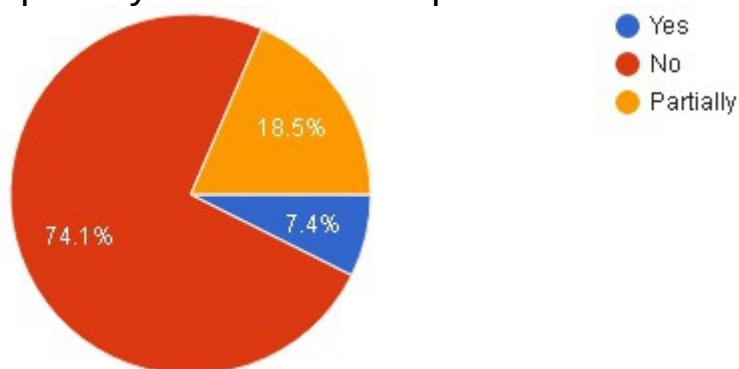
I was ignored and sent my paperwork back to me, she refused to comment

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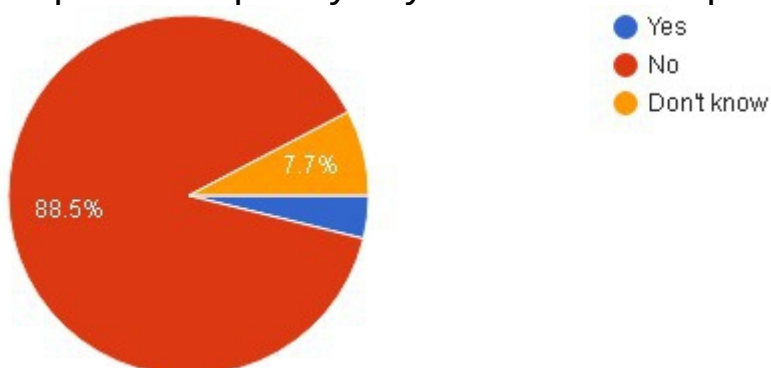
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Section Three: Questions and optional comments if you submitted a service complaint to SPSO.

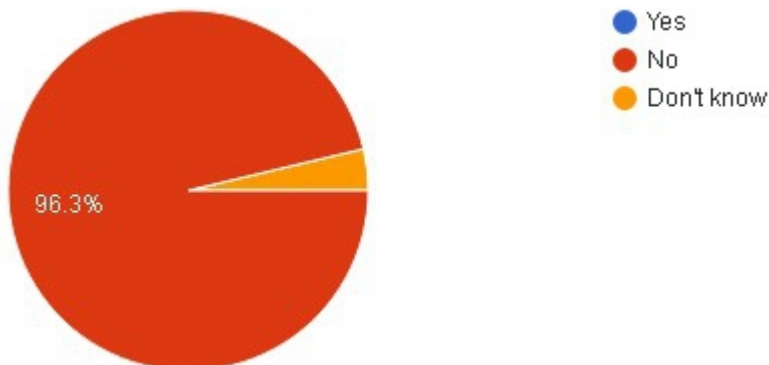
25. Did SPSO uphold your service complaint?



26. Did SPSO respond adequately to your service complaint?



27. Do you feel satisfied that SPSO learned lessons from mistakes they made in your case?



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Comments to Section Three

See previous

found SPSO utterly useless, staff seemed stupid and under educated, unable to grasp technical issues.

I was completely disappointed with the outcome of the investigation. The response was very short and badly written report that didnt fully explain what had happened in my daughters case. It lacked reflection and fell short of criticism. Complaint wasnt upheld and I felt it wasnt clear as to why. It made recommendations for future practice which will be ignored. It took a long time to produce a non convincing investigation. I was horrified to discover that this was 1st year spso had investigated this area. The investigator wholly reliant on others... who knows who? Professional opinion. Like a plumber investigating an electricians work...without being able to question with their own knowledge... it didnt feel like a proper investigation with a view to improve anything. So disappointed.. it made our experience worse.

I have been lied to by both South Lanarkshire Council and SPSO and this has left my autistic child with no school and now we have another complaint and where do I go with that? SPSO to be lied to again?

They were totally useless and my daughter still suffers and I had to go private

The same SPSO recommendation repeated to the same hospital a few years later

Jim Martin refused to acknowledge the fundamental mistakes made by SPSO staff during our first case despite competent and verifiable evidence obtained from reliable sources. These were repeated in the second and third cases. There was a failure to understand the issues raised, failure to establish the verifiable facts and a refusal to provide the service they led us to believe they would in their vision and it was acknowledged they had a legal obligation to provide. Reports to the Scottish Parliament were based on inaccurate and incompetent notions. They failed to mention CEC's lack of legal authority to include a misleading landscaping condition or the deception involved - our second complaint. Staff lacked the skills to deal with the complaints in the accurate and professional manor in which we and our elected representatives had the right to expect of them. They are part of the Scottish Justice System. Far from serving justice they actively interfered with it. They took so long to deal with our first complaint the developers went into administration, effectively removing the opportunity to take legal action against them. Rosemary Agnew has made it clear she has no interest of addressing these failings.

they did not act in good faith and remained incapable to doing anything useful at all!

They know and they don't wish to know and they know me. I have conoducted major information requests, analyses and reporting on all this, but it is of no avail.
Nothing has changed

I can't even see the point of the SPSO existing.

The SPSO as it worked with my complaints were basically a waste of tax payers time and money. They worked in favour of the public bodies and despite clear statement where the public bodies were contradicting themselves, were inaccurate the spso refused to see this. The public bodies were so confident of this and the professionals within Tayside that were incompetent and/or dishonest knew this and continued in their practice because they knew the SPSO would support them. The more honest and competent professionals are the ones Tayside would loose which is so sad, if infact they were employed to begin with. Tayside often set them up and

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disgarded them if they indeed employed them to begin with with professional body complaints over time one after the other. Or left it to the SPSO.

SPSO made decision to not inform me of my right to a service complaint. Found out through FOI.

There is something wrong at the very deepest level.

My service complaint was treated with cavalier disregard and swept under the carpet. It was insulting.

At the time I felt that I had been manipulated towards a failed service complaint. The entire process was via written correspondence; nothing personal (no interview offered or help with procedure). As a literate individual I was able to make best use of my material in answering set questions, but a similarly literate SPSO staff person knew how to deploy responses, so that I felt at a disadvantage and outwitted.

They do not provide a service its a waste of time contacting them

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Further Comments to the Questionnaire.

I had already had the matter resolved in my favour by a Tribunal. I wanted to see what the SPSO would do ... Fiasco

My experience with the SPSO made me lose the will to live. It just added insult to injury on top of my bad experience with the public body.

I have given up with this but it will haunt me for the rest of my life.

SPSO complete waste of taxpayers money, just seem to be there as a release valve for complaints but do nothing else, should be abolished.

I saw no point in taking things further with the SPSO (so did not complain or submit a review); it was clear they were biased and by that point I expected them to remain so. I was emotionally and physically burnt out by this point anyway and had to take several months off work... I never really recovered and ended up just finishing my current job (I was self employed) and then signing off sick. Really without the NHS helping me with the health issues I was finding it much too difficult to cope to manage work anyway, (they discharged me on the spot when I refused to put on gloves I was allergic to). I wasn't physically able to cope with basic life tasks and had pretty much only been holding it together while the possibility of help remained. After the discharge I had had several burnouts already... as I say my emotional health has been in decline since the incident and pretty much nose-dived after the SPSO. I have no belief that Health Care Professionals can be trusted anymore I've been abandoned by them at every turn. They have backed each other up and shown me no respect, not even coherent answers to questions. Considering that nobody was going to lose a job here, all that was at stake was an apology.... I find it terrifying that they closed ranks so aggressively just to deny me an apology. How far would they go if there were real costs involved? I couldn't leave my situation as it was though. So after the SPSO decision I took myself off the donor register and tried to get an Advance Directive sorted to decline all care (this isn't really possible apparently- I'm told by my GP that my Advance Directive will likely be ignored). It terrifies me that I might be unconscious and treated without consent by someone who doesn't take my allergies into account. As I say I am not managing as it is I can't have idiots making my skin flare because they can't be bothered to see it as an issue. I am still exploring other options, but without NHS funding to help with any costs, it's a slow process. There is no guarantee of success either. I think I have just this one last push for a solution left in me. If it fails I will give up; I consider suicide fairly regularly- how I should do it and when. It seems an entirely rational choice if there is no hope of improvement in my quality of life. I guess that won't count as harm either LOL.

Complaining is an enormously difficult thing to do... people only do it when they know something went far wrong.. as most people are understanding of small issues. I was left feeling that large organisations and spso and government are not interested in improving services... and that ombudsman is part of the same big system that isn't entirely committed to improvements..

Their failings are ruining my son's future and my life as I had to give up work to look after my son whilst he has been left without a school while South Lanarkshire continue to practice the same illegal practices including breaching GDPR and DPA.

I have lost total faith in the NHS system up here in Grampian and I'm sick and tired of complaining about Mental health

The SPSO person who dealt with my complaint (against my Local Authority) was very helpful, considerate and understanding. She was also very reassuring to me during what was a stressful and upsetting experience and she explained things clearly to me.

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SPSO does not seem to mind the public body covering up negligence and mistakes. Accountability? SPSO, in my opinion, is part of the NHS complaint procedures with a remit of damage limitation and a pretence of impartiality and independence. SPSO should be publicly elected and answerable to a public jury.

Spso do not investigate like they did previously. I am also suspicious that just because a previous complaint to a council was upheld they wouldn't touch the second complaint. I have no confidence in them

For the most part I have not been satisfied in the way the SPSO have investigated the complaints that I have raised with them over the years. The very last complaint seemed to be investigated fairly however I believe that if I had not provided the evidence myself it may not have gone in my favour as my notes are extensive. They wanted me to show the proof. I have my medical notes and a diary so I was able to find the information quite easily. It went in my favour because of this.

We have copied you with recent correspondence to Party Leaders etc. It seems clear from this that despite their obligations, the Scottish Government has no interest in serving the people of Scotland by addressing the concerns/issues/failings we and others have raised about the SPSO and two ombudsmen over the past ten years. Either the SPSO Act 2002 is a cynical piece of legislation designed to mislead members of the public or it is unfit for purpose. Having an ombudsman claim it is not in the public interest to address maladministration in an effort to improve the service provided by the BUJ under investigation is totally at odds with their vision and legal obligations. The present ombudsman's refusal to address systemic failures within the SPSO that has led to poor decision making means no improvement in service. Yet our MSPs lack the moral fibre to hold them to account for their failure to perform and the bias they have shown. Leaving members of the public to spend between £30k and £50k to raise a judicial review just to prove that developments cannot be in two places at one time and Planning Dept staff could not determine where a development was before building work commenced highlights the inadequacy of a system that is wide open to abuse.

SPSO added to the damage that had already been done by the issue we were complaining about. Their actions amplified the bullying that they were meant to help resolve. The SPSO does not seem to be accountable to anyone or anything!

This needs to go to the next stage: case, jurisdiction, regulation and administrative justice of the regulators and SPSO themselves. There is no place to take it within the due channels.

since my case just started it too early to comment

The organisation I complained about were found to have followed procedure by the ombudsman. Since then the director (now retired) of the org attacked me in the street, he was arrested and gave a no comment interview.

Spso should have their funding revoked and something that is truly impartial and efficient should be put in place

A number of issues were involved.

The complaints system is a disaster. SPSO is part of that disaster.

I have made analytic responses, including submissions to Scottish Parliamentary Corporate Body and accepted questions to the Local Government and regeneration Committee

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SPSO refused to act in public's interest but covered for law breaking dishonourable company

<http://www.donottrustthem.com/caladonia.html>

Our family found the whole experience with SPSO (almost 3 years) to be extremely distressing and to compound the injustice further. In addition child protections have been weakened across Glasgow as a result of our complaint.

Having failed to persuade the SPSO of my case, I took my complaint to law and eleven years later was able to convince the defence (MDDUS) to settle out of court in my favour. This went some way to alleviate my situation despite the enormous effort required to prove that I had been right from the start.

Too much power for one person there should be a panel of bodies operating, it should be more transparent as they are blocking justice by ignoring us