



The Scottish Parliament
Pàrlamaid na h-Alba

SCOTTISH PUBLIC SERVICES OMBUDSMAN

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Information for Applicants

To apply for this appointment, you should read the information below and complete and return your application form by **12 noon on Monday 20 January 2025**.

Context

The current Scottish Public Services Ombudsman, Rosemary Agnew's 8-year term in office comes to an end on 30 April 2025.

A cross-party selection panel, chaired by the Presiding Officer, the Rt Hon Alison Johnstone MSP, has been established to undertake an open recruitment exercise to find Ms Agnew's successor. Ideally the successful candidate will take up office on 1 May 2025.

The successful candidate will be appointed by His Majesty on the nomination of the Scottish Parliament.

Statutory Framework

The office of the Scottish Public Services Ombudsman is established under the Scottish Public Services Ombudsman Act 2002.

The Ombudsman's role is to investigate complaints about most organisations providing public services in Scotland where a member of the public claims to have suffered injustice or hardship as a result of maladministration or service failure. The organisations providing public services in Scotland include councils, the National Health Service, housing associations and co-operatives, universities and colleges, most water and sewage providers, prisons, the Scottish Government and its agencies and departments, and most Scottish authorities.

The Ombudsman is also responsible for setting and monitoring complaints handling standards for the public sector in Scotland. These standards are published as the Model Complaints Handling Procedures (MCHP) and define how each public service sector is expected to handle complaints quickly and simply, with local and early resolution by empowered and well trained staff.

The Ombudsman, through Scottish Government funding, has created child friendly complaints handling principles and child friendly complaints handling process guidance to help organisations implement the Model Complaints Handling Procedure in a way that upholds children's rights under the UNCRC.

The Ombudsman also carries out independent reviews of decisions that councils make on community care and crisis grant application (Welfare Fund Independent Reviews).

The Ombudsman is also the Independent National Whistleblowing Officer (INWO) for the NHS in Scotland.

Governance

Finance and staffing

The Scottish Parliamentary Corporate Body (SPCB) sets the Ombudsman's - terms and conditions of appointment, approves the Ombudsman's annual budget, pays the remuneration and allowances of the Ombudsman and indemnifies the Ombudsman in respect of any liabilities incurred in the performance of the Ombudsman's functions.

The Ombudsman's budget for 2024/25 is £7.39m.

The Ombudsman employs 74.3 FTE members of staff.

Location and Shared Services

The Ombudsman is based in Bridgeside House, 99 McDonald Road, Edinburgh EH7 4NS where they are co-located with a number of other SPCB supported officeholders.

As the largest organisation, the Ombudsman is the leaseholder and under the SPCB's shared services agenda provides HR, FM and financial services to the Scottish Biometrics Commissioner and the Scottish Human Rights Commission.

Accountable Officer

The SPCB has determined that the Ombudsman will be the Accountable Officer. The functions of the accountable officer are—

- (a) signing the accounts of the expenditure and receipts of the Ombudsman
- (b) ensuring the propriety and regularity of the finances of the Ombudsman, and
- (c) ensuring that the resources of the Ombudsman are used economically, efficiently and effectively.

Reports and Strategic Plans

The Ombudsman is required to submit annually to the Parliament, a general report on their activities and must also, in respect of each 4-year period, lay before the Parliament, a strategic plan setting out how they propose to fulfil their general duty during that time. The current Strategic Plan runs from 2024-2028.

Legal personality

The Act provides that the Ombudsman is to be regarded as a juristic person distinct from the individual holding the office.

Key responsibilities and duties

The main responsibilities and duties of the Ombudsman are to -

- deliver an independent and effective complaints system for complaints about public services and whistleblowing
- promote public awareness of the Ombudsman's role
- publish standardised complaints handling procedures for the public sector in relation to complaints about service and whistleblowing
- monitor and promote best practice in complaints handling
- lay before the Parliament a 4-year Strategic Plan and annual general reports on the exercise of the Ombudsman's functions
- lead the office and monitor its performance in line with the strategic priorities set out in the Strategic Plan
- lay special reports before the Parliament on cases of unremedied injustice or hardship
- manage the day-to-day running of the office.

Accountable Officer Role

As the Accountable Officer, the Ombudsman will be accountable for the organisation's expenditure, submitting annual budget bids to the SPCB for approval, reporting on performance and impact, and complying with statutory duties as a Scottish public body.

Person specification

This is a high profile, demanding and challenging role.

You will have a track record of operating at a senior level and delivering results. You will have excellent communication and interpersonal skills to enable you to work collaboratively and effectively with stakeholders and complainants. You will be resilient to enable you to work under close parliamentary, media and public scrutiny.

Suitability will be tested through the following essential and desirable criteria -

Essential

- excellent judgement to reach sound and impartial decisions
- highly developed influencing and communication skills when dealing with a wide range of stakeholders, e.g members of the public, public bodies and staff
- a proven track record of strategic leadership
- demonstrable experience of delivering results/ meeting objectives
- excellent media relations skills
- demonstrable experience of delivering functions within a statutory framework; and
- self-awareness of and strategies for personal and professional resilience in a challenging environment.

Desirable

- a broad understanding of complaints procedures across the Scottish public sector and whistleblowing in the NHS
- a broad understanding of the purpose and operation of the Scottish Welfare Fund
- a broad understanding of governance in public services; and
- a general understanding of the Scottish Parliament, the Scottish Government and Scottish Public Bodies.

Disqualification

Full details of the disqualification provisions are contained in Schedule 1 to the Scottish Public Services Ombudsman Act 2002 (<http://www.legislation.gov.uk/asp/2002/11/contents>).

An extract of these provisions is provided below.

The following persons are disqualified from being appointed, and from holding office, as the Ombudsman -

- A member of the House of Commons
- A member of the Scottish Parliament
- Any person who is liable to investigation by the Ombudsman or who is a member, officer or member of staff of an authority which is liable to investigation
- Anyone who is disqualified from election as a member of the Scottish Parliament or as a member of a local authority.

This would not prevent such a person from applying for the post of Ombudsman but, if selected, they would have to resign from their current office or employment before they could be appointed as the Ombudsman.

Application and selection process

All applicants must complete an application form and provide a statement of no more than 250 words on why they have applied for the post.

An on-screen version of the application form can be found on our website at <https://www.parliament.scot/about/how-parliament-works/parliament-organisations-groups-and-people/officeholders/scottish-public-services-ombudsman>

The application form is split into two sections to ensure anonymity during short-listing. Part A contains personal information, such as your name and address - this is not seen by the selection panel. Part B is the only part of your application the selection panel will see.

Each application is assessed in the same way, against the same agreed criteria for the appointment in question. "Criteria" means the key skills and knowledge we think you need to be able to do the job. The evidence and examples that you provide in Part B of your application form is the only information we will use in deciding whether or not to shortlist you for interview.

Please do not send us your Curriculum Vitae or supporting documents as they will not be considered. This is to ensure that all application forms are assessed equally.

Before filling in part B of the application form you should read the information provided above under the headings '*key responsibilities and duties*' and the '*person specification*'. This is to make sure that you know what the appointment involves and the criteria that will be used in assessing the applications.

Completing Part B of the Application Form

Part B of the application form is your chance to demonstrate that you have the skills and knowledge required. Please address each criterion by providing specific examples to support your statements. You must provide evidence of what *you* did,

the reasons for your action, what happened, what you took into account and the outcome.

The selection panel will not make any assumptions about your skills and abilities, for instance through a job title.

You should use no more than 250 words per criterion.

Political Activity Form

The information provided in the political activity form will remain confidential until the panel has agreed who it wishes to nominate. At this time, the information will be released to panel members to make them aware of any activity.

The information provided by applicants regarding their political activity **is not** a determining factor in the selection process.

Additional Information

Please indicate if you have ever been convicted of any offence (other than minor motoring offences) which are not spent in accordance with the Rehabilitation of Offenders Act 1974 or if any charges are outstanding; been adjudged bankrupt or made a composition or arrangement with your creditors over the past 10 years; been dismissed from any office or employment over the past 10 years; ever been disqualified from acting as a company director or in the conduct of a Company; ever been a director, partner or manager of a company which has gone into liquidation, receivership or administration; any other facts to declare which you feel might be raised in public in future in relation to your suitability to hold appointment for which you are being considered, for example, because they could be presented as a conflict of interest.

Equal opportunities

The Scottish Parliamentary Corporate Body is committed to promoting equality of opportunity and treatment and to eliminating unfair discrimination in its appointment practices.

If you require any of the documentation in an alternative format, or you have any queries about the post or the selection process, please contact Janice Crerar, The Scottish Parliament, Edinburgh EH99 1SP (telephone 0131 348 6851) or at janice.crerar@parliament.scot

The Selection Panel

The Selection Panel will be chaired by the Presiding Officer, the Rt Hon Alison Johnstone MSP and the members are Ariane Burgess MSP, Jamie Greene MSP, Carol Mochan MSP, Fulton MacGregor MSP and Michelle Thomson MSP.

The SPCB's Independent Assessor, Louise Rose will oversee the process and be present at the sift meeting and the interviews to ensure the appointment process conforms to good practice.

Selection Process

Short listing will take place on 29 January 2025. Those applicants who appear from the evidence and examples provided to have the best skills and knowledge for the post will be invited to interview.

Unfortunately we are unable to provide feedback to applicants not invited to interview.

Applicants selected for interview may be required to make an oral presentation to the panel.

Interviews will be held on **Monday 3 March 2025** at the Scottish Parliament.

Please note we do not reimburse travel or other expenses to attend interview but we would be happy to explore alternative arrangements if this causes you difficulty.

Pre-appointment checks will be undertaken prior to an offer of appointment.

Submitting your application

Please ensure you complete and return all the necessary documentation-

- Parts A and B of the Application Form including a statement on why you have applied for the post
- the Equal Opportunities Monitoring Form (this is voluntary)
- the Political Activity Form
- any additional information.

Applications can be e-mailed to:

officeholder.applications@parliament.scot

If you submit your application via e-mail, please ensure that you receive an e-mail acknowledgement from us.

Completed application forms can be posted to:

The Scottish Parliament
Officeholder Services
Room Q2.03
Edinburgh, EH99 1SP

The closing date for applications is **12 noon on 20 January 2025.**

Please note that late applications will not be accepted.

Annex A: Terms and Conditions of Appointment

Status

The Ombudsman is not to be regarded as a servant or agent of the Crown or as having status, immunity or privilege of the Crown; and the Ombudsman's property is not to be regarded as property of, or property held on behalf of, the Crown.

The Ombudsman is, as such, to be regarded as a juristic person distinct from the natural person holding the office.

Length of appointment

The appointment is offered on the basis of a single term of 8 years.

A person who has been appointed Ombudsman is ineligible for reappointment at any time.

Salary

The salary scale for this post is £142,661 - £156,346. The starting salary is £142,661.

Leave

The Ombudsman is entitled to 30 days annual leave with pay, and an additional 11.5 days public and privileged holidays.

Location

The Ombudsman is based at Bridgeside House, Edinburgh.

Evaluation

The Ombudsman is subject to annual evaluation which will be undertaken by the SPCB's Independent Assessor who will prepare a report for the SPCB.

Removal from office

The Ombudsman may be relieved of office by His Majesty if the Ombudsman so requests; or if

- a) the SPCB is satisfied that the Ombudsman has breached the terms and conditions of office and the Parliament resolves that the Ombudsman should be removed from office for that breach; or
- b) the Parliament resolves that it has lost confidence in the Ombudsman's willingness, suitability or ability to perform the functions of the Ombudsman,

And in either case, the resolution is voted for by a number of members not fewer than two thirds of the total number of seats for members of the Parliament.

Restrictions on other appointments

The Ombudsman may not hold any other office, employment or appointment or engage in any other occupation which would conflict with their responsibilities to

Parliament or inhibit or compromise them in the proper exercise of the functions of the Ombudsman.

Subsequent appointments

A person who has ceased to hold office as the Ombudsman may not, without the approval of the SPCB -

- (a) be appointed or as the case may be, elected as (i) the holder of any office which is a listed authority or (ii) a member, officer or member of staff of a listed authority
- (b) be appointed to any paid office by a listed authority, or
- (c) hold any other office, employment, or appointment or engage in any other occupation, being an office, employment, appointment or occupation which they were precluded from holding when in office.

The restriction starts when the Ombudsman demits office and ends on the expiry of the financial year following the one in which it started.

Political and outside activities

The post is a politically sensitive one which means that the successful candidate is completely barred from taking part in either national or local political activities.

The successful candidate may not take part in any activity which would in any way conflict with their responsibilities to the Parliament or be inconsistent with their official position as the Ombudsman.

The Ombudsman must not provide professional advice in a private capacity.

Hours of work

This is a full-time appointment based on 37 hours per week excluding lunch breaks. It may require occasional work outside normal office hours in evenings and weekends and may also entail travel within Scotland and occasionally within the UK.

Pension

The post is pensionable under the Civil Service Pension Schemes.