



SPICe briefing: Evidence session two

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Today's meeting

Today's meeting is the second of a series of evidence sessions with the SPCB Supported Bodies. In this session, the Committee will hear from:

- Rosemary Agnew, Scottish Public Services Ombudsman

The Committee will take evidence from the other SPCB supported bodies on the following dates:

- 20 February: Scottish Information Commissioner, and the Scottish Biometrics Commissioner
- 27 February: Scottish Human Rights Commission, and the Children and Young People's Commissioner Scotland

The committee has previously heard from:

- 30 January: Commissioner for Ethical Standards in Public Life in Scotland and the Standards Commission for Scotland

Introduction

The SPCB Supported Body Landscape Review Committee has been established in response to a recommendation in the Finance and Public Administration Committee's (FPAC) report on [Scotland's Commissioner Landscape: A Strategic Approach](#). The FPAC called for a review of the SPCB supported bodies, drawing on the evidence and conclusions set out in its report, and that the review should be carried out by a dedicated Parliamentary committee.

As agreed by motion S6M-15753, this Committee's remit is:

To consider, review and report on the SPCB supported bodies landscape in accordance with the Parliament's resolution of 31 October 2024 and develop a clear strategic framework to underpin and provide coherence and structure to the SPCB supported bodies landscape by the end of June 2025, including —

- (a) creating effective accountability and scrutiny mechanisms,
- (b) formalising strengthened criteria for creating new supported bodies; and
- (c) identifying and addressing any barriers to sharing services and offices.

To inform its inquiry the Committee is holding several evidence sessions with relevant experts including academics and SPCB supported bodies.

Additional background information on the review can be found in the [SPICe briefing](#) from the meeting held on 30 January.

Supporting information for today's evidence session

Scottish Public Services Ombudsman (SPSO)

Role and Responsibilities

The [Scottish Public Services Ombudsman](#) (SPSO) covers four functions:

- The final stage for complaints about most devolved public service organisations in Scotland;
- Specific powers and responsibilities to publish and monitor complaints handling principles;
- Independent review service for the Scottish Welfare Fund; and
- Independent National Whistleblowing Officer for the NHS in Scotland.

The SPSO makes public its reports and statistics on an annual basis, provides training resources to NHS service providers, and engages with local authorities to share good practice, for example by running interactive workshops.

Background

The [Scottish Public Services Ombudsman Bill](#) was introduced in the Scottish Parliament by the (then) Scottish Executive on 22 November 2001 as a Government Bill, known then as Executive Bills.

As detailed, the drafting of this Bill meets the statutory requirement:

‘of section 91(1) of the Scotland Act 1998 [...] for the Scottish Parliament to make provision for the investigation of certain complaints of maladministration made to its members and which relate to action taken by or on behalf of a member of the Scottish Executive or other office-holders in the Scottish Administration.’

The Scotland Act 1998 did not require the Local Government Ombudsman, the Health Service Ombudsman or the Housing Association Ombudsman for Scotland to be combined into one body. However, in May 1999 the Executive gave a policy commitment in Partnership for Scotland to ensure that government in Scotland is “representative, responsive, participative, open and efficient”. The Scottish Executive’s second Programme for Government, Working Together for Scotland, had additional commitments to deliver effective public services.

The [policy memorandum](#) relating to the Scottish Public Sector Ombudsman Bill provides additional detail on the Bill’s purpose, including the aim to “establish a public sector complaints system which is open, accountable, easily accessible to all and has the trust of the Scottish public.”

One key policy objective listed was to set up a “one-stop shop”. Prior to the establishment of the SPSO, complaints were dealt with by the Scottish Parliamentary Commissioner for Administration (SPCA), the Health Service Commissioner for Scotland (the “Health Service Ombudsman”), the Commissioner for Local Administration in Scotland (the “Local Government Ombudsman”), and the Housing Association Ombudsman for Scotland.

Additionally, the policy memorandum outlined that the SPSO would take over the Mental Welfare Commission’s function of investigating the handling of complaints relating to mental health, and complaints against Scottish Enterprise and Highlands and Islands Enterprise.

The Scottish Public Sector Ombudsman Bill was passed in 2002 becoming the [Scottish Public Services Ombudsman Act 2002](#) establishing the Scottish Public Sector Ombudsman.

Scottish Public Services Ombudsman organisational structure

Rosemary Agnew is the current Scottish Public Services Ombudsman having taken up the post on 1 May 2017. Immediately prior to this she was the Scottish Information Commissioner (2012-2017).

The SPSO's [senior management team](#) is made up of the following roles:

- Head of Improvement, Standards and Engagement
- Head of Investigations: Independent National Whistleblowing Officer & Scottish Welfare Fund Reviews
- Head of Investigations: Public Service Complaints
- Head of Corporate & Shared Services

For [2023/24](#), there was an average of 80 full-time equivalent staff working for the SPSO.

The 23 January 2025 written submission from SPSO is available in Annexe B.

Theme One: Role of SPSO

In the written submission provided by SPSO, it sets out four statutory functions of the SPSO:

1. “the final stage for complaints about most devolved public services in Scotland including councils, the health service, prisons, water and sewerage providers, Scottish Government, universities and colleges.
2. specific powers and responsibilities to publish complaints handling procedures, and monitor and support best practice in complaints handling.
3. independent review service for the Scottish Welfare Fund (SWF) with the power to overturn and substitute decisions made by councils on Community Care and Crisis Grant applications.
4. Independent National Whistleblowing Officer for the NHS in Scotland (INWO). The final stage for complaints about how the NHS considers whistleblowing disclosures and the treatment of individuals concerned.”

The submission highlights that by carrying out these functions, as well as reporting on them, this “supports public service improvement both in relation to individual public bodies subject to complaints, and across the public sector”.

Theme Two: Criteria for creating new supported bodies

Criteria for SPCB supported bodies was proposed by the Session 2 Finance Committee (annexe A). However, as identified by the Session 6 Finance and Public Administration Committee (FPAC) inquiry into the SPCB Supported Bodies Landscape, this criteria does not appear to be used as it were intended.

The Scottish Government is also producing a framework designed to set-out the criteria for any new public body to ensure that decisions around the creation of new public bodies are made based on evidence and value for money against the backdrop of significant pressure on public spending The draft [Ministerial Control Framework](#) was shared with the FPAC as part of its inquiry.

The SPSO written submission suggests that three additional points are added to the criteria in an effort to “update and modernise” it. These are:

- “the function or body should either logically sit with the existing functions of a current PSB¹, or be a role that requires the direct relationship with Parliament either because of the nature of the role and/ or international standards.
- what is the demonstrable gap in service/ oversight that the role will address.
- what other options for achieving independence from government have been explored and why are they not suitable.”

The SPSO explains that these criteria are intended to prompt scrutiny into why an SPCB supported body should be chosen as the most appropriate solution.

In the Committee’s previous witness session held on 30 January 2025, the Commissioner for Ethical Standards in Public Life in Scotland and the Standards Commission for Scotland suggested similar additional criteria centred around the need to focus on the intended outcomes rather than simply addressing a need. The witnesses also mentioned affordability, cost effectiveness, and the ability of existing bodies to address any gaps.

The ability of existing bodies to address gaps was also raised in the FPAC report which highlighted evidence of duplication between existing SPCB supported bodies and other public bodies in Scotland. The Committee also stated that in its evidence with former Commissioners and Ombudsman of SPCB supported bodies, there was the potential for the newly created Patient Safety Commissioner to duplicate some SPSO functions.

Theme Three: SPCB supported bodies model

In the written submission the SPSO suggests that there is a need to scrutinise “why other models are not appropriate, or don’t exist, rather than defaulting to an [SPCB supported body] when a body requires some independence of government. There is a fundamental difference between a body which requires independence and one which is fulfilling a function that should sit with a Parliamentary body”.

The submission also acknowledges there is difficulty in creating “an optimal model for Commissioners” due to the variety of functions that they each hold.

At the 26 November 2024 Local Government, Housing and Planning Committee meeting scrutinising the SPSO there was discussion on the SPSO model. Professor Chris Gill from the University of Glasgow explained:

“I think that the academic consensus is that the set-up and operation of the SPSO seems to be a success. Various features of the scheme, following its inception, have been copied in other jurisdictions around the United Kingdom. The idea of having a one-stop shop for complaints and bringing together an ombudsman with broad jurisdiction over all public services has been particularly effective. Since then, some

¹ In the SPSO written submission, PSB is the acronym for Parliamentary [SPCB] Supported Bodies.

of the developments in the ombudsman’s functions have been seen quite positively for ombudsman practice in other jurisdictions. The complaints standards authority function in particular has been seen as an innovative development and has been widely copied in other UK jurisdictions.”

However, Professor Gill also discussed the difficulty in knowing for sure if the SPSO is a trusted institution without wider-scale survey work since the majority of scrutiny being done is done using evidence provided by the SPSO itself.

In the same session Professor Mullen, also from the University of Glasgow, discussed the [Venice Principles](#) which are a set of standards for Ombudsman institutions. He explains that whilst the SPSO generally overlaps with them, the SPSO does not have “the power to challenge the constitutionality of laws and regulations or general administrative acts.” If the SPSO had own-initiative powers to investigate it would, states Professor Mullen, “not have to wait for a complaint to come in. It might become aware in other ways of a possible systemic deficiency in a public service, and it could then go and investigate that. There is value in having an own-initiative investigation power.”

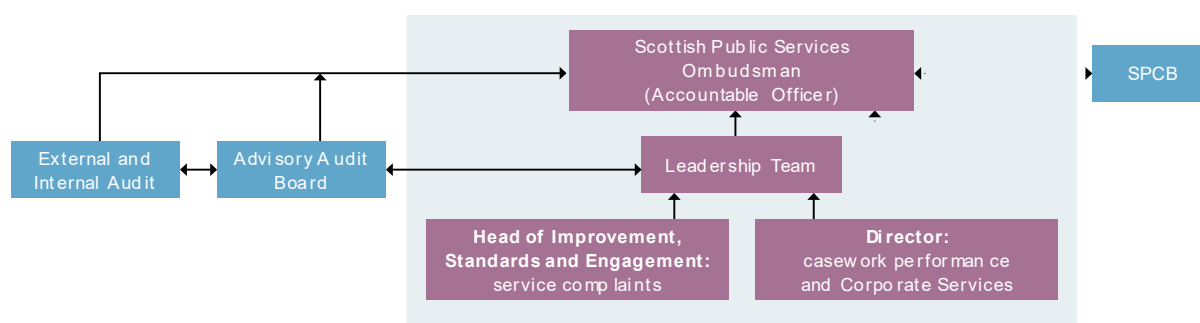
During the consultation for the Scottish Public Sector Ombudsman Bill, types of “one-stop shop” were considered. The [policy memorandum](#) for the Bill looked at two approaches:

- “a “college” of Ombudsmen, where the separate Ombudsman appointments are retained but they share the same office building, support staff and other resources; and
- one all-encompassing “Public Sector Ombudsman”, who might have Deputy Ombudsmen some or all of whom could specialise in particular types of complaint, e.g. health, local government, etc.”

[Consideration was also given](#) to including additional SPCB supported bodies operating in the public sector into the “one-stop shop” however “The Executive did not envisage that such an approach would necessarily mean legislating to combine statutory appointments or functions. Indeed, this would be likely to create difficulties with managing the workload and competing priorities.”

Theme Four: Effective functioning

Governance and Management Framework



The SPSO is set up with the Ombudsman as the Accountable Officer who is supported by the Leadership Team and separately by the Advisory Audit Board. It is held to account by the Scottish Parliament through the SPCB and parliamentary committees. This is laid out in more detail in the [SPSO Annual Report and Financial Statement 2023-24](#).

The SPSO is subject to several statutory reporting measures based around corporate performance and effectiveness in its delivery of functions. In its written submission, the SPSO explains that the office reports against KPIs that are largely statistics based for every business area however they also capture some qualitative data and benchmark against other organisations. Additionally, the SPSO highlights that “While individual casework demonstrates impact for individuals, the wider impact comes from how we use it ourselves. Two significant areas of policy and activity in this respect are [the] Support and Intervention Policy and Data Strategy.²”

The written submission also highlights several challenges and improvements that the SPSO feels could be made to the office’s measuring and reporting mechanisms:

- Gaps and obstacles that if addressed could enable greater impact.
- The SPCB budgeting process limits the SPSO’s ability to demonstrate performance against functions and to use resources flexibly.
- The SPSO is constrained legislatively in what information can be made public. The Ombudsman suggests this means published reports/ summaries are less likely to include cases where good practice has been identified. She explains that this is because good practice is often a positive reason not to initiate a statutory investigation.
- The SPSO is limited in what can be shared with other organisations to enable both greater learning and more integrated approaches to addressing service user complaints and concerns.
- There is no single national repository for complaints data. The Ombudsman highlights that while some sectors have a process to collate this (notably health), the SPSO and public bodies generally lack the resource to assess, collate and analyse national data on complaint handling. She explains that this means that from an oversight and monitoring perspective, identification of national issues to achieve collective improvement and impact is limited.

Sharing services and offices

The SPSO is the leaseholder for Bridgeside House which also accommodates three other office holders, the Scottish Human Rights Commission, the Children and Young People Commissioner Scotland, and the Scottish Biometrics Commissioner.

² The Support and Intervention Policy sets out when the SPSO uses its statutory powers to promote improvement by encouraging good practice or addressing poor performance by an organisation under our jurisdiction. It offers clarity to public bodies regarding what to expect from the SPSO, how and when.

The [four bodies share services](#) including facilities, safety and security management, a full HR service, service administration for finance, and other support functions.

These shared services will be extended to the new Patient Safety Commissioner when the organisation is in place in 2024—25.

The SPSO highlights that this arrangement is positive in efficiency terms as it creates savings through running one site instead of four. Additionally, the smaller organisation hosted at Bridgehouse (the Scottish Biometrics Commissioner) benefits from higher quality services including HR and admin. The SPSO does note, however, that in the context of the Parliament's budget the cost savings of sharing offices are relatively small.

The SPSO also states in the written submission that the office works with several external organisations including other SPCB supported bodies. However, they state this can be complex due to legislative remits and limitations particularly when it comes to data sharing.

They explain further:

“In terms of sharing the wealth of data that I hold about public service performance, I can only share with named bodies for named purposes. This does not include any [SPCB supported bodies]. This limits both my ability to support their work and, in turn, my ability to draw on their experience and expertise to support my work. This is not an issue that is limited to other [SPCB supported bodies], I cannot easily share with a public inquiry or with the fiscal service or indeed with any regulator or scrutiny body who is not named.”

Theme Five: Accountability and scrutiny mechanisms

The SPSO is accountable to the SPCB, scrutinised by the Local Government, Housing and Planning (LGHP) Committee and is subject to audits from Audit Scotland. Although the SPSO appears before the LGHP Committee annually, in some previous years, including 2024, the Committee held additional sessions as part of SPSO scrutiny. In [2024 the additional evidence sessions](#) involved Professor Chris Gill, professor of socio-legal studies, Professor Tom Mullen, professor of law, as well as Accountability Scotland, Carers Scotland, Scottish Human Rights Commission, and Age Scotland.

In the written submission, SPSO describes the committee scrutiny:

“While the approach is professional, it is inquisitorial, and my perception is that they appropriately publicly challenge and hold me to account in overall terms, but I question whether they always have the time and capacity to challenge me as much as they would like to given my broad range of functions. Although that may be a matter for the committee themselves to provide comment on.

While there may be a temptation to encourage other committees (e.g. Health and Care) to scrutinise my performance in specific areas, it is not clear whether the additional committee time would add value over and above direct ad hoc contact as happens now.”

In regard to SPSO scrutiny outwith Parliamentary Committees, the written submission discusses the possibility of a single committee being responsible for all SPCB supported bodies:

“Given the very different remits of the Parliamentary Supported Bodies, there is likely no suitable single scrutiny approach to assess all aspects of performance. There may be scope for Parliament to reflect on how PSBs, specifically as accountable officers, are scrutinised. We are accountable to the SPCB for this element of our performance (including performance against budget and efficiency), assessed against the Scottish Public Finance Manual. Parliament may wish to consider whether such scrutiny would be more appropriately considered for all of us, by the Finance and Public Administration Committee. This would hold us all accountable to a single committee for this part of our work and could provide a more direct link between budgets and organisational governance and management.”

Audit Scotland

As a public body the SPSO is required to produce annual report and accounts comprising financial statements and other related reports in accordance with the [Accounts Direction from Scottish Ministers](#). The SPSO must also establish appropriate and effective arrangements for governance, propriety and regularity and compliance with legislation.

Audit Scotland acts as an independent auditor with responsibilities established in the Public Finance and Accountability (Scotland) Act 2000 and the [Code of Audit Practice 2021](#).

The main judgements from the [2023/24 audit](#) are as follows:

- “Audit opinions on the annual report and accounts are unmodified.
- Expenditure and income are regular and in accordance with applicable enactments and guidance.
- One non-material adjustment was made to the annual report and accounts as a result of the audit process”

The conclusions from the 2023/24 audit are as follows:

- “Effective and appropriate arrangements are in place to continue to deliver services.
- An underspend of £31,000 has been reported against budget in 2023/24.
- Appropriate arrangements are in place to secure Best Value and work to develop a medium-term financial plan is ongoing.
- SPSO is working effectively with partners to meet stated outcomes and improvement objectives”

Additionally. Audit Scotland and the SPSO agreed an action plan that sets out specific recommendations, responsible officers and dates for implementation.

Scrutiny sessions by Parliamentary committees

- [Local Government, Housing and Planning Committee \[Draft\] 10 December 2024](#)
- [Local Government, Housing and Planning Committee 26 November 2024](#)
- [Local Government, Housing and Planning Committee 5 December 2023](#)

Kelly Eagle, Senior Researcher, SPICe Research
30 January 2025

Note: Committee briefing papers are provided by SPICe for the use of Scottish Parliament committees and clerking staff. They provide focused information or respond to specific questions or areas of interest to committees and are not intended to offer comprehensive coverage of a subject area.

The Scottish Parliament, Edinburgh, EH99 1SP www.parliament.scot

Annexe A: Session 2 Finance Committee criteria for SPCB supported bodies

The Session 2 Finance Committee proposed tests for the creation of future SPCB supported bodies; firstly, that any future bodies should not duplicate a role already being carried out, and secondly, for bodies to be designated as parliamentary commissioners, the following criteria or guiding principles should be met—

- **Clarity of Remit:** a clear understanding of the officeholder's specific remit,
- **Distinction between functions:** a clear distinction between different functions, roles and responsibilities including audit, inspection, regulation, complaint handling, advocacay,
- **Complementarity:** a dovetailing of jurisdictions creating a coherent system with appropriate linkages with no gaps, overlaps or duplication,
- **Simplicity and Accessibility:** simplicity and access for the public to maximise the “single gateway/one-stop shop” approach,
- **Shared Services:** shared services and organisational efficiencies built in from the outset; and
- **Accountability:** the establishment of clear, simple, robust, and transparent lines of accountability appropriate to the nature of the office.

Annexe B: Written submission, Scottish Public Services Ombudsman

23 January 2025

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About the Scottish Public Services Ombudsman

The Scottish Public Services Ombudsman has a wide remit, covering a variety of functions and services. The Ombudsman’s powers and duties come (predominantly) from the Scottish Public Services Ombudsman Act 2002, which gives me four distinct statutory functions:

1. the final stage for complaints about most devolved public services in Scotland including councils, the health service, prisons, water and sewerage providers, Scottish Government, universities and colleges.
2. specific powers and responsibilities to publish complaints handling procedures, and monitor and support best practice in complaints handling.

3. independent review service for the Scottish Welfare Fund (SWF) with the power to overturn and substitute decisions made by councils on Community Care and Crisis Grant applications.
4. Independent National Whistleblowing Officer for the NHS in Scotland (INWO). The final stage for complaints about how the NHS considers whistleblowing disclosures and the treatment of individuals concerned.

I refer throughout this document to other documents. I have not attached them or included links but would be very happy to provide them.

Measures, outcomes and improvements

The committee asked:

- how do you measure and demonstrate outcomes?
- how are these outcomes selected and prioritised?
- what improvements could be made to this process?

Measures

What we measure

- Like all public bodies, the SPSO is subject to statutory reporting measures. For SPSO, these fall broadly into two areas:
 - corporate performance relating to how we run the organisation, for example health and safety, climate change, equalities and financial reporting, etc., and
 - performance in relation to the delivery of statutory functions as Ombudsman, INWO and Review of SWF Applications (as explained in the introduction).
- This response focuses on the second of these two areas, (although I touch on corporate performance in relation to shared services later in this submission).
- Reporting on 'Ombudsman functions' includes the following (which are not mutually exclusive).
 - SPSO's performance in how we handle Public Service Complaints (PSC), Whistleblowing Complaints (WBC), and Scottish Welfare Fund reviews (SWF reviews)
 - reporting on our monitoring and promotion of complaint handling at local level,
 - which in turn supports public service improvement both in relation to individual public bodies subject to complaints, and across the public

sector through sharing learning from casework, support activity, stakeholder engagement and direct intervention

- I will not list everything we measure and report on in this document but instead provide a flavour of our approach.

Performance and quality indicators

- We report against key performance indicators. These are largely data and statistically based (e.g. X cases in Y days). There are KPIs for every business area. Their value lies in being indicative of 'what' we have done and how long it took us. They are also a vehicle to examine and explain trends over time.
- Other indicators are more qualitative, and give context to, and explanation of the statistical measures. These include reporting on performance when viewed through a quality and accountability lens. For example, outcomes from our internal quality assurance, examining data from reviews of decisions (such as how often a review results in a decision being changed, and internal audit (carried out by an external audit company, particularly in relation to corporate functions).
- Benchmarking against other organisations. For example, complaints volumes, responding to Freedom of Information Requests, and HR data.

Demonstrating outcomes and impact

- This is again, a mix or combination of statistical, qualitative and explanatory information. For example (again, just a flavour)
 - The outcomes of PSC and WB complaints, e.g. not investigated for jurisdictional reasons; upheld/ not upheld/ partly upheld.
 - The outcome of SWF reviews, e.g., changing a Council decision
 - The number and type of recommendations with an explanation of what that might indicate about public services.
 - Summaries of case investigations (not reported in a full public report) which include a brief overview of the issue, outcome and details of recommendations made.
 - Detailed reports of PSC and WB complaints investigations where there is significant wider learning, and it is in the public interest.
 - Summaries of Scottish Welfare Fund cases where I see trends or have concerns.
- While individual casework demonstrates impact for individuals, the wider impact comes from how we use it ourselves. Two significant areas of policy

and activity in this respect are my Support and Intervention Policy³ and Data Strategy.

- My data strategy (which is constantly evolving) helps us identify themes, trends and gaps. The way we have used this is:
 - to inform us about where we should direct our limited support and training resources to support wider learning and improvement in complaints and SWF applications handling at local level.
 - to inform us where we may need to take more directive action under complaints standards and oversight powers (in line with my Support and Intervention Policy).
 - to identify and report on themes and issues identified through casework. E.g. my recent Spotlight report on the SWF and the impact of the High Most Compelling criteria.
 - to identify and inform where I should focus stakeholder engagement to promote and drive improvement.
- My annual report and account is also a key vehicle in reporting on the performance and impact of delivery of statutory functions.

Selection and prioritisation of measures

- Selection of measures to report against is through balancing a number of factors:
 - some are statutory/ mandatory, (usually corporate measures)
 - do they enable SPSO to measure and demonstrate performance against delivery of my strategic and business plans?
 - is the collection, collation and analysis of the measures proportionate when balancing cost with value added?
 - are they necessary to enable us to manage performance internally, and
 - do they support wider learning and improvement.
- While I report on each area of business, there is a considered approach taken, and measures are kept under review.

³ The Support and Intervention Policy sets out when we use our statutory powers to promote improvement by encouraging good practice or addressing poor performance by an organisation under our jurisdiction. It offers clarity to public bodies regarding what to expect from us, how and when.

Improvements

- While I track and report against a range of measures, there are gaps and obstacles that if addressed could enable greater impact.
 - The SPCB budgeting process. This limits my ability to demonstrate performance against function and to use my resources flexibly.
 - I am constrained legislatively in what information I can make public. My casework reporting is limited to cases where I have begun a statutory investigation. This means my published reports/ summaries are less likely to include cases where we have identified good practice. This is because good practice is often a positive reason not to initiate a statutory investigation. While we can share this information in general terms (and do), the limitation is not supportive of wider learning, openness and transparency.
 - I am limited in what I can share with other organisations to enable both greater learning and more integrated approaches to addressing service user complaints and concerns.
 - There is no single national repository for complaints data. While some sectors have a process to collate this (notably health), the SPSO and public bodies generally lack the resource to assess, collate and analyse national data on complaint handling. This means that from an oversight and monitoring perspective, identification of national issues to achieve collective improvement and impact is limited.
- The other significant area is not related to measures directly but has significant impact on both outcomes I can achieve and the value I can add; that is the ability to conduct investigations under my own initiative in the public interest. I am limited to investigating the complaints made to me. While I can 'research' emerging themes and trends, without own initiative powers I cannot require organisations (and individuals if necessary) to provide me with information.

Parliamentary Committee Scrutiny

- The Committee asked:
 - How has Parliamentary committee scrutiny worked in practice?
 - how has this impacted performance?
 - How could scrutiny be improved and/or standardised?
- I appear annually before the Local Government, Housing and Planning Committee. In advance of this, I provide performance information for the Committee in relation to my last laid Annual Report. I also provide a current year-to-date update highlighting progress, significant changes, or development.

- My view is this works well and holds me publicly to account in relation to my performance as ‘Ombudsman’ The Committee, Clerks and SPICE have developed understanding of my role, and the public evidence session demonstrates that they question, challenge and on occasions criticise the SPSO. The Committee may also request additional written updates.
- While the approach is professional, it is inquisitorial, and my perception is that they appropriately publicly challenge and hold me to account in overall terms, but I question whether they always have the time and capacity to challenge me as much as they would like to given my broad range of functions. Although that may be a matter for the committee themselves to provide comment on.
- While there may be a temptation to encourage other committees (e.g. Health and Care) to scrutinise my performance in specific areas, it is not clear whether the additional committee time would add value over and above direct ad hoc contact as happens now.
- Given the very different remits of the Parliamentary Supported Bodies, there is likely no suitable single scrutiny approach to assess all aspects of performance. There may be scope for Parliament to reflect on how PSBs, specifically as accountable officers, are scrutinised. We are accountable to the SPCB for this element of our performance (including performance against budget and efficiency), assessed against the Scottish Public Finance Manual. Parliament may wish to consider whether such scrutiny would be more appropriately considered for all of us, by the Finance and Public Administration Committee. This would hold us all accountable to a single committee for this part of our work and could provide a more direct link between budgets and organisational governance and management.
- Parliament may also wish to consider whether there needs to be a clearer mechanism to initiate reform of PSBs. Despite broad support from the LGHPC, there are a number of areas where reform of my office is now needed, and I have argued for a review of my legislation throughout my term in office but there seems to be no clear Parliamentary route through which this can be easily initiated.

Working with other public bodies

- The Committee asked:
 - How do you work in practice with other public bodies or services and what are the main barriers faced?
 - How can these barriers be overcome to improve efficiency and reduce costs while ensuring that shared services maintain high standards of quality and accountability?

Working with other Parliamentary Supported Bodies

Shared services

- I define shared services as ‘Consolidation of functions that occur separately within PSBs into one single function delivered by one organisation as a service to others.’
- Shared services at the moment cover two broad areas, shared accommodation, and shared corporate services.
- As the largest of the office holders, I am the leaseholder for Bridgeside House. The service provided to three other office holders includes facilities management, health and safety and budget management. In efficiency terms, shared accommodation delivers the greatest returns as there are knock-on savings related to the cost of running one site rather than four.
- This has evolved over time, and my office now provides, in addition, corporate shared services to two office holders. It is broadly the same for both and includes, for example finance administration (not budget management) and HR. While there are modest financial savings, the efficiencies gained depend on perspective. For a small, organisation they are significant, overall, they are small in the context of the Parliament’s budget (as are our collective budgets).
- Greater gains come in the efficiency and quality of the service being delivered, because the service offers opportunities for concentrating expertise. For example, a small organisation might employ one person whose role covers HR, finance, facilities and so on. Under the current arrangements, the smaller organisations gain by having access to HR support from a fulltime, qualified HR manager, who has admin support. In reality, the overall cost savings came from being able to utilise SPSO staff with a small increase in admin support, rather than a smaller organisation having to appoint a more senior full-time person.
- There are sensitivities to this as the focus is on corporate functions and must not, in any way, compromise our respective independence in the delivery.
- The extension of shared corporate services is actively being considered by the office holders, but there are practical issues such as where you have one person with many functions, the organisation can’t simply reduce the role. It should also be remembered that sharing a service does not remove costs entirely, and the effort of very modest savings needs to be balanced with the value it gives over time (accepting that when resources are scarce, every effort should be made to reduce costs where possible).

Wider working

- SPSO work with a range of external organisations where we can, on areas of mutual interest. This includes the Parliamentary Supported Bodies. That is

made more complex for my office because of legislative remits and limitations, such as the ability to share data.

- In terms of sharing the wealth of data that I hold about public service performance, I can only share with named bodies for named purposes. This does not include any PSBs. This limits both my ability to support their work and, in turn, my ability to draw on their experience and expertise to support my work. This is not an issue that is limited to other PSBs, I cannot easily share with a public inquiry or with the fiscal service or indeed with any regulator or scrutiny body who is not named.

Creating new Commissioners and Models for Commissioners

- The committee asked:
 - Criteria were developed by the Session 2 Finance Committee to help guide decisions on whether to create a new commissioner. These criteria (Clarity of Remit, Distinction between functions, Complementarity, Simplicity and Accessibility, Shared Services and Accountability) are considered by the Scottish Government and Members when proposing Commissioner related bills. Are these criteria currently adequate and how could they be improved?
 - What should the optimal model and structure for commissioners look like, and what key features should it include?
- The criteria established by the session 2 Finance Committee were proposed by the first Ombudsman, Alice Brown, in 2006. While the intent and essence of them is still relevant, the context in which they are applied has changed significantly and there is now an opportunity to update and modernise them.
- There are additional criteria that could be considered:
 - the function or body should either logically sit with the existing functions of a current PSB, or be a role that requires the direct relationship with Parliament either because of the nature of the role and/ or international standards.
 - what is the demonstrable gap in service/ oversight that the role will address.
 - what other options for achieving independence from government have been explored and why are they not suitable.
- The rationale behind these suggestions is to promote more scrutiny of why other models are not appropriate, or don't exist, rather than defaulting to an PSB when a body requires some independence of government. There is a fundamental difference between a body which requires independence and one which is fulfilling a function that should sit with a Parliamentary body.

- While I appreciate setting a standard or optimal model for Commissioners could be seen as a way to support that process, the variety of functions mean that it not something that would be easy to establish. For example, the Ombudsman model is well-established internationally and is one for which there are international standards. A key element of those is the need for the Ombudsman to be accountable for decision-making and that means it is usually an office held by an individual.