

# John Stuart submission of 27 October 2022

## PE1964/C - Create an independent review of the Scottish Public Services Ombudsman

Administrative justice may not be the most high profile or glamorous area of justice but is nonetheless of great importance to many people. In Scotland a key player in the system is the SPSO and from the survey conducted by Accountability Scotland, and other surveys, there is clearly a good deal of dissatisfaction with this body.

- 1) Many respondents to that survey are unhappy, not so much with the decision reached by the SPSO, as by the inadequate way the investigation has been carried out. The survey elicited many examples. The satisfaction rate of complainants in Scotland compares very unfavourably with that of Gibraltar. This may be due to the training officials receive or the background from which they come – e.g. many from customer service, few with legal experience – or inadequate staffing, but the problem needs to be addressed.
- 2) There seems to be little provision for impartial review of decisions of the SPSO apart from seeking a judicial review, which would be prohibitively expensive for most people.
- 3) When the SPSO finds in favour of the complainant it has a very limited range of effective sanctions it can impose on the BUJ.
- 4) Since the establishment of the SPSO there has been no proper review of its performance by the Parliament's Corporate Body to which the SPSO is in principle accountable. It is clear that such a review is now required.

Scotland should aim to emulate Gibraltar's success rate.  
The crave of the petitioners should be granted.