

Anonymous submission of 14 October 2022

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

I fully support the petitioner. In a 21st Century Scotland the primary role of the SPSO is to ensure a basic human right - the right to a fair hearing. Members of the public are entitled to an adequate and effective investigation of their complaints, independent of bias. Rosemary Agnew, the current Ombudsman is afforded a unique, privileged and trusted position. A position which is not subject to the same scrutiny and oversight as most other Crown appointees. In my opinion this can only work if the Ombudsman's integrity and trustworthiness is beyond reproach.

My view is that the SPSO is not trustworthy nor does it act with integrity at all times. I base this on facts and evidence gained by experience with the SPSO.

In March 2022, the Information Commissioner's Office (ICO) agreed that a claim the SPSO had made about me to the Independent Customer Service Complaints Reviewer (ICSCR) was false and gave them thirty days to correct this. This is important because the ICSCR had relied on this incorrect information to find in the SPSO's favour. When the SPSO failed to meet this deadline, I took legal action to enforce my rights and have this unsafe ICSCR decision voided.

Faced with proper scrutiny for the first time, i.e., the Sheriff Court, the SPSO finally admitted that it had acted unlawfully by making a false claim about me and refusing to rectify this upon a valid and legal request. Compensation for the distress this has caused me was agreed, the SPSO accepted that the ICSCR decision was wrong and voided it. At a hearing in October 2022 the court instructed the SPSO to also pay my court expenses. The hypocrisy of the SPSO's intervention in a supposedly independent investigation is stunning. The organisation which sets the standards for others to follow when handling complaints failed to follow these standards, gave false information and then tried to cover up its actions. Had I not taken the SPSO to court they would have succeeded.

Judging by the reviews of the SPSO online, I am not the only member of the public aware of this type of behaviour.

The irony of this is that whilst I succeeded in bringing to light the lengths to which the SPSO will go to harm a complainant and create the appearance that it is beyond reproach, none of this has impacted on the reason I engaged with the SPSO in the first place. None of this will result in a proper investigation of my original complaint when I approached the SPSO expecting a fair hearing, as per my human rights. They denied me a fair hearing then and did the same again with regard to my ICSCR complaint. No one should need to go to the lengths I have, i.e., instructing legal action to get the SPSO to correct a deliberate, unfair, wrongful and unlawful act by them.

The Petition does not mention something else which is also important to note. The Independent Customer Service Complaints Reviewer does not act as oversight of the SPSO. It simply assesses whether the SPSO handles service complaints in line with the process, in a timely and polite manner. They cannot look into whether or not the SPSO conducts fair and just investigations.

I agree with the Petitioner that Parliament needs to look at whether or not the SPSO is delivering justice for the public. My experience tells me they are not. If they have made false claims about me three times (two more claims to come) it begs the question - how often are they doing this with others? I personally think I am the "tip of the iceberg".