

PE2161/C: Extend the time period for complaints through the Scottish Public Services Ombudsman for neurodivergent people to two years

Petitioner written submission, 26 August 2025

The justice directorate response highlights that services such as the Scottish Public Ombudsman Service, should be flexible and show discretion when dealing with people with complex needs. However, I remain unconvinced, and deeply concerned, that the SPSO not only lack transparency, but through their continuing obfuscation have not adapted their service and supported equitable and fair access.

Given the plethora of suggested policies, procedures and legal requirements the SPSO have referenced, you must ask yourself, why are people like me and within the Neurodivergent community still facing exclusion and deception. Yet, this lies at heart of why I brought this petition - to make a difference in peoples lives, which often go unnoticed due to their hidden disabilities, but nonetheless want to participate and function within society and be treated equally.

Whilst uncomfortable to state, the current SPSO safeguards and policies to actually accommodate and facilitate people like me are specious. There is an utter lack of transparency and independence, where, within the neurodivergent community, people feel pathologised and helpless given they know they could never compete within this system. People with neurodivergent conditions, are not able to function within this environment, with no genuine attempt to facilitate their needs, and truly understand their difficulties. It feels as if the system is rigged to actually exclude us. The SPSO are intransigent and oblivious to the emotional damage and harm it causes people within the neurodivergent community, who by definition, are already carrying additional burdens to try and use conventional services is near impossible. This, just leads to the individual discontinuing to use the service, and yet again blame themselves, hence they are denied the pursuit of their own justice.

People have often told me they are too exhausted to continue, as the addition stress and pressure it causes them is too much for their already fragile mental health. In my case having autism, the condition renders you to fixed rigid thinking, which again totally restricts you to move on to anything different, as you can't understand why systems are set up like

this. What's worse is you sense the service is indifferent, almost automated, but lacks any true conviction that it really cares or wants to investigate and put things right. It feels they would do anything to remove you from their system, less work and bring down their waiting lists. It feels we are being denied the right to be heard, and certainly in my case, serious patient safety concerns, within my original complaint, which will now not ever be heard. I think, this is the one part of the condition that is so demoralising and brings on dysregulated thinking, as it feels you are consecutively being abused again. Thereby causing unmeasurable pain, that you simply can't shift. There is also a double standard, when the disabled user is requested to accommodate strict deadlines or face expulsion, yet the SPSO actually admit, in my case they don't follow the same etiquette or rules when they don't meet deadlines.

In my case, I believe my integration into what was presented to you in documentation as a fair and flexible system to support me, has been deliberately undermined, through obdurate means and lack of transparency.

- The service I was complaining about, NHS Highland, had already supplied and acknowledged they would never time bar me, given the nature of my disability yet, the SPSO did apply a time bar.
- When the SPSO decided to time bar me, I immediately asked for an appeal, under exceptional circumstances rule, which I supplied medical evidence, specialised evidence from an autism specialist, MSP letters, and CAB letters and family support. We also met with the Ombudsman. I explained how exhausted and confused I felt regarding the process, and how unfair it felt. He appeared to understand but despite my appeal and my meeting with the SPSO my complaint remained time barred.
- The SPSO information I requested about how many people within the neurodivergent community have actually been awarded any exceptional circumstances ruling.
- The SPSO are not clear how the system of exceptional circumstances within their own policy works. I feel they have stymied my attempts to receive additional assistance or accommodations under their exceptional circumstances ruling.

Decisions are made solely down to the ombudsman which, combined with a lack of transparency makes it difficult to identify or address errors I would be very surprised if indeed any neurodivergent person actually passed or was awarded exceptional circumstances.

Why things must change

- As you can appreciate by the above short summary, it doesn't support or encourage the Scottish Neurodivergent community into actually included within a public body that should represent everyone. People who have have severe complexities and conditions must be included to ensure fairness.
- Scotland's leading mental health organisation VOX, are currently doing a study into how difficult and traumatic it is for people with neurodivergence and mental health conditions to make complaints in general throughout Scotland. It appears that within this field unnecessary barriers are created to stop or hinder people like me, who need additional support and help.
- The law should be changed to ensure that people with cognitive disabilities have the same rights as everyone else. Scotland deserves an insightful, innovative and empathic public service to which would guarantee people who have processing difficulties and executive functioning problems are not adversely affected by systems that are only designed to fail us.
- By changing the law, and making it more adaptive and responsive to individuals it will actually encourage and galvanise people within the neurodivergent community, to reconnect to a system that they will know, will actually support and encourage, without fear, to ensure they can have equal access in an unbiased system, removing the challenges for the person to be heard. Real change would support and encourage services simply not to think that all a reasonable adjustment is, is a change in the size of a font!
- Changing the law, and equalising the chances of people with often hidden disabilities and think and operate differently, would ensure parity with similar physical disabilities, which are far easier to

tangibly understand, and more relatable. Imagine a wheelchair user been invited to the Scottish Parliament, saying they are fully accessible, but yet there is a flight of stairs which excludes them.(by design) I would imagine there would be outrage if this happened, but yet, on a daily basis, people within the Neurodivergent community are excluded without any thought, because they can't navigate the complexities that surrounds them by convention.

- We have been promised so long from previous papers and bills to be active citizens in our own right. Meanwhile, people are being marginalised and discriminated from what you can see from my own examples. By intervening and stopping these practices, we have a great opportunity to make it fairer and just. I can't think of anything more important in a fair and just Scotland, for its diverse people, especially individuals who have complex needs from neurodivergent communities, to access in their own right, justice to services, where any entanglement between the service, and its obligations of access, should be removed by source, by a national framework of law, which would protect both parties.