Dear Humza,

Scottish Public Sector Ombudsman

Thank you for your letter of 25 September, responding to mine of 25 January. Your letter was considered at the Committee meeting of 9 October and it was agreed that I should reply to you as follows:

Proposed SPSO power to on “public value” complaints

The Committee notes your position that there has been no material change in circumstances that would cause you to revisit the position that the Ombudsman should only have the power to conduct an investigation into a particular matter when a relevant complaint has been made. We agree it is fundamentally a question of principle whether the Ombudsman’s role should be revised in this way. We expect this is a matter we may wish to consider further with the Ombudsman when we next take evidence from her on her annual report and accounts (which will be on a date to be confirmed in the New Year).

Technical amendments, including amendments permitting the Ombudsman to take complaints in any format

You indicated that you were supportive in principle of these amendments requested by the Ombudsman, and that there was a legislative route to achieve them, but that you did not anticipate bringing forward an instrument at the present time owing to an insufficiency of resources. In your own words, this is “unfortunate and disappointing”: a sentiment the Committee fully shares. Whilst the Committee fully understands that it is for you as Cabinet Secretary to direct departmental resources as you see fit, we are surprised that you would agree that such changes would “support the efficiency and transparency of the Ombudsman service” but that the resources to bring them into effect (by way of one amending instrument) cannot currently be found.
We seek clarification from you as to when you think there might be a sufficiency of resources in your department to draft the relevant instrument.

For information, when we next take evidence from the Ombudsman we are also likely to see an update from her on her discussions with your department on this matter.

I would be grateful for a response by Monday 5 November.

Yours sincerely,

James Dornan MSP
Convener of the Local Government and Communities Committee