

Local Government, Housing and Planning Committee
Tuesday 2 December 2025
31st Meeting, 2025 (Session 6)

Scrutiny of the Scottish Public Services Ombudsman

Introduction

1. The purpose of this paper is to provide information to inform the Committee's scrutiny of the Scottish Public Services Ombudsman (SPSO) and his [Annual Report for 2024-25](#). The Committee agreed to hear from the Ombudsman annually at its meeting on 31 August 2021.
2. The Committee will take evidence from—
 - Paul McFadden, Ombudsman;
 - Andrew Crawford, Head of Improvement, Standards and Engagement; and
 - Judy Saddler, Head of Investigations - Public Sector Complaints
3. The SPSO also provided [a six-month update](#) on its work since the publication of the report.
4. A SPICe briefing is included at **Annexe A**.

Previous Committee scrutiny

5. The Committee took oral evidence from the former Ombudsman last December. The [Official Report of that meeting is available on the Scottish Parliament website](#).
6. Following the session, the [Committee wrote to the SPSO](#).
7. The [SPSO responded on the 24 April 2025](#).
8. A brief summary of key points raised, both in oral evidence and correspondence is provided in the SPICe briefing.

Clerks to the Committee
November 2025

Annexe A



Local Government, Housing and Planning Committee

31st Meeting, 2025 (Session 6), Tuesday 2 December

Scrutiny of the Scottish Public Services Ombudsman

Today's session will focus on the [SPSO's 2024-25 Annual Report](#), with the panel comprising Paul McFadden, Scottish Public Services Ombudsman, Andrew Crawford, Head of Improvement, Standards and Engagement (SPSO) and Judy Saddler, Head of Investigations: Public Service Complaints.

Background information on the SPSO

The Scottish Public Services Ombudsman is the final stage for complaints about most public services in Scotland including services provided by local authorities, the NHS, prisons, housing associations, government agencies and non-departmental public bodies, most water and sewerage providers and colleges and universities. The body also has a role in reviewing, and potentially reversing, decisions made regarding applications to the Scottish Welfare Fund.

It was established in 2002 after the passing of the [Scottish Public Services Ombudsman Act 2002](#). The Act set up a "one-stop shop" to deal with complaints previously handled 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.

The [Policy Memorandum accompanying the 2002 Act](#) states that the intention was to "establish a public sector complaints system which is open, accountable, easily accessible to all and has the trust of the Scottish public".

The new Ombudsman is Paul McFadden, who was appointed in October 2025. He was previously the Chief Legal Ombudsman for England and Wales and worked also for the SPSO between 2010 and 2016 when he established and headed up the SPSO's Complaints Standards Authority.

SPSO's role in the complaints system

The SPSO examines public service complaints and decides whether there has been “maladministration” in the delivery of a service, or failure to deliver a service at all. They do not normally look at complaints before the complainant has gone through the full complaints process of the body being complained about. Examples of “maladministration” could include:

- unreasonable delay
- rudeness
- failure to apply the law or rules properly.

There may be other failings that are also ‘maladministration’, with the [SPSO website listing](#) things such as bias, neglect, inattention, delay, incompetence and ineptitude.

If the Ombudsman finds failings, they will make recommendations to put things right and avoid such problems arising in the future. Recommendations may include:

- An apology and/or an explanation.
- Practical action, for example if the Ombudsman finds that someone has been treated unfairly, they may advise that the public body review the application.
- Reimbursement of any loss or costs necessarily incurred.
- Other suitable redress, likely to be non-financial.

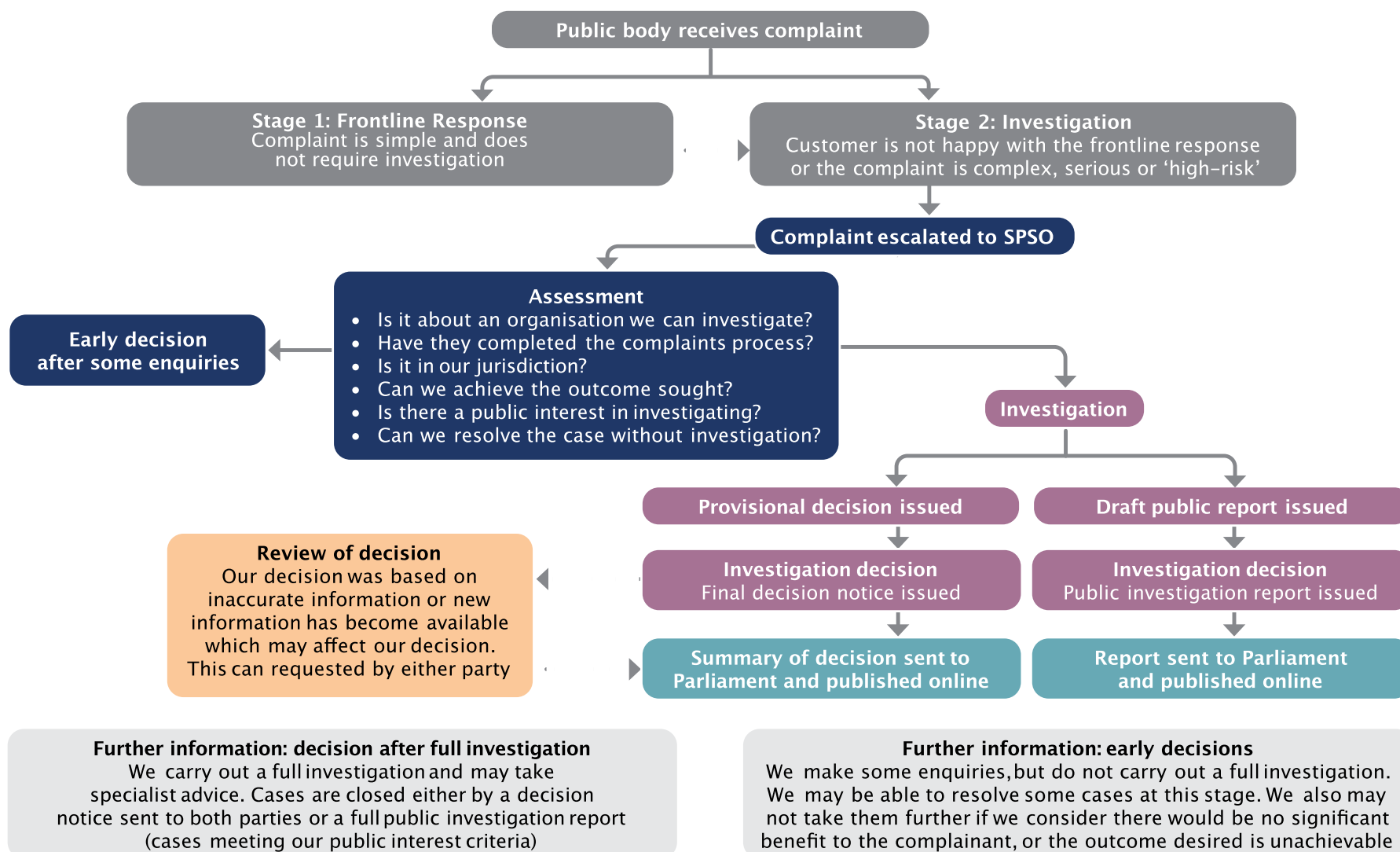
The SPSO shares lessons from complaints by [publishing its decisions and reports](#).

Organisations usually comply with SPSO recommendations, with the Ombudsman following these up. However, if an organisation were **not** to comply, the SPSO can lay a special report before the Scottish Parliament and the Parliament would then decide what action to take. However, since the SPSO was set up in 2002, it has not needed to issue such a report.

The public service complaints process

The 2002 Act requires complaints to the SPSO to be made in writing, including using [SPSO's online complaints form](#). Once a complaint about a public service has been escalated to the SPSO, the Ombudsman must assess whether or not the complaint can or should progress to the investigation stage.

For the relatively few complaints that go to the investigation stage, officers consider relevant evidence, they may take independent specialist advice, and hear the views and opinions of both the complainant and the organisation being complained about. The SPSO then weigh up the evidence and make a decision. As will be discussed in more detail later, only 3.4% of all cases closed last year got to the investigation stage. The SPSO annual report provides this useful summary of the complaints process:



New SPSO roles since 2010

Since the 2010 [Public Services Reform \(Scotland\) Act](#), the SPSO is required to lead the development of simplified and standardised complaining procedures across the public sector. The Act gave them the power to **publish model complaints handling procedures** (CHP) and public bodies must comply with these. The Ombudsman's [Complaints Standards Authority](#) supports public bodies to improve their complaints handling.

In 2011, the local authority model complaint handling procedure was published together with [guidance on implementation](#). The model CHP adopted by local authorities includes:

- a uniform two stage procedure for dealing with complaints, with timescales for each stage;
- the use of early resolution methods wherever feasible;
- allocated responsibility for complaint handling in organisations;
- included requirements for recording complaints and publishing complaint data and for reporting on complaint performance;
- provided a definition of 'complaint'; and
- encouraged learning from complaints.

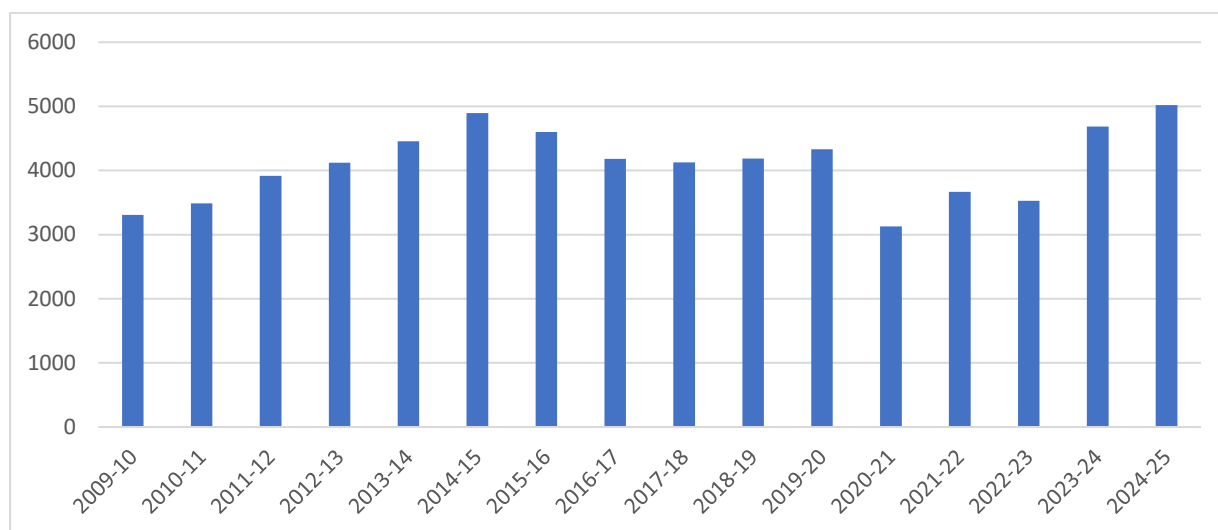
A Local Authority Complaint Handling Network was also set up and is attended by complaint handling staff from local authorities as well as SPSO staff.

In 2016, the SPSO began its role as the **independent reviewer of the Scottish Welfare Fund (SWF)**. The SPSO carries out independent reviews of decisions that councils have made on three different crisis grants. People looking for a review of decisions made about these funds can call SPSO or complete an online form. These cases are dealt with very quickly, usually within days.

The SPSO became the Independent **National Whistleblowing Officer (INWO)** for the NHS in Scotland in April 2021. Its [INWO website](#) was launched to help organisations and whistle-blowers with a freephone number, information and advice.

SPSO public service complaints statistics

In 2024-25, the Ombudsman received 5,021 complaints relating to devolved public bodies, 335 more than 2023-24. This represents a 7% increase, which followed a 33% increase the previous year. The following chart shows how this compares over a 16-year period. The number of complaints received last year was the highest since the SPSO was established in 2002:

Total public body complaints received by SPSO, 2007-2024

Source: SPICe analysis of figures from [SPSO annual reports](#)

It is noticeable that since the Model Complaints Handling Procedure guidance was introduced in 2011, there has been a significant *increase*, not a decrease as perhaps would be expected, in the number of complaints progressed to the SPSO.

Of the 5,021 complaints received by the Ombudsman last year, the sectors receiving the highest number of complaints were health and local authorities:

Public sector complaints by sector

Authority sector	2023-24	2024-25	Change	% change
Health	1,544	1,610	+66	+4%
Local Authority	1,393	1,585	+192	+14%
Housing Associations	476	496	+20	+4%
Prisons	321	299	-22	-7%
Universities	285	289	+4	+1%
Scottish Government	251	278	+27	+11%
Joint Health and Social Care	210	264	+54	+26%
Water	92	108	+16	+17%
Other	86	67	-19	-22%
Colleges	28	25	-3	-11%
Total	4,686	5,021	+335	+7%

Source: SPICe analysis of figures from [SPSO annual reports](#)

Local authorities saw the largest increase in complaints numbers, with 192 more in 2024-25 than the previous year (a 14% increase). The following table breaks down the local authority figure for 2024-25 by broad service area:

Local authority complaints by service

Subject	2023-24	2024-25	Change	Change %
Housing	354	457	+103	+29%
Education	199	214	+15	+8%
Social Work	137	166	+29	+21%
Planning	147	142	-5	-3%
Environmental Health & Cleansing	128	90	-38	-30%
Roads & Transport	145	151	+6	+4%
Finance	76	102	+26	+34%
Legal & Admin	63	88	+25	+40%
Subject unknown	63	73	+10	+16%
Recreation & Leisure	21	31	+10	+48%
Land & Property	20	29	+9	+45%
Building Control	15	9	-6	-40%
Economic Development	1	3	+2	+200%
Other	24	30	+6	+25%
Total	1,393	1,585	192	14%

Source: SPICe analysis of figures from [SPSO performance statistics](#)

Almost all council service areas have seen increases in the number of complaints relating to them, most notably in the areas of housing, social work, finance and legal.

Complaints closed at assessment stage and those investigated

The SPSO closed 5,208 complaints during 2024-25, an increase of 557 (+12%) compared to 2023-24. Very few of these were progressed to the investigation stage (i.e. the bottom right of the process flowchart above).

When complaints come to the SPSO, a team of reviewers carry out early assessments to check that the matter is one the SPSO is allowed to look at and is in their jurisdiction. For example, they check if the complaint has arrived within 12 months of when the matter occurred, and they also assess whether or not to prioritise the complaint (for more information see the SPSO's [how we handle complaints page](#)). If they decide not to take a complaint further after this early assessment, the SPSO will write to the complainer and explain why.

In 2024-25, almost 97% of cases closed by the Ombudsman did not go to the full investigation stage. These were not progressed for various reasons. For example, the SPSO considered them out of its jurisdiction, or felt they could not achieve more for the complainant.

There has been a significant increase in the number of cases closed after initial investigation. Around 70% of these were closed because the SPSO believed that “a reasonable investigation had already been carried out by the organisation, assessed against model complaints handling standards and/or the organisation had accepted a failing and had already taken steps to address this in line with the kind of recommendations the SPSO would have made following further investigation”.

In the 2023-24 Annual report, the Ombudsman stated:

Similar to last year, there was an increase in cases closed after investigating at the assessment stage (we also refer to these as cases closed after initial enquiries). In the majority of these cases, it was determined that the [public service] organisation had already investigated and responded reasonably to the complaint and that further investigation by us would not achieve anything more for the complainant (or person affected). We often seek specialist advice to inform this.

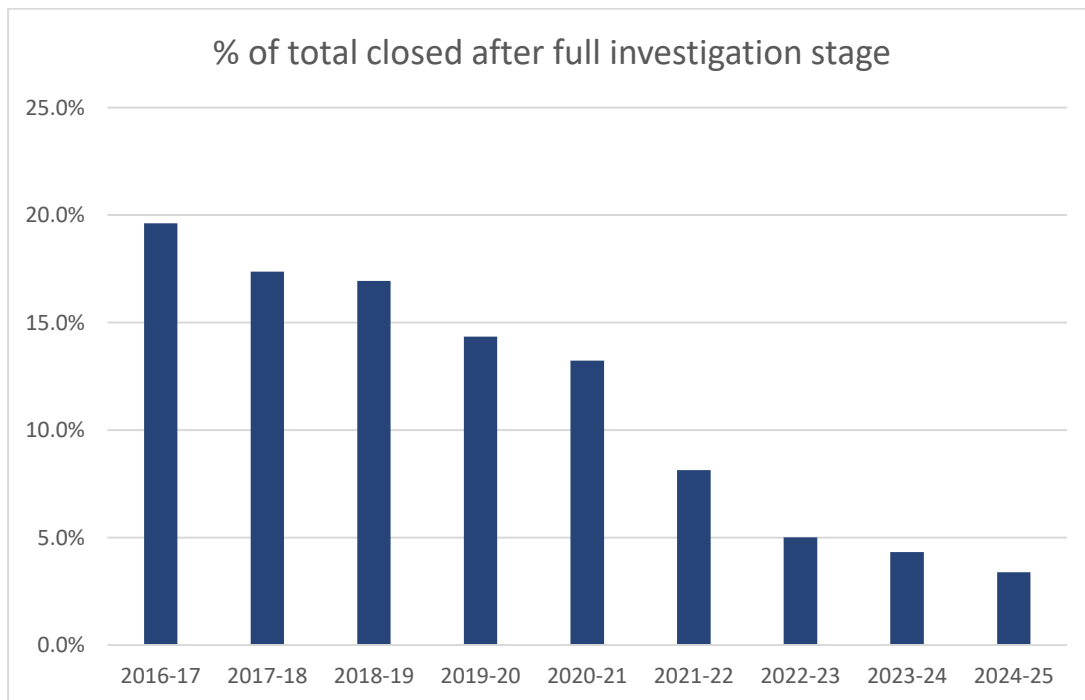
The SPSO believes this trend also “reflects the positive impact of our work on good complaints handling across the Scottish public sector, especially the generally improving quality of local complaint handling”. Whether or not the complainants agree with this assessment is not mentioned in the annual report.

The following table shows that over the past seven years, the proportion of complaints closed after investigation has reduced considerably, going from 17.4% of all cases closed in 2018-19 to 3.4% in 2024-25:

	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Closed after initial assessment	3,285	3,511	2,756	3,208	3,937	4,450	5,032
Closed after investigation stage	670	588	420	284	192	201	176
Total closed	3,955	4,099	3,176	3,492	3,829	4,651	5,208
<i>% of total closed after investigation stage</i>	<i>17.4%</i>	<i>14.3%</i>	<i>13.2%</i>	<i>8.1%</i>	<i>5.0%</i>	<i>4.3%</i>	<i>3.4%</i>

Source: SPICe analysis of figures from [SPSO annual reports](#)

The following chart shows this trend more clearly, going back to 2016-17:



Source: SPICe analysis of figures from [SPSO annual reports](#)

Last year, the SPSO told the Committee:

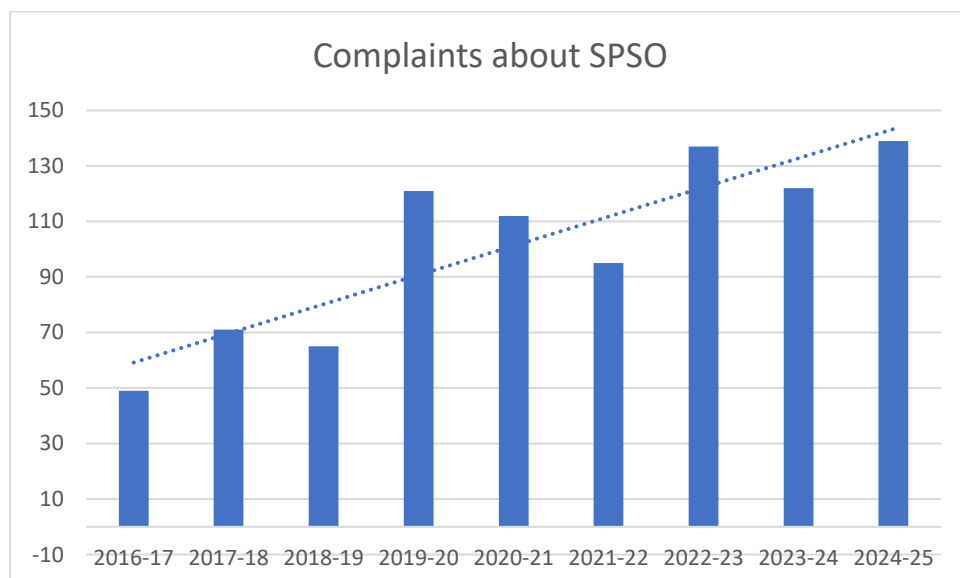
“we are not doing any less investigatory work. We are doing fewer of those investigations that we would call statutory investigations, and our uphold rate on those is going up, as we would expect. Those are the investigations in which we are mostly likely to identify systemic changes.”

And

“...on the majority of complaints—this is the case before complaints go to the statutory investigation stage—we will test the evidence. A lot of that work involves investigatory-type work, which includes obtaining the complaint file. If it is a planning case, we will obtain the planning records and test the complaint against what the local protocols are and what the planning guidance is. If it is a technical planning case, we will seek advice. That all happens before the statutory investigation stage. If, having done all that, we realise that we cannot achieve any more for the complainant, we do not think that it is fair or a good use of our resources to then take that complaint through a statutory process, which is a long process, if we cannot achieve a different outcome.”

Complaints about the SPSO

The SPSO received 139 complaints about its services in 2024-25. This is the highest ever number of complaints received by the organisation. The graph below includes a trendline showing a steady rise in complaints about the SPSO since 2016-17.



The Annual Report states that the increase in complaints about the SPSO is partly due to growing demand for SPSO services, stating that “service complaints remain very low relative to the overall volume of cases managed by the SPSO each year”.

Child Friendly Complaints and accessibility

The SPSO launched a new child friendly complaints process across the public sector in 2024-25 and its Child Friendly Complaints Handling Principles were approved by the Scottish Parliament earlier this year. The SPSO provided support to a range of public and third sector organisations to ensure implementation of the new process.

On the wider issue of access to the complaints process, the SPSO tells us:

“Looking ahead, we plan to make our own services more accessible through the delivery of public campaigns, carrying out research into the barriers faced to accessing the complaints process and the delivery of our new BSL Plan”

Members may be interested to note that the Citizen Participation and Public Petitions Committee is [currently considering a petition](#) requesting changes to how the SPSO accommodates people with cognitive disabilities. This specifically relates the 12-month time limit from when an incident takes place.

Funding and staffing

The SPSO is funded by the Scottish Parliament Corporate Body, although it functions independently. It makes an annual budget application to the SPCB which is considered as part of the SPCB's expenditure plan by the Finance and Public Administration Committee. The SPCB's final expenditure proposals, which includes the SPSO's budget, then appear in the annual Budget Bill which is voted on by Parliament.

Funding from the SPCB to SPSO has risen over the last 6 years:

	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Funding from SPCB (£m)	4.8	6.0	6.1	6.8	7.1	7.6	7.9

Source: [SPCB annual reports](#) and SPSO Annual Report

The biggest cost, by far, relates to employment. The 2024-25 Annual Report shows that the SPSO employed 78 FTE people, including the Ombudsman, down slightly on the year before. It states:

“The change in staff numbers reflected a return to baseline levels with fewer temporary fixed-term contracts and secondees and contractors engaged in work with SPSO compared to the previous year.”

Summary of last year's session and subsequent correspondence

The Committee heard from the former Ombudsman, Rosemary Agnew, plus officials [last December](#). The following summarises some of the main points discussed:

- The SPSO is working on how they can make contact with those who do not traditionally complain.
- They still have to take complaints in writing and would like to see legislation changed to help make the complaints process become more accessible.
- The rising number of complaints coming to the SPSO is indicative of rising complaint numbers across all public services.
- Dissatisfaction with public services is often driven by a number of things.
- Undoubtedly, one of the causes has been “cuts to public services and funding being allocated to other functions”.
- Many public bodies are struggling to cope with the number of complaints they are receiving.
- Local authorities are feeling the pressure, given that the number of people who can deal with complaints at the local level has diminished.
- The SPSO spends a lot of time and resource working with public bodies to improve their complaints handling processes.
- Complaint numbers have increased over recent years but investigative capacity has not gone up.
- The SPSO was conducting a review of the complaints handling principles with a consultation launched last December.
 - The updated principles were [laid in Parliament in April](#) and the Committee [considered these in June](#).
- The number of complaints is going up in healthcare and social care.
- There is no consistency: different local authorities put different amounts of money into care.
- The SPSO has received feedback from relatives that they are being more fearful of complaining about care provision because they are afraid it will affect the relationship and that care will not be provided any more.
- Some complainers may not have access to a computer – “so much is done in that way” [i.e digitally].
- The SPSO has a role in monitoring complaints standards across public bodies and making improvements in complaint handling.
- The SPSO works “hand in hand” with public bodies to improve their complaint handling processes.

- As complaints reviewers, the SPSO are “laypeople: we are not health experts”. They rely on a panel of advisers to help.
- However, there is no direct contact between the panel of advisers and the complainer and there is no direct contact between the advisers and the public bodies.
- The SPSO is bringing down waiting times for complaints.
- The Ombudsman is doing fewer “statutory investigations”; however according to the SPSO they are achieving a lot of significant outcomes at the pre-investigation stage.
- Under model complaint handling, organisations are required to keep statistics on the number of complaints. However, this is not compiled nationally.
- Most of the feedback the SPSO receives is from people who are dissatisfied at the end of their complaint journey.
- The SPSO’s activity and performance are often constrained by legislation.
- For example, the SPSO does not have “own-initiative powers”.
- The Ombudsman believes there should be a full review of that legislation.
- The SPSO believes that there should be consideration of whether scrutiny of the SPSO’s work may go beyond the capacity of a subject specific Committee [ie the LGHP Committee].
- For example, the Finance and Public Administration Committee could be a more appropriate scrutiny forum.

The [Committee wrote to the SPSO afterwards](#) with observations arising from the in-depth scrutiny it had undertaken. Here is a summary of some of the conclusions and recommendations from that letter:

- The Committee is of the view that the performance of the Scottish Public Services Ombudsman cannot be effectively scrutinised and improved without access to further data.
- The Committee recommends the SPSO should instigate a programme of externally verified customer satisfaction data for all stages of investigation.
- The Committee requests details of the action taken at pre-investigation stage, how this is recorded and the outcomes this has achieved, including where available feedback from complainants.
- The Committee welcomes the SPSO reflections on what can be done to improve the accessibility of the organisation to different groups.

- The Committee believes the powers of the Ombudsman should be reviewed and that legislative change in this area would drive many of the improvements stakeholders, and the SPSO, have called for.
- The Committee is concerned at the apparent contradiction between the positive tone of evidence from public bodies on engagement with the SPSO and the experience of those seeking to make complaints about public bodies.

The [SPSO responded on the 24th April](#).

Greig Liddell, Senior Researcher, SPICe, 27 November 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