

REPORT TO: POLICY AND RESOURCES COMMITTEE - 12 JANUARY 2009

**REPORT ON: REVIEW OF OMBUDSMAN AND COMMISSIONER BODIES
SUPPORTED BY THE SCOTTISH PARLIAMENT**

REPORT BY: ASSISTANT CHIEF EXECUTIVE

REPORT NO: 28-2009

1. PURPOSE OF REPORT

To advise members of a 'call for evidence' by a Scottish Parliament Committee which is reviewing the structure of the Ombudsman and Commissioner bodies supported by the Parliament's Corporate Body, and to seek guidance on a response.

2. RECOMMENDATIONS

It is recommended that Committee:

- i) note the 'call for evidence' on a review of Ombudsman and Commissioner bodies supported by the Scottish Parliament
- ii) consider whether the Council should make a response and, if so, what the terms of that response should be
- iii) note that this review forms part of a much wider consideration of the system of regulation, inspection and complaints handling across the public sector in Scotland following the recommendations of the Crerar Review; note that the Scottish Government is expected to announce proposals on this early in 2009; and remit the Assistant Chief Executive to report to Committee once the proposals are published

3. FINANCIAL IMPLICATIONS

None.

4. BACKGROUND

4.1 A special committee of the Scottish Parliament has been established to review a number of bodies supported by the Scottish Parliamentary Corporate Body and make recommendations on their future structure. The bodies concerned are:

- : Scottish Public Services Ombudsman
- : Scottish Information Commissioner
- : Commissioner for Children and Young People in Scotland
- : Commissioner for Public Appointments in Scotland
- : Scottish Commission for Human Rights
- : Scottish Parliamentary Standards Commissioner

4.2 The committee has issued a 'call for evidence' to be submitted by 16 January 2009. To date, the committee has received a written submission from the Scottish Parliamentary Corporate Body and taken oral evidence from its representative, Tom McCabe MSP, and from the Cabinet Secretary for Finance and Sustainable Growth, John Swinney MSP. Office-holders from the bodies listed in paragraph 4.1 will give evidence in January.

4.3 For information, the submission to the committee by the Scottish Parliamentary Corporate Body proposed that the six bodies listed above be merged into three:

- : a Complaints and Standards body, comprising the functions of the Scottish Public Services Ombudsman, the Commissioner for Public Appointments in Scotland and the Scottish Parliamentary Standards Commissioner, as well as the Standards Commission for Scotland
- : a Rights body, comprising the functions of the Scottish Commission for Human Rights and the Commissioner for Children and Young People in Scotland
- : an Information body, comprising the Scottish Information Commissioner as a stand-alone body

The Scottish Parliamentary Corporate Body feel that these mergers would lead to cost savings (e.g. in accommodation and access to financial, legal and human resources support), and would provide a clearer structure within which the public can pursue any concerns. This approach was welcomed by the Cabinet Secretary in his evidence to the committee.

4.4 Members' views are requested on whether the Council should make a submission to the Scottish Parliament's committee and, if so, what the terms of that submission should be.

4.5 Members should note that the current review only relates to the structure of the six bodies listed above. However, the wider context for this is the follow-up to the recommendations of the Crerar Review, which evaluated the current systems of regulation, audit and inspection and complaints handling across public services in Scotland. In its response to the Crerar report, the Scottish Government announced in January 2008 that it would work with stakeholders, including local government, to make improvements in scrutiny and complaints handling. Over the past year, a Scrutiny Improvement Team has been supporting the work of five action groups (covering accountability and governance; fit-for-purpose complaints system; policy and approach; reducing burdens; and user focus). When all the action groups have reported, the Scottish Government will issue a response to their recommendations. This is expected to be early in 2009, although the Scottish Government has already signalled a number of proposals to streamline complaints handling and scrutiny bodies. It is recommended that the Assistant Chief Executive be remitted to report to Committee once the Scottish Government's proposals are published.

5. **POLICY IMPLICATIONS**

This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

6. **CONSULTATIONS**

The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance) and Head of Finance have been consulted.

7. **BACKGROUND PAPERS**

Review of SPCB Supported Bodies Committee - Official Report - 9 December 2008.

Chris Ward
Assistant Chief Executive

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