

5 SCOTTISH PUBLIC SERVICES OMBUDSMAN ACT 2002 (AN195-2002)

Reference is made to Article II of the Minute of the Meeting of the Policy and Resources Committee of 11th December 2000 wherein the Council's response to the Scottish Executive's Consultation Document "Modernising the Complaints System - Consultation on Public Sector Ombudsmen in Scotland" was approved.

The Scottish Public Services Ombudsman Act 2002 received Royal Assent on 23rd April 2002.

The Act brings together under one body the functions of the Scottish Parliamentary Commissioner for Administration, the Commissioner for Local Administration in Scotland, the Health Service Commissioner for Scotland, the Housing Association Ombudsman for Scotland, the External Adjudicators for Scottish Enterprise and Highlands and Islands Enterprise as well as the complaints handling functions of the Mental Welfare Commission. This follows general support for the notion of a "one stop shop" in responses to the pre-legislative consultation. Matters subject to investigation by the Scottish Public Services Ombudsman are, in broad terms, the same as those which could be investigated by his various predecessors and essentially consist of complaints of maladministration or failures in service delivery. So far as local authorities are concerned it is still the case that the Ombudsman may not question the merits of a decision taken without maladministration.

The Act comes into force on a day or days to be fixed and the Director of Support Services will provide further reports to the Committee as necessary in due course.

The Committee is asked to note the position meantime.

The Committee is also asked to note that, with effect from October of this year, the Council will no longer be recharged for the services of the Ombudsman, and that there will be a corresponding reduction in the Council's Revenue Support Grant. In financial year 2001/2002 the recharge paid by the Council was £16,354.