



Scottish Public Services Ombudsman Act 2002

2002 asp 11

Investigations by the Ombudsman

15 Reports on investigations

- (1) After conducting an investigation, the Ombudsman must—
 - (a) if the investigation is pursuant to a complaint, send a report of the investigation to the persons specified in section 11(2) and to the Scottish Ministers,
 - (b) if the investigation is pursuant to a request, send a report of the investigation to the persons specified in section 11(4) and to the Scottish Ministers,and must lay a copy of the report before the Parliament.
- (2) Subsection (3) of section 11 applies for the purposes of subsection (1)(a) of this section as it does for the purposes of subsection (2)(d) of that section.
- (3) Apart from identifying the listed authority in question, the report must not—
 - (a) mention the name of any person, or
 - (b) contain any particulars which, in the Ombudsman's opinion, are likely to identify any person and can be omitted without impairing the effectiveness of the report,unless the Ombudsman determines that it is necessary to do so.
- (4) The listed authority in question must, unless the Ombudsman otherwise directs—
 - (a) make arrangements, having effect for a period of at least 3 weeks, for allowing any person to—
 - (i) inspect the report at any reasonable time,
 - (ii) obtain a copy of it, or any part of it (whether or not on payment of a reasonable fee), and
 - (b) publicise those arrangements.
- (5) Subsection (4) has effect—
 - (a) where the listed authority is a family health service provider, as if the reference to the listed authority were a reference to any health service body with whom that provider—

Status: This is the original version (as it was originally enacted).

- (i) is subject to an undertaking to provide family health services, or
 - (ii) has agreed to perform such services,

(as the case may be),
 - (b) where the listed authority is an independent provider, as if the reference to the listed authority were a reference to the health service body or family health service provider with whom the independent provider made the arrangement to provide the service concerned.
- (6) In considering whether to make—
- (a) a determination under subsection (3), or
 - (b) a direction under subsection (4),
- the Ombudsman must take into account the public interest as well as the interests of the person aggrieved (if the investigation is pursuant to a complaint) and of any other persons.
- (7) Any person who obstructs another person seeking to inspect a report or obtain a copy of it or any part of it in pursuance of arrangements made under subsection (4) is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.