

POLICY NOTE

THE SCOTTISH PUBLIC SERVICES OMBUDSMAN ACT 2002 AMENDMENT ORDER 2016

SSI 2016/XXX

1. The above instrument is to be made in exercise of the powers conferred by section 3(2) (c) of the Scottish Public Services Ombudsman Act 2002. The instrument is subject to affirmative procedure. This instrument is to be laid before the Scottish Parliament and approved by resolution in advance of being made at meeting of the Privy Council.).

Policy Objectives

2. The purpose and policy intention of the instrument is to add Integration Joint Boards, established as a consequence of the Public Bodies (Joint Working) (Scotland) Act 2014, to the jurisdiction of the Scottish Public Service Ombudsman (SPSO) and to require Integration Joint Boards to establish complaints handling procedures in line with those used by other Scottish public authorities. The Order does this by adding Integration Joint Boards to schedule 2 of the Scottish Public Service Ombudsman Act 2002, which contains the lists of persons and organisations liable to investigations by SPSO.

Effect of policy proposal

3. The addition of Integration Joint Boards to schedule 2 of the Scottish Public Service Ombudsman Act 2002 will allow complaints to be dealt with by the Ombudsman and will help to ensure effective and robust complaints handling procedures are in place for each Integration Joint Board. The overall policy is that once internal Integration Joint Board complaint handling processes have been exhausted, a complainant should have the right to an external tier of redress. The ability to complain to an independent Ombudsman is an important right for those who receive services from public organisations and this will ensure that Integration Joint Boards operate in line with other Scottish public authorities.

Consultation

4. No public consultation has been carried out for this Order. The Scottish Government conducted a target consultation involving Integration Joint Boards, Health Board, Local Authorities and other relevant stakeholders which ended on 12 November 2015.

Impact Assessments

5. An equality impact assessment has not been completed as the policy to allow an external tier of redress through an Ombudsman is consistent with the policy intent of the Public Bodies (Joint Working) (Scotland Act) 2014, which was previously assessed, and no negative effects identified.

Financial Effects

6. The SPSO do not envisage complaints raised against Integration Joint Boards will adversely impact their workload. The SPSO have not requested a financial settlement for taking on the complaint functions in relation to Integration Joint Boards. However should the impact be greater than expected; the Scottish Government is willing to pay reasonable costs for this additional function to SPSO.

Scottish Government
December 2015