

OFFICEHOLDER ISSUES

Executive summary

1. The SPCB is invited to consider 2 issues in respect of officeholders: (a) strategic plans and (b) a letter about the Scottish Public Services Ombudsman.

Issues and Options

(a) *Strategic Plans*

2. In accordance with the Scottish Parliamentary Commissions and Commissioners etc. Act 2010 all officeholders are required to lay strategic plans before the Parliament for each 4 year period commencing from 1 April 2012. Each plan is required to set out (a) the objectives and priorities for the 4 year period, (b) how it is proposed to achieve these, (c) a timetable and (d) estimates of the costs.

3. Before laying the plan before Parliament the officeholders are required to provide a draft of the plan and invite comments from the SPCB and any other body or person the officeholder considers appropriate, including a committee of the Parliament.

4. Plans have now been received from the Scottish Public Services Ombudsman, Scottish Information Commissioner, Commissioner for Children and Young People in Scotland and the Commission for Ethical Standards in Public Life in Scotland. These are attached at Annex A.

5. As would be expected, in general, the objectives and priorities for the 4 year period relate to the operational functions of each body. Therefore, while there is nothing to prevent comments being made about any aspect of the plan, we would suggest the SPCB considers in more detail the governance elements of the plans.

6. At official level we have had discussions with some of the officeholders about their plans and have already fed back some comments primarily relating to the format of the plans to meet the statutory requirements.

7. In relation to the specific plans we offer the following comments:

Scottish Public Services Ombudsman

8. The plan has 5 strategic objectives: (i) providing a high quality, independent complaints handling service; (ii) supporting public service improvement; (iii) improving complaints handling by public service providers; (iv) simplifying the design and operation of the complaints handling system

and (v) being an accountable, best value organisation. This fifth objective relates to making the best use of resources and demonstrating continuous improvement in operational efficiency and supporting the professional development of staff.

9. The SPSO has developed a range of performance measures aligned to the above objectives which include financial/audit performance measures together with quality assurance and user satisfaction measures.

10. In terms of resources, over three-quarters of the budget is directed towards case handling which is the primary function of the office.

11. It is our view that the plan and associated measures should be noted, and that, in accordance with the statutory requirements, more clarity is sought on the timetable for the priorities although it appears they could be constant over the period of the plan. **The SPCB is invited to consider the plan.**

Scottish Information Commissioner

12. The draft plan has been prepared by the present officeholder to meet the statutory deadline. However, the SPCB will be aware that Kevin Dunion demits office on 23 February 2012 and a successor has been nominated for appointment. It is possible therefore a revised plan may be submitted in the future.

13. The plan has 5 strategic themes: (i) case closure efficiency; (ii) compliance and practice improvements; (iii) positive transparency; (iv) professional exchange and (v) public awareness and FOI development. All of these reflect the statutory role of the office. In addition, the draft plan also includes a 6th cross cutting theme 'working with reduced resources' to ensure a focus on efficiency, effectiveness and economy in the current budgetary climate.

14. In terms of resources, two-thirds of the budget is directed towards case closure efficiency which is the primary function of the office.

15. It is our view that the plan should be noted and the inclusion of the 6th cross cutting theme welcomed. **The SPCB is invited to consider the plan.**

Commissioner for Children and Young People

16. The plan comprises 4 strategic aims: (i) To maximise the impact of the United Nations Convention on the Rights of the Child in Scotland (UNCRC); (ii) to influence and promote the effective and sustainable involvement and widespread participation of children and young people in Scotland's society; (iii) to promote and safeguard the rights of children and young people, particularly the rights of vulnerable groups, through policy scrutiny and by supporting good practice and (iv) to ensure that the office of the Commissioner is efficient, effective and fit for purpose.

17. In relation to the 4th aim, the Commissioner proposes reviewing and updating office policies, working closely with other officeholders to improve efficiency and best value through sharing of services and identifying and implementing actions from audit reports with continuous monitoring to reflect best practice.

18. In terms of resources there appears to be a fairly even spread over the 4 strategic aims but with slightly more emphasis on aims 2 and 3.

19. The strategic aim covering governance is welcomed. While it is more related to functions, it is noted that the plan is largely geared around UNCRC which can cover a wide range of activities. The establishing legislation for the office provides that the general function of the Commissioner is to promote and safeguard the rights of children and young people having regard to any relevant provisions of the UNCRC. The legislation sets out how the Commissioner is, in particular, to exercise his functions and not all have to link directly in to the UNCRC. The SPCB may therefore wish to draw this to the attention of the Commissioner in terms of alignment with the statutory requirements of the office. **The SPCB is invited to consider the plan.**

Commission for Ethical Standards in Public Life in Scotland

20. The plan comprises 3 strategic aims: (i) to provide a fair, effective and efficient investigative service of excellence in relation to the ethical standards of conduct of MSPs, councillors and member of public bodies; (ii) to deliver risk based, resource effective scrutiny of the Ministerial public appointments processes and encourage continuous improvement through proportionate regulation and supportive guidance; and (iii) to create a leading standards body with effective performance and resource management.

21. In terms of resources almost two-thirds of the budget is directed towards the investigative service, one-third on the public appointments process and the remainder on creating a leading standards body.

22. The plan is supported by a range of key activities which are linked to the strategic aims and timetabled over the period of the plan.

23. The strategic aim covering the leading standards body is to be welcomed. We would also propose that the officeholder is invited to remove, at this stage, any references to a statutory restructuring of the office until such time as the Government has confirmed it is willing to sponsor an Order to give effect to any restructure. **The SPCB is invited to consider the plan.**

(b) Submission from Accountability Scotland – The Scottish Public Services Ombudsman

24. We attach at Annex B a copy of a submission from Accountability Scotland, an organisation formed by people from all walks of life who have come together to campaign for transparent public accountability in Scottish governance.

25. The submission sets out Accountability Scotland's concerns with the SPSO. These concerns relate not to the office's processes and procedures but the investigations and decisions (the outcomes). The submission includes a covering letter and 3 reports:

- Report A – Analysis of Craigforth surveys of complainants and bodies under jurisdiction;
- Report B – Analysis of Statistics from the SPSO website; and
- Report C – Commentary on the SPSO Annual Report 2010-2011.

26. Accountability Scotland invites the SPCB to look closely at the functioning of the SPSO and offers to appear before the SPCB to answer questions.

27. By way of background, the SPSO was established in 2002 under the Scottish Public Services Ombudsman Act 2002 (the Act). The Ombudsman is the final arbiter for complaints regarding most Scottish public authorities. His service is independent and impartial. Under the provisions of the Act the Ombudsman, in the exercise of his functions, is not under the direction or control of any member of the Parliament, any member of the Scottish Government, or the SPCB. This is to protect his independence in relation to the decisions he makes.

28. Given the SPCB has no jurisdiction over the SPSO's investigations and decisions **we would invite the SPCB to note the submission, instruct officials to write to the organisation thanking it for its submission but informing them that the SPCB has no locus to intervene.**

Resource Implications

29. In relation to the strategic plans, we can confirm that the plans are compatible with the indicative budgetary costs already submitted to the SPCB as part of next year's budget submission which covers the first 2 year period of the plans. Figures for the subsequent 2 year period are also indicative figures and are included for illustrative purposes only and should not be read as part of any future submission as the SPCB has not yet considered budgets for this timeframe.

Governance issues

30. The preparation of a strategic plan is a statutory requirement.

Publication Scheme

31. This paper may be published. The strategic plans will be published on the relevant organisations' websites in due course.

Next steps

32. To reply to the officeholders and Accountability Scotland.

Decision

33. The SPCB is invited to note and comment on:

33.1. The strategic plans

33.2. The submission from Accountability Scotland

Officeholder Services
February 2012