



Scottish Public Services Ombudsman Act 2002

2002 asp 11

SCOTTISH PUBLIC SERVICES OMBUDSMAN ACT 2002

The Scottish Public Services Ombudsman

1 The Scottish Public Services Ombudsman

Investigations by the Ombudsman

- 2 Power of investigation
- 3 Persons liable to investigation
- 4 Persons liable to investigation: supplementary
- 5 Matters which may be investigated
- 6 Application of section 5 to certain tribunals
- 6A Matters which may be investigated: healthcare whistleblowing
- 6B Further provision in relation to healthcare whistleblowing
- 7 Matters which may be investigated: restrictions
- 8 Excluded matters
- 9 Complaints: who may complain
- 10 Complaints: time limits and procedure
- 11 Decisions not to investigate or to discontinue investigations
- 12 Investigation procedure
- 13 Evidence
- 14 Obstruction and contempt
- 15 Reports on investigations
- 16 Special reports

Listed authorities: complaints handling procedures

- 16A Statement of principles
- 16B Model complaints handling procedures
- 16BA Model complaints handling procedure: healthcare whistleblowing
- 16C Model complaints handling procedures: specification of listed authorities

Changes to legislation: Scottish Public Services Ombudsman Act 2002 is up to date with all changes known to be in force on or before 23 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 16D Declarations of non-compliance
- 16E Submission of description of complaints handling procedure: general
- 16F Complaints handling procedures: application of other enactments

Complaints handling procedures: promotion of best practice etc.

- 16G Complaints handling procedures: promotion of best practice etc.

Other functions of the Ombudsman

- 16H Reviews under the Welfare Funds (Scotland) Act 2015

Miscellaneous and general

- 17 Annual reports etc.
- 17A Strategic plans
- 18 Protection from actions for defamation
- 19 Confidentiality of information
- 20 Disclosure of information by the Ombudsman
- 21 Consultation and co-operation with other Commissioners and Ombudsmen
- 22 Information about right to make complaint

Supplementary

- 23 Interpretation
- 24 Orders in Council: general
- 25 Modification of enactments
- 26 Consequential, transitional, transitory and saving provision
- 27 Commencement, revocation and short title

SCHEDULE 1 — The Scottish Public Services Ombudsman

- 1 *Disqualification*
- 2 *Status*
- 3 *Validity of actings*
- 4 *Term of office and tenure*
- 5 *Vacancy in office of Ombudsman*
- 6 *Vacancy in office of deputy Ombudsman*
- 7 *Remuneration*
- 8 *Pensions etc.*
- 9 *Staff*
- 10 *Advisers and other services*
- 11 *Delegation*
- 12 *General powers*
- 12A *Location of office*
- 12B *Sharing of premises, staff, services and other resources*
- 12C *Charges for services*
- 12D *Budget*
- 13 *Financial provision*
- 14 *Accountable officer*
- 15 *Accounts and audit*

SCHEDULE 2 — Listed authorities

Changes to legislation: Scottish Public Services Ombudsman Act 2002 is up to date with all changes known to be in force on or before 23 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Part 1 — ENTRIES NOT AMENDABLE BY ORDER IN COUNCIL

- 1 Scottish Parliament and Scottish Administration
- 2 Any member of the Scottish Executive.
- 3 Any other office-holder in the Scottish Administration.
- 4 Health service
- 5 Any person who is, or was at the time of...
- 6 Any person who is, or was at the time of...
- 7 Local government etc.
- 8 Any committee, joint committee or joint board the members of...
- 9 Any person who, by virtue of section 56(1) of the...
- 10 Any licensing board continued in existence by or established under...
- 11 The Strathclyde Passenger Transport Authority.
- 11A Any Transport Partnership created under the Transport (Scotland) Act 2005...
- 12 Any National Park authority.
- 13 The Scottish Fire and Rescue Service.
- 14
- 15 Any Children's Panel Advisory Committee formed under paragraph 3, or...
- 16 Any joint committee, for the administration of superannuation schemes for...
- 16A Scottish Water.
- 17 Housing
- 17A Prisons
- 17B Crown Estate

Part 2 — ENTRIES AMENDABLE BY ORDER IN COUNCIL

- 18 Scottish public authorities
- 19 Audit Scotland.
- 20 The Auditor General for Scotland.
- 20A Bòrd na Gàidhlig
- 20AA Boundaries Scotland
- 20B The British Waterways Board.
- 21 The Chief Investigating Officer established by section 9(1) of the...
- 21ZZA Children's Hearings Scotland.
- 21ZA The Commissioner for Ethical Standards in Public Life in Scotland...
- 21A A community justice authority.
- 21B
- 21ZZC Community Justice Scotland.
- 21ZZD Consumer Scotland.
- 21ZC The Convener of the School Closure Review Panels.
- 21C Creative Scotland.
- 22 The Crofters Commission.
- 22A Food Standards Scotland.
- 23 The Deer Commission for Scotland.
- 24 The General Teaching Council for Scotland.
- 25 Highlands and Islands Enterprise.
- 25ZA Historic Environment Scotland.
- 25ZB ILF Scotland.
- 25ZC An integration joint board established by order under section 9(2)...
- 25A The Judicial Appointments Board for Scotland.
- 26 Learning and Teaching Scotland.
- 27 Any local enterprise company, that is to say any company...
- 28 The Local Government Boundary Commission for Scotland.

Changes to legislation: Scottish Public Services Ombudsman Act 2002 is up to date with all changes known to be in force on or before 23 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 28A The National Convener of Children’s Hearings Scotland.
- 29 The Board of Trustees for the National Galleries of Scotland....
- 30 The National Library of Scotland .
- 31 The Board of Trustees of the National Museums of Scotland....
- 32 The Parole Board for Scotland.
- 32A The Police Investigations and Review Commissioner.
- 32AA The Principal Reporter.
- 32AB Redress Scotland.
- 32B
- 32C
- 33 The Board of Trustees of the Royal Botanic Garden, Edinburgh....
- 34
- 35 The Scottish Agricultural Wages Board.
- 36 The Scottish Arts Council.
- 36A The Scottish Biometrics Commissioner.
- 37 The Scottish Children’s Reporter Administration.
- 37B The Scottish Commission for Human Rights.
- 38 The Scottish Commission for the Regulation of Care.
- 39 Scottish Enterprise.
- 40 The Scottish Environment Protection Agency.
- 40A The Scottish Further and Higher Education Funding Council.
- 41
- 42 The Scottish Further Education Unit.
- 43
- 44
- 45 The Scottish Hospital Endowments Research Trust.
- 45A The Scottish Information Commissioner.
- 46 The Scottish Legal Aid Board.
- 47 Entries amendable by Order in Council
- 48 Scottish Natural Heritage.
- 49 The Scottish Qualifications Authority.
- 50 Scottish Screen.
- 50A The Scottish Sentencing Council.
- 51 The Scottish Social Services Council.
- 52 The Scottish Sports Council.
- 52A Social Care and Social Work Improvement Scotland.
- 52B South of Scotland Enterprise.
- 53 The Scottish Tourist Board.
- 54 The Standards Commission for Scotland.
- 54A VisitScotland.
- 55 The Water Industry Commission for Scotland.
- 56 Any holder of an office— (a) established by or under...
- 57 Cross-border public authorities
- 58 British Potato Council.
- 59 British Tourist Authority.
- 60 British Wool Marketing Board.
- 61 Central Bureau for Educational Visits and Exchanges.
- 62 Committee of Investigation for Great Britain.
- 63 Community Development Foundation.
- 64 Construction Industry Training Board.
- 65 Consumers’ Committee for Great Britain.
- 66 The Criminal Injuries Compensation Appeals Panel.
- 67 The Criminal Injuries Compensation Authority.

Changes to legislation: Scottish Public Services Ombudsman Act 2002 is up to date with all changes known to be in force on or before 23 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 68 Design Council.
 - 69 Engineering Construction Industry Training Board.
 - 70
 - 71 Forestry Commissioners.
 - 72 Home-Grown Cereals Authority.
 - 73 Horticultural Development Council.
 - 74 Intervention Board for Agricultural Produce.
 - 75 Joint Nature Conservation Committee.
 - 76 The licensing authority designated under section 1(1) of the Activity...
 - 77 Meat and Livestock Commission.
 - 78 Milk Development Council.
 - 79
 - 80 Entries amendable by Order in Council
 - 81 Police Information Technology Organisation.
 - 82 Entries amendable by Order in Council
 - 83 Scottish Consumer Council.
 - 84 Sea Fish Industry Authority.
 - 85 The Theatres Trust.
 - 86 Entries amendable by Order in Council
 - 87 The Trustees of the National Heritage Memorial Fund.
 - 88 United Kingdom Sports Council.
 - 89 Unrelated Live Transplant Regulatory Authority.
 - 90 Other bodies
 - 91 The Security Industry Authority.
 - 91A The Statistics Board.
 - 91B The Committee on Climate Change.
 - 91BA The Electoral Commission.
 - 91C Architecture and Design Scotland
- Part 3 — OTHER ENTRIES AMENDABLE BY ORDER IN COUNCIL
- 92 Further and Higher Education
 - 93 The Scottish Agricultural College.

SCHEDULE 3 — Specified tribunals for the purposes of sections 6 and 7

- 1 The Dairy Produce Quota Tribunal for Scotland.
- 2 Any Independent Schools Tribunal constituted in accordance with Schedule 2...
- 3 The Lands Tribunal for Scotland.
- 4 Any Meat Hygiene Appeals Tribunal constituted under—
- 4A The Mental Health Tribunal for Scotland.
- 5 Any private rented housing committee constituted under section 44 of...
- 6 The Plant Varieties and Seeds Tribunal.
- 7 The Scottish Land Court.

SCHEDULE 4 — Matters which the Ombudsman must not investigate

- 1 Action taken— (a) by or with the authority of a...
- 2 (1) The commencement or conduct of— (a) civil or criminal...
- 3 Action taken by any office-holder in, or member of the...
- 4 Action taken by a member of the administrative staff of...
- 5 Action taken by a person appointed under section 5(3)(c) of...
- 6 Any exercise of the prerogative of mercy or of the...
- 7 (1) Action taken in matters arising from concluded contractual or...
- 8 Action taken in respect of appointments or removals, pay, discipline,...
- 9 The grant of honours, awards or privileges within the gift...

Changes to legislation: Scottish Public Services Ombudsman Act 2002 is up to date with all changes known to be in force on or before 23 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 10 Action concerning— (a) the giving of instruction, whether secular or...
- 10A Action taken by or on behalf of any body falling...
- 11 Action taken by the Mental Welfare Commission for Scotland under—...
- 12 Action which has been, or is, the subject of an...
- 13 Action taken by a Health Board in the exercise of...
- 14 Action taken by a Health Board in the exercise of...
- 15 Action relating to the determination of the amount of any...
- 16

SCHEDULE 5 — Disclosure of information by the Ombudsman

SCHEDULE 6 — Modification of enactments

- 1 *Local Government (Scotland) Act 1975 (c.30)*
- 2 *Local Government (Scotland) Act 1978 (c.4)*
- 3 *Local Government Act 1978 (c.39)*
- 4 *Local Government, Planning and Land Act 1980 (c.65)*
- 5 *Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c.23)*
- 6 *Mental Health (Scotland) Act 1984 (c.36)*
- 7 *Hospital Complaints Procedure Act 1985 (c.42)*
- 8 *Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73)*
- 9 *Legal Aid (Scotland) Act 1986 (c.47)*
- 10 *Local Government Act 1988 (c.9)*
- 11 *Housing (Scotland) Act 1988 (c.43)*
- 12 *Official Secrets Act 1989 (c.6)*
- 13 *Local Government and Housing Act 1989 (c.42)*
- 14 *Health Service Commissioners Act 1993 (c.46)*
- 15 *Local Government etc. (Scotland) Act 1994 (c.39)*
- 16 *Children (Scotland) Act 1995 (c.36)*
- 17 *Town and Country Planning (Scotland) Act 1997 (c.8)*
- 18 *Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (c.9)*
- 19 *Planning (Hazardous Substances) (Scotland) Act 1997 (c.10)*
- 20 *Scottish Legal Services Ombudsman and Commissioner for Local Administration in Scotland Act 1997 (c.35)*
- 21 *Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)*
- 22 *National Parks (Scotland) Act 2000 (asp 10)*
- 23 *Freedom of Information Act 2000 (c.36)*
- 24 *Regulation of Care (Scotland) Act 2001 (asp 8)*

SCHEDULE 7 — Transfer of staff, property and liabilities and undetermined complaints

- 1 *Interpretation*
- 2 *Transfer of staff of existing Commissioners and Scottish Homes*
- 3 *Transfer of property etc. of existing Commissioners and Scottish Homes*
- 4 *Transfer of undetermined statutory complaints*
- 5 *Transfer of undetermined housing complaints*

Changes to legislation:

Scottish Public Services Ombudsman Act 2002 is up to date with all changes known to be in force on or before 23 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. View outstanding changes

Changes and effects yet to be applied to :

- sch. 2 para. 21A inserted by [2003 asp 4 sch. 4 para. 16\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 16(b) repealed (1.4.2011) by 2010 asp 11, ss. 2(5), 31(5), Sch. 1 para. 18)
- sch. 2 para. 4(c) repealed by [2004 asp 7 sch. 2](#)
- sch. 2 Pt. 2 words inserted by [2009 asp 12 sch. 2 para. 4](#)
- sch. 4 para. 14 words substituted by [2005 asp 13 sch. 2 para. 6](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 2 para. 37A inserted by [2007 asp 3 Sch. 5 para. 27](#) (This amendment not applied to legislation.gov.uk. Sch. 5 para. 27 repealed (31.1.2011) by 2010 asp 8, sch. 4 Pt. 2; S.S.I. 2011/30, art. 3(1), Sch. 1)