

SCOTTISH PUBLIC SERVICES OMBUDSMAN ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Investigations by the Ombudsman

Section 10 – Complaints: time limits and procedure

44. This section provides time limits for making complaints to the Ombudsman, and the required format for making complaints.
45. Generally, complaints must be made within 12 months of the day on which the person aggrieved first had notice of the matter to which the complaint relates. However, the Ombudsman has discretion to accept late complaints if he/she considers there are special circumstances which make it appropriate to do so.
46. *Subsection (2)* makes special provision in relation to complaints relating to action by a family health service provider or an independent provider, who has since ceased to be such a provider. The effect of subsections (1) and (2) when taken together is that, even where a complaint is made less than 12 months from when it came to the notice of the person aggrieved, it will not be considered if it relates to a family health service provider or independent provider who ceased to be such a provider more than 3 years before.