



Scottish Public Services Ombudsman Act 2002

2002 asp 11

Investigations by the Ombudsman

15 Reports on investigations

- (1) [^{F1}Subject to subsection (1A),] 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.

[^{F2}(1A) Where the Ombudsman decides to discontinue an investigation, the Ombudsman may—

- (a) send a report of the investigation to the Scottish Ministers, and
- (b) 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 [^{F3}sent to it by virtue of subsection (1)] at any reasonable time,

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- (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—
 - (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.
- [^{F4}(8) Any reference in subsections (3) to (5) to the listed authority in question or to the listed authority includes, in relation to a complaint following which the investigation was conducted, a reference to a listed authority—
- (a) which was not mentioned in the complaint, but
 - (b) whose action was investigated by the Ombudsman in connection with the investigation.]
- [^{F5}(9) A report prepared after conducting an investigation into a matter mentioned in section 6A(1) may include any observations the Ombudsman wishes to make about—
- (a) the general culture in relation to the handling of complaints in accordance with a complaints handling procedure of the kind described in section 6A(3) by—
 - (i) the health service body, independent provider or (as the case may be) family health service provider in question, or
 - (ii) any other listed authority investigated by the Ombudsman in connection with the investigation, and
 - (b) the treatment, by any person mentioned in paragraph (a), of the person aggrieved.
- (10) Subsection (9) is without prejudice to the Ombudsman’s discretion about what to include in any report.]

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Textual Amendments

- F1** Words in s. 15(1) inserted (1.4.2011) by [Scottish Parliamentary Commissions and Commissioners etc. Act 2010 \(asp 11\)](#), s. 31(5), **sch. 3 para. 5(a)** (with s. 31(6), sch. 7)
- F2** S. 15(1A) inserted (1.4.2011) by [Scottish Parliamentary Commissions and Commissioners etc. Act 2010 \(asp 11\)](#), s. 31(5), **sch. 3 para. 5(b)** (with s. 31(6), sch. 7)
- F3** Words in s. 15(4)(a)(i) inserted (1.4.2011) by [Scottish Parliamentary Commissions and Commissioners etc. Act 2010 \(asp 11\)](#), s. 31(5), **sch. 3 para. 5(c)** (with s. 31(6), sch. 7)
- F4** S. 15(8) inserted (1.4.2011) by [Scottish Parliamentary Commissions and Commissioners etc. Act 2010 \(asp 11\)](#), s. 31(5), **sch. 3 para. 5(d)** (with s. 31(6), sch. 7)
- F5** S. 15(9)(10) inserted (8.1.2020) by [The Public Services Reform \(The Scottish Public Services Ombudsman\) \(Healthcare Whistleblowing\) Order 2020 \(S.S.I. 2020/5\)](#), arts. 2, **3(4)**

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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)
- sch. 2 para. 32ZA inserted by [2023 asp 6 sch. 2 para. 1\(2\)](#)