

**SCOTTISH
PUBLIC
SERVICES
OMBUDSMAN**



People Centred | Improvement Focused

Asking us to reconsider our decision

This leaflet explains how you can ask us to reconsider the decision we made in our independent review of your Scottish Welfare Fund decision.

Our role is to make a decision by taking into account all the relevant facts and evidence, including carefully considering the views and opinions of both you and the council.

We expect you to accept the way we work and our authority to reach a final decision on our independent review. We will work with you and the council to make sure the facts are accurate. However, it is for us to interpret the facts and the available evidence and come to a decision.

There are limited reasons – explained below – for asking us to reconsider. We won't accept a request if you simply disagree with our decision.

Anyone who has received a decision from us – individuals and councils – can ask us to reconsider.

Asking us to reconsider

These are some possible examples of where we may reconsider our decision:

- We made our decision based on a material error of fact, which can be shown using readily available information.
- We failed to apply guidance or legislation correctly.
- We acted unreasonably or disproportionately, or showed bias in making our decision.
- Where you have new information that you think we did not know about and which you feel affects our decision. Please note, we can only take into account information that existed during the period when the council considered your application. If you have experienced a change in circumstances since the council made their decision, we cannot take this information into account and you may wish to consider making a new application to the council.

If you are unsure whether your reconsideration request is covered by the grounds set out, please contact us to discuss this before you send us your request for reconsideration.

We may share new information you provide with the council. We do this to give them the chance to consider it before we make a decision on your reconsideration request.

The council are also entitled to ask us to reconsider our decision. If this happens, we'll share with you any new information they give us to allow you to comment on it.

If you wish to ask us to reconsider our decision, you should do this **within one month** of receiving our decision. We won't accept a request that arrives late unless you can show special circumstances that mean you could not meet the time limit. This also applies to the council.

What happens next?

We'll write to confirm we have received your form and paperwork within two working days of receiving it. We aim to provide a full response:

- For Crisis Grants, one working day from when we get all the information we need to make our decision for applicants, and 21 working days for councils.
- For Community Care Grants, 21 working days from when we get all the information we need to make our decision for applicants and councils.

If we need more time to consider your request, we'll write to tell you this.

Judicial review

If you want to challenge our decision again, you will only be able to do so using judicial review. Judicial review is a form of court proceeding where a judge reviews whether a decision or action by a public body is lawful. You may want to take legal advice before deciding whether this is appropriate in your case.

Your information

We are committed to protecting your privacy. We use information given to us about you and your application [or review] for its intended purpose and in line with the Data Protection Act 2018, the SPSO Act 2002 and the Welfare Funds (Scotland) Act 2015. For more information about how we handle your privacy and protect your information see our website www.spsso.org.uk/privacy-notice-and-disclaimer or ask us for our leaflet.

How to contact the SPSO



Freepost SPSO

(this is all you need to write on the envelope, and you don't need to use a stamp)



SPSO, Bridgeside House, 99 McDonald Road, Edinburgh EH7 4NS

Opening hours:

Monday, Wednesday, Thursday, Friday 9am–5pm, Tuesday 10am–5pm



Freephone: **0800 014 7299**



Website www.spsso.org.uk/scottishwelfarefund



Fax **0800 377 7331**



Please contact us if you would like this leaflet in another language or format (such as large print, audio, BSL or Braille).