



# Your complaint, our decision

## **This leaflet explains how to ask us for a review of our decision.**

Our role is to make a decision on each complaint by taking into account all the available facts and evidence. We do this by carefully considering the views and opinions of both the person making the complaint and whoever is being complained about.

In asking us to consider your complaint, you have to accept the way we work and our authority to reach a final decision on the matter. We will work with you and those you have complained about to make sure the facts of your complaint are accurate.

However, it is for us to interpret the facts and the available evidence and come to a judgement.

The grounds on which you can ask us to review our decision on your complaint are limited. We will not accept a request for a review if you simply disagree with the outcome of your complaint.

This process is open to people and organisations who have received a decision from us.

## **Asking for a review**

You can only ask for a review on the following grounds:

- You feel we made our decision based on important evidence that contains facts that were not accurate, and you can show this using readily available information.
- You feel you have new and relevant information that was not previously available and that affects the decision we made. In this case, we may share the new information with the organisation you complained about. We do this to give them the chance to consider it before the Ombudsman makes a decision on your review request.

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

The organisation you complained about is also entitled to request a review on these grounds. If this happens, we will share with you any new information they give us to allow you to comment on it.

If you wish to request a review, you should let us know within three weeks of receiving our decision letter. You will then have a further three weeks to send us your full review request. This means you have a total of six weeks after receiving our decision to send us your full review request. We will not accept any review requests that do not follow this process, unless you can show special circumstances that meant you were unable to do so.

If the organisation you complained about wants to request a review, they will also need to let us know within three weeks of receiving the decision letter. They will then have one week after this to send us their full review request.

## What happens to your request

The Ombudsman will consider your request for a review and decide whether to review the decision. We will let you know whether your

request is eligible – based on the above grounds. If it is, our response will also tell you whether we will uphold our original decision, change the decision, or reopen your complaint for further investigation. We aim to respond to review requests on a timely basis, with 95% of requests being responded to within 90 days or less, and 40% being responded to within 50 days or less.

## Judicial review

If you want to challenge our decision again, you will only be able to do this using judicial review proceedings. 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 complaint [or review] for its intended purpose and in line with the Data Protection Act 2018 and the SPSO Act 2002. For more information about how we handle your privacy and protect your information see our website [www.spsso.org.uk/privacy-notice-and-disclaimer](http://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 377 7330**



Website [www.spsso.org.uk](http://www.spsso.org.uk)



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).