



# Your complaint, our decision

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

You can ask for a review of our decision letter if you are the complainant or the organisation complained about.

SPSO makes a decision on each complaint. We do this by taking into account all the available facts and evidence and the views and opinions of both the person making the complaint and the organisation being complained about.

When we consider a complaint, we expect the parties to accept the way we work and our authority to make a decision about the complaint. We will work with complainants and those complained about to make sure the facts of the complaint are accurate and we have enough evidence to make a decision.

It is then for us to weigh up the evidence we have and make a decision. Your complaint may be upheld in full, some upheld or not upheld. We may also decide not to take your complaint forward for investigation.

## **Asking for a review**

If you want to ask for a review, we would appreciate you using a **review request form**. We can also send you a copy if you call us on Freephone **0800 377 7330** or call **0131 225 5300**.

Contact us on this number if you would like to make your review request in a different format, and we will help you to make sure that it covers everything it needs to.

If you are the organisation complained about, it is important that the review request comes from the Chief Executive (or equivalent) or someone authorised to act on their behalf.

The Ombudsman generally looks at all review requests. She will only change a decision if you:

- send new information, and/or
- demonstrate information we used was wrong, and/or
- demonstrate we made a mistake

AND

- it has an impact on the original decision.

She will not change a decision simply because you disagree with it.

## New information

If you have new information that we have not seen and feel it could affect our decision, send it to us. The information should be readily available and it is for you to send it. You must explain why you think the new information changes our decision. You must also explain why you did not send this to us sooner, for example, when we sent you our provisional decision.

We may share the new information with the organisation complained about, or the complainant if you are the organisation asking for a review. We do this to give the parties the chance to consider it before the Ombudsman makes a final decision on the complaint and issues her response to your review request.

## Inaccurate information

If you feel our decision was based on evidence that contains facts that were not accurate, you must explain why and send us information to support your view. The information should be readily available, and it is for you to send it. You must also explain why you did not send this to us sooner, for example, when we sent you our provisional decision.

## Mistakes

We are committed to quality, but very occasionally we make a mistake that is down to human error. For example, a mathematical error when calculating an amount we are asking an organisation to refund a complainant, or when working out a time period.

The circumstances of each complaint vary, but if you think we have made a mistake, explain it to us, sending any information you have to support your view and we will take another look at it.

## Timescales

You should send us your review request and all the supporting information within **six weeks** of the date of our decision letter. We will not accept review requests made later than six weeks, unless you can show there were special circumstances that meant you were unable to do so.

If you think you will not be able to meet the timescale for any reason, you should contact us **as soon as possible** to discuss this with us.

If you are waiting for a response to a Freedom of Information request, or a Subject Access request that you consider is crucial to the review of our decision, **do not delay** sending your review request. You should send it with the information you have and tell us when you made your information request, to which organisation, when you expect a reply and why you think it is relevant to your review request.

If you are unsure about your request for review or how to make it, please contact us to discuss this before you send it.

## What happens to your request

The Ombudsman considers all review requests, except where she has a conflict of interest. Her response will tell you whether she upholds the original decision, has changed the decision, or has reopened the complaint for further investigation. This is her final decision on your complaint.

The Ombudsman aims to respond to review requests on a timely basis, with:

- 40% being responded to within 50 working days or less, and
- 95% being responded to within 90 working days or less.

The SPSO's Annual Reports contain information about how many review requests we receive. You can view these at [www.spsso.org.uk/annual-reports](http://www.spsso.org.uk/annual-reports)

## Judicial review

If you want to challenge the Ombudsman's final decision, 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



### Review request form

Download a **review request form** or contact us to ask for one



### 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



SPSO 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).