

**SCOTTISH  
PUBLIC  
SERVICES  
OMBUDSMAN**



People Centred | Improvement Focused

# Information for advisers

The Scottish Public Services Ombudsman (SPSO) independently reviews council decisions about Scottish Welfare Fund applications under the Welfare Funds (Scotland) Act 2015.

SPSO freephone **0800 014 7299**

# Criteria for reviews

We are the final stage in the decision making process. We can normally only review applications after:

- an application has been made to the council
- the council has made a decision, and
- the council has completed a first tier review and made a decision.

## Time limit

Applicants should ask us for a review within one month of receiving the council's first tier review decision. In some situations, we can accept late reviews and you should contact us to discuss the circumstances if this is the case.

## Consent

If you are helping someone to submit a review, then we will need consent from the applicant to discuss and share information with you. This can be done verbally, by email from the applicant's own email address, or you can send us your signed consent form.

## Grounds for an independent review

We will ask the applicant why they are unhappy with the council's decision although we can still take forward a review without knowing this.

We are also able to consider complaints about how an applicant was treated by the council.

Find out more about the Scottish Welfare Fund by visiting [www.gov.scot/Topics/People/fairerscotland/scottishwelfarefund](http://www.gov.scot/Topics/People/fairerscotland/scottishwelfarefund)

## 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. To find out more about how we handle your information and your rights, see our website [www.spsso.org.uk/privacy-notice](http://www.spsso.org.uk/privacy-notice) or ask us for a copy.

## How we will make our decision

We will decide whether the council made the decision that should have been made.

We will look at whether the council:

- followed Scottish Government guidance, regulations and any relevant council policies
- considered information that was accurate, relevant and complete
- made appropriate enquiries to get that information
- made its decision fairly, based on relevant information and the applicant's individual circumstances, and
- treated the applicant with dignity and respect when making its decision.

## Getting information to help us make our decision

Once we have checked that the application has been through the council's application and first tier review process, we will ask the council to send us their case file. We will ask them to send us everything so we can see what information they had when they made their decision.

We will then contact the applicant or their representative to let them know that we have the case file. We will give them a chance to give us any further information they want to provide. We may also have some questions for them, but we will only ask for information we need to make our decision.

In some cases, we may need the applicant to send us some extra information. We may also need to check something with a third party e.g. their housing officer or support worker. We usually discuss this with the applicant first. If the applicant tells us not to contact the third party, we will make our decision based on the information we have.

We can also carry out home visits or hold an oral hearing, which would be with the applicant and the council. We would only do this if we needed more information and it would be the fair thing to do. Based on our experience we very rarely need to do either of these as we are able to get the information we need in other ways e.g. in writing or by speaking to the applicant. If you have any questions about this process, please contact us.

# What can we decide?

We can decide:

- to change part or all of the council's decision
- to tell the council to make a new decision, or
- not to change the council's decision in any way. We may also make suggestions to the council about how it can learn and improve.

## Grant awards

**We will not reduce or take away any award because you asked us for a review, even if we disagree with the council's decision.**

Only the corrected decision will be reported or included in the statistics about the local authority's performance.

If we decide that the council should make an award, the council will contact the applicant directly to arrange this.

## How long will the process take?

We normally ask the council for the case documents on the same day the review is requested. If the request comes in after 3pm, we ask for the documents the next working day.

The council should send documents to us within:

- one working day for crisis grant reviews
- four working days for community care grant reviews

Once we have all the information we need, we aim to make our decision:

- within one working day for crisis grants
- within 21 working days for community care grants

If we cannot meet these timescales, we will explain why.



# Quick guide to common situations

## **The applicant was told they were too late to ask the council for a first tier review**

We may be able to help, depending on the circumstances. You should speak to our SWF team.

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## **The applicant has new information they think the council should have looked at when making its decision**

If the information relates to circumstances the council should have been aware of at the time, we may take it into account. However, if the information is entirely new, a new application to the council for a grant may be needed. If you are not sure you can call us for advice.

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## **The applicant has been told the fund has run out of money – what can the SPSO do?**

The SWF has a limited budget. We cannot make an award if the applicant first applied when the fund had no money left. We must base our decision on the level of funding available at the time they applied to the council.

If the applicant applied when money was available, but the fund is empty by the time they ask us for a review, we can still make an award if that is the decision they should have received at the time of their original application.

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## **The applicant is unhappy about part of the council's decision but worries that the SPSO could take away part of the council's award**

We will not reduce or take away an award the council has given. This is in line with general SWF principles.

## Will the applicant need to speak to the SPSO's team in person?

We usually make our decision using information from the applicant and the council. Applicants can speak to us by phone, or contact us in writing or online. If we need to check anything, we normally do this by phone or in writing.

We can ask to meet with the applicant if it is necessary. Our legislation also allows us to hold an oral hearing with the applicant, their representative, and the council.

These meetings are rare. We can almost always get the information we need without meeting in person.

If you want to know more about this, you can ask us.

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## Making independent reviews public

We may publish information about our reviews. This is to show people what we have found and what we have asked councils to do. We will remove information that could identify anyone.

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## The applicant thinks the decision is OK but feels they were treated badly by the council

If an applicant is unhappy with the service the council gave them, they should normally complain to the council using its complaints procedure. An applicant can complain even if they do not want to review the council's decision. This may be, for example, because they are unhappy with how the council treated them or with a delay. Once an applicant has received the council's response to their complaint, they can then complain to the SPSO.

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## What if the applicant is still unhappy after the SPSO's independent review?

If they are unhappy with our decision, they can ask us to reconsider it. We will ask them to tell us why they disagree with the decision. We will not reconsider our decision simply because they are disappointed with it. We publish a leaflet about **reconsidering our decisions**. It is on our website or you can ask us for a copy.

Find more information at [swf.spsso.org.uk](https://swf.spsso.org.uk)

# How to contact the SPSO

Our SWF team are happy to help.



Freephone **0800 014 7299** (calls are free to this number, even from mobiles)  
This line is open Monday to Friday 10am-4pm



Online contact form **[swf.spsso.org.uk/contact-form](https://swf.spsso.org.uk/contact-form)**  
You can fill in our application form online at **[forms.spsso.org.uk/swf](https://forms.spsso.org.uk/swf)**



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



Website **[swf.spsso.org.uk](https://swf.spsso.org.uk)**



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

Opening hours:

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

If you would like to visit our office in person, you must arrange an appointment first by phoning 0800 014 7299 or using our online contact form.

Calls to and from SPSO phone lines may be recorded to check the quality of our service and help us do our job to help you. More details are in the privacy notice: **[www.spsso.org.uk/privacy-notice](https://www.spsso.org.uk/privacy-notice)**. Please ask if you want to confirm if a call is or is not being recorded or if you would like to know what options may be available to you if you do not wish to be recorded.

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