

# The Scottish WELFARE FUND

## Challenging decisions



**Local councils are responsible for making decisions on Scottish Welfare Fund (SWF) applications. This leaflet tells you what you can do when you think a decision is wrong.**

## First Tier Review Where you have received a decision on your application

**I have been refused an award, or I'm unhappy with the award that I've been given, what can I do?**

You can ask your local council to look at the decision again. This is called a review.

Someone in the local council, other than the person who made the original decision, will look at your application again.

### **Is there a time-limit for requesting a review?**

Yes. Requests should normally be within one month from the date of the original decision. You should contact the council for advice

### **How do I make a request for a review?**

You must normally make your request in writing by email, or in a letter and, include:

- date and reference number from your decision letter
- reasons why you think the decision is wrong
- any information that might make a difference to the decision, e.g. a change in your circumstances

You may in exceptional circumstances ask for a review in person, or by telephone.

### **What happens if I provide new information?**

The local council will look at your case again, taking into account all new information.

### **How long should it take for the council to complete my review?**

Councils aim to deal with **Community Care Grant reviews within 15 working days** and **Crisis Grant reviews within 2 working days**. They will notify you in writing of their decision. This should include an explanation of their decision, and information about what you can do if you are not happy with the review decision.

### **What decision can a council reach on a review?**

The review can decide to:

- uphold, or agree with, the original decision
- change the original decision

They **cannot** reduce the award, or take it away



## Independent Review When you have received a decision on your first tier review

### **I'm still unhappy after the first tier review. Is this the final step?**

No. If you are unhappy with the council's decision, you can ask the Scottish Public Services Ombudsman (SPSO) for an independent review. The SPSO is not part of the council.

## When can I ask for an independent review from the SPSO?

You can ask for an independent review **only after** the council has given you their decision on their review. The council will send you a letter that tells you about contacting the SPSO.

## Is there a time limit for me to ask for an independent review?

Yes. You should ask the SPSO for an independent review **within one month** of the first tier review decision. In some circumstances you may be able to ask for a review after this. You should contact the SPSO for advice.

## How do I ask for an independent review?

You can ask the SPSO for an independent review over the phone or in writing. If you prefer, they will send you a form in the post, or you can print it off their website or fill it in online.

You will need to tell the SPSO that you have received the council's first tier review decision. If someone is asking for an independent review on your behalf, you will need to tell the SPSO that you are happy for this to happen.

## What will the SPSO do?

The SPSO will consider whether the council made a reasonable and fair decision. They will do this by checking that 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 evidence

- made their decision fairly, based on relevant evidence and your own individual circumstances, and
- in making their decision, treated you with dignity and respect

## What can the SPSO decide?

They 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

**They won't reduce or take away any award the council has given you.**

## How long will the SPSO take to reach a decision?

After you have asked for an independent review, the SPSO will start work straight away. The SPSO will ask you and the council for the information they need. Getting this information can take time. This means the SPSO may need several days from the date you apply to give you their decision on a review of a Crisis Grant and several weeks from the date you apply to give you their decision on a review of a Community Care Grant. They will aim to give you their decision within the following times:

- For Crisis Grants, one working day from when they get all the information they need to make a decision
- For Community Care Grants, 21 working days from when they get all the information they need to make a decision

If the SPSO cannot keep to these times, they will let you know why.

## Contacting the SPSO

You can ask for an independent review **only after** the council has given you their decision on their review. For advice, you can contact the SPSO:

- By phone on 0800 014 7299. Calls are free to this number, even from mobiles
- Write to this address: FREEPOST SPSO. You don't need to use a stamp
- Website: [www.spsso.org.uk/scottishwelfarefund](http://www.spsso.org.uk/scottishwelfarefund)

## Other sources of help

You may be able to get help in the form of Short Term Benefit Advances, Hardship Payments, Budgeting Loans, Sure Start Maternity Payments and Funeral Payments from the Department for Work and Pensions.

Your local Citizens Advice Bureau, or local Welfare Rights Organisation can offer advice. You'll find details at [www.cas.org.uk/about-us/citizens-advice-bureaux](http://www.cas.org.uk/about-us/citizens-advice-bureaux)

If you feel you have been treated badly or unfairly then you should complain through the local council's complaints process.

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

or search Welfare Fund on your local council's website

[www.moray.gov.uk](http://www.moray.gov.uk)

**The Scottish Welfare Fund**

Delivered by local councils in partnership  
with the Scottish Government