

WELFARE FUNDS (SCOTLAND) ACT 2015

EXPLANATORY NOTES

COMMENTARY ON INDIVIDUAL PROVISIONS

Section 10: Procedural matters

44. Subsection (1) provides that the Ombudsman can set out the Ombudsman's own procedure for conducting a review of a local authority decision.
45. Subsection (2) provides the Ombudsman with powers to obtain evidence and make inquiries as the Ombudsman thinks fit. These powers are broadly equivalent to the powers the Ombudsman has to obtain evidence on complaints. It also provides that the Ombudsman may hold oral hearings, or determine a review without an oral hearing. Subsection (4) provides that the Ombudsman may administer oaths at an oral hearing held in relation to the review.
46. Subsection (3) provides that the Ombudsman may require the local authority concerned, the applicant for assistance, or any other person to provide information or documents which the Ombudsman considers relevant to the review.
47. Subsection (5) provides that the Ombudsman may make rules setting out the factors to be taken into account by the Ombudsman in deciding whether to hold an oral hearing, and the procedure to be followed for conducting an oral hearing.
48. Subsection (6) provides that the Ombudsman must consult local authorities and such other persons as the Ombudsman considers appropriate before making the rules provided for under subsection (5).
49. Subsection (7) provides that the Ombudsman must publish the rules under subsection (5) as soon as reasonably practicable.