



# Welfare Funds (Scotland) Act 2015

## 2015 asp 5

*Further review by Scottish Public Services Ombudsman*

### **7 Application to Ombudsman for further review**

- (1) Subsection (2) applies where an applicant for assistance in pursuance of section 2 is dissatisfied with the outcome of a review by a local authority in pursuance of section 3.
- (2) An application for a further review may be made to the Ombudsman—
  - (a) by the applicant, or
  - (b) by a person authorised for the purpose by the applicant.
- (3) An application under subsection (2) may be made orally or in writing.
- (4) The Ombudsman must not consider an application under subsection (2) made more than one month after the day on which the applicant first had notice of the outcome of the review by the local authority in pursuance of section 3, unless the Ombudsman is satisfied that there are circumstances which make it appropriate to consider an application made outwith that period.
- (5) It is for the Ombudsman to determine whether an application under subsection (2) has been duly made.

### **8 Ombudsman's powers**

If, on a review in pursuance of an application under section 7(2), the Ombudsman considers that a different decision should have been made by the local authority, the Ombudsman may quash the decision and—

- (a) direct the local authority to reconsider the application to which the decision relates, or
- (b) direct the local authority to use its welfare fund to provide—
  - (i) the assistance concerned, or
  - (ii) any other assistance (being assistance which may be provided by the local authority under section 2).

## **9 Statement of practice**

- (1) The Ombudsman must prepare a statement of practice setting out the approach which the Ombudsman intends to take to the conduct of reviews in pursuance of applications under section 7(2).
- (2) Before preparing the statement of practice, the Ombudsman must consult—
  - (a) local authorities, and
  - (b) such other persons as the Ombudsman considers appropriate.
- (3) The Ombudsman must publish the statement of practice in such manner as the Ombudsman considers appropriate.
- (4) The Ombudsman may revise the statement of practice.
- (5) Subsections (2) to (4) apply to a revised statement of practice as they apply to the original statement of practice.

## **10 Procedural matters**

- (1) The procedure for conducting a review in pursuance of an application under section 7(2) is to be such as the Ombudsman thinks fit.
- (2) The Ombudsman may, in particular—
  - (a) obtain information from such persons and in such manner, and make such inquiries, as the Ombudsman thinks fit,
  - (b) hold an oral hearing or determine the review without one.
- (3) The Ombudsman may require any of the following persons to supply or produce information or documents which the Ombudsman considers is or are, or may be, relevant to the review—
  - (a) the local authority concerned,
  - (b) the applicant for assistance,
  - (c) any other person.
- (4) The Ombudsman may administer oaths at an oral hearing held in relation to the review.
- (5) The Ombudsman may make rules setting out—
  - (a) factors to be taken into account by the Ombudsman in deciding whether to hold an oral hearing in relation to a review in pursuance of applications under section 7(2),
  - (b) the procedure to be followed in connection with an oral hearing.
- (6) Before making such rules, the Ombudsman must consult—
  - (a) local authorities, and
  - (b) such other persons as the Ombudsman considers appropriate.
- (7) The Ombudsman must publish any such rules as soon as reasonably practicable.

## **11 Notice of decision and publication of report**

- (1) After conducting a review in pursuance of an application under section 7(2), the Ombudsman—

- (a) must notify the applicant for assistance and the local authority concerned of the Ombudsman's decision, and
  - (b) may publish a report of the review.
- (2) Apart from identifying the local authority concerned, a report of a review must not—
- (a) mention the name of any person, or
  - (b) contain any particulars which, in the Ombudsman's opinion, are likely to identify any person and can be omitted without impairing the effectiveness of the report.