

The decisions made by the Ombudsman are final. If you think there was something wrong with the way the decision was made, the only way to challenge it is by judicial review.

This factsheet provides basic information about judicial review as it applies to challenging decisions made by the Service Complaints Ombudsman for the Armed Forces (SCOAF). It does not take the place of legal advice.

What is judicial review?

Judicial review is a legal process. It is when the High Court reviews a decision made by a public body and decides whether it is a lawful decision.

The process looks at how the decision was made and whether the correct process was followed. It does not look at the merits of the decision. The process is not a new investigation into your complaint or an “appeal” of the decision.

How do I bring a judicial review?

You can find detailed guidance on the judicial review process on the [GOV.UK](https://www.gov.uk) website.

How long do I have to bring a judicial review?

You have up to 3 months from the date of our decision to bring a judicial review. Although you have 3 months, you need to act as quickly as you can.

Do I need legal advice?

That is entirely up to you to decide. However, you should strongly consider it. This is because judicial review is a legal process. You may even be able to get a free or low cost *initial* consultation with a solicitor through [Forces Law](https://www.forceslaw.com) to get more information about what is involved.

Is judicial review free, like your services?

No. There are court fees you will need to pay to bring a judicial review. You can find information about these on the [GOV.UK](https://www.gov.uk) website. If you get legal advice or instruct a solicitor to represent you, this may also cost money.

If I lose a judicial review, will I have to pay costs?

That will be up to the court to decide.

Unless we believe we have made a mistake in reaching our decision, we will defend any judicial review that is brought against us. If the court finds in our favour, we will ask the court to award us costs. This is because we have to pay to respond to and defend these types of legal cases and the money we use to do that is public money.

If costs are awarded, the amount you are asked to pay will depend on how far into the process it is and how much legal work has been done. We do everything we can to keep the costs we incur when defending litigation low.

When the Ombudsman reviews a decision made by the Services, is this a judicial review?

No. The Ombudsman's processes are not the same as judicial review. If you want to challenge a decision made by one of the single Services, you have up to 3 months from the date of the decision you believe is unlawful.

Coming to the SCOAF does not "stop the clock" on that time limit.

If I bring a judicial review will this be made public?

Judicial reviews are a matter of public record. This means that decisions might be published by the court or on other legal websites. The SCOAF has no control over what is published by the court or another organisation.

We publish information about judicial reviews e.g. in our Annual Report. However, we would never publish anything that identifies an individual.

I have decided to bring a judicial review – who is your solicitor?

We have government solicitors. You can write to them at:

Government Legal Department
102 Petty France
Westminster
London
SW1H 9GL

Once you lodge a judicial review, any communication about the review will go through our solicitors rather than being directly with us. This is normal practice.