

Review of admissibility decisions



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This pamphlet explains everything you need to know about the Ombudsman's power to review admissibility decisions.



What is an admissibility decision?

It is any decision made by the Service to:

- accept a Service Complaint for investigation, in whole or in part; or
- proceed with an appeal.

The Ombudsman has the power to review these decisions and make a final decision about whether the complaint should be accepted into the system, or proceeded with at appeal.



How long do I have to ask for a decision to be reviewed?

You can ask the Ombudsman to review an admissibility decision within **4 weeks and 2 days** of the decision being posted or emailed to you.

If you do not make your application to the Ombudsman within this timeframe, you will need to provide reasons for this and your application might not be accepted.

Please note: Not all applications for a review of an admissibility decision are accepted.



How do I ask for a review?

You will need to complete the [application for a review of an admissibility decision](#) which is available on our website. The form outlines the information we need from you to process your application, including your consent. For admissibility decisions you need to provide:

- Your Annex F form or statement of complaint
- A copy of the admissibility decision

Please note: It is important that we can contact you once you have submitted an application. If we can't contact you we may be unable to process your application.



What happens once you receive my application?

Once we receive your application form you will be sent an acknowledgement within 2 working days. The Enquiries and Referrals Team will check you have provided all documents needed to process your application before it is passed onto the Investigations Team to conduct an initial eligibility review.

The investigator assigned to your application will check whether we can accept the matter for investigation, against the following eligibility requirements:

- The application was made within the time limit (unless there are just and

- equitable reasons to accept it outside the time limit)
- The application is not deemed frivolous, vexatious, or malicious
- You were subject to Service law at the time the 'wrong' occurred
- The matter is within the Ombudsman's jurisdiction

If the application meets the eligibility criteria it will be accepted for review. If the application is not accepted, a letter will be sent to you and your Service to explain why we have reached this decision.

If the complaint is accepted, the investigator will contact you to clarify the nature of the complaint and request additional information from your Service if required. We will only review the parts of your complaint that have been ruled inadmissible.

The investigator will aim to complete the review within **17 working days**. If the timeframe is not likely to be met, you will be provided with regular updates, including a revised timetable, the reason for the delay and when it is expected we will complete the investigation.

A final report will be issued to you and your Service, outlining whether the complaint or appeal is admissible, in whole or in part, including any recommendations arising from the findings.



What do I do if I have a question while you are conducting the review?

Any questions regarding the investigation process should be sent to the investigator handling your case. The investigator will always try to respond to your question within a timely manner, but please allow 2 working days for a response.

Similarly, if you have additional information that you would like us to see, which we have not asked for, please do not send it to us as this may slow the investigation process down. You can make the investigator aware of the documents you have, and they will tell you if and when this information is needed.



If you overturn the decision, what can I expect to happen next?

A decision letter will be sent to you and your Service explaining why the complaint or the appeal is admissible, in whole or in part, and should be accepted into the system.

The single Service Secretariat will appoint a Specified Officer to decide the complaint and determine what redress (if any) is appropriate.



Will you monitor how the complaint is handled?

No. The Ombudsman does not monitor how the complaint is handled after an admissibility decision is made. This is because you will have the option to approach the Ombudsman to request an investigation into undue delay in the handling of your ongoing Service Complaint. You can also approach the Ombudsman to request an investigation into substance and/or maladministration at the end of the internal process if you are not happy with the outcome of the complaint.

However, the Ombudsman does monitor any recommendations made as part of the final report. The Service Secretariat is required to consider the recommendations and provide an update to SCOAF on any action taken.



If I don't agree with your decision, can I appeal?


Any admissibility decisions made by the Ombudsman are binding and final. This means that you cannot appeal the decision or submit a further application on the same grounds. If you disagree with a decision that we have made, the only way to challenge this is by making an application for Judicial Review. There is a time limit for applying for Judicial Review, which is usually within 3 months of the date of our final decision.

Please note: A Judicial Review can be a costly legal process. You may wish to consider seeking legal advice about what the process entails and how much it is likely to cost before making a decision about whether to apply for Judicial Review. For more information read [Judicial Review](#).



Where can I get more information?

For information on the Ombudsman's role, powers and processes and how to make an application for a review of an admissibility decision, get in touch at:

 0300 369 0689

 contact@scoaf.org.uk

 www.scoaf.org.uk

 [@SCOAF_UK](#)

For information on the Service Complaints process read [Redress of Individual Grievances: Service Complaints \(JSP831\)](#).