

## **OSCR REVIEW PROCEDURES**

### **Requesting a review**

1. Certain OSCR decisions may be reviewed and appealed in terms of the Charities and Trustee Investment (Scotland) Act 2005 (the 2005 Act) by the people or the charities that the decisions apply to. Where we make one of these decisions we will tell the person, charity or body to whom the decision applies about their right to seek a review of the decision.

### **Who will make the review decision**

2. OSCR will organise its reviews to follow recognised principles of good decision-making. In particular, we will make sure that (unless there are exceptional and unavoidable circumstances) the people who made the original decision will not undertake the review of that decision. Depending on circumstances, this may mean making sure the review is undertaken by:

- a more senior member of staff
- a staff member from a different team
- a Review Panel made up of staff and/or members of OSCR's Board
- OSCR's Board as a whole.

3. OSCR will make sure that neither first instance nor review decisions are taken by anyone who has a conflict of interest.

### **The Review Procedure**

4. If you would like to us to review a decision that we have made about you or your charity you must request this in writing (this includes email or fax), and you must meet the requirements of section 100 of the 2005 Act. The law says that you must write to us to ask for a review within 21 days of the date of our original decision. The address you should write to will be included in our original decision letter.

5. Our review officer will acknowledge receipt of your review request.

6. The law says that OSCR must complete a review within 21 days of receiving the review request.

### **Conduct of Review**

7. In all instances the reviews will be conducted mindful of the principles of natural justice.

8. In a review we will re-examine the decision in question and make a wholly new decision. The Review Officer will look at new information, whether supplied by the applicant or otherwise if in the opinion of the reviewer, the information is material.

9. When we reach a decision we will write to you, setting out:

- 9.1 The issues we have addressed in the review (these should always include those specifically raised by the person who has requested the review)
- 9.2 Any new information that we have taken into account
- 9.3 The decision we have reached in respect of each of the issues addressed
- 9.4 The overall conclusion of the review
- 9.5 If the review decision is one that you can appeal to the General Regulatory Chamber of the First-Tier Tribunal for Scotland , we will tell you how you can do so.

### **Appeals against OSCR's review decisions**

10. You can appeal against a review decision to the [General Regulatory Chamber of the First-tier Tribunal for Scotland](#), then to the Upper Tribunal for Scotland and ultimately to the Court of Session. You must appeal to the [General Regulatory Chamber of the First-tier Tribunal for Scotland](#) within **28 days** of our review decision. This Tribunal may decide to confirm our decision, to overturn it, or ask us to reconsider our decision. For Charity Appeal enquiries you can contact the General Regulatory Chamber on 0131 271 4340, email: [charityappeals@scotcourts.gov.uk](mailto:charityappeals@scotcourts.gov.uk) .

### **Publicity at different stages in the review process**

12. The law does not require reviews or review decisions to be publicly reported. Where the law requires OSCR to publish an original decision or direction, or a report on that decision or direction, and a review is requested, then we will publish and update the ongoing status of that direction or decision.

13. OSCR does not otherwise propose to publish an ongoing register of reviews or commit to publishing all individual reports of reviews. We will use original applications and reviews (and in due course, appeals) to provide evidence based policy, trend analysis and case studies to identify issues of wider interest.

14. These procedures will be reviewed after 12 months operation or sooner if circumstances require.

05 February 2018