
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 44

The Redress for Survivors (Historical Child Abuse in Care) (Reconsideration and Review of Determinations) (Scotland) Regulations 2022

PART 4

PAYMENTS AND REIMBURSEMENTS MADE IN ERROR

Review of a reconsideration outcome

21.—(1) Where the appropriate person has received notice of the outcome of a reconsideration under regulation 20(8), they may request a review of it.

(2) A request for a review must—

- (a) be made in writing to the Scottish Ministers,
- (b) be made before the end of the period of 8 weeks beginning with the date on which notice of the outcome was received by the person,
- (c) specify why a review is being requested, and
- (d) contain or be accompanied by any information the appropriate person considers relevant.

(3) The Scottish Ministers must, as soon as reasonably practicable after receiving a request for a review, provide the request and any information accompanying it to Redress Scotland.

(4) A review may be conducted despite the request for it not being made within the period mentioned in paragraph (2)(b) if Redress Scotland is satisfied that the appropriate person had a good reason for not requesting a review sooner.

(5) A request for a review is to be determined on behalf of Redress Scotland by a panel (“an error review panel”) of at least 2 members of Redress Scotland appointed by the chairing member and must not include any member of the panel which made the determination which is subject to the review.

(6) The error review panel appointed under paragraph (5) to conduct the review is to determine it on the basis of—

- (a) the evidence on which the outcome which is the subject of the request for a review was determined, and
- (b) any further relevant evidence which is provided to it or obtained by the panel, including any information contained in or accompanying the request for a review and any written representations which are made to the panel.

(7) The procedure for conducting a review is otherwise to be determined by Redress Scotland.

(8) On a review, the error review panel appointed under paragraph (5) must consider—

- (a) whether the reconsideration panel ought to have reached a different outcome under regulation 20(7)(a), and

- (b) in the case where additional evidence is provided to or obtained by the error review panel, whether the outcome of the review ought to be determined differently as a result.
- (9) The error review panel may uphold, reverse or vary any part of the outcome of a reconsideration (whether the request for a review relates to that part of it or not).
- (10) Once the error review panel has conducted the review, Redress Scotland must inform the Scottish Ministers who must, as soon as reasonably practicable—
 - (a) notify the appropriate person of the error review panel’s determination, and
 - (b) provide the appropriate person with a summary, provided by Redress Scotland, of the error review panel’s reasons for reaching that determination.
- (11) The determination of the error review panel under this regulation is final.
- (12) The definitions in regulation 20(9)(a) and (c) apply for the purposes of this regulation.