

## WHAT HAPPENS ONCE AN APPEAL IS RECEIVED?

The Secretary will register the appeal and send an acknowledgement of receipt to the appellant and to OSCR within 14 calendar days of receipt. Both parties will receive further guidance on the hearing procedures.

Appeals **must** be made to SCAP within 28 calendar days of the appellant being notified of the outcome of OSCR's review. Any appeal made outwith this timescale will not be eligible for consideration.

The Panel will ask the appellant and OSCR if they, or a representative, wish to attend the hearing and to provide available dates to attend should they wish to do so.

Prior to the appeal hearing the SCAP Secretary will send, as soon as possible after receipt, a copy of documentation submitted to the Panel by OSCR. Likewise OSCR will receive a copy of the appellant's documentation.

## FURTHER INFORMATION


The SCAP Secretary administers the work of the Appeals Panel. Should you require any additional information regarding the appeals process you can e-mail our office

[info@scap.gov.uk](mailto:info@scap.gov.uk) or telephone our office Monday to Thursday (during office hours) on **0131 244 5578**.

You can also find out more about SCAP by visiting our website at

[www.scap.gov.uk](http://www.scap.gov.uk)

## a guide for appeals



If a charity or individual disagrees with a decision made by OSCR, the charity or individual may be able to appeal against the decision. Recent changes to the law mean that the appeals process is much simpler.

The Charities and Trustee Investment (Scotland) Act 2005 was put in place to support and encourage charitable activity in Scotland while reassuring the public that their money is being properly used.

The Act gives the Office of the Scottish Charity Regulator (OSCR) a number of powers to regulate charitable activity in Scotland. Most decisions made by OSCR, or a body to which OSCR's powers have been delegated, are open to review and appeal.

The Scottish Charity Appeals Panel (SCAP) is the appellant body and deals with a major part of the appeals process. The process provides a simple and low-cost means of appeal for charities and those involved in their management.

When OSCR makes a decision, it will notify the party concerned. In the decision letter OSCR will inform that party of its right to seek a review of the decision within 21 days of having

received it. OSCR will complete the review within 21 days of the party's request for a review. OSCR will confirm, vary, reverse or revoke the original decision. Only when a decision has been confirmed in the review stage can it then be appealed to SCAP.

An appeal can only be made where the Act allows it. Section 71 of the Act lists the type of decisions that can be appealed. When a party receives its review decision letter from OSCR, it will clearly state whether or not a right of appeal exists.

#### WHAT CAN THE SCOTTISH CHARITY APPEALS PANEL DO FOR YOU?

The Panel can:

- confirm the decision made by OSCR;
- quash the decision and direct OSCR to take such other action as the Panel consider necessary; or
- give the decision back to OSCR, together with reasons for doing so, to reconsider.

The Panel does not have unlimited powers and the Act does not permit it to:

- consider an appeal if it does not fall within Section 71 of the Act;
- deal with complaints against OSCR, for example on its general administration, or how it has handled a case. Issues of this nature should be directed to OSCR (or the relevant decision-making body) in the first instance in line with its complaint-handling procedures. If the complaints procedure does not give a satisfactory outcome you may be able to take the matter to the Scottish Public Services Ombudsman.

#### HOW DO I LODGE AN APPEAL?

Appeals to the Scottish Charity Appeals Panel must be made in writing and contain the following:

- the appellant's name and address;
- the name, address and the profession of any representative the appellant wishes to represent them;
- the date and if known, the reference number of the disputed decision;
- a statement setting out the grounds for the appeal; and
- a statement that the notice is a notice of appeal.

You can use the template 'Notice of Appeal' from our website if you want to.

The notice of appeal must be signed and it should be sent to:

**The Secretary**  
**Scottish Charity Appeals Panel**  
**Victoria Quay**  
**Edinburgh**  
**EH6 6QQ**