

SPSO decision report

Case: 201609429, Scottish Government
Sector: Scottish Government and devolved administration
Subject: payment schemes
Decision: not upheld, no recommendations

Summary

Mr C's complaint concerns an application he made to the government's Rural Payments and Inspections Division for payments under the Basic Payment Scheme (a European Union farming subsidy scheme). Mr C told us that he had inadvertently failed to apply for a top up he was entitled to because he found the government's guidance on applications to be misleading. He had attempted to appeal this decision but the government refused to consider his appeal, as they did not consider they had made a relevant decision under The Rural Payments (Appeals) (Scotland) Regulations 2015. In response to Mr C's complaint, the government accepted that the section of the guidance Mr C had referred to was insufficiently detailed, as it did not mention the top ups in question, but they did not consider it to be inaccurate or misleading.

On reviewing the guidance in place at the time Mr C made his application, we agreed with the government's position. The statement in question failed to mention the top ups, as Mr C had explained. However, this was only part of the introduction to what was extensive guidance on a complex system. When read in full, we considered the guidance clearly explained the top ups and how to apply for these.

We also considered the government's position on Mr C's appeal to be reasonable, although stressed that we could not definitively conclude that it was correct in law, as this was something that could only be confirmed by the courts. For this reason, we did not uphold these complaints.