



Annual Report 2014



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... a year in transition

The post of Service Complaints Commissioner (SCC) was created by the Armed Forces Act 2006 with a remit which covers any Service complaint made after 1 January 2008. The Commissioner's role is to provide a rigorous and independent oversight of how the Service complaints (SC) system is working and to report back to Ministers and to Parliament. She is supported by the Office of the Service Complaints Commissioner (OSCC).

Any Serviceman or Servicewoman serving in the Regular or Reserve Forces can contact the Commissioner about any matter to do with their service in the Armed Forces. Complaints must normally be about a wrong which occurred in the last three months and while they were subject to service law and is related to their service. Someone acting on behalf of a Serviceman or Servicewoman (e.g. a family member, friend or MP) can also contact the Commissioner.

In 2015–2016, subject to the successful passage of the Armed Forces (Service Complaints and Financial Assistance) Bill through Parliament, the Commissioner's role is changing to that of an Ombudsman. This will create a more streamlined complaints process and additional powers for the Ombudsman.

Our aim

To ensure all Servicemen and Servicewomen and their families have confidence in the complaints system and are treated properly, by:

- monitoring individual complaints
- holding the Services to account for fairness, effectiveness and efficiency in their operation of the complaints system
- working with the Services and MOD to see that lessons are implemented swiftly and effectively
- accounting publicly to Ministers and Parliament.

Our values

- independence of judgement
- fairness and justice
- integrity
- transparency and accountability
- respect for diversity
- proportionality
- outcome focus
- humanity.

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Message from the Commissioner

Dear Secretary of State,

I am pleased to send you my Annual Report for 2014 on the working of my Office and of the Service complaints system. This report covers the work of my Office during 2014 under the leadership of my predecessor Dr Atkins.

I regret to say that despite some marked improvements – particularly in the Army and the Air Force this year, in beginning to tackle the backlog of cases that have been in the system for up to five years – as of the date of this report, I am still unable to provide you and Parliament with assurance that the Service complaints process is working efficiently, effectively or fairly.

As my predecessor Dr Atkins has been reporting for several years, delay remains the principal reason why I am unable to do this. This report sets out the Services' performance in deciding Service complaints. None has met the target (introduced in January 2013) of resolving 90% of new cases within 24 weeks. As was the case last year, the Navy have the best performance, while the Army and Air Force have improved their performance significantly. However, all three Services need to improve their timeliness in handling new complaints and, ahead of transition, reduce significantly the backlog of legacy cases. This is not only fair to Service personnel but necessary for a smooth transition to the new system which will be delivered by the Armed Forces (Service Complaints and Financial Assistance) Act 2015.

2014 – a year of consolidation and preparation towards transition

This has been an important year for my Office and preparation for the transition to Ombudsman has been one of our key activities. My predecessor was fully engaged in developing the proposals for the change in role from Service Complaints Commissioner to Service Complaints Ombudsman. She also put in place and led work internally to ensure my Office is ready for the changes. These have included introducing more efficient working practices, recruiting and training staff and the procurement of a casework management IT system to support our work. I am grateful for the

support of Ministers and the Ministry of Defence in ensuring this Office is adequately resourced for its tasks and the challenges ahead.

I do need to point out that many of our assumptions have been dramatically affected by the amendments proposed to the Armed Forces (Service Complaints and Financial Assistance) Bill during the Committee stage in the Commons. I have no difficulty with the intention behind these amendments, but it is vital to point out that my Office could not meet the additional tasks without an increase in resources. As I write this report, the final text of the legislation has not been agreed, but I have made my position clear. My fundamental objective is to achieve a Service complaints process which the Services manage efficiently, effectively and fairly for themselves.

2014 has also been an important year for the Services. Their attitude towards the Service Complaints Commissioner and the role of the current Service complaints system is very different from seven years ago when both were introduced. The need for the independent scrutiny provided by the Service Complaints Commissioner has been accepted as an integral and necessary part in the oversight of the Service Complaints process – both within the Services and externally. Indeed, Service Chiefs have fully supported the increased powers of the role and the change from Commissioner to Ombudsman as important in holding the Services to account for the way they deal with their people – and also as making a valuable contribution to operational effectiveness. I look forward to working with them and the Defence Council under the new system to be introduced by the 2015 Act.

That Act will bring into law many of the provisions that the Service Complaints Commissioner has been calling for. As stated above, not only will this include extended powers for the Service Complaints Commissioner and change the role to that of an Ombudsman, but crucially, it will create a more simplified process for managing complaints. The changes are therefore both welcome and necessary. Of equal importance to me is the manner in which the Services have embraced the


need for these changes, recognising that the current process is unfit for purpose and that a change in culture is required as well as a change in process. If the new process is to work, there will need to be a fundamental change in approach; a willingness to empower and trust Commanding Officers to handle complaints properly and fairly and much more promptly than currently. Commanding Officers will in turn need to take responsibility for the complaints their people make in the same way as they do for just about every other aspect of their Service life. The success of the new system will therefore depend on the Services embracing fully this cultural change, empowering decision-makers to act quickly and to deal with the specific needs of the individual complainant.

I believe that there is a commitment to change and that this is beginning to permeate down through the chain of command. The change in culture will build upon the progress that has been made by all three Services this year, albeit in different areas.

I am also pleased to report action in all three Services in tackling the causes of complaints, particularly with regard to understanding better the extent of improper treatment of Servicewomen and other minorities, as well as the problems Wounded, Injured and Sick personnel can experience when they seek to make a complaint. This report includes work undertaken in 2014 and work in hand.

The provisions of the 2006 Act – and, (subject to successful passage through Parliament), that of 2015 – enable me to make reports to you on issues about which I become concerned in the course of oversight and (in the future, as Ombudsman) investigations of the handling of Service complaints. I welcome Ministers' clarification that the Ombudsman will be able to make such reports and, of course, to include such work in the Ombudsman's Annual Report to Parliament.

Finally, I should like to take this opportunity to thank my predecessor, Dr Susan Atkins, who stepped down in January 2015, for all her work as the first Service Complaints Commissioner and for her willingness to stay on beyond her second term of office. I look forward to continuing the work she started and to implementing the new system.



Nicola Williams

Service Complaints Commissioner for the Armed Forces

Executive summary and Recommendations

The Service Complaints Commissioner's 2014 Annual Report describes the work of the Office under the leadership of Dr Susan Atkins CB, who stepped down after a second extended term as Commissioner in January 2015. It is introduced by the incoming Commissioner, Nicola Williams.

The report describes the activities of the Commissioner's Office during 2014 and reviews some of the work carried out by the Services' own complaints teams. It also explores the journey towards the Ombudsman status.

The work of the Service Complaints Commissioner for the Armed Forces

A Service complaint is a formal complaint made by a serving or former member of the Armed Forces about a wrong that occurred during their Service life. The Commissioner received 615 contacts about matters which could potentially be a Service complaint in 2014, of which 457 were referred to the Services. The majority of concerns continue to be raised by Non-Commissioned Officers (NCOs) and Warrant Officers. Improper behaviour and bullying continue to be the major categories of potential complaint.

As with the previous six Annual Reports, the Commissioner is still unable to provide the assurance that the Service complaints system is working efficiently, effectively or fairly. However, for the first time, there are positive signs that all three Services have taken on board the need for radical improvement in the way complaints are handled, underpinned by the need for cultural change.

Aside from complaint-handling, the bulk of the Commissioner's work in 2014 focused on the imminent changes to the Service complaints system. This involved working closely with the Ministry of Defence to shape the future legislation and structure of the complaints process and preparing her Office for the transition to Ombudsman status.

Due to this additional work, the Commissioner focused her outreach within the Services on key training events, including a leadership symposium at the Royal Military Academy at Sandhurst and a workshop at RAF Cranwell. She also spoke as a panel member at the

'End Sexual Violence in Conflict' summit in London in June and attended the sixth annual conference of the International Confederation of Ombuds Institutions for the Armed Forces in Geneva in October. As part of her commitment to continuous improvement, Dr Atkins continued to work closely with the Chief of Defence Personnel and the Principal Personnel Officers (PPOs) of each Service to improve the way in which complaints are handled.

The work of the Service complaints system

This has resulted in progress in several areas, particularly a reduction in the numbers of legacy cases. The Services will want to ensure that as many long-standing cases as possible are resolved before the transition to the new system – however, it is important not to lose sight of the need to ensure that all cases are handled appropriately and fairly.

The total number of Service complaints made in 2014 fell by 16% from the previous year. This was driven by reductions from the Navy and the Army, whereas Service complaints from RAF personnel increased.

Each of the Services has made progress in improving the quality of data provided for this report, but there are still areas where the Joint Personnel Administration (JPA) IT system is unable to record information which was requested by the Commissioner some years ago.

The Services record types of allegation rather than complaint – the distinction being that a Service complaint may include more than one allegation. For all three Services, there were more allegations about terms and conditions of service than any other category. Bullying and harassment cases attracted the second highest numbers, although there were some differences between Services.

The numbers of cases closed within the target time period of 24 weeks rose in 2014. This can be partly attributed to the numbers of cases that were resolved informally or withdrawn. The Commissioner is concerned that it is still not possible to differentiate on JPA between cases resolved informally and cases withdrawn. The Commissioner has advocated the use of informal resolution where practicable and

appropriate as a means of achieving earlier resolution of complaints, but has also emphasised that the focus must be on identifying causes of complaints rather than agreeing redress.

As in previous years, women made disproportionately more Service complaints than men and disproportionately more about improper behaviour. Around 18% of Service complaints in 2014 were made by women, despite making up only 10% of the Armed Forces.

Transition – the journey from Commissioner to Ombudsman

In last year's report, the Commissioner welcomed proposed changes to the Service complaints system. These included the creation of a new Service Complaints Ombudsman with significant new powers to hold the Services to account for the handling of individual cases.

The Armed Forces (Service Complaints and Financial Assistance) Bill 2014 will introduce changes to the Service complaints system. The current three-tier complaints process will be replaced by a two-tier process involving a decision and a single appeal stage. The new Service Complaints Ombudsman will be able to protect Service personnel by making the final decision as to whether complaints are 'Out Of Time' or about excluded matters and by investigating the handling of individual complaints in certain circumstances. Where the Ombudsman finds maladministration and potential injustice, that finding will be binding.

Work has begun to design a new way of working both for the Ombudsman and within the Services. The Commissioner has been closely involved in this, to help ensure that the transition is managed as a single programme.

While the new system is likely to go some way towards streamlining the complaint-handling process, further changes are likely to be required over the next few years. The creation of an Ombudsman will not be the end of the process.

2014 Recommendations

Recommendation 14.1: The Army should seek to gain greater insight into the number of people who feel intimidated to complain about improper behaviour,

share the findings of their review into bullying, harassment and discrimination with the Commissioner and take appropriate remedial action as necessary.

Recommendation 14.2: A working group should be formed drawing together representation across MOD, the Services and the Commissioner's Office to provide greater assurance on the statistical information provided.

Recommendation 14.3: The Services should record the number of complaints which, having been withdrawn or informally decided, go on to become formal Service complaints. They should also consider how recommendations made at the lower levels and on informal resolutions can be captured and good practice in complaint-handling disseminated more widely.

Recommendation 14.4: In order to get a more accurate picture about the origin and type of complaints from Black, Asian and Minority Ethnic (BAME) Service Personnel, the Services should explore the possibilities of distinguishing between complaints from foreign and Commonwealth Service personnel, British BAME Service personnel and religious persuasion, where declared.

Recommendation 14.5: The MOD should produce a clear benefits management strategy for Service complaints reform in order to ensure that the new system addresses the problems it was designed to, taking into account that some change will evolve as the system beds in over its first few years. The creation of an Ombudsman is not the end of the process.

Recommendation 14.6: The MOD should pursue secondary legislation at the earliest opportunity, allowing full consultation with the SCC and clarifying matters that were discussed during the Parliamentary process.

Recommendation 14.7: The MOD should make a prompt decision on arrangements around the transition to Ombudsman which affect Service personnel with complaints in the system and ensure that these are effectively communicated within the Services during the transition period.

Recommendation 14.8: The MOD should ensure that 'Special To Type' complaints (complaints relating to housing, medical matters or pay) benefit from the new arrangement and are not delayed by additional processes.

Part I: Complaints to the SCC in 2014

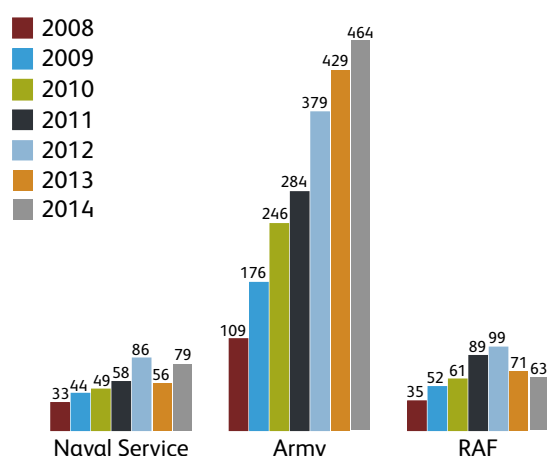
This section summarises and discusses some of the key trends and analyses data on contacts made to the Office of the Service Complaints Commissioner – along with potential complaints formally referred – during 2014. Tables and charts referred to can be found in Annex B, which starts on page 35.

What is a Service complaint?

A Service complaint is a formal complaint made by a serving or former member of the Armed Forces about a wrong that occurred during and was related to their Service life.

During 2014, the Commissioner received a total of 615 potential complaints – a 6% increase on the 581 which were received in 2013.

Figure 1.1: Potential Service complaints by Service, 2008 – 2014



Contacts to the Office of the Service Complaints Commissioner

Not all contacts to the Office of the Service Complaints Commissioner were about matters that could be the subject of a Service complaint.

Table 1.1 in Annex B records the total number of contacts received during the course of 2014. These included 117 (16%) which for different reasons could not be considered as a potential Service complaint. This represents a reduction on the 140 (19% of the total) which were received in 2013. These contacts tended to be from members of the public seeking to raise concerns about the behaviour of Armed Forces personnel – increasingly on social media. The Service

Complaints Commissioner therefore responded to a total of 732 contacts during 2014 – an increase of just 1% (7 cases) on the previous year.

The Office of the Service Complaints Commissioner responded to 732 contacts during 2014.

Permission to refer withheld by complainant

The Service Complaints Commissioner cannot investigate complaints but has discretion to pass any allegation made to her to the individual's Commanding Officer or, if the Commanding Officer is implicated, to a Senior Officer. This is known as a referral. She may then take oversight of how any Service complaint on the matter is handled.

Of the 615 potential Service complaints the SCC received, the Commissioner was unable to pursue 121 (20%) for consideration by the Services – this compares to 120 (20%) in the previous year. In some cases, this was because the individual indicated that their concerns had been resolved or had improved, but in other cases, consent to refer was not received from the complainant. It is of particular concern that half of these initial contacts related to prescribed behaviour and only four of these individuals reported that their situation had either improved or had been resolved. Although we cannot accurately identify the reasons why some individuals do not give permission for the Commissioner to refer their concern, it does need to be set in the context of the high proportion of people who are still expressing a lack of confidence in the Service complaints process. In 2015, we intend to conduct further analysis to understand why some individuals will not allow the Commissioner to refer their concern to the chain of command.

The Commissioner is concerned that there may still be people who feel too intimidated to make a complaint. The review being conducted by the Army into bullying, harassment and discrimination offers the opportunity to explore this aspect further.

Recommendation 14.1

The Army should seek to gain greater insight into the number of people who feel intimidated to complain about improper behaviour, share the findings of their review into bullying, harassment and discrimination with the Commissioner and take appropriate remedial action as necessary.

Decisions not to refer a potential complaint

The Commissioner decided not to refer a further 37 potential complaints in 2014. Although the Commissioner takes no position on the merits of any concern, there are some allegations which the Commissioner feels are unlikely to be accepted by the Services as valid Service complaints. These include those which are submitted significantly outside the prescribed time limits and those covering excluded matters which are dealt with under separate complaint and appeal arrangements – for example, complaints relating to the administration of pensions. In these cases, the Commissioner will direct the individual to an alternative point of contact for hearing their complaint where appropriate. The individual will also be advised that the Commissioner's decision not to refer does not preclude them from complaining directly to their Service.

Discretionary activity

The Commissioner has no formal powers to investigate any complaint but there are occasions when situations outside the scope of the Service complaints process have come to her notice and she has brought them to the attention of the appropriate Service. During 2014, this included concerns by non-Service personnel about the process of recruitment into the Services and cases where the Services ruled a complaint 'Out Of Time' but where the Commissioner felt there were compelling reasons for the Service to review this judgement.

An emerging theme during 2014 concerned medical records. A number of individuals contacted the Commissioner upon finding out, after leaving the Services, that their medical records contained references they were not aware of. In one case, a

former soldier sought to enlist into the Reserves after his discharge from the Army, having been encouraged to do so by his Commanding Officer. When attempting to enlist, he was told that his records indicated he was suffering from Post-Traumatic Stress Disorder, something he had never been made aware of. The individual told us that:

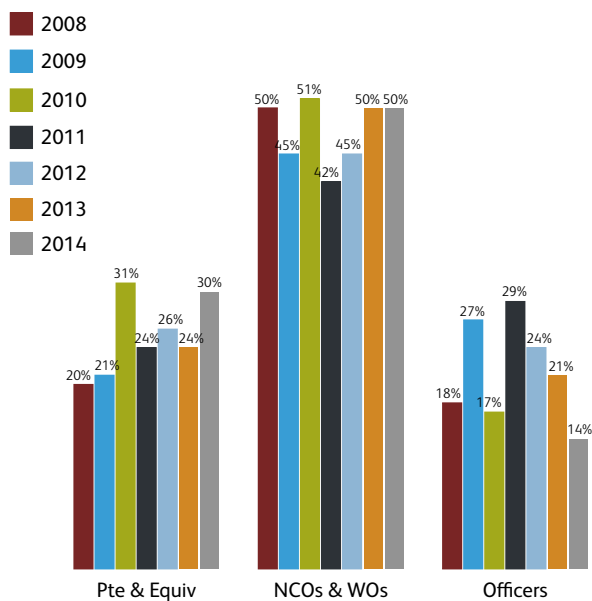
"After completing 24 years' service, I decided I wanted to join the TA and make a difference by contributing my experience and knowledge ... My application has been rejected on medical grounds due to a history of Post-Traumatic Stress Disorder ... This was a total shock for me as I have never been told that I have been diagnosed with PTSD."

The Commissioner also received a number of contacts from Muslim Service personnel in 2014 expressing concerns or uncertainty about entitlements in relation to practising their religion – in particular during the Holy Month of Ramadan and festivals such as Eid Al Fitr. Although in some cases their concern had been captured in a formal Service complaint, several individuals also sought guidance from the Commissioner on the treatment they could expect. These concerns have been brought to the attention of the Service authorities and the Services' Imam and the Services have taken action to increase awareness throughout the chain of command. We will continue to monitor this through 2015.

Breakdown of potential complaints by rank

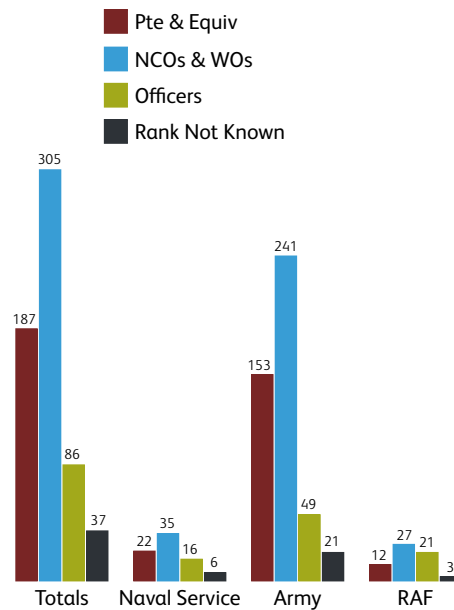
The composition of potential Service complaints by rank has remained reasonably stable, with the majority of complaints continuing to come from Non-Commissioned Officers (NCOs) and Warrant Officers. The number of complaints from Private and equivalent ranks has increased, with a corresponding reduction in the number of potential complaints received from officers.

Figure 1.2: Percentages of potential Service complaints by rank, 2008–2014



The percentage of complaints by rank is broadly similar across the Services, although the make-up of each Service differs. In the Army and Navy, the number of potential complaints from officers (11% and 20% respectively) is slightly lower than the proportion of officers within the respective Services (15% and 21% respectively). Despite a reduction in the proportion of potential complaints from officers within the RAF, the figure remains disproportionately higher than the officer representation (33% of complaints compared to 22% of officer representation).

Figure 1.3: Potential Service complaints by Service and rank



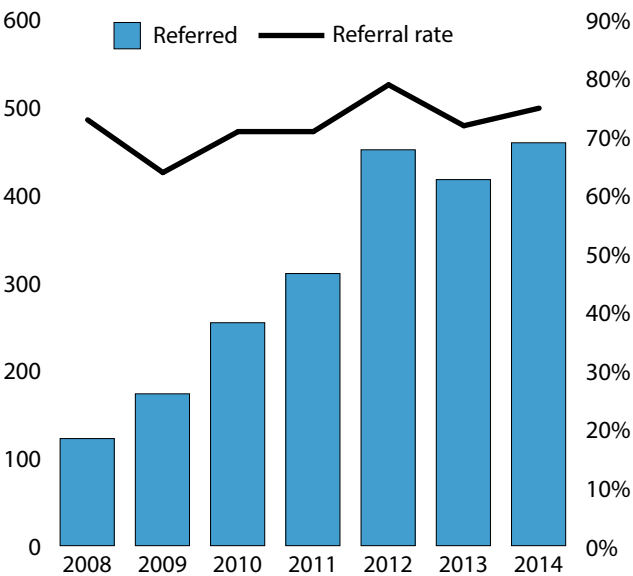
Analysis of potential Service complaints referred by the Commissioner during 2014

A total of 457 cases were referred to the Services in 2014 – a 9% increase on 2013.

Around three-quarters of potential complaints were referred to Services during 2014 – this is up slightly on the previous year and broadly consistent with levels seen since 2008. The total number of referrals made has more than tripled since the appointment of the Service Complaints Commissioner in 2008.



Figure 1.4: Referrals and rate¹ of referrals made by the Commissioner, 2008–2014



¹ Cases referred as a percentage of potential Service complaints received.

Breakdown of potential Service complaints by type

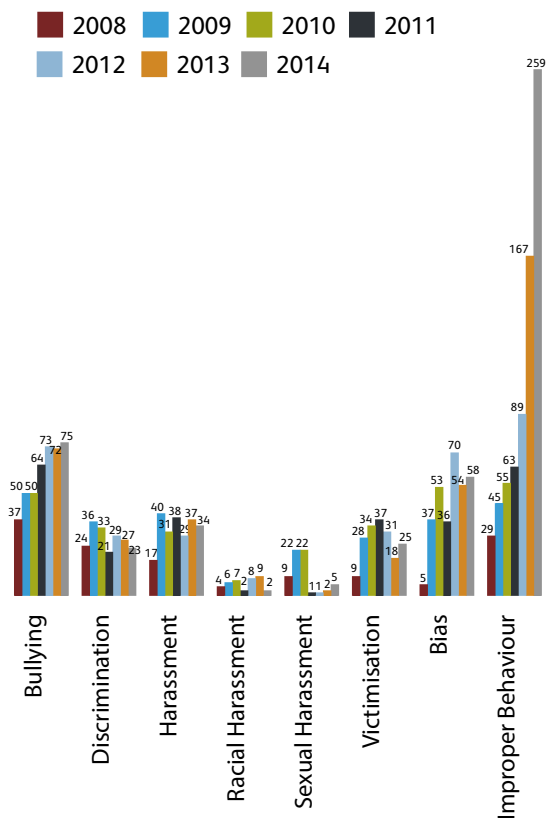
The category of Service complaint is determined by the Services on receiving the formal complaint.

As in previous years, improper behaviour and bullying continue to be the biggest group of complaint types received (although terms and conditions of service is the biggest single category), accounting for close to 70% of all complaints in 2014. The number of complaints relating to improper behaviour has more than tripled since 2012.

Table 1.2 shows the number of prescribed and non-prescribed cases by Service and gender. Close to three-quarters (72%) of referrals relate to prescribed cases, up from 65% in 2013 and 56% in 2012. This is largely driven by increases in prescribed complaints from male Service personnel. On a more positive note, referrals of potential Service complaints about prescribed behaviour are down in both volume and percentage terms within the RAF.

Within the Army, 76% of potential complaints were about prescribed behaviour compared to 65% last year. The proportion of Army complaints has continued to increase. Within the Navy, the number of prescribed cases had risen from 50% in 2013 to 60% in 2014, with the breakdown between men and women remaining broadly consistent.

Figure 1.5: Potential Service complaints by type, 2008–2014



Part II: Outreach

The Commissioner’s priority in 2014 was, as always, to maintain a high standard of service on casework. She also focused on both preparing her office and helping the Ministry of Defence (MOD) and Services to prepare for the transition to Ombudsman status. A fuller description of these activities can be found at Chapter 3: Transition – the journey from Commissioner to Ombudsman.

Because of this additional work, the Commissioner focused her outreach within the Services on key training events during 2014. The main events and activities of the year are shown at Annex E.

Leadership

If the necessary improvements in the Service complaints process are to be achieved, Commanding Officers must have the will and the confidence to take personal responsibility for complaints within their unit. This means that they must demonstrate early, proactive and relevant engagement in handling the grievances of the people they command. The Commissioner therefore takes the opportunity to attend ‘Command’ courses in person when possible to

ensure that new Commanding Officers understand how their roles are critical to the efficiency, effectiveness and fairness of the Service complaints process. During 2014, Dr Atkins attended 11 such courses. Her Head of Office also attended several on her behalf.

In addition, the Commissioner spoke at the Advance Command and Staff Course at Shrivenham in March, at a leadership symposium at the Royal Military Academy Sandhurst in April and at a workshop held at RAF Cranwell in November for RAF Station Commanders across the globe. Although each presentation was adapted to the audience, a common message was that complaints are best dealt with when handled speedily and in a fair and transparent manner. Good people management is an integral part of the leadership responsibilities of Commanding Officers. This message is being reinforced in all three Services from the very top.

Wider strategic engagement

In June, the Foreign Secretary on behalf of the Government and Angelina Jolie, a special envoy to the UN High Commissioner for refugees, co-hosted the 'End Sexual Violence in Conflict' summit in London. Dr Atkins was invited to speak as a panel member in a discussion aimed at 'promoting gender equality and the development of capabilities to ensure operational effectiveness in responding to sexual violence in conflict'. This followed from the work the Commissioner led in 2013 developing competence in, and guidance for, international bodies who oversee Armed Forces complaints.



Dr Atkins speaks at the United Nations' 'End Sexual Violence in Conflict' summit

Dr Atkins attended a number of other similar events aimed at raising awareness of gender issues, and in particular, raising the profile of diversity issues within the Armed Forces. For example, she held several meetings with the MOD policy lead for diversity issues during 2014 and also met the Australian Commissioner for Sexual Discrimination, the Australian Inspector General and the Head of the Australian Army to discuss gender-related issues within the UK and Australian Armed Forces. Dr Atkins also contributed to a publication by the Organization for Security and Co-operation in Europe entitled 'Integrating gender into oversight of the Security Sector by Ombuds institutions and National Human Rights institutions'.



Dr Atkins attends the ICOAF conference in Geneva

In October, the Commissioner attended the sixth conference of International Confederation of Ombuds Institutions for the Armed Forces (ICOAF). This annual event provides an excellent opportunity for Ombudsmen and Commissioners from around the world to examine issues relating to the welfare of members of the Armed Forces and to share and learn from best practice. This year, the conference heard presentations from a number of nations including from the Ombudsmen of Malta, Ukraine, the US, Mongolia and Armenia, with some 35 nations represented.

Promoting best practice and continuous improvement

Over the year, Dr Atkins has brought the Services' attention to specific areas of concern, usually where she has identified emerging trends or themes. This has formed a helpful part of the process for preparing both her Office and the Services for the extended powers that the Service Complaints Ombudsman will hold, as well as helping to identify systemic failings.

As a result of this engagement by the Commissioner and recommendations made in her Annual Reports, the Services have improved the timeliness in dealing with Service complaints, reduced the backlog of long-standing complaints and introduced (and will be further improving) a new system for dealing more effectively with complaints about medical treatment and the actions of defence medical personnel.

In 2014, the Commissioner also continued to work closely with the Chief of Defence Personnel and the Principal Personnel Officers (PPOs) of each Service to improve the way in which Service complaints are handled. The regular meetings that have taken place throughout the year (and indeed throughout the Commissioner's tenure in post) have been instrumental in shaping both the way in which Service complaints are managed currently and future policy.

Staffing and resources

As the first person to hold the post of Service Complaints Commissioner, Dr Atkins was due to stand down in mid-2014. The search for her successor began in late 2013, but after the change in the role from a Commissioner to an Ombudsman was announced in March 2014, the recruitment campaign was refreshed to reflect the requirements of the new job specification. This included Dr Atkins' recommendation that the post be full-time. Dr Atkins agreed to remain in post until her successor was appointed. In December 2014, the Government announced that Nicola Williams, then serving as the Complaints Commissioner of the Cayman Islands, would be appointed as Service Complaints Commissioner for the Armed Forces in January 2015.

The Commissioner also obtained agreement to increase the staff and resources for the Office of the Service Complaints Commissioner (OSCC) to assist with transition and to ensure that the Office is ready to implement the changes when they are brought into force. As a result, five additional staff were recruited in 2014 and the MOD agreed resources for an additional

eight posts to support the work of the Ombudsman in 2015. However, during the Committee stage of the Bill, some substantive changes were introduced which would increase significantly the responsibilities of the Ombudsman and would, if accepted, require additional resource.

This chapter includes:

- an overview of Service complaints in 2014;
- reporting on the work of the Service complaints system in the Naval Service, the Army and the Royal Air Force; and
- comparison where appropriate between the performances of the three Services.

Tables and charts referred to can be found in Annex B, which starts on page 35.

The Commissioner is still unable to provide the assurance that the Service complaints system is working efficiently, effectively or fairly, but for the first time, there are positive signs that all three Services have taken on board the need for radical improvement in the way complaints are handled, underpinned by the need for cultural change.

This has resulted in progress in several areas – in particular, a reduction in the number of legacy cases. Unfortunately, many of the legacy cases which were decided during 2014 had been subjected to such severe delays that thorough investigation was impossible, due to witnesses having left the Service and refusing to give evidence or simply being unable to recall the incidents clearly. In at least two cases, the persons being complained about were not interviewed. Similarly, the original redress desired by some complainants was

neither achievable nor appropriate due to the passage of time. Many had simply given up. As transition to Ombudsman status draws closer, the Commissioner recognises that the Services will want to ensure that as few legacy cases as possible are still open, but it is important that they do not lose sight of the need to ensure that all of these are handled appropriately and fairly.

It should also be emphasised that delay in handling and deciding complaints about bullying and other prescribed behaviours is unfair not just to the person who has made the complaint but also to the person/s complained about. There is also a risk that those who have been accused of inappropriate behaviour or poor management practices will continue with the same behaviour in other posts and units until complaints made about them are decided.



Cross-Service analysis

The total number of Service complaints made in 2014 fell by 16%, down from 1,060 in 2013 to 894 in 2014. This fall was driven by reductions in complaints from members of the Naval Service (37%) and Army (12%). Service complaints from members of the RAF increased by 28% compared to the previous year. The overall fall is also partly a result of the higher number of complaints which were handled informally during 2014. Table 1.3 shows the number of complaints by Service and gender.

From 1 January 2013, MOD agreed that 90% of all cases should be completed within 24 weeks. Overall, there was a marginal improvement in the number of cases closed within the 24-week period in 2014, but this disguises significant improvements made by the Army – together with a reduction in Navy complaints which can be attributed to the large number of complaints received about the Early Departure Payments and settled last year. Consequentially, the number of unresolved cases, or those settled beyond the 24-week period, had fallen by over 2.5% from the previous year. Table 1.5 refers.

Reliability of data

Each of the Services has made progress in improving the quality of data provided for this report, but there are some areas where the Joint Personnel Administration IT system (JPA) is still unable to record information which was originally requested by the Commissioner some years ago. As a consequence, each Service has had to resort to single Service sources to provide some of the information, which means that it is not currently possible to provide a strictly accurate comparison between the individual Services.

The Commissioner has recommended, and the Services have agreed, that early work should be undertaken to agree the statistical requirements for the Commissioner's 2015 Annual Report in order to ensure a common interpretation and consistent reporting across the Services. The Commissioner has appointed a member of the Government Statistical Service (GSS) to her staff to provide additional resource and expertise in this area.

Recommendation 14.2

A working group should be formed drawing together representation across MOD, the Services and the Commissioner's Office to provide greater assurance on the statistical information provided.

Defence Internal Audit

In 2011, in response to recommendations from the Commissioner and following an audit by Defence Internal Audit (DIA), JPA was reprogrammed to improve the way Service complaints were tracked and monitored on the system. Following the Commissioner's recommendation, the DIA team conducted a second audit of the integrity of data being held on JPA in 2012 but were unable to provide any assurance on the quality of this data. In her 2012 Annual Report, the Commissioner recommended that a third audit of Service use of JPA should check the proper use of the JPA module. Her hope was that this could have been completed in 2014. The audit will report in 2015.

The auditors met the Commissioner in November 2014 to discuss some of their findings to date and to obtain further insight into the Commissioner's perspective. There are plans for a further audit of the entire Service complaints handling process, scheduled to take place during 2015. This would go beyond accuracy and reliability of data on JPA and look at the management of the Service complaints system. This audit should give an external assurance on some aspects of complaint-handling about which the Commissioner has raised concerns and sought information – including inappropriate use of informal resolution, potential intimidation or pressure not to make formal complaints, the appointment and competence of Assisting Officers and timely and confident handling of complaints.

Volume

The total number of Service complaints fell in 2014, but this overall picture disguises differences between the Services. The most dramatic reduction was for the Navy, where some 129 fewer complaints were received this year compared to the previous 12 months. The Navy attribute this to the large number of Service complaints made in 2013, particularly about Early Departure Payments (EDPs). Discounting the complaints made about EDPs in 2013, the number of Service complaints made in 2014 would have been slightly higher (by 17) than in 2013.¹ The Army also recorded a reduction of 71 which they attribute to improved arrangements for handling complaints relating to career management issues and a larger number of cases which are being resolved informally. The RAF experienced an increased number of

¹ Second Sea Lord Letter 2SL/CNPT 02-04-01-16 dated 12 January 2015.

complaints,¹ which they attribute to greater awareness of and more confidence in the complaints process – however, the Commissioner has no way of validating this assertion.

There was an improvement in timely resolution of Service complaints across the Services in 2014. However, within this overall picture are two distinct trends – an improvement (from a very low base) in the Army and RAF and an apparent deterioration (from a much higher base) in the Navy. All three Services still fall a long way short of the 90% target. Overall, there was a marginal reduction in the numbers and proportion of cases going on beyond the 24-week period, down by just under 3%. However, this was set against a significant improvement in the figures for the Army (down 11%) and the RAF (down 17%). Despite this positive trend, all three Services have recognised that there are still too many complaints that are not being handled within the 24-week time limit.

As noted in the Commissioner's 2013 Annual Report, the Armed Forces are introducing a new pension scheme from 2015, along with the New Employment Scheme and changes to terms and conditions of service. Even though these measures are designed to improve Service life, they may induce a rise in new complaints which may challenge the Services' ability to reduce their overall caseload.

Complaints by type

The Services' data on types of Service complaints counts allegations rather than complaints – the distinction being that a Service complaint may include more than one allegation. For all three Services, there are more allegations about terms and conditions of service than any other category, by some margin. For the Army, harassment has the second highest number of allegations, whereas for the Navy and the RAF, bullying is the second highest figure. This may in part be down to a difference in interpretation between the respective Services. Many individuals who contact the SCC allege harassment rather than bullying due to a misunderstanding of the definition, in the same way that some allege discrimination when the alleged behaviour would more appropriately fall under bias or improper behaviour.

Handling of complaints

The improvements in timeliness are at least in part attributable to a higher number of cases being resolved informally or withdrawn. While in 2013, of those cases referred to the Services, 23% were either withdrawn or closed informally during the year, in 2014, that figure had risen to 34%.

It has recently emerged that it is not possible to record a complaint on JPA as resolved informally after an Annex F has been completed and that the only option is to record it as withdrawn. This means that Services have not been able to differentiate between informally resolved and withdrawn cases using JPA. The Navy and RAF were able to do so via manual processing but this is not practicable for the Army. The Commissioner is concerned by the fact that this significant element of complaint-handling still cannot easily be captured, despite her recommendation that this be made a priority by the Services.

Analysis of information on complaints referred by the Commissioner shows that very few complaints are withdrawn, whether or not an Annex F has been completed. The Commissioner is also concerned that less than 8% of cases referred by her were formally decided during 2014 and that of these, over a third (38%) were closed as a result of 'Out Of Time' decisions.

The Commissioner has advocated the use of informal resolution where practicable as a means of achieving earlier resolution of complaints, but has also emphasised that in handling complaints, the focus of attention must be on identifying the causes of the problem rather than focusing on the redress. There is evidence to suggest that during 2014, there is still too much emphasis on the redress. In this year, the Commissioner received comments from a number of complainants which indicated that their complaints may have been closed prematurely or that they were pressured into accepting informal resolution. In several cases, allegations of physical assault or serious bullying had been made and had been informally dealt with or withdrawn without any formal investigation taking place. In 2014, the SCC also received several potential complaints from personnel who had been persuaded

¹ RAF Assistant Chief of Staff Personnel letter 20150113-RAF Statistical Submission dated 16 January 2015.

not to formally complain and told that their complaint would be resolved informally – but the agreed resolution was never implemented.

The Commissioner recognises that an expression of dissatisfaction from a complainant about the closure of a complaint does not necessarily demonstrate that their case has been handled inappropriately. In some cases, complainants refuse permission for the Commissioner to refer their concerns about alleged improper closure to the appropriate Service branch. However, some cases which appear to have been informally resolved to the complainant’s dissatisfaction have been forwarded to the Services with the complainant’s consent and in each case the Service has been diligent in conducting appropriate investigations.

Unfortunately, despite repeated requests in earlier reports, the Services are still unable to provide the level of statistical detail needed to analyse this trend. As a matter of urgency, the Services must be able to identify those cases which, having been withdrawn or resolved informally, go on to become a formal Service complaint. In her Annual Report for 2013, the Commissioner recommended that there should also be a standard template for recording informal resolution, signed by both the complainant and the Commanding Officer (CO), an issue which has yet to be resolved satisfactorily and which the Commissioner will revisit in 2015.

Recommendation 14.3

The Services should record the number of complaints which, having been withdrawn or informally decided, go on to become formal Service complaints. They should also consider how recommendations made at the lower levels and on informal resolutions can be captured and good practice in complaint-handling disseminated more widely.

Red and Yellow Flags

In 2013, the Commissioner introduced a new reporting system to provide better visibility of – and thus greater ability to monitor – cases which had exceeded, or were likely to exceed, the 24-week limit.

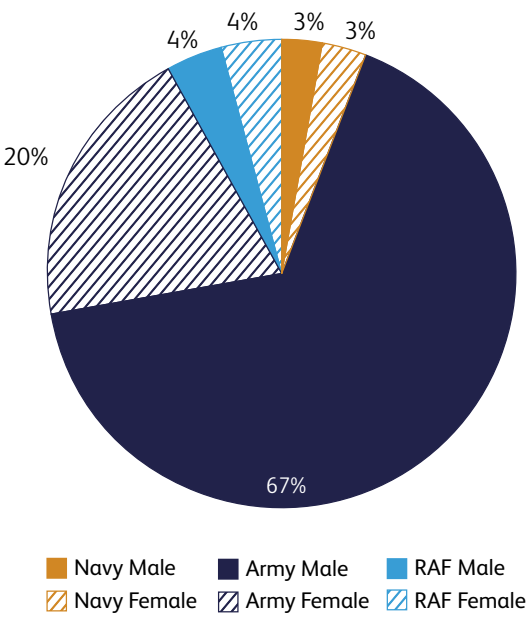
This has also proved an increasingly successful means of reconciling the data held by the Commissioner and that held by the single Services. This shows that, despite the general improvements achieved in the way new complaints are managed this year, the number of Red Flag cases has increased as a result of undetermined cases from previous years. Table 1.6 shows a comparison of the average number, by year, for each of the Services.

In addition to providing a snapshot analysis of the number of overdue cases, the flag reporting system also enables the Services to explain reasons for delay and actions taken to resolve.

Gender

As in previous years, women made disproportionately more Service complaints than men and disproportionately more about improper behaviour. Around 18% of Service complaints in 2014 were submitted by women, despite making up only 10% of the Armed Forces.³

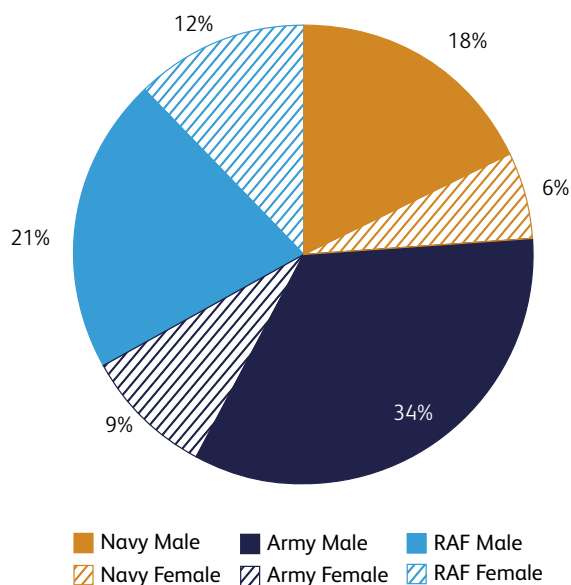
Figure 2.1: Harassment complaints by Service and gender, 2014



In 2014, bullying and harassment combined account for just under a quarter of all complaints. However, this varies across genders – accounting for 22% of male complaints and 35% of female complaints.

3 UK Armed Forces Quarterly Personnel Report (October 2014).

Figure 2.2: Bullying complaints by service and gender, 2014



Sexual orientation

Across the Armed Forces, there were only two complaints of harassment or discrimination on the grounds of sexual orientation. These were both submitted by members of the Army, one by a man and one by a woman. None were reported in the previous year.

Race, religion and ethnicity

The latest figures for the Armed Forces show that approximately 7% of the Armed Forces were known to be of a Black, Asian or Minority Ethnic (BAME) background⁴ – with the Naval Service at 3.5%, the Army at 10.2% and RAF at 2.1%. Complaints generated from BAME groups made up 11.2% of total complaints, largely as a result of the 17% of total Army complaints which were generated by BAME personnel. Approximately 14% of bullying and harassment complaints were from Black, Asian and Minority Ethnic personnel. Despite the over-representation when compared to the 10% of personnel in these groups serving in the Army, only 14 complaints were recorded as being for racial or religious grounds.

Recommendation 14.4

In order to get a more accurate picture about the origin and type of complaints from Black, Asian and Minority Ethnic (BAME) Service Personnel, the Services should explore the possibilities of distinguishing between complaints from foreign and Commonwealth Service personnel, British BAME Service personnel and religious persuasion, where declared.

Analysis by Service

Naval Service

The performance of the Naval Service (which comprises the Royal Navy and Royal Marines) was steady rather than impressive in 2014, following their work to reduce complaint-handling times in the previous year. They attribute the comparative failure to build on 2013's results to sustained pressure on staff resourcing in their complaints teams but it should also be noted that in 2013, the Navy was able to resolve a large number of complaints as a Class Action case about Early Departure Payments.

Reliability of data

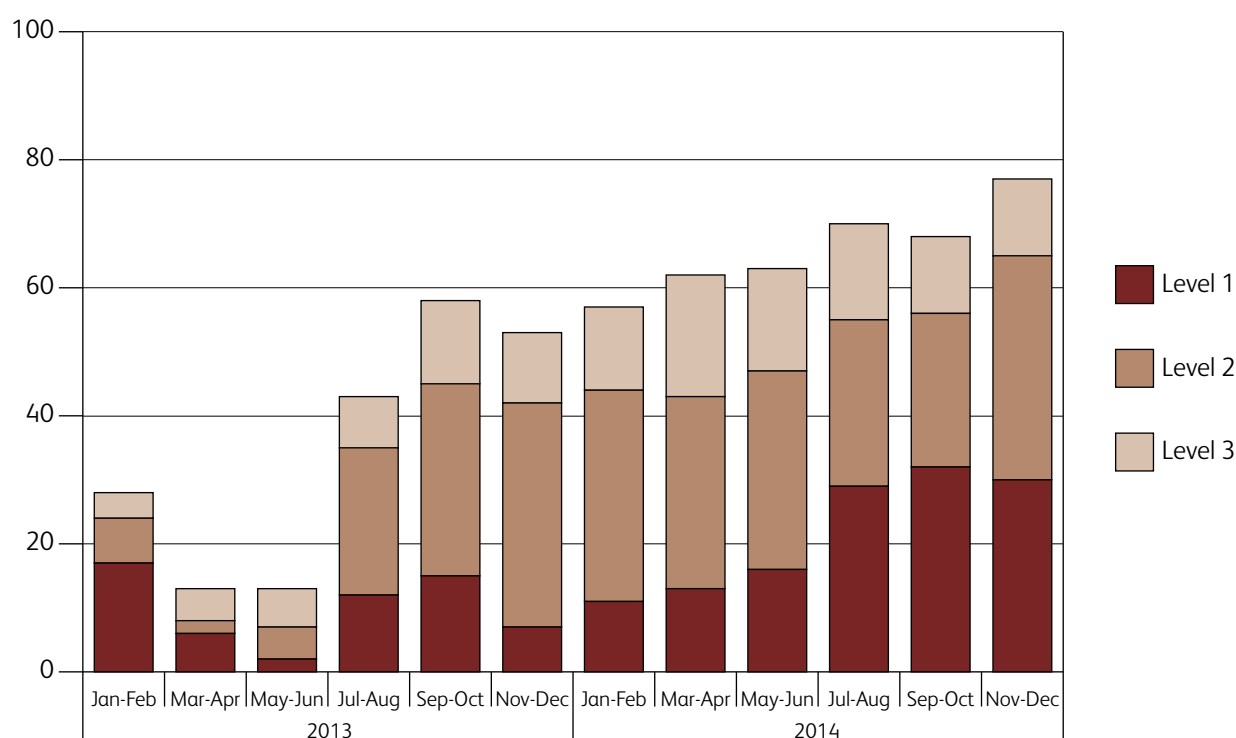
All Navy data on Service complaints is now recorded on JPA.

Service complaints made and dealt with in 2014

The number of complaints submitted by Naval Service personnel in 2014 was 224, a drop from 353 in 2013. Without the Early Departure Payments complaints of 2013, there would have been a small increase.



⁴ UK Armed Forces Quarterly Personnel Report (October 2014).

Figure 2.3a: 'Red Flag' complaints, 2013 – 2014 (Naval Service)

Unfortunately, the Navy have reported a fall in the number of complaints worked on during 2014, which they have attributed to the Service's resourcing pressures. Far fewer cases were resolved informally at Level 1 than had been the case in 2013, while there was a slight increase in the number of cases resolved at Level 2. Overall, fewer cases were resolved informally.

Types of Service complaints

The majority of the Navy's complaints came under the heading of terms and conditions of service in 2014. This type of complaint also dominated last year, along with complaints about pay, pensions and allowances – there were far fewer complaints in this category this year, presumably reflecting the resolution of the EDP cases. Overall, the percentage of complaints about prescribed incidents is comparable to last year, with bullying making up the majority of prescribed cases. Complaints by men outweigh those by women by some margin in most categories, commensurate with the gender balance. However, harassment complaints by women exceed those made by men in 2014.

Resolution of complaints – outcome and appeal

The Navy state that their approach is to require complaints to be dealt with at the lowest possible level. Commanding Officers are encouraged to resolve well-founded complaints wherever possible rather than refer them to Level 2 for redress.

This does not appear to be borne out by their figures, which indicate much lower percentages of cases being decided at Level 1 in 2014 compared to 2013. However, this can again be partly explained by the surge of Early Departure Payment complaints last year, the majority of which were resolved at Level 1 following a policy decision.

Table 1.9a shows that the percentage of cases which were not fully upheld and then appealed is down from last year (in 2013, it was 32% of Level 1 and 33% of Level 2 cases). Given that the EDP cases are unlikely to have gone to appeal, this drop in appeals appears to indicate improved confidence in decisions on complaints.

Timeliness and delay

The Navy report that while they secured significant improvements in resolving cases within the 24-week limit in 2013, in 2014 the number of cases resolved within 24 weeks fell from 78% in 2013 to 55%. (Table 1.11a refers.)

The Navy report an improvement in both the quality and speed of resolution for Level 1 decisions (although it is not clear what quality measure they are using). They say that one result of this is that higher numbers of Level 2 complaints arrive within the 24-week deadline.

Case study: Naval Service

A Royal Navy Leading Hand was accepted onto a training course which, on successful completion, would lead to substantive promotion to Petty Officer (PO). To support her in this, her husband gave up his RN job and moved their young family to Portsmouth.

At first, she felt that the course was progressing well but a week before the end of Phase I, without previous warnings, the tutors told her that they had concerns about her performance. Because the list of issues said that she was defensive and found it difficult to accept criticism, she found it difficult to challenge the assessment or argue her case. Within 24 hours, her Divisional Officer (DO) decided to remove her from the course.

The Servicewoman was then returned to her previous rank and posted on short duration tours, causing further disruption to her family, including her son, who was about to take his GCSEs. Knowledge of her alleged poor performance seemed to follow her to new postings, making it difficult to move on from what had happened.

At this point, the complainant first contacted the Service Complaints Commissioner about her concerns. However, rather than submit a formal Service complaint, she decided to appeal informally to the unit where she had taken her course, as she had been told this might resolve the situation more quickly.

The informal appeal was unsuccessful and the complainant decided to continue with submitting a formal Service complaint via the Service Complaints Commissioner. The redress she sought was a full investigation, measures to be put in place to prevent similar incidents from happening again and reinstatement on her course. She told us: "This situation has affected my career prospects, my reputation, my family dynamics and my view on the Armed Forces with a view to 'do I really want to be part of this?'"

The complaint took six months to reach a Level 1 decision, which concluded that the correct processes had not been followed in removing the complainant from the course and the case was referred to Level 2 to consider redress. Her complaint of bias and victimisation was not upheld.

Some 11 months later at Level 2, the Senior Officer (SO) upheld the complaint in part, concluding that the course tutors probably did not intend to show bias but that this was how it was perceived. He concluded that the complainant had been treated improperly as she had not been given any warning of problems with her performance or opportunity to resolve these issues. He also felt the general standard of teaching and training processes was not high and standards should be raised.

As redress, the complainant was given the opportunity to retake her course – if she completed it, her seniority and pay would be backdated to where it should be. The SO also recommended a Diversity and Inclusion Inspection and a Training Inspection to ensure that the course adhered to the Royal Navy's high standards.

This case highlights the difficulties serving families with young children can experience in the Armed Forces. Investment in one parent's career can become a gamble requiring the couple to risk the other parent's progression. Any problem can thus have far-reaching effects on both parents' career progression, pay, finances and health, along with their children's welfare and education.

Personnel from all three Services have raised with the Commissioner in person the difficulties they face as married couples trying to manage two Service careers. If things go wrong, the Services risk losing two members of their personnel, not just one. This case demonstrates that the chain of command needs to consider the effect on the whole family unit when handling Service complaints.

The case is also an example of how personal bias, either perceived or actual, can have a serious impact on a career. In a close-knit organisation where personnel move between units frequently, it is essential that professional judgement about colleagues is evidence-based and impartial and personal opinions and hearsay are not allowed to play a part. It is pleasing that the Level 2 decision identified some opportunities for improvement. We look forward to hearing the results of the inspections and any findings and recommendations.

Continuous improvement

The Navy carried out a number of initiatives in 2014 to improve complaint-handling. This included introducing an initiative to provide Rear-Admirals and Commodores with a regular digest on live complaints and how they are being handled by units – including on the accuracy and timely reporting of data on JPA.

They also report on a number of new initiatives which have been introduced to address the subject matter of complaints in previous years, including:

- opening up more Branches to Foreign and Commonwealth personnel;
- tackling delay within the Medical Board of Survey Process;
- initiating consultation on new policy initiatives (e.g. travel expenses) to help ensure they meet personnel needs.

The Navy have also focused on improving the handling of complaints related to equality and diversity (E&D). Measures in this area included introducing training sessions on complaint-handling within E&D conferences and adding an Unconscious Bias module to training to Commanding Officers and Career Managers. This module will also be added to leadership courses in 2015.

The Naval Service have also followed up on recommendations made by Deciding Officers and have provided feedback to the Commissioner's Office. An example of this can be found in their case study on page 21.

Challenges ahead

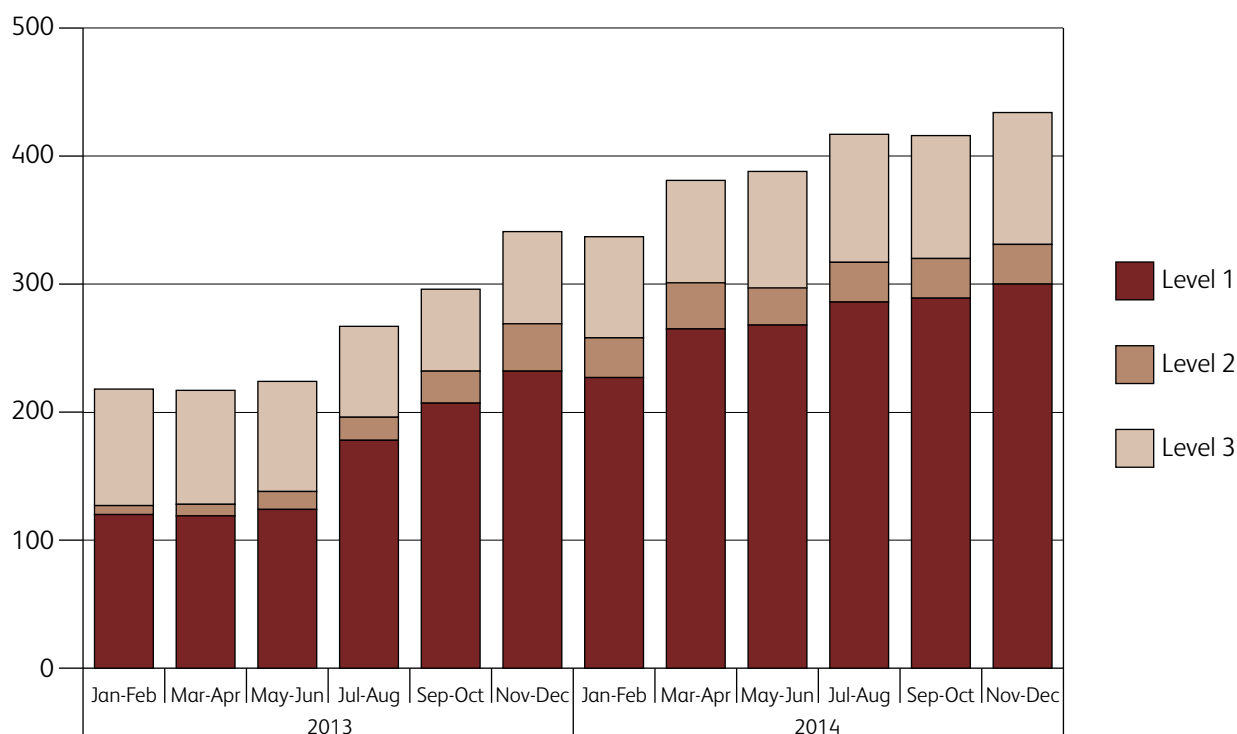
The Navy have led the way in many aspects of improving the handling of Service complaints. Their challenge over the next few years will be to continue to show leadership in implementing the new Service complaints system – especially by continuing the ongoing work to change culture, inspiring Commanding Officers with the confidence to take responsibility themselves for resolving the issues of personnel under their command.

In common with the other Services, the Navy will want to focus on reducing their backlog of long-standing cases ahead of the transition to the new Service complaints system.

Army

The Army have made considerable progress in resolving Service complaints in 2014, although there is still more to do to deliver outcomes within the 24-week timeframe. Importantly, the Army report an increase in Commanding Officers' confidence and willingness to

Figure 2.3b: 'Red Flag' complaints, 2013 – 2014 (Army)



understand the underlying causes of complaints and implement change.

Reliability of data

The Army state that their data has been compiled from two sources – JPA and the Army Board Casework Secretariat. They note that they conduct regular assurance checks on JPA and that they are continuing with a Discipline Data Improvement Programme to address issues previously identified and have already made significant improvements to the quality of their data.

Service complaints made and dealt with in 2014

The Army received 515 new complaints in 2014. This is a drop of 71 from 2013 (586), which conversely was an increase on the preceding year. The Army attribute the latest drop partly to improved arrangements for handling career management complaints. There is also a drop in the number of cases worked on during the year compared to 2013.

The number of cases withdrawn/informally resolved has risen from 27% to 51%. As noted earlier, the SCC encourages the use of informal resolution where appropriate to decide cases expediently. Of concern, however, is the inability of the Army to separate data on those cases which are resolved informally and those which are withdrawn.

Types of Service complaints

Service complaints to the Army about bullying, harassment, discrimination and all forms of improper behaviour dropped from 54% in 2013 to 38% in 2014. The Army have twice as many harassment cases as bullying ones, in contrast to the Navy and the RAF, which have four times as many bullying cases as they do cases of harassment. As previously discussed, this could be a result of different interpretations between what each Service considers to be bullying and harassment. However, it can also lead to complaints not being upheld, for example in instances when an alleged harassment which would be more appropriately viewed as bullying or improper behaviour does not relate to one of the unlawful categories of harassment such as race or sex.

Service complaints from women are still disproportionately higher than those from their male colleagues and this differential is even more pronounced in complaints about prescribed behaviour.

Resolution of complaint – outcome and appeal

The Army reported more complaints withdrawn (266) at Level 1 than decided (249), so a quarter of the 1,075 cases worked on were informally resolved/withdrawn before decision, with less than a fifth being formally decided. Although there has been an increase in the number of cases resolved, nonetheless more than half



were not resolved. While the Commissioner welcomes complaints being handled at the lowest level when appropriate, there is a concern that the Army could be missing out on opportunities to learn lessons, improve processes and spot systemic issues, when so many complaints are resolved informally.

A high proportion of cases which were not upheld or partially upheld were appealed, which may suggest that there is still not sufficient confidence in the system among Army personnel. This figure cannot be compared with 2013, as the Army did not provide data on this point.

It will be instructive to compare all three Services' figures on appeal rates following the transition to the new complaints system.

Timeliness and delay

Delay remains problematic within the Army but there has been some good progress made in reducing the time to closure (which the Army interpret as resolution, not determination) at Level 1 – this has fallen from 53 weeks in 2013 to 36 weeks in 2014. In 2014, 48% of complaints were completed within the 24-week target, a rise from 25% in 2013. (Table 1.11b refers.)

The higher numbers of cases worked on at Level 3 (202 in 2014, up from 167 in 2013) is encouraging. In 2014, the Army resolved some 57% of all Service complaints

referred to Level 3 in 2013. They also reduced the numbers of pre-2013 cases at Level 3 from 125 at the end of 2013 to 85 at the end of 2014. There is still a long way to go, but the Army have made some headway in reducing the numbers of these long-standing and complex cases.

Continuous improvement

2014 has seen better use of IT to improve process, reduce delays and understand the causes of complaints. JPA has become the single point of recording and all competing databases have been closed. The Army say that this has given them a clearer understanding of the distribution of complaints and their underlying causes and has allowed focused early intervention in emerging areas of risk.

The Army's equality and diversity staff, mediation service and complaints wing have begun to work more closely together, conducting joint trend analysis and sharing best practice in order to reach a clearer understanding of issues that may lead to future complaints. In addition, a Bullying, Harassment and Diversity team was established in July 2014 to develop measures to reduce incidences of this type in the Army. As part of this work, a survey into sexual harassment was conducted. It reported in 2014, with a number of recommendations. One of its initiatives is a campaign to educate soldiers on the issues surrounding sexual consent.



Case study: Army

An Army officer with some 35 years' service, who was nearing the end of his career, asked to complete his final six months in the UK. Due to staff shortages, he was subsequently told he would only be allowed to work the final four months in the UK. He asked for an extension to his Service retirement date to enable him to take 20 extra days' Terminal Leave, to which MOD policy indicated he was entitled. The request for extension was turned down and his retirement date fixed for a date nine months later.

Just under three months later, the officer contacted the Service Complaints Commissioner enclosing an Annex F on which he had made a formal Service complaint about this decision, which he believed was a misinterpretation of the policy. The Commissioner referred his Service complaint to his Commanding Officer. The referral was however not acted on for another two months, when the Prescribed Officer ruled that it was 'Out Of Time'.

The complainant disputed this. He noted that because his complaint focused on his request to work his final six months in the UK, it would have been inappropriate to submit it until the final six months began.

The officer was advised by the Army that his only possible course of action was to submit a second Service complaint about the first one. However, the second complaint would only look at the 'Out Of Time' (OOT) ruling and not at the content of the first complaint.

When he consulted the Commissioner on this matter, we advised that if the second complaint about the OOT ruling was upheld, the first complaint would then be reconsidered. The officer decided to submit his second Service complaint through the Commissioner, as both his CO and the Service Complaints Wing were implicated in the first one.

The second complaint was heard and upheld by a Senior Officer and the original one was subsequently upheld as well. As redress, the complainant was granted the Terminal Leave he had originally requested and was paid for those extra days.

Although he had by now left the Army, he felt this was a satisfactory outcome. He was, however, very frustrated that it had taken so long to resolve.

He was grateful to the SPVA/DBS for handling the redress granted quickly and efficiently. However, he also noted: "I was disappointed that the whole process to resolve what I believe to be a straightforward issue took 15 months."

This case was an example of avoidable delay in complaint handling which caused unnecessary stress to an officer who had served the Army for over 30 years. The Commissioner sees an increasing number of complaints from personnel who are nearing the end of their career (across all three Services) and this is an area where procedures should be improved.

In other initiatives by the Army in 2014:

- A Management Information Systems cell in the Army's Service Complaints Wing has given Commanding Officers greater visibility of problem areas, units and causes of complaint.
- A complaint-handling team has been established to focus specifically on career management issues, which make up a substantial proportion of the Army's Service complaints each year.



Dr Atkins visits 5 Support Battalion REME in January 2014

- The Army Mediation Service has added staff resource, allowing it to double the number of cases it completed in 2013 – it maintains a success rate of around 85%.
- The Army have also established a working group to improve the way medical complaints are handled and monitored, supported by the Army Medical Directorate and the Surgeon General's Department.

The Army Board Secretariat follow up recommendations made by the Level 3 Army Board and Service Complaint Panels and provide information to the Commissioner as a matter of course.

Challenges ahead

Despite the drawdown from Afghanistan, it appears likely that other international conflicts over the next few years will continue to place a heavy demand on the Army. Humanitarian crises such as the Ebola crisis in 2014 will also require their support, along with that of the other two Services.

Alongside the review of terms and conditions of service (which are common to all three Services), the Army's reform programme – Army 2020 – begins to be implemented over the next few years. This is likely to have an impact on numbers of complaints. Delay at Level 3 remains a significant challenge for the Army, partly owing to the numbers of complex cases at this level.

Royal Air Force

The Service Complaints Commissioner's 2013 report highlighted fundamental deficiencies in the RAF's handling of Service complaints. Following this, the RAF created a separate Service Complaints Team in September 2013 to help them improve their handling of complaints and in particular, resolve their numbers of long-standing cases. The new team has had some success. While numbers of new complaints are up, the RAF have made huge strides in resolving their 'legacy' cases. (Table 1.8c.) This has affected their upheld rates, with a much higher upheld and partially upheld rate at Level 3 than in previous years. (Rates at Levels 1 and 2 are slightly lower than 2013 but so are appeal rates.) This means that although there is a lower percentage of upheld cases, more complainants are satisfied – an indication of a good quality of decision-making.

Reliability of data

After experiencing great difficulties with their data in 2013, the RAF have made progress in addressing their

data issues in 2014. They now use JPA as their sole data management tool to ensure consistency. They state that 99% of complaints are recorded on JPA and their data is assessed to be 97% accurate. However, they note that JPA still does not cover every aspect of the questions asked by the Commissioner and some data therefore has had to be generated manually. As previously noted, it is disappointing that JPA still does not have the agility to respond in-year to new data requests.

RAF Reservists are included in the RAF's return with the exception of RAFVR (T) Air Training Corps personnel. There are no Special To Type grievances included in the data.

Service complaints made and dealt with in 2014

Table 1.8c shows that 155 new Service complaints were raised with the RAF in 2014. This is a rise of 28% from 2013. The RAF attribute this rise to greater awareness of and more confidence in the complaints process. They believe that this interpretation is supported by the fact that in 2014, fewer members of the RAF with complaints already in the system asked the Commissioner to take oversight of their complaint. (In previous years, dissatisfaction with the way an existing Service complaint was being handled was a significant factor in contacts to the Commissioner by RAF personnel.)

The Commissioner's own figures support this assertion – the RAF was the only Service which recorded a reduction in referrals during 2014 compared to the previous year. However, conversely, within AFCAS 2014, a greater proportion of RAF personnel claimed to have been the victim of bullying, harassment and discrimination – up to 10% from 8% in 2013 – and 6% of those who claimed to have been bullied, harassed or



discriminated against said they raised a complaint, down from 10% in the previous year.

Of new complaints, 43 were resolved in-year – at just under a third, this represents a slight drop from last year.

Types of Service complaints made in 2014

Table 1.4 shows the breakdown of types of complaint made to the RAF in 2014. The breakdown is similar to that of 2013. Again, almost a third of complaints related to bullying, victimisation or harassment. In particular, the number of complaints about bullying at Level 1 rose in both actual terms and percentages in 2014 – however, the majority of these complaints did not progress to Level 2 or 3.

Resolution of complaint – outcome and appeal

The RAF made a concerted effort to resolve their long-standing cases in 2014. This is indicated by the high number of cases worked on through the year (562), shown in Table 1.8c. There has been a slight drop in the percentage of not upheld cases which are then appealed (13% at Level 1, compared to 16% in 2013, and 23% at Level 2, compared to 27%). This may suggest a higher rate of satisfactory outcomes from the complainants' perspective. The Commissioner's view is that the RAF Notes of Actions (NOAs)/Decision

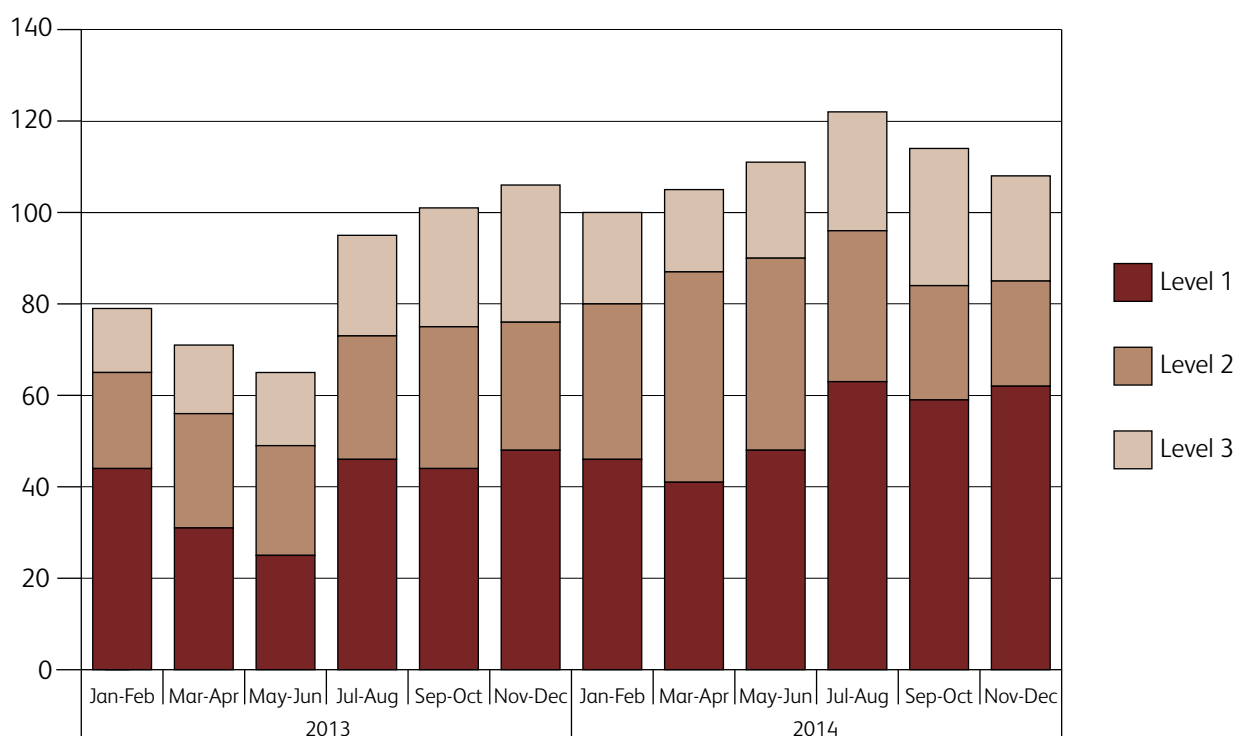
letters have improved in quality in the last year, with greater and clearer reasoning given for the decisions reached. However, some legacy cases for RAF personnel, as with the Army, have been subjected to such delay that the original redress is either not achievable or appropriate. Several complaints which were about career management matters have only been decided after the individual has left the Service, resulting in unhappy experiences at the end of what had been long and fulfilling careers. Some individuals have subsequently appealed their long overdue Level 1 decisions and may not have done so had their original complaint been handled in a timely manner.

The RAF state that some 71 cases were resolved informally before an Annex F was completed. This is in addition to a further 43 cases which were resolved informally during the complaints process. As mentioned elsewhere in this report, the use of informal resolution is to be encouraged where it is appropriate. However, it is particularly important to ensure that where concerns are resolved informally before they can be captured on JPA as a formal Service complaint – as in these 71 cases – the processes for doing so are robust.

Timeliness and delay

In 2014, 43 out of 155 new complaints received by the RAF were decided within the year and of those 43,

Figure 2.3c: 'Red Flag' complaints, 2013 – 2014 (RAF)



35 were decided within the 24-week deadline. This represents an improved performance from the previous year, achieving a 36% success rate in 2014 compared to 22% in the previous year. (Table 1.11c refers.)

The improvements can be attributed to the additional resources provided to the complaints team. While this progress is to be commended, there are still too many unresolved cases – less than a quarter of those which could have been resolved in-year (228) were resolved in that time. The RAF also note that the additional staff mentioned above have been able to decide approximately 50% more Service complaints than were raised during 2014, which has had sizeable impact in reducing the number of outstanding cases from previous years by approximately 70%.

Continuous improvement

2014 has been a year of improvement for the RAF in their handling of Service complaints. Following the creation of their new Service Complaints Team in 2013, the team more than doubled in numbers in 2014. The team now manages all Level 2 and 3 complaints and each case manager has a portfolio of 10 to 15 complaints compared to around 50 in January 2014. This means the RAF should now be able to address their large backlog of outstanding grievances in a meaningful way.



Having completed a detailed study into their end-to-end process for handling grievances and complaints, the RAF have also developed an action plan which is designed to introduce a culture of positive leadership in the handling of grievances across the Service. Good leadership is at the heart of successful and fair handling of personnel grievances – and, importantly, the RAF have recognised that it is cultural change which is needed before significant improvements will be seen.

Some specific initiatives by the RAF in 2014 include:

- establishing two dedicated case managers to provide guidance for Level 1 complaints and monitor progress, providing local training and support;
- setting up a focal point to handle grievances relating to career management and terms and conditions of service (the Army have also taken this approach);
- creating a bi-monthly Service Complaint Team bulletin and a dedicated website;
- holding a Service complaint seminar in November 2014 which explored the Service's focus on changing the culture of complaint-handling;
- introducing a monthly review of outstanding cases chaired by the Chief of Staff Personnel;
- conducting a gender-related behaviour study to explore boundaries of acceptable and unacceptable behaviours in the workplace – the outcomes of this study were due for publication in February 2015;
- streamlining the approval process for financial redress to allow Panel recommendations to be acted on more quickly – in some cases, this has meant that financial approval was achieved within days rather than, as was previously usual, after several months.

Challenges ahead

As with the other Services, the RAF will be affected by the review of terms and conditions of service. The RAF will also face a challenge to reduce the backlog of cases further before the expected transition to the new Service complaints system later in 2015. They must simultaneously prepare for the new ways of working this system will bring. The work the RAF has done in 2014 in addressing culture, strengthening staff resources and improving complaint-handling processes will stand the Service in good stead.

Case study: Royal Air Force

An RAF Flight Sergeant with some 20 years' service wrote to the Commissioner regarding a Service complaint she had raised over a year earlier for which she was still awaiting resolution. "At every stage of the process, I have been left feeling that neither I nor my Service complaint has been taken seriously," she said.

The complaint focused on her performance assessment for the previous year, which she felt had been unjustly critical. She had not received Terms of Reference (TORs) for her role nor had a mandatory mid-year review (MPAR) which might have indicated areas where she needed to improve. She had also been debriefed about the assessment on her immediate return from a long-haul mission when she was not in a position to challenge it effectively.

Her Commanding Officer had refused to change the assessment or even discuss it and she felt the unit had failed in its duty of care.

No action was taken on her Service complaint for over a year and by the time she wrote to the Commissioner, the complainant was so frustrated with her experience that she had applied to leave the Service. "I have been left in an untenable position with no option but to exit a Service I feel has no integrity or desire to treat its members in a fair fashion," she wrote.

The Commissioner referred the case, noting that a Service complaint had already been submitted to the chain of command, and took formal oversight of the complaint. Two months later, the Commanding Officer referred the complaint to Level 2 on the grounds that he did not have the necessary powers

of redress. The case was finally heard at Level 2 a year after the Level 1 decision and some five months after the complainant had left the RAF. The respondent in the case had also left the Service.

At this point, the Level 2 Senior Officer spoke to the complainant personally to discuss her concerns and also to apologise about the delays in hearing her case. He upheld both parts of her Service complaint and granted the redress requested, which was for the negative reporting to be expunged.

The Senior Officer noted that this redress might seem hollow given that the complainant had now left the RAF, but that it might help her if she wished to become a Reserve in the future. He also requested that the unit in question ensure that personnel with line management responsibility follow official guidelines on MPARs and TORs more closely in future.

This case was one of many the Commissioner sees in which comments made about an individual at the end of a reporting year come as a shock because they have not been discussed at any previous point in the year. It is also an example of a good Senior Non-Commissioned Officer with many years' service being lost to the RAF due to unnecessary delay and the failure to take her grievances seriously.

In conclusion, the complainant said: "I passionately believe that the Armed Forces owe their personnel the right to complain when they have been treated unfairly. To ignore this right and allow those who have the moral courage to stand up for themselves to be put through the misery that constitutes this system is fundamentally wrong."

In her 2013 report, Dr Atkins welcomed proposed changes to the Service complaints system. These included the creation of a new Service Complaints Ombudsman with significant new powers to hold the Services to account for their handling of individual cases – in line with the Commissioner's own proposals for such a role, which were originally presented in April 2013.

Independent scrutiny by an Ombudsman of how complaints are handled will offer more protection to individuals, help ensure complaints are dealt with fairly and increase confidence among Service personnel that their complaints will be dealt with properly. The proposed system places the responsibility to resolve complaints firmly on the chain of command but ensures that the chain of command is held to account for its actions.

How the complaints process will change under the new legislation

The Armed Forces (Service Complaints and Financial Assistance) Bill 2014 – currently before Parliament – will introduce changes to the way the Service complaints system works as well as creating a Service Complaints Ombudsman.

How the Service complaints system will change

Under the new system, the current three-tier complaints process (Levels 1, 2 and 3) will be replaced by a two-tier process involving a decision and a single appeal stage:

- on receipt of a complaint, the Defence Council will assign it to a person or panel with the authority to investigate the complaint fully and provide appropriate redress;
- if the complainant appeals against the outcome, the Defence Council will again assign the appeal to an appropriate level of authority.

The powers of an Ombudsman

The new Service Complaints Ombudsman will be able to protect Service personnel by:

- referring a potential complaint to the appropriate Service, making this step easier for personnel who are unsure of the process or reluctant to approach their chain of command directly;

- making the final decision on whether the Services should accept complaints for investigation (for example, if the Services consider a complaint is 'Out Of Time' or on an excluded matter);
- making the final decision as to whether an appeal is 'Out Of Time';
- investigating the substance of complaints in certain circumstances;
- investigating the handling of complaints by the Services. (Where the Ombudsman finds maladministration and potential injustice, that finding will be binding and the Services will be expected to give sound reasons for not responding in line with the Ombudsman's recommendations on how problems should be remedied.)

The Ombudsman will also produce an Annual Report to Parliament on the work of her Office and the overall efficiency, effectiveness and fairness of the Service complaints system and will continue to help the Services learn lessons in how they handle complaints.

Progress of the legislation in 2014

As the Commissioner then in post, Dr Atkins was consulted on early drafts of the primary legislation developed by the MOD early in 2014, before a final version was presented to Parliament in June of that year. The Commissioner also had the opportunity through the House of Commons Defence Committee Inquiry to present evidence both in writing and orally and exchange letters with the Minister.

This dialogue provided a useful opportunity to clarify some elements of the Bill as finally presented. This included the following significant points:

- Regulations made under the Act with regards to procedure used by the Ombudsman will not be prescriptive or fetter the Ombudsman's ability to operate in an independent manner.
- While complainants must give a reason for asking the Ombudsman to look at their case, they will not be expected to have a comprehensive understanding of maladministration.
- In the interests of accessibility, an applicant for Ombudsman investigation may first approach the Ombudsman by telephone (to be followed by

confirmation in writing or by email).

- The Ombudsman will be able to publish reports on thematic issues that come to light through meeting her statutory duties. This was explained at the Oral Evidence session attended by the Minister.

Discussions with the Ministry of Defence have reassured the OSCC on all these points and the new Commissioner supports the Bill and looks forward to working with MOD on appropriate secondary legislation to reinforce what has been agreed.

Designing a new way of working

Work has begun to design a new way of working both for the Ombudsman and also within the Services. The OSCC has been part of the MOD Programme Board which has brought together the MOD, the Services and the Commissioner to manage transition to a new system as one programme. Simplifying the Service complaints system within the Services is critical to achieving the benefits of a new system.

The OSCC has participated in events to help develop the new processes and procedures and encouraged the Services to use this opportunity to redesign their own systems to be faster and more flexible, with decisions made at the right level. The new system should also empower Commanding Officers to deal with grievances fairly. The Services should make better use of complaints to drive improvements in Service life. While changing the complaint-handling culture in the Services (for example, by taking bureaucracy out of the process and increasing the confidence of Commanding Officers to deal with complaints as a priority) will contribute to the overall success of the new system, this will take time. It is therefore important to ensure that secondary legislation and internal guidance support the move to a more streamlined system.

In addition to supporting the overall programme, the Commissioner has created a project board within her Office to oversee the set-up of the Ombudsman function. This includes new policies and processes, staff structures and a new database to record and help monitor complaints. The OSCC has conducted benchmarking exercises with other Ombudsmen and identified good practice, building it into the organisation's future ways of working in order to offer a modern, accessible and efficient service. The OSCC has consulted staff throughout this process and where

possible begun to adapt internal processes to align with future ways of working.

Planning for implementation

Towards the end of 2014, OSCC work increasingly focused on preparing for the new system. The resource required for the Ombudsman's future staff (based on new business processes and the estimated number of complaints) has been signed off by MOD and an exercise to map existing staff posts to roles in the new structure has been completed with Trades Unions endorsement. Phased recruitment for new and additional staff is under way, working to a timetable which will allow time for training requirements to be met. A redesign of the Commissioner's office facilities has been signed off and IT equipment commissioned. A new casework management system to facilitate better ways of working is being designed under a contract due to complete during the summer of 2015.

By February 2015, the Bill had completed its passage through the upper House and had its Second Reading in the House of Commons. During the Committee stage, a number of amendments were proposed and although the Commissioner is content with the intent behind these amendments, they could only be undertaken with additional resource. The precise implications of these changes are yet to be determined.

Next steps

There is a significant amount still to be achieved before the Ombudsman function comes into effect. This includes provision of secondary legislation and policy guidance from MOD that must protect the intended simplicity of the new system and ensure that the Ombudsman will not be fettered by any procedural requirements that prevent her from offering an accessible and transparent service.

The MOD will need to confirm arrangements for transition from the old system to the new system and the implications for Service personnel who have Service complaints already in the system at the date of implementation. While transition arrangements inevitably run the risk of some disruption, these can be minimised and managed by good forward planning and communication. The Commissioner believes the new system offers many benefits over the old one and it is hoped that the majority of Service personnel with complaints 'in the system' will transfer to the new arrangements. The key will be for both MOD and the

Ombudsman's Office to publicise arrangements clearly and with plenty of notice.

Implementation at the earliest possible opportunity is important so that Service personnel start to benefit from the changes that are planned. As part of the OSCC transition project, the Commissioner identified anticipated benefits from the change in role and simplification of the system – however, no benefits management strategy has been finally agreed by the MOD, Services and Commissioner for the changes to the system. This should be completed to enable the Ombudsman to report to the Secretary of State and Parliament on the efficiency, effectiveness and fairness of the workings of the system in future.

There may be a delay in implementing one aspect of the proposals made by the Commissioner which has been agreed in principle. This relates to 'Special To Type' complaints which at present have a separate complaints process. This includes complaints about issues such as pay and allowances, medical treatment and accommodation. Although Service complaints may be made about such matters, they will only be dealt with once the 'Special To Type' complaints processes have been exhausted. The proposed new system would do away with such double handling, enabling a Service complaint to be made and dealt with by the experts (currently deciding such complaints in the Special To Type systems) with a right of application to the Ombudsman.

Delay in implementing the proposed changes runs the risk of inefficiency, ineffectiveness and unfairness. It appears that the Defence Medical Service and Defence Business Services are not reluctant to make those changes. It is to be hoped that work can now progress to avoid a two-stage implementation.

Recommendations

Recommendation 14.5 The MOD should produce a clear benefits management strategy for Service complaints reform in order to ensure that the new system addresses the problems it was designed to, taking into account that some change will evolve as the system beds in over its first few years. The creation of an Ombudsman is not the end of the process.

Recommendation 14.6 The MOD should pursue secondary legislation at the earliest opportunity, allowing full consultation with the SCO and clarifying matters that were discussed during the Parliamentary process.

Recommendation 14.7 The MOD should make a prompt decision on arrangements around the transition to Ombudsman which affect Service personnel with complaints in the system and ensure that these are effectively communicated within the Services during the transition period.

Recommendation 14.8 The MOD should ensure that 'Special To Type' complaints (complaints relating to housing, medical matters or pay) benefit from the new arrangement and are not delayed by additional processes.

Annex A

Glossary

AFCAS – Armed Forces Continuous Attitudes Survey

Annex F – the form on which Service complaints are formally submitted to the appropriate Service

AO – Assisting Officer

BFBS – British Forces Broadcasting Service

CO – Commanding Officer

DASA – Defence Analytical Services and Advice

DBS – Defence Business Services

DC – Defence Council

DCAF – Geneva Centre for Democratic Control of Armed Forces

DIA – Defence Internal Audit

DIN – Defence Instructions and Notices

DMS – Defence Medical Services

DO – Deciding Officer

EHRC – Equality and Human Rights Commission

E&D – Equality and Diversity

FEHIO – Fee Earning Harassment Investigation Officer

HIO – Harassment Investigation Officer

ICOAF – International Conference of Ombuds Institutions for Armed Forces

JPA – Joint Personnel Administration

MOD – Ministry of Defence

NCO – Non-Commissioned Officer

Non-prescribed behaviour – categories of behaviour that are not prescribed by regulations, covering a wide range of matters including pay, appraisals, promotion, discharge and medical treatment

OSCE – Organization for Security and Co-operation in Europe

OOT – ‘Out Of Time’ (when a complaint is made more than three months after the incident being complained about)

OSCC – Office of the Service Complaints Commissioner

Prescribed behaviour – categories of behaviour prescribed by regulations, including bullying, harassment, discrimination, bias, dishonesty, victimisation and other improper behaviour.

Prescribed Officer – an officer, usually Commanding Officer of a unit, who may handle a Service complaint at Level 1

PPO – Principal Personnel Officer

RTS – Recruit Trainee Survey

SC – Service complaint

SCC – Service Complaints Commissioner

SCIT – Service Complaints Investigation Team

SCO – Service Complaints Ombudsman

SCP – Service Complaint Panel

SCW – Service Complaints Wing (Army)

SG – Surgeon General

SPVA – Service Personnel and Veterans Agency

SSAFA – Soldiers, Sailors, Airmen and Families Association

STT – Special To Type (a category of complaints about specific matters, including pensions)

WO – Warrant Officer

WIS – Wounded, Injured or Sick

Annex B

Tables and charts

Table 1.1: Enquiries made to the Service Complaints Commissioner by Service and action taken, 2014

Service	Out of scope ¹	Not referred	Not pursued	Referred	Total
Naval Service	3	2	18	59	82
Army	19	28	81	355	483
RAF	4	7	13	43	67
Other ²	91	-	9	-	100
Total	117	37	121	457	732

"-" = Nil

1) Out of scope relates to any contact which is deemed not to be a contact made by a serving, or recently retired, member of the Armed Forces about a wrong that occurred during and was related to their Service life.

2) Relates to contacts where Service is unknown or contact is made by non-serving personnel.

Source: OSCC casework

Table 1.2: Referrals made by SCC¹ by Service, gender and category², 2014

Service	Gender	Prescribed		Non-prescribed		Total	
		Number	Percentage(%)	Number	Percentage(%)	Number	Percentage(%)
Naval Service	Male	29	49%	24	41%	53	90%
	Female	6	10%	-	-	6	10%
	All	35	59%	24	41%	59	100%
Army	Male	226	64%	72	20%	298	84%
	Female	43	12%	14	4%	57	16%
	All	269	76%	86	24%	355	100%
RAF	Male	16	37%	16	37%	32	74%
	Female	8	19%	3	7%	11	26%
	All	24	56%	19	44%	43	100%
Total	Male	271	59%	112	25%	383	84%
	Female	57	12%	17	4%	74	16%
	All	328	72%	129	28%	457	100%

"-" = Nil

1) Categories of behaviour prescribed by regulations (including bullying, harassment and other improper behaviour). Unprescribed behaviour relates to categories of behaviour that are not prescribed by regulations, covering a wide range of matters including pay, appraisals, promotion, discharge and medical treatment.

2) As a percentage of total referrals made to Services.

Source: OSCC casework

Table 1.3: Referrals made by SCC by Service, gender and complainant rank, 2014

Service	Gender	Rank		Officers	Unknown	Total
		Pte & equiv	NCOs & WOs			
Naval Service	Male	13	26	13	1	53
	Female	2	3	1	-	6
	All	15	29	14	1	59
Army	Male	101	169	27	1	298
	Female	19	31	7	-	57
	All	120	200	34	1	355
RAF	Male	6	15	11	-	32
	Female	3	6	2	-	11
	All	9	21	13	-	43
Total	Male	120	210	51	2	383
	Female	24	40	10	-	74
	All	144	250	61	2	457

‘-’ = Nil

Source: OSCC casework

Table 1.4: Service complaints made by Service and complaint type, 2014

Complaint type	Naval Service			Army			RAF			All Services		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
Harassment	3	3	6	72	21	93	4	4	8	79	28	107
Sexual Harassment	-	1	1	-	6	6	-	-	-	-	7	7
Sexual Orientation Harassment	-	-	-	1	-	1	-	-	-	1	-	1
Racial Harassment	-	-	-	9	2	11	-	-	-	9	2	11
Religious Harassment	1	-	1	1	-	1	-	-	-	2	-	2
Discrimination (direct & indirect)	1	-	1	9	-	9	2	1	3	12	1	13
Sexual Discrimination	-	-	-	-	-	-	-	-	-	-	-	-
Sexual Orientation Discrimination	-	-	-	-	1	1	-	-	-	-	1	1
Racial Discrimination	-	-	-	4	-	4	-	-	-	4	-	4
Religious Discrimination	-	-	-	-	-	-	-	-	-	-	-	-
Bullying	19	6	25	36	10	46	23	13	36	78	29	107
Improper Behaviour (includes dishonesty and bias)	3	1	4	23	5	28	8	2	10	34	8	42
Victimisation	2	-	2	-	-	-	3	-	3	5	-	5
Terms and Conditions of Service	98	15	113	187	40	227	53	15	68	338	70	408
Pay, Pensions and Allowances	29	3	32	48	3	51	19	1	20	96	7	103
Medical and Dental	6	1	7	32	5	37	5	2	7	43	8	51
Other	29	3	32	-	-	-	-	-	-	29	3	32
Total	191	33	224	422	93	515	117	38	155	730	164	894

‘-’ = Nil

Source: Single Service Complaint Statistics returns, JPA

Table 1.5: Service complaints received¹, closed² and open³ by Service, 2013 and 2014

Stage	2013				2014			
	Naval Service	Army	RAF	Total	Naval Service	Army	RAF	Total
Received	353	586	121	1,060	224	515	155	894
Closed:	265	153	35	453	126	206	43	375
Closed (%)	75	26	29	43	56	40	28	42
: less than 24 weeks	245	94	20	309	98	176	35	309
: beyond 24 weeks	20	59	15	66	28	30	8	66
Open:	88	433	86	607	98	309	112	519
Open (%)	25	74	71	57	44	60	72	58
: less than 24 weeks	39	209	32	280	47	147	57	251
: beyond 24 weeks	49	224	54	327	51	162	55	268

1) New Service complaints received within the year.

2) Cases received and closed within the year.

3) Cases received and awaiting a decision at the end of the year.

Source: Single Service Complaint Statistics returns, JPA

Table 1.6: Average¹ 'Red Flag' cases reported per month by Service

Year	'Red Flag' complaints				SCC referred				Non-SCC referred			
	Total	NS	Army	RAF	Total	NS	Army	RAF	Total	NS	Army	RAF
2013	191	17	130	43	148	9	106	34	43	9	25	9
2014	295	33	207	55	154	8	121	25	141	25	86	30

1) 'Average' here relates to the mean.

Source: Red/Yellow flag return, JPA

Table 1.7: Service complaints made by Service and ethnicity¹, 2014

Ethnicity ¹	Naval Service	Army	RAF	Total
BAME	8	86	6	100
White	204	418	136	758
Not known	12	11	13	36
All	224	515	155	894
BAME	4%	17%	4%	11%
White	91%	81%	88%	85%
Not known	5%	2%	8%	4%
All	100%	100%	100%	100%

1) Ethnicity is based on self-defined ethnic origin and reported on a voluntary basis by Armed Forces personnel.

Source: Single Service Complaint Statistics returns, JPA

Table 1.8a: Service complaints received and decided, 2014 (Naval Service)

Naval Service	New complaints	Number worked on during year	Withdrawn / informally resolved before decision	Decided:			Taken to next level
				Upheld	Partially upheld	Not upheld	
Level 1	224	278	43	11	20	57	12
Level 2	-	138	17	22	9	29	7
Level 3	-	39	-	5	7	11	..
<i>Of which:</i>							
Service Board	..	..	-	-	-	-	..
Service Complaint Panel (SCP)	..	..	-	5	6	10	..
SCP with independent member	..	..	-	-	1	1	..
Petitions to the Sovereign	..	-	..	..	..	..	..
Claim to Employment Tribunal	..	1	..	..	..	..	..

.. = Nil

.. = Not applicable

Source: Single Service Complaint Statistics returns, JPA

Table 1.8b: Service complaints received and decided, 2014 (Army)

Army	New complaints	Number worked on during year	Withdrawn / informally resolved before decision	Decided:			Taken to next level
				Upheld	Partially upheld	Not upheld	
Level 1	515	1,075	266	43	29	177	115
Level 2	-	141	4	13	10	37	35
Level 3	-	202	2	18	11	48	-
<i>Of which:</i>							
Service Board	..	..	2	2	2	15	..
Service Complaint Panel (SCP)	..	..	-	10	2	13	..
SCP with independent member	..	..	-	6	7	20	..
Petitions to the Sovereign	..	2	..	..	..	..	..
Claim to Employment Tribunal	..	14	..	..	..	..	..

.. = Nil

.. = Not applicable

Source: Single Service Complaint Statistics returns, JPA

Table 1.8c: Service complaints received and decided, 2014 (RAF)

RAF	New complaints	Number worked on during year	Withdrawn / informally resolved before decision	Decided:			Taken to next level
				Upheld	Partially upheld	Not upheld	
Level 1	155	300	34	10	20	57	10
Level 2	-	144	5	19	19	24	10
Level 3	-	118	2	22	16	51	..
Of which:							
Service Board	..	..	-	-	-	-	..
Service Complaint Panel (SCP)	..	..	1	16	11	26	..
SCP with independent member	..	..	1	6	5	25	..
Petitions to the Sovereign	..	-	..	..	..	..	..
Claim to Employment Tribunal	..	1	..	..	..	..	..

.. = Nil

.. = Not applicable

Source: Single Service Complaint Statistics returns, JPA

Table 1.9a: Percentage of Service complaints decided, 2014 (Naval Service)

Naval Service	Upheld	Upheld and partially upheld	Percentage of not fully upheld cases appealed (%)
Level 1	13%	35%	16%
Level 2	37%	52%	18%
Level 3	22%	52%	..

.. = Not applicable

Source: Single Service Complaint Statistics returns, JPA

Table 1.9b: Percentage of Service complaints decided, 2014 (Army)

Army	Upheld	Upheld and partially upheld	Percentage of not fully upheld cases appealed (%)
Level 1	17%	29%	56%
Level 2	22%	38%	74%
Level 3	23%	38%	..

.. = Not applicable

Source: Single Service Complaint Statistics returns, JPA

Table 1.9c: Percentage of Service complaints decided, 2014 (RAF)

RAF	Upheld	Upheld and partially upheld	Percentage of not fully upheld cases appealed (%)
Level 1	11%	34%	13%
Level 2	31%	61%	23%
Level 3	25%	43%	..

.. = Not applicable

Source: Single Service Complaint Statistics returns, JPA

Table 1.10a: Service complaints submitted before 2014 and awaiting decision at the end of 2014 (Naval Service)

Naval Service	Year of complaint:						Total
	2008	2009	2010	2011	2012	2013	
Level 1	-	-	-	1	-	9	10
Level 2	-	-	-	4	1	15	20
Level 3	-	1	-	1	4	9	15

.. = Nil

Source: Single Service Complaint Statistics returns, JPA

Table 1.10b: Service complaints submitted before 2014 and awaiting decision at the end of 2014 (Army)

Army	Year of complaint:						Total
	2008	2009	2010	2011	2012	2013	
Level 1	-	-	-	17	30	136	183
Level 2	-	-	1	5	7	18	31
Level 3	-	6	2	32	45	51	136

.. = Nil

Source: Single Service Complaint Statistics returns, JPA

Table 1.10c: Service complaints submitted before 2014 and awaiting decision at the end of 2014 (RAF)

RAF	Year of complaint:						Total
	2008	2009	2010	2011	2012	2013	
Level 1	-	-	-	-	6	17	23
Level 2	-	-	-	4	8	12	24
Level 3	-	-	3	5	8	10	26

.. = Nil

Source: Single Service Complaint Statistics returns, JPA

Table 1.11a: Timeliness of Service complaints received and decided in 2014 (Naval Service)

Naval Service	Level:			Total
	Level 1	Level 2	Level 3	
New complaints	..	..	..	224
Complaints decided	96	28	2	126
<i>Of which:</i>				
Decided under 24 weeks	73	24	1	98
Decided after 24 weeks	23	4	1	28
Complaints undecided after 24 weeks	26	24	1	51
Percentage ¹ of complaints decided under 24 weeks (%)	60	46	33	55

‘.’ = Not applicable

1) Percentage of those complaints which could be decided in 24-week period – e.g. excludes cases which have been undecided for less than 24 weeks.

Source: Single Service Complaint Statistics returns, JPA

Table 1.11b: Timeliness of Service complaints received and decided in 2014 (Army)

Army	Level:			Total
	Level 1	Level 2	Level 3	
New complaints	..	..	..	515
Complaints decided	204	2	-	206
<i>Of which:</i>				
Decided under 24 weeks	175	1	-	176
Decided after 24 weeks	29	1	-	30
Complaints undecided after 24 weeks	149	9	4	162
Percentage ¹ of complaints decided under 24 weeks (%)	50	9	-	48

‘.’ = Nil

‘.’ = Not applicable

1) Percentage of those complaints which could be decided in 24-week period – e.g. excludes cases which have been undecided for less than 24 weeks.

Source: Single Service Complaint Statistics returns, JPA

Table 1.11c: Timeliness of Service complaints received and decided in 2014 (RAF)

RAF	Level:			Total
	Level 1	Level 2	Level 3	
New complaints	..	..	..	155
Complaints decided	34	2	7	43
<i>Of which:</i>				
Decided under 24 weeks	31	2	2	35
Decided after 24 weeks	3	-	5	8
Complaints undecided after 24 weeks	47	7	1	55
Percentage ¹ of complaints decided under 24 weeks (%)	38	22	25	36

‘.’ = Nil

‘.’ = Not applicable

1) Percentage of those complaints which could be decided in 24-week period – e.g. excludes cases which have been undecided for less than 24 weeks.

Source: Single Service Complaint Statistics returns, JPA

Table 1.12: Service complaints made by Service, ethnicity¹ and complaint type, 2014

Complaint type	Asian			Black			Mixed			Other			White			Not known			All		
	Navy	Army	RAF	Navy	Army	RAF	Navy	Army	RAF	Navy	Army	RAF	Navy	Army	RAF	Navy	Army	RAF	Navy	Army	RAF
Harassment	-	5	-	1	11	-	-	-	1	-	-	-	4	69	7	1	7	1	6	93	8
Sexual Harassment	-	-	-	-	-	-	-	-	-	-	-	-	1	6	-	-	-	-	1	6	-
Sexual Orientation Harassment	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	1	-
Racial Harassment	-	3	-	-	7	-	-	-	1	-	-	-	-	-	-	-	-	-	-	11	-
Religious Harassment	-	-	-	-	-	-	-	-	-	-	-	-	1	1	-	-	-	-	1	1	-
Discrimination (direct & indirect)	-	-	-	-	-	-	-	-	-	-	-	-	1	9	3	-	-	-	1	9	3
Sexual Discrimination	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sexual Orientation Discrimination	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	1	-
Racial Discrimination	-	-	-	-	3	-	-	-	-	-	-	-	-	1	-	-	-	-	-	4	-
Religious Discrimination	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Bullying	-	1	-	1	7	2	-	2	-	-	-	-	18	36	32	6	-	2	25	46	36
Improper Behaviour (includes dishonesty and bias)	-	1	-	1	3	-	-	1	-	-	-	-	3	22	9	-	1	1	4	28	10
Victimisation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	2	-	-	2	-	3
Terms and Conditions of Service	1	7	1	3	19	-	-	2	1	-	-	1	108	196	57	1	3	8	113	227	68
Pay, Pensions and Allowances	-	1	-	-	1	-	-	-	-	-	-	-	32	49	19	-	-	1	32	51	20
Medical and Dental	-	2	-	-	6	1	-	2	-	-	-	-	7	27	6	-	-	-	7	37	7
Other	-	-	-	1	-	-	-	-	-	-	-	-	29	-	-	2	-	-	32	-	-
Total	1	20	1	7	57	3	-	9	1	1	-	1	204	418	136	12	11	13	224	515	155

1) Ethnicity is based on self-defined ethnic origin and reported on a voluntary basis by Armed Forces personnel.

Source: Single Service Complaint Statistics returns, JPA

Annex C

Progress against Recommendations made in the three-year reporting cycle 2011–2013

Year	Rec.	Subject matter	Recommendation	MOD progress report in 2014	Status
2011	11.1	Medical Treatment Complaints	I recommend that the Ministry of Defence (MOD), Defence Medical Services (DMS) and Services consider implementing a system for complaints about medical treatment similar to that adopted for Service complaints about redundancy. This could be reviewed as part of the Review into how to improve the Service complaints system, which is still under way.	In April 2014, the Surgeon General (SG) published a new process for 'Complaints About Healthcare Services Provided By Defence' (JSP 950 Leaflet 1-2-10). This followed consultation with both the Chief of Defence Personnel Complaints team and the single Services – a revised JSP was published in Dec 2014. The SCC has regularly engaged with DMS and SG on such matters.	In 2014, SCC and SG identified that the new medical complaints system did not include secondary care. The system is being revised in 2014/15 to adjust this.
2012	12.11	Whistleblowers (Lawyers/Medical/Police/SCO)	The Defence Medical Service should establish a provision for whistleblowers in the new Defence Medical Services complaints policy. This should also be considered for Service lawyers and Service police. These policies could be considered in conjunction with an Armed Forces Ombudsman.	Nothing further resulted from the work to review the process and the SCC role which culminated in the Bill now going through Parliament. The Defence Medical Service have produced a draft whistleblowers policy which is currently being consulted on. It is anticipated that this will be published later in the year. See recommendation 11.1 regarding the publication of a new process for 'Complaints About Healthcare Services Provided By Defence'.	

Key

Green: achieved

Amber: in progress

Red: not achieved

Black: not accepted OR no longer applicable (for example, because the transition to Ombudsman has altered the requirement)

Year	Rec.	Subject matter	Recommendation	MOD progress report in 2014	Status
2011	11.8	PACCC – Policy Complaints	I recommend that the proposal to reduce delay in the handling of complaints about policy in relation to pay and allowances, put forward in 2011 by the Service Veterans and Personnel agency (SPVA), be considered as part of the Review and with expedition.	<p>Since this recommendation the pay and allowances complaints process has been reviewed and revised to make it shorter and quicker. How the Special To Type processes operate alongside the new complaint system will be considered as part of the Service complaints reform work leading to implementation, in particular whether all complaints should be dealt with under the statutory Service complaints process.</p> <p>While it is right that we should aim to remove any duplication created by having separate systems, further work is required to determine if that is achievable. Further discussions are needed with the individual process leads on the detail of how transition to a single complaints procedure might be achieved in future.</p> <p>If this proves to be the case, then alignment and assurance of the separate processes would obviously be advantageous in terms of consistency of approach and fairness.</p> <p>See Recommendation 11.8 above.</p>	
2012	12.9	PACCC – Interface with Complaints System	The MOD, Services and SPVA should consider the interface between the pay complaints and Service complaints system as part of and following the SPVA Review. They should also consider how the establishment of an Armed Forces Ombudsman might simplify and speed up resolution of such complaints, particularly where large numbers of individuals are involved.		

Year	Rec.	Subject matter	Recommendation	MOD progress report in 2014	Status
2011	11.3	JPA – 2ND Audit (Actions)	I recommend that the report of the second audit of JPA, currently being undertaken at my request by Defence Internal Audit (DIA), be considered by the Service Personnel Board, and its sub-committees, and any management action agreed in response to the audit's findings should be implemented as part of the Review of the Service complaints system.	<p>The second DIA audit was issued in October 2012 and the Management Actions and key messages promulgated to the Services.</p> <p>A key message from the Management Actions was the requirement for all Service complaints data to be provided from JPA, both for internal purposes and provision to the SCC. The Services have worked hard to achieve this, and the RAF for example, have conducted their own audits to ensure complaints are not only recorded on JPA, but are input correctly. The Army have also carried out work to formally assure the accuracy of their JPA data.</p>	
2012	12.1	JPA – 3RD Audit (Scope)	The third DIA audit should check the proper use of the JPA module and that it supports the recording of informal complaints to secure efficiency savings. The audit should also include use of the new Management Information tool, which provides a time and resource efficient means for production of good management information.	<p>A third DIA audit of the JPA Service complaints system is currently being conducted. The DIA lead has met with the SCC to discuss the scope of the audit and will report in the Spring.</p> <p>The Services have continued to review JPA from a user's perspective, and when considering the provision of meaningful data for their own monitoring purposes and for the SCC's Annual Report. Changes were made to JPA functionality in November 2014 to enable the recording of complaints on complaints, and the expansion of reporting categories for Medical and Dental complaints. A number of further changes are in the process of being made to the system to improve the user experience and increase MI capability to meet these requirements.</p> <p>A change request has been submitted to make the required changes to the system ahead of implementation of the new Service complaints system in 2015.</p>	

Year	Rec.	Subject matter	Recommendation	MOD progress report in 2014	Status
2013	13.1	JPA – 3RD Audit (Scope)	The third DIA audit of the Services' use of JPA, recommendation 12.1 in the SCC's Annual Report 2012, should take place in the calendar year 2014. That audit should also consider the concerns raised by the SCC in her Annual Report 2012, including the potential for non-recording of Service complaints later resolved informally and pressure to record as withdrawn complaints which were resolved and closed.	See Recommendations 12.1 and 12.5. The third DIA Audit is in the planning stages and the SCC is fully involved in its scope.	
2012	12.5	JPA – 3RD Audit (AO Data)	The third DIA audit should also check the timing of the offer of an AO, to ensure that AOs are offered before a complainant formalises a Service complaint, and as part of their process of checking the point at which complaints are recorded.	See Recommendations 12.1, 12.4 and 13.1.	
2012	12.4	JPA – AO Data	The MOD and Services should find a resource efficient way to provide complete data on Assisting Officers for 2013.	Complete. Changes were made to JPA functionality in November 2014 to enable the recording of Assisting Officer data.	
2011	11.2	JPA – Gender Data	Now the Services have had a year to embed recording of Service complaints on the Joint Personnel Administration (JPA) system, I recommend that they provide statistics for Service complaints by gender for 2011 and beyond.	Implemented. This data will continue to be captured and reported on.	
2011	11.4	JPA – Recording of Diversity Complaints	I recommend that the recording of diversity complaints be reviewed also as part of management response to the DIA audit of JPA so that Ministers, Service Chiefs, Parliament, the Equalities and Human Rights Commission and I can have full confidence in the information reported.	The provision of Diversity/E&D data to the SCC for provision in her Annual Reports was reviewed in 2012. Since then, the formal complaints data provided has been sourced from JPA. The recording of informal complaints data is being reviewed as part of the work to identify and deliver the required changes to the system ahead of implementation of the new Service complaints system in 2015.	
				See Recommendations 12.1 and 13.1 for further information on the work being taken forward with regard to JPA.	

Year	Rec.	Subject matter	Recommendation	MOD progress report in 2014	Status
2012	12.3	JPA – Ethnicity Data	The Services should consider, with the SCC and MOD, whether and how data could be provided by ethnicity for 2013.	This data will be provided for the 2014 SCC report. See Recommendation 13.2.	
2013	13.2	JPA – Ethnicity Data	The Services should provide information to the SCC annually from 2014 onwards on types of complaint by ethnicity.	This data will be provided for the SCC's 2014 Annual Report. See Recommendation 12.3.	
2013	13.7	Flag Reporting System	The Red and Yellow Flag system should remain in place to monitor performance against time targets while a complaint is live.	Implemented. We will keep this under review with the SCC to ensure it continues to be useful and delivers what is required both for the Services and the SCC.	
2011	11.5	Role of AO	I recommend that the role of the Assisting Officer (AO) be reviewed and clarified as part of the action following the Review of the Service complaints system. This review should consider the criteria for selection being used by the Services and the possibility of better guidance and/or training.	The role of the AO and any training or improved guidance required is being considered as part of implementing the new process as set out in the Bill. See Recommendation 12.6.	
2012	12.6	Role of AO	The role of the AO should be reviewed as recommended in 2011, with the provision of better guidance and/or training.	The role of the AO and any training or improved guidance required is being considered as part of implementing the new process as set out in the Bill. See Recommendation 11.5.	
2011	11.6	SCC Referrals – Stopping the Clock	I recommend that, if the SCC retains discretion to refer, the rules about notification of a complaint be amended to include notification to the SCC or agreement be given to stop the clock for the period of time the SCC has taken to make these enquiries.	This recommendation has been overtaken by the Bill where the SCO will not have the same referral role, and the complainant will have access to the SCO if they are not content with a chain of command decision on admissibility, including on being 'Out Of Time'.	

Year	Rec.	Subject matter	Recommendation	MOD progress report in 2014	Status
2011	11.7	Redundancy Complaints – SCPs/IMs	Given that Service personnel do not have the right to make a claim to an Employment Tribunal (ET) about unfair selection for redundancy, and in the light of the provisions in the Armed Forces Act 2011 for fully independent member Service Complaint Panels (SCPs), I recommend that the use of Independent members for redundancy-related Service complaints should be considered by the Review as a matter of urgency. I also recommend that the Services consider the option of having a Defence SCP for redundancy-related Service complaints.	<p>The current redundancy programme is complete. It is still considered unnecessary to have a specific MOD redundancy Service complaints approach, and there is sufficient scope within current legislation to include independent members if a Service considers it necessary.</p> <p>Under the new process, if no independent member is included in consideration of a Service complaint and the complainant considers that to be maladministration of some form he/she can approach the SCO when the internal process is complete. That offers the opportunity for specific circumstances to be reviewed rather than imposing a blanket process that may not be required in all cases. Lessons learned can then be fed back in to policy.</p>	
2012	12.10	Unfair Discharge/Unfair Selection for Redundancy Complaints – SCPs/IMs/SCO	All Service complainants alleging unfair discharge, including unfair selection for redundancy, should have the option of seeking an independent scrutiny of their complaint, whether by the inclusion of an independent member of a Service Complaint Panel or by an Armed Forces Ombudsman.	<p>See Recommendation 11.7. This has been overtaken by the Bill that is currently going through Parliament in so much as it will require a complaint to be assigned to a person or group of people able to grant appropriate redress in making a first decision on a complaint, or where appropriate when considering a complaint on appeal.</p> <p>In assessing progress against this recommendation, the SCC acknowledged in her 2013 report that the RAF were including independent members on SCPs deciding Service complaints about redundancy.</p>	
2011	11.9	Phase 2 Establishment Complaints	I recommend that the MOD should undertake some further analysis and work to try to find out the reasons for the higher levels of complaint-making in Phase 2 establishments; and that the RTS questionnaire includes a question on levels of awareness of the SCC.	Partially complete. An RTS question has been included – see Recommendation 12.13. No work has yet been done on the first part of this recommendation.	

Year	Rec.	Subject matter	Recommendation	MOD progress report in 2014	Status
2012	12.2	Complaints Analysis (Type & Gender)	Each Service should analyse its data on formal Service complaints and informal complaints, scrutinise the subject matter of those complaints, together with any other Service-specific information, and consider what action should be taken to ensure that all Service personnel, regardless of their gender, are treated with respect throughout their career.	Work in this area has developed since this recommendation was made, with more consideration being given by each Service to what data on complaints can tell them about, for example, the effectiveness of their values and standards training. See in particular the work that the Army are doing in relation to Recommendation 13.6 and to 13.3.	Only the RAF has provided data on Service complaints closed informally.
2013	13.5	Types of Complaints & Changes Made to Handling Process (RAF)	As part of their assurance and monitoring, the RAF should consider changes in patterns and types of complaints, so as to be able to assess and inform the SCC of the impact of changes they have made to the handling of Service complaints. As empowerment of the chain of command is perceived to be part of the solution to a more effective and efficient handling of Service complaints, the RAF should share their findings with the other Services.	<p>The RAF have made progress in a number of areas in 2014.</p> <p>These include the active encouragement of COs to take ownership of grievances, and to resolve them as quickly as possible and at the lowest appropriate level. To support this work, a seminar was held at RAFC Cranwell in Nov 2015, supported by the SCC, Chief of Staff Personnel and Director Legal Services.</p> <p>The RAF have also used the Defence Lessons Identified Management System to good effect to make changes to the manner in which they handle complaints. For example, it was used to highlight a significant E&D concern present within a small trade that may have wider Services learning benefit, resulting in appropriate interventions outside the Service complaint system.</p> <p>They are also pursuing other initiatives to tackle the cause of complaints. These include a Gender-Related Behaviour Study and a Through Life Mental Health Support Study to review the RAF's provision of welfare support to Regular and Reserve personnel.</p>	All three Services have a cell looking at patterns and trends.

Year	Rec.	Subject matter	Recommendation	MOD progress report in 2014	Status
2012	12.7	HIO Performance	The Services should provide the SCC with a full report on their use of fee-earning HIOs in 2012 and 2013. This should include data on how many have been used, how quickly they were appointed, costs, an end user assessment of the quality of investigations and the impact on timeliness of handling Service complaints.	Completed. To further improve the effectiveness of the FEHIO cadre, performance is kept under review so that corrective action can be taken as necessary based on evidence. Defence Business Services and the Chief of Defence Personnel Complaints team plan to review 2014 data and assess the performance of the cadre in early 2015.	
2012	12.8	Cost Assessment of Complaints System	The review by the MOD, Services and SCC of the new 24-week time target should include an assessment of the cost of the complaints system.	Incomplete. There has not yet been any review of the time target, given the work that has been undertaken to reform the process and the SCC role since mid-2013. A review during 2015 will give us the benefit of two years running the flag reporting system and the data it has provided.	
2012	12.12	Communication of SCC Role (RAF)	The RAF should adopt the Army's best practice of mentioning the SCC on every recruit training course and welfare literature; and consider how to reach RAF personnel with such information over the next year.	All Phase 1 Training (Recruit Trg) courses are briefed on the SCC and Service Complaints. Training is also provided at Phase 2 Training to all specialists who need an in-depth knowledge of the SCC and Service Complaints. Part of their training is to communicate the detail to the personnel which they administer on their Stations/ Units.	

Year	Rec.	Subject matter	Recommendation	MOD progress report in 2014	Status
				<p>The RAF have made a huge effort to communicate the role of the SCC and Service Complaints to all personnel. This has come from the Air Force Board, to AOCs, to all Station/Unit Commanders and is briefed to all OC Support Wings and their staffs as they take up post. The RAF have also added the subject of checks on registers; JPA usage and Station/Unit handling to their Annual Assurance review of Stations/Units; and literature has been produced and made available.</p> <p>In assessing progress against this recommendation, the Commissioner reported in her 2013 report that AFCAS 2013 had shown a slight increase in awareness of the SCC role</p>	
2012	12.13	Communication of SCC Role (RTS)	The MOD should reconsider their decision and include a mention of the SCC in the RTS for 2013.	Implemented. A question was included in RTS 14.	
2012	12.14	Powers of SCO – Complaints by Families	The powers of an Armed Forces Ombudsman should include complaints by families of Service personnel about how the Service person was treated while in the Services.	Not Accepted. The Bill currently going through the Parliamentary process confirms that there will not be a wider role for the SCO.	
2012	12.15	Establishment of Armed Forces Ombudsman	An Armed Forces Ombudsman should be established as part of the Armed Forces Covenant and the MOD should consult on the powers and resources of the Ombudsman to best serve the UK Armed Forces.	Complete. The Bill currently going through the Parliamentary process creates an SCO. The SCC was consulted fully as part of formulating the new process and role.	

Year	Rec.	Subject matter	Recommendation	MOD progress report in 2014	Status
2013	13.3	AFCAS – Women & Minority Ethnic Personnel/B&H	In view of the small numbers of women and minority ethnic personnel asked to complete the Armed Forces Continuous Attitude Survey, MOD and the Services should consult with Defence Statistics as to how to enrich the data collected (for example by a booster sampling on section 4 of the AFCAS or by way of a separate survey) so as to be able to get a better picture of incidence of bullying, harassment and discrimination across minority groups in the Services, to compare with diversity sensitive information on Service complaints.	Not accepted. This is, however, being kept under review in respect of the numbers of BAME female respondents.	
2013	13.4	Informal Resolution – Standard Template	There should be a standard template for informal resolution, for all three Services, which records the matter complained about, the action which has been taken to resolve the complaint informally, any action which the CO has taken or is going to take and states the right of the complainant to make a formal complaint within a specified time if that action has not been taken.	Not accepted. This is linked to the JPA audit work, as we consider that the best way for such matters to be recorded already exists. Informal resolution will remain an important aspect of dealing with all complaints raised with the chain of command, including once a formal complaint has been made and is being progressed.	
2013	13.6	Bullying & Harassment (Army)	The Army should give a higher priority to their work in understanding and eliminating bullying, harassment and discrimination and should take a holistic approach similar to that undertaken by the Australian Defence Force.	A number of work-strands are under way to better understand the background to complaints of this nature in the Army, e.g. sexual harassment survey, and to identify meaningful ways to tackle what comes out of that work. The Army's project team work is still under way.	

Annex D

Financial statement

Financial statement	Cost (£,000) 2014 Excluding VAT
SCC salary	85
Support staff	451
Accommodation, IT, telecoms and facilities	253
Office machinery, stationery and consumables	6
Travel and subsistence	3
External communications and media support	13
Annual Report production and printing	10
Independent legal advice	6
Training and professional membership fees	2
TOTAL	829

Annex E

Events attended and visits made by the Commissioner in 2014

Naval Service	
February	CODC, HMS Collingwood, Fareham, Hants
April	HMS Nelson, Portsmouth, Naval Lawyers Spring Termly Update
May	HMS Bulwark, Greenwich, London
June	CODC, HMS Collingwood, Fareham, Hants
October	CODC, HMS Collingwood, Fareham, Hants
October	Naval Complaints Governance Board, Whale Island, Portsmouth
November	Naval Legal Service Annual Dinner, Mary Rose Museum, Historic Dockyard, Portsmouth
November	HMS St Albans, London
Army	
January	5 Force Support Battalion REME, Corunna Barracks, Ludgershall
January	3 Brigade Bulford
March	CODC, Land Warfare Centre, Warminster
March	Advanced Command and Staff Course, Joint Services Command and Staff College, Shrivenham
April	Army Leadership Symposium, Royal Military Academy, Sandhurst
July	CODC, Land Warfare Centre, Warminster
November	CODC, Land Warfare Centre, Warminster
Royal Air Force	
February	RAF Future Commanders Study Period – JSCSC, UK Defence Academy, Shrivenham
April	RAF Future Commanders Study Period – JSCSC, UK Defence Academy, Shrivenham
July	RAF High Wycombe Service Complaints Team and Air Force Board
September	RAF Future Commanders Study Period – JSCSC, UK Defence Academy, Shrivenham
November	RAF Cranwell
Tri-service/Welfare	
February	Royal British Legion, London
June	Soldiers' Sailors' And Airmen's Families Association (SSAFA), London
September	Armed Forces Muslim Conference, Andover, Hampshire
Other	
April	Forces Law Annual Dinner, London
June	Liberty, London
June	End Sexual Violence in Conflict Conference, London
July	House of Commons Defence Committee
July	Armed Forces' Pay Review Body, London
October	6 th International Conference of Ombuds Institutions for the Armed Forces (ICOAF), Geneva

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