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# Annual Report **2016**

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INDEPENDENCE

IMPARTIALITY

INTEGRITY

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# Annual Report 2016

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Presented to Parliament pursuant to Section 340O of the Armed Forces Act 2006, as amended by the Armed Forces (Service Complaints and Financial Assistance) Act 2015.



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# Our mission

To provide independent oversight and investigations in support of an effective Service complaints process for members of the UK Armed Forces.

# Our vision

That all Service personnel have access to and confidence in a Service complaints system that is efficient, effective and fair.

# Our customer charter

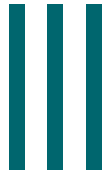


The full version of the OSCO customer charter can be found at  
[www.servicecomplaintsombudsman.org.uk/our-customer-charter](http://www.servicecomplaintsombudsman.org.uk/our-customer-charter)

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## Message from the Ombudsman



Dear Secretary of State,

I am pleased to present my Annual Report for 2016, as required under my statutory obligations set out in the Armed Forces Act 2006 (as amended). This is my first as Service Complaints Ombudsman.

This report covers the first year of operation of the Office of the Service Complaints Ombudsman for the Armed Forces (OSCO) and the use made of the increased powers available in support of the Service complaints system. Although a new streamlined Service complaints system was introduced in 2016, I consider it too early to determine conclusively whether it is efficient, effective and fair and will reserve judgement for now. However, what I have seen has been a concerted effort by the Services to address the backlog of unresolved complaints from the previous system which had been beset with delay and which neither I, nor the previous Commissioner, were able to deem efficient, effective and fair. I expect to see the same commitment and effort in delivering the new system going forward.

The objective shared by myself, the Ministry of Defence and the individual Services remains a complaints system in which all Service personnel have confidence and in which timely outcomes are achieved. I will continue to work constructively with the Services. I will hold them to account where I feel that they fall short, but where there have been real improvements I will be the first to publicly acknowledge this. Above all I am committed to ensuring I play my part, ably assisted by the entire OSCO team, in developing that confidence by delivering thorough and timely decisions for our investigations, transparency of action, and supporting the education of Service personnel about the Service complaints system.

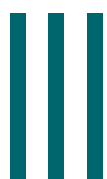
**Nicola Williams**

Service Complaints Ombudsman for the Armed Forces





*The Ombudsman had the privilege to attend a graduation ceremony at RAF Halton in 2016.  
@ crown copyright*



# Executive summary

The Service Complaints Ombudsman's Annual Report 2016 describes the work undertaken by the Office of the Service Complaints Ombudsman (OSCO) in its inaugural year and reports on the current state of the Service complaints process.

As the new streamlined complaints process was only introduced on 1 January 2016, the Ombudsman considers it too early to determine conclusively whether the system is efficient, effective or fair and has reserved judgement on this matter this year.

## The work of the Office of the Service Complaints Ombudsman

In 2016 the OSCO:

- Logged 921 contacts from individuals making an application or enquiry about the Ombudsman's powers.
- Made 218 referrals for individuals who did not want to approach their current or former chain of command directly to raise their Service complaint.
- Exceeded the target to make 90% of referrals within 10 days.
- Received 335 applications for investigation and accepted 62% of those applications.
- Completed 76% of all investigations within the time target.

The Ombudsman is exceptionally pleased with the work undertaken by her office in its inaugural year and is committed to reviewing and improving internal processes in 2017.

## The work of the Service complaints system

In 2016:

- 890 new Service complaints were received and actioned by the Services.
- 711 of those complaints were deemed admissible.
- 42% of those complaints concerned Terms and Conditions of Service (TACOS).
- Both female and Black, Asian and Minority Ethnic (BAME) Service personnel were overrepresented in the complaints system (21% and 10%) when compared to their representation in the Armed Forces (11% and 7%).
- 31% of complaints raised in 2016 were closed as of 31 December 2016.

While none of the Services met the target to close 90% of Service complaints within 24 weeks, the Ombudsman recognises the substantial effort that has gone in to reducing the number of legacy complaints (i.e. Service complaints that were deemed admissible prior to 1 January 2016) and implementing the new process.



## Recommendations

Based on the work undertaken by the OSCO in 2016 and the current state of the Service complaints system, the Ombudsman makes the following recommendations in her report

### RECOMMENDATION

# 1.1

That the Ministry of Defence and the individual Services review the guidance they provide to Specified Officers on how to make an admissibility decision. The purpose of the review is to ensure that the guidance clearly directs Specified Officers on what issues they must consider in reaching their decisions and to ensure that the guidance includes a model decision letter and standard wording that correctly communicates: a) the complainant's statutory right to appeal to the Ombudsman; b) the complainant's right to seek a Judicial Review of the Service's decision; and, the correct timelines for both a) and b) to be done. A common approach across the Services should be adopted where practical.

### RECOMMENDATION

# 1.2

That all Service complaints policy, including JSPs 831 and 763, whether owned by the Ministry of Defence or the individual Services is reviewed by the end of 2017 to ensure that more detail is provided about the role of respondents in the process and when/how Specified Officers, Decision Bodies etc. should be communicating with respondents throughout the life of the Service complaint and their duties/responsibilities towards them.

### RECOMMENDATION

# 1.3

That the individual Services conduct a review of the procedures that underpin the Service complaints process and make recommendations for change to ensure a targeted and effective use of resources in order to minimise delay in the handling of Service complaints. These recommendations should be made by the end of April 2018.

### RECOMMENDATION

# 1.4

That the Ministry of Defence reviews the current level of Fee Earning Harassment Investigations Officers and Independent Members by the end of April 2018 to ensure that the Service complaints system is adequately resourced in those areas. As part of this process the Ministry of Defence is invited to carefully consider the diversity of the pool of Independent Members going forward.

### RECOMMENDATION

# 1.5

That the Ministry of Defence instigates a review of JSPs 831 and 763 to ensure that the language is accessible to all Service personnel by the end of December 2017, using "plain language" standards and make the necessary changes by the end of June 2018.

### RECOMMENDATION

# 1.6

That the Ministry of Defence reviews the training provided to Fee Earning Harassment Investigation Officers by the end of April 2018 to ensure it is adequate and that this training and the procedures used to monitor and manage the performance of Fee Earning Harassment Investigation Officers is enhanced as required.

**RECOMMENDATION****1.7**

That the Ministry of Defence develops or procures specialised training for those complaint handlers and Assisting Officers who are appointed to deal with sensitive matters, including those of a sexual nature and that the single Service secretariats embed a mechanism within their processes to ensure that sensitive complaints are assigned to those individuals who have completed this training. This should be rolled out by the end of June 2018.

**RECOMMENDATION****1.8**

That the Ministry of Defence develops a general training programme for all Assisting Officers and that a record of their completion of that training is held centrally to ensure that suitably qualified Assisting Officers can be identified with greater ease. This should be rolled out by the end of April 2018.

**RECOMMENDATION****1.9**

That training/education on the Service complaints system, including the role of the OSCO, is provided to all Service personnel, including new recruits and reservists. The OSCO should be invited to contribute to the development of those portions of the training that concern the role of the Ombudsman to ensure that the independent and impartial message of the office is shared with personnel. The Ministry of Defence should report to the Ombudsman on the progress made by the end of December 2017.

**RECOMMENDATION****1.10**

That the Ministry of Defence commissions a study by the end of April 2018 to determine the root causes of the overrepresentation of female and BAME personnel in the Service complaints system and that appropriate action is taken to try and redress this by the end of December 2018, including putting the appropriate support mechanisms in place.

**RECOMMENDATION****1.11**

That the Ministry of Defence identifies an appropriate working group by the end of April 2017 to evaluate the current target for resolving 90% of Service complaints within 24 weeks to ensure that it is appropriate, including the method for calculating when the 24 weeks begins. A representative from the OSCO should be involved in this review.

**RECOMMENDATION****1.12**

That the Ministry of Defence, in line with recommendation 1.3, facilitates a review of the internal processes developed by the single Service secretariats by the end of June 2018 to ensure that they use a common approach where appropriate and that best practice is shared. This includes, but is not limited to, the standardisation of template letters and reports.



# Chapter 1 - Work of the Office of the Service Complaints Ombudsman

This chapter outlines the work undertaken by the Office of the Service Complaints Ombudsman (OSCO) under each of the key legislative functions in addition to the outreach work undertaken by the Ombudsman.

All statistics referred to can be found in more detail in Appendix E, which starts on page 33.

Further statistics concerning the work of the OSCO in 2016 can be found on our website

[www.servicecomplaintsombudsman.org.uk](http://www.servicecomplaintsombudsman.org.uk).

## Part 1: Referrals and Investigations

The Service Complaints Ombudsman for the Armed Forces provides independent and impartial oversight of the Service complaints system. The primary way in which she does this is through her powers of referral and investigation. Using these powers the Ombudsman can:

- refer a Service person's intention to make a Service complaint to their chain of command
- review a decision by the chain of command to not accept a complaint for investigation or to not allow a complaint to proceed to appeal for a further decision
- investigate allegations of undue delay in the handling of a Service complaint or Service matter
- investigate allegations that there was maladministration in the handling of a Service complaint which has completed the internal system
- investigate the substance (merits) of a Service complaint which has completed the internal system

The Ombudsman has no "own-motion" powers. This means that the Ombudsman can only use her powers following an application from a Service person that meets all of the relevant criteria.

In 2016, the OSCO logged 921 contacts from individuals enquiring about the Ombudsman's powers. 90% of these contacts resulted in a formal application to the Ombudsman requesting the use of her powers of referral or investigation.

### Referrals

In 2016, the OSCO made 218 referrals. This represents 26% of business conducted by the OSCO in the first year of operation in the reporting year.

Where an application for referral is received from a current or former Service person and it concerns a potential complaint relating to their Service life, a referral is automatically made once consent has been received. All referrals are made by the Referral and Enquiries Team under delegated authority.

The Ombudsman takes no view on whether the potential complaint should be accepted as a Service complaint or whether it has merit. The Ombudsman will only exercise her discretion not to refer where the application does not meet the criteria set out within the legislation.<sup>1</sup>

Although the number of requests for referral received by the OSCO in 2016 was 23% lower than in the final year of the Service Complaints Commissioner (SCC), this drop was anticipated and is a reflection of the strengthened powers of the Ombudsman under the new system. The SCC only had powers of referral and many of the Service personnel who requested a referral did so to ensure someone

<sup>1</sup> The Ombudsman decided to trial exercising discretion not to refer matters where the alleged wrong occurred prior to the establishment of the Armed Forces Act 2006. Further consideration caused the Ombudsman to revert to the policy of automatic referral, to avoid any suggestions that the Ombudsman was making initial admissibility decisions, which falls squarely within the remit of the individual Services. This trial took place between February and October 2016.

### What is a referral?

If a Service person believes they have been wronged in their Service life they have the right to make a formal complaint known as a Service complaint. Although individuals generally raise their complaint directly with their chain of command, sometimes they are unable or unwilling to do so. In these instances they can ask the Ombudsman to raise their intention to make a Service complaint with their chain of command. This is known as a referral and is only made with the consent of the Service person seeking to make a complaint.

outside of the Service had “sight” of their complaint. The SCC also used the referrals mechanism to oversee the handling of Service complaints that were already being investigated by the Services. As the Ombudsman has the power to investigate undue delay during the course of the complaint, or allegations of maladministration at the end of the process, the referral function is no longer used for these purposes.

Individuals are not required to give reasons for using the Ombudsman as an alternative point of contact. However it is one of the questions on the feedback survey sent out at the end of the referrals process. The reasons given by individuals who responded to the survey were:

- lack of confidence in the chain of command (37%)
- no longer serving (26 %)
- concern that complaining directly would result in victimisation or being dissuaded from submitting a complaint (15%)
- Other (22%)

Although the number of individuals responding is low (80), the Ombudsman remains concerned about those reporting that they fear potential victimisation for making a Service complaint. This is an issue that the Ombudsman has raised with Senior personnel and will continue to monitor in 2017 to determine how she can help to increase general confidence in the system.

### *Timeliness*

The OSCO has an internal target to make 90% of referrals within 10 working days of receiving a complete application, including consent. The Referral and Enquiries Team exceeded this target, with 94% of referrals meeting the timeliness targets.

### Investigations

In the first year of operation the OSCO received and actioned 335 applications requesting the Ombudsman use her powers of investigation. The majority of these applications were for reviews of gateway decisions (33%) or undue delay (31%). Where a decision to investigate had been made as of 31 December 2016, around two-thirds (62%) of applications had been accepted for investigation by the OSCO.

Not all applications are accepted for investigation. Applications must meet the eligibility criteria set out in both the legislation and the relevant OSCO policy for the specific type of application being made.

The findings made by the Ombudsman in any investigation are binding on all parties and can only be challenged by way of Judicial Review. It is also open to the Ombudsman to make recommendations for action or redress in each matter. Although these recommendations are not binding, the Defence

“Requests for referral fell by 23% compared to the final year of the SCC.”

#### What is a gateway decision?

“Gateway decision” is the term used to refer to an admissibility decision in the Service complaints process. This includes both the initial decision to not accept a complaint for investigation and also decisions to not allow an appeal to proceed within the internal system. Both of these types of decisions can close off access to the Service complaints system, hence the term “gateway”.

Council must notify the Ombudsman in writing of any recommendation they are not prepared to accept and are expected to make alternative proposals for the Ombudsman to consider. The Ombudsman will in turn report this to the Secretary of State for Defence. In addition wider learning points can also be made as a result of an investigation; these tend to be more generic in nature across the Service complaints process rather than directly specific to the individual applicant.

#### Review of Gateway Decisions

Following receipt of an admissibility decision, an individual has four weeks to make an application to the Ombudsman to request a review of that decision. The Ombudsman has discretion to accept applications made after this time if she considers that it is just and equitable in all the circumstances to do so. This is the only eligibility criterion.

The review undertaken by the Ombudsman looks only at the admissibility decision, it does not concern the substance (merits) of the complaint.

A total of 112 applications requesting a review of a gateway decision were received by the OSCO. Of those applications 97 (87%) were accepted for investigation. Of the reviews that had been completed by 31 December 2016:

- 49% of all applications accepted for review were upheld, to some extent, in favour of the complainant.
- 51% of the remaining reviews found in favour of the Services.

One review still ongoing as of 31 December.

#### Outcomes, recommendations and wider learning points

Decision letters that did not provide sufficient reason and a failure to adhere to the required process were the primary issues leading to reviews being found in favour of the complainant.

Some of the more common recommendations and wider learning points raised in reviews in 2016 have been:

- The Specified Officer (SO) should ensure that they advise the complainant of their statutory right to appeal an admissibility decision to the Ombudsman and the timelines to do so.
- Where a Service complaint is submitted outside of the three month time limit, the SO must ensure that reasons for late submission are obtained. The SO must also ensure that their decision letter clearly demonstrates that these reasons have been carefully considered.
- Decisions made by the SO must be limited to the issue of admissibility and must not touch on the merits of the complaint itself.
- Decision letters should clearly set out the different heads of complaint (where applicable) and detail which are admissible and which are not and the reasons why.



- Where a complaint concerns a series of related events, SOs should take reasonable steps to check the last date of the alleged wrong to ensure the correct timeframe is applied. Acknowledgements should be provided for all Annex Fs that have been submitted, including those that are submitted by hand.

An issue of particular concern that was identified during the year was a number of decisions determining that Reservist personnel were required to be on duty at the point of submitting a Service complaint about a wrong suffered in their Service life in order for that complaint to be accepted. Each of these decisions was overturned by the Ombudsman who was informed that they were the result of errant advice and did not reflect policy. Although this issue was confined to only one Service, the Ombudsman would urge that all three Services remain alert to ensuring parity of treatment for Reservists in the Service complaints system.

The Ombudsman has noted that the quality of decision letters being produced across all three Services has improved considerably as the lessons from reviews in the first part of 2016 have been absorbed into the process guides put out by each of the Services. This in turn has led to more reviews being upheld in favour of the Services, however there is still work to do in order to improve performance in this area.

#### RECOMMENDATION

1.1

That the Ministry of Defence and the individual Services review the guidance they provide to Specified Officers on how to make an admissibility decision. The purpose of the review is to ensure that the guidance clearly directs Specified Officers on what issues they must consider in reaching their decisions and to ensure that the guidance includes a model decision letter and standard wording that correctly communicates: a) the complainant's statutory right to appeal to the Ombudsman; b) the complainant's right to seek a Judicial Review of the Service's decision; and, the correct timelines for both a) and b) to be done. A common approach across the Services should be adopted where practical.

The OSCO will assist the Services to achieve the latter part of this recommendation by developing a publication on how to apply for a review of an admissibility decision that Specified Officers can provide complainants with the decision letter. The OSCO can also produce a similar publication for those individuals receiving a Decision Body (DB) or Appeal Body (AB) decision.

#### Undue delay

The Ombudsman has power to investigate undue delay in an ongoing Service complaint or Service matter. There are no time limits for making an application for this type of investigation and an individual can make multiple applications throughout the life of a complaint. The only requirement is that the matter is still open and the individual has made reasonable attempts to address the alleged delay before approaching the OSCO.

**What constitutes undue delay?**

There is no legal definition of undue delay but it is generally taken to mean an unreasonable or unfair delay. What constitutes undue delay is dependent on the circumstances of each individual case. Undue delay is more than simply a delay in the handling of a complaint or exceeding a time limit or target, which may not be desirable but for which there is justifiable cause.

When considering whether there has been undue delay the conduct of the complainant will also be taken into account.

A total of 85 applications requesting an investigation into alleged undue delay in the handling of a Service complaint were received by the OSCO, of which:

- 72 of those applications (92%) were accepted for investigation
- 76% were upheld, to some extent, in favour of the complainant
- 1 investigation was still ongoing as of 31 December.

In addition, a further 18 applications were received requesting an investigation into alleged undue delay in the handling of a Service matter, of which:

- 11 of those applications (69%) were accepted for investigation
- 73% were upheld, to some extent, in favour of the complainant.

**How does a Service matter differ from a Service complaint?**

A Service matter is where an individual has raised an issue about a matter that could be the subject of a Service complaint, but no formal Service complaint has been made and accepted.

Throughout the year the OSCO received a number of contacts from respondents asking the Ombudsman to use the Service matters provisions to investigate undue delay in the Service complaints in which they were named. Individuals seeking the assistance of the Ombudsman in these circumstances were exceptionally frustrated to discover that the Ombudsman has no legal power to assist them and that their only option was to submit a Service complaint of their own. However this was not an option for those individuals who were respondents in a complaint that had been ongoing for a number of years and had now left the Service.

This has highlighted the impact that undue delay has had on respondents to a Service complaint and the limited recourse they have to address those issues effectively.



Ensure veterans have rights and not allow them to be bullied and harassed throughout the complaints process - this is a very concerning area as once discharged individuals have no options of complaint



[I] have not been able to move on with my life and suffer from protracted levels of stress

**RECOMMENDATION****1.2**

That all Service complaints policy, including JSPs 831 and 763, whether owned by the Ministry of Defence or the individual Services is reviewed by the end of 2017 to ensure that more detail is provided about the role of respondents in the process and when/how Specified Officers, Decision Bodies etc. should be communicating with respondents throughout the life of the Service complaint and their duties/responsibilities towards them.

**Outcomes, recommendations and wider learning points**

The outcome of investigations has consistently shown that the number of applications received by the OSCO could be lessened through a greater understanding of the JSPs and improved communication throughout the process. Investigations have also demonstrated that at times it is the process itself that is the cause of the delay. This has been particularly apparent in relation to the effective use of resource, resource levels and also obtaining timely legal advice.

Resourcing has been an issue where personnel charged with handling a Service complaint have been on leave or are undertaking other commitments and their responsibilities are not delegated to others to continue in their absence.

**RECOMMENDATION****1.3**

That the individual Services conduct a review of the procedures that underpin the Service complaints process and make recommendations for change to ensure a targeted and effective use of resources in order to minimise delay in the handling of Service complaints. These recommendations should be made by the end of April 2018.

Questions have also been raised about whether there is an adequate number of Fee Earning Harassment Investigation Officers (FEHIOs), including whether there is a sufficient number with security clearance to conduct investigations and enough Independent Panel Members (IMs) to sit on Appeal Bodies (AB) where required. This has been in direct response to delays caused in progressing Service complaints due to lack of availability of either an FEHIO or IM. The lack of IMs is something that has also been reiterated by the Services in their end of year reports to the Ombudsman as there are only six IMs to cover all three Services. The Naval Service noted an example where an AB was delayed by approximately three months due to no IMs being available. In addressing the lack of IMs the Ombudsman believes that consideration should be given to increasing diversity so that the pool of IMs reflects the existing demographic of the Services in addition to recognising who the Services hope to recruit and retain for the future. Increased diversity will bring different perspectives which will improve the quality of AB decisions and increase the confidence Service personnel have in these decisions.

### What is Maladministration?

There is no set legal definition of maladministration, although it generally means that there was a failure to follow correct procedure. In relation to what the Ombudsman investigates it concerns the improper handling of Service complaints. Maladministration can include, but is not limited to: taking incorrect action; failure to take action; providing misleading information; broken promises; inadequate record-keeping; and, inadequate liaison or consultation.

Although delay can be a form of maladministration, the Ombudsman has separate powers to investigate undue delay while a Service complaint is ongoing.

### RECOMMENDATION

# 1.4

That the Ministry of Defence reviews the current level of Fee Earning Harassment Investigations Officers and Independent Members by the end of April 2018 to ensure that the Service complaints system is adequately resourced in those areas. As part of this process the Ministry of Defence is invited to carefully consider the diversity of the pool of Independent Members going forward.

Some of the more common recommendations and wider learning points raised in undue delay investigations in 2016 have been:

- Ensure that Special to Type (STT) complaints (including medical complaints) are identified at the initial stage to avoid unnecessary delay.
- Provide quality updates on a regular basis to ensure that all parties to the investigation are kept informed in line with JSP 831.
- Run formal and informal complaints procedures in parallel to ensure that time is not lost.
- Where there are multiple heads of complaint, those that are not subject to STT processes should be progressed where possible.
- Ensure decision letters clearly state the next steps that could be open to the complainant and the details of any organisation, including the OSCO, they can contact if they need to.
- Legal advice should be obtained and provided in a timely manner.
- Have processes in place to deal with staff absence or additional work load to ensure that the handling of Service complaints is not subject to unnecessary delay.

These investigations have highlighted that there is often misinterpretation of JSP 831. This is something that has been reinforced in the general feedback received by the OSCO with many reporting that the JSP is difficult for many personnel to understand. This is particularly the case for those with lower levels of literacy, including personnel with dyslexia and those for whom English is not their first language.

### RECOMMENDATION

# 1.5

That the Ministry of Defence instigates a review of JSPs 831 and 763 to ensure that the language is accessible to all Service personnel by the end of December 2017, using "plain language" standards and make the necessary changes by the end of June 2018.

### Maladministration

The OSCO received 53 applications requesting an investigation into alleged maladministration in the handling of a Service complaint. Where a decision to investigate had been reached by 31 December, only 22% of applications were subsequently accepted for investigation. However, 100% of applications that were accepted for investigation were upheld, to some extent, in favour of the complainant.



Although the acceptance rate for this type of investigation may appear to be quite low, applications for an investigation into maladministration have additional eligibility criteria that do not apply to the previously discussed types of investigations. Furthermore, under the transitional arrangements any Service complaint that had completed the internal complaints system on or before 31 December 2015 could not be the subject of a maladministration investigation by the Ombudsman. This has limited the number of potential complaints of this type that could have come to the OSCO in the first year of operation.

### Box 1

After a Service complaint has been finally determined in the internal system, an individual has six weeks to make an application to the OSCO requesting an investigation into maladministration of the handling of that complaint. There are two stages to determining the eligibility of such applications.

**Stage 1** – The application must:

1. fall within the **jurisdiction** of the Ombudsman. This means that the Service complaint must be a finally determined complaint. If it was open to the individual to appeal the decision within the internal system and they did not do so, the Ombudsman has no jurisdiction to investigate the handling of the complaint; and
2. be in **time**. This means that the application must have been made within six weeks of the final decision, or the Ombudsman must have found that it was just and equitable in all the circumstances to accept the application outside of the time limits.

If both of these criteria are met the application will proceed to Stage 2 – an initial case review. This is essentially a preliminary investigation in which the assigned OSCO investigator reviews relevant papers from the Service and the complainant to determine if there is any suggestion of improper handling of the complaint that might meet the threshold for maladministration. If it appears that there may have been maladministration that has not been redressed as part of the internal process, the application will be accepted for investigation either in whole or in part.

### Substance

In the first year of operation the OSCO received 67 applications requesting an investigation into the substance (merits) of a Service complaint that had been finally determined in the internal complaints system. Where a decision to investigate had been reached by 31 December, only 5% of applications were accepted for investigation. However, where an application had been accepted and the investigation was concluded on or before 31 December 2016, 100% were upheld, to some extent, in favour of the complainant.

Like maladministration investigations, while on the face of it the acceptance rate for this type of investigation may appear to be exceptionally low, there are additional eligibility criteria that do not apply to other types of investigations. Furthermore, under the transitional arrangements any Service complaint that had completed the internal complaints system on or before 31 December 2015 could

not be the subject of a substance investigation by the Ombudsman<sup>2</sup>. This has limited the number of potential complaints of this type that could have come to the OSCO in the first year of operation.

### Box 2

The eligibility process for substance (merits) investigations is the same as that outlined for maladministration investigations (see Box 1). However, the purpose of the initial case review is to determine if the Service had conducted a proportionate investigation into the complaint and if their decisions were reasonable, fair, balanced and justified. If it is considered that the Service's approach and decisions were reasonable, this will usually mean the OSCO will not undertake a new investigation. New investigations will be conducted where it is considered use of the Ombudsman's powers could lead to a materially different outcome.

The Ombudsman does not act as a third level of appeal.

### Outcomes, recommendations and wider learning points

Key recommendations and wider learning points made as part of maladministration and substance investigations include the need for:

- Investigating Officers (IOs), including Fee Earning Harassment Investigation Officers (FEHIOs), to record all decisions made during an investigation including where decisions are made to not speak to a witness that has been identified by a complainant or respondent.
- Service secretariats to consider the sensitivity of complaints to ensure that the appropriate personnel are assigned.

Feedback from the Services has supported the first identified issue, particularly in relation to FEHIOs. Concerns have been identified by both the OSCO and the Services around not only the availability of FEHIOs but the quality of their work.

### RECOMMENDATION

# 1.6

That the Ministry of Defence reviews the training provided to Fee Earning Harassment Investigation Officers by the end of April 2018 to ensure it is adequate and that this training and the procedures used to monitor and manage the performance of Fee Earning Harassment Investigation Officers is enhanced as required.

Many of the maladministration and substance investigations handled by the OSCO concern complex and sensitive matters that have been ongoing for a number of years. In addition to the sensitive nature of complaints, some complainants will be suffering from ill health, and some will be experiencing mental ill health. It is imperative that the Service complaints process is respectful of these issues and does not exacerbate or cause further distress for individuals.

<sup>2</sup> The exception to this was where a complainant had a right to petition the Sovereign under the old system. This right was retained under the new system and has no time limit attached. Therefore if a complainant had received a final decision before 31 December 2015 and had not yet exercised their right to petition the Sovereign, they could instead make an application to the Ombudsman for a substance investigation in lieu.



“The OSCO is a learning organisation and remains committed to having and meeting challenging time targets for investigations”

#### RECOMMENDATION

1.7

That the Ministry of Defence develops or procures specialised training for those complaint handlers and Assisting Officers who are appointed to deal with sensitive matters, including those of a sexual nature and that the single Service secretariats embed a mechanism within their processes to ensure that sensitive complaints are assigned to those individuals who have completed this training. This should be rolled out by the end of June 2018.

#### RECOMMENDATION

1.8

That the Ministry of Defence develops a general training programme for all Assisting Officers and that a record of their completion of that training is held centrally to ensure that suitably qualified Assisting Officers can be identified with greater ease. This should be rolled out by the end of April 2018.

The Ombudsman would like to note that the RAF has already reported that it is undertaking an initiative that mirrors recommendation 1.8. However, the Ombudsman feels it is important for such training to be offered Tri-Service and has therefore not altered this recommendation.

The number of these types of investigations has been too small to extract further recommendations and wider learning points with accuracy and without the potential for identifying individual complainants.

#### *Timeliness*

The OSCO has an internal target to complete 90% of investigations within the published time targets, which differ for each investigation type. Unlike many other oversight bodies, the OSCO chose to set timelines for all investigations. This was considered important not only to give individuals an indication of how long an investigation would take, but because the Services themselves are expected to resolve 90% of their Service complaints within a 24 week timeline.

In the first year of operation the OSCO fell short of this target with only 76% of investigations being completed in time overall.

Timeliness has been monitored throughout the year, with action being taken to make improvements as and when issues have been identified. Examples of this are:

- a. After four and a half months of operation it became clear that the time target set for review of gateway decisions was insufficient to allow for all necessary processes, including obtaining information from the Services, to take place. The target was subsequently increased by two working days.
- b. The Investigations Team has not been at full complement throughout 2016, with a 30% shortfall due to unexpected circumstances. Ongoing action is being taken to fill this shortfall and bring on board a pool of investigators that can be called upon as required to enhance investigative capacity.

- c. Internal procedures have been reviewed to streamline processes and strengthen delegations to ensure that delays caused by OSCO procedures are minimal.

The timeliness for maladministration and substance investigations was substantially less than for other types of investigations. While there have been fewer of these types of investigations, all applications that meet the jurisdiction and time criteria undergo at least an initial case review. In 2016 our Investigations Team spent a total of 2651 days conducting initial case reviews which illustrates the significant amount of work that goes into this stage of the process. As the majority of matters that have come to the OSCO for these types of investigations have been long running Service complaints, some of which comprise multiple complaints, the applications that have been accepted for investigation have taken substantially longer to deal with than anticipated. In addition, extensions have been granted to various parties to the complaint in most of these cases and complaints have been stayed for reasons of ill health which has contributed to the time taken to reach an outcome. In the interests of transparency we have not attempted to discount these instances from our overall timeliness reporting.

The OSCO is a learning organisation and remains committed to having and meeting challenging time targets for investigations. Our current targets were set before we commenced operation on 1 January 2016 and were based on hypothetical investigations and the anticipated time taken to conduct each stage. Despite our best efforts to get these targets right from the outset practical experience now suggests these require further work. In addition the way we have recorded our working days do not properly reflect stand down periods, including those of the Services when we are unable to progress our investigations without their input. These are issues that we need to address and we will continue to work to improve our performance. This includes undertaking a review of our current targets by the end of December 2017 to ensure that they are challenging but also achievable.

Investigation type	Time target	Outcomes within target (%)
Review of gateway decisions	17 working days	76%
Undue delay	17 working days	76%
Maladministration	65 working days	29%
Substance <sup>3</sup>	90-100 working days	0%

<sup>3</sup> The data for the timeliness of substance investigations is not robust as it only represents two individual cases, however in the interests of transparency we have included this information. These two cases were made up of a total of 10 heads of complaints, comprised over 1000 case documents and took a cumulative 5½ years to complete the internal process with one of those matters being 10 years old.



The Ombudsman met with Peter Riddell, Commissioner for Public Appointments, to discuss how to increase diversity in public appointments.



The Ombudsman had the opportunity to visit Units in Preston in 2016.

## Customer Feedback

Following the outcome of an application for referral or investigation, individual complainants are emailed a link to a feedback survey about the service provided by the OSCO to complete.

Overall the majority of individuals (75%) who responded to the survey were satisfied with the service provided by the OSCO. The highest level of reported dissatisfaction (19%) related to the outcome of their request. This was where the application was not accepted, the outcome was not in their favour or the Ombudsman was not able to take the action requested. However 14% of respondents also reported dissatisfaction in the overall service provided by the OSCO.

The OSCO takes all feedback seriously and has acted to make changes where required. This includes improving the information provided to complainants and the updates provided. We have made improvements to our application forms in direct response to feedback received from individuals in our first year of operation. This culminated in new forms being developed for use in 2017. Substantial work has also been done to improve our website since the OSCO commenced operation on 1 January 2016. This included:

- making the website easier to navigate by changing the structure of the site
- embedding our Twitter feed on the website
- ensuring that the information provided on the website was clear and concise
- developing a range of factsheets to address key issues
- providing clear and concise information about our processes.



Hugely impressed and very grateful for your professionalism and efficiency. You dealt with my request very quickly yet thoroughly. Thank you very much indeed



I appreciate the time you have taken to review the case and make your decision. Additionally, I am grateful for the recommendations you make which should assist in improving our performance with respect to the management of Service Complaints in the future

“The OSCO takes all feedback seriously and has acted to make changes where required.”

“

I cannot express in words the relief and gratitude that I feel after having read your report. After 4 stressful years of trying to have my case investigated and continuously facing brick walls at every turn, you and your team have made it possible. Regardless of the outcome of the investigation, I cannot thank you enough for your hard work

“

I...want to thank you for the comprehensive report you sent to me ....[it] has already created positive actions

“

While I clearly find this conclusion very disappointing, I thank you for your very helpful and engaging conduct in processing it

“

The service was excellent. Personally I would have liked to talk to someone who would actually tell me whether my complaint was valid/worth pursuing as this would have given me a little more piece of mind

We are not always able to act on the feedback we receive immediately. However no feedback is dismissed and we regularly review the feedback we receive to determine if we are able to action it.

“[Outreach is] an essential part of the Ombudsman’s work.

”

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### Judicial Review

The decisions made by the Ombudsman are binding and can only be challenged by way of Judicial Review. In 2016, three individuals submitted pre-action protocol (PAP) letters to the OSCO, all of which concerned decisions not to investigate. Following response from the OSCO only two of those individuals proceeded to apply to the court for permission to bring a Judicial Review. Both of these applications were denied by the court.

One individual subsequently pursued the option to “renew” the decision at an oral hearing. Permission to bring a Judicial Review was not granted and the OSCO was awarded reasonable costs.

Information on the costs incurred defending these actions can be found in our financial statement at Appendix C.

### Part 2: Outreach

In addition to carrying out the statutory functions, the OSCO also undertakes a substantial amount of outreach work in order to raise awareness of the Ombudsman, both within the UK and internationally. While a lot of this work concerns “routine business” – that is, quarterly/biannual meetings with Senior personnel, the Ombudsman also makes time to visit Service personnel.

During 2016 the Ombudsman visited establishments at home and abroad, including a visit to personnel - based in Germany. A full list of her engagements can be found at Appendix D.

These visits are an essential part of the Ombudsman’s work and afford her the opportunity to meet with a range of personnel from all ranks and to discuss the issues that are important to them. On each visit the Ombudsman holds a number of focus groups made up of personnel of the same or similar ranks. The discussions in these groups provide the Ombudsman with useful insight into how the Service complaints process is perceived, the impact it has on personnel who have been involved in the process and how her office and functions are viewed.

A recurring theme from the focus groups in 2016 is that understanding of the complaints process and awareness of the Ombudsman is variable and noticeably low in the junior ranks. This is supported by the written feedback received by the OSCO and feedback provided by key stakeholders. While the Ombudsman is aware of training provided to Commanding Officers (COs) on the Service complaints process and the role of her office, the information is not filtering down from Officers to all levels and further effort in training and education may be needed.





@ crown copyright  
The Ombudsman attended the 8ICOF in The Netherlands



There is poor training and communication about all matters pertaining to Service complaints



I am a reserve soldier so our training time is limited. At my unit there is no where [sic] to go to get informal unbiased advice



The JSP is confusing and will lead to Service people to give up [sic]. Example is the part 1 and 2. Same information in different language



There is too much confusion and too little leadership in my CoC regarding complaints and how they are handled



Service complaints still appear to be viewed as something that goes against the grain and should only be submitted as a last resort. Most people I have spoken to either don't want to submit one or fear of hurting their career or have been subject to long delays or poor results when they have done so



“Service complaint procedure/rules [should] be drilled down to the newest personnel on an annual basis. An informed soldier is a confident soldier.”

*feedback from a Service person*

#### RECOMMENDATION

### 1.9

That training/education on the Service complaints system, including the role of the OSCO, is provided to all Service personnel, including new recruits and reservists. The OSCO should be invited to contribute to the development of those portions of the training that concern the role of the Ombudsman to ensure that the independent and impartial message of the office is shared with personnel. The Ministry of Defence should report to the Ombudsman on the progress made by the end of December 2017.

In addition to these visits to Service personnel, the wider outreach undertaken by the Ombudsman and her office includes:

- Presenting a brief at each of the ‘Commanding Officer Designate Course’ for all three Services. These briefs provide an important opportunity to not only explain the role and function of the Ombudsman but to emphasise the critical role that Commanding Officers have in making the complaints process work well. The OSCO has also presented a number of briefs for the Army as part of their communications strategy for the new complaints system.
- Undertaking a number of familiarisation visits through the Know Your Navy programme. This has been an exceptionally important educational tool for the wider OSCO.
- Building a closer working relationship with the Joint Equality and Diversity Training Centre (JEDTC) at the Defence Academy in Shrivenham. JEDTC undertake a very important function and significant work has been undertaken to determine how we can work together to increase understanding of the role of the Ombudsman in 2017.
- Raising awareness of the Ombudsman by communicating with Service personnel and stakeholders through a range of mediums including a new print campaign, the Ombudsman’s blog and social media.
- Participating in the wider Ombudsman community, both in the UK and internationally.

## Chapter 2 - Work of the Service complaints system

This chapter provides an overview of Service complaints in 2016 and reports on the work of the Service complaints system in the Naval Service, the Army and the RAF.

The Service complaints process changed on 1 January 2016, making it simpler and more streamlined with one instead of two levels of appeal. These reforms have necessitated changes to the data the OSCO is able to collect and publish regarding the work of the Service complaints system. Any figures relating to absolute levels from the previous Service complaints system have been removed and any comparison should be made with extreme caution.

Guidance on the Service complaints statistics process and key terms used can be found in 'Background Report – SCO Annual Report 2016'. All statistics referred to can be found in more detail in Appendix E, which starts on page 33.

### Part 1: Overview of the Service complaints system

The new streamlined Service complaints system was introduced at the start of 2016. While the Ombudsman firmly believes that the changes have the potential to create a Service complaints process that is efficient, effective and fair, there has not yet been sufficient time to fairly evaluate how the system is working. The main reason for this is the number of "legacy" complaints still in the system. That is, Service complaints that were deemed admissible prior to 1 January 2016 and were still awaiting a final decision as of 31 December 2016. There are 230 such complaints still outstanding across the three Services. Although this represents a 52% decrease in the number of legacy complaints open as of the end of the previous reporting year, these outstanding complaints have made it too difficult to assess how the new streamlined process is working. However, as the determination of whether the system is efficient, effective and fair is an essential part of my reporting function this is an issue that the Ombudsman will be looking at in her 2017 Annual Report.

### Breakdown of Service complaints received

#### Volume

890 Service complaints were received in 2016.<sup>1</sup> The largest number of complaints was received by the Army (515) followed by the Naval Service (256) and the RAF received the least (119).

711 of these complaints were deemed admissible.

The vast majority of Service complaints received in 2016 concerned Terms and Conditions of Service (TACOS) which comprised 42% of complaints received. The next largest area of complaint was pay, pensions and allowances which made up 19% of complaints.

As the Service complaints system is a workplace grievance system and TACOS are what Service personnel have instead of employment contracts, this is what the Ombudsman would expect to see.

The number of Service complaints about bullying remained consistent with levels reported in 2015 (16%) although when read in conjunction with the Armed Forces Continuous Attitudes Survey (AFCAS) 2016 the Ombudsman believes that this is not a true reflection of the level of bullying, harassment or discrimination in the Armed Forces.

The Ombudsman remains confident that the changes to the Service complaints system, including her new powers of independent scrutiny, will encourage Service personnel to have confidence in the system and confidence that they can raise their concerns without fear of retribution. As discussed in Chapter 1 the feedback the OSCO has received reiterate the findings of the AFCAS which demonstrates that this attitudinal shift is yet to occur and this is an issue that the Ombudsman will continue to monitor closely over 2017.

<sup>1</sup> This is the total number of Service complaints received in 2016 regardless of whether or not they were subsequently accepted for investigation.

**AFCAS:**

Around 11% of personnel surveyed reported experiencing bullying, harassment or discrimination in the last 12 months

Only 9% went on to make a formal complaint

The most common reasons given for not making a formal complaint were feeling that 'nothing would be done' (43%) and that complaining would adversely affect a respondent's career (38%)

**Diversity**

The Ombudsman is concerned about the continued overrepresentation of both female and Black, Asian and Minority Ethnic (BAME) Service personnel in the Service complaints system. The disproportionate representation of female and BAME personnel as complainants (21% and 10%) compared to representation in the Armed Forces (11% and 7%) not only continued for the third consecutive year, but actually increased for female personnel. Bullying, discrimination and harassment were more commonly the cause of complaints for these groups.

**RECOMMENDATION****1.10**

That the Ministry of Defence commissions a study by the end of April 2018 to determine the root causes of the overrepresentation of female and BAME personnel in the Service complaints system and that appropriate action is taken to try and redress this by the end of December 2018, including putting the appropriate support mechanisms in place.

**Handling of complaints**

The Ombudsman welcomes many of the positive changes that have been made to the way complaints are handled under the new system. However she is still concerned about delay. Of the 711 new Service complaints that were deemed admissible in 2016, only 31% were closed as of 31 December 2016. Although the Ombudsman acknowledges that all three Services have put considerable resource into continuing to drive down the number of legacy complaints in the system she is keen to remind the Services of the need to ensure that new complaints do not face the same delays as legacy complaints.

While the target to decide 90% of complaints within 24 weeks is still in place for all three Services, changes to the system make it difficult for the Ombudsman to compare to previous years or determine the true current level of delay. Under the new system the 24 weeks does not begin until a Service complaint has been deemed admissible. As a result any complaint that is otherwise resolved before this time is excluded from the calculation.

**RECOMMENDATION****1.11**

That the Ministry of Defence identifies an appropriate working group by the end of April 2017 to evaluate the current target for resolving 90% of Service complaints within 24 weeks to ensure that it is appropriate, including the method for calculating when the 24 weeks begins. A representative from the OSCO should be involved in this review.

The Ombudsman recognises that the innate differences between the three Services might require there to be some difference in the local processes the three Services use to manage Service complaints. However, she is concerned that some of the feedback received indicates the disparity in the way complaints are managed across the Services leads to delays, particularly where a matter needs to be transferred from one Service to another, or the Service complaint arises in a Joint Unit and the SO or DB managing the complaint is from a different Service to the complainant. The Ombudsman believes there is scope for further sharing of best practice which would benefit all the Services.



Around **43% of complaints from female** personnel relate to bullying, discrimination and harassment compared to only **21% for male personnel.**



Across the three Services only 39% of complaints were closed within the 24 week target.

## RECOMMENDATION 1.12

That the Ministry of Defence, in line with recommendation 1.3, facilitates a review of the internal processes developed by the single Service secretariats by the end of June 2018 to ensure that they use a common approach where appropriate and that best practice is shared. This includes, but is not limited to, the standardisation of template letters and reports.

## Part 2: Service specific update

### Naval Service

The Naval Service has continued to demonstrate a strong commitment to improving the Service complaints system and is optimistic about what can be achieved under the new system over the next five years.

Although the Naval Service has only resolved 57% of complaints within 24 weeks using the new calculation, they have reported that much of this has been attributable to a lack of resources in 2016. In order to address this, two additional posts were added to the staff of the Naval Service Casework Secretary in the final quarter of 2016 and the Naval Secretary directed that the Naval Legal Services (NLS) Complaints and Mediation Team (CIMT) be doubled in 2017. The Ombudsman congratulates the Naval Service on their ability to identify and address what they believe is the underlying cause of these delays, an exercise undertaken by her own office this year.







The Ombudsman also welcomes the way in which the Naval Service has harnessed the structure of the new system to continue ensuring that Service complaints are resolved quickly and with effective, targeted staffing effort wherever possible while still preserving the importance of the chain of command within the process.

The Naval Service has highlighted a number of procedural issues impacting on the complaints process that they have either taken steps to address or firmly stated their commitment to addressing. These include:

- A commitment from the Commander Maritime Reserves to put arrangements in place in 2017 that are aimed at providing Reservist Commanding Officers with the support required to manage Service complaints within their part-time roles.
- The development of dedicated guidance for Assisting Officers (AOs) and commitment to a Tri-Service e-training product for AOs.
- Support for looking at ways the administrative processes required for Service complaints could be streamlined to further reduce delays.

The Ombudsman thanks the Naval Service for their ongoing commitment to continuous improvement and looks forward to seeing the positive impact additional targeted resource will have on their performance in 2017.

## Army

The Ombudsman applauds the Army for the work they have done in 2016 to ensure the success of the new Service complaints system. While using the new calculation only 25% of complaints were decided in 24 weeks, however the Army successfully reduced their backlog of legacy complaints by 89% which is a remarkable achievement.

In addition to the resource dedicated to dealing with Service complaints, the Army has also focused on the need to bring about a cultural shift in how complaints are viewed within the Service. While a lot of the feedback received by the OSCO has concerned fears that complaints are not taken seriously, the Army have stated their commitment to ensuring that Service complaints are viewed as a vitally important mechanism for helping the Service to do better and to become an effective learning organisation. The Army recognises that the latter aspect is fundamental if it is to achieve the goal of enabling everyone to maximise their individual talent and optimise collective effectiveness.

The Army has demonstrated their commitment to this through a sustained communications strategy in which they have:

- delivered over 260 verbal briefs on the new processes and best practice in complaint handling.
- published resources materials and process guides for Army personnel, including a tri-fold pamphlet issued to all units explaining the complaints process and the role of the Ombudsman.



- included the Ombudsman's contact details on a monthly run of pay statements across the Army to maximise awareness.

The Ombudsman welcomes the commitment to continuing the additional resource assigned to driving down legacy and to addressing the issues raised by her office as part of investigations. The reprioritisation of a post in the SC Secretariat focusing on lessons identified and meaningful analysis is also a positive step that will enable the Army to better determine their ability to utilise the benefits that the revised SC process offers. The Ombudsman thanks the Army for the work they have undertaken this year and their continued commitment to improving the Service complaints system.

## RAF

The RAF has undertaken a substantial amount of work in 2016 to not only ensure the success of the new system, but to sustain their commitment to continuous improvement.

Most notably the RAF has invested considerable resources into their internal Service complaints system. This has included:

- increasing the number of caseworkers in the RAF Service Complaints Team (SCT) from 11 to 19.
- establishing a permanent DB to focus entirely on Service complaints and relieve the burden placed on Station Commanders.
- doubling the pool of DB/AO panel members.
- recruiting a new pool of Investigating Officers (IOs).

In addition to this increased resource, throughout the period of transition the RAF undertook a number of studies in order to review particular areas of concern and identify potential improvements to their internal process. The Ombudsman commends the work that has been done and is impressed with many of the initiatives that have been introduced including, but not limited to, the appointment of a Respondent's Champion; the development of training for AOs to ensure that suitably qualified personnel can be appointed to these roles; and, the introduction of specific training and communication aides relating to the handling of Service complaints within the RAF.

The Ombudsman notes that under the new calculation the RAF closed 50% of new complaints within 24 weeks.

The Ombudsman welcomes the hard work undertaken by the RAF in 2016 and their clear commitment to improving the Service complaints system. The Ombudsman has noted that the working relationship between her office and the RAF Service Complaints Team has had some teething problems as each becomes more familiar with the new system. The Ombudsman is confident that recent engagement will see a positive change in this relationship, both having identified learning points and that the RAF will continue to demonstrate their commitment to improving the system.





# Appendices

## Appendix A – Glossary

This glossary provides a brief description of some of the main terms used in the commentary of this report.

### Annex F

A Service Complaint Form (Annex F to Part 2 of JSP 831) which captures key information about the issues being complaint about and the redress that is being sought.

It is the primary method for formalising a complaint, although the legislation only requires that the complaint be in writing. See also Statement of complaint.

### Appeal Body (AB)

One or more individuals (who might include independent members) who have been appointed by a single Service complaints secretariat to consider and to make a determination on an appeal.

### Army Service Complaints Secretariat (Army SC Sec)

The complaints secretariat for the Army.

### Assisting Officer (AO)

A person who is appointed by the chain of command to provide help and support to a complainant or respondent during the Service complaints process. A complainant or respondent can also nominate someone to act as their AO.

### Commanding Officer (CO)

The CO is the Officer who has been appointed by the appropriate authority to be in command of and to exercise discipline over a ship, unit or establishment.

### Contact

Recorded instance of an enquiry or application being made to the OSCO.

### Equality and Diversity Advisor (EDA)

EDAs are the command/establishment focal point for providing impartial advice to all Service personnel on any Equality and Diversity issue, including allegations of bullying and harassment.

### Fee Earning Harassment Investigation Officer (FEHIO)

An individual, independent of Ministry of Defence, appointed to investigate formal complaints of bullying and harassment for which they are remunerated.

### Finally determined

A complaint that has completed the internal process i.e. a decision has been taken on the complaint by the Decision Body and, if an appeal is available, there has been a determination by the Appeal Body. In some cases, there will be a decision stage with no appeal because of the seniority of the Decision Body. A complaint has not been finally determined for the purposes of an Ombudsman investigation if an appeal is available and the complainant chooses not to pursue it.

### Harassment Investigation Officer (HIO)

An individual appointed to investigate formal complaints of bullying and harassment.

### Independent Member (IM)

A person who is not a member of the Armed Forces or the Civil Service, who has been recruited by the Ministry of Defence on a fee earning basis to provide an independent view on appointment to complaints of a specific type.

### Informal complaint

Any allegation(s) or issue(s) raised with the Services ahead of a written, signed and dated complaint being submitted.

### Informally resolved

Refers to a complaint which is resolved prior to a formal decision being made.

### Internal process

The process that is handled by the Service from receiving a Service complaint through to making a final decision.

The processes of the OSCO sit outside this process.

### Investigating Officer (IO)

An individual appointed by a Decision or Appeal Body to investigate a complaint on its behalf to report back with findings of fact.

### Joint Personnel Administration (JPA)

JPA is the intranet-based personnel administration system used by the Services to log all complaints dealt with under JSP 831. All complaints must be entered by the complainant's unit admin staff at the earliest opportunity after submission.

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## Maladministration

There is no set legal definition of maladministration, although it is generally means that there was a failure to follow correct procedure. In relation to what the Ombudsman investigates it concerns the improper handling of Service complaints. Maladministration can include, but is not limited to: taking incorrect action; failure to take action; providing misleading information; broken promises; inadequate record-keeping; or, inadequate liaison or consultation.

Although delay can be a form of maladministration the Ombudsman has separate powers to investigate undue delay while a Service complaint is ongoing.

## Naval Service Casework Secretary

The complaints secretariat for the Naval Service.

## NCO & WO

Non-Commissioned Officers (including corporals, sergeants and chief technicians) and Warrant Officers. The Royal Navy does not use NCOs, but calls them senior ratings (or senior rates).

## Office of the Service Complaints Ombudsman (OSCO)

Refers to the office and personnel that assist to carry out the functions of the Ombudsman as a whole, rather than the specific position of the Service Complaints Ombudsman.

## Officers

A member of the Armed Forces holding the Queen's Commission to lead and command elements of the Services. Officers form the middle and senior management of the Armed Forces.

## Out of time (OOT)

When a complaint is made more than three months after the alleged incident(s) and it is not considered just and equitable to extend the time limit.

## Pte & Equivalent

A private is a soldier of the lowest military rank (equivalent to NATO Rank Grades OR-1 to OR-2 depending on the force served in).

## Red flag complaint

A complaint which has missed the 24-week target and remains unresolved.

## Referral

The Ombudsman's statutory power to refer an individual's intention to make a Service complaint to their chain of command. An individual does not need to give reasons for using the Ombudsman as an alternative point of contact to their chain of command.

### Service complaint (SC)

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.

### Service Complaints Ombudsman

The Ombudsman provides independent and impartial oversight of the Service complaints system.

### Service Complaints Team (SCT)

The complaints secretariat for the RAF.

### Special to type (STT)

A category of complaint where there is “another formal system” that must be exhausted prior to a SC being acted upon, e.g. Service medical care, housing complaints, pay & allowances

### Specified Officer (SO)

The person to whom a complainant submits a statement of complaint at the start of the Service complaints process. The SO is usually the individual’s Commanding Officer.

### Statement of complaint

The document in which a Service person must set out the particulars of their Service complaint. The Annex F provides a template for this.

### Undue delay

There is no legal definition of undue delay but it is generally taken to mean an unreasonable or unfair delay. What constitutes undue delay is dependent on the circumstances of each individual case. Undue delay is more than simply a delay in the handling of a complaint or exceeding a time limit or target, which may not be desirable but for which there is justifiable cause.

### Victimisation

When someone is treated poorly or unfairly because they made a complaint. This includes instances where an individual has not yet made a complaint but it is suspected they will do so.

### Withdrawn

A complainant can decide to withdraw their Service complaint at any point in the process. The complaint will then be recorded as withdrawn.



## Appendix B – OSCO Business Plan

### Strategic Objectives 2016 -2020

Strategic Objective	In 2016 we have...
<p><b>1. Provide an independent, transparent and accountable Office of the Service Complaints Ombudsman.</b></p> <p>1.1 Monitor, scrutinise and report on the operation of the Service complaints system to Parliament;</p> <p>1.2 Collect, process, analyse and disseminate statistics in line with professional best practice;</p> <p>1.3 Be transparent in our operation and ensure we deliver value for money;</p> <p>1.4 Improve our service by making it easier for Service personnel to access the Office of the Service Complaints Ombudsman;</p> <p>1.5 Deal with enquiries and referrals efficiently, minimizing delay and meeting timeliness targets.</p>	<ul style="list-style-type: none"> <li>• <b>Improved our service to meet the need of complainants.</b> We developed new feedback surveys for individuals who have used the services of the OSCO and acted on this feedback where possible. In addition we have reviewed our processes to ensure ease of access, including ongoing improvements to our application forms.</li> <li>• <b>Established transparent processes around our financial reporting.</b> We have implemented new processes for the authorisation of all financial spending within the OSCO and provided detailed financial data in our Annual Report at Appendix C.</li> <li>• <b>Exceeded our timeliness targets for referrals.</b> 95% of referrals were made within the published time targets.</li> </ul>
<p><b>2. Deliver timely, comprehensive investigations for applicants, exercising our legislative powers in a transparent, efficient manner to ensure guardianship of the Service complaints process by the Ombudsman.</b></p> <p>2.1 Undertake thorough investigations in line with our commitment to independence, impartiality and integrity;</p> <p>2.2 Establish, develop and adhere to policies and processes, in line with legislation;</p> <p>2.3 Deliver specific, clear and consistent recommendations;</p> <p>2.4 Deliver on our commitment to complete investigations within timeliness targets;</p> <p>2.5 Engage with legal challenges to our findings and report on outcomes.</p>	<ul style="list-style-type: none"> <li>• <b>76% of investigations were delivered in time.</b> We will continue to review our timeliness and whether our current guidelines are valid balancing the need for timely outcomes against the needs of all parties and the Services. The OSCO hopes to address its current shortfall in resources in the current year.</li> <li>• <b>Responded positively to feedback and improved processes.</b> The OSCO reviews all feedback and has made changes to our letters and the level of detail provided to ensure we are acting transparently and fully justifying our decisions.</li> <li>• <b>Monitored the implementation of our recommendations and wider learning points.</b> The OSCO regularly reviews recommendations and their implementation, including wider learning points. We have already seen an overall improvement in certain areas such as decision letters and explanations proactively being provided in cases experiencing delays. We will continue to monitor this in the coming year.</li> </ul>



Strategic Objective	In 2016 we have...
<p><b>3. Provide information, education and outreach with the Armed Forces and wider stakeholders to promote the Service complaints system.</b></p> <p><b>3.1</b> Actively seek to develop effective and enduring working relationships with stakeholders;</p> <p><b>3.2</b> Take a proactive role in the international Ombudsman community;</p> <p><b>3.3</b> Develop tools to educate users on how the Ombudsman can help them;</p> <p><b>3.4</b> Proactively promote the Ombudsman role and wider Service complaints process;</p> <p><b>3.5</b> Adopt innovative approaches to implement and develop a digital presence for the Office of the Service Complaints Ombudsman.</p>	<ul style="list-style-type: none"> <li>• <b>Improved engagement with our stakeholders.</b> In addition to meeting with key stakeholders in 2016 we undertook a survey to hear directly from our stakeholders how we can improve our engagement.</li> <li>• <b>Pushed the OSCO message out across different media.</b> This included running a new print campaign to raise awareness of the OSCO across the Armed Forces, advertisements on BFBS radio and increasing our digital presence through the use of social media.</li> <li>• <b>Undertaken outreach and education functions.</b> In addition to the visits undertaken by the Ombudsman as reported in Appendix D, a representative from the OSCO has presented on each of the Commanding Officer Designate Courses run by the three Services and participated in Service briefings and conferences when invited to do so.</li> <li>• <b>Worked with our colleagues both nationally and internationally.</b> The OSCO was appointed as a voting member of the Ombudsman Association (OA) has actively participated in the association throughout the year. The OSCO has also taken an active role in the International Conference of Ombuds Institutions for Armed Forces (ICOAF) including agreeing to hosting the 9th ICOAF in London in 2017. Our application for membership of the International Ombudsman Institute remains outstanding however the Ombudsman presented at the 11th World Conference of the IOI in Bangkok in addition to speaking at the the Organisation for Security and Co-operation in Europe (OSCE) Conference in Berlin during 2016.</li> </ul>

Strategic Objective	In 2016 we have...
<p>4. Be a learning organization and develop the capabilities (knowledge, skills and behaviours) required to achieve our priorities now and in the future.</p> <p>4.1 Monitor recommendations, trends and themes to shape improvements to the complaints process;</p> <p>4.2 Work with the Services and the Ministry of Defence to see that lessons are implemented swiftly and efficiently;</p> <p>4.3 Review and develop our processes, making required changes to ensure that the new system succeeds;</p> <p>4.4 Proactively build our capability to ensure that the Office of the Service Complaints Ombudsman is able to deliver its objectives;</p> <p>4.5 Continue to invest in our people and provide opportunities to meet appropriate professional standards.</p>	<ul style="list-style-type: none"> <li>• <b>Undertaken regular process reviews both internally and with the Ministry of Defence.</b> As a result of these reviews we have strived to ensure that our processes are realistic and proportionate and that we are meeting or managing the expectations of complainants. We monitored our targets and made an evidenced based decision to increase the time target for review of gateway decisions by two working days.</li> <li>• <b>Worked with the Ministry of Defence to ensure the OSCO is appropriately resourced.</b> We filled two new posts in 2016 in addition to the development of a pool of fee-earning investigators who will start in 2017.</li> <li>• <b>Demonstrated a strong commitment to training OSCO staff.</b> Training undertaken in 2016 includes: familiarisation visits; Mental Health First Aid for the Armed Forces; Recruitment and Selection; and, specialist training for both our investigations and communications teams.</li> </ul>

## Appendix C – Financial statement

The Office of the Service Complaints Ombudsman (OSCO) is a fully independent organisation. However, as a Government funded organisation it receives its funding as part of the Defence Budget. While wholly independent of the Ministry of Defence (MOD) in its role, the OSCO is still required to abide by the financial rules, regulations and procedures laid down by both Her Majesty's Treasury and the MOD in the commitment of the OSCO's financial resources.

As the OSCO is an entirely different organisation to its predecessor the Office of the Service Complaints Commissioner (SCC), comparisons cannot be drawn between the OSCO's financial statement for 2016 and those statements previously published for the SCC.

### Financial expenditure by the Office of the Service Complaints Ombudsman 2016

Category	Spend (£)
Accommodation, IT, telecoms and facilities	£286,390
Casework management system	£143,261
Independent legal advice	£26,768
Office machinery, stationery and consumables	£38,796
Staffing <sup>1</sup>	£1,268,250
Staffing SCO <sup>2</sup>	£178,380
Training and professional membership fees	£22,568
Travel and subsistence	£29,095
<b>Total</b>	<b>£1,993,508</b>

### Casework Management System

Costs for the Casework Management System (CMS) were high in this reporting year as the SCC did not have an electronic CMS that could be carried over to the new system. As the Ombudsman has powers of investigation it was necessary to move to an electronic system that could manage the type and volume of casework that would be conducted by the OSCO.

### Independent legal advice

As the OSCO does not have any in-house legal staff all legal advice is obtained externally through the Government Legal Department (GLD). Legal advice is obtained on individual matters where the Ombudsman needs clarification on issues pertaining to jurisdiction or any other area concerning the application of her powers. The OSCO also engages with GLD where Judicial Review proceedings are initiated.

<sup>1</sup> Costs reflect the capitation rate for each post, i.e. the total cost of each position including pay, pension and National Insurance contributions.

<sup>2</sup> Cost reflects the total cost of the position of Service Complaints Ombudsman including pay, pension and National Insurance contributions.

## Appendix D – Events and visits

Prime Minister's Office, HCDC and Ministers		
Date	Engagement	Event/Venue
Quarterly	Meeting	Mark Lancaster MP, Minister for Defence Veterans, Reserves and Personnel
Feb	Meeting	James Gray MP, Chair of All Party Parliamentary Group for the Armed Forces
Royal Navy and Royal Marines		
Date	Engagement	Event/Venue
Apr	Event	Mountbatten Festival of Music
May	Visit	Visit to HMNB Clyde
May	Presentation	Naval Service Women's Network Conference
May	Visit	Visit to 45 Marine Commando, HMS CONDOR, Arbroath
May	Presentation	Naval Legal Services Spring Update
Oct	Event	Naval Legal Services Annual Dinner
Army		
Date	Engagement	Event/Venue
Apr	Visit	British Forces Germany
Jul	Visit	Army Headquarters, Andover
Sep	Meeting	BAME Focus Group
Oct	Visit	Preston
Nov	Visit	Accompanied JAG - Bulford Military Court
Nov	Visit	Royal Military Academy, Sandhurst
Dec	Meeting	Army LGBT Forum
Royal Air Force		
Date	Engagement	Event/Venue
Apr	Visit	Graduation Ceremony - RAF Halton
Aug	Visit	Gliding & Trenches - RAF Halton
Sep	Conference	Chief of the Air Staff Annual Leadership Conference
Nov	Event	European Diversity Awards, Natural History Museum
Tri-Service		
Date	Engagement	Event/Venue
Apr	Event	Babcock Trophy - Army v Navy Rugby
May	Presentation	MoD Women's Network South East
Jul	Visit	Joint Equality and Diversity Training Centre (JEDTC) Shrivenham
Sep	Conference	Service Prosecuting Authority Annual Conference & Dinner
Nov	Event	Armed Forces Christian Union - Service of Prayer for the Armed Forces

Prime Minister's Office, HCDC and Ministers		
Ombudsman/International Military Ombudsman/International Military		
Date	Engagement	Event/Venue
Jan	Meeting	Lt Gen Christine Whitecross, Commander Canadian Military Personnel & Ms Susan Truscott, Director General Military Research & Analysis
May	Conference	Ombudsman Association Annual Meeting and Conference, Dublin
Jun	Conference	Organisation for Security and Co-operation in Europe Conference, Berlin
Jul	Meeting	MP Hochbaum, Chairman of the German Select Committee for Arms Control and Member of Defence Select Committee
Oct	Conference	8th International Conference of the Ombuds Institution for the Armed Forces (ICOAF), Netherlands
Nov	Conference	11th International Ombudsman Institution (IOI) Conference, Bangkok
Media, Family Federations		
Date	Engagement	Event/Venue
Jan	Meeting	Chairman and Secretary, Forces Law
Apr	Event	Forces Law Annual Dinner
Apr	Event	New View Launch. Top 50 BAME Professionals with Public Sector, Parliament
Jun	Meeting	Roger Hardman, Head of Welfare, Soldiers, Sailors and Air Force Association
Jul	Event	COBSEO Reception
Jul	Meeting	West Indian Association of Service Personnel
Dec	Meeting	Martha Spurrier, Director Liberty
Sep	Meeting	Charles Byrne, Director General, Royal British Legion
Nov	Event	Army Families Federation Reception
Dec	Meeting	Controller SSAFA
Defence Conferences & Law Conference		
Date	Engagement	Event/Venue
Jan	Conference	Inspiring Woman Campaign
Oct	Conference	Justice Human Rights Law Conference

## Appendix E – Statistics

# Chapter 1: The work of the Service Complaints Ombudsman for the Armed Forces

### Complaints to the OSCO in 2016

This section summarises key trends regarding contacts made to the Office of the Service Complaints Ombudsman (OSCO), the referrals function and investigative powers of the Ombudsman.

The OSCO was established in January 2016 as part of wider reforms to the Service complaints system. All data for 2016 relate to the operation of the OSCO and the current powers available and as such are not direct comparable with any historic data which relate to the operation Service Complaints Commissioner (SCC).

Guidance on the Service complaints statistics process and key terms used can be found in the document 'Background Report – OSCO Annual Report 2016'.

#### Key findings:

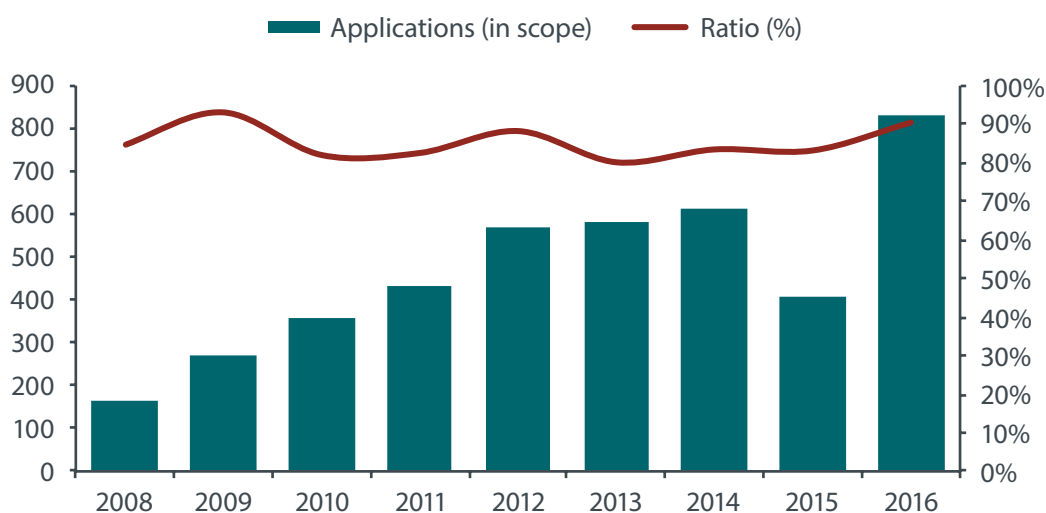
Sharp rise in contacts compared to SCC	The OSCO received 921 contacts, well above levels seen in the last year of operation as the Service Complaints Commissioner (SCC).
Referrals requests fell	Referrals fell by 23% compared to 2015, with 218 made in 2016 – making up 26% of requests.
76% of investigations completed on time	Of investigations which were accepted and reached an outcome, around three-quarters are cases were completed in line with OSCO timeliness targets.

### Contacts to the Office of the Service Complaints Ombudsman

During 2016 the OSCO received 921 contacts, this represents an increase of 89% compared to the last year of operation under the SCC (488).

Of the total contacts received, 90% were considered as applications within the remit of the Ombudsman's powers (in scope) – this ratio is consistent with that seen previously under the SCC ('potential complaints').

**Figure 1.1:** Applications (in scope) and ratio of contacts (%), 2008-2016





**Gender:** 18% of applications received by the OSCO were made by female personnel, an increase on the average seen under the SCC (15%). This continues to be disproportionate to the 11% female representation in the UK Armed Forces (regular and reserve)<sup>1</sup>.

**Rank:** Around half (45%) of all applications were made by Non-Commissioned Officers and Warrant Officers. Just over a quarter (27%) of applications came from Officers, an increase on the average seen under the SCC (22%). The increasing proportion of Officers contacting the OSCO is driven by requests under the new powers of investigation, where 41% of applications come from Officers.

### Referral decisions made by the Ombudsman during 2016

The number of referrals made by the Ombudsman fell by 23%. In total 218 referrals were made, accounting for 26% of all applications received in 2016. Almost all (94%) referrals were made within OSCO timeliness targets – a sharp increase on performance in 2015 (60%).

The remaining applications were:

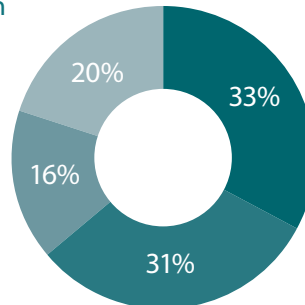
- not pursued due to lack of information (25%);
- not referred by the Ombudsman following a review (0.1%);
- ongoing (8%);
- applications for Ombudsman investigations (40%).

### Investigations

In its first year of operation the OSCO received 335 applications for investigation under the new powers of the Ombudsman. The majority of investigation requests relate to reviews of gateway decisions (33%) or undue delay (31%).

**Figure 1.2:** Request for investigation received by the Service Complaints Ombudsman by Service and request type, 2016

- Gateway
- Undue delay
- Maladministration
- Substance



Where a decision has been made, around two-thirds (62%) of requests were accepted for subsequent investigation by the OSCO. Following the receipt of a request the OSCO must decide whether the request falls under its jurisdiction and additionally for maladministration/substance cases an initial case review is carried out to ensure an investigation is proportionate and justified. The acceptance rate varies markedly by request type with maladministration and substance requests tending to see much lower acceptance rates.

The majority of requests received and accepted in 2016 have reached an outcome (97%). Of these around three-quarters (76%) of outcomes were achieved within OSCO timeliness targets.

Close to two-thirds (63%) of cases which have reached an outcome are upheld (fully or partially) in favour of the complainant. This varies by both Service and request type:

- investigations from Naval Service personnel are upheld in 38% of cases, lower than both the Army and RAF (both 68%);
- investigations into gateway decisions are upheld in around 50% of cases, the lowest rate by investigation type.

<sup>1</sup> UK armed forces biannual diversity statistics: 2016, Ministry of Defence

## Chapter 2: The Work of the Service Complaints System

This section provides an overview of Service complaints handled by the Armed Forces during 2016.

Relevant individual Service breakdowns are reported here where appropriate, however separate factsheets can be found on our website.

The Service complaints process changed on 1 January 2016, making it simpler and more streamlined with one instead of two levels of appeal. These reforms have necessitated changes to the data the OSCO are able to collect and publish regarding the work of the Service complaints system. Any figures relating to absolute levels from the previous Service complaints system have been removed and any comparison should be made with caution.

Guidance on the Service complaints statistics process and key terms used can be found in 'Background Report – OSCO Annual Report 2016'.

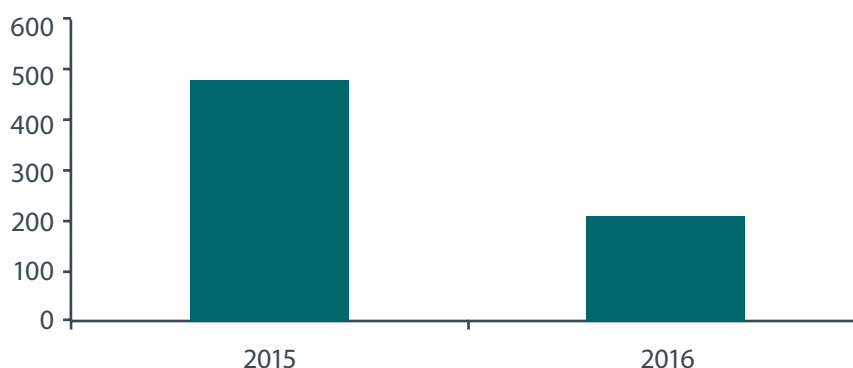
### Key findings:

Female and BAME personnel overrepresented as complainants	Female and BAME personnel continue to be disproportionately represented in complainant counts (21% and 10%) compared to the Armed Forces strength (11% and 7%). Bullying, discrimination and harassment continue to be a more common cause of complaints for these groups.
Legacy open complaints fell by 52%	Complaints submitted before reporting year and awaiting a response ('legacy') more than halved compared to 2015.
Services well short of 90% timeliness target	Tri-Service, 39% of complaints were closed within the 24 week target.

### Volume

During 2016 the Service complaints system received 890 complaints, of which 20% were deemed inadmissible by the Services and the remaining 80% entered the Service complaints process. Of those admissible complaints, 31% were closed within the year and the Naval Service achieved the highest in-year closure rate (45%).

**Figure 2.1:** 'Legacy' complaints awaiting a response



In-year closures accounted for around a third of all closures achieved by the three Services, with a total 772 cases closed (in-year and legacy). As a result the number of open legacy cases has more than halved (down 52%) from 480 in 2015 to 230 in 2016. The scale of the fall is driven largely by a 56% reduction seen in the Army, falling from 408 to 180 open legacy complaints.

**Box 2.1: Armed Forces Continuous Attitude Survey (AFCAS) 2016**

The volume of complaints alone does not necessarily reflect levels of 'wrongs' occurring within the Services – rather this reflects wrongs experienced by those willing and able to submit a complaint. The findings of the AFCAS survey can supplement the complaints data and provide a broader understanding of how Service personnel feel regarding fair treatment within the Armed Forces. The full report is available here: [www.gov.uk/government/statistics/armed-forces-continuous-attitude-survey-2016](http://www.gov.uk/government/statistics/armed-forces-continuous-attitude-survey-2016)

**Key findings:**

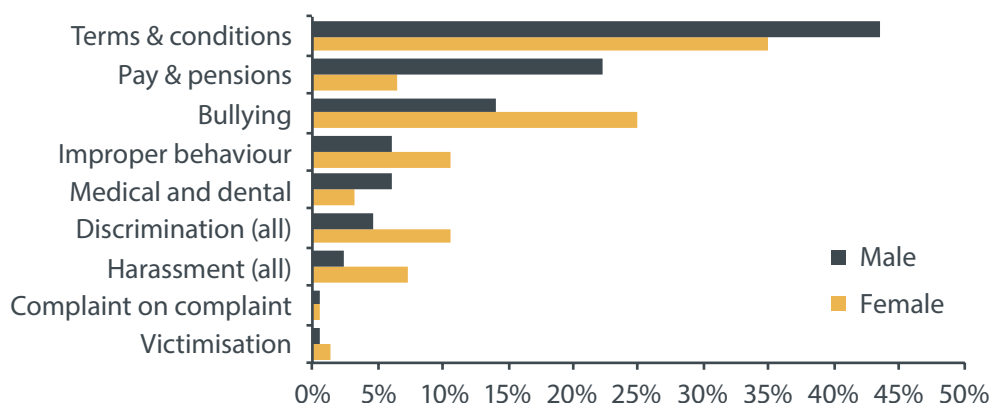
- Around 11% of personnel surveyed report experiencing bullying, harassment or discrimination in last 12 months.
- Of these only 9% go on to make a formal complaint regarding the experience – this varied across Services, with the lowest rate seen in the RAF (5%)
- The most common reasons given for not making a formal complaint were feeling that 'nothing would be done' (43%) and that complaining would adversely affect a respondent's career (38%).
- For those who did complain, most were dissatisfied with the complaint outcome (54%) and the time taken to resolve the complaint (60%).
- Awareness of the Service Complaints Commissioner<sup>2</sup> remained stable (73%) – with increases seen in all Services expect for small fall in the RAF.

The category of Service complaint is determined by the Services on receiving the complaint – each complaint has a single, 'primary' category. 'Terms and Conditions of Service' continues to be the most common complaint type, accounting for 42% of complaints received in 2016.

**Complaints by complainant demographic**

**Gender:** The proportion of complaints received from female personnel continues to be disproportionate to their representation in the UK Armed Forces (regular and reserve)<sup>3</sup>. Around 21% of admissible complaints were submitted by female personnel, despite making up 11% of the Service strength.

Bullying, discrimination and harassment were more commonly the cause of complaints received from female personnel. Around 43% of complaints from female personnel relate to these categories compared to only 21% for male personnel – this was true across all Services. Additionally, sexual harassment and discrimination were more commonly the reason for complaints being entered by female personnel (5%) compared to male personnel (1%).

**Figure 2.2: Complaints received by gender and type, Tri-Service, 2016**

<sup>2</sup> Data collection for AFCAS 2016 ran from September 2015 to February 2016. As the Ombudsman did not come into existence until 1 January 2016 AFCAS retained the reference to the Service Complaints Commissioner who was the oversight body at the time.

<sup>3</sup> UK Armed Forces biannual diversity statistics: 2016, Ministry of Defence

**Ethnicity:** The proportion of complaints received from BAME personnel (Black, Asian or Minority Ethnic) continues to be disproportionate to their representation in the UK Armed Forces (regular and reserve)<sup>4</sup>. Across all Services, 10% of complaints were entered by BAME personnel despite accounting for 7% of the UK Armed Forces population.

As with female personnel, bullying, discrimination and harassment were more commonly the cause of complaints received from BAME personnel compared to White personnel. Around 22% of complaints from White personnel relate to these categories compared to 61% for BAME personnel – this difference was true across all Services and most evident in the Army (24% for White, 63% for BAME).

### Handling of complaints

**AO allocation:** Almost all complainants (95%) who raised a complaint in 2016 had been offered an AO at the end of the year. Of these 13% declined an AO, this is a small decrease on the previous year (16%) and coincides with a small increase in complainant satisfaction with AO support reported in AFCAS 2016 (up 3 percentage points on the previous year to 39% satisfied).

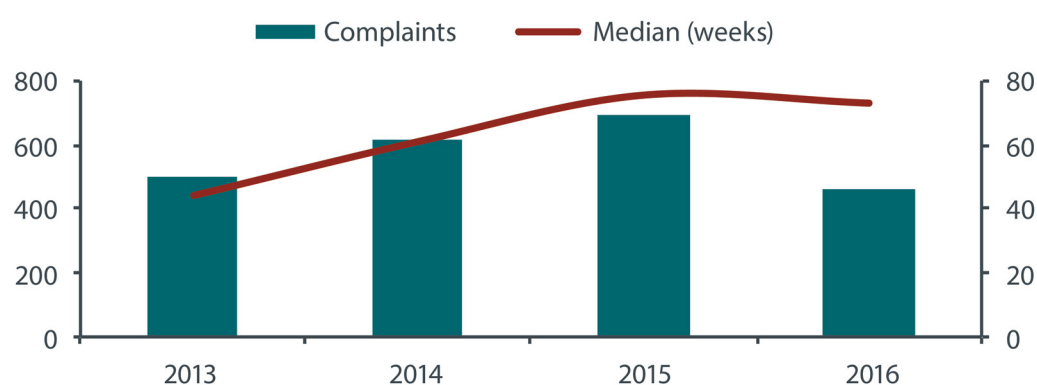
**Outcome:** Of all complaints decided during 2016 just over a third (35%) were not upheld in favour of the complainant – in line with proportions seen in 2015. Around 20% of complaint outcomes were withdrawn by the complainant or remedied pre-decision. The RAF had the highest relative level of withdrawn or remedied pre-decision outcomes, 26% compared to 11% in the Naval Service and 22% in the Army.

**Timeliness:** Tri-Service the percentage of complaints received and closed within the 24 week target period in 2016 was 39% - well short of the Ministry of Defence's 90% target. This varies markedly by Service, with the Naval Service showing the highest proportion of complaints closed within the target (57%) compared to the RAF (50%) and Army (25%).

**Red flag report:** In 2013, the then Service Complaints Commissioner introduced a new reporting system to provide better visibility of cases which had exceeded, or were likely to exceed, the 24-week target.

At the end of 2016 there were around 460 complaints open beyond the 24-week time target – this represents a decrease of 33% on the previous year. This fall was largely due to a 41% decrease in Army red flag cases at the end of 2016, down from 578 to 339. The Naval Service were the only Service to report an increase in red flag cases, up 58% on last year.

**Figure 2.3:** Red flag cases reported and average duration (weeks) by Service and type, 2013-2016



The time that red flag cases spent open has decreased (falling 3%), reversing a trend of consistent increases seen since 2013 – from an average of 76 weeks to 73 weeks. The majority (53%) of red flag cases were open for more than double the initial 24-week target. This has fallen by 17 percentage points on December 2015 (71%), with falls in the percentage of complaints open for 48 weeks or more seen across each Service to varying degrees.

<sup>4</sup> UK Armed Forces biannual diversity statistics: 2016, Ministry of Defence

## Appendix F – Directory of related websites on Service complaints

Further information on the Service complaints process, in the form of publications and/or statistics, can be found at the following sites.

### Office of the Service Complaints Ombudsman

[www.servicecomplaintsombudsman.org.uk](http://www.servicecomplaintsombudsman.org.uk)

The OSCO website contains copies of all past Annual Reports and statistical briefings concerning the Service complaints system in addition to publications and information concerning OSCO processes.

### Ministry of Defence

[www.gov.uk/government/organisations/ministry-of-defence](http://www.gov.uk/government/organisations/ministry-of-defence)

This site provides information on the organisations within the defence system, reports and data, and guidance.

### Ministry of Defence Service complaints information

[www.gov.uk/guidance/armed-forces-service-complaints-process](http://www.gov.uk/guidance/armed-forces-service-complaints-process)

The site provides information and guidance on the Service complaints process.

Details of Ministry of Defence Statistical and Research publications, most of which can be viewed online, can be found at: [www.gov.uk/government/organisations/ministry-of-defence/about/statistics](http://www.gov.uk/government/organisations/ministry-of-defence/about/statistics)

For historic publications, see the links to 'earlier volumes in the series' on individual publication pages.

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Further information on the individual Services covered by the Service complaints system can be found at:

### Naval Service

[www.royalnavy.mod.uk](http://www.royalnavy.mod.uk)

### British Army

[www.army.mod.uk](http://www.army.mod.uk)

### Royal Air Force

[www.raf.mod.uk](http://www.raf.mod.uk)

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Enquiries about this publication should be directed to:

### Media enquiries

020 7877 3438 or 07824 835695

[ExternalRelationsManager@servicecomplaintsombudsman.gsi.gov.uk](mailto:ExternalRelationsManager@servicecomplaintsombudsman.gsi.gov.uk)

### Statistical enquiries

020 7877 3452

[StatisticsManager@servicecomplaintsombudsman.gsi.gov.uk](mailto:StatisticsManager@servicecomplaintsombudsman.gsi.gov.uk)

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Contact details for individuals wishing to make an application to the Ombudsman or to find out more about the OSCO are:

### Website

[www.servicecomplaintsombudsman.org.uk](http://www.servicecomplaintsombudsman.org.uk)

### Email

[contact@servicecomplaintsombudsman.gsi.gov.uk](mailto:contact@servicecomplaintsombudsman.gsi.gov.uk)

### Phone

020 7877 3450

### Postal Address

PO Box 72252  
London SW1P 9ZZ

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