

Service Complaints Commissioner

Annual Report 2008

Efficiency

Effectiveness

Fairness

"Sometimes it can take
more courage to pick up
a pen than a rifle."

Our aim

To ensure all Service men and women and their families have confidence in the complaints system and are treated properly, by:

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

Our values

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



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Message from the Commissioner



Dear Secretary of State,

I am pleased to present my annual report for the first year of operations of the new Service Complaints System and for the newly created post of Service Complaints Commissioner, both of which came into being on 1 January 2008. The report provides an account of the exercise of my statutory functions and my assessment of the efficiency, effectiveness and fairness of the new complaints system.

I am acutely conscious of the background to the creation of my role and the responsibility I hold as a result. However, at the outset, I want to acknowledge that this responsibility is nothing compared to the heartache of some families, such as the families of those who died at Deepcut, and of the Service men and women who have been subjected to some form of improper behaviour. It has been my privilege to meet some of those people over the last year and I pay tribute to their determination that any lessons should be learned.

I firmly believe that a good complaints system should be not only a matter of individual justice, but also be a means for increasing operational effectiveness. The aim I set in early 2008, of ensuring that Service men and women and their families have confidence in the system and are treated properly, is based on that overarching principle.

As this is the first annual report and in the light of the public concerns which led to the creation of my role, I have included more background information than I anticipate being the case in future years. As well as an introductory overview of the Service Complaints System, I have also provided an overview of Ministry of Defence research on the complaints system and on the views of Service men and women of the incidence of bullying, sexual harassment and

discrimination in the Armed Forces.

This provides a baseline against which to measure progress.

I have found a genuine commitment by leaders of all three Services to tackle and root out all forms of improper and unacceptable behaviour. My report includes information on the second year of monitoring of the Services' performance as part of the agreement between your department and the Equal Opportunities Commission, now the Equality and Human Rights Commission.

I have reviewed the Service Complaints System against the Guide to Principles of Good Complaints Handling laid down by the British and Irish Ombudsman Association and conclude that the system is well designed to meet those standards. However, the experience of the first year has thrown up some areas for improvement, particularly in relation to accessibility, timeliness, communication and management information. Recommendations for action are included in my conclusions. The Services and your department have been very receptive to my emerging findings throughout the year. I am confident of their commitment to work together with my staff and me in these areas.

I would like to thank my small team and all those who have worked with me for their support and all those who have contacted me with their concerns. I am committed to ensuring that when things go wrong, Service men and women can have the confidence to speak out in the knowledge that their complaints will be dealt with promptly and properly.



Dr Susan Atkins

Service Complaints Commissioner for the Armed Forces

1 A New System of Service Complaints



This chapter explains:

- the background to the new Service Complaints System and an overview of how it works
- the role and responsibilities of the Service Complaints Commissioner
- the establishment of the Commissioner's Office.

Background

The post of the Service Complaints Commissioner (SCC) was created by the Armed Forces Act 2006 as part of the Ministry of Defence's (MOD) commitment to eradicate all forms of improper behaviour in the Armed Forces, particularly bullying, harassment and unlawful discrimination. This followed recommendations made by the Defence Committee in its Report on Duty of Care 2004–2005 and by Nicholas Blake QC, now Sir Nicholas, in The Deepcut Review (report) – his report into the deaths of four soldiers at Princess Royal Barracks, Deepcut, Surrey. The SCC role became operational on 1 January 2008.

The Armed Forces Act also introduced a number of significant changes to the Service Complaints System to make it fairer, more independent and more transparent. As well as establishing the role of the SCC, these include a new joint policy for the three Services and the introduction of Service Complaint Panels, with an independent member to consider some types of complaints on behalf of the Defence Council. Previously complaints that reached the Defence Council level were decided by the Board of the relevant Service on behalf of the Defence Council.

As was the case before 1 January 2008, a Service man or woman can make a complaint to his or her chain of command if he or she feels wronged in any matter relating to his or her Service life. This is referred to as a Service complaint. From 1 January 2008, any serving

or former member of the Armed Forces can also contact the SCC independently, as can their families, friends, MPs or anyone else on their behalf.

The role and responsibilities of the Service Complaints Commissioner

The role and responsibilities of the Commissioner are set out in the Armed Forces Act 2006 and the regulations made under it. The Commissioner's role is two-fold:

- firstly, to provide a rigorous and independent oversight of how the Service Complaints System is working and to report annually to ministers and Parliament
- secondly, to provide an alternative point of contact for Service men or women who do not feel they can raise a complaint with their chain of command without her oversight. Also, someone acting on a Service man or woman's behalf such as a member of their family, a friend or MP, can raise concerns with her.

The Commissioner has no powers to investigate those concerns herself. However, she can refer a concern to the relevant chain of command and maintain oversight of how it is dealt with. A concern only becomes a Service complaint once the Service man or woman makes a formal complaint to his or her chain of command. In some cases, referral of a concern through the Commissioner is

sufficient to ensure the matter is sorted out satisfactorily without the need for formal complaint proceedings.

The annual report

The Armed Forces Act 2006 requires the Commissioner to make an annual report to Ministers and Parliament on:

- the efficiency, effectiveness and fairness of the Service Complaints System
- the exercise of her referral function
- any other matters relating to the system or that function as the Commissioner considers appropriate or the Secretary of State directs.

The Commissioner has set priorities for the Armed Forces to deal with complaints:

- quickly
- at a level which can make fair decisions and make changes where things have gone wrong
- in a way that keeps all those concerned informed of progress and able to understand the decision and the reasons behind it.

Oversight of individual complaints

The Commissioner has statutory powers to refer to the chain of command allegations she receives from Service personnel of:

- bullying
- harassment
- discrimination and victimisation
- bias
- dishonesty
- other improper behaviour.

These categories are known as prescribed behaviour.



The referral will usually be sent to the Service man or woman's Commanding Officer – known as the CO. Where the allegation concerns or involves the CO in any way, for example, the allegation involves a termination decision made by the CO, the Commissioner refers the matter to the CO's line manager in the chain of command, the Superior Officer or SO. If the SO is alleged to be involved, the Commissioner refers the matter to the Defence Council to appoint an appropriate Officer to handle the case.

When the Commissioner has made a referral, the chain of command has a legal duty to provide regular reports to the Commissioner, as well as the complainant, on the handling and progress of these complaints and the outcome.

The Commissioner can also send other, non-prescribed allegations or concerns to the chain of command and ask to be kept informed of progress and/or the outcome. The Commissioner keeps in contact with

complainants and with third parties where families or others have written on behalf of a Service man or woman.

Ministers have given the Commissioner a right of access to them and Service Chiefs have extended that right to the Commissioner to approach them at any time with any concerns.

Referrals of Service complaints and how the chain of command should meet its statutory obligations are covered by guidance issued by the MOD in the Joint Service Publication 831 (JSP 831). However, much of the detail on how the Commissioner's role should operate was left open for the first Commissioner to shape.

The Commissioner's office

The first Commissioner, Dr Susan Atkins, took up post after a long career first as a lawyer, specialising in anti-discrimination law, and then as a public servant with a wide range of policy, management and casework experience, particularly in the fields of criminal justice, equality and human resources. An experienced chief executive officer, she has worked closely with a number of disciplined services, including the police as the first chief executive of the Independent Police Complaints Commission (IPCC). As a result, she understands how effective complaint-handling can support effective operational delivery.

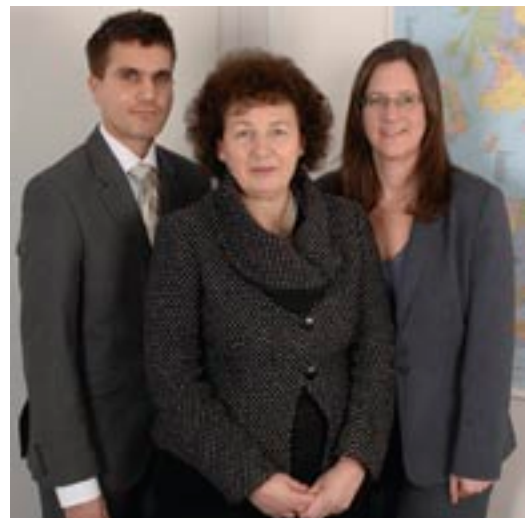
During 2008, Dr Atkins set up her independent office in a non-Defence building and recruited two full-time staff. Janet Hinchliff, head of casework, was appointed on secondment from the Department for Work and Pensions where she had gained a wealth of experience in managing staff and casework. Amit Nanda was appointed on

secondment from the MOD as executive assistant to the Commissioner. The Office has also required external assistance during the year on communications and one extra caseworker for a temporary period of three months. The Treasury Solicitor's Department provides legal advice independently of the MOD.

The Commissioner's Office is funded by the MOD and the accounts for the expenditure are included within the MOD accounts. A statement of expenditure is included at Annex 4.

The guiding principle is that where the provision of services could be perceived to encroach or influence the Commissioner's independence, the Office is funded for those services to be provided externally.

The MOD and the Commissioner's Office work together to ensure that nothing should be done which impacts or could be perceived to impact on the independence of her action or judgement.



Amit Nanda, Dr Susan Atkins and Janet Hinchliff.

2 Aims and Objectives



This chapter:

- sets out the aims, values and objectives the Commissioner has set for the Services and her Office
- explains the criteria by which she will judge the efficiency, effectiveness and fairness of the new Service Complaints System.

1. Introduction

The role and Office of the Service Complaints Commissioner

The referral function

The Armed Forces Act 2006 and regulations set out the basic functions and duties of the Service Complaints Commissioner. Guidance published by the MOD, JSP 831, spelt out in some detail how the Commissioner and the Services should operate in relation to the referral function. Much of the detail of how the Commissioner should operate in exercising oversight, and how the role could contribute to the reduction of bullying and other unacceptable behaviour, was left to the first Commissioner to develop.

The Defence Committee and The Deepcut Review (report) had also both considered the desirable functions and powers of an external oversight mechanism. The functions which seemed most compatible with the statutory framework governing the Service Complaints Commissioner role included:

- the ability to oversee unresolved complaints from Service personnel or their families, with access to all relevant Service personnel and paperwork to see that the investigation had been thorough, fair and effective

- the authority and capability to make recommendations
- the research capacity to enable it to examine trends
- the ability to make visits
- the duty to report annually to Parliament.

They also recommended that any oversight body should help the MOD identify lessons that needed to be learned and contribute to bolstering public confidence in the Armed Forces.

The duty to report on the Service Complaints System

In order to make an assessment on the efficiency, effectiveness and fairness of the Service Complaints System, I first had to decide criteria on which to make that assessment. My starting point was the Principles of Good Complaints Handling published by the British and Irish Ombudsman Association (BIOA) in 2007. Designed for the services provided by Ombudsmen or Complaints Commissioners, these principles appeared relevant to my assessment of the internal system, as well as to the good operation of my own office. The full BIOA report can be viewed at www.bioa.org.uk.

The seven key principles are:

- **clarity of purpose** – a clear statement of the scheme's role, intent and scope
- **accessibility** – a service that is free, open and available to all who need it
- **flexibility** – procedures that are responsive to the needs of the individuals
- **openness and transparency** – public information that demystifies our service
- **proportionality** – process and resolution that is appropriate to the complaint
- **efficiency** – a service that strives to meet challenging standards of good administration
- **quality outcomes** – complaints resolution leading to positive change.

I used these principles to guide the development of criteria by which to assess the new Service Complaints System.

2. Setting aims and objectives

From the BIOA principles and my own experience in the setting up of a new complaints system for the police service in 2003, I understood the importance of clarity of purpose. The Deepcut Review (report) and early discussions with Defence and Service personnel, with organisations supporting Service men and women and with families themselves, made me understand the importance of the new right for families and others to contact the Commissioner. At the same time I was also clear that to be effective and to get the support of an operational and disciplined Service, a complaints scheme has to be firmly focused on outcomes, not process, and on enhancing effective operations.



My aim was that the way the Service Complaints System, and my Office, operated should promote confidence in the chain of command and that the end result of effective handling of complaints should be that all Service men and women should be treated well, day in and day out, throughout their Service lives. I consulted on an overall aim, values and goals in early meetings with Ministers, Service Chiefs, Service complaints specialist staff and the All-Party Parliamentary Group (APPG) on Army Deaths, including some family members. The aims, values and goals shown in this report are the result of this consultation.

Aim

To ensure that all Service men and women and their families have confidence in the system and are treated properly by:

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

With the commencement of my post and the new Service Complaints System on 1 January 2008, it was likely that despite clear and comprehensive guidance, it would take some time for all of us involved in implementing the new system to get to grips with it. It was also possible that there could be discomfort and some uncertainty in the Services who were unused to having external independent oversight. There needed to be clarity not just of purpose but also of intent. For those reasons I drew up a set of values to provide a firm basis for the development of my Office and the handling of early cases.

Values

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

Objectives for the first year

The objective for the MOD and Services was to ensure that the new Service Complaints System was implemented effectively and in accordance with the Guidance found in JSP 831.

I set the following objectives for my Office for 2008:

- understanding the environment of the three Services, the military justice, complaints and redress systems and building sound working relations with key players across Armed Forces, Defence and others
- delivering good customer service to complainants, their families and the three Services
- designing and delivering a communications campaign to ensure widespread knowledge and understanding of the new system among Service men, women, their families, advisers and other key stakeholders
- working with Services to establish reliable recording systems and practices and getting agreement on baseline statistics
- establishing a robust case management system and process for the SCC based on best practice principles and ensuring effective integration of the SCC and Tri-Service systems
- establishing and communicating expectations and requirements, including recording practices
- delivering my first annual report on time.

3. Setting criteria for assessing the efficiency, effectiveness and fairness of the Service Complaints System

Shortly after taking up post, I sought to develop goals for the Services and my Office to achieve by the end of 2010. These would be based on what I judged were necessary if the Service Complaints System was to achieve the purposes Parliament and others expected of it, and for it to be judged to be efficient, effective and fair. The criteria should cover:

- timeliness
- communication
- impact
- justice.

Timeliness

Timeliness is a test of efficiency because a complaint that festers becomes harder to handle. A complainant who perceives their issue is not being handled in a timely manner is less likely to be satisfied with the overall handling of their complaint or their overall experience of the complaints process. This is also an important part of ensuring efficiency and smoothness in the running of an organisation.

Delays during the complaint handling process can have the following impacts:

- provide the opportunity for misunderstandings to grow
- allow positions and perceptions to harden and become entrenched
- make a complainant feel they are not important and lead to perceptions of bias
- impact adversely on a person complained about

- run the risk that the complaint will escalate
- make restoring good working relationships much harder to achieve.

Communication

Good communication can enhance both efficiency and effectiveness. Enabling a potential complainant to articulate clearly and fully the exact grounds of a complaint can ensure that all matters are clear from the outset and provide an opportunity to spot and quickly resolve any complaints that arise from misunderstandings. A complaint that gets off to a bad start can antagonise all parties, for example, by leading to a lack of confidence in the system on the part of the complainant, a perception that the complainant is changing his or her mind (and at worst, therefore maliciously motivated) and a waste of investigative resources.

Confidence in the chain of command is essential to a system based on the chain of command, if it is to be efficient (for example, not encourage escalation of complaints) and effective (for example, lead to acceptance of fair decisions). It was important for the Armed Forces to implement the new system in a way that bolstered confidence in the chain of command and for me to be clear about my expectations of the Armed Forces in this regard, particularly given the apprehension expressed by some in Parliament over the provision in the 2006 Act excluding those with a military background from appointment as Commissioner. I was also clear that without compromising my independence of judgement or rigour of oversight, my focus should be to seek to add value and not detract or deflect Service effort.

Clarity of what the complainant wishes to happen as a result of the complaint is also important. If the redress sought is outside the authority of the CO, the complaint should be elevated quickly to an appropriate level. It is also important to know if an individual is motivated by altruism. In my experience, the tipping point for someone making a complaint, particularly in a culture that discourages complaining, is often a desire to stop the same thing happening to someone else. On an early visit to a Service unit, a CO showed me an example of such a case which had taken over a year and exhausted all three levels because those handling the complaint disbelieved altruism as the only motive for the complaint. An effective system is therefore one where the desired outcome is clear and any lessons can be identified and action taken to prevent further complaints arising.

An effective system is also one where any complaint is resolved at the lowest appropriate level. If the complaint is not upheld, an effective system enables the complainant to understand the reasons for the decision and make an informed decision whether to take it further. Good communication between the person who decides a complaint and the complainant is vital on this point.

Finally, good communication on the progress of a complaint is important to sustain confidence in the complaints system. Fears and suspicion can grow in the absence of information. The MOD and the Services recognised this. The new system means COs are required to provide the complainant and person complained about updates on the progress of a case every 30 working days, if the complaint has not been resolved within that time.

Early informal discussions with serving and former members of Service Boards suggested that a substantial proportion of complaints – up to a third – which reached that final level could and should have been resolved at the first level. This confirmed my view that timeliness and good communication were key criteria by which to assess the efficiency and effectiveness of the system. The new system has set hard quantitative measures for both.

Impact

Timeliness and communication are process measures and do not themselves provide any measure of effectiveness by way of reducing the harm of bullying, harassment and discrimination that had been at least in part behind the establishment of the new system, including the Commissioner's role.

In the same way that recorded crime does not necessarily provide an accurate picture of crime in the UK, the evidence from a number of surveys conducted by or on behalf of the MOD between 2005 and 2007 showed that the level of recorded complaints about bullying and other types of improper behaviour did not provide an accurate picture of unacceptable behaviour in the Armed Forces. One finding of these surveys concerned the importance of telling someone if anyone was suffering bullying and harassment. The Services could not take action if they did not know about a problem. Another finding was the low levels of confidence in the complaints system held by those who said they had suffered from unacceptable behaviour. I therefore set a further criterion for assessing effectiveness: reducing the gap between reports of bullying and harassment and recorded complaints.

Justice

My assessment of fairness in relation to the handling of individual complaints I oversee would be measured by assessing whether:

- procedures were followed correctly
- the decision was within the bounds of reasonableness, based on all the evidence.

However, assessing whether a system is fair requires more than looking at individual cases. For example, a case may have been decided after following all the procedures laid down but if those procedures are themselves unfair, there may have been injustice. One test is whether as a whole, the system is felt to be fair. Another is the extent to which potential users have confidence in the system. The first five of the BIOA principles provide criteria by which to make a systematic assessment of fairness in this wider context. In this first year I looked to the cases for which I took oversight to provide me with an indication of the fairness of the system.

Measurement

It quickly became clear that as a result of the introduction of a new data recording system, there was some uncertainty as to the reliability of the data on recorded complaints. The problem appeared to be more than simply lack of familiarity with a new system. Access to reliable data is a prerequisite for an efficient complaints system. Lack of management information based on reliable data could undermine my strategic aim of using the complaints system as a management tool for organisational and operational improvement. The need for a system for recording complaints, which is used by all correctly, and produces statistics in which everyone has confidence, is fundamental.

As a result, I set strategic goals to provide a focus for the Services and my Office in implementing the new system. These will be of great help in judging the Service Complaints System at the end of my three-year term of office.

Three-year goals

- complaint recording system used by all correctly and consistently with statistics that can be relied upon
- 90% of complaints completed within JSP deadlines
- complainants, their representatives where appropriate and those complained of kept informed and provided with full reason for decision
- complaints dealt with correctly first time, quickly and effectively at the appropriate level to provide redress
- substantial and significant evidence of improvement in individual confidence in the system and of lessons implemented
- closing the gap between reported levels of unacceptable behaviour and recorded complaints
- Service Complaints Commissioner judged by Services, Ministers and Parliament to be playing an effective part in assuring the proper treatment of Service personnel.

This first annual report accounts for what I have done against the objectives I set and the cases I have overseen following contact with my Office. It also sets out my assessment of the efficiency, effectiveness and fairness of the Service Complaints System during the first year of operation. It provides an independent view on the extent to which the Services are upholding good standards of handling complaints and makes some recommendations for improvement.

3 Delivering the First Year Objectives



This chapter reports on the actions I have taken in relation to:

- setting up my Office
- publicising my role
- working with the MOD and Services on implementation of the new Service Complaints System.

For ease of reading, activity is presented here under the objective to which it has contributed most.

Understanding the environment of the three Services, and the military justice, complaints and redress systems

During my first few weeks I met with Ministers, senior officials and Service Chiefs. I visited the headquarters of each Service and met key personnel. At the MOD I was briefed on the activity undertaken since 2005 on policies and procedures on bullying, harassment and discrimination. It was clear from my discussions that they took this area seriously and were genuinely seeking ways to ensure policies were implemented fully and the experience of Service men and women improved.

I was given access to and extensive briefing on the work of the Defence Individual Training Capability (DITC) team, an internal joint inspectorate outside the chain of command. Formed in 2006, DITC has a programme of inspections to cover all Service training units and centres by 2009 including but not limited to bullying and other equality and diversity issues. This provided an extremely useful introduction to Service culture, training operations and issues of potential concern. When I have visited training establishments during the year, I have been able to explore with the CO actions taken and progress made since the

last DITC inspection. During 2008, DITC developed an online mechanism for recording recommendations, examples of good practice and a self-assessment check list to be used by Services as a tool for continuous improvement.

At a meeting with the All-Party Parliamentary Group (APPG) on Army Deaths in February, I met some of the families who had lost relatives in the Services. These meetings and early meetings I had with a number of organisations supporting and helping Service men and women, such as The Royal British Legion and Combat Stress, were important to gain an external perspective on the importance of my role, the issues and challenges involved and how I might add most value.

From previous experience elsewhere, I knew I would begin to understand the life of the different Services only by going out and about to meet them in their places of work. This was particularly important if I was to have credibility with the Armed Forces and persuade them of the potential of the complaints system as a tool for delivering improved operational effectiveness. One of my first visits was to the Army training establishments at Deepcut. I was particularly keen to hear first hand from the current CO about changes that had been made since The Deepcut Review (report) and his assessment of the situation at the barracks, particularly with

regards to waiting times for starting Phase 2 training, instructor recruitment and practice on guarding. Part of my purpose was to understand more fully the circumstances of the tragic deaths of four soldiers between 1995 and 2002. I also visited the feeder Phase 1 training establishment at Pirbright, where I met families and trainees after their passing out parade.



The Commissioner meeting families after a passing out parade at Pirbright.

Over the year I have spent around a quarter of my time visiting personnel across all the Services, in England and on operations in Afghanistan. I plan to make visits in other countries of the UK, in Germany and Cyprus during 2009. The establishments I visited during 2008 are listed at Annex 3.

The purposes behind the visits programme were:

- to understand the nature of military operations and the similarities and differences between the Services
- to meet a variety of different Service men and women – in different ranks, Service families and groups, trades, types of unit and at different stages of their career, including recruit trainees
- to understand how Service life and discipline differed from civilian life

- to see how the complaints system operated in practice and explore attitudes towards the making and handling of complaints
- to see how welfare and external support services worked
- to get the message out about the Service Complaints Commissioner and explain my role, not just to Service men and women but also to their families and people whose role is to provide support.

During a visit to a Service establishment I meet the CO and members of his team (to date I have not met a woman CO). I talk to Service men and women of different ranks in small groups, nearly always on my own and without any senior personnel present. I also talk to the padres, welfare officers, personnel from the Women's Royal Voluntary Service (WRVS), HIVE (an organisation providing information for Service personnel on bases and camps) and others to whom Service men and women go for information, advice and support. I do not discuss individual cases but I do ask to see the anonymised complaints logs that COs are required to keep and review monthly. I also like to talk to those who administer complaints about their expectations, practices and experiences of the complaints system.

From these visits I found a commitment across the Services, both at the top and at individual training establishments to ensure that Service men and women were treated well. COs appeared to take their responsibilities towards equality and diversity complaints seriously and could talk to me with knowledge of ongoing diversity complaints. Very few had the same knowledge of other complaints, although I was impressed with the CO who used his monthly senior management meetings to monitor anonymised information

on all formal Service complaints as part of a strategic attitude towards using complaints for improvement. I would commend this good practice to others. Other instances of good practice included regular duty of care case conferences, although in some units there had been concerns about too wide a membership and the balance between privacy and duty of care.

Many of the Service men and women I met knew how to make a complaint but there was general reluctance to use the system. For some of those who had, the lack of timeliness and updates on progress were key issues, particularly for those about whom a complaint had been made. Very few had heard about the role of the Service Complaints Commissioner before I arrived, including in some units some of the welfare personnel. Having taken a deliberately low-key approach to the launch of my role (to avoid overwhelming my Office until I had staff and tested procedures in place) this was understandable at the start of the year. Unfortunately this was also the case in some of the establishments I visited in the second part of the year after distribution to all Service Units of an easy-to-read summary of the complaints system by the MOD and a leaflet from my Office on the Service Complaints Commissioner role.

Understandably, given the public format, even in small groups, the issues that were raised with me during visits were about practical matters, such as food, housing, benefits for unmarried couples or non-custodial fathers, rather than bullying or other types of unacceptable behaviour. Where issues were raised on visits I fed these back to the chain of command unless specifically asked not to do so.

In order to get a broader understanding of the military justice system I have visited the Judge Advocates office, a military court and the Military Corrective Training Centre in Colchester. I have also had discussions with Service lawyers and the incoming Director of Service Prosecutions.

I have also accepted a limited number of invitations to Service events, as part of my education in Service life and culture. These are noted in Annex 3.

During the year I have talked to and met a number of individuals who hold similar positions to mine overseas. This includes meeting the German Defence Ombudsman twice; first as part of a visit to Berlin in May to learn more about their system of external oversight which has been in place for 50 years; and then hosting his visit to the UK particularly to learn more about the British Army's training of Officers around the Army's values and standards. I also met the Australian Inspector General and the Armenian Defence Ombudsman during their visits to London. These discussions have been valuable in deepening my understanding of the different functions of external oversight mechanisms internationally, outlined by the Defence Committee.



The Commissioner visiting the German Defence Ombudsman.

Building sound working relationships with key people, particularly in the MOD and Armed Forces and those who support and advise Service personnel and their families

Early meetings with key Service personnel proved an excellent way for me to consult and share expectations and help smooth the introduction of the Commissioner's role in the new system. The staff of the three Service Secretariats and the MOD Central Secretariat have all worked hard to ensure that the Services have had the guidance and support they needed. I have continued to meet Secretariat personnel in Service HQs and collectively twice during the year to review implementation, share good practice and iron out any glitches. I have been particularly supported in this by MOD Central Secretariat staff who fulfil a liaison function between my Office and the Secretariats. The Central Secretariat staff meet their Service colleagues quarterly and have used feedback from these meetings to make minor clarifications to the guidance JSP 831 during the year.

Part of the way I can add value is by acting as an independent sounding board for the development of policy as well as providing feedback on the implementation of agreed policy. Service Chiefs have kept me informed and consulted me on relevant issues throughout the year. I have built good working relations with the top Officers who are responsible for personnel issues: the Adjutant General, Second Sea Lord and Air Member for Personnel. The first two of these posts have changed incumbents during the year but with no lessening of commitment. I have attended three meetings of the Service Personnel Board

chaired by the Deputy Chief of Defence Staff (Personnel), a meeting of the MOD Equality and Diversity Board, chaired by the Permanent Secretary; and a meeting of the Executive Army Board chaired by the Chief of the General Staff. These have also been useful for getting understanding and dissemination of my priorities and expectations from the very top.

My induction programme included meeting a wider range of Service personnel, including heads of the Service legal branches, inspectorates, and other specialists, for example, in medical services or police. I have also met the heads of support agencies and established twice yearly meetings with the Chief Executives of the three Service Family Federations. These have been invaluable to me and my staff, not only to broaden our understanding of the issues and problems encountered by Service personnel but to enable my staff to direct those who contact my Office with a matter that is outside my scope. In addition, a number of Service personnel have contacted my Office after being advised to do so by these agencies, particularly The Royal British Legion and members of the Forces Law network.

Delivering good customer service to complainants, their families and the three Services

Information about the role of the Service Complaints Commissioner and the new complaints system was posted on the Ministry of Defence website on 3 January 2008, giving information about a postal and email address for contacting the Commissioner. During 2008, the MOD added a Service complaints profile on the Defence Intranet which provides advice, useful contacts and links to the SCC's website. From 2009, telephone

contact for the SCC's office will also be promoted.

Because of the three-month time limit for Service complaints, from the outset, I set a target of five days for a decision to be made whether to refer and a referral letter being sent to the relevant Service. In practice that has been very difficult to achieve. In many cases, the initial contact does not provide all the necessary information, although use of the tick box form on the website and the distribution of leaflets during the year have helped in this regard. Cases are therefore prioritised where there is a potential risk of a complaint being judged out of time. Cases have also been referred in less than five days if the complaint was about action that was being taken, potentially to the detriment of the Service man or woman, within that time frame.

Security and confidentiality are of key importance. My Office works to Government security standards and procedures. **All contacts with my Office are treated as being made in confidence.** Where a family member or someone else contacts me on behalf of a Service man or woman, we make sure that the Service person is aware that they have written and has agreed to their concern being referred or sent to the chain of command. We also explain how the complaint system works and what the Service man or woman should expect to happen next. The website and leaflets explain that the only exception to a referral without that agreement would be where it appears there is an imminent risk of harm and that, even then, we will try our utmost to reach the person who has contacted us before referral. That situation has only occurred once and in that case we were able to make contact before

referral. We were also reassured that the chain of command was aware of the potential risk and was providing the necessary support.

Referral letters provide a brief summary of the allegations made to us to assist the chain of command. In some cases, where the person contacting us has sent helpful background material, we will also forward this with the consent of that person. On occasions a Service man or woman has sent us a completed Service complaints form (to be found at Annex F to JSP 831). In those cases we will include that form with any referral to the chain of command.



The Commissioner meeting troops in Kandahar, Afghanistan.

My Office also contacts those who have written to us when we receive an update or decision letter from the chain of command on their Service complaint. We explain what we have been told and ask for their views. Where a decision has been made, we ask if they are content not to take the complaint further. If the individual is not satisfied we explain how they can ask for their complaint to be considered by a higher authority.

As the system was new, no one in the MOD or Services could provide an estimate of the likely numbers of cases my Office would receive. We started the year with three to four new cases a week. On the strength of the first

two months handling of cases, the MOD agreed to two full-time, rather than part-time staff for my Office. By October, the number of initial contacts had grown to five per week and we were experiencing difficulties in giving all the time they required. The MOD agreed to two additional members of staff but there have been delays in being able to start recruiting these staff due to uncertainties arising out of MOD restructuring. Agreement has now been given to recruit for one of those posts and for a second post, subject to an efficiency review, from April 2009. We have therefore tried to prioritise new cases and referrals and triage ongoing complaints.

Establishing a robust case management system and processes for the SCC based on best practice principles and ensuring effective integration of SCC and Tri-Service systems

Casework processes for the SCC's Office, based on good practice and complementary to JSP 831 processes, were put in place for 1 January 2008. These were refined in July on the experience of the first six months, legal advice on the SCC's powers on a number of issues arising from early cases and after consultation with the central and Service Secretariats. The SCC's powers in relation to existing Service complaints were clarified. The Commissioner can refer any allegation of prescribed behaviour and that referral imposes a duty on the chain of command to keep me informed. I have used this power in relation to Service complaints already within the system as an alternative to the complainant making a new complaint as regards the handling of their original complaint, where it seemed to me to be

a more effective and efficient way to give the complainant confidence in the complaints system.

Automation of our case management system would have efficiency gains, not least in the production of management information. This is a priority for 2009, subject to the provision of adequate staffing and other resources.

I have had to put on hold plans to undertake sample audits of complaints, as part of my assessment of the fairness of the complaints system. Originally I had intended to conduct a sample of a small number of completed complaints which had been the subject of correspondence from complainants with my Office during 2008. Any plans to do so in 2009 are dependent on the timely arrival of additional staff.

Designing and delivering a communications campaign to ensure widespread knowledge and understanding of the new system among Service men, women, their families, advisers and other key stakeholders

A communications strategy was agreed early in the year. Delivery has included the development of my own website – <http://armedforcescomplaints.independent.gov.uk>; inclusion of the Commissioner on the MOD, Services and Direct.Gov websites; the distribution of leaflets to all Service units between July and August 2008 and to all MPs in the Westminster Parliament and Devolved Parliaments/Assemblies; a note in the August Service pay packets; and articles in Defence and Service journals, support agency journals, Families Federation newsletters and journals

and The Royal British Legion journal. In addition, I have met party spokesmen and chairs of Defence-related groups in the Westminster Parliament.

Where Defence or Service leaflets and information pamphlets were being revised, the new versions mention the Service Complaints Commissioner role. These include a revised Defence booklet on harassment and bullying, and the information sent to all Army recruits and their families. An additional set of questions included in the Armed Forces Continuing Attitude Survey (AFCAS) for 2008, at my request, included a question about awareness and understanding of the Commissioner's role. The AFCAS is sent to nearly 25,000 Service men and women annually.

Establishing and communicating expectations and requirements, including recording practices

My regular meetings with Service Chiefs, the Service Personnel Board and Secretariat staff have been critical in ensuring my expectations were well grounded and disseminated effectively. I have used standard paragraphs in referral letters to explain what is required of the chain of command and to point them to the relevant guidance. I have emphasised the need to meet the complainant, explain how to make a complaint and provide an Assisting Officer to help them do so. Service Secretariats have also played a key role in this regard.

One concern was around levels of recorded complaints and inconsistency of recording practice – for example, some COs not recording complaints that were upheld, withdrawn or otherwise resolved or only doing so when a dissatisfied complainant asked for the matter to be referred up the chain of command.

For that reason my referral letters emphasised the need to record every complaint that is made.

I have also spoken at a number of conferences and briefing days on the new complaints system, including a number of conferences for MOD and Service lawyers and for Service personnel specialists; a conference of all Army Regimental Sergeant Majors; a Conference of all COs and senior members of the Army's Recruitment and Training Division; and a conference of Chairs of Independent Advisory Panels and COs of Army Training Establishments.

Working with Services to establish reliable recording systems and practices and getting agreement on baseline statistics

In 2007, the Navy and the Army joined the RAF in recording all Service complaints on the Services administration system, known as Joint Personnel Administration (JPA). JPA provides a consistent, simplified personnel and online system for all Service personnel.

During my induction visits I was told that the fact that complaints were to be recorded on JPA might in fact be acting as a barrier to Service personnel making complaints. The concern was around the number of people who had access to JPA records, allied to the fear of adverse consequences from being known to have made a complaint. The MOD took swift action to limit the numbers of 'super-users' and remove their authorisations to protect confidentiality.

From early discussions with MOD officials and the Services it also became clear there were problems with the consistency and reliability

of JPA Service complaint statistics which could impact on their use in my annual reports. A check of JPA records against known Service complaints revealed that there were omissions and inaccurate recording of data. As a result, I reminded the Secretariats and COs in referral letters of the importance of recording all Service complaints on JPA. During the past year, monitoring of JPA records against known referrals indicated that there were still problems, particularly in the Army. The Army Secretariats worked hard with units during the year on this and end of year case figures from the Services suggest a significant improvement. However, there is still no means for the Secretariats to check that the numbers of complaints recorded on JPA accurately reflects the numbers of Service complaints made.

The next action I took was to request an audit of the JPA Service Complaints Process to review design and use of the system and to make recommendations for improvement. The MOD's Defence Internal Audit team, which reports directly to the Permanent Secretary, conducted that audit for me and reported in the summer of 2008.

The Audit found that all three Services continued to use the systems they had in place before the JPA module was introduced, not because of a reluctance to use the system per se, but because the existing systems often provided additional functions currently not available on JPA. There were also a number of potential limitations, which impacted on efficiency and effectiveness.

As an off-the-shelf, rather than bespoke system, the JPA complaints module was not specifically tailored to the needs of the Service complaints system. Indeed, its introduction pre-dated much of the work on the new Service Complaints System. The audit found that users perceived the complaints module to be non-intuitive, clunky and difficult to use. For example, data fields did not correspond to the new Service complaints terminology and there was a lack of easily accessible, detailed guidance. The terminology was upgraded in the JPA refresh in November 2008.

The JPA system is primarily a data recording system and therefore primarily of use to Service HQs, rather than local users. Indeed its major use, in the complaints system, was to



ensure that Level 3 (the Service Boards), had all the information they required to decide complaints referred to them for final decision. Although it was possible to use the JPA module for case management, the Services were not doing so and cases were being processed using traditional paper-based methods. This double handling meant that JPA was seen to be an additional burden. The fact that it was possible for Units to process and resolve complaints without recording them on JPA raised doubts about the accuracy and completeness of the JPA statistics, as did the design of the JPA module, with a lack of mandatory fields, a reliance on free text and lack of inbuilt controls.

Having a reliable recording system, which is being used correctly and consistently and in which everyone has confidence, is a precursor to an effective Service Complaints System. The chain of command, Service HQs and the Commissioner need a system from which to spot trends and areas of concern and which can be interrogated to find best practice. Without this, the capability of the system to promote organisational and operational improvement may be very limited.

The Audit Report concluded that the use of JPA was incomplete and inconsistent and the ability of the three Services to have a firm grasp on the Service complaints being made was very limited. It made five recommendations, the first two to be taken forward as a matter of urgency and others to be introduced to achievable timelines. The Commissioner will liaise with the MOD throughout 2009 with a view to ensuring these recommendations are implemented.

Audit recommendations

- a forum for Service complaints, made up of Service users, policy officials and providers, should be set up to identify issues/problems, develop business solutions, facilitate the spread of good practice and, where practicable, promote a Tri-Service approach to improving the business processes associated with Service complaints
- the JPA complaints process should be reviewed by a joint user/policy/provider team, in order to identify technical improvements to the system which could help to address usability and data management issues
- responsibility for providing support to the units, ensuring they comply with the JSP and fully maintain JPA should be formally allocated to the Single Service Secretariats (RN, RAF) and to Brigade/Div HQ (Army). Implementation of this recommendation would need to take into account the resource implications from the additional work
- where an individual submits a written Service complaint, a notification should be provided to the individual confirming that the complaint has been recorded on JPA. The requirement should be made clear in JSP 831
- units should be required to provide returns for general complaints similar to those provided for Equality & Diversity (E&D) cases, including 'nil returns'. This would reduce the risk that Stage 1 complaints are not recorded on JPA, and provide statistical information to MOD, the SCC and the Services themselves.

The MOD accepted the findings of the Audit Report and the first four recommendations. A working group to oversee their implementation was set up in November 2008 and had completed the technical review of business processes and JPA requirements by Christmas. This work is being taken forward in conjunction with the development of a possible new JPA module for E&D complaints, which was originally due for introduction in November 2008 and which shared many of the defects of the main Service complaints module.

The MOD rejected the fifth recommendation on the grounds that providing the existing E&D returns is a labour intensive, manual process that creates lots of paperwork. Asking units to produce a paper return in addition to entering cases on JPA would be counterproductive to the goal of having a single, effective, end-to-end system which efficiently provides reliable management information.

I support that aim and have accepted the MOD's reasons for not implementing the fifth recommendation at this stage. However, I believe the systemic weakness remains, as does the need for good management information on all Service complaints to support proactive management at unit, as well as higher levels. The work by the MOD and Services on upgrading JPA should include the ability to meet this recommendation without these adverse consequences.

Because of the lead-in times, I am told it now seems unlikely that any changes to JPA will be operational until early 2010. In the meantime, COs should minimise the impact of the systemic weakness by taking oversight of all Service complaints as an integral part of their management practice.

The MOD will report to me regularly on progress and the recommendations have been added as a standing agenda item for the three meetings of the Service Personnel Board I attend during the year. I have made clear the priority I attach to this work and am requesting a second audit in July 2010.

Delivering the first annual report

The 2006 Act requires the Service Complaints Commissioner to produce a report to ministers annually for the calendar year: to end of December each year. In order to support confidence in my independence, it was important that any communications support with the annual report should not be provided by the MOD but procured externally. A contract was let in summer until the end of the financial year 2008–2009, when it will be re-tendered. The MOD, on behalf of the Secretary of State, was shown the report in draft to check against the risk of damage to national security or to individual safety, as provided for in the Act. The MOD has exercised these powers in relation to choice of photographs but not in relation to the text.

4 Establishing a Baseline



This chapter looks at the evidence of the harm the Service Complaints Commissioner's role was set up to help tackle.

As background to the report of the first year, it provides information on the perception of Service men and women of:

- the extent and impact of bullying, harassment and discrimination
- the complaints system.

1. Introduction

In 2007, the MOD conducted a number of surveys which included questions about bullying, harassment and discrimination in the Armed Forces and asked Service men and women about their experiences of using the then Service complaints system. These surveys were:

- Armed Forces Continuous Attitude Survey (AFCAS)
- Recruit Trainee Survey (RTS) 2006/7
- surveys on sexual harassment in the Armed Forces.

As these surveys were going to be repeated on a regular basis, they provide the means for assessing over time any changes in the incidence of unacceptable behaviour and in confidence in the complaints system.

2. Perceptions of bullying, harassment and discrimination

Armed Forces Continuous Attitude Survey (AFCAS)

Following several years of separate personnel surveys by the Services, the 2007 AFCAS conducted a consistent survey of Service personnel for the first time across all three Services. The MOD's aim was:

“to consider the views and attitudes of Service personnel on a tri-Service basis and so test the effectiveness of current policy and inform our personnel strategy over the coming years.”

Source: Armed Forces Continuous Attitude Survey 2007 Results, published by the Ministry of Defence.

The 2007 questionnaire was sent to a random sample of 24,760 Service personnel from the Navy, Royal Marines, Army and RAF, stratified by rank and Service. The first distribution of the AFCAS took place between July and October 2007, ie before the new complaints system was introduced. Across the Armed Forces, a total of 8,857 questionnaires were returned, representing a response rate of 36%. The highest overall response rate was received from the RAF, with a 43% return rate.

The 2007 questionnaire covered a wide range of aspects of Service life, including views on improper behaviour and the complaints system. All results below are taken from the full report which can be accessed on the MOD Freedom of Information website at: www.mod.uk/DefenceInternet/FreedomofInformation. Tables referred to in the text can be found at Annex 1.

Perception of bullying

The majority of respondents reported they had not been bullied over the previous year. A minority of respondents said they had (9% of Army and Navy respondents, 7% of RAF and 4% of Royal Marine). Across the Services, Officers were less likely to report bullying than other ranks but reporting levels by rank differed across Services. In all, 7% of Naval Officers and 6% of RAF Officers believed they had been bullied, compared to 4% of Officers in the Army and 2% in the Marines. The highest levels of other ranks who believed they had been bullied were in the Navy (10%) and Army (9%), compared to 8% of the RAF and 5% of Marines.¹

Perception of harassment

Similar patterns were reported in relation to harassment, with the majority of people in each Service stating they had not experienced harassment in the previous 12 months. The levels of those reporting experiences of harassment were slightly higher than for bullying, with respondents from the Navy and Army reporting highest levels of overall harassment (Army 11%, Navy 10%, RAF 8% and Marines 6%). Again there were differences by rank, with more junior ranks reporting more harassment, as well as differences by Service. The difference between Officers and other ranks was most marked in the Army and least marked in the RAF, with RAF and Navy Officers more likely to report harassment than the other Services. The figures on type of harassment are also informative, with harassment on the grounds of gender and social background apparently more common than sexual orientation or religion. For all Services, harassment on 'other grounds', ie not specified, is the most prevalent.²

¹ Table 235 at Annex 1.

² Table 234 at Annex 1.

Perception of discrimination

Although the majority of respondents reported that they had not been subject to discrimination, the numbers of those who indicated they had suffered such an experience was higher than for bullying and harassment. The response rates across the Services showed that 18% of Army respondents, 16% of respondents from the Navy, 15% from the RAF and 10% from the Marines stated they had experienced some form of discrimination over the previous year. Gender, race and social background were three of the most common reported grounds (accounting for between 1% and 4% depending on Service and rank). However the most commonly reported ground was 'other', accounting for 9% of respondents from the Army, 8% of RAF and Navy and 6% of Marines.³

Recruit Trainee Survey (RTS) 2006/7

Service men and women can undergo training at various stages in their career. The RTS covers the experience of trainees in the first two phases of training after recruitment. As with the AFCAS, the RTS covers a broad range of aspects of recruit trainee life in the three Services, including expectations, preparation, treatment and access to support during training. The findings of the RTS are important because:

- recruit trainees are particularly vulnerable, especially in Phase 1 – the first 12–14 weeks of Service life
- training has been an area of concerted activity by the Armed Forces and the MOD since 2005

³ Table 233 at Annex 1.

- they show what perceptions are present at the start of a Service career
- the reports also provide a breakdown between Services, ethnicity and gender.

Full information on the perceptions of respondents on how they were treated can be found in the full report at: www.mod.uk/defenceinternet/freedomofinformation/publicationscheme

Altogether, 25,772 trainees responded to the RTS – over 75% of those with more than two weeks of Phase 1 and 2 training from November 2006 to October 2007. The Survey asked a number of questions about trainees' experiences, including whether others were treated correctly or equally and if they were treated in this way. A catch-all question asked about whether trainees had been treated badly or unfairly, with categories of behaviour which would cover different types of bullying, harassment and discrimination. Overall, the vast majority of recruit trainees felt they were always or mostly treated well: 88% of recruit trainees at Phase 1 establishments and 93% at Phase 2 said they had not been treated badly or unfairly while at their training establishment. However, as Table 1 shows there were increases at both Phase 1 and Phase 2 establishments in the numbers who

felt they had been badly or unfairly treated since the 2005/6 RTS.

Table 1: Percentage of recruit trainee respondents who felt they were treated badly or unfairly by staff or other trainees. Taken from paragraphs 110 and 111; and 233 and 234 in the RTS Survey 2006/7.

Service	2005/6	2006/7
Phase 1 total	9%	12%
Army	9%	12%
Navy	7%	11%
RAF	5%	8%
Phase 2 total	5%	7%
Army	4%	6%
Navy	7%	9%
RAF	5%	8%

The lower levels at Phase 2 of those reporting that they felt they had been treated badly or unfairly may be connected to the right to leave at Phase 1. It may also indicate that getting accustomed to Service life is a factor to be taken into consideration.

The percentages of female and non-white trainees who felt they had been badly or unfairly treated were higher than for male or white trainees. The differences were more marked for Phase 1 than for Phase 2. On average across the Services, 15% of female Phase 1 trainees (compared to 11% of their male peers) and 21% of non-white Phase 1 trainees (compared to 11% of white trainees) felt they had been badly or unfairly treated. At Phase 2 the figures were 11% female compared to 6% male and 8% non-white compared to 6% white trainees.⁴



⁴ Figures are taken from paragraphs 111 and 234 of RTS 2006/2007.

The RTS asked trainees to state whether the bad treatment came from staff or other trainees and asked that question across a wide range of unfair treatment from physical abuse, intimidation, humiliation and verbal abuse, sexual and racial harassment, to being picked on or given the worst jobs. Compared to the 2005–2006 RTS, the figures for the trainees who said they had been treated badly or unfairly by staff were significantly reduced across most categories and accounted for a third to around half of perceptions of bad treatment. Non-white trainees at Phase 1 establishment said they had experienced higher levels of bad or unfair treatment by staff than by their peers in two categories – racial harassment and being picked on. In general however, the increase had occurred in relation to alleged bad treatment from peers.⁵

Since 2005, the Services have taken a number of actions in relation to bad or unfair treatment, including improving the career value attached to instructor postings and mandatory training of instructors. I will be monitoring results in coming years, to see if this downward trend in perceptions of bad or unfair treatment by staff continues and, if so, whether there are lessons which can be learned to reduce perceptions of bad treatment by peers.

Defence surveys on sexual harassment in the Armed Forces

Three other surveys provided important information on the perceptions of men and women in the Armed Forces, particularly in relation to the complaints system and the treatment of women and their career chances in the Services.

Between 2005 and 2007 the Defence Analytical Services Agency (DASA), undertook three surveys of Service men (2007) and Service women (2005 and 2007). This was part of an agreement in June 2005 between the EOC and the MOD following concerns about complaints being made by Service women to the EOC. The EOC instigated and then suspended a formal investigation in the light of the commitment of the MOD and Armed Forces to work with them on the issue. A few years earlier the Commission for Racial Equality had had in place a similar agreement with the MOD, which led to action to tackle race discrimination in the Armed Forces.

These surveys provide useful additional gender specific information to complement the information from the AFCAS and RTS. Details of these surveys can be found at: www.mod.uk/defenceinternet/aboutdefence/corporatepublications/personnelpublications/equalityanddiversity/gender

Harassment and length of service

The 2005 survey covered all 18,178 Service women with a return rate of 52%. Sexual harassment was reported as being widespread. Overall, 42% of all those who responded felt there was a problem with sexual harassment in their Service, with that view increasing with the length of time served. More than two thirds had encountered sexual behaviours directed at them personally in the previous 12 months, ranging from unwelcome comments, sending sexually explicit material and unwanted touching through to sexual assault. The more common the behaviours, for example sexual comments, the less likely the survey respondents thought they constituted sexual harassment. There was a high tolerance of sexualised behaviour such as jokes, stories, language and material but more than half the

⁵ Figures are taken from paragraphs 110–128 and 233–251 of RTS 2006/7.

respondents sometimes found them offensive. Women felt it was up to them to draw the boundaries of what they regarded as acceptable.

Impact of serious incidents

The surveys highlighted that serious incidents for men were very different than for women.

The 2005 survey found that 15% of women reported a particularly upsetting experience, of which nearly 13% cited sexual assault. Although these particularly upsetting experiences were linked to age and rank – younger and more junior ranks reporting such incidents more frequently – junior Officers were also vulnerable. Nearly half of these incidents lasted more than two months with under a quarter lasting six months. A quarter of those who reported particularly upsetting experiences were considering leaving and 11% had health problems.

More than half of the particularly upsetting experiences had been dealt with successfully by the women themselves and a formal complaint had been made in only 5% of cases. Of those who had made a complaint, around half were dissatisfied with the way the complaint had been handled. Out of this 5% of complainants, 64% stated there had been negative consequences of making a complaint, and they were considering leaving the Service.

The 2007 survey asked Service men about their experiences of sexual harassment. Like their female counterparts, they made a distinction between sexualised behaviour, which was part and parcel of Service life, for example, banter, 'having a laugh' and enjoying mixed company, and sexual harassment. They were more likely to draw

the line about what constituted harassment at a much higher level than women. Fewer men than women (11% of Service men compared to 15% of Service women) had experienced a particularly upsetting incident in the previous 12 months and these were more likely to be offensive for other reasons (for example, being picked on or insulted) than sexualised behaviours. Very few, less than 3%, had made a formal complaint.

Sexual stereotyping and the impact on careers

The 2007 survey of Service men found that the majority (nearly 70%) had found their experience of working with women positive, a finding that increased with greater experience of working with women. However they perceived striking differences in the qualities displayed by men and women, with male qualities being those which more closely accorded with the operational qualities needed for success in the Services (for example, being courageous, adaptable, a good team worker, loyal, reliable and hard working). Women were perceived to be more honest, respectful, selfless and have better people skills. These findings raised a question as to what impact, if any, such differences might have on Service women and provided an important background to my understanding of the issues raised in complaints.

During 2008, the new Equality and Human Rights Commission (EHRC), which now incorporates the work of the EOC, agreed to lift the suspension of the proposed formal investigation, recognising the work that the MOD and the Services had made in the development of policies and procedures and that changing behaviours takes time. The EHRC will work in partnership with the MOD and the Services in implementing these



policies. As part of this continuing work, the MOD will conduct a further combined female/male survey on sexual harassment, starting February 2009, to measure any changes that have taken place.

3. Awareness and usage of the complaints system

AFCAS

The questions in the 2007 AFCAS related only to the complaints procedure for unfair treatment – discrimination, bullying and harassment (referred to in Defence as Equality & Diversity – E&D – grounds). There were no questions about the complete range of Service complaints. Nevertheless, the answers to these questions provide a baseline for awareness of, and confidence in, the complaints system.

A key question for measuring the effectiveness of the new system is whether Service men and women can access it.

To do so, they first need to know how to get information on the complaints system. The 2007 survey set a baseline for measuring the effectiveness of the action of the MOD and Services in implementing the new Service Complaints System.

Overall there were significant numbers – between a quarter and a half of respondents – who did not know or were unsure as to where to get information on making an E&D complaint. Personnel in the Navy had the highest awareness, 74%, compared to 65% for the RAF and 66% for the Army. Only 52% of Royal Marines knew where to get information. The awareness for Officers in the Royal Marines and RAF was particularly low, with over 20% in each Service either not knowing or not sure about how to get the relevant information.⁶ The lack of knowledge among Officers, and their ability to help those under their command with confidence,

⁶ Table 232 in Annex 1.

appeared later in the year as a factor in correspondence and monitoring of cases.

The 2007 survey asked those who had experienced some type of improper treatment whether they had made a complaint. Few had: 6% of respondents in this category from the Army and the Navy; 5% and 4% from the Marines and RAF respectively.⁷

Of those who had not made a complaint, the survey sought an indication of the reasons for not doing so. Lack of knowledge did not appear to be a key reason. For all Services, the top three reasons were:

- *I did not believe anything would be done if I did complain*
- *I thought it would cause problems in my workplace*
- *I believed such a step might adversely affect my career.*

Other important reasons were that they thought the incidents too minor to report, that they did not think they would be believed or taken seriously or that they didn't want to go through the complaints procedure.⁸

For those who had made a complaint, the survey asked for views on satisfaction with the objectivity, time taken and the way the respondents were kept informed.

Although the numbers were small, fewer than 100 in total, the levels of dissatisfaction were high, particularly among RAF respondents which was the only Service where those who were dissatisfied or very dissatisfied were in the majority. Across all three criteria, a quarter to nearly two thirds of those who had made a complaint reported being dissatisfied

to some extent (with the exception of Marine 'other ranks' on communication). Overall, there appeared to be less dissatisfaction with the objectivity with which the complaint was handled than with the lack of timeliness or good communication.⁹

Due to the small numbers, any conclusions for these findings on dissatisfaction should be treated with caution. However, taken together with other surveys, they indicated areas for concern that the new complaints system and my Office should address. They also provide a baseline for measuring levels of satisfaction over time.

Recruit Trainee Survey (RTS) 2006–2007

The RTS shows high levels of accessibility for trainees in being able to find advice and support and of knowledge of the complaints system. Overall their knowledge is much higher than the Armed Forces generally, with 86% of all recruit trainees stating they knew the procedures for complaining about poor or unfair treatment or bullying (Navy 93%, RAF 89%, and Army 83%). This compares with half to three quarters of AFCAS respondents who knew where to get information on E&D complaints.

However, only 69% believed that, if they made a complaint, it would be dealt with fairly. The three top reasons for believing that any complaint would not be dealt with fairly were that:

- *it would cause problems for them on the course*
- *nothing would be done*
- *they would not be believed.*

⁷ Table 236 in Annex 1.

⁸ Table 240 in Annex 1.

⁹ Tables 237, 238 & 239 in Annex 1.

Some trainees also thought they would be labelled a troublemaker. These findings are similar to those in the AFCAS survey.

However, in contrast to those who had been in the Services longer, recruit trainees appeared to show more willingness to make a complaint if they had been treated badly. Some 14% of Phase 1 and 16% of Phase 2 trainees had made a complaint (compared to 4–6% of AFCAS respondents making E&D complaints). Around half of these complaints had been resolved satisfactorily, around 30% had not and the remainder were still in progress.

The Services have taken action since 2005 to improve their communication with trainees and their families about who to turn to when they feel things are going wrong and how to make a complaint. It appears from the RTS that most recruit trainees know how to find support and how to make a complaint, although the fact that they still have reservations so early on in their career is of concern. The 2006–2007 RTS provides a baseline to measure the impact of further work with trainees. It also suggests that there may be lessons the training arms of the Services can share more widely, not simply about awareness of how to make a complaint but also in complaint handling.

An external view

Amongst the many veterans of the Armed Forces that Combat Stress provides specialist care for, there are a small number whose psychological wounding has not been as a result of repeated exposure to traumatic events whilst on operations but caused because of some form of unacceptable behaviour by their military colleagues be it through bullying, harassment, discrimination, victimisation or through dishonest or improper behaviour. Often we have been very shocked by the ordeals these people say they have been put through. Frequently their cases are complex and convoluted, and inadequately documented so as to be able to follow up on easily. Past attempts to complain to the appropriate military authority have not always been dealt with in a way that has brought closure in the minds of the victims or their families, and in some cases this is still causing severe problems often many years after discharge.

For all these reasons I think that it is terribly important that our Service men and women and their families should be given the confidence in the complaints system and that they will be treated properly. We were very pleased that the new Service Complaints Commissioner, Dr Susan Atkins, met with us early in her appointment. Combat Stress thoroughly endorses the aims and values Dr Atkins has set out and supports her in her work. We have every confidence that in this new role she will do a great deal to help in the never ending battle to ensure that only the highest standards of good behaviour are maintained in the Armed Forces, not least in the way individuals treat each other, and that complaints associated with unacceptable behaviour are dealt with properly. This is a terribly important matter.

Toby Elliott OBE
Chief Executive
Combat Stress

5 The Commissioner's Oversight Function



This chapter reports on the performance of my Office and the Services in relation to referrals.

It provides a snapshot of:

- who has contacted me
- about what
- their perceptions of the complaints system
- how I have exercised my discretion to refer
- how those cases have been handled.

Case studies drawn from completed cases are included, with complainants' consent, to illustrate good and poor practice.

Who has contacted the SCC?

Most of the 193 people who contacted my Office in 2008 were Service men and women currently serving in the British Armed Forces, at home or overseas. Around 56% of initial contacts were from the Army and Territorial Army, 18% from the Navy, Naval Reserves and the Royal Marines and 18% from the RAF and Reserves, roughly in proportion to the numbers of personnel in each service.

Around 19% of contacts were initially from family members, including parents, spouses or siblings. I have also received letters from two MPs on behalf of former Service personnel and a similar number of initial contacts from advice agencies. An initial approach from a parent was most usually, although not exclusively, about a recruit or trainee (including trainee Officers) or Service personnel in the lower ranks. Some 28% of contacts were from former Service personnel, particularly former soldiers. The Service Complaints System is available to former personnel subject to the same three-month deadline as for serving personnel.

Figure 1: Number of initial contacts by Service.

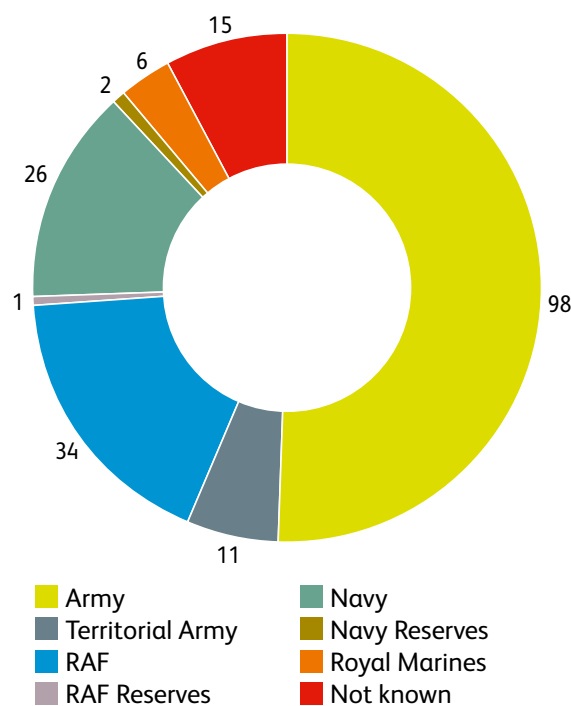
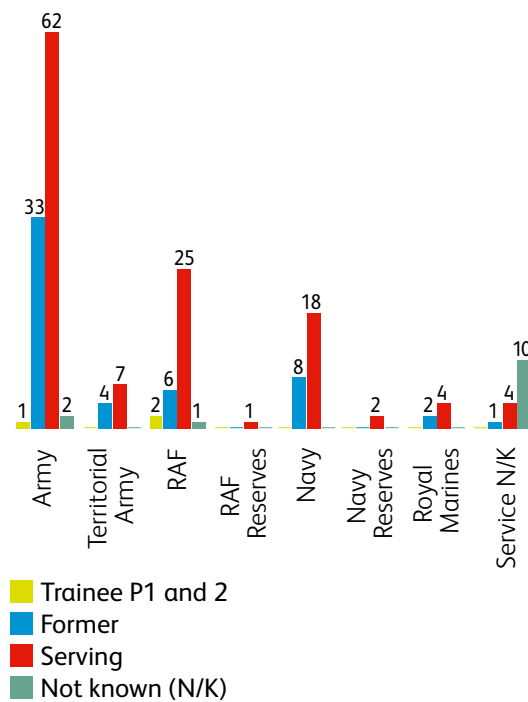
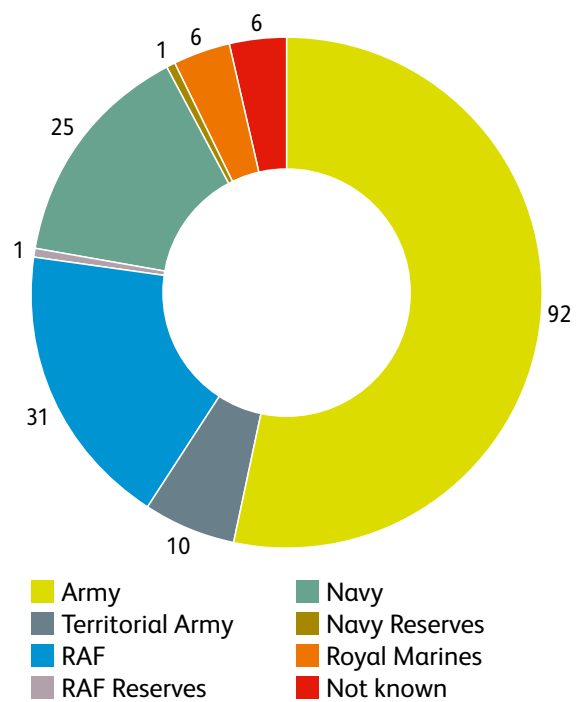


Figure 2: Number of initial contacts by Service and status.

Around 11% of contacts have been about matters that were nothing to do with potential Service complaints. In these cases, my Office explained the scope of the Commissioner’s powers and wherever possible forwarded the complaint to the relevant body or indicated the best person to contact for help. The number of initial contacts was therefore reduced to 172 potential Service complaints. Figure 3 shows the distribution of these potential complaints by Service. Of these, 36% related to complaints about which the complainant told us the chain of command was already aware (ie either informally or because a formal Service complaint had been made).

The majority of contacts were from NCOs, followed by commissioned Officers and junior ranks – see figure 4. Throughout the year

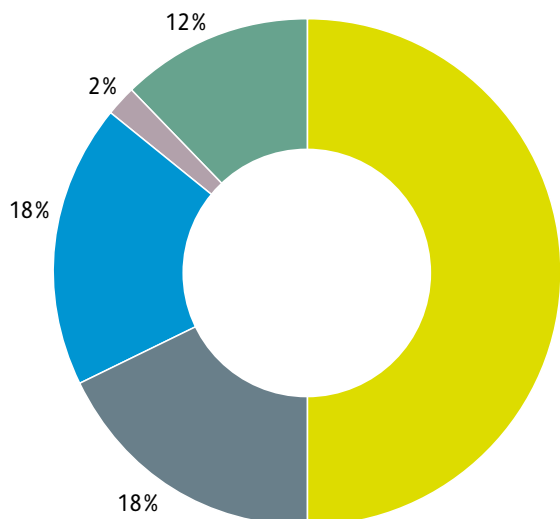
Figure 3: Number of potential complaints by Service.

there were few junior ranks and even fewer recruits. This may be because information about the new Service Complaints System was accessible most easily to those who had ready access to the MOD intranet and sources of guidance such as JSP 831. Since September however, there has been an increase in contacts from junior ranks, possibly the result of our communication over the summer. We know that at least one complainant contacted the Commissioner after seeing a note about the SCC on their pay slip.

Who has complained about what?

People who have contacted me have done so about a wide range of issues. Some people are concerned about a single issue. Many mention two or more issues. For recording practices my Office record only two issues,

Figure 4: Percentage of potential complaints by rank.



- Complaints from NCOs (inc. WO)
- From Officers
- From Privates and equivalent ranks
- Trainees/cadets
- Rank not known/not applicable

choosing the most serious or the issues prioritised by the complainant themselves.

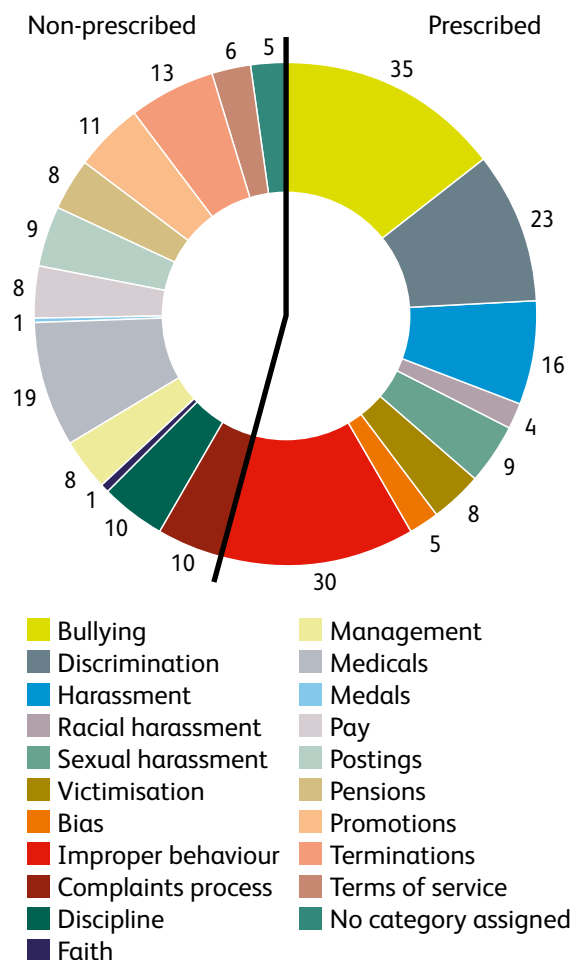
Over half of the issues raised have been about one or other type of unacceptable behaviour prescribed in the Armed Forces Act 2006. Since the Service Complaints Commissioner role was set up to help the Services reduce the levels of unacceptable behaviour this balance seems entirely appropriate.

The categories of prescribed behaviour include a category of 'other improper behaviour' which I have interpreted as being more than negligence – ie more than simply a failing by an individual in professional standards. Before referring an allegation on this ground, I have been careful to review the evidence to see if there is at least prima facie

evidence of some element of at minimum gross negligence or recklessness. If there is no such evidence but the facts of the case indicate either some aspect of public concern or potential systemic weakness, I have asked the Service concerned to keep me informed. They have agreed to do so in all cases.

The non-prescribed categories cover a wide range of issues. Under JSP 831, the separate complaints procedures which exist for pay, pensions or housing should be exhausted before such complaints are treated as Service

Figure 5: Number of prescribed and non-prescribed allegations from potential complaints.



complaints. This does not preclude me sending such a concern to the chain of command, which may be useful to alert them to an incipient wider problem. Sometimes the matter about which the Service man or woman wishes to complain is not as it first appears and we take care to get sufficient further information before deciding on each case.

Case Study A – CO gripping the issue and taking action on systemic improvement

Person A wrote to the Commissioner in January. He said, after returning from operations, he should have automatically been moved to a higher pay band but he continued to be paid incorrectly. He claimed he had tried to resolve the issue locally by approaching his second in command and by talking to the pay clerks, but they would not help and were now being almost abusive when he tried to raise the matter. He said he was due around £1,400 in back pay.

The Commissioner judged that this was not a complaint about pay – for which there is a separate system – but about quality of service. She did not see any evidence of bullying or other improper behaviour but was concerned about the alleged treatment. She sent the complaint to the CO asking if she could be kept informed of progress and of the eventual outcome.

The CO wrote back within three weeks explaining that the matter had been investigated immediately, the unit had got it wrong and an informal resolution had been reached within seven days of the CO receiving the Commissioner’s letter. The CO arranged for Person A to get his back pay. He also initiated a review of the Brigade’s administrative procedures to prevent any recurrence in future.

Where a complaint has been about a matter for which there is a special complaints procedure and there is no allegation of impropriety associated with the complaint, my Office has usually provided advice about the special complaints procedure. If there is an allegation of prescribed behaviour, I have considered the matter for referral.

Allegations by Service and rank

Figure 6 shows the allegations made in potential complaints by category and Service. The highest numbers of allegations of prescribed behaviour have been received from the Army. However, the difference is not as great as it appears when you take account of the numbers within each Service. Looking at the figures in this light, the allegations of unacceptable behaviour from RAF personnel are almost as high as from the Army.

Figure 6: Number of allegations in potential complaints by category and service.

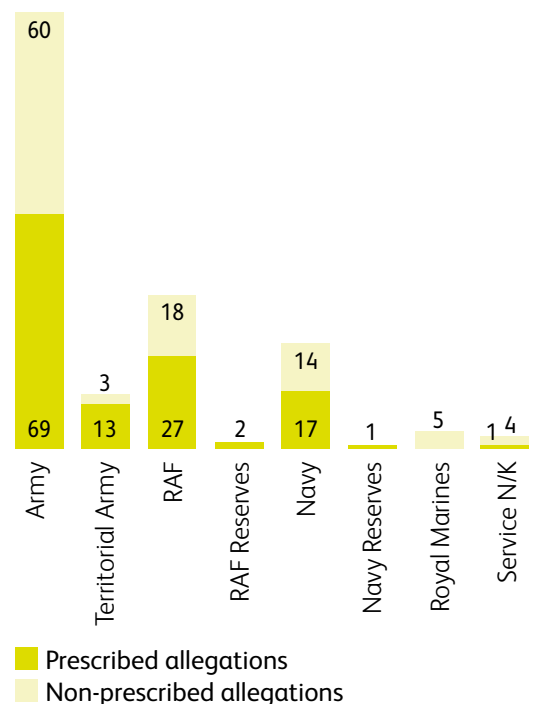


Figure 7a shows that information by Service and rank. Although overall it appears that NCOs have contacted me most often, followed by Officers, junior ranks and recruits/trainees, not one of the Services conforms to the same pattern (figures 7b–d). The most marked difference is between the Naval Services and the other Services in relation to prescribed behaviour, where the order of allegations is reversed from that of the Army and RAF. It is important to remember that these are allegations and there may be a number of reasons why the patterns may differ by Service – for example, relating to awareness of the SCC's role, access to a computer, confidence in contacting the Commissioner and willingness to make a complaint.

Because the numbers are small and the percentage of complaints which have been closed, with the agreement of the complainant, are also small, it is too early to draw any conclusions from these tables, for example, as to congruence or otherwise with the findings of the AFCAS.

A number of other factors need to be borne in mind when viewing these figures. The allegation has been recorded according to the categorisation given by the person making contact. It may be that when the Service man or woman makes the Service complaint to the CO, that complaint is categorised differently. This may be for a number of reasons, including the emergence of more facts through to different perceptions of the issues involved by the chain of command. Until I am able to undertake an audit of cases I have no sense as to whether and how often this occurs nor whether, if this does occur, it should be a matter of concern.

Secondly, the cases to date suggest that the definition of discrimination may need more

Figure 7a: Number of allegations by category and rank from all Services.

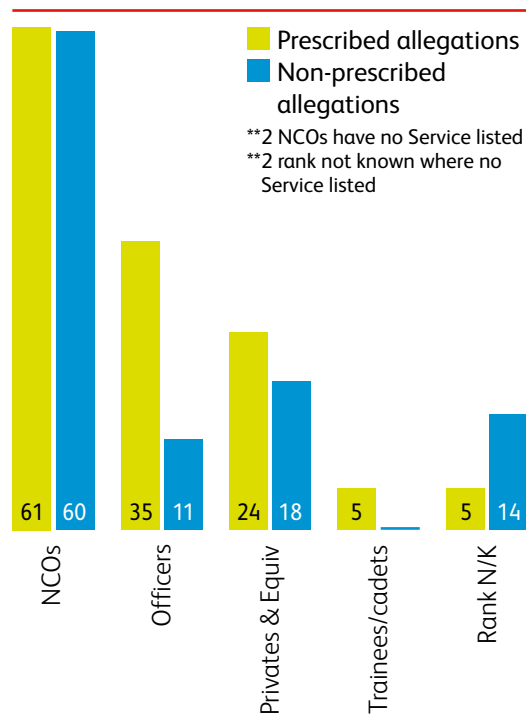
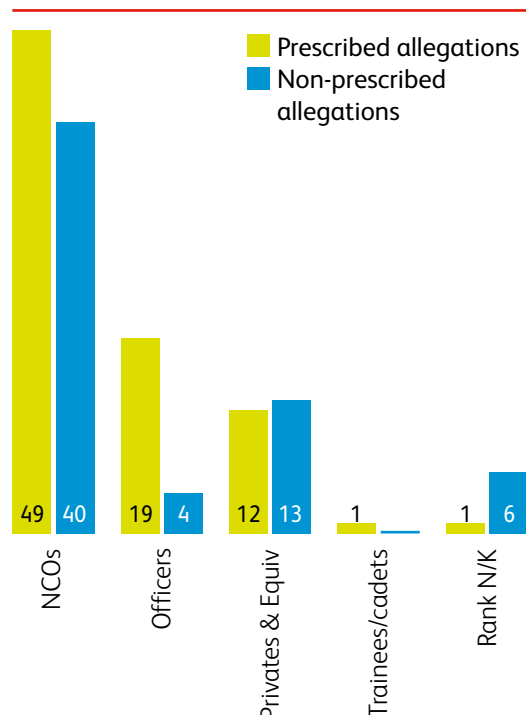


Figure 7b: Number of allegations by category and rank from the Army (inc. TA).



precision. Most of the allegations of discrimination are not linked to specific grounds but cover alleged behaviour which is likely to fall into the ‘other’ categories in the AFCAS and RTS surveys. Thus many of these allegations may be allegations of bias rather than allegations of behaviour which is unlawful under the various anti-discrimination laws. Bias can be for reasons, such as age, which could not constitute unlawful discrimination in the Armed Forces but which, in certain circumstances, the chain of command might conclude was improper. Discussion with the Services suggests that they regard discrimination as involving personally motivated adverse treatment by one person against another. A number of allegations concerned the potentially indirectly discriminatory impact of policies or practices, for example, criteria for promotion, which may have a greater impact on Service women than Service men.

Why have people contacted the Commissioner?

I focus on what people want to complain about and what they want to happen as a result, rather than asking people why they contacted me with their complaint. However, a number of those who contacted me provided reasons for doing so.

Many of those who were existing complainants, mentioned that they were concerned about one or more aspects of the way their complaint was being handled and wanted independent oversight. JSP 831 does not bar existing complainants from making a complaint about how their complaint was being handled. However, it can be inefficient and counter-productive. At best it can take resources away from the complaint in hand and slow up the finding of an eventual

Figure 7c: Number of allegations by category and rank from the RAF (inc. Reserves).

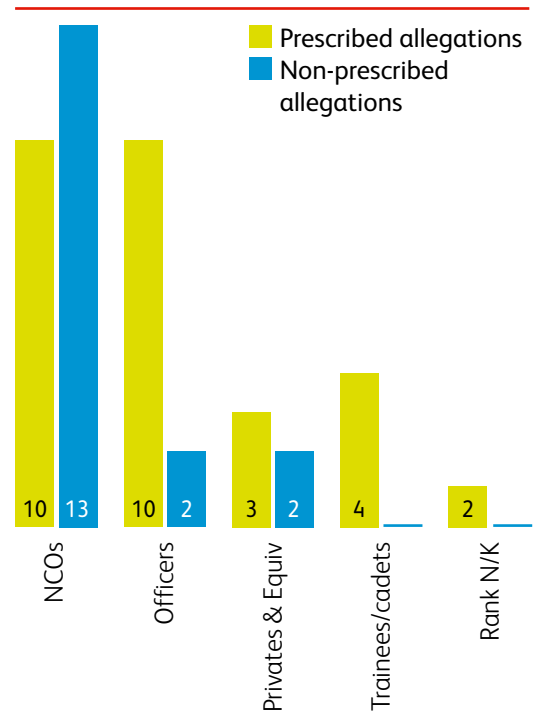
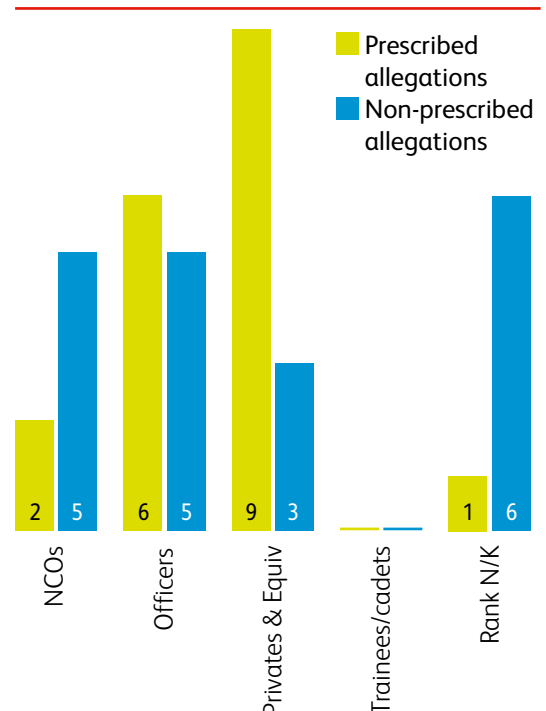


Figure 7d: Number of allegations by category and rank from the Navy (inc. Reserves and Marines).



resolution. It can also lead to deteriorating relations, particularly if the people handling the complaint are working hard and the reason for any delay is beyond their control.

It was previously understood that my powers to have the chain of command keep me informed only related to new complaints – ie those that were made after 1 January 2008. Rather than use a complaint about a complaint to exercise that power of oversight, I asked the Services to treat the existing complaint as if coming within my statutory power. During the year our understanding of the law changed so as to enable me to formally refer any allegation of prescribed behaviour, even if it was the subject of an existing complaint. I have done so where I thought there were efficiency or effectiveness reasons, including increasing confidence in the system.

Many people have contacted me because they were concerned about making a complaint directly to their chain of command. One Service man summarised the barriers to making a complaint succinctly:

"The military culture does not accept perceived weakness or failure; if you make a complaint you are weak, if you succeed the perception is that the organisation is failing. That's promotion out of the window for the superiors, especially Officers, or you have rocked the boat and are a troublemaker/sneak. At the moment, no matter

how often we are told to trust the system, in my experience the vast majority do not and that can include the victim, the accused and those in the chain of command."

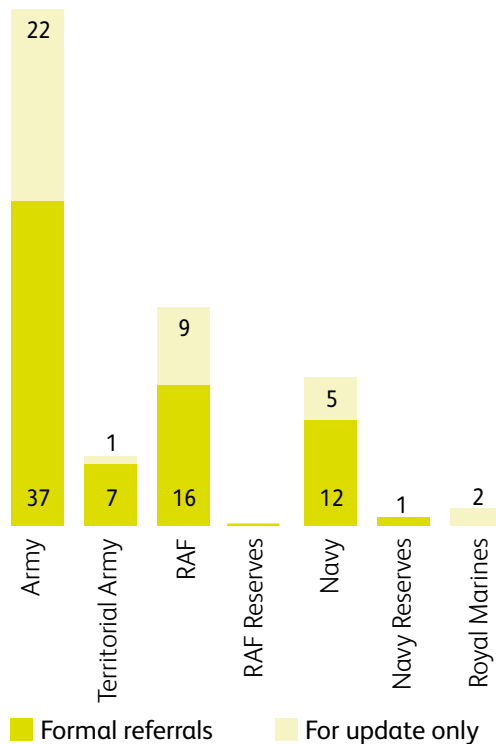
Parents have tended to contact me out of concern about the treatment they believe their son or daughter is suffering – usually at the hands of a more senior rank. A perception of poor communication by the Services with parents is also a common factor. These cases underline the importance of families being able to contact the Commissioner and of a personal approach by the Service when a complaint is made.

Case Study B – Approach by family member and sensitive handling of case

A family member of a trainee, Person B, approached the Commissioner with concerns over B's discharge on medical grounds. The family doctor did not agree with the diagnosis of a specific condition and had written to the Service to request more information but received no response. The Commissioner wrote to the Service expressing the family's concern about how the former trainee had been treated.

On receipt of the letter from the Commissioner, the CO travelled to Person B's home town to interview her. He explained the situation to her and she completed the Service Complaints Form. She accepted that an independent doctor had agreed with the MOD diagnosis and the CO explained that her complaint would not succeed. On receipt of this update the Commissioner wrote to the family who agreed to close the complaint, despite the disappointment of knowing the trainee would not be able to serve as she had wished.

Figure 8: Number of potential complaints referred by or sent for update by Service.

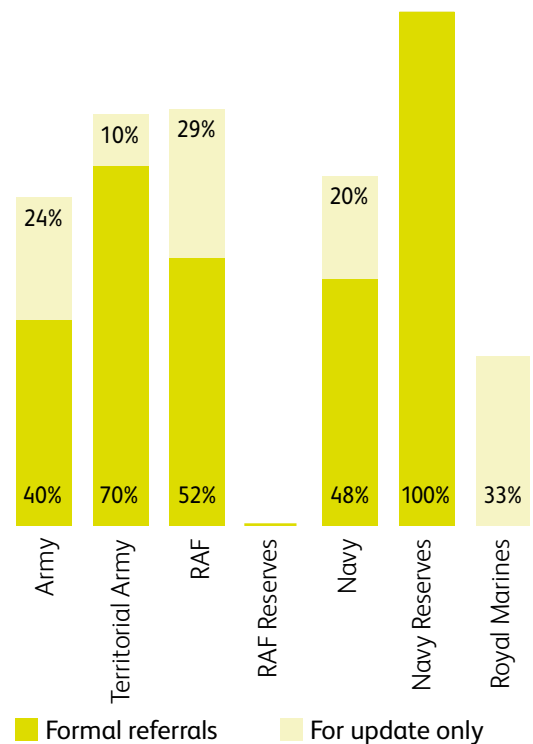


Referrals

The numbers of total potential complaints referred is less than the number of total potential complaints received. Figure 8 shows the number of potential complaints I have referred (because they contained allegations of prescribed behaviour) or sent for update (where the issues raised concerned non-prescribed matters only).

Figure 9 shows the rate, by Service, at which we have referred or sent cases to the chain of command. Of those regular personnel who have made allegations of prescribed behaviour, I have referred 48% of Navy contacts, 40% of Army contacts and 52% of RAF contacts.

Figure 9: Percentage of total potential complaints received for the Services which have been referred or sent for an update.



Part of the reason for a lower referral rate for the Army is the higher numbers of contacts from Army (and Navy) veterans than from the RAF with allegations that are many years old (see numbers of former Service men or women indicated at figure 2). A decision on whether to refer was still to be made on a number of contacts received towards the end of the year. The rest of the potential complaints were either withdrawn by the complainant before a referral could be considered, or they were re-directed to other, more appropriate routes for complaints (for example, with pay or housing complaints).

The SCC is not simply a post box and the Armed Forces Act 2006 gives me discretion as to whether to refer any matter to the chain of

command for investigation. At the outset I set criteria to guide the exercise of this discretion:

- the seriousness of the behaviour alleged or the impact of it on the person making the complaint
- whether it is an issue of public, ministerial or Service concern
- whether the area is one about which I or others have concern – a ‘hot spot’.

I also have regard to the time between the alleged incident and the making of the complaint. The decision as to whether to accept a complaint as a Service complaint is for the chain of command – not the SCC. Where the alleged incident – or last relevant incident – took place more than three months ago, the chain of command has to consider if it would nevertheless be just and equitable to accept the complaint. This goes wider than the previous test which focused on practicality.

In exercising my discretion in relation to incidents which occurred outside the three-month time limit, I do not take into account whether a particular CO would think it just and equitable; rather whether I think there are grounds for them to do so. Where I believe that there are not, it seems neither efficient nor fair to refer a matter, raise false expectations and expend resources on a matter that would ultimately not be accepted for investigation. Nevertheless, I have referred an allegation of behaviour that occurred over 10 years earlier because of the seriousness of the allegations, the impact on the person concerned and the strong reasons given for not being able to make a complaint sooner.

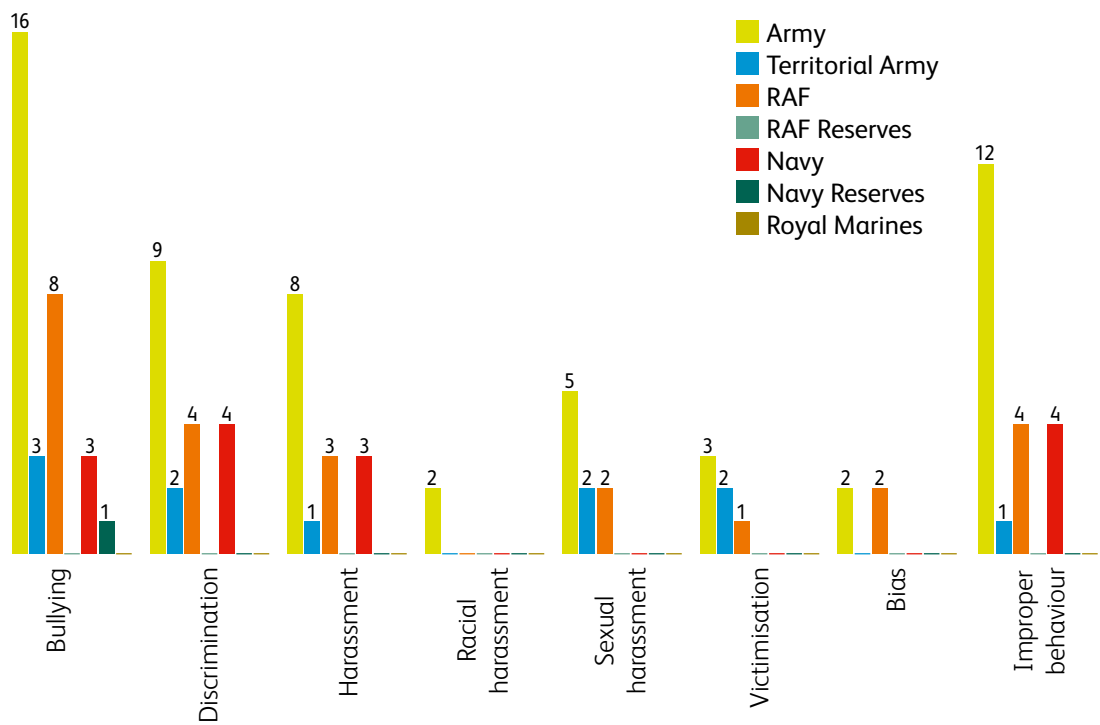
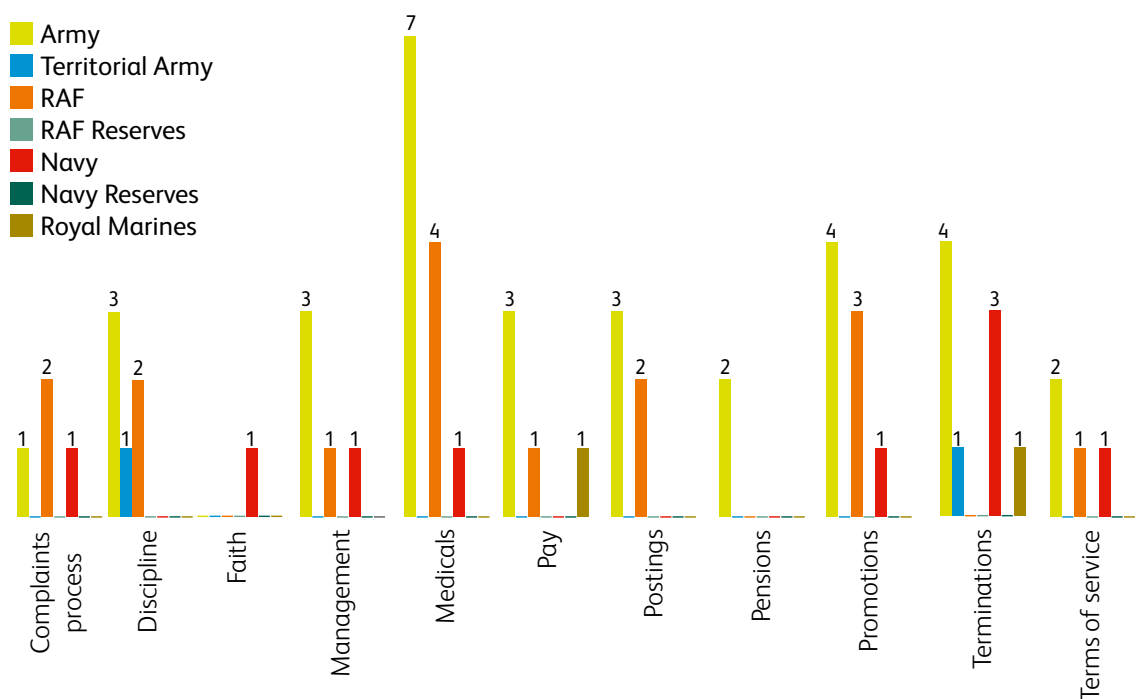
Figure 10 provides an overview of allegations of prescribed behaviour I have referred, after exercising my discretion on these criteria.

All the caveats I explained in relation to allegations about small numbers and potential reasons why these cases may have been referred to me need also to be applied here. Nevertheless, it should be noted that the broad pattern of distribution of concerns remains the same as for initial contacts and I shall be reviewing this pattern in 2009, both in relation to new allegations and to the assessment made on conclusion of each complaint.

What does not appear in these charts may be as important as what does appear – for example, the relatively low numbers of allegations of racial harassment or race discrimination.

As regards the non-prescribed issues sent for update, figure 11 shows spikes for concerns under the broad headings of ‘medical’, ‘terminations’ and ‘promotions’. Concerns raised with me about medical issues have been largely about the procedures for medical down-grading, combined with terminations or pensions, rather than medical treatment. Cases regarding non-prescribed behaviour seem to have generally been completed much more quickly, sometimes informally without a formal Service complaint being made.

The numbers of complaints about the complaints system would have been much higher had I not adopted the approach of seeking oversight of some existing complaints explained above. A number of letters have been received from Service personnel about the handling of a complaint made against them, including from a CO whose attempt to get a Service complaint resolved led to a complaint being made against him. He had not been kept informed by his Service, despite making a number of requests for information.

Figure 10: Number of referred prescribed allegations by Service.**Figure 11:** Number of non-prescribed allegations, where update requested, by Service.

Case Study C – Poor practice: Failure to keep a person complained about informed of progress and the resulting impact of complaint on the alleged respondent. Good practice: CO taking action to tackle systemic failings

Person C wrote to the Commissioner after hearing her speak about the importance of regular communication with both complainants and those about whom a complaint was made. Over a year previously he had been told that someone had lodged a complaint against him. He tried to do as his OC said and forget about it, as these things ‘normally go away’; but when he enquired about the complaint some time later he was told it was still being considered. When he asked again a few months later, he was told there was no trace of the complaint.

Person C believed the complaint had been made maliciously and the worry over the uncertainty about the complaint had made him ill, to the extent that he was considering leaving the Service.

The Commissioner wrote to the CO who responded within the month. It was found that no complaint had ever been made and Person C had been given incorrect information. However the CO directed that an assurance review of the Equality & Diversity practices in the unit be undertaken to ensure that the systemic weaknesses that had been highlighted by this case were identified and improved.

Differences by gender and Service

Figure 12 shows that fewer Service women have contacted me than men. I received 161 initial contacts from men and 31 from women (one contact did not state their gender). Men make up over 80% of the total numbers of contacts from Service personnel from each Service.

Figure 12: Percentage distribution of male and female initial contacts by Service.

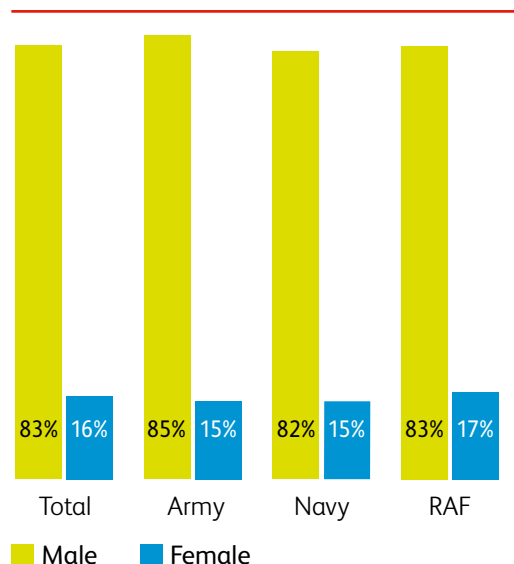
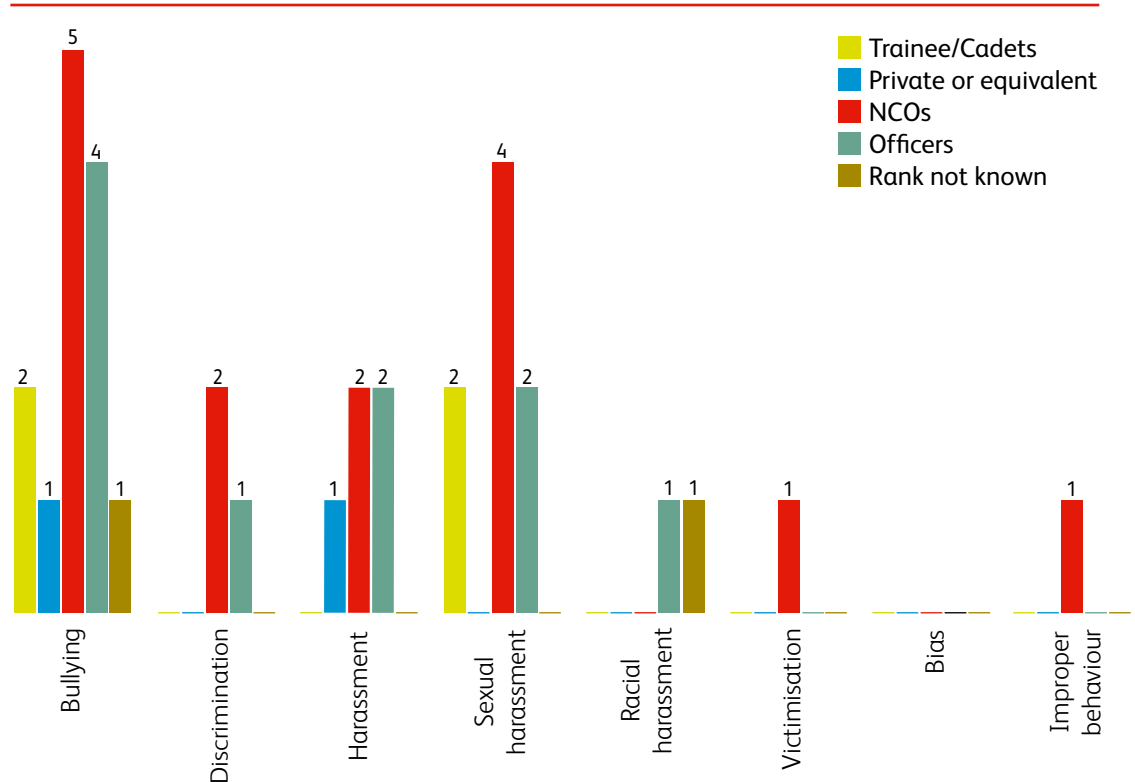


Table 2 gives an overview of Service women as a percentage of all Service personnel. These figures indicate that the numbers of Service women who have contacted me compared to Service men is slightly higher than their representation across their Services. There are parts of the Army (mainly Infantry Battalions), the Naval Services (the Royal Marines – with the exception of the Marine bands – and submarine service) and the RAF which are currently not open to women. That does not necessarily mean that those parts of the Services do not have women working alongside them at home or on operations.

There are marked differences between the types of allegations Service men and women have contacted me about. Figures 13 and 14 (over page) set out the types of allegations of prescribed behaviour made at initial contact, by rank (figure 13 from Service women and 14 from Service men). The numbers of contacts across all categories are higher for men, with the exception of sexual harassment. However, proportionately the

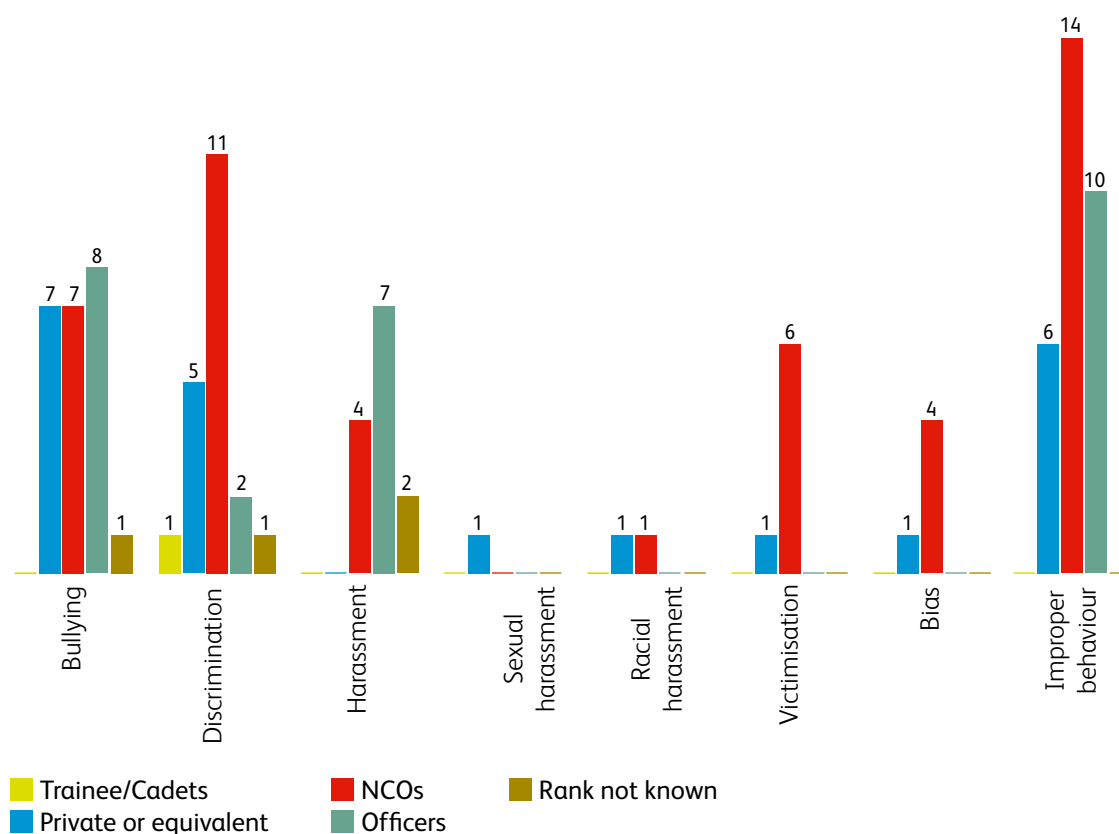
Figure 13: Number and type of prescribed allegations from initial contacts from females by rank.

figures of allegations of prescribed behaviour made by women are higher, taking into account the numbers of complaints made and their representation in the Services. For example, women represent 12% of all Officers in the Armed Forces but a third of the allegations of bullying I have received from Officers at initial contact have come from Service women.

Table 2: Women as percentage of all Service personnel by Service and rank (December 2008: source DASA).

	Officers	Other ranks
All Services	12 %	8.5 %
Army	11%	9.5 %
Navy Services	9.6 %	9.5 %
Royal Air Force	15 %	13 %

Figures 15 and 16 (on pages 51–52) show the differences between types of allegations made by men and women by Service, for prescribed categories and non-prescribed categories. Only one Service man contacted me with an allegation of sexual harassment and men have raised improper behaviour more often than women (such allegations have only been received from women in the regular Army). I have received no allegations of sexual harassment from women in the Navy. Although the numbers of allegations from Service women of discrimination are broadly the same across the Services, proportionately these allegations are higher in the Navy and Air Force than the Army. The actual behaviour complained about as discrimination confirms the patterns suggested by the Defence equality research – men complain more about discrimination

Figure 14: Number and type of prescribed allegations from initial contacts from males by rank.

on other grounds than by specific categories. More allegations have been received from Service men than Service women about bullying – with the exception of women in the Territorial Army.

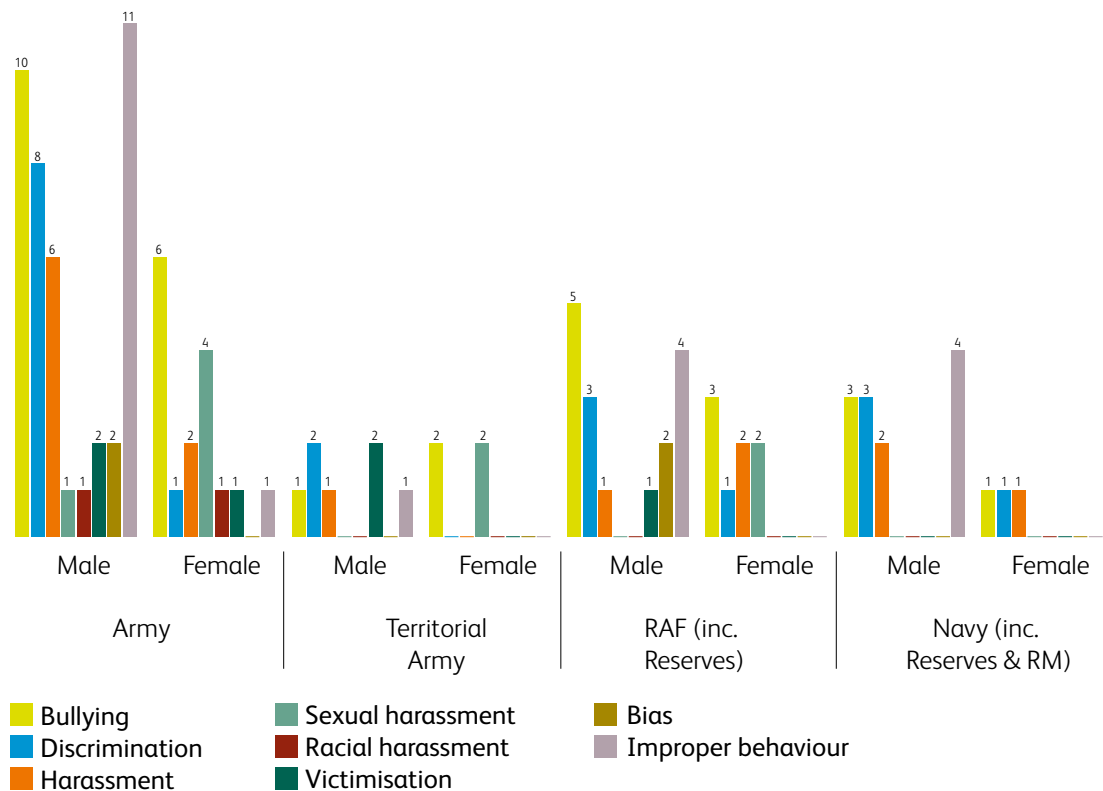
Allegations of race discrimination have only been received from the Army but in similar numbers for men and women – ie slightly higher proportionately from women. The caveat about numbers however applies especially here.

The differences by gender and Service are also marked in relation to allegations of non-prescribed categories. Figure 16 (on page 52) shows that most of such

allegations have come from men in the Army and that women across all Services have contacted me about few such issues. The range of issues raised by women is also much more restricted.

Results of SCC involvement

In only two of the 120 complaints referred or sent to the chain of command with a request to be kept informed, has the chain of command refused to accept the matter as a Service complaint. On both occasions I was satisfied with the reasons given and the person who contacted me did not pursue the matter.

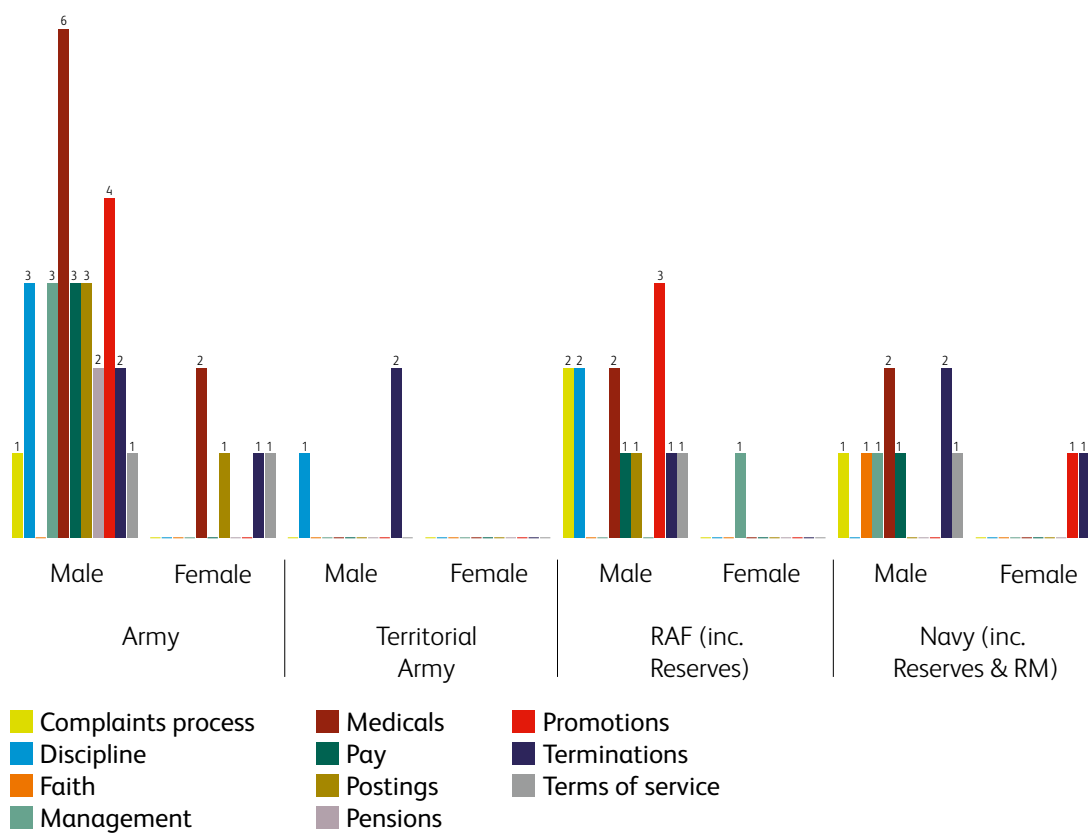
Figure 15: Number of referrals of prescribed allegations by gender and Service.

We know from complainants that of the 118 remaining, 14% have been investigated to the satisfaction of the complainant, 3% investigated but not to the satisfaction of the complainant and 8% have been withdrawn.

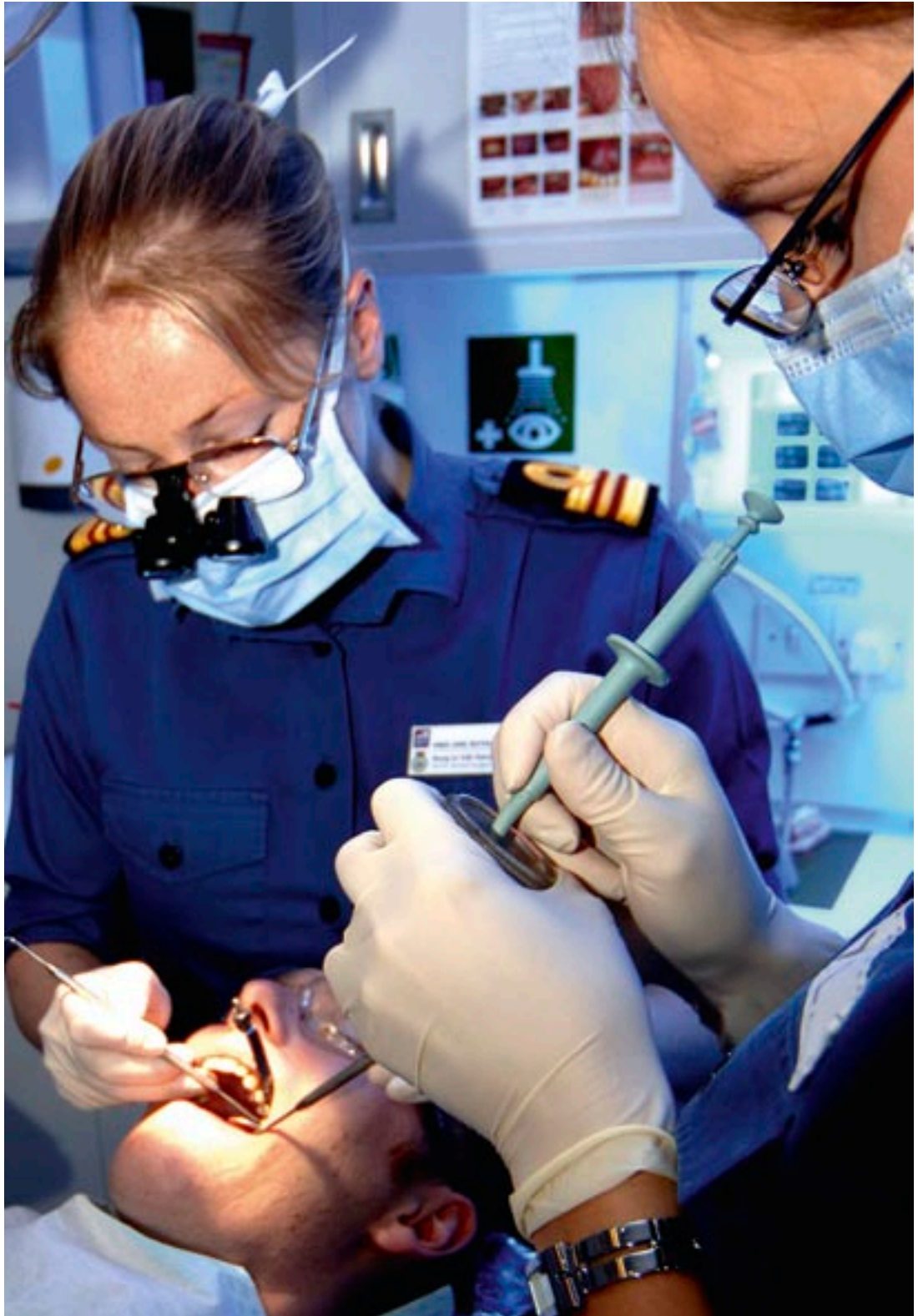
We do not have full information on the numbers that have been referred to a higher authority or resolved without a formal Service complaint being made. The Services are not required to inform me about these matters and we are dependent on the chain of command or the complainant informing us voluntarily. The regulations and JSP 831 require the chain of command to inform me

within 10 working days if the complainant has made a Service complaint, but not of the reasons for one not being made. We are also not informed when any request to have the complaint considered by a higher authority has been granted. Getting updates from the chain of command every 30 days means that significant stages can occur without my Office being informed until much later.

JSP 831 should therefore be revised to enable me to have a full and accurate case trail and accurate figures to include in the annual report. I will discuss what is required with the MOD and Service Secretariats.

Figure 16: Number of update requests on non-prescribed allegations by gender and Service.

6 How the Service Complaints System is Performing



This chapter provides:

- an account of the numbers of Service complaints made under the new system since 1 January 2008
- an assessment of the efficiency, effectiveness and fairness of the Service Complaints System at the end of its first year of operation
- a report on the operation of Services Equality and Diversity (E&D) complaints system for its second year under the agreement between the MOD and EOC, now EHRC.

This account and assessment are based on the statistical information provided by the Services and MOD and informed by the insights provided by the Commissioner's oversight of Service complaints.

Numbers and types of Service complaints in 2008

Returns from individual Service databases in previous years indicated that, on average, around 300 new formal complaints were made per year across the Services before 2008. The figures provided by the Service Secretariats from JPA are shown at the tables on pages 55 and 56. The information is provided separately for each Service as they have adopted different methodologies for counting complaints.

The Army has been able to present more complete data than the other Services because it has been running its legacy system alongside JPA. The RAF and Navy only have data for E&D complaints at Level 1¹⁰ and these are presented at tables 6 and 7 in the section on effectiveness (pages 68 and 69).

Until an E&D module is available on JPA, the MOD has agreed with the Services that E&D complaints do not need to be recorded on JPA. However, the lack of information about other complaints in the Navy and RAF

underlines the importance of the recommendations made by the Defence Internal Audit on JPA – including the ability for Service HQs to have sight of and quality assure Level 1 records.

Although I recognise that the recommended JPA complaints module(s) may not be in operation for next year's annual report, I shall nevertheless be looking to Secretariats to explore the possibility of more complete data for next year's report. This should enable me to see if the apparent differences in rates between the Services in cases upheld or partially upheld and those not upheld or withdrawn continues.

Categories of all Service complaints recorded on JPA

Information about the categories of Service complaints received by the Services is shown at table 4 (on page 56). Because of the lack of Level 1 data, no comparison can be made for the Navy and RAF between the numbers of categories of allegations received and referred by the SCC and complaints made to the chain

¹⁰ Because the Equality & Diversity statistics have been collated every six months on a financial year basis, the Navy and RAF statistics for Level 1 do not provide an equivalent picture for the full calendar year.

Tables 3a and 3b: Numbers of Service complaints recorded on JPA 1 Jan 08 – 31 Dec 08 by Service, Level and outcome.

New Army Service complaints 1/1/08 – 31/12/08						
	Numbers received	Upheld	Partially upheld	Not upheld	Withdrawn	Ongoing
Level 1	All complaints					
	110 (all post 1/1/08)	23	2	9	4	72
Level 2	All complaints					
	38 (all post 1/1/08)	9	0	5	0	24
Level 3	All complaints					
	14 (all post 1/1/08)	0	0	0	0	14

Navy						
	Numbers received	Upheld	Partially upheld	Not upheld	Withdrawn	Ongoing
Level 1	E&D only					
	35 (formal) 112 (informal)	Not supplied	N/S	N/S	N/S	N/S
Level 2	All complaints					
	78 of which 73 post 1/1/08 and 5 pre 1/1/08 complaints	14	2	34	17	11
Level 3	All complaints					
	25 of which 16 post 1/1/08 and 9 pre 1/1/08 complaints	0	0	5	1	19

of command (most of which are referred to Level 1). It is impossible therefore to draw any conclusions about the representative nature of my postbag or whether there are particular types of allegations where Service personnel feel the need to have SCC oversight.

Efficiency

Efficiency is one of the seven BIOA principles and a hallmark of good administration. In a

complaints context, an efficient system is one where:

- complaints are well focused and cannot be resolved in other ways
- complaints are resolved in a timely manner
- the majority of complaints are resolved at Level 1 (ie either upheld or where they are not upheld, the complainant accepts that the decision is reasonable).

Table 3c: Numbers of Service complaints recorded on JPA 1 Jan 08 – 31 Dec 08 by Service, Level and outcome.

RAF						
	Numbers received	Upheld	Partially upheld	Not upheld	Withdrawn	Ongoing
Level 1	E&D only					
	Not supplied	N/S	N/S	1	2	N/S
Level 2	All complaints					
	27 at 1/1/08 plus (6 pre 1/1/08) complaints to consider	2	2	1	3	19
Level 3	All complaints					
	6 post 1/1/08 complaints (plus 38 pre 1/1/08 to consider)	0	0	1	0	5

Table 4: Categories of Service complaints recorded on JPA by Service and Level.

	Army			Navy			RAF		
	Level 1	Level 2	Level 3	Level 1	Level 2	Level 3	Level 1	Level 2	Level 3
Pay/allowances/pensions	5	4	7	N/S	13	5	N/S	1	1
Terms and conditions of service	2	0	1	N/S	50	8	N/S	5	0
Discharge	9	3	2	N/S	6	4	N/S	0	0
Bullying	14	4	0	N/S	1	0	N/S	0	0
Harassment			0	N/S	3	2	N/S	0	2
Sex discrimination	1	0	0	N/S	1	1	N/S	0	2
Race	0	0	0	N/S	0	0	N/S	0	0
Religion	0	0	0	N/S	0	1	N/S	0	0
Other	9	3	1	N/S	4	4	N/S	21	1
Discrimination	8	0	0						
Sexual harassment	4	0	0						
Victimisation	9	3	1						
Military Secretary*	28	8	1						
Discipline	4	0	1						
Career	32	11	2						
Medical	3	2	0						
Promotion	2	0	0						
Retirement	0	1	0						
Mistreatment	2	0	1						
Improper behaviour	1	0	0						

*Military Secretary – confidential reports and career management.

- more complex or 'policy cases' are dealt with at the appropriate level as expeditiously as possible
- resources released by such complaints not making their way through the levels before being resolved are used to improve the efficiency of the system.

For the purposes of an assessment of efficiency, a case is resolved when it is:

- upheld in whole or in part and not taken further
- not upheld, but not taken further – where on objective scrutiny the complaint has been dealt with fairly.

During 2008, I have discussed with the MOD and Services what data I would wish them to collect to inform my annual assessment and what data is currently available. For the future I would want the following:

Numbers of complaints

- made by Service and category/type
- upheld in whole or in part and not taken further – at Level 1 and 2
- not upheld but not taken further – at Level 1 and 2
- not upheld and taken further – at Level 1 and 2
- upheld at Level 3
- not upheld at Level 3
- not upheld at Level 3, which go on to the Crown or Employment tribunal
- by complainant (ie original complaint and any associated complaints).

Timeliness

- from receipt of complaint by the chain of command to decision at Level 1

- from making request for review at next level to decision at Level 2
- from making request for review at next level to decision at Level 3
- from receipt of complaint by chain of command to final resolution (note: this will give a total time, not elapsed time and will therefore include the differing times complainants take to decide whether to request a review at the next level. However, a decrease of the average over time will give an indication, with other statistics, as to whether the system is being more efficient or not).

Timeliness data should be presented as:

- mean time – ie the average of all cases
- median time – ie the percentages of all cases completed within certain timeliness limits.

The 2010 goal I have set for the Services is for a decision to be made:

- at Level 1 within 30 working days of receipt of the Service complaint
- at Level 2 within 30 working days of receipt of the request for review
- at Level 3 within 60 working days of receipt of the request for review.

The performance of the Services in 2008 is given at table 5. In order to measure progress towards the three year goals, the Services should set a target for 2009 based on this performance, to monitor performance during the year. I would be happy to advise on any necessary action for improvement. I have also asked the MOD and Services to include the data requirements in the specification for upgrade of the JPA and management information systems.

Policy cases

Some complaints are less likely to be resolved at Level 1. These include complaints:

- about a policy matter, for example, the alleged adverse impact of a Service-wide policy
- where the redress sought is outside the authority of the chain of command at that level
- where the personnel or practice complained of are outside the authority of the chain of command. Examples include where the matter complained about took place at a different base or in a different Service; in joint or mixed commands; where the matter involves Service HQ; and, where the complaint is about or implicates the CO. Only the last of these instances is currently recognised under JSP 831 as requiring the complaint to be handled by a higher authority.

In future it would be helpful for data to be collected in such a way as to indicate which of the cases at Level 2 and at Level 3 fell into these categories. The most efficient system would identify such cases from the outset and ensure they were dealt with at the appropriate level as expeditiously as possible.

Withdrawn cases

Withdrawn cases are those where a complaint has been made but is withdrawn before a decision is made. This may occur because a complaint:

- is resolved in a different way (for example, a complaint about the handling of promotion, made in anticipation of results of a promotion exercise is withdrawn when the person is successful)

- is misplaced (for example, if it was the result of a misunderstanding of events, which were later clarified)
- is withdrawn because of pressure to do so.

In the first two instances the concern should not be that the complaint is withdrawn, but to ensure that any lessons are learned from the cases to prevent other causes for complaint in future. How speedily cases are withdrawn may be an indicator of effectiveness of the system – so long as those cases are withdrawn without improper pressure.

The third reason is a cause for concern and may involve improper behaviour on the part of the person seeking to apply the pressure. However, making a decision as to whether there has been improper pressure is unlikely to be apparent simply from statistical data. Information about withdrawn cases will need to be both:

- quantitative – numbers of Service complaints withdrawn before decision at each level
- qualitative – from letters (SCC referrals) or SCC audits and/or surveys of complainants as to the reasons for withdrawal.

For these reasons, early in 2008, I asked for two additional questions to be included in the 2008 AFCAS survey in connection with reasons for not making a complaint where Service men or women believe they have been treated unfairly during the previous 12 months:

- *I was discouraged from doing so*
- *I was worried there would be recriminations from the perpetrator(s)*

The results of the 2008 survey are due to be published in summer 2009.

How efficiently have the Services performed during 2008?

Timeliness

Table 5 below shows that the Services have been used to collecting data in different ways.

Without an automated system for management information, the process of collating information on timeliness has been time and resource intensive. The table reflects the information that is currently available from each Service.

The Army figures show that, on average, Level 1 complaints take over twice as long as the target timing in JSP 831 and slightly less at Level 2. The figures for Level 3 are for only

new cases started during 2008 and not legacy cases (this applies to all Services). The Army and the RAF have had a big push to clear their backlog and will now look to reduce the time taken at this Level. The Navy appears to deal with complaints at Levels 2 and 3 in the shortest time spans.

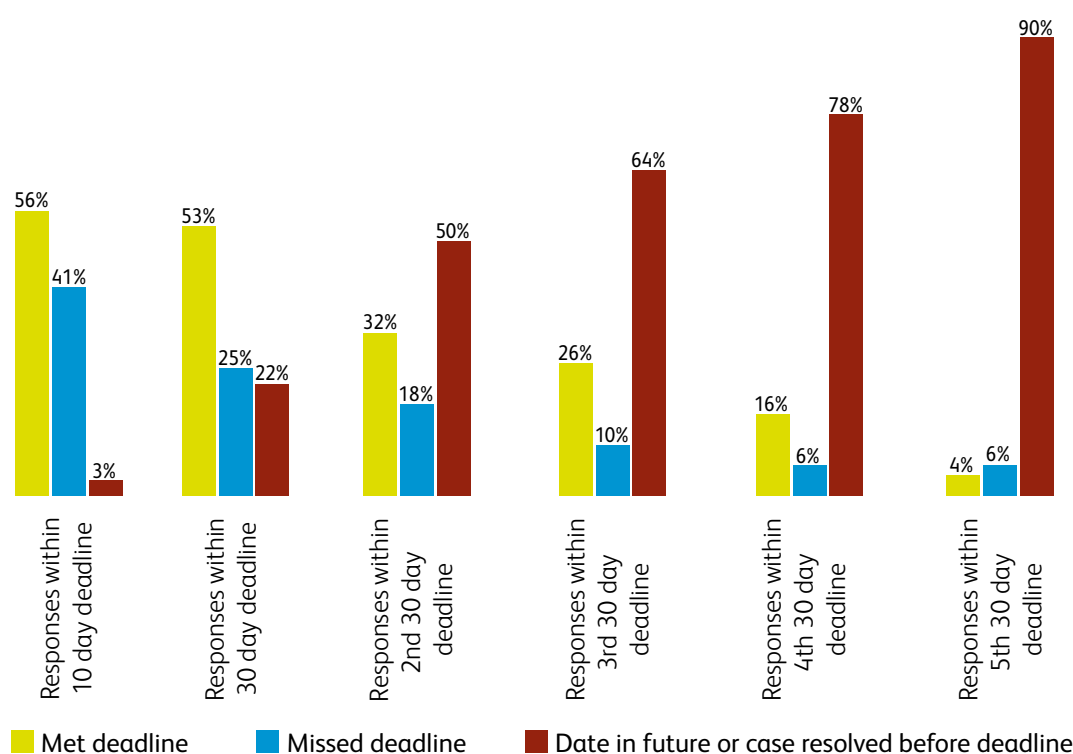
Key Finding 1: Timeliness of handling is a key measure. There are exceptions but current performance is generally poor

Having comparative information for all Services will allow sharing of good practice and enable Services to benchmark each other to test for efficiency, effectiveness and fairness. It may open up a new set of questions such as should some types of cases actually take longer than others, indicating that speed of itself may in some circumstances run the risk of unfairness?

Table 5: Timeliness of handling Service complaints by Service and Level, 2008.

	Army			Navy			RAF		
	Level 1	Level 2	Level 3	Level 1	Level 2	Level 3	Level 1	Level 2	Level 3
Average time from receipt to decision	73 working days	64 working days	N/S	N/S	N/S	N/S	N/S	N/S	N/S
Average time from receipt to submission to Deciding Officer (DO)	N/S	N/S	77 working days	N/S	25 working days	92 working days	N/S	104 working days	N/S
Average time from receipt of complaint to submission to DO (excluding time for disclosure or suspension)	N/S	N/S	N/S	N/S	16 working days	75 working days	N/S	N/S	206 working days – 1 case to SCP
Average time from receipt of complaint to decision received by Secretariat	N/S	N/S	N/S	N/S	N/S	71 working days (to SCP)	N/S	N/S	221 working days (1 case not referred through SCC)

Figure 17a: Performance of the Services in relation to their duties to keep the Commissioner informed and updated as to the handling and outcome of cases referred – all Services.

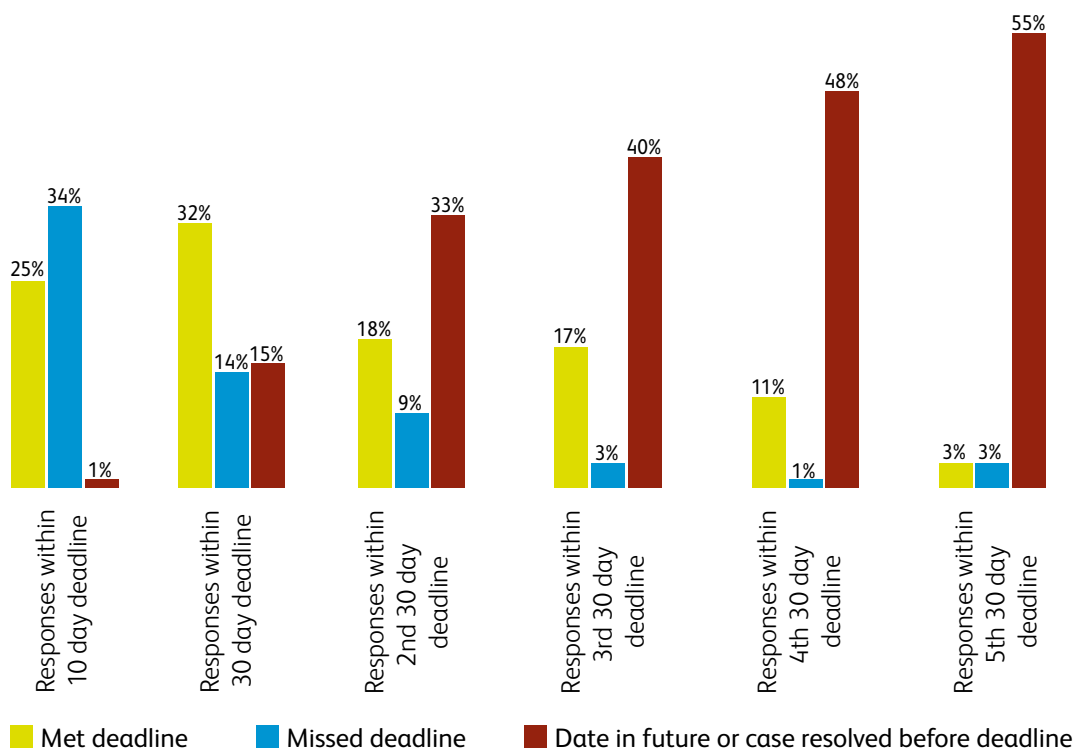


A key facet of the new Service Complaints System was the introduction of Service Complaints Panels (SCP). Designed to speed up decision-making at this level by increasing the pool of senior Officers eligible to hear complaints, SCP members can be 1* or 2* Officers instead of the 3* and 4* members of Service Boards. SCPs were also set up to improve perceptions of fairness by the inclusion of independent members – experts recruited from outside of the Services or MOD – in panels to hear complaints of prescribed behaviour and some other complaints. Three SCP complaints have been heard by the Navy (regarding pay and allowances and pensions) and one in the same category by the RAF. None involved an independent member.

Without information about the length of time from receipt to decision, it will be difficult to assess the impact of these new panels. Time taken to decision, rather than simply to submission to the Service Board or Panel, will also be important in assessing the impact of the procedures adopted by the Panels (and thus the preparation time).

The right of Officers to petition the Crown was retained in the new system, where their complaint was heard at Level 3 by a Service Board (ie not an SCP). Seven petitions have been made in 2008 – one from the Navy, three from the Army and three from the RAF. All complaints were submitted prior to 1 January 2008.

Figure 17b: Performance of the Army in relation to their duties to keep the Commissioner informed and updated as to the handling and outcome of cases referred.



Timeliness: Services performance of their duty to keep Service Complaints Commissioner informed

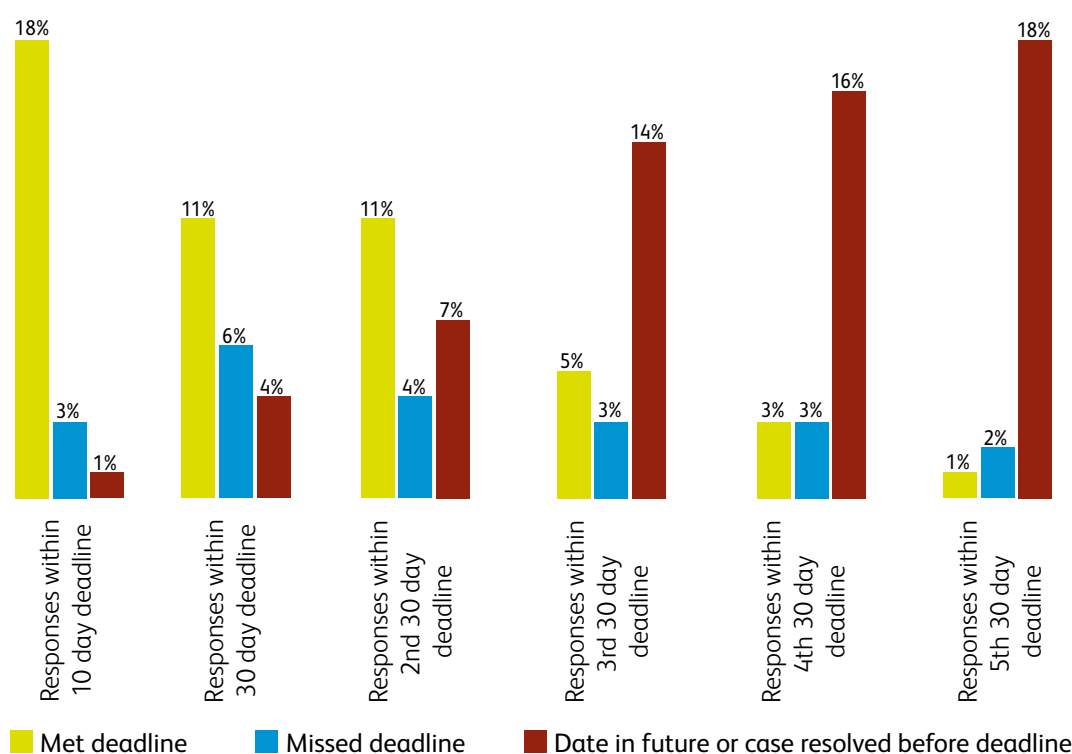
When I have referred an allegation of prescribed behaviour, the chain of command is required to inform me within 10 working days what action they have taken on receipt of my referral letter and their decision whether or not to investigate the complaint. The MOD allows five working days for transmission from my Office to the chain of command.

Information on the Services' performance in keeping the Commissioner's Office informed

shows a varied performance between Services, but overall an improvement over time.

The key columns in figures 17a–d are the blue columns – the percentage of missed deadlines. Generally, the numbers of missed deadlines have decreased with time – particularly with the second and third updates. That there is not 100 % compliance from day one is understandable with the introduction of a new system. It appears that where the chain of command has understood the duty to keep the Commissioner informed, performance has mostly improved. I would encourage the Service Secretariats to share good practice to improve performance overall.

Figure 17c: Performance of the RAF in relation to their duties to keep the Commissioner informed and updated as to the handling and outcome of cases referred.



These statistics measure only timeliness and not quality of information provided in updates. These vary enormously, both between and within the Services. In general the quality of the information was acceptable, with examples in all three Services of good practice. Many Army COs send me copies of the update information they have sent to the complainant, a practice I would encourage. If there are reasons for the target date for resolution not being reached (for example, difficulties in obtaining witness statements because of operational commitments), this is also very useful information, not least to reassure the complainant (or the family) and maintain confidence in the system.

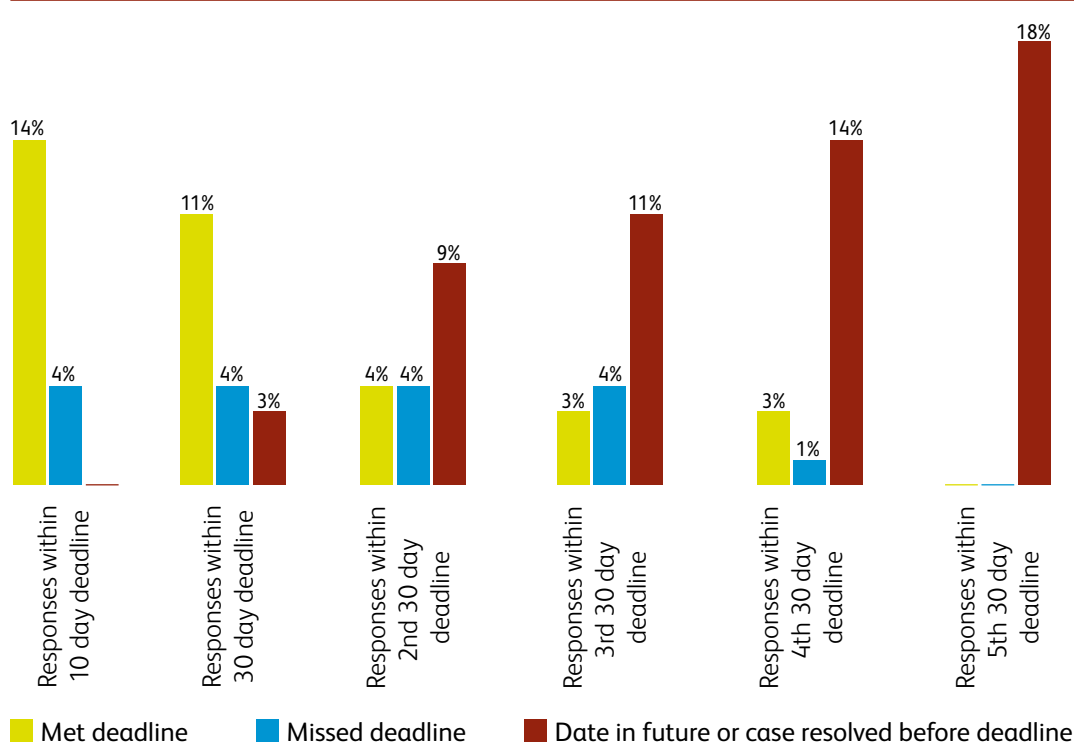
In this way, I can also spot trends and issues to review more deeply as part of my audits

and assessment of the complaints system.

One issue that has already arisen, because of the information provided by some COs, is the long list of witnesses provided by some complainants and those complained about, where the CO feels that they are likely to be peripheral to his or her investigation and that the evidence already gathered from primary witnesses has given a conclusive picture of events. This may be linked to concerns about the impartiality of the chain of command or other issues of confidence in the system.

The ability to define the scope of an investigation carefully (to enable it to be dealt with in a timely and effective way) and still be fair to the parties, is an area that I will be monitoring over the next year.

Figure 17d: Performance of the Navy in relation to their duties to keep the Commissioner informed and updated as to the handling and outcome of cases referred.



Effectiveness

Communication

Good communication can also enhance both efficiency and effectiveness. Good communication promotes:

- a clear and well defined complaint
- clarity of the outcome desired
- well scoped terms of reference for any investigation
- confidence in the investigation and in the person making the decision
- resolution at the lowest appropriate level.

The cases I have overseen have provided examples of good and poor practice in relation to dealing with complaints in a

timely manner and in relation to effective communication. A number of emerging themes appear from my oversight of these cases. These are evidence-based and case studies are provided here to illustrate the points being made. For obvious reasons, any such case examples have to be taken on completed cases and, although depersonalised, with the consent of the complainant. Many cases which involve more serious allegations, for example of bullying, harassment or discrimination, or which would otherwise be examples of how not to handle a case well, are still ongoing. I am therefore unable to provide further case studies but would hope to be able to do so in future years. In the meantime, where there is learning to be shared and that can be done without

breaching confidentiality to the complainant or jeopardising the fair handling of his or her case, I shall continue to make the Services aware of it.

Key Finding 2: Poor communication is a common causal factor across all Services

Poor communication is at the heart of a large number of the concerns about which Service men and women have written to me this year. This can be failure to be clear in the message which is being given; failure to explain properly or check that an individual understands what he or she is being told; an unwillingness to listen; a reluctance to give bad news; or talking to or about individuals in a way which they feel is demeaning, insulting or, particularly for Officers and NCOs, undermines their authority.

Poor communication has also been apparent in the way a number of complaints have been handled.

Key Finding 3: Personal and prompt communication by the CO and chain of command are key to a successful outcome

The way a Service complaint is handled at the outset is very important to its effective and efficient handling. Although COs are not required under JSP 831 to see a potential complainant at the outset, when they do not, it can become another factor which erodes confidence in the system. When they do, it can be very influential.

Case Study D – Poor communication and reluctance to deal with the complaint

Coming to the end of his career, Person D unsuccessfully requested a posting near his family home. He says he was not sufficiently informed about his chances of getting the posting he wanted. He made a formal complaint in the summer of 2007 but says he felt victimised as a result.

Person D wrote to the Commissioner in February and she referred the complaint to the Service on the grounds of victimisation. Because the complaint involved posting, ie was outside his authority to resolve, the CO referred the matter to the next level, Level 2. The Service informed the Commissioner of this fact and also that during an interview to formulate his complaint, Person D had decided not to submit a formal Service complaint. When the Commissioner checked this with Person D he said that he most definitely wanted to submit a formal complaint. The way this matter had been dealt with further eroded his confidence and Person D said he did not expect fair treatment from the Service.

In May, the complaint at Level 2 was rejected and Person D appealed to a higher authority, feeling that the issues and problems he raised would not be dealt with. After nearly a year of what appeared to be miscommunication and a reluctance to deal with the complaint on the part of the Service, Person D was suddenly informed that he had got the required posting. Before it could be judged at Level 3, he withdrew his complaint.

Case Study E – Poor treatment of complainant, poor complaint handling, immediate action by new CO

Person E became ill on deployment and underwent major surgery while abroad. Following her return to the UK she was swiftly posted abroad again which led to her being medically downgraded. She felt that she was not given sufficient support or duty of care following her illness. She wrote to her chain of command and to the postings management team in the summer of 2007 but received no response. Person E then wrote to the Commissioner who wrote to the CO at the beginning of April.

For a number of months, Person E was in contact with the Commissioner detailing the poor way she was being treated and despairing at the lack of action by her CO and unit. For example, although she had been interviewed, had written up her complaint and e-mailed it to the CO and her reporting Officer, who had acknowledged receipt, a few weeks later, she received an urgent phone call demanding why she had not sent the required paperwork to the CO. She had to send the paperwork again. She felt frustrated at the delays and lack of attention she was receiving.

Progress was only made when the CO changed. Within a week of arrival, the new CO had interviewed Person E and had found a new posting for her in the UK. Person E said that she was very pleased with the outcome and the way the new CO had dealt with her complaint.

Case Study F – Importance of personal attention of the Superior Officer and acknowledging errors

Person F, a long serving NCO with many operational tours behind him, felt he was the subject of biased treatment by his CO as he was not given the opportunity for a posting or promotion. He was told there was an age limit to the job he wanted, but he saw people posted in who did not satisfy those age limits. He was given no sound reason why he had not been given those posts. He had tried to complain informally to his chain of command without success.

The Commissioner wrote to his Superior Officer, who replied within two weeks. He said he had met the NCO, explained in detail the reasons why the NCO had not yet been promoted and agreed that he had received confused messages with regards to his postings. He also agreed that the age limit had indeed not been adhered to in two cases. He was therefore making arrangements for the NCO to move to his chosen posting.

When the Commissioner wrote to Person F with the update he refuted the account and said he'd been pressured by another NCO to withdraw his complaint and that there was no job for him. Although the personal intervention of the Superior Officer had started to restore his confidence in the system, that was now at risk.

The Commissioner wrote to the Superior Officer and received a reply acknowledging that the posting had not proved possible, that he had seen and explained this to Person F and an alternative had now been found. Person F agreed he now had a new job and that, although it wasn't the one he really wanted, he was much happier now. He also received a promotion shortly after.

At the request of the Army, I reviewed the first 37 Service complaints under my oversight from the Army. That review revealed that the CO (or SO if the case was referred to them) saw the complainant at the outset in only half of those cases. The Army is now taking action to ensure that a personal meeting becomes the norm. In a number of cases across the Services, the fact that the CO did not ask to see the complainant was mentioned in correspondence with me as a reason why the complainant was beginning to lose confidence in the system.

Once confidence is lost, it is very difficult to regain it. Unfortunately, there are examples where the SO at Level 2 has seen the complainant and dealt with the complaint in an exemplary fashion but the poor handling of the case at Level 1 has so eroded confidence that the SO's actions have been insufficient to get the complaint back on track.

Key Finding 4: Lack of expertise in complaint handling is a cause of common failings

A confident CO tends to instil confidence in the complaints system. A number of cases have shown that some COs and their staff are unsure about what is required of them when faced with a Service complaint. Common failings include involving those who are implicated in the investigation or handling of the complaint; failing to keep the complainant informed as to what is happening to the complaint; and failing to appoint an Assisting Officer (AO). It may be that an AO is not appointed where the complaint is felt to be minor or because the role of AO is associated with only bullying and harassment complaints (the role has been extended to all complaints in the new Service Complaints System). However, a good AO can make an important contribution to ensuring complaints are dealt with at the lowest appropriate level.

Case Study G – Dealing well with a minor complaint and good use of an Assisting Officer

The unmarried partner of Person G wrote to the Commissioner because she felt her partner was being discriminated against due to their unmarried status. Person G had received a sanction for staying at home to look after the children, when he understood that he had received permission to stay at home that day. The Commissioner referred the case to the Service.

The CO responded after interviewing Person G. He had allocated an experienced Assisting Officer straight away and explained the process that needed to be followed to submit a formal Service complaint. Person G came back a week or so later to say he had decided not to pursue a complaint. The CO accepted this decision but decided to monitor this particular area of policy as it affected his unit. The CO followed it up by writing to the Commissioner some months later to say that he had not identified any further incidents of discrimination against unmarried couples.

Key Finding 5: There is a need for more ownership and proactive management of complaints at the heart of command

Because of the relatively low numbers of formal complaints each year, having a formal complaint to handle is a relatively rare occurrence for a CO. The AFCAS survey showed levels of uncertainty amongst Officers across the Services about where to get information about E&D complaints. This lack of expertise and difficulty in getting information on how to complain, or to get anyone to take their complaints seriously has been mentioned explicitly by a number of Service personnel as a reason for contacting me. Efforts by COs to ensure they understand

their responsibilities and that the complaint is dealt with properly and fairly can pay dividends.

Case Study H – Thoroughness of investigation and proactive ownership of the complaints system

Person H wrote to the Commissioner explaining that he felt he was being kept back from promotion because of an injury he had sustained. The Commissioner referred the complaint on the basis of Person H being subject to bias because other people with apparently identical circumstances were being promoted where he was not.

The CO responded with a full and well considered initial report. He had interviewed Person H, ensuring he understood the process for making a complaint and potential outcomes. The CO sought legal advice around terminology; considered guidance provided on promotion and confidential reports; and considered carefully what the next steps should be. On receipt of Person H's Service complaint, the CO sent the paperwork to the appropriate personnel team who reviewed the case file.

They agreed that Person H had been subject to apparent bias. The CO interviewed Person H, ensuring he was aware that, although he could now attend the appropriate training courses, it was his responsibility to ensure he made the most of the opportunity. He encouraged Person H to submit a formal complaint if any of those who had responsibility for assisting him in pursuing his promotion did not discharge that responsibility properly.

This case was unusual in its explicit message to the complainant that not only was he justified in making a complaint but that the use of the complaints system was an appropriate way of challenging any potential unacceptable behaviour in future. Other cases have shown that a CO who is alerted to a potential issue and who takes responsibility to investigate that issue, irrespective of whether the complainant makes a Service complaint or not, can be very effective in his or her command and gaining and maintaining the confidence of those under his or her command.

Reducing the gap between reported levels of bullying and harassment and levels of recorded complaints

The levels of reported complaints were set out in Chapter 4. The survey findings for AFCAS and RTS for 2008 should become available in 2009. A third survey on sexual harassment is also to be undertaken in 2009. The rest of this section provides information on levels of recorded complaints.

As part of the 2005 agreement with the then Equal Opportunities Commission (EOC), the MOD agreed a three point plan to take practical steps in reasonable time to prevent and deal effectively with sexual harassment against women in the Armed Forces. That action plan included research, development of its record keeping, revised guidance and training, and an annual external review of the Services performance. The action plan was not limited to sexual harassment but covered bullying, harassment and discrimination against women and on the grounds of race, sexual orientation and religious belief (the Armed Forces have an exemption from disability and age discrimination legislation).

Until this year, the MOD has published the annual review themselves. This year they have provided me with the information for inclusion in this annual report. This section highlights some key issues.

A key aspect of the data recording system insisted upon by the EOC was the collection and collation of informal complaints. The Services have provided data on both formal and informal Equality & Diversity complaints for 24 months from October 2006. This data is collected from statistics compiled twice yearly by Service HQs manually from COs' logs, a time and resource intensive process.

Data on complaints is not linked to demographic details of either the complainant or person complained about and provides limited opportunity for multivariate analysis, for example, by gender, race, sexual orientation, rank, Service or location. **Work is in hand to develop such data capture and management tools to be introduced alongside and integrated with the general complaints module on JPA.**

The reporting period for E&D complaints is October to September each year. However, I have asked the MOD to explore with the Services the scope to bring the reporting

Table 6: E&D complaints data for the period October 2007 – March 2008.

Type	RN		Army		RAF		Purple TLBs		Totals	
	Formal	Informal	Formal	Informal	Formal	Informal	Formal	Informal	Formal	Informal
Bullying	4	29	11	23	16	30	0	0	31	82
Harassment	8	43	25	21	8	29	0	0	41	93
Sexual harassment	4	12	9	8	5	10	0	0	18	30
Sexual discrimination	0	2	1	7	1	0	0	0	2	9
Racial harassment	3	6	5	1	7	4	0	0	15	11
Racial discrimination	0	3	1	3	1	1	0	0	2	7
Sexual orientation harassment	0	4	0	4	1	3	0	0	1	11
Sexual orientation discrimination	1	0	0	3	0	0	0	0	1	3
Religious harassment	0	1	0	0	0	1	0	0	0	2
Religious discrimination	1	0	1	0	0	0	0	0	2	0
Other	1	10	5	4	2	5	0	0	8	19
Totals	22	110	58	74	41	83	0	0	121	267
Total complaints: 388										

Table 7: E&D complaints data for the period April 2008 – September 2008.

Type	RN		Army		RAF		Purple TLBs		Totals	
	Formal	Informal	Formal	Informal	Formal	Informal	Formal	Informal	Formal	Informal
Bullying	10	36	7	14	24	22	1	3	42	75
Harassment	14	38	13	10	16	33	7	10	50	91
Sexual harassment	4	17	5	1	7	9	0	0	16	27
Sexual discrimination	3	0	2	0	0	0	0	2	5	2
Racial harassment	4	2	1	1	3	0	0	0	8	3
Racial discrimination	0	1	0	0	2	0	0	0	2	1
Sexual orientation harassment	0	3	1	2	1	3	0	1	2	9
Sexual orientation discrimination	0	0	0	0	0	1	0	0	0	1
Religious harassment	7	1	0	0	0	0	0	1	7	2
Religious discrimination	0	0	0	0	0	0	0	0	0	0
Other	0	12	2	0	4	9	0	3	6	24
Totals	42	110	31	28	57	77	8	20	138	235
Total complaints: 373										

period into line with the SCC reporting year with effect from January 2009.

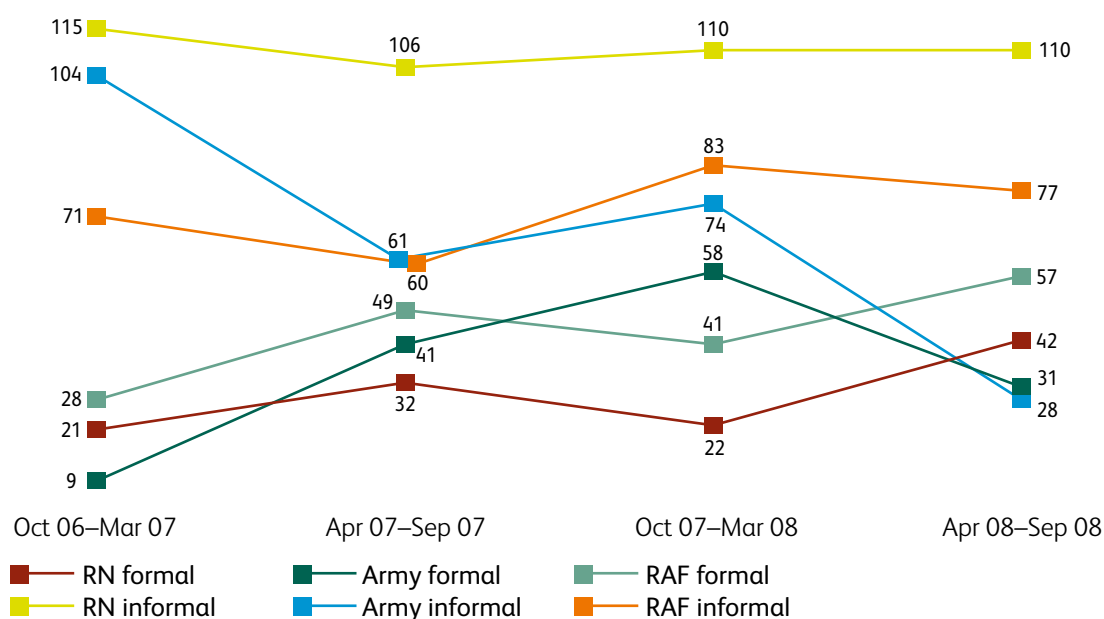
The numbers of E&D complaints made from October 2007 to September 2008 was:

- **formal complaints: 259** (compared to 267 in the previous 12 months)
- **informal complaints: 502** (compared to 517 in the previous 12 months)

For the first 18 months, the data has been collected and shown in these tables by Service. Large numbers of Service personnel work in joint establishments, known in Defence terminology as ‘purple’ commands. In the past data on Service personnel working in ‘purple’ commands had to be disaggregated and sent to the respective Service for

compilation. Because of the risk of inaccuracies, separate purple returns were introduced for the first time for the period April – September 2008. The MOD believes that this will improve the reliability of data. The numbers of formal and informal complaints by Service and purple commands for the periods October 2007 – March 2008 and April 2008 – September 2008 are shown in tables 6 and 7.

A key point to note is the significantly lower reported complaints from the Army than from the other Services, both in terms of formal complaints (31 for the six months to September 2008, compared to 42 for the Navy and 57 for the RAF) and informal (28 for the Army, compared to 110 for the Navy and

Figure 18: Formal and informal E&D complaints by Service – trends October 2006 – September 2008.

77 for the RAF). This pattern does not appear consistent with the 2007 AFCAS data or with the numbers of complaints I have received from the different Services. Indeed, figure 18 shows that this is a recent trend. In October 2006, the number of Army informal complaints was second highest after Navy informal complaints – a similar ratio to that reported in AFCAS 2007. Figure 18 also shows that while the numbers of Army informal complaints have dropped from over 100 to 28 in the 12 months since October 2006, formal complaints have risen in that time – although that upward trend has reversed somewhat over the past 12 months.

The Army has recognised this as an issue for further analysis and monitoring. The AFCAS survey in 2008 will provide information from soldiers of their perceptions of discrimination, bullying and harassment for 2008 and may cast light on whether the explanation is due to improvements in treatment of soldiers.

If the patterns in the AFCAS survey for 2008 do not show such a reduction, the Army will need to review what other factors may be at play. They should also review the six monthly returns to see if it is simply a blip or becomes a trend. I was consulted proactively during the year by the Army on its E&D strategy, which I rated as very good, but flagged up a potential risk around the target to halve the numbers of complaints of harassment. If the overall reduction in E&D complaints is not matched by reductions in the AFCAS survey, I would encourage the Army to explore whether this target is having the opposite effect than intended.

I do not necessarily see a rise in formal complaints as problematic. While it is true that complaints are best tackled at the lowest appropriate level, the key word is appropriate. Informal resolution and mediation can be extremely valuable. The Services have invested in training Service personnel as

Figure 19: Trends in formal complaints by category from October 2006 – September 2008.

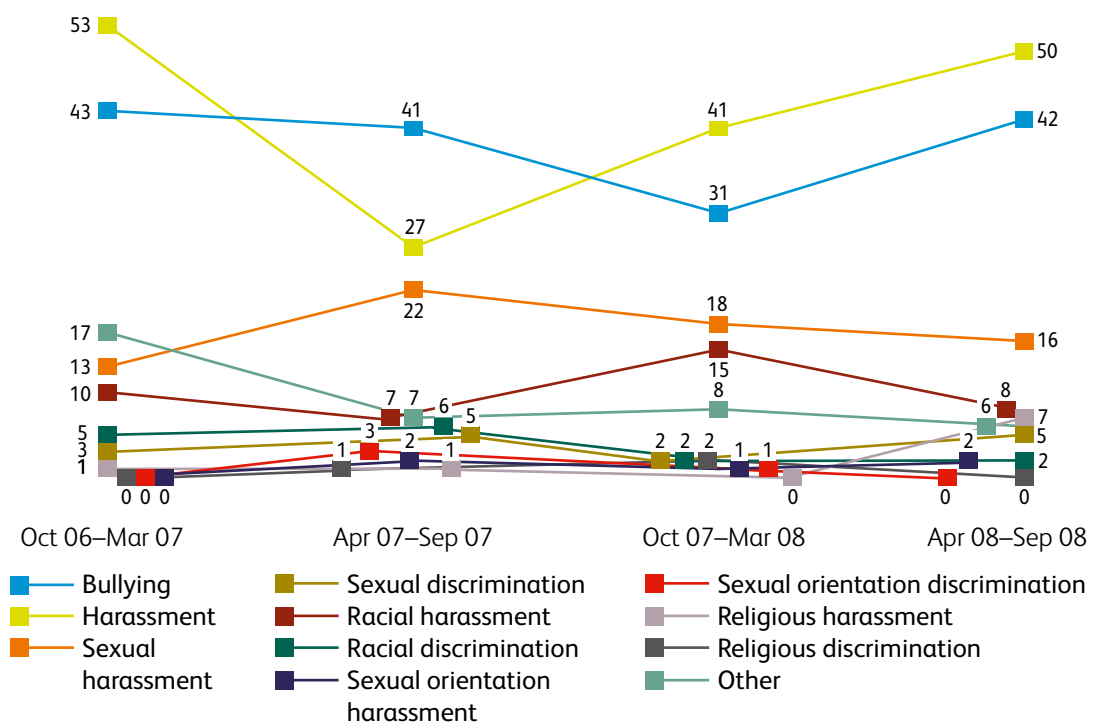
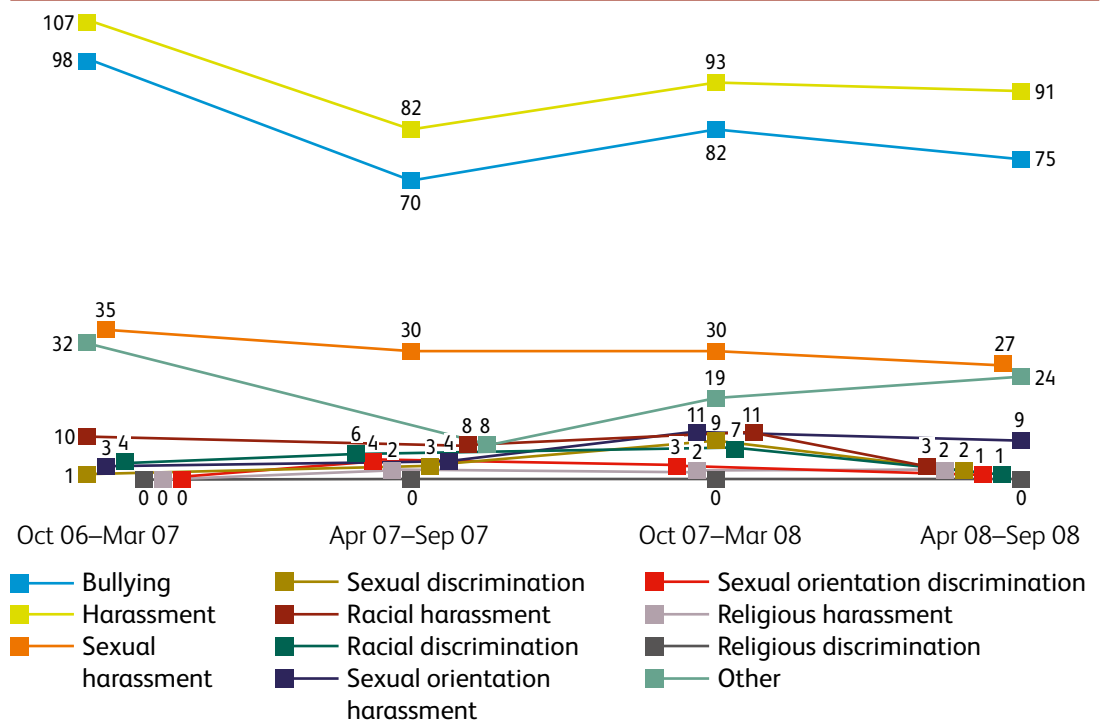


Figure 20: Trends in informal complaints by category from October 2006 – September 2008.



mediators – 230 in the RAF alone – and it will be important to monitor the impact of this new approach. But some complaints should be dealt with formally, for instance where there may be systemic rather than personality issues involved, or when an attempt to deal with such complaints informally may be misinterpreted as ‘sweeping it under the carpet’.

Informal handling may also lead to missed opportunities for organisational learning. In this regard, it is interesting to note that generally across the Services during this period there were more formal complaints than informal complaints of racial harassment. Figures 19 and 20 on the previous page show the trends between 2006 and 2008 by category of complaint. It will be too soon to see whether there is a similar trend in relation to formal complaints of harassment on the grounds of religion or sexual orientation. Bullying and harassment are still the most numerous categories of complaint, both formal and informal.

For all Services, this data and the AFCAS findings as regards use of the complaints system and perceived incidents of bullying, harassment and discrimination, will provide a measure over time of the potential impact of the complaints system to reduce the levels of all types of poor and unfair behaviour experienced by Service men and women.

Quality outcomes

The primary purpose of a complaints system is to provide an individual with a means of raising matters which have adversely affected him or her, enabling the organisation to investigate the facts behind the complaint and, where the complaint is upheld, in whole

or in part, to take remedial action and provide redress. That remedial action is primarily directed at the individual, although, in some circumstances, the action that puts right the wrong for one person can improve the situation of others.

Increasingly organisations in the private and public sectors have realised the importance of complaints as a mechanism for finding out how things are operating throughout the organisation. Many private sector organisations now use their complaints systems as an integral part of their quality assurance mechanism and understand the link between complaints and the bottom line. In a Service context, this means the chain of command thinking about complaints as an indicator of potential problems within the team that are better dealt with before that team is put under pressure. However, my postbag and conversations with Service men and women suggest that the majority of those in the Services do not yet have this mindset.

Those who make complaints are more likely to be perceived as disruptive of team cohesion than contributing to it. Loyalty to the team is a paramount value throughout the Services and rightly so. However unfortunately, making a complaint is perceived to be counter to the Services’ values and standards. One Service woman expressed this view when she commented on the reservations she had had about approaching my Office for help:

"I hated having to use your services as I am loyal to my Corps, however I felt I had no choice."

Key Finding 6: The Service Complaints System is focused on individual redress not organisational improvement – it should be about both

Complaints need to be dealt with well and in such a way that any lessons can be easily identified and action taken so as to prevent further complaints in future. Many people are motivated to bring a complaint by a desire to ensure that what has happened to them does not happen to another, or because they are very concerned about their part of the organisation and can find no other way to get an improvement. A CO who grasps this can prevent a complaint being made or, if made, escalating and using up precious time and staff resources that could otherwise be used for operational purposes.

In the case below, as in other good practice examples set out in the report, the openness of the CO in admitting when mistakes had been made and making an apology, was critical to the decision of the complainant not to proceed.

Prompted by the lessons arising out of a number of Value for Money studies across central government departments, the National Audit Office recently looked at the contribution of complaints to organisational effectiveness. Its conclusions in a forthcoming report, *Helping Government Learn – National Audit Office 2009* (over page), underline the need for an approach to complaints that includes organisational learning, with system and external review to capture and share lessons learnt.

Case Study I – Acknowledging mistakes and making apologies

While working in a mixed Service environment, Person I became increasingly unhappy with his job and requested more responsibility. A reorganisation was then announced which meant he had less responsibility and was to be line-managed by a civilian whose grade he thought inappropriate. After much deliberation, Person I decided to submit his resignation and to complain to the Commissioner about his treatment by the chain of command, including his Superior Officer.

Because of the involvement of the Superior Officer, the Commissioner wrote to the Service Board via the Service Secretariat who appointed a senior Officer to investigate. The senior Officer wrote to the Commissioner

within 10 days of receiving her letter. He had interviewed Person I and decided to look at the matters raised in the complaint and the management relationships in the team as a whole to ensure there were no systemic issues which needed to be addressed. With that action in hand, Person I decided not to make a formal complaint.

After investigation, the senior Officer wrote again to the Commissioner with his conclusions. He was satisfied that, despite being under resource pressures, the team was being managed properly, although Person I's concerns could have been dealt with more effectively. Person I, although not entirely in agreement with the conclusions, was happy for the Commissioner to close the case and was very complimentary towards the senior Officer and the way he dealt with the case.

Extract from *Helping Government Learn* – forthcoming publication by National Audit Office

- Learning from complaints works best when there are systems to capture and analyse what people are complaining about in a consistent and rigorous manner.
- If complaints systems are complicated, or if people do not feel their complaint will make a difference they are likely not to complain. This means losing a key source of knowledge for an organisation.
- Regular reviews of complaints handling to identify any weaknesses in the operating processes are important. Customer satisfaction surveys and external reviews of cases would be a suitable means to obtaining the material for these reviews.

The Services have taken a continuous improvement approach within a number of areas in relation to Service personnel, particularly in relation to training, which could be extended to complaints. The SCC can advise on and provide a valuable overview of good practice and its impact from the cases I oversee and the audits of other complaints. All my activities should seek to add value by assisting the Services to identify organisational and systemic issues as well as ensuring that individuals are treated fairly. **I will work with the Services to develop systems for capturing and sharing lessons learned and monitor the impact of action taken as a result. The Secretariats are already beginning to do this with regards to process and the MOD plans that this can be built on in future meetings.**



Fairness

Justice in individual complaints

A fair system is one that deals fairly with all individuals involved and produces fair results. All individuals includes not only the complainant and the person about whom a complaint has been made, but also the individuals involved in the investigation, in handling and in making a decision on the complaint. A number of factors discussed above in relation to efficiency and effectiveness contribute therefore to the fairness of the system.

My assessment of fairness in relation to the handling of the individual complaints I oversee will be measured by assessing whether:

- procedures were followed correctly
- the decision was within the bounds of reasonableness, based on all the evidence.

In the same way that all public tribunals are expected to provide reasons for their decisions as a matter of fairness and good administration, so should the chain of command provide reasons for their decisions on complaints. **I shall therefore expect the chain of command to include within their letters informing me of progress and their eventual decision:**

- **reasons why the Service man or woman has decided not to make a Service complaint, if this occurs after referral, or**
- **reasons why the chain of command has decided not to accept the complaint as a Service complaint, or**
- **reasons for their decision on the complaint.**

I will base my judgement on the fair handling of cases by reviewing the cases referred through me and a sample of all cases completed each year. The choice of those cases for audit will be a combination of those chosen at random and those based on an assessment of risk. The risk factors will include:

- seriousness of harm alleged
- themes/trends arising from cases
- Service or public concern
- track record of the chain of command in handling complaints.

Numbers of cases audited will depend on resources, but the aim should be at least 10% of all cases recorded on JPA.

A fair system

However, assessing whether a system is fair requires more than looking at individual cases. For example, a case may have been decided after following all the procedures laid down but if those procedures are themselves unfair, there may have been injustice. One test is whether as a whole the system is felt to be fair; another is the extent to which potential users have confidence in the system.

Five of the BIOA principles provide criteria by which to make a systematic assessment of fairness in this wider context:

- clarity of purpose
- accessibility
- flexibility
- openness and transparency
- proportionality.

Assessment of the fairness of the Service Complaints System against these principles

1. Clarity of purpose

Key Finding 7: The new system is working and complaints are being made to the SCC. However a significant number of Service men and women did not know or were unsure about how to make a complaint. Knowledge about the SCC and her role is still very limited

The purpose of the Service Complaints System is clearly set out in statute and in guidance. Having two separate procedures for Service complaints of prescribed behaviour (JSP 831) and a subset of complaints of bullying, harassment and discrimination (JSP 763) causes confusion. I understand how and why this situation has arisen and the very good reasons for potentially retaining the difference. I have encouraged the MOD and Services to review the difficulties this is causing, to consider where closer integration can be achieved and/or better signposting can be given.

There appears to be confusion in some cases as to the nature of a Service complaint investigation. It is an investigation on the facts, not a disciplinary investigation – although the outcome of the investigation may be a disciplinary investigation. Confusion on this point can lead to a perception that the criminal law rules are being applied, for example, reference to the need to treat a person about whom a complaint has been made as ‘innocent until found guilty’. Having Service complaints actioned by staff in the same area or directorate as the discipline staff may bolster this misperception. The use of Service Police to investigate

complaints may also dissuade some Service personnel from making a complaint for fear that they will find themselves in trouble as a result. A review of some previously completed complaint investigation files suggests that some complainants have not mentioned serious aspects of alleged bullying and harassment because of bad experiences after reporting incidents to the civilian police before they joined the Services.

There may be occasions, for example, in the case of an allegation of serious harm, when the possibility that the investigation may disclose possible criminal activity would make having police investigative expertise involved from the outset both efficient and effective. The Navy has mixed police and non-police investigators in their E&D investigation teams. I am pleased that the Army will be considering this flexibility as part of their review of their Equal Opportunities Investigation team.

2. Accessibility

Key Finding 8: The Service Complaints System is accessible in theory, but there are barriers in practice

The Service Complaints System is free, open and available to all Service men and women but a key theme throughout this report has been the perceived barriers to its use. These range from lack of knowledge and awareness of the complaints system, including among some Officers; perceptions of those who make complaints as troublemakers; and lack of confidence among many in their chain of command's willingness or expertise to resolve the complaint.

Over the coming year I shall be looking to see whether pressures on Officers is an area of



concern, not least as they can be so important in setting an example for those under their command. I have been contacted by a number of Officers at CO level (five in total) alleging bullying and harassment, for example, unreasonable or inconsistent work demands; or amongst TA Officers, demands that intrude unreasonably into their civilian life; and derogatory or demeaning comments in front of others which undermine their authority. Where Officers allege bullying or harassment it is seen as their failing in allowing it to happen. Under those circumstances, it can be difficult for them to talk to their chain of command. My Office appears to have fulfilled a function in enabling the matter to come to the attention of a Superior Officer through me and be taken seriously.

3. Flexibility

The Service Complaints System has some flexibility in responding to the needs of individuals. Complaints can be dealt with informally rather than formally and the introduction of trained mediators may help with that flexibility. However, once a Service complaint is made, there is a fixed procedure. A number of issues have arisen in relation to the application of those formal procedures and the ability of the formal procedure to cope with irregular chains of command.

Key Finding 9: There is inconsistency of practice across and within Services

A fair system is clear about the procedures which should be consistent and those which can be adapted to meet operational or individuals' needs. The new Service Complaints System for the first time enables any Service man or woman working outside their Service to have any complaint they may make dealt with by the same procedures that would apply in his or her own service. In an environment with more mixed and joint working, this is an important development. In practice, how that single system is applied can still differ, and this has been mentioned in a number of cases, as evidence of injustice. One example is the different approach taken by Services as to how and when a Service complaint can be made. Two Services tend to accept complaints written on letters and then require the Service man or woman to complete form Annex F in JSP 831. One Service, at least in one case, appears to have required the complaint to be made on that specific form. A slight revision to the wording of JSP 831 is probably all that is needed to put the matter beyond doubt and the MOD have this on their list for the forthcoming revision of that guidance.

No guidance can cover every eventuality and not every allegation of inconsistency turns out to be based on a good understanding of the facts. COs should be able to overcome this with good communication and an open approach which checks, when challenged, to see if their handling is potentially unfair and could be done in a better way.

Another area of seeming inconsistency is the form of investigation into a complaint. COs, quite rightly, have the flexibility to decide how they investigate a complaint. Any investigation



should be proportionate and appropriate to the subject and circumstances of the complaint. However, a CO who determines a complaint at Level 1 based solely on the available papers, without anyone talking to the complainant, is perceived by the complainant to be unfair. There may be an assumption that because a rule has been laid down or an order given, that rule or order has been implemented as intended. In the cases I oversee I shall be looking for such statements in decision letters as evidence of potential unfairness, unless it is clear that a proper check has been made with witnesses.

Other inconsistencies have been mentioned elsewhere. These include variability in appointing Assisting Officers, meetings with the chain of command at the outset of the complaint and when the decision is given. At least one CO had considered whether to meet a complainant but decided that it would compromise his ability to make a fair decision on the case. This may be an example of

the confusion between complaint and discipline systems.

Key Finding 10: A system centred around a chain of command works best when the complaint is about a matter within the scope of command

Having complaints dealt with by the chain of command works well when remedy can be found within the chain of command. Particular issues have arisen where the complainant has moved Service or where the action about which he or she is complaining involves both the CO and someone outside the chain of command.

In the first instance the complaint procedure makes it clear that a Service complaint has to be made to a Service man or woman's current chain of command. If the event complained about occurred at a different location it may be practically difficult, or the CO may not have any power to conduct an investigation. This situation runs the risk of the reliance on paper evidence referred to above. In situations such as postings, or terminations where, depending on the Service, the decision complained about has been made outside the chain of command, COs often pass the matter up their chain as the remedy is outside their authority. This too runs the risk of reliance on papers. Particular difficulties have occurred in such cases where a complaint has been escalated to Level 2 in the first instance but where there is still a need for an investigation on the facts. Applying the usual Level 2 processes does not result in fairness.

However where the CO takes ownership of the complaint and uses it as a proactive management tool to explore whether there are systemic weaknesses, these difficulties can be overcome.

Case Study J – Mixed Service/civilian environment – cause of complaint outside the chain of command

Person J was studying on a course that was run jointly by military and civilian colleges. He received his personal report from the course and was dismayed at the comments made. He felt they were a personal attack, made by people with whom he had limited contact during the course. Moreover the report appeared to have been signed by a course leader, a civilian, who subsequently admitted that he had not seen or signed the report. Person J wrote to the Commandant of the College but received no response. He then wrote to the Commissioner in January.

The Commissioner wrote to Person J's CO and referred the case under the prescribed category of dishonest or improper behaviour.

The CO responded in full within four weeks of receiving the letter from the Commissioner. During his investigation found that the signatures on the report were inconsistent, the language was insulting and belittling and there were inconsistencies in the reporting process. He agreed that Person J should not sign the report and that further investigation should be undertaken. As the location of the cause for complaint and the personnel involved were outside the CO's chain of command, the CO had no powers to order a new appraisal report.

After meeting with the college and Person J, the CO was able to get all previous versions of the report expunged from the records. A new report was written that the complainant was willing to sign. A new reporting procedure was introduced to the college, ensuring a more robust assessment of students.

Key Finding 11: Some areas of perceived unfairness to be kept under review

A Service Complaints System must be appropriate for and have the flexibility to serve operational needs. It is entirely appropriate that, where a complaint has been brought regarding behaviour, it is for the CO to decide if the parties need to be separated and if so how.

JSP 763 makes it clear that in making that decision, the CO should have regard to the operational context as well as fairness. In practice, some complainants feel that the CO has considered only operational matters and has had no regard to fairness. This is particularly so when the CO has involved the person about whom the allegation has been made in the investigation or management of the complaint. In a number of cases, complainants who did not have full confidence in the chain of command believed that by removing the complainant and not the person complained about, the complaint would not be dealt with fairly. An informal enquiry by the MOD to the Services on my behalf, indicated that a more common practice was to move the alleged perpetrator rather than the complainant. I have had no complaints from individuals against whom a complaint has been made in connection with such moves. Mention has been made to me on my visits about the perceived implications of any action to suspend a person complained about. The concern is that within the Services this would not be perceived as a neutral act, but would damage that person's reputation and career. These are issues faced by any employer.

I do not believe that the policy necessarily needs to be changed or that, if there are instances of potential unfairness, there are

any easy answers. I have not yet come to a view on the complaints sent to me. If and when I do, I will consider each case on its facts. It may be that more needs to be done by way of communication and managing expectations. **However this is an area I would encourage the MOD and Services to keep under review, as I shall do, to see there is a need for further work on this point.**

4. Openness and transparency

Good communication is the key to openness and transparency – keeping complainants and others informed, even when there is not much to report. However, in the same way that public bodies and tribunals are required to give reasons for decisions, so too should the chain of command provide reasons for decisions on complaints, for the reasons outlined above.

I would also flag an emerging issue for future consideration around the ability of the complaints system to distinguish and handle fairly complaints of varying degrees of seriousness.

Interplay between Service complaints and discipline/ criminal investigations

It appears to be standard practice to treat any allegation made in a Service complaint about a matter that could be a disciplinary or criminal offence – however minor – as a potential criminal matter. In most cases, although not all, the Service complaints investigation is suspended whilst the Service Police investigate the potential criminal matter. There can be good reason for this, for example, so that the investigation into the Service complaint does not cut across the

evidential requirements for a successful prosecution. However, the crossover between a Service complaint and a criminal investigation may lead to unfairness or the perception of unfairness and such action can have adverse consequences for the Service complaint.

The test for bringing a criminal charge is the likelihood of success in a prosecution. There is also the test of whether a prosecution would be in the public interest. The fact that a decision is made on those tests should not automatically lead to an assumption that there is no substance to the Service complaint allegation, or that the Service complaint will not be upheld. The complaint has to be decided made on a lower burden of proof – the balance of probabilities. Moreover the potential crime which was being investigated may have been part, sometimes not even the main part, of the matter about which the Service complaint was made. If the evidence does not support the elements of that particular crime, it should not affect proof of a different allegation in the complaint. However, it appears that a decision made not to bring a charge can be perceived as proof against the complainant.

Complainants also perceive decisions not to proceed on a complaint about the behaviour of a superior as evidence of Officers closing ranks, particularly in the absence of reasons being given for a decision. There can also be confusion leading to suspicion of unfairness when each party involved in undertaking an investigation believes it is for the other to inform the complainant why no further action is being taken on a criminal investigation. What they may perceive as respect for protocol and areas of authority, can be perceived by complainants as ‘the powers that be’ having something to hide.

The use of a criminal investigation as a mark of the seriousness with which the Services regard alleged bullying may also have the opposite effect to that intended. The harm in some instances of bullying, similar to peer bullying sometimes encountered by pupils at school, is less in the seriousness of an individual event and more in the persistence and unpredictability of a series of more minor instances. Having one or more of the more serious alleged instances investigated by the Service Police and not taken further, due to the criminal evidence test, may unfairly undermine the confidence of the complainant and their credibility.

5. Proportionality

Key Finding 12: The complaints system is geared around top levels and not the lowest appropriate level

The DIA Audit Report on JPA found that the complaints system is currently focused around the top levels of the chain of command. It acts as a recording system to ensure Levels 2 and 3 have the information they need, rather than a case management system enabling complaints to be handled efficiently and properly at Level 1. This structural focus may hamper the MOD and Services' aim of resolving complaints at the lowest appropriate level. I have made a number of suggestions in this report which help to remove any barriers to achieving that aim.

One Serviceman summed up his experience of the Service Complaints System, as follows, after he had achieved the outcome he had sought:

"In order to help others within the Services, I would like it noted that the process was extremely stressful, full of bureaucracy, extremely complicated and long winded..."

"...There was too much over formatting information into (Service speak) in order to please senior Officers rather than allowing the information to be told as it was. There was no contact with senior Officers at unit level. At times it felt like it was me against the machine."

7 Conclusions, Recommendations and Objectives for 2009



Conclusions on the Service Complaints Commissioner's role

A good complaints system can support the operational effectiveness of an organisation. Independent scrutiny of the complaints system can provide assurance to those who use it that their complaint will be treated seriously and that they will not suffer as a result of making a complaint.

From the first year's experience during 2008, I have come to the conclusion that the Service Complaints Commissioner can add value by:

- making more Service personnel aware of the Service Complaints System
- being there for parents and families – for example, the Commissioner can keep going back to the CO when parents may be reluctant to do so
- helping complainants articulate the key issues and the outcome sought
- holding the chain of command to account in the handling of complaints and alerting them to any risk of procedural unfairness
- promoting confidence in the complaints system and the chain of command by the exercise of the independent oversight powers
- taking oversight of an existing complaint to promote confidence and prevent avoidable escalation
- taking an objective view on the fairness of decisions
- identifying patterns and trends and working with the MOD and Services to take action to make improvements as a result
- giving Ministers, the MOD and Services the benefit of an informed external and independent view
- being accountable to Service men and women and their families and the public through Parliament.

Although the processes and powers of the Commissioner in relation to the referral function are well defined, it was left to the first Commissioner to develop the role in other respects. The evidence of the first year suggest that the Commissioner's role meets a real need, with nearly 200 Service men and women or their families contacting me for advice and oversight of their complaints. However, it is still early days and the full impact of the Commissioner's powers has still to be tested. If at a later date I believe on the basis of experience that these powers are insufficient to achieve the purpose for which Parliament created the role, I will say so.

Clarity of purpose is essential to the effective and fair operation of any complaints scheme. Some of those who have contacted me have done so because they thought I could investigate their complaint, independently of their chain of command. Under the Armed Forces Act 2006, the role is one of oversight, not supervision, and I have no powers of investigation to ensure that an individual case is dealt with efficiently, effectively or fairly. I have no control over resources and cannot dictate the time taken or decide what level of investigation would be proportionate. The Commissioner is not a gatekeeper and cannot stop complainants from bringing other complaints if they decide to do so, even if I believe these would not be in the best interest of the complainant or counter-productive to

achieving the complainants' desired outcome. I have no power to stop victimisation or to provide the necessary protection for a person who is afraid to make a complaint.

However, the Commissioner can alert the chain of command about such fears and remind them of their duty of care, taking matters to the top of the Service or to ministers as necessary. I can take a view on whether a complaint is being handled fairly, efficiently and effectively and provide both the complainant and the chain of command with that view to assist a speedy and fair handling of the matter. I have access to information and individuals that enables me to advise on policies and courses of action to promote good treatment of Service men and women in their Service lives. Above all, the Commissioner is the independent person focusing exclusively on how well the Services handle complaints from those who serve in our Armed Forces and the impact of complaints on the incidence of unacceptable treatment of Service men and women.

On the basis of the first year of operation I have concluded that some improvements are needed in how the Services handle complaints. I have made a number of recommendations for the improvement of the process, including how the chain of command dealing with a complaint can keep me informed more effectively. I will be developing the processes of my own Office over the next year to exercise the powers of the Commissioner more systematically and effectively. However, some of these developments will be dependent on the delivery of additional resource, which will be provided by the MOD.

Conclusions on the efficiency, effectiveness and fairness of the system

The Service Complaints System is well designed and substantially meets the basic principles of a good complaints system. However, in practice there are some areas for improvement. These are specifically focused around efficiency and effectiveness and include accessibility, timeliness, communication, data capture, management information and the development of an organisational improvement approach to the use of complaints. There needs to be consistent application of agreed procedure – within as well as across the Services.

Although the system is designed to result in fair decisions, a number of issues are emerging about which there are some perceptions of unfairness. Some of these are systemic and not easily remedied. Indeed, the solution to any perception of unfairness may lie in those exercising command being aware of the potential impact of their actions and in proactive communication to explain what is happening and manage expectations. I make no recommendations in relation to these issues but would want the Services and the MOD to keep them under review, as shall I.

Communication is a key area for improvement. The Services need to ensure that both complainants, and those complained about, are provided with quality information regularly during the handling of a complaint and with reason for decisions taken on the complaint. The confidence of those in command in handling complaints well is vital to gaining and maintaining the confidence of the complainant and the person complained about throughout and at the end of the process.

The key findings made in this report are summarised below. I am also setting out a number of recommendations for the MOD and the Services to help them work towards our three year goals; and have set a number of objectives for 2009 to help sustain progress.

Conclusion 1: Timeliness of handling and communication are key measures. There are exceptions but current performance is generally poor. Poor communication is a common causal factor across all Services.

Recommendation:

1.1 Services to set targets for 2009 for percentages of cases at each level completed within JSP deadlines, review performance against targets, take any necessary action and set targets for 2010.

1.2 Services to review use of specialist equality investigation teams to ensure efficient and effective handling of cases and to capture and implement lessons learned. The Army should also share with other Services the results of the review they have planned for early 2009.

1.3 COs and SOs to ensure that effective communication is made with both the complainant and the person complained about, including progress reports every 30 days (for those complaints not decided within that deadline). Both should be provided with written copies of a reasoned decision.

Conclusion 2: There is a need for more ownership and proactive management of complaints at the heart of command.

Recommendation:

2.1 The requirement on COs to review monthly E&D complaints (including bullying allegations) should be extended to all formal Service complaints.

2.2 Following the JPA upgrade, COs should also be required to provide electronic reports to Service HQ twice yearly on complaints made, upheld or not upheld and action taken as a result.

Conclusion 3: The Service Complaints System is focused on individual redress not on organisational improvement. It should be about both.

Recommendation:

3.1 The MOD and Services should meet the timetable they have set following the Defence Internal Audit Report to improve the Service complaint recording system so as to enable accurate and meaningful management information to be available to Commanding Officers, Service Boards and HQs and the SCC.

3.2 The Services should also develop a system for identifying trends, capturing lessons and monitoring implementation, similar to that developed by the DITC team set up following the reports by the Defence Committee, The Deepcut Review (report) and by the Adult Learning Inspectorate (now Ofsted).

Conclusion 4: The new system is working and complaints are being made to the SCC. However a significant number of Service men and women did not know or were unsure about how to make a complaint. Visits across the Services indicate that knowledge about the SCC and her role is still very limited.

Recommendation:

4.1 The Services and the SCC to take further action over the next year to reduce the numbers of Service men and women who do not know or are unsure about how to make a complaint and the role of the SCC.

4.2 The SCC should be provided promptly with sufficient resources to ensure good customer service to individuals and the Services.

Conclusion 5: There is inconsistency of practice across and within Services. Lack of expertise in complaint handling is a cause of common failings.

Recommendation:

5.1 Service Secretariats to be resourced to monitor operation of the Service Complaints System effectively, to identify where the chain of command is less familiar with the process and to provide assistance or take remedial action as necessary.

5.2 The review of guidance on the handling of complaints to explore how to best eliminate the confusion that arises by having two sets of guidance for E&D and other complaints.

Conclusion 6: A system centred around a chain of command works best when the complaint is about a matter within the scope of command.

Recommendation:

6.1 As part of their monitoring role, Service Secretariats should review the handling of complaints which arise outside of the scope of the chain of command and feed any lessons arising into the MOD's review of JSP 831.

Conclusion 7: The complaints system is geared around top levels and not the lowest appropriate level.

Recommendation:

7.1 Service Secretariats to provide and monitor statistics on numbers of cases decided at each level; to review complaints taken to Levels 2 and 3 to identify which cases could have been decided at Level 1, and the reasons why they were not; and to implement lessons learned.

7.2 As part of the Review of JSP 831, Service Secretariats and the MOD to review

procedures for identifying and fast tracking complaints which cannot be resolved at Level 1, for whatever reason; and to consider what further action needs to be taken, if any, on complaints in mixed Service/Service and civilian environments.

Conclusion 8: The complaints system is accessible in theory but there are barriers in practice. Personal and prompt communication by the CO and the chain of command are key to a successful outcome.

Recommendation:

8.1 All COs should personally meet any Service man or woman who wishes to make a formal complaint to explain how to make a complaint, find out what they want to happen as a result, ensure they are provided with an Assisting Officer, ensure they are kept updated on the progress of the complaint and explain the decision on the complaint with reasons. The Services and SCC should monitor the impact.

8.2 All Services should take action to tackle the perception that having complaints made on a CO's watch is a sign of failure. Services need to send a signal from the top that the failure is not having complaints made, but failing to take action to improve matters where a complaint discloses issues that need improvement.

8.3 The current guidance on separating parties to a complaint should be reviewed as part of the MOD reviews of JSP 763 and 831 to ensure that it is implemented in accordance with best employment law practice and ensures fairness and confidence in the system.

Objectives for 2009

Although I set 2008 objectives for my Office, the objective for the MOD and Services was to ensure that the new Service Complaints System was implemented effectively. On the basis of my work this year as set out in this report, I have consulted with the Services and the MOD at senior and operational levels, and on this basis believe we should all work towards the following objectives in 2009. I will base my second report on progress against those objectives.



Objectives for the Service Complaints Commissioner

- improve customer service and develop feedback and measurement systems
- develop case management and knowledge management system
- develop communications to expand reach
- monitor implementation of DIA recommendations on JPA system improvement and integration of Equality & Diversity module
- develop and implement audit of non-SCC cases
- maintain profile and contacts to influence system improvements
- start to measure improvements in Services and set objectives for 2010
- deliver second annual report on time.

Objectives for the MOD and the Services

- implement DIA recommendations and deliver an integrated improved JPA module within the year
- set targets, (*on the basis of AFCAS findings*) for:
 - o increase in junior ranks awareness of complaints system
 - o increase in all ranks confidence in the complaints system
 - o reduction in gap between reported levels and reported complaints of bullying, harassment and discrimination.
- provide statistics at all levels on:
 - o time taken from lodging of complaint or request for re-consideration to decision
 - o appointment of Assisting Officer
 - o communication with complainants and person complained about to deadlines
 - o numbers of complaint by person
 - o location of cause of complaint
 - o gender, ethnicity, service and rank of complainant and person complained about.
- monitor the implementation of Service Complaints System by chain of command and feed findings into the Reviews of JSP 831 and 763 and into other Service personnel policy improvements
- develop a lessons learned and implementation monitoring system
- start to consider, in consultation with the Service Complaints Commissioner, how best to measure impact.

8 Annexes

Annex 1 – Tables taken from the Armed Forces Continuous Attitude Survey 2007

Table 232: Do you know where to get information about the (Service) complaints procedure for unfair treatment, discrimination, harassment and bullying?

	Royal Navy						Army					
	Officers		Ratings		Total		Officers		Soldiers		Total	
	n	%	n	%	n	%	n	%	n	%	n	%
Yes	703	88	1,647	70	2,350	74	755	88	1,140	63	1,895	66
No	17	2	182	12	199	10	44	5	220	18	264	16
Not sure	75	9	282	18	357	16	58	7	227	19	285	18

	RAF						Royal Marines					
	Officers		Airmen		Total		Officers		Other ranks		Total	
	n	%	n	%	n	%	n	%	n	%	n	%
Yes	590	77	1,107	62	1,697	65	183	78	490	49	673	52
No	60	8	233	16	293	15	24	10	181	26	205	24
Not sure	112	15	318	22	430	20	27	12	170	25	197	24

Table 233: Do you believe that you have been the subject of discrimination in a Service environment in the last 12 months?

	Royal Navy						Army					
	Officers		Ratings		Total		Officers		Soldiers		Total	
	n	%	n	%	n	%	n	%	n	%	n	%
No	724	91	1,799	83	2,523	84	781	91	1,328	80	2,109	82
Yes – gender	17	2	72	5	89	4	23	3	59	4	82	4
Yes – race	~	<1	32	2	35	2	~	<1	46	4	47	3
Yes – social background	12	2	55	4	67	3	15	2	59	4	74	4
Yes – religion	~	<1	19	1	21	1	6	1	17	1	23	1
Yes – sexual orientation	–	–	22	1	22	1	~	<1	15	1	17	1
Yes – other	46	6	168	9	214	8	32	4	132	10	164	9

	RAF						Royal Marines					
	Officers		Airmen		Total		Officers		Other ranks		Total	
	n	%	n	%	n	%	n	%	n	%	n	%
No	674	88	1,427	84	2,101	85	219	93	762	89	981	90
Yes – gender	20	3	55	4	75	4	–	–	~	<1	~	<1
Yes – race	~	<1	13	1	16	1	–	–	7	1	7	1
Yes – social background	9	1	32	2	41	2	–	–	12	1	12	1
Yes – religion	–	–	~	<1	~	<1	–	–	~	<1	~	<1
Yes – sexual orientation	–	–	11	1	11	1	–	–	~	<1	~	<1
Yes – other	60	8	137	9	197	8	12	5	54	6	66	6

Table 234: Do you believe that you have been the subject of harassment in a Service environment in the last 12 months?

	Royal Navy						Army					
	Officers		Ratings		Total		Officers		Soldiers		Total	
	n	%	n	%	n	%	n	%	n	%	n	%
No	752	94	1,939	89	2,691	90	820	96	1,438	88	2,258	89
Yes – gender	11	1	35	2	46	2	15	2	32	3	47	2
Yes – race	~	<1	18	1	20	1	5	1	24	2	29	2
Yes – social background	12	2	35	2	47	2	5	1	32	3	37	2
Yes – religion	~	<1	12	1	13	1	~	<1	~	<1	5	<1
Yes – sexual orientation	~	<1	17	1	18	1	–	–	15	1	15	1
Yes – other	20	3	76	4	96	4	7	1	56	4	63	3

	RAF						Royal Marines					
	Officers		Airmen		Total		Officers		Other ranks		Total	
	n	%	n	%	n	%	n	%	n	%	n	%
No	719	94	1,535	91	2,254	92	230	98	802	94	1,032	94
Yes – gender	12	2	22	2	34	2	–	–	–	–	–	–
Yes – race	~	<1	9	1	10	1	–	–	~	1	~	<1
Yes – social background	~	1	21	2	25	1	–	–	8	1	8	1
Yes – religion	~	<1	~	<1	~	<1	–	–	~	<1	~	<1
Yes – sexual orientation	–	–	11	1	11	1	–	–	~	<1	~	<1
Yes – other	26	3	60	4	86	4	~	1	23	3	26	3

Table 235: Do you believe that you have been the subject of bullying in a Service environment in the last 12 months?

	Royal Navy						Army					
	Officers		Ratings		Total		Officers		Other ranks		Total	
	n	%	n	%	n	%	n	%	n	%	n	%
Yes	56	7	196	10	252	9	32	4	125	9	157	9
No	736	93	1,907	89	2,643	90	824	96	1,458	91	2,282	91

	RAF						Royal Marines					
	Officers		Soldiers		Total		Officers		Other ranks		Total	
	n	%	n	%	n	%	n	%	n	%	n	%
Yes	47	6	111	8	158	7	5	2	37	5	42	4
No	715	94	1,538	92	2,253	93	228	98	806	95	1,034	96

Table 236: Did you make a formal written complaint within the last 12 months about this discrimination harassment and/or bullying?

	Royal Navy						Army					
	Officers		Ratings		Total		Officers		Soldiers		Total	
	n	%	n	%	n	%	n	%	n	%	n	%
Yes	~	1	36	8	37	6	~	1	28	7	29	6
No	136	99	425	92	561	94	118	99	377	93	495	94

	RAF						Royal Marines					
	Officers		Airmen		Total		Officers		Other ranks		Total	
	n	%	n	%	n	%	n	%	n	%	n	%
Yes	7	5	14	4	21	4	~	7	6	5	8	5
No	126	95	334	96	460	96	27	93	122	95	149	95

Table 237: How satisfied were you with the objectivity and fairness with which your complaint was handled/is being handled?

	Royal Navy						Army					
	Officers		Ratings		Total		Officers		Soldiers		Total	
	n	%	n	%	n	%	n	%	n	%	n	%
Very satisfied	–	–	~	4	~	4	–	–	~	2	~	2
Satisfied	~	17	15	18	16	18	~	33	24	25	26	26
Neither satisfied nor dissatisfied	~	67	45	50	49	50	~	33	57	49	59	49
Dissatisfied	~	17	15	18	16	18	~	17	9	9	10	9
Very dissatisfied	–	–	11	10	11	10	~	17	15	14	16	14

	RAF						Royal Marines					
	Officers		Airmen		Total		Officers		Other ranks		Total	
	n	%	n	%	n	%	n	%	n	%	n	%
Very satisfied	–	–	–	–	–	–	–	–	~	13	~	12
Satisfied	~	14	~	2	~	3	–	–	~	13	~	12
Neither satisfied nor dissatisfied	~	14	14	41	15	38	~	50	7	41	8	41
Dissatisfied	~	14	12	33	13	31	–	–	~	13	~	12
Very dissatisfied	~	57	7	24	11	28	~	50	~	22	~	23

Table 238: How satisfied were you with the amount of time taken/it is taking to resolve your complaint?

	Royal Navy						Army					
	Officers		Ratings		Total		Officers		Soldiers		Total	
	n	%	n	%	n	%	n	%	n	%	n	%
Very satisfied	–	–	~	2	~	2	–	–	~	4	~	4
Satisfied	~	17	16	20	17	20	~	33	17	17	19	18
Neither satisfied nor dissatisfied	~	67	44	52	48	53	~	33	54	49	56	49
Dissatisfied	~	17	15	16	16	16	~	17	14	15	15	15
Very dissatisfied	–	–	12	11	12	10	~	17	16	15	17	15

	RAF						Royal Marines					
	Officers		Airmen		Total		Officers		Other ranks		Total	
	n	%	n	%	n	%	n	%	n	%	n	%
Very satisfied	–	–	–	–	–	–	–	–	~	3	~	3
Satisfied	~	14	~	6	~	7	–	–	~	13	~	12
Neither satisfied nor dissatisfied	~	14	12	33	13	30	~	50	~	32	5	33
Dissatisfied	~	14	10	31	11	29	–	–	~	29	~	28
Very dissatisfied	~	57	8	30	12	33	~	50	5	22	6	24

Table 239: How satisfied were you with how well you were/are being kept informed about the progress of your complaint?

	Royal Navy						Army					
	Officers		Ratings		Total		Officers		Soldiers		Total	
	n	%	n	%	n	%	n	%	n	%	n	%
Very satisfied	–	–	~	2	~	2	–	–	~	4	~	4
Satisfied	–	–	13	15	13	14	~	33	15	17	17	17
Neither satisfied nor dissatisfied	6	100	46	53	52	55	~	33	58	52	60	52
Dissatisfied	–	–	17	24	17	23	~	33	10	12	12	12
Very dissatisfied	–	–	10	6	10	6	–	–	16	15	16	15

	RAF						Royal Marines					
	Officers		Airmen		Total		Officers		Other ranks		Total	
	n	%	n	%	n	%	n	%	n	%	n	%
Very satisfied	–	–	–	–	–	–	–	–	~	3	~	3
Satisfied	~	14	~	2	~	3	–	–	~	25	~	24
Neither satisfied nor dissatisfied	~	14	16	48	17	44	~	50	6	58	7	57
Dissatisfied	~	43	7	21	10	23	–	–	–	–	–	–
Very dissatisfied	~	29	8	30	10	30	~	50	~	14	5	16

Table 240: If you did not make a written complaint why was this?

	Royal Navy						Army					
	Officers		Ratings		Total		Officers		Soldiers		Total	
	n	%	n	%	n	%	n	%	n	%	n	%
I did not know what to do	~	<1	14	1	15	1	~	<1	30	3	31	2
I considered the incident(s) too minor to report	31	4	93	6	124	5	27	3	83	7	110	6
I did not think people would believe me or take me seriously	18	2	73	4	91	4	16	2	69	6	85	5
I did not want to go through the complaints procedure	15	2	65	4	80	3	20	2	56	5	76	4
I believed such a step might adversely affect my career	42	5	103	5	145	5	37	4	125	9	162	8
I was worried that there would be recriminations from the perpetrator(s)	22	3	79	5	101	4	17	2	70	5	87	5
I thought it would cause problems in my workplace	31	4	128	7	159	7	29	3	125	10	154	9
I did not believe anything would be done if I did complain	44	6	172	9	216	8	39	5	139	10	178	9
I was discouraged from doing so	8	1	26	2	34	1	6	1	30	3	36	2
Other reasons	27	3	65	4	92	3	14	2	58	4	72	4

	RAF						Royal Marines					
	Officers		Airmen		Total		Officers		Other Ranks		Total	
	n	%	n	%	n	%	n	%	n	%	n	%
I did not know what to do	~	1	17	1	21	1	~	<1	7	1	8	1
I considered the incident(s) too minor to report	34	4	70	5	104	5	~	2	14	2	18	2
I did not think people would believe me or take me seriously	17	2	59	4	76	4	~	<1	11	2	12	1
I did not want to go through the complaints procedure	26	3	53	4	79	4	~	2	18	2	22	2
I believed such a step might adversely affect my career	47	6	118	8	165	8	8	3	31	4	39	4
I was worried that there would be recriminations from the perpetrator(s)	22	3	68	5	90	5	~	1	14	2	16	2
I thought it would cause problems in my workplace	37	5	117	8	154	8	5	2	24	3	29	3
I did not believe anything would be done if I did complain	61	8	123	8	184	8	13	6	49	6	62	6
I was discouraged from doing so	8	1	20	1	28	1	~	<1	13	1	14	1
Other reasons	26	3	35	2	61	2	~	2	22	3	26	2

Annex 2

Glossary of terms

AFCAS – Armed Forces Continuous Attitude Survey

ALI – Adult Learning Inspectorate

AO – Assisting Officer

APPG – All-Party Parliamentary Group

ARTD – Army Recruiting and Training Division

BFBS – British Forces Broadcasting Service

BIOA – British and Irish Ombudsman Association

CO – Commanding Officer

DASA – Defence Analytical Services Agency

DIA – Defence Internal Audit

DITC – Defence Individual Training Capability Team

DOSCA – Director of the Office for Standards in Casework (Army)

EHRC – Equality and Human Rights Commission

E&D – Equality & Diversity

EOC – Equal Opportunities Commission

EOIT – Equal Opportunity Investigation Teams

HIVE – Provides information for Service personnel on bases and camps

JPA – Joint Personnel Administration

JSP – Joint Services Publication

MOD – Ministry of Defence

Ofsted – the Office for Standards in Education, Children’s Services and Skills

RTS – Recruit Trainee Survey

SCC – Service Complaints Commissioner

SO – Superior Officer

SPB – Service Personnel Board

SP Pol – Service Personnel Policy

WRVS – Women’s Royal Voluntary Service

Annex 3

The places visited by the Commissioner during the course of her first year.

Army

Pirbright Barracks and the Royal Logistics Corp Phase II Training Centre, Princes' Royal Barracks, Deepcut, **November 2007**

The Commissioner visited HQ Land Forces, Upavon, in **December 2007** and **February** and **July 2008**. These visits included meetings with Army Secretariat, the Directorate of Army Legal Services, the Director of the Office for Standards in Casework (Army) and Army Recruitment and Training Division.

Army Appeals Wing (AAW), Glasgow, **December 2007**

Army Legal Services Conference, Worthy Down, **April 2008**

Infantry Training Centre, Catterick, **April 2008**
4th Division, Aldershot, **April 2008**

Grenadier Guards 1st Battalion, Aldershot, **April 2008**

Regimental Sgt Major Conference, Sandhurst, **July 2008**

Two visits to the Army Equal Opportunity team, Bulford, Salisbury – **August** and **November 2008**

Royal Military College Sandhurst, **October 2008**

Army Foundation College for 16–18 year olds, Harrogate, **November 2008**

Land HQ, Wilton, **December 2008**

Joint Policing and Guarding School, Southwick Park, Hants, **December 2008**

Royal Navy

Navy Command HQ-Fleet, Portsmouth, **February 2008**

HMS Raleigh, Phase 1 Training Establishment, Portsmouth, **March 2008**

Royal Marines Training Centre and Commando Training Centre, Lympstone, **March 2008**. This visit was followed up when the Commissioner went to revisit 962 Troop and see their Passing Out Parade at Lympstone, **November 2008**

Royal Naval Air Station, Culdrose, a joint visit with the Naval Families Federation, **April 2008**

Flag Officer Sea Training, Plymouth, **June 2008**

HMS Illustrious, Portsmouth, **June 2008**

Royal Air Force

Air Command, High Wycombe, **January 2008**

RAF Odiham, Joint Helicopter Division, **May 2008**

RAF Marham, **May 2008**

RAF Halton, Phase 1 Training Establishment, **June 2008**

RAF Wittering, RAF Regiment 3rd Squadron, **November 2008**

Tri-Service Visits

Afghanistan, Kandahar and Camp Bastion, **June 2008**

Military Court Centre, Colchester, **November 2008**

Military Corrective Training Centre (MCTC), Colchester, **November 2008**

Service welfare organisations

Royal British Legion, London, **January 2008**

Combat Stress, Leatherhead, **March 2008**

Navy Families Federation, Portsmouth,
February 2008 and April 2008

Army Families Federation, Upavon, **February 2008** and Annual Conference London,
June 2008

RAF Families Federation, Marham, **May 2008**,
London, **July 2008**

HIVE, WRVS and Service Welfare personnel,
including Padres at the bases, camps and
establishments visited

Salvation Army personnel at ITC Catterick,
April 2008

List of invitations the Commissioner accepted and attended:

Royal Marines Mountbatten Festival of Music,
Royal Albert Hall, at the invitation of the First
Sea Lord, Sir Jonathon Band, **February 2008**

HMS Victory dinner, at the invitation of
Second Sea Lord, Vice-Admiral Adrian John,
May 2008

Friends of the Army dinner, Royal Chelsea
Hospital, London, at the invitation of General
Sir Richard Dannatt, **May 2008**

The Queen's Birthday Parade, London, at the
invitation of the Second Permanent Under
Secretary for the MOD, Sir Ian Andrews,
June 2008

60th Anniversary Dinner for Army Legal
Service (unable to attend), **September 2008**

Land Forces HQ, Adjutant General's dinner,
Upavon, at the invitation of Adjutant General,
Lt General Bill Rollo, **October 2008**

Lunch at the German Embassy at the
invitation of the German Ambassador,
October 2008

Annex 4

Financial statement

High level expenditure for SCC's Office 2008

Cost (£,000's)	Reason
£83	SCC salary
£36	Support staff
£70	Accommodation and security set up
£10	IT, furniture, other set up essentials
£87	Communications & media expertise
£27	Annual report design, drafting and production costs
£3	Independent legal advice
£316	Total

You can write to the Commissioner at:

The Service Complaints Commissioner
PO Box 61755
London SW1A 2WA

or email:

SCC@armedforcescomplaints.independent.gov.uk