

An admissibility decision is made by the Services to accept a Service Complaint for investigation, in whole or in part (or to proceed with an appeal). If the Services decide that the complaint is not admissible, the Ombudsman has the power to review this and make a final decision about whether the complaint should be accepted into the system.

This factsheet will highlight some of the common mistakes seen by the Ombudsman in admissibility decisions, and guide Specified Officers on how to best frame the Heads of Complaint (HoCs) to benefit everyone involved in the complaints process.

## The Annex F form

The Annex F form is a method of recording how and why an individual feels they have been wronged in their Service life.

### Annex F

#### SERVICE COMPLAINT FORM

1. Before submitting a Service Complaint or at the earliest opportunity, you may want to seek the advice of your Assisting Officer (AO) for help in completing this form. This may be an Officer, Warrant Officer, Senior Non-Commissioned Officer or Civil Servant of equivalent grade who can be appointed by the Specified Officer (SO) (normally the Commanding Officer (CO)) or you can approach somebody yourself. Further details on the role and responsibilities of the AO are at chapter 7.
2. If possible you should seek advice from the Unit Diversity and Inclusion Adviser (DI) (AI).
3. If the complaint involves a number of similar, related incidents involving the same Respondent, you should submit a single Service Complaint form. Otherwise, each complaint should be made using a separate form.
4. In setting out how you allege that you have been wronged, provide the facts as clearly as you can. You must set out:
  - a. the date(s), time(s) and location(s). If you cannot remember the date(s) of the incident complained of, you should say so.
  - b. the incident itself or, if there was more than one, each of them. If the incident(s) occurred over a period you should say when the period ended or when the latest incident occurred.
5. If your complaint is about bullying or harassment, you should also provide:
  - a. details of who you believe is bullying or harassing you;
  - b. details of anyone who witnessed the incident(s);
  - c. the effect that the incident(s) had on you; and
  - d. any attempt you have made to resolve the matter.
6. Regulation 5 of the Armed Forces (Service Complaints Miscellaneous Provisions) Regulations 2015 refers to the type of conduct described below. If behaviour under one or more of these categories is alleged, sections 3 and 4 of the form must be completed:
  - a. discrimination (in this context, 'discrimination' means discrimination or victimisation on the grounds of colour, race, ethnic or national origin, nationality, sex, gender reassignment, status as a married person or civil partner, religion, belief or sexual orientation, and less favourable treatment of the complainant as a part-time employee;

The information presented in an Annex F form does not always result in crystal-clear HoCs. In some cases, you may receive an Annex F form that is perfectly written. However, in most cases there is likely to be further work required to fully understand the issues and how best to express the HoCs.

## What to consider when you receive an Annex F form

- Specified Officers should engage with the individual in a meaningful way prior to making an admissibility decision.
- The complaint may be filled with a lot of emotion. This is because for the individual writing the complaint, their grievance is very personal to them. Specified Officers should speak to individuals as they may express themselves better verbally.
- It is not the responsibility of a Specified Officer to rewrite a complaint. But some individuals may not have a clear understanding of what information will be useful or required on their Annex F form – as a result, they may include irrelevant material, or they may miss out key information. This is why [JSP 831 part 2](#) sets out that a Specified Officer should arrange to speak to the complainant, to understand the nature of the complaint and fill in any gaps in the information.

## How will this help?

The individual will be able to ensure the HoCs correctly express the issues that they want investigated, and the Specified Officers will have all the information required to make a sound decision.



An individual is more likely to feel satisfied with the Service Complaint system if they feel that their complaint has been captured and reflected properly.



## How to determine the wrong

To be able to resolve a complaint, you need to understand these three factors:



The Ombudsman often sees complaints where the wording of the HoCs has been lifted directly from the wording in the Annex F form, and then decisions are made on this specific wording. This can sometimes lead to friction, because individuals may feel the point they are trying to make has been missed, but the Services can be frustrated, because they've used the individual's own wording. An example of this is demonstrated below.

An individual received the following admissibility decision from their Service:

### You raised the following HoC:

*HoC 1: 'I believe I have been wronged because I was assessed as having mental health issues in 2015. My wellbeing was affected because I did not then get a formal diagnosis, despite me asking my Chain of Command to sort this out many times – I believe diagnosis was deliberately delayed. Whenever I raised these issues, they were ignored, or I was warned to stop making a fuss.'*

**Outcome: The complaint is ruled inadmissible because it is related to a potential claim for clinical negligence which is an excluded matter under the regulations.**

In the example above, the Specified Officer copied and pasted the text directly from the Annex F form as the HoC, but there is a lot of information to consider here. The words used by the individual did not make it clear what is being alleged – for example, they did not think they were “*wronged because I was assessed as having mental health issues in 2015*”. The wrong is what happened next. So, in this scenario the Specified Officer had to decide what the wrong being alleged by the individual was, before deciding on admissibility. But there are numerous wrongs alleged by the individual within this statement. Such as:

- They did not receive a formal diagnosis

- Diagnosis was deliberately delayed
- The requests to their Chain of Command for support were ignored
- They were accused of making a fuss when seeking support

The Specified Officer was right to rule that the failure to provide a formal diagnosis is a potential claim for clinical negligence – **but what about the rest of the issues?**

As set out above, speaking to the individual to understand the issues is an important part of the process. If the Specified Officer had spoken to the individual about their concerns, they could have broken down this complaint into several smaller, distinct HoCs. This would have enabled the Specified Officer to separate out what could be taken forward as a Service Complaint. In this case, the individual did not understand why everything had been lumped together, and why the actions of their Chain of Command were not considered under the Service Complaints process - so they came to SCOAF to review the decision.



**Each HoC should clearly and concisely express the wrong that is being alleged by an individual.**



## **How to identify the wrong vs the impact**

The previous section identified that there are three factors of a Service Complaint to consider – what happened, what should have happened, and the impact.

When reviewing admissibility decisions, the Ombudsman sees complaints where the Specified Officer has tried to ensure all the information submitted on an Annex F form is reflected in the admissibility decision they make – so all detail is broken down into different HoCs. However, when a Specified Officer determines the HoCs, the focus needs to be on the first element – what is the specific wrong that is being alleged?

To understand this better, we will examine two examples of how the Specified Officer could define the HoCs to provide a clear explanation of the allegation being raised by an individual.

An individual submitted an Annex F form about their pay and allowances:

### **Example A**

You have alleged the following:

**HoC 1** - Policy was applied incorrectly in determining your pay and allowances.

**HoC 2** – You have been denied the pay and bonuses to which you are entitled.

**HoC 3** – As a result of the above, you have experienced stress, anxiety, and depression.

### **Example B**

You have alleged the following:

**HoC 1** – Policy was applied incorrectly in determining your pay and allowances.

*As a result, you say you have been denied the pay and bonuses you should have received, and this has caused you stress, anxiety, and depression.*

In Example A, the Specified Officer ruled HoC 2 as inadmissible, because it was broadly the same as the issue being raised in HoC 1. They also ruled HoC 3 as inadmissible, as it was capable of being brought as a personal injury claim, which is classified as an excluded matter.



**Specified Officers should try to avoid listing alleged impacts as separate HoCs.**



The Specified Officer should consider what is being alleged as the wrong. In this case, the alleged wrong is that policy was not applied correctly to this individual's circumstances. The individual did not get the pay and bonuses they thought they were entitled to. And because of this, they experienced stress, anxiety, and depression. Although the Annex F form mentioned all three points listed in Example A, this does not mean they all had to be included as HoCs.


In Example B, the same key points are reflected. However, HoC 1 is restricted to the alleged wrong, with an explanatory sentence setting out the impact and how it affected the individual.

### **What can we learn from this?**

In both cases, the core complaint is the same, and the scale of the issue to be investigated is identical. However, in Example A, the individual is given the impression that two-thirds of their complaint was dismissed, and only a small part will be taken forward and investigated. It will make the individual feel aggrieved that the Specified Officer did not properly understand the issue. In Example B, the individual is assured that the whole issue was considered when determining admissibility and the Specified Officer understood the impact. In this case, the individual is more likely to feel satisfied with the Service Complaints system.

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### **Get in touch with the Ombudsman at:**

 0300 369 0689

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

 [@SCOAF UK](#)

### **Further guidance and resources**

For information on the role of a Specified Officer in the Service Complaints process read [JSP831 Redress of individual grievances: service complaints part 2, section 3.](#)

