

SCOAF Statistical Review of Service Complaints 2021

Introduction

In her Annual Report, the Ombudsman evaluates the Service Complaints system and assesses whether the process is efficient, effective and fair.

In her evaluation, she reviews a variety of statistical sources including the JPA case management system for Service Complaints, SCOAF investigations into Service Complaints, the SCOAF survey of Service Complaint users and the Armed Forces Continuous Attitude Survey (AFCAS). Further details of these sources can be found in the background quality report, but their findings are detailed below.

Key statistics

- 749 Service Complaints were ruled admissible in 2021
- 50% of Service Complaints closed in 2021 were upheld in favour of the complainant.
- 47% of cases were closed within the 24-week target when the target was 90%. The average time it takes to complete a Service Complaint is 36 weeks.
- According to AFCAS 2021, 89% of those suffering bullying harassment or discrimination did not make a written complaint. Top reasons for not making a complaint are:
 - 55% did not believe anything would be done if they did complain
 - 49% believed it might adversely affect their career
- The majority of people involved with the Service Complaints process (inc. complainants, respondents, Assisting Officers, Specified Officers) who contacted SCOAF and answered our survey were unhappy with the Service Complaints process:
 - 73% would not recommend using the Service Complaints process
 - 88% of surveyed complainants found that even when their complaint was upheld, the underlying problem was not addressed.
 - 90% of surveyed complainants and 78% of surveyed respondents found their health and well-being was affected by this process.

Who makes a Service Complaint and what kind of complaints are they making

In 2021, 749 Service Complaints were ruled admissible. This represents about 38 Service Complaints per 10,000 Service Personnel or 1 in 265 Service Personnel and is in line with around 730-770 annual complaints from the last five years.

The three most common reasons for making a complaint concern:

- career management (34% of all Service Complaints)
- bullying, harassment or discrimination (31% of all Service Complaints)
- pay, pension and allowances (11% of all Service Complaints)

Further information on complaint categories can be found in Annex 1.

Those over-represented in making a Service complaint include:

- Women (twice as likely to make a Service Complaint as men)
- Regulars (twice as likely to make a Service Complaint as reservists)

- Officers (twice as likely to make a Service Complaint as other ranks)

Further information on demographic representation can be found in Annex 2.

Information and assistance in making a Service Complaint

Service Complaints process

According to AFCAS 2021, 4% of Service Personnel had never heard of the Service Complaints process while 18% had heard of it but knew nothing about it.

This may be due to difficulties in finding information about this process.

According to the SCOAF Service Complaints Feedback Survey, 45% of those Service Personnel who contacted SCOAF prior to being involved with the Service Complaints process didn't feel information on Service Complaint was easy to find. However, 75% of them did know that JSP831 was a main source of information on Service Complaints.

According to a separate SCOAF survey of those using SCOAF services, the most popular way to access information on Service Complaints was from on-line searches (30% of those surveyed), from colleagues and friends (21%), from training (19%) and from Commanding Officers (15%). However,

Service Complaints Ombudsman for the Armed Forces (SCOAF)

SCOAF provides information and advice to those who contact it on making a Service Complaint.

According to AFCAS 2021, 26% of Service Personnel had never heard of the Ombudsman while 22% had heard of the Ombudsman's existence but knew nothing else.

This is in line with the findings of the SCOAF Service Complaints Feedback Survey, 37% of surveyed Service Personnel who contacted SCOAF didn't know the ways that an Ombudsman can help. Despite this, SCOAF still received 1,056 enquiries about Service Complaints in 2021.

Overall, 57% of surveyed complainants who contacted SCOAF had information issues that could have caused timing problems with a making a complaint.

SCOAF referrals service

If an applicant is for any reason uncomfortable with submitting an application to their Chain of Command to get their Service Complaint investigated, they may ask SCOAF to make a referral. In 2021, SCOAF made 160 referrals for Service Complaints. Not all referrals became Service Complaints. Some were resolved before becoming Service Complaints, some were withdrawn, and some were ruled ineligible for becoming Service Complaints.

Support for those involved in Service Complaints

The Service Complaints process specifies that complainants and respondents are to be supported by being offered an Assisting Officer (AO).

In her Annual Report 2021, the ombudsman noted

Information provided by the Services¹ indicates that 5% of personnel who had submitted bullying, harassment or discrimination Service Complaints had not been offered the support of an AO. However, 18% of those responding to SCOAF's feedback survey who were involved in bullying, harassment or discrimination complaints², said they had not been offered this service.

For those who have been provided with AOs, views on the value added by this role vary. The AFCAS survey reported that 20% of those complaining of bullying, harassment or discrimination were dissatisfied with the support provided by their AO, compared with 51% last year, which shows an improvement. However, 48% of those responding to SCOAF's feedback survey, who were involved in bullying, harassment or discrimination complaints³ said they were unhappy with the support received from their AO.

One possible reason for satisfaction ratings with AOs not being higher may be related to how helpful AOs find their training. 78% of the AOs who responded to SCOAF's feedback survey said they did not find the training they had received to be helpful in terms of enabling them to perform the role of AO.

However, 33% of surveyed complainants who contacted SCOAF and 63% of surveyed respondents found their colleagues supportive towards them.

However, as stated previously, complainants and respondents who contact SCOAF are not necessarily representative of all complainants or respondents.

Admissibility procedures for getting a Service Complaint investigated

In order to get a Service Complaint investigated, an application needs to be submitted to a commanding officer who should rule each part of the complaint⁴ eligible or ineligible within 10 working days.

89% of complaint applications to the Service Complaints process (or 8 out of 9 applications) are ruled admissible⁵.

97% of cases that SCOAF encountered in 2021 did not meet the 10 working-day target for applications being ruled admissible or inadmissible..

Any applications ruled not admitted to the process may contact SCOAF for an admissibility decision review. There were 839 admissibility decisions in 2021 and 108 applications to SCOAF to conduct an admissibility review of those decisions, with

¹ Statistics from the Services' annual statistical returns to SCOAF, which are based on the Joint Personnel Administration case management system.

² This figure includes both complainants and respondents in such complaints, whereas the Services' percentage is for complainants only.

³ Complainants and respondents.

⁴ Each part of the complaint is referred to as a head of complaint.

⁵ An investigation into a Service Complaint is only begun when the application is ruled admissible.

SCOAF agreeing to review 96 decisions. Of the reviews SCOAF completed in 2021, 27% were upheld in favour of the complainant.

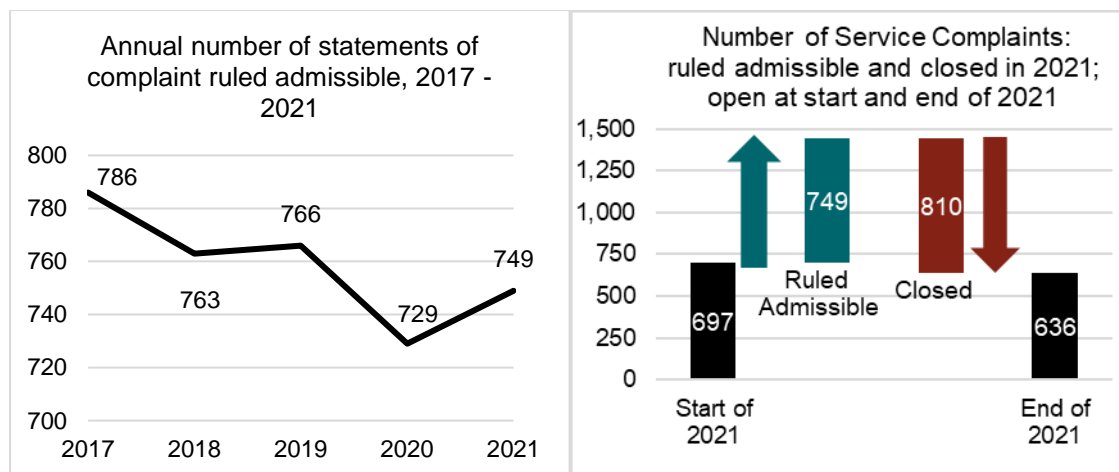
Who handles a Service Complaint

Once a Service Complaint has been accepted for investigating by a specified officer (usually a commanding officer unless they are named in the complaint), a decision body is appointed and the decision body ask an investigating officer to investigate the complaint and report back to the decision body.

Analysis of Service Complaints open as at 31st December 2021 indicated that the biggest cause of delays in Service Complaints is resourcing.

The impact of resourcing issues can be seen in the historical trend of a large number of red flag Service Complaints (averaging 415 Service Complaints at year end for 2017-2020).

However, in 2021, despite a 3% increase in the number of Service Complaints ruled admissible, the Services closed 8% more Service Complaints than they ruled admissible. This led to an annual decrease of 9% (or 61 Service Complaints) in cases remaining open at year end.



Furthermore, the number of red flag Service Complaints⁶ open at year end fell by 24% in a year from 435 red flag Service Complaints at the start of 2021 to 330 at the end of the year. Nonetheless, red flags still represented 54% of all open Service Complaints.

⁶ A red flag Service Complaint is one still open beyond the time target of 24 weeks

Handling of Service Complaints

86% of surveyed Service Complaint users who contacted SCOAF did not find the Service Complaints process simple and straightforward.

This seems to have contributed to problems in administration and communication (as shown in the table below) and delays in a significant number of cases.

Statement	% of surveyed who agreed with the statement
I found the reasons for the admissibility decision were not clearly explained (complainants only)	52%
There wasn't an initial interview to understand the heads of complaint (complainants and respondents)	45%
There weren't regular and informative updates on the progress of the complaint (complainants and respondents)	67%
The appropriate amount of evidence was not collected to enable a fair decision to be made (complainants and respondents)	74%
The decision on whether to uphold a Service Complaint or not, was not clearly explained (complainants only)	52%

94% of surveyed complainants who contacted SCOAF and 76% of surveyed respondents found the Service Complaints process not open or transparent.

78% of surveyed complainants who contacted SCOAF and 71% of surveyed respondents found the Service Complaints process not responsive to a user's needs (including their need for confidentiality).

However, as stated previously, complainants and respondents who contact SCOAF are not necessarily representative of all complainants and respondents.

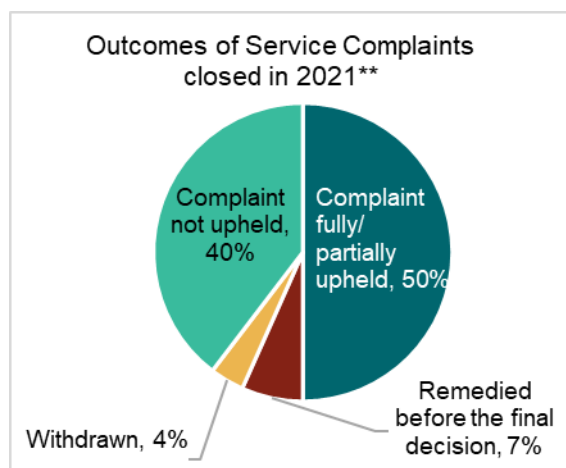
In 2021, SCOAF received 64 applications to investigate maladministration (which represented 23% of eligible Service Complaints), accepting 28 applications. We found maladministration in 71% of all such investigations closed in 2021.

SCOAF were also asked to investigate undue delay 83 times in 2021 and found in favour of the complainant's concern of undue delay in processing 57% of the time.

Outcome of Service Complaints process

50% of Service Complaints closed in 2021 were upheld (partially or fully) in favour of the complainant. Other outcomes of Service Complaints closed in 2021 included Complaints being not upheld in favour of the complainant (40% of Service Complaints), withdrawn (4% of Service Complaints), and remedied before the final decision (7% of Service Complaints).⁷

⁷ Components may not sum up to 100% due to rounding.



However, 75% of surveyed complainants who contacted SCOAF and whose complaint was upheld, were dissatisfied with the outcome of the process. However, as stated previously, complainants who contact SCOAF are not necessarily representative of all complainants.

Complainant reaction to the outcome of the process

If a complainant is unhappy with the initial decision of the decision body judging a Service Complaint, they may appeal it. The appeals process is very similar to the original process with a new deciding body appointed (the appeals body) and a new investigation is undertaken.

28% of decisions (or more than 1 in 4 decisions) are appealed. Upheld rates for all initial decisions were 46% while upheld rates for all final decision were 50%.

In contrast to a previously falling annual trend, appeals rates rose in 2021.

Year	2016	2017	2018	2019	2020	2021
Appeals rate	37%	34%	32%	29%	26%	28%

If a complainant is unhappy with the decision after an appeal, they may ask SCOAF to investigate the substance of a Service complaint. In 2021, SCOAF received 83 applications to investigate the substance of a complaint (which represented 30% of eligible Service Complaints), accepting 30 applications. We found in favour of the complainant in 50% of all the substance investigations closed in 2021.

A complainant may also look at having their complaint investigated by an employment tribunal and there were 25 such cases in 2021.

Impact of being a complainant/respondent

The impact of being involved with a Service Complaint impacted users in terms of both health and relationships at work as follows:

- 90% of surveyed complainants who contacted SCOAF and 78% of surveyed respondents found their health and well-being was affected.
- 44% of surveyed complainants and 17% of surveyed respondents found colleagues were disappointed with them being a complainant or respondent in a Service Complaint.

Timeliness of Service Complaints process

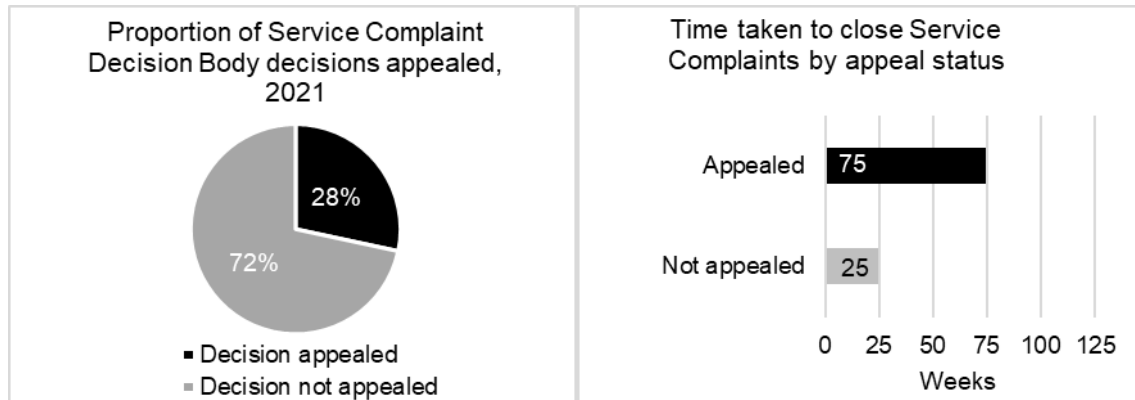
In 2021, 47% of in year Service Complaints were closed within the time target⁸, with the average complaint takes 36 weeks to close.

This is the first rise in timeliness since 2017.

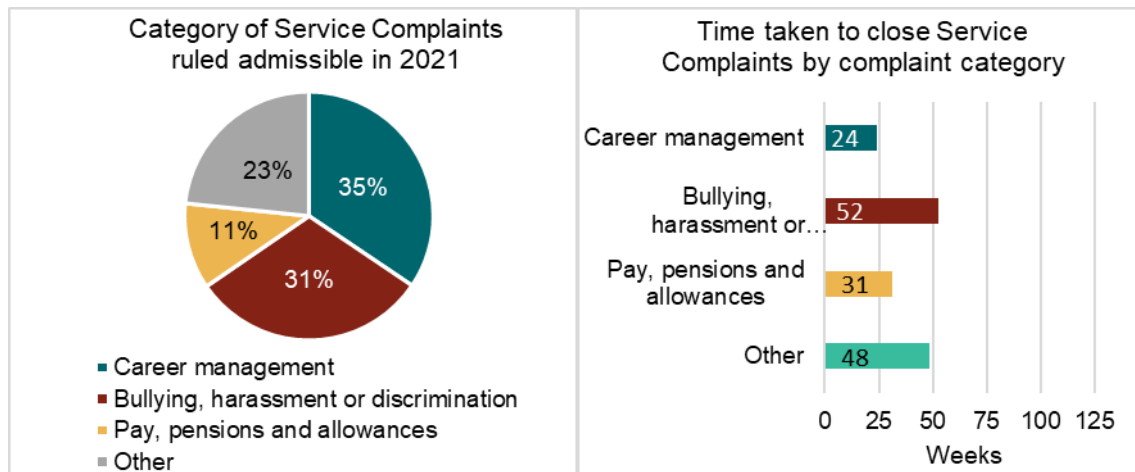
Year	2016	2017	2018	2019	2020	2021
Timeliness rate	39%	52%	50%	46%	40%	47%

However, this is significantly below the KPI target of 90% timeliness and none of the Services met this target. The Royal Navy were the best performing Service with a timeliness rate of 63% while were the RAF worst performing with 42% timeliness. The Army had a timeliness rate of 44%.

The average time taken to process a complaint varies by whether a decision on a complaint is appealed, the complaint category and the Service processing the complaint.



The appeals status of a complaint is the largest factor in the time taken to close a Service Complaint with a difference of 50 weeks between Service Complaints not appealed and Service Complaints appealed.



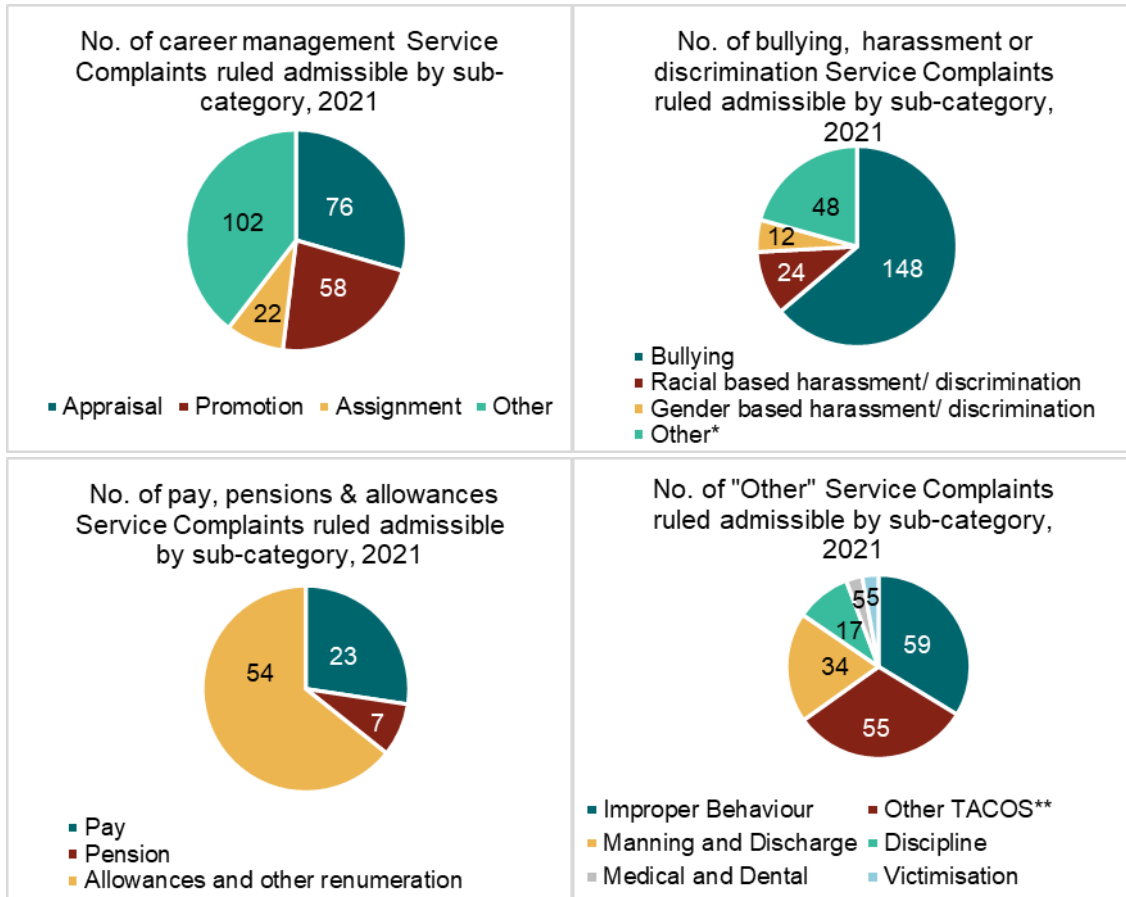
The next largest factor in the time taken to close a Service Complaint is complaint category with bullying, harassment or discrimination Service Complaints taking on average more than twice as long as career management Service Complaints.

⁸ Key performance target for the Service is to close 90% of complaints within time target.

Annex 1: Service Complaint categories

Together with Service and appeals status, the main factor of variation in the volume, timeliness and outcome of Service Complaints is the category of a complaint.

The main categories of Service Complaints are career management (34% of Service Complaints), bullying, harassment or discrimination (31% of Service Complaints) concern pay, pensions and allowances (11% of Service Complaints).



* There were four or fewer cases of sexual harassment

There were four or fewer cases of harassment or discrimination on the basis of religion

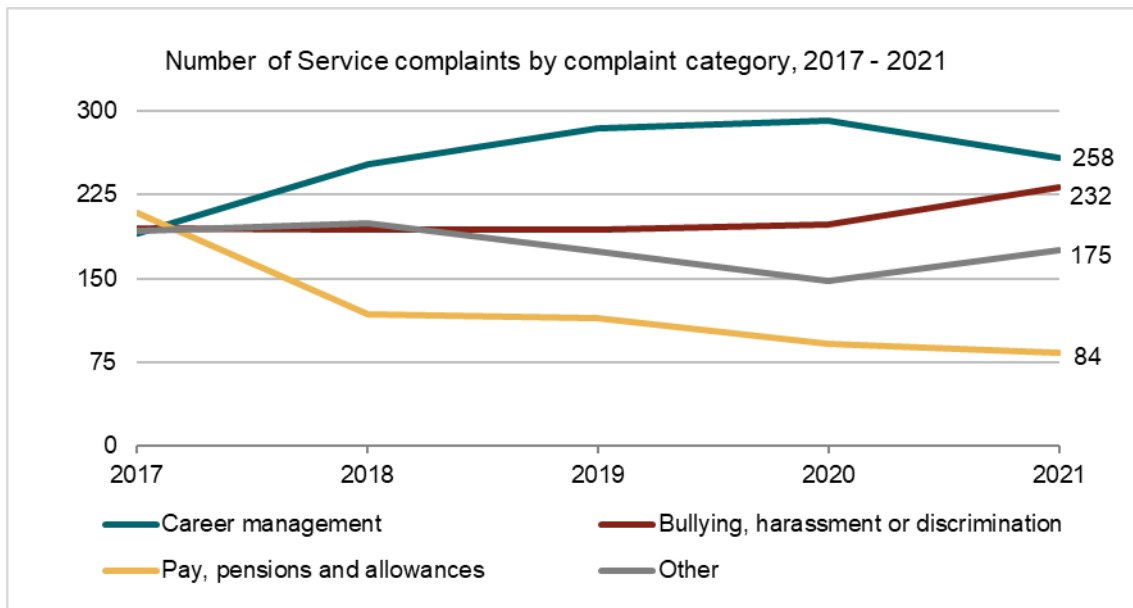
There were four or fewer cases of harassment or discrimination on the basis of sexual orientation

** TACOS = Terms and Conditions of Service

In 2021, career management fell for the first time in at least four years, driven by a 28% annual fall in Army career management Service Complaints.

Bullying, harassment or discrimination Service Complaints rose by 17% annually, due to the number of such cases doubling with in the RAF. This is not thought to be due to a rise in bullying in the RAF but due to an awareness campaign causing an increase in reporting.

The number of pay, pensions and allowances Service Complaints continues its long-term trend of falling annually - falls have been seen every year for the past four years for both the Army and the Navy.



Differences in handling procedures

The number of bullying, harassment or discrimination Service Complaints is not a true reflection of the size of this issue in the Armed Forces. For example, only one in nine (11%) personnel who experience bullying, harassment or discrimination make a written complaint.

Where certain issues are uncovered (e.g. sexual harassment), these are more often addressed under military discipline or military justice processes rather than by complaints procedures.

Minor BHD incidents can be handled by either diversity advisers using “informal procedures” or by mediation. Where cases become Service Complaints, the handling of investigations into these cases is undertaken by specialised Harassment Investigation Officers.

Complaints about pay, pension and allowances, medical and dental issues and accommodation are required to go through a Special-to-Type complaints process initially. Only if a complainant is dissatisfied with the outcome from this process can a Service Complaint can be made. This is consistent with the majority of pay, pensions and allowances Service Complaints being focused on allowances and other remuneration.

Differences in outcomes

The proportion of withdrawn complaints for bullying, harassment or discrimination (6%) is slightly higher than for other complaint categories (2% - 3%).

The proportion of complaints resolved before a decision is higher for career management (9%) than for other complaint categories (5% - 6%). This is in line with SCOAF expectations as the Special-to-type procedure offers a way for early resolution

for pay, pension and allowances Service Complaints while “informal procedures” and mediation are initial ways to resolve for bullying, harassment or discrimination issues.

Both Bullying, harassment or discrimination Service Complaints and pay, pensions and allowances Service Complaints are more likely to be upheld (either fully or partially) in favour of the complainant (59%) compared to career management and other Service Complaints (43% - 44%).

It was noted that while bullying, harassment or discrimination Service Complaints have upheld (either fully or partially) rates of 59% (or 6 out of 10 approximately), the proportion of such Service Complaints being fully upheld is 9% (or 1 out of 10 approximately).

Pay, pensions and allowances Service Complaints have the lowest appeals rate (19%) compared to the other complaint categories (27%-35%). This is in line with pay, pensions and allowances Service Complaints having the highest proportion of complaints that are fully upheld (35%).

Table of Service Complaint metrics by complaint category (tri-Service), 2021

Metric	Complaint Category			
	Career management	Bullying, harassment or discrimination	Pay, pensions and allowances	Other
Service complaints per 10,000 Service Personnel	13	12	4	9
% of open cases that are red flag	45%	62%	46%	54%
Proportion of statements of complaint ruled admissible	92%	90%	91%	84%
Proportion of Service complaints withdrawn	3%	6%	3%	2%
Proportion of Service complaints resolved prior to decision	9%	5%	6%	6%
Proportion of Service complaints fully or partially upheld in favour of the complainant	43%	59%	59%	44%
<i>... of which proportion of Service Complaints fully upheld</i>	11%	9%	35%	14%
Proportion of Decision Body Decisions Appealed	27%	29%	19%	35%
Time Taken (complaint not appealed)	20	36	28	31
Time Taken (complaint appealed)	54	95	70	79

Annex 2: Demographic breakdown of complaints raised

Service complaints exist as a process for addressing wrongs suffered by Service Personnel in their service life. Those who raise Service Complaints are from all ranks and from all Services, and can be regular or reservist, male or female, BAME or white.

However, they are not all equally likely to raise a Service Complaint, and the types of Service Complaint they do raise varies as does their experience of the complaints process.

Service

Personnel at all three Services have similar complaint rates – a rate of 37 Service Complaints per 10,000 Service Personnel for the Royal Navy, 31 Service Complaints per 10,000 Service Personnel for the Army and 61 Service Complaints per 10,000 Service Personnel for the RAF.

The proportion of personnel suffering bullying, harassment or discrimination is smaller in the Royal Marines compared to the other Services, which all have similar rates.

While the RAF has lower rates of initially reporting bullying, harassment or discrimination than officers, it has a higher rate of raising Service Complaint about bullying, harassment or discrimination than the other Services. This is thought to be due the RAF making an awareness campaign.

Rank

Officers are 97% more likely to make a complaint than other ranks – a rate of 62 Service Complaints per 10,000 officers compared to 31 Service Complaints per 10,000 other ranks. This is principally driven by the rate of pay, pensions and allowances Service Complaints (which is more than twice as high for officers compared to other ranks).

There is no significant difference between the ranks in the proportion of personnel suffering bullying, harassment or discrimination. While other ranks have higher rates of initially reporting bullying, harassment or discrimination than officers, officers are 69% more likely to make a Service Complaint about bullying, harassment or discrimination than other ranks.

Assignment status

Regular Service personnel are 93% more likely to make a Service Complaint than Reservist Service personnel. This is principally driven by the rate of pay, pensions and allowances Service Complaints (which is more than twice as high for regulars compared to reservists).

There is no significant difference between the regular Service Personnel and reservists in the proportion of personnel suffering bullying, harassment or discrimination. While reservists have higher rates of initially reporting bullying, harassment or discrimination than regulars, regulars are 91% more likely to make a Service Complaint about bullying, harassment or discrimination than reservists.

Gender

Female Service Personnel are more than twice as likely to make any type of Service Complaint than males – a female rate of 77 Service Complaints per 10,000 Service Personnel compared to a male rate of 33 per 10,000 Service Personnel. This was principally driven by bullying, harassment or discrimination Service Complaints.

Women are nearly four times more likely than men to raise a bullying, harassment or discrimination Service Complaint.

This large difference between the genders in the rate of making bullying, harassment or discrimination Service Complaints is driven by two factors:

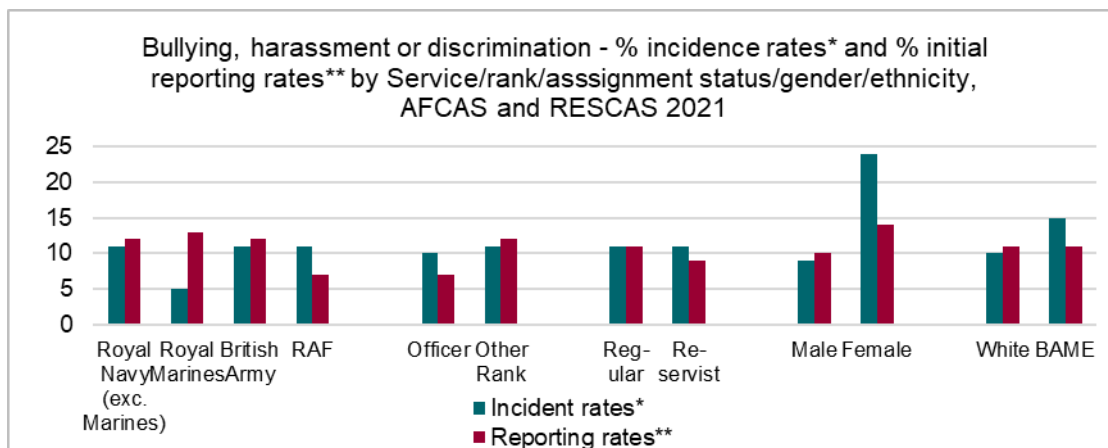
- Female Service Personnel are more than twice as likely to suffer bullying, harassment or discrimination compared to male colleagues.
- Male Service Personnel who suffer bullying, harassment or discrimination are approximately 30% less likely to report it initially compared to females.

Ethnicity

BAME Service Personnel are 5% more likely to make a complaint than their White colleagues. This was principally driven by bullying, harassment or discrimination Service Complaints.

BAME Service Personnel are 80% more likely than White colleagues to raise a bullying, harassment or discrimination Service Complaint.

This was driven by BAME Service Personnel being 40% more likely to suffer bullying, harassment or discrimination compared White colleagues.



* BHD Incident rates - The proportion of AFCAS/RESCAS survey respondents who believed that they had been the subject of bullying, discrimination or harassment in a Service environment in the last 12 months.

**BHD Initial reporting rates - The proportion of those AFCAS/RESCAS survey respondents who believed that they had been the subject of bullying, discrimination or harassment in a Service environment in the last 12 months and who had made a written complaint about this.

(Note: not all written complaints of bullying, harassment or discrimination result in a Service Complaint being raised.)

