

Introduction and Overview

The aim of the Service Complaints (SC) system is to provide Service personnel with a process through which grievances on matters relating to their Service can be addressed. On average Air Command receives over 100 formal complaints in any 12 month period which involves a number of Respondents, ranging across all trades, branches and ranks.

Although not every complaint will have a Respondent, such as those that deal with MOD policy, the Service Complaints Team (SCT) understands and appreciates that being named as a Respondent can be a daunting and challenging time. This leaflet will provide a brief overview of what to expect, what key documents you should receive and the timescales parent units and the SCT should be adhering to. The SC process should be efficient, effective and fair to both Complainants and Respondents. ■

What Can you Expect?

You will be informed once an Annex F is received that you have been named as a Respondent in a SC and the Annex F will be disclosed to you at this point. Please be aware that it may have redacted sections which relate to other individuals or information of a personal or sensitive nature. You will not be permitted to view these sections.

In some rare cases you may find that you are named as a Respondent in a SC which has already been underway for some time. Please remember that being named as a Respondent gives you the right to see **what has been alleged, an opportunity to respond to the evidence, and make any observations on the case file.** Your response will be seen by the Decision Body (DB)/Appeal Body (AB). ■

Assisting Officer (AO)

An AO can be an excellent source of support and assistance through what can feel like a stressful and isolating process. Your AO can accompany you to any interviews and help you to prepare any responses to evidence being provided which will be seen by the DB/AB. Your AO can also accompany you to an Oral Hearing if one is held. You can nominate your own AO, or your unit can assist in sourcing one for you. An AO would usually be of at least SNCO rank or equivalent. ■

Admissibility

The Specified Officer (SO) (usually your Commanding Officer or Station Commander) will meet with the Complainant to discuss the allegations within the Annex F. A member of unit HR will normally be present to act as note-taker. The SO may also meet with you, and your AO can accompany you to this meeting if you wish. The SO will then take legal advice before deciding if the matter complained about is admissible as a SC. They will then write to you to let you know their decision. ■

Decision Body (DB)

SO1 SCT will then appoint a DB to make a determination on the SC. The DB will direct that an investigation is carried out, either by a Unit Investigating Officer, a Fee-Earning Harassment Investigation Officer, a SCT Volunteer ex-Regular Reserve Investigation Officer or the Service Complaints Investigation Team.

You will be interviewed as part of the investigation and will have an opportunity to provide additional relevant information, or suggest further witnesses. However, the scope of the investigation is directed by the DB, and any further evidence or witnesses can only be incorporated into the investigation if the DB deems this to be appropriate.

Once complete, you will be sent a copy of the full case file less legal, and be given the opportunity to make observations on it. You will also see the Complainant's observations on the report and can make any comments on these if you so wish. This is called the Disclosure stage. The DB will then make their determination in the form of a Decision Letter to the Complainant. You will receive a copy of this letter. ■

30 Working Day Updates

You will receive written updates every 30 working days from your parent unit. At the AB stage updates will be sent by the SCT. ■

Appeal Body (AB)

If the Complainant is unhappy with the DB's decision they can appeal against this decision. If this happens, SO1 SCT will appoint an appropriate AB, usually a panel of senior

officers, sometimes with an Independent Member. The AB may direct further investigation.

Once this is complete you will be sent a copy of the full case file less any legal advice, and given the opportunity to make any comments you have for the AB before they decide on the SC. The AB will then meet and make their determination which will be sent to you in the form of a Decision Letter. ■

Oral Hearing

An AB may direct that an Oral Hearing be held so that they can speak directly to the Complainant, Respondents and any relevant witnesses. You will be expected to attend to answer any questions the AB members may have. This is not an adversarial process and you will not be cross examined. ■

Role of the Service Complaints Ombudsman (SCO)

You may approach the SCO with a grievance at any time, but the Ombudsman is unable to assist an individual who is a Respondent to a Service Complaint. However, the Ombudsman will provide clear information on her role, and, where appropriate, will provide information on how individuals may raise a Service Complaint in their own right. The Ombudsman is independent of the MOD, an appointment approved by The Queen on the recommendation of the Secretary of State for Defence. ■



More information is available at www.servicecomplaintsombudsman.org.uk ■

Respondent Checklist

DB Level:

- I have received an acknowledgment letter from the unit HR with a copy of the Annex F.
- I am aware of the role of an Assisting Officer.
- I have been provided a copy of the Admissibility Letter by the Specified Officer.
- I have been informed of who has been appointed as Deciding Body.
- I have had the opportunity to be interviewed by the Investigating Officer.
- I have received copies of all disclosure documents.
- I have received a copy of the Decision Body's Decision Letter.
- I have received regular 30 working day updates from my Parent Unit.

AB Level:

- I have been informed by the SCT that the Complainant wishes to appeal the Decision Body's Decision Letter.
- I have been informed of who has been appointed as Appeal Body.
- I have received copies of all disclosure documents.
- I have received a copy of the Appeal Body's Decision Letter.
- I have received 30 working day updates from the SCT.
- I have submitted feedback on the SC process to the SCT Respondent's Champion.

Frequently Asked Questions

I am concerned about the DB/AB who has been appointed, what can I do? For DB level you have five days to raise issues to your unit HR. For AB level you have five days to raise issues to SCT. If a conflict of interest is found a new DB or AB may be appointed. ■

I think the SC is malicious and / or vexatious, what should I do? Please raise these concerns with the SO when you are interviewed. You may also raise them as part of your observations on disclosure at DB level and AB level, if disclosure is required. ■

I am concerned about the behaviour of the Complainant, what can I do? It is incumbent on all parties in a SC to behave appropriately. If you have any concerns about the behaviour of anyone please discuss either with unit HR, or the SCT Respondents' Champion. Appropriate sanctions may be applied. ■

I am unhappy with the conduct or scope of the investigation, what should I do? Please raise your concerns with unit HR in the first instance. If you feel unable to do this or your concerns are not addressed please contact the SCT Respondents' Champion Air-COSPers-Pol SCT RespondChamp@mod.gov.uk ■

Do I have to be involved in the Service Complaint? Your involvement is crucial, it is important that the DB and AB make their determination based on evidence obtained from all parties.

If you are a serving member of the Armed Forces then you are obliged to participate by making yourself available for interview and by timely responses to any communication made to you.

If you are no longer serving then you cannot be compelled to participate. If you do not respond to requests for information within reasonable deadlines the SC may move on without you, and the DB/AB will make their determination based on the information available to them. ■

Do I have to attend an Oral Hearing?

If an Oral Hearing is directed and you are a serving member of the Armed Forces then your attendance is considered a duty and you must attend. If you are no longer serving then you cannot be compelled to attend, but may wish to do so. Non-serving attendees may claim back the cost of travel and subsistence for the duration for the Oral Hearing. ■

Should I seek legal advice? The Service Complaints Process is non-litigious and you should not need to seek legal advice. If you choose to seek independent legal advice, please note there is no facility for the reimbursement of legal costs regardless of the outcome of the SC. ■

I am finding the process really stressful, who can help me? Your unit personnel/welfare staff or medical centre will be able to signpost you to appropriate agencies for help and support. If you feel unable to do this or your concerns are not addressed please contact the Respondent's Champion. ■

What will happen if the SC is upheld? If the SC is upheld the DB or AB may consider the redress requested by the Complainant, but please be aware they are not bound by this and may direct some other redress which they deem to be appropriate. ■

Can I submit a SC about the process? As a Respondent you may submit a SC if you feel you have been unfairly treated as a result of a SC. Please be aware that some matters are excluded, including decisions made by the SO, DB or AB in respect of another individual's Service Complaint. Please see JSP 831, Part 1, Annex B for further guidance, or you can contact Service Complaints Ombudsman for advice, at www.servicecomplaintsombudsman.org.uk ■

How do I provide feedback to the SCT after the case has been closed? Once a case has been closed both Complainant and Respondent will have the opportunity to complete a short questionnaire which will be compiled by the SCT and reported on quarterly to the CoC. ■

The Service Complaints Process from a Respondent's Perspective

Unit HR receives written complaint and will acknowledge receipt within two working days. Respondent will be given copy of Annex F and a possible interview date with SO.

SO considers admissibility within 10 days.

SO informs Complainant and Respondent via separate letters if complaint is accepted.

If the complaint is accepted SCT will appoint a DB.

An investigation should normally take place within 30 working days but complex cases can take much longer. The Complainant, Respondent and any relevant witnesses will be interviewed as part of this process.

After investigation, the report will be disclosed to the Complainant and Respondent as part of the Disclosure stage.

After 10 days the DB will finalise their Decision Letter to the Complainant based on the investigation report and a redacted copy will be provided to the Respondent.

Complainant has 30 working days to appeal the decision.

Respondent will be notified if Complainant has or has not appealed the decision.



Service Complaints

A Guide for Individuals Named as a Respondent in a Service Complaint

This leaflet will provide a brief guide for those individuals who have been named as a Respondent in a Service Complaint. This guide should be read in conjunction with JSPs 831 and 763.

Efficient ■ Effective ■ Fair