

# Service Complaints Briefing 2022

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## Background

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The Service Complaints Ombudsman for the Armed Forces (SCOAF) provides independent and impartial oversight of the Service Complaints system – the internal workplace grievance system for members of the UK Armed Forces.

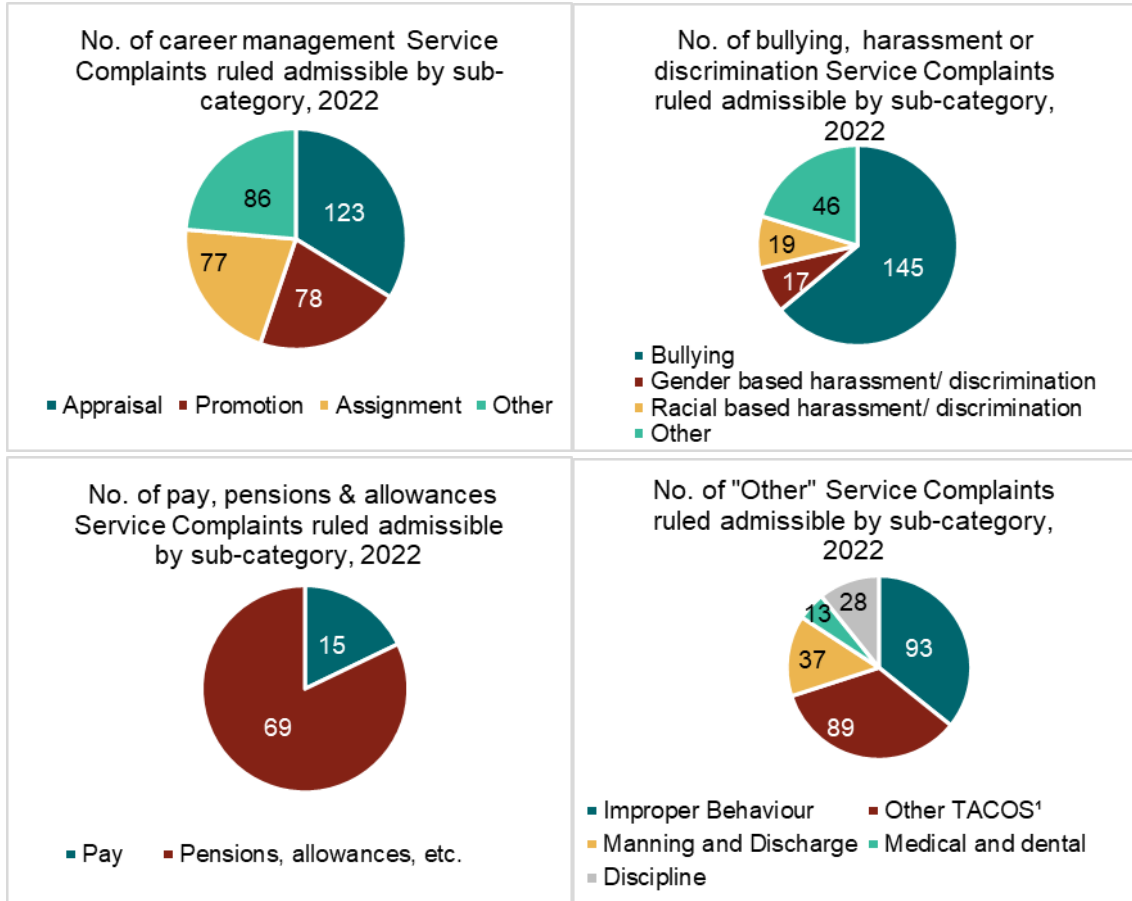
SCOAF is legally required to report to Parliament annually on the work of the office and to make an assessment as to whether the Service Complaints system is efficient, effective, and fair.

In their Annual Report, the Ombudsman 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 SCOAF's relevant background quality reports on our [Statistics Hub](#), but their findings are detailed within this briefing.

## What type of complaints are made?

The main categories of Service Complaints are career management (39% of Service Complaints), bullying, harassment, or discrimination (24% of Service Complaints) concern pay, pensions and allowances (9% of Service Complaints).



The largest sub-category of career management Service Complaint was Appraisal accounting for nearly a third of all career management cases.

The majority of bullying, harassment or discrimination Service Complaints concerned bullying. Gender and race were the major reasons for harassment or discrimination Service Complaints. Within gender harassment/discrimination Service Complaints, there were nine sexual harassment Service Complaint ruled admissible in 2022. Within "Other" types of harassment or discrimination, there were four or fewer cases of harassment or discrimination based on religion and four or fewer cases based on sexual orientation.

However, 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 fourteen (7%) personnel who experience bullying, harassment or discrimination make a written complaint.

<sup>1</sup> TACOS = Terms and Conditions of Service

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 these investigations is undertaken by specialised Harassment Investigation Officers.

Reviewing pay, pension, and allowance Service Complaints, only a fifth of such cases concerned pay. Also, the largest sub-categories of “Other” Service Complaint were Inappropriate Behaviour and Other TACOS (Terms and Conditions of Service), each accounting for nearly a third of all such “Other” cases.

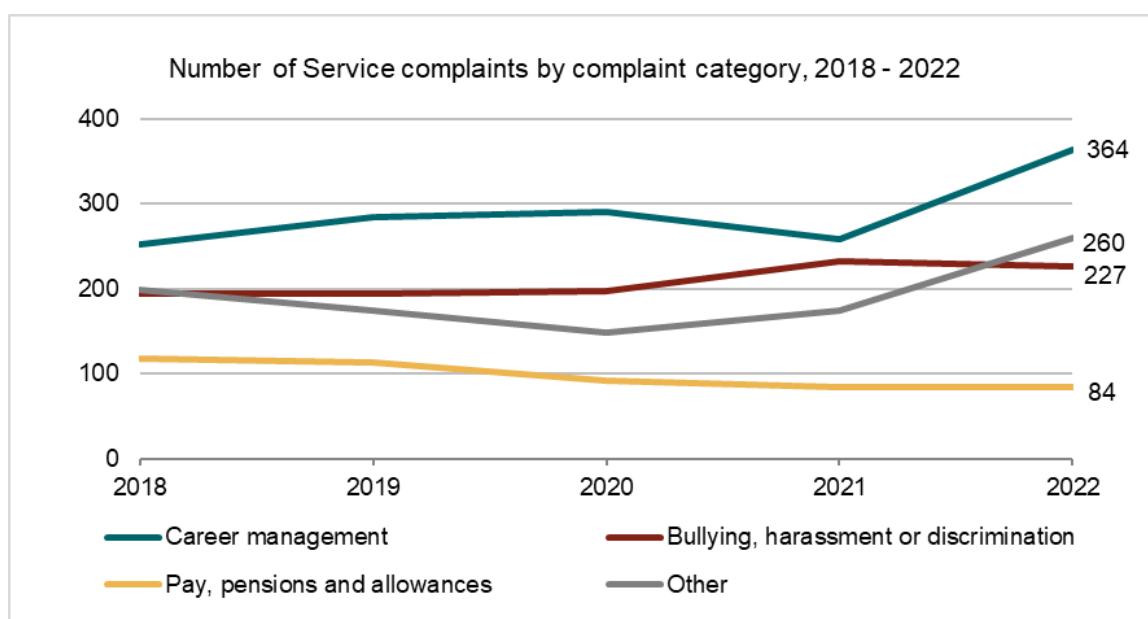
Complaints about pay, pension and allowances, medical and dental issues and accommodation are required to go through a Special-to-Type complaints process initially. Only if a complainant is dissatisfied with the outcome from this process can a Service Complaint be made. This is consistent with the majority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

### Trends in categories of complaint

In 2022, career management rose by 41% compared to 2021, mainly driven by the Army’s 48% annual rise in career management Service Complaints.

Bullying, harassment, or discrimination Service Complaints slightly fell in 2022 by 2%. However, the number of such Royal Navy cases rose by 64% while the number of RAF cases fell by 34%. It is not clear whether this is due to a change in bullying rates or rates of reporting.

In 2022, the number of pay, pension and allowances Service Complaints was unchanged from last year’s historic low of 84 cases.



## Differences in outcomes

The proportion of withdrawn complaints for bullying, harassment, or discrimination (5%) is slightly higher than average (3%).

The proportion of complaints resolved before a decision for career management (15%) is higher than average, while it has the lowest upheld rate 37% compared to other Service Complaint categories (44% - 52%). It may be that there are more opportunities for early resolution for career management Service complaints after being ruled admissible than for other categories. For example, 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.

Also, while bullying, harassment or discrimination Service Complaints have upheld (either fully or partially) rates of 44% (or more than 4 out of 10 approximately), the proportion of such Service Complaints fully upheld is 8% (or less than 1 out of 10).

Bullying, harassment, and discrimination Service Complaints have the highest appeals rate (32%) compared to the other complaint categories (22%-27%). This is in line with bullying, harassment and discrimination Service Complaints having the lowest proportion of complaints that are fully upheld (8%).

**Table of Service Complaint metrics by complaint category (tri-Service), 2022**

Metric	Complaint Category			
	Career management	Bullying, harassment, or discrimination	Pay, pensions and allowances	Other
Service Complaints per 10,000 Service Personnel	19	12	4	13
% Open cases that are red flag	22%	54%	29%	30%
Proportion of statements of complaint ruled admissible	93%	86%	88%	88%
Proportion of Service Complaints withdrawn	1%	5%	[c]	[c]
Proportion of Service Complaints resolved prior to decision	15%	4%	[c]	[c]
Proportion of Service Complaints fully or partially upheld in favour of the complainant	37%	44%	52%	48%
<i>... of which proportion of Service Complaints fully upheld</i>	11%	8%	31%	15%
Proportion of Decision Body Decisions Appealed	22%	32%	23%	27%
Time Taken (complaint not appealed)	20 weeks	40 weeks	23 weeks	31 weeks
Time Taken (complaint appealed)	66 weeks	102 weeks	53 weeks	80 weeks

[c] Confidential - These numbers have been suppressed as the number of pay, pensions and allowances Service Complaints that were (i) withdrawn or (ii) resolved prior to decision was four or fewer. Information is also suppressed where, if not suppressed, it would allow readers to calculate a suppressed value.



## Who raises complaints?

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Those who raise Service Complaints are from all ranks, Services, genders, ethnicities and are both from the regular or reservist parts of the Services.

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

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Personnel at different Services have different complaint rates:

- 28 Service Complaints per 10,000 Service Personnel for the Royal Marines
- 55 Service Complaints per 10,000 Service Personnel for the Royal Navy (exc. RM)
- 41 Service Complaints per 10,000 Service Personnel for the Army
- 67 Service Complaints per 10,000 Service Personnel for the RAF

Royal Marine Service personnel have the lowest rate of Service Complaints. This is principally driven by the rate of career management.

While the Royal Marines have lower incident rates of bullying, harassment, or discrimination than other Services, it has a highest rate of raising Service Complaint about bullying, harassment, or discrimination than the other Services.

RAF Service personnel have the highest rate of Service Complaints. This is mainly driven by the rate of career management and “Other” Service Complaints.

### Rank

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Officers are 75% more likely to make a Service Complaint than other ranks – a rate of 74 Service Complaints per 10,000 officers compared to 41 Service Complaints per 10,000 other ranks. This difference in Service Complaints rates applies to all complaint categories.

While other ranks have higher incident rates of suffering bullying, harassment, or discrimination, they are slightly less likely to initially report this than officers and substantially less likely to make a Service Complaint than officers (40% less likely).

### Assignment status

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Regular Service personnel are 50% more likely to make a Service Complaint than Reservist Service personnel. This is principally driven by the rate of career management 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 40% 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 87 Service Complaints per 10,000 Service Personnel compared to a male rate of 42 per 10,000 Service Personnel. This was principally driven by bullying, harassment, or discrimination Service Complaints.

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

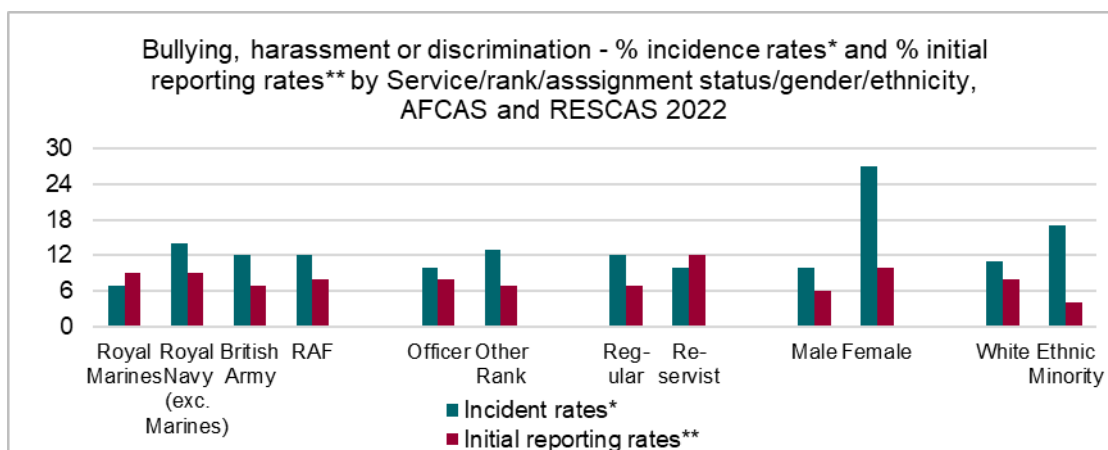
This large difference between the genders in the rate of making bullying, harassment or discrimination Service Complaints is driven by two factors:

- 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 40% less likely to report it initially compared to females.

## Ethnicity

Ethnic minorities are 10% less likely to make a complaint than their white colleagues. This was principally driven by career management where they are 19% less likely to raise a Service Complaints.

However, ethnic minorities are 50% more likely to suffer bullying, harassment or discrimination compared white colleagues. White Service personnel have higher rates of initially reporting bullying, harassment, or discrimination than ethnic minorities, but ethnic minority Service personnel are 80% more likely to make a Service Complaint about bullying, harassment, or discrimination than their white colleagues.

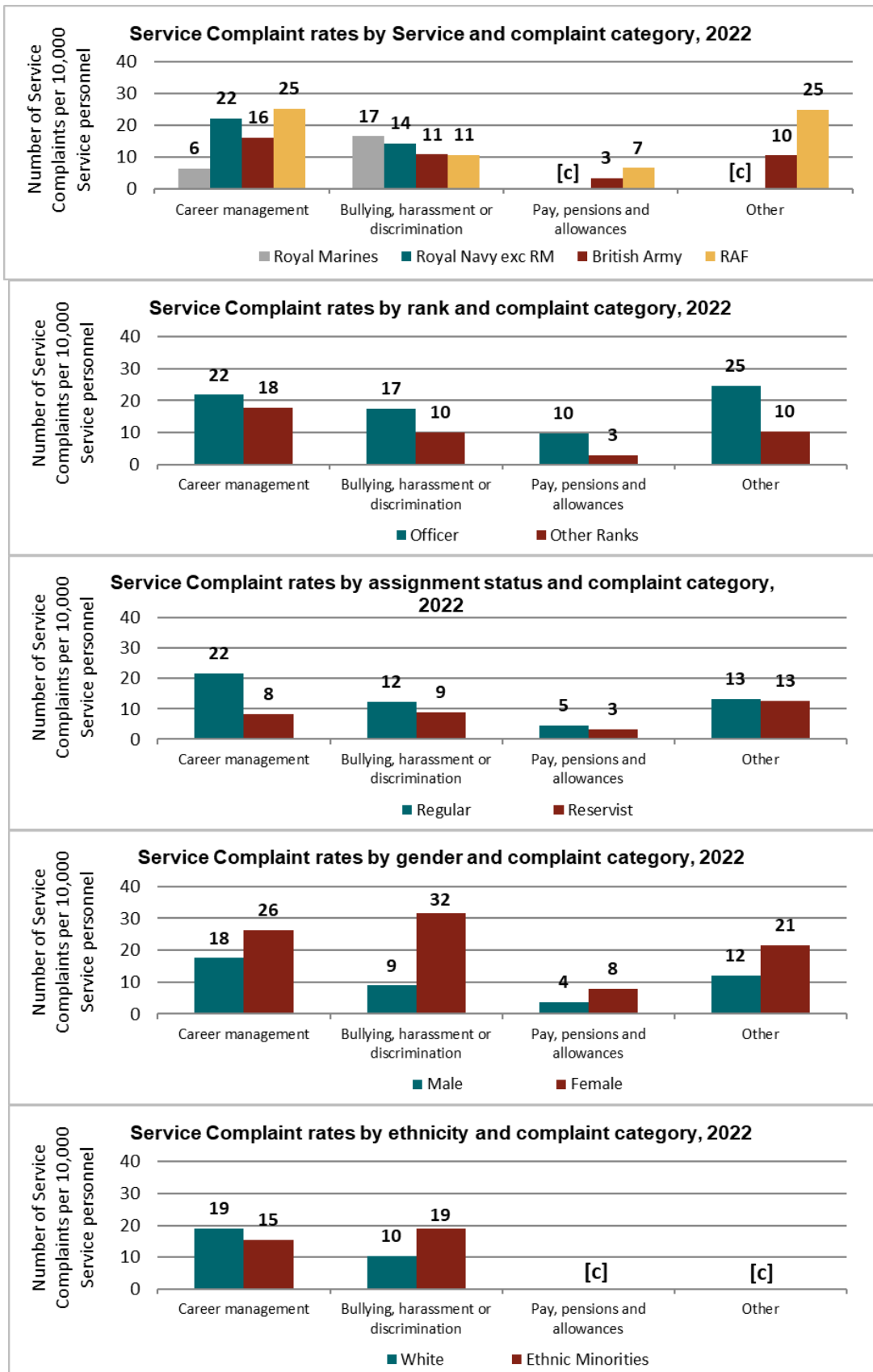


\* BHD Incident rates - The proportion of AFCAS/RESCAS survey respondents who believed that they had been the subject of bullying, discrimination, or harassment in a Service environment in the last 12 months.

\*\*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.)

## Charts of Service Complaint rates by different demographic groupings



[c] Confidential - These numbers have been suppressed as the number of pay, pensions and allowances Service Complaint received from (i) Royal Marine and (ii) ethnic minorities ruled admissible in 2022 was four or fewer. Other numbers have suppressed to ensure confidentiality is not breached with deduction.

## Getting complaints investigated

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### Information and publicity

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#### Knowledge of the Service Complaints process

According to AFCAS 2022, 5% of Service Personnel had never heard of the Service Complaints process while 19% had heard of it but knew nothing about it.

This is in line with the SCOAF outreach survey where 70% of survey respondents stated that the Service Complaints process was not well advertised in their area/base.

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

According to the SCOAF Service Complaints Feedback Survey, 40% of Service Personnel prior to being involved with the Service Complaints process didn't feel information on Service Complaint was easy to find. However, 62% of these survey respondents did know that JSP831 was a main source of information on Service Complaints.

According to the SCOAF investigations survey, the most popular way to access information on Service Complaints was from training (30% of those surveyed), on-line searches (18% of those surveyed) and from colleagues and friends (14% of those surveyed).

47% found the chain of command (CoC) not useful as a source of information with 9% of those surveyed using their CoC as a source of initial information.

In terms of posters, leaflets, and other publicity materials, 55% of those surveyed found them not useful as a source of information with 11% of those surveyed using such materials as their source of initial information.

SCOAF Service Complaints Feedback Survey suggests that 58% of complainants had information issues that could have caused timing problems with a making a complaint.

#### Knowledge of the 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 2022, 27% 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, 91% of Service Personnel, prior to being involved with the Service Complaints process, didn't know the ways that an Ombudsman can help them. Despite this, SCOAF still received 1,083 enquiries about Service Complaints in 2022.

#### **Note**

##### **SCOAF Service Complaints Feedback Survey**

This survey had 80 responses in 2022 and those surveyed had contacted SCOAF and were not necessarily representative of all complainants, respondents, etc.

##### **SCOAF Outreach Survey**

This survey had 48 responses in 2022 from Service personnel in units that the Ombudsman met.

##### **SCOAF Investigations Survey**

This survey had 78 responses in 2022 and those surveyed came from those who had applied to SCOAF to investigate their Service Complaint.

## Formally making the complaint

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### Admissibility

To get a Service Complaint investigated, an application needs to be submitted to the central admissibility team<sup>2</sup> who should rule each part of the complaint<sup>3</sup> admissible (i.e., eligible to be investigated) or inadmissible (i.e., not eligible to be investigated) within 10 working days.

89% of complaint applications to the Service Complaints process (or 8 out of 9 applications) are ruled admissible<sup>4</sup>.

Statistics on the percent of cases that SCOAF encountered that met the 10 working-day target for applications admissibility rulings were not available for 2022 but were less than 10% for 2021.

Any applications ruled not admitted to the process may contact SCOAF for an admissibility decision review. There were 1,046 admissibility decisions in 2022 and 149 applications to SCOAF to conduct an Admissibility Review of those decisions, with SCOAF agreeing to review 130 decisions. Of the reviews SCOAF completed in 2022, 29% were upheld in favour of the complainant.

### SCOAF's Enquiries and Referrals Team

If an applicant is for any reason uncomfortable with applying to their Centralised Admissibility Team to get their Service Complaint investigated, they may ask SCOAF to make a referral. In 2022, SCOAF made 214 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.

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<sup>2</sup> Prior to 15<sup>th</sup> June 2022, a service Complaint application would be submitted to a unit's commanding officer and a specified officer would decide on admissibility.

<sup>3</sup> Each part of the complaint is referred to as a head of complaint.

<sup>4</sup> An investigation into a Service Complaint is only begun when the application is ruled admissible.

## Support for Complainants and Respondents

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### Why support is needed?

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According to AFCAS 2022, 93% of those suffering bullying harassment or discrimination did not make a written complaint. Top reasons for not making a complaint are:

- 56% did not believe anything would be done if they did complain
- 51% believed it might adversely affect their career
- 30% did not want to go through the procedure
- 28% believed it might adversely affect another work colleague or the working environment.

According to the SCOAF Service Complaints Feedback Survey, most people involved with the Service Complaints process were unhappy with the Service Complaints process with:

- 79% of complainants, respondents, assisting officers and specified officers would not recommend colleagues to use the Service Complaints process
- 100% of surveyed complainants and 95% of surveyed respondents found their health and well-being was affected by the Service Complaints process

### Assisting Officers

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

Information provided by the Services<sup>5</sup> indicates that 4% of complainants who had submitted a Service Complaint had not been offered the support of an AO, the figure from the SCOAF Service Complaints Feedback Survey was 13%.

For those who have been provided with AOs, views on the value added by this role varied. The AFCAS survey reported that 37% of those complaining of bullying, harassment or discrimination were dissatisfied with the support provided by their AO, while the figure from the SCOAF Service Complaints Feedback Survey was 38%.

One possible reason for satisfaction ratings with AOs not being higher may be related to how helpful AOs find their training. According to the SCOAF Service Complaints Feedback Survey, 43% of the Specified Officers and Assisting Officers did not find the training they had received to be helpful in terms of enabling them to perform the role of AO.

### Colleagues

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According to the SCOAF Service Complaints Feedback Survey, 61% of surveyed complainants and 93% of surveyed respondents found their colleagues supportive towards them. However, 26% of surveyed complainants found colleagues were disappointed with them being a complainant or respondent in a Service Complaint.

#### **SCOAF Service Complaints Feedback Survey**

This survey had 80 responses in 2022 and those surveyed had contacted SCOAF and were not necessarily representative of all complainants, respondents, etc.

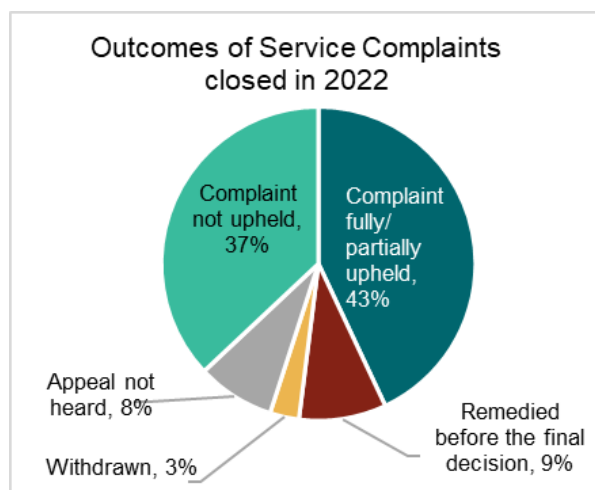
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<sup>5</sup> Statistics from the Services' annual statistical returns to SCOAF, which are based on the Joint Personnel Administration case management system.

## Service Complaint Outcomes

### Decisions

43% of Service Complaints closed in 2022 were upheld (partially or fully) in favour of the complainant. Other outcomes of Service Complaints closed in 2022 included Complaints being not upheld in favour of the complainant (37% of Service Complaints), withdrawn (3% of Service Complaints), and remedied before the final decision (9% of Service Complaints), and appeal not heard<sup>6</sup> (8% of Service Complaints).



However, 91% of surveyed complainants\* who contacted SCOAF and whose complaint was upheld, were dissatisfied with the outcome of the process.

### Appeals

If a complainant is unhappy with the initial decision of the decision body judging a Service Complaint, they may appeal it. An appeal will only be ruled admissible<sup>7</sup> if the application for appeal is made within two weeks of receiving the decision body decision as well as if either:

- there was a material procedural error.
- the decision was based on a material error as to the facts
- there is new evidence

Once an appeals application has been ruled admissible, 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.

More than 1 in 4 decisions were appealed in 2022, which is in line with previous years.

Year	2016	2017	2018	2019	2020	2021	2022
Appeals rate	37%	34%	32%	29%	26%	28%	26%

<sup>6</sup> Following the Introduction of Service Complaints reform on 15<sup>th</sup> June 2022 a new outcome of "appeals not heard" was recorded on the case management system. SCOAF statistics are working alongside MOD and Services for future statistics to record the original decision body decision in such cases, but this information is not available for 31 December 2022.

<sup>7</sup> Prior to the Service Complaints reform introduced on 15<sup>th</sup> June 2022, the only requirement was that application for appeal was made within six weeks of receiving the decision body decision.

## **Further actions available to complainants dissatisfied with an outcome**

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If a complainant is unhappy with the decision after an appeal, they may ask SCOAF to investigate the Substance (merits) of a Service complaint. In 2022, SCOAF received 80 applications to investigate the Substance of a complaint, accepting 34 applications. We found in favour of the complainant in 36% 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 15 such cases in 2022.

## Handling a Service Complaint

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### Service Complaint Procedures

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85% 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)	41%
There wasn't an initial interview to understand the heads of complaint (complainants and respondents)	40%
There weren't regular and informative updates on the progress of the complaint (complainants and respondents)	77%
The appropriate amount of evidence was not collected to enable a fair decision to be made (complainants and respondents)	81%
The decision on whether to uphold a Service Complaint or not, was not clearly explained (complainants only)	64%

88% of surveyed complainants who contacted SCOAF and 89% of surveyed respondents found the Service Complaints process not open or transparent.

76% of surveyed complainants who contacted SCOAF and 94% of surveyed respondents found the Service Complaints process not responsive to a user's needs (including their need for confidentiality).

#### **SCOAF Service Complaints Feedback Survey**

This survey had 80 responses in 2022 and those surveyed had contacted SCOAF and were not necessarily representative of all complainants, respondents, etc.

In 2021, SCOAF received 70 applications to investigate Maladministration, accepting 36 applications. We found Maladministration in 58% of all such investigations closed in 2021.

SCOAF were also asked to investigate Undue Delay 57 times in 2022 and found in favour of the complainant's concern of Undue Delay 70% of the time.



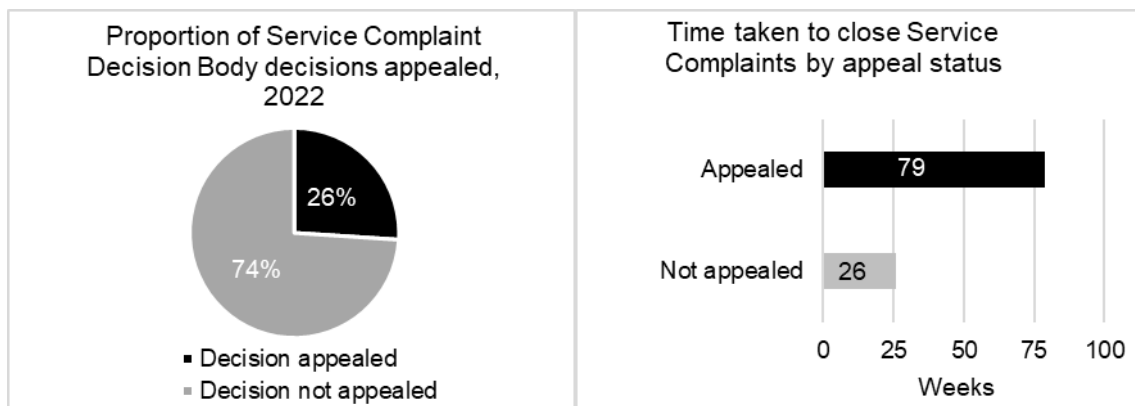
## Timeliness of Service Complaints process

In 2021, 66% of in year Service Complaints were closed within the time target<sup>8</sup>, with the average complaint takes 35 weeks to close. This is the highest level of timeliness since this SCOAF was created in 2016.

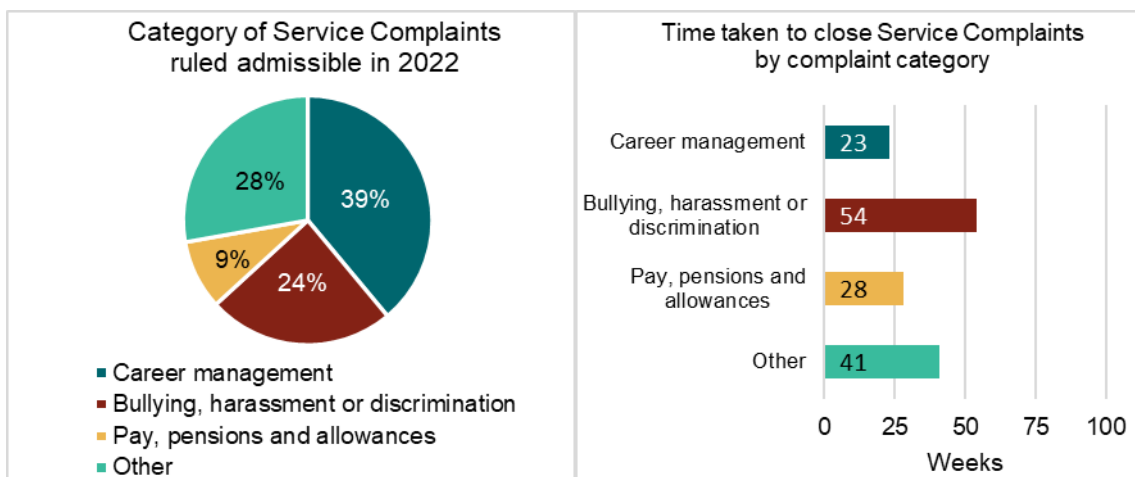
Year	2016	2017	2018	2019	2020	2021	2022
Timeliness rate	39%	52%	50%	46%	40%	47%	66%

However, this is still below the KPI target of 90% timeliness and while none of the Services met this target, all were over 50%. The RAF were the best performing Service with a timeliness rate of 81% while were the Army worst performing with 55% timeliness. The Royal Navy had a timeliness rate of 69%.

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 about a year depending on whether a Service Complaints decision was appealed or not.



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.

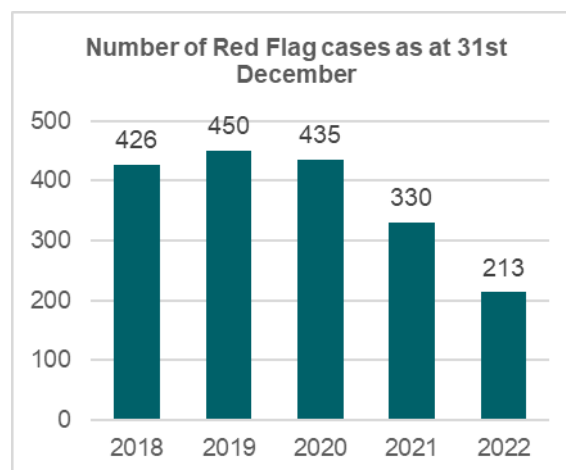
<sup>8</sup> Key performance target for the Service is to close 90% of complaints within time target.

## Service Complaint Secretariat Workload

Once a Service Complaint has been accepted for investigating by the central admissibility team, a decision body is appointed, and the decision body ask an investigating officer to investigate the complaint and report back to the decision body.

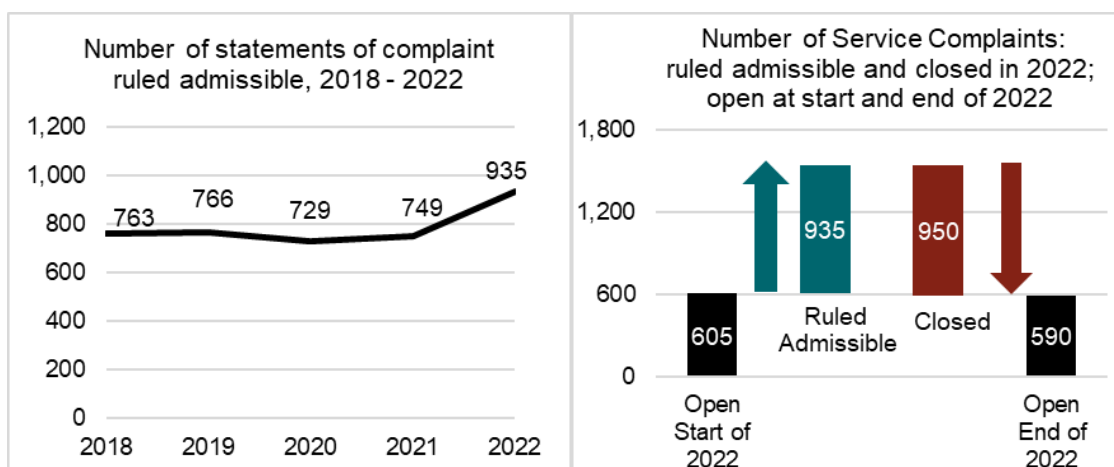
Analysis of Service Complaints open as of 31 December 2022 indicated that the biggest cause of delays in Service Complaints remains resourcing.

The impact of resourcing issues can be seen in the historical trend of a large number of red flag Service Complaints (averaging 437 Service Complaints at year end for 2018-2020).



However, the number of red flag Service Complaints<sup>9</sup> open at year end fell by 35% in a year from 330 red flag Service Complaints at the start of 2022 to 213 at the end of the year. By the end of 2022, red flag Service Complaints represented 36% of all open Service Complaints.

Indeed, despite a 25% annual increase in the number of Service Complaints ruled admissible, the Services still closed slightly more Service Complaints than they ruled admissible. This led to an annual decrease of 2% (or 15 Service Complaints) in cases remaining open at year end.



<sup>9</sup> A red flag Service Complaint is one still open beyond the time target of 24 weeks