

# Undue delay investigations



# This factsheet explains everything you need to know about the Ombudsman's powers to investigate undue delay in the handling of a Service Complaint or Service Matter.

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## What is undue delay?

In general terms it means you think the time taken to process your complaint has been unreasonable, unwarranted, excessive or unjust.

## What is the difference between a Service Complaint and a Service Matter?

A Service Matter is any concern raised with the Service that could, potentially, be a Service Complaint.

This could mean you have made an informal complaint or submitted an Annex F/statement of complaint, but an admissibility decision has not yet been made.

Once an admissibility decision has been made, the matters that have been 'admitted' are a Service Complaint.

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## When can I ask for an investigation?

There is no time limit for making an application for undue delay when your Service Complaint/Matter is still ongoing.

Before coming to the Ombudsman, you should try and resolve the delay with the person that is handling your complaint. If you have tried to do this without success, you can ask the Ombudsman to investigate undue delay where:

- You have submitted a complaint and it has not been finally determined (see below);
- You believe there has been undue delay in the handling of your Service Complaint/Matter;
- You have been caused an injustice/been impacted by the undue delay.

The Service Complaints Ombudsman for the Armed Forces (SCOAF) has the power to investigate allegations of undue delay in the handling of a Service Complaint or Matter and decide:

- if there has been undue delay; and,
- if so, whether that has, or could have, resulted in you suffering injustice.



### When is a complaint finally determined?

A complaint is finally determined when:

- A decision has been made on the Service Complaint by a Decision Body, which you have appealed and been given a final determination by an Appeal Body.

**OR**

- A decision has been made on the Service Complaint by a Decision Body, which you have no grounds to appeal on.

**OR**

- You appealed the Decision Body's decision, but it has been decided that the appeal cannot proceed (is inadmissible) and you do not ask the Ombudsman to review that admissibility decision.

**OR**

- You submitted an appeal of the Decision Body's decision, which was found to be inadmissible, and then asked the Ombudsman to review that appeal admissibility decision. If the Ombudsman agreed that the appeal was inadmissible, our appeal admissibility decision is the final determination.

If your Service Complaint has been finally determined, but you think there was undue delay in the handling of it, you can make an application for a [maladministration investigation](#).



### How do I ask for an investigation?

You will need to complete the undue delay application form on our [website](#).

As part of your application, you will be asked to provide the following details:

- who is currently dealing with your complaint
- what steps you have taken to resolve the delay

- why you think there has been undue delay
- the impact (injustice suffered because) of the delay.

You will need to provide copies of:

- your Annex F form or statement of complaint

and, if applicable,

- the admissibility decision
- the Decision Body decision
- your Annex G appeal form
- the appeal admissibility decision

It is important that we can contact you once you have submitted an application. If we cannot contact you, we may be unable to progress your application.



## What happens once you receive my application?

Once we receive your application form you will be sent an acknowledgement within 2 working days. We will check you have provided all the information, including the relevant supporting documents, needed to process your application. If your application is complete, it will be passed to the Investigations Team where an initial eligibility review will be done.

## What is an initial eligibility review?

Your application will be assigned to an investigator who will check whether it meets the following eligibility requirements and can be accepted for investigation:

- the complaint relates to a Service Matter or an ongoing Service Complaint
- there is an indication of delay
- the application is not deemed frivolous, vexatious, or malicious
- the matter is within the Ombudsman's jurisdiction.

If the application meets the eligibility criteria it will be accepted for investigation. The investigator will contact you to inform you of this decision. If needed, you may be asked to provide further details about your complaint. The investigator will also notify the Service and request additional information from them.

If the application is not accepted, a letter will be sent to you and the Service to explain why we have reached that decision.

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### **What happens if my application is accepted for investigation?**

The investigator will review the available information and write a report explaining whether there has been undue delay and, if so, whether that has, or could have, caused injustice to you. The report may also include recommendations arising from the findings, such as how the matter should be resolved, and wider lessons for the Service, if required. The report will be issued to you and the Service.

The investigator will aim to complete the review within 17 working days. If the timeframe is not likely to be met, you will be provided with regular updates, including a revised timetable, the reason for the delay and when it is expected we will complete the investigation.

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### **What do I do if I have a question or issue to raise while you are investigating?**

If you have any questions regarding the investigation process or have additional information you would like us to see, please contact the investigator. They will always try to respond to your question within a timely manner, but please allow 2 working days for a response.

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### **If you find that there has been undue delay what can I expect to happen next?**

The final report should explain what happens next and may set out recommendations to provide redress for the undue delay identified.

The Service Secretariat is required to consider any recommendations made and provide an update to you and SCOAF on any action taken.

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### **Will you monitor how my complaint is handled once your investigation is finished?**

No. The Ombudsman does not monitor how the complaint is handled after an undue delay decision is made. This is because you have the option to approach the Ombudsman to request a further investigation into undue delay in the handling of your Service Complaint or Service Matter. You can also approach the Ombudsman to ask for an

investigation into substance and/or maladministration at the end of the internal process if you are not happy with the outcome of the Service Complaint.

The Ombudsman will monitor the implementation of any recommendations made in the final report.



### If I don't agree with your decision, can I appeal?

All decisions made by the Ombudsman are final. This means that you cannot appeal the decision or submit a further application on the same grounds. If you disagree with a decision that we have made, the only way to challenge this is by making an application for Judicial Review. There is a time limit for applying for Judicial Review, which is usually within 3 months of the date of our final decision.

**Please note** that a Judicial Review can be a costly legal process. You may wish to consider seeking legal advice about what the process entails and how much it is likely to cost before making a decision about whether to apply for Judicial Review. For more information read our factsheet about [Judicial Review](#).



### Where can I get more information?

#### SCOAF

For information on the Ombudsman's role, powers and processes, you can contact us at:

 0300 369 0689  
Our enquiry line is open Monday-Friday 09:00-16:30

 [contact@scoaf.org.uk](mailto:contact@scoaf.org.uk)

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

@ SCOAF\_UK

If you would like to make an application for an investigation of undue delay, please visit the relevant page on our [website](#).

If you would prefer to complete an application for an investigation into undue delay form, rather than submitting your application online, a .pdf version of the form can be found on the '[Application forms, factsheets and guidance](#)' page of our website.

## **Services**

### **Royal Navy**

General enquiries:

✉ [NAVYLEGAL-CASEWORKMAILBOX@mod.gov.uk](mailto:NAVYLEGAL-CASEWORKMAILBOX@mod.gov.uk)

CAT (to submit a Service Complaint (Annex F) and for admissibility queries)

✉ [NAVYPEOPLE-SCLSUBMITCOMPLAINT@mod.gov.uk](mailto:NAVYPEOPLE-SCLSUBMITCOMPLAINT@mod.gov.uk)

### **Army**

General enquiries:

✉ [apsg-armyscsec-enquiries@mod.gov.uk](mailto:apsg-armyscsec-enquiries@mod.gov.uk)

CAT (to submit a Service Complaint (Annex F) and for admissibility queries):

✉ [APSG-ArmySCSec-Group@mod.gov.uk](mailto:APSG-ArmySCSec-Group@mod.gov.uk)

### **RAF**

General Enquiries:

✉ [Air-COSPers-PolSCTGpMIbx@mod.gov.uk](mailto:Air-COSPers-PolSCTGpMIbx@mod.gov.uk)

CAT (to submit a Service Complaint (Annex F) and for admissibility queries):

✉ [Air-COSPers-PolSCT-CentAdmisCell@mod.gov.uk](mailto:Air-COSPers-PolSCT-CentAdmisCell@mod.gov.uk)

## **The Service Complaints process and My Complaint app**

Information about how to make a Service Complaint can be found on [GOV.UK](https://www.gov.uk).

Policy, procedure and guidance for the Service Complaints process, including details of time limits for bringing complaints, are set out in [JSP 831 - Redress of Individual Grievances: Service Complaints](#).

Details of the My Complaint app and how to access it can be found on [defnet](#).