

# Review of admissibility decisions



# This factsheet explains everything you need to know about the Ombudsman's powers to review admissibility decisions.

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## What is admissibility?

This is a decision made by the Service to:

- accept a complaint, or parts of it, as a formal Service Complaint; or
  - allow an appeal, or parts of it, to proceed.
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## When can I ask the Ombudsman to review an admissibility decision?

If you have:

- received a decision from a Specified Officer at the Central Admissibility Team (CAT) that your Service Complaint, or aspects of it, are inadmissible, you can ask the Ombudsman to review that admissibility decision
- submitted an appeal of the Decision Body decision on your Service Complaint and received a decision from the Service that your appeal, or aspects of it, are inadmissible (cannot proceed), you can ask the Ombudsman to review that admissibility decision

The Service Complaints Ombudsman for the Armed Forces (SCOAF) has the power to review admissibility decisions and make a finding to either agree with or overturn the admissibility decision. The Ombudsman's decision is binding on the complainant and the Service.

The Ombudsman **cannot** review a decision that a Service Complaint (or any aspects of it) **is** admissible or should be 'stayed', or that an appeal (or aspects of it) **can** proceed.

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## How long do I have to ask for a decision to be reviewed (time limit)?

You must submit an application for a review of an admissibility decision to SCOAF within **4 weeks and 2 days** of the decision being sent to you.

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An application to SCOAF can be made after the time limit has passed if it is considered 'just and equitable' to allow it. However, there is no definition of 'just and equitable'. For applications to SCOAF that are outside of the time limit, we view 'just and equitable' as meaning right, fair and reasonable. We ask complainants to give reasons for their application being out of time, which we then take into consideration when deciding whether or not to accept the application for review.



## How do I ask for a review?

You will need to complete the admissibility review application form on our [website](#). The form sets out the information we need from you to process your application, including your consent.

For **initial admissibility decisions** you will need to provide copies of:

- your Annex F form or statement of complaint
- the admissibility decision

For **appeal admissibility decisions** you will need to provide copies of:

- your Annex F form or statement of complaint
- the initial admissibility decision
- the Decision Body decision
- your Annex G 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 application was made within the time limit (or whether there are just and equitable reasons to accept it out of time);
- 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.



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

The investigator will review the available information and write a report explaining whether or not the admissibility decision being reviewed has been overturned. The report may also include recommendations arising from the findings 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.



## What do I do if I have a question while you are conducting the review?

If you have any questions about 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.



### If you overturn the decision, what can I expect to happen next?

The final report should explain what happens next, but normally if we decide that:

- your **Service Complaint** is (or aspects of it are) admissible, the Specified Officer should write to you with an amended admissibility decision. The Service will then appoint a Decision Body to decide your Service Complaint and determine what redress (if any) is appropriate.
- Your **appeal**, or aspects of it, can proceed the single Service Secretariat should write to you with an amended appeal admissibility decision. The Secretariat must then appoint an Appeal Body with the authority to consider and determine the appeal, and grant appropriate redress (if any).

The Service will write to you to tell you who has been appointed as the Decision or Appeal Body.



### Will you monitor how the complaint is handled?

No. The Ombudsman does not monitor how the complaint is handled after an admissibility decision is made. This is because you have the option to approach the Ombudsman to request an investigation into undue delay in the handling of your ongoing Service Complaint. 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 admissibility report. The Service Secretariat is required to consider any recommendations made and provide SCOAF with updates on any action taken.



### 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 a review of an admissibility decision, please visit the relevant page on our [website](#).

If you would prefer to complete an application for a review of an admissibility decision 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-PolSCTGpMlbox@mod.gov.uk](mailto:Air-COSPers-PolSCTGpMlbox@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, 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](#).

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