

Substance and maladministration investigations



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This factsheet explains everything you need to know about the Ombudsman's power to investigate the substance and/or handling of a complaint (maladministration) once the internal Service Complaints process is complete.



What is substance?

This is what the Service Complaint was about. The Service Complaints Ombudsman for the Armed Forces (SCOAF) can investigate the substance of a complaint, but is not a further level of appeal.

What is maladministration?

It means that something was wrong or improper in the way the Service handled your Service Complaint. SCOAF can investigate allegations of maladministration in the handling of Service Complaints.

Any investigation into maladministration in the handling of your complaint will not look at whether your Service Complaint should have been upheld or not.



When can I ask for an investigation?

Once your Service Complaint is finally determined (see below) you can ask the Ombudsman to investigate the substance and/or maladministration in the handling of your Service Complaint.

You must submit an application for a substance and/or maladministration investigation to SCOAF within **6 weeks and 2 days** of the Service's final decision being sent to you.

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.

Please note that the Ombudsman is not a further level of appeal. This means that not all applications for investigation are accepted and the Ombudsman can only conduct a new investigation in certain circumstances.



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 (**Appeal Body determination**).

OR

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

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 (**Appeal inadmissibility determination**).

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 (**SCOAF appeal admissibility determination**).



How do I ask for an investigation?

You will need to complete the substance and/or maladministration application form on our [website](#). The form outlines the information we need from you to process your application, including your consent.

You will also need to provide copies of supporting documentation, which will depend on who made the final determination on your Service Complaint.

If the final determination in your complaint was:

- the **Decision Body determination** you will need to send us copies of:
 - your Annex F form or statement of complaint
 - the admissibility decision
 - the Decision Body decision letter
- the **Appeal inadmissibility determination** we will need:
 - your Annex F form or statement of complaint
 - the admissibility decision
 - the Decision Body decision letter
 - your Annex G form or appeal application
 - the appeal admissibility decision
- the **SCOAF appeal admissibility determination**, you will need to send us:
 - your Annex F form or statement of complaint
 - the admissibility decision
 - the Decision Body decision letter
 - your Annex G form or appeal application
 - the appeal admissibility decision
 - SCOAF's appeal admissibility determination case reference number
- the **Appeal Body determination**, we will need to see:
 - your Annex F form or statement of complaint
 - the admissibility decision
 - the Decision Body decision letter
 - your Annex G form or appeal application
 - the appeal admissibility decision*
 - the Appeal Body decision letter

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.

* If the Ombudsman reviewed the appeal admissibility decision, you will also need to provide us with the SCOAF appeal admissibility determination case reference number

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 reviewed to check whether it meets the following eligibility requirements:

- your Service Complaint has been finally determined;
- 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 does not meet the eligibility criteria, you and your Service will be sent a letter explaining why.

If the application does meet the eligibility criteria it will be passed to the Head of Investigations, who will assign it to an investigator. The investigator will 'triage' the application (see below) to assess whether or not it should be accepted for investigation.

What is a triage?

The Ombudsman can decide whether to accept an application, or aspects of it, for investigation. To do this, a triage of the application is done. Your application will be assigned to an investigator who will consider it and the supporting documents to decide whether your complaint, or parts of it, should be investigated.

The investigator's consideration includes, but is not limited to:

- Is it likely that a new investigation would result in a different outcome?
- The redress you are asking for can be achieved.
- There is a public interest in SCOAF conducting an investigation.

- An investigation would be a proportionate use of the Ombudsman's powers.
- For maladministration applications, there appears to be potential that you suffered injustice because of the maladministration you are complaining about.

If your application is accepted for investigation, in whole or just parts of it, we will write 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?

You will be sent the 'terms of reference' for our investigation, which should clearly set out what we are going to investigate, what we are not investigating and why, and whether there is redress that we cannot provide.

The investigator might need to contact relevant parties involved, including respondents and witnesses, to get further information to help them conduct the investigation. The investigator will progress your case and keep you and any relevant parties updated.

Once the investigation is complete, the investigator will write a report setting out their findings, the reasons for those findings and any recommendations arising from the findings. The report might also include wider lessons for the Service.

A draft copy of the report will be sent to you and the Service (and any relevant parties) so that comments on factual inaccuracy in the report can be provided. Any comments received will be reviewed and included in the final report as appropriate.

The investigator will aim to complete the investigation within 100 working days, depending on the complexity and nature of the complaint. If the timeframe is not likely to be met, the investigator will tell you and give you a revised timeframe in which we expect to complete the investigation.



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.



If you find that my Service Complaint was well founded, or there was maladministration in the handling of my Service Complaint, what can I expect next?

If the complaint is upheld, in whole or in part, a recommendation for appropriate redress may be made. Any recommendations will depend on the type of investigation, the specifics of the individual case and the wrong that has been found.

The Ombudsman will monitor the implementation of any recommendations made in the final report. The Service Secretariat is required to 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



www.scoaf.org.uk



SCOAF_UK

If you would like to make an application for a substance and/or maladministration investigation, please visit the relevant page on our [website](http://www.scoaf.org.uk).

If you would prefer to complete an application for a substance and/or maladministration investigation 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

Army

General enquiries:



apsg-armyscsec-enquiries@mod.gov.uk

RAF

General enquiries:



Air-COSPers-PolSCTGpMlbox@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](http://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.