

07 January 2016

NICOLA WILLIAMS APPOINTED AS SERVICE COMPLAINTS OMBUDSMAN WITH SIGNIFICANT NEW POWERS

On 1st January 2016 Nicola Williams became the first Service Complaints Ombudsman for the Armed Forces. Her role is to oversee the manner in which the Armed Forces handle complaints raised by Service personnel about aspects of their employment. The role of Ombudsman has replaced that of the Commissioner, an appointment which Ms Williams had held since January 2015. The Ombudsman comes with significant new powers which include the ability to:

- overturn a decision where the chain of command decides to exclude a complaint at the outset of the process for example for being about a matter not covered by the complaints process, or because it is considered to be out of time;
- investigate the handling or the merits of a complaint if the complainant is not satisfied once the internal process has been completed;
- investigate the merits of a complaint if the complainant is not satisfied once the internal process has been completed,
- investigate if the complainant believes that their ongoing complaint is being unduly delayed; and
- recommend action to put matters right.

As was the case for the Commissioner, where an individual is unwilling to approach his or her chain of command directly, the Ombudsman can refer a matter on their behalf. The Ombudsman will also

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continue to publish an annual report on how the service complaints system is working. In each of the past 7 annual reports, the Commissioner has concluded that the system was neither efficient, effective, nor fair. Nicola Williams said:

“I want our Servicemen and Service women to have confidence in the Service complaints process. This means that they must feel able to raise a complaint without fear of recrimination, and confident that when they do complain, their complaint will be handled efficiently, effectively and fairly. I think it is vitally important that this is done by the Chain Of Command, but I now have significant new powers. When individuals are unhappy with the way their complaints are being handled they can ask me to review the decisions they have received, or to investigate any maladministration. This can only increase the level of confidence in the system.

ENDS

BACKGROUND

About the role of the Service Complaints Ombudsman

The post of Service Complaints Commissioner was created by the Armed Forces Act 2006 with a remit which covers any complaint made after 1 January 2008. The appointment followed recommendations made by Nicholas Blake QC in his Review into the deaths of four soldiers at Princess Royal Barracks, Deepcut.

The 2006 Act introduced a number of significant changes to the Service complaints system to make it fairer, more independent and more transparent. As well as the creation of the Service Complaints Commissioner, these included new joint standards for the three Services and new Service Complaints Panels, with an independent member to consider some complaints on behalf of the Defence Council. The complaints process enables serving or former members of the Armed Forces to make a complaint if they feel that they have been wronged on a matter that arises when they are subject to service law. This can include complaints of bullying, harassment, discrimination, and biased or dishonest behaviour.

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The first Commissioner was Dr Susan Atkins, who, in each of her annual reports since 2008, reported that the system was neither efficient, effective nor fair. Delay was considered to be the primary cause of this.

As a result of this, changes have been introduced through the Armed Forces (Service Complaints and Financial Assistance) Act 2015. The Act has significantly reformed the process, making it shorter with one instead of two levels of appeal and creating a new role of Service Complaints Ombudsman. The Ombudsman will be a powerful, independent voice, holding the Services to account and giving confidence to personnel that their concerns will be properly considered.

The first Ombudsman is Nicola Williams, who since January last year had been the Service Complaints Commissioner having taken over from Dr Atkins. Before this, she held the post of the Complaints Commissioner for the Cayman Islands from 2009 to 2014, with a remit that extended over 93 government entities. Since 2009, she has also been a Crown Court Recorder sitting on the London and South Eastern Circuit. Between 2004 and 2009, Nicola was a Commissioner at the Independent Police Complaints Commission, with particular responsibility for Kent, Sussex, the Ministry of Defence Police and part of the Metropolitan Police. From 2001-4 she was a Board Member at the Police Complaints Authority – the organisation that preceded the IPCC and with similar powers. Between 1985 and 2001, Nicola was a barrister in private practice and specialised in criminal law.

ISSUED ON BEHALF OF THE SCO BY GCS LOCAL CAMPAIGNS TEAM.

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