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# Annual Report 2020

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Presented to Parliament pursuant to Section 3400 of the *Armed Forces Act 2006*, as amended by the *Armed Forces (Service Complaints and Financial Assistance) Act 2015*, c.19.

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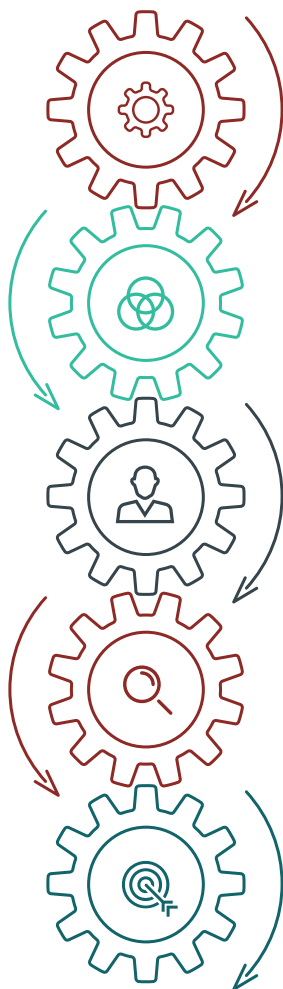
# Our mission

To provide independent oversight and investigations in support of an effective Service Complaints process for members of the UK Armed Forces.

# Our vision

That all Service personnel have access to, and confidence in, a Service Complaints system that is efficient, effective and fair.

# Our customer charter



## RESPECT

We will treat you with courtesy and respect at every stage of the process and we expect you to treat our staff in the same way.

## COMMUNICATION

We will always ensure that the information we provide is clear and easy to understand. This includes information about our role and what we can and cannot do.

We expect you to provide the information we ask for and to be honest in your communications with us.

## IMPARTIALITY

We will undertake all aspects of our work fairly and impartially as an independent body.

## TRANSPARENCY

We will always act openly and transparently and will publish information about our work and the Service complaints system. In doing this we will never compromise confidentiality.

## IMPROVEMENT

We will continually look to improve the service we offer and listen to the feedback you provide. We hope that you will help us achieve this by responding to our requests for feedback at the end of the process.

The full version of SCOAF's customer charter can be found on our website <https://www.scoaf.org.uk/about-us/customer-charter/>.



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## Foreword from the new Ombudsman



Dear Secretary of State,

I am pleased to present the Annual Report for 2020, covering Nicola Williams' fifth and final year as the Ombudsman. I am honoured to have taken up the role of Service Complaints Ombudsman for the Armed Forces in 2021, and I look forward to continuing the valuable work done to date.

Since 2008, the Service Complaints Commissioner and later the Ombudsman have reported on whether the Service Complaints system is efficient, effective and fair. Whilst there have been a number of improvements over recent years, unfortunately this report finds once more that the system is not yet efficient, effective and fair. There is still work to be done to improve the system in order to ensure it provides appropriate access to redress and resolution, whilst reflecting the unique context and challenges of Service life.

2020 has been a year that nobody could have predicted. It brought challenges for all of us – including the Armed Forces. Whilst there has been an overall deterioration in the timeliness of complaints being resolved through the system, I would like to recognise the continued dedication of those involved in handling Service Complaints to resolving issues for our Service personnel under challenging circumstances.

This year has also seen the further progression of the wider reform work undertaken by the Service Complaints Transformation Team. While work has been delayed in some areas due to the COVID-19 pandemic, there remain a number of activities underway that are designed to deliver the improvements required. This includes work that covers a number of previous, outstanding recommendations by SCOAF, which are touched upon later in this report. I look forward to working closely with the Service Complaints Transformation Team and the Services to offer support and insight wherever possible to support our mutual goal of improving the system.

Against this backdrop, despite finding that the system is not yet efficient, effective and fair, SCOAF has chosen to make no further recommendations for 2020. I am in full support of this approach, as the purpose of any recommendations should be to highlight areas where further change and improvement is required. It would serve little purpose to produce a further suite of recommendations given the challenges experienced this year. It remains to be seen how effective the work currently underway will be in improving the system.

SCOAF remains committed to being a critical friend to the Armed Forces in support of the Service Complaints system. Over the course of the coming year, I will be looking to maximize my office's engagement with the Service Complaints Transformation Team to help progress improvement work. Further work will be done internally to eliminate

SCOAF's backlog, which has already decreased significantly due to the hard work of the team, and to ensure SCOAF is able to share insights and learning with the Services. At the end of 2021, this will enable me to review the system as a whole, and consider a fresh suite of recommendations, building on the improvements to date and my perspective on the system.

I look forward to continuing the work of this important office, and being able to get out and meet Service personnel and hear directly from those experiencing the system we are here to support.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

**Mariette Hughes**

Service Complaints Ombudsman for the Armed Forces

## Message from the former Ombudsman



In my appointment as the first-ever Ombudsman for UK Defence, as in life, time can seem to pass slowly in the beginning but with more and more speed as it nears the end – and so it is here.

I have more to say than the space here will allow, so in **my last blog as Ombudsman** I go into more detail about my time in post. For now, I would like to welcome Mariette in her new role as the second Service Complaints Ombudsman for the Armed Forces. She will inherit an office, and a team, of which she can be justly proud.

Although the current Service Complaints system is not yet operating efficiently, effectively and fairly, the overwhelming majority of Service personnel want it to be so – hence the proposed changes to this system by the Service Complaints Transformation Team, which are due to come on stream in 2021. I will watch these changes with interest from another place.

I am enormously grateful for my five years as Ombudsman: to the MOD staff and Service personnel I have met, at all levels and ranks; and most importantly, to all the people I have worked with at SCOAF since I started. Collectively, you have helped to make my time in post truly memorable. ‘Thank you’ does not seem enough, but here it is. Thank You.

**Nicola Williams was the first Service Complaints Ombudsman for the Armed Forces, from 2016 until 2020**





# Message from the new Ombudsman to my team

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In Nicola's message for this report, she commented that I would be inheriting a team of which I could be proud. Whilst my time in the role so far is fairly limited, the truth of that statement is absolutely apparent.

This year has not been easy for anyone, and the staff at SCOAF have dealt admirably with the challenges faced. They have completed 98% of referrals and 79% of all investigations within the timeliness target, and exceeded the timeliness target for admissibility and undue delay decisions, whilst also reducing the backlog of cases by more than 50%. They have transitioned to remote working and secured a new casework system and office accommodation whilst ensuring the continuity of service from this organisation in difficult and uncertain times. This speaks volumes to the whole team's dedication, who remain determined to provide quality outcomes and make a difference.

It is often said that it is people who make an organisation great. At SCOAF, I have been met with a team that are knowledgeable, skilled and dedicated. Moreover, the team have been consistently helpful and welcoming during my onboarding and demonstrated real positivity towards further improvements that could be made. I am hugely excited to have been appointed to this role, and the quality of the team I have inherited plays a huge part in this.

I would like to publicly add my thanks to Nicola's statement to the team at SCOAF, and recognise the hard work that has gone into this year.



# Executive summary

The Service Complaints Ombudsman for the Armed Forces' Annual Report 2020 reports on the work undertaken by her office throughout 2020, and the current state of the Service Complaints system.

## Efficient, effective and fair

In making this assessment, the Ombudsman takes into consideration a number of factors, including:

<b>Efficient</b>		
Deals with complaints at the lowest suitable level		
Resolves complaints within the allocated timeframes and without undue delay		
Is equipped with sufficient resource		
<b>Effective</b>		
People have knowledge of the complaints process		
People have confidence in the complaints process		
Brings about change as a result of complaints that have been made		
<b>Fair</b>		
Clarity of purpose		
Accessibility		
Flexibility		
Openness and transparency		
Proportionality		
<b>Good performance</b> The Service Complaints system is performing well in this area.	<b>Moderate performance</b> The complaints system has made improvements in this area, but further work is required.	<b>Poor performance</b> The complaints system is performing poorly in this area.

A more detailed analysis of this can be found in **Chapter 3** of this report.

## The work of SCOAF

In 2020, SCOAF:

- logged 862 contacts from individuals making an application or an enquiry about the Ombudsman's powers
- made 168 referrals to help current or former Service personnel access the Service Complaints system
- made 98% of referrals within 7 working days, exceeding the 90% target
- received 286 applications for investigation, of which 86% were eligible for investigation
- completed 79% of all investigations within the time target
- completed 95% of admissibility reviews and undue delay investigations within 17 working days, exceeding the 90% target
- reduced the backlog from 49 unallocated substance and maladministration cases to 23 as of 31 December 2020

## The work of the Service Complaints system

In 2020:

- 1,833 formal statement of complaints and 195 informal complaints were processed by the Services
- 729 statement of complaints were deemed admissible in-year, with a further 169 pending a decision
- The 3 largest areas of complaint concerned:
  - career management (40%)
  - bullying, harassment or discrimination (27%)
  - pay, pensions and allowances (13%)
- 40% of complaints were closed within 24 weeks (tri-Service target)
- Both female and BAME personnel were overrepresented in the Service Complaints system (21% and 15%) compared to their representation in the UK Armed Forces (12% and 8%)
- 2 pre-2016 complaints were finalised, leaving 2 complaints made before 2016 still open at the end of 2020



## Recommendations and observations

This reporting year, the Ombudsman did not make any further recommendations. The reason for this decision is outlined further in Chapter 4 of the report. However, the Ombudsman has again chosen to make observations relating to wider issues or points highlighted by SCOAF and the Service Complaints system throughout 2020. The issues highlighted by these observations are not sufficiently urgent to warrant recommendations being made. However, they do present further opportunities for learning and development.

### Observation 1

The Services should make better use of the wider learning points made in SCOAF's investigation reports to ensure some of the basic errors in complaint handling are removed.

### Observation 2

Where possible, the Services and SCOAF should review how case files are processed and handled, looking for ways to utilise technology and reduce reliance on paper to facilitate remote and flexible working.

### Observation 3

The pandemic restricted the Ombudsman's ability to undertake face to face presentations which underpin the outreach programme and aids learning. SCOAF should ensure educational material about the role and powers of the Ombudsman is accessible online and prepare for the move to virtual presentations.









# Chapter 1 – The work of SCOAF in 2020

This chapter outlines the work undertaken by SCOAF on each of the legislative functions in 2020. It also covers the impact of COVID-19 on operational capabilities and outreach undertaken by the Ombudsman and the wider work of the office. All statistics referred to can be found in more detail in ‘*Statistical Tables – SCOAF Operations*’ on the SCOAF website [www.scoaf.org.uk](http://www.scoaf.org.uk).

## Operational output

The role of SCOAF is to provide independent and impartial oversight of the Service Complaints system. This is primarily achieved through the execution of the Ombudsman’s four key powers.

	<p><b>Help Service personnel access the Service Complaints system by making referrals for individuals who do not want to approach their chain of command directly to make their complaint.</b></p>
	<p><b>Review admissibility decisions made by the chain of command and determine whether a complaint or appeal was correctly excluded.</b></p>
	<p><b>Investigate undue delay in the handling of a Service Complaint or Service Matter.</b></p>
	<p><b>Investigate the substance (merits) and/or handling of a complaint (maladministration) once the internal Service Complaints process is complete.</b></p>

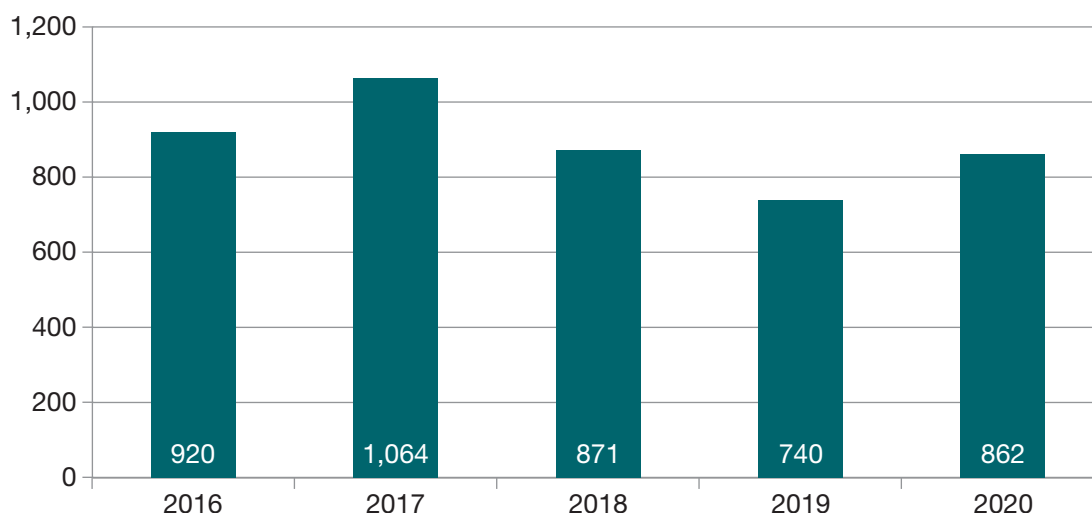
## Enquiries and Referrals

The Enquiries and Referrals Team are the first point of contact for anyone wishing to approach SCOAF.

In 2020, SCOAF logged 862 new enquiries; this is up compared to 740<sup>1</sup> in 2019.

619 (72%) concerned an issue within the Ombudsman’s jurisdiction. Included in this were 430 enquiries that led to applications<sup>2</sup> for the Ombudsman to use her power of referral or investigation.

**Chart 1: Annual number of enquiries to SCOAF from 2016–2020**



## Referrals

The Ombudsman has the power to help current and former Service personnel to access the Service Complaints system. If an individual feels they have been wronged in their Service life but are unwilling or unable to approach their chain of command directly to make a Service Complaint, they can ask the Ombudsman to refer their intention to make a Service Complaint.

<sup>1</sup> Please note this figure was incorrectly reported in the 2019 as 754.

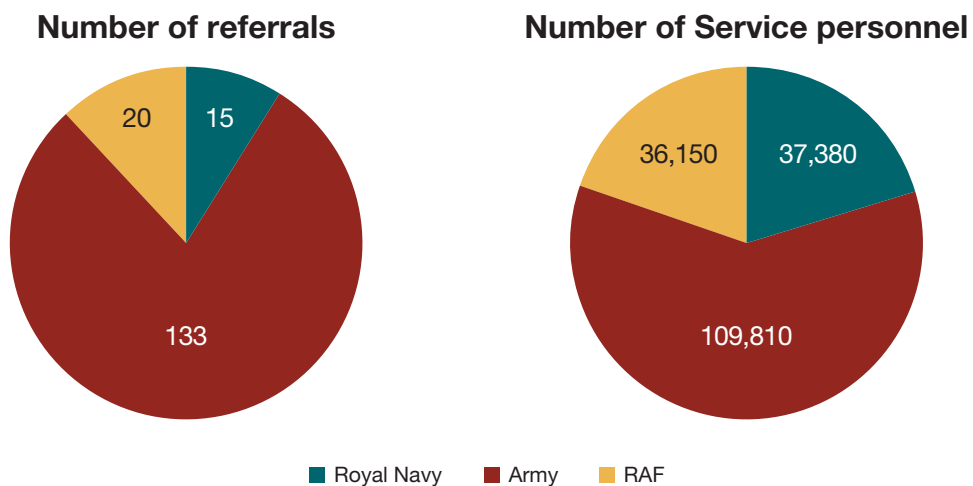
<sup>2</sup> These applications include 26 enquiries which each generated two applications for investigation (a substance investigation and a maladministration investigation).



In 2020, SCOAF received 170 applications for referral. This is an increase of 17% compared to 143 in 2019.

SCOAF made 168 referrals to the Services (2 applications for referral were withdrawn). The Army had the largest number of referrals (133 or 79% of all referrals made by SCOAF in 2020) followed by the RAF (20 or 12% of all referrals) and the Royal Navy (15 or 9% of all referrals). These percentages are fairly proportional to the Army having 60% of UK Armed Forces Service personnel; the Royal Navy having 20%; and the RAF having 20%.

**Chart 2: Percentage of referrals made by SCOAF compared to Service size, 2020**



98% of referrals were made within 7 working days. The Enquiries and Referrals Team exceeded SCOAF’s Key Performance Indicator (KPI), which is to refer 90% within the 7 working day target.

## Investigations

### Breakdown of investigations

In 2020, SCOAF received 286 applications asking the Ombudsman to use her powers of investigation. Of these, 246 (86%) were accepted for investigation.

Case status	Total	Investigation type <sup>3</sup>			
		ADM	DEL	SUB	MAL
Applications received	286	105	85	50	46
Accepted for investigation	246	93	68	45	40
Not accepted for investigation	32	10	11	5	6
Pending eligibility <sup>4</sup> decision	5	2	3	0	0
Closed pre-decision <sup>5</sup>	3	0	3	0	0

**Table 1: Number of applications received, broken down by application type and case status, 2020**

In addition, there were 49 applications for substance and maladministration investigations pending allocation to an investigator at the start of 2020. These cases were carried over from the previous year. Further information on our backlog is discussed on page 9.

Description	Total	ADM	DEL	SUB	MAL
Closed cases	326	106	76	74	70
Closed without complete investigation	88	11	17	32	28
Closed with complete investigation	238	95	59	42	42

**Table 2: Closed investigation applications broken down by application type and case status, 2020**

SCOAF closed 326 investigations in 2020. Of the 238 applications closed with a complete investigation, 50% were upheld or partially upheld in favour of the complainant.

Of the 88 cases closed without a complete investigation, 33 were ineligible for investigation; 46 were not accepted for investigation following the initial eligibility review or triage;<sup>6</sup> 8 were withdrawn; and 1 was discontinued.

Overall, 79% of investigations in 2020 were completed within the time target; this is a reduction on 80% in 2019.

<sup>3</sup> Investigation types – ADM is a review of an admissibility decision; DEL is undue delay; SUB is substance; and MAL is maladministration.

<sup>4</sup> This refers to an assessment of an application to determine whether it is eligible for investigation by SCOAF.

<sup>5</sup> Closed pre-decision refers to applications closed before an eligibility decision is made for example a complainant withdrawing their application.

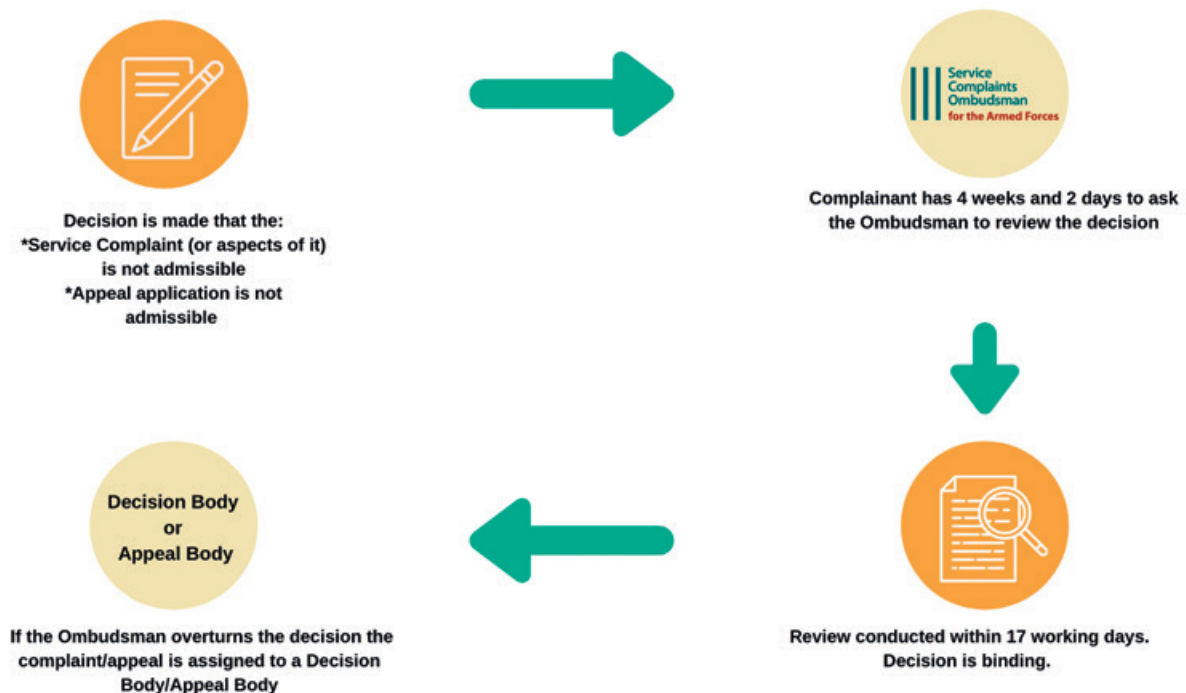
<sup>6</sup> The purpose of the triage is to conduct an early assessment of the application to determine whether the matter warrants further investigation by SCOAF.

Description	Total	ADM	DEL	SUB	MAL
Inside time target	187	90	56	21	20
Outside time target	51	5	3	21	22
Completed investigations	238	95	59	42	42
% Inside target	79%	95%	95%	50%	48%

**Table 3: Investigation timeliness by application type, 2020**

## Review of admissibility decisions (ADM)

An admissibility decision is a decision made by the relevant Service about whether a Service Complaint or appeal can be accepted for investigation. The Ombudsman can be asked to review any aspects of a Service Complaint or appeal application that was ruled inadmissible. The Ombudsman's decision following a review is binding. Therefore, if a review finds in favour of the complainant, the complaint or appeal must be accepted into the internal Service Complaints system of the relevant Service.



In 2020, SCOAF received 105 applications requesting a review of an admissibility decision. This represents 85% of all Service Complaints and appeals ruled as inadmissible by the Services in 2020.

89% of applications received by SCOAF were eligible for review.

25% of completed reviews found in favour of the complainant, either in whole or part. This is a drop in percentage compared to 42% in 2019.

95% of admissibility reviews were completed within 17 working days. This exceeds SCOAF's performance target of 90% of admissibility reviews to be completed within the 17 working day KPI target. This is also an improvement on 90% in 2019.

## Undue delay (DEL)

The Ombudsman has the power to investigate undue delay in a Service Complaint or Service Matter.<sup>7</sup> Applications for an investigation may be made at any time during the course of a Service Complaint. Multiple applications can also be made if the alleged delay persists.



In 2020, SCOAF received 85 applications requesting an investigation into alleged undue delay, with 68 (80%) applications eligible for investigation. 63% of investigations completed by SCOAF found that there was undue delay in the Service Complaint or Service Matter.

95% of undue delay investigations were completed within 17 working days, which is a slight reduction on 99% in 2019. This exceeds SCOAF's KPI target of 90% of undue delay investigations to be completed within 17 working days.

## Substance and maladministration

Once a final decision has been made on a Service Complaint as part of the Service's internal process, individuals can ask the Ombudsman to investigate:

- The substance (merits) of the complaint if they think an incorrect decision was reached
- Alleged maladministration in the handling of the complaint if they believe it was handled incorrectly

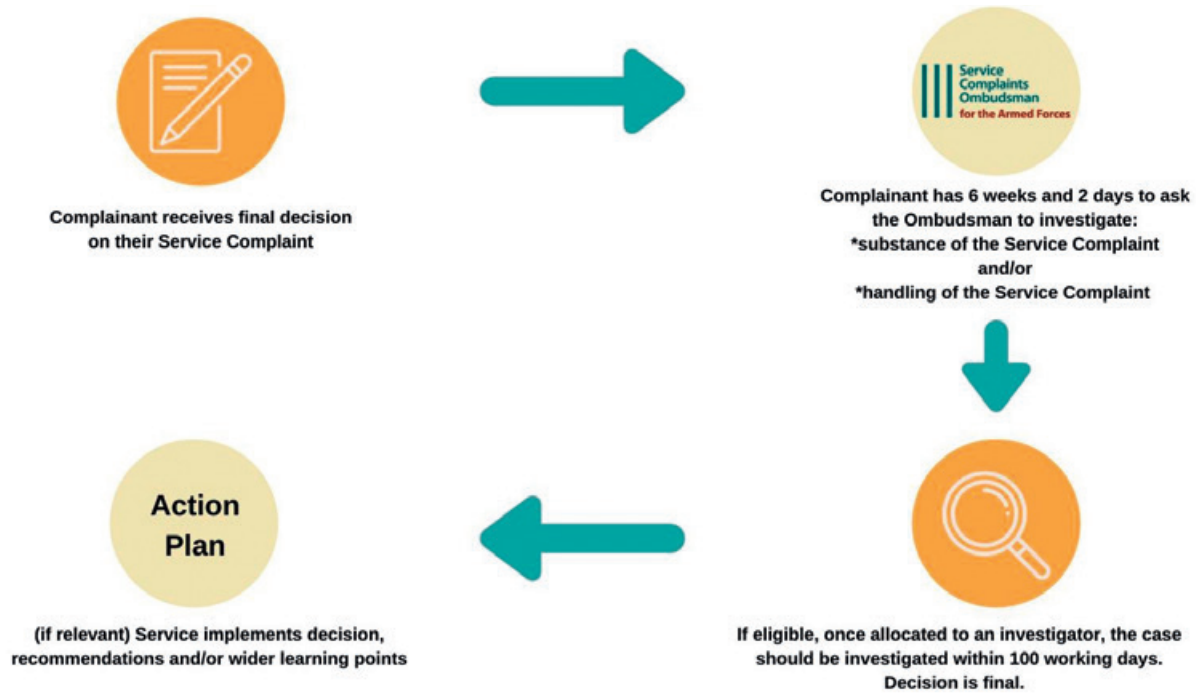
The Ombudsman is not a third level of appeal and not all applications are accepted for investigation. However, individuals may apply for both types of investigation at the same time.

All eligible applications received for substance and maladministration cases are 'triaged'.<sup>8</sup> This is an initial case review, which is carried out to determine if the matter warrants further investigation by SCOAF.

<sup>7</sup> A Service Matter is any matter that has been raised with the Service and could potentially be a Service Complaint, but a Service Complaint has not been made. This could mean an individual could have made an informal complaint or submitted an Annex F/statement of complaint, but an admissibility decision has not been made yet.

<sup>8</sup> For further information on the threshold for accepting investigations, refer to Annual Report 2019, pages 37-38





## Substance (SUB)

In 2020, SCOAF received 50 applications requesting a substance (merits) investigation. 90% of applications met the initial eligibility criteria and were subject to SCOAF's triage process.

44% of these substance cases were accepted for investigation following triage. 26 (62%) substance investigations completed in 2020 were upheld or partially upheld in favour of the complainant.

A total of 42 substance investigations were completed in 2020 (compared to 39 in 2019). Of the investigations completed:

- 4 were received in 2020
- 18 from 2019
- 18 from 2018
- 2 from 2017

This left 23 substance investigations open and ongoing at the end of 2020, of which 18 had been received in 2020, and 5 received in 2019.

50% of substance investigations were completed within 100 working days, which is a very small improvement on 49% in 2019. SCOAF's KPI is 90% of substance investigations to be completed within the 100 working day target. SCOAF is therefore still significantly below the KPI.

When SCOAF accepted an application for a substance investigation in 2020, it could not immediately be allocated to an investigator and the case remained in a backlog of unallocated substance and/or maladministration cases until an investigator became available. For cases closed in 2020, substance investigations took on average 58 weeks to be allocated to an investigator and a further 24 weeks being investigated, resulting in SCOAF taking an average of 82 weeks to close a substance investigation.

## Maladministration (MAL)

In 2020, SCOAF received 46 applications requesting a maladministration investigation. 87% of applications met the initial eligibility criteria and were subject to SCOAF's triage process.

48% of these maladministration cases were accepted for investigation following triage. 32 (76%) maladministration cases completed in 2020 were upheld or partially upheld in favour of the complainant.

A total of 42 maladministration investigations were completed in 2020 (compared to 31 in 2019). Of the investigations completed:

- 3 were received in 2020
- 17 in 2019
- 19 in 2018
- 3 in 2017

This left 21 maladministration investigations open and ongoing at the end of 2020, of which 17 had been received in 2020 and 4 received in 2019.

48% of maladministration investigations were completed within 100 working days, which is a slight improvement on 45% in 2019. SCOAF's KPI is 90% of maladministration investigations to be completed within the 100 working day target. SCOAF is therefore still significantly below the KPI.

Like with substance investigations, when SCOAF received a maladministration investigation application in 2020, it could not immediately be allocated to an investigator and the case remained in a backlog of unallocated substance and/or maladministration cases until an investigator became available. For cases closed in 2020, maladministration investigations took on average 57 weeks to be allocated to an investigator and a further 24 weeks being investigated, resulting in SCOAF taking an average of 81 weeks to close a maladministration investigation.

## Backlog

SCOAF had 23 unallocated substance and/or maladministration investigations pending allocation to an investigator at the end of 2020. All of these investigations had been received in 2020. As of 31 December 2020, it was taking 9 months to allocate a case to an investigator.

The backlog was at its highest in 2018, as there were 153 unallocated applications for investigation of substance and maladministration. By the end of 2019, there were 49. The significant reduction was achieved in 2019 as a result of reviewing internal process and the introduction of the triage process. In 2020, a further reduction of more than 50% of the backlog has been achieved, despite the difficulties faced as a result of COVID-19 and not all permanent investigation posts being covered during the year.

As an independent and impartial office that provides oversight of the Service Complaints system, it is important to be transparent about the same delays as the system it oversees and what is being done to address the issue. The Ombudsman recognises that the backlog is not acceptable as the time taken to allocate cases to an investigator remains high, and may initially create a negative perception for the complainant of our overall service. However, the backlog should not discourage complainants from approaching the Ombudsman as our top priority is working towards rectifying this issue. The Investigation Team remain committed to processing cases as efficiently as possible, while ensuring that they continue to deliver quality investigations and outcomes. Monthly updates on our current delays are available on our website. Complainants are provided with regular updates, which include information such as a revised timetable for the allocation of an investigator, the reasons for the delay and timeframes for the completion of an investigation.

## Recommendations and wider learning points

Following an investigation, the Ombudsman may make recommendations and/or wider learning points. In 2020, SCOAF made 144 recommendations and 127 wider learning points.

The types of recommendations SCOAF makes fall into four main categories: policy, process, apology or consolatory payments.

Since the Ombudsman was created on 1 January 2016, the types of recommendations made have remained broadly similar. SCOAF still sees the same basic errors: not providing updates; not following the JSP guidelines; or not engaging fully with the complainant to understand the detail of the complaint submitted.

In 2020, SCOAF made the following recommendations:

- 89 process
- 36 apology
- 10 policy
- 9 consolatory awards

Although there have been improvements in decisions seen by SCOAF, the same issues are arising in investigations in 2020.

### Issues arising from admissibility reviews

- **Specified Officers (SO) did not consider just and equitable reasons for the late submission of a Service Complaint.** A Service Complaint can be considered outside of the statutory timeframe if there are just and equitable reasons to do so. A SO is required to ask a complainant to provide reasons for the delay, and acknowledge them before making a decision on admissibility.
- **Admissibility decisions contained comments about the substance (merits) of the complaint.** When making decisions, SOs should not be considering any issues that are not related to eligibility. Consideration of the merits of the complaint itself is beyond their remit.
- **Decision letters did not state the timeframe to approach SCOAF.** A complainant has the right to approach the Ombudsman within 4 weeks and 2 days to request a review of the admissibility decision made in relation to their complaint or appeal.
- **SOs did not follow guidance set out in JSP 831 when making an admissibility determination.** Guidance states that an admissibility decision should be made within 14 working days. However, SCOAF found there was an excessive delay in a number of decisions made by SOs, without a justifiable reason.
- **SOs did not interview complainants prior to making an admissibility decision.** In accordance with guidance, complainants should be given the opportunity to have an interview with the SO, so that the complaint is fully understood, before the SO makes a decision on the admissibility of the complaint.
- **Decision letters did not clearly define the heads of complaint.** The SO should breakdown the Service Complaint into separate parts (heads of complaint), detailing whether each head of complaint is deemed admissible or inadmissible.

### Issues arising from undue delay investigations

- **Service Complaints were not recorded on the Joint Personnel Administration (JPA) system.** All information relating to a Service Complaint should be recorded on JPA. This ensures there are accurate records and demonstrates the steps taken to progress the complaint.
- **Not all parties connected to a Service Complaint were provided with regular updates.** Timely and meaningful updates should be provided to the complainant and any respondents in accordance with JSP 831. Failure to provide regular updates creates distrust of the system.
- **Welfare support was not offered to complainants (or respondents) on delayed investigations.** A complainant could suffer stress, anxiety and mental health issues if there are excessive delays to a Service Complaint or Service Matter before a decision has been made. Ensuring complainants are aware of charities and organisations available who offer support is important while the complaint is ongoing.
- **Fee Earning Harassment Investigation Officers (FEHIOs) were not appointed within a timely manner.** Guidance states that trained FEHIOs should be appointed to conduct an investigation concerning allegations of bullying, harassment or discrimination as soon as reasonably possible.

### Issues arising from substance and maladministration investigations

- **Time limits were placed on FEHIOs meetings with complainants.** Guidance does not specify how long a Service Complaint meeting should be. This ensures that Service Complaints are handled fairly, appropriately and in the best interests of all those involved, giving them the opportunity to raise their concerns in whatever time they need, particularly when dealing with matters of bullying, harassment or discrimination. The placing of a time limit on these meetings potentially restricts those involved being able to properly express themselves.
- **Decision letters were vague or provided insufficient detail about whether a full investigation was conducted.** When making decisions, the Decision Body/Appeal Body should explain why and how they came to their conclusion. This ensures that a complaint is investigated properly and a fair and reasonable decision was reached in an open and transparent way.
- **Transcripts were not provided to complainants or respondents following an Oral Hearing (OH).** Guidance states there is no obligation to hold an OH in any case. But if one is held, the Appeal Body should ensure that copies of the proceedings are sent to all attendees.

The issues and errors highlighted at various levels of the complaints process suggests that changes are not being made on a systemic level, which is a concern to the Ombudsman. It is important that decision makers within the Service Complaints process understand the role they play and the expectations placed upon them to ensure the process is executed correctly and in accordance with guidance. Having guidelines in place that everyone follows could prevent unnecessary delays at various stages in the process, while enabling the appropriate redress to be considered which will inspire trust and confidence in the system. However, this can only be achieved if the recommendations and wider learning points made by the Ombudsman following investigations are used to inform change.

### Observation

*The Services should make better use of the wider learning points made in SCOAF's investigation reports to ensure some of the basic errors in complaint handling are removed.*

### Judicial review

The decisions made by the Ombudsman, including those made under delegated authority, in any investigation are final. If an individual does not believe that the correct processes or legislation was followed by the Ombudsman they may apply for a judicial review. In 2020, five complainants began the judicial review process to challenge a decision issued by SCOAF. Four cases were discontinued after the initial pre-action protocol stage. One is currently ongoing. Information on the costs incurred defending this action can be found in our financial statement at Appendix C.

In addition to the judicial reviews, SCOAF has also received 19 subject access requests (SAR); 8 freedom of information (FOI) requests and 2 complaints about staff during 2020. All requests were responded to within the statutory targets.

## Customer feedback and lessons learned

When SCOAF makes a referral or when an investigation has been finalised, complainants are invited to provide feedback on SCOAF's service and their experience of the Service Complaints process. This feedback is submitted anonymously through an electronic survey.

In 2020, the response rate to these surveys was only 10%. The limited number of returns was due to the introduction of a new case management system mid-year, which meant that there was a delay in issuing the surveys. From those who did complete the survey:

- 42% of users were satisfied with the service provided by SCOAF. This is a slight drop from previous years. In 2020, the satisfaction rates regarding the investigation process were:
  - SCOAF staff were polite and professional (67%)
  - The time taken for the whole process was reasonable (58%)
  - The process was clearly explained (50%)
  - Decision letters were clear and easy to understand (50%)
  - Regular updates were provided with clear information about the progress of the complaint (46%)
  - The decisions made about the complaint were fair and objective (39%)
  - SCOAF staff developed a clear understanding of the case (38%)

In addition to measuring satisfaction rates, SCOAF is committed to listening to our complainants by acting on feedback to make changes where required. Our surveys are designed with free text boxes which gives us the opportunity to consider feedback on how our service could be improved. We are not always able to act on the feedback we receive immediately. However, no feedback is dismissed as we regularly review information received. The new case management system and the development of a bespoke survey in 2021, will provide better understanding of SCOAF's performance and the feedback we receive will be used to improve service delivery.

You said...	We did...
<p><i>"It would be beneficial to have the full capability of the Ombudsman laid out in a flow diagram, to assist an uninformed person with the route a service complaint can take once the Ombudsman has become involved"</i></p>	<p>A new page was created on the website which sets out how the Ombudsman's internal process works.</p> <p><b>Plans for 2021 include:</b> New factsheets will be designed for the website and circulated to new complainants that clearly illustrate this.</p>
<p><i>"AR (Augmented Reality) Technology could be used to put 'Zaps' onto posters to give troops (Many who are dyslexic etc) an interactive source of help and information".</i></p>	<p>A new print campaign will be launched in 2021 to advertise the new Ombudsman and increase awareness of SCOAF. The posters and leaflets will be updated to include a Quick Response (QR) barcode linked to the 'How can we help you?' page on SCOAF's website.</p>



## Praise for SCOAF

- *“Your service is quick and efficient”*
- *“Thank you very much indeed for such an early response. I very much appreciate the speed and the clear direction”*
- *“[...] gave me a better understanding of the process and initiated my referral”*
- *“Satisfactory and very helpful. Thank you very much”*
- *“[...] has been polite, expedient in her approach to me throughout the process. Very quick to respond to emails, she has been of great use with her subject matter knowledge”*
- *“[...] she responded to my request in a timely manner [...]. She explained the complaint process and outlined other areas which are deemed important in this situation”*
- *“[...] consistently provides an outstanding service. I cannot emphasise that enough”*
- *“[...] My email [on the Service Complaints process] provides detail [...] has been exceptional and sets a standard that puts the SCOAF in a very positive light”*
- *“[...] responded to my initial query quickly and dealt with my referral exceptionally speedily”*
- *“I will like to sincerely thank you for the work you have done with my service complaints. This helps me to get closure which i have struggled with over the years. Your report gives me a better understanding of the sequence of events and puts everything in one report. I have so much Trust in the Ombudsman and absolute faith in the work you have done”*
- *“Thank you for sending me the draft report. You are the first person in 6 years to acknowledge the problems I have been facing at the unit”*
- *“Thank [you] for the hard and challenging job you and [your team] are doing, and I can only imagine that your work will only increase because the chain of commands do not believe that the service complaint process work [...] Thank you both for working tirelessly to allocate investigators to, not just my complaint, but other individual(s) whom have been waiting for a resolution”*

## Business output

### COVID-19

The effects of the COVID-19 pandemic had an impact on our operating capabilities and staff. We were able to issue laptops to all staff to facilitate an immediate transition to home working in line with government guidance. Practical steps were taken to mitigate issues caused by the inability to access the office or receive calls on the contact number. These mitigations included communications on our website and social media about how SCOAF was operating. Nevertheless, the situation has highlighted the need to ensure the technical capabilities of SCOAF are reviewed urgently and are appropriate for flexible and agile ways of working.

In addition, it became clear that our existing IT infrastructure was limited, particularly in relation to holding visual meetings. A work around was procured to address the IT issue. However, this is something we will be reviewing to ensure the ability to work remotely is easier in future.

SCOAF did not see a significant change in the number of applications received as a result of COVID-19. However, all case files for substance and maladministration cases are received as hard copy from the Services and are then scanned on to our system in the office. We had a significant number of cases scanned on to the system in advance, so that all of our investigation staff were able to continue to work remotely. However, SCOAF came close to running out of case files, but thanks to the Services in finding a way to send files, SCOAF staff were able to continue working. This highlighted both SCOAF's and the Services' reliance on paper files which will need to be reviewed.

## Observation

*Where possible, the Services and SCOAF should review how case files are processed and handled, looking for ways to utilise technology and reduce reliance on paper to facilitate remote and flexible working.*

## Staffing

SCOAF has funding for 25 members of staff, including the Ombudsman. In addition, SCOAF uses four Fee Earner Investigators on a case by case basis.

The Business Team consists of: the Ombudsman's Executive Assistant; Chief of Staff; Policy Manager; Statistics Manager; Communications Manager; Communications Officer; Business Manager; and Administration Support. The business side of the office is responsible for managing the Ombudsman's diary and external engagements, production of the annual report, finance, accommodation and IT. Two vacancies are currently being filled by internal staff on a temporary basis.

The Operational Team consists of: the Chief of Operations; Head of Investigations; six Senior Investigators; four Investigators; one Investigator Support Officer; and three Enquiries Officers. From June 2019 until March 2020, we had Senior Investigator vacancies. Due to the time it takes to recruit permanent staff, SCOAF employed two contractors as Senior Investigators for nine months and a further individual on a 23-month fixed term contract. All three individuals left SCOAF in the latter part of 2020, when we were fully staffed. All three made a significant contribution, together with the investigation team, in maintaining our work levels and we are grateful for their efforts.

During the course of 2020, two Investigators departed for new opportunities and we wish them well in their new roles. This left two vacancies but due to a lower number of admissibility and undue delay applications, which are handled by Investigators, we have obtained permission to convert one of these vacancies to a Senior Investigator post. The aim is to have more staff able to deal with substance and maladministration applications. Recruitment for this role and to replace another Senior Investigator who left towards the end of 2020, is ongoing.

## Outreach and education

The Ombudsman engages in outreach and education across the Services. These visits and focus groups are a vital opportunity for the Ombudsman to gain useful insight into how the Service Complaints system is perceived by personnel of all ranks, the impact it has on personnel who have been involved in the process and how the Ombudsman function is viewed. In 2020, these visits were heavily impacted by COVID-19, with the vast majority



cancelled. While outreach was limited, it did provide the office with a chance to re-assess how these visits should be managed in the future. We hope to trial some of these changes in 2021. A full list of the Ombudsman's engagements for 2020 can be found at Appendix D.

### Commanding Officers Designate Course (CODC)/Future Commanders Study Period (FCSP)

Every year, the Ombudsman is invited to present at each of the single Services' courses for new Commanding Officers. These briefs provide an important opportunity to not only explain the role and function of the Ombudsman, but to emphasise the critical role that Commanding Officers have in making the complaints process work well. This year, the Ombudsman presented at six CODCs/FCSPs. These presentations were delivered remotely. The Ombudsman had previously recorded video presentations (vodcasts<sup>9</sup>) to be used in different training sessions. The vodcasts were short segments that were not designed specifically to each Service. This highlighted an important gap in our educational tools in raising awareness of the functions of the office. As part of the communications strategy for 2021, the Ombudsman is exploring ways to improve on how SCOAF delivers its training modules.

## Observation

*The pandemic restricted the Ombudsman's ability to undertake face to face presentations which underpin the outreach programme and aids learning. SCOAF should ensure educational material about the role and powers of the Ombudsman is accessible online and prepare for the move to virtual presentations.*

## Consolatory payments

SCOAF has the power to make recommendations to remedy injustice or other wrongs found during an investigation. Whilst SCOAF has the power to make recommendations concerning the redress that should be granted, including recommending consolatory payment, these recommendations are not binding.

Recommendations which involve money take the longest to implement. To provide some clarity to both the Services and complainants, SCOAF published some guidance on financial remedy in 2020. The aim was to highlight the difference between quantifiable and non-quantifiable recommendations: quantifiable being where the wrong caused to the complainant can be identified in monetary terms; and non-quantifiable being where the wrong is not monetary, for example, obvious distress or injury to feelings. Non-quantifiable consolatory recommendations are possibly the most challenging and those which would often lead to follow up queries from the Services.

To address these queries, SCOAF produced a scale of low, moderate and high bands with a corresponding recommended payment amount. This provided the clarity sought and ensured a consistent approach, while the onus for making the final decision on the amount within the band recommended remained with the Service. It was also felt that by publishing the guidance on our website, this would provide greater transparency and help in managing the expectations of the complainant. This policy was issued in early 2020.

A factsheet on redress, including consolatory payment guidance, can be found under 'Downloads' on SCOAF's website [www.scoaf.org.uk](http://www.scoaf.org.uk).

<sup>9</sup> A vodcast is a video that can be downloaded and played in audio or video form.

## **Digital improvements**

A new case management system was introduced mid-year to streamline internal process and manage all applications made to SCOAF. The system was also designed to produce in-depth research and analysis required by the Ombudsman's reporting function.

An online application form will be launched in 2021 to integrate with the case management system, which will provide a more efficient process that will help resourcing.

## **Statistical review**

SCOAF has a responsibility to provide an assessment of the Service Complaints system. The statistical contribution to this assessment is provided by the statistical tables published alongside SCOAF's annual report, with further assessments circulated in quarterly statistical reports. The Service Complaints Statistics Group was formed in 2015, to ensure the integrity of the data provided by the Services for these assessments and to review future data requirements. This group consists of representatives from the three Services and the Ministry of Defence.

In 2020, the Service Complaints Statistical Group identified the following improvements to be implemented when analysing data:

- to extend statistics on Service Complaint outcomes to be broken down by complaint category.
- to produce Service Complaint rate statistics on a per 10,000 Service personnel basis.

SCOAF plans for 2021:

- the creation of a bespoke survey to examine the user experience of the Service Complaints process.



## Chapter 2 – The work of the Service Complaints system in 2020

This chapter provides an overview of Service Complaints in 2020 and reports on the work of the Service Complaints system in the Royal Navy, the Army and the RAF. Guidance on the Service Complaints statistics process and key terms used can be found in the 'Background Report – SCOAF Annual Report 2020' on SCOAF's website [www.scoaf.org.uk](http://www.scoaf.org.uk).

### Part 1 – Overall breakdown of Service Complaints

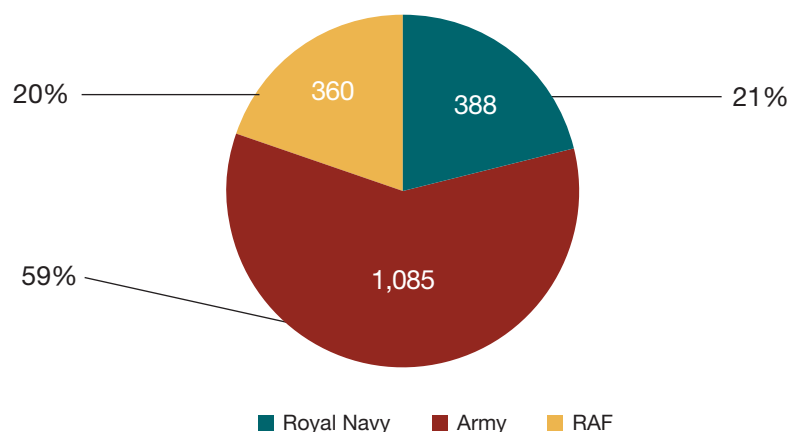
#### Volume

In 2020, 1,833 formal statements of complaint and 195 informal complaints<sup>10</sup> were processed by the Service Complaints system. The largest number of formal complaints processed (1,085) was by the Army, followed by the Royal Navy (388) and the RAF received the least (360). This is roughly in line with the Army having 60% of UK Armed Forces Service personnel, the Royal Navy having 20% and the RAF having 20%.

- 729 of these Service Complaints were ruled admissible in 2020, with 169 pending an admissibility decision as of 31 December 2020.
- 710 of these Service Complaints were ruled admissible before 2020, but processed in 2020.

225 statements of complaint were ruled inadmissible, withdrawn or resolved before an admissibility decision was made.

**Chart 3: Number of formal statements of complaint processed by Service, 2020**



<sup>10</sup> This includes work on admissibility decisions

## Handling of complaints

The current time target to resolve Service Complaints is 24 weeks. The KPI is to resolve 90% of Service Complaints within that time target.

In 2020, the tri-Service percentage of Service Complaints received and closed within the time target was 40%, with an average time of 37 weeks taken to close complaints. This is down from 46% in 2019, and falls well short of the KPI.

Year	Royal Navy	Army	RAF	Total
2016	57%	25%	50%	39%
2017	56%	37%	75%	52%
2018	68%	40%	65%	50%
2019	74%	32%	52%	46%
<b>2020</b>	<b>24%</b>	<b>42%</b>	<b>49%</b>	<b>40%</b>

**Table 4: Percentage of Service Complaints closed in-year within the 24 week target, 2016–2020**

In 2020, the RAF achieved the highest proportion of complaints closed within the target (49%), compared to the Army (42%) and the Royal Navy (24%).

Year	Initial decision not appealed	Initial decision appealed	All Service Complaints
2017	31	107	38
2018	23	89	31
2019	24	78	36
<b>2020</b>	<b>30</b>	<b>91</b>	<b>37</b>

**Table 5: Average number of weeks taken to finalise a Service Complaint, 2017–2020**

The average time taken to finalise a Service Complaint rose in 2020 compared to 2019, despite a smaller proportion of initial decisions being appealed.

## Open, red flag and legacy complaints

At the end of 2020, there were 443 out of 727 Service Complaints open beyond the 24 week time target.

Service	Open Service Complaints as at 31 December 2019	Service Complaints ruled admissible in 2020	Service Complaints closed in 2020 <sup>1,2</sup>	Open Service Complaints as at 31 December 2020 <sup>1</sup>
Royal Navy	149	+145	-119	175
Army	452	+431	-454	429
RAF	109	+153	-139	123
Tri-Service	710	+729	-712	727

<sup>1</sup> Includes cases ruled admissible before 2019.  
<sup>2</sup> Includes cases ruled out of time at appeal.

**Table 6: Annual change in the number of open Service Complaints by Service, 2020**

Red flag complaints<sup>11</sup> were open on average for 55 weeks, with 55% of complaints open for over 48 weeks. While the number of open cases has risen by 2%, the number of red flag complaints has fallen by 3%.

There are 10 Service Complaints made in 2016 or earlier, which remain open. 2 of these complaints are at the initial complaint stage and 8 are at the appeal stage. 2 of these complaints were made prior to 2016, under the old system.

The Ombudsman is concerned about the number of outstanding red flag and legacy complaints that remain open. Open cases can lead to a backlog developing and if the number of open cases does not decrease, it could have a significant impact on the effectiveness of the revised system as complaints remain unresolved.

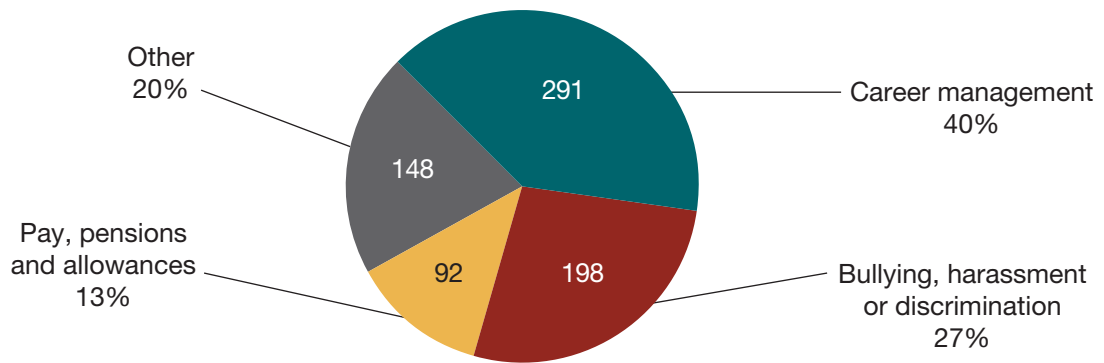
<sup>11</sup> A red flag complaint has missed the 24-week target and remains unresolved.

### Complaints by categories

The category of Service Complaint is determined by the Services on receiving the complaint. Of the 729 admissible Service Complaints received in 2020, the top areas complained about were:

- career management (40%)
- bullying, harassment or discrimination (27%)
- pay, pensions and allowances (13%)
- other<sup>12</sup> (20%)

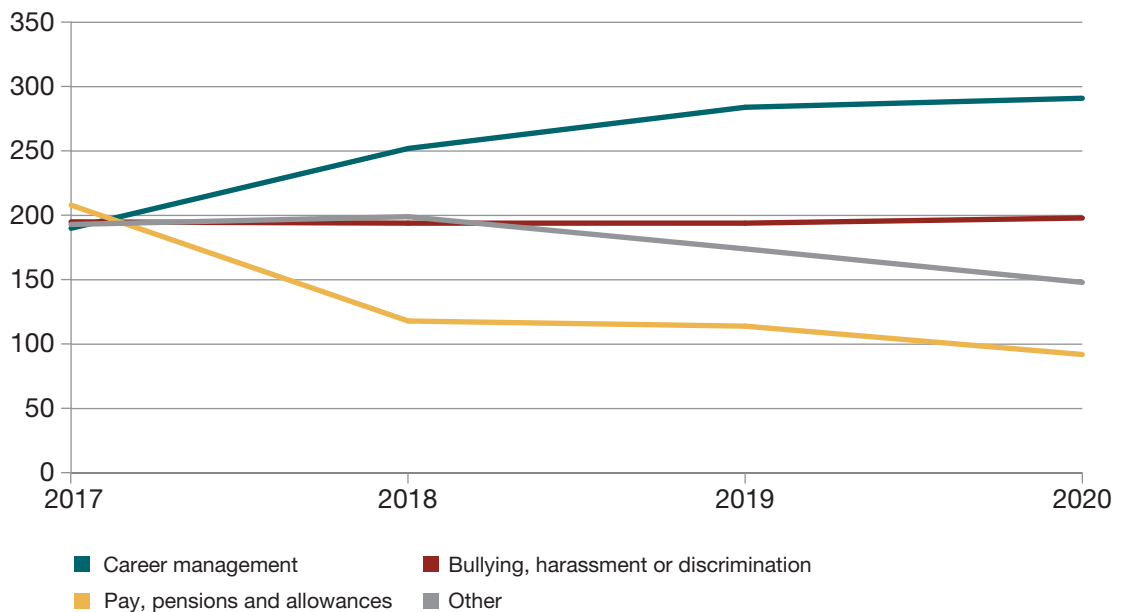
**Chart 4: The percentage of complaints made by category of Service Complaint, 2020**



### Timeliness and categories of complaint

The number of career management Service Complaints continues to rise each year, while the number of pay, pensions and allowances Service Complaints falls each year.

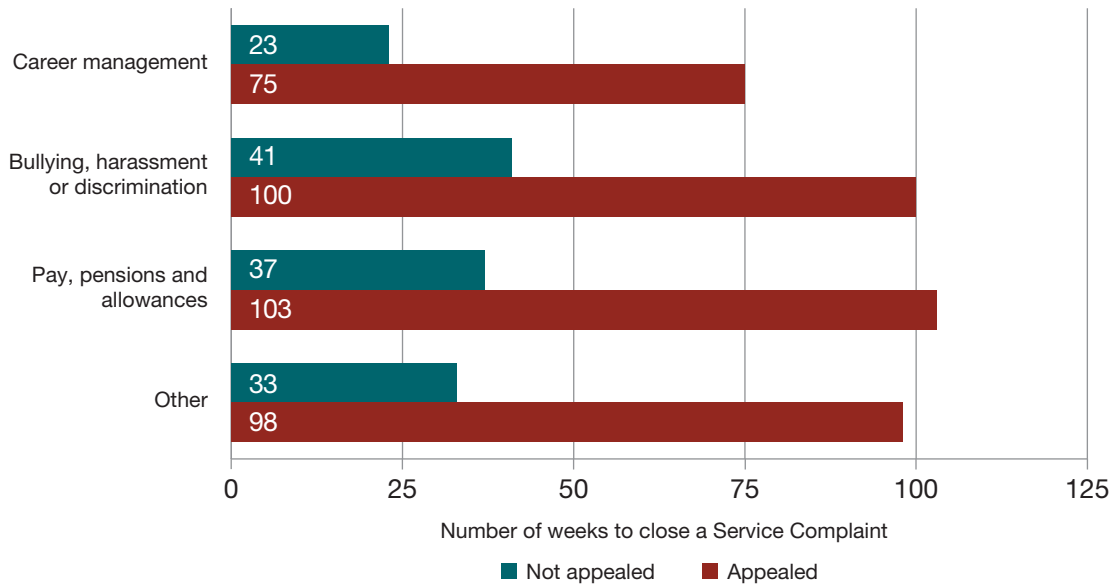
**Chart 5: Number of Service Complaints by complaint category, 2017–2020**



<sup>12</sup> Other categories of complaint include: improper behaviour; manning and discharge; medical and dental; discipline; victimisation; welfare; accommodation; medals; and other terms and conditions of Service.

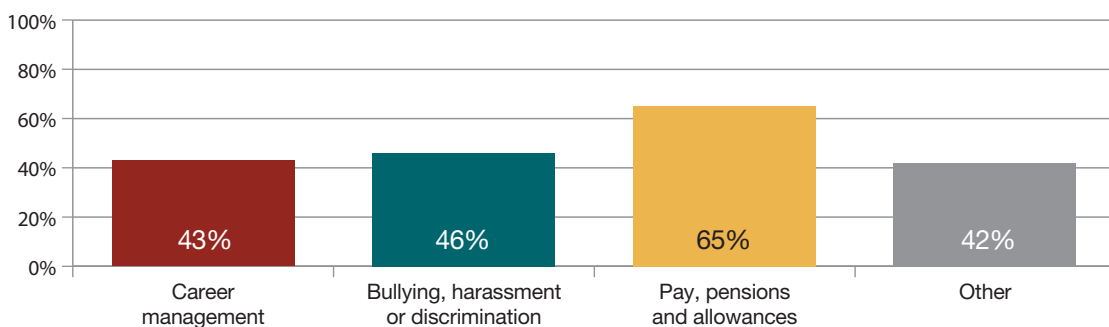
As shown in the chart below, the duration to close appealed and not appealed Service Complaints did not vary substantially by category, apart from the career management category.

**Chart 6: Time taken (weeks) to close a Service Complaint, by appeal status and complaint category, 2020**



Service Complaints concerning pay, pensions and allowances had the highest upheld rate in favour of the complainant (65%), while the Service Complaints category 'Other' had the lowest upheld rate (42%).

**Chart 7: Proportion of Service Complaints upheld by the Services, 2020**



## Career management

Career management complaints concern performance appraisals, promotion, assignment, transfers, and commission conversions, amongst other things.

Of the 40% of Service Complaints made about career management:

- the number of complaints ruled admissible was 91% and the post-admissibility withdrawal rate was 11%
- the upheld rate was 43%<sup>13</sup> and the percentage of decisions appealed was 26%
- the average time taken to close a complaint was 24 weeks and the in-year timeliness rate was 57%.

<sup>13</sup> The upheld rate includes decisions where the complaint was partially upheld. The fully upheld rate for career management Service Complaints was 9%.

The Service with the highest rates of career management complaints was the RAF (17 Service Complaints per 10,000 Service personnel), followed by the Army (16 Service Complaints per 10,000 Service personnel) and the Royal Navy (13 Service Complaints per 10,000 Service personnel).<sup>14</sup>

## Bullying, harassment or discrimination

There were 198 Service Complaints concerning bullying, harassment or discrimination in 2020. This was broadly in line with the three previous years.

Of the 27% of Service Complaints made about bullying, harassment or discrimination:

- the number of complaints ruled admissible was 90% and the post-admissibility withdrawal rate was 15%
- the upheld rate was 46%<sup>15</sup> and the percentage of decisions appealed was 31%
- the average time taken to close a complaint was 50 weeks and the in-year timeliness rate was 20%.

The Service with the highest rates for bullying, harassment or discrimination complaints was the Army (12 Service Complaints per 10,000 Service personnel), higher than the tri-Service average (11 Service Complaints per 10,000 Service personnel). The RAF had the lowest rates (9 Service Complaints per 10,000 Service personnel) while the Royal Navy had 10 Service Complaints per 10,000 Service personnel.

The Armed Forces Continuous Attitude Survey (AFCAS) indicates that the percentages are not a true reflection of the level of personnel reporting experiencing bullying, harassment or discrimination, as only one in nine (12%) personnel who experience such behaviour make a complaint. This continues to be a concern as this figure has not changed since 2015, or when the Ombudsman raised it in the first annual report.

## Pay, pensions and allowances

Pay, pension and allowances complaints can be resolved through a Special-to-Type procedure run by the PACCC (Pay and Allowances Casework and Complaints Cell). If a complainant is dissatisfied with the outcome of the PACCC process, a Service Complaint can be made.

Of the 13% of Service Complaints made about pay, pensions and allowances:

- the number of complaints ruled admissible was 90% and the post-admissibility withdrawal rate was 10%
- the upheld rate was 65%<sup>16</sup> and the percentage of decisions appealed was 17%
- the average time taken to close a complaint was 39 weeks and the timeliness rate was 45%.

The Service with the highest rates of pay, pension and allowances complaints was the RAF (7 Service Complaints per 10,000 Service personnel), followed by the Royal Navy (6 Service Complaints per 10,000 Service personnel) and the Army (4 Service Complaints per 10,000 Service personnel).

<sup>14</sup> See table 2.3, AR20 statistical tables

<sup>15</sup> The upheld rate includes decisions where the complaint was partially upheld. The fully upheld rate for bullying, harassment or discrimination Service Complaints was 5%.

<sup>16</sup> The upheld rate includes decisions where the complaint was partially upheld. The fully upheld rate was 43%.

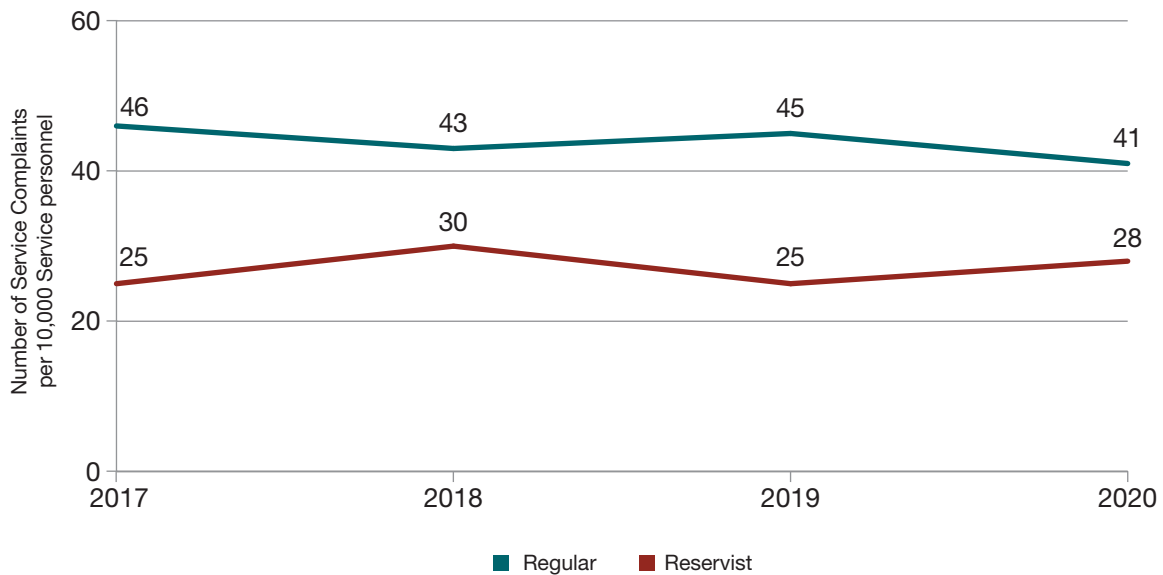


## Complaints by demographic

### Service status

Reservists are significantly less likely to make a Service Complaint than Regulars in the UK Armed Forces. Regulars raised 86% of Service Complaints in 2020, compared to Reservists who raised 14%.<sup>17</sup> However, Regulars only account for 80% of Service personnel.

**Chart 8: Service Complaint rates by year and Service status, 2020**



### Gender

In 2020, female Service personnel were disproportionately represented in the Service Complaints system. Female personnel had nearly twice the rate of Service Complaints than males.<sup>18</sup>

Although this over-representation was found in all complaint categories, it was primarily driven by bullying, harassment or discrimination.

The rate at which female Service personnel raised bullying, harassment or discrimination Service Complaints was four times larger than the equivalent figure for male Service personnel. This was partly (but not wholly) due to the fact that female Service personnel were twice as likely to report being subject to bullying, harassment or discrimination as male Service personnel.<sup>19</sup> However, the rate of reported bullying, harassment or discrimination Service Complaints by female personnel has not changed by a significant amount in the last three years.<sup>20</sup>

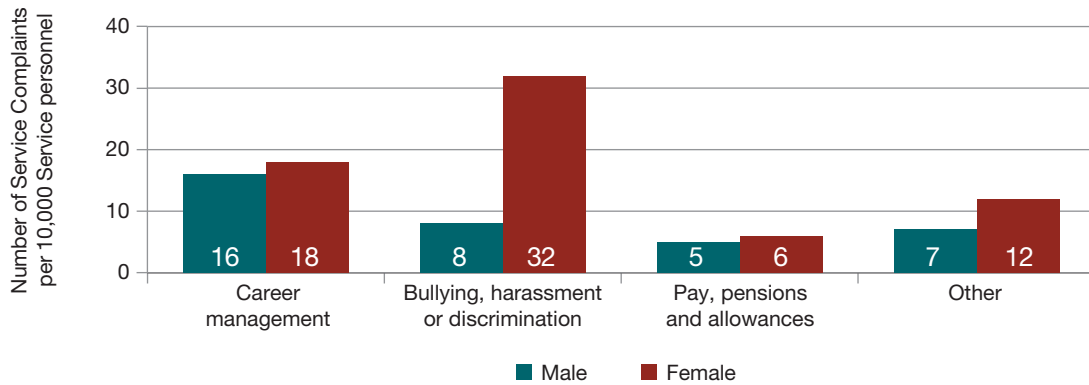
<sup>17</sup> See tables 2.5e and 2.5f, AR20 statistical tables

<sup>18</sup> See tables 2.5a and 2.5b, AR20 statistical tables

<sup>19</sup> See table FAW.4, AFCAS 2020 statistical tables

<sup>20</sup> See SCOAF Annual Report 2019 and SCOAF Annual Report 2018

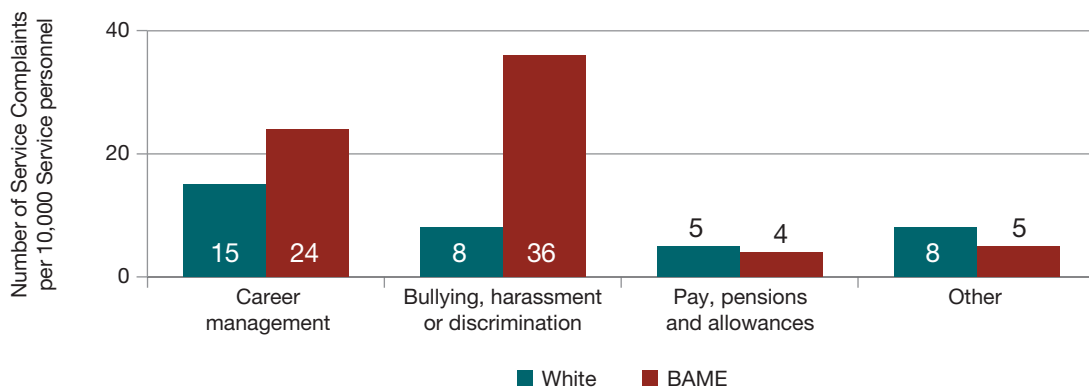
**Chart 9: Service Complaint rates by gender and complaint category, 2020**



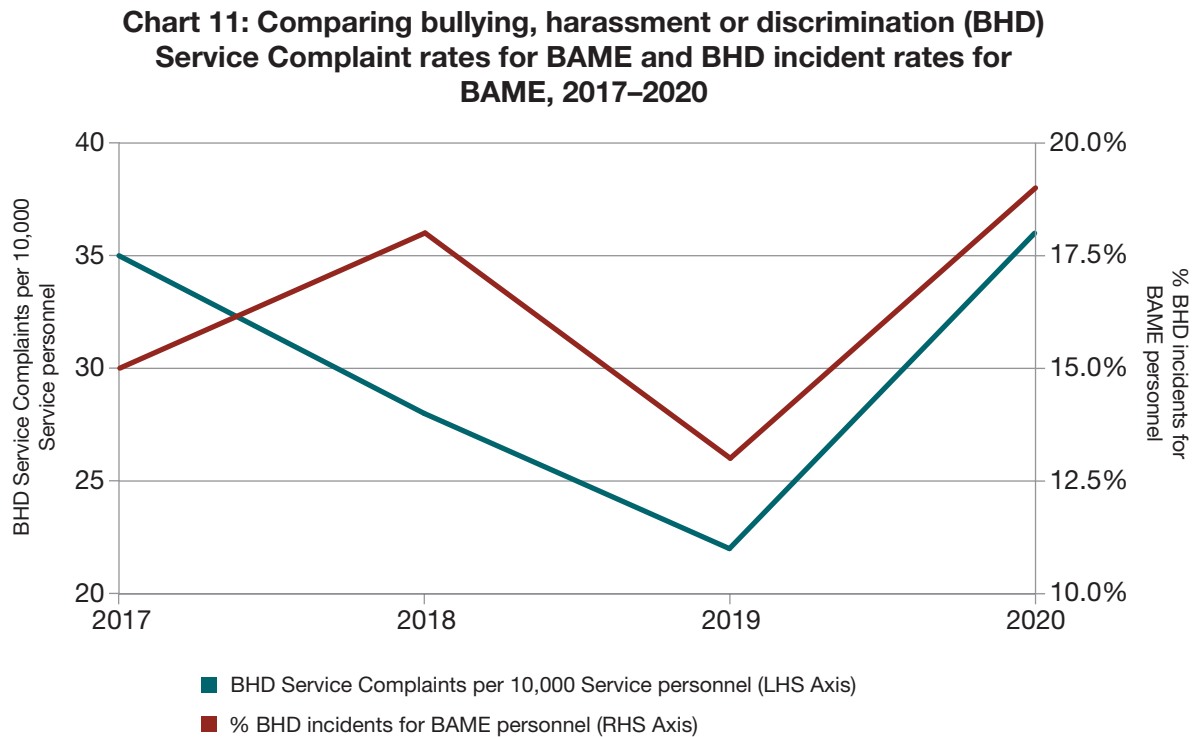
## Ethnicity

BAME personnel make up 8% of the total strength of the UK Armed Forces, compared to white personnel (92%). BAME personnel continue to be overrepresented in the Service Complaints system. This is primarily driven by the number of bullying, harassment or discrimination Service Complaints made by BAME personnel, who are twice as likely to make a Service Complaint. Although, these figures are small in comparison to Service strength, this shows that BAME personnel are still disproportionately represented.

**Chart 10: Number of Service Complaints made by ethnicity and complaint category, 2020**



In the last year, AFCAS reports that the rate of bullying, harassment or discrimination complaints made by BAME personnel has risen in line with the proportion of BAME personnel who suffered incidences of bullying, harassment or discrimination.



Data appears to show that the disparity between BAME and white Service personnel when it comes to bullying, harassment or discrimination Service Complaints is slightly greater than the disparity between genders. However, it is not clear why there is a disparity in numbers, so further analysis is needed to understand the reasons for this trend. The Army will be conducting wider work<sup>21</sup> to understand and tackle the root causes on why females and BAME personnel are submitting more complaints in-year. The Ombudsman welcomes this and looks forward to seeing what the Army discovers from its analysis.

In 2016, the Ombudsman recommended that a study should be commissioned by the MOD to look at the root causes of the overrepresentation of female and BAME personnel in the Service Complaints system. In November 2020, the Ombudsman was invited by the MOD to hear the initial findings following an initial study conducted by the Service Complaints Transformation Team in 2020. The Ombudsman looks forward to seeing the final report that will be published in 2021.

In addition, an inquiry has been commissioned by the House of Commons Defence Committee sub-committee to explore the experiences of female Service personnel from recruitment to transition into the UK Armed Forces to determine whether there are unique challenges not adequately addressed by current policies and the Services. The inquiry will try to identify why females are overrepresented in the Service Complaints system, including why females are more likely to make bullying or harassment complaints.

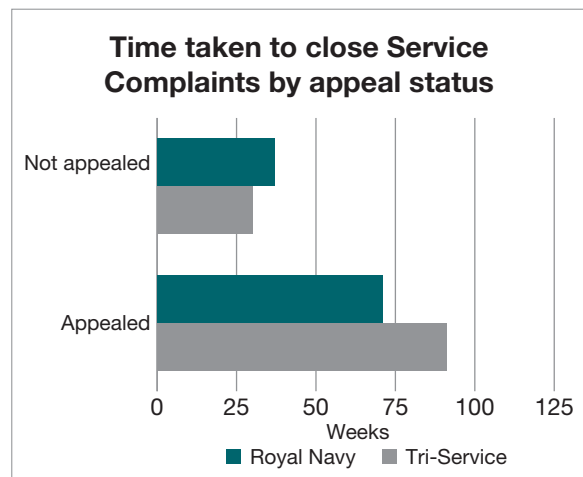
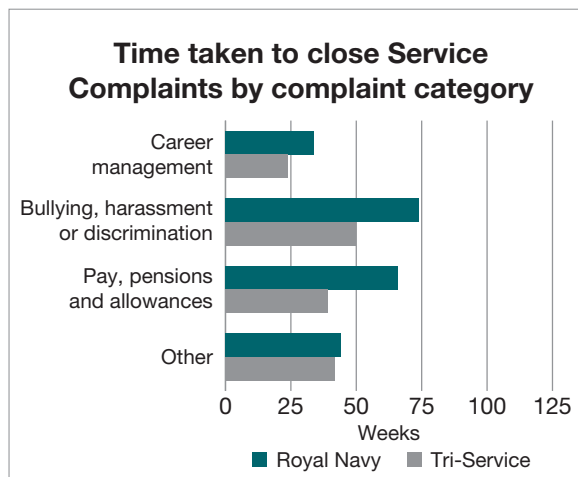
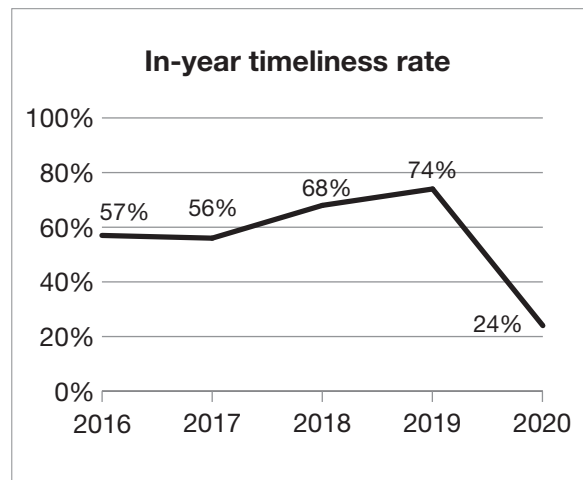
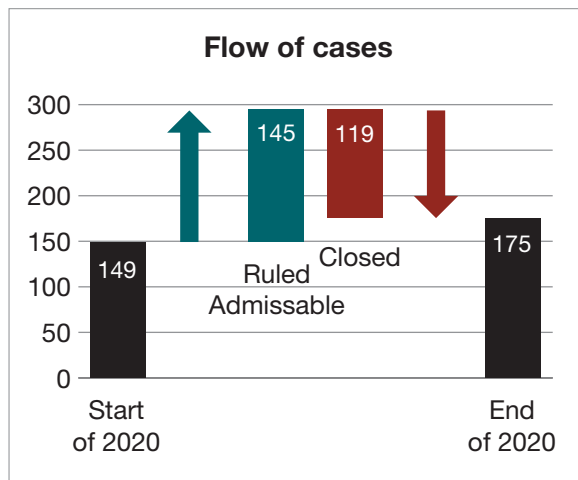
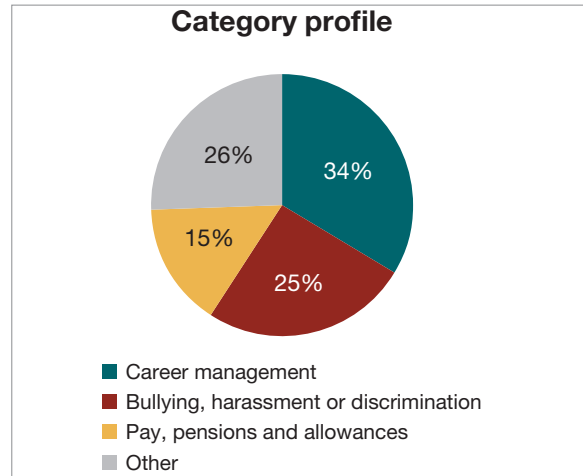
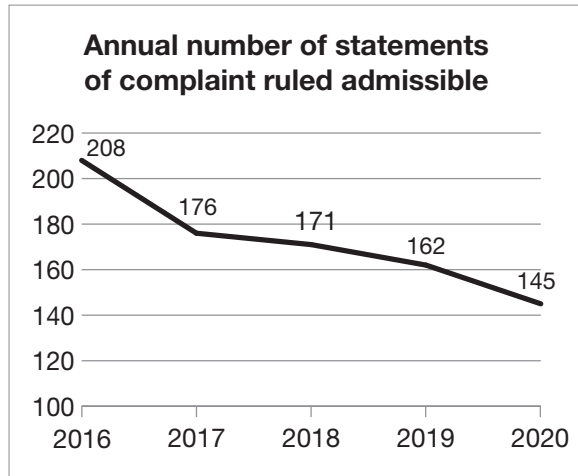
The Ombudsman welcomes the inquiry by the House of Commons Defence Committee and awaits findings of the report. It should identify the root causes and differences in the complaints system by females, so action can be taken to remedy the issue which has been a key concern highlighted in previous annual reports.

<sup>21</sup> SCOAF 2020 Annual Report, Appendix E, Single Service annual updates

## Part 2 – Single Service performance

In this part of the report, the Ombudsman provides an update on how the single Services have performed throughout 2020. These updates are based on the work that SCOAF has dealt with in-year. Alongside a statistical return, the Principal Personnel Officers (PPO) for each Service provide the Ombudsman with a written narrative. With the consent of the PPOs, each of these narratives has been reproduced in full at Appendix E.

### Royal Navy



Service	Service Complaints per 10,000 Service personnel	Statements of complaint ruled inadmissible	Service Complaints withdrawn	Service Complaints upheld	Decision Body decisions appealed	Time taken to close a Service Complaint
Royal Navy	39	14%	10%	46%	29%	49 weeks
Tri-Service	40	12%	12%	47%	26%	37 weeks



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## Volume

The Royal Navy ruled 145 Service Complaints admissible in 2020. This is the fourth year of decrease. There was, however, a rise in bullying, harassment or discrimination Service Complaints, but falls in career management and pay, pension and allowances Service Complaints.

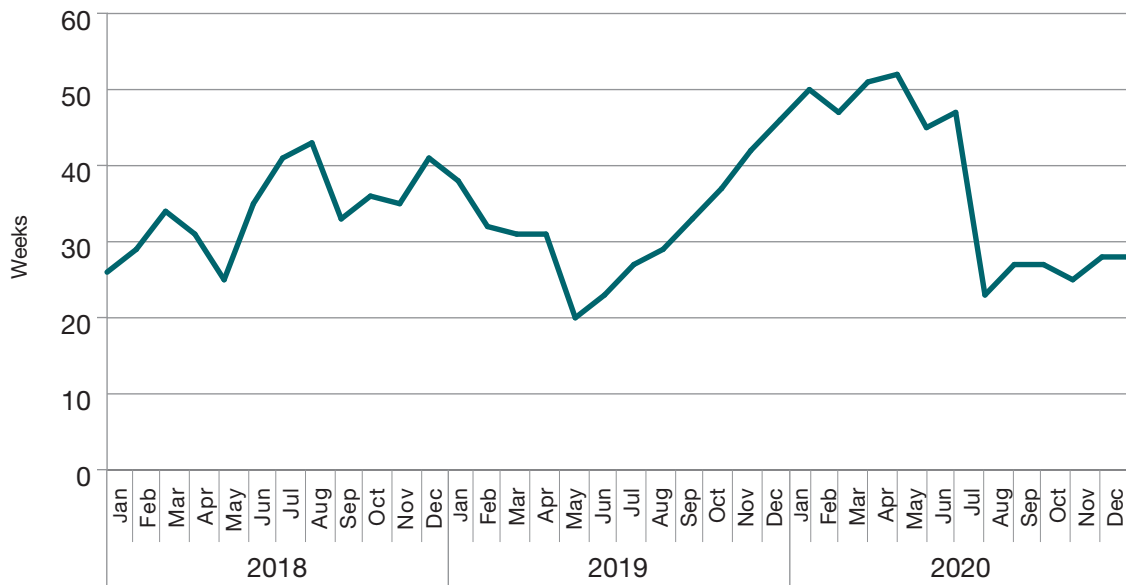
## Timeliness

In 2020, the Royal Navy closed 119 Service Complaints; this is fewer than the 145 Service Complaints it ruled admissible in 2020. This meant there was a 17% annual increase in Service Complaints open (175) at the end of the year. 65% of these complaints were open beyond the 24-week target (i.e. open for over 48 weeks).

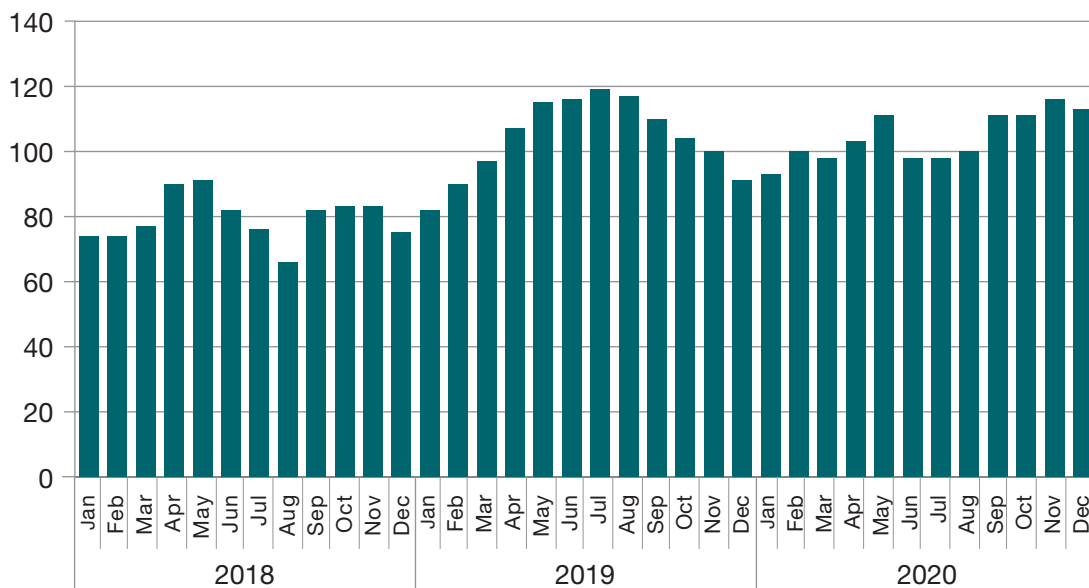
This occurred as the Royal Navy took active steps to address the backlog of its red flag cases as a *“conscious decision to prioritise longstanding SCs above many SCs submitted in year in order to rebalance resource was focused on the very oldest SCs...as a result, a substantial proportion of available resources was focused on the very oldest SCs. The outcome was by Q3-20 the average duration of such cases had fallen by 42%”*.<sup>22</sup>

<sup>22</sup> SCOAF 2020 Annual Report, Appendix E, Single Service annual updates

**Chart 12: Average time (weeks) that a red flag Service Complaint has remained open, 2018–2020**



**Chart 13: Monthly numbers of red flag Service Complaints open, 2018–2020**



87 red flag cases were closed by the Royal Navy, which is 19 more cases than 2019. Many of these cases had been open for over a year. As a result of the rebalancing of its legacy portfolio, it meant the Royal Navy’s in-year timeliness rate fell to 24%, with cases taking an average of 49 weeks to close. This is the first time in five years that the Royal Navy’s timeliness has fallen below 50% – significantly lower than the KPI target of 90% in 24 weeks.

The Royal Navy has identified these additional reasons for the dip in performance in 2020:

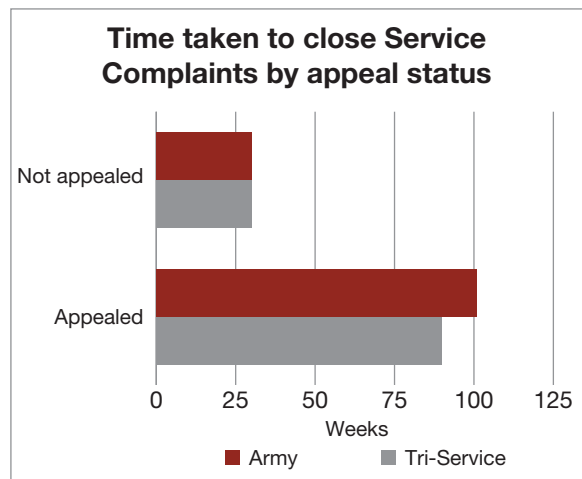
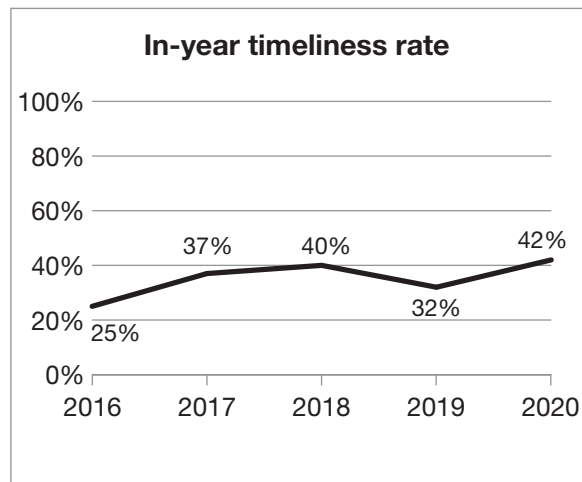
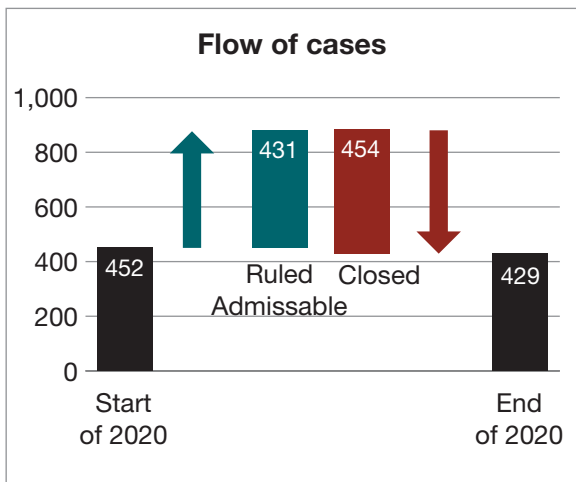
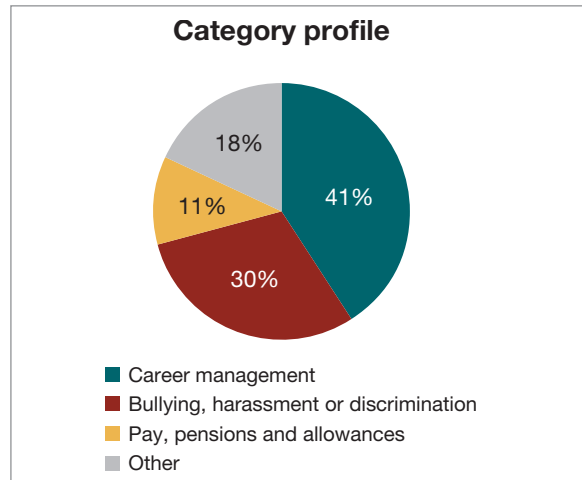
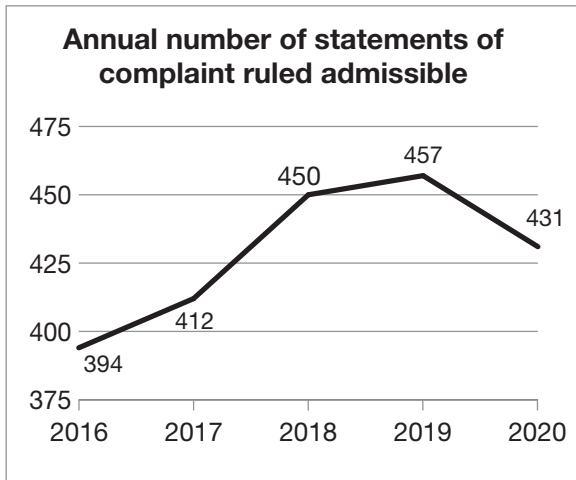
- **COVID-19.** As outlined in the narrative, the pandemic had a serious effect on the Royal Navy’s ability to deliver Service Complaint handling in 2020.

- **Resource issues.** The Royal Navy acknowledges that resourcing is insufficient to deal with the volume of Service Complaints submitted each year. In 2020, the Royal Navy experienced unprecedented turnover of Service Complaints Secretariat personnel and high levels of gapping.

The Ombudsman commends the Royal Navy for allocating resources to clear a substantial amount of red flag cases in the system. This could not have been achieved without considerable effort by the Service Complaints Team, despite resourcing issues. However, this was not without costs. The Ombudsman is disappointed that it has resulted in a major deterioration in performance against the KPI and ultimately will probably lead to further delays and open complaints in the system. 58 in-year Service Complaints in 2020 have become red flag cases which is three times higher than in 2019.

Nonetheless, the Royal Navy has stated it is committed to dealing with the issue by allocating additional resources to increase the number of trained Harassment Investigation Officers (HIOs); caseworkers; and existing on-call decision-makers. The Royal Navy also plans to recruit an additional lawyer post at OF3; a caseworker position; and two further HIOs. The Ombudsman notes that a lack of resources has been identified in a number of undue delay cases and welcomes these steps as sufficient resource will be dedicated to the Service Complaint Reform programme.

## Army





Service	Service Complaints per 10,000 Service personnel	Statements of complaint ruled inadmissible	Service Complaints withdrawn	Service Complaints upheld	Decision Body decisions appealed	Time taken to close a Service Complaint
Army	39	13%	13%	48%	28%	37 weeks
Tri-Service	40	12%	12%	47%	26%	37 weeks



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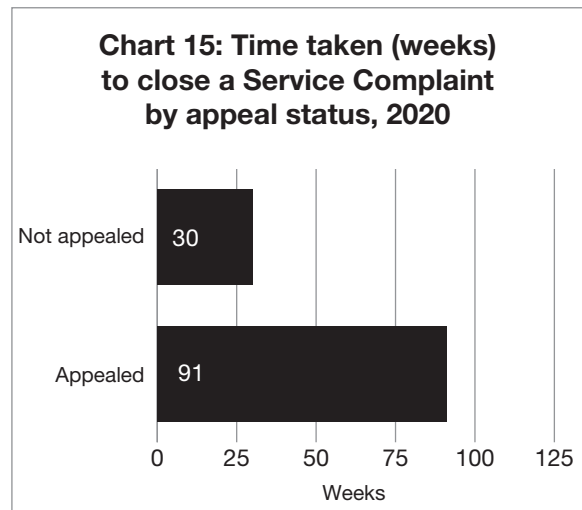
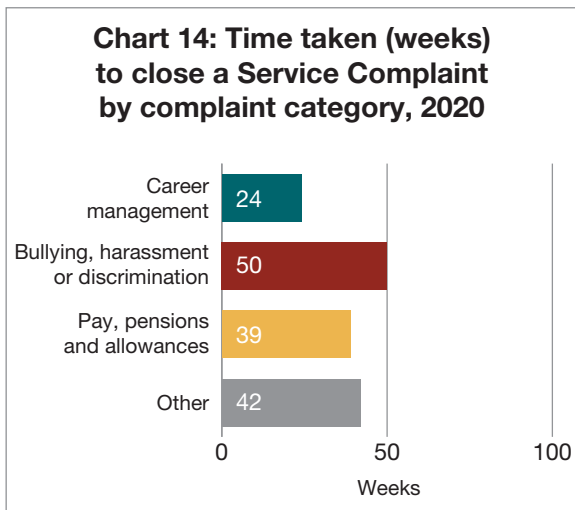
## Volume

The Army had 431 Service Complaints ruled admissible in 2020. This is the first time complaints had fallen in the last three years, compared to 457 in 2019 and 450 in 2018. The fall happened despite the number of career management Service Complaints rising, although there was a fall in the “other” category of Service Complaints.

## Timeliness

In 2020, the Army closed more complaints (454) than it ruled admissible (431). This meant that it had 5% fewer cases open at the end of the year compared to the start, and 14% fewer red flag cases outstanding. This occurred with the closure of seven red flag appeal cases.

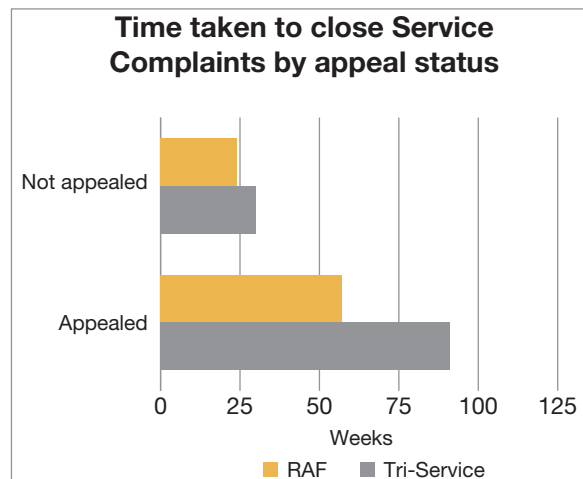
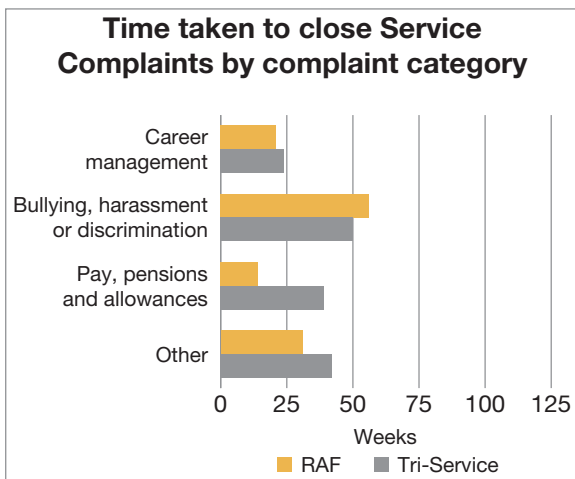
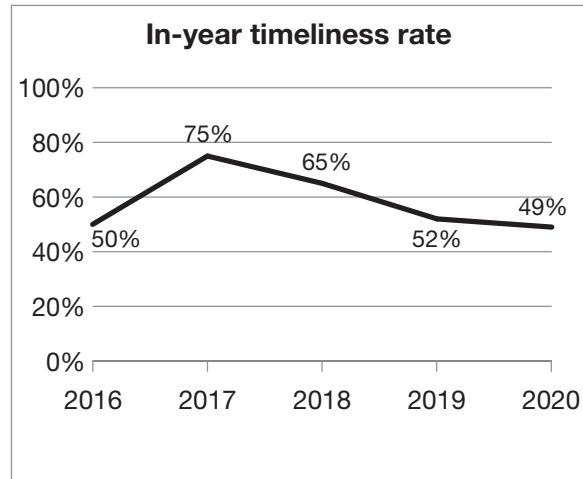
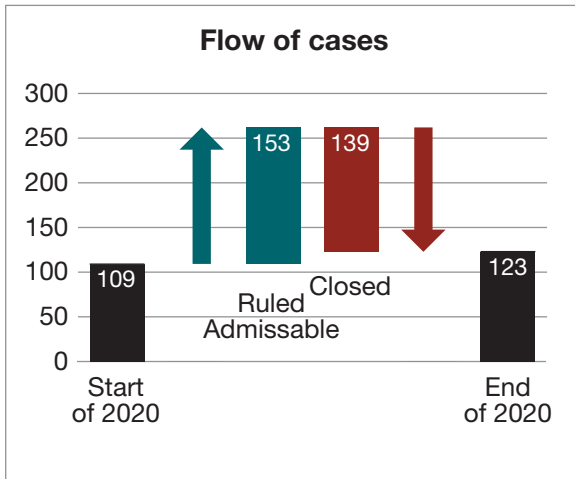
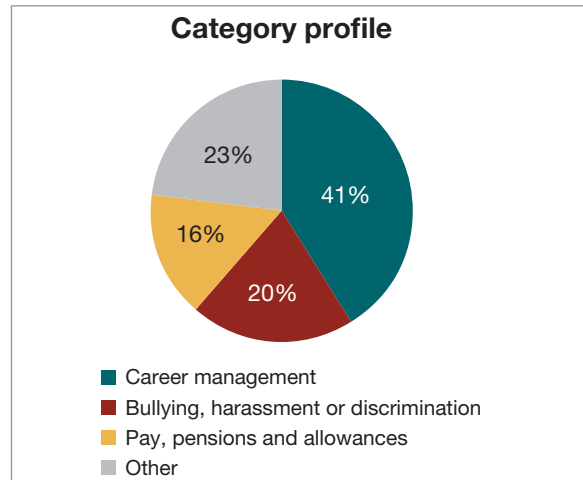
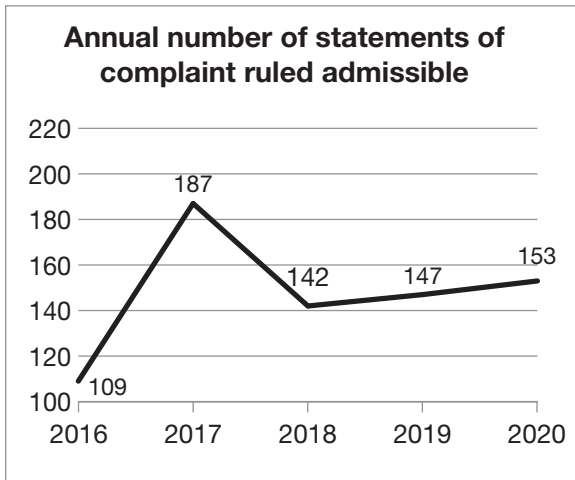
The Army timeliness rate was 42% with cases taking an average of 37 weeks to close. This represents a significant improvement in timeliness performance compared to previous years. The Ombudsman notes that the timeliness rate is the Army’s best performance in five years, despite the challenges of COVID-19, which has been significant as output was affected. However, it is still a long way off the KPI target of 90% in 24 weeks. The reasons for the Army’s failure to meet the KPI is partly attributed to a higher rate of: (i) bullying, harassment or discrimination Service Complaints; and (ii) Decision Body decisions appealed. These cases tend to take longer to close, as seen in the tables below.



This year the Army has made improvements in “*establishing a Volunteer ex Regular Reserve (VeRR) pool of Decision Bodies (DBs), VeRR Investigations Officers and additional Full Time Reserve Service (FTRS) manpower for the SC Investigation Team (SCIT)*”.<sup>23</sup> The Army has also streamlined Decision Level Appointment Board processes, revised its standard operating instructions, amended appointment letters to Decision Bodies and has updated the Decision Bodies’ “Powers of Authority Matrix”. The Ombudsman welcomes the substantial improvements and increases in resourcing by the Army in these areas of the system and looks forward to seeing the results of these changes to timeliness of complaints.

<sup>23</sup> SCOAF 2020 Annual Report, Appendix E, Single Service annual updates

## Royal Air Force



Service	Service Complaints per 10,000 Service personnel	Statements of complaint ruled inadmissible	Service Complaints withdrawn	Service Complaints upheld	Decision Body decisions appealed	Time taken to close a Service Complaint
RAF	42	6%	6%	46%	17%	27 weeks
Tri-Service	40	12%	12%	47%	26%	37 weeks



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## Volume

The RAF ruled 153 Service Complaints admissible in 2020,<sup>24</sup> which is a small increase on the last two years – 147 in 2019 and 142 in 2018. This was driven by a significant rise in career management Service Complaints.

In 2020, the RAF closed 14 fewer Service Complaints than it received: 139. This meant that the number of open Service Complaints at the end of the year had risen by 13%.

Of the 123 complaints open at the end of the year, 70 (57%) had been open for more than the 24-week KPI target and 28 (40%) red flag complaints were open for more than 48 weeks.<sup>25</sup> The Ombudsman would like to see the 28 remaining red flag complaints resolved, by the end of 2021.

<sup>24</sup> See table 2.3, AR20 statistical tables

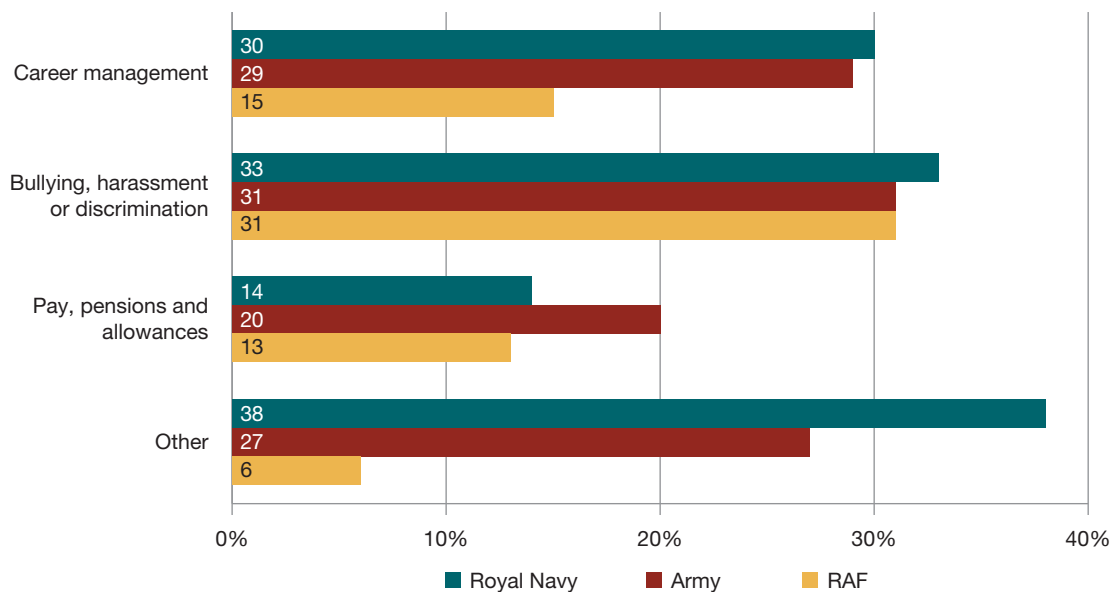
<sup>25</sup> See table 2.6 and table 2.7, AR20 statistical tables

## Timeliness

The RAF had an in-year timeliness rate of 49% with complaints taking an average of 27 weeks to close.<sup>26</sup> The timeliness rate has been on a downward trend since 2017, and is significantly lower than the KPI target of 90%. However, in 2020 the RAF successfully resolved “98% (44/45) of Fast Track complaints (pay and allowances, terms of service) closed within 24 weeks”.<sup>27</sup> The RAF was significantly faster at processing appealed Service Complaints (57 weeks) compared to the other two Services – the Royal Navy at 71 weeks and the Army at 104 weeks.

The RAF had a lower proportion of “other” categories of Decision Body complaints appealed<sup>28</sup> compared to other categories of complaints and the other Services.

**Chart 16: Appeals rates by Service and complaint category, 2020**



Although the RAF’s in-year timeliness was slightly lower than 2019, the RAF notes that “*the Service Complaints Team has operated throughout the period without a change in step. They have supported our units wherever possible, helped eradicate delays where they have emerged and offered advice on how best to channel resources against operational and safety-critical duties*”. The Ombudsman is pleased to note that COVID had no impact on the operation of the Service Complaints Team but this was not always the case for Units who are responsible for administering and handling Service Complaints at the ‘front line’. It is commendable the Service Complaints Team were able to lean in and support those Units. However, the Ombudsman would have liked to see greater improvements in its in-year performance.

<sup>26</sup> See table 2.13 and table 2.14, AR20 statistical tables

<sup>27</sup> SCOAF 2020 Annual Report, Appendix E, Single Service annual updates

<sup>28</sup> See table 2.16, AR20 statistical tables

## Overall single Service assessment

The Ombudsman commends each of the Services for their dedication to improve the Service Complaints system. 2020 has been a remarkably challenging year with the pandemic, and the Ombudsman acknowledges that tremendous effort and hard work was made by the Secretariats to assist SCOAF staff in processing case files while working remotely. Without the Services' support, SCOAF would not have been able to meet its in-year timeliness targets for undue delay and admissibility decisions as discussed earlier in Chapter 1 of this report.



## Chapter 3 – Efficient, Effective and Fair: the Ombudsman’s assessment

Since 2008, as a Commissioner and as an Ombudsman, we have been reporting on efficient, effective and fair.<sup>29</sup> While there has been some improvement in 2016, with the introduction of the reformed system, 2020 is no different: the Service Complaints system **is still not efficient, effective, nor fair.**

In this section, the Ombudsman will assess this against the fundamental principles of complaint handling, which are essential elements in any successful complaints system. As the elements are connected, the assessment requires each principle to be considered individually and also together. Each must be achieved to make a positive assessment. In making this assessment, the Ombudsman takes into consideration a number of factors, including:

<b>Efficient</b>	
Deals with complaints at the lowest suitable level	Orange
Resolves complaints within the allocated timeframes and without undue delay	Dark Red
Is equipped with sufficient resource	Orange
<b>Effective</b>	
People have knowledge of the complaints process	Orange
People have confidence in the complaints process	Dark Red
Brings about change as a result of complaints that have been made	Orange

<sup>29</sup> S340O(2)(a) of the *Armed Forces Act 2006*, as amended by the *Armed Forces (Service Complaints and Financial Assistance) Act 2015*, c.19

Fair		
Clarity of purpose		
Accessibility		
Flexibility		
Openness and transparency		
Proportionality		
<b>Good performance</b> The Service Complaints system is performing well in this area.	<b>Moderate performance</b> The complaints system has made improvements in this area, but further work is required.	<b>Poor performance</b> The complaints system is performing poorly in this area.

## Efficient

An efficient complaints system is one that:

- Deals with complaints at the lowest suitable level
- Resolves complaints within the allocated timeframes and without undue delay
- Is equipped with sufficient resource

### Deals with complaints at the lowest suitable level

In the Service Complaints system there are processes in place to handle complaints at the lowest suitable level. For some complaints, the lowest suitable level will be outside the formal complaints system, with resolution through mediation and informal resolution. For other complaints, the lowest suitable level will be the initial stages of the formal complaints process. Steps are taken by the Services to ensure that the correct level is used depending on the allegations of the complaint and that a proper investigation is conducted and the appropriate redress is granted.

Mediation can run alongside the formal Service Complaints process and over the years the Services have encouraged personnel to use this. The Army reports that “*mediation continues to be a successful means of resolving complaints with 98% of mediations being classed as successful*”<sup>30</sup> and the Royal Navy reports significant success too. However, the Royal Navy also mentions that “*mediation won’t always be an appropriate course of action in such cases [allegations of bullying and harassment], but should remain available; and if nothing else, it may assist in narrowing the issues ahead of a full investigation in allegations*”.<sup>31</sup> The Ombudsman agrees with parts of this statement and is pleased that the Services have protocols available to all Service personnel to deal with complaints at the lowest level. However, a complainant might not necessarily feel comfortable pursuing this route if the behaviour experienced has been ongoing for a considerable amount of time. Therefore, care must be taken to ensure that complainants are content with exploring this option and the use of mediation is not mandated in situations where a complainant is uncomfortable with this.

<sup>30</sup> SCOAF 2020 Annual Report, Appendix E, Single Service annual updates

<sup>31</sup> SCOAF 2020 Annual Report, Appendix E, Single Service annual updates



Informal resolution is another course of action that complainants might take as it is perceived to be faster, without resorting to a formal Service Complaint. The Services have units that resolve complaints quickly with little or no investigation. For example, the RAF reports that 98% of fast track complaints in relation to terms of Service, pay, pensions and allowances were closed in 24 weeks.

In 2020, 195 informal complaints and 1,833 formal statements of complaints were processed through the Service Complaints system. Of the 1,833 formal statements of complaints submitted, 127 statements of complaint were withdrawn or resolved before an admissibility decision was made. This could suggest that complaints were successfully resolved or individuals chose to voluntarily withdraw from the process for other reasons. Data is collected on the reasons for withdrawal by the Services. However, this information would need to be assessed to determine whether there is a connection between the reasons for withdrawal and the effectiveness and satisfaction levels of these alternative processes. This is why the Ombudsman considers performance in this area to be moderate, rather than good.

## Resolves complaints within the allocated timeframes and handles complaints without undue delay

To be efficient, the Service Complaints system requires that 90% of complaints are resolved within 24 weeks of being ruled admissible. This KPI target leaves a 10% allowance for Service Complaints that are too complex to be resolved within this time. This metric means that individuals who access the system have a guide to when they can expect their complaint to be resolved and without undue delay<sup>32</sup>. To assess whether the system is operating efficiently, the Ombudsman examined the delay *before* a complaint is accepted into the system and delays that occur *within* the system.

### Delay before a case is accepted into the Service Complaints system

As highlighted in previous annual reports, the Ombudsman is concerned with the time taken for cases to be ruled admissible into the system. Guidance<sup>33</sup> states an admissibility decision should be made within 14 days of a statement of complaint being received. While statistical data on this is limited,<sup>34</sup> information from SCOAF investigations suggests this still remains an issue.

In 2020, SCOAF admissibility decisions found:

- Of the 128<sup>35</sup> Service Complaints examined, only 3 admissibility decisions were made within the 14-day timeframe
- On average, an admissibility decision took 60 days (9 weeks) before being accepted into the system
- The longest case took 535 days<sup>36</sup> by the Royal Navy before an admissibility decision was made, followed by the RAF at 314 days and the Army at 269 days

<sup>32</sup> Undue delay is an issue linked to not resolving complaints within the allocated timeframe. There is no legal definition for undue delay, but it generally means that something has taken too long – resulting in an outcome that is unjust or unfair.

<sup>33</sup> JSP 831 Redress of individual grievances: Service Complaints

<sup>34</sup> The Ombudsman only has sight of admissibility reviews and undue delay complaints in a Service Complaint or Service Matter if a complainant makes an application to SCOAF for investigation.

<sup>35</sup> This figure is not a full representation of all admissibility decisions submitted into the Service Complaints system as the Ombudsman only has sight of cases where a complainant approaches the Ombudsman to request a review of an admissibility decision.

<sup>36</sup> These cases are not based on the delay to admissibility decisions with mitigating factors such as STT processes, court martial procedure etc.

- Of the 128 cases reviewed that did not have mitigating factors, only 39 of the admissibility decision letters provided a reason for the excessive delay in making a determination outside the time limit.

This is why the Ombudsman recommended<sup>37</sup> in 2018 that the Ministry of Defence set a suitable KPI target for making admissibility decisions within the existing 14-day timeframe. Although this recommendation has taken time to be implemented, the Service Complaints Transformation Team has been tasked by the MOD to take forward this work. The Ombudsman is pleased to learn that proposals for admissibility decisions will form part of the new KPI of the revised Service Complaints process in 2021, and hopes the timeframe reduces delay.

Further information on the single Services' delays post-admissibility, is discussed earlier in the report in the single Service performance section starting on page 26.

### Delays within the Service Complaints system

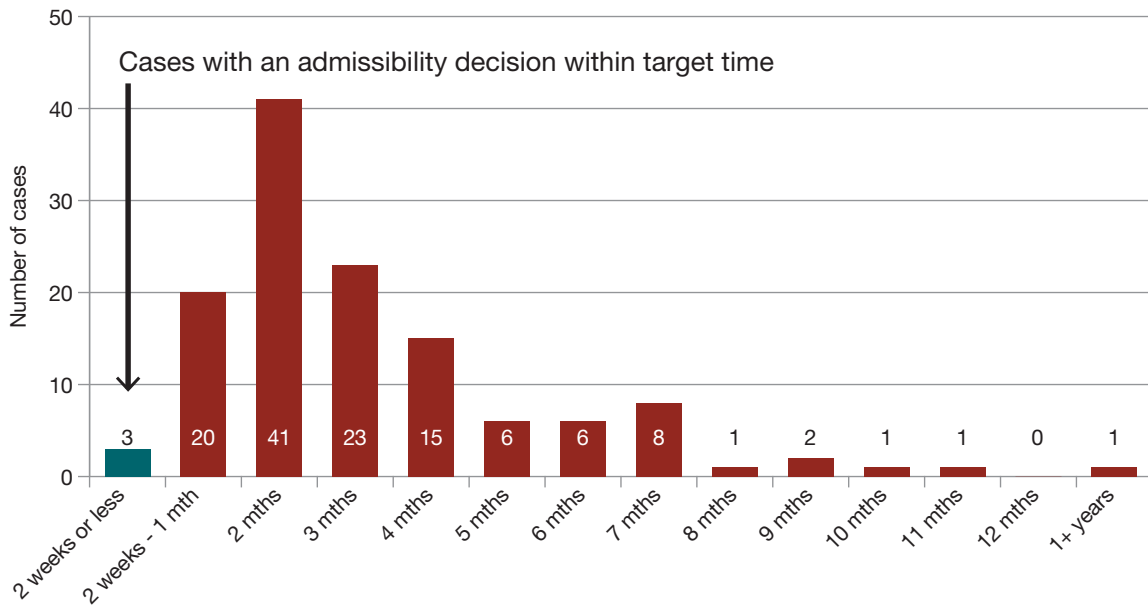
To date, no Service has resolved 90% of complaints within the 24-week target. In 2020, tri-Service, 40% of complaints had been closed within the 24-week target. This is an average of 37 weeks for cases to be closed.

Year	Royal Navy	Army	RAF	Tri-Service
2016	57%	25%	50%	39%
2017	56%	37%	75%	52%
2018	68%	40%	65%	50%
2019	74%	32%	52%	46%
<b>2020</b>	<b>24%</b>	<b>42%</b>	<b>49%</b>	<b>40%</b>

**Table 7: Percentage of Service Complaints received and closed within 24 weeks, by Service, 2016-2020**

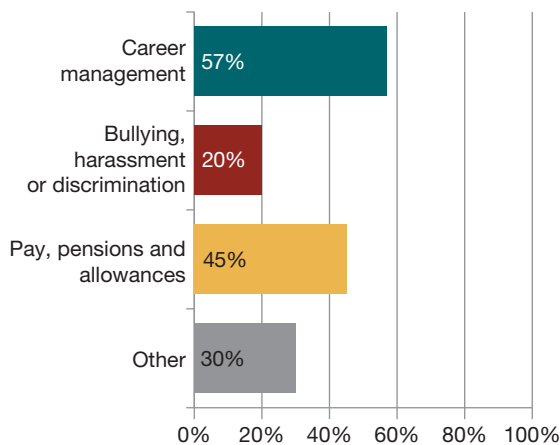
<sup>37</sup> Recommendation 3.6: That by the end of October 2019, the Ministry of Defence sets a suitable KPI for making admissibility decisions within the 2-week target. This KPI should be determined following further work to ascertain why this target is routinely missed. Performances against this target will be measured and reported to the Ombudsman annually.

**Chart 17: Histogram of time taken for an admissibility decision to be made in cases reviewed by SCOAF in 2020**

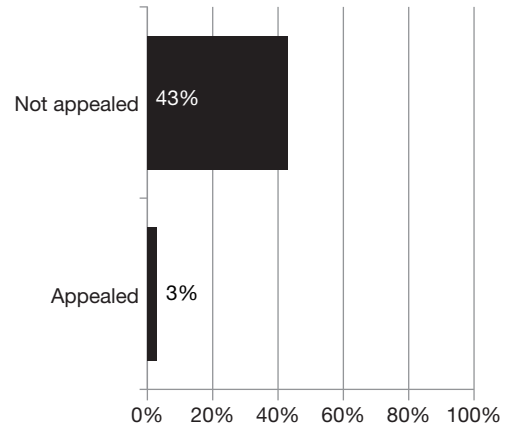


In 2020, certain categories of complaint took longer to resolve as demonstrated in charts 18a and b below. The reason for this is still unknown. This is why in the Ombudsman’s previous reports, five issues were raised for the Service Complaints Transformation Team to consider and which the Ombudsman hopes are adopted when setting the new timeframes for the reviewed system.

**Chart 18a: Percentage of Service Complaints received and closed within 24 weeks by category of complaint in 2020**



**Chart 18b: Percentage of Service Complaints received and closed within 24 weeks by appeal status in 2020**



In addition, the Ombudsman looked at investigations of alleged undue delay in the handling of ongoing Service Complaints and Service Matters that were made to SCOAF. When assessing whether there is delay in the system, a complaint does not need to exceed the timeframe for there to be undue delay. Similarly, undue delay may not always be found in a complaint that exceeds the timeframe.

In 2020, SCOAF conducted 85 investigations into alleged undue delay as discussed in Chapter 1. 63% of those investigations found there was undue delay in the handling of the complaint. However, this figure is only 6% of all Service Complaints processed in 2020 so this figure could be higher, as the Ombudsman only has sight of applications made to SCOAF. The Ombudsman has previously reported that the delays have a serious impact on wellbeing. For many complainants and respondents, a delay in finalising a complaint can cause distress as it prevents them progressing with their careers or lives due to the uncertainty of what the final outcome might be.

### Is equipped with sufficient resource

In order to be efficient, a complaints system requires sufficient resource to operate. This includes the resources required to handle individual complaints, the infrastructure of the complaints system as a whole and the oversight system.

The Service Complaints system is not sufficiently resourced as there are only small teams within the Service Complaints Secretariats that have overall responsibility for Service Complaints and policy. On visits to the single Service Secretariats the Ombudsman has noted that more staff would be useful to handle complaints in the internal system.

On the topic of resources, the *'Unacceptable Behaviours progress review'*<sup>38</sup> suggested that Service Complaints teams across the Services had been stretched this year to deliver and engage due to COVID-19 work<sup>39</sup>. The Royal Navy reported that *"the Coronavirus pandemic had seriously affected [the Royal Navy's] ability to deliver Service Complaint handling performance in 2020 comparable to previous years"*.<sup>40</sup> Similarly, the Army said COVID-19 had a significant impact and output was affected as: *"it forced [the Army] to remote work during the lockdown period and reduce physical floorplate manning within the Army SC Secretariat."*<sup>41</sup> However, the RAF reported no impact on operational capability, despite the challenges of COVID-19, as the Service Complaints Team continued throughout the period without a change in step.

The Ombudsman acknowledges that the pandemic brought challenges and obstacles for the Services and SCOAF to overcome. Stretched resources in 2020 do not account for the recurrence of open complaints at the end of preceding years. As shown in the table, there has been no significant or sustained reduction in the number of open cases or red flag open cases<sup>42</sup> in the last three years.

Year	Service Complaints	Red flag Service Complaints
2017	672	433
2018	711	426
2019	710	450
<b>2020</b>	<b>727</b>	<b>435</b>

**Table 8: Number of Service Complaints and red flag Service Complaints open as at 31 December, 2017–2020**

<sup>38</sup> Danuta Gray, *Unacceptable Behaviours progress review*, 2020

<sup>39</sup> Danuta Gray, *Unacceptable Behaviours progress review*, 2020, page 8

<sup>40</sup> SCOAF 2020 Annual Report, Appendix E, Single Service annual updates

<sup>41</sup> SCOAF 2020 Annual Report, Appendix E, Single Service annual updates

<sup>42</sup> Red flag cases are cases that have been open for more than the target time of 24 weeks.

This suggests that the Services have never had sufficient resource to oversee the process. On the topic of resources, the Royal Navy states *“the resource presently allocated is not sufficient to deal with the volumes of SCs submitted each year; we continue to admit more SCs than we are able to resolve. This has been a consistent feature every year and is evidence we have applied insufficient resources to the task.”*<sup>43</sup>. The Ombudsman agrees and notes if there is not sufficient resource in the system, then it will inevitably lead to a number of open cases and delay. This is evidenced by SCOAF’s loss of resources and the resulting backlog. The Ombudsman has always been transparent in previous reports that SCOAF has not been at full complement since 2016. Although, SCOAF did its best to manage its increasing caseload, limited resources had an impact on investigations and timeliness. SCOAF was unable to keep up pace, which led to a backlog that is difficult to reduce. The same can be said about the internal system with a number of open and red flag cases at the end of each year. In order for a system to succeed it is important to have sufficient resource to deal with the work. It is clear that the Services have made efforts to increase resources at various stages of the process. However, these levels have not been sufficient as demonstrated by the number of unresolved cases.

The Ombudsman is optimistic that the legislative changes due to be introduced in 2021 will help address these issues. However, in making changes to the system, the Ministry of Defence must recognise resource constraints and provide additional funds where required, including to SCOAF, to meet any changes and prevent further delays emerging due to a shortage of resources.

#### **Summary – is the system efficient?**

When considering the efficiency of the Service Complaints process in 2020, the Ombudsman has looked at the resources, timeliness and procedures used to handle a complaint. As discussed in this section and previous annual reports, the Ombudsman notes mediation, informal resolutions and specialist units to process complaints have been beneficial to the system. However, there is a longstanding issue of timeliness which has led to a system plagued with backlogs; red flag cases that are not significantly rising or decreasing; and the Services, as well as SCOAF, lacking the resources to handle it. Therefore, the Ombudsman cannot report the system is efficient.

## **Effective**

An effective system is one where:

- People have knowledge of the complaints process
- People have confidence in the complaints process
- Change is brought about as a result of complaints that have been made

### **People have knowledge of**

To be an effective complaints system, Service personnel need to have knowledge of it. This has two parts – a person needs to know about it in order to use it and they also need to understand it.

The first part is establishing whether Service personnel know about the existence of the Service Complaints process, have a basic knowledge about how to go about raising a complaint, and know what support is available. Feedback gathered by the Ombudsman's feedback surveys show there is varied awareness. Rates of effectiveness in the mechanisms for raising awareness are as follows:

- training (24%)
- visibility and availability of posters and leaflets displayed in bases/ships (23%)
- amount of information provided by the chain of command (25%)

This issue is highlighted by the AFCAS<sup>44</sup> survey, which gathers data on perceptions and experiences in the Service Complaints system concerning bullying, harassment or discrimination. In 2020, 7% of those suffering these behaviours chose not to raise a Service Complaint because they did not know about the Service Complaints process. Similarly, 16% of those surveyed had not heard of SCOAF.

The MOD launched the bullying, harassment and discrimination helpline in September 2020, following recommendation 3.3 of the *'Report on Inappropriate Behaviours'*<sup>45</sup> in the UK Armed Forces. The aim of the helpline is to provide emotional support, information and guidance to individuals that are experiencing unacceptable behaviour; to anonymously report incidents; and to seek advice on how to take the matter forward if they wish. However, the *'Unacceptable Behaviours progress review'* commissioned by the Secretary of State for Defence and conducted by Danuta Gray found that further efforts were needed by the single Services to publicise the helpline as the contact number had not been advertised on the Services' public websites and wellbeing pages.<sup>46</sup> This demonstrates that work is needed to raise awareness of the helpline as it cannot be an effective tool if the target group that it aims to serve does not know about it. However, the Ombudsman appreciates that the helpline was launched late within the reporting year and is interested to see the resulting data on effectiveness.

The second part to knowledge is establishing whether personnel such as Commanding Officers, Specified Officers, Decision Bodies and Appeal Bodies understand the process and how to apply it correctly.

Education is applied through regular training and outreach programmes, which are important to improve knowledge of the Service Complaints process. The Ombudsman participates in a number of CODC/FCSP presentations, giving participants an overview of the work of the office. Also, the individual Services undertake training annually to ensure the fundamentals of the process are taught and understood. However, there are no processes in place to measure the success of these training programmes and whether attendees understand and can apply what they have been taught if asked by their unit for guidance on a Service Complaint. Data collected by the Ombudsman shows that training is not as effective as it should be in increasing people's knowledge. However, this issue could be due to the nature of the Services which means some people will never or rarely be involved in the Service Complaints process for the duration of their career. This makes it difficult to get the balance right and identify any gaps in understanding and education.

After training, personnel should be followed up to identify if their knowledge on the Service Complaints process is clear and if they would be able to apply it in practice. A simple checklist to all participants would determine this: i.e. *"Have you read the relevant*

<sup>44</sup> UK Regular Armed Forces Continuous Attitudes Survey 2020

<sup>45</sup> Ministry of Defence 'Report on Inappropriate Behaviours', 2019, page 25

<sup>46</sup> Danuta Gray, *Unacceptable Behaviours progress review*, 2020, page 17



section of JSP 831?; Do you understand your role in the process?; Do you know the time limits?; Do you know who to speak to if you don’t understand?” But as far as the Ombudsman is aware, no follow up procedures are in place. As discussed in the work of SCOAF, the Ombudsman will be exploring ways SCOAF delivers training modules to improve awareness.

In addition, the Ombudsman made a number of recommendations over the last five years in relation to training. Some of these were not accepted but remain under review by the Service Complaints Working Group training committee. The Ombudsman emphasises that understanding how knowledge can be transferred and retained is key to how much or how little training is implemented. The Ombudsman also suggests that the Committee reexamines recommendations 2.4 and 2.7 to improve the level and reach of education in this area, which will make it easier to monitor its success.

### People have confidence in

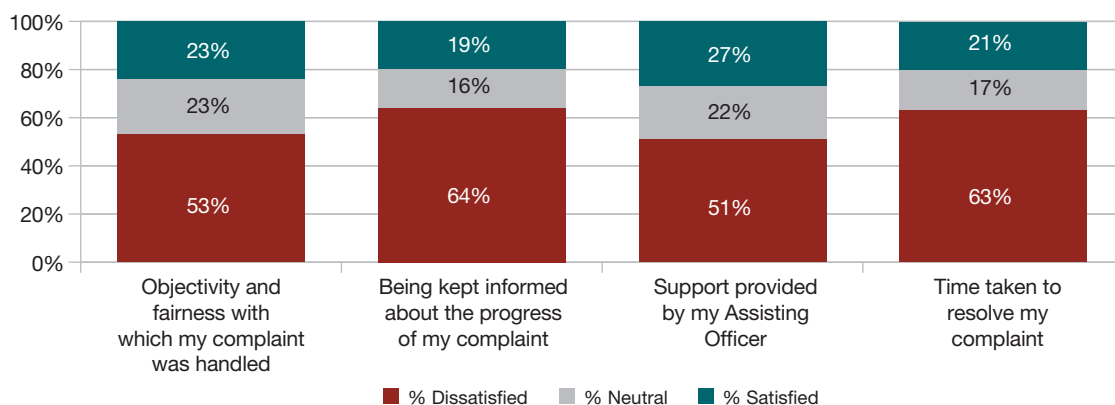
Confidence in the Service Complaints system means that individuals can feel confident that:

- They can make a complaint
- The complaint will be taken seriously, handled properly and investigated thoroughly
- A fair decision was reached
- There will be no adverse impact from making a complaint

In 2020, AFCAS found that 12% of Service personnel experienced bullying, harassment or discrimination, but only 10% of those raised a complaint in writing. The main reason for not raising a complaint was that complainants felt that nothing would be done if a complaint was made (60%). Other major reasons for not raising a complaint were that 52% suspected that it would adversely affect their career; 33% did not want to go through the Service Complaints process; and 24% were worried about recriminations from perpetrators.

In addition, the majority who did make a complaint were dissatisfied with the process. This included: the length of time taken to resolve a complaint; being kept informed; the support received from Assisting Officers; and the objectivity and fairness with how their complaint was handled.

**Chart 19: Percentage of satisfaction of Regular Service personnel who submitted a written bullying, harassment or discrimination complaint in 2020**



Evidence of this is highlighted in the SCOAF feedback comments from complainants:

*"Whether advertised or not troops have little faith in a Service Complaints system that so clearly favours the perpetrator dependent on rank at the expense of the victim. Many are unwilling to raise a grievance as they know full well that investigation is likely to be completely bias, units are able to just go through the motions with no intent to administer fair investigation or grant just redress. The SC process permits obstruction, delay, tampering with evidence and the interview of selected witnesses only which in many cases leads to a bias verdict in favour of the unit and/or perpetrator, this then leads to retaliation against and victimisation of the complainant. The SC process is seen by many to be corrupt and not fit for purpose – only by changing this perception will things ever change".*

*"Service complaints within the service are looked down on, having served for a considerable time in the military I saw peoples careers being affected as people treated them unfairly because they had submitted a complaint whether that be against the system or personnel".*

*"I sincerely have absolutely no faith whatsoever in [my Service] to administer a complaint. Personnel in [my Service] have used my previous submission of complaints to justify a respondent in them recommending to the [Decision Body] that my submission be terminated. Those complaints remain uninvestigated. The entire system is utterly broken. Significant measures are urgently required."*

These perceptions and experiences are a concern to the Ombudsman as the complaints system can only operate effectively if those who made a complaint regard it in a positive light that is fair, unbiased, without undue delay or fear of repercussions. If these perceptions are improved it will increase confidence and faith in the system by those who may access it in the future.

Furthermore, people need to have confidence in the system that a fair decision will be reached. SCOAF found that a third of all finalised Service Complaints produced SCOAF investigations for substance. Of these complaints, two thirds were upheld in favour of the complainant. This means that a fair and reasonable decision was not reached in a majority of these cases that SCOAF investigated. This raises concerns that confidence is low in the system if complainants feel that approaching the Ombudsman would result in a different outcome following an investigation by SCOAF into the substance of the complaint. Although, confidence in the powers of the Ombudsman is seen in a positive light, it means that complainants do not trust that their Service Complaint might have been resolved correctly the first time.



Another contributory factor to confidence is communication. SCOAF and the Services have made great strides in updating information on the Service Complaints process. But there is still a lack of information on a variety of outcomes of complaints cascaded to personnel. This is highlighted in the *‘Unacceptable Behaviours progress review’*, which states:

*“communication on the consequences for unacceptable behaviours are not widespread. whilst court martial outcomes are published, the consequences for less serious issues have not been routinely shared”<sup>47</sup>.*

*“The application of consequences for unacceptable behaviours is currently not sufficiently visible for people to have confidence that action will be taken if issues are raised. Multiple stories reflect a reality of perpetrators being moved on, or promoted, as opposed to being disciplined or dismissed. visible action should be taken, both to build trust that unacceptable behaviour will be dealt with effectively, and to provide the right deterrence”<sup>48</sup>.*

This supports the recommendation<sup>49</sup> outlined in the Ombudsman’s 2018 Annual Report as it suggests that people may not have confidence in the Service Complaints system because they are not aware of the outcomes of complaints. Although anonymised casebook summaries<sup>50</sup> of decisions made by the Services are published on SCOAF’s website, the Ombudsman believes it is important these examples are shared to reach a wider audience. Every effort should be made by the Services’ chains of command to inform complainants that these summaries are available. This should create confidence in individuals who access the Service Complaints system that their complaint will be investigated and handled properly; appropriate redress will be granted; and action taken on identified issues, regardless of whether the decision was reached in their favour or not.

## **Change is brought about as a result of complaints that have been made**

An effective complaints system brings about change by looking at the wider issues each complaint raises and acts on lessons learned. In respect of the Service Complaints process, there are a number of different aspects to this, for example:

### **Lessons learned are identified and acted upon following an investigation of a Service Complaint in the internal system.**

The Ombudsman has limited oversight of how lessons are identified and acted upon where a Service Complaint is investigated in the internal system, unless an application is made to SCOAF for investigation. Following an investigation, the Ombudsman may make recommendations and wider learning points to help the Services improve their processes and provide appropriate redress to the individual. There have been improvements in how the Services handle complaints, as admissibility decision letters are clearer. The Royal

<sup>47</sup> Danuta Gray, *Unacceptable Behaviours progress review*, 2020, page 17

<sup>48</sup> Danuta Gray, *Unacceptable Behaviours progress review*, 2020, page 27

<sup>49</sup> Recommendation 3.2: That SCOAF and the single Services publish complaint casebooks by the end of April 2020. These casebooks would provide anonymised case studies to provide a greater understanding of the types of complaints made, why complaints are/are not upheld and the outcomes people can expect. This should seek to increase openness and transparency and increase confidence in the system.

<sup>50</sup> The examples published on SCOAF’s website do not include summaries of complaints about bullying or harassment.

Navy and RAF have created fast track processes. Both Services have invested time in mediation, which has proved to be a success in resolving informal complaints. However, five years on SCOAF still see the same recurring issues, such as reminding Specified Officers to provide monthly updates and read the relevant JSP. Change can only happen through continued learning, and this can only work if the information is cascaded to Specified Officers. The Services should ensure that when a Specified Officer is appointed to handle a complaint – particularly if the individual is new to dealing with complaints – that sufficient information or a standardised manual is provided to fulfil their role. It would mean that information is shared, and reoccurring issues do not arise. In 2018, the RAF stated they would develop an online information portal, to provide greater support to Commanding Officers and Unit staff, and to improve feedback mechanisms for Decision Bodies.<sup>51</sup> The Ombudsman is particularly interested to learn how this tool is being used to improve processes and welcomes feedback from the RAF. The Ombudsman believes it is a great way to share internal information, which should be adopted by all the Services.

### **Recommendations and wider learning points are implemented following the outcome of an individual investigation conducted by SCOAF.**

The purpose of recommendations is to set out what the Ombudsman considers to be appropriate redress or other action that should be taken to address a wrong. Similarly, wider learning points try and address the root cause of a Service Complaint, so that the issues do not continue and give rise to further complaints.

SCOAF noted that the majority of recommendations and wider learning points made following an investigation were the same as previous years, which is discussed in further detail in Chapter 1. This raises concerns as recommendations and wider learning points are essential to ensuring action and change is taken following a decision by SCOAF. The Ombudsman will be undertaking a greater analysis of the recommendations and wider learning points made and the implementation of these. SCOAF will use its new case management system and a newly designed bespoke survey to be launched in 2021, to identify trends or recurrent issues arising from complaints to improve the Service Complaint system and ensure best practice is shared.

### **Lessons learned are being identified on a systematic level and proactive steps taken to improve the system.**

The MOD commissioned a report to look into *Inappropriate Behaviour* in the UK Armed Forces, which recommended that changes should be made to reform the Service Complaints system. This would encourage Service personnel to raise grievances that would lead to improved trust and confidence in the system and stamp out inappropriate behaviour. Following this recommendation, the MOD and the Services have done a lot of work to make changes, which are expected to be rolled out in 2021.

Proposals for wider Service Complaints reform by the MOD include improving bullying, harassment or discrimination investigations by training investigators to industry standard; ensuring all personnel have early access to an Assisting Officer before making a complaint; and setting a standard similar to the Home Office to measure performance, which the '*Unacceptable Behaviours progress review*' notes: "*This has the potential to make a significant difference in enabling faster resolution. These areas of work will speed-up the time taken to resolve complaints, ensure consistency in approach, and should improve the experience for both complainants and respondents*"<sup>52</sup>.

<sup>51</sup> SCOAF 2018 Annual Report, Appendix H, Single Service annual updates, page 86

<sup>52</sup> Danuta Gray, *Unacceptable Behaviours progress review*, 2020, page 14

Internally, the RAF mention it has formed a team to address all aspects of the process, including streamlining the admissibility process by empowering Commanding Officers as Specified Officers to make decisions on whether a complaint should proceed promptly and fairly. The Army has added additional resource to handle complaints, updated guidance and advice to training and education, revised their Standing Operating Procedure and amended appointment letters to Decision Bodies. The Royal Navy notes that under transformation, it aimed to address the sources of dissatisfaction which gave rise to Service Complaints, improve organisational learning and reset their divisional and regimental system to empower leaders at all levels with the tools need to respond flexibly to addressing complaints.

The Ombudsman welcomes the steps taken by the Ministry of Defence and the Services to strengthen existing procedures and provide tools to help improve the Service Complaints system and the lived experiences of Service personnel. The Ombudsman looks forward to seeing the positive results of these actions and will monitor progress made against them in future reports.

### **Summary – Is the system effective?**

To determine the effectiveness of the Service Complaints process in 2020, the Ombudsman considered whether people have knowledge and confidence of the process to raise a grievance; and if lessons are learnt following complaints that have been made to improve the system.

The Ombudsman found there is varied knowledge and understanding of the process amongst personnel, despite numerous mechanisms used to raise awareness such as training, promotional material, information provided by Specified Officers, a newly established helpline and guidance available online. The Ombudsman notes confidence in the system is still declining. Feedback shows people continue to feel discouraged from making a complaint due to negative connotations associated with their role. In addition, people felt that their complaint would not be handled and investigated properly, and that lessons are not being learnt following SCOAF investigations.

Although proactive steps to improve the system will be introduced in 2021, the Ombudsman notes that the complaints system can only be effective when people use it. If people do not wish to use it or have limited confidence in it, then it is not seen as effective in those that it aims to target. For this reason, the Ombudsman cannot report the process as being effective, but is pleased that the complaints system is moving in the right direction to bring about change.

## **Fair**

The Ombudsman Association sets out five principles which the Ombudsman uses to make an assessment of how fair the system is as a whole.

A fair complaints system:

- Has clarity of purpose
- Is accessible
- Is flexible
- Has openness and transparency
- Is proportionate

## Clarity of purpose

The purpose of the Service Complaints system and how it operates is clearly set out in JSP 831. The bullying and harassment complaints procedures are set out in JSP 763, but are out of date. Towards the end of 2020, the Ministry of Defence made an interim amendment to JSP 831, with the intention of updating JSP 763 in 2021. This decision was reached following a recommendation made in the *'Report on Inappropriate Behaviours'*. The Ombudsman welcomes this decision and believes that it will lead to greater clarity for those wishing to raise Service Complaints about these matters.

## Accessibility

The Service Complaints system should be free and easy to access for all Service personnel who believe they have been wronged in their Service life. However, there are barriers to access such as:

**Perceptions of the Service Complaints system.** As discussed earlier in the report, confidence and faith in the system is still low. Service personnel may be discouraged from making a complaint or feel nothing will be achieved by doing so.

**How to raise a complaint.** JSP 831 is available to access on the Government's website. However, Service personnel still have limited knowledge of the system or may not know how to make a complaint or find guidance. This is despite the Ombudsman's efforts to raise awareness of the Service Complaints process, her role and function in training, outreach work and online. Understanding remains an issue and is an area that the Ombudsman will increase her efforts to help promote in 2021.

**Admissibility decisions.** In 2020, the vast majority of Service Complaints were ruled admissible (88%). However, 122 complaints were ruled inadmissible. Of these complaints, 105 applied to the Ombudsman to review this decision<sup>53</sup>. This means that 85% of complainants thought that an incorrect admissibility decision was made on their Service Complaint. As discussed in Chapter 1, there were a number of issues with admissibility decisions. This includes Specified Officers not considering a number of factors before making a determination, such as just and equitable reasons for late submissions or following JSP 831 guidance, which creates a barrier to accessing the Service Complaints system.

**Undue delay.** If a person is named as a respondent in a Service Complaint that is subject to delay, the respondent is unable to make a complaint about alleged undue delay. In 2017, the Ombudsman made a recommendation<sup>54</sup> about this issue as it creates a barrier to the Service Complaints systems. The opportunity to raise a complaint about delay should be accessible to both complainants and respondents. In addition, where a respondent is no longer serving, the Ombudsman is of the view they should be able to make a complaint about delay in the handling of the Service Complaint they are involved in.

**Legal advice.** Some Service personnel might feel that they need legal representation for either the internal, or SCOAF processes. However, neither process requires legal representation. The Ombudsman wishes to understand in more detail how legal advice is used, particularly at admissibility stage, when there is only a 2-week period to make

<sup>53</sup> The Ombudsman upheld or partially upheld 25% of admissibility decisions in favour of the complainant, but this is attributed to a number of mitigating factors such as STT processes, court martial procedure etc.

<sup>54</sup> Recommendation 2.8: The MOD reviews the existing primary and secondary legislation and determines how amendments can be made to provide a mechanism for respondents to a Service Complaint to ask the Ombudsman to investigate alleged undue delay in the handling of that complaint. This mechanism should be available to all respondents, regardless of whether they are currently serving.

the decision. The Ombudsman’s view is that legal advice should be considered for more complex cases, rather than whether a simple complaint is admissible. This can cause delay at the initial stages of the complaint and lead to further delay during the Service Complaints process. The same concern was highlighted by the *‘Unacceptable Behaviours progress review’* which noted that:

*“The Service Complaints system has increasingly made managing unacceptable behaviour legalistic. Whilst Commanding Officers may need to have access to legal advice, the reliance on this has made the system more process oriented and less about people.”<sup>55</sup>*

## Flexibility

A complaints system needs to have clear processes and procedures in place and offer a level of flexibility to ensure complaints are dealt with quickly and appropriately. Ways in which the Service Complaints system demonstrates this is:

**Alternative procedures.** The Services have processes to deal with complaints at the lowest level such as mediation and informal schemes. These processes are designed to resolve complaints, without a formal investigation.

**Reasonable adjustments.** The process was designed to be fair for all that access it. Some ways in which it does this is by allowing a Service Complaint to be put on hold if a complainant cannot engage in the process if they are ill, seeking treatment or on deployment from their current posting. Also, complainants are allowed additional time if they need it or to obtain support to respond to information.

**Assisting Officers (AO).** A complainant or respondent is offered the services of an AO to help with procedural matters throughout the process. But guidance allows them the flexibility to nominate or assign an individual themselves to take on the role as long as the person they are proposing to be their AO is an Officer, Warrant Officer or Senior Non-Commissioned Officer. In 2020, the majority of individuals accepted the services of an AO<sup>56</sup> which suggests that the system is responsive and supportive towards individuals.

**Referrals.** The scope of the Ombudsman’s powers mean that she can act as an alternative route for complainants who do not wish to approach their chain of command directly to raise grievances. This part of the process means that complaints are referred to the appropriate Service without the complainant having to contact their chain of command for whatever reason.

## Openness and transparency

Openness and transparency within the Service Complaints system is important to understand how the system works to inform policy and make systematic changes. The establishment of the Ombudsman in 2016 and the single Services providing statistics to the Ombudsman for the annual report and quarterly updates demonstrates efforts by the Ministry of Defence to be transparent on how the complaints system is operating. However, there is still work to be done to measure how the system is performing as data gaps exist, as mentioned throughout the report.

<sup>55</sup> Danuta Gray, *Unacceptable Behaviours progress review*, 2020, page 25

<sup>56</sup> See table 2.10, AR20 statistical tables



## Proportionality

A complaints system is proportional when it uses appropriate processes to handle a complaint and grants appropriate redress when a complaint has been upheld. A proportional system must also be responsive and not so process heavy that it leads to delays and unjust decisions.

In 2016, the Service Complaints process was reformed from a three-tier system to a two-tier system to ensure that grievances raised by Service personnel are resolved justly, fairly, proportionately and without undue delay. Five years on and the complaints process has not changed and cases are not managed proportionately. Appeal Body decisions are taking on average 1 year and 2 months to finalise. This duration for Appeal Body decisions has remained the same over the years, compared to other levels of the process. The Ombudsman understands that more complex matters can take longer to finalise than other types of complaint, but this length of time at Appeal Body level is poor. In addition, a third of all finalised Service Complaints in the internal system generate SCOAF investigations for maladministration. Three quarters of these complaints are upheld in favour of the complainant. This suggests that the process has not become more streamlined under the new regime if the end result is that complaints are investigated by SCOAF and maladministration is identified. It also means that complainants feel their complaints are poorly handled in the internal system.

The process is responsive as alternate routes are in place to handle complaints before they become a formal Service Complaint; and after the internal process has ended. The process has also been designed to lead to appropriate redress being made, if a complaint is upheld or not in a complainant's favour. However, it still suffers from complexity at various levels and unacceptable amounts of delays throughout as discussed earlier in the report. For these reasons, the Ombudsman feels that the Service Complaints process is only relatively proportional.

### **SUMMARY – IS THE SYSTEM FAIR?**

When considering the fairness of the Service Complaints process in 2020, the Ombudsman has looked at whether the process is clear, accessible, flexible, open and proportionate for complainants (and respondents). Guidance is provided with additional changes due to be made in subsequent years to make the process clearer. There is an Ombudsman referrals service, Assisting Officer support and reasonable adjustments that offer flexibility. In addition, the system allows annual reports and significant reviews such as those conducted by Air Chief Marshal Wigston<sup>57</sup> and Danuata Gray, to look at the operation of SCOAF and the Service Complaints system. This shows a commitment to being open and transparent. However, accessibility remains an issue and the work of Appeal Bodies are not proportionate in addressing complainants' concerns. This means the Ombudsman cannot report the process as entirely fair, until these issues are addressed.

<sup>57</sup> Air Chief Marshal Wigston, *Report on Inappropriate Behaviours*, 2019



## Chapter 4 – Progress made on previous Ombudsman recommendations

In 2016, the Service Complaints system was reformed and since this time the Ombudsman has made a number of recommendations for improvement. When making recommendations, the Ombudsman sets timeframes for substantial compliance based on the specific issue and length of time it would take to complete all aspects of the recommendation by the Ministry of Defence and the single Services.

In total, the Ombudsman has made 35 recommendations and 6 observations for improvements to the Service Complaints system and the Ombudsman's office. Some of these recommendations concerned structural changes to policy and processes, analysis and research and training.

- **2016:** 12 recommendations were made. 8 are completed; 4 are being addressed by the Service Complaints Transformation Team.
- **2017:** 10 recommendations were made. 4 are completed; 2 are in progress; and 4 were not adopted by the MOD but remain under review.
- **2018:** 9 recommendations were made (2 of which were for SCOAF to implement). 6 are completed; 3 are being addressed by the Service Complaints Transformation Team.
- **2019:** 4 recommendations were made (in addition to 3 observations<sup>58</sup>). 2 are completed; 2 are being addressed by the Service Complaints Transformation Team.
- **2020:** 0 recommendations have been made; 3 observations.

To date the Ombudsman is disappointed in the time the MOD has taken to progress the recommendations in Annual Reports 2016 to 2019. Although, progress has been made against some of these recommendations by the MOD, the single Services and the Service Complaints Transformation Team, the pace has been slower than the Ombudsman envisaged as there are still 11 recommendations outstanding and some that were not adopted, which the Ombudsman feels need to be reassessed.

For the first time since the Ombudsman's inception and the streamlined process, there will be no new recommendations for improvement this reporting year. However, the Ombudsman has not made this decision lightly; there are various reasons for it, as outlined below.

<sup>58</sup> The observations relate to issues or points the Ombudsman wished to highlight. At the time the observations fell short of the level required to support a recommendation being made.

## Why has the Ombudsman made this decision?

The purpose of the Ombudsman making recommendations is to seek to address systemic issues which are apparent following analysis of in-year data and the trends and issues arising in cases handled by SCOAF.

In 2020, the Ombudsman highlighted observations in the Service Complaints system and SCOAF relating to broader issues. No significant emergent issues to the Service Complaints system required new recommendations, as the issues identified in 2020 had been addressed in previous recommendations for improvement.

Although the Ombudsman has chosen to not make recommendations this reporting year, it does not mean that she has not monitored how the Services have performed, or that recommendations will not be made in subsequent years. However, the Ombudsman feels that it does not serve any purpose to burden the system with additional recommendations at this point, not only by SCOAF, but other significant reviews, if planned changes are due to be implemented into the system from work by the Service Complaints Transformation Team.

Delay in implementing recommendations was noted in the *'Unacceptable Behaviours progress review'* which identified *"Implementation has not been without challenge. The pace at which [Wigston] recommendations were initially implemented, was slower than expected, due to issues with allocation of responsibility and resourcing. Whilst there was a range of explanatory factors to consider, there was a noticeable shift in momentum from Summer 2020"*.<sup>59</sup> The Ombudsman recognises that there are often legitimate reasons for the delay in implementing recommendations. However, every effort should be made by the MOD to identify these issues at an early stage and find a way forward. This can be achieved as evidenced by the number of completed recommendations in 2019.

The Ombudsman will continue to report each year against the recommendations that were made in previous annual reports, until they have been completed. This is discussed further in the next section.

## Looking ahead at Service Complaints reform

Structural and legislative changes will be introduced into the Service Complaints system by the Ministry of Defence. This should bring about the type of improvements that are required to make the system an efficient, effective and fair process. The Ombudsman understands that policy changes will take a while to embed before real improvements are made to the culture and performance around complaints, but the Ombudsman believes that with the commitment and shared objective of the Ministry of Defence, the individual Services and SCOAF, this can be achieved. The Ombudsman looks forward to reviewing these changes closely over the coming years.

<sup>59</sup> Danuta Gray, *Unacceptable Behaviours progress review*, 2020, page 9



The ‘Unacceptable Behaviours progress review’ noted:

*“As reforms are made to the Service Complaints system, it will be imperative that efforts continue to ensure that issues can be reported without fear of reprisal, whether that be social exclusion, career opportunities, or an impact on wellbeing.*

*The length of time it takes to resolve complaints must be reduced. Improvements to advice, support and communications about the complaints process should be considered from the perspective of the complainant, and also of the respondent, not just the process, recognising their needs and the ultimate intent of the proposed reforms.<sup>60</sup>”*

## Progress report

Recommendations from previous annual reports that remained open at the beginning of 2020 have been grouped below according to the subject matter. Recommendations prefaced with the number 1 were made in 2016, number 2 were made in 2017, number 3 were made in 2018, and number 4 were made in 2019.

Completed – Recommendation will no longer be reported against

In progress – recommendation will be reported against until it is completed

Work has not yet commenced on this recommendation

The recommendation has been rejected by the Ministry of Defence or the single Services

## Analysis and research

Recommendation	Progress
<p><b>1.10</b> That the Ministry of Defence commissions a study by the end of April 2018 to determine the root causes of the overrepresentation of female and BAME personnel in the Service Complaints system and that appropriate action is taken to try and redress this by the end of December 2018, including putting the appropriate support mechanisms in place.</p>	<p>The independent study into the overrepresentation of women and BAME is underway. Researchers began to conduct secondary analysis into the lived experience report data. Chief of Defence People (CDP) invited PPOs and SCOAF to report on the initial findings from the research. The report is due to be finalised in early 2021 and will include a number of recommendations that MOD will consider to address the findings from the secondary analysis.</p> <p><b>The Ombudsman appreciates significant steps have been taken to implement this recommendation, but the speed at which this recommendation has been progressed is slower than anticipated. The Ombudsman looks forward to seeing the findings of the report in 2021.</b></p>
<p><b>3.6</b> That by the end of October 2019, the Ministry of Defence sets a suitable KPI for making admissibility decisions within the existing 2-week target. This KPI should be determined following further work to ascertain why this target is routinely missed. Performances against this target will be measured and reported to the Ombudsman annually.</p>	<p>These three recommendations were taken forward by the Service Complaints Transformation Team.</p> <p>As part of the review of the Service Complaints process, proposals on how the function of a SO and a Decision Body (DB) are currently being set out. This includes a review of admissibility decisions and how they should be performed by centralised admissibility teams within each of the Services. The aim being to reduce the number of hand offs that occur between the Commanding Officers and the single Service Secretariats, providing consistency in approach and ultimately reducing delay. The review also proposed that certain types of complaint should be decided by dedicated DBs. These DBs will be knowledgeable subject matter experts and more familiar with the process.</p>
<p><b>3.7</b> That legislation and/or Service Complaints policy is amended by the end of April 2020 to allow for the appointment of a Specified Officer with the availability and capacity to take a complaint forward in accordance with the timeframe set out in JSP 831.</p> <p><b>(This recommendation initially fell into the policy and guidance category)</b></p>	<p>The Ombudsman welcomes the proposals and will assess progress against these recommendations in Annual Report 2021.</p>

<b>Analysis and research</b>	
<b>Recommendation</b>	<b>Progress</b>
<p><b>3.8</b> That by the end of April 2020, the single Services establish a pool of permanent Specified Officers and Decision Bodies with full-time responsibility for making admissibility decisions and deciding complaints where capacity issues prevent Commanding Officers from dealing with complaints expeditiously.</p> <p><b>(This recommendation initially fell into the resources category)</b></p>	
<p><b>4.1</b> That the questions measuring knowledge of the Service Complaints Ombudsman for the Armed Forces (SCOAF) in the Armed Forces Continuous Attitudes Survey (AFCAS) and the Reserve Forces Continuous Attitudes Survey (ResCAS) are reviewed by December 2020. This review should consider whether the questions are the most effective in capturing the data that needs to be measured. The Ministry of Defence should consult SCOAF personnel as part of this review.</p> <p>That any review of the AFCAS and the ResCAS also considers if the surveys could be an effective tool to collect any further information about the attitudes and experiences that Service personnel have of the Service Complaints process.</p>	<p>SCOAF collaborated with the MOD Statistics Team and AFCAS Team to understand the data requirements. It was agreed that there is a need to find out about people’s experiences of the Service Complaints process. However, following discussions, it became clear that the target population may pose some issues, particularly from a statistical point of view. It was decided that SCOAF will consider producing a questionnaire to hand out to those who attend focus groups as part of the Ombudsman’s outreach programme.</p> <p><b>The Ombudsman thanks the MOD Statistical Team and AFCAS Team for their work on this recommendation and acknowledges the potential challenges to gathering this data. The Ombudsman will design a bespoke survey to be launched in 2021, to identify trends or recurrent issues arising from complaints to improve the Service Complaints system.</b></p>

Analysis and research	
Recommendation	Progress
<p><b>4.2</b> That a comprehensive review of data collection is conducted as part of any reorganisation of the Service Complaints system in order to ensure that the correct data is being collected and reported against. This review must consider the following key issues:</p> <ol style="list-style-type: none"> <li>What is the overarching objective of the Service Complaints system and what data is required to report against this?</li> <li>What do stakeholders want to know about the Service Complaints system and can this data be collected and reported on?</li> <li>How is qualitative analysis conducted in order to ensure comprehensive reporting and understanding of the issues?</li> </ol>	<p>This recommendation is being considered as part of the work to review the Service Complaints system that will now be taken forward as a result of the <i>'Report on Inappropriate Behaviours'</i>. The report identified that a review is required of whether MOD needs a consistent technological solution to track Service Complaints to provide data and information that allows MOD to properly monitor the performance of the system. In 2020, the MOD bid for resources to undertake a technology pilot to understand what capability is needed. Its aim will be to reduce delay in system hand off between individuals and provide greater insights into areas of performance through improved monitoring.</p> <p><b>The Ombudsman will assess progress against this recommendation in Annual Report 2021.</b></p>

<b>Communication and training</b>	
<b>Recommendation</b>	<b>Progress</b>
<p><b>1.8</b> That the Ministry of Defence develops a general training programme for all Assisting Officers and that a record of their completion of that training is held centrally to ensure that suitably qualified AOs can be identified with greater ease. This should be rolled out by the end of April 2018.</p>	<p>The MOD originally rejected this recommendation as being unnecessary. However, following a similar recommendation being made by the <i>'Report on Inappropriate Behaviours'</i>, it has been revived.</p> <p>The recommendation was taken forward by the Service Complaints Transformation Team. The role of an AO was examined, and it was proposed that early access to an AO prior to the submission of a formal complaint will be built into the process. Training for AOs will be reviewed as part of the planned training needs analysis for the whole Service Complaints system.</p> <p><b>The Ombudsman is pleased with the work undertaken by the Service Complaints Transformation Team so far and looks forward to being updated on further work done before the end of 2021.</b></p>
<p><b>2.4</b> That by April 2019, training is available to personnel involved in making decisions as part of the Service Complaints process, including Specified Officers, Decision Bodies and Appeal Bodies, on decision writing for complaints handlers. This could be discreet training or part of a wider package on Service Complaints as referred to in Recommendation 2.7.</p>	<p>The MOD has rejected these recommendations but stated that it would be kept under the review of the Service Complaints Working Group training committee.</p> <p><b>The Ombudsman is disappointed with the decision of the MOD not to accept these recommendations and does not consider this as satisfactorily closed.</b></p>
<p><b>2.7</b> That by April 2019, an online training module on the Service Complaints process, including a module on how to handle Service Complaints for personnel charged with that process, i.e. Commanding Officers, Specified Officers, Decision Bodies and Appeal Bodies, is developed and implemented tri-Service.</p>	

Ombudsman's office and powers	
Recommendation	Progress
<p><b>2.8</b> That by April 2019, the Ministry of Defence reviews the existing primary and secondary legislation and determines how amendments can be made to provide a mechanism for respondents to a Service Complaint to ask the Ombudsman to investigate alleged undue delay in the handling of that complaint. This mechanism should be available to all respondents, regardless of whether they are currently serving.</p>	<p>In 2020, the Service Complaints Transformation Team concluded that there will be no mechanism for respondents to approach the Ombudsman to investigate undue delay in the handling of a complaint. This was because it was felt more urgent attention is need to improve the performance of the Service Complaints system and remove undue delay from it, for both complainants and respondents. Proposals for improvement are currently going through the final stages of the approvals process, which once agreement has been reached, will be implemented.</p> <p><b>The Ombudsman is disappointed that the recommendation has not been accepted by the MOD despite positive indications in the past that the recommendation would be achievable. The Ombudsman notes that the proposed changes to the revised system are aimed at improving undue delay. However, the matter is unresolved as it fails to provide a mechanism for respondents to raise issues concerning delay, which creates a barrier to accessing the Service Complaints system.</b></p>
<p><b>3.1</b> That following the independent internal process review and any expert peer review, a comprehensive proposal for additional resource is prepared by the Service Complaints Ombudsman for the Armed Forces and submitted to the Ministry of Defence by the end of September 2019, for early consideration. This should address the resources required to:</p> <ul style="list-style-type: none"> <li>• reduce the existing allocation backlog</li> <li>• prevent a new backlog developing</li> <li>• execute in-depth research and analysis as required by the Ombudsman's reporting function.</li> </ul>	<p>SCOAF's bid for 5.5 additional posts was not approved by the MOD due to financial constraints.</p> <p><b>The Ombudsman is disappointed with this decision. However, significant work has been done by SCOAF to review our internal processes and reduce the backlog to 23 as at 31 December 2020.</b></p>

<b>Policy and guidance</b>	
<b>Recommendation</b>	<b>Progress</b>
<b>1.5</b>	That the Ministry of Defence instigate a review of JSPs 831 and 763 to ensure that the language is accessible to all Service personnel by end December 2017, using “plain language” standards and make the necessary changes by end June 2018.
<b>2.1</b>	That by December 2018, the Ministry of Defence completes its review of JSP 763 and publishes the updated version that corresponds with the reformed Service Complaints process.
<b>2.2</b>	That by December 2018, JSP 831 is amended to explicitly set down as a required step that upon receipt of: <ul style="list-style-type: none"> <li>• a written statement of complaint (whether or not on an Annex F), or</li> <li>• a referral from the Ombudsman</li> </ul> the Specified Officer speaks to the individual Service person to establish the nature of their complaint. Given the nature of the work of the Armed Forces, this could be done in a face to face meeting, by phone or video conferencing. The guidance should further acknowledge that in some cases, there will be legitimate reasons for omitting this step, but that it is expected that such instances will be rare. Furthermore, any such decisions must be properly documented.
	<p>This recommendation is now considered to fall in the domain of the Wigston Review Implementation Team who will be taking forward the implementation of the revisions to JSP 763. All information relating to formal complaints for Service personnel will be removed and added to JSP 831. The review is ongoing, but cannot be finalised until work has concluded on JSP 763, which will become a wider behaviours document looking at informal complaint resolution.</p> <p><b>The Ombudsman envisaged that work on JSP 831 would be finalised in 2020, but understands the challenges faced by the Service Complaints Transformation Team. Therefore, the Ombudsman will assess progress against this recommendation in Annual Report 2021.</b></p> <p>The Services confirmed that a legal adviser speaks to the SO providing the ‘heads of complaint’ for the SO to cover and ensuring this is also discussed within admissibility letters. The Services have agreed that where the SO is not available, and by exception, the SO interview could be delegated to a suitably empowered representation to ensure that they were taking place.</p> <p><b>The Ombudsman notes that the second part of the recommendation was also seeking for guidance to be updated and strengthen to ensure that this takes place and had hoped these changes would form part of proposals to review the Service Complaints system. However, as steps have been taken by the Services to ensure this process will be followed, the Ombudsman is content to mark this recommendation as substantially complied with. The Ombudsman will monitor if there are any new cases and highlight these to the Services.</b></p>



Policy and guidance	
Recommendation	Progress
<p><b>2.3</b> That by December 2018, all guidance and training provided to Commanding Officers and Specified Officers is reviewed to ensure that it includes specific reference to the extended timeframes to make a Service Complaint that concerns a matter that could be taken to an Employment Tribunal. This guidance should include examples of the types of complaints which may give rise to the extended timeframe.</p> <p><b>(Also falls into the training category)</b></p>	<p>The MOD has not accepted this recommendation. It believes the information included in JSP 831, in conjunction with the advice provided by the Secretariats, to be sufficient and that it is unnecessary to include such detail and depth on this subject in Commanding Officer or Specified Officer training.</p> <p><b>The Ombudsman is disappointed with the decision of the MOD to not accept this recommendation and not engage with her office on this point before deciding not to accept it. That this continues to be an issue highlighted in reviews of admissibility decisions in 2020 indicates that the information included in JSP 831 and any case specific advice provided is not going far enough to address this issue. The Ombudsman would urge the MOD to reconsider this recommendation in light of the work being undertaken by the Service Complaints Transformation Team.</b></p>
<p><b>2.5</b> That by December 2018, the Ministry of Defence develops guidelines on the handling of informal complaints that can be included as an Annex to JSP 831. This guidance must provide, as a minimum, information on when it is and is not appropriate to follow informal processes and the steps to be taken in recording the informal process. The guidelines must also state that a complainant cannot be forced or unduly pressured/encouraged to agree to informal resolution.</p>	<p>The Wigston Review Implementation Team are currently in the process of drafting a revised JSP 763 which will set out revised policy and guidance for behaviours and resolving informal complaints of bullying, harassment and discrimination. The JSP is designed to be used by MOD Service personnel and civilian employees when making, handling and responding to informal complaints, and it is proposed that a new document will be published in June 2021.</p> <p><b>The Ombudsman agrees that the best way forward on this recommendation is to wait until JSP 763 has been finalised.</b></p>



<b>Policy and guidance</b>		
<b>Recommendation</b>	<b>Progress</b>	
<b>2.10</b>	<p>That by December 2018, the Ministry of Defence amends JSP 831 to stipulate that the single Service secretariats are responsible for challenging withdrawals where the complainant, or potential complainant, has indicated they have been discouraged from making a complaint, or had undue pressure placed on them to withdraw their complaint. This must be accompanied by clear processes to be followed in such instances. Such processes can be developed at the local level so long as there is a consistency in approach across the single Services.</p>	<p>At the end of 2019, all three Services had provisions in place to ensure that the reasons for withdrawing complaints are ascertained and challenged where required. The outstanding element of the recommendation pertains to the inclusion of these processes in JSP 831. On 16 October 2020, the MOD released an interim JSP 831 that included an additional paragraph to reinforce the message.</p> <p><b>The Ombudsman is satisfied that this recommendation has been completed.</b></p>
<b>3.3</b>	<p>That Service Complaints policy should be amended by the end of October 2019 to reflect that decision letters should be sent by email if this is the complainant's preferred method of contact, unless there are specific security issues precluding it.</p>	<p>All Services have agreed that where appropriate, and requested, decision letters will be emailed. Further work is being undertaken to ensure that these processes adhere to the Data Protection Act.</p> <p><b>The Ombudsman welcomes this agreement and way forward.</b></p>
<b>4.3</b>	<p>That by December 2020, a leaflet is developed to provide individuals involved in the Service Complaints system a comprehensive overview of where they can get wellbeing support. This leaflet must be provided to all complainants and respondents.</p>	<p>This recommendation was taken forward by the Service Complaints Working Group training sub-committee. It was agreed that each Service would produce their own leaflet, due to the varying differences between the three Services. The leaflets will be stored online with the option to print when required to ensure version control and the currency of the document.</p> <p>A standardised template was created by MOD with input from SCOAF. This was sent to the individual Services to complete. The leaflets are currently under review following further feedback and comments from SCOAF. The leaflets are expected to be uploaded in January 2021.</p> <p><b>The Ombudsman thanks the MOD and individual Services for the swift resolution to this recommendation.</b></p>

Process		
Recommendation		Progress
4.4	<p>That a review of process is undertaken to identify where the gaps in post-decision aftercare exist and that procedures to address these are drafted and put in place by December 2020. These procedures should include at a minimum:</p> <ul style="list-style-type: none"> <li>• timeframes for the implementation of redress being included in decision letters</li> <li>• notification of a point of contact post-decision for any queries relating to redress</li> <li>• responsibility for updating complainants on the implementation of recommendations made as part of SCOAF investigations.</li> </ul>	<p>Information provided by the Services outlining current post-decision processes was shared with SCOAF. SCOAF confirmed it was content with the current processes in place and feel that no additional formal processes are required from a policy perspective. As such, this recommendation is now considered to be closed. SCOAF has confirmed that complaints should continue to be monitored and timely updates given to a complainant on the progress of redress where it is taking longer to be implemented than initially anticipated.</p> <p><b>The Ombudsman is satisfied with the current processes that are in place and thanks the Services for their early engagement on this recommendation. However, the Ombudsman will continue to monitor whether these are being adhered to and if not, will raise these concerns directly with the MOD.</b></p>



# Appendices

## Appendix A – SCOAF strategic objectives

### Strategic Objectives 2016–2020

Strategic Objective	In 2020 we have...
<p><b>1. Provide an independent, transparent and accountable Service Complaints Ombudsman for the Armed Forces</b></p> <p>1.1 Monitor, scrutinise and report on the operation of the Service Complaints system to Parliament.</p> <p>1.2 Collect, process, analyse and disseminate statistics in line with professional best practice.</p> <p>1.3 Be transparent in our operation and ensure we deliver value for money.</p> <p>1.4 Improve our service by making it easier for Service personnel to access the Service Complaints Ombudsman for the Armed Forces.</p> <p>1.5 Deal with enquiries and referrals efficiently, minimising delay and meeting timeliness targets.</p>	<p><b>Published Annual Report 2019.</b> This was the fourth annual report for our organisation. The annual report is the primary way in which the office is transparent and accountable to Parliament and the public.</p> <p><b>Presented evidence to the House of Commons Defence Committee (HCDC).</b> The Ombudsman appeared before the HCDC to give evidence on the work of the office and the experiences of the wider Service Complaints system before the Committee’s pre-appointment hearing for the new Ombudsman.</p> <p><b>Website improvements.</b> Guidance on how to make an application to our office was updated to our website following customer feedback. Further work on this will continue in 2021, with new pamphlets on our internal processes and a bespoke application portal. This will ensure that complainants can easily access our service and know what to expect when they make an application to us.</p> <p><b>Exceeded our timeliness KPIs for referrals.</b> Our Enquiries and Referrals Team are the first point of contact for anyone coming to our office. In 2020, they handled 862 enquiries and made 98% of referrals within 7 working days. This exceeds the 90% target for processing referrals and it is the fifth consecutive year the team has exceeded the KPI.</p>

Strategic Objective	In 2020 we have...
<p><b>2. Deliver timely, comprehensive investigations for applicants, exercising our legislative powers in a transparent, efficient manner to ensure guardianship of the Service Complaints process by the Ombudsman.</b></p> <p>2.1 Undertake thorough investigations in line with our commitment to independence, impartiality and integrity.</p> <p>2.2 Establish, develop and adhere to policies and processes, in line with legislation.</p> <p>2.3 Deliver specific, clear and consistent recommendations.</p> <p>2.4 Deliver on our commitment to complete investigations within timeliness targets.</p> <p>2.5 Engage with legal challenges to our findings and report on outcomes.</p>	<p><b>Failed to meet our allocated timeframes for substance and maladministration investigations.</b> All KPIs are set to complete 90% of investigations within the stated timeframe. In 2020:</p> <ul style="list-style-type: none"> <li>• 50% of substance (merits) investigations were completed within 100 working days</li> <li>• 48% of maladministration investigations were completed within 100 working days</li> </ul> <p><b>Engaged with legal challenges.</b> Five complainants began legal proceedings to bring a judicial review against a decision made by SCOAF in 2020. Four of these challenges did not proceed past the initial stage and one is ongoing, but SCOAF is engaged with the process.</p> <p><b>Set recommendations to make improvements.</b> In 2020, SCOAF made 144 recommendations and 127 wider learning points. The recommendations fell into the following categories:</p> <ul style="list-style-type: none"> <li>• Process (89)</li> <li>• Apology (36)</li> <li>• Policy (10)</li> <li>• Consolatory award (9)</li> </ul> <p><b>Exceeded our timeliness KPIs for admissibility and undue delay investigations.</b> All KPIs are set to complete 90% of investigations within the stated timeframe. In 2020:</p> <ul style="list-style-type: none"> <li>• 95% of admissibility reviews were completed within 17 working days</li> <li>• 95% of undue delay investigations were completed within 17 working days</li> </ul>

Strategic Objective	In 2020 we have...
<p><b>3. Provide information, education and outreach with the UK Armed Forces and wider stakeholders to promote the Service Complaints system.</b></p> <p>3.1 Actively seek to develop effective and enduring working relationships with stakeholders.</p> <p>3.2 Take a proactive role in the international Ombudsman community.</p> <p>3.3 Develop tools to educate users on how the Ombudsman can help them.</p> <p>3.4 Proactively promote the Ombudsman role and wider Service Complaints process.</p> <p>3.5 Adopt innovative approaches to implement and develop a digital presence for the office of the Service Complaints Ombudsman for the Armed Forces.</p>	<p><b>Continued delivering briefs and holding focus groups.</b> SCOAF briefs all new Commanding Officers as part of their mandatory training. In 2019, a series of vodcasts were produced to be inserted into existing training packages. These vodcasts were used in 2020, where the Ombudsman was not able to deliver the briefs in person.</p> <p><b>Continued to engage with Ombuds organisations.</b> SCOAF is a full member of the Ombudsman Association (OA) and the International Conference of Ombuds Associations for the Armed Forces (ICOAF). SCOAF has representatives who participate in OA working groups for education and development. A member of the Communications Team assisted the OA develop their new website.</p> <p><b>Released guidance on consolatory payments.</b> SCOAF published guidance on financial remedy to provide clarity to the Services and complainants. It highlights the difference between quantifiable and non-quantifiable recommendations.</p>
<p><b>4. Be a learning organisation and develop the capabilities (knowledge, skills and behaviours) required to achieve our priorities now and in the future.</b></p> <p>4.1 Monitor recommendations, trends and themes to shape improvements to the complaints process.</p> <p>4.2 Work with the Services and the Ministry of Defence to see that lessons are implemented swiftly and efficiently.</p> <p>4.3 Review and develop our processes, making required changes to ensure that the new system succeeds.</p> <p>4.4 Proactively build our capability to ensure that the Service Complaints Ombudsman for the Armed Forces is able to deliver its objectives.</p> <p>4.5 Continue to invest in our people and provide opportunities to meet appropriate professional standards.</p>	<p><b>Held regular meetings with key stakeholders.</b> Regular meetings of the Service Complaints Working Group and MOD Policy Secretariat allow for recommendations, trends and themes to be routinely monitored and lessons learnt to be swiftly implemented.</p> <p><b>Procured a new case management system.</b> SCOAF tendered for a new case management system provider to enable us to enhance our data collection in order to comprehensively report against our timeliness targets.</p> <p><b>Introduced temporary staff.</b> SCOAF used three temporary staff on a fixed term basis to help build capability and reduce the backlog. This meant that we were able to significantly reduce the backlog from 49 at the beginning of the year to 23 as at 31 December 2020. SCOAF still has a backlog, but we are working to reduce it further.</p>

## Appendix B – Ombudsman Association Service Standards Framework

The Ombudsman Association (OA) is the professional association for Ombuds institutions and complaint handlers in the United Kingdom, Ireland and the overseas dependencies/territories. The purpose of the OA is to:

- Support and promote effective systems of complaint handling and redress
- Encourage, develop and protect the role of an ombudsman as the ‘best practice’ model for resolving complaints, in both the public and private sectors
- Provide an authoritative voice and promote best practice and policy for those involved in complaint handling and redress to ensure an effective service for the public
- Support open and transparent accountability and endorse principles of good complaint handling.<sup>61</sup>

As part of this role, the OA developed the Ombudsman Association Service Standards Framework which came into effect in 2017. The framework sets out what is considered to be good practice in the provision of fair and efficient complaint handling services. SCOAF has adopted this framework as a full member of the OA and will report against it annually.

OA Service Standard	Our performance...
<p><b>Accessibility</b></p> <ul style="list-style-type: none"> <li>– Members’ service should be free to complainants.</li> <li>– Members should ensure that their procedures are customer focused.</li> <li>– Members should work with complainants to understand their needs, in order for complainants to access their service easily.</li> <li>– Members should make reasonable efforts to support access to their services for any user, including working with representatives and others to support complainants through their service, and publish their procedures for doing this.</li> <li>– Members should listen to what complainants want from them and ensure they understand their complaint. If a complainant is complaining about an organisation or issue that the member cannot consider complaints about, where possible they should direct the complainant to the relevant Association member, or another organisation who may be able to help.</li> </ul>	<p>SCOAF is a free and impartial service open to current and former members of the UK Armed Forces.</p> <p><b>Customer focused procedures and understanding complainants’ needs</b></p> <p>Individuals can make enquiries by phone, email or post.</p> <p>Every person making an application to our office is asked about restrictions in contacting them and can specify when and how they would like to be contacted.</p> <p>Our application forms are digital but can be sent by post. They provide clear explanations about what reasonable adjustment means and ask complainants to specify if they need any adjustments.</p> <p><b>Issues outside our jurisdiction</b></p> <p>If an enquiry relates to an issue outside of our jurisdiction, we signpost to the most appropriate organisation. We also include a link to the OA’s Ombudsman Finder on our website and regularly include this in our social media content and blogs.</p>

<sup>61</sup> Objectives of the Ombudsman Association – <http://www.ombudsmanassociation.org/association-objects.php>

OA Service Standard	Our performance...
<p><b>Communication</b></p> <ul style="list-style-type: none"> <li>– Members should treat service users courteously, respectfully and with dignity.</li> <li>– Members should communicate with complainants through complainants' own chosen method where possible.</li> <li>– Members should explain their role to service users.</li> <li>– Members should let complainants know what they can and cannot do, and, if they are unable to help them explain why.</li> <li>– Members should clearly explain to service users their process for handling complaints about organisations and likely timescales.</li> <li>– Members should keep service users regularly informed of the progression of their case, and how long things are likely to take.</li> <li>– Members should tell service users who they can contact if they have any questions at different stages in the handling of the case, and how they can do so.</li> <li>– Members should be accurate in their communications with service users using plain and clear language.</li> </ul>	<p>SCOAF has a published <b>customer charter</b>, which sets out what individuals can expect from us when accessing our services. This incorporates the values of respect and open communication.</p> <p>The principles set out in the customer charter are incorporated in all of our internal processes and procedures.</p> <p><b>How we communicate with individuals</b></p> <p>Every person making an application to our office is asked about restrictions in contacting them and can specify when and how they would like to be contacted.</p> <p><b>Explaining our processes</b></p> <p>Our website is designed to be the primary source for people seeking information about our office. It includes:</p> <ul style="list-style-type: none"> <li>• Clear information on what the Ombudsman can and cannot do</li> <li>• A self-help tool so that people can understand what the Ombudsman can do for them in respect of their specific circumstances</li> <li>• Factsheets on our processes and key issues</li> <li>• Links to support services</li> <li>• Update bulletins about any backlogs or delays in our office</li> <li>• The Ombudsman's blog which looks at topical issues in greater detail than the factsheets can provide</li> </ul> <p>Individuals are provided with contact details for the person responsible for their case throughout the process. Once the case is allocated, the investigator is responsible for providing information on the process, in addition to regular updates, throughout the life of the complaint. Prior to allocation, our Investigation Support Officer provides regular updates on the estimated wait time.</p> <p>The office is continuing to move towards plain language to ensure that our communication is as clear and accurate as possible.</p>



OA Service Standard	Our performance...
<p><b>Professionalism</b></p> <ul style="list-style-type: none"> <li>– Members should ensure that the staff who consider complaints have the relevant knowledge, training and skills to make decisions, or have access to suitable professional advice.</li> <li>– Members should deal with complaints in a timely manner, taking into account the complexity of the case.</li> <li>– Members should ensure that remedies are appropriate and take account of the impact any identified faults have had on the complainant.</li> <li>– Members should use the outcomes of complaints to promote wider learning and improvement of the service and the sector complained about.</li> <li>– Members should ensure their record keeping is accurate and that they hold data securely.</li> <li>– Members should ensure that if and when sharing of information is necessary, it is done appropriately.</li> <li>– Members should follow their published processes when dealing with complaints about their own service, and they should acknowledge and apologise for any mistakes they make.</li> <li>– Members should actively seek feedback about their service and use it to improve.</li> </ul>	<p><b>Staff knowledge and skills profile</b></p> <p>All operational staff are trained to the same standard when joining our office, regardless of previous experience or education. All investigators must attend and pass the Queen Margaret University Professional Award in Ombudsman and Complaint Handling Practice. Operational staff are also required to undertake Mental Health First Aid for the Armed Forces.</p> <p>Mandatory knowledge and skills profiles for all other positions at SCOAF are currently under development.</p> <p><b>Timeliness handling of complaints</b></p> <p>We publish timelines for all aspects of our work:</p> <ul style="list-style-type: none"> <li>• 2 working days to respond to an enquiry</li> <li>• 7 working days to make a referral</li> <li>• 10 working days to allocate an application to an investigator for an eligibility assessment</li> <li>• 17 working days to complete an admissibility review</li> <li>• 17 working days to complete an investigation into undue delay</li> <li>• 100 working days to complete substance (merits) and maladministration investigations</li> </ul> <p>Where we are likely to exceed the published timeframe, the individual will be informed of the reasons why and the expected date of completion. In 2020:</p> <ul style="list-style-type: none"> <li>• 98% of referrals were made within 7 working days</li> <li>• 95% of admissibility reviews were completed within 17 working days</li> <li>• 95% of undue delay investigations were completed within 17 working days</li> <li>• 50% of substance (merits) investigations were completed within 100 working days</li> <li>• 48% of maladministration investigations were completed within 100 working days</li> </ul> <p><b>Granting remedies</b></p> <p>The Ombudsman does not have the power to grant redress, only to make recommendations for redress and wider learning points that seek to bring about systemic change. In making these recommendations a number of factors are taken into consideration, including the circumstances of the complainant and the impact the wrong has had on them.</p> <p><b>Secure case management</b></p> <p>Our records are maintained on a secure case management system and strict information management protocols are in place.</p> <p><b>Freedom of information and subject access</b></p> <p>We have clear policies on FOI and SAR on our website. In 2020, we processed 19 SARs and 8 FOI applications.</p>



OA Service Standard	Our performance...			
	<p><b>Feedback</b></p> <p><i>User satisfaction surveys</i></p> <p>Feedback on satisfaction with the service we provide is routinely sought from everyone who makes an application to our office.</p> <p>Response rates are low. In 2020, only 10% of our customers completed a feedback survey. The same survey is sent to all complainants who submit an application, regardless of the point at which their application is closed. Those whose complaint is not accepted for investigation or who are otherwise unhappy with their experience with SCOAF are more likely to respond than those who are happy with the service they have received.</p> <p>The results are reviewed quarterly and used to make improvements in a range of business areas. In 2020, feedback was used to improve:</p> <ul style="list-style-type: none"> <li>• our internal processes</li> <li>• information on the website</li> <li>• the format of our application forms and supporting guidance</li> </ul> <p>In 2020, our feedback survey showed that:</p> <table border="1" data-bbox="722 1093 1377 1290"> <tr> <td data-bbox="722 1093 938 1290">42% of users are satisfied in the overall service provided by SCOAF</td> <td data-bbox="938 1093 1153 1290">8% of users are neutral about the overall service provided by SCOAF</td> <td data-bbox="1153 1093 1377 1290">50% of users are dissatisfied in the overall service provided by SCOAF</td> </tr> </table> <p><i>Complaints about our services</i></p> <p>Information on how to make a complaint about the service received from the Ombudsman’s office or a member of staff is published on our website.</p> <p>In 2020, we received 36 complaints. This is a reduction of 16 (52) in 2019. These include complaints about:</p> <ul style="list-style-type: none"> <li>• delays in our office (9)</li> <li>• decisions not to investigate (2)</li> <li>• investigation findings (16)</li> <li>• staff (3)</li> <li>• other (6)</li> </ul> <p>All complaints were acknowledged by the Chief of Operations or the Head of Investigations, with a clear outline of what has been done as a result of the complaint.</p>	42% of users are satisfied in the overall service provided by SCOAF	8% of users are neutral about the overall service provided by SCOAF	50% of users are dissatisfied in the overall service provided by SCOAF
42% of users are satisfied in the overall service provided by SCOAF	8% of users are neutral about the overall service provided by SCOAF	50% of users are dissatisfied in the overall service provided by SCOAF		

OA Service Standard	Our performance...
<p><b>Fairness</b></p> <ul style="list-style-type: none"> <li>– Members should work with service users without discrimination or prejudice.</li> <li>– Members should make decisions on cases based on their independent and impartial evaluation of the relevant evidence.</li> <li>– The reasons for decisions should be documented and explained to relevant parties.</li> <li>– Members should publish information concerning any opportunities that may exist for service users to challenge their decisions.</li> <li>– Members should make clear to service users their approach to unacceptable behaviour.</li> </ul>	<p>SCOAF is independent and impartial. All service users are treated equally and with respect in accordance with our <b>customer charter</b>.</p> <p><b>Our decisions</b></p> <p>Thorough and independent investigations are undertaken and findings are supported by decision reports.</p> <p><b>Appealing our decisions</b></p> <p>There is no mechanism to appeal a decision made by SCOAF. However, if an individual believes the correct process was not followed, they can seek a judicial review. Information on judicial review is made available on our website and included in all decision letters.</p> <p><b>Unacceptable behaviour</b></p> <p>Our <b>customer charter</b> includes information on our right to place restrictions on access to our service should an individual consistently fail to meet their responsibilities under the charter.</p>
<p><b>Transparency</b></p> <ul style="list-style-type: none"> <li>– Members should publish information about the most senior staff in charge of decisions on complaints within their organisation, including the rules under which members operate.</li> <li>– Members should have procedures in place to deal with any conflicts of interest around the handling of complaints.</li> <li>– Members should be transparent about their investigation with the relevant service users.</li> <li>– Members should publish the learning that can be drawn from the complaints they handle in order to drive service improvement across the sector.</li> <li>– Members should provide service users with information explaining the approach they take to handling complaints about their own service.</li> <li>– Members should explain to complainants the procedures in place about what action can be taken if remedies are not implemented by the organisation complained about.</li> </ul>	<p><b>Our senior staff</b></p> <p>Information about the Ombudsman is published on our website alongside information about the legislative framework the organisation operates within. The Senior Management Team are not made up of staff of Senior Civil Servant (SCS) grades and therefore no personal information about the senior managers is made available on the website.</p> <p><b>Conflict of interest</b></p> <p>We have a clear conflict of interest policy that is revised on an annual basis.</p> <p><b>Transparency</b></p> <p>Investigators are transparent about their work as far as is allowed within the boundaries of privacy and national security. Preliminary reports are made available to complainants and other affected parties for substance (merits) and maladministration investigations. This allows for any errors or concerns to be addressed.</p> <p>Information on how to make a complaint about members of the Ombudsman's team or our service is made available on our website and upon request.</p> <p>The Ombudsman publishes an Annual Report in which learning about the complaints that are handled is analysed and discussed and recommendations made to improve the complaints system.</p> <p>The Ombudsman does not have the power to compel the Armed Forces to provide redress; only to make non-binding recommendations.</p>

## Appendix C – Financial statement

SCOAF is a fully independent organisation. However, as a government-funded organisation, its budget is derived from the Defence Budget. While wholly independent of the Ministry of Defence in its role, SCOAF is still required to abide by the financial rules, regulations and procedures laid down by both Her Majesty's Treasury and the Ministry of Defence in the commitment of its financial resources.

Category	Spend (£)
Staff costs <sup>62</sup>	1,531,846
Accommodation and office running costs (including IT and office machinery) <sup>63</sup>	437,806
Training and professional membership fees	4,332
Independent legal advice	8,982
Travel and subsistence	5,897
Fee Earning Investigation Officers	99,656
<b>Total</b>	<b>£2,088,519</b>

**Table 9: Financial expenditure by SCOAF 2020**

<sup>62</sup> Costs reflect the capitation rate for all posts within SCOAF, i.e. the total cost of each position including pay, pension and National Insurance contributions.

<sup>63</sup> Office running costs are higher this reporting year as it includes the cost of procuring a new case management system.

## Appendix D – Events, visits and external appointments

### Official events attended by the Ombudsman in 2020

The table below lists all of the official events attended by the Ombudsman, Nicola Williams in 2020. It does not include regular meetings held with the Service chiefs and Principal Personnel Officers (PPOs). Those marked with a \* represent events at which the Ombudsman was represented by a member of her office.

Date	Event type		Location
<b>February</b>			
4	Conference	An introduction to behavioural insights	MOD Main Building
5	Meeting	Meeting with CDP Remuneration AFPRB Team	Fleetbank House
12	Visit	Joint Forces Command HQ	Northwood
18	Conference	Royal Navy Mediation Presentation	SCOAF Office
27	Conference	Ombudsman Association Meeting	Canary Wharf
<b>March</b>			
5	Presentation	Army Commanding Officers Designate Course (Ownership, management & oversight)	Sandhurst
9	Presentation	Business, Energy and Industrial Strategy (BEIS) BAME International Women's Day Event	London
12	Conference	International Women's Day – Exploring intersectionality	MOD Main Building
<b>May</b>			
19	Presentation	Executive Committee Army Board	Virtual meeting
<b>June</b>			
1	Presentation	Navy Executive Committee Presentation	Virtual meeting
17	Presentation	Royal Navy Commanding Officer Designate Course	Virtual meeting
<b>July</b>			
15	Presentation	Royal Marines Commanding Officer Designate Course	Whale Island, Portsmouth
16	Meeting	Meeting with Sharon Hodgson MP	Virtual meeting
17	Meeting	Meeting with Liberty Human Rights Org	Virtual meeting
21	Meeting	Sheku Bayou Public Inquiry	Virtual meeting
22	Presentation	MOD Diversity Strategy Discussion	Virtual meeting
27	Presentation	Air Executive Committee (AEC) Presentation	High Wycombe
<b>September</b>			
8	Presentation	Presentation to 4 Infantry Brigade – Diversity & Inclusion Workshop on Racism	Virtual meeting
8	Presentation	Prisons and Probation Ombudsman staff event	Virtual meeting
14	Presentation	RAF Commanding Officer Designate Course	Virtual meeting
15	Summit	Diversity & Inclusion Leaders Race at Work Online Summit 2020	Virtual meeting
21	Recording	'How does the Ombudsman make a difference?' – vodcast	SCOAF Office

Date	Event type		Location
23	Recording	MOD Black History Month Event	MOD Main Building
29	Meeting	Diversity Complaints in MOD & Armed Forces with Samuel Kasumu (Adviser to the Prime Minister)	Virtual meeting
29	Presentation	MOD Leadership in Action Panel Discussion	Virtual meeting
<b>October</b>			
1	Presentation	MOD Black History Month Event	Virtual meeting
13	Presentation	Oral Evidence at House of Commons Defence Committee	House of Commons
21	Presentation	Royal Navy Commanding Officer Designate Course	Virtual meeting
26-30	Conference	International Conference of Ombuds Institutions of the Armed Forces (ICOAF)	Virtual meeting
<b>November</b>			
24	Presentation	RAF Future Commanders Study Period	Virtual meeting
<b>December</b>			
1	Interview	Interview with the British Forces Broadcasting Service (BFBS) for Forces TV	SCOAF Office
9	Interview	Interview with the BBC	SCOAF Office

## The Ombudsman's external appointments

The Ombudsman, Nicola Williams, has declared the following external interests and appointments:

- Crown Court Recorder (since 2019). Up to 6 weeks per year. Unpaid.
- Executive Board Member, Association of Chief Executives (ACE) (since 2018). Unpaid
- Ombudsman Association (since 2018). Unpaid.

Date	External appointment
14 May 2020	Ombudsman Association Board Meeting
24 June 2020	Ombudsman Association Board Meeting
9 July 2020	ACE Webinar
22 September 2020	ACE Diversity Working Group
30 September 2020	ACE Board Meeting
14 October 2020	ACE Seminar
8 December 2020	ACE Board Meeting
15 December 2020	ACE Seminar



## Appendix E – Single Service annual updates

From Vice Admiral Nick Hine CB



Ms Mariette Hughes  
Service Complaints  
Ombudsman for the  
Armed Forces  
PO Box 72252,  
London  
SW1P 9ZZ

The Second Sea Lord & Deputy Chief of  
Naval Staff

**NAVY COMMAND**  
Navy Command Headquarters  
MP 2-1, Leach Building  
Whale Island, PORTSMOUTH  
Hampshire, PO2 8BY

Tel: [REDACTED]

Mil: [REDACTED]

Email: [REDACTED]

9 February 2020

### ROYAL NAVY SERVICE COMPLAINT HANDLING IN 2020

Dear Mariette,

1. Any survey of 2020 must inevitably take due account of the extraordinary challenges posed by the Coronavirus pandemic last year. Everyone in the RN family, whether Regulars, Reservists, the Royal Fleet Auxiliary, Civil Servants or Defence Contractors, has met these challenges head on and I should begin by acknowledging their resolve, adaptability and resilience.
2. This was also the year that the Navy's far-reaching Transformation programme hit its stride; this programme will have significant implications for how the RN manages its people and has already transformed the structure of an integrated Personnel and Training Directorate. Under Transformation we aim to address the sources of dissatisfaction which can give rise to Service Complaints, improving Organisational Learning in order to provide better real-time analysis of underlying trends and the triggers. We will also be re-setting our Divisional and Regimental System to empower our leaders at all levels with the tools to respond more flexibly in addressing dissatisfaction, including promoting greater responsibility at unit level and encouraging better use of alternative dispute resolution mechanisms. In parallel, the RN has continued to support the ambition of both the policy and legislative redesign under the SC Reform and Wigston programmes.
3. It should come as no surprise that the Coronavirus pandemic has seriously affected our ability to deliver SC handling performance in 2020 at a level comparable to previous years, although a number of measures were introduced during the course of the year to mitigate the effects as far as possible while keeping those involved safe; these measures included use of alternative methodology and technology to investigate SCs and conduct HIO investigations and Appeal Body Panel meetings. It is nevertheless disappointing to report that our SC handling performance against the 90%/24-week KPI has fallen significantly to 24%. I am pleased to note however, that our customary level and quality of timely service to your Investigations team throughout 2020 was not significantly affected.
4. Much as our considerably reduced performance against the formal KPI can partly be attributed to the pandemic, that is not the whole story. In my 2019 narrative, I emphasised the three prerequisites necessary throughout a calendar year to sustain SC handling at 74% against this KPI, which were: Continuity (of experienced staff who investigate and administer the SCs handling); Collocation (of the SC Secretariat with its legal advisers); and, Consistency (in SC and associated policies). In 2020, the RN's SC Secretariat experienced unprecedented turnover of SC Secretariat personnel and higher levels of gapping in 2020 than hitherto.
5. That said, the RN in 2020 took a conscious decision to prioritise longstanding SCs above many SCs submitted in year in order to rebalance a legacy SC portfolio. At its May 20 meeting, the



### From Vice Admiral Nick Hine CB

Navy Executive Committee (NEC) listened carefully to the concerns expressed by your predecessor about the number of RN SCs which remained unresolved over 24 weeks. In response, the NEC directed the RN SC Secretariat to focus on resolving these "Red Flag" SCs. As a result, a substantial proportion of available resource was focussed on the very oldest SCs. The outcome was that by Q3-20 the average duration of such cases had fallen by 42%. Over the course of the year we closed 19 more "Red Flag" cases than in 2019, an increase of 28%. The overall number of all SCs resolved in 2020, whether over or under 24-weeks in duration, when compared with 2019 data shows that our productivity this year reduced by 24%, or 38 SCs; attributable to all the aforementioned factors – see table below for comparison.

Year	SCs Admitted	SCs Resolved	Red Flags Resolved
2020	145	119	87
2019	162	157	68
2018	171	160	67

#### The Need for KPI Reform

6. Our KPI performance in 2020 is based on 20 SCs resolved within 24 weeks even though 32 of the SCs resolved in 2020 were actually resolved in 24 weeks. A further 15 SCs were resolved within 12 weeks of the 24-week target. The annualised format of the KPI means that there will always be SCs such as this which are never reflected in SC performance assessment by virtue of their admissibility dates. There were 62 SCs admitted in 2020 which, by virtue of their admission dates, will never reflect against the KPI.

7. Of the SCs admitted in 2020, so far only 6 have proceeded to appeal. This is evidence of the qualitative value of the decision process at Decision Body level. Cumulatively all of this, in my view, amply illustrates the incongruity of being held to account through a single, non-evidence-based KPI which values a narrow 24-week calendar year timeliness snapshot alone. The present KPI overlooks many other equally valid factors, including the overall caseload, but particularly any qualitative measurements evident in SC handling such as significant divergent findings arising from independent SCOAF substance and maladministration case findings<sup>1</sup> as a proportion of all SCs reaching final determination by the Services in year.

8. For many years, the RN has been a strong advocate for KPI Reform; the SC Reform programme and the appointment of a new SCO presents a real opportunity to make that a reality in 2021. Put simply, a credible SC System must have an achievable and fair KPI regime against which we are held to account. The aim should be to get the balance right between timeliness and the level of investigative and decision-making rigour expected under legislation and which our personnel deserve, or we risk becoming fixed by the SC system entirely in process terms, rather than being freed to focus on quality of outcomes.

9. In terms of next steps: I acknowledge that the resource presently allocated is not sufficient to deal with the volumes of SCs submitted each year; we continue to admit more SCs than we are able to resolve. This has been a consistent feature every year and is evidence we have applied insufficient resource to the task. Consequently, the RN is committed to uplifting the SC Secretariat to support the SC Reform Programme ambition. This additional resource allocation will be used to increase the number of trained Harassment Investigation Officers (HIOs), caseworkers and the pool of our existing on-call decision-makers. Under Navy Transformation, I have agreed to a further increase of liability to fund an additional Lawyer post at OF3 (Lt Cdr RN), a new military caseworker position (Lt RN), plus 2 further HIOs. My aim is for these posts to be filled as soon as possible as this should allow us to further reduce the volume of "Red Flag" SCs and, by doing so, clear the decks as soon as possible for the Reformed SC System to be able operate

<sup>1</sup> See my penultimate paragraph below.





**From Vice Admiral Nick Hine CB**

unencumbered by legacy SCs. However, the Navy TLB funding restrictions in place are likely to impede our ability to fill new civilian posts until the next Financial Year.

**The Work of the Office of the Service Complaints Ombudsman in 2020**

10. Our records show the following data sets and outcomes arising from the work conducted by your office on RN SCs in 2020:

- a. **SCOAF Admissibility Review.** The original admissibility decision by the RN was upheld by the SCOAF in 68% of cases and the majority of the remainder were partially upheld.
- b. **Undue Delay.** In 9 out of 22 applications (41%) undue delay was not found;
- c. **Maladministration and Substance.** Only one application submitted in 2020 was considered by the SCOAF to merit investigation;
- d. **Maladministration.** Only one application submitted in 2020 was considered by the SCOAF to merit investigation.
- e. **Substance.** Only one application submitted in 2020 was considered to merit investigation by the SCOAF.

11. In closing, I should like to include a note of appreciation for the outgoing Service Complaints Ombudsman for the Armed Forces, Nicola Williams, during her 5-year tenure, and also to wish you every success as the new SCO.

I look forward to our first meeting,







ARMY

**Lieutenant General CL Tickell CBE**  
**Deputy Chief of the General Staff**  
**Army Headquarters, Blenheim Building,**  
 Marlborough Lines, Monxton Road, ANDOVER, Hampshire SP11 8HJ



Telephone [REDACTED] Military [REDACTED]  
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Mrs Mariette Hughes  
 Service Complaints Ombudsman for the Armed Forces  
 PO Box 72252  
 LONDON  
 SW1P 9ZZ

27 January 2021

*Dear Mariette,*

## SCOAF 2020 ANNUAL REPORT NARRATIVE

### Introduction

1. Thank you for the opportunity to contribute to the 2020 Annual Report. In this, my second submission as DCGS, I intend to cover our progress and challenges since the 2019 report. As the Army's Principal Personnel Officer, a key part of my mission is the delivery of the Army Service Complaint (SC) process. Our aim is that we create a culture in which the need to formally seek redress is reduced, but if formal complaints become necessary there are no barriers or stigma in doing so, and that the process is efficient, effective and fair.

### Current Key Stats

2. These are at **Annex A**. 42.4% of SCs were resolved within the KPI of 24 weeks, compared to 32.4% in 2019 and 40% in 2018. This improvement, whilst well short of the 90% target, shows significant progress, particularly in the context of the impact of COVID.

3. The proportion of Army personnel who submit a formal SC has remained consistent at 0.4% (431 cases). Females comprise 10.3% of the Army but this year have submitted 20.4% (88 cases) of complaints and BAME personnel comprise 14.5% of the Army but this year have submitted 20.1% (87 cases) of complaints. We take the implications of these statistics seriously and are leading on wider work to understand and tackle the root causes.

### Impact of COVID

4. The impact of COVID has been significant. It has forced us to remote work during the lockdown period and reduce physical floorplate manning within the Army SC Secretariat. Output has been affected, but remote working and an increased allocation of laptops has helped mitigate this. We have not seen an increase in complaints as a result of COVID protection measures to date and our inflow of complaints has remained constant.

### Internal Reform Measures

5. Alongside the wider SC Reform programme, we have continued with our own internal reforms. We have established a Volunteer ex Regular Reserve (VeRR) pool of Decision Bodies (DBs), VeRR Investigation Officers (IOs) and additional Full Time Reserve Service (FTRS) manpower for the SC Investigation Team (SCIT)<sup>1</sup>.

<sup>1</sup> Uplift: DBs x 10, VeRR IOs x 20 and FTRS SCIT x 7.

6. Other internal reforms also include developing our outreach and education, with updated advice and guidance, through revised Standard Operating Procedures and amended Appointment Letters to DBs. We have also streamlined Admissibility advice, Decision Level Appointment Board processes (including for Appeals), updated the DBs' Powers of Authority Matrix and are in the process of securing a financial delegation for consolatory payments for the Army SC Secretary.

#### **Wider reforms being led by SCs & Justice Transformation (SCJTx) Team**

7. All of the above will factor into and compliment the wider SC Reform work being led by the SCJTx Team. As I write, the SCJTx Team are now turning their attention towards implementation and we welcome the delivery of their recommendations, noting that it will take some time before full effect is achieved.

8. The challenges associated with SC Reform though should not be underestimated: the recommended manning uplift to help meet the KPI needs to be staffed and recruited; we need a more effective Bullying, Harassment and Discrimination investigative capability<sup>2</sup>; a better IT management system; and we continue to face delay which is outwith our direct control. The latter includes financial approval for redresses which require HMT approval (14 weeks delay without Appeals and 18 weeks with Appeals), and DBS FEHIO investigations (87% of FEHIO cases take longer than 3 months and of those 35% take longer than 6 months).

#### **Risk**

9. The most pressing risk is the need for SC Reform to deliver the performance improvements demanded by, not just our Service personnel, but by wider public opinion as well. But I remain concerned that despite the initiatives in train, they will take time to deliver effect and in the meantime the risk of reputational damage will continue.

#### **Concluding Remarks**

10. As CGS, said in his oral evidence to the House of Commons Defence Committee on 07 Jul 20: *"We need to review the service complaints system so that it becomes genuinely agile, it genuinely comes with censure that happens in a relevant timeframe, and importantly, it is a complaints system that makes it possible for people to have the bravery to make the complaint they need to make."* The Army will continue to strive towards this goal. Commanders at all levels are responsible and they must continue to guard our values and standards closely and, where appropriate, make full use of Climate Assessments and the successful Army Mediation Service.

11. Finally, it would be remiss of me not to acknowledge your predecessor's tenure as the Service Complaints Ombudsman for the Armed Forces. Nicola contributed much; her independent oversight has been pivotal in holding the chain of command to account in its handling of complaints. We wish her well for the future. In terms of moving forward our dedicated liaison team will continue to act as the conduit with your office and they look forward to developing your outreach programmes and ensuring that your office continues to have the opportunity to address the Army's Senior Leaders at ECAB.

Annex:

A. Army Service Complaint Handling Statistics 2020.

*Hew*

*Chun*

<sup>2</sup> Currently provided by Defence Business Services (DBS) controlled Fee Earning Harassment Investigation Officers (FEHIO).



From: Air Marshal Andrew Turner CB CBE MA MSc BA FRAeS CCMi RAF



Deputy Commander  
Air Command  
Naphill  
High Wycombe  
HP14 4UE

29 Jan 21

Nicola Williams  
SCOAF

### SERVICE COMPLAINTS – RAF PERFORMANCE

Attached is the RAF Service Complaints data for 2020. As you know well, Covid has made work extremely challenging, but Service Complaints remain at the top of my agenda and I am committed to addressing the challenges they illuminate.

Despite Covid, the RAF Service Complaints Team has operated throughout the period without a change in step. They have supported our units wherever possible, helped eradicate delays where they have emerged and offered advice on how best to channel resources against operational and safety-critical duties. They have achieved an overall closure of **49%** within 24 weeks, with **98%** (44/45) of Fast Track complaints (pay and allowances, terms of service) closed within 24 weeks. The Investigation Team completed the same number of investigations in the first half of 2020 as were completed in the whole of 2019. Applications to the SCOAF for undue delay were **down by 62%** and findings of undue delay were **down by 70%**.

We have proactively contributed to Service Complaints Reform in many ways. We have formed a team to address all aspects of the process and to ensure we have the best possible data. The admissibility process has been streamlined to empower our commanders as Specified Officers to make decisions on whether a complaint should proceed promptly and fairly. We continue to draw on an excellent ex-regular cadre of officers to deliver advice in decision-making, which has improved timeliness without compromising quality. Complainant and Respondent feedback is important, and we receive many good ideas which we are putting into practice to enhance trust in the process and its outcomes.

I have enjoyed working with you on addressing these vital challenges. Your time in the role has helped me frame the challenge, you have brought great clarity to the approaches we might take, offered excellent advice at every turn and been very firm, fair and forthright in addressing and looking after the interests of our people. I am extremely grateful for all this and wish you the very best in your next endeavours.

I am content for this narrative to be published with your report.

*'...Per Ardua, ad Astra...'*



## Appendix F – Sources of further information

Further information on the Service Complaints process, in the form of publications and/or statistics, can be found at the following sites.

Service Complaints Ombudsman for the Armed Forces	<b><a href="http://www.scoaf.org.uk">www.scoaf.org.uk</a></b> The SCOAF website contains copies of all past annual reports and statistical briefings concerning the Service Complaints system in addition to publications and information concerning SCOAF processes.
Ministry of Defence	<b><a href="https://www.gov.uk/government/organisations/ministry-of-defence/">https://www.gov.uk/government/organisations/ministry-of-defence/</a></b> This site provides information on the organisations within the defence system, reports and data, and guidance.
Ministry of Defence Service Complaints information	<b><a href="https://www.gov.uk/guidance/armed-forces-service-complaints-process">https://www.gov.uk/guidance/armed-forces-service-complaints-process</a></b> The site provides information and guidance on the Service Complaints process.

Details of Ministry of Defence Statistical and Research publications can be found at:

**<https://www.gov.uk/government/organisations/ministry-of-defence/about/statistics>**

For historic publications, see the links to ‘earlier volumes in the series’ on individual publication pages.

Further information on the individual Services covered by the Service Complaints system can be found at:

Royal Navy	<b><a href="http://www.royalnavy.mod.uk">http://www.royalnavy.mod.uk</a></b>
Royal Marines	<b><a href="https://www.royalnavy.mod.uk/royalmarines">https://www.royalnavy.mod.uk/royalmarines</a></b>
Army	<b><a href="https://www.army.mod.uk">https://www.army.mod.uk</a></b>
RAF	<b><a href="http://www.raf.mod.uk">http://www.raf.mod.uk</a></b>

**Enquiries about this publication should be directed to:**

Media enquiries	<b><a href="mailto:Communications@scoaf.org.uk">Communications@scoaf.org.uk</a></b>
Statistical enquiries	<b><a href="mailto:Statistics@scoaf.org.uk">Statistics@scoaf.org.uk</a></b>
Requests for hard copies of the full report or summary brochure	<b><a href="mailto:Communications@scoaf.org.uk">Communications@scoaf.org.uk</a></b>

**Contact details for individuals wishing to make an application to the Ombudsman or to find out more about SCOAF are:**

Website	<b><a href="http://www.scoaf.org.uk">www.scoaf.org.uk</a></b>
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Combat Stress 24-Hour Military Mental Health Helpline: 0800 323 4444.