

## **KEY CHANGES TO THE SERVICE COMPLAINTS PROCESS WILL COME INTO FORCE ON 1 JANUARY 2016**

### **Update**

- The Armed Forces (Service Complaints and Financial Assistance) Act 2015 reforms the internal complaints process, making it shorter with one instead of two levels of appeal.
- There will be increased delegation within the Chain of Command, enabling them to remedy complaints at the lowest level. It will now go immediately to the right person or group of people able to make a decision and to grant appropriate redress if any.
- The Act also provides for a new role of Ombudsman to be created. The Ombudsman will have significant new powers, including investigating whether an individual's complaint was handled correctly or whether there was undue delay in the process.
- Nicola Williams, a former Complaints Commissioner in the Cayman Islands, took over as the Service Complaints Commissioner (SCC) in January 2015 and will be the first Ombudsman. Her appointment has been approved by The Queen.
- The changes will be effective from 1<sup>st</sup> January 2016.
- The Services will be contacting everyone in January who has a complaint open that was made under the current process to explain exactly how these changes affect them.

### **Background**

- The Chiefs of Staff fully recognise the need to improve the Service Complaints system: the provisions of the Act reduce the bureaucratic procedure whilst maintaining the integrity of the Chain of Command.
- It is recognised that for those making a complaint or being complained about, their perception of fairness is affected by time taken and lack of clarity about progress with the complaint. The new process will improve user confidence by improving the timeliness and open communication throughout.
- The Act also provides for a new role of Ombudsman to be created. The Ombudsman will have significant new powers, including investigating whether an individual's complaint was handled correctly or whether there was undue delay in the process. The Ombudsman may also be able to investigate the substance of a complaint in some circumstances – however, the internal complaints process must be completed first.
- The reforms set out in the Act signal a step change in the process for handling complaints. The Ombudsman will provide an oversight to the armed forces complaints system, holding the Services to account and in turn give confidence to our personnel that their concerns will be properly considered.

## **Some Frequently Asked Questions**

### **Q: Why is the complaints process changing?**

A. The first Service Complaints Commissioner (SCC), Dr Susan Atkins repeatedly cited delays in resolving complaints as the reason that she was unable to assess the complaints system as fair, effective or efficient in her annual reports. MOD worked with her on proposals to shorten the process, and to strengthen the oversight role of the Commissioner. Those proposals were the basis of the Armed Forces (Service Complaints and Financial Assistance) Bill which received Royal Assent on 26<sup>th</sup> March 2015.

### **Q. What are the main changes?**

A. The new legislation radically changes the internal complaints process, making it shorter with one instead of two levels of appeal. It will be less bureaucratic with increased delegation within the Chain of Command, enabling them to remedy complaints at the lowest level. It also changes the Commissioner's role to that of a new Service Complaints Ombudsman (SCO) who will be a powerful, independent body to the Armed Forces Complaints system, holding the Services to account. These changes are designed to give confidence to our personnel that their concerns will be properly considered.

### **Q. What are the Service Chiefs' views on the Act? Doesn't it undermine the integrity of the Chain of Command?**

A. The Chief of Defence Staff, General Sir Nicholas Houghton, has said:  
"The Service Chiefs of Staff fully recognise the need to improve the Service Complaints system. This Act will help enable us to do that. The provisions of the Act strengthen the role of the Service Complaints Ombudsman whilst reducing bureaucratic procedure and maintaining the integrity of the Chain of Command - it is to be welcomed."

### **Q. How will the Act make the redress system better? Is it not just another form of bureaucracy?**

A. The key changes as a result of the Act will make the system fairer, more efficient and more effective. The new process will ensure that a complaint will now go immediately to the right person or group of people able to make a decision and to grant appropriate redress if any – at the moment a complaint has to work its way up through the chain of command until it reaches that person which can often add time to the process. The number of appeal layers reduces from two to one. There will be increased independent oversight from the Ombudsman which will focus on making the complaints system more efficient, effective and fair.

### **Q. What new powers will the Ombudsman have?**

A. The new Ombudsman will have the power to:

- overturn a decision by the chain of command to exclude a complaint, for example for being out of time;
- review the handling of a complaint if the complainant is not satisfied once it has completed the internal process;

- investigate the substance of a complaint if the complainant is not satisfied the internal process has been completed;
- investigate allegations by the complainant of undue delay whilst a complaint is still active or before a complaint is made and;
- recommend action to put matters right.

**Q. How do I make a complaint under the new system?**

A. There will be a new JSP 831 published on 1<sup>st</sup> January 2016. There is a new <https://www.gov.uk/guidance/armed-forces-service-complaints-process> website, and a [Service Complaints](#) Intranet site, both of which have links to the relevant guidance and give you more information about the process, and who you need to submit your complaint to.

**Q. I have an existing complaint. How do these changes affect me?**

A. The services will be contacting everyone who has a current complaint to let you know how this will affect you, in January.

**Q. How will I be able to contact the new Ombudsman?**

A. From January, you will be able to contact the Service Complaints Ombudsman via the SCO website, dedicated phone-line, email and postal address.

Website: <https://www.servicecomplaintsombudsman.org.uk>

Email: [contact@servicecomplaintsombudsman.gsi.gov.uk](mailto:contact@servicecomplaintsombudsman.gsi.gov.uk)

Phone: 020 7877 3450

Post: SCO PO Box 72252, London, SW1P 9ZZ