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## **Annex G: Service Complaint Application to Appeal Form**

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### **Timelines**

1. As a Complainant, you can appeal against a decision on your Service Complaint within two weeks of the date that you have been deemed to have received notification of the decision.
2. If you submit your Service Complaint Application to Appeal Form outside the two-week timeline, you must give the reasons why you were not able to do so within the timeline (see Section 2). The single Service Secretariat will decide, based on the information provided whether it would be just and equitable for the appeal to proceed (see Annex R for further guidance).

### **Support and Advice**

3. Before submitting this Service Complaint Appeal Form you may want to seek the advice of your Assisting Officer (AO) for help in completing this form. Further details on the role and responsibilities of the AO are at Chapter 8. In addition, and if applicable to the circumstances of your complaint, you might want to seek advice from the unit Diversity and Inclusion Adviser (D&I (A)).
4. You should be aware that if the single Service Secretariat decide that your appeal can be considered, an Appeal Body may consider the complaint afresh, and you need to know that they can reach a different decision entirely about whether your Service Complaint is well founded and about any redress that might be appropriate.

### **How to fill in an Application to Appeal Form**

5. There are three grounds, referred to in The Armed Forces (Service Complaints) (Amendment) Regulations 2022 and listed below, on which you can appeal. When completing this form, you need to identify and provide evidence (see Section 3) for those specific areas of the decision or redress why you think:
  - a. there was a material procedural error. This is an error in the procedure followed that was relevant to the outcome of your complaint. A minor procedural error which did not bear on the outcome of the decision will not fall within this ground.
  - b. the decision was based on a material error as to the facts. This means that the decision was based on a mistake of fact which was relevant to the outcome of your complaint. You may disagree with the DB's view of the evidence, but this is not sufficient to establish that they made a mistake of fact. An error which is of no significance to the outcome of the decision will not fall within this ground.
  - c. there is new evidence (meaning evidence which was not available, and could not with the exercise of reasonable diligence by the complainant have been made available, before the decision was made), and it is likely that the decision would have been materially different if the new evidence had been

made available to the DB. This means (1) there is evidence which was not before the DB, and which you could not reasonably have produced before the DB and (2) it is likely that the outcome of your complaint would have been different if that new evidence had been available to the DB. Evidence which merely reinforces existing evidence is unlikely to fall within this ground, unless it could have led the DB to take a different view on the weight of that evidence.

6. If you think you have grounds on which to appeal, it may also be helpful to consider the following when completing Section 2 and 3 of the form:

**Procedural / Factual Error**

- could the error have impacted the outcome of the Decision Body decision and the redress awarded?

**New Evidence**

- does your new evidence have the potential to change the outcome of the Decision Body decision?

- could your new evidence bring into question the validity of the Decision Body decision?

- does the new evidence replicate previous evidence? - can you justify the delay in providing this evidence?

**Who to send the form to**

7. Once you have completed the form, submit a signed and dated copy to your single Service Secretariat. Please see JSP 831, Part 2, Annex Q for email addresses and points of contact for each of the single Services.

# Annex G (continued): Service Complaint Application to Appeal Form

To: Royal Navy / Army / RAF single Service Secretariat  
(delete as appropriate)

## Section 1 - Your details

Full Name:

Rank/Rate:

Service Number:

SR Number from Decision Body letter:

Date of Decision Body letter:

Contact Details (telephone, email etc):

Preferred method of contact: email/telephone/post (delete as appropriate)

Please provide dates to avoid that you know you will not be available, e.g. holidays booked or medical procedures (provide dates from and to):

## Section 2 - Grounds for Appeal

Please tick the relevant box or boxes below that apply to you:

- Material Procedural Error.** I am making an appeal as I have evidence that there was a material procedural error.
- Material Error.** I am making an appeal as I have evidence that the decision was based on a material error as to the facts.
- New Evidence.** I have new evidence which I could not have made available before the decision was made, and it is likely that the outcome of the complaint would have been different if the new evidence had been made available to the Decision Body.

<b>Section 3 - Details and evidence to support grounds for appeal</b>		
<b>Heads of Complaint (HoC) being appealed</b>	<b>Grounds for Appeal (Procedural/Material or New Evidence)</b>	<b>Reason for Appeal</b> (Please be specific, making reference to any supporting evidence, documents, and witnesses - list any attachments below. If appealing on grounds of New Evidence, set out why you were not able to provide this earlier.)
<b>HoC 1</b> (Insert HoC from decision letter)		
<b>HoC 2</b> (Insert HoC from decision letter)		
<b>HoC 3</b> (Insert HoC from decision letter)		

**Section 4 - Reasons for delay in submitting your appeal (if applicable)**

Please state the reasons why your appeal was not submitted within the prescribed time limit, as set out in paragraph 1 of the guidance notes above, including any reasons why you think it should be considered out of time - reasons given should be supported by evidence. Please see JSP 831, Part 2, Annex R for further guidance.

Date of Decision Body letter:

Date of deadline to submit appeal:

Reason for delay:

Supporting Evidence (provide attachments as necessary):

**Section 5 - Declaration**

Signature of Complainant:

Print name:

Date:

**Supporting Evidence and other attachments** (should be listed below and attachments clearly labelled):