



A Guide For Respondents in a Service Complaint

Oral Hearing

The Appeal Body may direct an Oral Hearing be held so that they can question the Complainant, Respondent(s) and any relevant witnesses about any elements of the evidence upon which they are uncertain from the case papers. If you have not been specifically requested to attend, you may still do so and you should inform the Army SC Sec, in writing, of your wish to attend. An Oral Hearing is not an adversarial process and you too can ask questions.

Participation

Your involvement is important so that decisions are based on statements from all parties involved in the SC. If you are serving, you have a duty to make yourself available as required and respond to any requests for information quickly. If you are no longer serving, a Reservist or a Civil Servant, you cannot be compelled to participate.

Should I seek legal advice?

This is a personal decision. The aim of the process is to make it as understandable as possible to everyone. There is guidance in JSP 831 and available from the Army SC Sec about the process. If you chose to do so, it will be at your own expense.

Who is the Service Complaints Ombudsman (SCO)?

The SCO is independent and impartial and can provide information at any time during the SC process. She is however, unable to assist Respondents in an SC.

Can I submit an SC about an SC?

If you feel you have been unfairly treated as a Respondent in an SC, please see [JSP 831, Part 1](#), Annex B Excluded Matters for further details or contact the SCO for advice. An SC seeking to challenge earlier decisions of a DB, Appeal Body or the SCO is excluded and so, in submitting an SC you may have to justify why your SC is valid.

Contacts/References

- **Army SC Secretariat**
[Army SC Secretariat](#) DEFNET page
Email: APSG-ArmySCSec-Group@mod.gov.uk
Respondent POC: APSG-ArmySCSec-enquiries@mod.gov.uk
Tel Mil: 94391 7934 or 01264 381934
- **Army Mediation Service**
Tel Mil: 96770 7691 or Civ: 0306 7707 691
Email: Army-Mediation-0Mailbox@mod.gov.uk
- **Speak Out (Bullying & Harassment) Helpline**
[Speak Out](#) DEFNET page
Tel Mil: 9677 4656 or Civ: 0306 7704656
- **Service Complaints Ombudsman**
www.servicecomplaintsombudsman.org.uk
Tel: 020 7877 3450
Email: contact@servicecomplaintsombudsman.gsi.gov.uk

[JSP 763](#): The MOD Bullying and Harassment Complaints Procedures.

[JSP 831](#): Redress of Individual Grievances Service Complaints, Parts 1 and 2

[ACSO 3358](#): Service Complaints May 2017

[Army SC Sec SOPs](#)

Army SC Sec - [Support to Respondents](#)

eCopies of this leaflet are available on DEFNET at Army SC Sec.



Aim

Not every complaint will have a Respondent (someone who is being complained about) but it is recognised that being named as a Respondent in a Service Complaint (SC) can be a daunting and challenging experience. This leaflet provides a brief overview of what to expect as a Respondent, the key documents you should receive and the timescales in the SC process.

Introduction

Respondents and Potentially Affected Persons (PAPs) (individuals who may have been named and/or who may be affected by or be the subject of criticism in relation to their personal character or professional reputation in the findings or recommendations of an SC) should read this leaflet in conjunction with JSPs [831](#) and [763](#). The term Respondent will be used in this document but the rights and responsibilities of Respondents and PAPs are largely the same.

[The Army SC Secretariat](#) (Army SC Sec) manage, administer and assure the SC process through to a final Decision. It is important that the process should be efficient, effective and fair to both Complainants and Respondents. If you need further advice or guidance, speak to your Assisting Officer or contact the [Respondent Point of Contact](#) (POC), details overleaf.

What is an SC?

All Service personnel, Regular and Reserves, may submit a complaint if they feel they have been wronged in a matter relating to their Service. The SC process deals with Service related grievances only and is governed by policy and time constraints.

Any SC should be dealt with confidentially, fairly, promptly and correctly, at the most appropriate level within the chain of command (CoC). This means most SCs are decided at unit level, usually the Commanding Officer (CO), who may be appointed by [Army SC Sec](#) as the Decision Body (DB). Certain cases may be decided by the Army Board in a single stage process (see [JSP 831 Pt 2 Chap 2 Para 38](#)).

An SC may be resolved informally, for example through the Army Mediation Service, at any time during the SC process.

What to expect

Once a complaint is received by the unit, if you are a Respondent, you will be informed by the CO/Specified Officer (SO). This initial contact will include brief details of who has raised the complaint and what it is about, and you will be offered an Assisting Officer (AO) to advise and support you through the SC process. You will also be asked about informal resolution and the possibility of mediation.

As a Respondent you should avoid approaching anyone involved in the SC. Complaints, and the issues raised, should remain confidential and not be discussed with colleagues, on social media etc.

What is an AO?

An AO can be appointed by the SO/DB or you may request someone suitable. An AO must be an officer, WO or SNCO (or equivalent grade civil servant) and can support only one person per complaint. They cannot be a witness in the SC. An AO must not be party to processing or deciding the SC, have any involvement in the investigation or a personal interest in the outcome of the complaint. Your AO can accompany you to interviews and any Oral Hearing. Whilst an AO will help you with the process, they do not act on your behalf ie as an advocate, give evidence for you, or provide any specific expertise.

Admissibility

Once the SO has considered the complaint and interviewed the Complainant, and received legal advice, they will determine which allegations, if any, are admissible or inadmissible. The Admissibility Letter should be written within 12 working days of the SO receiving the SC and copied to you. You will also be notified who is the DB and who will investigate the SC.

Investigation

The SC will be investigated by a unit Investigation Officer (IO), a Harassment Investigation Officer (HIO) or the SC Investigation Team (SCIT). You will be interviewed and your signed statement will be included in the Investigation Report (IR) submitted to the DB at the end of the investigation.

An investigation should take no longer than 30 working days, although sometimes it will be longer.

When complete, a redacted copy of all the relevant documentation to be used to decide the SC will be issued to you. This is known as Disclosure. You have the right to respond in writing, normally within 2 weeks, and for your comments to be considered by the DB.

DB's Decision Letter

The DB should finalise their Decision Letter as soon as possible following Disclosure unless further investigation is required. You will receive a copy. Unless the Complainant appeals the Decision, the SC will be closed and action directed by the DB will take place. You should read the Decision Letter carefully as there may be further action involving you depending on the redress, if any, awarded.

Next Step - Appeal

If the Complainant is unhappy with the DB's Decision, they may submit an Appeal to [Army SC Sec](#) within 6 weeks and 2 days of the date of the Decision Letter. If the Appeal is accepted as valid, Army SC Sec will appoint an Appeal Body to decide the SC. This means the DB's Decision will not be acted upon as the Appeal Body may come to a different Decision. The Army SC Sec will provide you with any further disclosure material and will inform you of progress in the case.

An Appeal Body can be an individual or panel of senior officers, sometimes with an Independent Member. The Appeal Body is not limited to matters set out in the Complainant's appeal and the Appeal Body will consider the SC again and is not bound by the DB's Decision. It may direct further investigation of the SC including an Oral Hearing. Your rights in an Oral Hearing will be explained to you. You will have the opportunity to comment on the case file before a Decision is made. A copy of the Appeal Body Decision will be sent to you.

30 Day Updates

You should receive meaningful 30 Day Updates from the DB or Appeal Caseworker explaining what is happening and giving reasons for any delays in the process.