

## **Dr Susan Atkins**

### **The Service Complaints Commissioner for the Armed Forces**



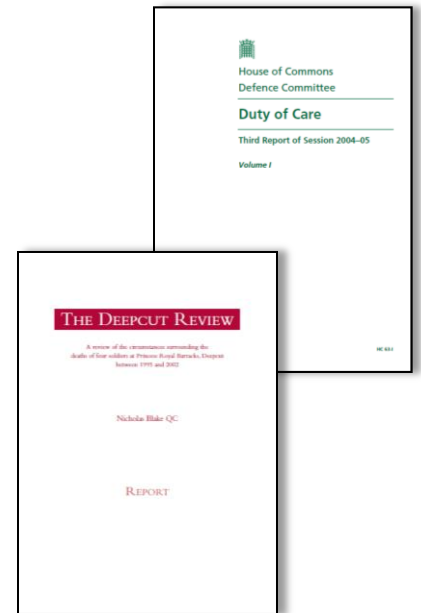
**Presentation to The Third International Conference of  
Ombudsman Institutions for the Armed Forces  
13-15 April 2011, Belgrade, Serbia**

# Improving internal complaints handling: the challenges, successes and limits of an external oversight body focussed on the system and not individuals



# BACKGROUND

- Created by the Armed Forces Act 2006.
- Parliamentary Defence Committee Report into Duty of Care.
- Independent Review into deaths of 4 Army trainees 1995-2002
- Complaints Commissioner not Defence Ombudsman
- Post started on 1<sup>st</sup> January 2008.

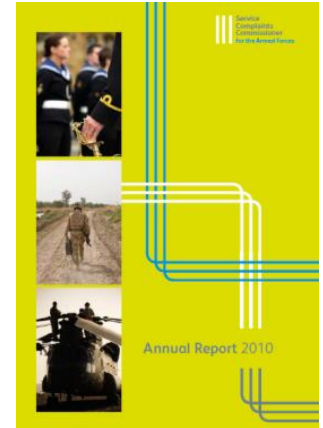


## SCC's ROLE

- Rigorous and independent oversight of how the Service Complaints system is working.
- A point of contact for Servicemen and Servicewomen who do not feel they can raise a complaint through their chain of command without oversight.
- A point of contact for someone acting on behalf of a Serviceman or Servicewoman.
- Handled over 1,000 cases since 1/1/08 – over half about improper treatment


# Duties, Rights and Powers

- Legal Duty to make Annual report to Ministers & Parliament on the efficiency, effectiveness and fairness of the internal complaint handling system.
- Legal Right to receive regular updates from chain of command where referred a complaint about improper treatment only.
- Legal Power to receive and refer complaints from Service personnel to their chain of command and oversee how they are dealt with. No power to investigate or decide cases.
- Soft Powers by virtue of appointment by Ministers:
  - Access to Ministers & Service Chiefs
  - Access to Service Personnel at home and on operations
  - Honorary 3 star status
  - Evidence to Parliament



# INTERNAL VS EXTERNAL SYSTEMS

Internal complaint handling:

- ✓ Can be fast, part of management and duty of care
- ✓ Can pick up and deal with true and/or wider issues
- ✗ Too close – lack of detachment
- ✗ Good management different from good Command
- ✗ Complaints seen as bad: complainants as trouble
- ✗ Chain of command limited in authority to deliver solution in many cases
- ✗ Focus on process not justice  DELAY

# INTERNAL VS EXTERNAL SYSTEMS

External complaint handling:

- ✓ Independent and expert – gives confidence to complainants, their families and Parliament
- ✓ Focus on process AND justice
- ✓ Wider /cross Service perspective – identify lessons
- ✗ Too detached – takes time to find out facts
- ✗ Can cause difficulties for complainant - disloyal
- ✗ May escalate a minor issue or delay a solution
- ✗ Limited in ability to right some wrongs

# INTERNAL & EXTERNAL SYSTEMS

- External system can support good internal complaint handling if the Independent oversight body:
- Establishes trust and demonstrates value
  - Learns the military world and seeks to support them
  - Challenges on the basis of evidence
  - Praises as well as criticizes
  - Shares lessons & good practice
  - Maintains the balance between independence of judgment and support for Defence people and aims



# CHALLENGES

- Military resistance to any external oversight and particularly someone without a military background
- Military cultures and authority of Commanding Officer
- Resources
- Volume
- Powers
- Delay

# SCC SUCCESSES

- Service opposition overcome: SCC now seen as “Integral to Modern Defence”- Chief of Defence Staff.
- Complaints increased significantly – complaints through SCC account for half of all new complaints
- Services changed structures and ethos of internal complaints handling:
  - Chain of Command gets expert advice from central units who oversee and quality assure decisions
  - Improved recording – Timeliness measured against targets
  - Best practice set out in new Principles of Fairness

## ACHIEVED BY

- Learning the military world – getting out & about
- Focussing on operational effectiveness
- Setting a clear and specific vision of how the internal complaints system should look in 2011
- Meeting Service Chiefs & key external bodies regularly
- Providing clear evidence base & making authoritative recommendations in Annual Reports
- Providing expert support & sharing good practice - e.g. training new Commanding Officers

# LIMITS

- The SCC cannot ensure fairness in individual cases:
  - By overseeing individual cases we can spot problems but no powers to correct them -we have no power to call in or investigate cases
  - Because we are under-resourced we cannot process cases or maintain oversight effectively
  - We can make a difference in simple cases where chain of command is receptive but not otherwise
  - We can comment on handling and decisions but the final internal appeal is not required to see any SCC concerns
  - We cannot re-open closed cases
- Delay remains endemic

## NEXT STEPS

The Annual Report for 2010 will review the first three years of the new system :

- Measuring progress against the SCC's vision
- Making recommendations for simplifying the internal processes and for re-configuring the extra protections needed because of the unique status of military personnel.
- Reviewing options for increasing powers of the SCC and recommending immediate and longer time changes

# CONCLUSIONS

- Internal complaint handling is appropriate for most workplace grievances – fast and in the management line – part of duty of care
- But military command and good management do not always go hand in hand
- Takes time to change the culture to one which links complaints and operational effectiveness
- External oversight can challenge and improve the internal systems & give confidence to complainants
- But ultimately has to have teeth

## **FURTHER INFORMATION**

- **The SCC's Office**

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- <http://armedforcescomplaints.independent.gov.uk>

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