



House of Commons
Defence Committee

**Service Complaints
Commissioner for the
Armed Forces: the first
year: Government
Response to the
Committee's Eighth
Report of Session
2008–09**

Fourth Special Report of Session 2008–09

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The Defence Committee

The Defence Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Ministry of Defence and its associated public bodies.

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The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at: www.parliament.uk/defcom

Committee staff

The current staff of the Committee are Mike Hennessy (Clerk), Georgina Holmes-Skelton (Second Clerk), Karen Jackson (Audit Adviser), Judy Goodall (Inquiry Manager), Richard Dawson (Senior Committee Assistant), Christine McGrane (Committee Assistant) and Miguel Boo Fraga (Committee Support Assistant).

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Fourth Special Report

The Defence Committee published its Eighth Report of Session 2008–09 on *Service Complaints Commissioner for the Armed Forces: the first year* on 2 July 2009, as House of Commons Paper HC 277. The Government's response to this Report was received on 2 September 2009. This is appended.

Government response

Introduction

The Ministry of Defence (MoD) welcomes the Committee's report on the Service Complaints Commissioner's (SCC) first year in post. The Committee's long held interest in this subject continues to help us in shaping the role of the SCC.

The establishment of the post of Service Complaints Commissioner was an important part of our response to Sir Nicholas Blake's review into the deaths at Princess Royal Barracks at Deepcut; and of our commitment as part of that response to continuous improvement in ensuring the well being and safety of all our personnel. The Commissioner's role is a significant and valuable part of the Service complaints system. In its formal response to the Commissioner's first annual report, MoD welcomed her findings.

The Committee may wish to note that we are committed to implementing all of the recommendations in the report and work is already well underway to address many of them. Implementation will not be fully achieved within the 2009 calendar year or the Commissioner's full term in post where the Commissioner's recommendations or objectives have a resource implication. For example, the Joint Personnel Administration (JPA) system is currently due to be upgraded by the end of 2010 to include an end-to-end electronic complaints recording and tracking element. The Committee will appreciate that, taken together, the recommendations constitute a significant challenge and one which is all the greater at a time of increasing pressure on public finances.

The MoD's response to each of the Committee's conclusions and recommendations, setting out how we intend to address them, is set out below.

Response to the Committee's Conclusions and Recommendations

1. (Recommendation 1) The Commissioner must be informed of decisions taken on referred matters not related to prescribed behaviours. It is not sufficient that the chain of command has a statutory obligation to inform the Commissioner of decisions taken on referred matters relating to prescribed behaviours. (Paragraph 31)

For each case she refers to the chain of command, the Commissioner decides whether she wishes to be kept informed of progress and/or the outcome. Dr. Atkins has sought independent legal advice on this issue and has been advised that she is entitled, under her current statutory powers, to seek this information from the chain of command. It is becoming routine business for the chain of command to keep the Commissioner informed of decisions taken on allegations of non-prescribed behaviour. Updates on complaints are monitored and hastened where necessary by the Service complaints central secretariat and single Service secretariat/casework teams.

2. (Recommendation 2) We commend Dr Atkins for her decision to undertake regular and frequent visits to military bases and to operational theatre to gain an understanding of the environment of the three Services, and how the complaints

system operates in practice. We hope she will continue to visit Service establishments and operational theatre regularly. (Paragraph 34)

Whilst this is of course principally a matter for the Commissioner, MoD can assure the Committee that the Services are committed to supporting her visits to establishments. The Services regularly provide input to the Commissioner's visit programme to help maximise her understanding of the Service environment and to assist her in getting the most from her meetings with Service personnel.

3. (Recommendation 3) Some work has evidently been undertaken to advertise and explain the Commissioner's role. However, we believe that it is essential that the attention of Service men and women is drawn more comprehensively to the Commissioner's role by the MoD and that regular communications are made to maintain this attention. We hope that the MoD and each Service will continue to support the Commissioner's work in this area. (Paragraph 36)

Since the Commissioner's role came in to effect in January 2008, MoD and all three of the Services have undertaken a wide variety of communications initiatives to bring her post to the attention of Service personnel at all levels. We are committed to maintaining that activity. The Commissioner's website was advertised in Service payslips last year and the Services have added the role of the Commissioner to their Service complaints literature. Bullying and Harassment leaflets, for example, which are made available to all personnel, have been amended to include the Commissioner's role. Leaflets aimed at recruits and trainees also include information about the role of the Commissioner and the Service complaints process. Furthermore, over 40,000 of her own leaflets and posters have been promulgated to junior ranks and the services have invited the Commissioner to attend regular events such as passing out parades as part of her visit programme. Finally, Dr. Atkins is being invited to speak at targeted events, such as Commanding Officer (Designate) courses, across all three Services during 2009 and beyond. This action is designed to raise awareness of the Commissioner's role with the chain of command and with personnel staff who handle Service complaints.

4. (Recommendation 4) We consider the Commissioner's access to key Service personnel to be of vital importance to her duties. The Commissioner has stated that it will remain a priority for her and we recommend that the MoD continues to encourage regular communication between the Commissioner and key Service personnel and Service agencies. (Paragraph 38)

MoD agrees that it is important that the Commissioner continues to meet key Service personnel so that she can discuss her objectives, raise emerging findings and gain a wide understanding of the Services. The Commissioner recently met the Chiefs of Staff to discuss her Annual Report and meets the Service Personnel Board at least three times per year. The Commissioner is advised when key Ministerial, Service and civilian appointments change to enable her to meet new personnel soon after they take up their new posts.

5. (Recommendation 5) The powers of the Service Complaints Commissioner fall short of those envisaged by both our predecessor Committee in its Duty of Care Report, and by Sir Nicholas Blake in his Report following the Deepcut Review. It is still too early to

decide whether the Commissioner has sufficient powers. We agree that the Commissioner will be much better placed to judge the performance of the system in her next Report. We recommend that our successor Committee takes further evidence from the Commissioner on this particular matter of powers at the appropriate time. (Paragraph 41)

MoD supports both the Committee's and the Commissioner's view that it is still too early to decide whether the Commissioner has sufficient powers. We look forward to receiving the Commissioner's second Annual Report and the Committee's subsequent views on this and any further matters.

6. (Recommendation 6) We support the Commissioner's request that she receive reports on non-combat deaths, and find the MoD's initial compliance encouraging. However, we are concerned that the Commissioner does not have a statutory right to receive such reports, and we expect the MoD to continue to keep the Commissioner informed systematically of any such deaths in the absence of such a right. (Paragraph 43)

The MoD and Services will continue to provide information to the Commissioner on deaths in training and unexplained non-combat deaths. The Commissioner is also informed of serious allegations of bullying and harassment reported to the chain of command. These provide her with a wider context against which to assess the complaints process. The mechanism has been in place since November 2008 and the MoD and Services will review this process with the Commissioner later in 2009 to ensure it is meeting the needs of all parties.

7. (Recommendation 7) We agree with the Commissioner's view that having a reliable complaints recording system is an essential foundation for an effective Service Complaints System. (Paragraph 44)

8. (Recommendation 8) The Commissioner has accepted that implementing the Defence Internal Audit recommendation on providing returns for general complaints would be counterproductive at this stage. However, she believes that systemic weakness in the recording of complaints remains, as does the need for good management information on all Service complaints to support proactive management at unit, as well as higher, levels. The work by the MoD and Services on upgrading JPA should include the ability to meet this recommendation without these adverse consequences. We support the Commissioner's view. (Paragraph 46)

MoD acknowledges the need for a reliable complaints recording system. Work has been underway since Autumn 2008 to develop an end-to-end electronic complaints process to record, track and monitor complaints. This work is progressing well and it is anticipated that the upgrade to the Service complaints element of the JPA system will be delivered in 2010.

Management information on Service complaints will improve as a result of an upgrade to the discipline element of JPA later in 2009. Reports extracted from JPA will include more categories that the Commissioner has asked for in her statistics collation. This will be further improved as part of the end-to-end electronic complaints system due to be

delivered in 2010, where management information is a key element of the development work.

9. (Recommendation 9) It is vital that the Commissioner is given the resources needed to cope with the expected increase in initial contacts. We intend to follow with great attention the extent of the resources placed at her disposal by the MoD. (Paragraph 47)

10. (Recommendation 10) We are concerned that staff resources requested by the Commissioner in order to undertake her statutory duties were seemingly not given proper priority by the MoD. As a result, the Commissioner's plans to undertake a sample audit of complaints had to be shelved. We recommend that the MoD offers more generous support to the Commissioner in future, in assisting her to minimize the impact of any delays in recruiting staff and to ensure that she can carry out effectively the tasks entrusted to her. (Paragraph 49)

11. (Recommendation 11) It is imperative that individuals who contact the Commissioner initially feel confident in her and in her place within the Service Complaints System. The MoD should provide the Commissioner with the resources which she feels are necessary to achieve good customer service. (Paragraph 50)

MoD has consistently placed the highest priority on providing the SCC with staff resources. All requests by the Commissioner for staff resources over the last 18 months have been met in full. We have doubled the complement of the Commissioner's office compared to January 2008. Recruitment for a Guardianship and Audit Manager is currently underway. In the meantime, a short term secondment has been arranged for a Defence Internal Audit staff member to carry out casework audits for the Commissioner's 2009 annual report. The Commissioner has also been provided with an additional temporary member of staff to cover a recent period of sick absence by one of her permanent staff. We are also engaged with the Commissioner to assist her to plan more effectively for possible future extra resources.

12. (Recommendation 12) We support the general thrust of the Commissioner's conclusions, recommendations and objectives and expect the MoD to consider carefully each recommendation in its response to the Commissioner's report. We consider that she has made an impressive start. (Paragraph 51)

MoD is fully committed to making a success of the Commissioner's role. Implementing the Commissioner's recommendations will help to continue improving the current system and increase confidence amongst Service personnel. MoD formally responded to the Commissioner's report on 7 July 2009.

13. (Recommendation 13) To ensure that the Commissioner's work is brought properly to the attention of all Members of Parliament, and to comply with a statutory requirement, the Secretary of State must lay the Commissioner's next annual report formally before the House as an Act Paper. We hope that the failure properly to lay the first annual report of the Commissioner before Parliament is in no way indicative of the low profile accorded to the work of the Commissioner by the MoD. (Paragraph 52)

MoD is grateful to the Committee for pointing out this oversight. MoD will ensure that each future Annual Report from the Commissioner is formally laid before the House as an Act Paper. The Commissioner's first annual report was laid as an Act Paper on 16 July 2009.

