



Ministry of Defence

Air Command Secretariat
Spitfire Block
Headquarters Air Command
Royal Air Force
High Wycombe
Buckinghamshire
HP14 4UE

Our Ref: 2014/03055

[REDACTED]

[REDACTED]

30 July 2014

Dear [REDACTED]

Thank you for your e-mail of 02 July 2014 asking for the following information:

I am writing to ask if there is any 'statute of limitations' (sic) set out in regards to making complaints about staff members or cadets, and a limitation for them to be investigated or ruled out. For example, if a complaint was made against person A in 2011, can it now be investigated 3 years on in 2014?

Your request has been considered to be a request under the terms of the Freedom of Information (FOI) Act 2000. I can confirm that the MOD holds some of the information relating to your request.

The following information extracted from Air Cadets Publication (ACP) 20 Personnel Regulations - "Personnel Instructions 210: Redress of Individual Grievances RAFVR(T) Officer Service Complaints (SC)" details the time limits for officers:

Time Limits for Stating a SC. SCs must normally be made within 3 months, beginning with the day the matter complained of occurred. If the matter complained about occurred over a period, the complaint should be submitted within 3 months of the latest incident or end of the period. There is no limit as to how far back a period can extend.

Complaints Made Outside the Time Limits. SCs received by the Prescribed Officer (Regional Commandant) more than 3 months after the matter complained of occurred will generally be ruled out of time. However, in certain circumstances, the normal time limit may be extended if the decision maker considers that in all the circumstances it would be "just and equitable" to do so. The complainant will be expected to say why the complaint could not reasonably have been submitted in time.

Complaints Made After Leaving the RAFVR(T). Former members of the RAFVR(T) may submit SCs, provided that the wrong about which they are complaining relates to their Service, the wrong occurred while they were subject to Service Law and the complaint is submitted within the time limits stated above.

The following information extracted from the Air Cadet Publication (ACP) 20 Personnel Regulations – “Personnel Instructions 310: Redress of Individual Grievances WOs and SNCOs (ATC), CIs, Chaplains & Civilian Committee Members Air Cadet Organisation (ACO) Complaints” details the time limits for other ranks:

Time Limits for Stating an ACO Complaint. ACO complaints must normally be made within 3 months, beginning with the day the matter complained of occurred. If the matter complained about occurred over a period, the complaint should be submitted within 3 months of the latest incident or end of the period. There is no limit as to how far back a period can extend.

Complaints Made Outside the Time Limits. ACO complaints received by the Wg CO more than 3 months after the matter complained of occurred will generally be ruled out of time. However, in certain circumstances, the normal time limit will be extended if the decision maker considers that in all the circumstances it would be “just and equitable” to do so. The complainant will be expected to say why the complaint could not reasonably have been submitted in time. There is a range of factors that might, for example, have delayed the making of the complaint; the complainant may have been hospitalised and therefore unable to access the people, information or IT necessary to make the complaint. The Wg CO (or Regional Commandant) will therefore have to decide if, given the prevailing circumstances, it would be “just and equitable” (fair and reasonable) to allow the complaint to proceed. If consideration is being given to rejecting a complaint for being “out of time”, the Wg CO or Regional Commandant should seek legal advice before communicating the decision to the complainant.

Complaints Made After Leaving the ACO. Former members of the ACO may submit ACO complaints, provided that the wrong about which they are complaining relates to their service, the wrong occurred while they were subject to ACO regulations and the complaint is submitted within the time limits stated above. Such complaints will be referred to that person’s last CO.

Section 16 of the FOI Act requires public authorities to provide help and assistance to requesters. I can therefore explain that while ACP20 provides guidance relating to officers and other ranks volunteers (staff members), complaints about or by cadets themselves normally follow the same guidance in that a 3 month limit is imposed, and serious complaints will be considered outside this timescale.

If you are not satisfied with this response or wish to complain about any aspect of the handling of your request, then you should contact this office in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the **Information Rights Compliance Team**, 1st Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.gov.uk>.

Yours sincerely

**Headquarters Air Command
Secretariat**