



# Ministry of Defence

Ministry of Defence  
Main Building  
Whitehall  
London  
SW1A 2HB

Reference: FOI2016/05130

XXXXXXXXXXXX

Reply to: XXXXXXXXXXXXXXXX

10 June 2016

Dear XXXXXXXXXXXXXXXX

Thank you for your email of 15 May 2016 in which you have requested the following information:

*"I am writing to request information under the Freedom of Information Act on complaints that have been received by the armed forces Service Complaints Ombudsman, and which have taken longer to resolve than the target time of 24 weeks - otherwise known as 'Red Flag' cases.*

*More specifically, I am requesting the information for each complaint received which covers the following:*

- 1.) **Complainant's name**
- 2.) *Complainant's rank*
- 3.) *Complainant's service number*
- 4.) *Complainant's service - eg Army, Navy, RAF, Royal Marines*
- 5.) *Complainant's unit, regiment etc - ie which part(s) of the MoD they are serving*
- 6.) *Complainant's length of service*
- 7.) *Information about the person or persons **complained against**, as covered in points 1-6*
- 8.) *Nature of complaint, and as much detail on complaint as possible*
- 9.) *Progress made with complaint*
- 10.) *Amount of time elapsed since complaint was received*
- 11.) *Reasons for delay in resolving complaint*
- 12.) *Next steps to be taken with complaint*

*If my request is denied in whole or in part, I would ask that you justify all refusals by reference to the relevant exemptions in the FoI Act.*

*Please confirm receipt of this email.*

*If you need any more information or there is a problem with this request, please let me know."*

Your correspondence has been treated as a request for information under the Freedom of Information Act 2000. I can confirm that the Ministry of Defence (MOD) Department holds information within the scope of your request.

Section 40(2) (Personal Information) makes provision to withhold information requested for the personal data of someone else (a third party to the requestor). Section 40 is an absolute exemption and is therefore not subject to a public interest test. The information in these reports contain details on individual complaints. We are therefore withholding the information under Section 40(2) as releasing the information would contravene the first Data Protection Principle and would be unfair and unlawful to the individuals concerned.

Under Section 16 (Advise and Assist) I can advise the Service Complaints Ombudsman (SCO) does not receive service complaints. All service complaints are submitted to the chain of command and the process is set out in Joint Service Publication (JSP) 831 (Redress of Individual Grievances: Service Complaints). The single Services do however, provide the SCO with “Red Flag Reports” which detail service complaints that have exceeded the 24 week target – these reports have been provided to the Ombudsman (previously the Service Complaints Commissioner (SCC)) since February 2013 on a bi-monthly basis - 1 January 2013 being the date on which the target of resolving 90% of service complaints in 24 weeks was first introduced. The SCO (and previously the SCC) therefore provide data in each of their reports since 2013 on the “Red Flag Reports”, and this information can be accessed at the link below:

<https://www.servicecomplaintsombudsman.org.uk/service-complaints-ombudsman/publications-and-reports/annual-reports/>

Of particular relevance to your request are the following:

- SCC Annual Report 2013 – see pages 37 to 51.
- SCC Annual Report 2014 – see pages 18 to 28.
- SCO Annual Report 2015 – see page 54 and the Additional Statistical Tables in the supporting documents to the report.

The SCO also produces a quarterly statistical factsheet which provides information on “Red Flag” cases and service complaints that exceed the 24 week timeline. These factsheets can be found at the following link:

<http://www.servicecomplaintsombudsman.org.uk/service-complaints-ombudsman/publications-and-reports/quarterly-statistical-factsheets/>

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 me 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 Deputy Chief Information Officer, 2<sup>nd</sup> Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.uk](mailto: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

Defence People Secretariat