



Ministry
of Defence

Defence Business Services
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Ref: FOI2024/14725

██████████
████████████████████

13 August 2024

Dear ██████████

Thank you for your email of 6 August 2024 to the Ministry of Defence (MOD), requesting the following information:

*"My request for the policy and documents to show a complaint in 2020 can't be
Complained about again in 2024 if the same issue happens again .*

*"That was my request and this information must be given to the veteran as it's in a policy
or complaint hand book ?"*

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

A search for the information has now been completed within the MOD and I can confirm that some of the information in scope of your request is held.

MOD Guidance for repeat complaints following the outcome of an investigation or review, on which the War Pension Scheme (WPS) and Armed Forces Compensation Scheme (AFCS) two-stage complaints process is based, is outlined within paragraphs 68-70 of the MOD's Defence Instruction Notice (DIN) for Maladministration and Complaints Handling reference 2023DIN01-094, which can be found at Annex A.

Under Section 16 of the FOIA (Advice and Assistance), I should explain that the information contained within the DIN is pan-MOD guidance for the handling of complaints in Service Units, Branches and Secretariats. It is not applicable to complaints made under the War Pension Scheme (WPS) or Armed Forces Compensation Scheme (AFCS).

As explained in the Advice and Assistance provided in our previous response of 6 August 2024 (ref: FOI2024/13798), there is a bespoke two-stage process for complaints made about any aspect of the service received during a War Pension Scheme (WPS) or Armed Forces Compensation Scheme (AFCS) claim. The MOD does not hold any internal written policies or guidance within the scope of your request specific to the two-stage complaints process.

However, as previously explained in response to FOI2024/13798, complainants who are dissatisfied following a Stage-2 response have the right to escalate their complaint to the Parliamentary and Health Service Ombudsman (PHSO), unless further information is supplied which was not previously available to investigators at either stage of the internal complaint process.

To repeat the previously provided example, if a WPS or AFCS claimant has raised a complaint about missing paperwork, and the specific circumstances applicable to that missing paperwork has been fully addressed by Stages 1 and 2 of the complaints process, the department will not revisit these issues if raised again. This is because a full investigation has been carried out and a full reply given. Revisiting the issue(s) at that point would be duplication and there is nothing further we could usefully add. However, if there is separate occasion in the future where other 'new' paperwork is mislaid, they could raise a new complaint about this 'new' error. As stated above, this process is based on the principles laid in paragraphs 68-70 of the DIN Maladministration and Complaints Handling reference 2023DIN01-094, which can be found at Annex A.

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.gov.uk). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely

Defence Business Services

Defence Business Services Secretariat

**EXTRACT FROM 2023DIN01-094 MALADMINISTRATION COMPLAINTS HANDLING DATED
14/09/2023**

After the Investigation

68. Once the review is concluded, the Department will not normally engage in further correspondence with the complainant regarding the complaints investigated. In particular, there should be no further discussion of the conclusions or judgements contained in the report. If the complainant continues to write, a single response should be sent explaining that the investigation has concluded, and that the complainant's route of appeal is to Strategic Hub Planning team who will conduct a maladministration review.

69. However, a further response may be needed if:

- a. There are questions regarding points of fact contained in the report of the investigations;
- b. Any correspondence raising new complaints, or offering substantive new evidence should be investigated according to these complaints procedures;
- c. Correspondence from a Member of Parliament on behalf of the complainant should receive a Ministerial response in the usual way. Such a response will usually explain the Department's position, including that a full investigation has been conducted, and recap the complainant's right to appeal (including to the Ombudsman if appropriate);
- d. Correspondence from a complainant's legal representative or otherwise threatening legal action. DCLS will advise on all such correspondence.

70. If, however, they continue to write to the unit, branch or secretariat rather than request a maladministration review, it may be appropriate to list the complainant as a vexatious correspondent.