Ministry of Defence

JSP 831 - Redress of Individual Grievances: Service Complaints

Policy Document v4.4

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1 What You Need to Know

This Policy has been developed in accordance with legislation and trusted sources of information.

People lie at the heart of operational capability; attracting and retaining the right numbers of capable, motivated individuals to deliver Defence outputs is critical. This is dependent upon maintaining a credible and realistic offer that earns and retains the trust of people in Defence. To achieve this, all personnel must be confident that, not only will they be treated fairly, but also that their families will be treated properly and that Service veterans and their dependants will be respected and appropriately supported. JSP 831 is the authoritative policy and guidance for all MOD Service personnel when making, responding to, advising on, investigating and deciding Service Complaints.

1.1 Introduction

1.1.1 The legislation relating to the Service Complaints (SC) system for the redress of individual grievances is set out in the following primary and subordinate legislation:

a. Part 14A of The Armed Forces Act 2006 (Redress of Service Complaints) is the legal authority for the Service Complaints System and provides for the Defence Council to make procedures for its operation by way of regulations.

b. The Armed Forces (Service Complaints) Regulations 2015[1], set out the process and procedures for the present Service Complaints system.

c. The Armed Forces (Service Complaints Miscellaneous Provisions) Regulations 2015[2] set out excluded complaints, who can be appointed to consider an appeal or reconsider a complaint and when an independent person must be appointed.

d. The Armed Forces Armed Forces Commissioner (Service Complaints Investigations) Regulations 2026 (S.I. 2026/24) explain when the Armed Forces Commissioner (AFC) can conduct investigations.

e. Defence (Transfer of Functions) Act 1964 empowers the relevant single Service Board to discharge the functions of the Defence Council.

f. Together the Act and the Regulations provide the legal framework for the Service Complaints process and creates the office and sets out the powers of the AFC.

1.1.2 This JSP sets out what must be included in the SC process based on the above legislation, and how the AFC operates. Other, relevant legislation is also covered. The

[1]The Armed Forces (Service Complaints) Regulations 2015 have been amended on a number of occasions since they were made. The amendments include those made by the Armed Forces (Service Complaints) (Amendment) Regulations 2022, the Armed Forces (Service Complaints) (Amendment) Regulations 2026 and the Armed Forces (Service Complaints) (Amendment) (No. 2) Regulations 2026. A consolidated version of the 2015 Regulations, incorporating subsequent amendments, is available: http://www.legislation.gov.uk/uksi/2015/1955/contents/made

[2] The Armed Forces (Service Complaints Miscellaneous Provisions) Regulations 2015 have been amended on a number of occasions since they were made. The amendments include those made by The Armed Forces Commissioner (Family Definition, and Consequential and Transitional Provision etc.) Regulations 2026 and the Armed Forces (Service Complaints Miscellaneous Provisions) (Amendment) Regulations 2026. A consolidated version of the 2015 Regulations, incorporating subsequent amendments, is available: The Armed Forces (Service Complaints Miscellaneous Provisions) Regulations 2015

guidance to be followed to give effect to the legislation is in the JSP 831 Procedure document.

1.1.3 Separately, the AFC produces guidance about the practices and procedures that the AFC will adopt in carrying out investigations. This is available from the AFC's office and referred to in the parts of this JSP where relevant. The AFC's guidance can be found at: www.afcommissioner.org.uk.The AFC can also be contacted by email: contact@commissioner.org.uk

1.2 The purpose of the Service Complaints system and its key aspects

1.2.1 The aim of the SC system is to provide serving and former Service personnel with a process that is efficient, effective, and fair so they can resolve valid grievances on matters relating to their service in the Armed Forces and seek redress. It is the responsibility of all involved in the process to ensure complaints are handled fairly, promptly and correctly. The intent is that complaints are dealt with quickly and at the most appropriate level.

1.2.2 The policy is that 90% of SCs should be resolved within 24 weeks. That time starts once a Specified Person has made a decision about whether a complaint is deemed admissible or the outcome of the AFC admissibility review.

1.2.3 Where possible and appropriate, attempts at resolving complaints at the lowest level should be made. This may not always be appropriate, for example, in complaints involving the Complainant's Chain of Command (CoC) or in instances where behaviour may amount to a criminal or disciplinary offence. However, many issues can be resolved, often without using the formal process, resulting in issues being settled faster. There may be instances where complaint resolution can be achieved through Local Grievance Resolution (LGR) involving the CoC. Where a complainant agrees to this process the complaint will be stayed to allow the LGR process. Further information on the informal complaints process can be found in JSP 763 - the MOD Behaviours and Informal Complaint Resolution Policy.

1.2.4 There will also be instances where complaint resolution can be achieved through Special-To-Type (STT) complaint processes. These include complaints about pay and allowances, healthcare and housing (this list is not exhaustive) and are to be exhausted prior to using the formal SC process. For more information about the STT complaints processes, please refer to the Procedure document, Chapter 2, paragraph 2.6.

1.2.5 The wellbeing of all parties at all stages of the SC system is important. In addition to support and advice provided by the CoC throughout the process, a range of independent support is also available - see the Procedure document, Annex O for further information.

1.2.6 The MOD does not tolerate any form of bullying, harassment, unlawful discrimination or victimisation. Everyone has a right to be treated with dignity and respect regardless of rank, grade or position. Everyone has a role in creating an inclusive, safe and supportive working and social environment. Further details can be found within each of the Single Service's Charter.

1.2.7 The AFC gives Complainants who are not satisfied an independent route to addressing their concerns.

1.2.8 Anyone can contact the AFC with an allegation that a wrong has been suffered by a Service person. The AFC can refer an allegation to the relevant single Service Secretariat (sSS) Central Admissibility Team (CAT) (known as an AFC Referral), having first established that the Service person wishes to make a SC.

1.3 **Employment Tribunals**

1.3.1 A claim under the Equality Act 2010 may be made to an Employment Tribunal (ET) by a Service person in connection with certain allegations relating to that Act. To do so, the Complainant must have made (and not withdrawn) a SC under the SC procedures in respect of the same matter that is the subject of the claim to the ET.

1.3.2 A Service person can also be deemed to have withdrawn the SC, where they are aware there are grounds to bring an appeal, but do not lodge an appeal within the prescribed time frame - for further guidance on the grounds for appeal, see the Procedure document, Chapter 2, paragraph 2.13.3. A complaint will be deemed to have been withdrawn if the Service person either does not apply for a review of a decision that the appeal cannot proceed because it is out of time or applies unsuccessfully for such a review.

1.3.3 Different time limits apply to types of claims under the Equality Act (EA) 2010:

a. a complaint is about an excluded matter as listed at Annex B.

b. if a matter is or has been capable of being pursued as a claim under Chapter 3 of Part 9 of the EA 2010 (discrimination, victimisation and harassment claims), a claim may not be made about the matter after six months beginning with the day on which the matter complained about occurred or, where the matter occurred over a period of time, the final day of that period. It should be noted that the Armed Forces have an exemption in relation to claims on the basis of the protected characteristics of disability and age, and ET claims cannot be brought on the basis of these two protected characteristics.

c. if a matter is or has been capable of being pursued as a claim under Chapter 4 of Part 9 of the EA 2010 (equal pay claims[3]), a claim may not be made about the matter after the end of the qualifying period for a claim as determined in accordance with section 129 of that Act. The qualifying period is normally nine months.

1.3.4 Under section 123 of the EA 2010 an ET can accept claims that would ordinarily be outside of the above timeframes where it is deemed just and equitable to do so but this is a discretionary judgment made by an ET Judge and efforts should be made to comply with the requirements and time limits set by the SC legislation and process and the EA 2010.

1.3.5 To ensure a Service person is not disadvantaged in being able to bring a claim to an ET within the time limits set out in the EA 2010, the usual time limit for making a SC of three months is extended to six and nine months respectively for the types of claims set out above. If the subject matter of a SC alleges disability or age discrimination, the time limit will be three months, because of the Armed Forces exemption in relation to ET

[3] Equal pay means men and women in the same employment performing equal work and must receive equal pay.

claims on the basis of the protected characteristics of disability and age. Legal advice should be sought if it is unclear which time limit to apply to an individual complaint for which there has been or could be an application to an ET.

1.4 **Data Protection**

1.4.1 Data protection when disclosing information: The principle of providing information and disclosure to the Complainant and any other person who might be affected by the outcome of the complaint, such as a Respondent, is an important aspect of the Service Complaints process. The Decision Body (DB) and Appeal Body (AB) (if applicable) will as a matter of policy disclose all relevant documentation and information relied on to decide a complaint prior to a decision being made.

1.4.2 There is a requirement for the DB or AB to give any subject of a complaint or other persons likely to be criticised in a decision an opportunity to comment on allegations about them in the complaint. Those comments must be given due weight in the making of decisions.

1.4.3 There must be a lawful basis for processing personal data. Articles 6(1)(c) and 6(1)(e) of the General Data Protection Regulations[4] and sections 8(c) and 8(d) of the Data Protection Act 2018[5] , provides the lawful basis to process personal data necessary for the performance of a task carried out in the public interest or in the exercise of the controller's official authority. Privileged and protected information and advice is not to be disclosed or paraphrased, without discussing with the relevant expert advisers e.g. legal, security or information. If doubt exists on any aspect of disclosure, legal and MOD policy advice should be sought from the appropriate sSS.

1.5 **Standard of proof**

1.5.1 In assessing a SC, the DB and AB (if applicable) must decide if the complaint is well-founded. They will use the same standard of proof used in employment law, i.e. that it was more likely than not that the wrong alleged by the complainant occurred. This is known as 'on the balance of probabilities'. The decision reached by a DB or AB will be on the basis of a unanimous decision or simple majority when more than one person has been appointed.

1.6 **Recurring aspects of the system**

1.6.1 Role of the Defence Council and delegation of its functions: The Defence Council is constitutionally responsible for the decisions and appointments made in the SC system, but in practice will delegate the majority of its functions to individuals or panels / bodies. References made in this JSP to the 'single Service Secretariats' relate to the Service acting on behalf of the Defence Council, based on delegations from the Defence Council that have been put in place to specified post holders (these are referred to as "nominated Defence Council delegates" in the rest of this part of the JSP to avoid confusion with the Defence Council itself).

[4] https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN

[5] The Data Protection Act 2018 sets out the data protection framework in the UK, alongside the GDPR, supplementing, modifying and enforcing aspects of the GDPR: Data Protection Act 2018.

1.6.2 Independent Members (IM) at the appeal and reconsideration stages: An AB, or a body reconsidering a complaint following a report by the AFC, must include one or more independent persons (an 'Independent Member') where the SC alleges the following:

a. discrimination

b. victimisation.

c. harassment.

d. bullying.

e. dishonest or biased behaviour.

f. a failure of the MOD to provide medical, dental or nursing care for which the MOD was responsible.

The definitions of those behaviours set out in paragraph 1.6.2 can be found in JSP 763 Policy. 'Discrimination' means discrimination on the grounds of colour, race, ethnic or national origin, nationality, sex, gender reassignment, status as a married person or civil partner, religion, belief or sexual orientation, and less favourable treatment of the Complainant as a part-time employee. 'Victimisation' means treating an individual badly (subjecting them to a detriment) because they have done, or it is believed that they have done or are going to do a 'protected act'. A list of 'protected acts' is provided in JSP 763, Policy document, paragraph 3.9.2.

1.6.3 An IM may also be appointed to a SC at DB stage where the DB, or sSS, consider it best practice to do so. Where a SC includes allegations of a sexual nature, an IM should be included at the DB stage.

1.6.4 An IM can be any person appointed by the Defence Council who is neither:

a. a member of the Regular or Reserve forces; nor

b. a person employed in the Civil Service.

1.6.5 To ensure a Complainant is not disadvantaged, in any case where they are notified of a decision, that notification is deemed to occur on the second day after the day on which it was transmitted to them. Where a Complainant makes a statement of complaint, an application to the AFC or brings an appeal, these are treated as having been done on the day they were made or brought. All of these actions must be posted, sent electronically, or delivered in person.

1.6.6 Similar provisions operate in respect of notifications by the AFC to the Complainant and to the nominated Defence Council delegate. There are further requirements in relation to the AFC sharing draft and final reports. These actions must be posted and/or sent electronically.

1.6.7 Points of contact for the sSS are provided in the Procedure document at Annex O.

2 The Service Complaint System – what you need to know

2.1 Who can make a Service Complaint?

2.1.1 A Service Complaint (SC) can be made by a Service person, in Regular or Reserve service, or a former Service person (hereafter referred to as a Service person).

2.1.2 A SC can only be made by an individual, but the same or a similar matter can be raised as a SC by others. A complaint cannot be made by a group of people.

2.2 What matters can and cannot be the subject of a Service Complaint?

2.2.1 If a Service person thinks they have been wronged in any matter relating to their service in the Armed Forces, they may make a complaint about that matter. A person who is no longer subject to Service law e.g. has left the Armed Forces, but thinks they were wronged in any matter relating to their service which occurred while they were still serving, may also make a complaint about that matter.

2.2.2 There are certain matters about which a SC cannot be made: these excluded matters are listed at Annex B.

2.3 Time limit for making a Service Complaint

2.3.1 A SC must be made within a period of three months, beginning with the day the matter complained of occurred (or the day that the Special-To-Type (STT) complaint process was exhausted - see paragraph Chapter 2, paragraph 2.6 of the Procedure document). If the matter complained of occurred over a period of time, the complaint must be submitted within three months of the latest incident or the end of the period.

2.3.2 In most circumstances, a SC received by a Specified Person more than three months after the matter complained of occurred will be ruled out of time. However, the Specified Person can rule it admissible if they consider it is just and equitable to do so. Further guidance can be found in Annex P of the Procedure document.

2.3.3 Different time limits may apply if the matter being complained of has or could be the subject of a claim to the Employment Tribunal. There is more information on this at Chapter 1, paragraph 1.3.3.

2.4 How to make a Service Complaint

2.4.1 A SC is made by a Service person submitting a statement of complaint to a Specified Person. The Specified Person will be a person within the relevant single Service Secretariat (sSS) Central Admissibility Team (CAT), who is outside of the Complainant’s direct CoC, and properly appointed to undertake the role - see the Procedure document Annex O for single Service points of contact.

2.4.2 Guidance on how to make a statement of complaint can be found in the Procedure document, Chapter 2, paragraph 2.7.

2.5 Commissioner's referral of allegations to a single Service Secretariat Central Admissibility Team (CAT)

2.5.1 Anyone can contact the Armed Forces Commissioner (AFC) with an allegation of wrongs done to a person who is or was subject to Service law. The AFC can decide to refer an allegation to the relevant sSS CAT who would have received the complaint had the Complainant raised the matter directly to them.

2.5.2 Having referred an allegation, the AFC is to be notified by the appropriate sSS CAT within three weeks of the day from the occurrence, of a number of matters. These matters are set out in the Procedure document, Chapter 7, paragraph 7.18.3.

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2.6 Deciding whether the Service Complaint is admissible

2.6.1 The Specified Person has to decide whether all or part of a SC is admissible. They will prepare draft defined Heads of Complaint (HoC) and seek to agree these with the Service person to assist with this stage of the process.

2.6.2 Information on how a Specified Person decides whether a SC is admissible can be found in the Procedure document, Chapter 2, paragraph 2.8 and Chapter 4, paragraph 4.9.

2.7 Completing a Special-To-Type process before making a Service Complaint

2.7.1 The time limit for making a SC is normally three months from the exhaustion of a STT complaint process. If a Complainant submits a statement of complaint that appears to the Specified Person to be about a matter for which there is a STT complaints procedure, the SC should not proceed until the STT process has been exhausted[6]. For more information about the STT complaints process please refer to the Procedure document, Chapter 2, paragraph 2.6 and Chapter 4, paragraph 4.10.

2.8 What to do if the Complainant is dissatisfied with a decision on admissibility

2.8.1 It is the Complainant's right to apply to the AFC to seek a review of the Specified Person's admissibility decision.

2.8.2 Further guidance on the AFC process for the review of an admissibility decision can be found in the Procedure document, Chapter 2, paragraph 2.9 and Chapter 4, paragraph 4.12.

2.9 How a Decision Body (DB) is appointed and how the Service Complaint is decided

2.9.1 The nominated Defence Council delegate is to appoint a DB, consisting of a person or panel of persons or the Defence Council itself, after the admissibility decision has been received from the Specified Person (whether that decision has been made by the Specified Person or following a review by the AFC). Where a SC includes allegations of a sexual nature, an IM should be appointed to the DB.

[6] There may be some circumstances where the Specified Person considers that there are good reasons to allow the Service Complaint to proceed before the STT has been exhausted; however, legal advice should be sought where this course of action may be deemed necessary.

2.9.2 Further information on the process for appointing a DB can be found in the Procedure document, Chapter 7, paragraph 7.5 and Chapter 2, paragraph 2.10, and the process for deciding a SC in Chapter 2, paragraph 2.11 and Chapter 5.

2.10 What if the Complainant or Respondent is dissatisfied with the decision?

2.10.1 If the Complainant is not satisfied with a decision, they can submit an appeal where an appeal route exists. For further guidance on the timelines for and the grounds on which a Complainant can submit an appeal, see the Procedure document, Chapter 2, paragraph 2.13.

2.10.2 There is no provision in the legislation for a Respondent or any other person involved in a complaint to appeal the decision. A Respondent or other person can raise their own complaint for consideration as a SC if they are a Service person, guidance on how to make a statement of complaint can be found in the Procedure document, Chapter 2, paragraph 2.7. The SC cannot be a challenge to the decision reached in the other complaint, but it can be about how they were treated.

2.10.3 If a Respondent or any other person involved in a complaint is not a Service person, they are still able to complain about how they were treated during the SC process. They may consider following MOD's Civilian grievance process, if applicable, or by complaining to the MOD directly if they are neither a Service person nor an MOD employee.

2.11 How an Appeal Body (AB) is appointed and determining the appeal

2.11.1 Where a sSS or, following a review, the AFC decides an appeal can proceed, the nominated Defence Council is to appoint an AB with the authority to consider and determine the appeal, and to grant appropriate redress.

2.11.2 Further information on the process for appointing an AB can be found in the Procedure document, Chapter 7, paragraphs 7.9 – 7.10, and the process for determining the appeal in Chapter 2, paragraph 2.16 and Chapter 6.

2.12 What if the Complainant or Respondent is dissatisfied with the determination of an appeal?

2.12.1 Once the determination has been received, if the Complainant is dissatisfied with the outcome of the complaint or how it was handled, or both, the Complainant has the right to apply to the AFC for an investigation to be carried out. For further guidance on how a Complainant should apply to the AFC for an investigation, see the Procedure document, Chapter 2, paragraph 2.17.

2.12.2 The Respondent or any other Service person who has been criticised in relation to their character or reputation cannot apply to the AFC if dissatisfied. They can however raise their own complaint for consideration as a SC if they are a Service person about how they were treated during the SC process.

2.12.3 If a Respondent or any other person involved in a complaint is not a Service person, they are still able to complain about how they were treated during the SC process (see paragraph 2.10.3).

3 The Armed Forces Commissioner

3.1 When can an application be made to the Armed Forces Commissioner?

3.1.1 An application to the Armed Forces Commissioner (AFC) relating to a Service Complaint (SC) can only be made on the following grounds, for an investigation into:

a. the SC, when the complaint has been finally determined and the Complainant is dissatisfied with the outcome of the internal process (substance).

b. an allegation of maladministration (including undue delay), when the complaint has been finally determined and the Complainant is dissatisfied with the way the complaint was handled by the internal process.

c. an allegation of undue delay in the handling of a SC that has been made but has not yet been finally determined under the internal complaints process and so is still active.

d. an allegation of undue delay that occurred before a complaint was made, whether or not the Complainant went on to make a complaint. The matter that they would however have complained about must have been an issue that would have been admissible as a SC.

3.1.2 An application can also be made for a review of a decision not to accept, in whole or in part, a SC or appeal (Admissibility Decisions).

3.1.3 In addition, where the AFC investigates a SC or alleged maladministration, the AFC can go on to investigate other, non-alleged maladministration where the possibility that such maladministration may have occurred becomes apparent during the investigation.

3.2 Time limit for making an application

3.2.1 There is no time limit for applying for an investigation into undue delay whilst a SC is still on-going. However, once a complaint has been finally determined, a Complainant must make an application within six weeks of the date that they received the final decision on the SC - the ‘final decision’ will depend on the stage that the SC reached:

a. where the Complainant has made an appeal, the final decision will be the determination on that appeal.

b. where the Complainant has received a decision that their appeal is inadmissible only because they do not have valid grounds of appeal, the final decision will be:

i. the decision of the single Service Secretariat that the appeal is inadmissible (if the Complainant did not apply to the AFC for a review of this decision); or

ii. the decision of the AFC that the appeal is inadmissible (if the Complainant did apply to the AFC for a review).

c. where the Complainant does not have grounds of appeal of which they are aware, the decision on the SC.

d. where the SC was heard directly by the Defence Council, the decision on the SC.

3.2.2 Where a Complainant is unable to apply within the time limit, they should state the reasons why the application was not made within that period. The AFC can accept an application that is made after six weeks if the AFC considers that it is just and equitable to do so.

3.3 Who can make an application to the Armed Forces Commissioner?

Only the Service person who made the SC can apply to the AFC on the grounds set out at paragraph 3.1.1. More information concerning making an application to the AFC can be found at: www.afcommissioner.org.uk/application-forms-factsheets-and-guidance

3.4 How to make an application

3.4.1 An application to the AFC must:

a. be made in writing and dated.

b. set out the kind(s) of investigation which the Complainant is requesting the AFC carry out.

c. where asking for an investigation into the outcome of the SC, state those aspects of the decision or the appeal determination (as appropriate) that the Complainant disagrees with and why and what redress the Complainant considers appropriate.

d. where asking for an investigation into maladministration, set out what that maladministration consists of any injustice that the Complainant considers has or may have resulted, and any facts in support.

e. where asking for an investigation into matters set out at paragraph 3.4.1d, state any undue delay that is alleged, any injustice that has or may have resulted, and any facts in support.

f. include copies of the decision and any final appeal determination letters in connection with the SC, where the SC has been finally determined, or any related copies of decisions made where the SC has been reconsidered following an earlier investigation by the AFC.

g. if the application is not made within six weeks of the Complainant having received the final decision on the SC the Complainant will need to state the reasons why the application was not made within that period. The ‘final decision’ will depend on the stage that a SC is at - see paragraph 3.2.1.

3.5 What happens next?

3.5.1 The AFC has wide discretion to start, continue or stop an investigation following receipt of an application from a Complainant, and how to conduct individual

investigations.

3.5.2 What the AFC is seeking to establish during an investigation (the findings) and what recommendations might be made (to put right what has been found) depends on what the Complainant has asked the AFC to look at:

a. where the AFC investigates the substance of a SC, the purpose of the investigation is to decide whether the complaint is well-founded and, if it is, to consider what if any redress would be appropriate and make recommendations about any redress.

b. where the AFC investigates alleged maladministration in connection with the handling of a complaint, the purpose of the investigation is to decide whether the allegation of maladministration is well-founded and, if it is, to decide whether the maladministration has or could have resulted in injustice to the Complainant, and to make any recommendations as a result of the findings.

c. where the investigation is into alleged undue delay, the purpose is to decide whether the allegation is well-founded and, if it is, to decide whether the undue delay has or could have resulted in injustice to the Complainant, and to make any recommendations because of the findings.

3.5.3 The AFC must decide whether to begin an investigation and notify the Complainant and the nominated Defence Council delegate of the decision giving reasons. If the AFC decides to investigate, a copy of the application must be sent to the nominated Defence Council delegate. The AFC must also give reasons if the decision is taken to begin an investigation when the application was made beyond the six-week time limit.

3.5.4 The AFC can decide whether to investigate a SC or an allegation in whole or in part.

3.5.5 If the AFC decides to investigate any non-alleged maladministration that becomes apparent during an investigation into the substance of a complaint or its handling, the AFC must notify the Complainant and the nominated Defence Council delegate in writing and give reasons.

3.6 **The conduct of investigations**

3.6.1 The AFC may hold an Oral Hearing as part of an investigation. A hearing must be conducted in private, unless the AFC considers that it is necessary to hold all or part of the hearing in public. If it is in public, the AFC may impose such restrictions on attendance at, or the reporting of, that hearing, as the AFC considers reasonable.

3.7 **Withdrawing an application**

3.7.1 A Complainant may withdraw an application at any time before an investigation has been completed by the AFC. Notice of the withdrawal must be made in writing and be shared by the AFC with the nominated Defence Council delegate. It will be for the AFC to decide whether to then begin, continue with or to discontinue that investigation, notifying the Complainant and the nominated Defence Council delegate of the decision in writing and giving reasons.

3.8 **Opportunity to comment during an investigation**

3.8.1 Having decided to begin an investigation, the AFC must give an opportunity to comment to:

a. the nominated Defence Council delegate.

b. any person alleged by the Complainant in their application to have been responsible for maladministration (including any undue delay) in connection with the handling of the SC.

c. any person who the AFC considers is a subject of the SC.

d. any person who the AFC considers is likely to be the subject of criticism in relation to that person's character or professional reputation in the findings or recommendations in the AFC's report.

3.9 **Responding to the Armed Forces Commissioner requests for information**

3.9.1 The AFC can carry on with an investigation and prepare a report even if information or other material that has been requested is not forthcoming within the period that the AFC has specified as being reasonable in the circumstances. The AFC can also specify the form and way documents or information that has been requested should be provided.

3.10 **The Armed Forces Commissioner power if information is being unlawfully withheld**

3.10.1 The AFC has the same powers as the High Court in respect of the production of documents or the attendance or examination of witnesses for the purposes of an investigation. Where there is a serious failure to comply with a request, the AFC has the power ultimately to ask the High Court to investigate whether in withholding material requested by the AFC there has been a contempt of court, and for the court to consider whether action should be taken against anyone for that. Information can only be withheld from the AFC where it is lawful to do so.

3.11 **The Armed Forces Commissioner discretion to share a report in draft**

3.11.1 It is open to the AF to share a copy of a draft report for comment with any of the people set out at sub-paragraph 3.10.1 above. Any comments received must be given due weight in the final report along with the AFC's response to them.

3.12 **Content and distribution of the Armed Forces Commissioner final report**

3.12.1 Having completed an investigation, the AFC must produce a report setting out findings and any recommendations resulting from those findings.

3.12.2 The nature of findings in a report and of the subsequent recommendations is dependent on the type of investigation that has been conducted by the AFC. Sub-paragraph 3.5.2 above sets out what the AFC's findings and recommendations are to cover.

3.12.3 The AFC's report must include the reasons for each of the findings and recommendations.

3.12.4 The AFC must send a copy of the final report to:

a. the nominated Defence Council delegate;

b. the person who made the application to the AFC;

c. the subject, if any, of the SC; and

d. any person who is, in the opinion of the AFC, the subject of criticism in the report's findings or recommendations in relation to that person's character or professional reputation.

3.12.5 It is open to the AFC to place confidentiality obligations on any person to whom the AFC sends a copy of the draft or final report, where the AFC considers it would be appropriate to do so on the grounds of national security or for someone's safety.

3.13 **Acting to correct errors in a published report**

3.13.1 The AFC can issue a letter correcting any clerical mistakes or other errors in a published report arising from an accidental slip or omission. A copy of the letter must be sent to the Complainant, the nominated Defence Council delegate and any person to whom a copy of the final report was sent.

3.14 **Considering the Armed Forces Commissioner published report**

3.14.1 The nominated Defence Council delegate must consider a report that has been issued by the AFC following an investigation. The AFC and the Complainant must be notified in writing:

a. of the action (if any) the nominated Defence Council delegate has decided to take in response to the findings and recommendations made by the AFC, and the reasons; and

b. why it has decided to reject a recommendation if that is the case.

3.15 **Implementing the Armed Forces Commissioner recommendations**

3.15.1 Where the nominated Defence Council delegate decides in response to a recommendation that a SC should be reconsidered to any extent, the following considerations must be taken into account in deciding who to appoint:

a. whether the reconsideration should be carried out by a person or panel of persons, or by the Defence Council itself, and then if any of those persons should be independent for the reasons set out at sub-para 1.6.2.

b. the person or panel appointed must have the authority to consider and decide the complaint, to determine any appropriate redress and to grant it.

c. the following cannot be appointed to reconsider the SC:

i. a person who is the subject of the complaint or is alleged to be implicated in any way in the matter, or matters, complained about.

ii. an officer of the Naval Chaplaincy Service, the Royal Army Chaplains Department or the Royal Air Force Chaplains Branch.

3.15.2 Following reconsideration of a SC, the decision is to be sent to:

a. the Complainant;

b. the AFC; and

c. any person to whom the AFC sent a copy of the published investigation report on the complaint in question.

3.16 **What if the Complainant, Respondent or other party is dissatisfied with the final report or MOD's response?**

3.16.1 Both the Complainant and Respondent are able to apply to the court for a judicial review, at their own expense if they are not satisfied with the outcome of the AFC's investigation. There is no provision in the legislation for any other person involved in the complaint to take the matter up with the AFC or with MOD.

3.17 **Can a Complainant apply to the Armed Forces Commissioner again about the same complaint?**

3.17.1 If the AFC has investigated the substance of a SC or its handling, and that SC has been reconsidered by the Chain of Command following a report by the AFC, the Complainant may make a subsequent application to the AFC for an investigation into the substance or handling of the same SC. The subsequent application can only relate to proceedings at the reconsideration stage. There is a six-week time limit for making a subsequent application, starting from when the Complainant receives the decision that has followed reconsideration of the complaint. An application can be considered by the AFC beyond this period if the AFC considers that it is just and equitable to do so.

3.17.2 If the Complainant has approached the AFC for an investigation into the delay of an initial admissibility decision, or the undue delay in relation to an on-going SC, there is nothing to prevent the Complainant from applying to the AFC for an investigation into its substance or handling once the SC has been finally determined.

4 Applicability

This policy, and associated procedure applies to all MOD Service personnel, Civil Servants and civilians. It is designed to be used by Service personnel when making a complaint, those subject to a complaint, and by all those responsible for handling and managing complaints.

5 Document Information

5.1 Document Coverage

This Policy supersedes all previous MOD Policy on Redress of Individual Grievances: Service Complaints. The totality of documents included in this Policy Suite are listed in the Policy and Guidance Portal.

5.2 Document Information

Filename:	Redress of Individual Grievances: Service Complaints Policy
Document ID:	To be confirmed
Owning Function / Team:	**Service Complaints and Behaviours Team** People-CEJ-SCB-PolLead2 People-CEJ-SCB-ProgSpt **Conduct, Justice and Legislation Directorate**
Service Owner (1*):	Head of Programme Delivery, Conduct, Justice & Legislation
Approving Authority:	Director General, People and Standards

5.3 Document Versions

Version	Pub. Date	Revision History	Revised Pages
3	15 Jun 22	Fully revised in line with new Service Complaints Process effective from 15 Jun 22.	Multiple
3.1	3 Oct 23	Amended to reflect changes in process relating to submission of a Service Complaint and an appeal.	Multiple
4	8 April 24	Policy simplification revamp and other amendments to reflect further changes in process relating to submission of a Service Complaint and appeal.	Multiple
4.1	5 Sept 25	Removal of references to the making of Service Complaints regarding Service Police from the body of the policy document, and adding those types of complaint to the Excluded Matters at Annex B. The approach to applying just & equitable consideration when making admissibility decisions. Updated guidance concerning Malicious & Vexatious complaints.	Multiple

		New guidance on local resolution processes.	
4.2	April 2026	Replacing reference to Service Complaints Ombudsman for the Armed Forces to The Armed Forces Commissioner. Replacing the term 'Head Office Service Complaints and Behaviours Team' with MOD Service Complaints Policy Team. Updated 'Higher Authorities for Joint Units and Organisations' DIN.	Multiple pages throughout Policy and Procedure documents Procedure document Chapter 11, para 11.2.2
4.3	14 Oct 2026	Removal of single Service contact details annex. Removal of Transitional Arrangement (Saving Provision) annex. Removal of Service Complaint Form. Removal of Service Complaint Appeal Form. Reclassification of Annexes. Addition of Mass Service Complaints policy. Removal of requirement to contact individuals named in a statement of complaint prior to an Admissibility Decision being made.	Formerly Annex C of Policy document Formerly Annex D in Policy document. Formerly Annex F in Procedure document. Formerly Annex G in Procedure document. Both Policy and Procedure documents. Chapter 13, Procedure document. Throughout parts of the Policy document and Annex A in the Procedure document.
4.4	3 Nov 2026	Replaced Specified Officer with Specified Person.	Throughout both parts of the Policy and Procedure document where appropriate.

		Added an additional excluded matter (ca).	Annex B

MOD will review this Policy in two years, or when changes to legislation or best practice dictates.

5.4 **Linked JSPs**

JSP Number	JSP Name
JSP 763	The MOD Behaviours and Informal of Complaint Resolution Policy

6 Diversity and Inclusion

MOD respects and values people of all backgrounds. The Redress of Individual Grievances: Service Complaints Policy is designed to ensure all employees are treated in a fair, transparent and consistent manner. All those involved in the management of MOD employees must abide by legislation and should adhere to MOD policy.

For more information on diversity and inclusion, please see the MOD Diversity & Inclusion Pages on MODnet.

This policy has been subject to an Equality Impact Assessment (EA).

Document	Date	Owner
JSP 831 V4.4 Equality Analysis.docx	3 Nov 26	CJL Service Complaints and Behaviours Team

Annex A: Glossary

Alternative Resolution - Where possible and appropriate, there may be opportunities to resolve complaints without recourse to the Service Complaints process. This might be informal resolution, including through mediation, through the local grievance resolution pathway, or through a Special-to-Type complaints process.

Appeal Body (AB) - One or more individuals (who might include an Independent Member) who have been appointed by a single Service Complaints Secretariat to consider and to make a determination on an appeal.

Armed Forces Commissioner (AFC) - The AFC is independent of MOD. The appointment is approved by The King on the recommendation of the Secretary of State for Defence. The AFC is required to produce an annual report on the operation of the Service Complaints process and can investigate certain matters on application by a Complainant.

Assisting Officer (AO) - A person appointed by either the Specified Person, Deciding Body or Appeal Body to provide help and support to a Complainant or a Respondent. A Complainant or Respondent can also nominate someone to act as their AO.

Case Management System (CMS) - Is the intranet-based Service Complaints administration system used by the Services to log all complaints dealt with under this JSP.

Central Admissibility Team (CAT) - A team within each of the single Service Secretariats to whom a Complainant submits their statement of complaint. The role of a Specified Person from within the CAT is to decide whether a statement of complaint, or parts thereof, are admissible as a valid Service Complaint.

Chain of Command (CoC) - Chain of Command is the line of authority and responsibility along which orders are passed within a Service unit and between different units.

Commanding Officer (CO) - The CO is the Officer appointed by the appropriate authority to be in command of and to exercise discipline over a ship, unit or establishment.

Complainant - A serving or former Service person who was / is subject to AFA 06 and has made a Service Complaint.

Decision Body (DB) - One or more individuals who have been appointed by a single Service Complaints Secretariat to investigate and make a decision on a Service Complaint.

Defence Council – This is the senior departmental committee. It is chaired by the Secretary of State and comprises other Defence ministers, the Permanent Under Secretary, the Chief of Defence Staff, along with senior Service Officers and officials who head the armed services and the department's major corporate functions. It provides the formal legal basis for the conduct of defence in the UK through a range of powers vested in it by statute (such as in relation to redress) and Letters Patent.

Diversity and Inclusion Advisor (D&I (A)) - D&I (A)s are MOD civilian and military personnel who are a focal point for impartial advice and support on all D&I related issues. This includes alleged bullying, discrimination, harassment and/or abuse and MOD's formal and informal complaints procedure outlined in JSPs 831 and 763 respectively.

Finally Determined - A Service Complaint that has been completed in the internal process i.e. a decision has been taken on the Service Complaint by the Decision Body and, if an appeal is available, there has been a determination by the Appeal Body. In some Service Complaints, there will be a decision stage with no appeal because the complaint has been heard by the Defence Council, or if the Complainant has no grounds for an appeal. A Service Complaint has not been finally determined for the purpose of the Armed Forces Commissioner investigation if the complainant is aware they have grounds for appeal but does not pursue them.

Head of Complaint (HoC) – Is an alleged wrong raised by a Complainant in a Service Complaint Form. A Service Complaint Form can include one or more HoCs.

In writing - Many of the formal steps in the process such as making an application or a Complainant being notified of decisions need to be 'in writing'. This includes email or correspondence through the My Complaint application.

Independent member (IM) - A person who is not a member of the Armed Forces or the Civil Service, who has been recruited by MOD on a fee earning basis to provide an independent view on appointment to complaints of a specific type. Those types of complaint are set out at Chapter 1, paragraph 1.6.2 of the Policy document.

Internal Process - The process that is handled by the Services from receiving a Service Complaint through to making a final decision.

Investigator - An individual appointed by a Decision Body or Appeal Body to investigate any complaint on its behalf and to report back with findings of fact.

Maladministration – This is a broad term with no set definition in law. However, it generally means there has been a failure to follow procedure and can include, but is not limited to, delay; failure to take action; incorrect action; providing misleading information; broken promises; inadequate record-keeping or inadequate liaison or consultation.

Mediation - A private, informal dispute resolution process, in which a neutral third person (the mediator) helps the disputing parties to reach an agreement to resolve a dispute.

My Complaint Application - An application accessible via the SCIO portal on Defence Gateway which allows Service Complaints to be submitted and monitored, whilst also managing activities such as Complainant/Respondent disclosure.

Outsourced Investigation Service (OIS) – This provides Defence with an independent investigation service for complaints relating to Bullying, Harassment, Discrimination and Victimisation, or if the complaint contains allegations of a sexual nature. It is provided by an external delivery partner(s).

Principles of Fairness – These set out the good behaviour that should be followed to help ensure Service Complaints are handled confidently, fairly, promptly and correctly in the best interests of all those involved.

Receive Notification - Any reference to a person having 'received notification' means they are deemed to have received the communication on the second day after the day on which it was posted, sent electronically or delivered in person to the intended recipient.

Redress - The remedy sought by the Complainant, or that determined by the Decision Body (DB) or Appeal Body (AB) to be an appropriate remedy in answer to a Service Complaint which has been upheld or partially upheld. A DB or AB is obliged to consider appropriate redress which may differ from the redress requested by a Complainant.

Respondent - A person who is the subject of a Service Complaint.

Secretariat - The Service Complaints process is supported by a secretariat which has two main components: a central secretariat and the secretariats of the three single Services. The central secretariat reports to the Director General, People & Standards via the Director of Conduct and Justice. The Service Complaints single Service Secretariats are embedded within their single Service Chains of Command in their separate locations.

Service Complaint (SC) - A grievance submitted in writing as a statement of complaint which is deemed admissible as a Service Complaint.

Service Complaint Appeal Form - A Service Complaint Appeal Form enables a Complainant to make an appeal against a decision on their Service Complaint.

Service Complaints Easy Read Guide – This provides a short summary of the Service Complaints process and what individuals can expect from it.

Service Complaint Form - A Service Complaint Form which captures key information about the matters being complained about and the redress that is being sought.

Sexual Nature Complaints – These relate to complaints involving allegations of sexual harassment, and/or those relating to other alleged sexual offences returned by the Service Police or Ministry of Defence Police.

Special-to-Type (STT) - STT complaint procedures exist to resolve certain types of complaint. These include complaints about Service health care for which the services operate distinct informal procedures; housing complaints for which a review panel has been established by the Defence Infrastructure Organisation and housing contractors; pay and allowances complaints for which the Pay and Allowances Casework and Complaints Cell has been established within the Joint Personnel Administration Centres. This list is not exhaustive.

Specified Person – A Specified Person is appointed by the Defence Council to decide whether a statement of complaint, or parts thereof are admissible as a valid Service Complaint.

Statement of Complaint - The document in which a Service person must set out the particulars of their Service Complaint. The Service Complaint Form can be found here. The Specified Person will decide if the matter is admissible as a Service Complaint.

Undue Delay - There is no legal definition of undue delay. What constitutes such delay is dependent on the circumstances of each individual complaint. Undue delay is more than

simply a delay in the handling of a complaint or exceeding a time limit or target, which may not be desirable but can be justified.

Victimisation - Under the Equality Act 2010, victimisation means treating an individual badly (subjecting them to a detriment) because they have done a 'protected act'. Victimisation also means subjecting a person to a detriment because it is believed they have done or are going to do a protected act; the person does not actually need to have done the protected act. For these purposes a protected act is anything done for the purposes of or in connection with the Equality Act 2010.

Witness – This is someone who is able to provide information relevant to the subject matter of the Service Complaint.

Annex B: Excluded Matters

The following matters are excluded from being raised as a service complaint under the Armed Forces (Service Complaints Miscellaneous Provisions) Regulations 2015. They are set out in Regulation 3 and the Schedule.

Excluded complaints

3. (1) A person may not make a service complaint about a matter within the Schedule.

(2) A person may not make a service complaint about:

(a) a decision under regulations made for the purposes of section 340B(4)(a) (admissibility of the complaint);

(b) a decision under regulations made for the purposes of section 340C(2) (decision on the Service Complaint);

(c) a decision under regulations made for the purposes of section 340D(2)(c) (decision relating to whether an appeal has been brought before the end of the specified period);

(ca)a decision under regulations made for the purposes of section 340D(2)(ca) (decision relating to whether an appeal has been brought on valid grounds)

(d) a determination of an appeal brought under regulations made for the purposes of section 340D(1) (appeals);

(e) alleged maladministration (including undue delay) in connection with the handling of his or her Service Complaint;

(f) a decision by the Commissioner for the purposes of any provision of Part 14A of the Act;

(g) the handling by the Commissioner of a Service Complaint;

(h) a decision for the purposes of regulations made under section 334(2) whether a Service Complaint could be made about a matter;

(i) a decision under regulations made for the purposes of paragraph (b) of section 334(5) whether a Service Complaint, or an application referred to in that paragraph, could be made after the end of a prescribed period.

SCHEDULE Regulation 3(1)

1. Subject to paragraph 2, a matter is within this Schedule if it:

(a) is or was capable of being the subject of a complaint under the internal disputes resolution procedures established for the armed forces in accordance with section 50, 50A and 50B of the Pensions Act 1995(8);

(b) is or was capable of being the subject of an appeal to the Discretionary Awards Panel;

(c) is or was capable of being the subject of an appeal to the Discretionary Awards Appeals Panel;

(d) is or was capable of being the subject of a review under rule D.8 of the scheme set out in the Armed Forces Pension Scheme Order 2005(9);

(e) is or was capable of being the subject of a review under regulation 58 of the scheme set out in the Armed Forces Pension Regulations 2014(10);

(f) is or was capable of being the subject of an appeal to a service appeals panel under paragraph 59 of the Criminal Injuries Compensation (Overseas) Scheme(11);

(g) is about any decision made under the scheme set out in the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(12);

(h) is about any decision made under the scheme set out in the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006(13);

(i) is or was capable of being the subject of an appeal under section 141;

(j) is or was capable of being the subject of an appeal under the Courts-Martial (Appeals) Act 1968(14);

(k) is a decision of a judge advocate under any provision in or made by virtue of the Act;

(l) is a decision of the Director of Service Prosecutions, or of a prosecuting officer exercising a function of the Director of Service Prosecutions, under any provision in or made by virtue of the Act or in relation to the exercise of a right of review under the Schedule to the Criminal Justice (Armed Forces Code of Practice for Victims of Crime) Regulations 2015(15);

(m) is a decision of the court administration officer made in exercise of a function of his under a provision in or made by virtue of the Act;

(n) is a decision of a service policeman under any provision in or made by virtue of Chapter 1 of Part 5 of the Act or in relation to the exercise of a right of review under the Schedule to the Criminal Justice (Armed Forces Code of Practice for Victims of Crime) Regulations 2015;

(o) is a decision of a commanding officer under Chapter 1 or 2 of Part 5 of the Act or in relation to the exercise of a right of review under the Schedule to the Criminal Justice (Armed Forces Code of Practice for Victims of Crime) Regulations 2015;

(p) is a decision under:

(i) section 152 (review of summary findings and punishments);

(ii) section 177 (review of service compensation orders);

(iii) section 251(3) or (4) (time for payment of, or directing payment by instalments of, a fine or service compensation order);

(iv) section 267 (power of court to remit fine); or

(v) section 276 (compensation for miscarriages of justice).

(q) is or was capable of being the subject of an appeal to a reserve forces appeal tribunal under section 81(4), 83(4) or 84(3) of the Reserve Forces Act 1996(16);

(r) is a decision of the Security Vetting Appeals Panel in relation to the complainant;

(s) is or was capable of being the subject of an appeal by the complainant to the Security Vetting Appeals Panel;

(t) is or was capable of being the subject of a claim for clinical negligence against the Ministry of Defence; or

(u) is or was capable of being the subject of a claim for personal injury against the Ministry of Defence.

(v) is or was capable of being the subject of a complaint under the procedures established for making a complaint about the service police in accordance with section 340P of the Armed Forces Act.

2. Nothing in paragraph 1 shall prevent a person making a service complaint about anything referred to in regulation 5(2) which he or she alleges has occurred in connection with a matter specified in paragraph 1.

The following explanation of regulation 3 (1) does not form part of the legislation and is provided for guidance:

(a) is a decision made by the Specified Person on admissibility. This can be reviewed instead by the Commissioner.

(b) is a decision made by a decision body on whether the service complaint is well-founded. This can instead by raised as an appeal or, depending on the circumstances, with the Commissioner.

(c) is a decision made by a single Service Secretariat that an appeal cannot proceed. This can be reviewed instead by the Commissioner.

(ca) is a decision about whether an appeal has been brought on valid grounds. The valid grounds of appeal are that there was a material procedural error, that the decision was based on a material error as to the facts, or that there is new evidence which, if it had been available, is likely to have resulted in a materially different decision.

(d) is a decision made by an appeal body that a complaint is not well-founded.

This can be the subject instead of an application to the Commissioner.

(e) is an allegation by a Complainant that their service complaint is being or was delayed unduly. This can be the subject instead of an application to the Commissioner.

(f) is any decision taken by the Commissioner on a review or in relation to an investigation. This can instead by taken to the courts.

(g) is self-explanatory.

(h) is a decision that was taken by a prescribed officer under the service complaints process that was in place up to 31 December 2015, that a service complaint had been submitted about a matter that was excluded under the previous system from being raised as a service complaint. This is excluded from being raised as a new service complaint under the process in place from 1 January 2016, because the Complainant can apply instead to the Commissioner for a review of the prescribed officer's decision.

(i) is a decision that was taken by a prescribed officer under the service complaints process that was in place up to 31 December 2015, that a service complaint had been submitted too late. This is excluded from being raised as a new service complaint under the process in place from 1 January 2016, because the Complainant can apply instead to the Commissioner for a review of the prescribed officer's decision.