



Defence
Children
Services

DCS Directive 0.5.2

DCS Complaints Management

DCS Jan 2021 v1.0

General

Authorisation	Director DCS
Senior Responsible Owner	CivSec DCS
Point of Contact	SO1 Policy DCS-DCS-Mailbox@mod.gov.uk
Review Date	Jan 2022
Annexes	Annex A: A Guide to Making a Complaint
Related Policy/Guidance	2015DIN05-017: Complaints Handling in the Ministry of Defence
	JSP 831: Redress of Individual Grievances: Service Complaints
	MOD Civilian Policy for Grievance and Dispute Resolution
	JSP 440: Defence Manual of Security and Resilience
	JSP 441: Information, Knowledge, Digital and Data in Defence
	DCS Directive 0.4.2 (old 7.1.2) : Records Management
	DCS Directive 2.1.9 (old 3.2.8): Complaints Procedure for MOD schools and settings

Introduction

1. Defence Children’s Services (DCS) treats complaints very seriously. **This DCS Directive complements, but does not replace, direction detailed in the MOD’s 2015DIN05-017: Complaints Handling in the Ministry of Defence and describes the procedure that DCS employees are to use when handling maladministration complaints about DCS made by Defence¹ employees and members of the public.** Elements of the DIN may be repeated in this Directive for emphasis.
2. In the context of this Directive, ‘members of the public’ includes the wider Defence community, such as ex-Defence personnel and their families.

¹ Defence employees are serving members of the Armed Forces and MOD Civilians.

Aim

3. The aim of this Directive is to provide direction and guidance on the handling of maladministration complaints directed towards DCS.

Scope

4. This Directive applies to DCS personnel only.

5. This Directive only applies for complaints made about the administration of DCS. For the purposes of this Directive, a maladministration complaint is defined as any written or spoken expression of dissatisfaction with the standards of administration provided by DCS.

6. Maladministration complaints relate specifically to standards of administration. As a Directorate of the MOD, DCS is expected to adhere to the principles of good administration laid out by the Parliamentary and Health Services Ombudsman. These principles are provided within Annex A of the 2015DIN05-017. The following are examples of a maladministration complaint:

“The person I spoke to was rude.”

“The information provided was wrong.”

“You did not follow the correct procedures.”

“I wish to complain about the policy/procedures that you have for...”

“I wish to complain about the service you provided.”

7. **This Directive does not apply to:**

a. **Complaints that are specifically about MOD schools or settings. Procedures for these complaints are laid out in DCS Directive 3.2.8: Complaints Procedure for MOD schools and settings.**

b. Complaints relating to requests for information made under the Freedom of Information (FOI) Act 2000 or the Environmental Information Regulations (EIR) 2004. For guidance on these DCS personnel are to refer to MOD guidance on FOI/EIR and/or email DCS’s FOI Focal Point. DCYP-HQ-IHUB@mod.gov.uk

c. Complaints under the Data Protection Act 1998. These are handled separately and guidance on these should be sought from DCS’s Data Protection Officer by emailing DCYP-HQ-IHUB@mod.gov.uk.

d. Complaints arising from Invitations to Tender or Contracts for equipment, stores and services, unless the complaint relates to maladministration.

e. Complaints from serving members of staff about their employment. These should be dealt with using internal grievance procedures, directed by MOD policy contained in:

(1) JSP 831: Redress of Individual Grievances: Service Complaints;

- (2) MOD Civilian Policy for Grievance and Dispute Resolution.
- f. Complaints about the conduct and behaviour relating to Bullying and Harassment. These should be handled using direction and guidance laid out in:
- (1) JSP 763: The MOD Bullying and Harassment Complaint Procedures and;
 - (2) MOD Civilian Policy for Misconduct and Discipline.
- g. If a complaint is made about the behaviour of a member of staff during the course of a maladministration complaint investigation, the member of staff should be advised immediately and fully and given an opportunity to give their side of the story (a note of which should be retained on an appropriate registered file). They should be kept properly informed of any progress made in the maladministration complaint investigation and its outcome. If the complaint triggers the need to use the MOD's Bullying and Harassment Complaint procedures or the MOD Civilian Policy for Misconduct and Discipline, the direction, guidance and procedures laid out in these policies is to be followed. Disciplinary proceedings should always be kept separate from maladministration complaints procedures and managed in accordance with the appropriate MOD policy.
- h. Complaints about Government policy or legislation. These are dealt with under existing correspondence procedures.
- i. Complaints about DCS authored policy. These are managed through the DCS casework procedure.

Queries

8. Complainants who request general information on how to make a complaint should be provided with a copy of the MOD's complaints policy which is at Annex B to DIN2015DIN05-017 and published on the MOD's GOV.UK website.

Roles and Responsibilities

9. **Where a complaint requires passing on, all DCS personnel are to follow the procedure at paragraph 16 of this Directive – this will ensure that all complaints under scope of this Directive are passed on, managed and tracked in accordance with the MOD's policy and with equity.**
10. **DCS Executive Branch.** The Executive Branch will be responsible for the following:
- a. Monitoring the DCS-DCS-Multiuser email account;
 - b. Receiving complaints internally and externally;
 - c. Provide the complainant with a unique reference number (within 1 working day of receipt);
 - d. Refer the complaint to the appropriate lead for the nature of the complaint (within 1 working day of receipt);

- e. Record the complaint on the DCS complaints tracker (within 1 working day of receipt);
- f. Record the progress, escalation and resolution of the complaint;
- g. Provide Dir DCS with a bi-annual report of complaints (number/correlated nature/pattern) and
- h. Identifying complaints to the DCS Command Group on the DCS Outstanding Actions Table where required.

11. **Complaint Managers.** Complaints should be managed by the person best placed to provide a response and resolve the situation. When managing a complaint, DCS personnel will be responsible for:

- a. Responding to complainants using the direction and guidance laid out in this Directive and DIN 2015DIN05-017;
- b. Updating the Executive Branch on progress and conclusion of complaints;
- c. Updating their Command Group member on progress and conclusion of the complaints they are managing;
- d. Recording investigations in a limited folder on DCS's SharePoint site in accordance with MOD policy for Data Protection and Records Management (JSP 441).

12. **DCS Command Group.** Each member of Command Group will be accountable for:

- a. Oversight of complaints being managed by members of their team(s);
- b. Progress and conclusion of complaints being managed and resolved by their team members;
- c. Records are retained in accordance with MOD policy.

Procedure

13. **On receiving a complaint.** Wherever possible, complaints should be managed informally and immediately. Where complaints are more complex or serious, an investigation followed by a written reply may be more appropriate. For all complaints, a record of receipt and action is to be maintained on the DCS Complaints Tracker, administered by HQ DCS Executive Branch.

14. The first task in managing a complaint is to establish what the complaint is about and what the complainant expects to be done about it. Any uncertainty regarding the complaint is to be made clear immediately to avoid confusion.

15. A complaint does not have to be in writing, except when it involves disclosure of personal data. DCS personnel should not tell complainants to submit their complaint in writing unless it is necessary to establish the details of a complicated case or to provide supporting evidence. Sensitive data should not be disclosed over the telephone.

16. **Passing complaints on.** Where a complaint cannot be answered immediately by the initial recipient, it is to be passed on to the individual or team best placed to provide a response and of resolving the situation. To enable this, where a complaint needs to be passed on, all DCS personnel are to:

- a. Acknowledge receipt of the complaint by email to the originator, using the following standard statement (within 1 working day of receipt):

DCS is committed to providing a high quality of service and your complaint will be treated seriously and in confidence. I/We have passed your complaint to the DCS Executive Branch and you should receive an initial response with your unique reference number within 2 working days of receipt;

- b. Email the contact details of the complainant, the date of the complaint and any detail of the complaint to the Executive Branch using:

17. To enable effective recording and tracking of complaints, the DCS Executive Branch will coordinate as below:

- a. Acknowledge receipt of the complaint and include the following statement:

We have referred your complaint to XXXX who will aim to provide a full response within 20 working days of receiving your complaint. If this is not possible, you will be informed of when a reply in full will be provided. It will help us to deal with your complaint if you can provide as much background information as possible.

Following the full response to your complaint, should you wish to request an informal review, please write to the Executive Branch at the following:

and;

- b. Provide the complainant with a unique reference number (within 1 working day of receipt);
- c. Refer the complaint to the appropriate lead for the nature of the complaint (within 1 working day of receipt);
- d. Record the complaint on the DCS complaints tracker (within 1 working day of receipt);
- e. Record the progress, escalation and resolution of the complaint;
- f. Provide Dir DCS with a bi-annual report of complaints (number/correlated nature/pattern).

18. **Investigation and response.** Where complaints cannot be answered immediately and an investigation is required, an immediate acknowledgment is to be sent to the complainant. A full reply should be provided within 20 working days of the complaint being received. Where this is not possible (for example, due to the complexity of the complaint), a holding reply is to be sent explaining the reason for the delay and indicating when a full reply will be provided.

19. Full replies should inform complainants of the appeals process and the right to have the handling of a complaint reviewed and should include the statement:

If you are not satisfied with the way in which your complaint has been handled, you have the right to request an internal review of your case. This will be carried out in the section of DCS where you made your initial complaint. You should write to [insert relevant contact details]. If you prefer that the case is investigated by a part of the MOD independent of the area that handled the initial complaint, you should write to:

*Maladministration
Defence Corporate Strategy and Governance Team
Level 3 Zone D
Main Building
Whitehall
London SW1A 2HB*

The DCS's guide to making a complaint at Annex A should be offered.

20. If complainants threaten any form of legal action, or if there is any concern that legal action is a possibility, advice **must** be sought from Director Central Legal Services (DCLS) before any response is made to the complainant to avoid any unnecessary liability.

21. All responses to complaints should offer appropriate redress; this should take the form of an apology; an explanation of what went wrong; notification of action taken and details of what will be done to ensure that it will not happen again.

22. Financial redress is unlikely to be appropriate except in cases where actual financial loss or extra costs were necessarily incurred by the complainant. In all cases where financial redress is recommended, the advice of the TLB's Director of Resources is to be sought.

23. On conclusion of the investigation, a report should be prepared to record the investigation and its outcome. **Reports are to be retained in a limited folder in DCS's SharePoint site.** A suggested structure is at Annex C to 2015DIN05-017.

Internal Reviews

24. **Internal Reviews.** Whilst there is no appeal against responses to complaints, internal reviews of complaints can be requested. Personnel are directed to 2015DIN05-017 and its Annex C for primary guidance on the conduct of internal reviews. Key points to note are:

- a. Internal Reviews can be conducted at the request of the complainant or suggested by DCS where a complainant remains dissatisfied after having received at least two/three responses;
- b. Internal Reviews should be signed off at no lower than SCS/1-star level with DCS;
- c. Internal Reviews should not be conducted by any person associated with the original complaint;

- d. The full Internal Review report should be sent to the complainant. Personal data should be afforded protective measures (redacted) and data should be taken in the form of descriptors laid out in MOD policy (JSP 440: Defence Manual of Security and Resilience);
- e. The Corporate Strategy and Governance (CSG) Team should be informed if a complaint reaches the Internal Review stage.

25. Where there are circumstances in which it is appropriate for the review to be conducted by a separate and independent part of the MOD, the CSG Team will perform this function.

26. **Ombudsman's Investigations.** If a complainant asks their Member of Parliament to refer their complaint to the Ombudsman and the Ombudsman agrees to investigate, the CSG will handle all cases and act as the focal point for all correspondence. If it is known that a complaint is likely to be made to the Ombudsman, the CSG should be informed as soon as possible.

Persistent/Offensive Complainants

27. **Persistent Complainants.** Some correspondents may persist in their complaining even after the fullest possible response has been provided several times. When this occurs, it is possible to list the person as a writer of vexatious correspondence. This means that any further correspondence from them on the same subject does not need to be answered.

Correspondence which is considered vexatious is to be reviewed and a decision made at B2/OF5 level prior to registering the correspondence as vexatious. A final letter should be sent to the correspondent explaining that no further action will be taken. References can be made to limited staff resources available to respond fully to the volume of correspondence and that staff have been instructed not to reply due to the disproportionate diversion of resources. The final letter should contain the sentence:

“No further purpose will be served by continuing this correspondence.”

28. Copies of final correspondence should be provided to the Parliamentary Clerk, through DCS's Secretariat. Any further correspondence from the individual on the same subject may be filed unanswered except:

- a. Any letter sent to DCS on the individual's behalf by an MP, solicitor, or person of comparable standing;
- b. Any letter from the correspondent on another subject;
- c. Any letter from the correspondent which contains a request for information under the FOI Act 2000.

29. Further information on listing writers of vexatious correspondence is accessed at the Parliamentary Branch website:

<http://defenceintranet.diif.r.mil.uk/libraries/2/Docs1/20140614.2/20130610-Vexatious%20Correspondence%20Guidance-U.doc>

30. **Offensive and Abusive Complainants.** If a correspondent is offensive or abusive and the advice being provided is having no effect, it is reasonable to terminate the exchange. In cases of abusive telephone callers, a note should be placed on the DCS complaints tracker indicating

that the correspondent was abusive. In the case of a letter or email, the decision not to continue to communicate must be confirmed by a B2/OF5 or equivalent.

Data Protection

31. The MOD has a legal duty under the Data Protection Act 1998 (DPA98) to respect third party confidentiality and care must therefore be taken not to disclose complainants' personal details without their written consent. Personnel are directed to detail contained in 2015DIN05-017 and repeated below for emphasis.

32. When a complaint is made on behalf of someone else and would involve disclosure of personal details or information, the person handling the complaint should check that the complaint has been made with the consent of the individual on whose behalf it has been raised. In such cases the written consent of the data subject (the person who is the subject of the information concerned) to the disclosure of information must be obtained. The consent must be specific and explicit if sensitive personal data is involved, unless the request for disclosure has been received from an elected representative writing on behalf of their constituent. If there is any doubt on data protection issues and, requests for sensitive personal data received from elected representatives, personnel are to contact the DCS Data Protection Officer in the first instance.

Record Keeping

33. To ensure that there is an audit trail to a complaint should it need subsequently to be investigated, the following details are to be collected and recorded for each complaint:

- a. Complainant's name and address and date of complaint;
- b. Details of complaint and redress sought;
- c. Date of response;
- d. Action taken to resolve complaint;
- e. Was complainant satisfied with the outcome?

34. These details will be maintained as a record on the DCS Complaints Tracker, administered by the Executive Branch. Individuals and teams within DCS will therefore need to ensure that they liaise with the Executive Branch from initial receipt of the complaint and as the complaint progresses.

35. Where an investigation is required, reports are to be retained as a record in a limited folder on DCS's SharePoint site. Records should be managed in accordance with DCS Directive 7.1.2: Records Management, unless they relate to the care of children, in which case records must be preserved to fulfil any potential legal duties that the MOD may have in relation to the Independent Inquiry into Child Sexual Abuse (IICSA).

36. Where the complaint is made by telephone, a written record of the telephone conversation that captures the points above, is to be made and emailed to the Executive Branch for inclusion within the Tracker.

ANNEX A – A GUIDE TO MAKING A COMPLAINT

Making a Complaint

This guide tells you how to make a complaint about DEfence Children’s Services (DCS)’s administration or service (maladministration) and what you can do if you are unhappy with our response.

Our Commitment

DCS is committed to providing a high quality of service to everyone with whom we deal. We will listen to your complaint and treat it seriously and in confidence. We aim to put things right for you where it is appropriate and reasonably practicable to do so, learn from where we went wrong and make sure that we do not make the same mistake again.

How to Complain

If you have a complaint, you should initially make it to the relevant part of DCS involved in the matter, as they will usually be best placed to manage your complaint. However, if you do not know who is responsible for the matter, then you can write to them at:

HQ DCS Executive Branch
Defence Childrens Services
Building 183
Trenchard Lines
Upavon
Wiltshire SN9 6BE

DCS aims to issue a full response to your complaint within 20 working days of receiving it. If we cannot, we will tell you who is handling the complaint, and when they expect to be able to reply in full. It will help us to deal with your complaint if you can provide as much background information as possible.

Not Satisfied?

If you are not satisfied with the way in which your complaint has been handled, you have the right to ask for an internal review of your case which will be carried out within DCS. Should you wish to ask for an internal review please write to HQ DCS Executive Branch at:

HQ DCS Executive Branch
Defence Childrens Services
Building 183
Trenchard Lines
Upavon
Wiltshire SN9 6BE

If you prefer that the case is investigated by a part of the MOD independent of DCS, you should write to:

Maladministration
Defence Strategy – Corporate Strategy and Governance team
Level 3 Zone D
MOD Main Building
Whitehall
London SW1A 2HB

If you remain dissatisfied after the internal review, you have the right to contact the Parliamentary and Health Service Ombudsman through your Member of Parliament.