

Frequently asked questions

Post-decision questions about police investigation appeals

1. What are the possible outcomes of an appeal?

All the evidence that you and the appropriate authority supplied to the Independent Police Complaints Commission (IPCC) was looked at and we have made our decision.

The outcome of your appeal can either be ‘upheld’ or ‘not upheld’. An appeal may be upheld if the findings show that the service provided by the police did not reach the standard a reasonable person could expect.

If an appeal is not upheld, it may mean that the service the police provided was of a standard that a reasonable person could expect. If so, the police may not be required to take any further action on your complaint.

If we upheld your appeal, we may have told the appropriate authority that it must take certain actions called **directions**. There are several possible directions that we can make on an upheld police investigation appeal. This includes directing:

- a reinvestigation into your complaint
- that the findings of an investigation be reconsidered

We can also make **recommendations** to the appropriate authority. If we have made recommendations to the appropriate authority, then it must consider them and respond to us. Recommendations may involve organisational learning from your complaint, so that the force can learn from what happened to make sure it doesn’t happen again (for example, a police force should change its policies or training procedures) or it may have identified that the officer could benefit from extra learning or training.

We do not make recommendations or directions in every case, even when we have upheld an appeal. We look at appeals on a case-by-case basis. The appropriate authority should contact you directly to notify you of the outcome of any recommendations or directions made to them. We will keep in touch with the appropriate authority to monitor its response. However, if you have not heard from them within 28 days, please contact them directly, as we won’t be able to update you on any progress.

2. Can I submit extra information following the decision?

No, you cannot provide extra information following the decision. The time when you made your appeal was your opportunity to provide us with all the necessary information for consideration.

3. The decision refers to ‘proportionality’ – what does this mean?

Proportionality means that each investigation should be proportionate (this means of a level appropriate) to:

- the seriousness of the matter being investigated
- the prospects of a criminal trial, misconduct proceedings or unsatisfactory performance proceedings going ahead
- the public interest
- an investigation that results in learning for the individual who was complained about or for their organisation

We consider proportionality when looking at whether lines of enquiry may have been missed or consciously not followed by an investigator. If any lines of enquiry were not pursued, the appropriate authority should have explained why.

4. The decision refers to ‘a case to answer’. What does this mean?

A ‘case to answer’ means that there is sufficient evidence upon which a reasonable misconduct meeting or hearing, could on the balance of probabilities, make a finding of misconduct or gross misconduct. ‘Balance of probabilities’ means more likely than not likely.

The IPCC can recommend, or direct, that a person serving with the police attend a misconduct meeting or hearing.

5. What happens if I don’t agree with the IPCC’s decision?

There is no right to appeal against our decision. If you have any questions or need more information about our appeal decision, please contact us so we can explain the reasons for the decision and answer any questions that you have.

You should be aware that the IPCC’s appeal decisions are final. This means that any decision we make and communicate to the parties involved, can only be overturned by the courts through the judicial review process. You should seek your own independent legal advice if you intend to pursue this course of action.

6. What if I am not happy with the service I have received?

If you are not happy with the service you received from us, or want to express dissatisfaction, you can make your complaint to the IPCC Internal Investigations Unit. A staff member will respond to your complaint accordingly. Their role is not to address your concerns about the decision (because the decision is final), but rather to look at the service you received from our staff. You can contact the IPCC Internal Investigations Unit by sending an email to: iiu@ipcc.gsi.gov.uk

Note: This information is available in Welsh on our website: www.ipcc.gov.uk