

## Frequently asked questions

### Pre-decision questions about appeals

#### **1. What is an ‘appeal’?**

An appeal is a final opportunity to ask the Independent Police Complaints Commission (IPCC) to consider whether your complaint was adequately investigated and, if not, what needs to be done to address any outstanding matters.

#### **2. What is an ‘appropriate authority’?**

An appropriate authority is the authority responsible for considering complaints and it will tell you which organisation will deal with your appeal. The appropriate authority is either:

- the chief officer of the police force (usually the chief constable)
- the police and crime commissioner responsible for the police force you complained about (if your complaint is about the chief officer or acting chief officer of the police force)
- the Mayor’s Office for Policing and Crime (if your complaint is about the Commissioner of the Metropolitan Police Service)
- the Common Council for the City of London (if your complaint is about the Commissioner of the City of London Police)

#### **3. What is a ‘relevant appeal body’?**

A relevant appeal body is the organisation that will deal with your appeal. This is either the chief officer of the police force (usually the chief constable) or the IPCC. In order to decide who the relevant appeal body is, the complaint is tested against a list of circumstances. These circumstances are listed in question 4 below.

When you are told about the outcome of your complaint, the letter will explain whether you can appeal and, if so, to whom you can appeal.

If the chief officer of the police force is the relevant appeal body, they can assign a chief inspector (at least) or another police staff member at an equivalent level, to deal with your appeal. The appeal can’t be dealt with by anyone who has had any involvement in your initial complaint.

#### 4. When is the IPCC the 'relevant appeal body'?

The IPCC is the relevant appeal body in the following circumstances:

- for matters about the non-recording of a complaint
- for a complaint about the conduct of a senior police officer, which is someone who is above the rank of chief superintendent
- when the appropriate authority cannot decide from the complaint alone that the conduct complained about (if proved)
  - would not justify criminal or misconduct proceedings
  - involves the infringement of Article 2 (right to life)
  - involves the infringement of Article 3 (prohibits torture, and inhumane or degrading treatment) of the Human Rights Act
- if the complaint has been, or must be, referred to the IPCC according to the mandatory referral criteria
- if the complaint arises from the same incident as a complaint that satisfies any of the points above

#### 5. When is the IPCC not the 'relevant appeal body'?

The police force is the relevant appeal body for any complaints that don't match the list of circumstances above.

#### 6. When can I appeal against a complaint?

- **You can appeal** against the police investigation into your complaint.
- **You can appeal** if a complaint was not recorded.
- **You can appeal** against the decision to disapply your complaint. (Disapply means to stop the complaints process before an investigation begins.)
- **You can appeal** against the outcome of the local resolution.
- **You can appeal** against the outcome of a complaint after the decision to disapply.
- **You can appeal** against the decision to discontinue an investigation.

#### 7. When is there no right of appeal against a complaint?

There is no right of appeal:

- if the matter is about a direction and control issue (This is how a police force is run, for example, something that is linked to policing standards or policing policy.)
- if the chief officer is the relevant appeal body
- against a decision by the appropriate authority to disapply or discontinue the complaint investigation, where the IPCC has given permission
- on managed or independent IPCC investigations

## **8. Will the IPCC investigate my complaint?**

No. Where we are the relevant appeal body, we will not reinvestigate your complaint, but we will review how the police carried out the investigation. What this involves will depend on the type of appeal you have submitted.

## **9. Where the IPCC is the 'relevant appeal body', who will you contact about my appeal?**

We will contact the police to obtain all of the relevant background papers and evidence about your complaint investigation. We will then use this information to assess your appeal. We will not contact the person you made your complaint about, but we may have to speak to the person who carried out the initial investigation into your complaint. We do not contact complainants to ask for more information when assessing an appeal, unless we feel it is necessary. So we encourage you to provide as much information as possible in your appeal.

## **10. Will you act on my behalf?**

We are an independent organisation that oversees the police complaints system and we do not act on your behalf. However, you can use another person to help you through the process, such as a family member or an independent solicitor.

## **11. When should I expect to receive a decision about my appeal?**

We deal with appeals as quickly as possible and update our website regularly to show the date of the appeals that we are working on. It could take up to ten weeks to look into your appeal. However, we are taking steps to reduce our waiting times and it is possible we will assess your appeal much more quickly. In the acknowledgement letter that we send to you, we will advise you approximately how long it will take for you to receive a decision. For more information please refer to <http://www.ipcc.gov.uk/appeals>

## **12. I have made my appeal. What will happen next?**

Your appeal will be assessed using all the available papers and supporting evidence that you and the appropriate authority have supplied. The person looking at your appeal will make their decision based on a range of factors, depending on the appeal type. Once we have made our appeal decision of either 'upheld' or 'not upheld', we will write to you and the appropriate authority and explain the reasons for our decision.

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. The police may not be required to take any further action on your complaint.

### **13. When can I submit information for consideration in the appeal process?**

The time when you make your appeal is your opportunity to provide us with all the information for consideration. This is because you cannot provide extra information for consideration after a decision is made. You have **29 days**, starting from the date of your letter from the appropriate authority to submit the appeal form and a copy of the decision letter. This includes the time your appeal spends in the post.

In certain cases, we can accept extra information after the 29 day period, but only up until we allocate a casework manager to assess your appeal. We will not accept information after we have allocated a casework manager.

If you want to send us digital media to support your appeal, please make sure it is encrypted (protected by a password) and send the password to us separately. If we receive unencrypted media and you want us to return it to you later, we may not be able to send it to you in its original form.

If we don't receive your appeal within **29 days**, we don't have to consider your appeal. It may be possible to accept your appeal outside the appeal period, if you have very special circumstances and you can fully explain the reasons for the delayed submission.

### **14. Does the IPCC deal with compensation claims?**

No. The IPCC remit doesn't cover claims for compensation from the police. If you want to pursue any financial claims against the police, you should contact the police force concerned.

You can also contact your local Citizens Advice Bureau for more information or to seek legal advice.

### **15. What happens if I don't agree with the appropriate authority's decision about my appeal?**

You cannot appeal to the IPCC about an appeal decision made by the appropriate authority.

Appeal decisions are final. This means that any decisions made by the appropriate authority can only be overturned by the courts through the judicial review process. You should seek independent legal advice if you intend to pursue this course of action.

If you have any questions or need more information about the appeal decision, please contact the appropriate authority. They can explain the decision and answer any questions you may have.

### **16. Can the IPCC make the police apologise to me?**

No. The IPCC can recommend that an apology is offered, but it cannot direct the police to do this.

Note: This information is available in Welsh on our website: [www.ipcc.gov.uk](http://www.ipcc.gov.uk)

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