

# **ipcc**

## **independent police complaints commission**

This information relates to complaints received by the police force on or after 22 November 2012.

If your complaint was received before 22 November 2012, your appeal will be handled under a different system. Please see our website ([www.ipcc.gov.uk](http://www.ipcc.gov.uk)) for the information you need.

## **Appealing about the police investigation into your complaint**

### **Can I appeal about the outcome of a police investigation into my complaint?**

Yes, you can appeal if:

- you have not received enough information about the findings of the investigation or what action the police plan to take
- you disagree with the findings of the investigation
- you disagree with the action the police plan to take as a result of the investigation
- you do not think the police have made the right decision about whether an officer you complained about has a case to answer for misconduct, gross misconduct, or whether their performance was unsatisfactory
- you disagree with a decision the police have made not to refer the investigation of a complaint to the Crown Prosecution Service (CPS)

More information about each of these situations can be found on **pages four to seven.**

## **How do I make an appeal?**

You will have been told how to appeal and who to appeal to. If this has not happened, please contact the police force that dealt with your complaint.

## **Who do I submit my appeal to?**

When the police wrote to you about the outcome of their investigation, they also told you who you could appeal to. This could be the chief officer of the police force or the IPCC, and you should send your appeal to the relevant organisation.

Please ensure that you send your appeal to the organisation you were told would deal with your appeal in order to avoid delays.

## **Appealing to the IPCC**

You have three options. You should choose one of the following:

- use the IPCC's online appeal form
- print off, complete and post the appeal form to the IPCC
- complete the appeal form online, save it and email it to the IPCC.

We must receive your appeal within 29 days of the date of the letter telling you about the outcome of the complaint. This includes the time your appeal spends in the post.

If we do not receive your appeal within 29 days, we do not have to consider your appeal. It may be possible to extend this time period if you have very special circumstances and you can fully explain why you are asking for an extension.

## **How will my appeal be dealt with?**

You will receive a letter to tell you your appeal form has been received. Your appeal will then be assessed and a decision will be made.

If the IPCC is responsible for dealing with your appeal, we will also contact the police force or other organisation you complained to tell

them you have appealed. We will send them a copy of your appeal and ask for any information they have about your original complaint.

Please note that during the appeals process, your original complaint will not be investigated. The appeal will review whether the outcome of the police investigation was appropriate.

The appeal will consider the following questions:

- Was the information provided sufficient for you to understand the findings and outcomes of the investigation?
- Were the findings appropriate and based on evidence? Were any lines of enquiry missed?
- Was the appropriate authorities' proposals for action proportionate and appropriate?
- Should this matter have been referred to the Crown Prosecution Service to consider? Was there evidence of a crime?
- Is there is a case to answer or any unsatisfactory performance?

### **If your appeal is upheld**

If your appeal is upheld, you will receive a letter telling you what will happen next. This must tell you about any planned action/s.

### **If your appeal is not upheld**

If your appeal is not upheld, you will receive a letter about this decision.

### **What should I do if I need more advice?**

We have produced some FAQs about appeals. You can read these on our website.

If you are still not sure what to do next or you need more information, contact the police force that handled your complaint or the IPCC. You can also talk to a legal advisor.

Get in touch with the police force or the IPCC if you have difficulty filling in the online or paper form, or if you need to obtain the form in another language or format.

## **Further information about the scenarios listed previously:**

### **You have not received enough information about the findings of the investigation or what action the police force plan to take**

At the end of its investigation into your complaint the police force should:

- give you a good-quality explanation of what the investigation has found,
- tell you if it intends to take any action as a result of its findings and, if so, what action it proposes to take,
- tell you about your right of appeal and who this is to.

The police force may give you a copy of its investigator's report in order to provide you with this information. Alternatively, it may communicate it to you by letter or email.

You can appeal if you think that the police force have not provided enough information to enable you to understand what their investigation into your complaint found or what action it intends to take because of it.

### **You disagree with the findings of the investigation**

The police investigation into your complaint will gather evidence in order to establish the facts of what you have complained about.

These facts are its findings. You need to keep in mind that the police investigation will be proportionate to the seriousness of your complaint and the likely outcomes.

You can appeal if you think that the findings of the investigation need to be reconsidered. For example if:

- some witnesses you consider important were not traced and/or interviewed
- you do not think that the police properly understood what your complaint was about
- you do not think that parts of your complaint were investigated

- you do not think that the evidence the police have gathered supports the conclusions it has reached
- you do not think the police have come to the right decision about whether or not your complaint should be upheld

### **You disagree with the action the police force plan to take as a result of the investigation**

When the police force tells you what their investigation has found they should also tell you what they plan to do as a result. This may mean changes to the way the police work; an apology and commitment to stopping the same thing happening to someone else; or advice being given to the officer you complained about by their manager.

In some serious cases, it may mean an officer being asked to explain what they did in formal misconduct proceedings. Alternatively, there may be reasons why the police will take no action at all.

You can appeal if you disagree with the action that the police plan to take. For example, if you think that:

- the police have not done enough to prevent the same thing happening again
- the action the police have said they will take against the person you complained about is not right

### **You do not think the police have made the right decision about whether an officer you complained about has a case to answer for misconduct, gross misconduct, or whether their performance was unsatisfactory**

At the end of the investigation into your complaint the police will decide whether or not the officer you complained about has a case to answer for misconduct or gross misconduct, or whether their performance was unsatisfactory.

Misconduct means the officer has done something that fails to meet the Standards of Professional Behaviour expected of a police

officer. Gross misconduct means the failure to meet those standards is so serious that the officer could lose their job.

Unsatisfactory performance means that the officer has failed to do their job, or does not have the ability to do their job, to a satisfactory level. However, this behaviour does not breach the Standards of Professional Behaviour expected of an officer.

You can appeal because the police have said that an officer does not have a case to answer and you think they do. You can also appeal if the police have said that an officer has a case to answer for misconduct, but you think it should be for gross misconduct.

### **You disagree with a decision the police force have made not to refer the investigation of a complaint to the Crown Prosecution Service (CPS)**

When the police force has finished their investigation into your complaint they will decide whether to send your complaint to the CPS for consideration.

The police must send your complaint to the CPS if they think a crime may have been committed. There may be some circumstances when it is not appropriate to do this, and the police will decide whether this is the case.

The CPS makes decisions about whether someone accused of a crime will be prosecuted in a criminal court. You can appeal if the police have decided not to send your complaint to the CPS and you think they should have done.

When the police do send your complaint to the CPS, this does not necessarily mean that the CPS will decide to prosecute an officer you have complained about. You cannot appeal if the CPS decides not to prosecute the officer. The IPCC has no powers to change decisions made by the CPS.

**Please note:** you cannot appeal if the investigation into your complaint was managed or independently conducted by the IPCC.

Email us at [enquiries@ipcc.gsi.gov.uk](mailto:enquiries@ipcc.gsi.gov.uk), call us on 0300 020 0096 or see our website [www.ipcc.gov.uk](http://www.ipcc.gov.uk) for more information.