

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) for the information you need.

Appealing against the decision to disapply

Can I appeal about the decision to disapply in relation to my complaint?

An appeal can be made against a decision to disapply. Disapply means stopping the complaints process before an investigation begins.

You can appeal if:

- your complaint was about the conduct of a police officer or member of police staff
- the IPCC did not give permission to the police to disapply
- you do not think the police should have decided to disapply

A decision may be made to disapply because:

- the complaint is out of time – more than 12 months have passed between the incident and the complaint, and either there is no good reason for the delay, or because of the delay it would not be fair to look into the matter (for example, because all of the evidence has been destroyed)

- the matter has already been raised as a complaint by the same person, or someone acting on behalf of them
- the complaint is anonymous
- the appropriate authority considers the complaint to be:
 - vexatious and/or oppressive (this could mean the complaint is without foundation and could cause harsh and/or unfair treatment of the person complained about)
 - an abuse of the complaints process (this means when the complaints process has been misused or unfairly influenced)
 - repetitious
 - or it is not reasonably practicable to proceed, for example if the complainant refuses to make a statement or assist with the investigation.

However, you cannot appeal when the complaint relates to a direction and control issue. Direction and control means the overall policies of a police force, for example police resources and policing standards.

How do I make an appeal?

You will have been told how to appeal and who to appeal to by the police when they wrote to you about the decision to disapply your complaint. 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 decision to disapply your complaint, they also told you who you could appeal to. This could be the chief officer of the police force (usually the chief constable) 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, 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 decision to disapply. 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 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 consider whether the decision to disapply was the correct decision.

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 explaining 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.

Email us at enquiries@ipcc.gsi.gov.uk, call us on 0300 020 0096 or see our website www.ipcc.gov.uk for more information.