

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 about the decision to discontinue an investigation

Can I appeal about the decision to discontinue the investigation into my complaint?

Discontinue means to end an ongoing investigation into a complaint. An appeal can be made about a decision to discontinue an investigation into a complaint.

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 discontinue the investigation
- you do not think the police should have discontinued the investigation

A decision may be made to discontinue the investigation into your complaint because:

- you refuse to co-operate and it is not reasonably practicable to continue the investigation
- the appropriate authority decides that the complaint is suitable for local resolution

- the appropriate authority considers that the complaint is 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)
- the appropriate authority considers that the complaint is an abuse of the complaints process (this means when the complaints process has been misused or unfairly influenced)
- the complaint is repetitious
- the appropriate authority considers it not reasonably practicable to proceed. For example, the investigation can no longer continue because:
 - a crucial piece of evidence has been irretrievably lost or damaged
 - the cost of obtaining a crucial piece of evidence is not proportionate, or
 - crucial witnesses are not willing to co-operate.

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 told you they were going to discontinue the investigation. 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 discontinue the investigation into 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 should choose one of the following three options:

- 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 decision to discontinue. 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 discontinue 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.

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.