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 a complaint not being recorded

Recording a complaint means that it has formal status under the Police Reform Act 2002. It must then be dealt with according to formal rules and guidance. If the police do not record your complaint you may be able to appeal to the IPCC.

How should the police deal with a complaint?

Each police force in England and Wales has a duty to either record your complaint or tell you why it has decided not to record your complaint.

Complaints made to Police and Crime Commissioners, the Common Council for the City of London, or the Mayor's Office for Policing and Crime in London ('local policing bodies') should also be recorded or an explanation given as to why they were not recorded.

If you made your complaint to the police force or local policing body and it was not the relevant one, they must pass your complaint to the relevant police force or local policing body.

If you tried to make a complaint and the police force or local policing body did not record the complaint, you may be able to appeal to the IPCC. We will look at your case to see whether not recording your complaint was justified.

Can I appeal to the IPCC about my complaint not being recorded?

You can appeal if:

The police force or local policing body did not make a decision about your complaint

The police force or local policing body must make a decision about whether to record your complaint or whether it is the correct police force or local policing body to handle your complaint.

We expect police forces and local policing bodies to decide whether a complaint should be recorded and tell you their decision within 15 working days. You can appeal to the IPCC if you do not hear from the police force or local policing body within this time.

The police force or local policing body did not record your complaint

Police forces and local policing bodies have a duty to record complaints about the police. However, they do not always have to record a complaint if:

- the complaint has been (or is being) dealt with through criminal or disciplinary proceedings. This means that the conduct of the police has been or is being considered to decide if criminal or disciplinary measures should be taken against them
- the complaint has been made, but then withdrawn by the person who made it

- the matter is already subject to a complaint made by or on behalf of the same person
- the complaint does not give the name or address of the person making it, or that of any other interested person, and it is not reasonably practicable to obtain a name or address
- the complaint is vexatious or oppressive (this could mean the complaint is without foundation and could cause harsh and/or unfair treatment of the person complained about)
- it is an abuse of the process for dealing with complaints (this means when the complaints process has been misused or unfairly influenced)
- the complaint is repetitious
- the complaint is fanciful (this means that no reasonable person could believe or accept it)
- the complaint was made by someone serving with the police
- the complaint is not covered by the Police Reform Act 2002
- the complaint is about the outcome of a previous complaint investigation

The police force or local policing body you complained to failed to pass your complaint to the police force or local policing body you complained about

If you made your complaint to the police force or local policing body and it was not the relevant one, they must pass your complaint to the police force or local policing body you complained about. They must confirm to you in writing that they have done this.

You cannot appeal if your complaint:

- was about a direction and control matter and the decision not to record the complaint was made by the local policing body. Direction and control means the overall policies of a police force, for example police resources and policing standards.
- was not recorded because it had been withdrawn
- was not recorded because it had already been part of, or is currently part of, a criminal or disciplinary hearing.

Appealing to the IPCC

Appeals against the non-recording of a complaint will be handled by the IPCC.

You have three options. You should choose from 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 you received from the police force telling you that your complaint was not recorded. 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.

If you have not received a letter from the police force or local policing body about the recording or non-recording of your complaint within 15 days of making your complaint, you can submit an appeal.

How will my appeal be dealt with?

We will send you a letter to tell you your appeal form has been received. We will then assess your appeal and a decision will be made.

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. We will review the process that led to your complaint not being recorded.

If your appeal is upheld

If your appeal is upheld, we will tell the chief police officer or local policing body what they should do about your complaint. We will tell you in writing about the instructions we have given and explain what happens next.

A likely outcome is that we would tell the police to record your complaint. They must follow these instructions. The police will then tell you how they will handle your complaint.

If your appeal is not upheld

If your appeal is not upheld, we will write to you explaining how and why we made 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.