

ipcc

independent police complaints commission

Frequently asked questions about appeals

What is a "relevant appeal body"?

The relevant appeal body is either the chief officer of the police force (usually the chief constable) or the IPCC.

What is an "appropriate authority"?

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
- 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).

When is the IPCC the relevant appeal body?

The IPCC is responsible for appeals about complaints that:

- relate to the non-recording of a complaint (however, you cannot appeal when the failure to record relates to a direction and control issue and the decision to not record the complaint was made by the local policing body – this could be the Police and Crime Commissioner, the Common Council for the City of London, or the Mayor's Office for Policing and Crime)
- involve the conduct of a senior officer – this means a member of the police force who is above the rank of chief superintendent
- mean that the appropriate authority cannot decide from the complaint alone that the conduct complained of (if proved):

- would not justify criminal or misconduct proceedings against a person serving with the police. Criminal and criminal proceedings are when the conduct of the police officer is considered to decide if criminal or disciplinary measures should be taken against them
- would not involve the infringement of a person's rights under Article 2 or Article 3 of the European Convention of Human Rights
- has previously been or must be referred to the IPCC
- is a complaint arising from the same incident as any of the above
- is a complaint containing an allegation that falls within one of the above.

What does recording a complaint mean/involve?

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 can appeal to the IPCC.

Will the relevant appeal body contact the police or me about my appeal?

The relevant appeal body's role is to see whether the police force has correctly considered your complaint in line with the Police Reform Act 2002.

In most cases, the information you submit on your appeal form will be sufficient to make a decision.

As they review your appeal, they may speak to the appropriate authority or you to obtain further documents or information.

How will my appeal be assessed?

The relevant appeal body will look at the available papers and supporting evidence relating to your complaint. They will then make an assessment in relation to your appeal.

For an appeal against local resolution or the outcome of a complaint after a decision to disapply, the relevant appeal body will consider why you disagree with the outcome and whether the outcome was a proper outcome. This means that, for example, you believe the outcome was not appropriate to the complaint, or the outcome did not reflect the evidence available.

For an appeal against the investigation into your complaint the relevant appeal body will consider the following questions:

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

For an appeal against the decision to disapply, the relevant appeal body will consider why a decision was made to disapply and whether this was the right decision.

For an appeal against the decision to discontinue the investigation into your complaint, the relevant appeal body will consider why a decision was made to discontinue the investigation into your complaint and whether this was the right decision.

What are the possible outcomes?

Your appeal will either be "upheld" or "not upheld". If the relevant appeal body believes the appropriate authority has not made the correct decisions they can uphold your complaint. The relevant appeal body can give any directions it considers appropriate for the future handling of the investigation, the report, and the outcome for the officer(s). They will tell you about the instructions they have given the appropriate authority and explain what happens next.

If your appeal is not upheld, they will write to you and explain why they did not uphold your appeal.

Will the IPCC act on my behalf?

No. The IPCC is not able to act on behalf of individuals as its role is to consider complaints and appeals.

Can I use an advocate to help me through the process?

Yes, you can have a person to support and guide you through the appeals process.

What happens if I don't agree with the IPCC's decision?

You cannot appeal against our assessment of your appeal.

If you have any questions or need more information about the appeal decision, please contact us so that we can explain the reasons for the decision and clarify any queries you have.

IPCC appeal decisions are final. This means that any decisions made by the IPCC can only be overturned by the courts through the judicial review process. You should seek legal advice if you wish to pursue this.

What happens if I don't agree with the appropriate authority's decision?

You cannot appeal against the appropriate authority's assessment of your appeal. When you make your appeal this is your opportunity to provide them with all the necessary information to be considered – you cannot provide additional information for consideration after the decision is made.

If you have any questions or need more information about the appeal decision please contact the appropriate authority so they can explain the reasons for the decision and answer any queries you have.

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

Can I submit extra information after making my appeal?

When you make your appeal, this is your opportunity to provide us with all the necessary information for consideration – you cannot provide additional information for consideration after a decision is made.

How can I complain about the IPCC?

The IPCC is committed to providing the highest standard of customer service, but we are aware that sometimes things go wrong. If you are not satisfied with the service we have provided, please let us know and we will do our best to put things right.

If you are not happy with the service you have received from the appropriate authority, or have any expression of dissatisfaction, you can make your complaint to the appropriate authority directly.

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.