

ipcc

independent police complaints commission

Important information about making a complaint

Who can make a complaint?

You can make a complaint if you:

- experienced inappropriate behaviour from a police officer or member of police staff
- witnessed an incident – for example, you were present when an incident took place or were close enough to see or hear the incident
- have been adversely affected by an incident. "Adversely affected" has a specific meaning within the police complaints system. It is defined on page 143 of the IPCC's Statutory Guidance, which is available on our website.

You could be acting on behalf of someone in any of the categories listed above if you have their written permission to make a complaint on their behalf.

What can I complain about?

You can complain if you are not satisfied with the service you have received from the police. People who work in the police service should behave appropriately at all times. Expectations about the behaviour of both police officers and members of police staff are set out in their respective Standards of Professional Behaviour. These expectations include a requirement to:

- act with honesty and integrity, fairness and impartiality
- treat members of the public and their colleagues with respect
- not abuse their powers and authority
- act in a manner that does not discredit or undermine public confidence in the police service.

If you feel that someone working for the police has not met these standards, you can make a complaint.

You can also complain about the way a police force is run – this is called a "direction and control" issue. For example, you can complain if you are not happy with operational management decisions, general policing standards, or policing policies.

Is there a time limit for a making a complaint?

There is no time limit on making a complaint, but it is best to do it as quickly as possible after the incident/s occurred. If more than 12 months have passed between the incident (or latest incident) and the date when the complaint is made, then the appropriate authority may not investigate it. They could decide to disapply the complaint because it is out of time.

If you are making a complaint more than 12 months since the incident you should explain the reason for the delay in your complaint. However, explaining your reasons does not guarantee that the complaint will be investigated.

How do I make a complaint?

Your complaint will usually be dealt with more quickly if you make it direct to the police force concerned.

- Contact the police force involved – many force websites have online complaint forms.
- You can also attend a police station in person.
- Use the IPCC's online complaint form. Your complaint will be forwarded to the relevant police force automatically, and the IPCC will not read or see your complaint.
- Print off, complete and post the complaint form to the police force involved.
- Complete the complaint form online, save it and email it to the police force concerned.
- Contact a solicitor or your MP, who can make a complaint on your behalf.

- Call the IPCC on 0300 020 0096 (press 1 at the prompt) between 9.00 am-5.00 pm for advice.

If your complaint is about a chief constable or the Commissioner of the Metropolitan police force, you should contact the relevant Police and Crime Commissioner or the Mayor's Office for Policing and Crime in London.

What happens when I first make a complaint?

By law all valid complaints against the police must be 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.

The IPCC does not have the power to record complaints – this must be done by the appropriate authority. The appropriate authority can be:

- the chief officer of the police force
- 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).

If you make your complaint via the IPCC we must forward the complaint to the appropriate authority for recording. The IPCC will not investigate the complaint and the details will be passed to the appropriate authority for them to consider.

Even if your complaint is so serious that the IPCC may be involved in investigating it, your complaint still needs to be forwarded to the appropriate authority to be recorded.

There are certain special circumstances where we may not forward your complaint to the appropriate authority to be recorded. We take this decision very seriously and it applies only to the most serious situations. For example, if forwarding the complaint could mean that

the complainant would be at risk of loss of life or physical harm, or where national security would be in danger.

If you feel that there are special circumstances that mean we should not forward your complaint to the appropriate authority concerned, please contact us using the telephone number or email address below.

What happens after my complaint has been recorded?

If your complaint is recorded the next step is for the appropriate authority to decide how best to resolve it. Complaints are usually resolved by local resolution or local investigation.

If you tried to make a complaint, but it was not recorded, you can appeal to the IPCC against this decision. This is called a non-recording appeal.

Who will deal with my complaint?

The relevant police force will be responsible for considering your complaint.

If your complaint involves a chief constable it will be dealt with by the relevant Police and Crime Commissioner.

If your complaint involves the Commissioner of the Metropolitan Police Service it will be dealt with by the Mayor's Office for Policing and Crime.

If your complaint involves the Commissioner of the City of London police, it will be dealt with by the Common Council for the City of London.

The IPCC investigates the most serious complaints using its own investigators. These types of investigations are explained on our website. Police forces must also refer certain incidents to us regardless of whether a complaint has been made.

How will my complaint be dealt with?

Whether your complaint is handled by the appropriate authority or by the IPCC, you have the right to be told how it will be dealt with, what action may be taken as a result and how decisions will be made. The appropriate authority or the IPCC will also agree with you how often you will be kept informed and whether this will happen over the phone or in writing.

Local resolution

Local resolution is a way of dealing with complaints at a local level – for example, through the involvement of an inspector at a police station or a police staff manager.

You have a right of appeal following the outcome of the local resolution.

Local investigations

If your complaint is not suitable for local resolution, a local investigation will be carried out by a police investigator. The investigator will either be from the police's Professional Standards Department (PSD), which is the department within the force that deals with complaints, or from a local police division.

You will be informed about:

- how your complaint will be investigated
- what co-operation is required from you
- how a decision will be reached
- what action will be taken at the end of the investigation

The type of investigation will depend on the nature and seriousness of your complaint and the likely outcome. An investigation might range from telephone enquiries conducted in a few hours to a more extensive process perhaps taking a number of months. You have a right of appeal following a local investigation.

IPCC investigations

The police must refer certain serious complaints or incidents to the IPCC. When we receive a referral we assess all the information and decide how best to deal with the matter. We may decide to investigate using our own investigators. You can read more about how we deal with referrals from the police on our website.

Why has my complaint not been dealt with?

Disapplication

In some circumstances the appropriate authority may record a complaint, but stop the complaint process before it begins. This is called a disapplication.

An example of this is when a complaint is anonymous and it is not possible for the appropriate authority to obtain further details about the complaint. In a case like this, the appropriate authority cannot carry out an investigation due to lack of information.

The appropriate authority must apply to the IPCC in situations where they intend to disapply a complaint, but it involves a very serious issue.

You can appeal against the decision to disapply in relation to your complaint (except when the IPCC has given permission to disapply or the complaint relates to a direction and control matter).

Discontinuance

In some circumstances the appropriate authority may stop an investigation into a complaint while it is in progress. This is called a discontinuance.

An example of this is when the complainant refuses to co-operate and it is not possible for the appropriate authority to continue with the investigation.

If this applies to the investigation into your complaint, the appropriate authority will contact you. You can appeal against the

decision to discontinue an investigation into your complaint (except when the IPCC has given permission to discontinue the investigation or the complaint relates to a direction and control matter).

The appropriate authority must apply to the IPCC in situations where they intend to discontinue an investigation, but it involves a very serious issue.

What happens once my complaint has been investigated?

If your complaint is subject to an investigation by the appropriate authority or the IPCC, you will be contacted when it is complete with information about what will happen next.

Possible outcomes could include:

- the police force may decide to improve or change its procedures
- the police force may give advice to the officer or person you have complained about so that their performance improves
- action may be taken under unsatisfactory performance procedures if a police officer is unable or has failed to perform their role satisfactorily
- the police force (or the IPCC in managed or independent cases) may refer your case to the Crown Prosecution Service (CPS). The CPS is responsible for deciding if criminal charges should be brought
- in cases where it is found that a police officer has a case to answer for misconduct, the police force or local policing body may refer them to a meeting or hearing to decide if their actions amount to misconduct or gross misconduct
- in some cases, there may not be enough information to take action over your complaint. If this happens it may just mean there is not enough evidence available
- in some cases the police force may acknowledge that something went wrong, but decide that no formal action should be taken against an individual.

What do I do if I am not happy with the way my complaint was handled?

If you are unhappy with the way your complaint has been dealt with you may be able to appeal.

When the police write to you about the outcome of your complaint, they will also tell you who the relevant appeal body is. This could be either the chief officer of the police force or the IPCC.

The appeal body will consider your appeal and, if appropriate, can direct the appropriate authority to change its decision or to take relevant action to deal with your complaint appropriately.

The appropriate authority can be 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 was about the Commissioner of the Metropolitan Police Service), or the Common Council for the City of London (if your complaint was about the Commissioner of the City of London police).

The appeal body may consider appeals about:

- the failure of a police force to record a complaint
- the outcome of local resolution of a complaint
- the outcome of a local or supervised investigation
- the decision to disapply
- the outcome of a complaint after disapplication
- the decision to discontinue an investigation

You cannot appeal if the investigation into your complaint has been managed or carried out independently by the IPCC.

Complaints about chief police officers (usually chief constables) will be handled by the relevant Police and Crime Commissioner, the Mayor's Office for Policing and Crime, or the Common Council for the City of London police. Any subsequent appeals made will be handled by the IPCC.

Frequently asked questions

Can I arrange an interview with the IPCC to make my complaint?

No. We do not offer a face-to-face service. The best way to make your complaint is to the police force involved. Alternatively, you can complain via our online complaint form or by filling in the complaint form and returning it to the police force involved.

I have a disability. What services can the IPCC provide to enable me to make a complaint?

We endeavour to make our services accessible to everyone. If you have a specific requirement, please contact us to discuss how we can help you.

Can I make a complaint in a language other than English?

Yes. Please contact us for further information.

Is there a time limit on making a complaint?

There is no time limit on making a complaint, but it is best to do it as quickly as possible after the incident/s occurred. If more than 12 months have passed between the incident (or latest incident) and the date when the complaint is made, then the appropriate authority may not investigate it. They could decide to disapply the complaint because it is out of time.

If you are making a complaint more than 12 months since the incident you should explain the reason for the delay in your complaint. However, explaining your reasons does not guarantee that the complaint will be investigated.

How long will my complaint take to deal with?

There is no limit on the length of an investigation or local resolution – however, we expect that both should be proportionate to the nature of the complaint. Once a complaint is assigned to someone

they should tell you how long the investigation or local resolution is likely to take. Unless alternative arrangements have been made you should be provided with an update on the progress of your complaint at least once every 28 days.

Can the IPCC help me make a financial claim against the police?

No. The IPCC's remit does not cover claims for compensation from the police. If you want to pursue any financial claims against the police, you should contact the police force concerned directly or you can write to the police force solicitor.

Contact your local Citizens Advice Bureau for information or to seek legal advice.

Can I make a complaint to the IPCC about a fixed penalty notice or caution?

You can complain to us if you are unhappy with the conduct of an officer or member of police staff or if you feel you were treated badly or unfairly by the police. However, this would not mean the fixed penalty was cancelled.

The same applies if you have been issued with a caution. The IPCC cannot remove a police caution or contest the caution on your behalf. If you would like to challenge a police caution or fixed penalty, you should contact your local Citizens Advice Bureau or seek legal advice.

Can the IPCC remove information held by the CRB?

No. The Criminal Records Bureau does not fall under the jurisdiction of the IPCC. You should raise any disputes about the information on your Criminal Record Disclosure direct with the Criminal Records Bureau.

If you have applied for a Criminal Record Disclosure but are experiencing delays, you should contact the Criminal Records

Bureau direct. If your complaint to the Criminal Records Bureau reveals that the delay is the responsibility of the local police force then you may complain to the police force concerned directly.

The police have not properly investigated a crime I reported. What can the IPCC do?

If you are dissatisfied with a criminal investigation that the police are currently carrying out or have finished carrying out, then the IPCC can consider a complaint about the conduct of any police officer or member of police staff involved. However, this would not necessarily lead to a review of the criminal investigation itself.

The IPCC does not have any control over the police handling of a criminal matter; it cannot review the results or instruct the police to reinvestigate a criminal allegation.

What can I do if I have reported a crime to the police but they refuse to record or investigate it?

If you believe the recording or investigation of a crime has been prevented due to the conduct of any police officer or members of police staff, then the IPCC can consider a complaint about those involved. However, this would not necessarily lead to the recording or investigation of the reported crime.

In the majority of cases, the decision about whether a reported crime warrants an investigation is an operational decision made in accordance with guidelines set by the Home Office. If you believe that a police force is failing to adhere to these guidelines, you should raise this with the police force concerned directly.

Other helpful organisations

Citizens Advice Bureau

Community Legal Advice
Tel: 0845 345 4345

Criminal Records Bureau
Tel: 0870 90 90 8119

Information Commissioner's Office
Tel: 08456 30 60 60

Home Office
Tel: 020 7035 4848

Police National Legal Database
Web-based information

Crown Prosecution Service
Tel: 020 7796 8000

Criminal Cases Review Commission
Tel: 0121 633 1800

To obtain this information in another language or format (Braille, audio, large print and Easy Read) please contact the IPCC using the details below.

If you are deaf or hard of hearing you can contact the IPCC using Text Relay – see number below.

IPCC contact details

Tel: 0300 020 0096
Email: enquiries@ipcc.gsi.gov.uk
Fax: 020 7404 0430
Minicom: 020 7404 0431
Text Relay: 18001 0207 166 3000

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.