

# **The development of new IOPC Statutory Guidance on the police complaints system – report on the 2018 public consultation**

**February 2020**

## **Introduction**

The purpose of this report is to explain how we consulted with the police service and the public on draft new IOPC statutory guidance and what happened as a result of the consultation.

The IOPC has a statutory duty to secure and maintain public confidence in the police complaints system in England and Wales and to ensure that it is efficient and effective. Producing statutory guidance<sup>1</sup> is one of the ways we help the police and local policing bodies (LPBs) to achieve high standards in the handling of complaints, conduct matters, and death and serious injury matters, and comply with their legal obligations.

The *Police Reform Act* (as amended by the *Policing and Crime Act 2017*) and regulations made thereunder will make significant changes to the police complaints and discipline systems. These are designed to achieve a more customer-focused complaints system, with enhanced local accountability and an increased focus on learning and reasonable and proportionate handling. New guidance has been produced to support the reformed police complaints system.

## **The public consultation**

As part of the public consultation we posed a series of questions on areas of the draft statutory guidance that we particularly wanted to hear views on. The full list of questions can be found at Annex A. The consultation ran from 23 November 2018 to 23 January 2019 (or 15 February 2019 for responses provided in Welsh). In addition to publishing the draft guidance on the IOPC website we contacted specific policing and non-policing stakeholders to try to ensure that we received responses from a broad range of people.

We received 65 responses which included just over 1,200 individual comments. We received 50 responses from policing stakeholders, 6 responses from non-policing bodies or organisations, including community representatives, charities, advocacy groups and parliamentarians, and 7 responses from members of the public. Two responses were anonymous. Annex B provides information about the types of responses received. We are grateful to have received all feedback.

The tables contained in this report show information about the feedback received and how it informed the final version of the guidance. Many points have been summarised and where multiple respondents made the same or similar points, these have been collated for inclusion in the tables.

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<sup>1</sup> Under s.22 *Police Reform Act 2002*

Many comments were about new legislation relating to police complaints that has been developed by the Home Office. As such we have not discussed that feedback in this report. Some respondents requested guidance on repeat or vexatious complaints. Guidance in this area can be found in IOPC guidance on managing unacceptable or unreasonable complainant behaviour.

## Responses and subsequent changes by question

### *Chapter 3: Reasonable and proportionate handling*

We asked if respondents agreed with the four principles of reasonable and proportionate handling outlined in the draft guidance. 70% of respondents tended to agree or strongly agreed, 9% tended to disagree or strongly disagreed, and 21% did not respond on this point.

When asked if there were any principles that should be added, 48% of respondents said no, 32% said yes, and 20% did not respond.

<b>Response to the consultation</b>	<b>Changes to statutory guidance</b>
The definition of 'reasonable and proportionate' handling requires clarification.	Separate definitions of 'reasonable' and 'proportionate' have been amalgamated into one to make the definition clearer and more succinct.
Information about dealing with vexatious complainants should be included in this chapter.	A reference to IOPC guidance on managing unacceptable complainant behaviour has been included, however our guidance in this area will remain separate.
Reference to the definition of a complaint should be included in this chapter.	Chapter 5 of the guidance deals with the definition of a complaint. It was felt that the two are separate topics and should be discussed separately.
The guidance is too detailed.	Although this does not reflect the general tone of the comments on this chapter, we have streamlined guidance at the beginning of the chapter.
Consideration should be given to vulnerability on the part of the complainant as a factor in deciding how the complaint should be handled, and reference to handling the complaint in a timely way.	The principle of taking a case-by-case approach now suggests that the complaints handler consider whether it would be helpful for the complaint to be dealt with by a specific person because of the subject matter or circumstances of the complaint, or their expertise. The importance of handling complaints in a timely way is highlighted in the principle

	<p>'Customer Service Focus', and also in chapter 6 on 'Initial handling and recording of complaints'.</p> <p>The guidance states that where the subject matter of the complaint is particularly serious or sensitive, the complaint handler should also consider having regard to the entitlements set out in the <i>Ministry of Justice's Code of Practice for Victims of Crime</i> — for example, offering the opportunity to have a person of the same sex handle certain types of complaint.</p> <p>Vulnerability is also discussed in Chapter 2 of the guidance.</p>
<p>A risk-based approach should be used. For example, where it appears from complaints data there is a pattern of possible errors or wrongdoing then it will be reasonable and proportionate for more extensive resource to be put into the handling of such complaints.</p>	<p>Reference has been added into paragraph 10.12 in relation to assessing seriousness.</p>

#### *Chapter 4: Learning and improvement*

We asked if it would be useful to provide any further guidance on how to use learning from the complaints system. The chapter was broadly welcomed by respondents. We received several helpful suggestions for sharing learning and best practice and these have been fed into the IOPC team working on learning and improvement.

<b>Responses to the consultation</b>	<b>Changes to the guidance</b>
<p>The guidance should state that learning should be identified and implemented as quickly as possible. Consideration should be given to including time targets.</p>	<p>The guidance already states that learning should be identified and implemented as swiftly as possible. We have added that it is not always necessary to wait until the end of handling before implementing any changes or improvements. We do not believe it would be practical to set realistic time targets around learning therefore we have not included them in guidance.</p>
<p>Guidance should be included on the correct storage and use of personal data in relation to disseminating learning.</p>	<p>A footnote has been added to the guidance to remind police forces and LPBs about their obligations to handle data in compliance with data protection legislation, and a general reference is made to data protection legislation in <i>Chapter 1: Introduction: Other guidance and legislation</i>.</p>
<p>The guidance should encourage police forces to analyse complaints in order to identify trends and possible improvements.</p>	<p>The guidance already states that police forces and LPBs should analyse complaints to identify themes and trends. We have added that identifying trends and themes may include within teams, divisions, or geographical areas.</p>
<p>The Learning the Lessons magazine should be expanded to include learning identified by individual police forces through local complaints handling.</p>	<p>This is something we have done before with the help of the National Police Chiefs Council (NPCC) (but not recently, or on any great scale). We hope to revisit how we can use local learning again if/when we are able to access data from individual police force computer systems.</p>
<p>The guidance should be more detailed. For example, the IOPC could create standard operating procedures for the police service as a whole to prompt the consideration of learning.</p> <p>The IOPC might standardise the way local data is categorised and recorded to enable nationwide benchmarking and so that national trends can be identified.</p>	<p>We think that the guidance already encourages forces to carry out much of the work suggested and we have some standardised data capture for learning, as set out in IOPC guidance on data capture.</p> <p>More broadly the IOPC is further developing work on learning and improvement.</p>

The guidance should include advice on what action might be taken by LPBs if identified learning is not implemented by the relevant police force.	We do not believe it would be appropriate to stipulate in statutory guidance what might happen if learning recommended by LPBs is not implemented.
The sources of learning identified in the chapter should include civil claims, regardless of whether a complaint has also been made.	This has been added to paragraph 4.9.

### *Chapter 6: Initial handling of complaints*

We asked if guidance on initial handling is sufficient, in particular:

1. is the distinction between logging and recording a complaint clear?
2. would it be helpful to have further guidance on what action can be taken to handle a complaint outside of Schedule 3 to the Police Reform Act 2002 (PRA)?

A significant proportion of respondents requested more detailed and clearer guidance.

<b>Responses to the consultation</b>	<b>Changes to the guidance</b>
More detailed guidance on IOPC expectations on the logging of complaints is needed.	Text on the process of initial handling and the distinction between logging and recording a complaint has been made clearer, and the chapter now includes a flowchart with a step-by-step guide. We have added a reference to the IOPC guidance on data capture.
More detailed guidance on what should be recorded is needed.	This guidance has been expanded. It also clarifies that complaints, referred to the Reflective Practice Review process, should be recorded. Guidance has also been added on when it may be appropriate to record a complaint that does not meet the mandatory criteria for recording.
The guidance focuses too much on explaining the technical process of initial handling to complainants.	We have clarified the need to be mindful of the language used when explaining to complainants how a complaint might be handled to help avoid causing confusion.

<p>More information is needed on the definition of a complaint.</p>	<p>Guidance on the definition of a complaint has been changed following additional focused consultation with stakeholders. Expectations on logging complaints can be found in IOPC guidance on data capture.</p>
<p>Comments were made about the time targets in this chapter to log a complaint within 2 working days and contact the complainant within 5 working days. Some respondents thought they were too long, others too short.</p>	<p>Reflecting on these comments led us to conclude that without a clear evidence base it is not practical to set realistic time targets for these new processes. Therefore time targets have been removed from statutory guidance. We nevertheless expect complaints to be logged and the complainant contacted promptly and will be measuring and reporting on the actual time taken to do both. This is covered by the framework for capturing data on complaints. Statutory guidance also stresses that early contact with the complainant is pivotal to the success of resolving the complaint to the complainant's satisfaction.</p>
<p>Information on the definition of a Chief Officer should be clearer, and more detailed guidance is needed on the handling of complaints about Chief Officers.</p>	<p>Guidance on complaints about Chief Officers has been expanded and moved into a separate annex (Annex A).</p>
<p>The guidance should comment on the data protection implications of forwarding complaints to the correct body where they have been sent to the wrong place.</p>	<p>Chapter 1 (Introduction) refers to data protection legislation and guidance from the Information Commissioner's Office. The same data protection rules apply to the police complaints system as other areas of work; therefore, we don't believe IOPC statutory guidance is the right place for more detailed advice in this area.</p>
<p>The lack of clear requirements for handling complaints outside of Schedule 3 to the Police Reform Act 2002 (PRA), including lack of scrutiny and reporting requirements creates a risk that these complaints will be handled inadequately and opportunities for learning will be missed. This is a particular concern where the complainant in a vulnerable situation may have difficulty articulating their complaint or wishes and may feel pressured into having their complaint handled in this way.</p>	<p>Guidance on timely handling outside of Schedule 3 to the PRA has been expanded. It was not thought helpful to include a time limit – this process is new for many forces. Therefore, it is difficult to assess what an appropriate time limit would be. However, time taken will be measured and reported on allowing for comparison across the police service.</p>

It would be helpful to put a time limit on handling complaints outside of Schedule 3 to the PRA. Some complainants may not expressly identify that they have suffered discrimination. The guidance should be reworded to reflect this.	Guidance on handling complaints where the complainant may be in a vulnerable situation is included in chapter 2 of the guidance.  Reference is made to handling complaints involving or potentially involving discrimination in chapter 6 of the guidance.
More detailed guidance is needed on IOPC expectations of handling complaints outside of Schedule 3 to the PRA.	Guidance and suggestions for actions that might be taken to resolve the complaint handled outside of Schedule 3 to the PRA have been included. Case studies can also be found in our Focus publication.
Guidance on recording complaints involving alleged breaches of articles 2 and 3 of the European Convention on Human Rights should be broadened to include other relevant articles and made more detailed.	Guidance has been added on when recording a complaint may be appropriate, even though it does not meet the mandatory criteria for recording. This includes consideration of whether it involves an alleged breach of one of the other articles of the European Convention on Human Rights.

*Chapter 12: Handling complaints under Schedule 3 to the Police Reform Act otherwise than by investigation*

We asked if the guidance in this chapter is sufficiently detailed and for any examples of what respondents consider to be good practice.

Respondents thought that more detailed guidance was needed. Some welcomed the opportunity to handle complaints more flexibly, others expressed concern that comparatively serious matters might not be thoroughly scrutinised as a result of the changes.

<b>Responses to the consultation</b>	<b>Changes to the guidance</b>
Minimum standards for handling should be set.	We have set out our expectations in paragraphs 12.7 and 12.8. Text is also included in chapter 17 on outcomes. Case studies can also be found in our Focus publication.

Examples of possible action to resolve complaints should be included.	The guidance now refers back to <i>Chapter 6: Initial handling and recording of complaints</i> for examples of actions that might be taken to resolve complaints. Further detail has also been included in chapter 17 on outcomes. Case studies can also be found in our Focus publication.
The distinction between conducting an investigation and carrying out 'investigative steps' as part of other handling is an artificial one and will cause confusion for officers and complainants.	More detailed guidance on the threshold for investigation and what steps can be taken to make this determination have been added to <i>Chapter 10: Deciding whether to investigate or otherwise handle a matter under Schedule 3 to the Police Reform Act</i> .
Content on the test for conducting an investigation should be reconsidered. There is a risk that comparatively serious complaints might not be investigated and therefore handled inadequately. Decisions not to investigate should be approved by a supervisor.	The test for conducting an investigation is set out in legislation and the guidance reflects that legislation. It would not be appropriate to stipulate in statutory guidance how police forces should arrange this process. However, there is provision for these decisions to be scrutinised through the review function.

We asked to what extent respondents agreed with stated examples for when it may be reasonable and proportionate for no further action to be taken. 61% of respondents fully or somewhat agreed, 23% of respondents fully or somewhat disagreed, and 16% did not respond.

We also asked if guidance on when to take no further action is sufficient and if there are any other circumstances where it might be reasonable to take no further action. Responses were mixed.

<b>Responses to the consultation</b>	<b>Changes to the guidance</b>
Guidance is quite clear but any decision to take no further action should be accompanied by a clear rationale communicated to the complainant.	Guidance on taking no further action has been redrafted to provide clarity on when taking no further action might be appropriate, and where completing minimal enquires might be reasonable and proportionate.
It may be helpful to add a paragraph to reflect the fact that there may be occasions that fall outside the specific examples when it may be appropriate to take no further action. These	Guidance also provides that in certain circumstances it may not be reasonable and proportionate to take further action to

<p>would be for the police force to justify and would be open to review.</p> <p>As written, the guidance would open the floodgates to large numbers of historic complaints.</p> <p>Guidance should be expanded, particularly on complaints lacking any credence.</p>	<p>explore a complaint where the complaint is made a significant amount of time after the incident complained about.</p> <p>The guidance has been redrafted to emphasise that complaint handlers should always endeavour to take positive action towards the resolution of a complaint wherever it is reasonable and proportionate to do so, and that a detailed rationale for the decision to take no further action should be provided to the complainant.</p> <p>Guidance can also be found in our Focus publication.</p>
<p>Guidance should make clear that just because a significant amount of time has elapsed between an incident and a complaint being made it may still be reasonable and proportionate to take action.</p>	<p>Guidance on taking no further action has been clarified and reference added in chapter 10 in the section about assessing the levels of enquiries needed. Additional guidance and case studies can also be found in our Focus publication.</p>
<p>The example of no further action being taken in respect of complaints of a nature that no reasonable person could lend credence is demeaning to complainants and should be reconsidered. It is also wide enough to be open to abuse.</p>	<p>It is necessary to include complaints lacking credence in this section, however the language has been changed and the circumstances in which it might be a reason to take no further action has been clarified.</p>

## Chapter 18: Reviews

We asked if guidance on the handling of reviews is sufficient. Some said the guidance is clear and concise others felt some of the content would benefit from additional detail on the responsibilities of LPBs.

<b>Responses to the consultation</b>	<b>Changes to the guidance</b>
<p>Guidance on the Relevant Review Body test should be made clearer.</p>	<p>We have added clarity to guidance on the Relevant Review Body where we are able to.</p>

Additional guidance on the delegation of review powers by LPBs would be welcomed.	We have expanded guidance on the delegation of the review function. We suggest that Office of the Police and Crime Commissioner (OPCC) representatives should take legal advice if they have concerns about the specific arrangements they wish to make.
Guidance on what information is required from a complainant with the review application appears to be contradictory.	Guidance on information required from a complainant with their review application has been clarified.
Clear timescales should be provided on the provision of information relevant to the review to the Relevant Review Body. There should also be a list of essential information that the reviewer is required to obtain for each review.	Including a time limit in statutory guidance was not considered to be appropriate. The amount of time to provide the information will depend on what has been requested. We have instead added content on what information should be provided.
LPBs are unable to direct police forces to implement recommendations they make on reviews. This should be made clearer in guidance.	We have clarified the distinction between IOPC powers to make recommendations following a review and the powers of a LPB.
The review right relates to the outcome of complaint handling. What if the complaint was handled poorly but the outcome was reasonable and proportionate?	Guidance on this topic is included in this chapter.
It would be helpful to include in guidance a flowchart for the Relevant Review Body test.	A flowchart has been included in the flowcharts section of the guidance.

### Other areas of feedback

We also asked respondents for any other comments on the guidance.

Chapter	Response to the consultation	Changes to the guidance
1: Introduction	The introduction should set the tone for the reformed complaints system and this chapter should include more on the changes.	We wish to avoid dating the guidance, however, the chapter has been expanded to include information on the aims of the reformed complaints system.

1: Introduction	Additional guidance on the delegation of the duties of the Appropriate Authority and Chief Officer was requested.	Additional guidance has been added. This created a more natural home for text on different models of handling that the LPB can adopt. This now sits under chapter 1 not chapter 6.
1: Introduction	A list of legislation that police forces and LPBs should have regard to should include the <i>Welsh Language Act 1993 and Welsh Language (Wales) Measure 2011</i> .	Reference has been made to the <i>Welsh Language Act 1993 and Welsh Language (Wales) Measure 2011</i> including Standards applicable to respective organisations.
2: Accessing the complaints system	Additional guidance is needed on the practical application of the definition of a complaint ('an expression of dissatisfaction').	We carried out some focused consultation on this point. Guidance in relation to complaints made via social media now states that we do not expect social media to be trawled for expressions of dissatisfaction, but where someone directs a post at the force, where they are intending to raise a complaint, and they appear to meet the definition of a complainant. Police forces should ensure that there are systems in place to bring that post to the attention of the department or body responsible for the initial handling of a complaint, for logging and handling.
5: Complaints	Many respondents requested clarity about the new definition of a complaint: <ul style="list-style-type: none"> <li>• on what amounts to 'an expression of dissatisfaction'</li> <li>• on IOPC expectations about the types of matters complaints handlers should log</li> </ul>	Small changes to the <i>Police (Complaints and Misconduct) Regulations 2020</i> made it possible to provide greater clarity through IOPC statutory guidance and IOPC data capture guidance. There is no specific legal definition of an expression of dissatisfaction therefore the standard dictionary definition should be applied. However statutory guidance now states that a complaint is any expression of dissatisfaction with a police force that is expressed by, or on behalf of, a member of the public. It must be made by a person who meets the

		<p>definition of a complainant. There must also be some intention from the complainant to bring their dissatisfaction to the attention of the force or local policing body. A complaint does not have to be made in writing, nor must it explicitly state that it is a complaint for it to be considered as one.</p> <p>Guidance on logging complaints can be found in IOPC Data Capture Guidance.</p>
5: Complaints	Guidance on who can make a complaint needs simplifying.	Guidance on who can make a complaint has been rearranged into a table to make it easier to read.
5: Complaints	Guidance on collaboration agreements is needed.	A paragraph on officers working in alliances or collaborative working arrangements has been included in <i>Chapter 5: Complaints</i> .
9: Referrals	Several respondents told us that that the definition of 'serious sexual offences' in the guidance is too high, out of step with public thinking, and our own work on abuse of police powers for a sexual purpose. The definition relates to the threshold for mandatory referral to the IOPC and also appears in the 2012 version of statutory guidance.	On reflection we agree with these comments and have developed a new definition based on that used in the <i>Police and Criminal Evidence Act 1984</i> . Guidance now states that the term 'serious sexual offences' refers to conduct by a person serving with the police which constitutes a sexual offence under the <i>Sexual Offences Acts 1956 to 2003</i> , unless it is a summary-only offence, committed whilst the person is off duty. The new test is therefore set at a lower level and is not subjective.
9: Referrals	Several policing stakeholders requested additional guidance on out of hours referral to the IOPC of matters meeting the mandatory referral criteria. Others were concerned that the decision on referring out of hours is too subjective for this guidance.	Content on out of hours referrals has been expanded.

10: Deciding how to handle a matter under Schedule 3 to the Police Reform Act	Guidance on the threshold test for conducting an investigation should be more detailed and more practical.	Guidance on the threshold test has been expanded and clarified. Additional guidance can also be found in our Focus publication.
13: Requirements when investigating	Additional detail on early referral to the Crown Prosecution Service (CPS) would be helpful.	Additional content on early referral to the CPS has been included.
13: Requirements when investigating	Additional guidance on making the severity assessment is needed.	Additional guidance added.
13: Requirements when investigating	Guidance on interviewing police officers or staff refers to video interviewing. One respondent commented that there is no provision in regulations for interviews.	We sought advice from the College of Policing on this point and amended the guidance to reflect their comments.
14: Concluding an investigation	Language used to describe the decision made at the end of handling certain types of complaints (upheld or not upheld) is not consistent with the ethos of the reformed complaints system i.e. to move towards greater corporate accountability and away from individual blame (where appropriate).	This led to a wider discussion within the IOPC about the suitability of existing practices. We felt that the current terminology lacks nuance because it fails to distinguish between complaints disproved and those complaints where it is not possible to determine what actually happened. This may be unhelpful to complainants and other parties to the complaint, and is unhelpful for performance reporting purposes. Work by our oversight team also indicates that the current terminology is being misapplied by forces. It seems that 'upheld' is often only being applied where there is a clear finding of blame against an individual officer(s).

		<p>We subsequently worked with stakeholders to develop new terminology:</p> <ul style="list-style-type: none"> <li>• <i>'The service provided by the police [or other AA as applicable] was acceptable because...'</i></li> <li>• <i>'The service provided by the police [or other AA as applicable] was not acceptable because...'</i></li> <li>• <i>'We have looked into your complaint but have not been able to determine if the service provided was acceptable because...'</i></li> </ul> <p>The new terminology will apply to complaints handled by non-special procedure investigations and complaints handled under Schedule 3 of the PRA otherwise than by investigation. They cannot apply to complaints handled by special-procedure investigation for legal reasons.</p>
14. Concluding an investigation	Agreement with Home Office officials that content on case to answer should be covered solely in Home Office statutory guidance.	Content on case to answer determinations has been removed from our statutory guidance.
15: Suspending and resuming handling	Guidance says the CPS should be consulted before an officer(s) is suspended. This is not a legislative requirement and creates a lot of work.	We acknowledge this point. Guidance has been softened to a suggestion that the CPS be consulted.
16: Dealing with withdrawn complaints	Guidance stipulates letters to the complainant on withdrawal should be sent by recorded delivery. This is an inflexible and outdated approach.	This requirement has been removed. The guidance now states that there must be some record of the contact.

17: Outcomes following an investigation or other handling under Schedule 3 to the <i>Police Reform Act 2002</i>	Additional guidance on outcomes beyond formal investigation outcomes is needed.	Content has been expanded and the chapter restructured to make this topic more prominent.
17: Outcomes following an investigation or other handling under Schedule 3 to the <i>Police Reform Act 2002</i>	Additional guidance on specific outcomes is needed.	We have included further information and guidance in chapter 17 about the various outcomes which may be available at the conclusion of handling a matter under the <i>Police Reform Act 2002</i> .
18: Reviews	Language used to describe the decision made on appeals (upheld or not upheld) is not consistent with the ethos of the reformed complaints system i.e. to move towards greater corporate accountability and away from individual blame (where appropriate)	The existing terminology has the advantage of providing all parties with a clear statement on the decision made. However, it does not fully reflect new legislation – was the outcome of the complaint reasonable and proportionate. We have therefore changed the terminology to be used in respect of review decisions to: <i>‘The outcome of the complaint was / was not reasonable and proportionate and therefore your review is upheld / not upheld’.</i>
Annex A: Supplementary guidance on handling matters about the actions of Chief Officers	Specific guidance on handling matters relating to Chief Officers is needed.	An annex has been created to deal specifically with matters relating to chief officers. Specific guidance can also be found in our Focus publication.

<p>Annex B: Supplementary guidance on handling matters related to officers who are no longer serving with the Police</p>	<p>Specific guidance on handling matters relating to former officers is needed.</p>	<p>An annex has been created to deal specifically with matters relating to former officers.</p>
<p>Glossary</p>	<p>General feedback that additional guidance is needed.</p>	<p>Three definitions have been added to the glossary: complaint handler, member of a police force, recordable conduct matter.</p>

## **Annex A: Consultation questions**

### *Chapter 3: Reasonable and proportionate handling*

1. How far, if at all, do you agree with each of the following principles of reasonable and proportionate handling? (1) Customer service focus, (2) case by case approach, (3) consider the wider context, (4) fair and effective decisions?
  - Strongly agree
  - Tend to agree
  - Tend to disagree
  - Strongly disagree
2. Are there any principles that you do not agree with? If yes please state which ones and why.
3. Are there any other principles that you think should be added? If yes, please state which ones and why.

### *Chapter 4: Learning and improvement*

4. Do you think that it would be useful to provide any further guidance on how to use learning from the complaints system? If yes, please tell us what further guidance would be useful.

### *Chapter 6: Initial handling and recording*

5. In general, do you think the guidance on the initial handling of complaints is sufficient? Please explain your answer.
6. Do you think that the distinction between 'logging' and 'recording' complaints is clear? If no, or you are not sure, please tell us what is not clear.
7. Do you think that it would be helpful to have further guidance on what actions can be taken to deal with a complaint outside of Schedule 3 of the Police Reform Act 2002? Please explain your answer and include any suggestions you may have.

### *Chapter 12: Handling complaints under Schedule 3 of the PRA otherwise than by investigation*

8. In general, do you think that the guidance on handling otherwise than by investigation is sufficient? Please explain your answer.

9. If you have any other examples of how to handle matters otherwise than by investigation that you think should be included in chapter 12, please describe here.
10. Do you think that the guidance on when it may be appropriate to take no further action is sufficient? Please explain your answer.
11. To what extent do you agree with the examples given at paragraph 12.9 of when it may be reasonable and proportionate for no further action to be taken? Please explain your answer.
- Fully agree
  - Somewhat agree
  - Somewhat disagree
  - Fully disagree
12. Are there any other circumstances in which you think it would be appropriate to take no further action? If yes, please explain your answer.

*Chapter 18: Reviews*

13. Do you think that the guidance on the handling of reviews is sufficient? Please explain your answer.

*Other*

14. Are there any other comments you would like to make in relation to the statutory guidance?

## Annex B: Responses by type

Table 1 shows the types of comments made and table 2 the most common topics for comment.

*Table 1*

<b>Comment type</b>	<b>Count</b>
On drafting	234
General comment	30
Concern about the legislation	74
Misunderstanding legislation	43
Text contains too much detail	7
Other – further action required	8
Other – no further action required	214
Request for change to policy	90
Request for additional guidance	331
Offers to assist	20
<b>Total</b>	<b>1,051</b>

*Table 2*

<b>Topic for comment</b>	<b>Count</b>
Positive feedback on the draft	54
Relates to police or IOPC corruption	41
Handling recorded complaints otherwise than by investigation	27
The difference between logging and recording a complaint	22
Handling persistent complainant and vexatious complaints	19
Request to make text more specific	14
Thresholds for recording and investigating	13
Handling complaints outside of the legislation	12
Referral to the IOPC of matters involving Chief Officers	11
Delegation by a Police and Crime Commissioner of their powers to handle reviews	10
Targets for logging a complaint and contacting the complainant	10
The process for logging a complaint	10
Complaints where no further action is appropriate	9