

Appealing against a complaint not being recorded under the Police Reform Act 2002



Making an appeal to the
Independent Police Complaints Commission

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➔ Appealing against a **complaint not being recorded** under the Police Reform Act 2002

➔ Introduction

This leaflet tells you what you can do if the police do not record your complaint. It explains:

- under what circumstances you can make an appeal to the Independent Police Complaints Commission (IPCC)
- how to make an appeal and by when
- how the IPCC will deal with your appeal
- how to contact the IPCC.

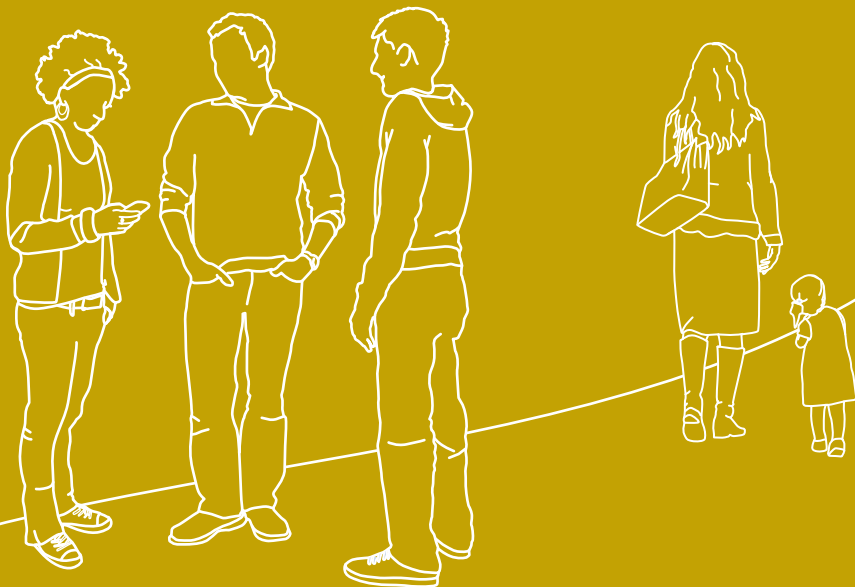
This leaflet includes an appeals application form. This can also be completed online.

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

You may be able to appeal to the IPCC if you have made a complaint against the police and you are not happy with the way it was handled.

The IPCC is responsible for the way complaints about the police are handled. It is also responsible for considering appeals made by members of the public about their complaints and can, if appropriate, direct forces to change their decisions or to take further action.

The IPCC is an independent organisation and its final decisions cannot be overruled except by a court of law.



⇒ How should the police deal with a complaint?

Under the Police Reform Act 2002, 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 under that Act.

If you made your complaint to the wrong police force or police authority, it must pass your complaint to the correct police force or police authority.

If you tried to make a complaint about the conduct of a person serving with the police but the police did not record it, you may be able to appeal to the IPCC. We will look at your case to see whether not recording your complaint under the Police Reform Act 2002 was justified.

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

Yes, you can appeal to the IPCC if:

- **The police did not make a decision about your complaint.**

The police must make a decision about whether to record your complaint or whether it is the correct police force or police authority to handle your complaint. The IPCC expects forces to decide whether a complaint should be recorded and tell you their decision within 15 working days. You can appeal if you do not hear from the police within this time.

- **The police did not record your complaint.**

Police forces have a duty to record complaints about the conduct of a person serving with the police. However, they do not have to record a complaint if:

- it is already part of another complaint that has been (or is being) dealt with through criminal or disciplinary proceedings
- the complaint was made before but then withdrawn by the person who made it
- the complaint was made before but the IPCC gave permission for it not to be dealt with by the police force or police authority under the Police Reform Act 2002
- the complaint was about direction and control. The IPCC cannot deal with complaints about the overall policies of a police force – known as ‘direction and control’ complaints. This includes, for example complaints about operational policing policies, decisions about police resources (such as where officers and staff should be located), or general policing standards in an area. If your complaint is about direction and control it will be dealt with by the relevant police force under a separate system
- 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 police authority you complained to failed to pass your complaint to the correct police force or police authority (the one you complained about).**

If you made your complaint to the wrong police force or police authority, it must pass your complaint to the correct police force or police authority and confirm this in writing.

⇒ How do I make an appeal and by when?

Appeals can be made online. Please visit www.ipcc.gov.uk/index/complaints/forms.htm to access the relevant online appeal form.

Alternatively, use the attached form and send it to the address shown on the map on page 7.

The IPCC must receive your appeal within 28 days of the date of the letter you received from the police telling you that your complaint was not recorded.

This includes the time your appeal spends in the post. Completing the online appeal form can speed up the process.

If you do not send your appeal to the IPCC within 28 days, we do not have to consider your appeal.

The IPCC may be able to extend this time period if you have very special circumstances and you can fully explain your reasons for asking for an extension. We may also be able to extend this time period if the police failed to tell you what they were going to do about your complaint.

⇒ How will the IPCC deal with my appeal?

The IPCC will send you a letter to tell you we have received your appeal form.

We will also contact the police to tell them about your appeal, give them a copy of your appeal and ask them for any information they have about your complaint.

Once we have received all the information from the police, we will assess your appeal and make a decision about it.

Please note that during the appeals process, the IPCC will not investigate your original complaint; we will review the process that led to your complaint not being recorded.

⇒ If your appeal is upheld

If your appeal is upheld, the IPCC will instruct the chief police officer or police authority about what it should do about your complaint. The police must follow these instructions. We will tell you in writing about the instructions we give to the police and explain what happens next.

Please note that this is a decision only about whether your complaint should be recorded, not about whether the substance of your complaint is upheld.

⇒ If your appeal is not upheld

If your appeal is not upheld, the IPCC will write to you explaining how and why it made its decision.

⇒ What should I do if I need more advice?

If you are still not sure what to do next or you need more information, you can contact an organisation such as your local Citizens Advice Bureau for advice. You can also talk to a legal advisor.

You can contact the IPCC for advice about the appeals process, if you have difficulty filling in the online or paper form, or if you require this leaflet or form in another language or format.

Independent Police Complaints Commission

Tel:	08453 002 002	Email:	enquiries@ipcc.gsi.gov.uk
Fax:	020 7404 0430	Website:	www.ipcc.gov.uk
Minicom:	020 7404 0431	Text Relay:	18001 0207 166 3000

The appeal form can be completed online at www.ipcc.gov.uk/index/complaints/forms.htm If you are completing a paper-based appeal form, please return it to the appropriate IPCC office. The map below shows which police force is covered by which IPCC office.

North East England

IPCC
Evergreen House
Unit C, Cedar Court Office Park
Denby Dale Road
Calder Grove
Wakefield WF4 3DB
Fax: 01619 695 659

North West England

IPCC
1st Floor, Oaklands House
Washway Road
Sale M33 6FS
Fax: 01619 695 659

Wales and South West England

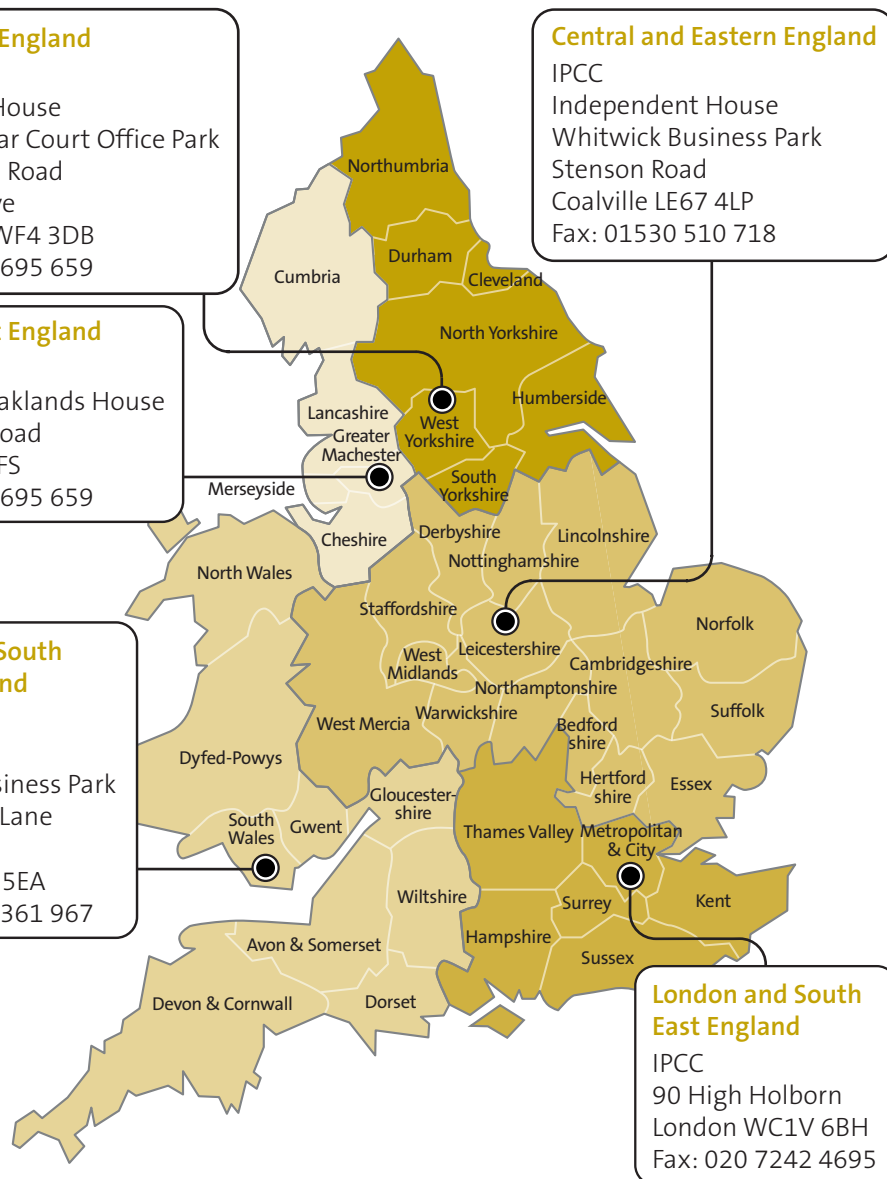
IPCC
Unit 2
Eastern Business Park
Wern Fawr Lane
St Mellons
Cardiff CF3 5EA
Fax: 02920 361 967

Central and Eastern England

IPCC
Independent House
Whitwick Business Park
Stenson Road
Coalville LE67 4LP
Fax: 01530 510 718

London and South East England

IPCC
90 High Holborn
London WC1V 6BH
Fax: 020 7242 4695



Please note that the Serious Organised Crime Agency (SOCA) is covered by the London and South East IPCC office.

The IPCC will deal with your appeal more quickly if it is completed online or sent to the correct IPCC office. If you are still not sure which office to send your form to, please contact the IPCC using the details below.

To obtain this leaflet in another language or format please contact the IPCC using the details below.

Tel: 08453 002 002
Fax: 020 7404 0430
Minicom: 020 7404 0431
Email: enquiries@ipcc.gsi.gov.uk
Website: www.ipcc.gov.uk

If you are a deaf or hard of hearing customer you can contact the IPCC using Text Relay. Please use the following number.

Text Relay: 18001 0207 166 3000

The IPCC will use the information you provide for the purposes of processing your complaint and to carry out its legal responsibilities under the Police Reform Act 2002. The IPCC will not pass on information to anyone else except where it is necessary to carry out its work.

Please tell the IPCC why you would like to appeal about the way your complaint was handled by ticking the appropriate box.

- The police force did not make a decision about whether to record my complaint.
- The police force did not record my complaint.
- The police did not forward my complaint to the police force or police authority involved.

Please explain why you want to appeal. Please continue on a separate sheet if necessary.

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If you have any evidence or information to support your complaint, for example photos or letters, please list below.

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Please note that the information you provide relating to an appeal will be passed to the police force involved.

Signature of the person making this appeal:

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Date:

D | D | M | M | Y | Y | Y

The IPCC, like all public bodies, is obliged to record the ethnicity of people using its service. Being able to identify the ethnicity of complainants helps us to check we are reaching all sections of society. Please describe your ethnicity using the boxes below.

WHITE

- White British
- White Irish
- Any other White background

MIXED

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other mixed background

ASIAN OR ASIAN BRITISH

- Indian
- Pakistani
- Bangladeshi
- Any other Asian background

BLACK OR BLACK BRITISH

- Caribbean
- African
- Any other Black background

OTHER ETHNIC GROUPS

- Chinese
- Any other ethnic groups

OTHER

- Prefer not to say



Where to send your appeal

This form can be completed online at www.ipcc.gov.uk/index/complaints/forms.htm if you have completed the paper-based version of the form, details of where you should send it are listed on the inside back cover of this leaflet.