

Appealing against the police investigation into your complaint



Making an appeal to the Independent Police Complaints Commission



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➔ Appealing against the police investigation into your complaint

➔ Introduction

This leaflet tells you what you can do if you are not satisfied with the outcome of a police investigation into 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.

➔ Can I appeal against the outcome of a police investigation into my complaint?

Yes, you can appeal to the IPCC if:

- **You have not received enough information about the findings of the investigation or what action the police plan to take.**

At the end of its investigation into your complaint, the police force should give you a good-quality explanation of what the investigation has found, if it intends to take any action as a result of its findings and if so, what action it proposes to take. It should also tell you about your right of appeal to the IPCC.

The police may give you a copy of its investigator's report in order to provide you with this information. Alternatively, it may communicate it to you by letter or email.

You can appeal if you think that the police have not provided enough information to enable you to understand what their investigation into your complaint found or what action it intends to take because of it.

- **You disagree with the findings of the investigation.**

The police investigation into your complaint will gather evidence in order to establish the facts of what you have complained about.

These facts are its findings. You need to keep in mind that the police investigation will be proportionate to the seriousness of your complaint and the likely outcomes.

You can appeal if you think that the findings of the investigation need to be reconsidered. For example if:

- some witnesses you consider important were not traced and/or interviewed
- you do not think that the police properly understood what your complaint was about
- you do not think that parts of your complaint were investigated
- you do not think that the evidence the police have gathered supports the conclusions it has reached
- you do not think the police have come to the right decision about whether or not your complaint should be upheld.

• **You disagree with the action the police plan to take as a result of the investigation.**

When the police tell you what their investigation has found they should also tell you what they plan to do as a result. This may mean changes to the way the police work; an apology and commitment to prevent it happening to someone else; or constructive advice being given to the officer you complained about by their manager.

In some serious cases, it may mean an officer being asked to explain what they did in formal misconduct proceedings. Alternatively, there may be reasons why the police will take no action at all.

You can appeal if you disagree with the action that the police plan to take. For example:

- you do not think the police have done enough to prevent the same thing happening again
- you think the action the police have said they will take against the person you complained about is not right.

• **(If you made your complaint after 1 December 2008) You do not think the police have made the right decision about whether an officer you complained about has a case to answer in relation to their conduct.**

At the end of the investigation into your complaint the police will decide whether or not the officer you complained about has a case to answer for misconduct or gross misconduct.

Misconduct means the officer has done something that fails to meet the Standards of Professional Behaviour expected of a police officer. Gross misconduct means the failure to meet those standards is so serious that the officer could lose their job.

You can appeal because the police have said that an officer does not have a case to answer and you think they do. You can also appeal if the police have said that an officer has a case to answer for misconduct but you think it should be for gross misconduct.

If you made your complaint before 1 December 2008, the police will not have made a formal decision whether the officer had a case to answer. Instead, they will proceed straight to considering what action they will take (see above).

• **(If you made your complaint after 1 December 2008) You disagree with a decision the police have made not to refer the investigation of a complaint to the Crown Prosecution Service (CPS).**

When the police have finished their investigation into your complaint they will decide whether to send your complaint to the CPS for consideration. The police must send your complaint to the CPS if:

- they think a crime may have been committed and
- they think it is appropriate to do so under the circumstances.

The CPS makes decisions about whether someone accused of a crime will be prosecuted in a criminal court. You can appeal if the police have decided not to send your complaint to the CPS and you think they should have done.

When the police do send your complaint to the CPS, this does not necessarily mean that the CPS will decide to prosecute an officer you have complained about. You cannot appeal to the IPCC if the CPS decides not to prosecute the officer. The IPCC has no powers to change decisions made by the CPS.

This right of appeal exists only if the police received your complaint after 1 December 2008. Before this date, the police had less choice about which complaints to send to the CPS.

Please note: you cannot appeal to the IPCC if the investigation into your complaint was managed or independently conducted by the IPCC.

➔ 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 about the outcome of the investigation. 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.

➔ 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; it will review the police investigation into your complaint.

➔ 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.

➔ 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?

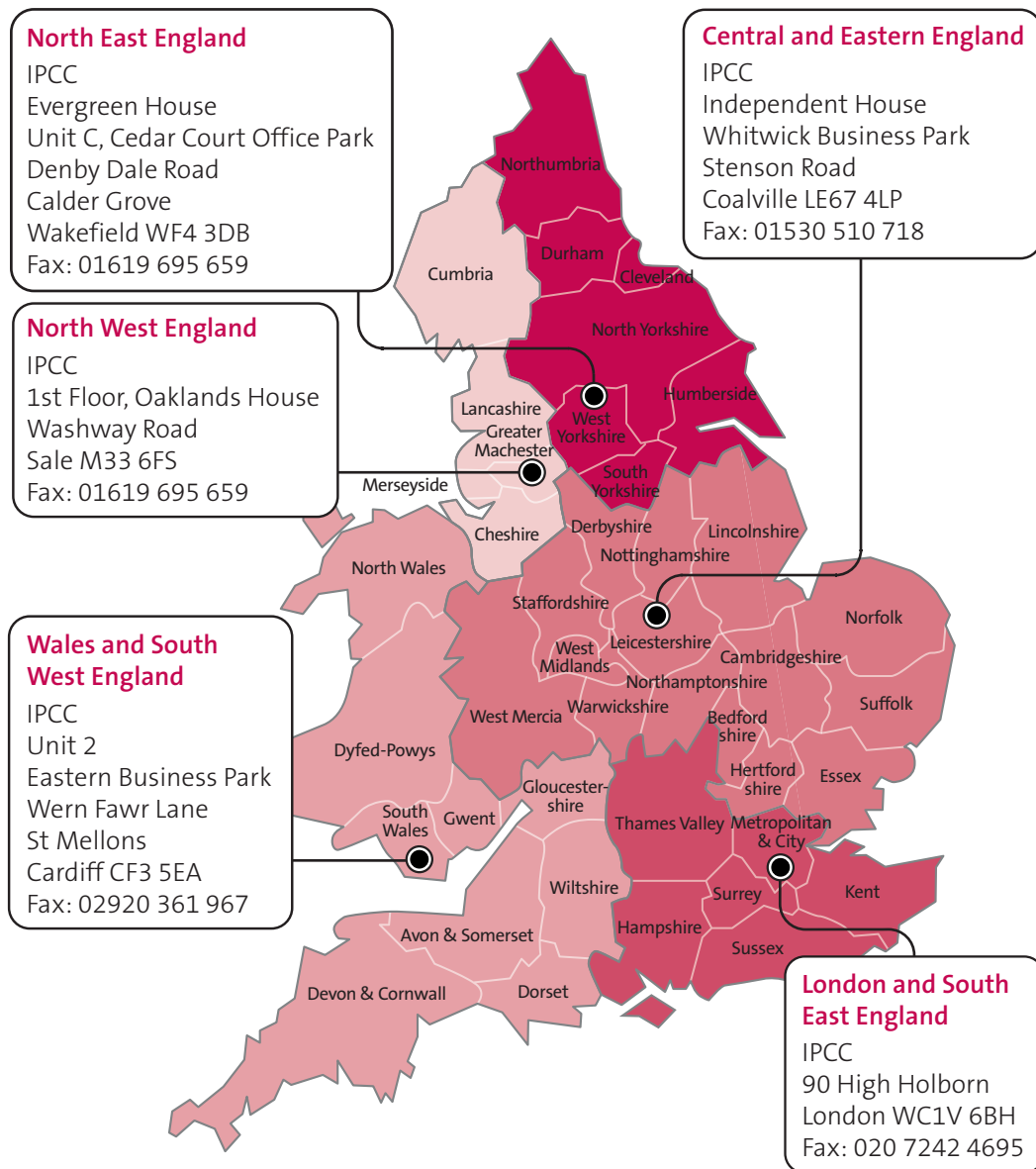
If you are still not sure what to do next or you need more information, you can contact an organisation such as your local Citizens Advice Bureau for advice. You can also talk to a legal advisor.

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.



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.

Appealing against the police investigation into your complaint

This form can be completed online. Please visit www.ipcc.gov.uk/index/complaints/forms.htm

The IPCC must receive your appeal within 28 days of the date of the letter you have received from the police telling you about the outcome of the investigation. Completing the online form will speed up this process. Alternatively, please fill in and return this form as instructed on the inside back cover of this leaflet.

If there is anything which makes it difficult for you to use this service, for example if English is not your first language or you have a disability, please contact the IPCC using the contact details on the back of this leaflet. Alternatively, please use the space below to tell us how we might help to make things easier for you.

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Please give the name of the police force your complaint was about.

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Please give the date of the letter you received from the police telling you the outcome of the investigation.

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Please tick the appropriate box: Mr Mrs Miss Ms Other (please specify)

First name: (Please write clearly)

.....

Surname: (Please write clearly)

.....

Your address:

.....

Postcode:

Daytime telephone number:

.....

Evening telephone number:

.....

Email address:

.....

Date you made your complaint:

.....

IPCC or police reference number:

.....

Please give your reasons for appealing against the results of the investigation into your complaint. Please give as much information as possible, continuing on a separate sheet if necessary.

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Do you feel you were not given enough information about what the investigation into your complaint found or the action the police plan to take following their investigation? If so, please give your reasons.

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Do you disagree with the findings of the police investigation into your complaint? If so, please give your reasons.

.....

Do you disagree with the proposed action resulting from the police investigation into your complaint? If so, please give your reasons.

.....

(If you made your complaint after 1 December 2008) Do you disagree with the decision that the police have made about whether an officer you complained about has a case to answer? If so, please give your reasons.

.....

(If you made your complaint after 1 December 2008) Do you disagree with a decision the police have made not to refer the investigation of your complaint to the CPS? If so, please give your reasons.

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

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:

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.