

How to make a complaint against the police

Complaint form included inside

ipcc
independent
police complaints
commission





What is the IPCC's role?

The Independent Police Complaints Commission's (IPCC) main role is to increase public confidence in the police complaints system in England and Wales.

The IPCC oversees the police complaints system and sets the standards by which the police should handle complaints. It is independent, making its decisions entirely independently of the police, government and complainants.

Each police force has a Professional Standards Department (PSD) which is responsible for considering complaints and conduct matters involving police officers and police staff within their force. The IPCC considers appeals from people who are not satisfied with the way the police force has dealt with their complaint.

In addition, police forces must refer the most serious cases to the IPCC and, where the public interest requires it, the IPCC may decide to investigate, manage or supervise a police investigation.

As well as this, the IPCC is responsible for dealing with serious complaints and conduct matters relating to staff at the Serious Organised Crime Agency (SOCA), Her Majesty's Revenue and Customs (HMRC), and the UK Border Agency (UKBA).



Who can make a complaint?

You can make a complaint if you:

- have been the victim of behaviour you felt was inappropriate by 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 affected¹ by an incident.

¹ Being adversely affected may involve being distressed or inconvenienced. It may involve some form of loss or damage, or having been put in danger or at risk. It does not include being distressed as a result of watching an incident on television or reading about it in the media.

You could be acting on behalf of someone in any of the categories listed above – for example, you could be a member of an organization that has been given written permission by someone to make a complaint on their behalf.



What can I complain about?

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 requirements 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.

Complaints about the overall policies and procedures of a police force (often referred to as ‘direction and control’ issues²) rather than the behaviour or conduct of a police officer or member of police staff do not fall within the remit of the IPCC. These should be directed to the police force concerned.

² Complaints about ‘direction and control’ or operational matters are excluded from the IPCC’s remit. For example, if you think that there are not enough police officers assigned to your area, or that the police force should prioritise the investigation of crimes differently or change the way it works (see www.ipcc.gov.uk/index/complaints/complaint_form/dir_control.htm). If you have a complaint about police operational issues you should contact the chief constable of the force concerned, or the relevant police authority.



How to make a complaint

- Contact the police force involved – contact details for individual police forces are available at www.ipcc.gov.uk/professional_standards_contact_details.htm or you can attend a police station in person.
- Use the IPCC's online form at **www.ipcc.gov.uk/complaints**. Or call the IPCC on **08453 002 002** (press 1 at prompt) between 9.00am-5.00pm.
- Complete and post the complaint form included in this leaflet to the police force involved or return it to the IPCC using the address on the complaint form.
- Contact any local Citizens Advice Bureau, Youth Offending Team, Racial Equality Council, Probation Service or Neighbourhood Warden. They can give you information about what to do next.
- Contact a solicitor or your MP, who can make a complaint on your behalf.



What to expect when you make a complaint

By law all complaints against the police must be recorded. The IPCC does not have the power to record complaints – this is done by the relevant police force or police authority. In the majority of cases complaints are considered and recorded by the Professional Standards Department (PSD) of the police force concerned.

This means that if you make your complaint via the IPCC, it must forward the complaint to the relevant police force or police authority so that a recording decision can be made.

The IPCC will need your permission to do this and you will be asked to give your consent. In general, without your consent the IPCC is unable to pass on the details of your complaint, which means it will not be dealt with.

Your complaint will usually be dealt with more quickly if you make it directly to the police force concerned – this avoids the stage where the IPCC must contact you for consent and then forward the complaint to the relevant police force or police authority for consideration.



After your complaint has been recorded

If your complaint is recorded the next step is for the relevant police force or police authority to decide how best to resolve it. Most complaints are dealt with locally by the police force or PSD concerned. Complaints are usually resolved either by Local Resolution or local investigation. If you have 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 against this decision.

Local Resolution

Local Resolution is a way of dealing with complaints against the police at a local level – for example, through the involvement of an inspector at a police station or a police staff manager. Local Resolution can only be carried out with the agreement of the person making the complaint. Please see our leaflet ***Dealing with your complaint by Local Resolution*** for more information.

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 usually be from the police PSD but may also be from a local police division.

You will be informed how your complaint will be investigated, what co-operation is required from you, how a decision will be reached and 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 to the IPCC following a local investigation.

IPCC investigations

The police must refer the following sorts of complaints or incidents to the IPCC:

- incidents where someone has died or been seriously injured following some form of direct or indirect contact with the police
- serious assault by a member of the police service
- serious sexual assault by a member of the police service
- serious corruption
- criminal offences, or any behaviour that could be a disciplinary offence, that is aggravated by discriminatory behaviour
- any relevant offence, which means any offence for which the sentence is fixed by law and any offence for which a person of 18 years and over (not previously convicted) may be sentenced to imprisonment for seven years or more (excluding any restrictions imposed by section 33 of the Magistrates Court Act 1980).

In the circumstances listed above, the IPCC may decide to conduct a supervised, managed or independent investigation. Alternatively, the IPCC may return the matter to the force for it to deal with.

Supervised investigations are carried out by police PSDs, under their own direction and control. The IPCC will set out what the investigation should look at (which is referred to as the investigation's 'terms of reference') and receive the investigation report when it is complete. Complainants have a right of appeal to the IPCC following a supervised investigation.

Managed investigations are carried out by police PSDs, under the direction and control of the IPCC.

Independent investigations are carried out by the IPCC's own investigators and overseen by an IPCC Commissioner. In an independent investigation, the IPCC investigators have all the powers of the police themselves.

How will you be kept informed?

Whether your complaint is handled by the police 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 police or the IPCC will also agree with you how often and by which method you would like to be kept informed.



What happens once your complaint has been investigated?

If your complaint is subject to an investigation by the police or the IPCC, you will be contacted when it is complete with information about what it has decided to do. If something goes wrong, the police complaints system is about trying to put it right. Complaints can help the police to improve the way they do things so that they provide a better service in the future. 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
- 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 police authority may refer them to misconduct proceedings
- 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 agree with you that something went wrong, but decide that no other action is appropriate.



What to do if you are not happy with the way your complaint was handled

If you are unhappy with the way your complaint has been dealt with you may be able to appeal to the IPCC. It will consider your appeal and, if appropriate, it can direct the police to change its decision or to take further action with your complaint.

The IPCC may consider appeals about:

- the failure of a police force to record a complaint
- the Local Resolution process
- the outcome of a local or supervised investigation.

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

For more information about appealing to the IPCC, visit www.ipcc.gov.uk or call **08453 002 002**.



Frequently asked questions

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

No. The IPCC does not offer a face-to-face service. The best way to make your complaint is via our online complaint form or by filling in the form attached to this leaflet.

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

The IPCC endeavours to make its 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. The IPCC also provides this leaflet in different languages and formats. Visit our website or call 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 advisable to do so as quickly as possible after the incident/s occurred. If more than 12 months have passed between the incident (or latest incident) occurring and the date when the complaint is made, then the Professional Standards Department of the police force concerned may apply to the IPCC to dispense with your complaint without looking into it. The IPCC might make an exception if you can show good reason for the delay in making your complaint, but only if it can be satisfied that this will not cause injustice.

How long will my complaint take to deal with?

There is no limit on the length of an investigation – however, the IPCC expects that any investigation should be proportionate to the nature of the complaint. Once a complaint is assigned to an investigator they should be able to indicate how long the investigation 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/caution/ASBO?

You can complain to the IPCC 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 or an ASBO. 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, or contest an ASBO, 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 is an executive agency of the Home Office and 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 a Criminal Record Disclosure has been applied for but you are experiencing delays, you should again contact the Criminal Records Bureau direct. The delays may be due to the checking procedures conducted by the local police force, but this would also fall outside the jurisdiction of the IPCC, as it is an issue of operational management and not a conduct matter.

If your complaint to the Criminal Records Bureau reveals that the delay is the responsibility of the local police 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. These matters relate to the operational management of a police force and should be raised direct with the police force concerned.

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 as to 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 organizations

Citizens Advice Bureau

To find details of your nearest CAB visit
www.citizensadvice.org.uk

Association of Police Authorities

Tel: 020 7664 3096
For details of your nearest office visit
www.apa.police.uk

Community Legal Advice

Tel: 0845 345 4345
www.clsdirect.org.uk

Criminal Records Bureau

Tel: 0870 90 90 811
www.crb.gov.uk

Information Commissioner's Office

Tel: 08456 30 60 60
www.ico.gov.uk

Home Office

Tel: 020 7035 4848
www.homeoffice.gov.uk

Police National Legal Database

Web-based information
www.askthe.police.uk

Crown Prosecution Service

Tel: 020 7796 8000
www.cps.gov.uk

Criminal Cases Review Commission

Tel: 0121 633 1800
www.ccrcc.gov.uk

Complaint against the police

The IPCC needs your permission before it can forward the details of your complaint to the police force concerned for its consideration.

Please ensure that you sign the declaration on page 3 of this form.

IPCC office use only:

Completing this form

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.

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

If you prefer to complete this paper-based complaint form, please use BLOCK CAPITALS.

If you would like someone to act on your behalf (perhaps a friend or relative) please provide their details and your written permission and submit this with your form.

Your details (complainant)

Please give us your contact details

Title: (e.g. Mr)

First name:

Surname:

Date of birth:

Address:.....

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Postcode:.....

Work telephone number:.....

Mobile telephone number:

Home telephone number:.....

Email:

 **Police details**

WHO?

Please give us details you might have about the person you are making a complaint against. If you do not know the name, rank or ID, please provide any details that may help identify the officer, for example type of uniform, vehicle description or registration.

Name, Rank, ID and any other identifier:

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Name, Rank, ID and any other identifier:

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If you know the police station that the officer/s work from, please give details:

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➔ Declaration

I give my consent for you to pass the information contained on this form to the appropriate authority (this may be either the Professional Standards Department or the Police Authority of the relevant police force) for consideration.

Signature:

Date: / /

➔ Ethnic group

The IPCC, like all public bodies, is obliged to record the ethnicity of people using our service. Being able to identify the ethnicity of complainants helps us to check we are reaching all sections of society. Information given in this section will not impact on the way your complaint is treated.

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 this form**

Please return the completed form to the police force you are complaining about. Contact details for each police force can be found at

www.ipcc.gov.uk/professional_standards_contact_details.htm

You can also send your form to the IPCC by post, fax or email.

IPCC, 90 High Holborn, London, WC1V 6BH

Fax: 020 7404 0430 Email: enquiries@ipcc.gsi.gov.uk

 **Additional notes**

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Your complaint details

WHERE?

Where did the incident/s happen that led to your complaint? Please be as specific as possible, you may wish to include details of landmarks, etc.

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WHEN?

When did the incident/s happen that led to your complaint? If more than one date, please specify when the incidents occurred below.

Date:

Time:

Or indicate the time period when the incident occurred.

From:

To:

