

Making an appeal to the Independent Police Complaints Commission



Appealing against the non-recording of a complaint



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What can I do if I am unhappy about the way my complaint was handled?

If you have made a complaint against the police and you are unhappy with the way it has been handled, you may be able to appeal to the IPCC.

The IPCC, which stands for Independent Police Complaints Commission, is an independent organisation and our final decisions cannot be overruled except by a court of law.

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

What does this leaflet tell me?

This leaflet describes what you can do if the police do not record your complaint. It sets out:

- The grounds on which you can make an appeal to the IPCC
- What you need to do to make an appeal
- How the IPCC will deal with your appeal
- How to get in touch with the IPCC

When should the police record a complaint?

Under the Police Reform Act 2002, each police force in England and Wales has a duty to either record your complaint about the conduct of a person serving with the police or give you reasons why it has been decided not to record your complaint.

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. We will look at your case to see whether the non-recording was justified.

The IPCC has no powers to deal with complaints about overall police force policies – “direction and control” complaints. If your complaint is about the overall policies of a police force, your concerns will be dealt with by the relevant police force under a separate system.

Can I appeal to the IPCC about the non-recording of my complaint?

You can appeal to the IPCC if:

- The police did not make a decision whether or not to record your complaint.
 - The police must make a decision about whether or not they are going to record your complaint and they must communicate their decision to you in writing. The IPCC expects forces to decide whether a complaint should be recorded within 10 working days. You can make an appeal to us if you do not hear from the police within this time.
- The police did not record your complaint.
 - The police have a duty to record complaints about the conduct of a person serving with the police. However, the police do not have to record a complaint if:
 - It is already the subject of a complaint
 - The complaint has been withdrawn by the complainant
 - It is about ‘direction and control’ (see above)
 - It has been made by someone serving with the police
 - It does not come under the Police Reform Act 2002

■ The police force or police authority did not inform you that your complaint has been recorded OR the reason why it has not been recorded.

- The police must let you know in writing if they have recorded your complaint or the reasons for deciding not to record your complaint. They must also notify you of your right of appeal to the IPCC against the decision.

How do I make an appeal?

Complete the form at the end of this leaflet, giving as much information as possible and follow the instructions on the back of the leaflet.

Please note: You must make your appeal to us within 28 days of the date of the letter you have received from the police telling you that your complaint has not been recorded.

If you are appealing because the police have not told you whether or not they will record your complaint and it has been 10 working days since you made your complaint, you have another 28 days to make your appeal.

If you do not submit your appeal to the IPCC within 28 days, the IPCC does not have to consider your appeal. The IPCC may be able to extend this time period if you have very special circumstances and you fully explain your reasons for requesting an extension.

How will the IPCC deal with my appeal?

Once your appeal form has been received, the IPCC will send you a letter introducing the casework manager who will be dealing with your appeal and explaining how you can contact them.

We will consider the information you have given on the appeal form and contact the police to get any relevant information or paperwork. We will then make a decision as to whether the appeal can be upheld.

If your appeal is upheld, the IPCC will give instructions to the chief police officer or police authority about what they should do about your complaint. The police must follow these instructions. We will inform you in writing of the instructions we have given to the police and explain what will happen next.

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

What if I need more advice?

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

If you prefer, you can contact the IPCC for advice about the appeals process. You can also contact the IPCC if you have any difficulties filling in this form.

Independent Police Complaints Commission
90 High Holborn
London
WC1V 6BH

Tel: 08453 002 002
Email: enquiries@ipcc.gsi.gov.uk
Web: www.ipcc.gov.uk

Appealing against the non-recording of a complaint

The IPCC must receive your appeal within 28 days of the date of the letter you have received from the police notifying you that your complaint has not been recorded.

If you are appealing because the police have not told you whether or not they will record your complaint and it has been 10 working days since you made your complaint, you have another 28 days to make your appeal.

If there is anything which makes it difficult for you to use our service, for example if English is not your first language or you have a disability, please contact us on 08453 002 002 or use the space below to tell us how we might help to make things easier for you.

Please indicate the name of the police force your complaint is about

Please tick the appropriate box

Mr

Mrs

Miss

Ms

Other (please state)

First Name

(BLOCK CAPITALS)

Surname

(BLOCK CAPITALS)

Your address

Postcode

Daytime tel no

Evening tel no

Email address

Date you made your complaint

IPCC/police

reference number

Who did you make your complaint to? (Police/IPCC/other organisation)

How did you make your complaint? (E.g. Phone, letter, in person)

Please provide brief details of the complaint that you made to the police.*

Please indicate the reason you would like to appeal about the way your complaint was handled by ticking the relevant 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 force did not inform me about whether they would record my complaint.

If you have a letter from the police notifying you of their decision not to record your complaint please attach it to this form.
If you are unable to do so please provide details.*

Please explain why you think your complaint should be recorded.*

Please provide any further information that you think might be relevant.*

* Please continue on a separate sheet if necessary.

If you have any documents to support your complaint, please send these to the IPCC with this form.

Please note that information you supply in relation to an appeal will be supplied to the police force concerned.

- Please tick the box if you would like them returned to you. We would advise you to make copies for your own reference.

Signature of the person making the appeal

Date

So that the IPCC can ensure that we are providing all sections of society with the best possible service we would ask you to give us a few details about your ethnicity. Any information given will be treated in the strictest confidence and will in no way have any affect on the way your complaint is treated.

White:	White British	<input type="checkbox"/>	White Irish	<input type="checkbox"/>	Any other White background	<input type="checkbox"/>		
Mixed:	White and Black Caribbean	<input type="checkbox"/>	White and Black African	<input type="checkbox"/>	White and Asian	<input type="checkbox"/>	Any other mixed background	<input type="checkbox"/>
Asian or Asian British:	Indian	<input type="checkbox"/>	Pakistani	<input type="checkbox"/>	Bangladesh	<input type="checkbox"/>	Any other Asian background	<input type="checkbox"/>
Black or Black British:	Caribbean	<input type="checkbox"/>	African	<input type="checkbox"/>	Any other Black background	<input type="checkbox"/>		
Other ethnic groups:	Chinese	<input type="checkbox"/>	Any other ethnic group	<input type="checkbox"/>				
Other:	Prefer not to say	<input type="checkbox"/>						

When you have completed this form please send it to the Independent Police Complaints Commission at one of the addresses on the back of this leaflet.

The IPCC is split into four regions that together cover all police forces across England and Wales. Please send your completed form to the IPCC office which deals with the police force your complaint is about.

The map below will enable you to find out which police force is covered by which IPCC office.

North

Independent Police Complaints Commission
1st Floor, Oaklands House
Washway Road
Sale M33 6FS

Central and Eastern England

Independent Police Complaints Commission
Independent House
Whitwick Business Park
Stenson Road
Coalville LE67 4JP

Wales and South West England

Independent Police Complaints Commission
Unit 2, Eastern Business Park
Wern Fawr Lane
St Mellons
Cardiff CF3 5EA

London and South East England

Independent Police Complaints Commission
90 High Holborn
London WC1V 6BH



If you are unable to establish which IPCC office to send your form to or you have any difficulties filling in this form please contact us using the details below.

Independent Police Complaints Commission
90 High Holborn
London
WC1V 6BH

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Email: enquiries@ipcc.gsi.gov.uk
Web: www.ipcc.gov.uk

Please note that information you supply in relation to an appeal will be supplied to the police force concerned.

The IPCC will use the information you have provided only for the purposes of processing your complaint and in performance of its legal functions under the Police Reform Act 2002. The IPCC will not pass on information to third parties except where it is necessary in the proper performance of its functions.

Date: September 2005
Reference: COM/18