

Giving feedback and making complaints about the Independent Office for Police Conduct

Introduction

We strive to get things right first time and provide the best level of service in everything we do. We welcome comments and suggestions about how well we are doing, and we use your feedback to improve how our organisation and our people do their job. Feedback includes telling us where we have got things right, suggestions about how we can improve and complaints where we may need to do better.

This policy explains how to give us your feedback, make suggestions or complain about our work. It also sets out how we will handle your feedback. It describes how we handle complaints, whether they are about our service or our staff, whether or not they allege misconduct under our HR discipline policy, and whether or not they are handled under the Staff Conduct regulations¹. Footnotes show where the regulations apply.

Our standards of service

Our standards of service apply to all the work we do. We aim to:

- handle your feedback in a reasonable and proportionate manner
- apologise where we have made mistakes
- be as flexible as possible in our approach to meet your needs
- deal with concerns promptly and keep you up to date with progress
- be open and honest when accounting for our decisions and actions
- use your feedback to improve our service

Feedback and complaints we can deal with

We can deal with feedback and complaints from people who are directly affected by the way we do our work. You can also give us feedback on behalf of someone who is directly affected by our work, if they consent to you doing so.

¹ Independent Police Complaints Commission (Staff Conduct) Regulations 2004. These regulations retain the reference to the IPCC, but also apply to the IOPC

We can deal with feedback if:

- you think we have done something well
- you think we have made a mistake
- you think we have not met our standards of service
- you have a problem with a case we are currently working on (for example, if you cannot make contact with the casework manager or investigator handling your case, or if you are unhappy with the information you are receiving)
- you have a suggestion about how we could improve our service
- you want to make a complaint about our work
- you want to dispute the handling of your FOI request (see further information on page three of this document)

Feedback and complaints we cannot deal with

There are some things we cannot deal with, which are explained below.

- We cannot deal with complaints about our decisions. If you are unhappy with the decision we have made on your case, you may wish to get legal advice about next steps.
- We cannot deal with feedback or complaints about the Crown Prosecution Service or courts.
- We cannot deal with feedback or complaints about any other government or public body.
- We cannot deal with complaints or concerns from current or former members of our staff. These should be directed to our HR department or handled under our Raising Concerns policy.

If you want to make a complaint about the police or a police and crime commissioner please visit our website, www.policeconduct.gov.uk.

If you want to make an appeal about the way your complaint has been handled by the police, please visit our website, www.policeconduct.gov.uk.

How and when to give us feedback or make a complaint

The best way to give us feedback is to speak to the person dealing with your case. They may be able to solve your problem straight away. It is best to give us feedback as quickly as you can. If you make a complaint about our service and more than 12

months have passed since the incident your complaint is about, we will not normally deal with it unless there is a good reason for the delay².

You can also give us feedback or make a complaint in these ways:

- email compliments, feedback or complaints to feedback@policeconduct.gov.uk
- call our main switchboard on 0300 020 0096
- call us on 020 7166 3261 and leave a voicemail with your contact details and feedback. We will return your call.
- write to:
Quality & Service Improvement Team
Independent Office for Police Conduct
PO Box 473
Sale
M33 0BW

We welcome telephone calls, emails and written communication in Welsh.
Rydym yn croesawu galwadau ffôn, e-byst ac unrhyw gyfathrebu ysgrifenedig yn y Gymraeg.

FOI complaints

If you want to dispute the way your information request has been handled, you can request an internal review of the decision. You must do this within 40 working days of receiving our decision notice³.

- email DPO1@policeconduct.gov.uk
- write to:
Data Protection Officer
Independent Office for Police Conduct
10 South Colonnade
London
E14 4PU

If you are not satisfied with the outcome of the internal review, you then have a right to complain to the Information Commissioner's Office, www.ico.org.uk.

² IPCC (Staff Conduct) Regulation 6(1)(a)

³ Cabinet Office Freedom of Information Code of Practice July 2018

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/722165/FOI-Code-of-Practice-July-2018.pdf

If you need help to access our services:

- you can ask a friend, family member or other representative to give feedback or make a complaint on your behalf.
- you can ask Citizen's Advice or another advocacy service to give feedback or make a complaint on your behalf.
- you can ask us to make reasonable adjustments to the service we provide under our Making Reasonable Adjustments for Service Users policy.

What you should tell us

When you send us feedback or a complaint, please tell us:

- your full name and contact details
- if you want us to contact you
- how you want us to contact you
- your IOPC case reference number, if you have one
- who or what you want to give us feedback or complain about
- what happened – please provide any documents or other evidence to help us understand your feedback
- what you want us to do to resolve what has happened. In other words, what outcome you are looking for

How we will handle your feedback or complaint

Receipt of complaint

The Quality and Service Improvement Team records all the feedback and complaints we receive so that we can learn from them. If you send us feedback or a complaint, and you have told us you want to be contacted, we will acknowledge it within three working days, so you know we have received and recorded it.

Decision on handling

The Quality and Service Improvement Team will first check if we can deal with your feedback or complaint. We will do everything we can to understand your feedback or complaint so that we can decide how best to respond to it. We may need to ask you for more information to make this decision. If we cannot deal with your feedback or complaint, and you have told us you want to be contacted, we will tell you within 20 working days and explain why unless it is not in the public interest to do so⁴. This could be because⁵:

⁴ IPCC (Staff Conduct) Regulation 6(1)(5)

⁵ IPCC (Staff Conduct) Regulation 6

- you or someone else has given the feedback or made the complaint before and there are no new allegations or evidence to look into
- it is not reasonably practical to look into the feedback or complaint because we cannot communicate with you or your representative, or because you have not given us enough information. We will normally close a complaint within ten working days if we cannot contact you or if we do not have enough information
- it is not reasonable, proportionate or practical to look into the feedback or complaint because of the time that has passed. We will not normally look into a matter if it happened more than 12 months ago, unless there is a good reason for the delay
- it is not reasonably practical or proportionate to look into the feedback or complaint because we cannot identify the member of staff involved, or they have left the organisation
- the feedback or complaint is vexatious, oppressive or an abuse of the procedures for dealing with feedback and complaints.

If we can deal with your feedback or complaint we will either:

- thank you for your feedback, comment, suggestion or compliment, tell you how we will use what you have told us to improve what we do, and close the matter; or
- allocate your feedback or complaint to a manager who will respond to you

If your feedback or complaint suggests that there may have been a data or security breach, it will be sent to our Data Protection Officer for assessment.

If your feedback or complaint is allocated to manager, we will tell you their name. They may ask you for more information to make sure they understand your complaint, what went wrong and how we can put it right.

The manager will then decide if the matter is so serious that it amounts to an allegation of misconduct or gross misconduct⁶ in accordance with our HR policies. They will tell you about this decision. They will also decide what sort of investigation is needed: a fact-finding investigation or a formal management investigation under our Discipline and Dismissal Policy.

In some circumstances it may be appropriate for the fact-finding or management investigation to be carried out by the Quality and Service Improvement Team itself.

⁶ IPCC (Staff Conduct) Regulation 3(1)(b)

The manager will always share your feedback or complaint with the staff involved, unless there is a good reason not to⁷.

Fact-finding investigation

If a formal management investigation is not needed, the manager can conduct a reasonable and proportionate fact-finding investigation to find out what happened, answer any questions or concerns, and identify learning.

If your feedback or complaint requires a fact-finding investigation, the manager will normally respond to your feedback or complaint within 20 working days to answer any concerns. Some fact-finding investigations are complex and it may take longer than this. In those cases, we will let you know how long we expect the investigation to take.

Management investigation

A manager can commission a management investigation⁸ only if they decide that the matter:

- amounts to an allegation of misconduct or gross misconduct, which requires a management investigation under our Disciplinary and Dismissal Policy; and/or
- amounts to a 'serious complaint' under the Staff Conduct regulations. A complaint is a serious complaint if it would, if proved, be likely to result in the person involved being dismissed or required to resign⁹.

If your feedback or complaint requires a management investigation, the manager will handle the matter in accordance with our HR policies. This includes appointing an investigator.

Management investigations are complex and they are likely to take longer to resolve. We will contact you within 20 working days and tell you how long we expect the investigation to take.

Investigation findings

We will tell you about the progress and findings of our investigation into your complaint. This might include information about what happened, whether we have identified any misconduct, whether our policies or procedures were followed, whether we have identified any learning, and what we will do to prevent future

⁷ IPCC (Staff Conduct) Regulation 3(2)

⁸ IOPC Disciplinary and Dismissal Policy

⁹ IPCC (Staff Conduct) Regulation 3(3)

issues. After management investigations, we will tell you our decisions about any disciplinary action taken¹⁰, unless it is not in the public interest to do so. We may also uphold your complaint or apologise. Complaints can be upheld with or without a finding of misconduct.

Complaints about staff who have left the IOPC

If your complaint is about a member of staff (or a former commissioner) who no longer works for the IOPC, we will take the opportunity to identify any learning, even though an investigation may not be needed. Similarly, if it is not reasonably practicable or proportionate to identify the member of staff concerned, we may need to close your complaint.

Complaints about our Director General, Senior Independent Director and Non-Executive Directors

Our Director General and our non-executive directors, including the Senior Independent Director, are appointed and employed differently from our staff. Complaints about them are handled under the 'Making complaints about the IOPC Director General, Senior Independent Director and Non-Executive Directors' policy.

Complaints of a criminal nature

The IOPC does not conduct criminal investigations into its own staff. If we receive any information that leads us to believe that there should be criminal investigation into a member of our staff, we will refer the matter to a police force.

Feedback or complaints about our case decisions

During our work, we make decisions based on the evidence we have, and in accordance with the relevant legislation. We know that sometimes people are unhappy with the decisions we reach.

However, our decisions on appeals and reviews are final. We can only re-open an investigation if there are compelling circumstances, such as significant new information coming to light.

For this reason, we do not accept complaints about our case decisions. If you want more information about how we reached a decision, please contact the person responsible for your case. They will try their best to help you understand their decision.

¹⁰ IPCC (Staff Conduct) Regulation 5(5)

If you are still unhappy with our decision, you can apply to the court for a judicial review. This is a legal process and may cost you money. Further information about judicial reviews is available online:

www.gov.uk/government/publications/administrative-court-judicial-review-guide.

Your local Citizens' Advice Bureau should be able to explain the process to you in more detail. We recommend that you seek independent legal advice if you are considering applying for a judicial review.

Next steps if you are unhappy with our response to your feedback or complaint

If a manager has dealt with your feedback or complaint, but you are not happy with our response, you can ask the Quality and Service Improvement Team to review the response you were given. They will assess if the response was reasonable and proportionate, taking into account the circumstances of the case and the seriousness of any concerns. If the Quality and Service Improvement Team carried out the first investigation into your feedback, then this assessment will be carried out by another senior manager.

If they decide that the response you received was not reasonable and proportionate, they will then decide what next steps are needed to resolve your complaint and respond to you with their findings.

If you are not satisfied with the outcome of our Data Protection Officer's internal review of your dispute about the way your information request has been handled, you have a right to complain to the Information Commissioner's Office, www.ico.org.uk.

How this policy links to our other policies and legislation

This document should be read in conjunction with the following:

IOPC Service User Standards

Making complaints about the IOPC Director General, Senior Independent Director and Non-Executive Directors' policy

Managing Customer Contact Policy

Reasonable Adjustments Policy

Raising Concerns Policy

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Our privacy notice and associated information is available on our website at:
www.policeconduct.gov.uk/privacynotice