



Protocol between the Independent Police Complaints  
Commission and the Association of Police and Crime  
Commissioners

## Introduction

1. This protocol has been developed between the Association of Police and Crime Commissioners (APCC) and the Independent Police Complaints Commission (IPCC) to formalise how the two bodies work alongside each other in relation to our complementary roles and responsibilities in securing police accountability. It also addresses how we work together on handling complaints and investigations against Police and Crime Commissioners (PCCs), Chief Officers and cases that involve a PCC's force.
2. This protocol will complement the following
  - [Elected Local Policing Bodies \(Complaints and Misconduct\) Regulations 2012](#).
  - [Operational Advice Note to Police and Crime Panels](#) for the handling of complaints against a PCC or Deputy Police and Crime Commissioners.
  - [Statutory Guidance 2015](#) for the handling of complaints against a Chief Officer.
3. The term 'relevant office holder' is used in this document to refer to
  - Any Police and Crime Commissioner.
  - Any Deputy Police and Crime Commissioner.
  - The occupant of the Mayor's Office for Policing and Crime (MOPAC) who under normal circumstances will be the Mayor of London<sup>1</sup>.
  - Any Deputy Mayor for Policing and Crime who may be appointed<sup>2</sup>.

## IPCC

4. The IPCC is independent of both the police and the government. Its primary statutory purpose is to secure public confidence in the police complaints system in England and Wales.
5. The IPCC investigates the most serious incidents and complaints involving the police. It also considers certain appeals from members of the public about how police forces have handled their complaints. In relation to relevant office holders the IPCC only investigates complaints and conduct matters<sup>3</sup> which constitute or involve, or appear to constitute or involve, a criminal offence.
6. The IPCC believes that it can have the greatest impact upon public confidence not only by dealing effectively with the cases it handles, but also by working to ensure that its cases bring about real improvement in how the police handle complaints, and provide policing services to the public.

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<sup>1</sup> Relevant to London only.

<sup>2</sup> As above.

<sup>3</sup> A conduct matter is any matter which is not and has not been the subject of a complaint but where there is an indication (whether from the circumstances or otherwise) that the relevant office holder may have committed a criminal offence.

7. The IPCC is therefore committed to working with PCCs to ensure that the learning from complaints has the greatest possible impact on the service delivered by the police to the public. The IPCC believes that this will ultimately increase public confidence in the police complaints system, and in policing more generally.

## APCC and PCCs

8. The APCC is the national body that supports PCCs and other local policing bodies across England and Wales, to provide national leadership and influence change in the policing and criminal justice landscape. This includes providing support and advice in relation to policing complaints and conduct matters.
9. PCCs and Local Policing Bodies are democratically elected by local people to represent the public and fulfil certain functions in relation to policing and crime. These include (i) holding the chief officer of police to account for his/her statutory functions; and (ii) ensuring that the local police force is efficient and effective. PCCs and local policing bodies also have a range of other responsibilities in preventing crime, such as providing services to victims. PCCs have specific responsibilities to handle complaints and conduct matters against chief police officers, and to oversee the way in which complaints are handled by the force.
10. The work of PCCs is scrutinised by Police and Crime Panels, which are made up of representatives from local authorities in the force area. Panels have a specific duty to deal with complaints and conduct matters against PCCs. Where this involves an allegation of criminal behaviour on the part of the PCC, panels must refer the complaint to the IPCC to deal with and where it does not, panels are responsible for informally resolving the complaint.
11. As the democratically elected representatives, PCCs have a commitment to improving public confidence in the police and recognise that ensuring complaints are handled quickly, fairly and effectively is critical to this aim. PCCs believe that an essential element of this is to work closely with the IPCC who independently investigate the most serious police complaints, handle some appeals and provide oversight of the whole complaints system. However, this document also acknowledges that PCCs have a dual relationship with the IPCC – both in working together in relation to improving force complaints, and in being subject to investigation by IPCC, where there is an allegation that a PCC has committed a criminal offence.

## Complaints and incidents involving relevant office holders.

12. Police and Crime Panels are the appropriate authority to record and deal with complaints and conduct matters in relation to relevant office holders. The IPCC has issued specific guidance for Police and Crime Panels to assist them in these duties. This should also be regarded as a reference document for relevant office holders in understanding how complaints and other matters about their conduct must be identified and handled.

## Notification of IPCC decisions in cases involving relevant office holders.

13. The IPCC's guidance for Police and Crime Panels provides details of how a relevant office holder should be notified of the referral of a matter and the decision of the IPCC as to whether it is necessary to investigate (paragraphs 5.5 to 5.8). If there is an investigation by the IPCC then the IPCC will provide the Police and Crime Panel as well as the relevant office holder with information regarding the progress of the investigation. At the start of an investigation the IPCC will inform the Police and Crime Panel and the relevant office holder of the target date for completion of the investigation. The IPCC will also inform these persons if there is likely to be any delay.
14. The IPCC will liaise with Police and Crime Panel press offices in relation to media handling on individual cases. Press releases and the timing of the release will be shared with the Police and Crime Panel before being sent to the press so they have advance warning of the issues raised. The relevant office holder will be sent the press release for information and be notified of the timing of release. Wherever possible, the IPCC will ensure at least 24 hours notice is given before publication of the press release. There may be occasions when it is not possible to give 24 hours notice; for example if the IPCC considers it to be necessary to respond to developments in the press. Where it is not possible to give 24 hours notice, the IPCC will ensure the relevant office holder is informed as soon possible of any press release.
15. At the conclusion of an investigation the IPCC will inform the Police and Crime Panel and the relevant office holder that the report has been finalised and the findings of the investigation. The IPCC will then make a decision on whether to refer the matter to the Crown Prosecution Service. The IPCC will inform the Police and Crime Panel and the relevant office holder if it is referring a matter to the Crown Prosecution Service. Paragraph 10.2 of the IPCC's guidance for Police and Crime Panels provides details on this. Where a decision is taken to proceed with a criminal prosecution the final report may be shared with the relevant office holder through the criminal process.
16. The IPCC has an obligation to publish reports from investigations into relevant office holders. The IPCC will provide the Police and Crime Panel with the final report so they can decide on any further action and will publish the final report unless it considers that it is necessary to delay publication or withhold parts of the report for a specific purpose, in accordance with the Regulations. Before the IPCC publishes the final report it will be shared with the relevant office holder so they can make representations in relation to redactions.

## Complaints and incidents involving Chief Officers.

17. PCCs / MOPAC are the appropriate authority to record and deal with complaints and other matters in relation to chief officers. The IPCC issues statutory guidance on how complaints about the police, including chief officers, should be handled. A

signposting document which describes the various sections of the guidance and who it applies to is also available.

18. Guidance on recording complaints against Chief Officers states that it is the duty of PCCs / MOPAC to inform the relevant police force of the details of these complaints. Forces are required to record details of these complaints on professional standards department databases.
19. In addition, the IPCC has issued supplementary practical guidance through an edition of its regular *Focus* bulletin, to assist PCCs and their staff in managing complaints about chief officers.
20. If the IPCC is not independently investigating a matter the Police Reform Act 2012<sup>4</sup> states that it is the appropriate authority's responsibility to appoint the investigating officer in a local, supervised or managed investigation. However the IPCC has the power to require that any proposed appointment in a supervised or managed investigation is subject to its approval.
21. The IPCC and PCCs / MOPAC will continue to have liaison meetings at regular intervals. These meetings will provide an opportunity to discuss the cases the IPCC is investigating and the handling of complaints in regards to the force and Chief Officers.

## Complaints and incidents involving staff and officers in a PCC's force, other than the chief officer

22. Statutory responsibility for informing a PCC / MOPAC about matters that involve their force lies with the chief officer for the force. However, in the spirit of cooperation and establishing an effective working relationship, the IPCC will also provide information to PCCs / MOPAC on cases involving their force at regular liaison meetings.
23. The IPCC will also send proactive communications relating to their force to the PCCs / MOPAC press office to provide advance notice of publication wherever possible. Proactive communications include press releases, statements, website updates and publication of investigation reports). There may be occasions when it is not possible to give advance notice of publication; for example if the IPCC considers it to be necessary to respond to developments in the press. Where it is not possible to give advance notice, the IPCC will inform the PCCs / MOPAC press office as soon as possible.
24. PCC /MOPAC press offices will send proactive communications relating to the IPCC, such as press releases, statements or website updates, to the IPCC press office before publishing them, wherever possible. Where it is not possible to give advance notice, the PCC / MOPAC press office will inform the IPCC press office as soon as possible.

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<sup>4</sup> Paragraphs 16, 17 and 18, Schedule 3.

25. The IPCC has developed an RSS feed which will alert subscribers to all information as it is released. To subscribe please visit the news section on the [IPCC website](#).
26. The APCC should ensure that it provides the IPCC with up to date contact details for all PCC / MOPAC press offices in order that information can be effectively communicated.

## Supporting police accountability

### Regular liaison

27. The IPCC and PCCs / MOPAC will continue to have liaison meetings at regular times throughout the year. At these meetings, the IPCC will provide:
  - Quarterly and yearly information on complaints statistics. These statistics are published on the IPCC [website](#).
  - Information on cases the IPCC is investigating.
  - Themes, learning and issues of concern identified through our oversight role either nationally or for a force.

The PCC / MOPAC will provide the following at these meetings:

- Information regarding their role in oversight of the complaints system. This could include their strategic approach to their role and any issues that have been identified through this work and the action they will taking to address these.
  - The progress on the force's implementation of statutory recommendations from IPCC investigations. This should include information on how the force has implemented the recommendations and any consequential changes.
28. Since 1 October 2014, under Paragraph 28A of Schedule 3 to the Police Reform Act (PRA) 2002, the IPCC has had the statutory power to issue organisational learning recommendations. Whenever the IPCC makes a recommendation, it must:
    - Publish the recommendation, and
    - Send a copy of it to the specified person(s).

The IPCC is required to provide the PCC / MOPAC with a copy of any recommendations made to the Chief Officer and any contractor, sub-contractor, or employee of any contractor or sub-contractor for a force.

29. The recipient of a recommendation has an obligation to respond within 56 days. The response to the recommendation must also be published by the IPCC and the recipient of the recommendation (see IPCC [statutory guidance](#) for further information about recommendations). The PCC/ MOPAC have a role in the oversight of the complaints system and should monitor the implementation of recommendations provided to the force or, if appropriate, discuss with them any decisions not to implement a recommendation.

## Maintaining effective relationships

30. Although there can be a tension between the IPCC investigating PCCs and working together to oversee and contribute to improvements to policing, both the IPCC and PCCs are committed to working together to maintain effective relationships.
31. Each force has an IPCC Commissioner with responsibility for oversight of issues from that force. The regular liaison meetings will take place between the IPCC Commissioner and the PCC to ensure there is an effective and open dialogue in relation to cases, learning and how we can work together to improve operational policing.
32. The IPCC engages and consults with a range of stakeholders when developing strategy, policy and practice and is keen to ensure PCCs are consulted on issues relevant to their work. In most circumstances, this engagement will be via APCC. When the issue is of particular relevance to individual forces the IPCC will aim to engage with the relevant PCCs directly. The IPCC will also inform PCCs when it publishes strategies, policies or reports which are relevant to their work.
33. Each police force also has a named IPCC force liaison contact. If a PCC or Police and Crime Panel would like advice and guidance on any stage of the complaints process then contact should be made with [force liaison oversight](#).

### **Handling requests for a review of a complaint.**

34. A PCC / MOPAC may be approached by complainants to review their case. In these instances, it is important that the public role of the PCC / MOPAC is balanced with the legislation governing the complaints system and the roles of the other oversight bodies within the police system.
35. The PCC / MOPAC may feel it is appropriate to engage with their community and provide reassurance to complainants that their cases and concerns are being handled appropriately. However, there is no right of appeal to a PCC / MOPAC in the police complaints system and any misdirected appeals should be forwarded to the relevant appeal body – either the police force or the IPCC – for assessment.
36. In circumstances where the IPCC has been or is the appeal body the PCC / MOPAC should contact their [force liaison oversight](#) contact to discuss the appeal if required.
37. If a complainant has exhausted the statutory complaint process the only way of formally challenging the outcome of an appeal is for the appellant to seek judicial review. The PCC / MOPAC does not have a power to amend or overturn appeals.

### **Protected disclosures (Whistleblowing)<sup>5</sup>**

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<sup>5</sup> This section covers “protected disclosures” within the meaning of the meaning of the statutory definition (as set out in the Employment Rights Act 1996).

38. PCCs, MOPAC, Police and Crime Panels and the IPCC all have roles in relation to protected disclosures. PCCs / MOPAC are required to publish a policy for dealing with protected disclosures.
39. The IPCC may be contacted directly by whistleblowers or will handle cases where a whistleblower is involved. In these circumstances the IPCC will pass on any relevant information to the force or PCC taking account of the nature of the whistleblower's protected disclosures. Forces and PCCs can make requests for further information which will be considered. All information will be provided with handling instructions to identify any risks of inappropriate onward disclosure.
40. PCCs / MOPAC and the IPCC should ensure that they have appropriate arrangements in place to protect against disclosure of the identity of whistleblowers, insofar as possible in accordance with the law. All parties should handle protected disclosures in an appropriate way and in accordance with set procedures defined locally.

### Review of the protocol

41. The government has proposed reform of the police complaints system including a greater role for PCCs in handling complaints and appeals. This protocol will need to be reviewed as these proposals develop.
42. This protocol is made between the Independent Police Complaints Commission and the Association of Police and Crime Commissioners, and signed on their behalf by:



Martin Surl  
Chair  
Association of Police and Crime Commissioners



Anne Owers  
Chair

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# Independent Police Complaints Commission

