

## Operational Advice Note

# 12 month timeliness reports

*Regulation 13 Police (Complaints and Misconduct) Regulations 2020*

*Regulation 19 Police (Conduct) Regulations 2020*

February 2022

## 1. Background

- 1.1. Regulation 13 of the *Police (Complaints and Misconduct) Regulations 2020* and Regulation 19 of the *Police (Conduct) Regulations 2020* require the appropriate authority (AA) to tell the IOPC and the local policing body (LPB) when a local investigation is open for longer than 12 months (and every six months after that). This includes complaint, conduct and death or serious injury (DSI) investigations.
- 1.2. The IOPC also has to report on its own investigations (independent and directed) to the LPB and chief officer of the relevant force (unless the chief officer's conduct is under investigation).
- 1.3. The report must set out:
  - the date the complaint was made or the date on which the conduct or DSI matter came to the AA's attention
  - the date any severity assessment was given
  - the progress of the investigation
  - an estimate of when the investigation report is expected to be submitted to the AA
  - the reason for the length of time being taken to complete the investigation
  - a summary of planned next steps to draw it to a conclusion
- 1.4. The reports provide an opportunity for everyone to understand the reasons for the length of investigations and create learning opportunities around factors that influence their length. Assessment and scrutiny of the reasons demonstrate to the public and stakeholders that efforts are being made to provide reassurance over investigation timeliness.

## 2. The relevant period

- 2.1. For the purposes of Regulation 13 and Regulation 19, the relevant period begins on the date on which the complaint is made, or the date the matter came to the attention of the AA for conduct and DSI matters (the starting point). The duty under Regulation 13 and Regulation 19 stops when the matter is submitted to the AA (the investigation is concluded).
- 2.2. The requirement only applies to matters under the 2020 regime. For example, complaint, conduct and DSI matters that came to the attention of the AA on or after the 1 February 2020.

- 2.3. The IOPC position is the relevant starting point cannot change and this will remain the same. This position was reached having considered how to apply the requirements of the regulations to the various lifecycles of a case. Where a case goes through various different processes such as review, re-investigation, or re-opening of an investigation, there can be no 're-setting' of the clock as the legislation does not allow for this.
- 2.4. A further report must be issued at the end of each six months.
- 2.5. The intention behind Regulation 13 and Regulation 19 is to monitor timeliness, promote accountability and encourage those investigating complaints and other matters to bring investigations (and the matters to which they relate) to a timely conclusion. Good quality explanations should be given to all parties where this is not possible. It does not matter what processes the case has gone through. The factors that have contributed to prolonging the time it has taken to bring the matter to a conclusion should be explained in the report.

### 3. Sending a timeliness report

- 3.1. All investigations should be concluded as swiftly as possible. Lengthy investigations can have an adverse impact on families and complainants, subject officers/police staff members and interested parties. They can also undermine public confidence in the police. There may be valid reasons for the investigation being lengthy such as significant complexity, challenging circumstances or the level of seriousness requiring detailed examination. The relevant period is not a limit and must not have a negative impact on how an investigation is conducted.
- 3.2. It is the responsibility of the investigative authority to provide the report and the explanations required, irrespective of the processes that have happened previously. The explanation should refer to the chronology of how the matter has been handled.
- 3.3. When an investigation is not completed within the relevant period, the AA must provide in writing as soon as practical, the information set out at paragraph 1.3 above. The report should be sent to the relevant LPB and the IOPC by email to [oversight@policeconduct.gov.uk](mailto:oversight@policeconduct.gov.uk).
- 3.4. The report should set out the nature of the complaint, the progress of the investigation to date, the reasons for the investigation exceeding 12 months and the planned next steps. [Annex A](#) provides an example of a template timeliness report.

3.5. The AA must send a copy of the report (or the information in it) to the complainant, any interested person and the person to whose conduct the investigation relates (if any). The information does not need to be given to the person to whose conduct the investigation relates if it appears to the AA that doing so could prejudice the investigation or any other investigation. It also does not need to be provided to the complainant or any interested persons where exceptions to the duty to provide information apply.

3.6. Below is a table of scenarios with guidance on how to apply the regulations. The list is not exhaustive and is intended as a guide.

Scenario	Report required?	Explanation
<p><b>Otherwise than by investigation</b> A case handled otherwise than by investigation (OTBI) goes over the 12 month period.</p>		<p>The regulations only apply to investigations. Other handling is intended to be a prompt and proportionate way of complaint handling. Resolving a complaint in this way should not exceed 12 months.</p>
<p><b>OTBI to investigation</b> A case begins being handled otherwise than by investigation (OTBI) and moves into an investigation, taking the case over 12 months.</p>		<p>The relevant period applies to the date the complaint was made or date the matter came to the attention of the AA, not the date the investigation commenced. A report will be required.</p>
<p><b>The review period</b> The investigation was concluded within 12 months but the time spent in review means the case is open for longer than 12 months. The review is ongoing or not upheld.</p>		<p>No report is required because the matter has been submitted to the AA and the investigation has concluded.</p>
<p><b>The review period - upheld review</b> The investigation was concluded within 12 months but the time spent in review means the case is now over 12 months. The review is upheld for reinvestigation.</p>		<p>A report is required due to the relevant period elapsing. The starting point (date the complaint was made) remains the same. The clock continues and a report is required if the time spent in review means the case is now over 12 months old <u>and</u> the review is upheld for reinvestigation. The report should be sent as soon as possible after the</p>

		upheld review decision. The information in the report can explain the relevant factors and processes affecting timeliness.
<p><b>Upheld review – reinvestigation</b> The investigation was concluded within 12 months but as a result of an upheld review decision, the re-investigation takes the case over 12 months.</p>		A report is required due to the relevant period elapsing. The starting point (date the complaint was made) remains the same. Where a matter is returned for further investigation, the clock does not re-start but continues. The information within the report can explain the relevant factors and processes affecting timeliness.
<p><b>Independent investigation redetermined</b> An IOPC independent investigation is redetermined to a local investigation. The local investigation goes over 12 months.</p>		A report is required due to the relevant period elapsing. The starting point (date matter came to the attention of the AA) remains the same. Where a matter is redetermined, the clock continues. The information in the report can explain the relevant factors and processes affecting timeliness.
<p><b>Suspended investigation</b> A matter is suspended for some or all of the relevant period, and the investigation has been delayed or cannot be progressed.</p>		A report is required. The information in the report should explain the connected criminal matter and estimated timescales for completion. Where possible, and if parts of the complaint are unrelated to the criminal matters, allegations could be split to enable unconnected matters to be progressed without delay.
<p><b>Suspended – no determination</b> A matter is suspended for over 12 months but the AA has not yet made a determination as to whether the complaint should be subject of an investigation.</p>		<p>Whenever a complaint is received, the AA should make an initial assessment to decide if the matter requires recording, whether a referral to the IOPC is required and how the matter should be handled, including whether an investigation is required. Suspending a complaint does not mean the usual determinations about how the matter should be progressed should also be deferred.</p> <p>A report is required when an investigation is deemed appropriate, and there are related criminal proceedings that mean the complaint cannot be progressed and the matter exceeds 12 months.</p>

**No action taken**

A complaint has been received and the force has unsuccessfully made efforts to contact the complainant. The case has been parked and no further work on the case has taken place. There has been no determination made as to whether the complaint will be investigated or handled OTBI and 12 months has passed since the complaint was received.



It is not appropriate for a complaint to have no action taken for over 12 months. Where a complaint is received, it should be assessed and the usual determinations made about its seriousness and how the matter might progress. Where all reasonable efforts to contact a complainant have failed, the AA should consider the most appropriate way to progress the matter. This will include considerations around recording, investigating and taking no further action if appropriate.

A report will be required if an investigation is appropriate and more than 12 months have elapsed.

## Annex A

# TIMELINESS REPORT

Regulation 19, The Police (Conduct) Regulations 2020 / Regulation 13, The Police (Complaints & Misconduct) Regulations 2020

<b>Case Reference:</b>		<b>Date complaint made or conduct / DSI came to AA's attention:</b>	
<b>Officer(s) under investigation notified:</b>	<b>Date Served</b>	<b>Officer Name &amp; Warrant No.</b>	
<b>Brief summary of complaint/conduct/DSI matter</b>			
<b>Centurion national factor</b>			
<b>Progress of investigation to date:</b>			
<b>Reason for the length of time taken to investigate to date:</b>			
<b>Summary of steps to be taken to bring investigation to a conclusion:</b>			
<b>Estimated date for submission to AA:</b>			
<b>Reasons (if any) why this report cannot be provided to subject(s)/complainant/interested parties</b>			
<b>Date Timeliness Report completed:</b>		<b>Author:</b>	
<b>Date Timeliness Report submitted to LPB:</b>		<b>Date Timeliness Report submitted to Director General (IOPC):</b>	
<b>Date Timeliness Report provided to complainant / interested parties (if applicable):</b>	<b>Complainant / Interested Party Name</b>	<b>Date sent:</b>	