



The IPCC and making a complaint against a member of staff from the UK Border Agency



IPCC stands for Independent Police Complaints Commission. As well as being responsible for complaints about the police, we have recently become responsible for the way serious complaints made against UK Border Agency (UKBA) staff are handled.

Complaints we can deal with in relation to UKBA

The IPCC can only deal with complaints that:

- a) Involve serious allegations about the conduct of UKBA staff **and**
- b) Involve UKBA staff using police-like powers

Serious allegations are defined as follows:

- Staff behaviour resulting in death or serious injury
- Serious assault by UKBA staff
- Serious sexual assault by UKBA staff
- Serious corruption
- Criminal offences aggravated by discriminatory behaviour
- Any incident which engages Articles 2 or 3 of the European Convention on Human Rights

Police-like powers are defined as:

- Powers of entry
- Powers to search people or property
- Powers to seize or detain property
- Powers to arrest people
- Powers to detain people
- Powers to examine people or otherwise to obtain information, (including the power to take fingerprints or to acquire other personal data)
- Powers in connection with the removal of people from the United Kingdom
- Powers in relation to surveillance

Complaints we do not deal with in relation to UKBA

The IPCC only has authority for incidents occurring in England and Wales. If an incident occurs outside of England and Wales, you should contact the UKBA complaints team and they will be able to tell you what you can do next.

The IPCC does not have authority to deal with complaints about private contractors working on behalf of UKBA. These complaints should be made directly to UKBA. Contact details for UKBA are at the end of this leaflet.

The IPCC does not have the power to deal with less serious complaints relating to staff or complaints about UKBA policies, for example on asylum claims or visa applications. These complaints should be made to UKBA directly.

Making a complaint to the IPCC will not have any effect on the immigration status of the person making the complaint, and will not ordinarily delay a removal.

What do we do?

Our job is to make sure that serious complaints against UKBA staff are dealt with effectively. We set the standards for the way BIA handles serious complaints against staff and, when something has gone wrong, we help UKBA learn lessons and improve the way they work.

We will:

- Give you the information you need to make a complaint
- Make sure that UKBA handles complaints to a high standard
- Investigate the most serious complaints using our own independent investigators
- Help UKBA to put things right when there has been a problem

Types of investigation

When the IPCC receives a serious complaint against a member of staff from UKBA, we will decide how it ought to be investigated.

An **independent investigation** is carried out by IPCC staff into incidents that cause the greatest level of public concern, have the greatest potential to impact on communities or have serious implications for the reputation of UKBA. The investigation team working on a case will try to find out what happened and why it happened. They will question witnesses (people who saw the incident), including UKBA staff, and look for evidence. At the end of the investigation, when all the evidence has been gathered and reviewed, the senior investigator will prepare a report.

A **managed investigation** is carried out either by UKBA or by the police under the direction and control of the IPCC when an incident, or a complaint or allegation of misconduct, is of such significance and probable public concern that the investigation of it needs to be run by the IPCC but does not need an independent investigation.

A **supervised investigation** is carried out either by UKBA or by the police when the IPCC decides that an incident or complaint or allegation of misconduct is of less significance and probable public concern than for an independent or managed investigation but oversight by the IPCC is appropriate.

A **local investigation** is appropriate where the IPCC concludes that none of the factors identified in terms of the seriousness of the case or public interest exist and that UKBA has the resources and experience needed to carry out an investigation without external help.

Appeals to the IPCC

The IPCC is responsible for considering appeals made by members of the public in relation to serious complaints against UKBA. We have powers to overturn certain BIA decisions.

We do not have any power to consider appeals in relation to less serious complaints about staff or complaints about overall UKBA policies. Neither do we have the power to deal with appeals against complaints about incidents which took place in Scotland or Northern Ireland.

Appeal against the non-recording of a complaint

UKBA has a duty to record your complaint about the conduct of a member of staff or give you reasons why it has been decided not to record your complaint. If you have tried to make a serious complaint about a member of UKBA staff exercising police-like powers but BIA did not record it, you may be able to appeal to the IPCC.

Appeal against the outcome of a UKBA investigation into your complaint

When a serious complaint has been locally investigated by UKBA, or investigated by UKBA or the police under the supervision of the IPCC, you may be able to appeal to the IPCC about the outcome of the investigation. UKBA will write and inform you where you have the right to appeal to the IPCC against the outcome of an investigation.

Who works for the IPCC?

The IPCC is made up of Commissioners and professional staff. None of our independent Commissioners have ever worked for UKBA.

They come from many different backgrounds and include lawyers, health and education professionals, as well as people from voluntary, business and community organisations.

We also have teams of independent investigators, caseworkers and support staff.

Why trust us?

We make our decisions independently of UKBA.

Where are we based?

At five regional offices in England and Wales. Our national office is in London.

What next?

Remember – if you are unhappy about how you have been treated by a member of UKBA staff, it is your right to complain. Complaints should be made directly to BIA in the first instance. Only the most serious cases will be referred from UKBA to be dealt with by the IPCC.

To contact UKBA

Post:
Complaints Unit
UK Border Agency
PO Box 1384
Croydon
Surrey CR9 3YJ

Email:
ind.cu@homeoffice.gsi.gov.uk
www.ind.homeoffice.gov.uk

Fax: 020 8760 4310
Phone: 0870 241 6523

Please be aware that on this number UKBA can only answer enquiries about the work of the complaints unit and advise callers about how to complain.



Call the IPCC on 0845 877 0083
Email us at enquiries@ipcc.gsi.gov.uk
Or visit our website – www.ipcc.gov.uk