

Research Briefing
Number 9053
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21 June 2021

A short guide to police complaints

1

Understanding the system

There are three important things to understand about police complaints before handling any casework involving dissatisfaction with the police:

- **Every decision in the police complaints process should be “reasonable and proportionate”.** Decision makers should consider several factors to decide what is reasonable and proportionate. For example, the seriousness of the allegation, the potential for learning and the cost of investigating. Constituents should be realistic about what they can expect from making a complaint.
- **MPs don’t have a formal role in the police complaints system.** MPs can support constituents by explaining the police complaints process, signposting them to useful resources or writing to the appropriate body. MPs may also be able to complain on a constituent’s behalf with their permission. However, MPs have no formal powers regarding police complaints.
- **The police complaints system is complex.** It involves specialist language and sometimes complicated procedures. This can make it hard to navigate. It is important to handle casework involving police complaints with care. The information in this briefing should help. MPs and their staff can contact the Library’s [request service \[intranet link only\]](#) if they need more help.

1.1

Key actors

England and Wales

There are three key actors in the **English and Welsh** police complaints system: police forces, local policing bodies and the [Independent Office for Police Conduct](#) (IOPC).

Police forces

Police forces handle most complaints. They must refer certain complaints to the IOPC. They may refer other complaints to the IOPC voluntarily.

The IOPC

The IOPC oversees the whole system. It conducts independent investigations of some of the most serious and complex complaints. It also directs some complaint investigations conducted by police forces.

Local policing bodies

Local policing bodies (Police and Crime Commissioners (PCCs) or local Mayors) monitor their force's handling of complaints, review certain complaints when the complainant is unhappy and handle complaints about the local chief officer.

In some areas the local policing body has chosen to play a greater role in the complaints process. In **Herefordshire, Northamptonshire and North Yorkshire** the PCC is also responsible for the initial handling of a complaint. The PCC in **North Yorkshire** also informs complainants as their complaint progresses through the system. Local police forces do these tasks everywhere else in England and Wales.

What's a 'local policing body'?

Local policing bodies are responsible for securing an "effective and efficient" police force for their area. In most areas the local policing body is a directly elected politician either a Police and Crime Commissioner (PCC) or (in Greater Manchester, Greater London and West Yorkshire) the local Mayor. The local policing body for the City of London Police is a [Police Authority](#).

Scotland and Northern Ireland

[Police Scotland](#) handles most complaints in **Scotland**. They pass certain complaints to the [Police Investigations Review Commissioner \(Pirc\)](#). Pirc also handles complaint appeals.

The [Police Ombudsman for Northern Ireland](#) handles all complaints in **Northern Ireland**.

1.2

Sources of information

Force websites

All [police force websites](#) include information about police complaints that is easy to access and understand.

The Independent Office for Police Conduct (IOPC)

The IOPC website includes [helpful and accessible information about police complaints](#) for the public and a series of [guides to the police complaint system](#) for those in policing. They also maintain [statutory guidance on the police complaints system](#) which provides detailed information.

Local policing bodies

All [local policing bodies](#) should have information about their police complaint work on their website.

Library resources

The Library has published more information about police complaints in England and Wales in the research briefing [police complaints and discipline](#).

The Library research briefing [policing in the UK](#) describes the governance, accountability and operation of police services. It also discusses the performance of police forces in England and Wales.

The Library has explained the role of local policing bodies and how they are held to account in the research briefing [Police and Crime Commissioners](#).

2

Dissatisfaction with the police

There are a few common reasons constituents dissatisfied with the police contact their MP:

- They're **generally dissatisfied** with their force's overall performance.
- They're a **victim of a crime** who is unhappy with how the force handled their case.
- They're seeking **financial compensation** from the police.

The reason your constituent is dissatisfied with the police will affect how you might respond.

2.1

Can my constituent complain?

In almost all cases involving dissatisfaction with the police constituents can formally complain. It doesn't matter what they're dissatisfied about: they might disapprove of how their crime report was handled, how they were dealt with by the police or critical of a force wide policy/ procedure/ initiative.

The public can complain about an incident no matter when it took place but the sooner they complain the better. Those handling complaints are likely to be able to gather more evidence if an incident is reported sooner.

What can happen as a result of a complaint?

Any "reasonable and proportionate" action can be taken in response to a complaint (assuming it can be taken legally). Sometimes it will be "reasonable and proportionate" to take no action.

Complaining can provide the police with an opportunity to clarify their actions or apologise if they've made a mistake. Complaints can lead to important learnings for the individual(s) involved, their force and the wider police service.

Complaints concerning the conduct of police personnel can result in formal disciplinary or management processes. The exact process that's followed depends on the seriousness of the allegation. Police personnel are formally sanctioned if necessary. If a complaint reveals enough evidence that someone working in the police committed a crime, there will be a criminal investigation.

When can't my constituent complain?

There are two main reasons a police force might not accept a complaint:

- The person trying to complain **wasn't personally adversely affected by the behaviour of the police personnel** they are complaining about. For example, they're concerned about behaviour they have seen on social media. The police may be able to respond to their concern outside the complaints process so the constituent might still wish to bring it to their attention.
- The person trying to complain is concerned about the way the police have handled their **personal information/ data**. Constituents who are concerned about how the police handled their **personal data** can [contact the Information Commissioner's Office \(ICO\)](#). The ICO is often the more

appropriate body to raise these types of concerns to. The ICO has published information about the right to access [personal information held by police forces](#). The Library's constituency casework article [criminal records](#) explains the information retained in criminal records and how to apply to get a criminal record deleted.

2.2 General dissatisfaction

If your constituent is expressing general dissatisfaction with the performance of your local force, you might consider:

- working with your [local policing body](#). Your local policing body may conclude your constituent's concerns are best dealt with as a complaint. When this is the case, they will handle the complaint as appropriate.
- checking your [force inspection report](#). English and Welsh police forces are inspected by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS). It publishes a [range of analysis](#) about policing alongside its local force inspections.

Scotland and Northern Ireland

The [Scottish Police Authority](#) and the [Northern Ireland Policing Board](#) provide a similar function to local policing bodies in their respective nations. The Scottish Parliament and the Northern Ireland Assembly are responsible for scrutinising the work of these bodies (and the delivery of policing services in their country).

The Police Service for Northern Ireland is [inspected by HMICFRS](#). Police Scotland is inspected by [Her Majesty's Inspectorate for Constabulary in Scotland](#).

2.3 Victims of crime

All victims of crime can expect a minimum level of service once their case has been recorded by the police. The Library's constituency casework article [support for victims of crime](#) explains what they can expect from the criminal justice system.

Victims dissatisfied with a criminal investigation can complain. However, complaining will not necessarily lead to a review of the criminal investigation (or a decision not to investigate). Police forces make independent decisions about how to investigate crime and prioritise their resources. The other actors in the complaints system (the IOPC and local policing bodies) can't instruct the police to (re)investigate a crime.

2.4 Financial compensation

The police complaints system is not the appropriate avenue to seek financial compensation from the police. Constituents seeking financial compensation should negotiate directly with the force concerned. They might be able to initiate civil proceedings to pursue compensation if they can't reach an agreement out of court.

Those seeking financial compensation from the police should consult legal advice. Information about accessing legal advice can be found on the Library's casework page [Legal help: where to go and how to pay](#).

3 Police complaints

Often constituents have already complained before they contact their MP. There are a few key questions you should ask yourself before you start handling casework involving a police complaint:

When did my constituent complain?

A new police complaints system became operational in England and Wales on 1 February 2020. Complaints submitted before 1 February 2020 are handled under the old system. Determining when your constituent made their complaint will tell you which system it is being handled under and ensure you provide them with the right advice.

Who is dealing with my constituent's complaint?

In England and Wales, the public can complain to their local force, their local policing body or the IOPC.

Police forces, local policing bodies and the IOPC forward complaints they aren't responsible for to the body that is. When a complaint is forwarded or referred to another body the complainant is informed.

It is helpful to clarify with your constituent which body is dealing with the complaint as it may be a different to who they reported it to.

Is my constituent's complaint connected to an ongoing criminal investigation?

English and Welsh complaint handling can be 'suspended' when there are serious concerns it will affect a criminal investigation. Not all complaints connected to criminal investigations are suspended, but this might be the cause of a delay in some circumstances.

It can be helpful to know if your constituent's complaint relates to a criminal investigation and whether it has been suspended. Complainants are informed when their complaint is suspended.

If the complainant disagrees with the decision to suspend the handling of their complaint, they can ask to IOPC to consider this decision. The IOPC can direct police forces to resume the handling of a suspended complaint when they think it is in the public interest. Otherwise the handling of suspended complaints will be resume when those dealing with them think the suspension is no longer necessary.

What stage in the complaints process is my constituent's complaint at?

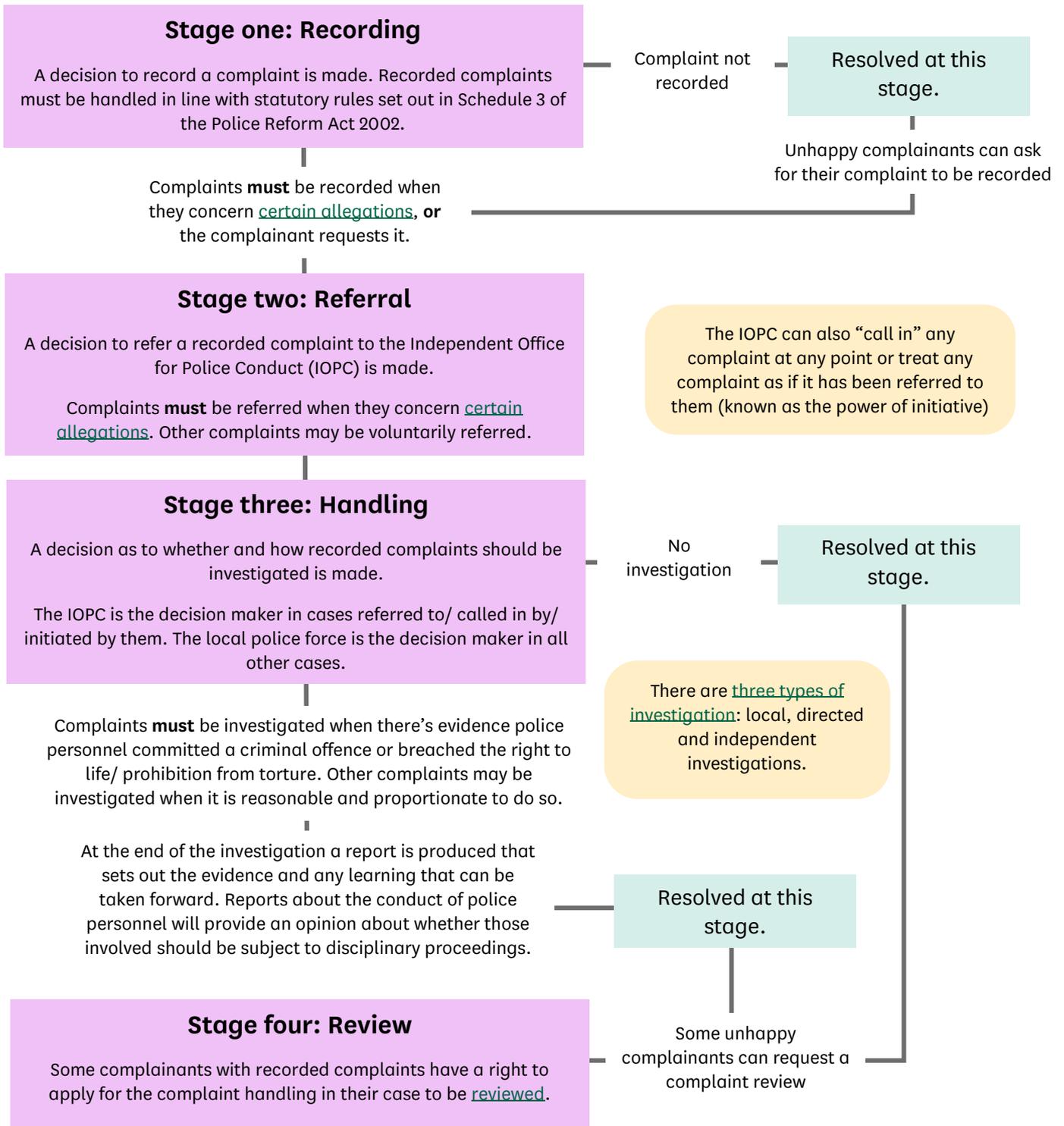
The most important thing to learn about a constituent's complaint is what stage in the police complaints process it is at. This will help you understand what their options to progress the complaint are.

3.1 The police complaints process in stages

There are four stages to the police complaints process in England and Wales. The diagram overleaf provides a brief overview of each stage in the current process. More detailed information can be found in the Library's paper [police complaints and discipline](#). The IOPC maintains detailed [information on both the current and former systems](#) (for complaints made before 1 February 2020).

The more serious or complex the complaint the more likely it is to travel further through the stages.

Complainants receive regular communications as their complaint progresses through the system. Constituents who are unsure about where in the complaints process their complaint is at can ask the body handling their complaint (normally their local force) to clarify.



Scotland and Northern Ireland

The Scottish police complaints system can be understood in six stages like those used in England and Wales. [Statutory guidance on police complaints in Scotland](#) provides further information.

The police complaints system is very different in Northern Ireland where the Police Ombudsman handles all complaints.

3.2

Appealing the outcome of a complaint

The appeals/ review process is different depending on when the complaint was lodged and how it was handled.

Some people with **recorded complaints made after 1 February 2020** in England and Wales can apply to have the outcome of their complaint ‘reviewed’ when they are unhappy. Complainants **must** apply for a review within 28 days of the day after the outcome was sent to them.

There is no right to review complaints subject to a ‘directed’ or ‘independent’ investigation and therefore resolved by the IOPC. However, the IOPC can reopen complaints if there is compelling evidence to do so.

Those with **recorded complaints made before 1 February 2020** in England and Wales can appeal the outcome of their complaint. These appeals are either handled by the force themselves or, in certain circumstances, the IOPC. Further information on the appeals process for complaints lodged before 1 February 2020 can be found in [statutory guidance from 2015 \(PDF\)](#).

Complaint reviews

Reviews of complaints made after 1 February 2020 are carried out by the local policing body or the IOPC. Local policing bodies should have information about applying for a review on [their websites](#).

Local policing bodies can recommend how the complaint can be progressed. They can also recommend that a force’s original finding is changed. There is an expectation that these recommendations are accepted, but forces can disagree to them with good reason.

Reviews involving certain serious allegations are carried out by the IOPC. The IOPC can direct forces to progress the complaint or change their findings.

When the complaint has already been reviewed/ appealed?

Constituents who have exhausted the review/ appeals process have reached the end of the police complaints system. The only remaining avenue for them is [judicial review](#).

Constituent’s considering judicial review should consult appropriate legal advice. Information about accessing legal advice can be found on the Library’s casework page [Legal help: where to go and how to pay](#).

Scotland and Northern Ireland

Those unhappy with how their complaint was handled in **Scotland** can ask the Police Investigations & Review Commissioner to [review their complaint](#).

In **Northern Ireland** there is no right to review/ appeal a decision of the Police Ombudsman but complainants can [complain about the service they received from them](#).

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