



BRIEFING PAPER

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A short guide to police complaints

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This Library briefing paper helps MPs and their staff dealing with casework involving dissatisfaction with the police.

It starts by setting out the key information needed to understand the police complaints system. It describes the roles and responsibilities of the system's key actors and where to find further information about police complaints.

It then discusses casework involving constituents who are dissatisfied with the police but haven't yet complained. It explains how these constituents can complain. It also provides information to help those handling casework involving general dissatisfaction with police performance, dissatisfied victims and people seeking financial compensation from the police.

It then discusses casework involving constituents who have already made a police complaint. It discusses the key questions MPs should ask when they receive correspondence from someone who has complained about the police. It briefly sets out the different stages of the police complaints process. It also explains when and how constituents can appeal the outcome of their complaint.

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1. Understanding the system

There are four important things to understand about police complaints systems in the UK before handling any casework involving dissatisfaction with the police:

- 1. Policing is devolved in Scotland and Northern Ireland.** The information in this paper focuses on the situation in England and Wales. MPs and their staff can contact the Library's [request service \[intranet link only\]](#) for further information.
- 2. A new police complaints system was introduced on 1 February 2020 in England and Wales.** Complaints lodged before 1 February 2020 are handled under the old system.
- 3. Police complaint decisions 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.
- 4. 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 series of articles 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

There are three key actors in the **English and Welsh** police complaints system:

- police forces
- Police and Crime Commissioners (PCCs)/ Deputy Mayors
- the [Independent Office for Police Conduct](#) (IOPC)

Police forces

Police forces handle most complaints. Certain complaints must be referred to the IOPC, others are voluntarily referred to them.

The IOPC

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

PCCs/ Deputy Mayors

PCCs/ Deputy Mayors monitor their force's handling of complaints. They conduct reviews of certain complaints when the complainant is unhappy. They also respond to complaints about the local chief officer.

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

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 local force websites](#) include information about police complaints that is supposed to be 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](#) designed to support those in policing. They also maintain [statutory guidance on the police complaints system](#) which provides detailed information.

Library resources

The Library has published more information on police complaints in England and Wales in the research briefing [Police complaints and discipline](#). This research briefing discusses the police complaints system and the police discipline system in England and Wales in detail. It also discusses a recent history of reform in this area.

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.

Scotland and Northern Ireland

The [Police Investigations & Review Commissioner \(Pirc\)](#) provides a similar function to the IOPC in Scotland. They maintain [statutory guidance on the police complaints system in Scotland](#). The [Scottish Government](#) and [Police Scotland](#) have both provided accessible information on police complaints. Citizens Advice Scotland also maintains [information about police complaints](#).

The [Police Ombudsman for Northern Ireland](#) is a similar body to the IOPC but it handles all police complaints in Northern Ireland. Its website provides lots of information about police complaints. The Northern Ireland Executive maintains accessible information about police complaints on their [nidirect website](#). The [Police Service in Northern Ireland \(PSNI\)](#) also maintains information on police complaints.

2. Handling casework involving dissatisfaction with the police

There are a few common reasons constituents dissatisfied with the police might 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?

It is important to remember that in almost all cases involving dissatisfaction with the police, constituents can formally complain.

Members of the public who are dissatisfied with the police can 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 make a complaint 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?

Making a complaint to the police can help resolve an individual's concerns. It provides the police with an opportunity to clarify the action they took (or their policies) or apologise if they made a mistake. A complaint might identify some important learnings for those involved and their force.

Complaints concerning the conduct of police personnel can result in formal disciplinary or management processes. The exact process that is followed depends on the seriousness of the allegation. Police personnel can be 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 [Police and Crime Commissioner](#) (or the Mayor's Office in Greater Manchester/ London).
- checking your force's inspection report.

What's a PCC?

PCC's are directly elected politicians who are responsible for holding their chief constables to account for the delivery of police services. They're also responsible for setting a budget and priorities for their local force. The Deputy Mayor for Policing and Crime performs the same function as a PCC in London and Manchester. Further information about PCCs can be found in the Library briefing [Policing in the UK](#).

PCC/ Deputy Mayors may conclude that your constituents' concerns are best dealt with as a complaint. When this is the case, they will handle the complaint as appropriate.

Police inspections

English and Welsh police forces are inspected by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS). It publishes an [annual assessments of the performance of individual forces](#). The Library research briefing [Policing in the UK](#) describes the HMICFRS inspection regime and provides an overview of the performance of English and Welsh police forces.

Scotland and Northern Ireland

The [Scottish Police Authority](#) and the [Northern Ireland Policing Board](#) provide a similar function to PCCs/ Deputy Mayors 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 victims can expect from the criminal justice system. It also explains about a victim's right to challenge a charging decision.

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. Handling casework involving a police complaint

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.

It is important to determine when your constituent made their complaint. This will tell you which system it is been 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 PCC/ Mayor or the IOPC.

Police forces, PCCs/ Deputy Mayors 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 their complaint 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 options they have to progress their complaint.

3.1 The police complaints process in stages

There are four stages to the police complaints process in England and Wales. The table below 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.

Four stages to the police complaints process

Recording: A decision to record a complaint is made. Recorded complaints must be handled in line with statutory rules set out in Schedule 3 of the *Police Reform Act 2002* (as amended).

1 Complaints *must* be recorded when they concern certain allegations and when the complainant requests it. Complaints that aren't recorded are resolved at this stage; normally by a conversation which satisfies the complainant's concerns. Those unhappy with this outcome can ask for the complaint to be recorded.

Referral: A decision to refer a recorded complaint to the Independent Office for Police Conduct (IOPC) is made. The IOPC decide if referred complaints should be investigated and if so how.

2 Complaints involving or connected to certain allegations *must* be referred to the IOPC "without delay". Other complaints may be voluntarily referred. The IOPC has the power to 'call in' any complaint at any point. Complaints that are 'called in' *must* be referred to the IOPC. The IOPC can also treat complaints that come to their attention as having been referred to them. This is known as the 'power of initiative'.

Handling: A decision as to whether and how recorded complaints should be investigated is made. An outcome is either decided without a formal investigation or an investigation takes place which informs an outcome.

3 Recorded complaints may be resolved without a formal investigation by either an action in response to the complaint or by a decision to take no further action. Complaints involving a credible allegation that a person serving in the police may be guilty of misconduct, may have committed a criminal offence or a may have breached the right to life/ prohibition from torture *must* be investigated. Other complaints may be investigated when it is reasonable and proportionate. The IOPC decides whether complaints referred to them should be investigated and how. The IOPC may direct the relevant force to investigate a complaint or decide to investigate it itself.

At the end of the investigation a report is produced that sets out the evidence and any learnings that can be taken forward. Reports about the conduct of police personnel will provide an opinion about whether or conclude if those involved should be subject to disciplinary proceedings. Normally the local police force decides how to resolve a complaint based on the report's findings. The IOPC directs how investigation reports written or directed by them should be resolved.

Review: Some complainants with recorded complaints have a right to apply for the complaint handling in their case reviewed.

4 Complaints which involve certain allegations are reviewed by the IOPC, all other eligible complaints are reviewed by the relevant Police and Crime Commissioner's office (or the body they have designated).

The IOPC can *direct* forces to progress complaints further or change their findings. PCCs/ Deputy Mayors can *recommend* how a complaint can be progressed or how findings could be changed. There is an expectation that PCC/ Deputy Mayoral recommendations are complied with, but police forces can disagree with them.

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 constituent complained 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 \(PDF\)](#).

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](#).

Complaint reviews

Reviews of complaints made after 1 February 2020 are carried out by the local Police and Crime Commissioner's office (or the Mayor's office in Manchester and London), or an organisation designated to conduct reviews by the PCC/ Mayor. PCCs/ Deputy Mayors should have information about applying for a review on [their websites](#).

PCCs/ Deputy Mayors 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 those who investigated the complaint 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](#).

Constituents 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](#).

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