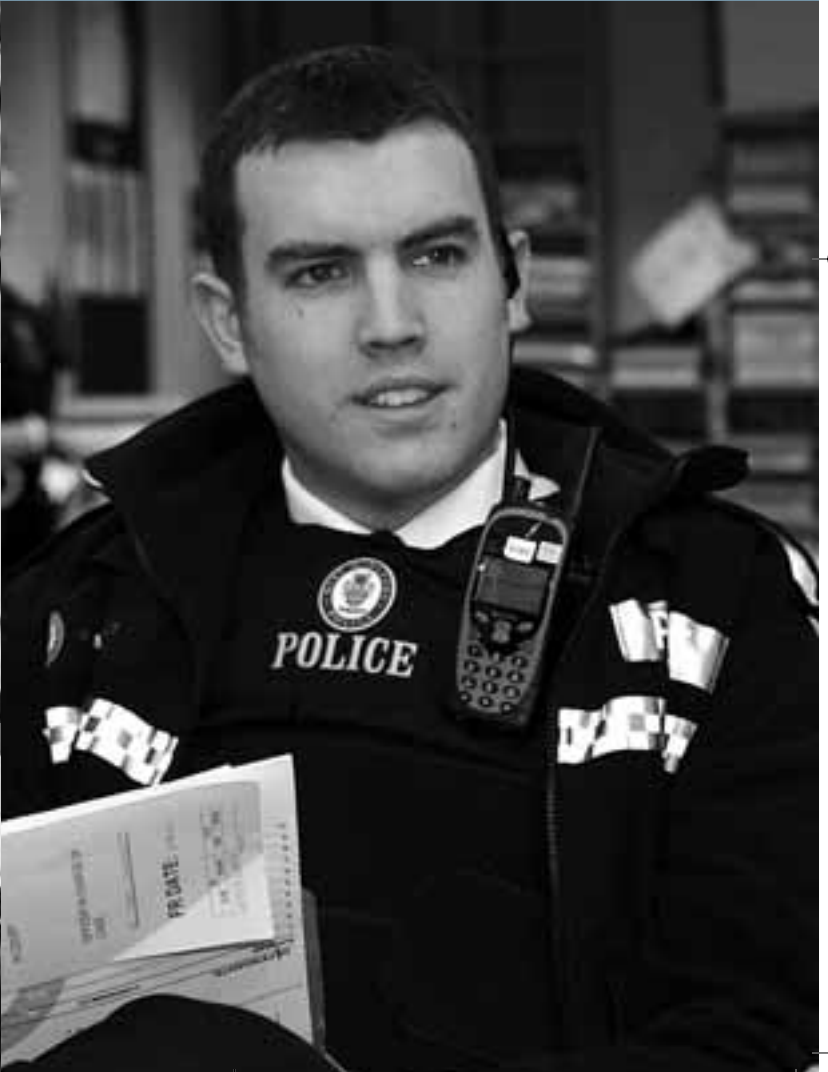




You and the police complaints system



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This leaflet explains the Independent Police Complaints Commission (IPCC) and Police Federation's shared aims for the police complaints system.

We want to see good customer service right at the heart of the complaints system and confident handling of complaints by officers at local level, where we can make a real difference to community confidence.

Together, we've been working with other policing, voluntary and community organisations to develop statutory guidance for forces about the complaints system. The guidance sets out four key aims:

- **Increased confidence** in a system that provides fair treatment of everyone involved – complainants and police officers.
- **To learn** from complaints, so that service to the public is improved
- **Proportionate and timely** complaint investigations
- **Greater access** to the system for the public

We believe that we now have a real opportunity for front-line officers, supervisors and police staff to become more confident in dealing with complaints as part of citizen-focused policing.

The IPCC and Police Federation look forward to working together, not only to make the system fairer for all, but also to be seen to be fairer.

We also recognise that officers and staff need support in dealing with complaints and particularly so when they are the subject of a complaint.



Nick Hardwick
Chair, IPCC
www.ipcc.gov.uk



Jan Berry
Chair, Police
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The IPCC

Formed in April 2004, following the Police Reform Act 2002, the IPCC (Independent Police Complaints Commission) is the independent body which oversees complaints against the police in England and Wales. It consists of a Chair, Deputy Chair and 15 Commissioners, each responsible for specific forces.

What the IPCC does

The IPCC ensures that people's complaints against the police are handled properly. By raising standards, cutting delays and increasing public confidence, the new complaints system aims to transform the way the police handle complaints from the public. The Police Reform Act has given the IPCC a duty to oversee the whole of the police complaints system.

For the first time, all police officers and staff, up to and including Chief Constables, are covered by the same complaints system.

How they do it

The IPCC is a national organisation which is regionally delivered. As well as a head office in London, it also has offices in four regions across England and Wales.

The IPCC can:

- manage or supervise a police investigation into a case and investigate independently the most serious cases – it has its own investigators
- issue statutory guidance to forces on complaint handling

- analyse information from cases and research complaint trends and patterns
- gather feedback and information from communities about the police complaints system and about the police generally
- use call-in powers for specific cases – often those of particular public concern. The most serious cases must be referred to the IPCC by the police
- work with voluntary and community organisations at regional level to promote greater access to the complaints system
- use its monitoring and inspection function
- work together with the police service to drive forward improvements

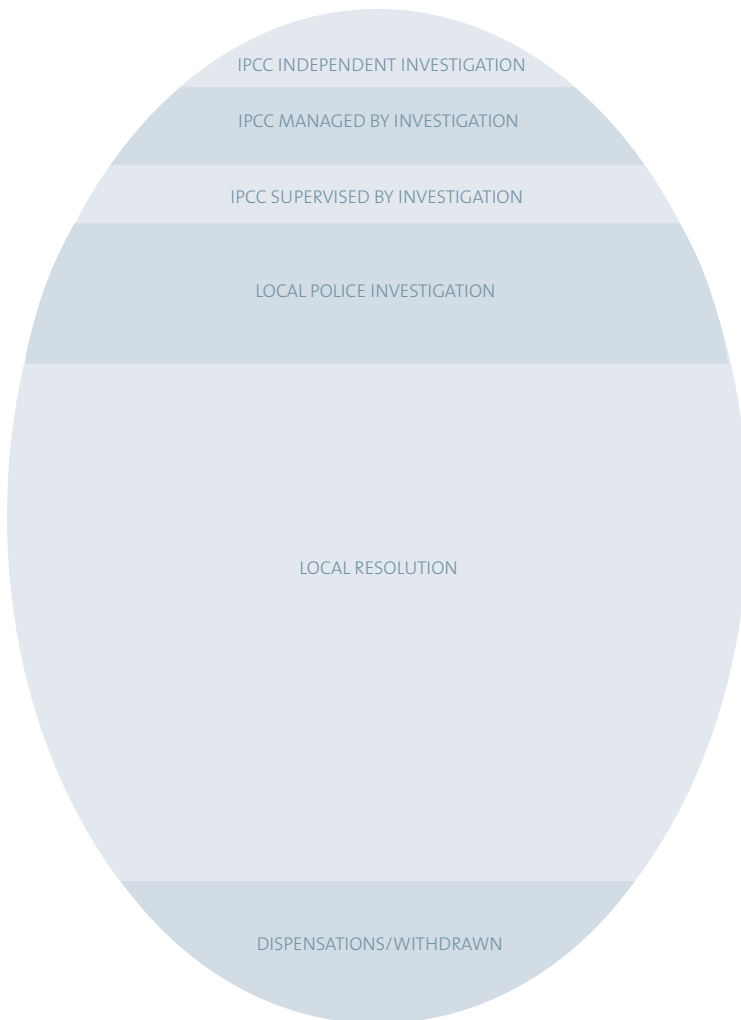
The role of the Police Federation

The Police Federation of England and Wales (PFEW) is the representative body for police officers up to and including the rank of Chief Inspector. One of its primary functions is to give advice and assistance to its members when they are the subject of a formal complaint or internal investigation.

If you are the subject of a complaint, the PFEW advises you not to panic and, if you are unsure of the procedure or what to do next, to contact your local Federation representative.

The police complaints system

The diagram below shows the different ways in which complaints are handled. Many complaints against the police are handled by the police themselves through Local Resolution or local police investigation.



Local Resolution

This is the simplest and most flexible way for people to tell the police what happened and find out why it happened. The IPCC believes that more complaints could be dealt with this way and is keen to build officer and staff confidence in this method. The Police Federation fully supports Local Resolution as a process for dealing with complaints.

Handled professionally, this approach will have a positive impact on the community's views about policing in their area and should lead to increased public confidence and better two-way communication.

Local Resolution is not about blame or discipline and these cases should not be referred to in your personal development plans, staff appraisals or in any subsequent misconduct hearing.

Regulation 9 notices are not necessary during Local Resolution and **nothing** an officer says during Local Resolution can be used later in a misconduct process for the same matter.

Your supervisors will usually deal with Local Resolutions and you may be asked to comment on the complaint. Any explanation you give is purely voluntary and this can be passed on to the complainant if you wish. Nobody can apologise on your behalf unless you specifically authorise them to do so. But if you accept all or some of the events subject to the complaint and/or have an explanation for your actions and want it passed on to the complainant, this can be done.

Local police investigation

In some cases, an investigation may be appropriate. The extent of an investigation should be proportionate to the complaint or allegation of

misconduct. In all cases the force should consider what can be learned from the outcome of an investigation. The complainant has the right of appeal to the IPCC.

IPCC supervised investigation

This is an investigation conducted by, and under the direction and control of, the police but supervised by an IPCC Commissioner. These apply when the IPCC decides that a complaint or allegation of misconduct is of considerable significance and probable public concern. The complainant has the right of appeal to the IPCC.

IPCC managed investigation

A managed investigation is conducted by the police but under the direction and control of the IPCC. Usually, such an investigation takes place when the alleged recordable conduct matter is of such significance and probable public concern that its investigation needs an independent element.

IPCC independent investigation

An independent investigation is conducted 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 the police service.

There is no right of appeal against a managed or independent investigation except through judicial review.

Regulation 9 notices

The purpose of a Reg 9 notice is to safeguard your rights. It will allow you to recall details of the incident about which the complaint is being made but it does not imply guilt. The notice should be issued as soon as is practicable after it becomes clear that an allegation involving the conduct of an identifiable officer will be included in the investigation. But it need not always be issued immediately in circumstances where it could hinder a criminal investigation.

If you receive a Reg 9 notice, the Police Federation advises you not to say anything at that stage and to seek the advice of your Federation representative.

If you are told you are about to be interviewed, you are strongly advised to contact a Federation representative who will arrange to attend the interview with you or, in some circumstances, arrange for you to be legally represented.

Right to information during an investigation

Making the complaints system as open and transparent as possible should help to increase your confidence in it.

Once an investigation is under way, officers and complainants must all be kept informed at every stage.

The IPCC believes making the investigating officer's (IO) report available is the most transparent way to show what the investigation has found. The IO report is disclosed to complainants and officers subject to a 'harm test'. This decision is made by the police in local and supervised investigations and by the IPCC in managed and independent investigations.

Further action

If no further action is taken against you as the result of a complaint, the matter cannot be referred to in personal development plans or staff appraisals. However, forces should always look at the lessons which can be learned from complaints.

In some circumstances, the IPCC may decide that you should receive words of advice. This could happen if, for example, a procedure has been breached but not sufficiently to warrant sanction against you. But as this is not a misconduct finding, there is no mechanism for appeal if you are unhappy with the outcome.

Another possible outcome is a Superintendent's formal warning, but this cannot be given unless the matter subject to complaint has been admitted.

In a few cases the IPCC may request that an officer appear before a misconduct panel. If this happens to you, you are advised to contact a Federation representative who will support you through this process.

Complaints against the IPCC

Complaints about the IPCC can be made by any member of the public or by police officers.

The IPCC takes complaints seriously and will deal with them as fairly and quickly as possible, wanting to learn from them and take action to improve the system. The IPCC has a dedicated complaints officer as well as a procedure for dealing with complaints against IPCC staff and Commissioners.

Reporting of concerns by the police

There may be occasions when you witness wrongdoing by a colleague. Normally you would report this to your force's Professional Standards Department.

You can also raise concerns confidentially with the IPCC, designated as an official body for the purposes of public interest disclosure.

Remember: if in doubt, contact the Federation.

To find out more about matters referred to in this leaflet, please visit the IPCC and the PFEW's websites:

www.ipcc.gov.uk

www.polfed.org

www.ipcc.gov.uk
www.polfed.org

To obtain further copies of this
leaflet, contact the IPCC:

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Email: enquiries@ipcc.gsi.gov.uk

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