

## Frequently asked questions about complaints (February 2020)

### What happens when I make a complaint?

The force/organisation must consider the complaint and log it. Certain complaints must be formally recorded. This means they must be dealt with according to certain rules and guidance.

The force/organisation will also consider whether the complaint should be referred to the IOPC. [Certain matters must be referred to us.](#)

The force/organisation will contact the complainant and explain how the matter will be handled.

### I have made a complaint and have not heard back from the force. What can I do?

You can expect to hear from the force/relevant organisation promptly about your complaint. If this hasn't happened, you should contact them for an update.

### The police force has recorded my complaint. What happens next?

If your complaint is recorded, a decision will be made about how best to resolve it. The severity of a complaint will determine how it is resolved. In certain circumstances, complaints must be referred to the IOPC. We may oversee a police investigation into the complaint (this is called a directed investigation). In the most serious cases, we may investigate the complaint using our own investigators.

Please note that the IOPC is only involved in investigating certain serious complaints or incidents. The majority of complaints are investigated by the police force concerned, with the IOPC providing a review/appeal function in certain situations.

### Can the IOPC intervene if I am not happy with the way my complaint is being handled?

The IOPC is not involved in police force investigations into complaints. This means that we cannot intervene in the progress of an investigation or instruct the police force to change the person in charge of investigating your complaint. If you have any requests, comments or criticisms about an ongoing police investigation, contact either the investigator looking into your complaint or someone else at the police force you complained to. When your complaint is finalised, you will be told about your right to request a review or appeal, and who to contact.

### **Can the IOPC provide an update on my complaint?**

The IOPC is not involved in police investigations into complaints. If you have not heard from the investigator looking into your complaint for more than 28 days, contact the police force for an update.

### **Why won't the police force investigate my complaint until related court proceedings are complete?**

If court proceedings associated with your complaint are pending, it is possible that the police force will choose to suspend an investigation into your complaint until after the court proceedings are complete. This is sometimes called *subjudice* (which means that a matter is 'before the court'). Complaint investigations are sometimes suspended in order not to prejudice a future criminal trial or, in the case of a jury trial, not to influence the jury. If you are the person who will be subject to the court proceedings, you may be able to waive your right to have the investigation into your complaint suspended. You should consider taking legal advice before doing this. In some circumstances, after consulting with the Crown Prosecution Service, the police force may still decide to suspend the investigation into your complaint even though you don't want them to. If the investigation into your complaint is suspended, you should contact the police force concerned to restart your complaint after court proceedings are complete.

### **The police force has told me that they are not going to investigate my complaint. What can I do?**

If the police force or local policing body has decided not to investigate your complaint they will tell you this, and let you know about your right to request a review of this decision. One example of a situation where a police force might decide to do this is if a complaint was made more than 12 months after the incident being complained about and there is no good reason for the delay.

Another example of a situation where a police force might do this is where the complainant stops co-operating with the investigators' enquiries, preventing a meaningful investigation.