

Applying the IPCC guidance on dealing with allegations of discrimination to cases after 1 February 2020

March 2020

Introduction

The purpose of this advice note is to help complaints handlers and others to apply the *IPCC guidelines for handling allegations of discrimination* to matters that come to the attention of an appropriate authority on or after 1 February 2020.

Since these guidelines were written, the IPCC has become the Independent Office for Police Conduct (IOPC).

This note will remain in place until a full review of the guidelines takes place.

Using this advice note

This advice note should be read in conjunction with the *IPCC guidelines for handling allegations of discrimination*. It follows the same structure and provides references to relevant paragraphs. The IOPC Statutory Guidance provides a fuller explanation of the complaints system.

Foreword

The revised Home Office guidance published in 2020 no longer contains additional information about how to apply the Standards of Professional Behaviour. This can be found in the [Code of Ethics](#) published by the College of Policing.

Key areas of change

Direction and control

Paragraph 1.18 and paragraphs 7.29 – 7.36 refer to complaints about direction and control. From 1 February 2020 such matters will be dealt with in the same way as any other complaint.

Local resolution

Local resolution no longer exists for complaints made on or after 1 February 2020.

If the IOPC is not carrying out an investigation, the appropriate authority must consider what is a reasonable and proportionate way to handle the matter.

There are certain matters that must be investigated, these are set out in paragraphs 10.5 -10.6 of the IOPC Statutory Guidance. This is a different test to the previous test to determine what was suitable for local resolution. Other matters may be dealt with in a way that the appropriate authority determines is reasonable and appropriate *after* speaking to the complainant to better understand their discrimination complaint.

An allegation of discrimination may raise the seriousness of a case meaning investigation will often be the most reasonable and proportionate way of handling discrimination allegations. The examples in chapter 3 of the *Guidelines* might be suitable for handling otherwise than by investigation.

Regardless of how a matter is dealt with, the focus should be on resolving the complaint.

Investigations

'Special requirements' has now changed to 'special procedures' (see chapter 13 of the IOPC Statutory Guidance).

Appeals / reviews

The various rights of appeal have been replaced with a right to apply for a review of the outcome of the complaint (see chapter 18 of the IOPC Statutory Guidance).

Reflective Practice Review Process

The reflective practice review process was introduced to encourage police officers and staff to reflect on their actions and learn. This should be used where appropriate in discrimination cases.

Complaints and conduct matters relating to chief officers

The appropriate authority must record and refer all conduct matters regarding the conduct of a chief officer or Deputy Commissioner of the Metropolitan Police.

The appropriate authority must refer to the IOPC any complaints relating to a chief officer or Deputy Commissioner of the Metropolitan Police where the appropriate authority is unable to satisfy itself that the conduct complained of, if it were proved, would not justify the bringing of criminal or disciplinary proceedings.

Findings and outcomes

Chapter 6 of the *Guidelines* talks about whether complaints are upheld or not upheld. From 1 February 2020, determinations on a complaint consider whether or not the service provided by the police was acceptable (see paragraph 17.4 of IOPC Statutory Guidance).

Institutional discrimination and organisational complaints

Institutional discrimination and organisational complaints may still be raised by individuals. In addition to this, in November 2018 a system for super-complaints

about the police came into operation. This allows designated organisations to raise issues on behalf of the public about harmful patterns or trends in policing. Information about the police super-complaints system can be found [here](#).

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