

Thresholds and considerations for review handling

A guide to the threshold tests and
decision-making considerations for
review practitioners.

May 2022

This document provides an overview of the most common assessments that appropriate authorities and review practitioners will need to consider when determining the relevant review body and handling reviews. It does not reflect all of the tests and decision-making considerations that may be used to inform a decision.

The information is correct as of May 2022. It is the responsibility of the reader to ensure they are up to date with all guidance and legislation that governs the review process.

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Identifying complaints and who can make them

A complaint is defined as an expression of dissatisfaction with a police force that is made by or on behalf of a member of the public. A complaint does not have to be made in writing or state that it is intended to be a complaint. If there is doubt about the purpose of a communication from a member of the public, the appropriate authority should contact them to clarify their intentions.

Complaints can be made about any matter that has had an adverse effect on the person making the complaint or about the conduct of any person serving with the police, including police staff members, special constables and designated volunteers. Complaints made against contractors are not covered by the Police (Complaints and Misconduct) Regulations 2020 or the IOPC Statutory Guidance and separate guidance must be sought for these cases.

Where the complaint concerns the conduct of a person serving with the police, the complainant cannot be a person serving under the direction and control of the same chief officer as the person whose conduct is being complained about. Other persons serving with the police or National Crime Agency are also restricted from using the complaints system to make a complaint if they were on duty at the time the alleged conduct took place. Alternative channels for raising concerns are available to serving officers either through their own force or via the IOPC report line.

For complaints about conduct, the complainant must meet at least one of the following criteria:

- the complainant is the person in relation to whom the conduct took place, or the complainant witnessed the conduct
- the complainant is adversely affected by way of suffering loss, damage, distress or inconvenience as a result of the matter complained about, or if they have been put in danger or otherwise unduly put at risk of being adversely affected
- the complainant is acting on behalf of someone who satisfies one of the above criteria

For complaints that are not about the conduct of an individual, the complainant must be adversely affected by the matter complained about or acting on behalf of someone who is adversely affected. A person serving with the police cannot make this type of complaint unless they are a designated community support volunteer or police support volunteer.

Further Guidance:

[Section 12, Police Reform Act 2002](#)

[Section 29, Police Reform Act 2002](#)

[IOPC Statutory Guidance, chapter 5](#)

[Focus issue 13 – Handling decisions and thresholds](#)

Complaints that must be recorded inside Schedule 3

A complaint must be recorded inside Schedule 3 of the *Police Reform Act 2002* if:

- there is an allegation that the conduct or other matter complained of resulted in a death or serious injury (DSI)
- there is an allegation that, if proved, might constitute a criminal offence or justify the bringing of disciplinary proceedings. *(For members of a police force or special constables, the term ‘disciplinary proceedings’ includes proceedings under the Police (Performance) Regulations 2020, as well as any proceedings under the Police (Conduct) Regulations 2020 (apart from the Reflective Practice Review Process, in accordance with Part 6 of those regulations). For any other person serving with the police, it includes both any proceedings or management process during which that person’s conduct is considered and any proceedings or management process during which that person’s performance is considered).*
- the conduct or other matter complained of, if proved, might involve the infringement of a person’s rights under Articles 2 or 3 of the European Convention on Human Rights
- the complaint meets any of the mandatory referral criteria
- at any point the person making the complaint wants it to be recorded
- the appropriate authority (or the local policing body where it is the appropriate authority or has taken responsibility for the initial handling of complaints) decides that the complaint should be recorded for another reason.

- the complaint includes allegations which, if proven, are likely to be considered as 'practice requiring improvement' and be referred to the Reflective Practice Review Process.

When deciding whether any of these criteria apply, the appropriate authority must only assess the allegations made and not their apparent merit or the likely outcome to the complaint. It may be necessary to contact the complainant to clarify their complaint and make sure the allegations are fully understood, but no further enquiries should take place when making the recording decision.

Further Guidance:

[Paragraph 2, Schedule 3, Police Reform Act 2002](#)

[IOPC Statutory Guidance - chapter 6.26 to 6.34](#)

[Home Office guidance, Conduct, efficiency and effectiveness: statutory guidance on professional standards, performance and integrity in policing](#)

[Focus issue 13 – Handling Decisions and Thresholds, pp. 11 - 13](#)

Mandatory referral criteria

All DSIs must be referred to the IOPC. A mandatory referral is also required for complaints and conduct matters that include allegations of conduct which constitutes:

- serious assault
- serious sexual assault
- serious corruption, including abuse of position for a sexual purpose or for the purpose of pursuing an improper emotional relationship
- a criminal offence or behaviour which is liable to lead to disciplinary proceedings and which, in either case, is aggravated by discriminatory behaviour
- a relevant offence
- complaints or conduct matters arising from the same incident as one where conduct falling within the above criteria is alleged
- any conduct matter relating to a chief officer (or the Deputy Commissioner of the Metropolitan Police Service) and any complaint relating to a chief officer (or the Deputy Commissioner of the Metropolitan Police Service) where the

appropriate authority is unable to satisfy itself, from the complaint alone, that the conduct complained of, if proved, would not justify the bringing of criminal or disciplinary proceedings.

- complaints which arise from the same incident about which there is an allegation that the conduct complained of resulted in death or serious injury.

Further Guidance:

[Regulation 4 and 7, Police \(Complaints and Misconduct\) Regulations 2020](#)

[Paragraph 14C, Schedule 3, Police Reform Act 2002](#)

[Statutory Guidance – chapter 9.1 – 9.33](#)

[IOPC operational advice note – mandatory referral criteria update, April 2017](#)

[Focus issue 9 – Referrals](#)

Matters that must be investigated

An investigation is required for complaints where:

- there is an indication that the behaviour complained of may amount to a criminal offence, may justify the bringing of disciplinary proceedings, or may engage Articles 2 or 3 of the European Convention of Human Rights ('indication is taken to have its plain English definition)
- a referral was made to the IOPC – or the IOPC treated the matter as having been referred – and they determined that it should be investigated
- the IOPC determined the matter must be investigated or re-investigated following a review

A matter must also be investigated if the appropriate authority determines that is the most reasonable and proportionate method of handling.

In considering whether there is an indication, the appropriate authority should assess the facts asserted by the complainant alongside any readily available evidence.

Further Guidance:

[Paragraph 6, Schedule 3, *Police Reform Act 2002*](#)

[IOPC Statutory Guidance – chapter 10.5 – 10.9](#)

[Focus issue 13 – Handling Decisions and Thresholds, pp. 16 - 18](#)

Special procedure investigations

An investigation must be conducted following special procedures where:

- the investigation concerns a recordable conduct matter
- there is an indication that a person to whose conduct the investigation relates may have committed a criminal offence or behaved in a manner that would justify the bringing of disciplinary procedures ('indication' takes its plain English definition)

Many investigations requiring special procedures due to there being an indication of a criminal offence will have been referred to the IOPC as they will meet the mandatory referral criteria. Therefore, it is likely that the IOPC will be the relevant review body for most special procedure investigations. However, there will be cases where there is an indication of a criminal offence that does not meet the 'serious offence' criteria for referral, but which could result in misconduct.

Further Guidance:

[Regulations 16 – 22, *Police \(Complaints and Misconduct\) Regulations 2020*](#)

[IOPC Statutory Guidance, chapter 13.20 – 13.24](#)

Reflective practice review process (RPRP)

A referral to the RPRP is made when there has been a finding of 'practice requiring improvement'. RPRP is not a disciplinary process, it is designed to deal with low-level conduct matters and performance issues which fall short of the standards expected but do not require a formal disciplinary approach. RPRP should only be used for one-off issues or issues where there have been limited previous attempts to

address emerging concerns around conduct or performance. RPRP cannot be used for complaints handled outside the requirements of Schedule 3.

Where RPRP is decided following the outcome of a complaint, the right of review occurs at the point of the decision to refer the matter into the reflective practice review process. The review right offers the complainant an opportunity to challenge the decision that RPRP is an appropriate route for their complaint.

The person complaining should be updated on the progress and outcome of the process, including any learning identified as a result.

Further Guidance:

[Home Office guidance, Conduct, efficiency and effectiveness: statutory guidance on professional standards, performance and integrity in policing](#)

[Part 6, Police \(Conduct\) Regulations](#)

[IOPC Statutory Guidance, chapter 17.22 – 17.24](#)

Relevant review body

A right of review is only available for complaints recorded under Schedule 3 of the *Police Reform Act 2002*. The appropriate authority is responsible for deciding who the relevant review body is and communicating this to the complainant. The IOPC must be determined as the relevant review body where:

- i. the appropriate authority is a local policing body**
- ii. the complaint is about the conduct of a senior officer (an officer holding a rank above chief superintendent)**
- iii. the appropriate authority is unable to satisfy itself, from the complaint alone, that the conduct complained of (if it were proved) would not justify the bringing of criminal or disciplinary proceedings or would not involve an infringement of a person's rights under Article 2 or 3 of the European Convention on Human Rights (see glossary)
- iv. the complaint has been, or must be, referred to the IOPC**

v. the IOPC is treating the complaint as having been referred (also known as the ‘power of initiative’, see paragraphs 9.36 – 9.39 of the IOPC Statutory Guidance)

vi. the complaint arises from the same incident as a complaint falling within ii-v

vii. any part of the complaint falls within ii-v

When applying this test, the appropriate authority should only assess the wording of the allegations, without considering the merit or potential outcome of the complaint.

Review practitioners should check that the relevant review body test has been applied correctly before handling any review. Where a local policing body receives a review for which they are not the relevant review body, they must notify the appropriate authority. If one of the four grounds in bold text above applies, the local policing body can forward the review to the IOPC immediately. For the remaining grounds, the local policing body should contact the appropriate authority to discuss the issue and ask them to revise the relevant review body decision.

Further Guidance:

[Paragraph 30, Schedule 3, Police Reform Act 2002](#)

[Regulation 32, Police \(Complaints and Misconduct\) Regulation 2020](#)

[IOPC Statutory Guidance, chapter 18.5 – 18.9](#)

[Focus issue 13 – Handling decisions and thresholds, p. 15](#)

[Focus issue 19 – Reviews](#)

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