



# **How to support your service user through the police complaints process**

A guide for professionals

May 2024

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This document is a reference guide for you to use when helping service users. You may find it convenient to open external links in a new tab, so you can keep your place in the guide if you click through to see the supporting information. In most browsers you can do this by right-clicking the link and choosing 'Open link in new tab'.

On tablets and phones, long-pressing a link usually gives a similar option.

## About the IOPC

We're the **Independent Office for Police Conduct**, the police complaints watchdog. We are not the police – we're completely independent of them.

Our job is to make sure the police investigate complaints about their officers and staff properly and the system works. We investigate the most serious and sensitive incidents involving the police ourselves. We use the evidence from our work to drive improvements in policing. You can read frequently-asked questions about us [on our website](#).

## How can this guide help me?

We have listened to feedback from our stakeholders and understand that not everyone is aware of, or understands, the police complaints system. We appreciate that some of the legal processes we have to follow are complex and can be confusing for service users and the people supporting them. To improve this, we are being proactive about making information more accessible and useful. We tailored this information to help professionals like you, who are supporting and advocating for your service users in the police complaints system.



## Why complain?

On an individual level, making a complaint could help a service user get the outcome they want or need. On a wider level, complaints help to hold the police accountable for their actions and making a complaint could have a big impact on improving policing in England and Wales. Information from complaints can help us identify broader trends and patterns in policing, and link common themes faced by your service users. This means we can recommend changes to policies, training and processes to improving policing for everyone. Read more about how we share learning on our website.

## Where do complaints go?

All complaint submissions initially go to the police force that employs the officer or staff member being complained about. The reason for this, is that the vast majority of complaints are suitable to be dealt with by the police, and this allows them to be actioned quickly and directly with members of their local community (and their advocates or supporters). Each force has a special department that makes sure complaints are dealt with appropriately, these are usually called professional standards departments. No one is allowed to handle a complaint if there are reasonable concerns about their ability to act impartially.

While the IOPC do not handle every complaint, the complaints handled locally by the police still contribute

to our work. The information provided in complaints not only helps the police, but helps the IOPC to identify broader trends and patterns, as well as any [learning to influence changes in policing](#). Some of the ways we oversee complaints include dip sampling cases, meeting with police professional standards departments, and providing guidance and support.

## What can complaints be made about?

Any member of the public can complain.

You can make a complaint if you have:

- **Experienced inappropriate behaviour** from a police officer, staff member, contractor or volunteer. For instance, if you felt they were rude or aggressive to you.
- **Witnessed** a police officer, staff member, contractor or volunteer acting inappropriately.
- **Been negatively affected** by the conduct of a police officer, staff member, contractor or volunteer, even if it did not take place in relation to you (further information on this is available in the [Statutory guidance on the police complaints system](#)).

Members of the public can also complain about how a police force is run if they have been adversely affected. For example, you can complain about policing standards or policing policy.



### DOES MY SERVICE USER HAVE A TIME LIMIT FOR MAKING THEIR COMPLAINT?

There is no time limit for making a complaint. Ideally it would be as soon as possible to help with evidence collection, such as witness statements.



## Who can someone complain about?

Someone can complain about one or more individuals, which can include:

- **police officers** of any rank
- **police staff**
- **police community support officers**
- **special constables** (volunteers who have the same powers as police officers)
- **contractors** working for a police force e.g. custody/detention workers, or healthcare workers

Someone can still make a complaint about a person who has resigned, retired, or moved to a different police force. The relevant police force is usually the one where an incident happened, even if your service user lives somewhere else or has moved since then.

If your service user is a child or a young person under 18, they have the right to complain alone or with the support of any adult or advocate. You do not need written consent if you are the parent or guardian of a child aged 16 or under and wish to complain on their behalf.

Currently, a person cannot formally complain about the police force they work for, or about someone who works in the same police force as them. However, they can report conduct, and ask to be added as an interested party.



### WHAT IF MY SERVICE USER DOES NOT WANT TO OR FEEL ABLE TO COMPLAIN, BUT I AM CONCERNED ABOUT POLICE CONDUCT?

You have options, such as reporting the conduct or giving feedback to the police force. **Different police forces will have different options for this.**



### CAN I MAKE A COMPLAINT ON BEHALF OF MY SERVICE USER?

Yes, you can make a complaint on your service user's behalf, with their permission. Or you can support them by guiding them through the complaints process. To act on a service user's behalf, you need to have their permission in writing, and be able to produce it when asked. It must be clear and unambiguous, but it does not have to be in English. The relevant police force (or the IOPC, if we are handling the complaint) should be notified if your service user withdraws their permission, or they are no longer engaging with you.

## How can a complaint be made?

Police forces and the IOPC offer a range of ways to make a complaint. This is so that everyone has access to complain, if they wish.

### AS AN ADVOCATE...

You can help your service user pick a way to complain that suits their individual needs and support them with that. Or you can use one of these ways to complain on their behalf. This list sets out different ways to complain and how you can support your service user.

Ways to complain	Advocate support
Complain directly to the police force involved.	You can contact the police force directly. A list of links to all police forces in England and Wales is available on our website (the contact details will vary from force to force).
Submit a complaints form on our website. When you submit a complaint to the IOPC, it will be sent directly to the police force involved for their consideration. The IOPC is not involved in this initial assessment of the complaint.	You can complete the form on your service user's behalf, without them being present. For this, you will need to select the option which states, 'you are making the complaint for someone else' and enter the details on the form. Alternatively, you can support your service user to complete the form themselves. You could explain the questions to them or translate the information if needed. Submit a <a href="#">complaints form on our website</a> .
Download our PDF or Word form and post or email it to us.	If your service user prefers to have a physical form, you can print it out for them and/or help them complete it by hand. You can also help them to post or email it to us.
Call 101 and speak to the police force involved.	Be present while your service user calls 101 and provide any support with their answers. It may be helpful to put the call on loudspeaker and have your service user inform the call handler that you are their advocate. Alternatively, you can make the call on their behalf while they are present. If the service user is not present, you are required to send the police department handling the complaint written consent from the service user for you to speak on their behalf.
Visit the police force involved.	Accompany your service user when they visit the station and speak to the relevant person, or accompany them to assist with the conversation. You can also speak on their behalf. This may be useful in cases where your service user is unable to speak, or needs translation. Alternatively, you can visit the police station to represent your service user, by making the complaint face-to-face on their behalf. For this, it would be helpful to bring as much information as possible about the complaint. Depending on the force and their capacity, you may have to make an appointment in advance.

If these options don't work for you and your service user, we also have a [contact centre](#), and a text relay service that people can use to get in touch with us. If appropriate for your service user, you can access our [video guide to the complaints process](#). If you are advocating for a young person, we have a [youth guide to the complaints system](#).

Please let us know about any individual reasonable adjustments your service user needs and we will do our utmost to accommodate these.

### ? CAN MY SERVICE USER MAKE A COMPLAINT WITH YOU IN PERSON?

No. We do not offer a face-to-face service at the IOPC. The best way to make your complaint is directly to the police force involved, where you can meet someone in person. Alternatively, you can complain via our online complaints form.

## What information is required?

The information required is the same, regardless of the way the complaint is made. The required information includes:

- service user **contact details**
- **who** was involved
- **what** happened
- **when** it happened
- **where** it happened and
- your service user's **desired outcome**

### AS AN ADVOCATE...

You can help your service user work through the answers to these questions. If you are complaining on their behalf, you should establish a thorough understanding of their answers. We recommend that you also discuss what outcome your service user would like to happen as a result of the complaint. This will help inform how it is dealt with. On our [IOPC forms](#), we provide a list of options to choose from, or a free-text box to type in an alternative answer. These options may be presented differently if complaining directly to the police concerned.



## What happens next?

When a force receives a complaint, the first decision it will make is whether it is the 'appropriate authority'. This means: is it the body responsible for the handling of the complaint? If it is not, it should forward the complaint to the correct appropriate authority. The second decision is how the complaint will be handled - whether this will be formal or informal (under or outside of Schedule 3 of the *Police Reform Act 2002*).

### ? WILL MY SERVICE USER'S COMPLAINT STILL BE LOGGED IF IT IS TO BE HANDLED INFORMALLY?

Yes, all complaints are logged and should be handled in line with the statutory guidance on the police complaints system.

Having the complaint handled informally can be a good option as this often results in a quicker resolution that is suitable for simple matters. Some complaints do not need detailed enquiries in order to address them. For example, your service user may only want an explanation, or for their concerns to be noted or passed on. Handling such complaints promptly may be the most efficient, effective, and beneficial way to resolve the complaint. It can assure your service user that their concerns have been listened to and addressed, and it may provide a learning opportunity for the force or people involved, to improve.

If a complaint is formally recorded, the force will then need to consider whether it needs to be referred to the IOPC. If it does not need to be referred, the force will then consider whether it meets the threshold for investigation, which is a legal test. For information on what matters must be referred to the IOPC, please see the [IOPC's Statutory Guidance, page 55](#).

If it does not need to be investigated, then it will be dealt with 'otherwise than by investigation'. This is a way for the force to try to resolve the complaint and will often result in an explanation or an apology or sometimes no further action. The force will determine if the service provided was acceptable, not acceptable, or if it is unable to decide if it was acceptable. Most complaints are dealt with otherwise than by investigation.

### AS AN ADVOCATE...

You or your service user can ask a force to record the complaint at any time and the force must do so, even if it doesn't meet any of the mandatory recording criteria. Once recorded, the force can handle it otherwise than by investigation, or by investigation, and both of these will include a right of [review](#) against the outcome of the handling. Regardless of how a complaint is handled, the police force should still log the matter and discuss it with you or your service user to reach a resolution.



## Contact

If a police force is handling the complaint, a complaint handler should make contact (either in writing or by phone) in a timely manner, to confirm details of the complaint and explore how your service user would like the matter to be dealt with.

If the IOPC decides to handle a complaint or it has been referred to us by the police, we will decide which organisation will investigate the complaint and let you and your service user know as soon as possible.

### AS AN ADVOCATE...

If you or your service user prefer contact via telephone, this should be made clear at the outset of making the complaint. You can be present while the handler speaks to your service user or if you are acting on their behalf, you will need to speak with the handler. If this happens, it would be helpful to check with the service user that everything they want to include is in the complaint, or if there is more information they would like to add.



### WILL I RECEIVE UPDATES?

If you are acting on behalf of your service user, you can ask to be the designated contact point for them. You will be asked how you would like to be kept informed of the status of the complaint, for example phone, email or letter. This means you will need to be contactable by that method until you receive the outcome of the complaint or you should inform the relevant department if that changes. You can ask for your preferred method and frequency of contact, however there is a legal requirement to provide you with an update at least every 28 days.

If you have not received timely updates from the police, you can contact the police force to check the status of the complaint. If you have not received timely updates from the IOPC, you can contact us via our Customer Contact Centre or through your named contact.



### WHAT IF MY SERVICE USER STOPS ENGAGING WITH ME?

You must notify us if your service user withdraws their permission for you to act on their behalf, or they are no longer engaging with you or your organisation.

## What can I expect?

### Complaints that are not referred to the IOPC

These complaints will be **handled informally, outside of the legal requirements**. If your service user's complaint is dealt with in this way, it must still be handled with a view to resolving it to their satisfaction. For a serious complaint, the legal framework can provide important safeguards. For a straightforward complaint and where your service user is more interested in an explanation or apology, dealing with it outside of the formal legal requirements can be a quicker and more flexible way of resolving the complaint. This still gives the force the opportunity to address the concerns raised. It can assure your service user that they were listened to, and their concerns addressed, while potentially providing a learning opportunity for the force (and, if appropriate,

any individuals involved).

There are no set steps to follow when a complaint is handled in this way. The key consideration is whether a course of action is **appropriate** and whether it will be an **effective response to a complaint**, which will satisfy your service user. Actions could include:

- providing information and an explanation – either by telephone or in writing
- providing an update on any outstanding matters
- answering any questions
- organising the return of property
- offering an apology for poor service
- confirming that steps have been taken to prevent the same mistake happening again
- signposting to appropriate processes – for example, the Information Commissioner's Office complaints process or Victims' Right to Review
- logging their concerns for consideration when a policy or procedure is next due for a review.



#### HOW LONG WILL IT TAKE FOR MY SERVICE USER TO RECEIVE AN OUTCOME?

There is no set timeframe for complaints handled in this way. This does not mean that a complaint must be resolved immediately, as more time could be appropriate to seek the information needed to resolve the complaint. You or your service user should be kept properly informed of the progress of the complaint, and the outcome should be communicated within five working days of the decision.

## Reviews

If you or your service user are unhappy with the outcome of a complaint recorded by the police force, you can apply for a review to assess whether the final outcome was reasonable and proportionate.

You have the right to review if the complaint was formally recorded (handled inside Schedule 3 of the *Police Reform Act 2002*) and the complaint was made after 1 February 2020. If the complaint was not formally recorded, your service user does not have the right to ask for a review, however, they are able to ask for the complaint to be formally recorded, which will then give them this right.

Your service user will receive a letter that states whether there is a right to review and if so, which organisation will handle that review. This organisation is known as the relevant review body and can be either the local policing body (usually the Police and Crime Commissioner's office) or the IOPC. A service user can apply for a review within **28 days** of receiving a conclusive outcome by completing the **review form** and sending it to the body stated in the letter. A review does not mean they will reinvestigate the complaint, but they will assess whether the handling of the complaint and its final outcome was reasonable and proportionate.

### AS AN ADVOCATE...

You can support your service user through the review process using the same methods as for their complaint.



## Complaints referred to the IOPC

### Assessment

If the police refer a matter to the IOPC, we have a specialist team who assess all referrals we receive and make decisions on what mode of investigation is most suitable.

There are three modes:

- **Local** – the police force that referred it will investigate the matter themselves, this is usually done by their professional standards department.
- **Directed** – we keep overall direction and control of the investigation, but we use police resources to carry out the investigative actions.
- **Independent** – we investigate the matter ourselves using our own staff and processes. This can be for more complex investigations and takes longer.

## Investigations

### During local, independent or directed investigations

At the start of an investigation, the force or the IOPC will set out the 'terms of reference'. This is a document that explains what the investigation will look at. A copy of this will be sent to your service user (or you, if you are acting on their behalf).

Depending on the mode of investigation, either our staff or the police will carry out investigative actions and tasks.



#### IF A COMPLAINT IS BEING INVESTIGATED BY THE IOPC, CAN I CONTACT THE INVESTIGATION TEAM?

Yes. If you have consent from your service user, and/or are an interested party in the investigation, you will be given the contact details of your IOPC specific point of contact. Ideally, we would like to meet you and your service user at the start of the investigation to explain the process to you and answer any questions.

If more information is needed about the complaint from your service user, there are options for how this can be done. This can involve speaking with them, then writing up a statement that they will read and sign if they are happy with it. If a service user needs different adjustments to achieve the best evidence, an investigator may speak to them on camera, known as a video recorded interview, and then produce a transcript from the recording.

There are lots of factors to consider when deciding to do this, such as vulnerability and if **special measures** might be needed for them in future. The investigator will explain what their statement or video interview is used for, where it might be shared and if they might have to talk about it in misconduct, coroners or criminal proceedings.



## ? CAN I SUPPORT MY SERVICE USER AT MEETINGS AND INTERVIEWS?

Yes, you can support your service user both at meetings and interviews or help them read and sign documents. You can ask us or the force questions on their behalf, tell us about their needs, and highlight any special measures/adjustments you think they would require. Your service user can also give their preference.

There are additional safeguards in place if a service user is under 18 or is an adult without capacity. The force or the IOPC will still seek and give regard to their views.

## AS AN ADVOCATE....

You can agree on behalf of your service user in these circumstances. If they are over 18 and have capacity, but are considered vulnerable, you can provide additional support to help them make their decision. Regardless of your service user's age, you can also be present for all meetings, inform of any adjustments they need, help them read and sign documents, provide access to devices on their behalf, sign consent forms and receive copies of the relevant documents.



## At the end of an investigation

### Independent and directed investigations

Once all the investigative actions are completed, our investigation team will write a report. The report will cover what was investigated and how, what evidence was found about what happened and an analysis of it. We will answer questions specific to that investigation, such as whether police acted in accordance with policy and guidance. One of our decision makers will read the report and use it to reach their conclusions, such as whether an individual has a case to answer for misconduct, or whether we will refer any matters to the Crown Prosecution Service to decide whether to charge someone with a criminal offence. We will recommend whether the police force should hold misconduct proceedings. The police force then state whether or not they agree. If they disagree, we have the power to direct the police force to hold misconduct proceedings. Misconduct proceedings involve a misconduct meeting or hearing, depending on the severity of the misconduct. We do not set the dates, hold the misconduct meeting/hearing ourselves, or control the outcome of the misconduct meeting/hearing, but evidence from our investigation will be presented.



### WILL MY SERVICE USER RECEIVE INFORMATION ABOUT THE INVESTIGATION OUTCOME?

Following an IOPC independent investigation, you and/or your service user can be sent a copy of the full report or a detailed outcome letter explaining our investigation and findings. We try to be as open as possible, but we also need to balance things like the risk of harm or sensitivity of information, which means sometimes we have to make redactions. At the end of the investigation, ideally, we would like to meet you and your service user in person to explain the outcome of the investigation, however we will be led by you about the most appropriate way of doing this.

Following a **local investigation**, the police force will write to you about what they found in their investigation and the decision on the outcome.

### AS AN ADVOCATE...

If you are unhappy with how the complaint has been handled via local investigation, you may be able to ask for a review on behalf of your service user or support your service user with this process. There is no right to appeal or review for independent or directed investigations, other than via **judicial review**.



## What are the possible outcomes?

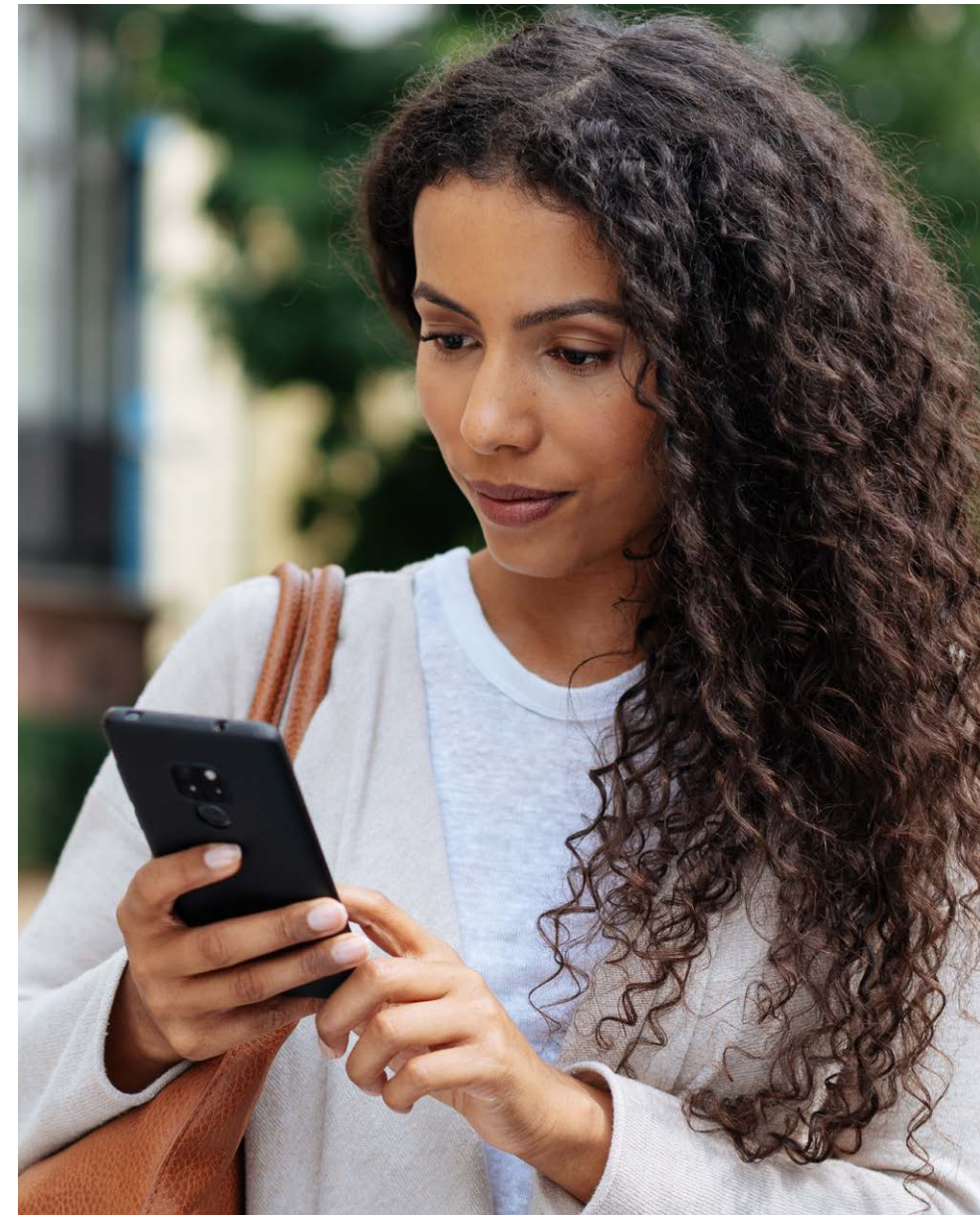
There are a range of possible outcomes:

- **Individual learning** – individuals might receive advice from their manager and/or be instructed to do more training to learn from what happened and improve in future. This could be training on a specific area or a ‘reflective practice review process’.
- **Organisational learning** – we have powers to make learning recommendations to specific police forces or to other national organisations to make improvements to policing more generally. Learning recommendations vary in content and we need enough evidence to make them. They can include changes to policies, practices, training or equipment. For a certain type of recommendation, the organisation is required to respond to it and we have to publish our recommendation and their response on our website.
- **An explanation** from us or the police force about what happened.
- **An apology**, ‘goodwill gesture’, or an acknowledgement from the police force for something that went wrong.
- **The return of property.**
- **A review of policy or procedure** by the police or other organisations.

- Depending on the circumstances:
  - **criminal** – a member of the police force could be charged with a criminal offence and face criminal prosecution. This would be a decision for the Crown Prosecution Service. If convicted, they could face any punishment considered suitable for the relevant offence including a fine, community service or prison sentence.
  - **disciplinary** – an individual could face disciplinary proceedings. If proven or admitted, they could face disciplinary action including a written warning, reduction in rank, or dismissal. Officers who were dismissed, or who would have been dismissed if they had not already resigned or retired, could be added to a list to bar them from working for the police in the future.

### ? HOW CAN I CONTACT YOU?

Visit our [contact us](#) page on our website to find out how you can get in touch with us.





Contact us to find out more about our work or to request this guide in an alternative format:

[www.policeconduct.gov.uk](http://www.policeconduct.gov.uk)

Follow us on X: [@policeconduct](https://twitter.com/policeconduct)

Email us at: [enquiries@policeconduct.gov.uk](mailto:enquiries@policeconduct.gov.uk)

Call us on: **0300 020 0096**

Text relay: **18001 0207 166 3000**

Write to us at:

**Independent Office for Police Conduct**

**PO Box 473**

**Sale M33 0BW**

We welcome telephone calls in Welsh.

Rydym yn croesawu galwadau ôn yn y Gymraeg.

This document is also available in Welsh.

Mae'r ddogfen hon ar gael yn y Gymraeg hefyd.

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