



BRIEFING PAPER

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Police complaints systems in the UK

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Summary

England and Wales

Major reforms to the system in England and Wales are coming when the [Policing and Crime Act 2017](#) comes into force.

The current system is complex, and so is the legislation governing it. In brief:

- The public can make complaints in a variety of ways
- Others (including MPs) can complain on their behalf, but the legislation says that written consent is necessary
- More than a third of allegations will be dealt with by “local resolution” – an informal procedure which might, for example, result in an explanation or apology
- Around half of allegations will be the subject of an investigation
- The relevant police force will conduct most investigations into complaints
- Some of the more serious complaints may be investigated by a different force
- Some serious “conduct matters” can be investigated even if there hasn’t been a complaint
- The Independent Police Complaints Commission (IPCC) may supervise or manage the investigations which forces carry out
- The IPCC will investigate only the most serious and sensitive complaints itself
- In addition to complaints, the IPCC will also investigate deaths and serious injuries linked to police contact
- The IPCC hears appeals against the findings of investigations into more serious complaints; chief officers hear other appeals against the findings of other investigations. The IPCC also hear appeals against decisions not to record a complaint, or against the results of local resolution.

There is no further right of appeal to the IPCC’s decision, or to chief officers’ decisions on those appeals which they hear. If a complainant remained unsatisfied and wanted to pursue the matter, they would have to seek redress through judicial review, and would need legal advice.

Reforms to the system

[The Policing and Crime Act 2017](#) will make major changes to the system when the relevant sections come into force. These include:

- Allowing Police and Crime Commissioners to take on a much greater role in the police complaints system, choosing between three different models
- Introducing a system of “super-complaints” so that certain organisations could complain about trends or patterns in policing
- Renaming the IPCC the “Independent Office for Police Conduct”

Scotland

In Scotland, if a complainant is unhappy with the response offered by the police to a non-criminal complaint, they can refer it to the [Police Investigations and Review Commission](#)

who may then carry out a review of the way in which it was handled. The PIRC can direct that the complaint must be reconsidered.

The PIRC can also investigate the most serious incidents independently.

Northern Ireland

In Northern Ireland, all complaints are investigated by the independent [Police Ombudsman for Northern Ireland](#). The creation of the Ombudsman was a key part of the peace process, following criticisms of the previous system.

1. The Police Complaints System in England and Wales

1.1 Introduction

The current system of police complaints in England and Wales was introduced in 2004 under the *Police Reform Act 2002* ("the PRA"). The PRA replaced the Police Complaints Authority (PCA) with the Independent Police Complaints Commission (IPCC). The PCA had been much criticised for being insufficiently independent - "the police investigating police".¹ A key difference about the current system is that, unlike the PCA, the IPCC has an investigatory capacity in its own right. However, despite recent increases in resources, this is still fairly modest. The IPCC still only investigates a tiny minority of complaints itself – the most serious ones. Most complaints are still investigated by the force concerned.

The Independent Police Complaints Commission replaced the discredited Police Complaints Authority in 2004.

Further information

The system and the legislation are both surprisingly complex. The IPCC produces a simple leaflet [A Guide to the Complaints System](#) for the public which gives an overview of the system. Its website gives more detail. The IPCC also produces [Statutory Guidance](#). The current 2015 edition gives 143 pages of detailed guidance together with references to the legislation. It notes:

"The police complaints system is not straightforward or easy to understand, even for practitioners. It can be even more difficult for complainants. That is why everyone involved in administering the system has a responsibility for ensuring that complainants and other parties are not disadvantaged and that they can access the information they need in a straightforward way. Accessibility is a vital part of securing public confidence."²

1.2 Reforming the system

[The Policing and Crime Act 2017](#) will make major changes to the system when the relevant sections come into force. Under the reforms:

- Police and Crime Commissioners (PCCs)³ will have explicit responsibility holding Chief Officers to account for the way in which complaints are dealt with by the force
- PCCs will hear those reviews and appeals currently heard by Chief Constables
- PCCs will have the option of also taking on the responsibility for receiving complaints
- If they take that option, they will be able to choose also to take on responsibility for keeping the complainant informed
- The definition of a complaint will be clarified
- Appeals will be replaced by a new system of reviews, intended to be simpler than the current system

¹ For historical background, see Library Research Paper 02/15, [Police Reform Bill](#), 14 March 2002, [pages 16-25](#),

² IPCC, [Statutory Guidance](#), 2015, p4

³ The Mayor's Office for Policing and Crime in London

- There will be a new system of "super-complaints" so that certain designated bodies (such as charities or advocacy groups) could complain to about trends or patterns in policing which seem to be significantly harming the public interest
- IPCC will be renamed the "Independent Office for Police Conduct"

Commons Briefing Paper 07493, [Police complaints reform in 2016](#) and Commons Briefing Paper 07499, [Policing and Crime Bill 2015-16](#), give further information on these reforms, and there is further information on the [Policing and Crime Act 2017 page](#) of the GOV.UK website.

1.3 The role of the Independent Police Complaints Commission

Under the PRA, the IPCC has a statutory duty to make sure public confidence in the complaints system is established and maintained.⁴ Its main role within that system is:

- Supervising or managing more serious complaints
- Conducting independent investigations into the most serious complaints
- Hearing appeals⁵

1.4 Does there have to be a complaint for there to be an investigation?

Some matters will be investigated under the system whether or not anyone has complained. These are:

"Conduct matters"

Where there is an indication that a person serving with the police may have committed a criminal offence or behaved in a manner which would justify disciplinary proceedings, then these can be investigated as **"conduct matters"** whether or not there has been a complaint.

"Death or serious injury matters"

Where there has been a death or serious injury there will also be an investigation if:

- The person was in the custody of the police; **or**
- At or before the time of the time of the death or serious injury, the person had contact with the police, and that contact might have caused it or contributed to it.

Some serious matters have to be investigated even if there hasn't been a complaint.

⁴ *Police Reform Act 2002*

⁵ Since 2012 that function has been shared with Chief Constables – see section 1.12 below

1.5 What counts as a complaint?

A complaint is an expression of dissatisfaction by a member of the public about the conduct of a person serving with the police. It does not have to be in writing. Nor does it have to be explicitly a complaint.

1.6 What can people complain about?

Conduct

The public can complain about a police officer (including a special constable), a member of police staff, or a contractor. Volunteers other than special constables are not covered by the system. The public can complain about the service they have received or about inappropriate behaviour.

People can now complain about the way the force is run as well as the conduct of individuals serving with the police.

“Direction and control matters”

Since 2012, the public can also complain about the way the force is run, general policies and strategic decisions. These are known as “direction and control matters”. They used to fall outside the system as set out in the legislation, but have now been included. However, there is a much more limited right of appeal on direction and control matters.⁶

1.7 Who can complain?

Complaints can be made by a member of the public who claims:

- that the conduct took place in relation to them; *or*
- to have been adversely affected by the conduct; *or*
- to have witnessed the conduct

A person acting on their behalf can also make the complaint for them, but the legislation states that they will need written consent.⁷

1.8 How can they complain?

Complainants can make their complaint directly to the police force in question. There is a drop down menu of force contacts and complaints forms on the [make a complaint](#) section of the IPCC website. As discussed above, complainants can also do this through others, for example:

- Their MP
- The Police and Crime Commissioner for the force⁸
- A community or voluntary group

People can also complain through the IPCC. However, the complaint will go to the “appropriate authority” to decide how it should be investigated. For most complaints, this is the force itself; if the complaint is about a chief officer or acting chief officer, the “appropriate authority” would be the Police and Crime Commissioner.

There are several ways of complaining, but the complaint would usually go to the force for a decision about how it should be dealt with.

⁶ IPCC, [Statutory Guidance](#), 2015, p9

⁷ Section 12, *Police Reform Act 2002*

⁸ In London this role is performed by the Mayor’s Office for Policing and Crime.

1.9 Are there time limits?

There are no absolute time limits. However, there are circumstances where a recorded complaint can be “disapplied”, which means that no further action needs to be taken on it under the system set out in the PRA. This can happen, for example, if the complaint has already been made, is vexatious or abusive.

One of the grounds “disapplying” a complaint under the legislation is that:

- It has been 12 months since the incident occurred **and either**
 - There is no good reason for the delay; **or**
 - Injustice would be likely to be caused by the delay

The Statutory Guidance explains this on [page 27](#).

There are no time limits as such, but if 12 months have gone by since the incident, then the force may be able to decide not to deal with it under the complaints system.

1.10 Do the police have to deal with the complaint?

As discussed, the complaint goes in the first instance to the “appropriate authority”, normally the force concerned. The first decision to make is whether or not to record it. The force would have to record the complaint UNLESS:

- The complaint is being (or has been) dealt with by criminal or disciplinary proceedings
 - The person has withdrawn their complaint
- The complaint comes under exceptions in the [Police \(Complaints and Misconduct\) Regulations 2012](#)⁹ (for example because it is vexatious or repetitious).

Some complaints don’t have to be recorded. This means they won’t have to be investigated.

Recording a complaint gives it formal status under the PRA, and means it will have to be dealt with as that Act sets out. People can appeal against a decision not to record the complaint – see section 1.13 below.

1.11 Can a police officer make a complaint under the system?

A police officer or member of police staff cannot complain under the system set out in the 2002 Act about the conduct of someone in the same force as their own.¹⁰ However, they can still raise their concerns, either through their force’s internal system or through the [IPCC’s Report Line](#). Indeed, the [Police Code of Ethics](#) says that officers should challenge and report improper conduct.¹¹

⁹ SI 2012/1204

¹⁰ i.e. under the “direction and control” of the same chief officer –see section 29 of the *Police Reform Act 2002*.

¹¹ College of Policing *Code of Ethics* 2014, p15

These restrictions can also apply to former officers and to the partners and relatives of officers or former officers. See [pages 18 to 19](#) of the IPCC's *Statutory Guidance 2015*.

1.12 What happens to the complaints?

The great majority of complaints will be dealt with by the force itself. This could be through:

- “Local resolution” **or**
- “Local investigation”.

“Local resolution” is essentially an informal process. For example, the force might have a meeting with the complainant or write to them explaining what happened and, if appropriate, apologising.¹²

The police have to refer serious and sensitive cases to the IPCC. Death or serious injury matters have to be referred. In addition, there are “mandatory referral criteria”, which cover allegations of:

- Serious assault
- Serious sexual offences
- Serious corruption
- Criminal behaviour
- Misconduct
- Discrimination

The IPCC will then decide how the complaint will be dealt with. They might:

- Decide that the force itself should investigate it
- Supervise an investigation
- Manage an investigation
- Carry out an independent investigation, using its own investigators

A further safeguard is that the IPCC also has the power to “call in” any complaint (require it to be referred to them) even if the matter is already being investigated by the local force.

1.13 How complaints are treated – statistics

The IPCC publishes [annual statistics](#). Some of these are reproduced here because they are helpful in understanding how the system works.

The vast majority of complaints are dealt with informally or investigated by the force concerned.

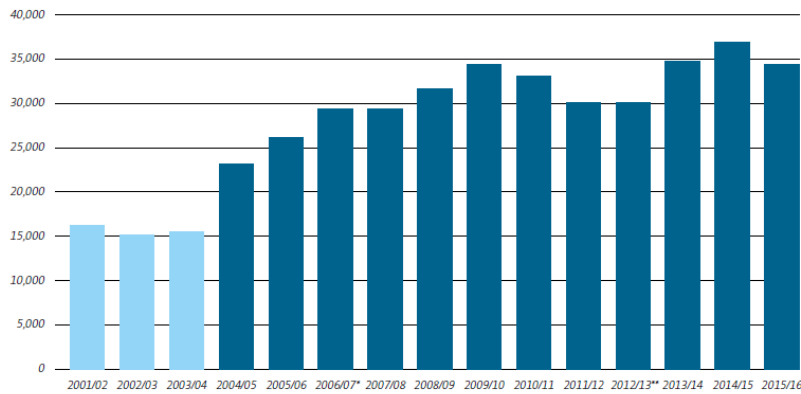
Some very serious matters have to be referred to the IPCC.

¹² See [pages 12-13](#) of the *Statutory Guidance 2015* for ways of resolving the case through Local Resolution

In 2015/16, there were 34,247 recorded complaints – a decrease of 8% compared to the previous year, but the first decrease since the definition of a complaint was broadened in 2012/13:¹³

There were over 34,000 recorded complaints in 2015/16

Figure 1. *Complaint cases recorded 2001/02 – 2015/16*



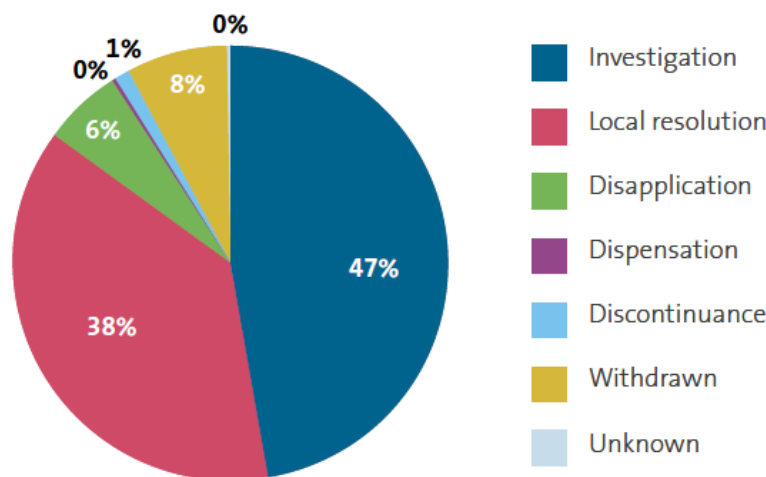
*Figures for British Transport Police are included from this point onwards.

** The definition of a complaint was broadened from this point onwards to include direction and control (applies to complaints received on or after 22 November 2012).

A complaint can contain more than one allegation. Forces finalised 63,088 allegations in 2015/16. Around half were dealt with through investigations, and over a third were finalised through local resolution:¹⁴

About half of allegations are dealt with through investigations.

Figure 3. *Allegations finalised in 2015/16 by means*



Over a third are dealt with by local resolution.

The IPCC only handles a tiny minority of cases itself – the most serious and sensitive ones.

¹³ IPCC, *Police Complaints: Statistics for England and Wales 2015/16*, November 2016, p2

¹⁴ Ibid, p5

1.14 Appeals

Until November 2012, the IPCC used to hear all appeals. That task is now shared with chief officers.¹⁵

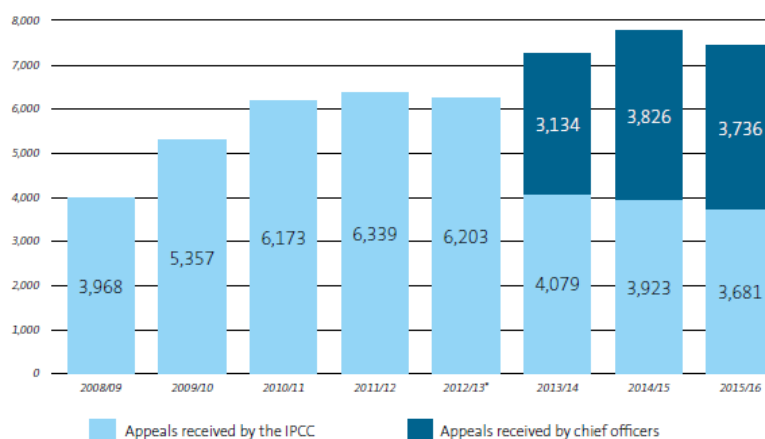
The IPCC hears appeals against non-recording of complaints. It also hears appeals against the outcomes of complaints which:

- Concern the conduct of a senior officer
- If proved right, would justify criminal or misconduct proceedings or would involve infringement of the right to life or freedom from inhuman or degrading treatment (articles 2 or 3)
- Had to be referred to the IPCC (see section 1.10 above)

IPCC statistics show that chief officers now hear around half of appeals:¹⁶

Appeals are heard either by the IPCC or chief officers, depending on the seriousness of the case.

Figure 4. *Appeals received 2008/09 – 2015/16*



*Data for 2012/13 does not include appeals received by police forces as this data could not be collected. Chief officers only began dealing with appeals on complaint cases received on or after 22 November 2012. Because of the time it takes to deal with complaints to the point when an appeal can be made, it is likely the number of appeals police forces received in 2012/13 is low.

Figure 5. *Appeals received in 2015/16 by appeal body and appeal type*

1.15 What if a complainant disagrees with the outcome of an appeal?

There is no further appeal. This is true whether the appeal was heard by the IPCC or the Chief Officer. The only recourse would be through judicial review.

[An Introduction to Judicial Review](#) produced by the Public Law Project explains more about the process. See in particular [page 14](#) on the complexity and potential costs of judicial review, which is why they advise getting specialist legal advice. Library Briefing Paper 3207, [Legal help: where to go and how to pay](#) gives information on how to get legal advice.

¹⁵ The *Police Reform and Social Responsibility Act 2011* amended the relevant paragraphs of schedule 3 of the *Police Reform Act 2002*

¹⁶ IPCC, [Police Complaints: Statistics for England and Wales 2015/16](#), November 2016, p7

2. Police complaints in Scotland

2.1 Overview

In April 2013, Scotland's eight territorial police forces merged into the [Police Service of Scotland](#). Similarly there is now a single Scottish Police Authority (SPA).

Police Scotland, the SPA, and the Procurator Fiscal Service all have a role in the police complaints system. The Chief Constable and the SPA have a duty to "maintain suitable arrangements" for handling complaints. Complaints about an officer or police staff member, or about the quality of service, would generally go to the force. If it is about a top ranking officer, then the SPA will investigate. If there is evidence of criminal conduct, then the Crown Office Procurator Fiscal Service will investigate.

Police Scotland investigates most complaints itself.

Like England and Wales, Scotland now also has an independent element in its police complaints system. This was originally the Police Complaints Commissioner for Scotland, introduced in 2007. Since 2012, the [Police Investigations and Review Commission \(PIRC\)](#) took over and expanded the role.

2.2 The PIRC's role

If a complainant is unhappy with the response offered by the police to a non-criminal complaint, they can refer it to the PIRC who may then carry out a review of the way in which it was handled. The PIRC can direct that the complaint must be reconsidered.¹⁷

The Police Investigations and Review Commission can review the way a complaint was handled.

Like the IPCC, the PIRC can also independently investigate the most serious incidents itself – see the [investigations](#) page of its website. The Scottish Police Authority and Police Scotland have a statutory duty to refer "serious incidents involving the police". As in England and Wales, these cover deaths and serious injury relating to police contact. They also cover police use of firearms. The PIRC must also investigate any allegation of misconduct referred by the SPA if the Commissioner assesses that the matter, if proved, would amount to gross misconduct.

It can also investigate serious incidents itself.

The PIRC also has the power to investigate matters relating to the Scottish Police Authority or Police Scotland where the Commissioner considers that it would be in the public interest to do so.¹⁸

Further information

The Scottish Parliament Information Centre (SPICe) provide a useful overview of the Criminal Justice System in their SPICe Briefing 13/42, [The Scottish Criminal Justice System: The Police](#). [Pages 8-10](#) give an overview of the police complaints system.

See also the Police Scotland's booklet [A guide for complaints about the police](#).

¹⁷ Section 35, *Police, Public Order and Criminal Justice (Scotland) Act 2006* as amended

¹⁸ Section 41C, *Police, Public Order and Criminal Justice (Scotland) Act 2006* as amended

3. Police complaints in Northern Ireland

In Scotland, England and Wales, there is independent supervision of the police complaints system, independent appeals (or reviews in Scotland) and independent investigation of the most serious cases.

In Northern Ireland all complaints are investigated independently.

By contrast, in Northern Ireland, all complaints against the police are investigated independently by the [Police Ombudsman for Northern Ireland](#). The current system was introduced in 2000 under the *Police (Northern Ireland) Act 1998*. The creation of the Ombudsman was a crucial part of the peace process in Northern Ireland, following the Hayes review, which had found serious flaws in the previous system (which involved independent supervision, but not independent investigation).¹⁹

Because all complaints are investigated independently, the system is much simpler. The Ombudsman is responsible for recording and investigating complaints against the police. The Ombudsman's decision is final, although it is possible to complain about maladministration.

Further information

The Police Ombudsman for Northern Ireland provides information for the public on [how to complain](#) on its website, together with [FAQs](#). It also provides [information for police officers](#) about the system.

¹⁹ Background is given in Library Research Paper 00/38, [Police \(Northern Ireland\) Bill \(Bill 125 of 1999/2000\)](#), 5 June 2000

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