

Glossary for published police complaints statistics

The following terms and their definitions are listed alphabetically.

Allegation: This describes what is being complained about. An allegation may concern the conduct of a person or persons serving with the police or the direction and control¹ of a police force. It is made by someone defined as a complainant under the Police Reform Act 2002 (PRA 2002) (see 'complainant' below). An allegation may be made by one or more complainants. A single complaint case may contain one or many allegations. For example, a person may allege that they were pushed by an officer and that the officer was rude to them. This would be recorded as two separate allegations forming one complaint case. An allegation is recorded against an allegation category, e.g. 'incivility, impoliteness and intolerance' and 'neglect or failure in duty'².

An allegation can be dealt with by various means: disapplication, discontinuance, dispensation, investigation, local resolution or withdrawal. Please refer to the individual definitions for each of these means.

Appeals: a complainant has the right to appeal about the way in which the police have dealt with their complaint. An appeal can be made about:

- **Non-recording:** Under the Police Reform Act 2002 (PRA 2002), the police have a duty to record all complaints about the conduct of a serving member of the police or the direction and control of a police force. Complainants have the right to appeal to the IOPC in relation to the non-recording of their complaint on a number of grounds:
 - the failure of the appropriate authority to make a recording decision in relation to the complaint
 - the failure of the appropriate authority receiving the complaint to forward it to the correct appropriate authority
 - in relation to the recording decision (when the IOPC determines a complaint that has not been recorded should have been)

The appeal right in relation to direction and control complaints is limited. Full details can be found in Section 13 of the IOPC's Statutory Guidance (2015): <http://www.policeconduct.gov.uk/statutory-guidance>.

¹ The IOPC considers the term 'direction and control' to mean general decisions about how a police force is run, as opposed to the day-to-day decisions or actions of people serving with the police, which affect individual members of the public – including those that affect more than one individual.

² A full list of the allegation categories available and their definitions can be found in the IOPC's *Guidance on the recording of complaints under the Police Reform Act 2002*:

- **Investigation:** This applies to all complaints investigated by the police force itself or where the investigation has been supervised by the IOPC. The complainant may appeal to the relevant appeal body³ on a number of grounds in relation to the investigation:
 - the complainant was not adequately informed about the findings of the investigation and any action to be taken
 - in relation to the findings of the investigation
 - in connection with the determination(s) in relation to misconduct, gross misconduct or performance
 - with regards to the determinations relating to the action to be taken or not as a result of the investigation
 - in relation to the determination not to refer the report to the Crown Prosecution Service (CPS).

There is no right of appeal in relation to the investigation of a direction and control complaint. Full details can be found in section 13 of the IPCC's Statutory Guidance (2015):

<http://www.policeconduct.gov.uk/statutory-guidance>.

- **Local resolution:** Complainants are entitled to appeal to the relevant appeal body against the outcome of local resolution. There is no right of appeal where the complaint that was locally resolved relates to direction and control.
- **Disapplication:** An appeal may be made to the relevant appeal body against the decision to disapply the requirements of the PRA 2002. There is no right of appeal where the complaint subject to the disapplication relates to direction and control or where the IOPC has given permission for the disapplication.
- **Discontinuance:** An appeal may be made to the relevant appeal body against the decision by a police force to discontinue the investigation into a complaint. There is no right of appeal where the complaint subject to the discontinued investigation relates to direction and control, where the IOPC has given permission for the discontinuance, or if the discontinuance is carried out by the IOPC in relation to a supervised investigation.

Complaint case: A single complaint case may contain one or more linked allegations, made by one or more complainants, against one or more persons serving with the police.

Complainants: Under the PRA 2002, a complaint may be made by:

³ Chief officers began dealing with appeals relating to complaint cases received on or after 22 November 2012. More information about the test to determine whether an appeal should be dealt with by the IOPC or the chief officer is set out in section 13 of the IOPC's *Statutory Guidance* (2015): www.policeconduct.gov.uk/statutory-guidance. 'Chief officer' is a collective term that refers to the heads of police forces (this means chief constables for all forces except the Metropolitan Police and the City of London Police, which are each headed by a commissioner).

- a member of the public who claims the conduct took place in relation to them
- a member of the public who claims they have been 'adversely affected' by the conduct, even though it did not take place in relation to them
- a member of the public who claims to have witnessed the conduct
- a person acting on behalf of someone who falls within any three of the categories above. This person would be classed as an 'agent' or 'representative', and must have the written permission of the complainant to act on their behalf.

A person is 'adversely affected' if they suffer distress or inconvenience, loss or damage, or are put in danger or at risk by the conduct. This might apply, for example, to other people present at the incident, or to the parent of a child or young person, or a friend of the person directly affected. It does not include someone distressed by watching an incident on television.

A 'witness' is defined as someone who gained their knowledge of that conduct in a way that would make them a competent witness capable of giving admissible evidence of that conduct in criminal proceedings or has anything in their possession that would be admissible evidence in criminal proceedings.

One complaint case can have multiple complainants attached to it and one individual can make more than one complaint within the reporting period.

Disapplication: Disapplication applies only to allegations linked to complaint cases received on or after 22 November 2012.

There are certain circumstances in which a complaint that has been recorded by a police force does not have to be dealt with under the Police Reform Act 2002 (PRA 2002). For allegations linked to complaint cases received on or after 22 November 2012, this is called disapplication. It can only happen if certain circumstances apply:

- If more than 12 months have passed between the incident, or the latest incident, giving rise to the complaint and the making of the complaint and either no good reason for the delay has been shown or injustice would be likely to be caused by the delay.
- If the matter is already subject of a complaint made by or on behalf of the same complainant.
- If the complainant discloses neither their name and address nor that of any other interested person and it is not reasonably practicable to ascertain these.
- If the complaint is repetitious.
- If the complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints.
- If it is not reasonably practicable to complete the investigation or any other procedures under the PRA 2002.

If the complaint did not meet the criteria for referral to the IOPC, the police force can carry out a disapplication. If the complaint was referred to the IOPC and the IOPC either referred the complaint back to the force or determined

the form of investigation, the force must apply to the IOPC for permission to carry out the disapplication.

Dispensation: Dispensation applies only to allegations linked to complaint cases received before 22 November 2012.

There are certain circumstances in which a complaint that has been recorded by a police force does not have to be dealt under the PRA 2002. For allegations linked to complaint cases received before 22 November 2012, this is called dispensation. It can only happen if certain circumstances apply:

- If more than 12 months have passed between the incident, or the latest incident, giving rise to the complaint and the making of the complaint and either no good reason for the delay has been shown or injustice would be likely to be caused by the delay.
- If the matter is already subject of a complaint made by the same complainant.
- If the complainant discloses neither their name and address nor that of any other interested person and it is not reasonably practicable to ascertain these.
- If the complaint is repetitious.
- If the complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints.
- If it is not reasonably practicable to investigate the complaint.

Discontinuance: A discontinuance ends an ongoing investigation into a complaint. It can only occur if certain circumstances apply:

- If a complainant refuses to co-operate to the extent it is not reasonably practicable to continue with the investigation.
- If the police force decides the complaint is suitable for local resolution.
- If the complaint is repetitious.
- If the complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints.
- If it is not reasonably practicable to proceed with the investigation.

If the complaint did not meet the criteria for referral to the IOPC, the police force can discontinue a local investigation. Otherwise, they must apply to the IOPC for permission to discontinue the investigation. In the case of a supervised investigation, the police force has to apply to the IOPC for permission to discontinue the investigation.

Investigation: If a complaint is not suitable for local resolution, it must be investigated. This involves the appointment of an investigating officer who will investigate a complaint and produce a report detailing the findings about each allegation and any action to be taken as a result of the investigation. The four modes (or types) of investigation are:

- **Local investigations** are carried out entirely by the police. Complainants have a right of appeal to the relevant appeal body following a local investigation (see 'Appeals – investigation' for further information).

- **Supervised investigations** are carried out by the police under their own direction and control. The IOPC sets out what the investigation should look at (which is referred to as the investigation's 'terms of reference') and will receive the investigation report when it is complete. Complainants have a right of appeal to the IOPC following a supervised investigation (see 'Appeals – investigation' for further information).
- **Managed investigations** are carried out by police forces under the direction and control of the IOPC. The IOPC manages the investigation in terms of its scope, investigative strategy and findings of the report. Tasks such as writing the final report will be carried out by the police investigator under the IOPC's direction. The IOPC will confirm the investigation has met the terms of reference (which set out what the investigation should look at).
- **Independent investigations** are carried out by the IOPC itself. IOPC investigators have all the powers of the police themselves.

Local resolution: For less serious complaints, such as rudeness or incivility, the complaint may be dealt with by local resolution. Local resolution is a flexible process that can be adapted to the needs of the complainant. A local police supervisor deals with the complaint, which might involve providing an explanation or information; an apology on behalf of the force; a written explanation of the circumstances and any action taken; or resolving the complaint over the counter or by telephone.

Most similar force (MSF) average: In the force bulletins, the results for each police force are compared against a most similar force average and a national average. The most similar force average is calculated using the individual results of the forces in that most similar force group.

Decisions on which forces are the most similar to each other are based on information about forces geography and population make-up, and socio-economic information. The most similar force groups used in the force bulletins are the same groups used by the Home Office (British Transport Police is not a 'Home Office' police force and therefore does not have a most similar force group). It was not possible to identify a most similar force grouping for City of London Police.

A list of the most similar force groups can be found on the IOPC website:
http://www.policeconduct.gov.uk/police_complaints_stats

Referral: Police forces must refer to the IOPC certain complaints or incidents that meet certain criteria. Referral to the IOPC is an important part of ensuring public confidence in the independence, accountability and integrity of the police complaints system.

Forces must refer any complaint where the conduct complained of has resulted in death or serious injury. They must also refer matters (where there is no complaint) that relate to an incident or circumstances in which a person has died or suffered serious injury. Other matters that forces must also refer to the IOPC include those relating to serious assault by a person serving with

the police and serious corruption. A full definition of the referral criteria and categories can be found in section 8 of the IOPC's Statutory Guidance (2015): www.policeconduct.gov.uk/statutory-guidance.

When a referral is received, the IOPC assesses the seriousness of the case and the public interest, and determines the mode (type) of investigation: independent, managed, supervised or local, or if the matter should be referred back to the force (which means the force should handle the matter as they think fit). Please see 'investigation' for a definition of the four types of investigation.

Subjects: Under the Police Reform Act 2002 (PRA 2002), complaints can be made about persons serving with the police as follows:

- Police officers of any rank
- Police staff, including community support officers and traffic wardens
- Special constables
- Contracted-out staff designated under section 39 of the PRA 2002 as a detention officer or escort officer employed by a chief officer.

Sub judice: This term was used to describe the suspension of an investigation or other procedure for dealing with a complaint when continuing the investigation/other procedure would prejudice a criminal investigation or criminal proceedings.

However, sub judice is a broad legal term that refers to cases being before any kind of proceedings and is not the correct legal term to use to refer to the suspension of an investigation under section 22 of the Police Reform Act (PRA) 2002. From 1 April 2018, the term 'sub judice' in our police complaints bulletins has been replaced with the term 'suspension'.

Suspension: After recording a complaint, the investigation or other procedure for dealing with the complaint may be suspended because the matter is considered to be sub judice. This is when continuing the investigation/other procedure would prejudice a criminal investigation or criminal proceedings.

There are a number of factors police forces should consider when deciding whether it is appropriate to suspend an investigation into a complaint⁴. They must notify the complainant in writing when the investigation / other procedure into their complaint is suspended and provide an explanation for the decision. A complainant has the right to ask the IOPC to review that decision.

Upheld and Not upheld: As of 1 April 2010, police forces are expected to also record whether a complaint is upheld or not upheld.

A complaint will be upheld if the service or conduct complained about does not reach the standard a reasonable person could expect. This means the outcome is not solely linked to proving misconduct.

⁴ Information about the considerations that should be made when deciding whether to suspend an investigation / other procedures into a complaint can be found in section 9 of the IOPC's *Statutory Guidance* (2015): www.policeconduct.gov.uk/statutory-guidance.

A further revision to the IOPC's Statutory Guidance was issued in May 2015 following a legal judgement⁵ that, in certain circumstances, an investigation into a complaint cannot conclude that an allegation is upheld or not upheld⁶. The data used to produce the force bulletins up to and including quarter 4 2014/15 was collected prior to May 2015 and therefore these bulletins do not reflect the judgement. The data affected by the judgement, for allegations upheld and not upheld, has been removed from the bulletins for quarter 1 2015/16 onwards whilst changes are made to IT systems to reflect the judgement.

Withdrawn: A complainant may decide to withdraw one or more allegations in their complaint or they may wish no further action be taken in relation to their allegation/complaint. In this case, no further action may be taken with regard to the allegation/complaint.

XML schema: This refers to the IT system used to collect data from police forces every quarter.

⁵ R (on the application of Chief Constable of West Yorkshire) v IPCC [2014] EWCA Civ 1367.

⁶ Section 11 of the IPCC's *Statutory Guidance* (2015) provides information about the different conclusions available at the end of an investigation: www.policeconduct.gov.uk/statutory-guidance.