

FOCUS

Focus gives police force professional standards departments (PSDs) and local policing bodies practical guidance on dealing with complaints, conduct matters, and death or serious injury cases. It supports them to handle complaints appropriately and improves standards. This issue focuses on handling complaints in line with the *Policing and Crime Act 2017*.

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ISSUE TWELVE / FEBRUARY 2020, UPDATED FEBRUARY 2024

Data capture: logging a complaint

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The collection of data is crucial to understanding the nature of police complaints. Our guidance on capturing data about police complaints outlines the requirements for capturing data across the police complaints system. This issue of Focus provides practical examples to support our guidance.

Complaints and allegations

A complaint is any expression of dissatisfaction about a police force that is expressed by or on behalf of a member of the public (Section 12, *Police Reform Act 2002*). A complaint may contain one or more allegations. Each of these can be about the police as an organisation or about one or more individuals. Information about all expressions of dissatisfaction should be collected but does not always need to be logged. (Data about logged complaints will be reported to the IOPC. Data collected on forces' internal systems will be used by them to identify patterns and trends). This is explained in section three of our data capture guidance and in [Focus issue 13 on Handling complaints - decisions and thresholds](#).

Applying the allegation categories and national complaint factors

Allegations should be categorised at the point of logging, as discussed in the data capture guidance. This categorisation should be based on the root of the dissatisfaction and should not focus on whether the complaint relates to an organisational issue or an individual.

You do not need to have any corroborating evidence to decide how it should be recorded on your case management system for logging purposes (generally Centurion). You should select the categories that most closely reflect what is being alleged. This will help the investigating officer or complaint handler to

structure their handling and be clear on the issues and allegations they need to address.

Look at the overall category where the allegation fits in order to apply the categories to an allegation. The appropriate sub-category can be selected once this has been done. The table in Appendix A gives an example of how to apply each of the sub-categories.

The data capture guidance also explains that national complaint factors should be selected in order to provide context to the complaint. All national complaint factors that apply to an allegation should be selected for each allegation. Each allegation may involve multiple factors, unlike the categories where only one should be selected. These can be updated during the handling of the complaint if additional factors become apparent. Forces and local policing bodies also have the option to create local factors, as explained in section 4.9 of our data capture guidance.

Selecting relevant categories and national complaint factors

Each allegation should be categorised individually. You should focus on the substance of the allegation to select the categories and national complaint factors, rather than on the exact wording of the complaint. Allegations should be categorised, and national complaint factors applied, based on what is alleged by the complainant. The merit of the complaint should not be considered when applying categories and national complaint factors.

(The case examples throughout this document provide the names of the categories used followed by the corresponding code in brackets).



CASE STUDY ONE

Using the detail of allegations to select categories and national complaint factors

A man sent a complaint to a police force:

“My brother and I were recently involved in a fight. When police attended, the two officers discriminated against me. They automatically took his side even though it wasn’t my fault. This is a clear example of police discrimination.”

The complaint handler initially considered categorising this under discriminatory behaviour (F). However, the details of the discrimination were not included in the man’s complaint. The complaint handler contacted the man to clarify his complaint.

The complaint handler asked what he meant by discrimination. The man said that the officers had taken his brother’s side over his. The complaint handler categorised the complaint as lack of fairness and impartiality (H4) and added the ‘none’ national complaint factor. The matter was logged as one allegation with two subjects because there was a single allegation made against two officers.

The complaint handler’s decision was correct. The root of the man’s dissatisfaction was in feeling that he had been treated unfairly. Although he used the word ‘discrimination’, his issue was not that he had been treated unfairly because of a particular characteristic. Contacting the complainant to clarify the root of his complaint allowed the complaint handler to apply the appropriate categorisation. Selecting ‘none’ for the national complaint factor was appropriate because no national factors applied to the allegation. If any local complaint factors apply, those should also be selected.

CASE STUDY TWO

Violence against women and girls (VAWG) factors

A woman complained that two officers used excessive force during her arrest and applied a spit hood after resisting arrest and spitting.

The complaint handler categorised this as use of force (B4) and added the 'VAWG – police perpetrator' national complaint factor because violence was alleged against a woman.

The complaint handler's decision for the category was correct given the use of force allegation. However, to apply the VAWG national complaint factor for this complaint was incorrect. The VAWG factors do not automatically apply to any incident involving violence upon women and girls. They should be applied to acts of violence or abuse that disproportionately affects women and girls. In this case, the appropriate national complaint factor would have been 'restraint equipment'.

The National Police Chiefs' Council VAWG taskforce uses the Home Office definition of VAWG which is:

"The term 'violence against women and girls' refers to acts of violence or abuse that we know disproportionately affect women and girls. Crimes and behaviour covered by this term include rape and other sexual offences, domestic abuse, stalking, 'honour'-based abuse (including female genital mutilation, forced marriage and 'honour' killings), as well as many others, including offences committed online".

CASE STUDY THREE

Domestic abuse perpetrated by a police officer

A man contacted police to report that his wife physically abused him in their home by throwing a mobile phone at him during a heated argument. He informs the police that his wife is a serving police officer. He would like to report the incident as domestic abuse.

The complaint handler categorised the matter as discreditable conduct (K). They also selected the 'domestic abuse' factor.

The complaint handler was correct to categorise the matter as discreditable conduct as the behaviour occurred off duty but could discredit the police service. Although the complaint handler was correct to identify this as 'domestic abuse'; because his wife is a serving police officer, the police perpetrated domestic abuse (PPDA) factor should have been selected instead. Selecting PPDA negates the need to add the domestic abuse factor.

If the victim in this scenario was a female, rather than a male, the complaint handler should also select 'VAWG-police perpetrator'.

CASE STUDY FOUR

Categorising allegations as a group

A man complained that he was not given blankets in custody and it took a long time for food to arrive after he requested it. He also said he was not given the opportunity to use the exercise yard. The man further stated that he was arrested despite having a sick note from his doctor. He questioned why he was arrested rather than invited to interview. The complaint handler categorised the allegations as detention in police custody (B5) and power to arrest (B3). The 'custody' and 'arrest' factors were selected.

The complaint handler's decision was correct. Although the man made multiple allegations about his time in custody, it was appropriate to categorise some of them together as the substance of this part of the complaint was about his treatment in custody. The allegation that he should not have been arrested was categorised separately because it was not about his time in custody. The complaint handler was correct to select the 'custody' and 'arrest' factors as this provides the context for the allegations.

Categorising more complex complaints

There may be occasions when it is harder to categorise allegations. This could happen for the following reasons:

- one complaint contains multiple allegations
- the allegations are unclear
- the allegations appear to fit into more than one category
- it is difficult to lend credence to the allegations
- the allegations are better dealt with by other systems
- the allegations have been made by former police employees

How to treat multiple allegations within one complaint

You should take care to categorise each matter separately when a complaint includes multiple allegations. Breaking the allegations down allows complaint handlers to decide the best way to handle each element of the complaint. It also enables more effective analysis of complaint statistics.

CASE STUDY FIVE

Multiple allegations involving more than one officer in one complaint

A woman complained that a male police officer shouted at her, pushed her and touched her breast during her arrest. She complained that a female officer had later pushed her unnecessarily to get her into the police van. She said that the arrest was not necessary, and she felt that the male officer targeted her because she was a woman. The complaint handler categorised the complaint as use of force (B4). The complaint handler also selected the 'arrest' factor.

Use of force was part of this complaint and selecting the 'arrest' factor was correct. However, there are a number of other allegations and these should have been categorised separately:

- *an officer shouting at her would fall under impolite language/tone (H1)*
- *an officer touching her breast falls under sexual assault (J1)*
- *the complaint that the arrest was not necessary falls under power to arrest and detain (B3)*
- *the complaint that she was targeted because of her sex falls under discriminatory behaviour (F8)*

The two use of force allegations should have been logged separately with different subjects. This is because this complaint involves two similar allegations of use of force, at separate points and involving different officers.

CASE STUDY SIX

Multiple allegations

A woman complained that after she was released from custody, the male officer who arrested her sent her a message on WhatsApp saying he had a 'cheeky look' at her records as he wanted to ask how she was doing. The woman replied and casual conversation took place over a few days. Sometime later, their conversations became flirtatious and sexual. The two engaged in a relationship for several months. The woman complained that when she wanted to end the relationship, the officer raped her and told her that there was no point in reporting it to the police as no-one would believe her over him.

The complaint handler categorised the complaint as abuse of position for a sexual purpose (G2). As the complaint arose from a VAWG related matter, the complaint handler also selected the 'VAWG – police perpetrator' national complaint factor.

The abuse of position for a sexual purpose and selecting the 'VAWG – police perpetrator' factor was correct. However, there are a number of other allegations and these should have been categorised separately:

- *The officer using the police database to locate the complainant's phone number would fall under D1 due to the use of police systems being accessed inappropriately.*
- *The allegation of rape would fall under sexual assault (J1).*

CASE STUDY SEVEN

Multiple allegations

A man complained that his ex-girlfriend, a police officer, used police systems to find information about his new girlfriend and post information about her on social media. The complaint handler categorised the matter as use of police systems (D1) and disclosure of information (D2). The complaint handler also selected the 'social media' factor.

The complaint handler was correct to categorise this as two separate allegations under the access and/or disclosure of information category. The complaint included both an allegation of use of the police system and an allegation of disclosure. The selection of the 'social media' factor gives further useful context to the allegation.

Ensuring clarity around allegations

Contact should be made with a complainant when their complaint is received to make sure that all elements of the allegations are clear.

Allegations can be updated if the understanding of the complaint changes during handling.

CASE STUDY EIGHT

Unclear allegations

A man contacted a force professional standards department by email:

"After finding out a lot of details regarding my situation, I contacted the police to request a visit but nobody has attended. I'm really annoyed as I need the situation sorted."

The complaint handler contacted the complainant to clarify further information about his complaint, but the complainant refused to engage. The complaint handler carried out further scoping, but there were no investigations involving the man as either a suspect or a victim. The complaint handler categorised the matter under other (L) and said this could be updated once further information was known. They also selected the 'none' factor.

The email contained enough information to categorise the complainant's allegation, even though the complainant refused to engage at an early stage. The complaint appears to have been made after the man requested police contact and nobody attended. The complaint is about delivery of service and concerns lack of police action following contact (A1). The complaint handler was correct to select the 'none' factor as there was insufficient information to give context to the complaint.

Matters that fit into more than one category

Matters may sometimes appear to fit in more than one category. This is usually for one of two reasons. Firstly, what appears to be one allegation is actually two. For example, a person complained that an officer failed to investigate their report of anti-social behaviour against their neighbour because the officer had taken their neighbour's side. This would be categorised as police action after contact (A1) and lack of fairness (H4).

Secondly, complainants may include their personal conclusions as part of their allegations. For example, a person might say that their data was handled illegally and this shows corruption. The corruption part of this allegation is a conclusion made by the complainant about how serious it would be if their allegation was proven. Therefore,

there is no need to categorise this aspect separately. The root of the complaint is that they are unhappy about how their data has been handled. Therefore, the matter should be categorised under handling of information (D3). The degree of seriousness of any mishandling, and whether or not that is a criminal offence, is looked into as part of the complaint handling.

This is entirely separate from allegations where the complainant believes that the actions taken were motivated by discrimination. Allegations of discrimination are not inferences as to how serious the issue is – they are allegations about what has motivated the issue. The alleged discrimination should be categorised for monitoring purposes and considered as part of the complaint handling.

CASE STUDY NINE

Allegation of slow response and failure to follow procedure

A man contacted a force professional standards department to complain that there was a slow police response when he reported being mugged. He said he thought that procedure had not been followed correctly because the response times were so slow. The complaint handler categorised this allegation as police action following contact (A1) and other policies and procedures (B9). The 'none' factor was selected, as no national complaint factors applied to the allegation.

The complaint handler was correct to categorise the allegation under police action following contact (A1). The man complained that the police response was not quick enough, which fits in with the service level category. However, there is no necessity to also categorise this under other policies and procedures (B9).

The man is presuming that response times were slow because procedures had not been followed. The reason for the response times would be considered as part of the complaint handling – this does not need to be considered as a separate allegation. The root of his complaint is that it took police too long to respond and that was the correct allegation to log in this case. The complaint handler is also correct to select the 'none' factor. If there were a relevant local factor, this should also have been selected or created.

CASE STUDY TEN

Allegation about police handling of report of harassment

A woman complained that the force was trying to protect a man who was harassing her. She believed that officers had failed to arrest the man, failed to explain the rationale for this, and failed to keep her updated about the investigations into her reports of harassment. She stated that officers must be conspiring to pervert the course of justice. The complaint handler categorised the matter as police action following contact (A1), information (A3) and obstruction of justice (G5). They also selected the 'none' national complaint factor.

The complaint handler was incorrect in some of the categorisation. The matter was correctly categorised as police action following contact (A1) and information (A3) because the root of the complaint is the lack of arrest and lack of updates and rationale. Although the woman has speculated about the reasons behind this, it is not a separate allegation. The handling of this complaint will cover why the man was not arrested and what information was provided to the woman. If it does appear that the police should have acted differently, it will then look into why that happened.

The 'VAWG dissatisfaction of handling' national complaint factor should have been selected. This will provide context about the background of the dissatisfaction - a harassment allegation which disproportionately affects women and girls.

CASE STUDY ELEVEN

Complaint about woman's treatment while in police custody

A woman complained that officers failed to provide her with sanitary products while she was in police custody. She believed that officers were discriminating against her because of her sex. The complaint handler categorised the allegations as detention in police custody (B5) and discriminatory behaviour based on sex (F8). The 'custody' factor was also selected.

The complaint handler was correct to categorise the allegation as both discrimination and detention in police custody because there were two parts to it.

The woman complained that procedure had not been followed properly when she was in detention. This should be categorised as detention in police custody (B5). The complaint handling for this allegation on its own would not necessarily consider whether officers were discriminating against her. Therefore, it is right to categorise that allegation separately under discriminatory behaviour based on gender (F8). As the complaint originated from an incident in custody, use of the 'custody' factor would provide additional context.



CASE STUDY TWELVE

Officer's contact with woman results in complaint from her father

A man contacted the police because he was concerned about the contact his adult daughter was having with a police officer. He said his daughter had met the officer when she was detained under the *Mental Health Act* and she was becoming increasingly reliant on him for support. The man said that he wanted to raise his concern as he was not sure whether the officer's actions were usual.

The matter was categorised as abuse of position for the purpose of pursuing an inappropriate emotional relationship (G3). During the investigation, the man further reported that his daughter had told him that the officer had checked her records for her and although she had viewed this in a positive light, he was concerned that the officer had no legitimate reason to do this. This element was included as a separate allegation and categorised under use of police systems (D1). The 'mental health' and 'VAWG – police perpetrator' factors were also selected to provide additional context.

The complaint handler was correct to categorise this under abuse of position for the purpose of pursuing an inappropriate emotional relationship (G3) as it appears that the officer had developed an inappropriate personal relationship with the woman. There was an additional allegation that the officer may have accessed information about the woman, and the complaint handler was correct to categorise this under use of police systems (D1). The selection of the mental health factor is correct as the officer met the woman when she was detained under the Mental Health Act.

Applying the VAWG factor is also correct as we know that police officers abusing their position disproportionately affects women and girls.

CASE STUDY THIRTEEN

Using the VAWG categories

A woman sent a complaint to a police force:

“I was a victim of domestic abuse and the police attended my home. Whilst taking my statement the male officer kept asking me if I did anything to provoke my husband and if I was sure I really wanted to make a ‘fuss’ of the situation. I felt victimised and felt that I had no confidence in reporting the matter to the police”.

The complaint handler initially considered categorising this under discriminatory behaviour (F). The complaint handler thought the complaint stemmed from gender discrimination. However, upon further consideration of the allegation, the complaint handler categorised the matter as individual behaviours (H) as the complaint is about the individual behaviour of an officer. The VAWG – dissatisfaction of handling national complaint factor was added.

The complaint handler’s decision was correct. The root of the woman’s dissatisfaction was that she felt she had been treated unfairly. She did not allege discrimination but felt that the handling of her report of domestic abuse was not being taken seriously.

Selecting VAWG – dissatisfaction of handling for the national complaint factor was appropriate because the matter concerned the handling of a domestic abuse matter.

Allegations that are difficult to lend credence to

Some allegations are difficult to lend credence to. It is important that these complaints are categorised under the appropriate

category and not placed under the ‘other’ category by default.

CASE STUDY FOURTEEN

Woman complains about unnecessary police surveillance

A woman contacted the police to complain that a group of officers were persistently following her wherever she went. She stated that she was scared to leave her house because police were consistently there - in cars, a helicopter and on foot. She alleged that sirens went off every time she left the house. She believed the police were warning each other that she was on the move, and that an undercover officer was trying to befriend her online.

The complaint handler categorised the matter under other (L), as they stated that the complaint was difficult to lend credence to. They also selected the ‘none’ factor.

The complaint handler was incorrect in selecting this categorisation. Complaints should be categorised according to their substance; not their potential merit. Therefore, as this complaint is about police officers following someone persistently, it should be categorised as overbearing or harassing behaviours (H5). Use of the ‘none’ factor is also incorrect. The woman has said that she was being followed by police and that an undercover officer was involved. The ‘covert policing’ factor should have been selected.

CASE STUDY FIFTEEN

Incorrect use of 'mental health' factor when logging complaint

A man complained that officers were using electrical appliances to harm him and control his behaviour. He said they were using his oven, microwave and kettle to burn him and he had burns and scalds on his skin. The complaint handler categorised this under use of force (B4) and selected the 'mental health' factor.

The complaint handler was correct to categorise this under use of force as this is the substance of the complaint. However, the selection of the 'mental health' factor is incorrect. The complaint handler should not make a supposition about the complainant's mental health based on the complaint alone, unless the complainant has reported this themselves, or the information is provided in other independent evidence, such as clinical or medical evidence.

Misguided allegations

If an allegation would be better dealt with by another system, this may still be logged and categorised in the same way as other

complaints about the police. It is often likely that these will fall under category A – service level standards.

CASE STUDY SIXTEEN

Allegation about decision on previous complaint

A man complained that he had not received regular updates from the investigating officer after he reported a burglary. The complaint was finalised as service level acceptable and the complainant was given a right to review.

The man then made a new complaint that the complaint handler had made the wrong decision on his complaint. The complaint handler categorised this under other (L) as they said the matter should be dealt through the review process. They also selected the 'none' factor.

The complaint handler was incorrect in selecting the 'other' category. The allegation should be categorised on its substance rather than on its potential outcome. In this case, the man was complaining about a police decision, which should have been categorised as A2. Explaining that the review process is the appropriate place to address his concerns is the answer to this complaint. The 'none' factor is correct as no other factors applied.

Allegations made by former police employees

Often, allegations made by employees do not need to be dealt with under the *Police Reform Act 2002* because:

- those serving with the police are not usually able to make complaints about their own force

- former employees are not able to complain about incidents that happened in their force while they were serving with the police

However, if an allegation from a former employee is about something that happened since they left the police force, and it meets the remaining eligibility criteria, this should be logged and categorised in the same way as other complaints.

CASE STUDY SEVENTEEN

Allegation about former officer's phone not being returned

A former police officer complained that her phone had been seized during a conduct investigation. She said that since the conduct proceedings had concluded and she had left the force, she had made repeated attempts to get her phone back. However, it had not been returned to her and no explanation had been given. The complaint handler categorised her allegations under delivery of duties and service – information (A3) and handling of or damage to property/premises (C). The 'none' factor was also selected.

The complaint handler was correct to categorise this matter under information (A3) and handling of property (C) and to select the 'none' factor. The complaint is about both the phone being retained and the lack of explanation as to why.

Updating allegations

Allegations should be logged at the beginning of a complaint as set out in the data capture guidance. Allegations, categories and national complaint factors can be updated during the complaint handling.

However, the substance and cause of dissatisfaction should not change.

CASE STUDY EIGHTEEN

Updating allegations after an error/misunderstanding surrounding a complaint

A woman complained that she had reported a fraud and that nothing was being done. This was initially logged and categorised under police action following contact (A1) with the 'fraud' factor selected. While the complaint was being handled, the woman clarified that she had received information from the police that indicated that they were not recording the matter as a crime because it related to a civil matter. The complaint handler re-categorised the complaint under decisions (A2).

The complaint handler's decision was correct. The woman's dissatisfaction related to a decision police had made rather than to a lack of response. The substance of the woman's complaint did not change, but the complaint handler's understanding of it did. It was correct to update the allegation and category under the existing reference number. Because the complaint arose as result of a report of fraud, the complaint handler was also correct to select the 'fraud' factor to provide additional context.

CASE STUDY NINETEEN

Responding to new information while handling a complaint

A man complained that his wife had attempted suicide after she was arrested and released by police. He said that she was seriously ill as a result of the arrest and held the police entirely responsible because her arrest was unreasonable. The complaint handler categorised the allegation under power to arrest and detain (B3) and selected the serious injury and arrest factors. While the complaint was being handled, the woman died as a result of her injuries so the complaint handler added the 'death' factor.

The complaint handler's decision was correct. The allegation was that the arrest was unreasonable and selecting the arrest and serious injury factors provide context. During the handling of the complaint, when informed that the woman had died of her injuries, it was appropriate for the complaint handler to select the 'death' factor.

Reasons for recording complaints under Schedule 3 of the *Police Reform Act 2002*:

There are four reasons for recording a complaint under Schedule 3:

1. Nature of the allegation - where the allegation immediately meets the mandatory recording criteria as detailed in statutory guidance.
2. The complainant wishes it to be recorded - where the complainant requests that the complaint is dealt with inside Schedule 3 from the outset.
3. Dissatisfaction after initial handling - where a complaint has been dealt with outside Schedule 3 and the complainant now wishes for it to be moved inside Schedule 3. It is to be noted that this is not a standalone point in the legislation, however the clarity is required for reporting purposes.
4. Appropriate authority decides - this covers all circumstances which are not covered by the above.



CASE STUDY TWENTY

Deciding how to log the reason for recording a complaint

A man complained about officers' actions when they attended a report by the complainant's wife of a domestic incident at their home.

Scenario A: the man alleged that property was stolen by officers from his home. The complaint handler recorded this complaint under Schedule 3 because of the nature of allegations (theft). The matter was logged and categorised under discreditable conduct (K). They also selected the 'none' national complaint factor.

The complaint handler's decision was correct because of the allegation of theft by an officer in the execution of his duties.

Scenario B: the man stated that his property was seized upon his arrest and not returned and he wanted the complaint to be recorded. The complaint handler recorded this complaint because that's what the complainant had requested. The matter was logged and categorised under the handling of or damage to property/premises (C) with the 'none' national complaint factor selected.

The complaint handler's decision was correct because the complainant had made it clear that they wished for the complaint to be recorded.

Scenario C: the man stated that his property was seized upon his arrest and not returned. The complaint was dealt with outside of Schedule 3, but the complainant was dissatisfied with the outcome and stated he wanted the complaint to be recorded and investigated. The complaint handler recorded the matter under schedule 3 after initial handling, and logged and categorised the complaint under the handling of or damage to property/premises (C) with the 'none' factor selected.

The complaint handler's decision was correct because the complainant was dissatisfied with the handling outside of Schedule 3 and so the matter required recording.

Scenario D: the man stated that his property was seized upon his arrest and not returned. This was a repeat complaint of the same complaint the man had made six months earlier. The complaint handler recorded this complaint as 'appropriate authority decides' as the matter did not fall into the other three categories. The matter was logged and categorised under the handling of or damage to property/premises (C) with the 'none' national complaint factor selected.

The complaint handler's decision was correct. As the complaint was a repeat of a previous complaint made, the matter required recording so that it could be dealt with as 'no further action'.

The VAWG national complaint factor was not selected in any of the scenarios because firstly, the principles for applying the VAWG factors include where at least one victim is female. Secondly, while the matter originated from a domestic incident, this is not relevant to the context of the allegations of theft or return of property.

Recording multiple complaints and splitting complaints

Sometimes it will be clear at the beginning or during the handling of a complaint that has been recorded under Schedule 3, that some of the allegations are likely to take significantly longer to address than others. For example, because they are more serious and need a formal investigation; because they need to be suspended; or because of long-term absence. This should be explained to the complainant during early contact.

Any available responses to the allegations that have been made can be provided as part of the meaningful update process during the handling of a complaint. However, the complainant's right of review to those responses can be provided only at the

conclusion of the entire complaint. Allegations may be split into two or more complaints if the complainant would prefer to have a quicker outcome to some elements of their complaint. The complainant should be told about their right of review when each complaint is concluded.

Forces and local policing bodies must make it clear to the complainant that if they split allegations, the allegations will be treated as two (or more) separate complaints with distinct rights of review. If the complainant applies for a review, only those allegations that have been recorded under the specified complaint can be considered.

CASE STUDY TWENTY-ONE

Separating allegations at start of complaint handling

A man complained about an interaction he had had with a traffic officer. He explained that he had been travelling at just over the speed limit and had been stopped by the officer. He alleged that the officer told him that he could avoid points on his licence if he paid the fine in cash there and then. The man didn't have the cash so was issued with a fixed penalty notice (FPN). The man complained that the officer seemed to be trying to extort money from him, and that an FPN had been issued when he was only just over the speed limit. He stated that he wanted the matter to be dealt with as a formal complaint. When the complaint handler contacted the complainant, she explained that they would be able to provide an explanation for the FPN quite quickly, but that the allegation of extortion would take longer to look into. During the contact it became clear that the man wanted the outcome to the FPN allegation quickly, so the complaint handler discussed the option of splitting the complaint. The two allegations, categorised as out of court disposals (B8) and abuse of position for financial purpose (G4), were therefore recorded as two separate complaint cases under schedule 3. The factors selected on both complaints were 'roads/traffic' and 'stop and/or search'.

The complaint handler's actions were reasonable. It would take a relatively short time to provide an explanation about the issuing of the FPN and the complainant preferred to receive a response to this element of his complaint quickly. He agreed to the separation of the allegations. The man would be entitled to two separate reviews – one in relation to his FPN complaint and one in relation to his allegation about extortion. He would not be able to raise matters relating to the FPN complaint if seeking a review of the outcome of the extortion complaint, and vice versa.

CASE STUDY TWENTY-TWO

Splitting complaints while handling them in accordance with Schedule 3 of the Police Reform Act 2002

A woman complained about her arrest for theft. She stated that the arrest was illegal, as there were no reasonable grounds for suspicion, and that the arresting officer used unnecessary force when he punched her. The complaint handler recorded both allegations within the same complaint case, categorising them under power to arrest and detain (B3) and use of force (B4). The 'arrest' factor was also selected for both complaints. A response to the complaint about the legality of woman's arrest was established quite quickly, but an interview with the arresting officer was needed to deal with the use of force part of the complaint. Since he was on long-term sick leave, the complaint handler suggested that the allegations be separated into two separate complaints and the complainant agreed. The complaint handler was then able to provide a response to the arrest allegation and explain the complainant's right of review.

It was not necessary to split this complaint. The complainant understood that there would be a delay in her receiving a response to her complaint. The information that the complaint handler had gathered in connection with the woman's arrest could have been shared with her during an update on progress with her complaint.

CASE STUDY TWENTY-THREE

Separating allegations to improve the service complainants receive

A man complained about his detention under the *Mental Health Act 1983*. He complained that the officers involved had been unnecessarily forceful with him when he was detained. He was also aggrieved that police were involved in detentions under the *Mental Health Act* as these involve crisis moments, rather than criminal matters. The complaint was categorised under power to arrest or detain (B3) and use of force (B4) and the 'mental health factor' was also selected.

As part of an update on progress with his complaint, the man was given an explanation about why police are involved in these sorts of detentions. The man was unhappy with the response, but the complaint handler explained that he couldn't challenge it until the entire complaint had been looked into. They explained that this might take some time because they were in the process of gathering evidence. The man was frustrated with the information and expressed dissatisfaction that he couldn't challenge the response straight away.

In this case, it would have been good customer service to offer the complainant the option of separating his allegations into two complaints. This would have meant he could receive the outcome of the first allegation more quickly and request a review without delay.

Handling multiple complaints about the same incident

Certain incidents may generate separate complaints from a large number of people, as discussed in section 5.3 of our data capture guidance. The force or local policing body may choose to create a single complaint case with multiple complainants if the same allegation is made by more than one complainant.

If they choose this option, the complaint could have multiple allegations. Each complainant should be linked to the allegations they have made. Each complainant should be contacted separately to find out how they would like their complaint to be handled. Each must be given

separate rights of review (where the complaint is recorded under Schedule 3).

There may be incidents where it is not practicable to create a single complaint case. This may be because of how the allegations will be handled, the nature of new allegations, or a time lag between complaints being made.

If more than one person jointly makes a complaint involving the same expression of dissatisfaction, the complaint handler should find out whether they are happy to be treated as joint complainants. There is one right of review if the complaint is recorded under Schedule 3.

CASE STUDY TWENTY-FOUR

Multiple complaints made after incident at a football match

A force received a large number of complaints alleging that an officer had punched someone during an altercation at a football match.

Scenario A: the complaints were made separately by different members of the public who all witnessed the altercation. All the complaints were received within one week.

The complaint handler logged all of the complaints as a single complaint case with multiple complainants. They categorised the allegations under use of force (B4) and selected the 'public order incident' factor.

The complaint handler's decision was correct. Each complaint can be logged on a single complaint case with multiple complainants, regardless of the fact that they are not known to each other.

Scenario B: the complaints were made separately by different members of the public who all witnessed the altercation. Five of the complaints were received within one week, but the sixth was received four months after the first.

The complaint handler logged the first five complaints as a single complaint case with multiple complainants. They categorised the allegations under use of force (B4) and selected the 'public order incident' factor. When the sixth complaint was received, the handling of the first complaint case was almost finalised. The complaint handler therefore logged the sixth complaint as a separate complaint case.

The complaint handler's decision was correct. There is no reason why the first five complaints could not be logged on a single complaint case. However, due to the time lag with receipt of the sixth complaint, it was not practical for this complaint to be added to the ongoing complaint case, due to the impact the delay would have on the outcome of the initial complaint. However, this does not mean that the enquiries made and evidence considered in the ongoing complaints could not be used as part of the handling of the sixth complaint.

Scenario C: the complainants, who are all friends, submit a single joint complaint, nominating one of them as their spokesperson.

The complaint handler logged a single complaint case with a single complainant (the spokesperson) and multiple interested parties (the other friends). Before any further enquiries were made, the complaint handler spoke to each of the interested parties to confirm that they were happy for the spokesperson to act on their behalf. They explained that there would only be one right of review at the end of the investigation, and this was noted on the complaint case.

The complaint handler's decision and actions were correct. Complaint handlers must confirm as early as possible that complainants are happy to be treated as joint complainants with a single right of review.

How allegations are handled and their decisions

You can find details about the various ways to handle complaints inside and outside of Schedule 3 in the [IOPC Statutory Guidance](#) and [Focus 18](#).

Information about decisions and actions can also be found in the [Guidance on capturing data about police complaints](#).

The table below shows what decisions are available.

Allegation decision	Outside of Schedule 3	Under Schedule 3 – not investigated	Under Schedule 3 – investigated (not subject to special procedures)	Under Schedule 3 – investigated (subject to special procedures)
Resolved	✓			
Not resolved	✓			
No further action		✓	✓	
Regulation 41 (Police (Complaints & Misconduct) Regulations 2020) discontinuations			✓	✓
Service provided – unable to determine		✓	✓	
Service provided – not acceptable		✓	✓	
Service provided – acceptable		✓	✓	
No case to answer				✓
Case to answer				✓
Withdrawal		✓	✓	✓

Caution should be given to the correct use of allegation decisions to avoid data becoming flawed. Accurate data means that trends and analysis are more reliable.

The following points are common decisions that can skew data if used incorrectly.

1. No further action – should only be used where it is not possible to give an outcome. It is always best to give a service level decision if possible.

2. Withdrawal of complaints handled under Schedule 3 – this should be used when a complainant has expressly stated their intention to no longer pursue the complaint.

3. Regulation 41 discontinuations for complaints handled under Schedule 3 – this should be used where an investigation has previously been suspended because, were it to continue, it would prejudice any criminal investigation or criminal proceedings and, once that conflict is removed and the investigation can resume, the complainant either fails to indicate that they want the investigation to resume or states that they no longer wish to pursue their complaint.

CASE STUDY TWENTY-FIVE

No further action

A woman complained that she was a victim of harassment from her neighbour who she alleged threw a brick through her living room window. The neighbour was arrested and interviewed, but a decision was made not to pursue the matter further.

Scenario A: the woman complained that she was unhappy that the neighbour was not charged. The complaint handler decided that no further action could be taken with this complaint because the allegation was about the decision not to charge a suspect, so the matter would be suitable for victims' right of review.

The complaint handler was correct in this decision because it would be the victims' right of review process that would answer the woman's concerns and not the complaint process. Therefore, it is appropriate to give an outcome with the decision 'no further action' selected.

Scenario B: the woman complained that she was unhappy that the neighbour was not charged and she was also unhappy that the officer who took her statement was rude and lacked empathy when she tried to tell him about the history between her and the neighbour. The complaint handler decided that no further action could be taken as the matter would be addressed via the victims' right of review process.

The complaint handler was incorrect in this decision because while the complaint that the neighbour had not been charged could be addressed by the victims' right of review process, the complaint also included a conduct allegation and that should be addressed by the complaints process, so that a service level decision could be made.

CASE STUDY TWENTY-SIX

Withdrawal of a complaint

A man made a complaint that while he was in his custody cell, one of the officers pushed him onto the floor causing his glasses to break. The man was shown CCTV of the custody cell which did not show any evidence of a push, but instead showed the man had headbutted the cell door causing his glasses to fall to the floor. After watching the footage, the man stated he agreed with the footage and no longer wished to carry on with the complaint. The complaint handler advised the complainant to put his withdrawal in writing. After 28 days, the complaint handler had not received any written communication from the complainant, so the allegation was finalised and the decision was logged as 'withdrawal'.

A better way of handling this would have been to conclude the complaint with an outcome of 'service level acceptable', having seen the CCTV and based on the evidence available, rather than logging this as a withdrawn complaint.



CASE STUDY TWENTY-SEVEN

Regulation 41

A man was arrested for possession with intent to supply class B drugs and during his arrest, he headbutted one of the arresting officers. He was further arrested for assaulting a police officer. The man continued to resist arrest and the officers deployed a Taser. The man later complained that the use of the Taser was excessive and stated he was not resisting arrest. The complaint was suspended due to the criminal investigation and proceedings. At the end of the trial, the complaint handler contacted the man to resume the complaint. The man replied stating that he did not want to carry on with the complaint. The allegation was decided as 'regulation 41 applies'.

This is correct. The complaint handler followed the correct course of action by making contact with the complainant. The complaint handler was correct in logging this decision as 'Regulation 41' as opposed to a withdrawn complaint.

Allegation actions

An allegation decision should be logged for each allegation finalised. At least one action should be selected on each allegation finalised and multiple actions should be selected where appropriate.

The table below shows what decisions are available.

Action	Outside of Schedule 3	Under Schedule 3 – not investigated	Under Schedule 3 – investigated (not subject to special procedures)	Under Schedule 3 – investigated (subject to special procedures)
Org learning issued – organisation-wide	✓	✓	✓	✓
Org learning issued – department/division	✓	✓	✓	✓
Org learning issued – team	✓	✓	✓	✓
Learning from reflection	✓	✓	✓	✓
Policy/procedure review	✓	✓	✓	✓
Gesture of goodwill	✓	✓	✓	✓
Apology/acknowledgement something went wrong	✓	✓	✓	✓
Explanation provided	✓	✓	✓	✓
Debrief of original incident	✓	✓	✓	✓
Misconduct proceedings				✓
Criminal proceedings				✓
Reflective Practice Review Process		✓	✓	✓
Unsatisfactory Performance Procedures		✓	✓	✓
Service improvement meeting		✓	✓	✓
Sharing evidence of learning or service improvement		✓	✓	✓
Return of seized property		✓	✓	✓
Mediation or other remedial action		✓	✓	✓
Provision of information regarding impact on officer		✓	✓	✓
Reviewing information on police records or databases		✓	✓	✓
Reviewing police cautions				✓
Removing police cautions		✓	✓	
No further action	✓	✓	✓	✓
Other action	✓	✓	✓	✓

It is important that the correct actions are selected to make sure there is accuracy in the data to inform trends and analysis. For outside of Schedule 3, the use of 'no further action' should be used minimally when

absolutely no action can be taken. Most often, an explanation for a decision will be provided. For complaints under Schedule 3, no further action as an action should only be logged if the decision was also no further action.

CASE STUDY TWENTY-EIGHT

Actions

A man complained that when he was arrested, excessive force was used upon him. He stated that he is diabetic and when he was being arrested, he could feel his blood sugar levels starting to drop causing him to panic. He stated he did not intend to resist arrest, but was struggling to speak and was trying to inform the officers he had a medical card in his pocket. He stated the officers kept trying to put him in handcuffs and would not listen to him. The complaint was handled outside of Schedule 3 and the matter was marked as 'resolved'. The officer issued an apology and stated at the time he thought the man was intoxicated. Some learning was collated and distributed to the officers about diabetes. The complaint handler logged the action as 'organisational learning'.

The decision to log the action as 'organisational learning' was correct, however an additional action should also have been logged for the apology. It is important that all of the actions taken by the complaint handler are accurately recorded to reflect all that was done to respond to the complaint and to ensure quality of data.

CASE STUDY TWENTY-NINE

Actions

A woman made a Subject Access Request for a copy of a crime report following a road traffic incident. The woman was unhappy that parts of the documents had been redacted so she asked the force for an explanation. The force explained the process to her and explained why certain parts had been redacted. The woman then made a complaint that she was not happy with the copy of the document because parts were redacted. The complaint handler recorded the complaint and logged the reason as 'the complainant wishes the complaint to be recorded' and decided that no further action could be taken as an explanation had previously been given to the complainant. The complaint handler stated to the complainant that no further action could be taken, but directed the complainant to the Information Commissioner's Office which is the correct body to address such complaints. The complaint handler logged the decision and action both as 'no further action'.

The complaint handler's decision was correct. The complaints process is not the correct process for addressing the woman's complaint about redaction of records. It was correct to log both the decision and action as 'no further action' and direct the woman to the correct body.



CASE STUDY THIRTY

Actions

A man complained that while he was leaving a football match there was an altercation involving his friend. He stated he went towards his friend to calm him down and leave, when a police officer grabbed him by the arm and used racially discriminatory language. The complaint was recorded as 'discriminatory behaviour' (F). The complaint handler viewed body worn video footage of the incident and found no evidence of racially discriminatory language being used. It was decided that the service level was acceptable and the action was logged as 'no further action'.

The complaint handler's decision on how to log the action is incorrect. If the service level was found to be acceptable and the complainant was told this finding was on the basis of viewing body worn video footage, then the action should have been logged as an 'explanation'. The complainant would have received an explanation of the evidence that is available.

Appendix A

The table below describes each of the complaint categories and how they work with the national complaint factors.

Examples: allegation	Category	Sub-category	National factor
A man complained that he had had no reply when he emailed a police force about an ongoing investigation.	A – this complaint is about delivery of duties and service.	A1 – he is complaining about the lack of police action following contact .	Investigation – the complaint has arisen as a result of an ongoing investigation.
A person complained that their allegation of fraud was not being treated as a criminal matter.	A – this complaint is about delivery of duties and service.	A2 – the complainant is unhappy about the decision made following his report of fraud.	Fraud – the context of the decision is in relation to an allegation of fraud.
A man complained that the email address he was given for a force’s road traffic department was incorrect.	A – this complaint is about delivery of duties and service.	A3 – he is complaining about receiving incorrect information .	None – no national complaint factors apply. The force should consider whether any local factors apply.
A woman complained that she had not been able to get through when she contacted 101 on a number of occasions.	A – this complaint is about delivery of duties and service.	A4 – the complainant is unhappy with the general level of service when trying to contact 101.	Call handling – the context of the allegation is that the woman is unable to get through to 101.
A man complained that he had been subjected to an increased number of stop and searches since a new policy was introduced.	B – this complaint is about police powers, policies and procedures.	B1 – this is a complaint about the force’s stop and search policy.	Stop and/or search – the national complaint factor and category are the same as they are about the use of stop and search.
A woman complained that the template form left when searches were completed was difficult to understand.	B – this complaint is about police powers, policies and procedures.	B2 – the complaint involves the information provided after the search of a premises .	Premises search – the national complaint factor and category are the same as they are both about the search of premises.
A man complained that police should not be involved in detaining somebody under the <i>Mental Health Act</i> as they were not medically trained, and he had found their presence distressing.	B – this complaint is about police powers, policies and procedures.	B3 – this allegation is about the powers to detain .	Mental health – the allegation is about detention under the Mental Health Act.
A woman complained that a line of officers pushed the crowd back during a protest and it was excessive.	B – this complaint is about police powers, policies and procedures.	B4 – this allegation is about the use of force .	Public order incident – the complaint is the result of use of force at a public order incident.
A man complained that the provisions for washing/showering while in police custody were not sufficient.	B – this complaint is about police powers, policies and procedures.	B5 – this allegation relates to detention in police custody .	Custody – the allegation is about the man’s time in police custody.

A victim of historic abuse complained that the identification procedure was conducted incorrectly when she reported child sexual exploitation (CSE).	B – this complaint is about police powers, policies and procedures.	B6 – the allegation concerns identification procedures .	Child protection/CSE – the allegation is about identification procedures for victims of CSE.
A man complained that he was prosecuted when he should not have been because information that undermined the allegation against him was not disclosed to the Crown Prosecution Service.	B – this complaint is about police powers, policies and procedures.	B7 – the allegation concerns evidential procedures .	None – no national complaint factors apply. The force should consider whether any local factors apply.
After receiving a Fixed Penalty Notice, a woman complained that there was no consistency in who was allowed to take a speed awareness course instead of receiving points on their licence.	B – this complaint is about police powers, policies and procedures.	B8 – the allegation is about the procedures around out of court disposals for speeding.	Roads/traffic – the complaint has arisen from the out of court disposal for a roads/traffic policing issue.
A man complained that his local neighbourhood policing unit had not yet rolled out body-worn video, when most had. He said this would have helped to provide clarity around a recent incident.	B – this complaint is about police powers, policies and procedures.	B9 – this is a complaint about the police policy that is not covered in the previous subcategories.	Neighbourhood policing – the complaint is about the lack of body-worn video in use in the neighbourhood unit.
A person complained that their laptop had been damaged during a search of her house.	C – this complaint is about the handling of or damage to property/premises.	C – Any allegation of damage to property falls under this category.	Premises search – the laptop was damaged during a search of the complainant's home.
A man complained that his local police were accessing particular information on police databases for entertainment, rather than for a policing purpose.	D – this complaint is about access and/or disclosure of information.	D1 – this allegation is about the use of police systems and them being accessed inappropriately.	None – no national factors apply. The force should consider whether any local factors apply.
A person complained that a police force disclosed information about their arrest to a camera crew for a television series.	D – this complaint is about access and/or disclosure of information.	D2 – this allegation is about the inappropriate disclosure of information .	Arrest – the allegation is about disclosure of information about the person's arrest.
A woman complained about the way her information had been handled after she saw her personal details on a piece of paper in the background of a photo posted to social media by a force.	D – this complaint is about access and/or disclosure of information.	D3 – the allegation is about the handling of information as the woman states that it's been mishandled.	Social media – the context of the allegation is that data mishandling has resulted in personal data being visible on social media.
A man alleged that police were routinely requesting information from suspect's medical files when that was not necessary for the case.	D – this complaint is about access and/or disclosure of information.	D4 – the allegation is about accessing information from other sources.	None – no national complaint factors apply. The force should consider whether any local factors apply.

<p>A woman complained about the use of unmarked police cars to perform traffic stops as she felt unclear about whether they were genuine officers.</p>	<p>E – this complaint is about use of police vehicles.</p>	<p>E - this allegation is about the way police cars are used.</p>	<p>Roads/traffic, stop and/or search and covert policing – the allegation is about how unmarked police cars are used for conducting stops as part of roads policing.</p>
<p>A transgender woman complained she was addressed as ‘sir’ during phone calls, which was discriminatory.</p>	<p>F – this complaint is about discriminatory behaviour.</p>	<p>F3 – the discrimination raised in the complaint relates to gender reassignment.</p>	<p>Call handling – the complaint relates to discrimination during calls to the police.</p>
<p>A man complained that his reports of stalking and harassment by his ex-girlfriend were not being treated seriously. He alleged that if he was a female, his complaint would have been treated more seriously.</p>	<p>F – this complaint is about discriminatory behaviour.</p>	<p>F8 – this falls under sex because the allegation is that the man has been treated less favourably due to his gender.</p>	<p>Domestic/gender abuse – the allegation is about the handling of reports of stalking and harassment.</p>
<p>A man complained that he was being treated badly by the police because of his class and that if he had more money he would be listened to.</p>	<p>F – this complaint is about discriminatory behaviour.</p>	<p>F10 – this falls under other discriminatory behaviour because class/wealth is not a protected characteristic.</p>	<p>None – no national complaint factors apply. The force should consider whether any local factors apply.</p>
<p>A man complained that his local police force routinely allowed the friends and family of existing officers to join the police force with lower pass rates than were usually required. He said this was not official policy, but was a widespread practice.</p>	<p>G – this complaint is about abuse of position.</p>	<p>G1 – this is an organisational corruption complaint as it alleges that the institutionalised actions, when recruiting, were accepted and left unchallenged.</p>	<p>None – no national complaint factors apply. The force should consider whether any local factors apply.</p>
<p>A police officer was alleged to have instigated personal communication with a woman he had met when she was a victim of domestic abuse.</p>	<p>G – this complaint is about abuse of position.</p>	<p>G2 – if the alleged behaviour was that he had encouraged her to send sexual photos of herself then it is for a sexual purpose. G3 – if the allegation was that the woman was becoming reliant on the officer for emotional support then it is for an inappropriate emotional relationship.</p>	<p>VAWG – police perpetrator – the allegation is that the officer abused his position after meeting a female victim of domestic abuse.</p>
<p>A shop owner complained that, after attending a theft, the police officer assumed that she could take a bottle of wine. The shop owner said that he agreed because he felt that he not could refuse an officer.</p>	<p>G – this complaint is about an officer abusing her position.</p>	<p>G4 – the abuse of position that is being complained of is financial, as the officer has allegedly not paid for goods.</p>	<p>None – no national complaint factors apply. The force should consider whether any local factors apply.</p>

A woman complained that, during an investigation, an officer had planted evidence in her home to implicate her in an offence of theft.	G – this complaint is about an officer abusing their position.	G5 – this allegation is that the officer is obstructing justice by creating false evidence.	Investigation – the allegation is that there has been an obstruction of justice during an investigation.
A woman complained that when she was about to park her car, an officer not in uniform showed his police badge. She allowed him the space, assuming he was on police business. She then saw him completing a large shop and felt he had used his badge inappropriately.	G – this complaint is about an officer abusing his position.	G6 – the woman complained that the officer used his position to receive preferential treatment . This would not fit elsewhere in this category.	None – no national complaint factors apply. The force should consider whether any local factors apply.
A woman complained that an officer was rude to her when she was stopped and searched.	H – this complaint is about individual behaviour.	H1 – if the officer shouted at her. H2 – if the officer made a rude gesture at her. H3 – if the officer ignored her.	Stop and/or search – this is about the officer’s behaviour during a stop and search.
A woman complained that police officers sided with her partner in a recent domestic abuse incident.	H – this complaint is about individual behaviour.	H4 – this complaint is about lack of fairness .	Domestic/gender abuse and VAWG – dissatisfaction of handling – the allegation is about lack of fairness in a domestic abuse incident where the the victim was female.
A man complained that he was continually being followed by officers pretending to be members of the public, in a variety of different locations.	H – this complaint is about individual behaviour.	H5 – this complaint involves a number of officers engaging in harassing behaviours .	Covert policing – this complaint is about surveillance.
An allegation was made about the sexual behaviour of an officer towards a female.	J – this allegation is about sexual conduct.	J1 – if the allegation was that the officer had groped the complainant, it would be sexual assault. J2 – if the allegation was that the officer continually propositioned the complainant, it would be sexual harassment. J3 – if the allegation was that the officer looked at pornography during work time, it would be other sexual conduct.	VAWG – police perpetrator – the allegation is about the sexual conduct of a police officer/police staff.
A police officer was alleged to have stolen drugs that had been seized during the search of a vehicle.	K – this complaint is about discreditable conduct.	This allegation falls under discreditable conduct as it is about the officer’s conduct while serving with the police.	Drugs/alcohol and stop and/or search – the allegation is that the conduct took place when drugs were taken after a search.
A female reported her husband for coercive and controlling behaviour. Her husband is a serving police officer.	K - This complaint is about discreditable conduct.	This allegation falls under discreditable conduct as it is about the officer’s conduct while serving with the police.	PPDA and VAWG – police perpetrated - the domestic abuse was perpetrated by a police officer. The victim is female.

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Get in touch

This guidance was published by the Independent Office of Police Conduct (IOPC) in February 2024, and was correct at the time of publication.

Contact the IOPC for further advice, or if you need a copy of this issue in another language or format.

We welcome correspondence in Welsh. We will respond to you in Welsh and that this will not lead to delay.

*Rydym yn croesawu gohebiaeth yn Gymr aeg.
Byddwn yn ymateb i chi yn Gymraeg ac na fydd hyn yn arwain at oedi.*

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