

Frequently Asked Questions (FAQs)

Pre-decision questions about Reviews

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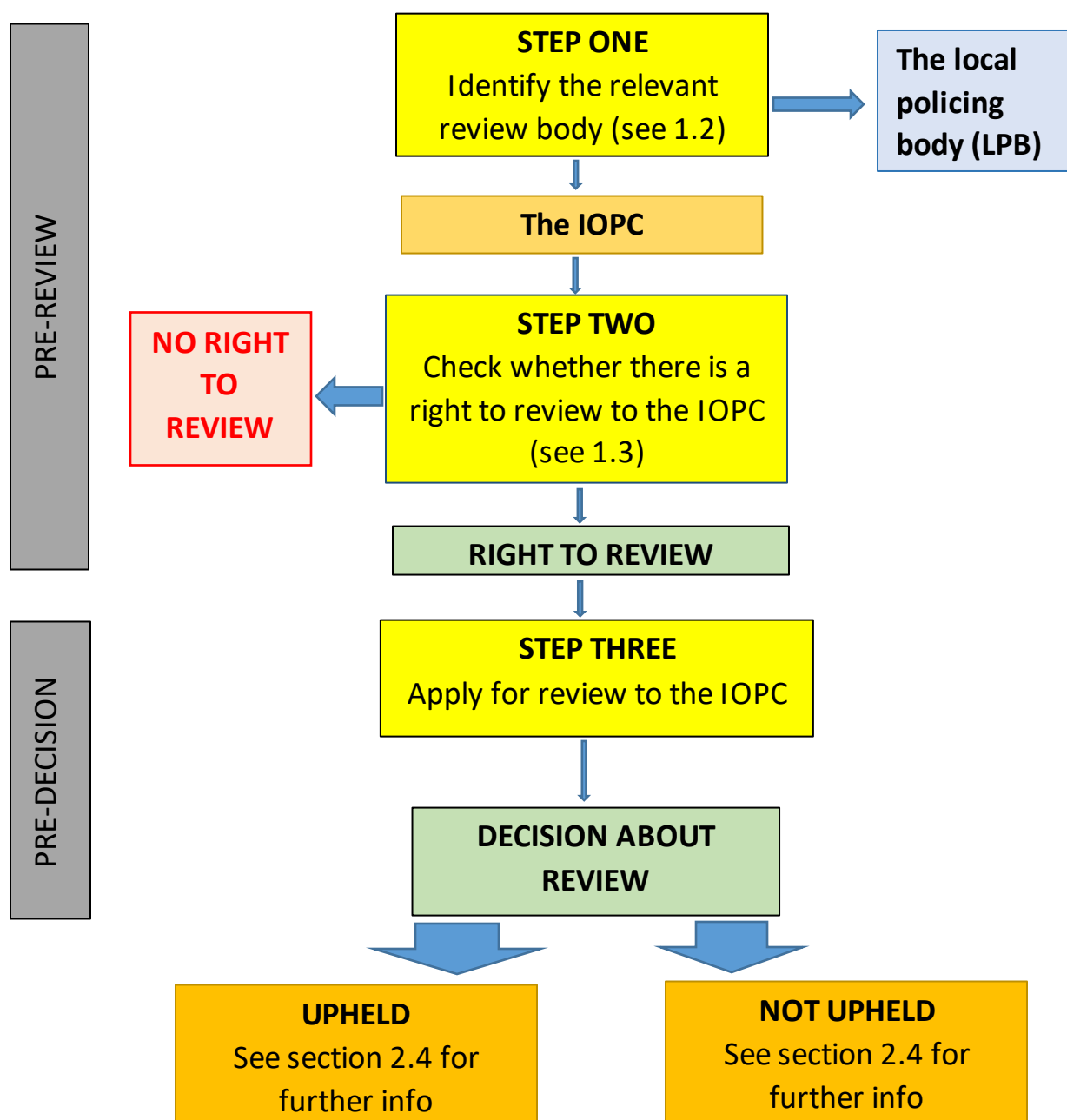
Glossary | Key terms we might use

Thank you for applying for a review to the IOPC.

This document should help you understand what a review is, whether you are following the right process by applying for a review to the IOPC, and what we will do.

The IOPC will appoint either an assessment analyst or casework manager to conduct the review. Depending on the type of review, they may be in touch with you once they begin assessing your application for review.

Overview of the review process with the IOPC



1.1 What is a 'review'?

If you believe the outcome of your complaint about your local police was not reasonable and proportionate, you may apply for a review (See section 1.3 to judge whether you have the right to apply for a review).

An application for review is an opportunity to ask the Independent Office for Police Conduct (IOPC) or the *local policing body* (see the glossary below for a definition of this term) to consider the outcome of your complaint.

If your complaint was made on or after 1 February 2020 and has been recorded you will have a right to apply for a review.

Your complaint may have been investigated. Alternatively, your complaint may have been handled otherwise than by investigation, known as 'other handling'. We deal with both types of applications. You should have been told by the *appropriate authority* (see the glossary below for a definition of this term) how your complaint was handled, what the outcome is and to whom you can apply to have the outcome reviewed i.e. whether it is the IOPC or the *local policing body*.

Please note: a review is not a re-investigation of your initial complaint. We will not investigate the original incident you contacted your local police force about.

Our role is to consider whether the outcome of the investigation, or the outcome of the handling, of your complaint given to you by the **police** is reasonable and proportionate.

If your complaint was **not** handled by the police force you complained against, please see the glossary on 'appropriate authority' at the end of this document.

The only question to be answered by the IOPC in the review is:

'Is the outcome of the complaint reasonable and proportionate?' What this entails will depend on the type of application for review.

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You have **29 days**, starting from the date of your letter from the appropriate authority to submit the application for review and a copy of the decision letter. This includes the time your application spends in the post. **If we don't receive your application within 29 days of the date of the outcome, we don't have to consider your application.**

1.2

How do I know if my application for review should go to the IOPC or the local policing body?

When you're told about the outcome of your complaint from the police, the letter will explain whether you can apply for a review and if so, who you can apply to. This is your '**relevant review body**'

A 'relevant review body' (RRB) is the organisation that will deal with your application for review. This is to either the LPB or the IOPC.

Your application for review should be sent to the **relevant review body**.

The IOPC is the RRB in the following circumstances where:

- ✓ The appropriate authority is a local policing body
- ✓ The complaint is about the conduct of a senior officer (an officer holding a rank above chief superintendent)
- ✓ The appropriate authority is unable to satisfy itself, from the complaint alone, that the conduct complained of (if it were proved) would not justify the bringing of criminal or disciplinary proceedings or would not involve the infringement of a person's rights under Article 2 or 3 of the European Convention on Human Rights (see glossary)
- ✓ The complaint has been, or must be, referred to the IOPC
- ✓ The IOPC is treating the complaint as having been referred (also known as the 'power of initiative', see paragraphs 9.36 – 9.39 of the Statutory Guidance)
- ✓ The complaint arises from the same incident as a complaint falling within ii-v
- ✓ Any part of the complaint falls within ii-vi



The *local policing body* is the *relevant review body* for any complaints that don't match the list of circumstances above.

1.3

When do I have a right to apply for a review to the IOPC?

Where the IOPC is the *relevant review body*, you can apply for a review to the IOPC:

- ✓ Against the outcome of the **investigation** into your complaint.
- ✓ Against the outcome of the **handling other than by investigation** of your complaint.

There is no right to apply for a review to the IOPC where:

- ✗ The IOPC have carried out an investigation (called Independent investigation) or had direction/control of an investigation (called Directed investigation).
- ✗ A complaint has been handled outside of Schedule 3 of the Police Reform Act 2002, or where the complaint has not been logged or recorded because the person making the complaint is not eligible to be a complainant or the complaint was previously withdrawn.

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‘Independent IOPC investigations’ are different to a ‘review’. These are when the IOPC investigate the original incident. We only investigate the most serious and sensitive incidents and allegations involving the police. For more information, please visit: <https://www.policeconduct.gov.uk/investigations>

1.4

Will you act on my behalf?

No. We’re an independent organisation that oversees the police complaints system, therefore **we do not represent or act on your behalf or the police’s behalf**.

You can use another person to help you through the process, such as a family member or an independent solicitor.

If you need further assistance, please call our customer contact centre on **0300 020 0096**.

2 | The review process

2.1

I have applied for a review. What will happen next?

If your complaint was investigated we will contact you first. If your complaint was handled other than by investigation, you will not necessarily be contacted. We will then contact the **appropriate authority** to obtain all of the relevant background papers and evidence about how your complaint was handled or investigated.

An appropriate authority is the organisation or person that should look at your complaint and they will tell you which organisation will deal with your review.

We will not contact the person you made your complaint about, but we may have to speak to the person who carried out the handling or investigation into your complaint. We encourage you to provide as much information as possible with your application. In all cases, your review will be conducted using all the available papers and supporting evidence that you and the appropriate authority have supplied alongside any further information that we consider it necessary to obtain to determine the review.

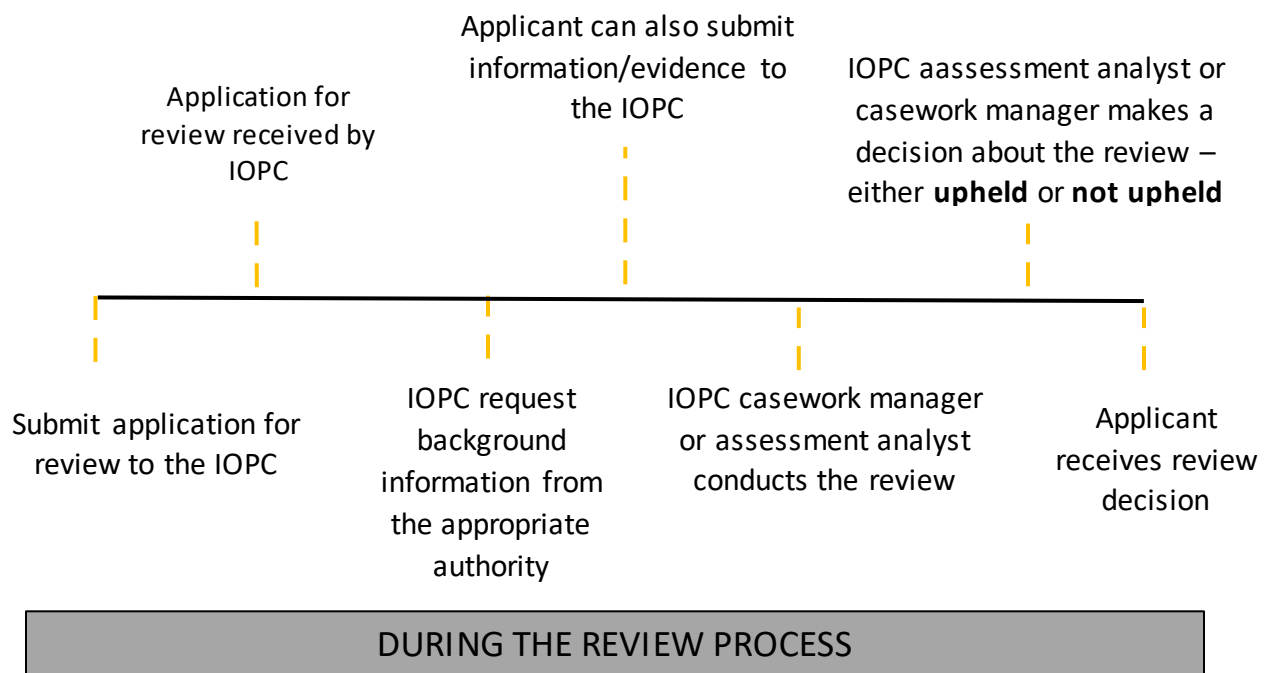
The person conducting your review will consider whether the outcome of your complaint was reasonable and proportionate.

What may happen next depends on whether your complaint has been investigated or handled other than by investigation. Where your complaint has been handled other than by investigation, and we find that the outcome is not reasonable and proportionate, we may: determine that it is necessary for your complaint to be investigated; or, make a recommendation with a view to remedying your dissatisfaction.

Where, following an investigation, we find that the outcome is not a reasonable and proportionate outcome, we may: make our own findings; direct that your complaint be re-investigated, and determine the mode of investigation; make a recommendation (and, if necessary, a direction) to the appropriate authority in respect of any person serving with the police (regarding whether they have a case to answer for misconduct or gross misconduct, whether their performance is unsatisfactory, and whether disciplinary proceedings are brought against the person); make a recommendation with a view to remedying your dissatisfaction; notify the Crown Prosecution Service (CPS) that we consider that the report

indicates that a criminal offence may have been committed by a person to whose conduct the investigation relates, and we consider it appropriate for the matters to be considered by the CPS, and provide them with a copy of the report.

If you would like to know more about what reasonable and proportionate means, please refer to Chapter 17 of our Statutory Guidance on the complaints system. Where we find that the outcome of the complaint is not reasonable and proportionate we will uphold the review.



2.2

When can I submit information for consideration during the review process?

We will contact the relevant police force to receive all evidence and background information regarding their investigation or handling of your complaint. We'll then use this information to conduct your review.

However, you can submit more information to us if you wish, preferably by email to northcasework@policeconduct.gov.uk with your name and our IOPC reference.

The time when you make your appeal is your opportunity to provide us with all the information for consideration. This is because you cannot provide extra information for consideration after a decision is made.

You have until the time we reach a decision to submit extra evidence, but we recommend you do this within **7 days** from when you submit your appeal to have the best chance we will view it in time. We will not accept information after we have made a decision on your appeal.



If you want to send us **digital media** (e.g. digital copies of documents, digital photos or videos etc.) to support your application for review, please make sure it is **encrypted** (protected by a password) and send the password to us separately. If we receive unencrypted media and you want us to return it to you later, we may not be able to send it to you in its original form.



When should I expect to receive a decision about my application for review?

We deal with applications for review as quickly as possible and update our website regularly to show the date of the applications for review that we are working on.

However, we're taking steps to reduce our waiting times and it's possible we will conduct your review much more quickly. In the acknowledgement letter that we send to you, we will advise you approximately how long it will take for you to receive a decision.



For more information please refer to <http://www.policeconduct.gov.uk/appeals>



What happens when a decision is made?

We will decide whether your review will be '**upheld**' or '**not upheld**'.

Upheld

If we **uphold** your review it means we consider that the outcome of your complaint was not reasonable and proportionate. We will explain why that is the case and state this within your decision letter.

Not upheld

If a review is **not upheld** it means we consider that the outcome of your complaint was reasonable and proportionate. We will explain why that is the case and state this within your decision letter. There is no right of appeal following a decision.

Please note: You cannot appeal to the IOPC about a review decision that we have made. Review decisions are final. This means that any review decisions made by the IOPC can only be overturned by the courts through the judicial review process. You may wish to seek your own independent legal advice if you intend to pursue this course of action.

Once we've made our decision of either 'upheld' or 'not upheld', we'll write to you and the *appropriate authority* to explain the reasons for our decision, as well as any possible recommendations.

If you have any questions or need more information about the review decision, please contact the person who made the decision. They can explain the decision and answer any questions you may have.



Any possible recommendation will depend entirely on your individual case. For more information about what to do after you have received your review decision, please refer to our **Post-decision FAQs**.

2.5

Does the IOPC deal with compensation claims?

No. The IOPC remit doesn't cover claims for compensation from the police.

If you want to pursue any financial claims against the police, you should contact the police force concerned.

You can also contact your local Citizens Advice Bureau for more information or to seek legal advice.



For more information please refer to www.citizensadvice.org.uk

2.6

Can the IOPC make the police apologise to me?

No. The IOPC can recommend that an apology is offered, but we can't direct the police to do this.

2.7

Who can I contact for further information?

If you have a specific question relating to the review process please contact a member of our Customer Contact Centre on 0300 020 0096.

Appropriate Authority (AA)

An AA is the authority responsible for considering complaints and it will tell you which organisation will deal with your review. This is either:



In most cases, the AA will be the chief officer of the police force about which dissatisfaction is expressed or, where a complaint relates to the conduct of an individual, the chief officer who has direction and control over that person. For most police forces, the chief officer is the Chief Constable. For the Metropolitan Police Service and City of London Police it is the Commissioner.



In some cases the AA could be the Local Policing Body (LPB). If a complaint relates to the conduct of a chief officer or acting chief officer, the appropriate authority is the Local Policing Body with responsibility for that police force area.

Local Policing Body (LPB)

For most areas the LPB is the Police and Crime Commissioner.

LPBs are responsible for carrying out reviews where they are the Relevant Review Body. LPBs may also have chosen to take on responsibility for certain additional functions in the initial handling of complaints and the provision of information to complainants that would otherwise be carried out by the chief officer as the AA.

Relevant Review Body (RRB)

A RRB is the organisation that will deal with your application for review.

There is a right of review to the RRB following the AA's outcome of a recorded complaint whether this be by way of an investigation, or by other handling.

The right to apply for a review is to **either** the LPB or the IOPC.

Note: This information is available in Welsh on our website: www.policeconduct.gov.uk