

# Memorandum of understanding

between His Majesty's Inspectorate of  
Constabulary and Fire & Rescue Services,  
the College of Policing and  
Independent Office for Police Conduct

# Introduction

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1. His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), the College of Policing and the Independent Office for Police Conduct (IOPC) (the decision-making authorities) are jointly responsible for responding to police super-complaints. Their responsibilities as decision-making authorities for police super-complaints are set out in the Police Super-complaints (Designation and Procedure) Regulations 2018 (the regulations).
2. This memorandum of understanding sets out how HMICFRS, the College of Policing and the IOPC will work together to respond to police super-complaints, to support our joint aim of promoting improvements in policing.
3. This includes working together to:
  - assess and decide the eligibility of super-complaints submitted by designated bodies
  - investigate eligible super-complaints
  - report on the findings and conclusions of super-complaint investigations
  - issue recommendations in response to super-complaints to promote improvements in policing and address harms
  - continuously improve the police super-complaints system to ensure that it is effective and efficient
4. Our three organisations are independent of each other, and of government and of the police. Each brings a particular focus, and specific skills and knowledge to the delivery of the police super-complaints system. This reflects our different statutory functions and areas of expertise as set out below:
  - HMICFRS independently inspects and reports on the efficiency and effectiveness of police forces and fire and rescue services in England and Wales, in the public interest.
  - The College of Policing is the professional body for the police service in England and Wales. The College works with everyone in policing to share the skills and knowledge officers and staff need to prevent crime and keep people safe. The College sets the standards in policing to build and preserve public trust. It helps those in policing develop the expertise needed to meet the demands of today and prepare for the challenges of the future.
  - The IOPC oversees the police complaints system in England and Wales, and sets and monitors the standards by which the police should handle complaints. It independently investigates the most serious matters and decides certain types of reviews from people who are dissatisfied with the way their complaint was dealt with by a police force.

# Core principles for the police super-complaints system

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1. The police super-complaints system is designed to identify and address systemic issues in policing. It allows organisations designated by the Home Office to raise issues on behalf of the public about patterns or practices in policing they believe are causing significant harm.
2. HMICFRS, the College of Policing and the IOPC are jointly committed to operating a police super-complaints system that is underpinned by the following core principles:

## A system that is collaborative

3. Collaboration is at the heart of the super-complaints system. The super-complaints system enables stakeholders (including designated bodies, police leaders, the decision-making authorities and government) to work together to identify and resolve systemic issues in policing that may be harming the public.
4. As the three decision-making authorities, we are committed to working collaboratively at all stages to deliver a joint response to super-complaints. Our approach to joint working is set out in further detail throughout this memorandum of understanding.
5. We are also committed to working with designated bodies to support them to make super-complaints and to draw on their expertise and insights during our investigations. We are committed to keeping them involved and informed of progress throughout an investigation.
6. We will also work collaboratively with policing, government, other criminal justice partners, experts and those who represent the views of victims and the public. This will enable us to take a whole system approach to assessing and addressing complex problems raised in super-complaints.

## A system that improves transparency around policing

7. Super-complaint investigations can shine a spotlight on issues that may not otherwise be recognised or addressed through the police complaints system and other inspection and assurance work. By investigating police super-complaints and transparently reporting our findings, we will facilitate information sharing within the policing sector and with the public.

8. We will set out the evidence that informs our findings, conclusions and recommendations in our investigation reports. We will publish super-complaint investigation reports that are clear, jargon-free, accessible, objective, reliable and authoritative.
9. We will also publish responses we receive to the recommendations set out in our super-complaint investigation reports.

## A system that takes an evidence-based approach to raising police standards and performance and addressing harms

10. We will take an evidence-based approach to all aspects of police super-complaint investigations. Where we find evidence that harm is being caused to the public by policing practice, procedures, actions or inaction, we will promptly and openly report on this. We will issue recommendations to address the identified issue.
11. We will use the evidence we gather in super-complaints investigations to inform police standards and to help ensure they are upheld.
12. We will also work to identify and report on promising and innovative practice across policing. We will use the College of Policing framework for labelling such practice and will refer examples to the College of Policing for potential inclusion on its published practice bank.

## A system that serves the public interest through timely, proportionate and effective investigations that deliver value for money

13. We are committed to delivering timely, value for money super-complaint investigations in the public interest.
14. Our approach to super-complaint investigations will be proportionate to the harm or risk of harm raised in the super-complaint and will reflect the value that our three organisations can add to understanding and addressing these issues. We will also take account of existing evidence and any ongoing improvement work across policing that may be relevant to the issues raised in the super-complaint.
15. This means that different super-complaints may result in different levels of investigative activity and response.

16. If we receive more than one super-complaint at a time, we may need to prioritise our work. We will focus on the nature of the harm which is said to be taking place, who is affected (and whether they are vulnerable), and how widespread we assess the harm to be. We will also consider the potential impact on public trust and confidence in the police.

## **Working together to deliver super-complaint investigations**

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17. A strength of the super-complaints system is the joint working between the decision-making authorities to form a shared view on a policing problem and how to address it.
18. We are committed to working collaboratively to ensure that the police super-complaints system works efficiently and effectively, and to the benefit of the public and policing. Our approach to joint working to deliver this aim is set out below.

## **Joint decision-making in super-complaint investigations**

19. Our three organisations will take key decisions in super-complaint investigations collectively. This includes decisions around eligibility, lead organisation, investigation terms of reference, methodology, findings, conclusions and recommendations.
20. During a super-complaint investigation, each decision-making authority may undertake separate lines of enquiry and produce and publish individual evidence reports that set out the findings from this investigative work. These evidence reports do not have to be jointly agreed by the three decision-making authorities. However, the authoring organisation will provide the other decision-making authorities with the opportunity to comment on evidence reports before publication. Separately published evidence reports may be included as annexes to the joint investigation report, where this is jointly agreed by the decision-making authorities.
21. The joint investigation report includes the investigation conclusions and any recommendations or actions arising from the super-complaint investigation. This report must be approved by all three decision-making authorities before publication.

22. Each organisation is independent and will bring a different perspective to super-complaint investigations. The regulations provide a framework for resolving differences of opinion, including that different opinions can be reported in super-complaint investigation reports. However, where possible, the decision-making authorities will seek to reach jointly agreed positions, recognising that offering a joint view provides a clear and powerful message to policing and the public.

## Public statements on super-complaints and the super-complaints system

23. Public statements about individual super-complaints or the police super-complaints system will usually be jointly agreed and issued. Where it is appropriate to have separate organisational statements or messages, the three organisations will consult on agreed lines where it is possible and practical to do so.

## Roles and responsibilities

24. The police super-complaints system is jointly delivered by the decision-making authorities. However, each organisation is separately and independently responsible for managing its own resources and the quality of the work it undertakes. Each organisation will give due regard to feedback provided by the other organisations about any super-complaints work, including investigation activities, outputs and post-investigation actions.

### **HMICFRS additional responsibilities**

25. HMICFRS has extra responsibilities in the super-complaint system. This includes specific responsibilities and decision-making set out in the regulations, including responsibility for:
- acknowledging receipt of super-complaints
  - providing update reports to designated bodies that have made eligible super-complaints
  - arranging for the publication of final super-complaint reports
  - deciding eligibility of a super-complaint where the decision-making authorities do not agree about eligibility

26. HMICFRS also:

- arranges some tri-lateral meetings between the decision-making authorities
- manages general enquiries about the super-complaints system
- undertakes routine engagement on the super-complaints system with designated bodies and key stakeholders including the Home Office
- manages and maintains a secure online document sharing platform for use by the decision-making authorities for joint super-complaints work

27. HMICFRS will work in partnership with the IOPC and the College of Policing when exercising these duties.

### **Lead organisation for individual super-complaint investigations**

28. The decision-making authorities will jointly agree a lead organisation for each super-complaint investigation. In making this decision, we will take account of the specific skills, expertise and knowledge within each organisation that is relevant to the matter to be investigated. We will also consider the fair allocation of the lead organisation role between the three organisations.
29. The lead organisation will be responsible for coordinating the timely delivery of the investigation, the production of the joint investigation report, and associated media and engagement, with the designated body and other stakeholders. This will be done in partnership with the two other organisations so that the investigation and investigation report is jointly owned and delivered. The lead organisation will not make unilateral decisions about any key aspect of the super-complaint investigation.

### **Delivery of super-complaint investigative activities**

30. The decision-making authorities will each commit resources to deliver proportionate super-complaint investigations, reflecting our joint statutory responsibility to investigate and respond to super-complaints.
31. Each organisation will take responsibility for delivering specific investigative activities that contribute to meeting the investigation terms of reference.
32. Allocation of investigative activities between the three organisations will take account of each organisation's specialist skills, knowledge and functions, existing evidence-base, and organisational priorities and resources.
33. Each organisation will share with the others an outline of the scope and methodology for their assigned investigative activity for critical feedback, before the investigative activity is started.

## Working together to continuously improve the police super-complaints system

34. The decision-making authorities are committed to continuously improving the police super-complaints system. After each super-complaint investigation, we will reflect on the operation of the system and look for ways to improve.
35. Any review or evaluation of the police super-complaints system will be undertaken collaboratively.
36. Any resulting changes to ways of working will be agreed jointly.

## Using and sharing data

37. The regulations allow for each decision-making authority to use and share the information it holds with the other decision-making authorities, for the purpose of investigating a super-complaint.

## Signatories

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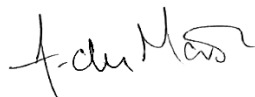
38. This memorandum of understanding is signed by the heads of the super-complaints decision-making authorities:



Rachel Watson  
Director General  
Independent Office for Police Conduct



Sir Andy Cooke QPM DL  
HM Chief Inspector of Constabulary  
His Majesty's Inspectorate of Constabulary and Fire & Rescue Services



Sir Andy Marsh QPM  
Chief Executive Officer  
College of Policing