



Operational Advice Note

# 12 month timeliness reports

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# 1. Background

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- 1.1. Regulation 13 of the *Police (Complaints and Misconduct) Regulations 2020* and Regulation 19 of the *Police (Conduct) Regulations 2020* require the appropriate authority (AA) to tell the local policing body (LPB) when a local investigation is open for longer than 12 months (and every six months after that). Under Regulation 13, the AA is **also** required to tell the IOPC when a local investigation is open for longer than 12 months (and every six months after that). This must be done in writing, and we will refer to this as a report. This requirement to tell the LPB in writing (and the IOPC in certain circumstances) applies to all complaint, conduct and death or serious injury (DSI) investigations.
- 1.2. The IOPC is responsible for reporting on its own investigations (independent and directed) to the LPB and chief officer of the relevant force (unless the chief officer's conduct is under investigation).
- 1.3. Each report must set out:
  - the date the complaint was made or the date the conduct or DSI matter came to the AA's attention
  - the date any severity assessment was given to the person under investigation
  - the progress of the investigation
  - an estimate of when the investigation report is expected to be submitted to the AA
  - the reason/s for the length of time being taken to complete the investigation
  - a summary of planned steps to bring it to a conclusion
- 1.4. Although not mandatory, it is also helpful to provide both the case reference number and the case name. The case name is the complainant's name for complaint cases, the person serving with the police's name for conduct matters and the injured or deceased person's name for DSI cases. Providing both the case reference number and name helps to ensure that our records are accurate and reduce additional enquiries for the force to answer.
- 1.5. The reports provide an opportunity for the LPB (and the IOPC in certain circumstances) to understand the reasons for the length of investigations and create learning opportunities around factors that influence their length. Assessment and scrutiny of the reasons show the public and stakeholders that efforts are being made to provide reassurance over investigation timeliness.

## 2. The relevant period

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- 2.1. For the purposes of Regulation 13 and Regulation 19, the relevant period begins on the date on which the complaint is made, or the date the matter came to the attention of the AA for conduct and DSI matters (the starting point). The duty under Regulation 13 and Regulation 19 stops when the report on the investigation is submitted to the AA, or the IOPC Director General and the AA as appropriate (the investigation is concluded).
- 2.2. The requirement only applies to matters under the 2020 regime, that is, complaint, conduct and DSI matters that came to the attention of the AA on or after 1 February 2020.
- 2.3. The IOPC position is the relevant starting point cannot change and this will remain the same. This position was reached having considered how to apply the requirements of the regulations to the various lifecycles of a case. Where a case goes through various different processes such as review, re-investigation, or re-opening of an investigation, there can be no 're-setting' of the clock as the legislation does not allow for this.
- 2.4. A further report must be issued at the end of each six months.

## 3. Quality of information

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- 3.1. The intention behind Regulation 13 and Regulation 19 is to monitor timeliness, promote accountability and encourage those investigating complaints and other matters to bring investigations (and the matters to which they relate) to a timely conclusion. When a timely conclusion is not possible, a good quality explanation should be given to all parties.
- 3.2. It does not matter what processes the case has gone through. The factors that contributed to prolonging the time it took to bring the matter to a conclusion should be explained in the report. The report should make it clear what time period the explanation relates to, including when it covers more than one period. For example: the reasons for the length of investigation at 18 months may differ to the explanation provided at 12 months. The template provided in Annex A was updated to reflect this.
- 3.3. A rationale should be provided for deciding to suspend an investigation, on the grounds that if it were to continue it would prejudice any criminal investigation or criminal proceedings. The rationale should be specific and identify prejudice (and the prejudice should also be significant).
- 3.4. It is not enough for an AA to say that it has suspended dealing with the complaint because the issues are the same or closely linked to those in the criminal proceedings. The rationale provided should include details of the complaint, conduct or DSI matter and demonstrate how the significant prejudice

is not outweighed by the public interest and that consideration has been given to factors such as:

- the relative seriousness of the allegation against the person serving with the police and the criminal allegation against the suspect/defendant in the criminal proceedings
  - the relative strength of the evidence in support of each allegation
  - likely length of the delay – and whether this would hamper any potential proceedings (criminal or disciplinary) against the person serving with the police. In particular, consider whether suspending the complaint investigation would risk the expiration of the six-month statutory time limit for prosecuting summary only offences
  - whether the delay would otherwise lead to injustice to the complainant or to the subject of the complaint.
- 3.5. Each subsequent report should give an update on what progress has been made to date. This can be anything from confirming what readily available evidence (such as body worn footage) has been secured for cases that have been suspended to summarising what enquiries have been made to date.
- 3.6. Annex B is an example of a completed timeliness report, and the type of information that should be included when providing an update, for reference.

## 4. Sending a timeliness report

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- 4.1. All investigations should be concluded as swiftly as possible. Lengthy investigations can have an adverse impact on families and complainants, subject officers/police staff members and interested parties. They can also undermine public confidence in the police. There may be valid reasons for the investigation being lengthy such as significant complexity, challenging circumstances or the level of seriousness requiring detailed examination. The relevant period is not a limit and must not have a negative impact on how an investigation is conducted.
- 4.2. It is the responsibility of the investigative authority to provide the report and explanation/s, regardless of the processes that have happened previously. The explanation should refer to the chronology of how the matter was handled.
- 4.3. When an investigation is not completed within the relevant period, the AA must provide in writing **as soon as practicable**, the information set out at paragraph 1.3 above. The report should be sent to the relevant LPB, and to the IOPC by [email](#). Conversely, it is important that the report is not provided more than three weeks in advance of when the update is due, as circumstances can change.
- 4.4. Each report should set out the nature of the complaint, the progress of the investigation to date, the reasons for the investigation exceeding 12 months

and the planned steps to progress the investigation and bring it to a conclusion. [Annex A](#) provides an example of a template timeliness report.

4.5. The AA must send a copy of the report (or the information in it) to the complainant, any interested person and the person to whose conduct the investigation relates (if any). The information does not need to be given to the person to whose conduct the investigation relates if it appears to the AA that doing so could prejudice the investigation or any other investigation. It also does not need to be provided to the complainant or any interested persons where exceptions to the duty to provide information apply.



4.6. **Conduct investigations**




Where a conduct matter has been recorded under the *Police Reform Act 2002* (the PRA), Regulation 13 of the *Police (Complaints and Misconduct) Regulations 2020* applies.




Regulation 13 states that a 12 month timeliness report is required to be sent to the local policing body (where the AA is a chief officer), the IOPC, the complainant and any interested party.



Regulation 19 of the *Police (Conduct) Regulations 2020* applies to conduct investigations which are not carried out under the *Police Reform Act 2002* but carried out under Part 3 of the *Police (Conduct) Regulations 2020*. Regulation 19 states that a 12 month timeliness report is only required to be sent to the local policing body (not the IOPC) and to the officer concerned, subject to the harm test.

4.7. Below is a table of scenarios with guidance on how to apply the regulations. The list is not exhaustive and is intended as a guide.

Scenario	Report required?	Explanation
<p><b>1. Otherwise than by investigation</b></p> <p>A case handled otherwise than by investigation (OTBI) goes over the 12 month period.</p>		<p>The regulations only apply to investigations. Other handling is intended to be a prompt and proportionate way of complaint handling. Resolving a complaint in this way should not exceed 12 months.</p>
<p><b>2. OTBI to investigation</b></p> <p>A case starts being handled otherwise than by investigation (OTBI) and later changes to an investigation, taking the case over 12 months.</p>		<p>The relevant period applies to the date the complaint was made or date the matter came to the attention of the AA, not the date the investigation started. A report will be required.</p>

Scenario	Report required?	Explanation
<p><b>3. The review period – ongoing or not upheld</b></p> <p>The investigation was concluded within 12 months, but the time spent in review means the case is open for longer than 12 months. The review is ongoing or not upheld.</p>		<p>No report is required because the matter has been submitted to the AA and the investigation has concluded.</p>
<p><b>4. The review period – upheld.</b></p> <p>The case handled OTBI or investigation was concluded within 12 months, but the <b>time spent in review</b> means the case is now over 12 months. The review is upheld for investigation or reinvestigation.</p>		<p>A report is required because the 12 month time period has passed. The starting point (date the complaint was made) remains the same. The clock continues and a report is required if the time spent in review means the case is now over 12 months old <u>and</u> the review is upheld for investigation or reinvestigation.</p> <p>Where more than one update stage has passed (i.e. 12 months and 18 months), the report will need to confirm whether the reasons for delay relate to all update stages. Where they differ, each stage should be explained separately (see Annex A). <b>The report should be sent as soon as possible after the upheld review decision.</b> The information in the report can explain the processes affecting timeliness.</p>
<p><b>5. Upheld review – reinvestigation</b></p> <p>The original case handled OTBI or investigation was concluded within 12 months but following an upheld review decision, <b>the investigation or re-investigation</b> then takes the case over 12 months.</p>		<p>A report is required because the 12 month time period has passed. The starting point (date the complaint was made) remains the same. Where a matter is returned for further investigation, the clock does not restart but continues. The information within the report can explain the processes affecting timeliness.</p>

Scenario	Report required?	Explanation
<p><b>6. Independent investigation redetermined</b></p> <p>An IOPC independent investigation is redetermined to a local investigation. The local investigation goes over 12 months.</p>		<p>A report is required because the 12 month time period has passed. The starting point (date matter came to the attention of the AA) remains the same. Where a matter is redetermined, the clock continues. The information in the report can explain the processes affecting timeliness.</p>
<p><b>7. DSI investigation becomes a recordable conduct matter</b></p> <p>The DSI investigation was concluded within 12 months and did not identify recordable conduct.</p> <p>However, the subsequent IOPC review of the DSI investigation decided there was an indication that a police officer/staff member may have committed a criminal offence or behaved in a manner which would justify disciplinary proceedings, and directed for the matter to be recorded. This decision was made after the case was 12 months old.</p>		<p>A report is required because the 12 month time period has passed. The starting point (date the original matter came to the attention of the AA) remains the same. The clock continues and a report is required if the time spent in review means the case is now over 12 months old <u>and</u> the IOPC are directing for the matter to be recorded. Where more than one update stage has passed (i.e. 12 months and 18 months), the report will need to confirm whether the reasons for delay relate to all update stages. Where they differ, each stage should be explained separately (see Annex A).</p> <p><b>The report should be sent as soon as possible after the upheld DSI review decision.</b></p>
<p><b>8. Suspended investigation</b></p> <p>A matter is suspended for some or all of the relevant period, and the investigation has been delayed or cannot be progressed.</p>		<p>A report is required. The information in the report should explain the connected criminal matter and estimated timescales for completion. Where possible, and if parts of the complaint are unrelated to the criminal matters, allegations could be split to enable unconnected matters to be progressed without delay.</p>

Scenario	Report required?	Explanation
<p><b>9. Suspended – no determination</b></p> <p>A matter is suspended for over 12 months, but the AA has not yet made a determination as to whether the complaint should be subject of an investigation.</p>		<p>Whenever a complaint is received, the AA should make an initial assessment to decide if the matter requires recording, whether a referral to the IOPC is required and how the matter should be handled, including whether an investigation is required. Suspending a complaint does not mean the usual determinations about how the matter should be progressed should also be deferred.</p> <p>A report is required when an investigation is deemed appropriate, and there are related criminal proceedings that mean the complaint cannot be progressed and the matter exceeds 12 months.</p>
<p><b>10. No action taken</b></p> <p>A complaint was received and the force made unsuccessful efforts to contact the complainant. The case was parked and no further work on the case took place. There was no determination made as to whether the complaint will be investigated or handled OTBI, and 12 months has passed since the complaint was received.</p>		<p>It is not appropriate for a complaint to have no action taken for over 12 months. <b>At the outset when a complaint is received, it should be assessed early and the usual determinations made about its seriousness and how the matter might progress.</b> Where all reasonable efforts to contact a complainant have failed, the AA should consider the most appropriate way to progress the matter. This will include considerations around recording, investigating and taking no further action if appropriate.</p> <p>A report will be required if an investigation is appropriate and more than 12 months have elapsed.</p>



Annex A – example template

**TIMELINESS REPORT**

**Regulation 19, The Police (Conduct) Regulations 2020 / Regulation 13, The Police (Complaints & Misconduct) Regulations 2020**

<b>Case reference and case name:</b>		<b>Date complaint made or conduct /DSI came to AA's attention:</b>	
<b>Officer(s) under investigation notified:</b>	<b>Date served</b>	<b>Officer name &amp; warrant no.</b>	
<b>Brief summary of complaint/conduct/DSI matter</b>			
<b>Progress of investigation to date:</b>			
<b>Reason/s for the length of time taken to investigate to date:</b>			
	<p>Please specify which update stage the reason/s apply to <i>[please ensure previous updates have been provided if your update is for 18 months or more, or confirm where you are providing the reasons for delay for more than one update period]:</i></p> <p>12 months <input type="checkbox"/>                      30 months <input type="checkbox"/>                      48 months <input type="checkbox"/>  18 months <input type="checkbox"/>                      36 months <input type="checkbox"/>                      54 months <input type="checkbox"/>  24 months <input type="checkbox"/>                      42 months <input type="checkbox"/>                      60 months <input type="checkbox"/></p>		
<b>Summary of steps that will be taken to bring the investigation to a conclusion:</b>			
<b>Estimated date for submission to AA and/or Director General:</b>			
<b>Date timeliness report completed:</b>		<b>Author:</b>	
<b>Date timeliness report submitted to LPB:</b>		<b>Date timeliness report submitted to Director General (IOPC):</b>	

<b>Date timeliness report provided to complainant / interested parties (if applicable):</b>	<b>Complainant / Interested party name</b>	<b>Date sent:</b>
<b>Reasons (if any) why this report will not be provided to subject(s) / complainant/ interested parties</b>		

Annex B – completed report example

**TIMELINESS REPORT**

**Regulation 19, The Police (Conduct) Regulations 2020 / Regulation 13, The Police (Complaints & Misconduct) Regulations 2020**

<b>Case reference and case name:</b>	CO/1234/23 – Mr John Smith	<b>Date complaint made or conduct /DSI came to AA’s attention:</b>	15/10/2023
<b>Officer(s) under investigation notified:</b>	<b>Date served</b>	<b>Officer name &amp; warrant no.</b>	
<b>Brief summary of complaint/conduct/DSI matter</b>	<p>01/10/23 - Mr Smith was arrested for shoplifting and being in possession of a weapon.</p> <p>Crime 01230456R/23 was recorded, where Mr Smith says he was assaulted by a member of the public who tried to stop him leaving the shop. The crime was closed by the Officer In Case (OIC) - PC Jones, who found there was insufficient evidence to prove the allegation, after enquiries were made.</p> <p>15/10/23 - Mr Smith then submitted a police complaint, that the police have failed to fully investigate the assault by the member of public as they didn’t secure the shop CCTV footage or seek witness accounts of what took place.</p>		
<b>Progress of investigation to date:</b>	<p>24/10/23 – the complaint investigation was allocated to an Inspector.</p> <p>01/11/23 – all readily available evidence, such as custody and incident logs and duty statement, given at the time of the incident, has been secured.</p> <p>22/12/23 - Mr Smith attended court and pleaded not guilty. He is now on conditional bail until the trial in November 2024.</p>		
<b>Reason/s for the length of time taken to investigate to date:</b>	<p>27/12/23 – Following discussion with the CPS, it was confirmed that the OIC – PC Jones is to be called as a witness in Mr Smith’s trial.</p> <p>The Inspector has decided, given this and that Mr Smith’s complaint is about the same incident, and that the assault and lack of CCTV may be raised by the defence, the complaint investigation should be suspended. This is because to proceed with enquiries into the complaint could significantly prejudice court proceedings. There are no elements of the complaint that can be split out and progressed with at this time.</p> <p>28/12/23 – Mr Smith was notified of this decision.</p> <p>15/10/24 – Mr Smith continues to be updated monthly that the complaint investigation remains suspended until the trial, and any subsequent appeal process is concluded.</p>		

	Please specify which update stage the reason/s apply to <i>[please ensure previous updates have been provided if your update is for 18 months or more, or confirm where you are providing the reasons for delay for more than one update period]:</i>		
	12 months <input checked="" type="checkbox"/> 18 months <input type="checkbox"/> 24 months <input type="checkbox"/>	30 months <input type="checkbox"/> 36 months <input type="checkbox"/> 42 months <input type="checkbox"/>	48 months <input type="checkbox"/> 54 months <input type="checkbox"/> 60 months <input type="checkbox"/>
<b>Summary of steps to be taken to bring investigation to a conclusion:</b>	Once the trial and any subsequent appeal process is concluded, the complaint investigation will be progressed.		
<b>Estimated date for submission to AA and/or Director General:</b>	Unknown as currently suspended.		
<b>Date timeliness report completed:</b>	15/10/24	<b>Author:</b>	Inspector
<b>Date timeliness report submitted to LPB:</b>	16/10/24	<b>Date Timeliness Report submitted to Director General (IOPC):</b>	16/10/24
<b>Date timeliness report provided to complainant / interested parties (if applicable):</b>	<b>Complainant / Interested Party Name</b>	<b>Date sent:</b>	
	Mr John Smith	16/10/24	
<b>Reasons (if any) why this report will not be provided to subject(s) / complainant/ interested parties</b>	N/A		

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