

Complaints about the police

This factsheet looks at how you can complain about the police and when you can complain. It also looks at what you can do if you're not happy with the outcome of your complaint. This information is for adults affected by mental illness in England. It's also for their loved ones and carers and anyone interested in this subject.

Key Points.

- There are different reasons you may want to complain about the police.
- You should complain as soon as you can. The police may not investigate something that happened more than 12 months ago.
- You should complain directly to the police first.
- You can appeal if you are not happy with how the police dealt with your complaint.
- You may be able to get support to make a complaint about the police.

This factsheet covers:

1. [Why might I want to complain?](#)
2. [What information should I write in my complaint?](#)
3. [Who do I complain to?](#)
4. [What happens when I complain?](#)
5. [What is the time limit for complaining about the police?](#)
6. [What happens after the police investigate my complaint?](#)
7. [What if I am unhappy with how the police handled my complaint?](#)
8. [When does the Independent Office for Police Conduct \(IPOC\) investigate a complaint?](#)
9. [Can anyone help me to complain?](#)
10. [How do I complain about a loved one's experience?](#)

1. Why might I want to complain?

You can complain if you are not happy about things like:

- the service the police have given you,
- the behaviour of police officers or members of police staff, or
- how the service is run.

You may feel that police officers or police staff: ¹

- treated you badly,
- did not act in line with your rights,
- did not follow correct policies and procedures,
- discriminated against you or treated you unfairly because of your mental health, or
- their actions have had a negative effect on you, even if it was not directed towards you.

You can find more information about ‘**Discrimination and mental health**’ at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

The Standards of Professional Behaviour explain how police officers should act. They should: ²

- be honest and not abuse their powers,
- act with self-control and tolerance and treat you with respect,
- respect your rights,
- treat you fairly and not discriminate,
- only use the right amount of force when they need to, and
- treat your information with respect and only access it or share it, in line with their job

Anna’s story

Anna has a mental illness and was arrested by the police. She told the police officer at the station that she had a mental illness. Anna knew that she had a right to have an appropriate adult. But the police didn’t arrange this for her. Anna made a complaint.

How do I complain about my solicitor, NHS staff or my appropriate adult?

You may meet other professionals whilst at a police station. But they will have different complaints policies that you need to follow.

Solicitor

You can read more about how to complain about a solicitor in our '**Legal advice - How to get help from a solicitor**' factsheet' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

NHS staff

You may come into contact with NHS staff if:

- you have a mental health assessment in the police station, or
- you are taken to hospital.

You can read more about how to complain about a solicitor in our '**Complaining about the NHS or social services**' factsheet' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

Appropriate Adult

If you have a mental illness, you might get an appropriate adult (AA) if you are arrested. To get an AA, the police station staff have to think that you are 'vulnerable'³. If you have difficulty understanding what is happening or you have challenges communicating, you will be classed as vulnerable.^{4,5}

Your AA is there to make sure you understand what is happening, why it is happening. And that the police treat you fairly.⁶ Your AA might be a carer friend or relative but could also be:⁷

- a care coordinator or community psychiatric nurse,
- a social worker,
- a trained appropriate adult, or
- someone who is over 18 who is not employed by the police.

An appropriate adult cannot be a police officer, or someone employed by the police.⁸

You will need to make a complaint to the agency where the AA is from.

You can find more information about:

- Appropriate adult – At the police station
- Police stations – what happens when you are arrested?

at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

[Top](#)

2. What information should I write in my complaint?

When you make a complaint, you should think about including the following things in your letter.

- Which police force are you complaining about?
- What problem are you complaining about?
- When did it happen?
- Where did it happen?
- Who was involved?
- Did anyone see what happened?
- What was said and done?
- Did you get hurt or any of your things get damaged?
- What effect has it had on your mental health?
- What do you want the outcome of complaint to be?

[Top](#)

3. Who do I complain to?

You should complain to the police station you want to complain about or where the member of staff in question works.

You can complain in the following ways.⁹

- In person at the police station.
- Use an online complaint form. You can complain on your local police website. The form to use is through the below link.
www.policeconduct.gov.uk/complaints-and-appeals/make-complaint
- In writing by post to the police station you are complaining about. Or you can post it to the **Independent Office for Police Conduct** (IOPC). They can forward it to the right police station for you. The IOPC's address is below:

Independent Office for Police Conduct
PO Box 473
Sale
M33 0BW

Who is the Independent Office for Police Conduct?

The Independent Office for Police Conduct (IOPC) oversees the police complaints system in England and Wales. They also set the standards for how police should handle complaints. They are independent from the police.¹⁰

If you complain directly to the IOPC before contacting the police force you are complaining about, they will send your complaint to that police force. They will not read your complaint. The IOPC will not investigate your complaint at this stage.¹¹

Let the IOPC know, if you are worried that you or someone you know will be harmed if you make a complaint against the police directly.¹²

[Top](#)

4. What happens when I complain?

The police force will decide if they need to record your complaint. If your complaint needs to be recorded, the police should do this as soon as possible.¹³

There is no time limit on how long a police force will take to deal with your complaint. However, once the complaint is assigned to someone, they should tell you how long it is likely to take.¹⁴

Unless alternative arrangements are made, you should receive an update on the progress of your complaint at least once every 28 days.¹⁵

If they decide not to record your complaint, they should explain the reasons why. You can appeal if the police don't record your complaint, or don't write to you at all.¹⁶

How will the police deal with my recorded complaint?

There are different ways that the police force can deal with your complaint. They should tell you how they are going to deal with it.

You could ask for a copy of their complaints procedure.

Local resolution¹⁷

This means the police will deal with your complaint at a local level. Local resolution is usually used for less serious complaints. Less serious complaints are usually complaints that won't end up in court.

The outcome of your complaint may be:

- an explanation,
- an apology, or
- satisfying you that appropriate action is being taken because of your complaint.

You will get a letter from the police to explain:

- the outcome of your complaint, and
- information about your right to appeal.

Local investigations¹⁸

If local resolution is not suitable for your complaint, a police investigator may carry out a local investigation.

This person should tell you:

- how they will investigate your complaint,
- how they will reach a decision, and
- what action they will take at the end of the investigation.

They should keep you updated on progress made throughout the investigation.

You will get a letter from the police to explain:

- the outcome of your complaint, and
- information about your right to appeal.

What if my complaint is about a death or serious injury?

Your local police force will refer your case straight to the IOPC if your complaint is about a death or serious injury.¹⁹

[Top](#)

5. What is the time limit for complaining about the police?²⁰

There is no time limit for making a complaint about the police. But you should do it as quickly as possible after the incident happened. This is because complaints are harder to investigate if they are made a long time after the incident.

The police may decide not to deal your complaint if you make it more than 12 months after the incident.

If you make a late complaint you need to explain why it has taken you this long to complain. The police will need to think about your reason. They may investigate your complaint.

[Top](#)

6. What happens after the police investigate my complaint?

After the police have finished investigating your complaint, they will tell you what will happen next. They may:²¹

- apologise to you,
- change their policies or procedures,
- speak to the person you complained about to improve their performance,
- refer your complaint to the Independent Office for Police Conduct if they think something serious has happened, or
- refer your complaint to the Crown Prosecution Service if they believe that a member of staff has committed a crime.

Unfortunately, the police may not always have enough evidence to take any action. If you are not happy with the outcome of your complaint, you can appeal.²²

[Top](#)

7. What if I am unhappy with how the police handled my complaint?

You may be able to appeal. You can appeal if:²³

- you disagree with how your complaint was investigated,
- the police force failed to record your complaint,
- you disagree with outcome of the local resolution process,
- you disagree with outcome of a local investigation process,
- the police force decided not to investigate your complaint,
- the police force stopped their investigation into your complaint,
- you didn't get enough information to understand how the decision was reached, or
- you disagree with the action that the police are taking.

The police should tell you who you can appeal to when they contact you with the outcome of your complaint. This will be the Independent Office for Police Conduct (IOPC) or the chief officer of the police force.²⁴

You need to send your completed appeal form and a copy of the decision letter from the police within 28 days. For example, if your decision letter is dated 1 April, you have to make sure that the IOPC receive your appeal by 28 April.²⁵

You might not be happy with how your complaint was processed or the outcome. You can contact your Member of Parliament (MP) for help.²⁶

You can find out who your local MP is and their contact details by using this link: <https://members.parliament.uk/FindYourMP>

How will the IOPC deal with my appeal?

The IOPC will not investigate your complaint. They will look at how the police handled your complaint.²⁷

The IOPC will send you their review decision in writing. They should clearly explain how they have come to that decision.²⁸

The IOPC decision is final. You can only overturn IOPC decisions by applying for what's known as a judicial review.²⁹ This is a complicated area of law, so we recommend you get legal advice if you want to do this.

You can find more information about '**Legal advice - How to get help from a solicitor**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

For more information about the IOPC look at [section 4](#) of this factsheet.

How will the chief officer of the police force deal with my appeal?

If the chief officer is considering your appeal, they should send you a letter to let you know they have received your appeal. The letter should tell you:³⁰

- when you should hear about your appeal,
- what should happen during the appeals process, and
- who to contact if you have any queries

[Top](#)

8. When does the Independent Office for Police Conduct investigate a complaint?

The Independent Office for Police Conduct (IOPC) investigates the most serious complaints against the police. Such as:³¹

- death,
- serious injury, or
- contact of policers.

Your police force must pass your complaint to the IOPC if you have made a complaint about the things above. Your police force must also pass information to the IOPC about serious concerns, even if you haven't made a complaint. The IOPC can also investigate serious concern even if you haven't made a complaint or the police haven't alerted them.

For more information about the IOPC look at [section 4](#) of this factsheet.

[Top](#)

9. Can anyone help me to complain?

A loved one can help you to complain.

If you are in prison, you could ask your Personal Officer, another member of prison staff or another inmate for help.

Advocacy

There may be community advocacy services that can help you to make a complaint. They are sometimes called generic advocates. But they won't exist in all areas of England.

Advocacy services are independent to the police. They should be free to use.

If you can't find an advocate to help you, talk to the police. If you have extra needs because of your mental illness or another disability the police should help you to complain if you need it.

How do I find an advocacy service?

- You can use the internet search. Use search terms like 'advocacy Leicestershire' or 'community mental health advocacy Devon'.
- Ask a support worker or key worker if you have one.
- Ask a friend or family member to help you.

You can find more information about '**Advocacy**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

Member of Parliament (MP)

You could ask your local MP to help you make a complaint.

You can find out who your local MP is by going to the website <https://members.parliament.uk/FindYourMP>

Or you can contact the House of Commons Information Office on 0800 112 4272.

Citizen's Advice

Your local Citizen's Advice may be able to help you complain.

You can find your local office at www.citizensadvice.org.uk or call 0800 144 8848.

[Top](#)

10. How do I complain about a loved one's experience?

You can help a loved one to complain if they want you to.

You could do the following things.

- Give them information about how the complaints process works
- Help them to write their complaint
- Find out who to send the complaint to
- Help to monitor progress of the complaint

Can I complain on my relative or friend's behalf?

Your loved one should give their consent to say that they are happy for you to complain for them.

It's best to get written consent from your loved one to do this. If you don't have consent the police may not accept your complaint.³²

Can I complain about something that has affected me?

You can make a complaint about how the police or police staff have behaved if you have been affected.

You can complain even if this behaviour was not directed towards you. For example, your loved one may be more unwell because of police behaviour. This may mean that you need to give them more support.

[Top](#)

Further Reading

You can find more information about:

- Complaints about criminal courts
- Complaints about prison
- Criminal courts and mental health
- Prison – Going in
- Prisons – how are they run and what can I do there

at www.rethink.org. Or call 0121 522 7007 and ask us to send you a copy.

Useful Contacts

Independent Office for Police Conduct (IOPC)

The IOPC oversees the police complaints system in England and Wales. They investigate the most serious matters, including deaths following police contact, and set the standards by which the police should handle complaints. They use learning from our work to influence changes in policing. They are independent and make decisions entirely independently of the police and government.

Address: PO Box 473, Sale M33 0BW

Phone: 0300 020 0096

Email: enquiries@policeconduct.gov.uk

Website: www.policeconduct.gov.uk

Civil Legal Advice

Civil Legal Advice can help you to find a solicitor who works under legal aid.

Telephone: 0345 345 4 345

Text: 'legalaid' and your name to 80010

Website: www.gov.uk/civil-legal-advice

Equality Advisory Support Service (EASS).

EASS gives information and advice on discrimination.

Textphone: 0808 800 0084

Telephone: 0808 800 0082

Address: FREEPOST EASS HELPLINE FPN6521

Email: Online form [click here](#)

Website: www.equalityadvisoryservice.com

The Criminal Injuries Compensation Authority

This is a government organisation that can pay money to people who have been the victim of a violent crime.

Telephone: 0300 003 3601

Address: Alexander Bain House, Atlantic Quay, 15 York Street
Glasgow, G2 8JQ

Website: www.gov.uk/government/organisations/criminal-injuries-compensation-authority

The Law Society

They have a database to help you find a solicitor.

Website: www.lawsociety.org.uk/find-a-solicitor/

References

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Rethink Mental Illness Advice Service

Phone 0808 801 0525
Monday to Friday, 9:30am to 4pm
(excluding bank holidays)

Email advice@rethink.org

Did this help?

We'd love to know if this Information helped you

Drop us a line at: feedback@rethink.org

or write to us at Rethink Mental Illness:
RAIS

PO Box 18252

Solihull

B91 9BA

or call us on 0808 801 0525

We're open 9:30am to 4pm

Monday to Friday (excluding bank holidays)



Equality, rights, fair treatment, and the maximum quality of life for all those severely affected by mental illness.

For further information on Rethink Mental Illness Phone 0121 522 7007
Email info@rethink.org



rethink.org



Patient Information Forum

Need more help?

Go to rethink.org for information on symptoms, treatments, money and benefits and your rights.

Don't have access to the web?

Call us on 0121 522 7007. We are open Monday to Friday, 9am to 5pm, and we will send you the information you need in the post.

Need to talk to an adviser?

If you need practical advice, call us on: 0808 801 0525 between 9:30am to 4pm, Monday to Friday. Our specialist advisers can help you with queries like how to apply for benefits, get access to care or make a complaint.

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