

Complaints about the police

This factsheet looks at how you can complain about the police and when you can complain. And what you can do if you are not happy with the outcome of your complaint.

Key Points.

- There are different reasons why 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:

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1. Why might I want to complain?

Dealing with the police can be a stressful experience. You can complain if you are not happy with the service the police have given you. You can complain about the behaviour of police officers or members of police staff. Or you can complain about 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,
- treated you unfairly because of your mental health. This may be discrimination, or
- actions have had a negative effect on you. Even if it was not directed towards you.

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, and
- only use the right amount of force when they need to.
- 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 come into contact with other professionals whilst at a police station. But they will have different complaints policies that you need to follow.

Solicitor

You should raise your concerns about your solicitor with your solicitor. If this does not help, you should follow the law firm's complaints procedure. Your solicitor should give you a copy of the complaints procedure if you ask to see it. ³

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 will need to use the NHS complaints procedure if you have a complaint against NHS staff.

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'⁴. If you have difficulty understanding what is happening or struggle to communicate, you will be classed as vulnerable.^{5,6}

Your AA is there to make sure you understand what is happening, why it is happening. And that the police treat you fairly.⁷ Your AA might be a carer, friend or relative but could also be:⁸

- 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.⁹

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

You can find more information about:

- Legal advice – how to get help from a solicitor
- Complaints
- Appropriate adult
- Police stations – what happens when you are arrested?
- 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.

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2. What information should I write in my complaint?

When you make a complaint, you should include 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 expect the outcome of complaint to be?

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3. How do I complain?

It will be quicker if you complain to the police force you have the issue with.

You can complain in the following ways.¹⁰

- In person at the police station.
- Use an online complaint form. You can complain on your local police website. Or you can complain through the Independent Office for Police Conduct (IOPC) website. The form to use is through the below link.
www.policeconduct.gov.uk/complaints-and-appeals/make-complaint.
- By post. Send your complaint form to the police station you are complaining about. Or the IOPC. You can find a copy of this form by using the above website link. You can also call them on 0300 020 0096 and ask for a hard copy.

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.¹¹

If you complain directly to the IOPC they will send your complaint to the police force who you are complaining about. They will not read your complaint. The IPCC will not investigate your complaint at this stage.¹²

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.¹³

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4. What happens when I complain?

The police force will decide if they need to record your complaint. Only recorded complaints are dealt with. You should hear from the police in 15 working days.¹⁴

If they decide not to record your complaint, they should explain the reasons why. If the police don't record your complaint, or don't write to you at all, you can appeal.¹⁵

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 resolution¹⁶

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 investigations¹⁷

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.

Independent Office for Police Conduct (IOPC)

Your local police force will refer your case straight to the IOPC if your complaint is about a death or serious injury.¹⁸

5. What is the time limit for complaining about the police?¹⁹

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.

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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:²⁰

- 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.²¹

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

You may be able to appeal. You can appeal if:²²

- 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.²³ Make sure you contact who you are told to. This will avoid any delay.

You need to send your completed appeal form and a copy of the decision letter from the police within 29 days. For example, if your decision letter is dated 1st April, you have to make sure that the IOPC receive your appeal by 29th April.²⁴

If you are not happy with how your complaint was processed or the outcome of your complaint you can contact your Member of Parliament (MP) for help.²⁵

How will the IOPC deal with my appeal?

It can take up to 10 weeks for your appeal to be dealt with.²⁶

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

If the IOPC agree that the police did not handle your complaint properly they will tell the chief police officer of the force what they need to do. They will write to you to tell you what they have told the chief police officer to do and what will happen next.²⁸

If the IOPC agree that the police made the correct decision, they will write to explain how and why they made that decision.²⁹

The IOPC decision is final. You can only overturn IOPC decisions by applying for judicial review.³⁰ This is a complicated area of law. You need to get legal advice.

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:³¹

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

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

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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:³²

- death,
- serious injury, or
- claims that officers have done something wrong.

Your police force must pass your complaint to the IOPC if you have made a serious complaint about the police. Your police force must also pass information to the IOPC about serious concerns, even if you haven't made a complaint.

The IOPC has different levels of investigation. How they investigate will depend on how complicated or serious your complaint is.³³

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

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9. Can anyone help me to complain?

A friend or relative 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 might need to help you find an advocate. If they do not do this they might be discriminating against you.³⁴

You can find more information about '**Discrimination**' 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.

How do I find an advocacy service?

- Use an internet search engine. 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.
- Call or e-mail our advice service and we will look for you. Our contact details are on the back page of this 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 www.findyourmp.parliament.uk

Or you can contact the House of Commons Information Office on 020 7219 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 08444 111 444.

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10. How can I complain about a relative or friend'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.
- Explain to your loved one 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 take a complaint forward on their behalf. Get written consent from your loved one to do this. If you don't have consent the office may not accept your complaint.³⁵

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.

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Further
Reading

You can find more information about:

- Complaints about court
- Complaints about prison
- Criminal courts and mental health
- Prison – going in
- Prison – what happens in prison

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

Civil Legal Advice

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

Telephone: 0345 345 4 345 (9am to 8pm Mon- Fri, 9am to 12.30pm Sat)

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 (Mon-Fri 9am-7pm and Sat 10am-2pm)

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 (Monday to Friday 8.30am – 5pm, except Wednesday 10am – 5pm).

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

Email: Online for [on website](#)

Website: www.justice.gov.uk/guidance/compensation-schemes/cica/index.htm

The Law Society

They have a database to help you find a solicitor.

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

¹ Independent Office for Police Conduct (IOPC). *Make a complaint*. www.policeconduct.gov.uk/complaints-and-appeals/make-complaint (Accessed 2nd September 2019).

² Schedule 2 The Police (Conduct) Regulations 2012. SI 21012/2632

³ Solicitors Regulatory Authority. *SRA Handbook* www.sra.org.uk/solicitors/handbook/code (accessed 3rd September 2019) para IB (1.23).

⁴ Home Office. *Code C Revised Code of Practice for the detention, treatment and questioning of persons by Police Officers*. London: TSO. July 2018, at para 3.5 (c) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/729842/pace-code-c-2018.pdf (accessed 2nd September 2019).

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- ⁵ As note 4 at para 1.4.
- ⁶ As note 4 at para 1.13 (d).
- ⁷ As note 4, Annex E(9).
- ⁸ As note 4, at para 1.7b.
- ⁹ As note 4 at para 1.7 (iii).
- ¹⁰ As note 1.
- ¹¹ IOPC. *Who we are.* www.policeconduct.gov.uk/who-we-are (accessed 3rd September 2019).
- ¹² IOPC. *How do I make a complaint about the police: easy read.* www.policeconduct.gov.uk/sites/default/files/Documents/Easyread/Easyread Leaflet How do I make a complaint about the police.pdf Page 3 (accessed 3rd September 2019).
- ¹³ As note 12. Page 4
- ¹⁴ As note 1.
- ¹⁵ As note 1.
- ¹⁶ As note 1.
- ¹⁷ As note 1.
- ¹⁸ IOPC. *The police complaints system.* www.policeconduct.gov.uk/sites/default/files/Documents/info-for-police/the-police-complaints-system-information-for-police-staff-contractors-and-volunteers_IOPC.pdf Page 10 (accessed 3rd September 2019).
- ¹⁹ As note 1.
- ²⁰ IOPC. *Statutory Guidance to the police service on the handling of complaints.* www.policeconduct.gov.uk/sites/default/files/Documents/statutoryguidance/2015_statutory_guidance_english.pdf Page 90 - 96 (accessed 3rd September 2019).
- ²¹ As note 20. Page 100.
- ²² As note 18. Page 13.
- ²³ IOPC. *Make an appeal* www.policeconduct.gov.uk/complaints-and-appeals/make-appeal (accessed 3rd September 2019).
- ²⁴ As note 23.
- ²⁵ Resolver. *Police – MPs complaint.* www.resolver.co.uk/consumer-rights/mps-police-complaint-complaints (accessed 3rd September 2019).
- ²⁶ As note 23.
- ²⁷ As note 23.
- ²⁸ As note 23.
- ²⁹ As note 23.
- ³⁰ As note 20. Para 13.2 Page 100 .
- ³¹ As note 20. Para 13.28 Page 106.
- ³² As note 20. Page 42-44.
- ³³ As note 20. Page 51.
- ³⁴ IOPC. *Supporting people to make complaints* https://policeconduct.gov.uk/sites/default/files/Documents/info-for-police/supporting-people-to-make-complaints-key-principles-for-police_IOPC.pdf Page 5 (accessed 3rd September 2019).
- ³⁵ As note 23.

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in large print.

Rethink Mental Illness Advice Service

Phone 0300 5000 927

**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 17106
Birmingham B9 9LL

or call us on 0300 5000 927.

We're open 9:30am to 4pm
Monday to Friday (excluding bank holidays)



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Need more help?

Go to **www.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 0300 5000 927 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.

Can you help us to keep going?

We can only help people because of donations from people like you. If you can donate please go to **www.rethink.org/donate** or call 0121 522 7007 to make a gift. We are very grateful for all our donors' generous support.



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