

# Complaints about the police

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This factsheet looks at how you can complain about the police and what happens when you make a complaint. There is also information about what you can do if you are still not happy with the outcome of your complaint.

 KEY POINTS

- There are a number of reasons why you may want to complain about the police. For example, you may feel that staff did not allow you all your rights.
- If you want to complain, you should do this as soon as possible after it happened. The police may not investigate if you complain about something that happened more than twelve months ago.
- You should complain directly to the police first.
- If you are not happy with how the police deal with your complaint, you can appeal.
- You may be able to get support with making 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 may feel that police officers or members of police staff:

- behaved inappropriately towards you,
- did not act according to your rights,
- treated you unfairly, or discriminated against you, because of your mental health, or
- did not consider your mental illness even though you told them about it.

You have a right to complain if you are not happy with the service from the police. 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?
- Where and when did it happen?
- Who was involved?
- What was said and done?
- Did you get hurt or any of your things get damaged?
- Did anyone see what happened? Who are they?

If you are not happy with the service from your solicitor, you can complain about this. There is a separate complaints procedure for making a complaint about a solicitor.

You should complain directly to the solicitor who handled your case, if you are not happy with how the service they provided. All solicitors should have a procedure to deal with complaints.

You may have spent time in hospital due to your mental illness whilst in the criminal justice system. If you would like to complain about your care and treatment in hospital, you can use the NHS complaints procedure.

You can find more information about:

- Legal advice – how to get help from a solicitor
- Complaints

at [www.rethink.org](http://www.rethink.org). Or call 0121 522 7007 and ask us to send you a copy.

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## 2. Can I complain about the police?

You can complain if the following apply.<sup>1</sup>

- A police officer or member of police staff behaved inappropriately towards you.
- You witnessed an something the police did or something that happened at the police station.
- The way in which a police officer or member of police staff has acted has had a negative affect on you. Even if it was not directed towards you.

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## 3. What can I complain about?

You can complain if you are not happy with the service the police have given you. The Standards of Professional Behaviour set out how you can expect police officers and members of police staff to act.<sup>2</sup> They should:

- treat members of the public with respect,
- not abuse their powers or authority, and
- only use the right amount of force when they need to.

If you feel that someone working for the police has not behaved right you could complain.

You can complain if you are unhappy with how a police force is run. This could include the policies or procedures it uses.

### 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. This meant that she had a right to have an appropriate adult. But, the police did not arrange this for her. Anna could complain about this.

You can find more information about:

- Appropriate adult
- Police stations – what happens when you are arrested?

at [www.rethink.org](http://www.rethink.org). Or call 0121 522 7007 and ask us to send you a copy.

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#### 4. Who do I complain to?

It will be quicker if you complain to the police force you have the issue with. Each police force will have a department that deals with complaints. This may be called the Professional Standards Department, but it may be different where you live.

You can complain:

- in person at a police station,
- online using the form on the Independent Police Complaints Commission (IPCC) website, [https://secureforms.ipcc.gov.uk/Pages/form\\_complaint.aspx](https://secureforms.ipcc.gov.uk/Pages/form_complaint.aspx),
- by post or email with a completed complaints form. You can find a copy of this form at [www.ipcc.gov.uk/en/Pages/how\\_complaint.aspx](http://www.ipcc.gov.uk/en/Pages/how_complaint.aspx) or call 0300 020 0096 for a hard copy, or
- through a solicitor or your local MP.

The IPCC oversees the police complaints system. It sets out how police should handle complaints. The IPCC is independent from the police. If you complain directly to the IPCC, it will send your complaint to the relevant police force if you agree. The IPCC will not investigate your complaint at this stage.

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#### 5. What happens when I complain?

When you complain to a police force, it has to decide how best to resolve your complaint. They should tell you how they are going to deal with your complaint. As well as what may happen as a result and how it will decide what to do.

There are a number of ways that the police force may deal with your complaint.

##### **Local resolution**

This means the police will deal with your complaint at a local level. For example, the inspector at the police station or police staff manager may be involved. The police use local resolution for many complaints, but it may not be appropriate if you are complaining about a more serious matter.

You have the right to appeal after the local resolution stage.

## Local investigations

If local resolution is not suitable for your complaint, a police investigator may carry out a local investigation. This person may be from the police force's complaints department or a local police division.

This person should tell you how they will investigate your complaint, what they need from you. As well as how they will reach a decision and what action they will take at the end of the investigation.

The type of investigation they will carry out depends on your complaint and how serious it is. It may range from a few telephone calls to several months of investigating. You have the right to appeal after the local investigation stage.

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## 6. What is the time limit for complaining about the police?

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.

If you complain more than 12 months after the incident, they may not be able to investigate. If you explain why it has taken you this long to complain, it may decide to investigate your complaint.<sup>3</sup>

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## 7. What happens after the police investigate my complaint?

After the police have finished investigating your complaint, they will let you know and tell you what will happen next. The police force may:

- agree that something went wrong,
- apologise to you,
- change their policies or procedures, or
- speak to the person you complained about to improve their performance.

In some cases, the police may not have enough evidence to take any action over your complaint. If you are not happy with the outcome, you should explore the options in the next section.

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

You may be able to appeal. When the police contact you with the outcome of your complaint, they should also tell you who you can appeal to. This could be the IPCC or the chief officer of the police force. Make sure you contact who you are told to, as this will avoid any delay.

The IPCC or chief officer of the police force will consider your appeal. They may tell the police force it should change its decision or do something in particular to deal with your complaint.

They can consider appeals about the:

- police force failing to record your complaint,
- outcome of the local resolution process,
- outcome of a local investigation process,
- police force deciding not to investigate your complaint, and
- police force stopping their investigation into your complaint.<sup>4</sup>

If you are appealing to the IPCC, there is a time limit. You have 28 days to apply to the IPCC with an appeal. If you appeal after 28 days, it will ask you why. It can only investigate after 28 days in some situations.<sup>5</sup>

If the IPCC does not support your appeal, its decision is final. Usually, you can only overturn IPCC decisions by applying for judicial review. This is a complicated area of law and you need to get legal advice.

You cannot appeal if the IPCC has been investigating your complaint.

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## **9. When does the Independent Police Complaints Commissioner (IPCC) investigate a complaint?**

The IPCC investigates the most serious complaints against the police. This includes complaints involving:

- death or serious injury,
- allegations involving senior officers, or
- allegations involving racism.

A police force must pass certain types of incidents to the IPCC, even if you do not make a complaint. The IPCC has different levels of investigation, depending on how complex or serious your complaint is.

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## **10. Can anyone help me to complain?**

A friend or relative could help you to complain. If you are in prison, you could ask your Personal Officer, prison staff or another inmate for help.

### **Advocacy**

There may be advocacy services that could help you make a complaint. You can search online for an advocacy service in your local area.

### **MP**

You could ask your local MP to help you make a complaint. They could help you to complete forms or perhaps make a complaint on your behalf. You can find out who your local MP is by going to the website

<http://findyourmp.parliament.uk/> or contact the House of Commons Information Office on 020 7219 4272.

### **Citizens Advice**

Your local Citizens Advice centre may be able to help you complain. You can find your local bureau at [www.citizensadvice.org.uk/](http://www.citizensadvice.org.uk/) or call 03444 111 444.

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### **11. How can I complain about a relative or friend's experience?**

If you are a relative or friend of someone who has had a problem with the police, you can help them to complain. You could help them by:

- finding out what the complaints process is,
- finding out who to complain to, and
- helping to put the complaint together.

If you are going to complain on your relative or friend's behalf, they should agree in writing that they are happy for you to do this. Without this consent the police force may not accept your complaint.

You can make a complaint yourself. You can complain about the police if you have been negatively affected by how a police officer or member of police staff acted. You can complain even if this behaviour was not directed towards you.

If your relative's experience with the police has had a negative impact on you, you can put in your own complaint. This might be if your relative or friend has become more unwell because of how the police acted. This could mean you have had to provide much more support to them.

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You can find more information about:

- Appropriate adult
- Complaints about court
- Complaints about prison
- Complaints about probation
- Complaints - NHS or Social Services
- Criminal courts and mental health
- Legal advice – how to get help from a solicitor
- Prison – going in
- Prison – what happens in prison
- Prison – planning for release
- Police stations – what happens when you are arrested?

at [www.rethink.org](http://www.rethink.org). Or call 0121 522 7007 and ask us to send you a copy.



### **Civil Legal Advice**

Offers free, confidential and independent legal advice for residents of England and Wales.

**Telephone:** 0845 345 4 345 (Mon-Fri 9am-8pm and Sat 9am-12:30pm)

**Website:** <http://find-legal-advice.justice.gov.uk/>

### **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 [here](#)

**Website:** [www.equalityadvisoryservice.com](http://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

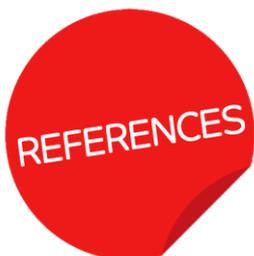
**Email:** [cal@cica.gsi.gov.uk](mailto:cal@cica.gsi.gov.uk)

**Website:** [www.justice.gov.uk/guidance/compensation-schemes/cica/index.htm](http://www.justice.gov.uk/guidance/compensation-schemes/cica/index.htm)

### **The Law Society**

Has a database to help you find a solicitor.

**Website:** [www.lawsociety.org.uk/find-a-solicitor/](http://www.lawsociety.org.uk/find-a-solicitor/)



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<sup>1</sup> IPCC. *Complaints*. [www.ipcc.gov.uk/en/Pages/your\\_complaint.aspx](http://www.ipcc.gov.uk/en/Pages/your_complaint.aspx) (Accessed 20<sup>th</sup> June 2016).

<sup>2</sup> Schedule 1 S58 The Police (Conduct) Regulations 2008  
[www.legislation.gov.uk/ukxi/2008/2864/schedule/made](http://www.legislation.gov.uk/ukxi/2008/2864/schedule/made) (Accessed 20<sup>th</sup> June 2016).

<sup>3</sup> See reference 1

<sup>4</sup> IPCC. *Appeals* Available from  
[www.ipcc.gov.uk/en/Pages/faqs\\_about\\_appealing\\_into\\_the\\_police\\_investigation\\_into\\_your\\_complaint.aspx](http://www.ipcc.gov.uk/en/Pages/faqs_about_appealing_into_the_police_investigation_into_your_complaint.aspx)

<sup>5</sup> See reference 4 (Accessed 20<sup>th</sup> June 2016).

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This factsheet is available  
in large print.

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## Rethink Mental Illness Advice Service

Phone 0300 5000 927

Monday to Friday, 9:30am to 4pm  
(excluding bank holidays)

Email [advice@rethink.org](mailto:advice@rethink.org)

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### Did this help?

We'd love to know if this information helped you.

Drop us a line at: [feedback@rethink.org](mailto: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)



Leading the way to a better  
quality of life for everyone  
affected by severe mental illness.

For further information  
on Rethink Mental Illness  
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 [twitter.com/rethink\\_](https://twitter.com/rethink_)

 [www.rethink.org](http://www.rethink.org)

### Need more help?

Go to [www.rethink.org](http://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?

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