

Our reference: 1007995

S Rhosier  
By email to:  
[request-616929-679cf79d@whatdotheyknow.com](mailto:request-616929-679cf79d@whatdotheyknow.com)

PO Box 473  
Sale M33 0BW

Blwch Post 473  
Sale M33 0BW

Tel/Ffôn 0300 020 0096  
Text relay/Cyfnwidiad Testun 18001 0207 166 3000  
Email/E-bost [enquiries@policeconduct.gov.uk](mailto:enquiries@policeconduct.gov.uk)  
Web/Gwefan [www.policeconduct.gov.uk](http://www.policeconduct.gov.uk)

25 November 2019

Dear S Rhosier,

**Re: Freedom of information request - S Rhosier 1007995**

Thank you for your information request received on the 1 November 2019. We have considered your request under the Freedom of Information Act 2000 (FOIA) and our response is set out below in relation to each part of your request.

**1. Please advise by what measures and procedures your organisation guarantees that police forces abide by the law regarding referrals to you**

As you are aware, by law, forces must refer certain matters to us. We issue guidance to forces to help them understand what they are required to refer to us.

Under Section 22 of the Police Reform Act 2002, we issue [Statutory Guidance](#) for police forces that provides guidance on what types of cases require referral to the IOPC. In addition to our Statutory Guidance, we produce Focus which is a document that provides police complaint handlers with practical guidance on dealing with complaints, conduct matters, and death or serious injury cases. We have produced a [Focus edition](#) for forces which specifically provides practical guidance about referrals to the IOPC.

Forces are required to call us to notify us about the most serious types of incident and as part of that forces are encouraged to contact the IOPC to discuss referral related queries that take place both inside and outside of business hours.

In January 2016, the IPCC published a report [Referring complaints, conduct matters and death or serious injury matters to the IPCC – a review of current police force practice](#) after looking at whether police forces were applying the mandatory referral criteria appropriately and correctly identifying cases for voluntary referral. We found that forces often misunderstand the referral criteria. This means that some matters that should be referred had not been. In 2018 we hosted a series of workshops for police forces across England and Wales to improve their understanding of matters that need to be referred to the IOPC. The workshops helped ensure that forces fully understood the referral criteria and resulted

in an increase in referral numbers for death and serious injury cases because forces were better at identifying incidents that they should refer. It should be noted that this is an area HMICFRS also consider when conducting inspections.

We have the power to call in or require that any complaint or recordable conduct matter to be referred to us by the appropriate authority. In addition, the Policing and Crime Act 2017, allows the IOPC to consider a matter for the purposes of making a mode of investigation decision without receiving a referral from a force. This means the IOPC may treat any complaint, conduct matter or death and serious injury matter which comes to our attention (but has not been referred) as having been referred.

**2. Please advise, by year between 1 January 2015 to current date 1 November 2019:**  
**2a. how many complaints were made directly to you by the public and redirected by you back to the relevant police force for self-governance 2b. how many complaints initially addressed by self-governance were subsequently referred by police forces to you for investigation and resolution**

## **Direct Complaints**

All complaints made to a police force must be formally recorded by the force concerned in the first instance before they can be considered under the Police Reform Act. The majority of those complaints are then dealt with by the force themselves. However, forces are required to refer certain incidents to the IOPC regardless of whether there has been a complaint. These referrals originate from one of three possible sources: a complaint, a death or serious injury (DSI) or a recordable conduct matter (RCM). A complaint can also be voluntarily referred to the IOPC, or the IOPC may 'Call in' the complaint where it sees fit.

Complainants may also send their complaint directly to the IOPC and our role is normally limited to passing the complaint on to the relevant police force so they can consider whether it should be formally recorded. The IOPC has no further involvement in the vast majority of these complaints and records only minimal information about them. Therefore, it is important to note that direct complaints made to the IOPC account for only some of the complaints recorded by the police service each year.

The figures for the number of direct complaints which the IOPC has received and subsequently forwarded on to the force are in the attached Excel file. Please note that these figures cover the period 1 January 2015 to 31 May 2019. The data for 1 June to 1 November 2019 is not currently available due to a technical issue with the IOPC's case management system.

## **Referrals**

Forces are also required to refer certain incidents such as death or serious injury to the IOPC regardless of whether there has been a complaint, and these are known as referrals. For more information on the types of incidents that are referred to the IOPC and the mandatory referral criteria please consult section 8 of our Statutory Guidance which can be found at the following link: <http://policeconduct.gov.uk/investigations/statutory-guidance>.

The figures for the number of referrals received by year (1 January 2015 to 1 November 2019) are in the attached Excel file.

## **Mode of investigation decisions**

Once a referral is made to the IOPC, we must determine whether the matter should be investigated. If the IOPC decides that the matter should be investigated, then it must determine the mode of investigation by considering the seriousness of the case and the level of public interest. The mode of investigation may be:

- local investigation – an investigation carried out by the police force on its own behalf;
- supervised investigation – an investigation carried out by the police force under the IOPC's supervision;
- managed investigation – an investigation conducted by the police force under the direction and control of the IOPC; or
- independent investigation – an investigation carried out by the IOPC

Further information about referrals to the IOPC can be found in the IOPC Statutory Guidance (Section 8): <http://policeconduct.gov.uk/investigations/statutory-guidance>.

The number of referrals on which a decision was made is also included, as well as the split by the mode of investigation decision made for each of these referrals.

## **Police Complaints Statistics**

Since the vast majority of complaints do not meet the mandatory referral criteria, many investigations occur outside of the IOPC's remit. The IOPC collects police complaints data from police forces and publishes an annual report - 'Police Complaints: Statistics for England and Wales'. This information includes the total number of complaints recorded by each police force and a breakdown of how these complaints have been handled, including the number that have been investigated by the force. It also includes the number of appeals received by both the IOPC and by individual forces over the year. The most recent version of this report covers the period 2018/19. This can be found on the IOPC website via this [link](#). Quarterly force bulletins are accessible via this [link](#).

**3. Please clarify how your organisation can 'ensure clear lines of accountability and a streamlined decision-making process' when, by definition, self-governance ensures that police forces will be authorised to oversee their own actions for legitimacy and legality without any requirement from you to be accountable to your organisation as an external authority**

Because the police complaints system is not easy to understand, oversight of the police complaints system is accomplished in several ways to promote accountability of forces, for example, when we investigate the most serious and sensitive incidents and allegations involving the police. These cases will involve the most serious incidents that have occurred

and will involve cases where a complaint has been made but also cases where one has not.

Although many appeals are dealt with by the chief officer of the relevant force there are certain circumstances where a complainant can appeal to us. An appeal offers a final opportunity to consider whether a complaint could have been handled better at a local level and, where appropriate, to put things right. Complainants have a right to appeal about the way in which a police force has handled their complaint. There are different types of appeals, each relating to a different process for dealing with a complaint. An appeal can be made about:

- the decision not to record a complaint
- the outcome of a local resolution process
- the local or supervised investigation into a complaint
- the decision to discontinue a local investigation
- the decision to disapply the requirements under the Police Reform Act 2002; or the outcome of a complaint that has been subject to disapplication.

The Police Reform and Social Responsibility Act (PRSRA) 2011 introduced changes to the handling of appeals. Before 22 November 2012 the IOPC dealt with all appeals. For complaint cases that came to the attention of the Appropriate Authority after the 22 November 2012 there is a test to determine whether a subsequent appeal should be dealt with by the IOPC or by the relevant Chief Officer. If any of the following factors apply, the IOPC is the appeal body:

- the complaint the appeal relates to is about a senior officer
- if proved, the complaint would justify criminal and/or misconduct proceedings, or the complaint involves the infringement of a person's rights under Article 2 or 3 of the European Convention on Human Rights.
- the complaint arises from the same incident as a complaint falling within one of the above categories

If the factors above do not apply, the chief officer will handle the appeal.

Our appellant function provides oversight and accountability for forces and in certain circumstances when reviewing an appeal, we can decide that the complaint is investigated by us.

We also have a role to play in reviewing non recording appeals. A complainant can appeal in certain circumstances where the police or local policing body did not to record their complaint. This allows us to have sight of cases which are not referable but instead are concerns from members of the public.

We have a dedicated Oversight and Force Liaison team that supports forces, by providing advice and a guidance on how to deal with complaints and incidents. The team will work to identify trends and promote good practice in complaint handling which helps with

accountability. The team will hold forces to account if they aren't referring matters they should or dealing with cases appropriately.

We work with other policing bodies to improve the complaints system. We work with Police and Crime Commissioners who also have oversight of local forces and who will have a greater role in oversight of the local complaints system under the new Policing and Crime Act 2017. We collect data from forces about complaints, conduct and death and serious injury incidents. We work with Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), to share information ahead of their inspections of forces and custody facilities. We also share information on learning identified from the cases we deal with.

**4. 'Minister for Policing and the Fire Service Nick Hurd said:**

**We are absolutely determined to make the police complaints and discipline systems simpler and more transparent for the benefit of the public. We want confidence in policing to continue to grow and be underpinned by the vital role the reformed IOPC will play.'**

**With reference to the issue of accountability raised in 3., what measures have your organisation set in place to make the police complaints and discipline systems simpler and more transparent for the benefit of the public and ensure public confidence in police accountability will grow?**

Two of the IOPC's strategic priorities are to 'work with others to improve the police complaints system' and 'improve confidence in police accountability'. These priorities, and what we intend to do to address them, are set out in our [2018-22 strategic plan](#). You can also see some of the differences we have already made in our first annual [impact report](#). This includes sections for example on strengthening police accountability, and on how we share information about complaints and the complaints system.

Our impact report also talks about the contributions we have made to reform of the police complaints and discipline systems. The quote you have provided from Nick Hurd will have been referring not only to work that the IOPC can do to simplify the handling of complaints, make the system more transparent and improve confidence in policing, but also to broader legislative reform of the police complaints and discipline systems that the Home Office and Government are responsible for. We and our predecessor body the Independent Police Complaints Commission have long called for legislative reform to these systems. We are expecting a range of changes to the legal framework for handling complaints and police discipline cases to take effect in due course, though the timing of their introduction is a matter for the Government. Many of these changes come from the Policing and Crime Act 2017, and you can find [a range of factsheets](#) about the relevant parts of the Act them on the gov.uk website. For more up to date information on these changes, you should approach the Home Office directly.

If you are not satisfied with this response you may request an internal review by an independent internal reviewer, who has had no involvement in dealing with your request. If you wish to complain about any aspect of this decision, please provide your representations and grounds for complaint to the following address:

Reviewing Officer  
Independent Office for Police Conduct

PO Box 473  
Sale M33 0BW

All emails requesting a review should be sent directly to: [dpo1@policeconduct.gov.uk](mailto:dpo1@policeconduct.gov.uk)  
Should you remain dissatisfied after this internal review, you will have a right of complaint to the Information Commissioner; however we should point out that under section 50(2)(a) of the Freedom of Information Act, you are normally obliged to exhaust the IOPC's own internal complaint mechanism before complaining to the Information Commissioner.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'T. Walton' followed by a stylized, cursive flourish.

Thea Walton  
Head of Knowledge, Oversight and Quality  
**Independent Office for Police Conduct**