

Your Reference:
Our Reference: FOI/1002150

Tony Wise
By e-mail to:
request-36173-6b8ac3cd@whatdotheyknow.com

18 August 2010

IPCC Contact:
Philip Johnston
Tel: 020 7166 3000

Dear Mr Wise,

YOUR REQUEST FOR INFORMATION

I am sorry about the delay in replying to your e-mail of 28th May 2010 in which you request information concerning complaints against IPCC Commissioners.

My responses to each of your questions are as follows:

- 1. How many complaints have been made against IPCC Commissioners in the years below and please identify the Commissioners which were the subjects of these complaints? Please be aware that I am not interested in personal detail but just evidence of complaints as made against these public appointees. The relevant calendar years are 2005, 2006, 2007, 2008, 2009 and 2010.*

Please see the table of data I am disclosing to you with this letter. The data presented in the table reflects the number of complaints made by members of the public which were then either subject to the first stage of the complaints procedure or not eligible under the procedure. This does not include any complaints made against the Chair of the IPCC as these are dealt with by the Home Office. It should be noted that complaints received in 2005 were not subject to the current complaints procedure which was agreed by the IPCC and Home Office in 2006 (and which has since been amended following agreement by the Commission).

- 2. Is the IPCC allowed to ignore valid complaints against Commissioners and have any been ignored with no referral back to the complainant in any of the calendar years as above?*
- 3. Does the IPCC, as a public body, always rigorously apply its own formal and ratified procedures in relation to Commissioner complaints and if not please supply examples of such from the calendar years as outlined above?*

The IPCC does not hold any information in relation to these questions.

Additional Information

Commissioners must adhere to the IPCC code of conduct for Commissioners which includes the Nolan principles of standards in public life. The procedure for handling complaints against Commissioners and the code of conduct for Commissioners is available on the IPCC website.

The nature of the complaints will be allegations of misconduct against a Commissioner. Parliament decided that there would be no right of appeal against IPCC decisions other than through the courts and in most instances - following a preliminary examination - a complaint made against a Commissioner will actually be one of outcome, (i.e. the decision the

Commissioner has made with regard to a complaint, an appeal or an investigation) and not about the misconduct of the Commissioner and therefore not eligible under the procedure for handling complaints against Commissioners.

Every complaint received is reviewed and a decision will be made following the procedure for handling complaints against Commissioners. The procedure is very clear as to what and what does not constitute a valid complaint of misconduct. The Chair and his team are rigorous in its application so that complaints of misconduct can be identified and dealt with accordingly and that complaints that are clearly malicious, frivolous or repetitious or complaints about competence, process and outcome which have been dressed up as misconduct complaints are quickly eliminated.

If you are not satisfied with this response you may request an independent internal review by our FOI complaints officer, who has had no involvement in dealing with your request. If you wish to complain about any aspect of this decision, please contact:

Amanda Kelly
Director of Corporate and Legal Services
IPCC
90 High Holborn
London
WC1V 6BH

E mails should be clearly marked 'Complaint against FOI decision' and sent to: amanda.kelly@ipcc.gsi.gov.uk.

Should you remain dissatisfied after this internal review, you will have a right of complaint to the Information Commissioner; however, I should point out that under section 50(2)(a) of the Freedom of Information Act, you are normally obliged to exhaust the public authority's own internal complaint mechanism before complaining to the Information Commissioner.

Yours sincerely

Philip Johnston
Independent Police Complaints Commission