

Our reference: FOI/1006729

Your reference:

Paul Smith

Sent by email to:

[request-436426-](#)

6519a53d@whatdotheyknow.com

31 October 2017

Dear Mr Smith,

Your request for information

Thank you for your email of 5 October 2017, in which you asked for the following information:

1) Does Regulation 33 (1) and the provision of sub paragraph (2) of the Police (Complaints and Misconduct) Regulations 2012 apply to a police recording decision of a complaint?

2) What is the minimum information required to oblige the police to make a recording decision.

Please list it in numbers. For example:

- i) The date the conduct happened*
- ii) The place the conduct happened*
- iii) The name of the complainant*
- iiii) The address of the complainant*

3) Please list which specific pieces of information would mean that the police are not required to make a recording decision. For example, one reason may be because there is no identified conduct. Please be specific on the actual reasons why the obligations of making a recording decision under Schedule 3 PRA 2002 would not be obliged to be fulfilled.

I confirm that the information you have requested can be found on the IPCC's website. Specifically, information about the recording of complaints is set out in the IPCC's Statutory Guidance from paragraph 3.17 to 3.26. (Paragraphs 3.19 to 3.20 concern exemptions to recording a complaint). Additional information can also be found within

the appeals section of the guidance (see paragraph 13.41). The statutory guidance can be found here: <http://www.ipcc.gov.uk/page/statutory-guidance>.

The IPCC has also developed specific guidance on the recording of complaints under the Police Reform Act 2002 and this can be found on the same Internet page.

Information about the recording of complaints can also be found within Paragraph 2, Schedule 3 of the Police Reform Act 2002 and Regulation 3 of the Police (Complaints and Misconduct) Regulations 2012.

Further information about appeals in relation to non-recording can be found within Paragraph 3, Schedule 3 of the Police Reform Act 2002.

The Police Reform Act can be found here:
<http://www.legislation.gov.uk/ukpga/2002/30/contents>.

The Police (Complaints and Misconduct) Regulations 2012 can be found here:
<http://www.legislation.gov.uk/uksi/2012/1204/made>.

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

Senior Reviewer
Independent Police Complaints Commission
90 High Holborn
London WC1V 6BH

All emails requesting a review should be sent **directly** to: foi@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 internal complaint mechanism before complaining to the Information Commissioner.

Yours sincerely,



Stephen Oakley
Head of Policy and Public Affairs
Independent Police Complaints Commission