

3.19 If a person's complaint can be dealt with there and then, to the satisfaction of the person making the complaint, there is no need to record it under the Police Reform Act 2002, provided he or she confirms that he or she is withdrawing the complaint. However, it may be valuable to keep a log of such issues as there may still be learning to be gained from them. In all other circumstances the complaint should be recorded unless it falls within the exemptions listed below.

The appropriate authority must record the complaint unless:

- i. it is satisfied that the subject matter of the complaint has been, or is being, dealt with by criminal or disciplinary proceedings against the person whose conduct it was;
- ii. the complaint has been withdrawn; or
- iii. the complaint falls within a description of complaints specified by the Police (Complaints and Misconduct) Regulations 2012

The complaints that are specified by the Police (Complaints and Misconduct) Regulations 2012 are those where the appropriate authority considers that:

- i. the matter is already the subject of a complaint made by or on behalf of the same complainant;
- ii. the complaint discloses neither the name and address of the complainant nor that of any other interested person and it is not reasonably practicable to ascertain such a name or address;
- iii. the complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints;
- iv. the complaint is repetitious; or
- v. the complaint is fanciful.

Paragraph 2, Schedule 3, Police Reform Act 2002

Regulation 3, Police (Complaints and Misconduct) Regulations 2012

3.20 If it is apparent at the time of making a recording decision that one of these exemptions applies to a complaint, the appropriate authority may decide not to record the complaint. If the complaint is recorded (because it is not apparent at the time of recording that an exemption applies), but the appropriate authority then decides that the complaint should not be dealt with under the Police Reform Act 2002, it may consider whether disapplication is appropriate (see section 4).

3.21 The IPCC expects a recording decision to be made within ten working days of receipt of a complaint or notification, but ideally it should happen as soon as possible after the complaint is received.