

## **Annex A: glossary of terms**

**Complaint case:** A single complaint case may have one or more allegations attached to it, made by one or more complainants, against one or more persons serving with the police.

**Allegation:** An allegation may concern the conduct of a person or persons serving with the police or the direction and control of a police force. It is made by someone defined as a complainant under the Police Reform Act 2002 (see 'complainant' below). An allegation may be made by one or more complainants. A complaint case may contain one or many allegations. For example, a person may allege that they were pushed by an officer and that the officer was rude to them. This would be recorded as two separate allegations forming one complaint case. An allegation is recorded against an allegation category.

**Direction and control:** The IPCC considers the term 'direction and control' to mean general decisions about how a force is run, as opposed to the day-to-day decisions or actions of persons serving with the police, which affect individual members of the public – including those that affect more than one individual.

**Local resolution:** For less serious complaints, such as rudeness or incivility, the complaint may be dealt with by local resolution. Local resolution is a flexible process that can be adapted to the needs of the complainant. A local police supervisor deals with the complaint, which might involve providing an explanation or information; an apology on behalf of the force; providing a written explanation of the circumstances and any action taken; or resolving the complaint over the counter or by telephone.

**Investigation:** If a complaint is not suitable for local resolution, it must be investigated. This involves the appointment of an investigating officer who will investigate the

complaint and produce a report detailing the findings about each allegation and any action to be taken as a result of the investigation. There are two different types of investigation referred to in the report:

- **Local investigations:** Are carried out entirely by the police. Complainants have a right of appeal to the relevant appeal body following a local investigation.
- **Supervised investigations:** Are carried out by the police under their own direction and control. The IPCC sets out what the investigation should look at (which is referred to as the investigation's 'terms of reference') and will receive the investigation report when it is complete. Complainants have a right of appeal to the IPCC following a supervised investigation.

**Disapplication:** Disapplication only applies to allegations linked to complaint cases received on or after 22 November 2012.

A full list of the allegation categories available and their definitions can be found in the IPCC's Guidance on the recording of complaints. There are certain circumstances in which a complaint that has been recorded by a police force does not have to be dealt with under the Police Reform Act 2002 (PRA 2002). For allegations linked to complaint cases received on or after 22 November 2012, this is called disapplication. It can only happen if certain circumstances apply:

- If more than 12 months have passed between the incident, or the latest incident, giving rise to the complaint and the making of the complaint and either no good reason for the delay has been shown or injustice would be likely to be caused by the delay.
- If the matter is already subject of a complaint made by or on behalf of the same complainant.
- If the complainant discloses neither their

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name and address nor that of any other interested person and it is not reasonably practicable to ascertain these.

- If the complaint is repetitious.
- If the complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints.
- If it is not reasonably practicable to complete the investigation or any other procedures under the PRA 2002.

If the complaint was not required to be referred to the IPCC, the police force can carry out a disapplication. If the complaint was referred to the IPCC and the IPCC has either referred the complaint back to the force or determined the form of investigation, the force must apply to the IPCC for permission to carry out the disapplication.

**Dispensation:** Dispensation only applies to allegations linked to complaint cases received before 22 November 2012.

There are certain circumstances in which a complaint that has been recorded by a police force does not have to be dealt under the Police Reform Act 2002 (PRA 2002). For allegations linked to complaint cases received before 22 November 2012, this is called dispensation. It can only happen if certain circumstances apply:

- If more than 12 months have passed between the incident, or the latest incident, giving rise to the complaint and the making of the complaint and either no good reason for the delay has been shown or injustice would be likely to be caused by the delay.
- If the matter is already subject of a complaint made by the same complainant.
- If the complainant discloses neither their name and address nor that of any other interested person and it is not reasonably practicable to ascertain these.

- If the complaint is repetitious.
- If the complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints.
- If it is not reasonably practicable to investigate the complaint.

**Discontinuance:** A discontinuance ends an ongoing investigation into a complaint. It can only occur if certain circumstances apply:

- If a complainant refuses to co-operate to the extent it is not reasonably practicable to continue with the investigation.
- If the force decides the complaint is suitable for local resolution.
- If the complaint is repetitious.
- If the complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints.
- If it is not reasonably practicable to proceed with the investigation.

If the complaint was not required to be referred to the IPCC, the police force can discontinue a local investigation; otherwise, they must apply to the IPCC for permission to discontinue the investigation. In the case of a supervised investigation, the police force has to apply to the IPCC for permission to discontinue the investigation.

**Withdrawn:** A complainant may decide to withdraw one or more allegations in their complaint or that they wish no further action to be taken in relation to their allegation/ complaint. In this case, no further action may be taken with regard to the allegation/ complaint.

**Investigation outcomes:**

- Unsubstantiated / Substantiated: These are the outcomes of allegations that have been judged solely in terms of whether

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evidence of misconduct was found. This outcome will only apply to allegations linked to complaint cases recorded before 1 April 2010. As time progresses there will be fewer allegations with these outcomes.

- **Not upheld / Upheld**: As of 1 April 2010, police forces are expected to also record whether a complaint is upheld or not upheld. A complaint will be upheld if the service or conduct complained about does not reach the standard a reasonable person could expect. This means that the outcome is not solely linked to proving misconduct.

**Sub judice**: After recording a complaint, the investigation or other procedure for dealing with the complaint may be suspended because the matter is considered to be sub judice. This is when continuing the investigation / other procedure would prejudice a criminal investigation or criminal proceedings. There are a number of factors police forces should consider when deciding whether a suspension is appropriate. The complainant must be notified in writing when the investigation / other procedure into their complaint is suspended and provided with an explanation for the decision. A complainant has the right to ask the IPCC to review that decision.

**Chief officer**: 'Chief officer' is a collective term that refers to the heads of police forces (chief constables for all forces except the Metropolitan Police and City of London Police, which are each headed by a commissioner).

**Non-recording appeal**: Under the Police Reform Act 2002, the police have a duty to record all complaints about the conduct of a serving member of the police or the direction and control of a police force.

Complainants have the right to appeal to the IPCC in relation to the non-recording of their complaint on a number of grounds. These are set out in the 'findings' section of the report. The appeal right in relation to direction and control complaints is limited; full details can

be found in the IPCC's Statutory Guidance.

**Investigation appeal**: This applies to all complaints investigated by the police force itself or where the investigation has been supervised by the IPCC. The complainant may appeal to the relevant appeal body on a number of grounds in relation to the investigation, which are set out in the 'findings' section of the report. There is no right of appeal in relation to the investigation of a direction and control complaint.

**Local resolution appeal**: Complainants are entitled to appeal to the relevant appeal body against the outcome of a local resolution. There is no right of appeal where the complaint locally resolved relates to direction and control.

**Disapplication appeal**: An appeal may be made to the relevant appeal body against the decision to disapply the requirements of the Police Reform Act 2002. There is no right of appeal where the complaint subject to the disapplication relates to direction and control or where the IPCC has given permission for the disapplication.

**Discontinuance appeal**: An appeal may be made to the relevant appeal body against the decision by a police force to discontinue the investigation into a complaint. There is no right of appeal where the complaint subject of the investigation discontinued relates to direction and control, where the IPCC has given permission for the discontinuance or if the discontinuance is carried out by the IPCC in relation to a supervised investigation.

**Invalid appeals**: There are a number of reasons why an appeal may be judged to be invalid. These are:

- If the appeal is not complete. An appeal must be in writing and contain certain information such as the details of the complaint, the name of the police force whose decision is subject of the appeal and the grounds of appeal, although the relevant appeal body may still consider an appeal even if it does not consider the

appeal complete.

- If there is no right of appeal. Only a complainant or someone acting on his or her behalf can make an appeal. If anyone else tries to, the appeal is invalid. An appeal must also follow a final decision in relation to a complaint from the force (or, in the case of non-recording where no decision has been made, at least 15 working days must have passed between the complainant making their complaint and submitting an appeal against the non-recording of that complaint).
- If the appeal is made more than 28 days after the date of the letter from the police force giving notification of the decision (which is capable of appeal) to the complainant and there are no special circumstances to justify the delay. The right of appeal in relation to direction and control complaints is limited, as noted in the definition for each appeal type above; full details can be found in the IPCC's Statutory guidance.

**Complainants:** Under the Police Reform Act 2002, a complaint may be made by:

- a member of the public who claims that the conduct took place in relation to them
- a member of the public who claims they have been 'adversely affected' by the conduct, even though it did not take place in relation to them
- a member of the public who claims to have witnessed the conduct
- a person acting on behalf of someone who falls within any of the three categories above. This person would be classed as an 'agent' or 'representative' and must have the written permission of the complainant to act on their behalf. A person is 'adversely affected' if they suffer distress or inconvenience, loss or damage, or are put in danger or at risk by the conduct complained of. This might apply, for example,

to other people present at the incident, or to the parent of a child or young person, or a friend of the person directly affected. It does not include someone distressed by watching an incident on television.

A 'witness' is defined as someone who gained their knowledge of that conduct in a way that would make them a competent witness capable of giving admissible evidence of that conduct in criminal proceedings or has anything in their possession or control that would be admissible evidence in criminal proceedings.

One complaint case can have multiple complainants attached to it and one individual can make more than one complaint within the reporting year.

**Subjects:** Under the Police Reform Act 2002 (PRA 2002), complaints can be made about persons serving with the police as follows:

- police officers of any rank
- police staff, including community support officers and traffic wardens
- special constables

Complaints can also be made about contracted staff who are designated under section 39 of the PRA 2002 as a detention officer or escort officer by a chief officer.

**Misconduct:** A breach of the Standards of Professional Behaviour

**Gross Misconduct:** A breach of the Standards of Professional Behaviour so serious that dismissal would be justified

**Management Action:** A way to deal with issues of misconduct other than by formal action. They can include improvement plans agreed with officers involved.

**Misconduct Meeting:** A type of formal misconduct proceeding for cases where there is a case to answer in respect of misconduct, and where the maximum outcome would be a final written warning.

**Misconduct Hearing:** A type of formal misconduct proceeding for cases where there is a case to answer in respect of gross misconduct or where the police officer has a live final written warning and there is a case to answer in the case of a further act of misconduct. The maximum outcome at a Misconduct Hearing would be dismissal from the Police Service.

**Unsatisfactory Performance Procedures**

**(UPP):** Procedures which are available to deal with performance and attendance issues. They are not, as such, dealt with by Professional Standards, but by the Force's Human Resources Department.