



Metropolitan Police Authority

Complaints against senior police officers in London

This leaflet explains how the Metropolitan Police Authority (MPA) handles complaints made by, or on behalf of, a member of the public against a senior police officer.

The MPA is the independent statutory body responsible for securing an effective and efficient police service for London, working to ensure that London's communities receive fair and responsive policing. It is made up of elected members of the London Assembly, magistrates, and independent members.

All police officers must abide by a Code of Conduct when carrying out their duties and a breach of this Code may mean that an officer is guilty of misconduct. The Code is reproduced at the end of this leaflet.

The MPA is responsible for handling complaints and allegations of misconduct against senior police officers in the Metropolitan Police Service (MPS). The complaints system is overseen by the Independent Police Complaints Commission (IPCC).

Which complaints does the MPA supervise?

The MPA deals with complaints against senior officers - those holding the rank of Commander, Deputy Assistant Commissioner, Assistant Commissioner, the Deputy Commissioner or the Commissioner.

Complaints about senior officers who have retired from police service can also be considered if the subject of the complaint concerns their conduct whilst in service.

The MPA does not have responsibility for

complaints against Constables, Sergeants, Inspectors, Chief Inspectors, Superintendents or Chief Superintendents. Complaints against these officers are dealt with by the Directorate of Professional Standards in the MPS.

Complaints relating to "the direction and control" of a police force (such as policing policy, general strategies, and the structure and organisation of the MPS) are outside the scope of the complaints system. In addition, the MPA cannot intervene in specific police operations.

Who can make a complaint?

A complaint can be made to the MPA by a member of the public who:

- has been the victim of alleged misconduct;
- was present when the alleged misconduct took place or was near enough to see or hear it and has been adversely affected by the alleged misconduct;

- is a friend or relative of the victim of the alleged misconduct and has been adversely affected by effects of the incident on the victim; or
- has witnessed the alleged misconduct.

A complaint can be made by somebody acting on behalf of any of the persons listed above provided they have given their written consent for the representative to act.

What happens when a complaint is made?

Decisions about complaints are made by the MPA Senior Officer Conduct Sub-committee, or by the Clerk or Deputy Clerk of the Authority on the Sub-committee's behalf.

When a complaint is received, the MPA decides:

- whether it should be recorded;
- if it should be referred to the IPCC;
- whether Local Resolution should be attempted; or
- if an application for a dispensation should be made.

Recording a complaint

When the MPA receives a complaint about a senior officer in the MPS, it must decide whether to make an official record of the complaint. The complainant will be told whether or not the complaint has been recorded.

If a complaint is not recorded, the MPA will inform the complainant of the reasons for its decision.

The complainant has a right of appeal to the IPCC in writing and within 28 days of being told of the MPA's decision not to record the complaint.

Reference to the IPCC

The MPA must refer a complaint to the IPCC where it is alleged that the misconduct resulted in death or serious injury or involves a serious assault, serious sexual offences, serious corruption, or

criminal or other behaviour aggravated by discrimination. The MPA has the option to refer other complaints to the IPCC in exceptional circumstances.

If a complaint is referred to the IPCC, they can decide to investigate it themselves, or manage or supervise the investigation carried out by an Investigating Officer appointed by the MPA.

Local resolution

In less serious complaints, the MPA may offer the complainant the option of a procedure aimed at resolving a complaint quickly and satisfactorily at local level. This process is known as Local Resolution. The complainant has to agree that Local Resolution should be pursued.

The procedure to be followed in a Local Resolution will be agreed with the complainant in advance. Usually, the MPA will appoint a person as a facilitator. As part of the procedure the complainant will explain their concerns to the police who will then aim to provide a satisfactory and adequate response to these concerns.

A complainant can appeal to the IPCC about the conduct of a Local Resolution procedure. There is no appeal about the outcome.

Dispensation

In certain circumstances, the MPA can apply to the IPCC for permission to handle the complaint outside of the normal procedures – this could include taking no further action in respect of a matter. This is known as a ‘dispensation’.

How is an investigation handled?

If a complaint has been recorded and the MPA or IPCC decide that it and the officer concerned should be investigated, the complainant will be kept informed as the investigation progresses.

The law lays out criteria for the selection of an Investigating Officer (IO) including that he or she must serve with the police and be of the same or a higher rank as the senior officer concerned. It is possible for the IO to be in service with MPS although he or she must not be in the same division as the senior officer concerned.

On receipt of a final investigation report either the MPA or IPCC, as appropriate, will decide what action is to be taken in respect of a report, including whether the matter should be referred to a hearing or disciplinary proceedings.

A complainant will be provided with copies of interim and final investigation reports unless to do so would prejudice criminal proceedings or national security, is not in the public interest or would have a disproportionate adverse effect.

How long does it all take?

The MPA will decide whether or not to record a complaint within approximately 10 days of receiving one.

The MPA will decide whether to refer a complaint to the IPCC, to propose Local Resolution, to apply

For example, dispensation can be sought where there has been undue delay in bringing a complaint, if the complainant is anonymous or where the complaint is malicious or unfair.

Where the MPA has conducted an investigation on its own behalf or under the supervision of the IPCC, the complainant has a right to appeal against:

- the findings of the report;
- the amount of information that he or she has been provided with about the report; or
- the action the MPA intends to take in respect of it.

The appeal is decided by the IPCC.

When an investigation has taken place, the MPA will consider the report of the Investigating Officer and decide whether the matter should be referred to a disciplinary hearing to determine whether the senior officer is guilty of misconduct. If an officer is guilty of misconduct a number of sanctions can be imposed by the MPA including that the officer is dismissed or is required to resign from the force, or receives a fine or a reprimand.

for dispensation or to investigate the matter within a month of the decision to record a complaint. If a complaint is investigated, it may take up to three months to complete the investigation, longer in complex or very serious cases.

Code of Conduct

Honesty and integrity

1 It is of paramount importance that the public has faith in the honesty and integrity of police officers. Officers should therefore be open and truthful in their dealings; avoid being improperly beholden to any person or institution; and discharge their duties with integrity.

Fairness and impartiality

2 Police officers have a particular responsibility to act with fairness and impartiality in all their dealings with the public and their colleagues.

Politeness and tolerance

3 Officers should treat members of the public and colleagues with courtesy and respect, avoiding abusive or deriding attitudes or behaviour. In particular, officers must avoid: favouritism of an individual or group; all forms of harassment, victimisation or unreasonable discrimination; and overbearing conduct to a colleague, particularly to one junior in rank or service.

Use of force and abuse of authority

4 Officers must never knowingly use more force than is reasonable, nor should they abuse their authority.

Performance of duties

5 Officers should be conscientious and diligent in the performance of their duties. Officers should attend work promptly when rostered for duty. If absent through sickness or injury, they should avoid activities likely to retard their return to duty.

Lawful orders

6 The police service is a disciplined body. Unless there is good and sufficient cause to do otherwise, officers must obey all lawful orders and abide by the provisions of legislation applicable to the police. Officers should support their colleagues in the execution of their lawful duties, and oppose any improper behaviour, reporting it where appropriate.

Confidentiality

7 Information which comes into the possession of the police should be treated as confidential. It should not be used for personal benefit and nor should it be divulged to other parties except in the proper course of police duty. Similarly, officers should respect, as confidential, information about force policy and operations unless authorised to disclose it in the course of their duties.

Criminal offences

8 Officers must report any proceedings for a criminal offence taken against them. Conviction of a criminal

offence or the administration of a caution may of itself result in further action being taken.

Property

9 Officers must exercise reasonable care to prevent loss or damage to property (excluding their own personal property but including police property).

Sobriety

10 Whilst on duty officers must be sober. Officers should not consume alcohol when on duty unless specifically authorised to do so or it becomes necessary for the proper discharge of police duty.

Appearance

11 Unless on duties which dictate otherwise, officers should always be well turned out, clean and tidy whilst on duty in uniform or in plain clothes.

General conduct

12 Whether on or off duty, police officers should not behave in a way which is likely to bring discredit upon the police service.

Contacts

For further information, or to bring a complaint against a senior officer in the Metropolitan Police Service, please write to:

Deputy Clerk

Metropolitan Police Authority
10 Dean Farrar Street
London
SW1H 0NY

or to:

Independent Police Complaints Commission

90 High Holborn
London
WC1V 6BH

Complaints against other police officers or police staff should be made to:

Directorate of Professional Standards

Metropolitan Police Service
New Scotland Yard
Broadway
London
SW1H 0BG

or to your local police station.