

## **AN INTRODUCTION TO HIGH COURT CASE - AC-2024-CDF-000059**

### **At what point do Children's Rights matter and the lies stop?**

**Follow this Live Judicial Review on New Milton Watch and let's see how far it goes.**

This evidence is now filed in the High Court. When reading Hampshire Police's challenged decision outcomes bare in mind they have been defeated 3 times in the High Court now. I have included Hampshire Police's decision letters so readers can see the name calling tactics they adopt to try to avoid answering evidence of serious in house corruption. View them in the context of the evidence (EX 01 to EX 04). The arguments they put forward in the "Professional Standards" Departments decisions included in this PDF to sweep this evidence under the carpet without ever answering it have largely already been defeated in the High Court before. As a result of which Mr. Roger Trencher the Force Solicitor is supposed to currently be under active criminal investigation for perverting the course of justice after the High Court ordered them to record the evidence and hence deal with the case. This is still ongoing 6 years on. And has just been returned to them once again by the IOPC for getting the law wrong all over again.

As for Dorset Police's evidence proving Hampshire Police lied in an official police report about the Arnewood School Teacher case, well Hampshire Police ended up losing that argument previously in the High Court too. But they have subsequently illegally thrown that case once all over again as well. So when you read Hampshire Constabularies reports arm yourself with a pinch of salt (perhaps a bucket). Its letters are fraught with lies, misinformation and obfuscation and the High Court did not agree with them before so it should not this time around either. Can you see where Hampshire Police and the IOPC have answered Dorset Police's evidence proving this corruption?

This latest case is about Mr. Trencher and others blocking the evidence from Dorset Police Officers proving the report produced by Hampshire Police into the handling of the Arnewood School Teacher case was substantively false. And the false report itself. It is not only the Claimant (me) saying this report is a fiction but Dorset Police as well as the included evidence shows.

Why is the pursuit of this important? Well the police covering things up regarding child sexual abuse puts children at serious risk of harm and fundamentally breaches their right to be safeguarded and protected. And this betrayal is by those in positions of trust and authority. They could not sink any lower. Hampshire Police are just another "Wayne Couzens" disaster waiting to happen.

The next file of evidence (FILE 2) will also be posted in the public interest. This shows just how Hampshire Police recklessly keeps criminal complaints about "on duty" officers out of the system and breaks every rule in the book by doing so. And we all know just where that can end up.

So if you have an interest in child's rights and police corruption regarding child sexual abuse, follow along. Will a High Court Judge go with the evidence and law or choose to help this go away for them? Given the length and breadth of what is a systemic conspiracy within the walls of Hampshire Constabulary while the new Chief Officer Scott Chilton and the Crony Crime Commissioner Donna Jones look the other way let's hope for a Judge that cares about the law more than keeping the lid on it for them at children's expense. And that is just why I am publishing all the evidence. So let's see just how far up the chain this corruption and disregard for children's rights actually goes and if they can ever really be held to account.

John Caine

Letter for the Judge

5/6/2024

From: [REDACTED] (Claimant)

Subject: Reckless endangerment of the public

Dear Judge,

Another matter the Defendants are keeping from the Court is the danger to the public the process they are advocating in reference to the handling and logging of criminal complaints against "on duty" officers and police staff brings.

The HOCR/NCRS is the bedrock of how the police handle all criminal complaints including those made against on duty officers. There are no exceptions, other than a "crime recording" delay for serving officers and staff. This does not mean the rest of these rules do not apply and can be thrown out the window. They do apply.

The HOCR is all about visibility, fairness and checks and balances, and audibility. Hampshire Constabulary operates two IT systems, RMS Niche for crime logging and subsequent recording and Centurion IT used for capturing complaints against police officers. The former is fully compliant with the requirements of the HOCR/NCRS and the latter (Centurion IT) is not in any stretch of the imagination. These processes do not offer a two tier system for the handling of criminal allegations. The Centurion IT system is never checked for compliance by either the Force Crime Registrar who has specific duties in this regard and falls outside the command structure, nor the HMIC who is independent and inspects the police for compliance with these rules, nor the IOPC. The included excerpts on the adjoining pages from the HOCR/NCRS, and FOI responses from the HMIC and 2<sup>nd</sup> Defendant (Hampshire Police) and statement from the IOPC (1<sup>st</sup> Defendant) more than prove the point.

The non transparent method of precluding the normal crime handling process as advocated by both Defendants for dealing with criminal allegations against on duty officers excludes all the mandated and statutory checks and balances the HOCR/NCRS brings. The Defendants must surely know simply entering them into the Centurion IT system alone makes them invisible to all the required processes the HOCR/NCRS expects and mandates police forces adhere to. This "apartheid" method of applying the law does not bode well for the public, and it is entirely unlawful. We have to look no further than the Angiolini Independent Inquiry into the Wayne Couzens disaster to know that.

Respectfully

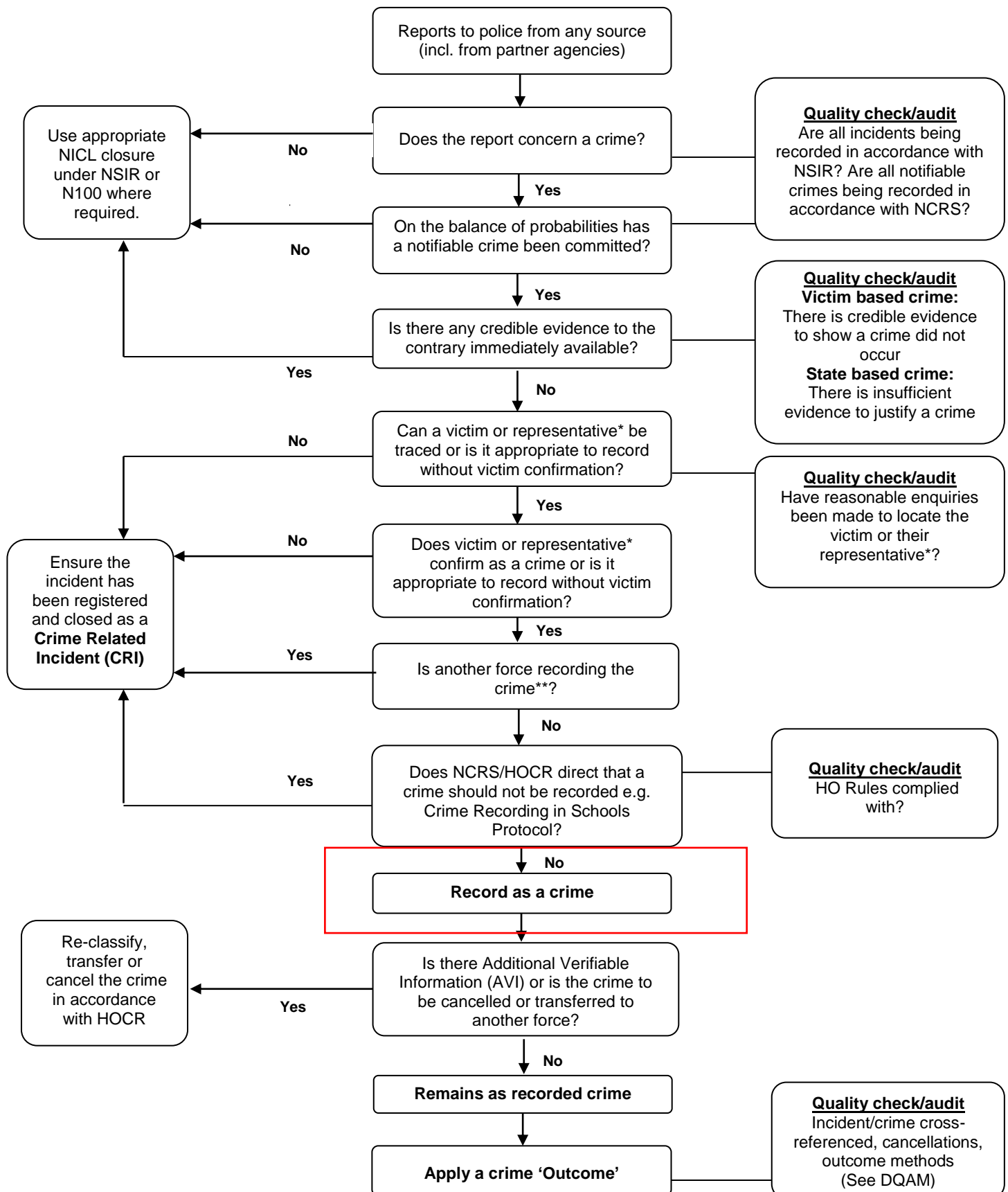
[REDACTED]

[REDACTED]

# National Crime Recording Standard (4 of 4)

## Crime Recording Flowchart

*A belief by the victim, or person reasonably assumed to be acting on behalf of the victim, that a 'victim related' crime has occurred is usually sufficient to justify its recording.*



\* Paragraph 3.6 provides guidance on recording a crime - even though a victim has declined to confirm or cannot be found.

\*\* Disputes over location should be resolved in accordance with the protocol (HOCR, General Rules, Annex A)

# I Other Investigating Authorities (2 of 4)

Where victims report crimes to community support officers or their equivalent these must be recorded by the police (subject to the exception above in relation to an Other Investigating Authority bringing a series of crimes to police attention).

## **An allegation of a crime made against a police officer or a member of police staff in the execution of his or her duty:**

It is recognised that by the very nature of their work officers and staff will be subject of complaints. Many of them are shown to be false or malicious or are determined have been lawful actions, such as in cases where the use of force is questioned. It is not the intention to record as crimes all such allegations unless or until it is determined there is a criminal case to answer. There is no requirement to record such matters within the general NCRS provisions within 24 hours of the report being made.

The point at which a crime will be recorded will be when:

- The Appropriate Authority determines that there may be a case to answer criminally and requests Crown Prosecution Service advice; or
- The Appropriate Authority determines, in accordance with the DPP Charging Guidance, that a charge or summons or out of court disposal should be issued in relation to a criminal matter; or
- The Appropriate Authority determines, on the balance of probabilities, that there is a case to answer for misconduct or gross misconduct and the nature of the conduct is such that it would amount to a notifiable offence for the purposes of HOCR.

The appropriate authority is as defined in The Police (Conduct) Regulations 2012.

Any allegation of a crime against a police officer or member of police staff which solely relates to his/her off duty activities or is other than in the execution of his/her duties should be dealt with in accordance with the NCRS and the Counting Rules.

### Clarification

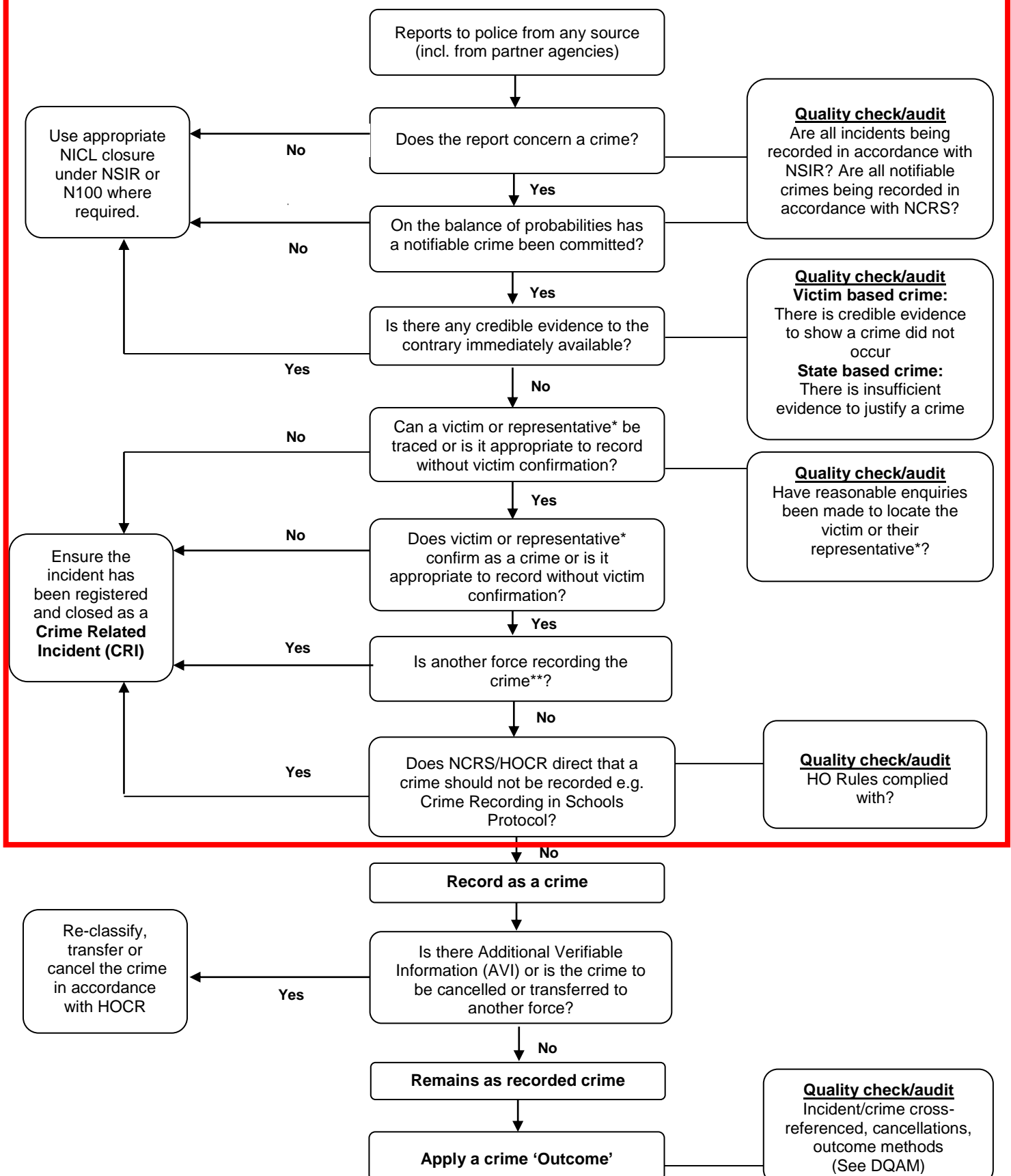
- The term 'police staff' includes any non-sworn employee of a force and will include Police Community Support Officers and Custody Detention Officers as well as staff employed in other roles.
- Where criminal offences are being covertly investigated, notwithstanding a formal assessment of criminal conduct there is no requirement to record a crime until such time as the investigation progresses to a formal stage.



## National Crime Recording Standard (4 of 4)

### Crime Recording Flowchart

*A belief by the victim, or person reasonably assumed to be acting on behalf of the victim, that a 'victim related' crime has occurred is usually sufficient to justify its recording.*



\* Paragraph 3.6 provides guidance on recording a crime - even though a victim has declined to confirm or cannot be found.

\*\* Disputes over location should be resolved in accordance with the protocol (HOCR, General Rules, Annex A)

## **Vision and Purpose Statements for Crime Recording**

**Vision:** That all police forces in England and Wales have the best crime recording system in the world: one that is consistently applied; delivers accurate statistics that are trusted by the public and puts the needs of victims at its core.

**Purpose Statements:** Crime is recorded by the police and others to:

- ensure that victims of crime receive the service they expect and deserve;
- prioritise effective investigation of crime in keeping with national standards and the College of Policing's Code of Ethics;
- inform the public of the scale, scope and risk of crime in their local communities;
- allow PCCs, Forces and local partners to build intelligence on crime and criminal behaviour necessary for an efficient and effective response;
- enable Government, PCCs, Forces and their partners to understand the extent of demands made on them and the associated costs of service delivery; and
- inform the development of Government policy to reduce crime and to establish whether those policies are effective.

The importance of these objectives, and in particular the need for the public and victims of crime to have confidence in the police response when they report a crime, makes it imperative that crimes are recorded consistently and accurately.

**Policing Values:** The College of Policing's "Code of Ethics" set out nine explicit values that are intended to ensure standards of professional behaviour for both police officers and police staff:

- |                  |               |                |
|------------------|---------------|----------------|
| • Accountability | • Integrity   | • Openness     |
| • Fairness       | • Leadership  | • Respect      |
| • Honesty        | • Objectivity | • Selflessness |

These values underpin all policing functions and in respect of personal conduct require all persons working for the police service to "behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing" (See Standard 9 – Conduct).

The Code explicitly states that complying with the National Crime Recording Standard (NCRS), which is central to the Home Office Counting Rules for Recorded Crime (HOCR), is an example of meeting the standards.

Link to Code of Ethics: <http://www.college.police.uk/What-we-do/Ethics/Ethics-home/Pages/Code-of-Ethics.aspx>

# National Crime Recording Standard (1 of 4)

**Vision:** *That all police forces in England and Wales have the best crime recording system in the world: one that is consistently applied; delivers accurate statistics that are trusted by the public and puts the needs of victims at its core.*

## 1. AIMS

- To promote accurate and consistent crime recording between police forces; and
- To take a victim oriented approach to crime recording.

## 2. GENERAL PRINCIPLES

*The Standard directs a victim focused approach to crime recording. The intention is that victims are believed and benefit from statutory entitlements under the [Code of Practice for Victims of Crime \(CPVC\)](#).*

- 2.1 All reports of incidents, whether from victims, witnesses or third parties and whether crime related or not, will, unless immediately recorded as a crime, result in the registration of an auditable incident report by the police.
- 2.2 An incident will be recorded as a crime (notifiable offence) for 'victim related offences' if, on the balance of probability:
  - (a) the circumstances of the victims report amount to a crime defined by law (the police will determine this, based on their knowledge of the law and counting rules); and
  - (b) there is no credible evidence to the contrary immediately available.
- 2.3 A belief by the victim, or person reasonably assumed to be acting on behalf of the victim, (explained further at 3.6 ii), that a crime has occurred is usually sufficient to justify its recording.
- 2.4 For 'offences against the state' the points to prove *to evidence* the offence must clearly be made out, before a crime is recorded (see also 3.7).
- 2.5 Once recorded, a crime will remain recorded unless additional verifiable information (AVI) is found and documented which determines that no notifiable crime has occurred or crimes are transferred or cancelled i.e. where crimes are created in error, or as a duplicate of an existing crime.

## 3 GENERAL INTERPRETATION OF PRINCIPLES

- 3.1 **Auditable Records - Ensuring Consistency:** The reasons for recording crime are set out in the 'Vision and Purpose Statements (prior)'. The requirement for an auditable incident record is to enable effective review of the attrition between initial reports and the subsequent recording of a notifiable crime. Transparency of decision making contributes to trust and confidence in the accuracy and consistency of recording across England and Wales. Where a report is recorded as a crime at first point of contact (e.g. by an officer on a mobile device; by phone to a control room or direct to a Crime Recording Bureau or Crime Management Unit), it is not necessary that an incident report is also created. However, where the initial report is not recorded as a crime, an auditable incident report must be registered (whether in the force incident system or some other accessible system) and those systems must be auditable.
- 3.2 **Balance of Probability Test:** When examining a report of an incident regarding offences involving identified victims, the test to be applied in respect of recording a crime is that of the balance of probabilities: that is to say: *"is the incident more likely than not the result of a criminal act"*. A belief by the victim, or person reasonably assumed to be acting on behalf of the victim, that a crime has occurred is usually sufficient to justify its recording as a crime. A victim focused approach is the standard to be applied based on a presumption that the victim should be believed.
- 3.3 **Initial Report – Informing the Crime Recording Decision:** A complaint should be considered as made at the first point of contact in keeping with guidance at paragraph 2.3 prior. Evidence indicates that the information obtained by the police at the point of first contact (from all channels / routes) will usually be sufficient to meet the 'balance of probability' crime recording decision making process (CRDMP). Where the CRDMP establishes that a crime has been committed then recording must take place and must not routinely be delayed to facilitate deployment of resources or to enable further investigation to take place. Reports received through partnership arrangements or by specialist units must be recorded on the force crime system at the first opportunity and must not be delayed to allow for further investigation. CRDMP oversight must be independent of operational or performance line management.

## National Crime Recording Standard (2 of 4)

- 3.4 **Timeliness of Recording:** Where the information obtained at the first point of contact satisfies the crime recording decision making process the expectation is that identified crimes will be recorded without delay. It is expected that such crimes will be recorded on the same day the report is received – and in any case recording must take place within 24 hours of the time the initial report was received. Exceptionally, in circumstances where a victim or person reasonably assumed to be acting on the victim's behalf, cannot be located to confirm that a victim related crime occurred then recording may be extended for up to 7 days. However, where the victim is not traced to confirm an initial report, (for a victim related crime); the expectation is that the CRDMP will be made on the basis of the available first contact information. All reports subject to delayed recording must contain an NCRS compliant rationale and have appropriate FCR oversight.

- 3.5 **Victim Focused Recording:** NCRS promotes a victim focused approach to crime recording. The intention is that victims are believed and able to benefit from their statutory entitlements under the Code of Practice for Victims of Crime (CPVC). This advice ensures consistency of victim focus:

- i. **No Victim - No Crime:** Where there are grounds to suspect that a 'victim related' crime i.e. a crime requiring victim confirmation may have taken place but no victim, (or person reasonably assumed to be acting on behalf of the victim), can immediately be found or identified, then subject to the exceptions identified at 3.6 (recording without victim confirmation), the matter must be recorded as a crime related incident until such time as the victim is located or comes forward to provide an account.
- ii. **Unwilling Victims - Guidance:** Where apparent criminal activity comes to the attention of the police, and the victim confirms that a crime has taken place, but declines to support an investigation or prosecution a crime must still be recorded.

- 3.6 **Recording without Victim Confirmation:** The concept of 'no victim - no crime' is a guiding principle for 'victim related crimes' to deliver a consistent victim focus. However, there are two occasions where recording without victim confirmation is required:

- i. **Police Decide Recording is Appropriate/Necessary:** If, having applied the principle outlined at 2.2 and 3.5 i, police believe there is clear evidence or significant grounds to show that a victim based crime has been committed, and that it is either necessary or appropriate to record that crime, a force must record even though the victim has declined to confirm or cannot be found. For example, there are occasions where individuals may fail to recognise that they are victims in relation to some crimes such as domestic abuse or fraud. This must not be used as a reason for failing to record an identified notifiable crime. There is no requirement to record a crime where an individual reports in the belief they are the victim, but specific counting rule guidance identifies that the actual victim (or loser) is another party e.g. a financial institution. However, appropriate advice should be given and referrals made to the initial caller to ensure the right service delivery. The reason for recording without victim confirmation must be explained within the crime record, and be the subject of appropriate supervisory review and FCR quality assurance oversight.
- ii. **Parents, Carers and Professional 'Third' Party Reports:** Crimes are often reported by individuals acting on behalf of victims. These may be referred to as 'Third Party' reports and commonly such reports include the following:
  - a) Persons acting in a professional capacity e.g. doctors, nurses, social workers and teachers reporting crimes, (often of a safeguarding nature), on behalf of victims of any age.
  - b) Parents or Carers acting as a guardian or responsible adult, reporting crime in the best interests of and/or to ensure that a child, or young person or adult at risk has appropriate access to police services.

When such persons reports crimes, they should always be regarded as acting on behalf of a victim. Where there is no doubt as to their status and/or position or the veracity of their report, those reports must be recorded as crimes. Such recording must occur regardless of whether the victim has given their permission for the reporting individual to speak to the police and irrespective of whether the victim subsequently confirms that a crime has been committed. Other 'Third Party' reports from persons acting on behalf of victims should be treated on their individual merit and in line with guidance at paragraph 2.2 and 3.6 i within the Standard.



**Telephone**  
101

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

public.access@hampshire.police.uk

[REDACTED]

07 September 2022

**Our ref:** HC/002091/22  
**Your ref:**

Dear [REDACTED]

## **FREEDOM OF INFORMATION REQUEST**

I write in response to the above referenced Freedom of Information request submitted on the 09/08/2022, Hampshire Constabulary has now considered this request, which has been repeated below and have responded accordingly.

<b>Request</b>	<b>Response</b>
Please provide me with the dates within the last 5 years on which the Force Crime Registrar (FCR) audited the Centurion IT System used by the Professional Standards Department (PSD) for compliance with the Home Office Crime Recording rules (HOCR).	Hampshire Constabulary does not hold any information relevant to this request as the Centurion system in Hampshire has not been audited in the time frame specified.

## **COMPLAINT RIGHTS**

If you are dissatisfied with the handling procedures or the decision made by Hampshire Constabulary, you can lodge a complaint with the force to have the decision reviewed within 2 months of the date of this response. Complaints should be made in writing to the Public Access office at the address at the top of this letter.

If, after lodging a complaint with Hampshire Constabulary, you are still unhappy with the outcome, you may make application to the Information Commissioner at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF, via telephone on 0303 123 1113 or 01625 545745 or at the website [www.ico.org.uk](http://www.ico.org.uk)



[www.hampshire.police.uk](http://www.hampshire.police.uk)

Deaf? Non-emergency text **07781 480999**

For crime and community information [www.hampshirealert.co.uk](http://www.hampshirealert.co.uk)



Yours sincerely

Nuala Richman  
Public Access  
Joint Information Management Unit



**[www.hampshire.police.uk](http://www.hampshire.police.uk)**

Deaf? Non-emergency text **07781 480999**

For crime and community information **[www.hampshirealert.co.uk](http://www.hampshirealert.co.uk)**



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**From:** HMICFRS FOI [<mailto:HMICFRSFol@hmicfrs.gov.uk>]  
**Sent:** 22 September 2022 11:00  
**To:** [REDACTED]  
**Subject:** RE: Freedom of Information request - Reference FOI2022-38

Dear [REDACTED]

Thank you for your email.

As previously explained, we do not inspect PSD systems for compliance with the HOCR because we examine those IT systems used by police forces where there is a high chance of finding reports made by victims of crime, this does not include PSD systems.

The guidance and advice we have provided explains how we conduct our inspections. Whilst we appreciate you may have concerns about a particular force it is not within our remit to investigate or change processes based on individual complaints. If you do have a complaint about a force you should contact the Professional Standards Department in that force and the [Independent Office of Police Conduct](#) (IOPC) in the first instance.

We don't believe there's any further information we can provide in response to your query.

Yours sincerely

HMICFRS FOI Team  
His Majesty's Inspectorate of Constabulary and Fire & Rescue Services

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**From:** [REDACTED]  
**Sent:** 07 September 2022 08:39  
**To:** HMICFRS FOI <[HMICFRSFol@hmicfrs.gov.uk](mailto:HMICFRSFol@hmicfrs.gov.uk)>  
**Subject:** RE: Freedom of Information request - Reference FOI2022-38

Do you trust this email? This email originated from outside the Home Office, or came from a Home Office system that has not been certified. Please exercise caution before opening attachments or clicking on links within this email or any suspicious email, particularly from unknown senders.

Hi,

Thanks for the explanation which I had seen before, but I did not receive an answer to my request about:

- a. Has the HMIC ever inspected any police forces professional standards (PSD) IT system for compliance with the HOCR regarding criminal complaints/allegations made by the public against on duty officers and members of staff??? Here I am talking about raising an incident record according to the HOCR provisions (not crime recording). That can be delayed for complaints against officers.

To clarify Hampshire Police does not raise/log an incident report for officers and its staff in the same way it does for criminal allegations against members of the public. Hence there is no incident report in the RMS for HMIC to audit. Surely the HMIC knows if that is proper/legal or not.

Thanks

[REDACTED]

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**From:** HMICFRS FOI [<mailto:HMICFRSFol@hmicfrs.gov.uk>]  
**Sent:** 06 September 2022 14:05  
**To:** [REDACTED]  
**Subject:** RE: Freedom of Information request - Reference FOI2022-38

Dear [REDACTED]

Thank you for your email.

In response to your question, no, HMICFRS has not audited the Centurion IT system. As explained in our response to FOI-2022-16 and FOI-2022-38 we examine those IT systems used by police forces where there is a high chance of finding reports made by victims of crime. In Hampshire Constabulary we looked at RMS (record management system) and Altaris (contact management system).

Please note, this has not been handled as an internal review, instead we hope this confirmation clarifies our position in response to your request.

Yours sincerely

FOI Team  
Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services

\*\*\*\*\*



**From:** [REDACTED]  
**Sent:** 31 May 2024 09:55  
**To:** 'enquiries@policeconduct.gov.uk'  
**Subject:** Request for information (FOI)

To IOPC Information Team.

Freedom of information Request.

Dear Information Team,

Please provide my with the dates over the last 5 years relating to audits of Hampshire Constabularies Professional Standards IT complaints system (Centurion I believe) by the IOPC. This should include:

- 1) Date of audit.
- 2) Organization or position of the individual conducting the Audit.
- 3) Result of audit.
- 4) Nature and description of the audit.
- 5) Whether or not the audit was to check for compliance with the HOCR/NCRS with regards to criminal complaints made against officers.

An email response is fine.

Thank you

[REDACTED]

[REDACTED]  
E

## **The Home Office Crime Recording rules and the Police Complaints System.**

IOPC statement. Excerpt from letter from it on this issue.

20. It was accepted in the 2017 conduct assessment that matters referred to Hampshire Police in 2012 and 2013 had not been recorded under HOCR. That is not the issue raised by your complaint which concerns whether your complaints about Mr Trencher, the force solicitor's conduct in 2017 should be recorded as a crime.
21. The IOPC's powers and duties derive from the Police Reform Act 2002 and relate to the police complaints system in England and Wales which includes requirements for forces to record, refer and investigate police complaints.
22. Police complaints are an expression of dissatisfaction with the service provided by the police. An expression of dissatisfaction may include allegations of criminality, misconduct, both or neither. Under the current legislation if a complainant has been adversely affected as a result of the matter complained of, their complaint must be recorded as a police complaint regardless of whether it includes an allegation of criminality or misconduct or not.
23. The IOPC has no powers or duties in connection with Home Office Crime Recording rules, which are intended to promote consistency and accuracy in statistics concerning criminal offending. Her Majesty's Inspectorate of Constabularies, Fire and Rescue Services (HMICFRS) inspect and audit compliance with them and with the Home Office are responsible for interpreting them.

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**From:** FIS Enquiries [<mailto:Enquiries@forceinformationsystems.zohodesk.eu>]  
**Sent:** 06 June 2024 19:13  
**To:** [REDACTED]  
**Cc:** [Enquiries@forceinformationsystems.zohodesk.eu](mailto:Enquiries@forceinformationsystems.zohodesk.eu)  
**Subject:** Re:[## 6483 ##] Centurion IT question

Good evening,

Our software does not integrate with the crime recording software. It is a standalone system for force Professional Standards Departments to record Complaints, Performance and Conduct/Discipline allegations and outcomes.

Regards,  
**Nicky Thomas**  
Senior Manager

**Tickets will be closed if no response within 24hrs**

Please do **NOT** send sensitive, protected, or personal data in tickets, this includes data in screenshots.

**To view your support tickets or take advantage of our Knowledgebase Articles register an account**

**Please send all product support / enquires to the relevant email address:**

[support@forceinformationsystems.zohodesk.eu](mailto:support@forceinformationsystems.zohodesk.eu)  
[Centurion@forceinformationsystems.zohodesk.eu](mailto:Centurion@forceinformationsystems.zohodesk.eu)  
[Gatekeeper@forceinformationsystems.zohodesk.eu](mailto:Gatekeeper@forceinformationsystems.zohodesk.eu)  
[Optio@forceinformationsystems.zohodesk.eu](mailto:Optio@forceinformationsystems.zohodesk.eu)  
[Senatus@forceinformationsystems.zohodesk.eu](mailto:Senatus@forceinformationsystems.zohodesk.eu)  
[Enquiries@forceinformationsystems.zohodesk.eu](mailto:Enquiries@forceinformationsystems.zohodesk.eu)

**There is also a webpage link on our website for support:**

<https://www.force-uk.com/support>



**Sent:** 05 June 2024 11:06

**To:** 'enquiries@forceinformationsystems.zohodesk.eu'

**Subject:** Centurion IT question

Question about you Centurion IT software for professional standards departments

Does your Centurion IT system allow for the auditing of crime reports against police officers entered into the system. That is for checking and auditing purposes regarding checking for compliance with the HOCR/NCRS (home office rules on crime reporting). Or is it not intended for that specific purpose?

Thanks

[Redacted signature]



**Hampshire Constabulary**  
**Chief Constable Olivia Pinkney QPM, MA**

Mr B Gerrard  
IOPC  
PO Box 476  
Sale  
M33 0BW

Professional Standards  
Operational Headquarters  
Mottisfont Court  
Tower Street  
Winchester  
SO23 8ZD

Our Ref: DM/DB  
Your Ref: 2018/101006

Telephone: 101  
Minicom: 19001 101  
[professionalstandards@hampshire.pnn.police.uk](mailto:professionalstandards@hampshire.pnn.police.uk)

8<sup>th</sup> June 2022

Dear Brett,

Non Recording Appeal by [REDACTED], decision dated 12 April 2018, IOPC Reference 2018/101006

Thank you for your letter dated the 17<sup>th</sup> May 2022 regarding non-recording appeal made by [REDACTED].

I note that you refer to s10 (1)(e) Police Reform Act 2002 with regards to the application of the Home Office Counting Rules (HOCR) for Recording Crime and National Crime Recording Standard (NCRS):

“..to make such recommendations, and to give such advice, for the modification of the arrangements maintained with respect to those matters, and also of police practice in relation to other matters, as appear, from the carrying out by the Commission of its other functions, to be necessary or desirable;”

Our position is that we believe that have complied with the National Crime Recording Standards in respect of recording this matter.

We have recorded the allegations by [REDACTED] on our Centurion database along with the decision to non-record. These matters are available for audit to those public bodies that have oversight functions of the police.

[www.hampshire.police.uk](http://www.hampshire.police.uk)



\*\*\* The HOCR/NCRS fully applies to everyone. Even on duty officers. A "recording" delay does not mean all the other provisions of the rules and checks and balances can be thrown out the window that lead up to a "recording" decision as defined in the rules. That's ridiculous and dangerous.

As you know, Her Majesty's Inspectorate of Constabulary currently hold the function to audit Forces in terms of their Crime Data Integrity. We also share information with yourselves from the Centurion database.

In terms of the specific matters relating to [REDACTED], we rely on the section of the HOCR document section which states:

**“An allegation of a crime made against a police officer or a member of police staff in the execution of his or her duty:**

It is recognised that by the very nature of their work officers and staff will be subject of complaints. Many of them are shown to be false or malicious or are determined have been lawful actions, such as in cases where the use of force is questioned. It is not the intention to record as crimes all such allegations unless or until it is determined there is a criminal case to answer. There is no requirement to record such matters within the general NCRS provisions within 24 hours of the report being made.

The point at which a crime will be recorded will be when:

The Appropriate Authority determines that there may be a case to answer criminally and requests Crown Prosecution Service advice; or

The Appropriate Authority determines, in accordance with the DPP Charging Guidance, that a charge or summons or out of court disposal should be issued in relation to a criminal matter; or

The Appropriate Authority determines, on the balance of probabilities, that there is a case to answer for misconduct or gross misconduct and the nature of the conduct is such that it would amount to a notifiable offence for the purposes of HOCR.

The appropriate authority is as defined in The Police (Conduct) Regulations 2020. Any allegation of a crime against a police officer or member of police staff which solely relates to his/her off duty activities or is other than in the execution of his/her duties should be dealt with in accordance with the NCRS and the Counting Rules.

Clarification:

The term ‘police staff’ includes any non-sworn employee of a force and will include Police Community Support Officers and Custody Detention Officers as well as staff employed in other roles.

Where criminal offences are being covertly investigated, notwithstanding a formal assessment of criminal conduct there is no requirement to record a crime until such time as the investigation progresses to a formal stage.”

This can be found in part 2 of Section I of HOCR (page 41) – Other Investigating Authorities (2 of 4).

In terms of [REDACTED] complaint, we have not yet reached the stage of determination and so to record this matter as a crime at this time, is premature.

As a further issue, we have a copy of the call made by [REDACTED] on the 21<sup>st</sup> October 2017.

\*\*\* As if a High Court case and order and case would be about a call to 101 to enquire for an address.

The summary of this call is that [REDACTED] asked for a postal address for Police Headquarters, in particular for the legal department. The female call taker tried to give [REDACTED] the address where the call taker worked. [REDACTED] stated that he did not think that Southampton was the correct address. [REDACTED] further asked if she could give the address of an individual as he had a pre-action letter to send to Roger Trencher, Force Solicitor.

[REDACTED] asks for the work address of the Force Solicitor. The call taker is quiet and [REDACTED] says the Force Solicitor used to be at HQ in Winchester. [REDACTED] then says he will find the address by other means and the call ends. [REDACTED] and the call taker are polite throughout and [REDACTED] does not make a public complaint or a criminal allegation.

Thank you for your recommendation in terms of this matter. I hope that this sets out our position in terms of our compliance with the NCRS.

If you have any further questions, please do not hesitate to contact me.

Yours sincerely,



**Debra Masson**  
**Superintendent**  
**Professional Standards Department**

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**EX 01**

Our reference number: 2018/099011

Force reference number: MI/10/18



**IOPC**  
Independent Office  
for Police Conduct

Swyddfa Annibynnol  
Ymddygiad yr Heddlu

PO Box 473  
Sale M33 0BW

PO Box 473  
Blwch Post 473  
Sale M33 0BW  
Blwch Post 473

Tel/Ffôn 0300 020 0096

Text relay/Cyfnewid Testun 18001 0207 166 3000

Email/E-bost enquiries@policeconduct.gov.uk

Web/Gwefan www.policeconduct.gov.uk

Web/Gwefan www.policeconduct.gov.uk

This summary police "conduct assessment" was carried out at the instruction of Lesley Longstone the head of the IPCC after Hampshire Police failed to carry one out. It related to now confirmed very serious child safeguarding failings by Hampshire Police for failing to record and investigate a child sex offender twice over a 2 year period. This led to 17 sex offences being committed, offences against children they could have easily stopped.

22 March 2018

YET, goes on to state "no conduct issues" have been identified. This exoneration was achieved by evidence being withheld by Mr. Trencher and the PSD that proved this assessment to be a lie and fabrication.

Dear [REDACTED]

As you are aware Hampshire Police carried out a conduct assessment in relation to the matters you raised with them regarding Mr Tyrone Mark.

As previously agreed please find enclosed a summary of the conduct assessment completed by Hampshire Police. A copy has also been forwarded to the Children's Commissioner Anne Longfield.

Yours sincerely

Clara Harriott  
Senior Assessment Manager  
Independent Office for Police Conduct

## Summary of Conduct Assessment

### Background to conduct assessment

LIE In December 2012 a referral was made by Arnewood School, Hampshire to the Hampshire County Council's Local Authority Designated Officer (LADO) regarding Mr Tyrone Mark, a teacher at the school regarding his relationship with a pupil. The LADO referred the matter to Hampshire Constabulary's Central Referral Unit (CRU). As both Mr Mark and the pupil resided in Dorset, the matter was referred to Dorset Police who decided that a single agency referral was appropriate and could be conducted by the school.

In March 2013, Mr Mark resigned his position after disciplinary proceedings were commenced by the school. In October 2013 additional materials regarding Mr Mark were obtained by the school, and Hampshire Constabulary were contacted for advice. Hampshire Constabulary advised that no action was required by themselves, and that the material could be dealt with by the single agency and the Disclosure and Barring Service (DBS). Mr Mark was barred from teaching indefinitely by the National College for Teaching and Leadership (NCTL) in July 2014. Following the NCTL decision, the school wrote to parents informing them of the outcome. After considering advice from the LADO, the school handed all the material they had to Hampshire Constabulary.

In December 2014 a criminal investigation was commenced by Hampshire Constabulary. Mr Mark was subsequently charged with 17 offences of possessing indecent images of children which had been downloaded from the internet. Mr Mark was sentenced to six month's imprisonment in February 2016.

██████████ whose son was a pupil at the school, made a number of complaints regarding Hampshire Constabularies' decision not to investigate the offences when referred in 2012, a failure to record the occurrence in accordance with Home Office Counting Rules, and that police inactivity led to the 17 offences being committed against children. Mr ██████████ complaints were assessed in accordance with the Police Reform Act 2002, and a series of non-recording letters were sent to ██████████ on the basis that he was not a person whose son was subject of the investigation, or was adversely affected by the investigation. ██████████ appealed these non-recording decisions to the IPCC, who did not uphold his appeals. ██████████ subsequently wrote to the Children's Commissioner, and the Children's Commissioner wrote to the IPCC highlighting ██████████ concerns. The IPCC then wrote to Hampshire Constabulary directing that a conduct assessment be completed in accordance with Section 6.4 of the IPCC Manual of Guidance.

### Conduct assessment conclusions

Hampshire Constabulary identified the following concerns in their conduct assessment:

This is Hampshire Constabulary breaking the law in a very fundamental way.

- The referral from the LADO in December 2012 and subsequent contact with Dorset was not recorded on the force's Record Management System (RMS)
- The further referral in October 2013 and interaction with the LADO following the return of items belonging to Mr Mark by a colleague was not recorded on RMS.
- Procedure for the referral by the LADO in December 2012 required an initial police investigation by Hampshire Police to establish the nature of the relationship between teacher and pupil.
- Local and national safeguarding procedures required the full facts of a case to be established prior to concluding whether a position of trust allegation should be single agency and if a criminal investigation is required.

Dorset police officially acknowledged this was not so. But this evidence was suppressed by Roger Trencher and the PSD ...

The conduct assessment notes that the decision in December 2012 to refer the matter to Dorset Police was in accordance with Hampshire Constabulary's local procedure, as all parties directly involved resided in Dorset. ... So they could tell this lie of course.

Concerning conduct issues, no individual officers have been identified within the report. It is also noted that the issues identified relate to the recording of information within the force's systems or are matters regarding adherence to procedure. As such, the conduct assessment notes that the identified issues are procedural in nature. It is also noted that steps have been taken to ensure that all contacts regarding LADO referrals are recorded on RMS. Officer's broke the law and endangered children. But nothing to answer for.

The conduct assessment further notes that the procedural issues concerning Hampshire Constabulary's handling of Mr Mark appear to be isolated occurrences, and audits of similar position of trust cases from the period do not raise concerns with Hampshire Constabulary's recording of referrals or the decisions made regarding them. On the basis that the identified concerns are procedural in nature, they appear to be isolated occurrences, no officers have been identified and actions have been taken to rectify the procedural concerns in future, there does not appear to be an indication of any conduct matters.

---

**From:** Campbell, Keith (5108) [<mailto:Keith.Campbell@Dorset.PNN.Police.uk>]

**Sent:** 29 October 2014 17:37

**To:** [REDACTED]

**Subject:** Review of Dorset Police Response 2014-626 NOT PROTECTIVELY MARKED

Just part of the evidence proving the conduct assessment to be a lie. Suppressed by the Force Solicitor Roger Trencher and the PSD who were explicitly asked to forward it on to Lesley Longstone and Jennifer Izekor but deliberately failed to do as easily proved by correspondence. Dorset Police confirmed they did not deal with the case and were not sent the evidence as the conduct assessment dishonestly leads you to believe.

This matter was discussed with the Head of our Professional Standards Department, Superintendent Peter Windle and I have been nominated to respond due to my involvement and responsibility in the matter.

Supt Windle is of the opinion that it might assist you if I make the comments in my previous communication more explicit, and I do so below:

*Dorset Police did receive some information that was appropriate in the circumstances but this was purely for our reference and is not suitable for disclosure. Dorset Police was not involved in any investigation of the matter. We did not receive any file of related material; indeed our knowledge that such a file exists comes from information supplied by you. We have double checked this and make the assertion with confidence.*

*Our knowledge of the detail of what happened in response to this matter is minimal but it is possible that this was dealt with by the school and Hampshire County Council staff, since the local authority has primacy in welfare and education issues related to children and young persons. The information that we received originated from HCC.*

*To conclude, we can only reiterate that this matter was not dealt with by Dorset Police and we received no file of any sort from the school or any other involved party.*

Please see the notice below which outlines your right to complain to the Information Commissioner's Office about this matter.

**If you are not satisfied with our response in relation to your request for information then you have the right to refer this to the Information Commissioner who will consider your complaint. You can contact the Commissioner at: -**

**Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire,  
SK9 5AF.**

As you can see this exposes the lie in the assessment. The case and evidence was not transferred to Dorset Police for investigation or follow up at all, and not recorded by them. Hampshire Constabulary blocked evidence to cover up and protect officers for "looking the other way" for 2 years.

**E-mail** [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk)

Yours sincerely

This is just SOME of the suppressed evidence

**Keith Campbell  
Freedom of Information Manager**

Our ref: CH.14.07.26

22 July 2014

Lies to parents - no police investigation had taken place. It appears someone at Hampshire Constabulary was given false information to the school and Hampshire County Council that a police investigation had taken place when it had not. The alternative is they made it up.

Dear

**Re: Misconduct hearing of former member of staff**

We are writing to you because last week a former member of our teaching staff, Mr Mark, was the subject of a professional misconduct hearing and has been permanently prohibited from teaching.

Mr Mark had his contract terminated by the school in March 2013, following allegations that he formed an inappropriate relationship with a student outside of school.

I would like to reassure you that the police investigated these matters and found no criminal activity had taken place.

Acting upon legal advice, this has been the first opportunity we have had to comment publicly on the matter.

We take the safety of your children extremely seriously.

From the outset when these allegations were made known to us Mr Mark was immediately suspended and we worked closely with both the local authority and the police. We have taken substantial professional advice and followed national child protection guidelines throughout.

Given our concerns, it was only right that we referred the matter to the attention of the Disclosure and Barring Service, the government body which replaces the Criminal Records Bureau and Independent Safeguarding Authority.

Some months after Mr Mark had his employment terminated by the school it emerged that he had documents and files in his home containing his personal thoughts on students.

We were shocked and disgusted by Mr Mark's actions. The very serious nature of the national panel's findings reflects this and we fully support the decision taken to prohibit him from teaching following our referral.

There is no evidence that Mr Mark formed inappropriate relationships with any other student.

To protect the identity of the student involved we are unable to go into any further detail.

We respectfully ask that your children and others refrain from using social media speculation on this matter to protect the identity and feelings of the student

Mr Mark was a very experienced teacher, a colleague for many years; we feel that the trust we placed in him has been betrayed.

If any parent/carer has any concerns following this news the Headteacher will be happy to talk to you when the school is back in session in September but we must stress that we cannot go into the details of this particular case for the reasons outlined above.

Yours sincerely

C C Hummerstone  
Headteacher

Elizabeth Cook  
Chairman

---

**Subject:** FW: From office of Rt Hon Desmond Swayne TD MP

The Head of Children's Services  
Mr. John Coughlan.

---

**From:** MOIRA SWAYNE [<mailto:swaynem@hotmail.co.uk>]

**Sent:** 15 February 2015 10:46

**To:** [REDACTED]

**Subject:** From office of Rt Hon Desmond Swayne TD MP

Dear [REDACTED]

He was putting forward false  
misleading information too. Was  
he misled by someone at Hampshire  
Police?? Or just careless  
or worse??

Please find below the body of the emailed letter sent by John Coughlan to Mr Swayne on 26th January.

----->

Date 26th January 2015

Dear Mr Swayne

I am very sorry for the delay in responding to your letter. I had asked our legal advisers to consider the position, and there was some delay at their end for which they apologise.

Hampshire County Council did not conduct an investigation into the allegations made against Mark Tyrone. When it was approached by the Arnewood Academy in December 2012, enquiries including contact with the Police led officers to conclude, appropriately, that the matter should be investigated internally by the Academy. I remain confident with that conclusion.

Wow he was committing child sex  
offences when Coughlan wrote this.

It follows that there is no local authority investigation file, as such, to be disclosed to the Police, but we would of course co-operate fully with any request from the Police for any material which we hold, to the extent that we are required or permitted to do so.

I trust that this answers your question, but please do let me know if I can assist further.

Best wishes

John Coughlan  
Deputy Chief Executive & Director of Children's Services  
Hampshire County Council  
3rd Floor, Elizabeth II Court North  
Winchester  
Hampshire SO23 8UG  
Tel: 01962 846516

Rt Hon Desmond Swayne TD MP

House of Commons  
London SW1A 0AA  
0207 219 4886

[www.desmondswayne.com](http://www.desmondswayne.com)

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## EX 02



Chief Constable Scott Chilton MSt (*Cantab*)  
www.dorset.police.uk

OFFICIAL

**Dorset Police**  
**Professional Standards Department**  
Force Headquarters  
Winfrith, Dorchester  
Dorset DT2 8DZ

Your ref:  
Our ref: CO/00554/22

Sent via email:

Phone: 101 Ext. 3808

E-mail: [complaints&misconduct@dorset.pnn.police.uk](mailto:complaints&misconduct@dorset.pnn.police.uk)

Date: 20 September 2022

Dear [REDACTED]

#### COMPLAINT AGAINST POLICE

I have made further enquiries as a result of our correspondence, and I hope this clarifies your Points.

You asked if the DS was involved in the decision making about how Mr Mark should be dealt with which are points 4 and 5 below.

The officer has explained that he liaised with the LADO knowing that Hampshire Police had said they would not deal with the case. He recalls that he felt that the matter was for Hampshire to investigate as the concerns appear to have arisen from the school and were reported as inappropriate communication between teacher and child. At the time he had no information to suggest there were offences in Dorset and it would be for the LADO to co-ordinate the investigation. He remembers that it was the LADO's preferred option that the matter be dealt with by the Education Authority. The information available to him from the referral and speaking to the LADO did not suggest offences had been committed in Dorset, he felt Hampshire Police should investigate and informed the LADO of his view.

In relation to your points below I can confirm from my enquiries that they are correct.

1. No file or any evidence on the Tyrone Mark case was sent to Dorset Police at anytime.
2. No crime was recorded under the HOCR.
3. Dorset Police did not investigate.
4. Dorset Police did not make any decisions on the case.
5. Dorset Police did not decide the case should be handled on a single agency basis.
6. The case was not transferred to Dorset Police by Hampshire Police.

I hope that I have provided clarity for the further points you raised.

Yours sincerely

[REDACTED]

[REDACTED]  
Complaints & Misconduct Unit

**EX 03**



Never investigated despite Dorset Head of  
PSD confirming need for investigation

Chief Constable Amanda Pearson MSt (*Cantab*)  
www.dorset.police.uk

OFFICIAL

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Sent via email:

[REDACTED]

**Dorset Police**  
**Professional Standards Department**

Force Headquarters  
Winfrith, Dorchester  
Dorset DT2 8DZ

Your ref:

Our ref: CO/00554/22  
PK.3808.RGH

Phone: 101 Ext. 3808

E-mail: [complaints&misconduct@dorset.pnn.police.uk](mailto:complaints&misconduct@dorset.pnn.police.uk)

27 April 2023

Dear [REDACTED]

**COMPLAINT AGAINST POLICE**

I am the Head of Professional Standards and have been kept updated on your dealings with the office via Mr Watkinson.

I fully appreciate your frustration, and indeed given my role as Head of Professional Standards, if I had any jurisdiction in this case, I would absolutely direct an investigation. Unfortunately, this is clearly a matter for the Hampshire Force, and so I asked Deputy Chief Constable De Reya to pass this to her equivalent Deputy Chief Constable in Hampshire, which was completed. Neither our Chief Constable nor Deputy have any authority over Hampshire Police.

If you remain dissatisfied you can write to the Chief Constable in Hampshire direct, and/or write to the IOPC (Independent Office for Police Conduct) who oversee all police forces.

If you wish to make a formal complaint, then we will of course ensure it is appropriately recorded and handled in accordance with regulations.

Yours sincerely

[REDACTED]

[REDACTED]  
Detective Superintendent  
Head of Professional Standards Department

## EX 04

[REDACTED]

---

**From:** public.access@hampshire.pnn.police.uk  
**Sent:** 21 August 2014 13:05  
**To:** [REDACTED]  
**Subject:** RE: FOI Appeal

Mr [REDACTED]

Yes that is correct.

Jason

**Jason Russell | Senior Manager for Public Access**

Joint Information Management Unit | Hampshire Constabulary & Thames Valley Police

Telephone 01962 871014 | Internal 79 1228

Address Police Headquarters, West Hill, Winchester, SO22 5DB

Information Management Helpdesk:

Hampshire: [information.management@hampshire.pnn.police.uk](mailto:information.management@hampshire.pnn.police.uk) / 01962 871541 (internal 79 2128)

Thames Valley: [information.management@thamesvalley.pnn.police.uk](mailto:information.management@thamesvalley.pnn.police.uk) / 01865 846329 (internal 700 6329)

---

**From:** [REDACTED]  
**Sent:** 21 August 2014 12:57  
**To:** PUBLIC ACCESS Mailbox  
**Subject:** RE: FOI Appeal

Dear Mr. Russell,

Sorry, just one more thing if I may. I presume from that response Hampshire Constabulary have no incident or crime number recorded for this?

Regards

---

**From:** [public.access@hampshire.pnn.police.uk](mailto:public.access@hampshire.pnn.police.uk) [<mailto:public.access@hampshire.pnn.police.uk>]  
**Sent:** 21 August 2014 09:34  
**To:** [REDACTED]  
**Subject:** FOI Appeal

[REDACTED]

I refer to your latest email below and your request for a review of Hampshire Constabulary's response to your FOI request.

I can confirm that I have now concluded my review and I have decided that we are in a position to respond to your request without using the neither confirm nor deny exemption under Section 40.

As a result, I can now state that Hampshire Constabulary hold no information in respect of your request. However, if you contact Dorset Police they should be in a position to respond.

If you wish to discuss further, please do not hesitate to contact me.

**Jason Russell | Senior Manager for Public Access**

Joint Information Management Unit | Hampshire Constabulary & Thames Valley Police

Telephone 01962 871014 | Internal 79 1228  
Address Police Headquarters, West Hill, Winchester, SO22 5DB

Information Management Helpdesk:

Hampshire: [information.management@hampshire.pnn.police.uk](mailto:information.management@hampshire.pnn.police.uk) / 01962 871541 (internal 79 2128)

Thames Valley: [information.management@thamesvalley.pnn.police.uk](mailto:information.management@thamesvalley.pnn.police.uk) / 01865 846329 (internal 700 6329)

---

**From:** [REDACTED]  
**Sent:** 05 August 2014 13:55  
**To:** PUBLIC ACCESS Mailbox  
**Subject:** RE: Freedom of Information Request HC/1369/14

**Attachments:** news article.pdf; Mark\_\_Tyrone\_-\_Web\_Decision\_-\_9951029.pdf

HC/1369/14

Dear Information Team,

Additional attachments for Mr. Russell when he reviews this request. News article and public NCTL decision. Confirmation it is already in the public domain there was a police investigation into this named individual in the press. Confirmation and reassurances now sought from the Constabulary. And files containing abusive material on children exists also in the public domain as per the attached NCTL decision and press coverage. The CPS has been direct about this and told us they do not hold this information, surely the police should be forthright too.

Thank you.

[REDACTED]

\*\*\*\*\*

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\*\*\*\*\*

**EX 05**



Lying in a pre-action response letter is a serious matter. Dorset Police's evidence has never been investigated at anytime and Mr. Silson will not provide the disclosure under court rules which would bare that out. The lies are as clear as day. Where are the investigation reports then ??

# PLEXUS

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Our ref: TQS-GAL.022- 35

Your ref:

Date: 02 July 2023

E: tom.silson@plexuslaw.co.uk

T: 0161 245 7973

Sent by email only [REDACTED]

Dear Sir

[REDACTED]

We refer to the above matter in which we act on behalf of the Defendant.

We have now had the chance to consider your Judicial review Pre-Action letter dated 14.06.23 together with the preceding emails requesting a formal response.

To the points raised in your JR Pre-Action letter dated 14.06.23, the Defendant responds as follows (for the avoidance of doubt we have adopted the same numbering as you have used: -

1. As clearly stated in the letter of Chief Inspector David Winter, Hampshire consider your most recent complaint concerns substantially the same conduct and/or issue as has been investigated before – essentially, your allegation that there was no “investigation” following receipt of alleged ‘evidence’ from Dorset Police.

LIE 1

Hampshire do not accept your suggestion that you have disclosed anything that warrants a new investigation as there is no fresh indication that any person serving with Hampshire has committed a criminal offence or behaved in a way which would justify bringing disciplinary proceedings.

LIE 2

Finally, Hampshire are confident that your previous complaints have been investigated and handled accordingly and we note that on occasion where you have been dissatisfied with those responses, you have requested a review from the IOPC.

At the time of writing, the IOPC have not found any fault against Hampshire and, therefore, its decision to categorise your latest complaint as repetitious, remains valid.

2. On receipt of your initial complaint, it was recorded and allocated a reference number CO/1380/23. DCC Hutson received the matters from Dorset Police and referred them into the Professional Standards Department.

Having considered the letter dated 27.04.23, Hampshire does not accept your submission as to what alleged involvement DCC Hutson had 'in matters' (non-admitted). Hampshire has clearly set out what evidence has been considered and why it believes the complaint to be repetitious.

3. Hampshire respectfully avers that it has complied and followed due process in its complaints procedure. It is also aware that Judicial Review is a last resort.
4. This requires no formal response.
5. All complaint investigations are handled in an impartial manner and C/Insp Winter has taken the view that this was not an investigation. It is therefore his approach that the highlighted section – *"investigator must not work, directly, or indirectly, under the management of the person being investigated"*, is not relevant in this matter. There is no investigation into the actions of DCC Hutson and so no conflict arose.

C/Insp Winter has explained in his letter what the actions were of DCC Hutson in terms of passing the letter from Dorset Police to him. C/Insp Winter is aware of all of the circumstances around this matter and understands the history of it. He also understands that Dorset Police were unaware of all the historical actions that Hampshire and the Isle of Wight Police had undertaken to deal with this matter and it is of no surprise to him that D/Supt Kessell wrote the letter in the way he did. D/Supt Kessell's response may have been different had he been fully aware of the background to this matter.

In your additional correspondence, you also raise a number of objections to Hampshire's process and handling of this situation. As previously indicated, Hampshire does not accept your assertions and relies on its previous responses.

To assist, however, Hampshire wishes to clarify the following: -

- Hampshire have accepted in the Op Whyte report, dated 23<sup>rd</sup> February 2014 (and previously supplied to you) that there was a gap in the processes for this type of issue. Changes were made to close the gap that existed.
- Hampshire are not clear as to what Dorset's 'evidence' is as you suggest. Dorset have not completed any investigation and so did not collect any evidence. The Dorset Police letter to you states that:

*"On 11th December 2012 the Hampshire LADO sent an email to Hampshire Police's Public Protection Unit (PPU) summarising the issue. In the body of the email it was noted, "there is no evidence to suggest that it is sexual, although the nature of the gifts and cards could be seen as grooming"*

The same day the email was forwarded by Hampshire Police to Dorset Police's Safeguarding Referral Unit (SRU) with the annotation that both teacher and pupil reside in the Dorset Police area.

- There is nothing to suggest that a file of evidence was ever sent to Dorset Police, it appears that the email was the notification from which the force then created a crime reference number for and which contains the actions that show the following.

- The matter was recorded under reference number C:12:C:52198 linked to a form CP01 and classified as a "None Crime CP:01 Child protection non-crime in line with crime recording standards at that time. A CP 01 was a proforma document that was submitted to local child services if there was any contact with a child.
- It is the Investigating Officers (IO) understanding that Crime reference number would be created to attach the CP 01 and for actions/enquires to be recorded on the record.
- It was recorded that concerns had been raised due to inappropriate communication between the teacher and pupil, however, there had been no suggestion of sex or attempts to have sex.
- It was further noted, *"I have contacted Hants CRU. It is unclear where these offences have occurred. Having read their referral (email) it appears that the offender and the victim's parents are colleagues. So, it suggests to me these offences have happened in Hants."*

This is entirely consistent with what Hampshire have provided you. Hampshire are not aware of Dorset providing it with any evidence.

- Dorset Police have recorded what was referred to them but then taken no further action. With all due respect, Hampshire's position is that any comment by D.Supt Kessell is made without the full understanding or sight of the work that had already been undertaken by Hampshire and previously shared with you.
- Hampshire shared information with Dorset who did not identify anything that they should deal with. It was passed back to Hampshire and it decided that the LADO could deal with it through the Education process.
- The IOPC are aware of this matter as previously stated to you. Hampshire have provided background papers to the IOPC regarding the conduct assessment. It has had correspondence with the IOPC and it has shared this with them. Hampshire believes it has referred all relevant matters to the IOPC.
- Upon further review of the letters from Dorset Police, Hampshire respectfully aver that they match the details already been provided to you - in terms of the handling of the case and the conduct assessment. Hampshire cannot identify where there is anything new to consider. Hampshire do not believe that the Dorset investigation shows that it produced a false report as you appear to allege.
- Your complaint regarding Mr Trencher is still ongoing – complaint reference number CO/484/19. But for the avoidance of doubt, Hampshire maintain the position of the conduct assessment completed by Mr Franks.
- As previously explained to you, Hampshire have taken the learning identified following the Conduct Assessment and it has improved and changed its processes. It has also set out previously when it is required to record crimes that are related to the complaints process. It has shared its view of the interpretation of the Home Office Counting Rules and the National

Crime Recording Standards with you and makes no further comments/submissions on this point.

- For the avoidance of any doubt, Mr Trencher has nothing to do with this matter. All instructions are provided by C/Insp David Winter.

Hampshire now feel it has exhausted reasonable correspondence with you.

It believes the points you have raised, and its responses thereafter, are becoming entrenched and are merely repeating the same accusations and rebuttals.

Hampshire does not wish to enter into further protracted correspondence on this issue and considers that if you remain unsatisfied with the above response, it is entirely your decision whether you wish to proceed with Judicial Review.

Should any claim be issued, however, Hampshire will file Grounds to Object and seek its costs of doing so from you direct.

Yours faithfully

A handwritten signature in blue ink, appearing to be 'D. Winter', with a long horizontal flourish extending to the right.

**Plexus Law**

**This document is classified as CONFIDENTIAL**

**EX 06**

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 10 November 2023 15:25  
**To:** 'Esther Myers Robinson'  
**Subject:** RE: IOPC Ref: 2023/185488 Force Ref: CO/1483/22

Thank you for your email and introduction.

I presume your review will cover the linked appeals too? They are all interrelated and show a pattern of Hampshire Police avoiding substantive evidence by falsely stating the evidence provided by Dorset Police and myself has been previously investigated when it categorically has not. As you will see it is a widespread deception "pedalled" by numerous individuals in their PSD including the Head David Winter. I have repeatedly asked for a copy of the "investigation reports" which would have been sent to me as the complainant but never were as all my complaints were arbitrarily rejected out of hand. All relate to their disastrous handling of a child sexual abuse case and then Hampshire PSD producing a false "conduct assessment" into the handling of the case to pass the buck, as proven by Dorset Police's blocked evidence. Bottom line is they are lying about Dorset Police's evidence (and mine) having been investigated to reject all complaints and evidence about the false police report as repetitive and an abuse of process. Hence the damning evidence provided to Hampshire Police has never seen the light of day. Dorset Police's evidence says it all, my work does not have to be taken.

I would ask your report unequivocally point out the matter of the false conduct assessment report produced by Hampshire's PSD into the handling of the Tyrone Mark sexual abuse case and Dorset Police's evidence has never been investigated but needs to be. If it has why can they not provide any "investigation" reports. That in of itself which I am sure you will verify proves the lies. If you can be very specific about that I would appreciate it as it goes to the crux of the matter.

Thank you  
[REDACTED]

---

**From:** Esther Myers Robinson [mailto:Esther.MyersRobinson@policeconduct.gov.uk]  
**Sent:** 10 November 2023 14:55  
**To:** [REDACTED]  
**Subject:** IOPC Ref: 2023/185488 Force Ref: CO/1483/22

IOPC Ref: 2023/185488  
Force Ref: CO/1483/22

Dear [REDACTED]

I am a Casework Manager for the IOPC. I am writing to introduce myself to you and to let you know that I have been allocated to assess your review application following the handling of your complaint by the Hampshire constabulary.

I have today started reading through the background papers that are associated with your case. My role in the review process is to decide whether the outcome of the complaint handling was reasonable and proportionate.

I aim to complete my review as soon as possible, and I will keep you informed of the progress of your case with regular updates where necessary. Please note that once my review is complete, I am not permitted to change my decision.

Sometimes people like to have advanced notice of when the decision letter will be sent so they can get a friend or family-member to support them when the letter arrives. If you would like that, please let me know.

Please note, I will send the decision letter using a secure email system called Egress. This ensures the email cannot be read by anyone else. I will send it to this email address unless you tell me not to. Please let me know if this is unsuitable, or if you prefer to have the outcome sent to you via post.

Yours sincerely

**Esther Myers Robinson**  
**Casework Manager**  
**Independent Office for Police Conduct**

PO BOX 694

Wakefield

WF1 9NU

Tel: 01924 811 609

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We welcome correspondence in Welsh. We will respond to you in Welsh and this will not lead to delay.

Rydym yn croesawu gohebiaeth yn y Gymraeg. Byddwn yn ymateb i chi yn y Gymraeg ac ni fydd hyn yn arwain at oedi.

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Gall y neges hon a'i chynnwys gynnwys gwybodaeth gyfrinachol, freintiedig neu hawlfraint. Fe'u bwriedir at ddefnydd y derbynnydd arfaethedig yn unig. Os derbynioch y neges hon mewn camgymeriad, mae'n rhaid i chi beidio â datgelu, copïo, dosbarthu na chymryd unrhyw gamau sy'n dibynnu ar y cynnwys. Yn hytrach, rhwch wybod i'r anfonwr ac yna dilëwch ef yn barhaol. Mae unrhyw farn neu safbwyntiau a fynegir yn y cyfathrebiad hwn yn eiddo i'r awdur yn unig ac nid ydynt o reidrwydd yn cynrychioli barn yr IOPC. Dim ond staff penodedig sydd wedi'u hawdurdodi i wneud cytundebau rhwymol ar ran yr IOPC trwy e-bost. Nid yw'r IOPC yn derbyn unrhyw gyfrifoldeb am gytundebau anawdurdodedig y daethpwyd iddynt â gweithwyr neu asiantau eraill. Ni all yr IOPC warantu diogelwch yr e-bost hwn nac unrhyw atodiadau. Tra bod negeseuon e-bost yn cael eu sganio'n rheolaidd, ni all yr IOPC gymryd unrhyw gyfrifoldeb am unrhyw firws y gellir ei drosglwyddo â'r rhyngwyd. Mae systemau cyfathrebu'r IOPC yn cael eu monitro i'r graddau a ganiateir gan y gyfraith. O ganlyniad, gall unrhyw e-bost a/neu atodiadau gael eu darllen gan staff monitro.

**EX 07**



**From:** [REDACTED]  
**Sent:** 20 December 2023 19:02  
**To:** 'Esther Myers Robinson'  
**Subject:** RE: IOPC Ref: 2023/185488 Force Ref: CO/1483/22

Dear Ms. Myers-Robinson,

Thank you for your email.

Understood. To re-iterate the focus of my appeal for you: It can never be reasonable and proportionate to say something and evidence has been investigated when it has not and never have any regard to the evidence provided. Nor reject a complaint as repetitious when it has never been investigated nor the evidence ever answered or acknowledged in any way (including new evidence) without checking that out first. Your report I believe should of course conclude (or not) that there is/was no investigation outcome report into Dorset Police's evidence (and mine) showing the factual discrepancies in Hampshire Police's report into its handling of the Tyrone Mark child sexual abuse case. This fact in of itself proves the complaint (it was not repetitious based on it being investigated). This is easy enough for you to ascertain as it would have been for the police complaint handler before calling the complaint repetitious and forming the opinion it had already been investigated. Why was no checking done? This point is highly substantive of course in reaching a correct decision on this appeal. Misinformation was evidently put forward by Ms. Stokel-Walker. Was it a lie or just careless, I believe it was the former. All it would have taken was some very cursory and basic checking on her part to ascertain and she was fully conversant with the case.

Then of course ignoring evidence and making up reasons to reject a complaint the details of which she was very involved with can never be reasonable and proportionate, it is plainly dishonest. Particularly when it is as convincing as this evidence is from Dorset Police Officers. And not investigating and answering authoritative evidence that the police have produced a false report into the handling of a child sexual abuse case by untruly maintaining it was repetitious would never be seen as "proportionate" and "reasonable" by a court of law either. To the contrary it would be seen as "Wednesbury unreasonable". That is no one with adequate knowledge of the law using common sense could ever arrive at that conclusion. You must surely agree. You have seen the evidence.

Also the complaint handler would have most of what I provided to you. Certainly that which was substantive to the complaint as explained. Eg: the Dorset Police's evidence, the false report, representations from me it was never investigated, and Ms. Stokel-Walker being wrong saying it was investigated (which would have made it repetitious under your guidance). Hence it was flatly wrong to classify the complaint as repetitious as well. As you have seen I have not been reluctant to forward what I consider related documents and the evidence.

These are the substantive points and the complaint handler was looking at.

As to the other evidence I have sent in, not going directly to the above. I do understand you will not be ruling on that but I believe this further background information provided to the IOPC is highly germane in reference to you making an informed mode of investigation decision. As such it should be taken into account and considered in this context. This complaint should have been referred in but was not as it relates and is linked to a "serious corruption" complaint. This was my original complaint into the false assessment report produced by Hampshire Police's PSD. They are inextricably linked. It should have been referred in as should the underpinning complaint, neither was. I too would have made Hampshire Police's PSD complaint handler aware of this too if I recollect correctly.

To manage expectations and with respect I would challenge in the High Court anything that does not find my complaint into the false conduct assessment to not have been investigated by Hampshire Police, but should have been and it was wrong to call it investigated and repetitious given Dorset Police's new evidence (and old). These are entirely germane issues that I hope you will take on board. Also this complaint is related to a very serious corruption complaint (a false police report into the handling of a child sexual abuse case). As it is linked it should have been referred in of course. Hence that too is very relevant and I would request an answer too.

In a nutshell:

- 1) Was it truthful as put forward by Ms. Stokel-Walker my complaint and evidence I had supplied had been investigated and the complaint was therefore repetitious? Well NO it was not true.
- 2) Is it proportionate to reject a complaint on misinformation when it relates to and is underpinned by authoritative and convincing evidence of serious police corruption (a false police report into the handling of a child sexual abuse case)? Well NO.
- 3) Should it have been referring in for a MOI? Well YES.
- 4) Are PSD complaint handlers subject to the police code of ethics or do they have a license to be untruthful to help bury evidence? Ms. Stokel-Walker was personally aware of the evidence of course as the record shows.

Sincerely

---

**From:** Esther Myers Robinson [mailto:Esther.MyersRobinson@policeconduct.gov.uk]  
**Sent:** 20 December 2023 16:18  
**To:** [REDACTED]  
**Subject:** RE: IOPC Ref: 2023/185488 Force Ref: CO/1483/22

IOPC Ref: 2023/185488

Dear [REDACTED]

Thank you for your emails which I have attached to the case.

It is important that I am clear and honest with you so you are fully aware of my remit in terms of the complaint I am currently reviewing.

I must advise that I can only consider information that is relevant to this complaint and has been considered by the complaint handler in question.

I appreciate that you may wish to and have provided further documents and information, however, I will only be able to consider those which are relevant to this specific complaint and have been considered by the complaint handler.

My role is to review the handling of this complaint and assess whether that handling is reasonable and proportionate.

Yours sincerely

**Esther Myers Robinson**  
**Casework Manager**  
**Independent Office for Police Conduct**

PO BOX 694

Wakefield

WF1 9NU

Tel: 01924 811 609

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**From:** [REDACTED]  
**Sent:** 19 December 2023 15:37  
**To:** Esther Myers Robinson <Esther.MyersRobinson@policeconduct.gov.uk>  
**Subject:** RE: IOPC Ref: 2023/185488 Force Ref: CO/1483/22

[Caution: This email originated from outside of the IOPC. Please protect our business by not opening any links or attachments unless you trust the origin of this email.]

RE: IOPC Ref: 2023/185488 Force Ref: CO/1483/22

Dear Ms. Myers-Robinson,

So here's what the evidence I have submitted to date establishes:

1. Hampshire Police produced a false conduct assessment into the handling of a child sexual abuse case. As substantiated by evidence provided by Dorset Police officers.
2. In affect falsely blaming Dorset Police for serious legal failings relating to the handling of that child sexual abuse case.
3. Dorset Police has provided evidence (more than once) which confirms the assessment report to be false in substantive ways.
4. Hampshire Police withheld vital evidence from Dorset Police if we are to believe they passed the case to Dorset Police as stated in the report (ie: sex dossier's on kids, DfE banning order etc).
5. Hampshire Police have repeatedly lied that the complaint about the false conduct assessment report and related evidence has been investigated to avoid answering the evidence (at just about every level).
6. Hampshire Police have spent public money to have a solicitor lie for them about the complaint and Dorset Police evidence being investigated when it has not.
- 7) Hampshire Police have ignored the mandatory criteria on referring this complaint in to the IOPC as per the statutory guidance .

That's very serious corruption. I am sure your outcome report will correct me if I'm wrong as to any of these points.

Sincerely

[REDACTED]

\*\*\*\*\*

We welcome correspondence in Welsh. We will respond to you in Welsh and this will not lead to delay.

Rydym yn croesawu gohebiaeth yn y Gymraeg. Byddwn yn ymateb i chi yn y Gymraeg ac ni fydd hyn yn arwain at oedi.

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**EX 08**

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 07 January 2024 12:37  
**To:** 'Esther Myers Robinson'  
**Subject:** RE: IOPC Ref: 2023/185488 Force Ref: CO/1483/22 (JR points)  
**Attachments:** 20.09.22 Letter to [REDACTED].pdf; Dorset complaint acknowledgemnt to [REDACTED].pdf; false conduct assessment into child sexual abuse safeguarding failings by hampshire police.pdf; contact dorset police instead.pdf

RE: IOPC Ref: 2023/185488 Force Ref: CO/1483/22

To manage expectations. Judicial Review

Dear Ms. Myers-Robinson,

Please bare this important legal points in mind if you will. They indicate what I would have judicially reviewed if necessary (but hope I do not have too) .

- 1) A complaint cannot be rejected as vexatious and/or abuse of process if it is substantiated by substantive authoritative 3<sup>rd</sup> party evidence that has never been evaluated or answered in any way shape and form (attached again for absolute clarity). (Statutory Guidance).
- 2) A complaint cannot be repetitious if has never been investigated before, and there is new evidence (from Dorset Police) which has never been answered or even acknowledged through the complaints process. (Statutory Guidance).
- 3) This complaint review cannot reach an informed decision without ascertaining the underpinning facts relating to my complaint about Ms. Stokel-Walker providing serious misinformation to reject t my complaint about the false police conduct report sent to me into the handling of the Tyrone Mark child sexual abuse case. (Law : relevant consideration and reasonableness).
- 4) This IOPC review must answer whether her response was justified and a lawful one based on the facts and evidence. That is the IOPC must provide a definitive answer to the question whether the evidence provided to Hampshire Police and her personally has ever been answered and/or investigated or not, and If so it must produce the investigation report/s to substantiate it which should have been sent to me but were not. This is the only way to justify the lawfulness of Ms. Stokel-Walkers response (or not). The IOPC must confirm if there has been any investigation into the false report and my compliant or not. It cannot begin to answer this review without first ascertaining that. (Relevant consideration and reasonableness).
- 5) A complaint about an individual providing misinformation which prevents a serious police complaint being lawfully dealt without cannot be decided without the IOPC validating the underpinning facts and evidence that shows the response to invalid. That is the complaint was not vexatious, an abuse of process and repetitious under law and common sense and should not have received the response as penned by Ms. Stokel-Walker. It was based on sound yet ignored evidence.
- 6) There are no proper legal grounds for the IOPC to fail to review the facts and evidence referred to above. In fact guidance mandates it by stating complaints must be dealt with "holistically" and are therefore not just a procedural exercise without any regard to the underpinning facts and evidence.
- 7) This review had it been processed in the order received would have benefitted from access to all the facts and evidence and would not have been so restricted. (Procedural).
- 8) The IOPC must not ignore the fact this complaint should have been "referred in" but was not. That is a further serious legal failing. (Statutory Guidance).
- 9) If the IOPC thinks the evidence provided does not indicate the need for investigation it must reference it explicitly and clearly in its review and explain why not.

Of course there would be more, but these are the paramount legal points I would like you to be aware of. Evidence is everything.

Sincerely  
[REDACTED]

---

**From:** [REDACTED]

**Sent:** 21 December 2023 18:19

**To:** 'Esther Myers Robinson'

**Subject:** FW: Your Complaint to Hampshire Constabulary (CO/01483/22) Update 18-11-22

To remove any doubt, here is the confirmation you need the complaint handler was sent the evidence in case they have not provided this to you. All in front of him. But not even mentioned. That's illegal too.

----->

---

**From:** [REDACTED]

**Sent:** 05 December 2022 11:50

**To:** 'Clark, Andrew (18538)'

**Subject:** RE: Your Complaint to Hampshire Constabulary (CO/01483/22) Update 18-11-22

Dear Andy,

Don't think I sent you this but it is probative in relation to this complaint. It is a Dorset Police's investigation outcome further independently corroborating my complaint about the false report into the handling of the Mark Tyrone child sexual abuse case as routinely rejected by Rachel. As you can see Scott Chilton's force accepted the complaint (soon to be the new boss at Hampshire) and produced a damning report on it (from Hampshire's point of view that is). This new evidence was also sent in to the PSD, but Rachel Stokel-walker true to form again ignored it and rejected the complaint yet again. This new evidence did not even get a look in her latest rejection letter (not even mentioned), which further proves the arbitrary manner in which she deals with serious complaints and supporting evidence. Notwithstanding you will know a complaint must be revisited in the advent of new convincing and compelling evidence, what she not taught that?

Regards

---

**From:** Clark, Andrew (18538) [mailto:andrew.clark2@hampshire.police.uk]

**Sent:** 18 November 2022 10:42

**To:** [REDACTED]

**Subject:** Your Complaint to Hampshire Constabulary (CO/01483/22) Update 18-11-22

Dear [REDACTED]

I hope you are keeping well.

I am emailing you to confirm that I am still looking into the points you made in your complaint reference CO/01483/22.

I will keep you informed of any progress and will provide a further update within 28 days.

Kind Regards

Andy Clark

**PSDI 18538 A Clark**

Professional Standards Investigator

Hampshire Constabulary Complaint Resolution Unit

Fareham Police Station, Quay Street



\*\*\*\*\*

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\*\*\*\*\*





OFFICIAL

**Dorset Police**  
**Professional Standards Department**  
Force Headquarters  
Winfrith, Dorchester  
Dorset DT2 8DZ

Your ref:  
Our ref: CO/00554/22

Sent via email:

Phone: 101 Ext. 3808

E-mail: [complaints&misconduct@dorset.pnn.police.uk](mailto:complaints&misconduct@dorset.pnn.police.uk)

Date: 20 September 2022

Dear [REDACTED]

COMPLAINT AGAINST POLICE

I have made further enquiries as a result of our correspondence, and I hope this clarifies your Points.

You asked if the DS was involved in the decision making about how Mr Mark should be dealt with which are points 4 and 5 below.

The officer has explained that he liaised with the LADO knowing that Hampshire Police had said they would not deal with the case. He recalls that he felt that the matter was for Hampshire to investigate as the concerns appear to have arisen from the school and were reported as inappropriate communication between teacher and child. At the time he had no information to suggest there were offences in Dorset and it would be for the LADO to co-ordinate the investigation. He remembers that it was the LADO's preferred option that the matter be dealt with by the Education Authority. The information available to him from the referral and speaking to the LADO did not suggest offences had been committed in Dorset, he felt Hampshire Police should investigate and informed the LADO of his view.

In relation to your points below I can confirm from my enquiries that they are correct.

1. No file or any evidence on the Tyrone Mark case was sent to Dorset Police at anytime.
2. No crime was recorded under the HOCR.
3. Dorset Police did not investigate.
4. Dorset Police did not make any decisions on the case.
5. Dorset Police did not decide the case should be handled on a single agency basis.
6. The case was not transferred to Dorset Police by Hampshire Police.

I hope that I have provided clarity for the further points you raised.

Yours sincerely

[REDACTED]

[REDACTED]  
Complaints & Misconduct Unit

[REDACTED]

---

**From:** public.access@hampshire.pnn.police.uk  
**Sent:** 21 August 2014 13:05  
**To:** [REDACTED]  
**Subject:** RE: FOI Appeal

[REDACTED]

Yes that is correct.

Jason

**Jason Russell | Senior Manager for Public Access**

Joint Information Management Unit | Hampshire Constabulary & Thames Valley Police

Telephone 01962 871014 | Internal 79 1228

Address Police Headquarters, West Hill, Winchester, SO22 5DB

Information Management Helpdesk:

Hampshire: [information.management@hampshire.pnn.police.uk](mailto:information.management@hampshire.pnn.police.uk) / 01962 871541 (internal 79 2128)

Thames Valley: [information.management@thamesvalley.pnn.police.uk](mailto:information.management@thamesvalley.pnn.police.uk) / 01865 846329 (internal 700 6329)

---

**From:** [REDACTED]  
**Sent:** 21 August 2014 12:57  
**To:** PUBLIC ACCESS Mailbox  
**Subject:** RE: FOI Appeal

Dear Mr. Russell,

Sorry, just one more thing if I may. I presume from that response Hampshire Constabulary have no incident or crime number recorded for this?

Regards

[REDACTED]

---

**From:** [public.access@hampshire.pnn.police.uk](mailto:public.access@hampshire.pnn.police.uk) [<mailto:public.access@hampshire.pnn.police.uk>]  
**Sent:** 21 August 2014 09:34  
**To:** [REDACTED]  
**Subject:** FOI Appeal

[REDACTED]

I refer to your latest email below and your request for a review of Hampshire Constabulary's response to your FOI request.

I can confirm that I have now concluded my review and I have decided that we are in a position to respond to your request without using the neither confirm nor deny exemption under Section 40.

As a result, I can now state that Hampshire Constabulary hold no information in respect of your request. However, if you contact Dorset Police they should be in a position to respond.

If you wish to discuss further, please do not hesitate to contact me.

**Jason Russell | Senior Manager for Public Access**

Joint Information Management Unit | Hampshire Constabulary & Thames Valley Police

Telephone 01962 871014 | Internal 79 1228  
Address Police Headquarters, West Hill, Winchester, SO22 5DB

Information Management Helpdesk:

Hampshire: [information.management@hampshire.pnn.police.uk](mailto:information.management@hampshire.pnn.police.uk) / 01962 871541 (internal 79 2128)

Thames Valley: [information.management@thamesvalley.pnn.police.uk](mailto:information.management@thamesvalley.pnn.police.uk) / 01865 846329 (internal 700 6329)

---

**From:** [REDACTED]  
**Sent:** 05 August 2014 13:55  
**To:** PUBLIC ACCESS Mailbox  
**Subject:** RE: Freedom of Information Request HC/1369/14

**Attachments:** news article.pdf; Mark\_\_Tyrone\_-\_Web\_Decision\_-\_9951029.pdf

HC/1369/14

Dear Information Team,

Additional attachments for Mr. Russell when he reviews this request. News article and public NCTL decision. Confirmation it is already in the public domain there was a police investigation into this named individual in the press. Confirmation and reassurances now sought from the Constabulary. And files containing abusive material on children exists also in the public domain as per the attached NCTL decision and press coverage. The CPS has been direct about this and told us they do not hold this information, surely the police should be forthright too.

Thank you.

[REDACTED]

\*\*\*\*\*

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All communications, including telephone calls and electronic messages to and from the Hampshire Constabulary may be subject to monitoring. Replies to this email may be seen by employees other than the intended recipient.

\*\*\*\*\*



Chief Constable Scott Chilton MSt (*Cantab*)  
www.dorset.police.uk

OFFICIAL

**Dorset Police  
Professional Standards Department**

Force Headquarters  
Winfrith, Dorchester  
Dorset DT2 8DZ

Sent via email:

Our ref: CO/00554/22  
TJW/3808/AW

Phone: 101 Ext. 3808

E-mail: [complaints&misconduct@dorset.pnn.police.uk](mailto:complaints&misconduct@dorset.pnn.police.uk)

Date: 25 July 2022

Dear [REDACTED]

**COMPLAINT AGAINST POLICE**

I write in response to your recent correspondence to the IOPC with your complaint against police.

Your complaint has been formally recorded within the provisions of Part 2 of the Police Reform Act 2002.

My role in dealing with your complaint is to decide how the matter should be dealt with.

Based on the information contained within your correspondence, I have determined that this matter should be investigated by a member of the Complaints & Misconduct Unit. I shall arrange for the Investigating Officer, from this office, to contact you and endeavour to resolve your complaint.

For more information about the complaints process, please see the Independent Office for Police Conduct website ([www.policeconduct.gov.uk](http://www.policeconduct.gov.uk)). If you do not have access to the internet, the IOPC can provide you with leaflets (0300 020 0096).

Yours sincerely

[REDACTED]

[REDACTED]  
Joint Head of Complaints & Misconduct Unit

Our reference number: 2018/099011

Force reference number: MI/10/18



**IOPC**  
Independent Office  
for Police Conduct

Swyddfa Annibynnol  
Ymddygiad yr Heddlu

PO Box 473  
Sale M33 0BW

PO Box 473  
Blwch Post 473  
Sale M33 0BW  
Blwch Post 473

Tel/Ffôn 0300 020 0096

Text relay/Cyfnewid Testun 18001 0207 166 3000

Email/E-bost enquiries@policeconduct.gov.uk

Web/Gwefan www.policeconduct.gov.uk

Web/Gwefan www.policeconduct.gov.uk

This summary police "conduct assessment" was carried out at the instruction of Lesley Longstone the head of the IPCC after Hampshire Police failed to carry one out. It related to now confirmed very serious child safeguarding failings by Hampshire Police for failing to record and investigate a child sex offender twice over a 2 year period. This led to 17 sex offences being committed, offences against children they could have easily stopped.

22 March 2018

YET, goes on to state "no conduct issues" have been identified. This exoneration was achieved by evidence being withheld by Mr. Trencher and the PSD that proved this assessment to be a lie and fabrication.

Dear

As you are aware Hampshire Police carried out a conduct assessment in relation to the matters you raised with them regarding Mr Tyrone Mark.

As previously agreed please find enclosed a summary of the conduct assessment completed by Hampshire Police. A copy has also been forwarded to the Children's Commissioner Anne Longfield.

Yours sincerely

Clara Harriott  
Senior Assessment Manager  
Independent Office for Police Conduct

## Summary of Conduct Assessment

### Background to conduct assessment

LIE In December 2012 a referral was made by Arnewood School, Hampshire to the Hampshire County Council's Local Authority Designated Officer (LADO) regarding Mr Tyrone Mark, a teacher at the school regarding his relationship with a pupil. The LADO referred the matter to Hampshire Constabulary's Central Referral Unit (CRU). As both Mr Mark and the pupil resided in Dorset, the matter was referred to Dorset Police who decided that a single agency referral was appropriate and could be conducted by the school.

In March 2013, Mr Mark resigned his position after disciplinary proceedings were commenced by the school. In October 2013 additional materials regarding Mr Mark were obtained by the school, and Hampshire Constabulary were contacted for advice. Hampshire Constabulary advised that no action was required by themselves, and that the material could be dealt with by the single agency and the Disclosure and Barring Service (DBS). Mr Mark was barred from teaching indefinitely by the National College for Teaching and Leadership (NCTL) in July 2014. Following the NCTL decision, the school wrote to parents informing them of the outcome. After considering advice from the LADO, the school handed all the material they had to Hampshire Constabulary.

In December 2014 a criminal investigation was commenced by Hampshire Constabulary. Mr Mark was subsequently charged with 17 offences of possessing indecent images of children which had been downloaded from the internet. Mr Mark was sentenced to six month's imprisonment in February 2016.

██████████ whose son was a pupil at the school, made a number of complaints regarding Hampshire Constabularies' decision not to investigate the offences when referred in 2012, a failure to record the occurrence in accordance with Home Office Counting Rules, and that police inactivity led to the 17 offences being committed against children. Mr ██████████ complaints were assessed in accordance with the Police Reform Act 2002, and a series of non-recording letters were sent to ██████████ on the basis that he was not a person whose son was subject of the investigation, or was adversely affected by the investigation. ██████████ appealed these non-recording decisions to the IPCC, who did not uphold his appeals. ██████████ subsequently wrote to the Children's Commissioner, and the Children's Commissioner wrote to the IPCC highlighting ██████████ concerns. The IPCC then wrote to Hampshire Constabulary directing that a conduct assessment be completed in accordance with Section 6.4 of the IPCC Manual of Guidance.

### Conduct assessment conclusions

Hampshire Constabulary identified the following concerns in their conduct assessment:

This is Hampshire Constabulary breaking the law in a very fundamental way.

- The referral from the LADO in December 2012 and subsequent contact with Dorset was not recorded on the force's Record Management System (RMS)
- The further referral in October 2013 and interaction with the LADO following the return of items belonging to Mr Mark by a colleague was not recorded on RMS.
- Procedure for the referral by the LADO in December 2012 required an initial police investigation by Hampshire Police to establish the nature of the relationship between teacher and pupil.
- Local and national safeguarding procedures required the full facts of a case to be established prior to concluding whether a position of trust allegation should be single agency and if a criminal investigation is required.

Dorset police officially acknowledged this was not so. But this evidence was suppressed by Roger Trencher and the PSD ...

The conduct assessment notes that the decision in December 2012 to refer the matter to Dorset Police was in accordance with Hampshire Constabulary's local procedure, as all parties directly involved resided in Dorset. ... So they could tell this lie of course.

Concerning conduct issues, no individual officers have been identified within the report. It is also noted that the issues identified relate to the recording of information within the force's systems or are matters regarding adherence to procedure. As such, the conduct assessment notes that the identified issues are procedural in nature. It is also noted that steps have been taken to ensure that all contacts regarding LADO referrals are recorded on RMS. Officer's broke the law and endangered children. But nothing to answer for.

The conduct assessment further notes that the procedural issues concerning Hampshire Constabulary's handling of Mr Mark appear to be isolated occurrences, and audits of similar position of trust cases from the period do not raise concerns with Hampshire Constabulary's recording of referrals or the decisions made regarding them. On the basis that the identified concerns are procedural in nature, they appear to be isolated occurrences, no officers have been identified and actions have been taken to rectify the procedural concerns in future, there does not appear to be an indication of any conduct matters.



---

**From:** Campbell, Keith (5108) [<mailto:Keith.Campbell@Dorset.PNN.Police.uk>]

**Sent:** 29 October 2014 17:37

**To:** [REDACTED]

**Subject:** Review of Dorset Police Response 2014-626 NOT PROTECTIVELY MARKED

Dear [REDACTED],

Just part of the evidence proving the conduct assessment to be a lie. Suppressed by the Force Solicitor Roger Trencher and the PSD who were explicitly asked to forward it on to Lesley Longstone and Jennifer Izekor but deliberately failed to do as easily proved by correspondence. Dorset Police confirmed they did not deal with the case and were not sent the evidence as the conduct assessment dishonestly leads you to believe.

This matter was discussed with the Head of our Professional Standards Department, Superintendent Peter Windle and I have been nominated to respond due to my involvement and responsibility in the matter.

Supt Windle is of the opinion that it might assist you if I make the comments in my previous communication more explicit, and I do so below:

*Dorset Police did receive some information that was appropriate in the circumstances but this was purely for our reference and is not suitable for disclosure. Dorset Police was not involved in any investigation of the matter. We did not receive any file of related material; indeed our knowledge that such a file exists comes from information supplied by you. We have double checked this and make the assertion with confidence.*

*Our knowledge of the detail of what happened in response to this matter is minimal but it is possible that this was dealt with by the school and Hampshire County Council staff, since the local authority has primacy in welfare and education issues related to children and young persons. The information that we received originated from HCC.*

*To conclude, we can only reiterate that this matter was not dealt with by Dorset Police and we received no file of any sort from the school or any other involved party.*

Please see the notice below which outlines your right to complain to the Information Commissioner's Office about this matter.

**If you are not satisfied with our response in relation to your request for information then you have the right to refer this to the Information Commissioner who will consider your complaint. You can contact the Commissioner at: -**

**Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire,  
SK9 5AF.**

As you can see this exposes the lie in the assessment. The case and evidence was not transferred to Dorset Police for investigation or follow up at all, and not recorded by them. Hampshire Constabulary blocked evidence to cover up and protect officers for "looking the other way" for 2 years.

**E-mail** [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk)

Yours sincerely

This is just SOME of the suppressed evidence

**Keith Campbell  
Freedom of Information Manager**



Our ref: CH.14.07.26

22 July 2014

Lies to parents - no police investigation had taken place. It appears someone at Hampshire Constabulary was given false information to the school and Hampshire County Council that a police investigation had taken place when it had not. The alternative is they made it up.

Dear

**Re: Misconduct hearing of former member of staff**

We are writing to you because last week a former member of our teaching staff, Mr Mark, was the subject of a professional misconduct hearing and has been permanently prohibited from teaching.

Mr Mark had his contract terminated by the school in March 2013, following allegations that he formed an inappropriate relationship with a student outside of school.

I would like to reassure you that the police investigated these matters and found no criminal activity had taken place.

Acting upon legal advice, this has been the first opportunity we have had to comment publicly on the matter.

We take the safety of your children extremely seriously.

From the outset when these allegations were made known to us Mr Mark was immediately suspended and we worked closely with both the local authority and the police. We have taken substantial professional advice and followed national child protection guidelines throughout.

Given our concerns, it was only right that we referred the matter to the attention of the Disclosure and Barring Service, the government body which replaces the Criminal Records Bureau and Independent Safeguarding Authority.

Some months after Mr Mark had his employment terminated by the school it emerged that he had documents and files in his home containing his personal thoughts on students.

We were shocked and disgusted by Mr Mark's actions. The very serious nature of the national panel's findings reflects this and we fully support the decision taken to prohibit him from teaching following our referral.

There is no evidence that Mr Mark formed inappropriate relationships with any other student.

To protect the identity of the student involved we are unable to go into any further detail.

We respectfully ask that your children and others refrain from using social media speculation on this matter to protect the identity and feelings of the student

Mr Mark was a very experienced teacher, a colleague for many years; we feel that the trust we placed in him has been betrayed.

If any parent/carers has any concerns following this news the Headteacher will be happy to talk to you when the school is back in session in September but we must stress that we cannot go into the details of this particular case for the reasons outlined above.

Yours sincerely

C C Hummerstone  
Headteacher

Elizabeth Cook  
Chairman

---

**Subject:** FW: From office of Rt Hon Desmond Swayne TD MP

The Head of Children's Services  
Mr. John Coughlan.

---

**From:** MOIRA SWAYNE [<mailto:swaynem@hotmail.co.uk>]

**Sent:** 15 February 2015 10:46

**To:** [REDACTED]

**Subject:** From office of Rt Hon Desmond Swayne TD MP

He was putting forward false  
misleading information too. Was  
he misled by someone at Hampshire  
Police?? Or just careless  
or worse??

Dear [REDACTED]

Please find below the body of the emailed letter sent by John Coughlan to Mr Swayne on 26th January.

----->

Date 26th January 2015

Dear Mr Swayne

I am very sorry for the delay in responding to your letter. I had asked our legal advisers to consider the position, and there was some delay at their end for which they apologise.

Hampshire County Council did not conduct an investigation into the allegations made against Mark Tyrone. When it was approached by the Arnewood Academy in December 2012, enquiries including contact with the Police led officers to conclude, appropriately, that the matter should be investigated internally by the Academy. I remain confident with that conclusion.

Wow he was committing child sex  
offences when Coughlan wrote this.

It follows that there is no local authority investigation file, as such, to be disclosed to the Police, but we would of course co-operate fully with any request from the Police for any material which we hold, to the extent that we are required or permitted to do so.

I trust that this answers your question, but please do let me know if I can assist further.

Best wishes

John Coughlan  
Deputy Chief Executive & Director of Children's Services  
Hampshire County Council  
3rd Floor, Elizabeth II Court North  
Winchester  
Hampshire SO23 8UG  
Tel: 01962 846516

Rt Hon Desmond Swayne TD MP

House of Commons  
London SW1A 0AA  
0207 219 4886

[www.desmondswayne.com](http://www.desmondswayne.com)

UK Parliament Disclaimer:

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**EX 09**

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 08 January 2024 17:28  
**To:** '!NorthCasework'  
**Subject:** Your reference: 2022/170780 & 2022/177564 & 2023/188631 & 2023/191487 & 2023/192975 and related  
**Attachments:** 20.09.22 Letter to [REDACTED].pdf; Dorset complaint acknowledgemnt to [REDACTED].pdf; false conduct assessment into child sexual abuse safegaurding failings by hampshire police.pdf; contact dorset police instead.pdf; 27.04.23 Letter to [REDACTED].pdf

Your reference: 2022/170780 & 2022/177564 & 2023/188631 & 2023/191487 & 2023/192975 and related

The strictly legal issues that need considering and answering to avoid the need for Judicial Review when it comes to dealing with these combined reviews is highlighted below.

For clarity as all my outstanding appeals are closely related; That is they are underpinned by Hampshire Police producing a false police report into the handling of a child sexual abuse case and then individuals within the PSD routinely lying about the evidence already been investigated. I would therefore ask they are all dealt with together and chronologically in the order received.

Dear Sirs,

Please bare these important legal points in mind if you will when dealing with the related and linked reviews/appeals as referenced above. They indicate the legal points that would be susceptible to judicial review if not answered and addressed for each of them.

- 1) No complaint can be rejected as vexatious and/or abuse of process if it is substantiated and underpinned by substantive authoritative 3<sup>rd</sup> party evidence that has never been evaluated or answered in any way shape and form (attached again for absolute clarity). (Reference: Statutory Guidance).
- 2) No complaint can be deemed repetitious if has never been investigated before, and there is new evidence (from Dorset Police) which has never been answered or even acknowledged through the complaints process. (Statutory Guidance).
- 3) A complaint review by the IOPC cannot reach an informed decision without ascertaining the underpinning facts relating to my complaint/s about Hampshire PSD producing a false police report into the handling of a child sexual abuse case. That is did Hampshire Police's PSD routinely provide serious misinformation to reject my complaint about the false report produced into the handling of the Tyrone Mark child sexual abuse case by calling it vexatious, an abuse of process, repetitive etc.? If the IOPC finds there are no investigation reports relating to the attached evidence Hampshire Police have clearly been lying at every turn and untruthful excuses were made up simply to avoid difficult evidence. (Law : relevant consideration and reasonableness).
- 4) Where the rejections reasonable and proportionate? It is never reasonable and proportionate to ignore evidence of the type attached (from Dorset Police) and then lie about it already being dealt with..
- 5) It can never be reasonable and proportionate to reject complaints on a false premise, ie: vexatious, abuse of process, repetitive etc., with absolutely no regard to the evidence. Particularly when it comes from an authoritative 3<sup>rd</sup> party (Dorset Police Officers) establishing Hampshire PSD produced a false police report into the handling of a child sexual abuse case .
- 6) This IOPC review must answer the evidence. That is the IOPC must provide a definitive answer to the question whether the evidence provided to individuals in Hampshire Police PSD (attached) has ever been answered and/or investigated or not. And If so it must produce the investigation report/s to substantiate it which should have been sent to me by Hampshire PSD but were not. This is the only way to justify the lawfulness of the PSD responses when rejecting this complaint. The IOPC must confirm if there has been any investigation into the false report and my compliant or not as Hampshire PSD maintains. It cannot begin to answer any review related to these matters without first ascertaining that. (Relevant consideration and reasonableness).

- 7) A complaint underpinned by an individual within Hampshire PSD (Stephen Franks) writing a false police report and subsequently various individuals in that same PSD then providing misinformation to prevent a serious police complaint about this being lawfully dealt without cannot be decided without the IOPC validating the underpinning facts and evidence that shows the various PSD's response to be invalid. That is the complaint was not vexatious, an abuse of process and repetitious under law and common sense and should not have received the responses that were issued. The complaint is based on sound yet ignored evidence (refer to attached again).
- 8) There are no proper legal grounds for the IOPC to fail to review the facts and evidence referred to above. In fact the statutory guidance mandates it by stating complaints must be dealt with "holistically" and are therefore not just a procedural exercise without any regard to the underpinning facts and evidence.
- 9) My reviews must be processed in the order received so decisions can benefit from access to all the facts and evidence relating to this matter chronologically. (Procedural).
- 10) The IOPC must not ignore the fact this complaint should have been "referred in" but was not. That is a further serious legal failing. (Statutory Guidance).
- 11) If the IOPC thinks the evidence provided does not indicate the need for investigation it must reference it explicitly and clearly in its review and explain why not.
- 12) Dorset Police thinks there should be an investigation. And, they are important witnesses to the facts under consideration. That is the report they have seen produced by Hampshire PSD is false based on the evidence they hold and have provided (and you have also now seen). I ask this too gets a mention in any outcome report particularly if the IOPC disagrees with Dorset Police on this.
- 13) Evidence is everything and must be weighed (statutory guidance).

Of course there would be more, but these are the paramount legal points I would like you to be aware of.

Sincerely

A black rectangular redaction box covering the signature of the sender.



OFFICIAL

**Dorset Police**  
**Professional Standards Department**

Force Headquarters  
Winfrith, Dorchester  
Dorset DT2 8DZ

Your ref:  
Our ref: CO/00554/22

Sent via email:

Phone: 101 Ext. 3808

E-mail: [complaints&misconduct@dorset.pnn.police.uk](mailto:complaints&misconduct@dorset.pnn.police.uk)

Date: 20 September 2022

Dear [REDACTED]

COMPLAINT AGAINST POLICE

I have made further enquiries as a result of our correspondence, and I hope this clarifies your Points.

You asked if the DS was involved in the decision making about how Mr Mark should be dealt with which are points 4 and 5 below.

The officer has explained that he liaised with the LADO knowing that Hampshire Police had said they would not deal with the case. He recalls that he felt that the matter was for Hampshire to investigate as the concerns appear to have arisen from the school and were reported as inappropriate communication between teacher and child. At the time he had no information to suggest there were offences in Dorset and it would be for the LADO to co-ordinate the investigation. He remembers that it was the LADO's preferred option that the matter be dealt with by the Education Authority. The information available to him from the referral and speaking to the LADO did not suggest offences had been committed in Dorset, he felt Hampshire Police should investigate and informed the LADO of his view.

In relation to your points below I can confirm from my enquiries that they are correct.

1. No file or any evidence on the Tyrone Mark case was sent to Dorset Police at anytime.
2. No crime was recorded under the HOCR.
3. Dorset Police did not investigate.
4. Dorset Police did not make any decisions on the case.
5. Dorset Police did not decide the case should be handled on a single agency basis.
6. The case was not transferred to Dorset Police by Hampshire Police.

I hope that I have provided clarity for the further points you raised.

Yours sincerely

[REDACTED]

Complaints & Misconduct Unit



Never investigated despite Dorset Head of  
PSD confirming need for investigation

Chief Constable Amanda Pearson MSt (*Cantab*)  
www.dorset.police.uk

OFFICIAL



Sent via email:



**Dorset Police**  
**Professional Standards Department**  
Force Headquarters  
Winfrith, Dorchester  
Dorset DT2 8DZ

Your ref:  
Our ref: CO/00554/22  
PK.3808.RGH

Phone: 101 Ext. 3808

E-mail: [complaints&misconduct@dorset.pnn.police.uk](mailto:complaints&misconduct@dorset.pnn.police.uk)

27 April 2023

Dear 

#### COMPLAINT AGAINST POLICE

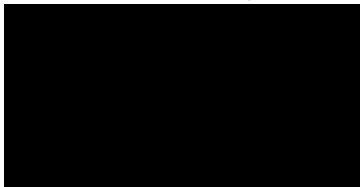
I am the Head of Professional Standards and have been kept updated on your dealings with the office via Mr Watkinson.

I fully appreciate your frustration, and indeed given my role as Head of Professional Standards, if I had any jurisdiction in this case, I would absolutely direct an investigation. Unfortunately, this is clearly a matter for the Hampshire Force, and so I asked Deputy Chief Constable De Reya to pass this to her equivalent Deputy Chief Constable in Hampshire, which was completed. Neither our Chief Constable nor Deputy have any authority over Hampshire Police.

If you remain dissatisfied you can write to the Chief Constable in Hampshire direct, and/or write to the IOPC (Independent Office for Police Conduct) who oversee all police forces.

If you wish to make a formal complaint, then we will of course ensure it is appropriately recorded and handled in accordance with regulations.

Yours sincerely



Detective Superintendent  
Head of Professional Standards Department



[REDACTED]

---

**From:** public.access@hampshire.pnn.police.uk  
**Sent:** 21 August 2014 13:05  
**To:** [REDACTED]  
**Subject:** RE: FOI Appeal

Mr [REDACTED]

Yes that is correct.

Jason

**Jason Russell | Senior Manager for Public Access**

Joint Information Management Unit | Hampshire Constabulary & Thames Valley Police

Telephone 01962 871014 | Internal 79 1228

Address Police Headquarters, West Hill, Winchester, SO22 5DB

Information Management Helpdesk:

Hampshire: [information.management@hampshire.pnn.police.uk](mailto:information.management@hampshire.pnn.police.uk) / 01962 871541 (internal 79 2128)

Thames Valley: [information.management@thamesvalley.pnn.police.uk](mailto:information.management@thamesvalley.pnn.police.uk) / 01865 846329 (internal 700 6329)

---

**From:** [REDACTED]  
**Sent:** 21 August 2014 12:57  
**To:** PUBLIC ACCESS Mailbox  
**Subject:** RE: FOI Appeal

Dear Mr. Russell,

Sorry, just one more thing if I may. I presume from that response Hampshire Constabulary have no incident or crime number recorded for this?

Regards

---

**From:** [public.access@hampshire.pnn.police.uk](mailto:public.access@hampshire.pnn.police.uk) [<mailto:public.access@hampshire.pnn.police.uk>]  
**Sent:** 21 August 2014 09:34  
**To:** [REDACTED]  
**Subject:** FOI Appeal

[REDACTED]

I refer to your latest email below and your request for a review of Hampshire Constabulary's response to your FOI request.

I can confirm that I have now concluded my review and I have decided that we are in a position to respond to your request without using the neither confirm nor deny exemption under Section 40.

As a result, I can now state that Hampshire Constabulary hold no information in respect of your request. However, if you contact Dorset Police they should be in a position to respond.

If you wish to discuss further, please do not hesitate to contact me.

**Jason Russell | Senior Manager for Public Access**

Joint Information Management Unit | Hampshire Constabulary & Thames Valley Police

Telephone 01962 871014 | Internal 79 1228  
Address Police Headquarters, West Hill, Winchester, SO22 5DB

Information Management Helpdesk:

Hampshire: [information.management@hampshire.pnn.police.uk](mailto:information.management@hampshire.pnn.police.uk) / 01962 871541 (internal 79 2128)

Thames Valley: [information.management@thamesvalley.pnn.police.uk](mailto:information.management@thamesvalley.pnn.police.uk) / 01865 846329 (internal 700 6329)

---

**From:** [REDACTED]  
**Sent:** 05 August 2014 13:55  
**To:** PUBLIC ACCESS Mailbox  
**Subject:** RE: Freedom of Information Request HC/1369/14

**Attachments:** news article.pdf; Mark\_\_Tyrone\_-\_Web\_Decision\_-\_9951029.pdf

HC/1369/14

Dear Information Team,

Additional attachments for Mr. Russell when he reviews this request. News article and public NCTL decision. Confirmation it is already in the public domain there was a police investigation into this named individual in the press. Confirmation and reassurances now sought from the Constabulary. And files containing abusive material on children exists also in the public domain as per the attached NCTL decision and press coverage. The CPS has been direct about this and told us they do not hold this information, surely the police should be forthright too.

Thank you.

[REDACTED]

\*\*\*\*\*

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\*\*\*\*\*



Chief Constable Scott Chilton MSt (*Cantab*)  
www.dorset.police.uk

OFFICIAL

**Dorset Police**  
**Professional Standards Department**  
Force Headquarters  
Winfrith, Dorchester  
Dorset DT2 8DZ

Sent via email:

Our ref: CO/00554/22  
TJW/3808/AW

Phone: 101 Ext. 3808

E-mail: [complaints&misconduct@dorset.pnn.police.uk](mailto:complaints&misconduct@dorset.pnn.police.uk)

Date: 25 July 2022

Dear [REDACTED]

#### COMPLAINT AGAINST POLICE

I write in response to your recent correspondence to the IOPC with your complaint against police.

Your complaint has been formally recorded within the provisions of Part 2 of the Police Reform Act 2002.

My role in dealing with your complaint is to decide how the matter should be dealt with.

Based on the information contained within your correspondence, I have determined that this matter should be investigated by a member of the Complaints & Misconduct Unit. I shall arrange for the Investigating Officer, from this office, to contact you and endeavour to resolve your complaint.

For more information about the complaints process, please see the Independent Office for Police Conduct website ([www.policeconduct.gov.uk](http://www.policeconduct.gov.uk)). If you do not have access to the internet, the IOPC can provide you with leaflets (0300 020 0096).

Yours sincerely

[REDACTED]

[REDACTED]  
Joint Head of Complaints & Misconduct Unit

Our reference number: 2018/099011

Force reference number: MI/10/18



**IOPC**  
Independent Office  
for Police Conduct

Swyddfa Annibynnol  
Ymddygiad yr Heddlu

PO Box 473  
Sale M33 0BW  
PO Box 473  
Blwch Post 473  
Sale M33 0BW  
Blwch Post 473

Tel/Ffôn 0300 020 0096

Text relay/Cyfnewid Testun 18001 0207 166 3000

Email/E-bost enquiries@policeconduct.gov.uk

Web/Gwefan www.policeconduct.gov.uk

Web/Gwefan www.policeconduct.gov.uk

This summary police "conduct assessment" was carried out at the instruction of Lesley Longstone the head of the IPCC after Hampshire Police failed to carry one out. It related to now confirmed very serious child safeguarding failings by Hampshire Police for failing to record and investigate a child sex offender twice over a 2 year period. This led to 17 sex offences being committed, offences against children they could have easily stopped.

22 March 2018

YET, goes on to state "no conduct issues" have been identified. This exoneration was achieved by evidence being withheld by Mr. Trencher and the PSD that proved this assessment to be a lie and fabrication.

Dear [REDACTED]

As you are aware Hampshire Police carried out a conduct assessment in relation to the matters you raised with them regarding Mr Tyrone Mark.

As previously agreed please find enclosed a summary of the conduct assessment completed by Hampshire Police. A copy has also been forwarded to the Children's Commissioner Anne Longfield.

Yours sincerely

Clara Harriott  
Senior Assessment Manager  
Independent Office for Police Conduct

## Summary of Conduct Assessment

### Background to conduct assessment

LIE In December 2012 a referral was made by Arnewood School, Hampshire to the Hampshire County Council's Local Authority Designated Officer (LADO) regarding Mr Tyrone Mark, a teacher at the school regarding his relationship with a pupil. The LADO referred the matter to Hampshire Constabulary's Central Referral Unit (CRU). As both Mr Mark and the pupil resided in Dorset, the matter was referred to Dorset Police who decided that a single agency referral was appropriate and could be conducted by the school.

In March 2013, Mr Mark resigned his position after disciplinary proceedings were commenced by the school. In October 2013 additional materials regarding Mr Mark were obtained by the school, and Hampshire Constabulary were contacted for advice. Hampshire Constabulary advised that no action was required by themselves, and that the material could be dealt with by the single agency and the Disclosure and Barring Service (DBS). Mr Mark was barred from teaching indefinitely by the National College for Teaching and Leadership (NCTL) in July 2014. Following the NCTL decision, the school wrote to parents informing them of the outcome. After considering advice from the LADO, the school handed all the material they had to Hampshire Constabulary.

In December 2014 a criminal investigation was commenced by Hampshire Constabulary. Mr Mark was subsequently charged with 17 offences of possessing indecent images of children which had been downloaded from the internet. Mr Mark was sentenced to six month's imprisonment in February 2016.

██████████ whose son was a pupil at the school, made a number of complaints regarding Hampshire Constabularies' decision not to investigate the offences when referred in 2012, a failure to record the occurrence in accordance with Home Office Counting Rules, and that police inactivity led to the 17 offences being committed against children. Mr ██████████ complaints were assessed in accordance with the Police Reform Act 2002, and a series of non-recording letters were sent to ██████████ on the basis that he was not a person whose son was subject of the investigation, or was adversely affected by the investigation. ██████████ appealed these non-recording decisions to the IPCC, who did not uphold his appeals. ██████████ subsequently wrote to the Children's Commissioner, and the Children's Commissioner wrote to the IPCC highlighting ██████████ concerns. The IPCC then wrote to Hampshire Constabulary directing that a conduct assessment be completed in accordance with Section 6.4 of the IPCC Manual of Guidance.

### Conduct assessment conclusions

Hampshire Constabulary identified the following concerns in their conduct assessment:

This is Hampshire Constabulary breaking the law in a very fundamental way.

- The referral from the LADO in December 2012 and subsequent contact with Dorset was not recorded on the force's Record Management System (RMS)
- The further referral in October 2013 and interaction with the LADO following the return of items belonging to Mr Mark by a colleague was not recorded on RMS.
- Procedure for the referral by the LADO in December 2012 required an initial police investigation by Hampshire Police to establish the nature of the relationship between teacher and pupil.
- Local and national safeguarding procedures required the full facts of a case to be established prior to concluding whether a position of trust allegation should be single agency and if a criminal investigation is required.

Dorset police officially acknowledged this was not so. But this evidence was suppressed by Roger Trencher and the PSD ...

The conduct assessment notes that the decision in December 2012 to refer the matter to Dorset Police was in accordance with Hampshire Constabulary's local procedure, as all parties directly involved resided in Dorset. ... So they could tell this lie of course.

Concerning conduct issues, no individual officers have been identified within the report. It is also noted that the issues identified relate to the recording of information within the force's systems or are matters regarding adherence to procedure. As such, the conduct assessment notes that the identified issues are procedural in nature. It is also noted that steps have been taken to ensure that all contacts regarding LADO referrals are recorded on RMS. Officer's broke the law and endangered children. But nothing to answer for.

The conduct assessment further notes that the procedural issues concerning Hampshire Constabulary's handling of Mr Mark appear to be isolated occurrences, and audits of similar position of trust cases from the period do not raise concerns with Hampshire Constabulary's recording of referrals or the decisions made regarding them. On the basis that the identified concerns are procedural in nature, they appear to be isolated occurrences, no officers have been identified and actions have been taken to rectify the procedural concerns in future, there does not appear to be an indication of any conduct matters.

---

**From:** Campbell, Keith (5108) [<mailto:Keith.Campbell@Dorset.PNN.Police.uk>]

**Sent:** 29 October 2014 17:37

**To:** [REDACTED]

**Subject:** Review of Dorset Police Response 2014-626 NOT PROTECTIVELY MARKED

Dear [REDACTED]

Just part of the evidence proving the conduct assessment to be a lie. Suppressed by the Force Solicitor Roger Trencher and the PSD who were explicitly asked to forward it on to Lesley Longstone and Jennifer Izekor but deliberately failed to do as easily proved by correspondence. Dorset Police confirmed they did not deal with the case and were not sent the evidence as the conduct assessment dishonestly leads you to believe.

This matter was discussed with the Head of our Professional Standards Department, Superintendent Peter Windle and I have been nominated to respond due to my involvement and responsibility in the matter.

Supt Windle is of the opinion that it might assist you if I make the comments in my previous communication more explicit, and I do so below:

*Dorset Police did receive some information that was appropriate in the circumstances but this was purely for our reference and is not suitable for disclosure. Dorset Police was not involved in any investigation of the matter. We did not receive any file of related material; indeed our knowledge that such a file exists comes from information supplied by you. We have double checked this and make the assertion with confidence.*

*Our knowledge of the detail of what happened in response to this matter is minimal but it is possible that this was dealt with by the school and Hampshire County Council staff, since the local authority has primacy in welfare and education issues related to children and young persons. The information that we received originated from HCC.*

*To conclude, we can only reiterate that this matter was not dealt with by Dorset Police and we received no file of any sort from the school or any other involved party.*

Please see the notice below which outlines your right to complain to the Information Commissioner's Office about this matter.

**If you are not satisfied with our response in relation to your request for information then you have the right to refer this to the Information Commissioner who will consider your complaint. You can contact the Commissioner at: -**

**Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire,  
SK9 5AF.**

As you can see this exposes the lie in the assessment. The case and evidence was not transferred to Dorset Police for investigation or follow up at all, and not recorded by them. Hampshire Constabulary blocked evidence to cover up and protect officers for "looking the other way" for 2 years.

**E-mail** [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk)

Yours sincerely

This is just SOME of the suppressed evidence

**Keith Campbell  
Freedom of Information Manager**



Our ref: CH.14.07.26

22 July 2014

Lies to parents - no police investigation had taken place. It appears someone at Hampshire Constabulary was given false information to the school and Hampshire County Council that a police investigation had taken place when it had not. The alternative is they made it up.

Dear

**Re: Misconduct hearing of former member of staff**

We are writing to you because last week a former member of our teaching staff, Mr Mark, was the subject of a professional misconduct hearing and has been permanently prohibited from teaching.

Mr Mark had his contract terminated by the school in March 2013, following allegations that he formed an inappropriate relationship with a student outside of school.

I would like to reassure you that the police investigated these matters and found no criminal activity had taken place.

Acting upon legal advice, this has been the first opportunity we have had to comment publicly on the matter.

We take the safety of your children extremely seriously.

From the outset when these allegations were made known to us Mr Mark was immediately suspended and we worked closely with both the local authority and the police. We have taken substantial professional advice and followed national child protection guidelines throughout.

Given our concerns, it was only right that we referred the matter to the attention of the Disclosure and Barring Service, the government body which replaces the Criminal Records Bureau and Independent Safeguarding Authority.

Some months after Mr Mark had his employment terminated by the school it emerged that he had documents and files in his home containing his personal thoughts on students.

We were shocked and disgusted by Mr Mark's actions. The very serious nature of the national panel's findings reflects this and we fully support the decision taken to prohibit him from teaching following our referral.

There is no evidence that Mr Mark formed inappropriate relationships with any other student.

To protect the identity of the student involved we are unable to go into any further detail.

We respectfully ask that your children and others refrain from using social media speculation on this matter to protect the identity and feelings of the student

Mr Mark was a very experienced teacher, a colleague for many years; we feel that the trust we placed in him has been betrayed.

If any parent/carers has any concerns following this news the Headteacher will be happy to talk to you when the school is back in session in September but we must stress that we cannot go into the details of this particular case for the reasons outlined above.

Yours sincerely

C C Hummerstone  
Headteacher

Elizabeth Cook  
Chairman



---

**Subject:** FW: From office of Rt Hon Desmond Swayne TD MP

The Head of Children's Services  
Mr. John Coughlan.

**From:** MOIRA SWAYNE [<mailto:swaynem@hotmail.co.uk>]

**Sent:** 15 February 2015 10:46

**To:** [REDACTED]

**Subject:** From office of Rt Hon Desmond Swayne TD MP

Dear [REDACTED]

He was putting forward false  
misleading information too. Was  
he misled by someone at Hampshire  
Police?? Or just careless  
or worse??

Please find below the body of the emailed letter sent by John Coughlan to Mr Swayne on 26th January.

----->

Date 26th January 2015

Dear Mr Swayne

I am very sorry for the delay in responding to your letter. I had asked our legal advisers to consider the position, and there was some delay at their end for which they apologise.

Hampshire County Council did not conduct an investigation into the allegations made against Mark Tyrone. When it was approached by the Arnewood Academy in December 2012, enquiries including contact with the Police led officers to conclude, appropriately, that the matter should be investigated internally by the Academy. I remain confident with that conclusion.

Wow he was committing child sex  
offences when Coughlan wrote this.

It follows that there is no local authority investigation file, as such, to be disclosed to the Police, but we would of course co-operate fully with any request from the Police for any material which we hold, to the extent that we are required or permitted to do so.

I trust that this answers your question, but please do let me know if I can assist further.

Best wishes

John Coughlan  
Deputy Chief Executive & Director of Children's Services  
Hampshire County Council  
3rd Floor, Elizabeth II Court North  
Winchester  
Hampshire SO23 8UG  
Tel: 01962 846516

Rt Hon Desmond Swayne TD MP

House of Commons  
London SW1A 0AA  
0207 219 4886

[www.desmondswayne.com](http://www.desmondswayne.com)

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## EX 10

**Subject:** FW: IOPC Review a 2023/192975 and related  
**Attachments:** Lies in pre-action response from Mr Tom Silson.pdf; false conduct assessment into child sexual abuse safeguarding failings by hampshire police.pdf

---

**From:** [REDACTED]  
**Sent:** 30 October 2023 12:20  
**To:** '!NorthCasework'  
**Subject:** IOPC Review a 2023/192975 and related

IOPC Review a 2023/192975

Your reference: 2022/170780 & 2022/177564 & 2023/188631 & 2023/191487  
Force reference: CO/1332/22 & CO/2896/22 & CO/1380/23

Dear IOPC,

Please find below correspondence relating to these appeals/reviews. I am still awaiting a response from the Chief Officer regarding the identified lies in Mr. Tom Silson's pre-action response letter (attached). I will provide it when it comes. Notwithstanding the IOPC must confirm and clearly clarify in its review outcome response my complaint/s about the false conduct assessment into the Tyrone Mark case has/have never been investigated and there was additional new evidence provided. These are the important facts that establish each and every complaint under your review I made about the false report (also attached again) was dismissed on a false premise and the attached pre-action response letter contains substantive misinformation and untrue "facts".

The IOPC must confirm this in its outcome report to avoid High Court action given the ramifications for children's safeguarding if this very serious gross misconduct is allowed to go uncorrected at children's peril. Furthermore clearly given the history and people involved Hampshire Police's PSD cannot investigate this matter themselves. The PSD as a whole has been systemically complicit in attempting to pervert the course of justice to suppress Dorset Police's evidence as the facts and evidence show. If not the IOPC will be able to produce and identify the "investigation" reports that must exist if these individuals are not lying. It really comes down to just one, maybe two simple enquiries to the Chief Officer by the IOPC –

- a) "Where is/are the investigation reports answering [REDACTED] complaint about the false conduct assessment produced by Mr. Stephen Franks of the PSD into the Tyrone Mark child sexual abuse case";
- b) "And where has the evidence supplied by Dorset Police ever been answered".

Please make sure these points are answered. They form the crux of the complaint/s and can only lead to one conclusion.

[REDACTED]

**Subject:**

FW: IOPC Ref: 2023/185488 Force Ref: CO/1483/22

---

**From:**

**Sent:** 19 December 2023 10:59

**To:** 'Esther.MyersRobinson@policeconduct.gov.uk'

**Subject:** RE: IOPC Ref: 2023/185488 Force Ref: CO/1483/22

RE: IOPC Ref: 2023/185488 Force Ref: CO/1483/22

Got a letter from Dorset Police. They are too update me with their representations to Hampshire Police's PSD re false conduct assessment into the Tyrone Mark child sexual abuse case. Will update you when received. Albeit this should not affect the outcome, clearly Hampshire Police lied about these matters and Dorset Police's evidence already been investigated. If that is not so I am sure you will provide me with the investigation outcome report they never sent me as per the requirements of the IOPC statutory guidance. If it does not exist (very sure if doesn't) please state as much.

Regards

\*\*\*\*\*

**Subject:** FW: IOPC Ref: 2023/185488 Force Ref: CO/1483/22  
**Attachments:** 1) failed request for investigation report.pdf; 2) Response from Mr Tom Silson - investigation report not provided.pdf

---

**From:** [REDACTED]  
**Sent:** 13 December 2023 00:50  
**To:** 'Esther.MyersRobinson@policeconduct.gov.uk'  
**Subject:** RE: IOPC Ref: 2023/185488 Force Ref: CO/1483/22

RE: IOPC Ref: 2023/185488 Force Ref: CO/1483/22

More proof of orchestrated deception by Hampshire Constabulary.

You have now seen the evidence Hampshire Police have dishonestly confounded my right to the investigation report into my complaint contrary to the requirements of the statutory IOPC guidance and GDPR. They stated to the ICO it would prejudice JR proceedings if released to me. This was contrived. First it was I who issued a prospective legal challenge by way of issuing a pre-action letter to Hampshire Police. This was all about Hampshire Police not investigating my complaint and unlawfully blocking the scrutiny of evidence showing Hampshire Police's PSD had produced a false conduct assessment into its handling of the Tyrone Mark (Arnewood School Teacher) child sexual abuse case. On the other hand they also instructed Tom Silson a solicitor acting for the Chief Officer not to release it to me either. So on one hand they say it would prejudice proceedings to share it with me, and on the other they instruct the solicitor dealing with my prospective legal challenge not to provide it to me either. The reason for this is obvious, no such report exists but admitting as much would incriminate them. This deception furthers the conspiracy.

- 1) Note attachment 1. Mr. Silson is to revert on my request for the investigation report proving (or not) their defence about the matter and my complaint already having been investigated.
- 2) I am then told by him they will not communicate further with me and the report is not provided to me, attachment 2. Note last page.

So the Chief Officer's conveyed position is providing the info would jeopardise my prospective legal challenge to avoid supplying information under the GDPR, on the other when asked to provide the same info in the context of that prospective legal challenge, they deliberately fail to do so too. That using a solicitor to further this contrived deceit to avoid self incrimination as paid for by the tax payer. The reason they threw out my complaint is entirely purposefully contrived, there was no investigation into my complaint and the evidence was simply unlawfully swept under the carpet and never got so much as a mention or look in. They seem to have missed not providing an outcome report to a complainant (me) is a very serious failings under the IOPC guidance in of itself. But of course it is now obvious there is no such report and they have lied to avoid answering damning evidence about a false report into the handling of a child sexual abuse case. And it is very obvious given the facts as corroborated by the evidence it is no mistake or oversight on the part of Hampshire Police. Where's the report they are relying on??

Sincerely  
[REDACTED]

\*\*\*\*\*

## **EX 11a**

**From:** [REDACTED]  
**Sent:** 31 January 2024 18:43  
**To:** 'Keith Howell'; 'Esther Myers Robinson'  
**Subject:** RE: Your NFA reviews involving Hampshire Constabulary  
**Attachments:** 20.09.22 Letter to [REDACTED] (2).pdf; 27.04.23 Letter to [REDACTED].pdf; false conduct assessment into child sexual abuse safeguarding failings by hampshire police.pdf; contact dorset police instead.pdf

Dear Mr. Howell and Ms,

Thank you for your respective decisions. I would like to point out you have not specifically answered or addressed the new evidence from Dorset Police anywhere. You mention it in just one then do not answer it, or provide any comment on it at all. This appears to invalidate all of your decisions as it is a relevant consideration you have missed. And one which underpins everything. It can never be reasonable and proportionate for the IOPC and Hampshire Police not to take evidence into account when reaching its decisions. Dorset Police's evidence substantiates a very prima facie strong case of Hampshire Police producing a false conduct assessment into the handling of a child sexual abuse case. It gets no more serious than that. Can you perhaps answer this conundrum for me or point me to where you have considered this vital evidence in any of your reports? Evidence is everything but clearly has not been weighed by you, or if it has not been explained or answered in any of your outcomes albeit very reliable evidence from an authoritative third party (Dorset Police Officers). If you will please provide an explanation for this apparent omission if you will. I have attached the evidence again that appears not to have got a "look in". Is it perhaps not what it purports to be? As you can see the first 2 attached recent docs from Dorset Police prove the conduct assessment to be false. Can you please provide an explanation as to this omission if you will. I would ask for a speedy reply if I may as I have a limited time to file for JR, but would like to give you an opportunity to explain this before initiating proceedings.

Let me know.

Thank you  
[REDACTED]

PS. A person cannot be vexatious under the guidance only a complaint as you know, the number of complaints I have made is therefore irrelevant. Every time I have been misled I am entitled to lodge a complaint. I could have filed a lot more. And I have already won two JR's against the IOPC to date. This would be the third.

---

**From:** Keith Howell [mailto:Keith.Howell@policeconduct.gov.uk]  
**Sent:** 31 January 2024 17:35  
**To:** [REDACTED]  
**Subject:** Your NFA reviews involving Hampshire Constabulary



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We welcome correspondence in Welsh. We will respond to you in Welsh and this will not lead to delay.

Rydym yn croesawu gohebiaeth yn y Gymraeg. Byddwn yn ymateb i chi yn y Gymraeg ac ni fydd hyn yn arwain at oedi.

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Gall y neges hon a'i chynnwys gynnwys gwybodaeth gyfrinachol, freintiedig neu hawlfraint. Fe'u bwriedir at ddefnydd y derbynnydd arfaethedig yn unig. Os derbynioch y neges hon mewn camgymeriad, mae'n rhaid i chi beidio â datgelu, copïo, dosbarthu na chymryd unrhyw gamau sy'n dibynnu ar y cynnwys. Yn hytrach, rhwch wybod i'r anfonwr ac yna dilêwch ef yn barhaol. Mae unrhyw farn neu safbwyntiau a fynegir yn y cyfathrebiad hwn yn eiddo i'r awdur yn unig ac nid ydynt o reidrwydd yn cynrychioli barn yr IOPC. Dim ond staff penodedig sydd wedi'u hawdurdodi i wneud cytundebau rhwymol ar ran yr IOPC trwy e-bost. Nid yw'r IOPC yn derbyn unrhyw gyfrifoldeb am gytundebau anawdurdodedig y daethpwyd iddynt â gweithwyr neu asiantau eraill. Ni all yr IOPC warantu diogelwch yr e-bost hwn nac unrhyw atodiadau. Tra bod negeseuon e-bost yn cael eu sganio'n rheolaidd, ni all yr IOPC gymryd unrhyw gyfrifoldeb am unrhyw firws y gellir ei drosglwyddo â'r rhyngwrwyd. Mae systemau cyfathrebu'r IOPC yn cael eu monitro i'r graddau a ganiateir gan y gyfraith. O ganlyniad, gall unrhyw e-bost a/neu atodiadau gael eu darllen gan staff monitro.



Never investigated

Chief Constable Scott Chilton MSt (*Cantab*)  
www.dorset.police.uk

OFFICIAL



Sent via email:



**Dorset Police**  
**Professional Standards Department**  
Force Headquarters  
Winfrith, Dorchester  
Dorset DT2 8DZ

Your ref:  
Our ref: CO/00554/22

Phone: 101 Ext. 3808

E-mail: [complaints&misconduct@dorset.pnn.police.uk](mailto:complaints&misconduct@dorset.pnn.police.uk)

Date: 20 September 2022

Dear

#### COMPLAINT AGAINST POLICE

I have made further enquiries as a result of our correspondence, and I hope this clarifies your Points.

You asked if the DS was involved in the decision making about how Mr Mark should be dealt with which are points 4 and 5 below.

The officer has explained that he liaised with the LADO knowing that Hampshire Police had said they would not deal with the case. He recalls that he felt that the matter was for Hampshire to investigate as the concerns appear to have arisen from the school and were reported as inappropriate communication between teacher and child. At the time he had no information to suggest there were offences in Dorset and it would be for the LADO to co-ordinate the investigation. He remembers that it was the LADO's preferred option that the matter be dealt with by the Education Authority. The information available to him from the referral and speaking to the LADO did not suggest offences had been committed in Dorset, he felt Hampshire Police should investigate and informed the LADO of his view.

In relation to your points below I can confirm from my enquires that they are correct.

1. No file or any evidence on the Tyrone Mark case was sent to Dorset Police at anytime.
2. No crime was recorded under the HOCR.
3. Dorset Police did not investigate.
4. Dorset Police did not make any decisions on the case.
5. Dorset Police did not decide the case should be handled on a single agency basis.
6. The case was not transferred to Dorset Police by Hampshire Police.

I hope that I have provided clarity for the further points you raised.

Yours sincerely



Complaints & Misconduct Unit



Never investigated despite Dorset Head of  
PSD confirming need for investigation

Chief Constable Amanda Pearson MSt (*Cantab*)  
www.dorset.police.uk

OFFICIAL



Sent via email:



**Dorset Police**  
**Professional Standards Department**  
Force Headquarters  
Winfrith, Dorchester  
Dorset DT2 8DZ

Your ref:  
Our ref: CO/00554/22  
PK.3808.RGH

Phone: 101 Ext. 3808

E-mail: [complaints&misconduct@dorset.pnn.police.uk](mailto:complaints&misconduct@dorset.pnn.police.uk)

27 April 2023

Dear 

#### COMPLAINT AGAINST POLICE

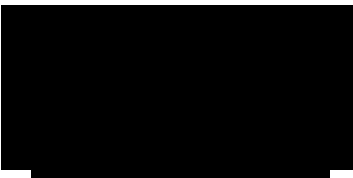
I am the Head of Professional Standards and have been kept updated on your dealings with the office via Mr Watkinson.

I fully appreciate your frustration, and indeed given my role as Head of Professional Standards, if I had any jurisdiction in this case, I would absolutely direct an investigation. Unfortunately, this is clearly a matter for the Hampshire Force, and so I asked Deputy Chief Constable De Reya to pass this to her equivalent Deputy Chief Constable in Hampshire, which was completed. Neither our Chief Constable nor Deputy have any authority over Hampshire Police.

If you remain dissatisfied you can write to the Chief Constable in Hampshire direct, and/or write to the IOPC (Independent Office for Police Conduct) who oversee all police forces.

If you wish to make a formal complaint, then we will of course ensure it is appropriately recorded and handled in accordance with regulations.

Yours sincerely



Detective Superintendent  
Head of Professional Standards Department

[REDACTED]

---

**From:** public.access@hampshire.pnn.police.uk  
**Sent:** 21 August 2014 13:05  
**To:** [REDACTED]  
**Subject:** RE: FOI Appeal

[REDACTED]

Yes that is correct.

Jason

**Jason Russell | Senior Manager for Public Access**

Joint Information Management Unit | Hampshire Constabulary & Thames Valley Police

Telephone 01962 871014 | Internal 79 1228

Address Police Headquarters, West Hill, Winchester, SO22 5DB

Information Management Helpdesk:

Hampshire: [information.management@hampshire.pnn.police.uk](mailto:information.management@hampshire.pnn.police.uk) / 01962 871541 (internal 79 2128)

Thames Valley: [information.management@thamesvalley.pnn.police.uk](mailto:information.management@thamesvalley.pnn.police.uk) / 01865 846329 (internal 700 6329)

---

**From:** [REDACTED]  
**Sent:** 21 August 2014 12:57  
**To:** PUBLIC ACCESS Mailbox  
**Subject:** RE: FOI Appeal

Dear Mr. Russell,

Sorry, just one more thing if I may. I presume from that response Hampshire Constabulary have no incident or crime number recorded for this?

Regards

[REDACTED]

---

**From:** [public.access@hampshire.pnn.police.uk](mailto:public.access@hampshire.pnn.police.uk) [<mailto:public.access@hampshire.pnn.police.uk>]  
**Sent:** 21 August 2014 09:34  
**To:** [REDACTED]  
**Subject:** FOI Appeal

[REDACTED]

I refer to your latest email below and your request for a review of Hampshire Constabulary's response to your FOI request.

I can confirm that I have now concluded my review and I have decided that we are in a position to respond to your request without using the neither confirm nor deny exemption under Section 40.

As a result, I can now state that Hampshire Constabulary hold no information in respect of your request. However, if you contact Dorset Police they should be in a position to respond.

If you wish to discuss further, please do not hesitate to contact me.

**Jason Russell | Senior Manager for Public Access**

Joint Information Management Unit | Hampshire Constabulary & Thames Valley Police

Telephone 01962 871014 | Internal 79 1228  
Address Police Headquarters, West Hill, Winchester, SO22 5DB

Information Management Helpdesk:

Hampshire: [information.management@hampshire.pnn.police.uk](mailto:information.management@hampshire.pnn.police.uk) / 01962 871541 (internal 79 2128)

Thames Valley: [information.management@thamesvalley.pnn.police.uk](mailto:information.management@thamesvalley.pnn.police.uk) / 01865 846329 (internal 700 6329)

---

**From:** [REDACTED]  
**Sent:** 05 August 2014 13:55  
**To:** PUBLIC ACCESS Mailbox  
**Subject:** RE: Freedom of Information Request HC/1369/14

**Attachments:** news article.pdf; Mark\_\_Tyrone\_-\_Web\_Decision\_-\_9951029.pdf

HC/1369/14

Dear Information Team,

Additional attachments for Mr. Russell when he reviews this request. News article and public NCTL decision. Confirmation it is already in the public domain there was a police investigation into this named individual in the press. Confirmation and reassurances now sought from the Constabulary. And files containing abusive material on children exists also in the public domain as per the attached NCTL decision and press coverage. The CPS has been direct about this and told us they do not hold this information, surely the police should be forthright too.

Thank you.

[REDACTED]

\*\*\*\*\*

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Chief Constable Scott Chilton MSt (*Cantab*)  
www.dorset.police.uk

OFFICIAL

**Dorset Police**  
**Professional Standards Department**  
Force Headquarters  
Winfrith, Dorchester  
Dorset DT2 8DZ

Sent via email:

Our ref: CO/00554/22  
TJW/3808/AW

Phone: 101 Ext. 3808

E-mail: [complaints&misconduct@dorset.pnn.police.uk](mailto:complaints&misconduct@dorset.pnn.police.uk)

Date: 25 July 2022

Dear [REDACTED]

#### COMPLAINT AGAINST POLICE

I write in response to your recent correspondence to the IOPC with your complaint against police.

Your complaint has been formally recorded within the provisions of Part 2 of the Police Reform Act 2002.

My role in dealing with your complaint is to decide how the matter should be dealt with.

Based on the information contained within your correspondence, I have determined that this matter should be investigated by a member of the Complaints & Misconduct Unit. I shall arrange for the Investigating Officer, from this office, to contact you and endeavour to resolve your complaint.

For more information about the complaints process, please see the Independent Office for Police Conduct website ([www.policeconduct.gov.uk](http://www.policeconduct.gov.uk)). If you do not have access to the internet, the IOPC can provide you with leaflets (0300 020 0096).

Yours sincerely

[REDACTED]

[REDACTED]  
Joint Head of Complaints & Misconduct Unit

## **EX 11B**

**From:** [REDACTED]  
**Sent:** 09 February 2024 20:22  
**To:** 'Keith Howell'; 'Esther Myers Robinson'  
**Subject:** RE: Your NFA reviews involving Hampshire Constabulary

TIME TRAVEL IS NOT POSSIBLE

Dear Mr. Howell and Ms Myers-Robinson,

In reference to Mr. Howells response below. Apologies, but to clarify again these complaints you decided were all about the false conduct assessment in 2016 produced by Hampshire Police into the handling of the Arnewood Teacher child sexual abuse case, nothing else. That is the focus. This allegation is fully corroborated by new 2023 evidence from Dorset Police Officers proving it to be so which has never been answered by anyone and still hasn't. I'm sorry but can you point me to exactly where in the below 2016 outcome extract you have provided as justification of your decisions it even remotely reference's anything about or answers the issue of Hampshire Police producing the false conduct assessment complained of? And references the evidence I provided in 2023 from Dorset Police? This is what I have been complaining about, nothing else. The basis of my new complaint/s did not form part of the review and the 2016 outcome you have provided below as justification of your various decisions, not could it have for the very obvious reason the new evidence provided was not available then. The evidence proving the report to be false post dates the 2016 report you have somehow tried to mistakenly fly as being relevant to this new 2023 evidence and my new complaint/s. My question again if I may try again: Where is the proof Dorset Police's 2023 evidence has been taken into account in reference to my allegation Hampshire Police's PSD produced a false report into the handling of the child sexual abuse case, which shows the 2023 supporting evidence I provided by Dorset Police Officers has ever been investigated or answered? What you have provided below does not answer the issue. It poses you with an impossible conundrum. Dorset Police's evidence only became available years after the report you are clutching at dated 2016 as justification of your recent decisions (the false report itself). Do you agree or disagree the new 2023 evidence I provided shows the 2016 report complained of to be false or not? That is the question that begs an answer. How can a report in 2016 have taken into account new evidence that only became available in 2023??? Your explanation only furthers your dilemma of not weighing relevant new evidence and taking relevant considerations into account. If one of you can let me know your answer to this huge conundrum it would be refreshing. But please be quick, I do intend filing in the High Court if I cannot obtain a rational and proper explanation that does not rely on time travel. So to re-iterate, where was the new 2023 evidence I provided you ever evaluated and answered? Please point me to it. It cannot be in what you reference below. Time travel is not available to Hampshire Police nor the IOPC. Even equally more bizarrely you are holding up the 2016 false report itself (proved false by Dorset Police's evidence produced in 2023) as proof it was not false. I do hope you can see that cannot stand in a sensible world.

I look forward to an answer. Reasons and explanations must be given. But to make it clear: CITING A 2016 REPORT AS COVERING NEW EVIDENCE PRESENTED YEARS LATER IN 2023 IS BEYOND IRRATIONAL and furthers the illegality. AND TO BE VERY CLEAR I AM NOT, NOR HAVE EVER CHALLENGED THE SUBSTANTIVE REVIEW OUTCOME YOU HANG YOUR HAT ON, THE FAILINGS IT HIGHLIGHTS ARE CONFIRMED AND TRUE. YOU HAVE ENTIRELY MISCONSTREUED MY COMPLAINTS. I was the one who made the 2016 review you refer to below happen. It had nothing to do with Hampshire Police lying in the report. THESE NEW COMPLAINTS YOU BOTH CONSIDERED ARE ALL ABOUT NEW 2023 EVIDENCE SINCE THE 2016 REPORT WAS ISSUED WHICH SHOWS CERTAIN SUBSTANTIVE STATEMENTS OF FACT IN THE REPORT WERE WHOLLY FALSE. I AM CHALLENGING THE VERACITY OF THE ASPECT THAT STATES DORSET MADE DECISIONS ON THE CASE ETC. THE NEW EVIDENCE PROVIDED BY DORSET POLICE IN 2023 SHOWS THAT TO BE A LIE. Further more you are holding up the false report complained of itself as evidence it is not false despite new evidence proving it to be just that. That is also far beyond irrational too.

Anyway I am sure you really know what I am talking about, can I therefore ask you provide mw with a proper rational answer to the real issues I have raised? If I have not received one by end of day 14 Feb 2024 I will commence proceedings and add a failure to provide reasons and explanations to the legal challenge and



“Wednesbury” unreasonableness given you on relying on a 2016 report as justification new evidence in 2023 has been taken into account and hence is not relevant.

It is very important you provide me with what I ask for. When and where has the 2023 evidence I have provided ever been taken into account and answered? It cannot be in the false 2016 outcome itself which is showed as false can it?

I look forward to explanations and reasons and not time travel arguments. And Mr. Howell are you answering for Ms. Myers Robinson as well?

Thank you

---

**From:** Keith Howell [mailto:Keith.Howell@policeconduct.gov.uk]  
**Sent:** 09 February 2024 17:18  
**To:** [REDACTED]  
**Subject:** RE: Your NFA reviews involving Hampshire Constabulary

Dear [REDACTED]

Thank you for your email. The IOPC has seen the material you have forwarded from Dorset Police. On one view it is consistent with the failures identified by Hampshire Police in its conduct review dated 22 November 2016:

The following failures by Hampshire Constabulary were identified: 1) The referral from the LADO in December 2012 and subsequent contact with Dorset were not recorded on RMS [I understand their Records Management System]. 2) The further referral in October 2013 and interaction with the LADO following the return of items belonging to Mr Mark by a colleague was not recorded on RMS. 3) The referral by the LADO in December 2012 ought to have resulted in an initial police investigation by Hampshire Police to establish the nature of the relationship between teacher and pupil. 4) That Hampshire Constabulary had not followed local and national safeguarding procedures by not establishing the full facts of a case prior to concluding whether a position of trust allegation should be single agency and if a criminal investigation is required. The report acknowledged that the decision in December 2012 to refer to Dorset Police on the basis that the teacher and pupil both resided in Dorset was in accordance with the Constabulary's local procedure. It however recommended that all contacts regarding LADO referrals and decisions reached should be recorded on RMS including cross border cases.

The review stated that no individual officer has been identified for whom there was an indication they may have breached the standards of professional behaviour in a manner which justified disciplinary proceedings or committed an offences. The IPCC accepted that assessment in 2017 because there was and remains no realistic basis on which disciplinary proceedings could not be brought or any offence prosecuted against any identifiable officer. As set out in Annex A you have previously made complaints challenging that view but it was determined that you were not a qualifying complainant and that subsequent complaints against its authors and others involved in the handling of those complaints were an abuse of procedures for making complaints because they were a collateral attack on its conclusions. Those decisions have not been successfully challenged and so, in any event, this material has no direct bearing on the outcome of the review outcomes, which are in any event final.

Yours sincerely

**Keith Howell**  
**Assessment Analyst**  
**Independent Office for Police Conduct**  
PO Box 473  
Sale  
M33 0BW

Tel: 0121 673 3814

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**From:** [REDACTED]

**Sent:** 31 January 2024 18:43

**To:** Keith Howell <Keith.Howell@policeconduct.gov.uk>; Esther Myers Robinson  
<Esther.MyersRobinson@policeconduct.gov.uk>

**Subject:** RE: Your NFA reviews involving Hampshire Constabulary

[Caution: This email originated from outside of the IOPC. Please protect our business by not opening any links or attachments unless you trust the origin of this email.]

Dear Mr. Howell and Ms,

Thank you for your respective decisions. I would like to point out you have not specifically answered or addressed the new evidence from Dorset Police anywhere. You mention it in just one then do not answer it, or provide any comment on it at all. This appears to invalidate all of your decisions as it is a relevant consideration you have missed. And one which underpins everything. It can never be reasonable and proportionate for the IOPC and Hampshire Police not to take evidence into account when reaching its decisions. Dorset Police's evidence substantiates a very prima facie strong case of Hampshire Police producing a false conduct assessment into the handling of a child sexual abuse case. It gets no more serious than that. Can you perhaps answer this conundrum for me or point me to where you have considered this vital evidence in any of your reports? Evidence is everything but clearly has not been weighed by you, or if it has not been explained or answered in any of your outcomes albeit very reliable evidence from an authoritative third party (Dorset Police Officers). If you will please provide an explanation for this apparent omission if you will. I have attached the evidence again that appears not to have got a "look in". Is it perhaps not what it purports to be? As you can see the first 2 attached recent docs from Dorset Police prove the conduct assessment to be false. Can you please provide an explanation as to this omission if you will. I would ask for a speedy reply if I may as I have a limited time to file for JR, but would like to give you an opportunity to explain this before initiating proceedings.

Let me know.

Thank you  
[REDACTED]

PS. A person cannot be vexatious under the guidance only a complaint as you know, the number of complaints I have made is therefore irrelevant. Every time I have been misled I am entitled to lodge a complaint. I could have filed a lot more. And I have already won two JR's against the IOPC to date. This would be the third.

---

**From:** Keith Howell [mailto:Keith.Howell@policeconduct.gov.uk]

**Sent:** 31 January 2024 17:35

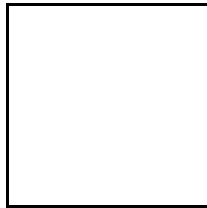
**To:** [REDACTED]

**Subject:** Your NFA reviews involving Hampshire Constabulary



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Gall y neges hon a'i chynnwys gynnwys gwybodaeth gyfrinachol, freintiedig neu hawlfraint. Fe'u bwriedir at ddefnydd y derbynnydd arfaethedig yn unig. Os derbynioch y neges hon mewn camgymeriad, mae'n rhaid i chi beidio â datgelu, copïo, dosbarthu na chymryd unrhyw gamau sy'n dibynnu ar y cynnwys. Yn hytrach, rhwch wybod i'r anfonwr ac yna dilêwch ef yn barhaol. Mae unrhyw farn neu safbwyntiau a fynegir yn y cyfathrebiad hwn yn eiddo i'r awdur yn unig ac nid ydynt o reidrwydd yn cynrychioli barn yr IOPC. Dim ond staff penodedig sydd wedi'u hawdurdodi i wneud cytundebau rhwymol ar ran yr IOPC trwy e-bost. Nid yw'r IOPC yn derbyn unrhyw gyfrifoldeb am gytundebau anawdurdodedig y daethpwyd iddynt â gweithwyr neu asiantau eraill. Ni all yr IOPC warantu diogelwch yr e-bost hwn nac unrhyw atodiadau. Tra bod negeseuon e-bost yn cael eu sganio'n rheolaidd, ni all yr IOPC gymryd unrhyw gyfrifoldeb am unrhyw firws y gellir ei drosglwyddo â'r rhyngwyd. Mae systemau cyfathrebu'r IOPC yn cael eu monitro i'r graddau a ganiateir gan y gyfraith. O ganlyniad, gall unrhyw e-bost a/neu atodiadau gael eu darllen gan staff monitro.

We welcome correspondence in Welsh. We will respond to you in Welsh and this will not lead to delay.

Rydym yn croesawu gohebiaeth yn y Gymraeg. Byddwn yn ymateb i chi yn y Gymraeg ac ni fydd hyn yn arwain at oedi.

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Gall y neges hon a'i chynnwys gynnwys gwybodaeth gyfrinachol, freintiedig neu hawlfraint. Fe'u bwriedir at ddefnydd y derbynnydd arfaethedig yn unig. Os derbynioch y neges hon mewn camgymeriad, mae'n rhaid i chi beidio â datgelu, copïo, dosbarthu na chymryd unrhyw gamau sy'n dibynnu ar y cynnwys. Yn hytrach, rhowch wybod i'r anfonwr ac yna dilëwch ef yn barhaol. Mae unrhyw farn neu safbwyntiau a fynegir yn y cyfathrebiad hwn yn eiddo i'r awdur yn unig ac nid ydynt o reidrwydd yn cynrychioli barn yr IOPC. Dim ond staff penodedig sydd wedi'u hawdurdodi i wneud cytundebau rhwymol ar ran yr IOPC trwy e-bost. Nid yw'r IOPC yn derbyn unrhyw gyfrifoldeb am gytundebau anawdurdodedig y daethpwyd iddynt â gweithwyr neu asiantau eraill. Ni all yr IOPC warantu diogelwch yr e-bost hwn nac unrhyw atodiadau. Tra bod negeseuon e-bost yn cael eu sganio'n rheolaidd, ni all yr IOPC gymryd unrhyw gyfrifoldeb am unrhyw firws y gellir ei drosglwyddo â'r rhynggrwyd. Mae systemau cyfathrebu'r IOPC yn cael eu monitro i'r graddau a ganiateir gan y gyfraith. O ganlyniad, gall unrhyw e-bost a/neu atodiadau gael eu darllen gan staff monitro.

## EX 12

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 13 February 2024 10:58  
**To:** '!NorthCasework'  
**Cc:** 'enquiries@policeconduct.gov.uk'  
**Subject:** Review Request - failure by Hampshire Police to provide complaint response.

Review Request - failure by Hampshire Police to provide complaint response.

13 Feb 2024

To: IOPC

[REDACTED]

Dear Sirs,

Under the statutory guidance police have to provide a response to a complaint. There are no legal exceptions to this strict requirement. Here Hampshire Police have ignored my complaint as submitted on 11 Dec 2023 and subsequent follow ups (see below). I have also submitted this complaint through the IOPC online complaint submission form and got not no response to that either. I now ask the IOPC hold them to the rules and provide a response.

Thank you

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 10 January 2024 15:45  
**To:** 'Professional Standards (Hampshire)'  
**Subject:** Failure to provide complaint response.

Dear PSD,

I have still not received a response to my complaint sent in to your department on 11 Dec 2023. Please see my email below. It's a month since I sent this complaint in. If you check your statutory guidance a recording response is required as soon as possible. Where is it? I do insist it be recorded and responded too. When you do respond please send me a copy of the record too as per the statutory guidance (6.26, 6.32 and 6.34).

Thank you

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 04 January 2024 17:59  
**To:** 'Professional Standards (Hampshire)'  
**Cc:** 'PUBLIC ACCESS Mailbox'  
**Subject:** FW: New Complaint - failure under the IOPC guidance

Dear PSD,

Still have not received a response re my complaint below re Hampshire PSD not providing me with an investigation outcome report for a complaint of mine which Hampshire Constabulary maintains was investigated (according to Mr. David Winter and Ms. Stokel-Walker). See email below of 11 December 2023 and subsequent follow up emails.

Please chase it up.

Thank you

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 11 December 2023 21:19  
**To:** 'Professional Standards (Hampshire)'  
**Subject:** New Complaint - failure under the IOPC guidance

Dear Sirs,

Given recent events, see my email to your information team below and supporting attachments, I would now like to raise a new complaint about Hampshire Police failing to provide a complainant with an investigation outcome report as is required by the IOPC statutory guidance. It is now very clear Hampshire Police is deliberately breaching this legal requirement under the guidance by purposefully avoiding doing so. It is the Forces stated official position an investigation into my complaint where I submitted evidence from Dorset Police Officers showing substantive factual discrepancies in a report produced by Hampshire Constabularies PSD (Stephen Franks) has been carried out. Yet I never received an outcome, nor conformation an investigation was to be instigated.

This constitutes a massive failing as to my rights under the IOPC statutory guidance if indeed my complaint was investigated. You must now explain why I have never been provided with the investigation outcome report into my complaint about the false conduct assessment into the handling of the Tyrone Mark child sexual abuse complaint, or explain why no such investigation has ever been carried out and the reason for stating it has.

As a footnote I understand Dorset Police have now contacted Hampshire Police's PSD directly about this matter and their officers evidence I submitted to your department. You are of course fully appraised of matters and the evidence by way of their representations and mine over the course of time.

I look forward to an explanation and an apology regarding the identified breach to the guidance, and the investigation outcome report or an explanation as to why it does not exist given it is your position it does.

Thank you

[REDACTED]

## EX 13



[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 23 January 2024 15:01  
**To:** 'public.access@hampshire.police.uk'  
**Subject:** 17226/W  
**Attachments:** Dorset complaint acknowledgemnt to [REDACTED].pdf; 20.09.22 Letter to [REDACTED].pdf; false conduct assessment into child sexual abuse safeguarding failings by hampshire police.pdf; contact dorset police instead.pdf; The main evidence suppressors at Hampshire Police.pdf; Hampshire state case was recorded by Dorset Police....pdf

**Re. Right of Access Review – 16927/O**

Attention:

**S Carr | Public Access Manager**  
**Joint Information Management Unit | Hampshire & Isle of Wight Constabulary and Thames Valley Police**

Dear Sir,

In reference to our prior email exchanges. Here is additional information which further and very specifically identifies my subject access request. The investigation report I seek is in relation to the matters identified in my complaint to the PSD of 26 September 2022 at 11:26. Refer to my email below and associated attachments sent in with it. The PSD rejected this complaint as “vexatious” and an “abuse of process” on the basis the substance of my complaint and the provided evidence had been investigated before. Well if that is true I have never been provided with a copy of an investigation report at anytime either then or since relating to the substance of this complaint as specifically underpinned by the provided evidence from Dorset Police (specifically attached as doc “20.09.22 Letter to [REDACTED]”). The complaint was about Hampshire Police’s PSD having previously produced a false conduct assessment into the handling of a child sexual abuse case. Given the PSD maintained then and still does this matter had already been investigated they surely must have sight of the requested document. As such it must be provided to me as it would constitute my information under the GDPR. If no such investigation outcome report exists I must be told it does not exist. It’s really a very simple request asking for a very easy to identify document. The PSD and Hampshire Police surely must keep records of investigation results? To re-iterate where is the investigation report into the substance of the complaint below addressing Dorset Police’s evidence showing the conduct assessment produced by your PSD to be untrue in substantive ways?

I now look forward to receiving the sought after investigation outcome report or confirmation no such investigation report exists into the matters raised in my email to the PSD of 26 September 2022. When was the evidence I provided from Dorset Police ever investigated? If you need a complaint number let me know and I will dig it out for you. But you now have a date and time the complaint was made and the PSD can easily identify a complaint reference number from that. And given they maintain (even now) this matter and evidence has been investigated they must have seen it. So it really should not be hard to say here it is (or isn’t.)

So to clarify:

- 1) Option one: Tell me no such report exists (the Dorset Police evidence I provided has never been investigated at anytime)
- 2) Or option 2, send me the report answering the evidence from Dorset Police I provided to the PSD with my complaint below.

To comply with the GDPR only option 1 or 2 will do.

Thank you  
[REDACTED]

----->

---

**From:** [REDACTED]  
**Sent:** 26 September 2022 11:26  
**To:** 'Professional Standards (Hampshire)'  
**Subject:** Complaint about Mr. Trencher and the PSD - brand new evidence

Complaint about Mr. Trencher and the PSD - brand new evidence provided by Dorset Police.

Dear PSD,

You should now re-evaluate your prior response to my complaints about Mr. Trencher and others in the PSD withholding evidence from those who should have had sight. And the PSD (Mr. Stephen Franks) producing a false report into child sexual abuse safeguarding failings in reference to the Tyrone Mark teacher case. As you are aware this complaint was rejected by you as "vexatious" with no regard to the evidence and was never investigated. Dorset Police have since recorded a complaint from me and investigated the veracity of its prior representations on the case to me. It's investigation outcome letter now proves the lies in the Hampshire Police report beyond all doubt. See attached first 2 docs.

The crux of the complaint as initially reported by me to 101 and by correspondence with Hampshire Constabulary's PSD:

- 1) The PSD (Mr. Stephen Franks) produced a false conduct assessment into child sexual abuse safeguarding failings.
- 2) Mr. Roger Trencher and members of the PSD did not forward on the evidence that proved the falsity of the report to those with oversight.
- 3) The false report has never been corrected contrary to children's best interests.

Of course your records and my prior correspondence to you on this very serious matter/complaint is already in your possession. These will provide you with full information on my complaint. I have also attached a number of documents for your convenience which make matters perfectly clear. As to my standing to bring this complaint, well I was lied to by way of Hampshire Police sending me a false report. Also I am in possession of the evidence my own endeavours have brought to light that proves this corruption (I am a witness to the conduct complained of as well). Additionally the complaint cannot be "vexatious" if it is true and without any regard to the evidence or it ever being answered or taken into consideration. Vexatious means unfounded as per the statutory guidance (and dictionary). Furthermore as the complaint has never been investigated it cannot be rejected as "repetitive" (statutory guidance). The case to answer test means you cannot simply ignore evidence of serious misconduct. This is a serious criminal complaint.

Refer to attached docs in support of this complaint. To be viewed with the other information provided to you over time on this matter and the attached six pdf documents (6). Of course this is a serious corruption complaint and should now be "referred in" to the IOPC for a mode of investigation decision (statutory guidance/PRA 2002).

I await your new recording decision.

[REDACTED]



Chief Constable Scott Chilton MSt (*Cantab*)  
www.dorset.police.uk

OFFICIAL

**Dorset Police**  
**Professional Standards Department**

Force Headquarters  
Winfrith, Dorchester  
Dorset DT2 8DZ

Your ref:  
Our ref: CO/00554/22

Sent via email:

Phone: 101 Ext. 3808

E-mail: [complaints&misconduct@dorset.pnn.police.uk](mailto:complaints&misconduct@dorset.pnn.police.uk)

Date: 20 September 2022

Dear [REDACTED]

COMPLAINT AGAINST POLICE

I have made further enquiries as a result of our correspondence, and I hope this clarifies your Points.

You asked if the DS was involved in the decision making about how Mr Mark should be dealt with which are points 4 and 5 below.

The officer has explained that he liaised with the LADO knowing that Hampshire Police had said they would not deal with the case. He recalls that he felt that the matter was for Hampshire to investigate as the concerns appear to have arisen from the school and were reported as inappropriate communication between teacher and child. At the time he had no information to suggest there were offences in Dorset and it would be for the LADO to co-ordinate the investigation. He remembers that it was the LADO's preferred option that the matter be dealt with by the Education Authority. The information available to him from the referral and speaking to the LADO did not suggest offences had been committed in Dorset, he felt Hampshire Police should investigate and informed the LADO of his view.

In relation to your points below I can confirm from my enquiries that they are correct.

1. No file or any evidence on the Tyrone Mark case was sent to Dorset Police at anytime.
2. No crime was recorded under the HOCR.
3. Dorset Police did not investigate.
4. Dorset Police did not make any decisions on the case.
5. Dorset Police did not decide the case should be handled on a single agency basis.
6. The case was not transferred to Dorset Police by Hampshire Police.

I hope that I have provided clarity for the further points you raised.

Yours sincerely

[REDACTED]

[REDACTED]

Complaints & Misconduct Unit

[REDACTED]

---

**From:** public.access@hampshire.pnn.police.uk  
**Sent:** 21 August 2014 13:05  
**To:** [REDACTED]  
**Subject:** RE: FOI Appeal

[REDACTED]

Yes that is correct.

Jason

**Jason Russell | Senior Manager for Public Access**

Joint Information Management Unit | Hampshire Constabulary & Thames Valley Police

Telephone 01962 871014 | Internal 79 1228

Address Police Headquarters, West Hill, Winchester, SO22 5DB

Information Management Helpdesk:

Hampshire: [information.management@hampshire.pnn.police.uk](mailto:information.management@hampshire.pnn.police.uk) / 01962 871541 (internal 79 2128)

Thames Valley: [information.management@thamesvalley.pnn.police.uk](mailto:information.management@thamesvalley.pnn.police.uk) / 01865 846329 (internal 700 6329)

---

**From:** [REDACTED]  
**Sent:** 21 August 2014 12:57  
**To:** PUBLIC ACCESS Mailbox  
**Subject:** RE: FOI Appeal

Dear Mr. Russell,

Sorry, just one more thing if I may. I presume from that response Hampshire Constabulary have no incident or crime number recorded for this?

Regards

[REDACTED]

---

**From:** [public.access@hampshire.pnn.police.uk](mailto:public.access@hampshire.pnn.police.uk) [<mailto:public.access@hampshire.pnn.police.uk>]  
**Sent:** 21 August 2014 09:34  
**To:** [REDACTED]  
**Subject:** FOI Appeal

[REDACTED]

I refer to your latest email below and your request for a review of Hampshire Constabulary's response to your FOI request.

I can confirm that I have now concluded my review and I have decided that we are in a position to respond to your request without using the neither confirm nor deny exemption under Section 40.

As a result, I can now state that Hampshire Constabulary hold no information in respect of your request. However, if you contact Dorset Police they should be in a position to respond.

If you wish to discuss further, please do not hesitate to contact me.

**Jason Russell | Senior Manager for Public Access**

Joint Information Management Unit | Hampshire Constabulary & Thames Valley Police

Telephone 01962 871014 | Internal 79 1228  
Address Police Headquarters, West Hill, Winchester, SO22 5DB

Information Management Helpdesk:

Hampshire: [information.management@hampshire.pnn.police.uk](mailto:information.management@hampshire.pnn.police.uk) / 01962 871541 (internal 79 2128)

Thames Valley: [information.management@thamesvalley.pnn.police.uk](mailto:information.management@thamesvalley.pnn.police.uk) / 01865 846329 (internal 700 6329)

---

**From:** [REDACTED]  
**Sent:** 05 August 2014 13:55  
**To:** PUBLIC ACCESS Mailbox  
**Subject:** RE: Freedom of Information Request HC/1369/14

**Attachments:** news article.pdf; Mark\_\_Tyrone\_-\_Web\_Decision\_-\_9951029.pdf

HC/1369/14

Dear Information Team,

Additional attachments for Mr. Russell when he reviews this request. News article and public NCTL decision. Confirmation it is already in the public domain there was a police investigation into this named individual in the press. Confirmation and reassurances now sought from the Constabulary. And files containing abusive material on children exists also in the public domain as per the attached NCTL decision and press coverage. The CPS has been direct about this and told us they do not hold this information, surely the police should be forthright too.

Thank you.

[REDACTED]

\*\*\*\*\*

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\*\*\*\*\*



Chief Constable Scott Chilton MSt (*Cantab*)  
www.dorset.police.uk

OFFICIAL

[REDACTED]

Sent via email:

[REDACTED]

**Dorset Police**  
**Professional Standards Department**  
Force Headquarters  
Winfrith, Dorchester  
Dorset DT2 8DZ

Our ref: CO/00554/22  
TJW/3808/AW

Phone: 101 Ext. 3808  
E-mail: [complaints&misconduct@dorset.pnn.police.uk](mailto:complaints&misconduct@dorset.pnn.police.uk)

Date: 25 July 2022

Dear [REDACTED]

#### COMPLAINT AGAINST POLICE

I write in response to your recent correspondence to the IOPC with your complaint against police.

Your complaint has been formally recorded within the provisions of Part 2 of the Police Reform Act 2002.

My role in dealing with your complaint is to decide how the matter should be dealt with.

Based on the information contained within your correspondence, I have determined that this matter should be investigated by a member of the Complaints & Misconduct Unit. I shall arrange for the Investigating Officer, from this office, to contact you and endeavour to resolve your complaint.

For more information about the complaints process, please see the Independent Office for Police Conduct website ([www.policeconduct.gov.uk](http://www.policeconduct.gov.uk)). If you do not have access to the internet, the IOPC can provide you with leaflets (0300 020 0096).

Yours sincerely

[REDACTED]

[REDACTED]

Joint Head of Complaints & Misconduct Unit

Our reference number: 2018/099011

Force reference number: MI/10/18



**IOPC**  
Independent Office  
for Police Conduct

Swyddfa Annibynnol  
Ymddygiad yr Heddlu

PO Box 473  
Sale M33 0BW  
PO Box 473  
Blwch Post 473  
Sale M33 0BW  
Blwch Post 473  
Sale M33 0BW

Tel/Ffôn 0300 020 0096

Text relay/Cyfnewid Testun 18001 0207 166 3000

Email/E-bost enquiries@policeconduct.gov.uk

Text relay/Cyfnewid Testun 18001 0207 166 3000

Web/Gwefan www.policeconduct.gov.uk

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

22 March 2018

Dear [REDACTED]

As you are aware Hampshire Police carried out a conduct assessment in relation to the matters you raised with them regarding Mr Tyrone Mark.

As previously agreed please find enclosed a summary of the conduct assessment completed by Hampshire Police. A copy has also been forwarded to the Children's Commissioner Anne Longfield.

Yours sincerely

Clara Harriott  
Senior Assessment Manager  
Independent Office for Police Conduct

## Summary of Conduct Assessment

### Background to conduct assessment

In December 2012 a referral was made by Arnewood School, Hampshire to the Hampshire County Council's Local Authority Designated Officer (LADO) regarding Mr Tyrone Mark, a teacher at the school regarding his relationship with a pupil. The LADO referred the matter to Hampshire Constabulary's Central Referral Unit (CRU). As both Mr Mark and the pupil resided in Dorset, the matter was referred to Dorset Police who decided that a single agency referral was appropriate and could be conducted by the school.

In March 2013, Mr Mark resigned his position after disciplinary proceedings were commenced by the school. In October 2013 additional materials regarding Mr Mark were obtained by the school, and Hampshire Constabulary were contacted for advice. Hampshire Constabulary advised that no action was required by themselves, and that the material could be dealt with by the single agency and the Disclosure and Barring Service (DBS). Mr Mark was barred from teaching indefinitely by the National College for Teaching and Leadership (NCTL) in July 2014. Following the NCTL decision, the school wrote to parents informing them of the outcome. After considering advice from the LADO, the school handed all the material they had to Hampshire Constabulary.

In December 2014 a criminal investigation was commenced by Hampshire Constabulary. Mr Mark was subsequently charged with 17 offences of possessing indecent images of children which had been downloaded from the internet. Mr Mark was sentenced to six month's imprisonment in February 2016.

██████████ whose son was a pupil at the school, made a number of complaints regarding Hampshire Constabularies' decision not to investigate the offences when referred in 2012, a failure to record the occurrence in accordance with Home Office Counting Rules, and that police inactivity led to the 17 offences being committed against children. Mr ██████████ complaints were assessed in accordance with the Police Reform Act 2002, and a series of non-recording letters were sent to ██████████, on the basis that he was not a person whose son was subject of the investigation, or was adversely affected by the investigation. ██████████ appealed these non-recording decisions to the IPCC, who did not uphold his appeals. ██████████ subsequently wrote to the Children's Commissioner, and the Children's Commissioner wrote to the IPCC highlighting Mr Caine's concerns. The IPCC then wrote to Hampshire Constabulary directing that a conduct assessment be completed in accordance with Section 6.4 of the IPCC Manual of Guidance.

### Conduct assessment conclusions

Hampshire Constabulary identified the following concerns in their conduct assessment:



- The referral from the LADO in December 2012 and subsequent contact with Dorset was not recorded on the force's Record Management System (RMS)
- The further referral in October 2013 and interaction with the LADO following the return of items belonging to Mr Mark by a colleague was not recorded on RMS.
- Procedure for the referral by the LADO in December 2012 required an initial police investigation by Hampshire Police to establish the nature of the relationship between teacher and pupil.
- Local and national safeguarding procedures required the full facts of a case to be established prior to concluding whether a position of trust allegation should be single agency and if a criminal investigation is required.

The conduct assessment notes that the decision in December 2012 to refer the matter to Dorset Police was in accordance with Hampshire Constabulary's local procedure, as all parties directly involved resided in Dorset.

Concerning conduct issues, no individual officers have been identified within the report. It is also noted that the issues identified relate to the recording of information within the force's systems or are matters regarding adherence to procedure. As such, the conduct assessment notes that the identified issues are procedural in nature. It is also noted that steps have been taken to ensure that all contacts regarding LADO referrals are recorded on RMS.

The conduct assessment further notes that the procedural issues concerning Hampshire Constabulary's handling of Mr Mark appear to be isolated occurrences, and audits of similar position of trust cases from the period do not raise concerns with Hampshire Constabulary's recording of referrals or the decisions made regarding them. On the basis that the identified concerns are procedural in nature, they appear to be isolated occurrences, no officers have been identified and actions have been taken to rectify the procedural concerns in future, there does not appear to be an indication of any conduct matters.

---

**From:** Campbell, Keith (5108) [<mailto:Keith.Campbell@Dorset.PNN.Police.uk>]

**Sent:** 29 October 2014 17:37

**To:** [REDACTED]

**Subject:** Review of Dorset Police Response 2014-626 NOT PROTECTIVELY MARKED

Dear [REDACTED]

This matter was discussed with the Head of our Professional Standards Department, Superintendent Peter Windle and I have been nominated to respond due to my involvement and responsibility in the matter.

Supt Windle is of the opinion that it might assist you if I make the comments in my previous communication more explicit, and I do so below:

*Dorset Police did receive some information that was appropriate in the circumstances but this was purely for our reference and is not suitable for disclosure. Dorset Police was not involved in any investigation of the matter. We did not receive any file of related material; indeed our knowledge that such a file exists comes from information supplied by you. We have double checked this and make the assertion with confidence.*

*Our knowledge of the detail of what happened in response to this matter is minimal but it is possible that this was dealt with by the school and Hampshire County Council staff, since the local authority has primacy in welfare and education issues related to children and young persons. The information that we received originated from HCC.*

*To conclude, we can only reiterate that this matter was not dealt with by Dorset Police and we received no file of any sort from the school or any other involved party.*

Please see the notice below which outlines your right to complain to the Information Commissioner's Office about this matter.

**If you are not satisfied with our response in relation to your request for information then you have the right to refer this to the Information Commissioner who will consider your complaint. You can contact the Commissioner at: -**

**Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire,  
SK9 5AF.**

**E-mail** [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk)

Yours sincerely

**Keith Campbell  
Freedom of Information Manager**

Our ref: CH.14.07.26

22 July 2014

Dear

**Re: Misconduct hearing of former member of staff**

We are writing to you because last week a former member of our teaching staff, Mr Mark, was the subject of a professional misconduct hearing and has been permanently prohibited from teaching.

Mr Mark had his contract terminated by the school in March 2013, following allegations that he formed an inappropriate relationship with a student outside of school.

I would like to reassure you that the police investigated these matters and found no criminal activity had taken place.

Acting upon legal advice, this has been the first opportunity we have had to comment publicly on the matter.

We take the safety of your children extremely seriously.

From the outset when these allegations were made known to us Mr Mark was immediately suspended and we worked closely with both the local authority and the police. We have taken substantial professional advice and followed national child protection guidelines throughout.

Given our concerns, it was only right that we referred the matter to the attention of the Disclosure and Barring Service, the government body which replaces the Criminal Records Bureau and Independent Safeguarding Authority.

Some months after Mr Mark had his employment terminated by the school it emerged that he had documents and files in his home containing his personal thoughts on students.

We were shocked and disgusted by Mr Mark's actions. The very serious nature of the national panel's findings reflects this and we fully support the decision taken to prohibit him from teaching following our referral.

There is no evidence that Mr Mark formed inappropriate relationships with any other student.

To protect the identity of the student involved we are unable to go into any further detail.

We respectfully ask that your children and others refrain from using social media speculation on this matter to protect the identity and feelings of the student

Mr Mark was a very experienced teacher, a colleague for many years; we feel that the trust we placed in him has been betrayed.

If any parent/carers has any concerns following this news the Headteacher will be happy to talk to you when the school is back in session in September but we must stress that we cannot go into the details of this particular case for the reasons outlined above.

Yours sincerely

C C Hummerstone  
Headteacher

Elizabeth Cook  
Chairman

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**Subject:** FW: From office of Rt Hon Desmond Swayne TD MP

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**From:** MOIRA SWAYNE [<mailto:swaynem@hotmail.co.uk>]

**Sent:** 15 February 2015 10:46

**To:** [REDACTED]

**Subject:** From office of Rt Hon Desmond Swayne TD MP

Dear [REDACTED]

Please find below the body of the emailed letter sent by John Coughlan to Mr Swayne on 26th January.

----->

Date 26th January 2015

Dear Mr Swayne

I am very sorry for the delay in responding to your letter. I had asked our legal advisers to consider the position, and there was some delay at their end for which they apologise.

Hampshire County Council did not conduct an investigation into the allegations made against Mark Tyrone. When it was approached by the Arnewood Academy in December 2012, enquiries including contact with the Police led officers to conclude, appropriately, that the matter should be investigated internally by the Academy. I remain confident with that conclusion.

It follows that there is no local authority investigation file, as such, to be disclosed to the Police, but we would of course co-operate fully with any request from the Police for any material which we hold, to the extent that we are required or permitted to do so.

I trust that this answers your question, but please do let me know if I can assist further.

Best wishes

John Coughlan  
Deputy Chief Executive & Director of Children's Services  
Hampshire County Council  
3rd Floor, Elizabeth II Court North  
Winchester  
Hampshire SO23 8UG  
Tel: 01962 846516

Rt Hon Desmond Swayne TD MP

House of Commons  
London SW1A 0AA  
0207 219 4886

[www.desmondswayne.com](http://www.desmondswayne.com)

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**Subject:** FW: Unlawful handling of the Mark Tyrone Criminal Case

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**From:** [REDACTED]  
**Sent:** 27 January 2016 13:15  
**To:** 'stephen.franks@hampshire.pnn.police.uk'  
**Cc:** 'professional.standards@hampshire.pnn.police.uk'  
**Subject:** RE: Unlawful handling of the Mark Tyrone Criminal Case

Dear Mr. Franks,

Please note according to a police statement from Hampshire matters were referred to the Force on two different dates way before that. See attached. Yet nothing was recorded, crime nor incident. See the other attachment. This is an official non recording complaint please respond through proper complaint channels and the proper way. Then I will be able to take it to the IPCC of course.

Sincerely  
[REDACTED]

---

**From:** stephen.franks@hampshire.pnn.police.uk [mailto:stephen.franks@hampshire.pnn.police.uk]  
**Sent:** 27 January 2016 10:29  
**To:** [REDACTED]  
**Subject:** FW: Unlawful handling of the Mark Tyrone Criminal Case

Dear [REDACTED]

Thank you for your email. I am able to advise that this occurrence was recorded on 21st November 2014. Prior to that the investigation was dealt with on a single agency basis - Arnewood School and had been recorded by Dorset Police.. It would appear that National Crime Recording Standards have been appropriately followed

Sincerely

Stephen J Franks  
Business Support Manager/Professional Standards Dept.  
Tel: Int: 4631787  
Email: [stephen.franks@hampshire.pnn.police.uk](mailto:stephen.franks@hampshire.pnn.police.uk)

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**From:** [REDACTED]  
**Sent:** 23 January 2016 07:39  
**To:** PROFESSIONAL STANDARDS Mailbox  
**Subject:** Unlawful handling of the Mark Tyrone Criminal Case

Complaint about the unlawful handling of the Mark Tyrone Criminal Case

Dear Professional Standards Team,

It has recently come to my attention that a officer/s have acted illegally in reference to the above mentioned case. Here they did not comply with the Home Office Rules and National Crime Recording Standard. See attached correspondence from Mr. Jason Russell of Hampshire Constabulary confirming that nothing was recorded in the RMS relating to this case. As you are aware this is contrary to statutory requirements. Here nothing was entered into the police database. No incident record was created. As you will also know, an incident record MUST be created when matters are FIRST reported to police regardless of whether they think a crime was committed or not. It must be documented in the police computer system at the time the issue is raised with the police. That did not happen.

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 25 March 2017 13:37  
**To:** 'roger.trencher@hampshire.pnn.police.uk'  
**Cc:** 'professional.standards@hampshire.pnn.police.uk'  
**Subject:** RE: Confirmed child sex abuse safeguarding failings by Hampshire Police  
**Attachments:** 1) school lie.pdf; 2) John Coughlan letter.pdf

Dear Mr. Trencher,

I have not been provided with an IPCC contact name. Hence was sending evidence to ACC David Pryde. Here are two important pieces of evidence. Please make sure they get into the right hands. They show the school and HCC were additionally providing misinformation about the case. Added to the police failings to record and investigate despite damning evidence of course and I believe it all points to a concerted conspiracy to cover up.

[REDACTED]

---

**From:** roger.trencher@hampshire.pnn.police.uk [mailto:roger.trencher@hampshire.pnn.police.uk]  
**Sent:** 23 March 2017 18:55  
**To:** [REDACTED]  
**Subject:** RE: Confirmed child sex abuse safeguarding failings by Hampshire Police

Dear [REDACTED]

I was on leave when you sent this email through and so have not been able to deal with it until now. I will make enquiries and revert to you but, of course, you are free to converse with the IPCC direct.

Regards

Roger Trencher  
Force Solicitor

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**From:** [REDACTED]  
**Sent:** 15 March 2017 11:44  
**To:** PROFESSIONAL STANDARDS Mailbox <[professional.standards@hampshire.pnn.police.uk](mailto:professional.standards@hampshire.pnn.police.uk)>; Trencher, Roger <[roger.trencher@hampshire.pnn.police.uk](mailto:roger.trencher@hampshire.pnn.police.uk)>  
**Cc:** [Childrens.COMMISSIONER@childrenscommissioner.gsi.gov.uk](mailto:Childrens.COMMISSIONER@childrenscommissioner.gsi.gov.uk); [hscb@hants.gov.uk](mailto:hscb@hants.gov.uk); [david.pryde@hampshire.pnn.police.uk](mailto:david.pryde@hampshire.pnn.police.uk)  
**Subject:** FW: Confirmed child sex abuse safeguarding failings by Hampshire Police

Attention. Mr. Roger Trencher the Force Solicitor

Cc: The Childrens Commissioner For England  
Cc: The Chair of Hampshire Safeguarding Children's Board  
Cc: The Head of Professional Standards Department

Confirmed child sex abuse safeguarding failings by Hampshire Police

Dear Mr. Trencher,

I am informed ACC David Pryde has retired from the Force. Prior to this he had been forwarding on evidence I provided to the IPCC investigation into Hampshire Police in reference to its now confirmed failings regarding the Tyrone Mark case, the teacher that went on to commit 17 offences against children that could have been prevented had officer/s not failed in their statutory duty to record and investigate (twice) despite damning evidence. We also know now these serious failings were ignored by the PSD ignored.

Please confirm the correspondence and the evidence I previously forwarded to ACC Pryde by email has in fact reached the IPCC, particularly Jennifer Izekor the IPCC Commissioner tasked with the investigation. The silence has been deafening. And ACC Pryde's email address is still accepting email?

I look forward to confirmation from you the evidence I have previously sent in to ACC Pryde has reached the people it was intended for.

Sincerely

[REDACTED]



**Subject:** FW: Further action required - Failure to notify Regarding complaint: 2017/082405  
**Attachments:** 1\_News\_article.pdf; 2\_ letters.pdf

---

**From:** [REDACTED]  
**Sent:** 17 April 2017 14:00  
**To:** 'roger.trencher@hampshire.pnn.police.uk'; 'Childrens.COMMISSIONER@childrenscommissioner.gsi.gov.uk'  
**Cc:** 'Katie Aston'  
**Subject:** FW: Further action required - Failure to notify Regarding complaint: 2017/082405

Dear Mr. Trencher,

I am still awaiting a response from you re the evidence I supplied to you in reference to the ongoing IPCC conduct assessment re the Arnewood teacher child sexual abuse case where officers failed to record and investigate despite damning evidence. It is imperative it reach investigators. Additionally for your sight (below) is information about the Forces bizarre refusal to take a criminal complaint off me regarding the 6 named officers who looked the other way in reference to the failings re this child sex abuse case that would have seen a child sex offender go free. I hold plenty of evidence of course.

Due to your position and also your obligations under the police code of conduct re challenging police failings and improper conduct by police officer and staff I am making sure you are aware of this information and new development. Once again please make sure it reaches the right people and forms part of the ongoing conduct assessment in reference to this case and confirm. It is vital that it does. This has been a systemic cover up that put children at serious risk. This is not about the recording failings re the sex abuse case, it is about the officers who knew of those officer failings yet later ignored them contrary to children's best interests.

Cc: Anne Longfield OBE / Childrens Commissioner for England  
Cc: Katie Aston / IPCC

Yours sincerely

[REDACTED]

**Subject:** FW: Serious police misconduct re child sex abuse case  
**Attachments:** 5) police\_FOI\_responses.pdf; Childrens\_Commissioner\_letters.pdf

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**From:** [REDACTED]  
**Sent:** 16 October 2017 22:49  
**To:** 'roger.trencher@hampshire.pnn.police.uk'  
**Cc:** 'opcc@hampshire.pnn.police.uk'  
**Subject:** FW: Serious police misconduct re child sex abuse case

Dear Mr. Trencher,

Given the lack of response from you and your evident disregard for your responsibilities and duty in relation to making sure evidence of serious police misconduct is dealt with within the confines of the law, I now ask you send the evidence I forwarded to you to the Chief Officer Olivia Pinkney. It is clear you are failing to deal with this matter and are choosing to ignore it contrary to the public good. To recap the evidence you hold (attached once more) emphatically proves police officers looked away from a child sex offender case twice and unlawfully kept it out of the RMS (twice). This led to child sex offences being committed which could have been easily prevented. This was reckless child endangerment and I would have hoped as such would have been acted on by you and the Force accordingly. Sadly not. Remember here we are talking about something that went further than child endangerment, offences against children were actually committed because of failings by your officers, and no doubt would have continued on if not for my involvement and had Hampshire Constabulary been left to its own devices.

If you can now please advise you have forwarded the evidence on and to whom (or not) I would be grateful. You must be aware as the Force Solicitor under law reasons and explanations must be provided. Silence is not an option you are afforded in your position.

Sincerely

[REDACTED]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 28 May 2017 07:22  
**To:** 'roger.trencher@hampshire.pnn.police.uk'; 'stephen.franks@hampshire.pnn.police.uk'  
**Cc:** 'Childrens.COMMISSIONER@childrenscommissioner.gsi.gov.uk'  
**Subject:** IPCC Arnewood child sex abuse case

Attention: Force Solicitor, Hampshire Police – Mr. Roger Trencher.  
And Mr. Stephen Franks, Professional Standards Department.

CC: IPCC: Ms. Katie Aston  
CC: Children's Commissioner for England. Ms. [Anne Longfield OBE](#).

Dear Mr. Trencher and Mr. Franks,

I was informed sometime back by the IPCC that I would receive an explanation directly from the Force explaining why the conduct assessment re the handling Arnewood School teacher child sex abuse case found no fault on the part of police officers even though statutory Home Office rules were breached (twice) and serious and damning evidence disregarded at the time (twice). Forgive my directness but where is it? It is a further ponderance to me that an assessment can have been concluded by the Force without any attempt to contact me and gather the evidence I hold that proves the conduct failings and police officers broke the law.

I do not expect thanks for making sure a child sex offender was brought to justice where the Force had neglected its duty (twice) and therefore subjected children to risk, but would request the courtesy of a reply and the explanation as to this evident conundrum.

Yours Sincerely

[REDACTED]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 18 October 2016 17:51  
**To:** 'stephen.franks@hampshire.pnn.police.uk'  
**Cc:** 'professional.standards@hampshire.pnn.police.uk'  
**Subject:** Evidence for the IPCC Commissioner

Dear Mr. Franks,

On another note. Did you send the evidence I sent through to Jennifer Izekor as I requested? Shows the statutory failings on part of officers you ignored and blocked re the Tyrone Mark child sex abuse case. Let me know. If you don't want to, please refer it on as a complaint about you blocking evidence reaching who it should. Silence is not an option and neither is withholding vital evidence.

Sincerely

[REDACTED]

**Subject:** FW: For the attention of the IPCC Commisioner

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**From:** [REDACTED]  
**Sent:** 19 October 2016 13:59  
**To:** Franks, Stephen  
**Cc:** PROFESSIONAL STANDARDS Mailbox  
**Subject:** IPCC Commisioner

Dear Mr. Franks,

I only have a generic email. The Children's Commissioner has been dealing with the IPCC on my behalf. Not fair I have to bother the Children's Commissioner again for something so mundane. It goes to holding officers to account for statutory failings / conduct matters which Jennifer Izekor is supervising as you know. You would want to help to that end wouldn't you. This is important evidence that shows the case was not recorded or entered into the police systems by officers, not once but twice. Is the PSD not involved with this? An assessment is being carried out.

Here's the email (below) I sent you about it and attached evidence. These failings led to 17 sex offences against children being committed that could have been prevented. Very serious matters. I hope you will agree.

It is a very responsible request to make of the PSD.

Please confirm you will know forward this on.

Sincerely  
[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 17 October 2016 12:15  
**To:** 'stephen.franks@hampshire.pnn.police.uk'  
**Cc:** 'professional.standards@hampshire.pnn.police.uk'  
**Subject:** RE: SFJ/MI/195/16

Dear Mr. Franks,

Well of course not. Just needed the PSD to be aware of it. To add to the catalogue of cover up and lies you and your colleagues are always apparently involved in. I have enough evidence now to sink a battleship. A corker though isn't it. You know what happened to the PSD cover up and IPCC failings re the recording failings re the Tyrone Mark child sexual abuse case you blocked. Why would I think this would be different?

Very Important:

I have attached the proof of these recording failings again re a child sex offender that allowed him to go one to commit 17 offences against kids. You've seen them before remember, but just to make absolutely sure you cannot deny "sight" here it is again. I know you have put forward misinformation on this case on multiple occasions, but never the less can you please make sure it gets into the hands of the investigation the IPCC Commissioner is now overseeing re PSD failure to act and confirm you will do that. I believe it speaks volumes. You really shouldn't have gone the cover up route on this.

Yours sincerely  
[REDACTED]

---

**From:** [stephen.franks@hampshire.pnn.police.uk](mailto:stephen.franks@hampshire.pnn.police.uk) [<mailto:stephen.franks@hampshire.pnn.police.uk>]  
**Sent:** 17 October 2016 11:56  
**To:** [REDACTED]  
**Subject:** RE: SFJ/MI/195/16

Dear [REDACTED]

Yes I have seen the IPCC decision which does make comment on the point you are raising. In light of the IPCC decision not to uphold your appeal I do not propose to take any further action

Yours sincerely

Stephen J Franks  
Business Support Manager/Professional Standards Dept.  
Tel: Int: 4631787  
Email: [stephen.franks@hampshire.pnn.police.uk](mailto:stephen.franks@hampshire.pnn.police.uk)

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[REDACTED]

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**From:** [REDACTED]  
**Sent:** 17 October 2016 12:36  
**To:** 'stephen.franks@hampshire.pnn.police.uk'  
**Cc:** 'professional.standards@hampshire.pnn.police.uk'  
**Subject:** New Complaint  
**Attachments:** letter from CEO Lesley Longstone.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

New Complaint

Dear Mr. Franks,

Please send me a recording decision based on recent developments. See attached letter from the head of the IPCC.

The complaint is you and various members of the PSD blocked proper process regarding my complaints about the Tyrone Mark case police failings which resulted in 17 sexual offences against kids going on to be committed that would have been prevented if not for these serious failings. See attached letter. You all deliberately ignored the requirement to look into these failings. See 6.4 of the statutory guidance. I could never extract an answer from you on this. You entirely avoided it.

Please refer it on to someone appropriate to make a recording decision. That would not be anyone involved in the case to date. They all ignored the obvious at the expense of children's safety as you are well aware.

Sincerely  
[REDACTED]

**Subject:**

FW: Unlawful handling of the Mark Tyrone Criminal Case

---

**From:** [REDACTED]

**Sent:** 28 January 2016 10:35

**To:** 'stephen.franks@hampshire.pnn.police.uk'

**Subject:** RE: Unlawful handling of the Mark Tyrone Criminal Case

There were no referalls according to the RMS as you have confirmed. It's a non recording compliant. Had any parents known about it they would have called it in (including us). That's the point. Adversely affected yes, it meant a teacher who taught our son went uninvestigated and we had no idea as parents along with all the others what was going on. He may have been a victim and we are still not sure he was not in the teachers "pictures". So anguish, worry, concern etc. Well of course.

Would you like my son to co-sign the complaint? But he was a minor at the time.

PS. The IPCC has now told you to record and investigate the police statement.

---

**From:** stephen.franks@hampshire.pnn.police.uk [mailto:stephen.franks@hampshire.pnn.police.uk]

**Sent:** 28 January 2016 10:06

**To:** [REDACTED]

**Subject:** RE: Unlawful handling of the Mark Tyrone Criminal Case

Dear [REDACTED]

Thank you, I have now checked the statement. To assist me in making a recording decision in accordance with the Police Reform Act can you please confirm whether you made either of the referrals detailed in the letter (December 2012 and October 2013) and thereby are a person directly affected or if not how you are adversely affected by the apparent failure to record as an occurrence.

Sincerely

Stephen J Franks  
Business Support Manager/Professional Standards Dept.  
Tel: Int: 4631787  
Email: [stephen.franks@hampshire.pnn.police.uk](mailto:stephen.franks@hampshire.pnn.police.uk)



[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 27 January 2016 13:53  
**To:** 'stephen.franks@hampshire.pnn.police.uk'  
**Subject:** RE: Unlawful handling of the Mark Tyrone Criminal Case  
**Attachments:** schools postion.pdf

[REDACTED]

Here you go, a little more evidence for your ponderance. The School said it worked closely with the police. Yet nothing recorded, now conformed by you too. Some one is telling big porkies. Personally it appears to be all round.

Sincerely  
[REDACTED]

**Subject:** FW: Unlawful handling of the Mark Tyrone Criminal Case

---

**From:** [REDACTED]  
**Sent:** 27 January 2016 13:15  
**To:** 'stephen.franks@hampshire.pnn.police.uk'  
**Cc:** 'professional.standards@hampshire.pnn.police.uk'  
**Subject:** RE: Unlawful handling of the Mark Tyrone Criminal Case

Dear Mr. Franks,

Please note according to a police statement from Hampshire matters were referred to the Force on two different dates way before that. See attached. Yet nothing was recorded, crime nor incident. See the other attachment. This is an official non recording complaint please respond through proper complaint channels and the proper way. Then I will be able to take it to the IPCC of course.

Sincerely  
[REDACTED]

---

**From:** stephen.franks@hampshire.pnn.police.uk [mailto:stephen.franks@hampshire.pnn.police.uk]  
**Sent:** 27 January 2016 10:29  
**To:** [REDACTED]  
**Subject:** FW: Unlawful handling of the Mark Tyrone Criminal Case

Dear [REDACTED]

Thank you for your email. I am able to advise that this occurrence was recorded on 21st November 2014. Prior to that the investigation was dealt with on a single agency basis - Arnewood School and had been recorded by Dorset Police.. It would appear that National Crime Recording Standards have been appropriately followed

Sincerely

Stephen J Franks  
Business Support Manager/Professional Standards Dept.  
Tel: Int: 4631787  
Email: [stephen.franks@hampshire.pnn.police.uk](mailto:stephen.franks@hampshire.pnn.police.uk)

---

**From:** [REDACTED]  
**Sent:** 23 January 2016 07:39  
**To:** PROFESSIONAL STANDARDS Mailbox  
**Subject:** Unlawful handling of the Mark Tyrone Criminal Case

Complaint about the unlawful handling of the Mark Tyrone Criminal Case

Dear Professional Standards Team,

It has recently come to my attention that a officer/s have acted illegally in reference to the above mentioned case. Here they did not comply with the Home Office Rules and National Crime Recording Standard. See attached correspondence from Mr. Jason Russell of Hampshire Constabulary confirming that nothing was recorded in the RMS relating to this case. As you are aware this is contrary to statutory requirements. Here nothing was entered into the police database. No incident record was created. As you will also know, an incident record MUST be created when matters are FIRST reported to police regardless of whether they think a crime was committed or not. It must be documented in the police computer system at the time the issue is raised with the police. That did not happen.

A HMIC report found Hampshire Constabulary to have failed to record 40% of reported crimes/incidents. See second attachment. So all in all 40% of all crimes reported to the Constabulary by members of the public have not been dealt with lawfully under the statutory guidance. What is even more disgraceful in this instance is it was regarding sex offences against children for which the individual was eventually convicted after the matters were properly recorded and subsequently appeared in the police RMS, albeit many months late, and only after the involvement of a member of the public who had discovered this (myself).

As for Hampshire Constabularies track record in the sexual abuse area you may also find this BBC article informative.

<http://www.bbc.co.uk/news/uk-32827731>

I await your response on this very important matter.

Sincerely

[Redacted signature]

[Redacted signature]

\*\*\*\*\*

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\*\*\*\*\*

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 18 October 2016 17:51  
**To:** 'stephen.franks@hampshire.pnn.police.uk'  
**Cc:** 'professional.standards@hampshire.pnn.police.uk'  
**Subject:** Evidence for the IPCC Commissioner

Dear Mr. Franks,

On another note. Did you send the evidence I sent through to Jennifer Izekor as I requested? Shows the statutory failings on part of officers you ignored and blocked re the Tyrone Mark child sex abuse case. Let me know. If you don't want to, please refer it on as a complaint about you blocking evidence reaching who it should. Silence is not an option and neither is withholding vital evidence.

Sincerely

[REDACTED]

## EX 15

From: icocasework@ico.org.uk  
To: public.access@hampshire.police.uk;  
CC:  
Subject: ICO Case Reference: IC-241010-Y8B9  
Direction: Outgoing  
Date Sent: 14/09/2023 10:07

14 September 2023

**Case Reference: IC-241010-Y8B9**  
**Your Reference: ROA/23/015086/U**

Dear Sir/Madam,

We are writing to you because a data protection concern has been raised with us about Hampshire Constabulary by:



### **Concern raised with us**

██████████ is concerned that Hampshire Constabulary have refused his request for information. In particular ██████████ had asked for a copy of all correspondence and supporting evidence they have shared with Dorset Police about concerns you have raised as well as Hampshire Constabulary's investigation report on the matters raised. As we understand it, the matters raised relate to concerns around inappropriate communication between a teacher and child about which ██████████ has communicated with Dorset Police, and which Dorset Police considered was a matter for Hampshire Constabulary to investigate.

In its response dated 15 June 2023 Hampshire Constabulary applied the exemption under section 45(4)(a) to refuse ██████████ request, as disclosure would prejudice an official or legal inquiry, investigation or procedure. In a subsequent response dated 23 June 2023 Hampshire Constabulary state that a judicial review challenge is awaiting.

In this case we note that ██████████ is unlikely to be entitled to receive much of the information asked for, as although it appears he has communicated with the police about about an allegation of a criminal offence and concerns he has about the police's investigation, this will not cause all information about the allegation or investigation to be his own personal data. In an instance such as this the complainant is unlikely to be the focus of such records, which may instead focus on other individuals who are the subject of the professional standards complaint or criminal investigation.

We have explained the above in our response to ██████████ however, if this does apply to Mr ██████████ we ask that Hampshire Constabulary confirms this to him. In addition, for the purposes of transparency, we ask that Hampshire Constabulary contacts ██████████ to provide clarification, as far as possible, about how the exemption under section 45(4)(a) applies to his request.

The data protection legislation requires an organisation to advise an individual where it has

restricted their rights and the reason for the restriction. While the organisation is not required to provide this information if doing so would undermine the purpose of the restriction, in most cases an explanation should be provided to ensure the individual understands the way in which their request has been handled.

We also recommend that Hampshire Constabulary considers if there is any personal data falling within the scope of [REDACTED] request that can be provided. For example, if Dorset Police's correspondence referring matters to Hampshire Constabulary summarises the contact [REDACTED] had with them about his concerns, along with supporting evidence he had provided, it may be reasonable to provide this. This is because such correspondence will not necessarily reveal any new information of which [REDACTED] is not already aware, although Hampshire Constabulary may wish to confirm with Dorset Police if they are satisfied with providing a copy of this correspondence and apply redactions where necessary.

We ask that Hampshire Constabulary contacts [REDACTED] within the next 28 days.

Yours sincerely,

Benjamin Ash  
Lead Case Officer  
Information Commissioner's Office

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

T. 0330 414 6248 [ico.org.uk](https://ico.org.uk) [twitter.com/iconews](https://twitter.com/iconews)

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## **ICO Statement**

The ICO publishes basic details about the complaints, investigations and self-reported data breaches it handles. These details include the name of the organisation concerned, the dates that we opened and closed the case, and the outcome. Examples of published data sets can be found at this link: [Complaints and concerns data sets | ICO](#).

We do not include personal data in the published datasets and will anonymise the names of sole traders etc prior to publication. We also do not publish cases concerning domestic CCTV complaints and may not publish certain other cases if we feel it is not appropriate to do so in the circumstances.

If you wish to raise an objection to us publishing a case in the datasets, whether or not we have published it yet, please contact me explaining your reasons for this. Please be aware we will only agree to removing details of a complaint in limited circumstances where we are satisfied that the interests of the parties involved would override the ICO's obligations to publish this information.

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 06 July 2023 11:18  
**To:** 'Silson, Tom'; [REDACTED] 'civil.litigation@hampshire.pnn.police.uk'  
**Cc:** 'chief.constable@hampshire.pnn.police.uk'; 'Professional Standards (Hampshire)'  
**Subject:** RE: I will withdraw if .....

Dear Mr. Silson,

Once again you obfuscating matters with irrelevancies that make no sense and avoid the facts. Try answering what I have really put to you if I will. I will try again:

- 1) Where are the investigation reports I requested and you were to supply given you are relying on my complaints being investigated to try to defeat any claim. Why will you not supply them. Under the pre-action protocol you must either supply them or state why not. I would suggest reading the JR protocol if you are not sure of your duties to the court in this regard.
- 2) I have offered to drop the challenge if you prove my complaints about the false police report have been investigated and provide me with the proof of such (the investigation reports). Where is my response to this?

Please when reverting do not answer anything other than these points. To re-iterate why will you not answer. If you provide the reports I have requested I will drop the challenge. So provide your evidence, on your case it must exist.

I put it to you are deliberately putting forward serious misinformation and not answering and providing me with an answer to my disclosure request as it would expose you in those lies and incriminate you. You maintain matters were investigated in your clients defence. THEY WERE NOT. THAT IS A LIE. If it was not you would send me the investigation outcomes. I am accusing you of putting forward false information, now prove me wrong. Send me the investigation reports I have requested which if you could would prove me wrong and your right.

If you do I will withdraw my complaint which to put it to you bluntly, is about you lying and providing misinformation. As it is the official complaint it still stands and it is not up to you to answer it. The fact you will not answer incriminates you further. SEND ME THE REPORTS that proof your defence is not predicated on a LIE.

Easy enough.

Thank you  
[REDACTED]

---

**From:** Silson, Tom [mailto:Tom.Silson@plexuslaw.co.uk]  
**Sent:** 06 July 2023 10:52  
**To:** [REDACTED] civil.litigation@hampshire.pnn.police.uk  
**Cc:** chief.constable@hampshire.pnn.police.uk; 'Professional Standards (Hampshire)'  
**Subject:** Re: I will withdraw if .....

Dear [REDACTED]

I have provided you with the JR protocol response and informed you that your offer is rejected.

Your latest correspondence does not create any new JR requests and we have complied with the protocol.

As previously stated, should you wish to proceed please issue formal Judicial Review papers upon which grounds to resist will be filed and the costs sought from you thereafter.



[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 02 July 2023 19:50  
**To:** 'Silson, Tom'  
**Subject:** I will withdraw if .....  
**Attachments:** High Court order you challenged.pdf

Your personal knowledge.

Dear Mr. Silson,

Of course you have personal knowledge my complaint/s about the false police report into the Tyrone Mark child sexual abuse case has never been investigated by Hampshire Police as you bizarrely contend in your pre-action response, and assert as fact anyway. Remember High Court case 2550/2018? Order attached to refresh your mind. I presume you are familiar with the facts of that case as it was you who filed an application asking for this mandatory order to be changed to a "recommendation" based on a change in the law. A "recommendation" that went nowhere as you will know. I must assume therefore you are fully aware that this legal case is about the same complaint not being recorded let alone investigated after new corroborating evidence was submitted from Dorset Police's (investigation outcome letters) further corroborating the very same complaint as dealt with in High Court case 2550/2018. So you now the proof my initial complaint was not investigated going all the way back to the beginning (2018) through (2021). I still however eagerly await your clients response to my disclosure request.

My offer still stands to your client, prove to me the matter and my complaints about this have been investigated as your client contends and I will drop matters. If your client cannot, accept my settlement offer so we can agree on the terms of reference of the investigation "that never really happened but should have" going forward. Your client asserts it was, in that it affirms an investigation was appropriate does it not. Yet none was conducted. So what's the problem? It will give your client the opportunity to dispute Dorset Police's evidence will it not with an investigation. An investigation which clearly should have happened considering your client mistakenly thinks it did.

For attention of your client and the court file.

Thank you  
[REDACTED]

-----

Dear Mr. Silson,

Thank you for response. I must point out your Clients position and defence is predicated on a substantive very big lie that must be corrected under your duty to the court and your clients and your obligations under the very strict duty of candour. There has been no investigation into these matters at all. That is a hard cold fact. Given all I need now do to prove the lie for the Court to debunk your pre-action response and non factual defence in the face of the court is once again to ask you to disclose the investigation report/s proving your clients position that my complaint/s and related evidence about the false police report into the handling of the Tyrone Mark child sexual abuse case has been investigated. Both you and your client are obliged to be frank and open, and disclose the material I have requested or explain to me and subsequently the court why not. Note point 1 of my email of 24 May 2023 below.

It is no good telling me you would rather not communicate with me, you are obliged to do so under the JR pre-action protocol and your personal duty to the court. You are legally bound to disclose material that is substantive to the challenge. Your clients defence is now solely predicated on my complaint/s being repetitious based on being previously investigated. Of course that defence is defeated if my complaint/s about the false police report have not been investigated. Nothing could be more substantive and germane you must agree. You must now

provide the investigation reports proving your clients position or admit there has not been any investigation into these matters. You have also not provided me with information I requested which was sent to Hampshire Police by Dorset Police's Deputy Chief which too is highly relevant.

It is no good hoping I will go away, I don't have too until you provide me with full and frank disclosure. All parties have a duty to comply under the "overriding objective". That means you and your client as well. Please now disclose the investigation reports on which your clients defence relies or admit there has been no investigation into this complaint/s at all so the court is able to make a decision on the true facts and not misinformation.

**I will withdraw my legal challenge if you prove the complaints I have made along with the evidence I have provided about Hampshire Constabularies PSD producing a false police report have been "investigated". That means sending me and disclosing the "investigation" outcomes into my complaints and evidence. You will know an "investigation" is not the same thing as rejecting complaints on the basis they are repetitious or an abuse of process with no regard or review of the provided evidence.**

I note you did not address my settlement offer in your response. May I suggest you do when reverting given your letter relied on a clear misrepresentation of fact. Now corrected I trust.

Thank you

[REDACTED]

----->

**From:** [REDACTED]  
**Sent:** Wednesday, May 24, 2023 4:13 PM  
**To:** Silson, Tom <[Tom.Silson@plexuslaw.co.uk](mailto:Tom.Silson@plexuslaw.co.uk)>  
**Cc:** 'SWAYNE, Desmond' <[desmond.swayne.mp@parliament.uk](mailto:desmond.swayne.mp@parliament.uk)>  
**Subject:** RE: More suppressed evidence for your clients attaction

**WARNING: This email is from an external source.** The sender's name is [REDACTED] and the sender's email address is [REDACTED]

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Dear Ms. Silson,

So what, that's beside the point. Can you provide me with a copy of the transcript the Courts ruling behind that order seeing as you reference it. I believe the Court must have been misled on the law. As you know due to unavoidable circumstances unfortunately I was not there to correct matters.

If you can't understand a very clear and succinct emails pass the case to someone who can.

For clarity.

1. The evidence provided by Dorset Police was never investigated or answered or recorded albeit that is the position of the PSD (lies) in various outcomes and letters. You are to provide me with a copy of this "phantom" investigation report into Dorset Police's evidence to back up these claims that are very mystifying and bizarre given I am dealing with a police force.
2. You now have sight of the PSD outcomes and emails proving this deception (unless you can magic up a nonexistent investigation outcome report relating to Dorset Police officers evidence).
3. Suppressing this evidence and not "recording" this complaint has resulted in breaches to the victims code and the PHSO maintains it cannot deal with complaints about the VC unless complaints are recorded.
4. The Force has breached the statutory guidance on referrals of serious corruption complaints to the IOPC.

5. Dorset Police investigation shows the PSD produced a false report into the handling of a child sexual abuse case. This has been suppressed by the PSD.
6. This evidence has been passed all the way up the chain by Dorset Police to the DCC who appears to have ignored it despite its implications for protecting children from sexual abuse contrary to her duties.
7. Roger Trencher knew the report was false from the get go as proved by the FOI request answer from Dorset Police at the time as did Stephen Franks. Both suppressed the FOI evidence and other evidence.
8. Your client must confirm if its sticks by the false report produced by Stephen Franks.
9. You must explain why the evidence has not been recorded and investigated and under what legal provisions this has been omitted.
10. Your client is under an obligation to answer these points and disclose my communications with the Court if we are to progress to Judicial Review.
11. Roger Trencher should have nothing to do with this case and not be advising you. He is an implicated party who cannot be seen to be unbiased or impartial.

Probably missed a bit but this is the gist of it. Let me know if you still do not understand. Now it's all in one place for you. All points must be answered and there must be full and proper disclosure.

May I also ask you copy Desmond Swayne MP in as a recipient when your client provides confirmation these matters have really never been investigated and recorded at all. You will have noticed I am keeping him apprised (hence parliament) of this ongoing conspiracy to cover up a false police report into a child sexual abuse case as produced by your client's PSD. Really very easy to understand.

Thank you

[REDACTED]

---

**From:** Silson, Tom [mailto:Tom.Silson@plexuslaw.co.uk]  
**Sent:** 02 July 2023 13:21  
**To:** [REDACTED]  
**Subject:** RE: ROA/23/015086/U

Dear [REDACTED]

Please find attached my client's response to your Judicial Review Pre-Action Protocol letter.

Kind regards

**PLEXUS** Tom Silson | Partner | Ext 1073 | T 0161 245 7973 | 07790344010

City Tower | Piccadilly Plaza | Manchester | M1 4BT  
DX 744610 Manchester 72  
[www.plexuslaw.co.uk](http://www.plexuslaw.co.uk)

---

**From:** Silson, Tom  
**Sent:** Friday, June 23, 2023 11:53 AM  
**To:** [REDACTED]  
**Cc:** 'PUBLIC ACCESS Mailbox' <public.access@hampshire.police.uk>  
**Subject:** RE: ROA/23/015086/U

Dear [REDACTED]

We have 14 days to respond to your pre-action JR letter and will do so within the timescales.

Unfortunately, every time you send a further email with additional 'evidence' for me to consider and take instructions upon, this complicates things and slows the process down.

The JR Response will be with you next week.

Kind regards

**PLEXUS** Tom Silson | Partner | Ext 1073 | T 0161 245 7973 | 07790344010

City Tower | Piccadilly Plaza | Manchester | M1 4BT  
DX 744610 Manchester 72  
[www.plexuslaw.co.uk](http://www.plexuslaw.co.uk)

---

**From:** [REDACTED]  
**Sent:** Friday, June 23, 2023 11:49 AM  
**To:** Silson, Tom <[Tom.Silson@plexuslaw.co.uk](mailto:Tom.Silson@plexuslaw.co.uk)>  
**Cc:** 'PUBLIC ACCESS Mailbox' <[public.access@hampshire.police.uk](mailto:public.access@hampshire.police.uk)>  
**Subject:** RE: ROA/23/015086/U

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Dear Mr. Silson,

Please see response from Public Access below. They are withholding my information based on my JR challenge which as you know is still in the pre-action phase and awaiting your response. Notwithstanding this must be provided by way of disclosure of course. Where are my responses you said you would provide? And where is your clients response to my offer?

Sincerely

[REDACTED]

---

**From:** PUBLIC ACCESS Mailbox [<mailto:public.access@hampshire.police.uk>]  
**Sent:** 23 June 2023 11:09  
**To:** [REDACTED]  
**Subject:** RE: ROA/23/015086/U

Good morning [REDACTED]

Your email has been received.

We have provided you with a legal response.  
As previously outlined a judicial review challenge is awaiting.

This is our final position.

Kind regards,

**H. Savage | Public Access Officer**

**Joint Information Management Unit | Hampshire & Isle of Wight Constabulary and Thames Valley Police**

Address | Hampshire & Isle of Wight Constabulary, Mottisfont Court, Tower Street, Winchester, Hampshire, SO23 8ZD

Information Management Helpdesk:

Hampshire [information.management@hampshire.pnn.police.uk](mailto:information.management@hampshire.pnn.police.uk)

Thames Valley [information.management@thamesvalley.pnn.police.uk](mailto:information.management@thamesvalley.pnn.police.uk)

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**From:** [REDACTED]

**Sent:** 22 June 2023 16:26

**To:** PUBLIC ACCESS Mailbox <[public.access@hampshire.police.uk](mailto:public.access@hampshire.police.uk)>

**Subject:** FW: ROA/23/015086/U - Hannah Speaking to Jason about this

Info request escalation.

Please now escalate this complaint/info request to the next stage. PSD did not come back to me.

To verify:

- 1) I require the requested information for a legal challenge. A pre-action letter has been issued. Your legal department will confirm.
- 2) I require the information to send to the IOPC relating to a review now submitted.
- 3) It is my information.
- 4) PSD will not communicate with me to validate refusal reason.
- 5) There is no real reason to withhold at all. The "legal inquiry" is mine and the info must be released to me for the IOPC.

Sincerely

[REDACTED]

---

**From:** [REDACTED]

**Sent:** 16 June 2023 11:16

**To:** 'PUBLIC ACCESS Mailbox'

**Subject:** RE: ROA/23/015086/U

Thanks. May very well come back to you on this. As far as I am aware there is no legal inquiry or investigation taking place at all. If I do not hear back from the PSD we will need to escalate this. I have threatened legal action(JR), but they cannot use that to withhold my information from me (it's me not any other third party). Also its needed for the IOPC appeal I've initiated. There are really no proper grounds whatsoever to deny my request. May I ask you also send the PSD this email to focus their minds.

If I don't hear back by end of day Wed 21 June 2023 I will email you again to escalate.

Thanks and Regards

[REDACTED]

---

**From:** PUBLIC ACCESS Mailbox [<mailto:public.access@hampshire.police.uk>]

**Sent:** 16 June 2023 08:40

**To:** [REDACTED]  
**Subject:** RE: ROA/23/015086/U

Good morning [REDACTED]

Thank you for your email.

We have forwarded this to the Professional Standards Department, as they will be able to assist with your enquiry.

Kind regards,

**H. Savage | Public Access Officer**  
**Joint Information Management Unit | Hampshire & Isle of Wight Constabulary and Thames Valley Police**  
Address | Hampshire & Isle of Wight Constabulary, Mottisfont Court, Tower Street, Winchester, Hampshire, SO23 8ZD

Information Management Helpdesk:  
Hampshire [information.management@hampshire.pnn.police.uk](mailto:information.management@hampshire.pnn.police.uk)  
Thames Valley [information.management@thamesvalley.pnn.police.uk](mailto:information.management@thamesvalley.pnn.police.uk)

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**From:** [REDACTED]  
**Sent:** 15 June 2023 16:42  
**To:** PUBLIC ACCESS Mailbox <[public.access@hampshire.police.uk](mailto:public.access@hampshire.police.uk)>  
**Subject:** RE: ROA/23/015086/U

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Thanks for the response. Please provide me with the specific nature of the official or legal inquiry, investigation or procedure you are relying on to withhold this information so I am able to further pursue the release of my information to me.

Sincerely  
[REDACTED]

---

**From:** PUBLIC ACCESS Mailbox [<mailto:public.access@hampshire.police.uk>]  
**Sent:** 15 June 2023 16:26  
**To:** [REDACTED]  
**Subject:** ROA/23/015086/U

Good afternoon,

Please see attached response to your request for information.

Kind regards,

**H. Savage | Public Access Officer**  
**Joint Information Management Unit | Hampshire & Isle of Wight Constabulary and Thames Valley Police**  
Address | Hampshire & Isle of Wight Constabulary, Mottisfont Court, Tower Street, Winchester, Hampshire, SO23 8ZD

\*\*\*\*\*

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## EX 16

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 04 July 2023 10:22  
**To:** 'chief.constable@hampshire.pnn.police.uk'  
**Cc:** 'civil.litigation@hampshire.pnn.police.uk'; 'Silson, Tom'  
**Subject:** FW: I will withdraw if .....

**Categories:** Purple Category

Attention : The Chief Officer Scott Chilton  
Cc: Legal Department

Dear Sir,

Can I ask you ensure your legal department and legal representative comply with the Judicial Review pre-action protocol and duty of candour to the Court. This requires the disclosure of all relevant documents. My requests are repeatedly ignored. Your legal department maintains my complaints about the false police report produced by your PSD into the handling of the Tyrone Mark child sexual abuse case and supporting evidence have been investigated. I have requested the investigation outcome reports which would prove this for the Court given it is the basis of your legal defence. None have been supplied and my requests are routinely ignored and omitted from any responses. As the Chief Officer I now ask you personally ensure these documents are provided given they must exist based on your legal position that these matters have been "investigated" as maintained by your legal counsel Mr. Tom Silson of Plexus law. This is a simple legal requirement under the rules of court and must be complied with.

See last correspondence below on my offer to withdraw this case if you can show these matters and Dorset Police's evidence has been investigated by Hampshire Police the way of investigation outcome reports. A simple enough request based on your position as put forward by your legal department via Plexus law. Your representatives are in fact lying by basing your defence on the basis the matters pertaining to the false police report have already been investigated and hence that is why the complaint under challenge have not been actioned (rejected as repetitious). I await the reports that prove these matters have been investigated, or an admittance they really have not. That is mandated under your duty of candour to the Court. I would ask you now ensure your legal representatives comply with their duty of candour and stop trying to suppress important and substantive evidence the court will have expected you to supply.

Note my offer to withdraw below, what could be easier and more in the spirit of the "overriding objective"? You supply the requested documents proving my complaint/s relating to the false report have been investigated and then I will withdraw the challenge. I believe Mr. Tom Silson and your legal department are not able to be forthcoming given the misinformation they have provided, hence my request to you personally ensure you send me what is not only required under court rules to be disclosed, but would also be deemed my personal information under the GDPR if it exists.

Thank You  
[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 02 July 2023 15:54  
**To:** 'Silson, Tom'  
**Subject:** I will withdraw if .....

Dear Mr. Silson,

Thank you for response. I must point out your Clients position and defence is predicated on a substantive very big lie that must be corrected under your duty to the court and your clients and your obligations under the very

strict duty of candour. There has been no investigation into these matters at all. That is a hard cold fact. Given all I need now do to prove the lie for the Court to debunk your pre-action response and non factual defence in the face of the court is once again to ask you to disclose the investigation report/s proving your clients position that my complaint/s and related evidence about the false police report into the handling of the Tyrone Mark child sexual abuse case has been investigated. Both you and your client are obliged to be frank and open, and disclose the material I have requested or explain to me and subsequently the court why not. Note point 1 of my email of 24 May 2023 below.

It is no good telling me you would rather not communicate with me, you are obliged to do so under the JR pre-action protocol and your personal duty to the court. You are legally bound to disclose material that is substantive to the challenge. Your clients defence is now solely predicated on my complaint/s being repetitious based on being previously investigated. Of course that defence is defeated if my complaint/s about the false police report have not been investigated. Nothing could be more substantive and germane you must agree. You must now provide the investigation reports proving your clients position or admit there has not been any investigation into these matters. You have also not provided me with information I requested which was sent to Hampshire Police by Dorset Police's Deputy Chief which too is highly relevant.

It is no good hoping I will go away, I don't have too until you provide me with full and frank disclosure. All parties have a duty to comply under the "overriding objective". That means you and your client as well. Please now disclose the investigation reports on which your clients defence relies or admit there has been no investigation into this complaint/s at all so the court is able to make a decision on the true facts and not misinformation.

**I will withdraw my legal challenge if you prove the complaints I have made along with the evidence I have provided about Hampshire Constabularies PSD producing a false police report have been "investigated". That means sending me and disclosing the "investigation" outcomes into my complaints and evidence. You will know an "investigation" is not the same thing as rejecting complaints on the basis they are repetitious or an abuse of process with no regard or review of the provided evidence.**

I note you did not address my settlement offer in your response. May I suggest you do when reverting given your letter relied on a clear misrepresentation of fact. Now corrected I trust.

Thank you

[Redacted signature]

----->

**From:** [Redacted]  
**Sent:** Wednesday, May 24, 2023 4:13 PM  
**To:** Silson, Tom <[Tom.Silson@plexuslaw.co.uk](mailto:Tom.Silson@plexuslaw.co.uk)>  
**Cc:** 'SWAYNE, Desmond' <[desmond.swayne.mp@parliament.uk](mailto:desmond.swayne.mp@parliament.uk)>  
**Subject:** RE: More suppressed evidence for your clients attacntion

**WARNING: This email is from an external source.** The sender's name is [Redacted] and the sender's email address is [Redacted]

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Dear Ms. Silson,

So what, that's beside the point. Can you provide me with a copy of the transcript the Courts ruling behind that order seeing as you reference it. I believe the Court must have been misled on the law. As you know due to unavoidable circumstances unfortunately I was not there to correct matters.

If you can't understand a very clear and succinct emails pass the case to someone who can.

For clarity.

1. The evidence provided by Dorset Police was never investigated or answered or recorded albeit that is the position of the PSD (lies) in various outcomes and letters. You are to provide me with a copy of this “phantom” investigation report into Dorset Police’s evidence to back up these claims that are very mystifying and bizarre given I am dealing with a police force.
2. You now have sight of the PSD outcomes and emails proving this deception (unless you can magic up a nonexistent investigation outcome report relating to Dorset Police officers evidence).
3. Suppressing this evidence and not “recording” this complaint has resulted in breaches to the victims code and the PHSO maintains it cannot deal with complaints about the VC unless complaints are recorded.
4. The Force has breached the statutory guidance on referrals of serious corruption complaints to the IOPC.
5. Dorset Police investigation shows the PSD produced a false report into the handling of a child sexual abuse case. This has been suppressed by the PSD.
6. This evidence has been passed all the way up the chain by Dorset Police to the DCC who appears to have ignored it despite its implications for protecting children from sexual abuse contrary to her duties.
7. Roger Trencher knew the report was false from the get go as proved by the FOI request answer from Dorset Police at the time as did Stephen Franks. Both suppressed the FOI evidence and other evidence.
8. Your client must confirm if it sticks by the false report produced by Stephen Franks.
9. You must explain why the evidence has not been recorded and investigated and under what legal provisions this has been omitted.
10. Your client is under an obligation to answer these points and disclose my communications with the Court if we are to progress to Judicial Review.
11. Roger Trencher should have nothing to do with this case and not be advising you. He is an implicated party who cannot be seen to be unbiased or impartial.

Probably missed a bit but this is the gist of it. Let me know if you still do not understand. Now it’s all in one place for you. All points must be answered and there must be full and proper disclosure.

May I also ask you copy Desmond Swayne MP in as a recipient when your client provides confirmation these matters have really never been investigated and recorded at all. You will have noticed I am keeping him apprised (hence parliament) of this ongoing conspiracy to cover up a false police report into a child sexual abuse case as produced by your client’s PSD. Really very easy to understand.

Thank you

---

**From:** Silson, Tom [mailto:Tom.Silson@plexuslaw.co.uk]

**Sent:** 02 July 2023 13:21

**To:** [REDACTED]

**Subject:** RE: ROA/23/015086/U

Dear [REDACTED]

Please find attached my client’s response to your Judicial Review Pre-Action Protocol letter.

Kind regards

**PLEXUS** Tom Silson | Partner | Ext 1073 | T 0161 245 7973 | 07790344010

City Tower | Piccadilly Plaza | Manchester | M1 4BT  
DX 744610 Manchester 72  
[www.plexuslaw.co.uk](http://www.plexuslaw.co.uk)

---

**From:** Silson, Tom  
**Sent:** Friday, June 23, 2023 11:53 AM  
**To:** [REDACTED]  
**Cc:** 'PUBLIC ACCESS Mailbox' <[public.access@hampshire.police.uk](mailto:public.access@hampshire.police.uk)>  
**Subject:** RE: ROA/23/015086/U

Dear [REDACTED]

We have 14 days to respond to your pre-action JR letter and will do so within the timescales.

Unfortunately, every time you send a further email with additional 'evidence' for me to consider and take instructions upon, this complicates things and slows the process down.

The JR Response will be with you next week.

Kind regards

**PLEXUS** Tom Silson | Partner | Ext 1073 | T 0161 245 7973 | 07790344010

City Tower | Piccadilly Plaza | Manchester | M1 4BT  
DX 744610 Manchester 72  
[www.plexuslaw.co.uk](http://www.plexuslaw.co.uk)

---

**From:** [REDACTED]  
**Sent:** Friday, June 23, 2023 11:49 AM  
**To:** Silson, Tom <[Tom.Silson@plexuslaw.co.uk](mailto:Tom.Silson@plexuslaw.co.uk)>  
**Cc:** 'PUBLIC ACCESS Mailbox' <[public.access@hampshire.police.uk](mailto:public.access@hampshire.police.uk)>  
**Subject:** RE: ROA/23/015086/U

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Dear Mr. Silson,

Please see response from Public Access below. They are withholding my information based on my JR challenge which as you know is still in the pre-action phase and awaiting your response. Notwithstanding this must be provided by way of disclosure of course. Where are my responses you said you would provide? And where is your clients response to my offer?

Sincerely  
[REDACTED]

---

**From:** PUBLIC ACCESS Mailbox [<mailto:public.access@hampshire.police.uk>]  
**Sent:** 23 June 2023 11:09  
**To:** [REDACTED]  
**Subject:** RE: ROA/23/015086/U

Good morning [REDACTED]

Your email has been received.

We have provided you with a legal response.  
As previously outlined a judicial review challenge is awaiting.

This is our final position.

Kind regards,

**H. Savage | Public Access Officer**

**Joint Information Management Unit | Hampshire & Isle of Wight Constabulary and Thames Valley Police**

Address | Hampshire & Isle of Wight Constabulary, Mottisfont Court, Tower Street, Winchester, Hampshire, SO23 8ZD

Information Management Helpdesk:

Hampshire [information.management@hampshire.pnn.police.uk](mailto:information.management@hampshire.pnn.police.uk)

Thames Valley [information.management@thamesvalley.pnn.police.uk](mailto:information.management@thamesvalley.pnn.police.uk)

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**From:** [REDACTED]

**Sent:** 22 June 2023 16:26

**To:** PUBLIC ACCESS Mailbox <[public.access@hampshire.police.uk](mailto:public.access@hampshire.police.uk)>

**Subject:** FW: ROA/23/015086/U - Hannah Speaking to Jason about this

Info request escalation.

Please now escalate this complaint/info request to the next stage. PSD did not come back to me.

To verify:

- 1) I require the requested information for a legal challenge. A pre-action letter has been issued. Your legal department will confirm.
- 2) I require the information to send to the IOPC relating to a review now submitted.
- 3) It is my information.
- 4) PSD will not communicate with me to validate refusal reason.
- 5) There is no real reason to withhold at all. The "legal inquiry" is mine and the info must be released to me for the IOPC.

Sincerely

[REDACTED]

---

**From:** [REDACTED]

**Sent:** 16 June 2023 11:16

**To:** 'PUBLIC ACCESS Mailbox'

**Subject:** RE: ROA/23/015086/U

Thanks. May very well come back to you on this. As far as I am aware there is no legal inquiry or investigation taking place at all. If I do not hear back from the PSD we will need to escalate this. I have threatened legal action(JR), but they cannot use that to withhold my information from me (it's me not any other third party). Also its needed for the

IOPC appeal I've initiated. There are really no proper grounds whatsoever to deny my request. May I ask you also send the PSD this email to focus their minds.

If I don't hear back by end of day Wed 21 June 2023 I will email you again to escalate.

Thanks and Regards

[REDACTED]

-----  
**From:** PUBLIC ACCESS Mailbox [<mailto:public.access@hampshire.police.uk>]

**Sent:** 16 June 2023 08:40

**To:** [REDACTED]

**Subject:** RE: ROA/23/015086/U

Good morning [REDACTED]

Thank you for your email.

We have forwarded this to the Professional Standards Department, as they will be able to assist with your enquiry.

Kind regards,

**H. Savage | Public Access Officer**

**Joint Information Management Unit | Hampshire & Isle of Wight Constabulary and Thames Valley Police**

Address | Hampshire & Isle of Wight Constabulary, Mottisfont Court, Tower Street, Winchester, Hampshire, SO23 8ZD

Information Management Helpdesk:

Hampshire [information.management@hampshire.pnn.police.uk](mailto:information.management@hampshire.pnn.police.uk)

Thames Valley [information.management@thamesvalley.pnn.police.uk](mailto:information.management@thamesvalley.pnn.police.uk)

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**From:** [REDACTED]

**Sent:** 15 June 2023 16:42

**To:** PUBLIC ACCESS Mailbox <[public.access@hampshire.police.uk](mailto:public.access@hampshire.police.uk)>

**Subject:** RE: ROA/23/015086/U

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Thanks for the response. Please provide me with the specific nature of the official or legal inquiry, investigation or procedure you are relying on to withhold this information so I am able to further pursue the release of my information to me.

Sincerely

[REDACTED]

---

**From:** PUBLIC ACCESS Mailbox [<mailto:public.access@hampshire.police.uk>]

**Sent:** 15 June 2023 16:26

**To:** [REDACTED]

**Subject:** ROA/23/015086/U

Good afternoon,

Please see attached response to your request for information.

Kind regards,

**H. Savage | Public Access Officer**

**Joint Information Management Unit | Hampshire & Isle of Wight Constabulary and Thames Valley Police**

Address | Hampshire & Isle of Wight Constabulary, Mottisfont Court, Tower Street, Winchester, Hampshire, SO23 8ZD

Information Management Helpdesk:

Hampshire [information.management@hampshire.pnn.police.uk](mailto:information.management@hampshire.pnn.police.uk)

Thames Valley [information.management@thamesvalley.pnn.police.uk](mailto:information.management@thamesvalley.pnn.police.uk)

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[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 05 July 2023 11:52  
**To:** 'civil.litigation@hampshire.pnn.police.uk'  
**Cc:** 'chief.constable@hampshire.pnn.police.uk'  
**Subject:** FW: I will withdraw if .....

**Categories:** Purple Category

Hampshire Constabulary Legal Department

Dear Legal Department,

Please ensure I get a response from your legal Council as is required by way of the “overriding objective” (CPR 1). See below. I am offering to withdraw the challenge after all which will save time, public expense and the Court’s time and effort. If you cannot engage Counsel who properly communicates I would suggest you change representatives. You must answer. Silence is really not an option. Is my drop hands offer or settlement offer accepted or rejected?

Sincerely

---

**From:** [REDACTED]  
**Sent:** 05 July 2023 10:44  
**To:** 'Silson, Tom'  
**Cc:** 'civil.litigation@hampshire.pnn.police.uk'; 'chief.constable@hampshire.pnn.police.uk'  
**Subject:** FW: I will withdraw if .....

Drop hands offer awaiting response

Cc: The Chief Officer Scott Chilton  
Cc: Legal Department

Good Morning Mr. Silson,

Please do not forget to come back to me on my drop hands offer or settlement offer with your clients response. Time is ticking by. As mentioned before you really need to do better in responding now and again to avoid me having to perpetually pursue answers and information from you. You are obliged to put it to your client and they are obliged to answer. Will I get a response from your client or not?

Thank You

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 06 July 2023 11:18  
**To:** 'Silson, Tom'; [REDACTED]; 'civil.litigation@hampshire.pnn.police.uk'  
**Cc:** 'chief.constable@hampshire.pnn.police.uk'; 'Professional Standards (Hampshire)'  
**Subject:** RE: I will withdraw if .....

**Categories:** Purple Category

Dear Mr. Silson,

Once again you obfuscating matters with irrelevancies that make no sense and avoid the facts. Try answering what I have really put to you if I will. I will try again:

- 1) Where are the investigation reports I requested and you were to supply given you are relying on my complaints being investigated to try to defeat any claim. Why will you not supply them. Under the pre-action protocol you must either supply them or state why not. I would suggest reading the JR protocol if you are not sure of your duties to the court in this regard.
- 2) I have offered to drop the challenge if you prove my complaints about the false police report have been investigated and provide me with the proof of such (the investigation reports). Where is my response to this?

Please when reverting do not answer anything other than these points. To re-iterate why will you not answer. If you provide the reports I have requested I will drop the challenge. So provide your evidence, on your case it must exist.

I put it to you are deliberately putting forward serious misinformation and not answering and providing me with an answer to my disclosure request as it would expose you in those lies and incriminate you. You maintain matters were investigated in your clients defence. THEY WERE NOT. THAT IS A LIE. If it was not you would send me the investigation outcomes. I am accusing you of putting forward false information, now prove me wrong. Send me the investigation reports I have requested which if you could would prove me wrong and your right.

If you do I will withdraw my complaint which to put it to you bluntly, is about you lying and providing misinformation. As it is the official complaint it still stands and it is not up to you to answer it. The fact you will not answer incriminates you further. SEND ME THE REPORTS that proof your defence is not predicated on a LIE.

Easy enough.

Thank you  
[REDACTED]

---

**From:** Silson, Tom [mailto:Tom.Silson@plexuslaw.co.uk]  
**Sent:** 06 July 2023 10:52  
**To:** [REDACTED] civil.litigation@hampshire.pnn.police.uk  
**Cc:** chief.constable@hampshire.pnn.police.uk; 'Professional Standards (Hampshire)'  
**Subject:** Re: I will withdraw if .....

Dear [REDACTED]

I have provided you with the JR protocol response and informed you that your offer is rejected.

Your latest correspondence does not create any new JR requests and we have complied with the protocol.

As previously stated, should you wish to proceed please issue formal Judicial Review papers upon which grounds to resist will be filed and the costs sought from you thereafter.

I am not instructed to deal with the SAR enquiries as that is a separate matter

Kind regards

P L E X U S Tom Silson | Partner | Ext 1073 | T 0161 245 7973 | 07790344010

City Tower | Piccadilly Plaza | Manchester | M1 4BT  
DX 744610 Manchester 72  
[www.plexuslaw.co.uk](http://www.plexuslaw.co.uk)

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**From:** [REDACTED]  
**Sent:** Thursday, July 6, 2023 10:03:03 AM  
**To:** civil.litigation@hampshire.pnn.police.uk <civil.litigation@hampshire.pnn.police.uk>  
**Cc:** chief.constable@hampshire.pnn.police.uk <chief.constable@hampshire.pnn.police.uk>; Silson, Tom <Tom.Silson@plexuslaw.co.uk>; 'Professional Standards (Hampshire)' <professional.standards@hampshire.police.uk>  
**Subject:** FW: I will withdraw if .....

**WARNING: This email is from an external source.** The sender's name is [REDACTED] and the sender's email address is [REDACTED]

Do not click any links or open attachments unless you **recognise the sender** and **know** the content is safe.

To: Hampshire Constabulary Legal Department

CC: Chief Officer Scott Chilton  
CC: Mr. Tom Silson Plexus Law  
CC: Professional Standards Department

Dear Legal Department,

I have tried my best. Please now register this as a formal complaint about your legal department and counsel Mr. Tom Silson of Plexus Law deliberately and knowingly not complying with Court rules, specifically the JR Pre-Action protocol 13 highlighted below. The Chief Officers legal defence for not investigating my complaint/s is based on clear misinformation my complaints are repetitive as they have already been investigated. Of course my request for the investigation outcomes when answered will prove this to be a deliberate and very obvious lie put forward on behalf of the Chief Officer Scott Chilton.

**Requests for information and documents at the pre-action stage**

**13.** Requests for information and documents made at the pre-action stage should be proportionate and should be limited to what is properly necessary for the claimant to understand why the challenged decision has been taken and/or to present the claim in a manner that will properly identify the issues. The defendant should comply with any request which meets these requirements unless there is good reason for it not to do so. Where the court considers that a public body should have provided relevant documents and/or information, particularly where this failure is a breach of a statutory or common law requirement, it may impose costs sanctions.

I am also awaiting an answer to my drop hands offer if Hampshire Police can provide the evidence these matters and this evidence has been investigated as contended. I believe the reason for the silence is simply because these individuals know these "investigation/s" never really took place and hence answering would confirm the lie and the

widespread systemic corruption within the PSD and legal department in routinely trying to suppress vital substantive evidence by the way of out and out lies and obfuscation.

I am tired of asking for what should have been supplied as a matter of course. Hence as a last resort please now register this as a formal legal complaint so I am able to take it the SRA if necessary. Of course I leave it to you to contact the involved people in your legal department or Mr. Tom Silson for a copy of my disclosure requests and settlement offer never answered and for the reasons why.

Yours Sincerely

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 05 July 2023 10:44  
**To:** 'Silson, Tom'  
**Cc:** 'civil.litigation@hampshire.pnn.police.uk'; 'chief.constable@hampshire.pnn.police.uk'  
**Subject:** FW: I will withdraw if .....

Drop hands offer awaiting response

Cc: The Chief Officer Scott Chilton  
Cc: Legal Department

Good Morning Mr. Silson,

Please do not forget to come back to me on my drop hands offer or settlement offer with your clients response. Time is ticking by. As mentioned before you really need to do better in responding now and again to avoid me having to perpetually pursue answers and information from you. You are obliged to put it to your client and they are obliged to answer. Will I get a response from your client or not?

Thank You

[REDACTED]

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[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 04 August 2023 12:59  
**To:** 'Kate Riley'  
**Subject:** More evidence re Mr Tom Silson Partner at Plexus Law lying  
**Attachments:** High Court order you challenged.pdf

**Categories:** Purple Category

PS. And here's the evidence Mr. Tom Silson of Plexus Law absolutely knew the evidence/complaint was never investigated hence his lie in his pre-action response is pre-meditated and deliberate. High Court case CO/2550/2018 he was fully involved with. See attached and emails below.

---

**From:** [REDACTED]  
**Sent:** 02 July 2023 19:50  
**To:** 'Silson, Tom'  
**Subject:** I will withdraw if .....

Your personal knowledge.

Dear Mr. Silson,

Of course you have personal knowledge my complaint/s about the false police report into the Tyrone Mark child sexual abuse case has never been investigated by Hampshire Police as you bizarrely contend in your pre-action response, and assert as fact anyway. Remember High Court case 2550/2018? Order attached to refresh your mind. I presume you are familiar with the facts of that case as it was you who filed an application asking for this mandatory order to be changed to a "recommendation" based on a change in the law. A "recommendation" that went nowhere as you will know. I must assume therefore you are fully aware that this legal case is about the same complaint not being recorded let alone investigated after new corroborating evidence was submitted from Dorset Police's (investigation outcome letters) further corroborating the very same complaint as dealt with in High Court case 2550/2018. So you now the proof my initial complaint was not investigated going all the way back to the beginning (2018) through (2021). I still however eagerly await your client's response to my disclosure request.

My offer still stands to your client, prove to me the matter and my complaints about this have been investigated as your client contends and I will drop matters. If your client cannot, accept my settlement offer so we can agree on the terms of reference of the investigation "that never really happened but should have" going forward. Your client asserts it was, in that it affirms an investigation was appropriate does it not. Yet none was conducted. So what's the problem? It will give your client the opportunity to dispute Dorset Police's evidence will it not with an investigation. An investigation which clearly should have happened considering your client mistakenly thinks it did.

For attention of your client and the court file.

Thank you  
[REDACTED]

-----

Dear Mr. Silson,

Thank you for response. I must point out your Client's position and defence is predicated on a substantive very big lie that must be corrected under your duty to the court and your client's and your obligations under the very strict duty of candour. There has been no investigation into these matters at all. That is a hard cold fact. Given all I need now do to prove the lie for the Court to debunk your pre-action response and non factual defence in the face

of the court is once again to ask you to disclose the investigation report/s proving your clients position that my complaint/s and related evidence about the false police report into the handling of the Tyrone Mark child sexual abuse case has been investigated. Both you and your client are obliged to be frank and open, and disclose the material I have requested or explain to me and subsequently the court why not. Note point 1 of my email of 24 May 2023 below.

It is no good telling me you would rather not communicate with me, you are obliged to do so under the JR pre-action protocol and your personal duty to the court. You are legally bound to disclose material that is substantive to the challenge. Your clients defence is now solely predicated on my complaint/s being repetitious based on being previously investigated. Of course that defence is defeated if my complaint/s about the false police report have not been investigated. Nothing could be more substantive and germane you must agree. You must now provide the investigation reports proving your clients position or admit there has not been any investigation into these matters. You have also not provided me with information I requested which was sent to Hampshire Police by Dorset Police's Deputy Chief which too is highly relevant.

It is no good hoping I will go away, I don't have too until you provide me with full and frank disclosure. All parties have a duty to comply under the "overriding objective". That means you and your client as well. Please now disclose the investigation reports on which your clients defence relies or admit there has been no investigation into this complaint/s at all so the court is able to make a decision on the true facts and not misinformation.

**I will withdraw my legal challenge if you prove the complaints I have made along with the evidence I have provided about Hampshire Constabularies PSD producing a false police report have been "investigated". That means sending me and disclosing the "investigation" outcomes into my complaints and evidence. You will know an "investigation" is not the same thing as rejecting complaints on the basis they are repetitious or an abuse of process with no regard or review of the provided evidence.**

I note you did not address my settlement offer in your response. May I suggest you do when reverting given your letter relied on a clear misrepresentation of fact. Now corrected I trust.

Thank you

[REDACTED]

----->

**From:** [REDACTED]  
**Sent:** Wednesday, May 24, 2023 4:13 PM  
**To:** Silson, Tom <[Tom.Silson@plexuslaw.co.uk](mailto:Tom.Silson@plexuslaw.co.uk)>  
**Cc:** 'SWAYNE, Desmond' <[desmond.swayne.mp@parliament.uk](mailto:desmond.swayne.mp@parliament.uk)>  
**Subject:** RE: More suppressed evidence for your clients attacntion

**WARNING: This email is from an external source.** The sender's name is [REDACTED] and the sender's email address is [REDACTED]

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Dear Ms. Silson,

So what, that's beside the point. Can you provide me with a copy of the transcript the Courts ruling behind that order seeing as you reference it. I believe the Court must have been misled on the law. As you know due to unavoidable circumstances unfortunately I was not there to correct matters.

If you can't understand a very clear and succinct emails pass the case to someone who can.

For clarity.

1. The evidence provided by Dorset Police was never investigated or answered or recorded albeit that is the position of the PSD (lies) in various outcomes and letters. You are to provide me with a copy of this “phantom” investigation report into Dorset Police’s evidence to back up these claims that are very mystifying and bizarre given I am dealing with a police force.
2. You now have sight of the PSD outcomes and emails proving this deception (unless you can magic up a nonexistent investigation outcome report relating to Dorset Police officers evidence).
3. Suppressing this evidence and not “recording” this complaint has resulted in breaches to the victims code and the PHSO maintains it cannot deal with complaints about the VC unless complaints are recorded.
4. The Force has breached the statutory guidance on referrals of serious corruption complaints to the IOPC.
5. Dorset Police investigation shows the PSD produced a false report into the handling of a child sexual abuse case. This has been suppressed by the PSD.
6. This evidence has been passed all the way up the chain by Dorset Police to the DCC who appears to have ignored it despite its implications for protecting children from sexual abuse contrary to her duties.
7. Roger Trencher knew the report was false from the get go as proved by the FOI request answer from Dorset Police at the time as did Stephen Franks. Both suppressed the FOI evidence and other evidence.
8. Your client must confirm if it sticks by the false report produced by Stephen Franks.
9. You must explain why the evidence has not been recorded and investigated and under what legal provisions this has been omitted.
10. Your client is under an obligation to answer these points and disclose my communications with the Court if we are to progress to Judicial Review.
11. Roger Trencher should have nothing to do with this case and not be advising you. He is an implicated party who cannot be seen to be unbiased or impartial.

Probably missed a bit but this is the gist of it. Let me know if you still do not understand. Now it’s all in one place for you. All points must be answered and there must be full and proper disclosure.

May I also ask you copy Desmond Swayne MP in as a recipient when your client provides confirmation these matters have really never been investigated and recorded at all. You will have noticed I am keeping him apprised (hence parliament) of this ongoing conspiracy to cover up a false police report into a child sexual abuse case as produced by your client’s PSD. Really very easy to understand.

Thank you



---

**From:** Silson, Tom [mailto:Tom.Silson@plexuslaw.co.uk]

**Sent:** 02 July 2023 13:21

**To:** 

**Subject:** RE: ROA/23/015086/U

Dear 

Please find attached my client’s response to your Judicial Review Pre-Action Protocol letter.

Kind regards

**PLEXUS** Tom Silson | Partner | Ext 1073 | T 0161 245 7973 | 07790344010

City Tower | Piccadilly Plaza | Manchester | M1 4BT

DX 744610 Manchester 72

[www.plexuslaw.co.uk](http://www.plexuslaw.co.uk)



---

**From:** Silson, Tom  
**Sent:** Friday, June 23, 2023 11:53 AM  
**To:** [REDACTED]  
**Cc:** 'PUBLIC ACCESS Mailbox' <public.access@hampshire.police.uk>  
**Subject:** RE: ROA/23/015086/U

Dear [REDACTED]

We have 14 days to respond to your pre-action JR letter and will do so within the timescales.

Unfortunately, every time you send a further email with additional 'evidence' for me to consider and take instructions upon, this complicates things and slows the process down.

The JR Response will be with you next week.

Kind regards

**PLEXUS** Tom Silson | Partner | Ext 1073 | T 0161 245 7973 | 07790344010

City Tower | Piccadilly Plaza | Manchester | M1 4BT  
DX 744610 Manchester 72  
[www.plexuslaw.co.uk](http://www.plexuslaw.co.uk)

---

**From:** [REDACTED]  
**Sent:** Friday, June 23, 2023 11:49 AM  
**To:** Silson, Tom <[Tom.Silson@plexuslaw.co.uk](mailto:Tom.Silson@plexuslaw.co.uk)>  
**Cc:** 'PUBLIC ACCESS Mailbox' <[public.access@hampshire.police.uk](mailto:public.access@hampshire.police.uk)>  
**Subject:** RE: ROA/23/015086/U

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Do not click any links or open attachments unless you **recognise the sender** and **know** the content is safe.

Dear Mr. Silson,

Please see response from Public Access below. They are withholding my information based on my JR challenge which as you know is still in the pre-action phase and awaiting your response. Notwithstanding this must be provided by way of disclosure of course. Where are my responses you said you would provide? And where is your clients response to my offer?

Sincerely

[REDACTED]

---

**From:** PUBLIC ACCESS Mailbox [<mailto:public.access@hampshire.police.uk>]  
**Sent:** 23 June 2023 11:09  
**To:** [REDACTED]  
**Subject:** RE: ROA/23/015086/U

Good morning [REDACTED]

Your email has been received.

We have provided you with a legal response.  
As previously outlined a judicial review challenge is awaiting.

This is our final position.

Kind regards,

**H. Savage | Public Access Officer**

**Joint Information Management Unit | Hampshire & Isle of Wight Constabulary and Thames Valley Police**

Address | Hampshire & Isle of Wight Constabulary, Mottisfont Court, Tower Street, Winchester, Hampshire, SO23 8ZD

Information Management Helpdesk:

Hampshire [information.management@hampshire.pnn.police.uk](mailto:information.management@hampshire.pnn.police.uk)

Thames Valley [information.management@thamesvalley.pnn.police.uk](mailto:information.management@thamesvalley.pnn.police.uk)

---

**From:** [REDACTED]

**Sent:** 22 June 2023 16:26

**To:** PUBLIC ACCESS Mailbox <[public.access@hampshire.police.uk](mailto:public.access@hampshire.police.uk)>

**Subject:** FW: ROA/23/015086/U - Hannah Speaking to Jason about this

Info request escalation.

Please now escalate this complaint/info request to the next stage. PSD did not come back to me.

To verify:

- 1) I require the requested information for a legal challenge. A pre-action letter has been issued. Your legal department will confirm.
- 2) I require the information to send to the IOPC relating to a review now submitted.
- 3) It is my information.
- 4) PSD will not communicate with me to validate refusal reason.
- 5) There is no real reason to withhold at all. The "legal inquiry" is mine and the info must be released to me for the IOPC.

Sincerely

[REDACTED]

---

**From:** [REDACTED]

**Sent:** 16 June 2023 11:16

**To:** 'PUBLIC ACCESS Mailbox'

**Subject:** RE: ROA/23/015086/U

Thanks. May very well come back to you on this. As far as I am aware there is no legal inquiry or investigation taking place at all. If I do not hear back from the PSD we will need to escalate this. I have threatened legal action(JR), but they cannot use that to withhold my information from me (it's me not any other third party). Also its needed for the IOPC appeal I've initiated. There are really no proper grounds whatsoever to deny my request. May I ask you also send the PSD this email to focus their minds.

If I don't hear back by end of day Wed 21 June 2023 I will email you again to escalate.

Thanks and Regards

-----  
**From:** PUBLIC ACCESS Mailbox [<mailto:public.access@hampshire.police.uk>]  
**Sent:** 16 June 2023 08:40  
**To:** [REDACTED]  
**Subject:** RE: ROA/23/015086/U

Good morning [REDACTED]

Thank you for your email.

We have forwarded this to the Professional Standards Department, as they will be able to assist with your enquiry.

Kind regards,

**H. Savage | Public Access Officer**  
**Joint Information Management Unit | Hampshire & Isle of Wight Constabulary and Thames Valley Police**  
Address | Hampshire & Isle of Wight Constabulary, Mottisfont Court, Tower Street, Winchester, Hampshire, SO23 8ZD

Information Management Helpdesk:  
Hampshire [information.management@hampshire.pnn.police.uk](mailto:information.management@hampshire.pnn.police.uk)  
Thames Valley [information.management@thamesvalley.pnn.police.uk](mailto:information.management@thamesvalley.pnn.police.uk)

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**From:** [REDACTED]  
**Sent:** 15 June 2023 16:42  
**To:** PUBLIC ACCESS Mailbox <[public.access@hampshire.police.uk](mailto:public.access@hampshire.police.uk)>  
**Subject:** RE: ROA/23/015086/U

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Thanks for the response. Please provide me with the specific nature of the official or legal inquiry, investigation or procedure you are relying on to withhold this information so I am able to further pursue the release of my information to me.

Sincerely

---

**From:** PUBLIC ACCESS Mailbox [<mailto:public.access@hampshire.police.uk>]  
**Sent:** 15 June 2023 16:26  
**To:** [REDACTED]  
**Subject:** ROA/23/015086/U

Good afternoon,

Please see attached response to your request for information.

Kind regards,

**H. Savage | Public Access Officer**

**Joint Information Management Unit | Hampshire & Isle of Wight Constabulary and Thames Valley Police**

Address | Hampshire & Isle of Wight Constabulary, Mottisfont Court, Tower Street, Winchester, Hampshire, SO23 8ZD

Information Management Helpdesk:

Hampshire [information.management@hampshire.pnn.police.uk](mailto:information.management@hampshire.pnn.police.uk)

Thames Valley [information.management@thamesvalley.pnn.police.uk](mailto:information.management@thamesvalley.pnn.police.uk)

\*\*\*\*\*

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\*\*\*\*\*

\*\*\*\*\*

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\*\*\*\*\*

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[REDACTED]

---

**From:** [REDACTED]  
**To:** [REDACTED] July 2023 19:50  
**Subject:** 'Silson, Tom'  
**Attachments:** I will withdraw if .....  
High Court order you challenged.pdf

**Categories:** Purple Category

Your personal knowledge.

Dear Mr. Silson,

Of course you have personal knowledge my complaint/s about the false police report into the Tyrone Mark child sexual abuse case has never been investigated by Hampshire Police as you bizarrely contend in your pre-action response, and assert as fact anyway. Remember High Court case 2550/2018? Order attached to refresh your mind. I presume you are familiar with the facts of that case as it was you who filed an application asking for this mandatory order to be changed to a "recommendation" based on a change in the law. A "recommendation" that went nowhere as you will know. I must assume therefore you are fully aware that this legal case is about the same complaint not being recorded let alone investigated after new corroborating evidence was submitted from Dorset Police's (investigation outcome letters) further corroborating the very same complaint as dealt with in High Court case 2550/2018. So you now the proof my initial complaint was not investigated going all the way back to the beginning (2018) through (2021). I still however eagerly await your clients response to my disclosure request.

My offer still stands to your client, prove to me the matter and my complaints about this have been investigated as your client contends and I will drop matters. If your client cannot, accept my settlement offer so we can agree on the terms of reference of the investigation "that never really happened but should have" going forward. Your client asserts it was, in that it affirms an investigation was appropriate does it not. Yet none was conducted. So what's the problem? It will give your client the opportunity to dispute Dorset Police's evidence will it not with an investigation. An investigation which clearly should have happened considering your client mistakenly thinks it did.

For attention of your client and the court file.

Thank you  
[REDACTED]

-----

Dear Mr. Silson,

Thank you for response. I must point out your Clients position and defence is predicated on a substantive very big lie that must be corrected under your duty to the court and your clients and your obligations under the very strict duty of candour. There has been no investigation into these matters at all. That is a hard cold fact. Given all I need now do to prove the lie for the Court to debunk your pre-action response and non factual defence in the face of the court is once again to ask you to disclose the investigation report/s proving your clients position that my complaint/s and related evidence about the false police report into the handling of the Tyrone Mark child sexual abuse case has been investigated. Both you and your client are obliged to be frank and open, and disclose the material I have requested or explain to me and subsequently the court why not. Note point 1 of my email of 24 May 2023 below.

It is no good telling me you would rather not communicate with me, you are obliged to do so under the JR pre-action protocol and your personal duty to the court. You are legally bound to disclose material that is substantive to the challenge. Your clients defence is now solely predicated on my complaint/s being repetitious based on being previously investigated. Of course that defence is defeated if my complaint/s about the false police

report have not been investigated. Nothing could be more substantive and germane you must agree. You must now provide the investigation reports proving your clients position or admit there has not been any investigation into these matters. You have also not provided me with information I requested which was sent to Hampshire Police by Dorset Police's Deputy Chief which too is highly relevant.

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**I will withdraw my legal challenge if you prove the complaints I have made along with the evidence I have provided about Hampshire Constabularies PSD producing a false police report have been "investigated". That means sending me and disclosing the "investigation" outcomes into my complaints and evidence. You will know an "investigation" is not the same thing as rejecting complaints on the basis they are repetitious or an abuse of process with no regard or review of the provided evidence.**

I note you did not address my settlement offer in your response. May I suggest you do when reverting given your letter relied on a clear misrepresentation of fact. Now corrected I trust.

Thank you

[REDACTED]

----->

**From:** [REDACTED]  
**Sent:** Wednesday, May 24, 2023 4:13 PM  
**To:** Silson, Tom <[Tom.Silson@plexuslaw.co.uk](mailto:Tom.Silson@plexuslaw.co.uk)>  
**Cc:** 'SWAYNE, Desmond' <[desmond.swayne.mp@parliament.uk](mailto:desmond.swayne.mp@parliament.uk)>  
**Subject:** RE: More suppressed evidence for your clients attaction

**WARNING: This email is from an external source.** The sender's name is [REDACTED] and the sender's email address is [REDACTED]

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7. Roger Trencher knew the report was false from the get go as proved by the FOI request answer from Dorset Police at the time as did Stephen Franks. Both suppressed the FOI evidence and other evidence.
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Thank you

[REDACTED]

---

**From:** Silson, Tom [mailto:Tom.Silson@plexuslaw.co.uk]  
**Sent:** 02 July 2023 13:21  
**To:** [REDACTED]  
**Subject:** RE: ROA/23/015086/U

Dear [REDACTED]

Please find attached my client's response to your Judicial Review Pre-Action Protocol letter.

Kind regards

**PLEXUS** Tom Silson | Partner | Ext 1073 | T 0161 245 7973 | 07790344010

City Tower | Piccadilly Plaza | Manchester | M1 4BT  
DX 744610 Manchester 72  
[www.plexuslaw.co.uk](http://www.plexuslaw.co.uk)

---

**From:** Silson, Tom  
**Sent:** Friday, June 23, 2023 11:53 AM  
**To:** [REDACTED]  
**Cc:** 'PUBLIC ACCESS Mailbox' <public.access@hampshire.police.uk>  
**Subject:** RE: ROA/23/015086/U

Dear [REDACTED]

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Unfortunately, every time you send a further email with additional 'evidence' for me to consider and take instructions upon, this complicates things and slows the process down.

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DX 744610 Manchester 72  
[www.plexuslaw.co.uk](http://www.plexuslaw.co.uk)

---

**From:** [REDACTED]  
**Sent:** Friday, June 23, 2023 11:49 AM  
**To:** Silson, Tom <[Tom.Silson@plexuslaw.co.uk](mailto:Tom.Silson@plexuslaw.co.uk)>  
**Cc:** 'PUBLIC ACCESS Mailbox' <[public.access@hampshire.police.uk](mailto:public.access@hampshire.police.uk)>  
**Subject:** RE: ROA/23/015086/U

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Sincerely

[REDACTED]

---

**From:** PUBLIC ACCESS Mailbox [<mailto:public.access@hampshire.police.uk>]  
**Sent:** 23 June 2023 11:09  
**To:** [REDACTED]  
**Subject:** RE: ROA/23/015086/U

Good morning [REDACTED]

Your email has been received.

We have provided you with a legal response.  
As previously outlined a judicial review challenge is awaiting.

This is our final position.

Kind regards,



**H. Savage | Public Access Officer**

**Joint Information Management Unit | Hampshire & Isle of Wight Constabulary and Thames Valley Police**

Address | Hampshire & Isle of Wight Constabulary, Mottisfont Court, Tower Street, Winchester, Hampshire, SO23 8ZD

Information Management Helpdesk:

Hampshire [information.management@hampshire.pnn.police.uk](mailto:information.management@hampshire.pnn.police.uk)

Thames Valley [information.management@thamesvalley.pnn.police.uk](mailto:information.management@thamesvalley.pnn.police.uk)

---

**From:** [REDACTED]

**Sent:** 22 June 2023 16:26

**To:** PUBLIC ACCESS Mailbox <[public.access@hampshire.police.uk](mailto:public.access@hampshire.police.uk)>

**Subject:** FW: ROA/23/015086/U - Hannah Speaking to Jason about this

Info request escalation.

Please now escalate this complaint/info request to the next stage. PSD did not come back to me.

To verify:

- 1) I require the requested information for a legal challenge. A pre-action letter has been issued. Your legal department will confirm.
- 2) I require the information to send to the IOPC relating to a review now submitted.
- 3) It is my information.
- 4) PSD will not communicate with me to validate refusal reason.
- 5) There is no real reason to withhold at all. The "legal inquiry" is mine and the info must be released to me for the IOPC.

Sincerely

[REDACTED]

---

**From:** [REDACTED]

**Sent:** 16 June 2023 11:16

**To:** 'PUBLIC ACCESS Mailbox'

**Subject:** RE: ROA/23/015086/U

Thanks. May very well come back to you on this. As far as I am aware there is no legal inquiry or investigation taking place at all. If I do not hear back from the PSD we will need to escalate this. I have threatened legal action(JR), but they cannot use that to withhold my information from me (it's me not any other third party). Also its needed for the IOPC appeal I've initiated. There are really no proper grounds whatsoever to deny my request. May I ask you also send the PSD this email to focus their minds.

If I don't hear back by end of day Wed 21 June 2023 I will email you again to escalate.

Thanks and Regards

[REDACTED]

---

**From:** PUBLIC ACCESS Mailbox [<mailto:public.access@hampshire.police.uk>]

**Sent:** 16 June 2023 08:40

**To:** [REDACTED]  
**Subject:** RE: ROA/23/015086/U

Good morning [REDACTED]

Thank you for your email.

We have forwarded this to the Professional Standards Department, as they will be able to assist with your enquiry.

Kind regards,

**H. Savage | Public Access Officer**  
**Joint Information Management Unit | Hampshire & Isle of Wight Constabulary and Thames Valley Police**  
Address | Hampshire & Isle of Wight Constabulary, Mottisfont Court, Tower Street, Winchester, Hampshire, SO23 8ZD

Information Management Helpdesk:  
Hampshire [information.management@hampshire.pnn.police.uk](mailto:information.management@hampshire.pnn.police.uk)  
Thames Valley [information.management@thamesvalley.pnn.police.uk](mailto:information.management@thamesvalley.pnn.police.uk)

---

**From:** [REDACTED]  
**Sent:** 15 June 2023 16:42  
**To:** PUBLIC ACCESS Mailbox <[public.access@hampshire.police.uk](mailto:public.access@hampshire.police.uk)>  
**Subject:** RE: ROA/23/015086/U

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Thanks for the response. Please provide me with the specific nature of the official or legal inquiry, investigation or procedure you are relying on to withhold this information so I am able to further pursue the release of my information to me.

Sincerely  
[REDACTED]

---

**From:** PUBLIC ACCESS Mailbox [<mailto:public.access@hampshire.police.uk>]  
**Sent:** 15 June 2023 16:26  
**To:** [REDACTED]  
**Subject:** ROA/23/015086/U

Good afternoon,

Please see attached response to your request for information.

Kind regards,

**H. Savage | Public Access Officer**  
**Joint Information Management Unit | Hampshire & Isle of Wight Constabulary and Thames Valley Police**  
Address | Hampshire & Isle of Wight Constabulary, Mottisfont Court, Tower Street, Winchester, Hampshire, SO23 8ZD

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**From:** [REDACTED]  
**Sent:** 02 July 2023 19:50  
**To:** 'Silson, Tom'  
**Subject:** I will withdraw if .....  
**Attachments:** High Court order you challenged.pdf

**Categories:** Purple Category

Your personal knowledge.

Dear Mr. Silson,

Of course you have personal knowledge my complaint/s about the false police report into the Tyrone Mark child sexual abuse case has never been investigated by Hampshire Police as you bizarrely contend in your pre-action response, and assert as fact anyway. Remember High Court case 2550/2018? Order attached to refresh your mind. I presume you are familiar with the facts of that case as it was you who filed an application asking for this mandatory order to be changed to a "recommendation" based on a change in the law. A "recommendation" that went nowhere as you will know. I must assume therefore you are fully aware that this legal case is about the same complaint not being recorded let alone investigated after new corroborating evidence was submitted from Dorset Police's (investigation outcome letters) further corroborating the very same complaint as dealt with in High Court case 2550/2018. So you now the proof my initial complaint was not investigated going all the way back to the beginning (2018) through (2021). I still however eagerly await your clients response to my disclosure request.

My offer still stands to your client, prove to me the matter and my complaints about this have been investigated as your client contends and I will drop matters. If your client cannot, accept my settlement offer so we can agree on the terms of reference of the investigation "that never really happened but should have" going forward. Your client asserts it was, in that it affirms an investigation was appropriate does it not. Yet none was conducted. So what's the problem? It will give your client the opportunity to dispute Dorset Police's evidence will it not with an investigation. An investigation which clearly should have happened considering your client mistakenly thinks it did.

For attention of your client and the court file.

Thank you  
[REDACTED]

-----  
  
Dear Mr. Silson,

Thank you for response. I must point out your Clients position and defence is predicated on a substantive very big lie that must be corrected under your duty to the court and your clients and your obligations under the very strict duty of candour. There has been no investigation into these matters at all. That is a hard cold fact. Given all I need now do to prove the lie for the Court to debunk your pre-action response and non factual defence in the face of the court is once again to ask you to disclose the investigation report/s proving your clients position that my complaint/s and related evidence about the false police report into the handling of the Tyrone Mark child sexual abuse case has been investigated. Both you and your client are obliged to be frank and open, and disclose the material I have requested or explain to me and subsequently the court why not. Note point 1 of my email of 24 May 2023 below.

It is no good telling me you would rather not communicate with me, you are obliged to do so under the JR pre-action protocol and your personal duty to the court. You are legally bound to disclose material that is substantive to the challenge. Your clients defence is now solely predicated on my complaint/s being repetitious based on being previously investigated. Of course that defence is defeated if my complaint/s about the false police

report have not been investigated. Nothing could be more substantive and germane you must agree. You must now provide the investigation reports proving your clients position or admit there has not been any investigation into these matters. You have also not provided me with information I requested which was sent to Hampshire Police by Dorset Police's Deputy Chief which too is highly relevant.

It is no good hoping I will go away, I don't have too until you provide me with full and frank disclosure. All parties have a duty to comply under the "overriding objective". That means you and your client as well. Please now disclose the investigation reports on which your clients defence relies or admit there has been no investigation into this complaint/s at all so the court is able to make a decision on the true facts and not misinformation.

**I will withdraw my legal challenge if you prove the complaints I have made along with the evidence I have provided about Hampshire Constabularies PSD producing a false police report have been "investigated". That means sending me and disclosing the "investigation" outcomes into my complaints and evidence. You will know an "investigation" is not the same thing as rejecting complaints on the basis they are repetitious or an abuse of process with no regard or review of the provided evidence.**

I note you did not address my settlement offer in your response. May I suggest you do when reverting given your letter relied on a clear misrepresentation of fact. Now corrected I trust.

Thank you

[REDACTED]

----->

**From:** [REDACTED]  
**Sent:** Wednesday, May 24, 2023 4:13 PM  
**To:** Silson, Tom <[Tom.Silson@plexuslaw.co.uk](mailto:Tom.Silson@plexuslaw.co.uk)>  
**Cc:** 'SWAYNE, Desmond' <[desmond.swayne.mp@parliament.uk](mailto:desmond.swayne.mp@parliament.uk)>  
**Subject:** RE: More suppressed evidence for your clients attaction

**WARNING: This email is from an external source.** The sender's name is [REDACTED] and the sender's email address is [REDACTED]

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Dear Ms. Silson,

So what, that's beside the point. Can you provide me with a copy of the transcript the Courts ruling behind that order seeing as you reference it. I believe the Court must have been misled on the law. As you know due to unavoidable circumstances unfortunately I was not there to correct matters.

If you can't understand a very clear and succinct emails pass the case to someone who can.

For clarity.

1. The evidence provided by Dorset Police was never investigated or answered or recorded albeit that is the position of the PSD (lies) in various outcomes and letters. You are to provide me with a copy of this "phantom" investigation report into Dorset Police's evidence to back up these claims that are very mystifying and bizarre given I am dealing with a police force.
2. You now have sight of the PSD outcomes and emails proving this deception (unless you can magic up a nonexistent investigation outcome report relating to Dorset Police officers evidence).
3. Suppressing this evidence and not "recording" this complaint has resulted in breaches to the victims code and the PHSO maintains it cannot deal with complaints about the VC unless complaints are recorded.
4. The Force has breached the statutory guidance on referrals of serious corruption complaints to the IOPC.

5. Dorset Police investigation shows the PSD produced a false report into the handling of a child sexual abuse case. This has been suppressed by the PSD.
6. This evidence has been passed all the way up the chain by Dorset Police to the DCC who appears to have ignored it despite its implications for protecting children from sexual abuse contrary to her duties.
7. Roger Trencher knew the report was false from the get go as proved by the FOI request answer from Dorset Police at the time as did Stephen Franks. Both suppressed the FOI evidence and other evidence.
8. Your client must confirm if its sticks by the false report produced by Stephen Franks.
9. You must explain why the evidence has not been recorded and investigated and under what legal provisions this has been omitted.
10. Your client is under an obligation to answer these points and disclose my communications with the Court if we are to progress to Judicial Review.
11. Roger Trencher should have nothing to do with this case and not be advising you. He is an implicated party who cannot be seen to be unbiased or impartial.

Probably missed a bit but this is the gist of it. Let me know if you still do not understand. Now it's all in one place for you. All points must be answered and there must be full and proper disclosure.

May I also ask you copy Desmond Swayne MP in as a recipient when your client provides confirmation these matters have really never been investigated and recorded at all. You will have noticed I am keeping him apprised (hence parliament) of this ongoing conspiracy to cover up a false police report into a child sexual abuse case as produced by your client's PSD. Really very easy to understand.

Thank you

[REDACTED]

---

**From:** Silson, Tom [mailto:Tom.Silson@plexuslaw.co.uk]  
**Sent:** 02 July 2023 13:21  
**To:** [REDACTED]  
**Subject:** RE: ROA/23/015086/U

Dear [REDACTED]

Please find attached my client's response to your Judicial Review Pre-Action Protocol letter.

Kind regards

**PLEXUS** Tom Silson | Partner | Ext 1073 | T 0161 245 7973 | 07790344010

City Tower | Piccadilly Plaza | Manchester | M1 4BT  
DX 744610 Manchester 72  
[www.plexuslaw.co.uk](http://www.plexuslaw.co.uk)

---

**From:** Silson, Tom  
**Sent:** Friday, June 23, 2023 11:53 AM  
**To:** [REDACTED]  
**Cc:** 'PUBLIC ACCESS Mailbox' <public.access@hampshire.police.uk>  
**Subject:** RE: ROA/23/015086/U

Dear [REDACTED]

We have 14 days to respond to your pre-action JR letter and will do so within the timescales.

Unfortunately, every time you send a further email with additional 'evidence' for me to consider and take instructions upon, this complicates things and slows the process down.

The JR Response will be with you next week.

Kind regards

**PLEXUS** Tom Silson | Partner | Ext 1073 | T 0161 245 7973 | 07790344010

City Tower | Piccadilly Plaza | Manchester | M1 4BT  
DX 744610 Manchester 72  
[www.plexuslaw.co.uk](http://www.plexuslaw.co.uk)

---

**From:** [REDACTED]  
**Sent:** Friday, June 23, 2023 11:49 AM  
**To:** Silson, Tom <[Tom.Silson@plexuslaw.co.uk](mailto:Tom.Silson@plexuslaw.co.uk)>  
**Cc:** 'PUBLIC ACCESS Mailbox' <[public.access@hampshire.police.uk](mailto:public.access@hampshire.police.uk)>  
**Subject:** RE: ROA/23/015086/U

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Dear Mr. Silson,

Please see response from Public Access below. They are withholding my information based on my JR challenge which as you know is still in the pre-action phase and awaiting your response. Notwithstanding this must be provided by way of disclosure of course. Where are my responses you said you would provide? And where is your clients response to my offer?

Sincerely

[REDACTED]

---

**From:** PUBLIC ACCESS Mailbox [<mailto:public.access@hampshire.police.uk>]  
**Sent:** 23 June 2023 11:09  
**To:** [REDACTED]  
**Subject:** RE: ROA/23/015086/U

Good morning [REDACTED]

Your email has been received.

We have provided you with a legal response.  
As previously outlined a judicial review challenge is awaiting.

This is our final position.

Kind regards,



**H. Savage | Public Access Officer**

**Joint Information Management Unit | Hampshire & Isle of Wight Constabulary and Thames Valley Police**

Address | Hampshire & Isle of Wight Constabulary, Mottisfont Court, Tower Street, Winchester, Hampshire, SO23 8ZD

Information Management Helpdesk:

Hampshire [information.management@hampshire.pnn.police.uk](mailto:information.management@hampshire.pnn.police.uk)

Thames Valley [information.management@thamesvalley.pnn.police.uk](mailto:information.management@thamesvalley.pnn.police.uk)

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**From:** [REDACTED]

**Sent:** 22 June 2023 16:26

**To:** PUBLIC ACCESS Mailbox <[public.access@hampshire.police.uk](mailto:public.access@hampshire.police.uk)>

**Subject:** FW: ROA/23/015086/U - Hannah Speaking to Jason about this

Info request escalation.

Please now escalate this complaint/info request to the next stage. PSD did not come back to me.

To verify:

- 1) I require the requested information for a legal challenge. A pre-action letter has been issued. Your legal department will confirm.
- 2) I require the information to send to the IOPC relating to a review now submitted.
- 3) It is my information.
- 4) PSD will not communicate with me to validate refusal reason.
- 5) There is no real reason to withhold at all. The "legal inquiry" is mine and the info must be released to me for the IOPC.

Sincerely

[REDACTED]

---

**From:** [REDACTED]

**Sent:** 16 June 2023 11:16

**To:** 'PUBLIC ACCESS Mailbox'

**Subject:** RE: ROA/23/015086/U

Thanks. May very well come back to you on this. As far as I am aware there is no legal inquiry or investigation taking place at all. If I do not hear back from the PSD we will need to escalate this. I have threatened legal action(JR), but they cannot use that to withhold my information from me (it's me not any other third party). Also its needed for the IOPC appeal I've initiated. There are really no proper grounds whatsoever to deny my request. May I ask you also send the PSD this email to focus their minds.

If I don't hear back by end of day Wed 21 June 2023 I will email you again to escalate.

Thanks and Regards

[REDACTED]

---

**From:** PUBLIC ACCESS Mailbox [<mailto:public.access@hampshire.police.uk>]

**Sent:** 16 June 2023 08:40

**To:** [REDACTED]  
**Subject:** RE: ROA/23/015086/U

Good morning [REDACTED]

Thank you for your email.

We have forwarded this to the Professional Standards Department, as they will be able to assist with your enquiry.

Kind regards,

**H. Savage | Public Access Officer**  
**Joint Information Management Unit | Hampshire & Isle of Wight Constabulary and Thames Valley Police**  
Address | Hampshire & Isle of Wight Constabulary, Mottisfont Court, Tower Street, Winchester, Hampshire, SO23 8ZD

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Thames Valley [information.management@thamesvalley.pnn.police.uk](mailto:information.management@thamesvalley.pnn.police.uk)

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**From:** [REDACTED]  
**Sent:** 15 June 2023 16:42  
**To:** PUBLIC ACCESS Mailbox <[public.access@hampshire.police.uk](mailto:public.access@hampshire.police.uk)>  
**Subject:** RE: ROA/23/015086/U

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Thanks for the response. Please provide me with the specific nature of the official or legal inquiry, investigation or procedure you are relying on to withhold this information so I am able to further pursue the release of my information to me.

Sincerely  
[REDACTED]

---

**From:** PUBLIC ACCESS Mailbox [<mailto:public.access@hampshire.police.uk>]  
**Sent:** 15 June 2023 16:26  
**To:** [REDACTED] U

Good afternoon,

Please see attached response to your request for information.

Kind regards,

**H. Savage | Public Access Officer**  
**Joint Information Management Unit | Hampshire & Isle of Wight Constabulary and Thames Valley Police**  
Address | Hampshire & Isle of Wight Constabulary, Mottisfont Court, Tower Street, Winchester, Hampshire, SO23 8ZD

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taken upon it. If you have a non-urgent enquiry, please call the Police non-emergency number 101. If it is an emergency, please call 999. Thank you.

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## EX 17

**IN THE HIGH COURT OF JUSTICE**

**QUEEN'S BENCH DIVISION**

**ADMINISTRATIVE COURT**

Before the Honourable Mr Justice Garnham sitting at Bristol Civil and Family Justice Centre on 19 November 2018.

B E T W E E N:



**THE QUEEN (on the application of**



**Claimant**

**-and-**

**THE INDEPENDENT OFFICE FOR POLICE CONDUCT**

**Defendant**

**-and-**

**THE CHILDREN'S COMMISSIONER FOR ENGLAND  
CHIEF CONSTABLE OF HAMPSHIRE CONSTABULARY**

**Interested Parties**

**ORDER**

Upon hearing the Claimant in person and the Defendant's solicitor

And upon considering the subsequent written submissions and draft orders

**IT IS ORDERED THAT:**

1. Permission to apply for judicial review is refused in respect of the Claimant's challenge to the Defendant's decisions dated 13 March 2018 (2018/099011) and 20 March 2018 (2018/098254);
2. Permission to apply for judicial review is granted in respect of Claimant's challenge to the Defendant's two decisions dated 12 April 2018 (2018/101006 and 2018/101608) and its decision dated 17 April 2018 (6520/16/212).

**Observations**

The order set out above reflects the order made at the conclusion of the hearing. Subsequent to that hearing the Claimant wrote to the court indicating that although he had agreed during the hearing that

the challenge to the first two decisions was “out of time”, he had recalculated the relevant period and now asserted that the claim form was filed within 3 months of those decisions and was “in time”. Given the claimant’s change of position, I invited submissions from both parties on the appropriate way forward.

Having now reconsidered the matter, I remain of the view that the order set out above is appropriate. RSC 54.5(1) requires that a claim form is filed promptly and in any event within 3 months. In my judgment, as regards the two earlier decisions, the claim form was not filed “promptly” even if it was filed (just) within 3 months. There was no adequate explanation for the delay.

Accordingly, I refuse permission to challenge the two earlier decisions and limit the grant of permission to the decisions dated 12 April 2018 (2018/101006 and 2018/101608) and the decision dated 17 April 2018 (6520/16/212).

A handwritten signature in black ink, appearing to read 'Neil Sed', followed by a long horizontal line.

Dated 18 December 2018.



# Judicial Review Claim Form

Notes for guidance are available which explain how to complete the judicial review claim form. Please read them carefully before you complete the form.

In the High Court of Justice  
Administrative Court

Help with Fees -  
Ref no. (if applicable)

HWF - [ ] - [ ]



For Court use only	
Administrative Court Reference No.	CO/2550/2018
Date filed	20/06/2018

Is your claim in respect of refusal of an application for fee remission? ☐ Yes ☒ No

## SECTION 1 Details of the claimant(s) and defendant(s)

Claimant(s) name and address(es)

name	
[REDACTED]	
address	
[REDACTED]	
[REDACTED]	Fax no.
[REDACTED]	
email address	
[REDACTED]	

Claimant's or claimant's legal representatives' address to which documents should be sent.

name	
[REDACTED]	
address	
[REDACTED]	
Telephone no.	Fax no.
[REDACTED]	[REDACTED]
E-mail address	
[REDACTED]	

Claimant's Counsel's details

name	
[REDACTED]	
address	
[REDACTED]	
Telephone no.	Fax no.
[REDACTED]	[REDACTED]
E-mail address	
[REDACTED]	

1st Defendant

name
Independent Office of Police Conduct (IOPC)

Defendant's or (where known) Defendant's legal representatives' address to which documents should be sent.

name
Legal Department
address
PO Box 473
Sale
M33 0BW

Telephone no.	Fax no.
0121 673 3685	
E-mail address	
Emily.Keenan@policeconduct.gov.uk	

2nd Defendant

name
[REDACTED]

Defendant's or (where known) Defendant's legal representatives' address to which documents should be sent.

name	
[REDACTED]	
address	
[REDACTED]	
Telephone no.	Fax no.
[REDACTED]	[REDACTED]
E-mail address	
[REDACTED]	

## SECTION 2 Details of other interested parties

Include name and address and, if appropriate, details of DX, telephone or fax numbers and e-mail

name— Children's Commissioner for England		name—	
address— Sanctuary Buildings Great Smith Street London SW1P 3BT		address—	
Telephone no.— 0800 5280731	Fax no.—	Telephone no.—	Fax no.—
E-mail address— Childrens.COMMISSIONER@childrenscommissioner.gsi.gov.uk		E-mail address—	

## SECTION 3 Details of the decision to be judicially reviewed

Decision:— i) IOPC ref: 2018/10106 Emma Christina-Campbell ; ii) Ref: 2018/09854 Benjamin Corbey ; iii) Ref: 2018/101608 Emma Christina-Campbell ; iv) Ref: 2018/099011 Benjamin Corbey ; Ref 6520/16/212 Paul Talbot
Date of decision:— i) 12/4/2018 ii) 20/3/2018 iii) 12/4/2018 iv) 13/3/2018 v) 17 April 2018

Name and address of the court, tribunal, person or body who made the decision to be reviewed.

name— Independent Office for Police Conduct	address— PO Box 473 Sale M33 0BW
--	---

## SECTION 4 Permission to proceed with a claim for judicial review

I am seeking permission to proceed with my claim for Judicial Review.

Is this application being made under the terms of Section 18 Practice Direction 54 (Challenging removal)?

☐ Yes ☒ No

Are you making any other applications? If Yes, complete Section 8.

☒ Yes ☐ No

Is the claimant in receipt of a Civil Legal Aid Certificate?

☐ Yes ☒ No

Are you claiming exceptional urgency, or do you need this application determined within a certain time scale? If Yes, complete Form N463 and file this with your application.

☐ Yes ☒ No

Have you complied with the pre-action protocol? If No, give reasons for non-compliance in the box below.

☒ Yes ☐ No

--

Have you issued this claim in the region with which you have the closest connection? (Give any additional reasons for wanting it to be dealt with in this region in the box below). If No, give reasons in the box below.

☒ Yes ☐ No

--

Does the claim include any issues arising from the Human Rights Act 1998?

If Yes, state the articles which you contend have been breached in the box below.

☒ Yes ☐ No

Article 3. Failure to protect children from sexual abuse. Commissioner of Police of the Metropolis v DSD and Anor [2018] UKSC 11

## SECTION 5 Detailed statement of grounds

☒ set out below ☐ attached

Please see TAB-B (pre-action letter dated 25th April 2018) for a detailed statement of grounds.

In summary this case is about Hampshire Constabulary keeping a now convicted child sex offender teacher out of the system for 2 years despite damning evidence. This led to 17 offences against children being committed that could have been stopped. Hampshire Police with the help of the IOPC have now unlawfully blocked each and every complaint about this travesty and reckless child endangerment from being recorded let alone investigated at children's peril. Including evidence that shows vital information was suppressed so Hampshire Constabulary could cover up these failings by the way of a "conduct assessment" which was later directed to be carried out by Ms. Lesley Lonstone the head of the IPCC at the time after Hampshire Police had failed in its duties and obligations to do this too.

## SECTION 6 Aarhus Convention claim

I contend that this claim is an Aarhus Convention claim

☐ Yes ☒ No

If Yes, indicate in the following box if you do not wish the costs limits under CPR 45.43 to apply.

If you have indicated that the claim is an Aarhus claim set out the grounds below, including (if relevant) reasons why you want to vary the limit on costs recoverable from a party.

## SECTION 7 Details of remedy (including any interim remedy) being sought

1) Declaration IOPC is in breach/non compliance of the following statutory provisions:

- i) Article 3 of the HRA 1998. Duty to protect children from sexual abuse.  
Commissioner of Police of the Metropolis v DSD and Anor [2018] UKSC 11.
- ii) The Convention on the Rights of the Child (Article 3). Failing to act in the best interests of children.
- iii) Statutory Home Office Counting Rules for crime recording and proper process.
- iv) Police Reform Act 2002 s(1)(c) . Unlawfully blocking complaints made by a "witness" to the matters complained of.

2) Mandatory order compelling the IOPC to correct these egregious errors in law in "children's best interests".

## SECTION 8 Other applications

I wish to make an application for:-

A three 3 week extension of time to file additional information and add to the grounds of this application. This is due to awaiting an additional answer from the IOPC legal department in reference to a further erroneous decision received from their case work department on the 24th May 2018 (2018/102867 - Benjamin Corbey). I believe it will serve the "overriding objective" if all these very closely related decisions are considered and corrected in one set of proceedings (CPR 1.1-4).

## SECTION 9 Statement of facts relied on

This case relates to confirmed statutory failings by Hampshire Constabulary in relation to its handling of a child sexual abuse case. Here the police unlawfully kept a child sex offender case out of the police system for 2 years (twice) despite damning evidence of long term sexual deviation by a teacher at a local school. This failing was only corrected after my involvement and after I had exposed these statutory police failings. This reckless disregard for children's welfare by Hampshire Constabulary resulted in 17 sexual offences against children being committed that they could have easily stopped if they had complied with the law and not unlawfully kept the case out of the police system for 2 years.

Futhermore had these legal failings not been exposed by me, it is clear a now convicted child sex offender would have been left on the streets unchecked, with who knows what consequences. Despite being instrumental in bringing about justice for children where there would have otherwise been none, and uncovering the evidence exposing a myriad of police failings I have been unlawfully prevented from raising a single complaint on the basis I am not "not adversely affected" by these failings. However all the law that indicates I am entitled to raise these issues has been ignored and avoided to the severe detriment and reckless disregard for children's rights and best interests.

Apart from Hampshire Constabulary disregarding the Home Office Rules on Crime Recording twice to keep a child sex offender case out of the police system, the facts of the case also establish evidence was suppressed from reaching senior IPCC personnel so Hampshire Constabulary could then fabricate the outcome of a "conduct assesment" to cover up for its officers breaching their duty under the police code of conduct. It is important to note although officers breached their duty in a very fundamental way and recklessly endangered children, not a single member of staff or officer at Hampshire Constabulary has received as much as "managament advice", the lowest wrung of accountability. Even though sexual offences against children were committed that they could have stopped if not for there disregard of the law.

Additionally to add to this children's rights atrocity every complaint made about this intolerable illegal conduct by Hampshire Constabulary has been unlawfully blocked and not a single one has been recorded let alone investigated. Thereby encouraging the continuation of this illegal behavior and disregard for children's well being and safety by Hampshire Constabulary with the IOPC's blessing.

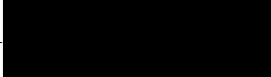
Please see TAB-A pages 20 to 30 for further background information on the case.

### Statement of Truth

I believe (The claimant believes) that the facts stated in this claim form are true.

Full name 

Name of claimant's solicitor's firm \_\_\_\_\_

Signed  Position or office held \_\_\_\_\_  
Claimant ('s solicitor) (if signing on behalf of firm or company)

## SECTION 10 Supporting documents

If you do not have a document that you intend to use to support your claim, identify it, give the date when you expect it to be available and give reasons why it is not currently available in the box below.

Please tick the papers you are filing with this claim form and any you will be filing later.

- |   |  |                                   |
|---|--|-----------------------------------|
| <input checked="" type="checkbox"/> Statement of grounds  | <input checked="" type="checkbox"/> included | <input type="checkbox"/> attached |
| <input checked="" type="checkbox"/> Statement of the facts relied on  | <input checked="" type="checkbox"/> included | <input type="checkbox"/> attached |
| <input checked="" type="checkbox"/> Application to extend the time limit for filing the claim form  | <input checked="" type="checkbox"/> included | <input type="checkbox"/> attached |
| <input type="checkbox"/> Application for directions   | <input type="checkbox"/> included            | <input type="checkbox"/> attached |
| <input type="checkbox"/> Any written evidence in support of the claim or application to extend time   |  |                                   |
| <input type="checkbox"/> Where the claim for judicial review relates to a decision of a court or tribunal, an approved copy of the reasons for reaching that decision |  |                                   |
| <input type="checkbox"/> Copies of any documents on which the claimant proposes to rely   |  |                                   |
| <input type="checkbox"/> A copy of the legal aid or Civil Legal Aid Certificate <i>(if legally represented)</i>   |  |                                   |
| <input type="checkbox"/> Copies of any relevant statutory material  |  |                                   |
| <input type="checkbox"/> A list of essential documents for advance reading by the court <i>(with page references to the passages relied upon)</i>                     |  |                                   |
| <input type="checkbox"/> Where a claim relates to an Aarhus Convention claim, a schedule of the claimant's significant assets, liabilities, income and expenditure.   | <input type="checkbox"/> included            | <input type="checkbox"/> attached |

If Section 18 Practice Direction 54 applies, please tick the relevant box(es) below to indicate which papers you are filing with this claim form:

- |  |                                   |                                   |
|--|-----------------------------------|-----------------------------------|
| <input type="checkbox"/> a copy of the removal directions and the decision to which the application relates  | <input type="checkbox"/> included | <input type="checkbox"/> attached |
| <input type="checkbox"/> a copy of the documents served with the removal directions including any documents which contains the Immigration and Nationality Directorate's factual summary of the case | <input type="checkbox"/> included | <input type="checkbox"/> attached |
| <input type="checkbox"/> a detailed statement of the grounds   | <input type="checkbox"/> included | <input type="checkbox"/> attached |

Reasons why you have not supplied a document and date when you expect it to be available:-



Signed \_\_\_\_\_ Claimant ('s Solicitor)\_\_\_\_\_

IN THE HIGH COURT OF JUSTICE  
CO/2550/2018

Claim

No. CO/2550/20

QUEEN'S BENCH DIVISION  
ADMINISTRATIVE COURT

BETWEEN:-

THE QUEEN

(on the application of



Claimant

-and-

THE INDEPENDENT OFFICE FOR POLICE CONDUCT

Defendant



THE CHIEF CONSTABLE OF HAMPSHIRE CONSTABULARY

Interested Party

---

ORDER

---

UPON agreement between the Claimant and the Defendant

IT IS HEREBY ORDERED that:

1. In respect of the Defendant's decision dated 12 April 2018 (IOPC Reference 2018/101006), the Defendant will direct that Hampshire Constabulary applies the Home Office Counting Rules for Recording Crime and National Crime Recording Standard. Specifically, in terms, that Hampshire Constabulary should log, in an auditable manner, the matters reported by the Claimant in a 101 telephone call on 21 October 2017 on its crime Record Management System.

2. The Claimant will withdraw his claim in respect of the decision referred to in paragraph 1 above (IOPC Reference 2018/101006).
3. In respect of the Defendant's decision dated 12 April (IOPC Reference 2018/10168), this decision will be quashed and remitted for a fresh decision to be taken by another casework manager.
4. The Claimant withdraws his claim in respect of the Defendant's decision dated 17 April 2018 (IOPC Reference 6520/16/212).
5. The Defendant must pay the Claimant's costs of the claim, agreed between the parties (taking into account that the Claimant is a litigant in person) in the sum of £2,500 within 28 days.
6. Although the Chief Constable of Hampshire was a named party in these proceedings but chose not to participate. Liberty for the Chief Constable of Hampshire to apply to the Court to request permission to make an application to vary this order within in 14 days

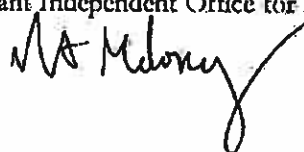
Signed by the Claimant in person

.....

Signed by Mr Neil Moloney on behalf of the Defendant Independent Office for Police Conduct

.....

Dated this day of 18 October 2021





IN THE HIGH COURT OF JUSTICE  
CO/2550/2018

Claim

No.

QUEEN'S BENCH DIVISION  
ADMINISTRATIVE COURT

B E T W E E N: -

THE QUEEN

(on the application of



Claimant

-and-

THE INDEPENDENT OFFICE FOR POLICE CONDUCT

Defendant

THE CHIEF CONSTABLE OF HAMPSHIRE CONSTABULARY

Interested Party

---

**AGREED STATEMENT**

Pursuant to CPR 54A PD Paragraph 16.1

---

1. The Claimant and the Defendant have agreed the terms of a final order disposing of this claim. This is a short, agreed statement of the matters relied on as justifying the proposed agreed order (3 copies of the draft order are attached) pursuant to CPR 54A PD paragraph 16.1.

Decision A: IOPC Reference 2018/101006

2. The Claimant telephoned Hampshire Constabulary using the 101 number on 27 October 2017 to attempt to report alleged failures to progress matters relating to concerns raised to Hampshire Constabulary in 2012 and 2013. Although the substance of the complaint was the same as previous complaints and a previous call on 29 March 2017, as this was a new telephone call, the Defendant agrees to direct that Hampshire Constabulary log, in an auditable manner, the matters reported by the Claimant in the 101 telephone call on 21 October 2017 on its crime Record Management System ("RMS"). The Claimant agrees that subject to the Defendant making this direction to Hampshire Constabulary, so to that extent amending the substance of its decision of 12 April 2018 to partially uphold the Claimant's complaint of 26 February 2018, he will withdraw this aspect of the Claim.

**Decision B: IOPC Reference 2018/10608**

3. This decision concerns the Defendant's rejection of the Claimant's appeal against Hampshire Constabulary's refusal to record the Claimant's complaints of 28 January, 9 February and 14 February 2018 about Mr Franks' conduct. The Defendant's decision explained that the Defendant was not an eligible complainant under the Police Reform Act 2002, as he was neither a witness to the alleged conduct of Mr Franks, nor a person who had been directly or materially affected by the alleged misconduct. The Defendant agrees that this decision may be quashed and remitted to a new casework manager who will explicitly take into account whether Hampshire Constabulary should consider and apply the Code of Practice for Victims of Crime in England and Wales in this case.

**Decision C: IOPC Reference 6520/16/212**

4. The Claimant agrees to withdraw his Claim regarding the Defendant's decision of 17 April 2018, that the Claimant's complaints of 19 March 2018, 5 April 2018 and 12 April 2018 were not within the remit of the Defendant's Internal Investigations Unit whose purpose is to consider complaints about the conduct of staff and the service provided by the Defendant: it is not a means of appealing decisions of the Defendant regarding complaints made under the Police Reform Act 2002.

### Conclusion

5. Taking into account the overriding objective set out in CPR 1.1, the Claimant and the Defendant respectfully request that the Court makes an Order in the terms of the attached proposed draft Order to dispose of this Claim. The Chief Constable of Hampshire is an Interested Party to the Claim but has not participated in the litigation to date. The parties will serve this Agreed Statement and the Order upon the Chief Constable and have included, within the draft Order, liberty for the Chief Constable to apply to request permission to file an application to vary the Order within 14 days.

Signed by the Claimant in person

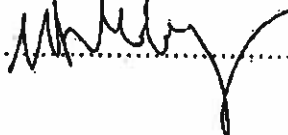
[Redacted signature]

.....

Dated this      day of      2021

Signed on behalf of the Defendant

Independent Office for Police Conduct

.....  


Our ref: 2020/146286

Superintendent Masson

PO Box 473  
Sale M33 0BW

Blwch Post 473  
Sale M33 0BW

22 November 2021

Tel/Ffôn 0300 020 0096  
Text relay/Cyfnwid Testun 18001 0207 166 3000  
Email/E-bost enquiries@policeconduct.gov.uk  
Web/Gwefan www.policeconduct.gov.uk

Dear Superintendent Masson

I am writing further to my telephone conversation with you on the 16 August 2021, in connection with the IOPC's review outcome decision dated 4 May, of [REDACTED] complaint of 7 November 2020, dealt with under your reference CO/773/20 and ours of IOPC 2020/146286.

Following a pre-action protocol and judicial review challenge to our decision by Mr [REDACTED] we agreed to communicate to you our view, having considered his challenge that:

- Whilst the IOPC is not the arbiter for how the Victims Code or Crime Recording Standards is conceded, that the reasoning of a previous decision by the Parliamentary Ombudsman highlighted by [REDACTED] should lead to a conclusion that he should be treated as entitled to services available to 'victims' under the Victims Code.
- Similarly, it would be appropriate to treat [REDACTED] as eligible for reasons and explanations from Hampshire Police in relation to their charging decisions and, hence, his complaint should have been dealt with under the provisions of the HOCR/NCRS by Hampshire Constabulary, but was not.

For the avoidance of doubt, it is not our view that [REDACTED] allegation was required to be recorded as a crime under Home Office Crime Recording and National Crime Recording Standards. There is no requirement for you to formally respond to this letter but please do not hesitate to contact me if you would like to.

Yours sincerely



Brett Gerrard  
**Head of Assessment Unit**  
**Independent Office for Police Conduct**

**IN THE HIGH COURT OF JUSTICE**

**QUEEN'S BENCH DIVISION**

**ADMINISTRATIVE COURT**

Cardiff Civil Justice Centre  
2 Park Street, Cardiff, CF10 1ET

6 May 2022

**Before:**

**HIS HONOUR JUDGE KEYSER QC**  
sitting as a Judge of the High Court

**Between:**

**THE QUEEN on the application of**

**[REDACTED]**

**Claimant**

**-and-**

**THE INDEPENDENT OFFICE FOR POLICE CONDUCT**

**Defendant**

**-and-**

**THE CHIEF CONSTABLE OF HAMPSHIRE CONSTABULARY**

**Interested Party**

The **Claimant** not in attendance nor represented  
**Miss Francesca Whitelaw** (Counsel) on behalf of the **Defendant**  
**Mr Mark Ley-Morgan** (Counsel) on behalf of the **Interested Party**

**Judgment**

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**His Honour Judge Keyser QC:**

1. This is the Interested Party's application, by notice dated 1 November 2021 and subsequently amended, first for permission to apply and then for an order that paragraph 1 of the order dated 19 October 2021 be varied. I am grateful to Mr Ley-Morgan and Miss Whitehall, Counsel respectively for the Interested Party and for the Defendant, for their written and oral submissions. The Claimant informed the Court this morning that he would not be attending on account of personal reasons but that he was content that the hearing proceed upon the basis that his written materials were considered, which they have been.
2. The application is supported by a statement of Antony Simon Alexander Hills dated 1 November 2021. The Claimant has filed two statements in response and I have had regards to those, although I think the second one did not accord with the directions that I gave on 13 January 2022.
3. This case was brought by the Claimant against the Defendant. Originally the Interested Party, the Chief Constable, was not a party to the case. She was subsequently joined as an interested party at the behest of the Defendant. She did not file an acknowledgement of service and did not participate in the proceedings because, having seen the summary grounds filed by the Defendant, she was content with the Defendant's stance and did not think that any involvement was required, particularly because no relief was directly sought against her. That decision was understandable, whether or not it was prudent, but it led indirectly to the situation that we are in.
4. There is a long history to the matter, which I will try to prune as far as I can. The claim was brought to challenge several decisions of the Defendant, but only one is relevant for present purposes. That was a decision dated 12 April 2018, the reference being 2018/101006. In short, in 2012 and 2013 the Claimant had made complaints to Hampshire Constabulary concerning alleged sexual offences against children by one TM, a teacher. He considered that the Constabulary had not acted on those complaints; indeed, he considered that the Constabulary's failure to act had left TM at liberty to commit further offences for which he was subsequently convicted.
5. On 21 October 2017, the Claimant made a 101 call to Hampshire Constabulary to complain of that failure. Hampshire Constabulary refused to record his complaint on two grounds: first, that he did not fit the statutory definition of a person who had been adversely or directly affected; second, that the complaint was vexatious, oppressive, and an abuse of the complaints procedures. That decision was set out formally in a letter dated 26 February 2018.
6. The Claimant appealed the refusal to record the complaint to the Defendant, pursuant to schedule 3 of the Police Reform Act 2002, and the Defendant refused the appeal by its decision letter of 12 April 2018. (For brevity's sake, I shall not read that letter out, although it contains useful and interesting material.)
7. The Claimant brought these proceedings to review that among other decisions of the Defendant. In its summary grounds of resistance, the Defendant acknowledged that Hampshire Constabulary's first ground for refusing to record the complaint—that is, that the Claimant was not within the relevant definition—may not be correct, but it maintained that the other ground—that is, that the complaint was vexatious, oppressive, and an abuse of the complaints procedure—was correct.

8. Permission to apply for judicial review was initially refused. However, by order made on 19 December 2018 (a month after the hearing at which the decision had been announced) Garnham J gave permission to apply for judicial review of this particular decision, that is 101006, and of two other decisions. I do not know on what grounds Garnham J gave permission for the challenge to this particular decision. The Defendant filed detailed grounds of defence in January 2019; I refer in particular to paragraph 19 and paragraphs 39-47, which are material.
9. The Claimant brought a different claim against Hampshire Constabulary, the present interested party, complaining that it has failed to record as a crime his complaint against the Force Solicitor. The gist of the complaint appears to be that the conduct of the Force Solicitor in respect of complaints regarding TM amounted to perverting the course of justice. The Claimant said that this complaint should have been recorded as a crime. That was the claim (I shall refer to as “3174”) that came before HHJ Lambert, sitting as a judge of the High Court, who considered it on the papers but refused permission and certified the claim as totally without merit. I shall not read out what he said; suffice it to say that he expressed a dim view of the Claimant’s attempt to circumvent the complaints procedure.
10. The Claimant then sought permission to appeal to the Court of Appeal against HHJ Lambert’s order. At that point, the present case was due to come on for hearing in front of a High Court judge in Bristol, and efforts were very properly made to reach an agreement between the Defendant, the IOPC, and the Claimant. This led to the order that is the subject of this application, which was approved by Lane J and sealed on 19 October 2021. (It appears to have been signed on 18 October 2021.) It records that it was made upon agreement between the Claimant and the Defendant. The Interested Party, the present applicant, was, of course, not active in the proceedings and so was not privy to the order. It is not stated to be a Consent Order, but that is effectively what it was. The following paragraphs of the order are especially relevant.
 

“1. In respect of the Defendant’s decision dated 12 April 2018 (IOPC Reference 2018/101006) the Defendant will direct that Hampshire Constabulary applies the Home Office Counting Rules for Recording Crime and National Crime Recording Standard. Specifically, in terms, that Hampshire Constabulary should log, in an auditable manner, the matters reported by the Claimant in a 101 telephone call on 21 October 2017 on its crime Record Management System.

2. The Claimant will withdraw his claim in respect of the decision referred to in paragraph 1 above.”

...

6. Although the Chief Constable of Hampshire was a named party in these proceedings but chose not to participate. Liberty for the Chief Constable of Hampshire to apply to the Court to request permission to make an application to vary this order within 14 days.”
11. Whether or not the somewhat clumsy procedure in paragraph 6 was adopted through inadvertence, it does not really affect that way that I have dealt with the matter. I ordered on 13 January 2022 that the application for permission should be heard today and, if permission were granted, the substantive application should be dealt with today.

I suspect that paragraph 6 was intended to do no more than give the Chief Constable permission to apply to vary the order. At all events, I give permission to apply to vary.

12. Two variations are sought to paragraph 1 of the order. First, in place of the words “the Defendant will direct that”, it is sought to substitute “the Defendant recommends that”. (Actually, as the text is part of an order, the alternative formulations ought to be either “will recommend that” or, if the subjunctive be preferred, “recommend that”.) Second, while no issue is taken with the reference to the Home Office Counting Rules for Recording Crime and National Crime Recording Standard, it is sought to delete the concluding words, “on its crime Record Management System”. These variations are sought on the grounds:

- 1) That the Defendant has no power to give such a direction, but rather has a power to make a recommendation;
- 2) That, for reasons set out in the Defendant’s own grounds and accepted before me by the Defendant and advanced by the Interested Party, it is inappropriate to recommend that the complaint in the call be recorded on the crime Record Management System.

13. The order was accompanied by an agreed statement; paragraphs 2 and 5 are the relevant paragraphs:

“2. The Claimant telephoned Hampshire Constabulary using the 101 number on 27 October 2017 to attempt to report alleged failures to progress matters relating to concerns raised to Hampshire Constabulary in 2012 and 2013. Although the substance of the complaint was the same as previous complaints and a previous call on 29 March 2017, as this was a new telephone call the Defendant agrees to direct that Hampshire Constabulary log, in an auditable manner, the matters reported by the Claimant in the 101 telephone call on 27 October 2017 on its crime Record Management System ('RMS'). The Claimant agrees that subject to the Defendant making this direction to Hampshire Constabulary, so to that extent amending the substance of its decision of 12 April 2018 to partially uphold the Claimant's complaint of 26 February 2018, he will withdraw this aspect of the Claim.”

“5. Taking into account the overriding objective set out in CPR 1.1, the Claimant and the Defendant respectfully request that the Court make an Order in the terms of the attached proposed draft Order to dispose of this Claim. The Chief Constable of Hampshire is an Interested Party to the Claim but has not participated in the litigation to date. The parties will serve this Agreed Statement and the Order upon the Chief Constable and have included, within the draft Order, liberty for the Chief Constable to apply to request permission to file an application to vary the Order within 14 days.”

14. The compromise proceeded on a basis different from the Defendant’s summary grounds and detailed grounds. The reasons for the compromise are clear and essentially laudable, because a hearing was avoided and an agreement that was, by and



large, workable—and, indeed, has proved entirely workable for two of the three decisions—was reached, but it has given rise to a problem in respect of this particular decision.

15. The Interested Party was not aware of, and did not know of, the order until the Claimant sent a copy to Mr Hills on 19 October 2021. Then on 21 October the Claimant gave notice that he intended to use the order as further evidence in his application for permission to appeal against the order of HHJ Lambert in case 3174. The issue in that case was whether the Chief Constable was required to record on the crime Record Management System an alleged crime, even if there had been no investigation which established that there was a criminal case to answer. The Chief Constable contended that she had no such obligation, and the Police and Crime Commissioner agreed. As I have said, HHJ Lambert refused permission. The Claimant sought permission to appeal to the Court of Appeal after the present application had been made. On 17 November 2021 Simler LJ refused permission to appeal and certified the application for permission to appeal as being totally without merit. Her written reasons give a full explanation of her decision. In paragraph 11 she said:

“Nothing in any of the additional material alters the conclusions I have reached. The consent order relates to a different complaint, and the refusal to record in that case [that is, the particular decision with which this application is concerned] was based on the complaint being seen as vexatious. The Consent Order cannot affect the merits of the impugned decision in this case”.

The basis of the present application is set out in paragraph 3 of the grounds, which says: “The Defendant has no power to direct that the Interested Party record a complaint on its crime record management system, i.e. to record the complaint as a crime. The Defendant’s powers are limited to directing that the Interested Party record the matter as a complaint.” (That second sentence has moved on somewhat.) At paragraph 52 it was stated the Interested Party was not consulted by either the Claimant or the Defendant before the consent order dated 19 October 2021 was agreed or submitted to the Court; if she had been, she would have objected on that grounds that, although the Defendant can direct her to record something as a complaint, it has no power to direct the Interested Party to record that something as a crime.

16. In its skeleton argument the Defendant consents to the proposed direction. Paragraph 5 says:

“The Defendant consents to the proposed variations to paragraph 1,

- a) To substitute the words ‘recommends pursuant to section 10(1)(e) Police Reform Act 2002’, for ‘will direct’, as this reflects the Defendant’s statutory powers;
- b) To remove the words ‘on its crime Record Management System’, as this degree of specificity is not contained within the Home Office Counting Rules, which simply require the registration of an auditable incident report for all reports of incidents, whether from victims, witnesses, or third parties. It is for the Interested Party to determine which of its information technology systems are used for recording different types of reports, as the Interested Party has detailed knowledge of the

purposes and capabilities of its different systems, how they interact, and how they may develop.”

17. As for the question of “direct” or “recommend”, the position as I see it is that, if any relevant power is engaged in the present case, it is the power to recommend. The provisions of the Police Reform Act 2002 have been amended since the matters giving rise to these proceedings. The Defendant was seized of the matter pursuant to an appeal under schedule 3 to the 2002 Act. Paragraph 3(4) provided in part that on an appeal under this paragraph, the Director General (which for present purpose means the Defendant) shall, if the Director General finds in the complainant’s favour, give such directions as the Director General considers appropriate for the local policing body or chief officer as to the action to be taken for making a determination, or for notifying or recording what was received, and it shall be the duty of a local policing body or chief officer to comply with any directions given under paragraph 3(4)(b). What that means is that, if the appeal by the Claimant to the Defendant had been upheld, then (subject to any further right of review that may have arisen, which need not concern me now) the Defendant would have had a power under paragraph 3(4)(b) to give a direction to the Interested Party. In fact, however, that power did not arise because the appeal was dismissed and the application for judicial review of the dismissal was withdrawn (see paragraph 2 of the order of 19 October 2021); therefore no power under schedule 3, paragraph 3, was exercisable. Paragraph 3 has now been repealed, and the review procedures altered and streamlined, but I do not need to go into that.
18. What powers, then, does the Defendant have? Those powers are found in section 10 of the Police Reform Act 2002. Subsection (1) provides in part:

“The functions of the Director General [that is, for present purposes, the Defendant] shall be—

- (a) to secure the maintenance by the Director General, and by local policing bodies and chief officers, of suitable arrangements with respect to the matters mentioned in subsection (2);
- ...
- (c) to secure that arrangements maintained with respect to those matters comply with the requirements of the following provisions of this Part, are efficient and effective and contain and manifest an appropriate degree of independence;
- (e) to make such recommendations, and to give such advice, for the modification of the arrangements maintained with respect to those matters, and also of police practice in relation to other matters, as appear, from the carrying out by the Director General of the Director General’s other functions, to be necessary or desirable”.

So paragraphs (a) and (c) are, to paraphrase, powers to secure proper practice in respect of certain matters, and paragraph (e) is a power to make such recommendations and to give such advice for the modification of the arrangements maintained with respect to those and other matters as appear to be necessary or desirable. The matters in question are those set out in subsection (2), which include the handling of complaints and the recording of matters from which it appears that there may have been conduct by

persons serving with the police, which constitutes or involves the commission of a criminal offence, or behaviour justifying disciplinary proceedings. So the Defendant has a power under section 10 to give to the Interested Party recommendations regarding the recording of matters from which it appears that there might have been criminal or other misconduct by persons serving with the police.

19. The Claimant argues that the functions of the Director General include, in section 10(1)(a), securing the maintenance by the Director General and by policing bodies and chief officers of suitable arrangements with respect to the matters mentioned in subsection (2) and, in section 10(1)(c), securing that arrangements maintained with respect to those matters comply with the requirements of the following provisions of this part, are efficient and effective and contain and manifest an appropriate degree of independence. However, in my judgment, those functions do not give to the Defendant the power to give directions in respect of the handling or recording of specific complaints. Further, even if they did in principle confer such a power, it would be quite inappropriate to invoke it in circumstances where there was a specific regime in place, namely the regime under Schedule 3 for reviewing or appealing against the exercise of the police authority's own functions, and where there is now a separate and discrete system of review.
20. In short, the Police Reform Act 2002 made provision, and now makes amended provision, for the review functions of the IOPC in respect of the decisions of police forces. It is inappropriate to treat section 10 as usurping or overriding the functions and the powers that were exercisable under the specific review and appeal regimes. The appropriate power, in circumstances where the specific appeal regime has not been engaged because the appeal was dismissed, is the power to make recommendations under section 10(1)(e).
21. The second question, then, concerns the concluding words of paragraph 1 of the order, requiring that the record be made on the crime Record Management System. The position here is, again, that the appeal proceedings against the Interested Party's decision were dismissed. The review proceedings against the dismissal decision was withdrawn. It is quite true that the proceedings were withdrawn on the basis of the Consent Order; but that order itself included a power to apply to vary.
22. The position of the IOPC is important in this regard, because in agreement with the Defendant it acknowledges that the Home Office Counting Rules do not contain the degree of specificity that would require recording on the crime Record Management System and that it (the IOPC) is not properly in a position to say where a record ought to be made, not least because it does not have knowledge equal to that of the police force of the information technology systems. The Interested Party's position, as I have indicated, is that its determination is that the complaint that is sought to be recorded does not involve a complaint of criminal conduct, such as would be appropriately placed on its crime Record Management System.
23. The information before me concerning the inclusion in paragraph 1 of the order of the reference to the crime Record Management System really comes to this: that the Defendant was not purporting to address or turning its mind to the question of how something ought to be recorded—that is, whether as a crime or not as a crime—but was seeking to address what it took to be the Claimant's concern that there should be an auditable report of the incident; it was concerned, accordingly to direct (or, as it is now put, recommend) that there should be an auditable record, but it was not

addressing its attentions to the form that record should take or how it should be stored on the Interested Party's IT systems. (This is borne out by an email between the Defendant and the Claimant.) It might that, if the Defendant had turned its mind to the latter point, it would have taken a different view as to the terms of the order. That is speculation. But the Defendant now agrees with the position of the Interested Party.

24. In my judgment, the Interested Party's position is correct. The Interested Party has made its determination that the matter in question does not fall to be recorded as a crime because it does not concern any prima facie report of criminal activity. It would, in my judgment, be entirely unjustified (i) to require the Interested Party to record the matter as a crime but (ii) to require the IOPC to recommend that it be recorded as crime, when I am satisfied that that was not actually what was in the mind of the IOPC when it agreed to the order.
25. In those circumstances, in my judgment, the grounds of the application are made out. I will grant the variations sought.

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This Transcript has been approved by the Judge.

The Transcription Agency hereby certifies that the above is an accurate and complete recording of the proceedings or part thereof.

The Transcription Agency, 24-28 High Street, Hythe, Kent, CT21 5AT

Tel: 01303 230038

Email: [court@thetranscriptionagency.com](mailto:court@thetranscriptionagency.com)

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**Hampshire Constabulary**  
Chief Constable Olivia Pinkney QPM, MA

Mr B Gerrard  
IOPC  
PO Box 476  
Sale  
M33 0BW

Professional Standards  
Operational Headquarters  
Mottisfont Court  
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Winchester  
SO23 8ZD

Our Ref: DM/DB  
Your Ref: 2018/101006

Telephone: 101  
Minicom: 19001 101

[professionalstandards@hampshire.pnn.police.uk](mailto:professionalstandards@hampshire.pnn.police.uk)

8<sup>th</sup> June 2022

This is just rubbish they have selected the wrong call. The voice recording I have is all about making a criminal complaint and names the individuals. Voice recording available.

Dear Brett,

Non Recording Appeal by [REDACTED], decision dated 12 April 2018, IOPC Reference 2018/101006

Thank you for your letter dated the 17<sup>th</sup> May 2022 regarding non-recording appeal made by [REDACTED]

I note that you refer to s10 (1)(e) Police Reform Act 2002 with regards to the application of the Home Office Counting Rules (HOCR) for Recording Crime and National Crime Recording Standard (NCRS):

“..to make such recommendations, and to give such advice, for the modification of the arrangements maintained with respect to those matters, and also of police practice in relation to other matters, as appear, from the carrying out by the Commission of its other functions, to be necessary or desirable;”

Our position is that we believe that have complied with the National Crime Recording Standards in respect of recording this matter.

We have recorded the allegations by [REDACTED] on our Centurion database along with the decision to non-record. These matters are available for audit to those public bodies that have oversight functions of the police.

[www.hampshire.police.uk](http://www.hampshire.police.uk)



As you know, Her Majesty's Inspectorate of Constabulary currently hold the function to audit Forces in terms of their Crime Data Integrity. We also share information with yourselves from the Centurion database.

In terms of the specific matters relating to [REDACTED], we rely on the section of the HOCR document section which states:

**“An allegation of a crime made against a police officer or a member of police staff in the execution of his or her duty:**

It is recognised that by the very nature of their work officers and staff will be subject of complaints. Many of them are shown to be false or malicious or are determined have been lawful actions, such as in cases where the use of force is questioned. It is not the intention to record as crimes all such allegations unless or until it is determined there is a criminal case to answer. There is no requirement to record such matters within the general NCRS provisions within 24 hours of the report being made.

The point at which a crime will be recorded will be when:

The Appropriate Authority determines that there may be a case to answer criminally and requests Crown Prosecution Service advice; or

The Appropriate Authority determines, in accordance with the DPP Charging Guidance, that a charge or summons or out of court disposal should be issued in relation to a criminal matter; or

The Appropriate Authority determines, on the balance of probabilities, that there is a case to answer for misconduct or gross misconduct and the nature of the conduct is such that it would amount to a notifiable offence for the purposes of HOCR.

The appropriate authority is as defined in The Police (Conduct) Regulations 2020. Any allegation of a crime against a police officer or member of police staff which solely relates to his/her off duty activities or is other than in the execution of his/her duties should be dealt with in accordance with the NCRS and the Counting Rules.

Clarification:

The term ‘police staff’ includes any non-sworn employee of a force and will include Police Community Support Officers and Custody Detention Officers as well as staff employed in other roles.

Where criminal offences are being covertly investigated, notwithstanding a formal assessment of criminal conduct there is no requirement to record a crime until such time as the investigation progresses to a formal stage.”

This can be found in part 2 of Section I of HOCR (page 41) – Other Investigating Authorities (2 of 4).

In terms of [REDACTED] complaint, we have not yet reached the stage of determination and so to record this matter as a crime at this time, is premature.

As a further issue, we have a copy of the call made by [REDACTED] on the 21<sup>st</sup> October 2017.

The summary of this call is that [REDACTED] asked for a postal address for Police Headquarters, in particular for the legal department. The female call taker tried to give Mr [REDACTED] the address where the call taker worked. [REDACTED] stated that he did not think that Southampton was the correct address. [REDACTED] further asked if she could give the address of an individual as he had a pre-action letter to send to Roger Trencher, Force Solicitor.

[REDACTED] asks for the work address of the Force Solicitor. The call taker is quiet and Mr [REDACTED] says the Force Solicitor used to be at HQ in Winchester. [REDACTED] then says he will find the address by other means and the call ends. [REDACTED] and the call taker are polite throughout and [REDACTED] does not make a public complaint or a criminal allegation.

Thank you for your recommendation in terms of this matter. I hope that this sets out our position in terms of our compliance with the NCRS.

If you have any further questions, please do not hesitate to contact me.

Yours sincerely,



**Debra Masson**  
**Superintendent**  
**Professional Standards Department**

AS you can see from HIS HONOUR JUDGE KEYSER's ruling of 6 May 2022 it is clear to see the Court was led to believe the new rules mandated the requested change from an IOPC "direction" to "recommendation" . That was simply not so given the law below. It is a legal requirement for the old rules to still apply to complaints that pre-dated the implementation of the changes to the Police Reform Act 2002 and related statutory guidance.



#### Home Office Guidance

##### Conduct, Efficiency and Effectiveness:

##### *Statutory Guidance on Professional Standards, Performance and Integrity in Policing →*

#### LEGAL POWERS FOR THE PUBLICATION AND APPLICATION OF THIS GUIDANCE

Cases dealt with under Part 2 of, and Schedule 3 to, the 2002 Act (Complaints, Recordable Conduct Matters and Death or Serious Injury (DSI) Matters)

1.9 If a complaint is made to, or a Recordable Conduct Matter or DSI comes to the attention of, a local policing body, a chief officer or the IOPC on or prior to 31<sup>st</sup> January 2020 it should be handled as a "pre-commencement" case in accordance with the 2012 legal framework i.e. the version of the 2002 Act in force at that point in time, the associated regulations including the 2012 Complaints Regulations, and the version of the IOPC's Statutory Guidance that applied at that time. This guidance, and the 2020 IOPC Statutory Guidance, should not be used or applied.

1.10 The Policing and Crime Act 2017 includes provisions to amend Part 2 and Schedule 3 to the 2002 Act. The relevant provisions in the 2017 Act come into force on 1<sup>st</sup> February 2020, alongside new Complaints Regulations and new IOPC Statutory Guidance. This 2020 framework should be applied to any complaint made on or after 1<sup>st</sup> February 2020 and to any Recordable Conduct Matter or DSI that comes to the attention of an appropriate authority on or after that date ("post-commencement" cases). It is essential that the amended Part 2 and Schedule 3 and the new Complaints Regulations are used for these cases.

1.11 There are certain circumstances where the "old" regime will apply to "new" cases. This will occur where a complaint is made, or a conduct matter or DSI matter comes to the attention of the appropriate authority on or after 1<sup>st</sup> February 2020 and it relates to a pre-commencement complaint or matter and that pre-commencement complaint or matter is still being handled in accordance with Schedule 3 to the 2002 Act.

1.12 In addition, there are two specific circumstances where the new post-1<sup>st</sup> February 2020 legislative framework will apply, regardless of when the complaint was made or the Recordable Conduct Matter or DSI matter came to the attention of the appropriate authority. First, where the Director General determines under **section 13B** of the 2002 Act that a complaint, Recordable Conduct Matter or DSI matter is to be re-investigated. Second, where the Director General makes a direction under **section 28A(1) or (4)** of the 2002 Act (Old Cases) in relation to a matter on or after 1<sup>st</sup> February 2020.



## EX 18

Hampshire Police unlawfully kept it out the system for 2 years. Then as Dorset Police's evidence now shows produced a false report into it.

# Sex-offending teacher 'could have been stopped if police hadn't delayed investigation'

7th March 2017

NEW FOREST



POLICE have been criticised for taking two years to launch a proper investigation into a Hampshire teacher’s inappropriate relationship with a teenage pupil.

Featured Business



# Newtons of Ashley Ltd

Welcome to Newtons of Ashley Ltd. We are an independent used car dealer operating in New Milton. We offer that experience without the price-tags or hard-sell. We stock vehicles ranging from hatchbacks to saloons, all of which



Hampshire Safeguarding Children Board (HSCB) says the force’s initial inquiry into Tyrone Mark, later jailed for making indecent images of children, fell short of the standard expected.

In 2012 staff at The Arnewood School in Gore Road, **New Milton**, discovered that Mark was having a relationship with a female student.

But a report published by HSCB, a statutory body that oversees safeguarding arrangements for children across the county, says Hampshire police originally asked another force to look into the matter.

A photograph of a residential street with houses and trees.

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An illustration of two human knees, one showing joint inflammation.

### Arthritis: A Simple Tip to Relieve Pain Easily

The Joint Helper | Sponsored

A photograph of a person working on a roof with solar panels and a lightbulb icon.

### Electricians Are Surprised That So Few People Know...

moneysavinghelp.co.uk | Sponsored

A photograph of a tropical resort with a large swimming pool and palm trees.

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**Subject:** FW: arnewood

**From:** Sue.BERELOWITZ@childrenscommissioner.gsi.gov.uk  
[mailto:Sue.BERELOWITZ@childrenscommissioner.gsi.gov.uk]  
**Sent:** 10 February 2015 14:22  
**To:** caine@valuenetuk.com  
**Subject:** Arnewood

Dear John

I have just spoken with the head of the secretariat for the Goddard Inquiry regarding the need to fully investigate your concerns about institutional failures in relation to the sexual abuse of children at Arnewood. She is in agreement that your correspondence should be examined in full by the Inquiry however, as the chair is yet to take up her post, there are not as yet any agreed procedures for receiving, storing and processing such information. She will get back to me fairly promptly to let me know the best route for you to forward all your information so that they are ready to look at it once the processes are clarified. I do think this is the best way forward to ensure your concerns are comprehensively addressed. The Goddard Inquiry will also be in a position to identify any common patterns re specific agencies which will contribute to the power of any findings.

I will get back to you once I have heard further from the secretariat but in the meantime suggest you hold onto your correspondence in readiness to forward it all once I have passed you the relevant information.

I hope this meets with your agreement.

With best wishes

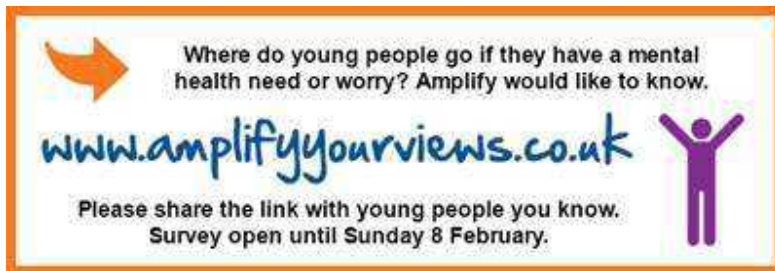
**Sue Berelowitz**  
**Deputy Children's Commissioner/ Chief Executive**  
**Visiting Professor, Institute of Applied Social Research, University of Bedfordshire**

**Office of the Children's Commissioner**  
Sanctuary Buildings  
Great Smith Street  
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Email: [Sue.berelowitz@childrenscommissioner.gsi.gov.uk](mailto:Sue.berelowitz@childrenscommissioner.gsi.gov.uk)  
Web: [www.childrenscommissioner.gov.uk](http://www.childrenscommissioner.gov.uk)  
Twitter: [@ChildrensComm](https://twitter.com/ChildrensComm)



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**From:** Sue.BERELOWITZ@childrenscommissioner.gsi.gov.uk  
[mailto:Sue.BERELOWITZ@childrenscommissioner.gsi.gov.uk]

**Sent:** 17 February 2015 08:52

**To:** caine@valuenetuk.com

**Subject:** RE: Arenwood proof of deceit

Hi John

Very troubling as you rightly know and really important that the Goddard Inquiry into institutional failures investigates this. I shall personally make sure the chair is briefed when I meet with her. I will also speak with the senior investigating officer in Hampshire but may only be able to do that next week because of work pressures.

Your persistence will pay off though awful that you have to battle like this.

All the best

**Sue Berelowitz**

**Deputy Children's Commissioner/ Chief Executive**

**Visiting Professor, Institute of Applied Social Research, University of Bedfordshire**

**Office of the Children's Commissioner**

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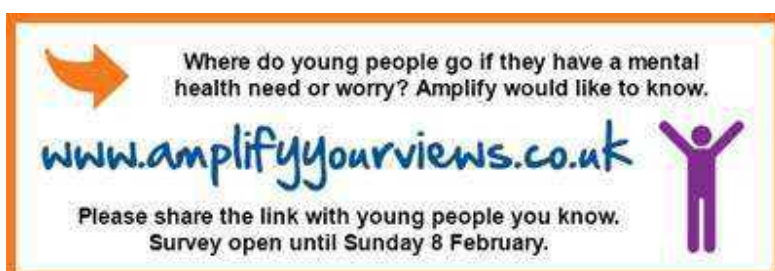
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Web: [www.childrenscommissioner.gov.uk](http://www.childrenscommissioner.gov.uk)

Twitter: [@ChildrensComm](https://twitter.com/ChildrensComm)



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**From:** Sue.BERELOWITZ@childrenscommissioner.gsi.gov.uk  
[mailto:Sue.BERELOWITZ@childrenscommissioner.gsi.gov.uk]  
**Sent:** 19 February 2015 17:08  
**To:** caine@valuenetuk.com  
**Subject:** RE: arnewood

Hi John

The request from the journalist was for a conversation with me rather than a request for a written statement so we have not issued one. He hasn't come back re a conversation so that also remains outstanding. My primary concern is that the whole matter including the responses, or lack thereof, by the various agencies is fully investigated by the Goddard independent inquiry so I have raised that with the secretariat again.

Best wishes

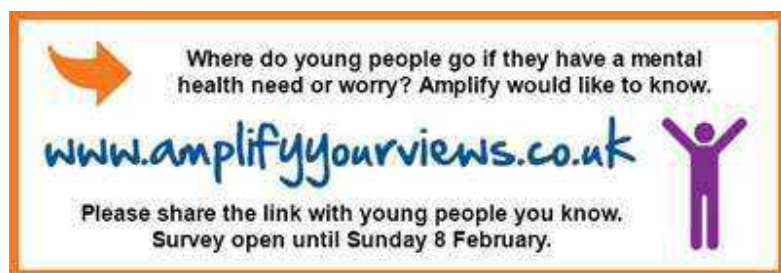
**Sue Berelowitz**  
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Web: [www.childrenscommissioner.gov.uk](http://www.childrenscommissioner.gov.uk)  
Twitter: [@ChildrensComm](https://twitter.com/ChildrensComm)



19th August 2016



By Email: [Olivia.pinkney@hampshire.pnn.police.uk](mailto:Olivia.pinkney@hampshire.pnn.police.uk)

Dear Olivia

I write regarding the case of Tyrone Mark, convicted of making indecent images of children in February 2016. I have since been in correspondence with a member of the public named [REDACTED] in relation to this case, and his subsequent complaints regarding the conduct of Hampshire Constabulary's handling of the investigation.

I understand that [REDACTED] has attempted to raise a complaint with Hampshire Constabulary, though the matters raised cannot be recorded as a complaint as he is not a person directly or adversely affected by the alleged misconduct. [REDACTED] has since written to Hampshire Constabulary to state that the rights of children must be considered in taking decisions which affect them.

It was only in November 2014 following a complaint by [REDACTED] that earlier reports to the Hampshire Constabulary regarding Mr Mark were reassessed and an investigation was commenced. Given [REDACTED] role in raising the concerns which led to the investigation and eventual conviction of Mr Mark, I'm sure you will agree that he will have some useful insights and legitimate concerns regarding the handling of this case which I believe should be carefully considered.

I wish to ask what reviews have been undertaken in light of this case, and what learning will be implemented as a result. I believe that this is important in order to reassure members of the public who have been concerned by the case. On this basis, I would greatly appreciate it if you could write to [REDACTED], setting out this learning and any actions taken, and copying me into your response.

Furthermore, I ask whether you are satisfied that children's best interests are being properly considered and prioritised in investigations undertaken by Hampshire Constabulary, and in the handling of complaints.

Yours sincerely

A handwritten signature in blue ink, which appears to read "Anne Longfield".

**Anne Longfield OBE**

**Children's Commissioner for England**

19th August 2016



By Email: [Lesley.Longstone@ipcc.gsi.gov.uk](mailto:Lesley.Longstone@ipcc.gsi.gov.uk)

Dear Lesley

I write regarding the case of Tyrone Mark, convicted of making indecent images of children in February 2016. I have since been in correspondence with a member of the public named [REDACTED] in relation to this case, and his subsequent complaints regarding the conduct of Hampshire Constabulary's handling of the investigation.

I understand that complaints raised by [REDACTED] have been considered by the IPCC, and that these complaints have not been recorded.

It was only in November 2014 following a complaint by [REDACTED] that earlier reports to the Hampshire Constabulary regarding Mr Mark were reassessed and an investigation was commenced. Given [REDACTED] role in raising the concerns which led to the investigation and eventual conviction of Mr Mark, I'm sure you will agree that he will have some useful insights and legitimate concerns regarding the handling of this case which I believe should be carefully considered.

I would be grateful if you could write to [REDACTED], copying me in, to explain the routes available to a member of the public for raising concerns regarding the issues raised by a particular investigation, particularly where they have not been directly affected by the alleged misconduct.

I would also greatly appreciate a clarification of the ways in which children's best interests are considered in your handling of complaints made by members of the public.

Yours sincerely

A handwritten signature in dark ink, appearing to read "Anne Longfield".

**Anne Longfield OBE**

**Children's Commissioner for England**



9 September 2016

By Email: [Kelly.PICKARD@childrenscommissioner.gsi.gov.uk](mailto:Kelly.PICKARD@childrenscommissioner.gsi.gov.uk)

comisiwn cwynion  
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yr heddlu

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Fax/Ffacs: 0207 166 3306

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Web/Gwefan: [www.ipcc.gov.uk](http://www.ipcc.gov.uk)

Dear Anne,

Thank you for your letter dated 19 August 2016. In your letter you raise concerns regarding the IPCC's handling of complaints made by [REDACTED] complaints relate to Hampshire Constabulary's investigation into allegations that Mr Mark, a former teacher at his son's school, Mr Tyrone Mark, had been making indecent images of children. I have now made some inquiries through our assessment unit.

I can confirm that [REDACTED] has made two recent complaints in relation to Hampshire Constabulary's investigation into the allegations made against Mr Mark. One of these complaints, dated 4 April 2016, was made by [REDACTED] was made on behalf of his son while the other, dated 27 May 2016, was made on [REDACTED] own behalf. Hampshire Constabulary declined to record these complaints on the grounds that [REDACTED] does not qualify as an eligible complainant under the terms of the Police Reform Act (2002). [REDACTED] has subsequently appealed the non-recording of his complaints to the IPCC. When assessing [REDACTED] appeals we considered whether [REDACTED] qualifies as a complainant under Section 12 of the Police Reform Act (2002).

[REDACTED] connection with this matter is that his son was a pupil at Arnewood School where Tyrone Mark previously worked. Mr Mark was dismissed from the school in 2014 following an internal investigation into allegations that he had formed an inappropriate relationship with a pupil and kept a dossier about other pupils who were at the school. It is important to emphasise that the offences for which Mr Mark was later convicted for (making indecent images of children) are a matter of public record and occurred after he had been dismissed from Arnewood School.

When deciding not to uphold [REDACTED] appeals we agreed with Hampshire Constabulary that neither [REDACTED] or his son qualified as a complainant under the terms of the Police Reform Act. There is no evidence to suggest that his son was in any way connected to Mr Mark's relationship with the pupil or was referred to in the

dossier. Moreover, there is no indication that [REDACTED] or his son were connected to the offences for which Mr Mark was convicted.

For [REDACTED] complaint to be considered recordable under the terms of the Police Reform Act he needed to demonstrate that he was directly affected by the conduct that he alleged to have took place, adversely affected by the conduct or a witness to the conduct. In the absence of such evidence we are satisfied that [REDACTED] complaint should not be recorded. [REDACTED] had been advised that should he wish to challenge any of our appeal decisions then the appropriate recourse would be to seek independent legal advice with a view to judicially reviewing the decisions.

Having investigated the circumstances it seems that referrals to Hampshire Police concerning Mr Mark in 2012 and 2013 were not investigated. In October 2015, it appears as a result of complaints by [REDACTED], Hampshire Police accepted that those decisions were incorrect and an investigation was launched which resulted in Mr Mark's arrest. Although he was not prosecuted for the offences reported in 2012 and 2013 the offence for which he was prosecuted came to light as a result of that investigation.

The IPCC does not know by whom the incorrect decisions were made in 2012 and 2013 and whether those decisions may have been made in breach of duties and responsibilities. However the IPCC would expect the force to have carried out a assessment to determine whether any "conduct matter" should be recorded and investigated. As a result of your letter to me, the IPCC have established that no conduct assessment was carried out by the force. The IPCC is able to ask the force to carry out an assessment and ultimately to require it to provide sufficient information for it to make its own assessment. If appropriate it can then direct that a conduct matter is recorded and investigated.

It follows from the above that although [REDACTED] is not a qualifying complainant and the IPCC gave the correct answer to the very narrow question it had had to determine on his appeal, the circumstances are such that we are able to require the force to carry out a conduct assessment. I am now passing this correspondence to Jennifer Izekor the Commissioner with responsibility for Hampshire so that she can ensure that assessment is now carried out.

I have also raised this matter with the managers in our assessment unit, so that they may consider how staff can be better trained to recognise cases which, although a complaint may not be recordable, raise issues, particularly regarding child protection, that require a conduct assessment.

In your letter you also asked for clarification of the ways in which children's best interests are considered in our handling of complaints made by members of the public.

In our strategy for dealing with police conduct matters relating to child abuse and child sexual exploitation, we acknowledge that there are some matters which are referred to us which relate to incidents which occurred in the past and pose no current risk while others may involve a current risk to people. As part of our decision making process about these cases, we will consider whether there is a current risk

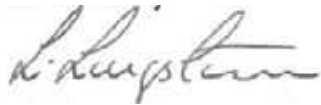
and if so, has it been recognised by the police force and have steps been taken (for example safeguarding measures) to address the risks. If there is a current risk to people, particularly to children and young people because of what has been alleged, the case should be more likely to be independently investigated.

The statutory guidance to the police service on the handling of complaints ([https://www.ipcc.gov.uk/sites/default/files/Documents/statutoryguidance/2015\\_statutory\\_guidance\\_english.pdf](https://www.ipcc.gov.uk/sites/default/files/Documents/statutoryguidance/2015_statutory_guidance_english.pdf)) sets out how the IPCC expects the police to deal with complaints, however it also reflects how we would deal with complaints. Page 14 of this guidance includes a section on dealing with complaints made by young people under 16. This includes allowing parents, guardians and advocates acting on behalf of a young person but not preventing a young person from making a complaint if someone is not acting on their behalf. It also highlights the need to ensure that a child or young person has appropriate support to navigate the complaints system and has sufficient understanding of the process and potential outcomes.

I hope this provides some reassurance on the point that you have raised.

I would like to thank you for bringing this matter to my attention and am sending a copy of this letter to [REDACTED].

Yours sincerely



Lesley Longstone  
Chief Executive  
Independent Police Complaints Commission

cc [REDACTED]

OFFICIAL SENSITIVE

13 June 2018

Miguel Boo Fraga  
Senior Committee Assistant  
Joint Committee on Human Rights  
14 Tothill Street – 4<sup>th</sup> Floor  
London SW1H 9NB

Dear Mr Boo Fraga

**Evidence submission to the Committee [Children's Commissioner]**

Further to your email to Angelique Robold, please find attached file[s] of evidence documenting Mr [REDACTED] communications over a lengthy period of time with the Office of the Children's Commissioner.

In your email you requested that we clarify whether this evidence is part of an inquiry or a personal account of [REDACTED] experience.

I confirm that the evidence does not form part of an inquiry. My office has limited resources and does not have investigative powers to take forward the concerns that [REDACTED] is raising. You will note within the evidence that my office has over time sought to assist [REDACTED] in his endeavours to secure responses from other bodies to the concerns that he has raised.

In order to expedite matters I have asked [REDACTED] to provide any additional evidence directly to the Committee.

In conclusion, in submitting the evidence to you may I reassure the Committee that this is a one-off referral and does not set a precedent for the future.

Yours sincerely



**Anne Longfield**  
Children's Commissioner for England

Encl.: Report to the UN Committee on Rights of the Child [December 23, 2017]  
Addendum to Arnewood School teach UN dossier [23.3.18]  
Evidence against the IOPC [05 June 2018]  
Hampshire Police cover up [06 June 2018]  
Evidence against Hampshire Police [10 June 2018]

Cc: [REDACTED]

Children's Commissioner for England: [Anne Longfield OBE](#)

[REDACTED]

---

**From:** SAMSON, Eve [SAMSONE@parliament.uk]  
**Sent:** 18 February 2019 14:08  
**To:** [REDACTED]  
**Subject:** Your letter to Harriet Harman

Dear [REDACTED]

Thank you for emailing Harriet Harman MP; she has asked me to reply. From what you say I understand entirely why you are concerned, and why you wanted to escalate this case to an appropriate body for investigation. I am very sorry that the JCHR is not the appropriate body to do this, as we tried to explain at the outset. I am also sorry if you were misled by the Children Commissioner's apparent "reference" of the case to the JCHR; the Commissioner has no power to refer matters to the Committee beyond that of any other citizen to bring matters to our attention. If she had consulted us beforehand we would have explained why we could not help. As it was, we explained after the event.

The position is that the JCHR's remit is wide – "to consider matters relating to human rights in the United Kingdom (but excluding consideration of individual cases)" - but it monitors government policy, and makes recommendations to Government. It does not and cannot conduct stand alone inquiries into allegations of abuse by individual bodies. Not only is this outside its core responsibilities, it does not have the staff or the expertise to do this. There are only eight people on the team, many of whom are part time or work for the Committee only part of their time. Our time is filled by working on Committee inquiries into broad topics – you can see the type of work the Committee does on its website. <https://www.parliament.uk/business/committees/committees-a-z/joint-select/human-rights-committee/>

That is also why, once we have explained we are unable to help, we do not reply to all subsequent emails.

If appropriate, we direct people who contact us to those who can help, but in your case, it was clear you had already pursued many channels, and were aware of the work of the Independent Inquiry into Child Sexual Abuse, which might still be interested in the case you raise: <https://www.iicsa.org.uk/contact-us>

I am very sorry that the JCHR is not the right body to help you.

Yours Sincerely,

Eve Samson  
Clerk of the Joint Committee on Human Rights  
House of Commons, London, SW1A 0AA

[samsone@parliament.uk](mailto:samsone@parliament.uk) | 020 7219 2797 | Text relay: 18001 020 7219 2797

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***Please note that I have RSI and use voice recognition software, so my replies may be brief and contain some errors in transcription. If you need an urgent response, please feel to telephone on the number above.***

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To:  
Lesley Longstone  
Chief Executive, Independent Police Complaints Commission

By Email: [Lesley.longstone@ipcc.gsi.gov.uk](mailto:Lesley.longstone@ipcc.gsi.gov.uk)

13 November 2017

Dear Ms Longstone,

I wrote to you in September of 2016 regarding concerns raised by Mr Caine. Mr Caine has recently come back to my office and says that, at the time of his complaint, not all of the evidence was provided to the IPCC. He has asked that I get in touch to ensure that the relevant information is brought to your attention and passed on to Jennifer Izekork, the Commissioner with responsibility for Hampshire. Please see the attached information provided by Mr Caine.

Thank you for your time and assistance in this matter.

Yours Sincerely,



Anne Longfield OBE  
Children's Commissioner for England

The evidence sent to Mr. Trencher and the PSD never got to the people with oversight we later learned despite this letter and others. The assessment had long since concluded. The white wash was complete, and the lies left intact despite the evidence they held showing Hampshire Constabularies culpability in endangering children. Hampshire Constabulary playing fast and loose with vital evidence and the truth at children's expense under the nose of the IPCC/IOPC and with the help of the Force Solicitor paid off.

Children's Commissioner for England [Anne Longfield OBE](#)

Post: Sanctuary Buildings, 20 Great Smith Street, London SW1P 3BT  
Tel: 020 7783 8330 Email: [info.request@childrenscommissioner.gsi.gov.uk](mailto:info.request@childrenscommissioner.gsi.gov.uk)  
Visit: [www.childrenscommissioner.gov.uk](http://www.childrenscommissioner.gov.uk)

Help at hand is a service for children and young people in care,  
leaving care, living away from home or working with children's services  
Tel: 0800 528 0731 Email: [help.team@childrenscommissioner.gsi.gov.uk](mailto:help.team@childrenscommissioner.gsi.gov.uk)



Despite its previous position as communicated  
to the Children's Commissioners Office.

IICSA CONFIRMS NOT LOOKING INTO POLICE FAILINGS

19 January 2018

Our ref: IICSA-0006251

Dear Mr Caine

Thank you for the correspondence that you sent to the Independent Inquiry into Child Sexual Abuse and was received on 18 December 2017.

This information has been recorded and passed to the legal team for consideration in addition to that which you have already provided to us. Any further information which you forward to us will also be recorded by the Inquiry.

You may be interested to know that the Inquiry is currently pursuing thirteen separate investigations. These include examination of failings by particular institutions as well, in some cases, of examination on a more thematic analysis. Several of the existing investigations include examination of failings by law enforcement agencies, prosecuting authorities, and/or other public authorities or statutory agencies to protect children from sexual abuse. We will, bear in mind your request to examine police failings when making decisions about any new investigations that are launched.

Please note that we will only provide a full and detailed response where you raise new issues to which we have not responded or clarified previously.

Thank you once again for contacting the Inquiry.

Yours sincerely



Mark Crawford  
Operations  
Independent Inquiry into Child Sexual Abuse



# Police slated over probe into pervert teacher

HAMPSHIRE POLICE have been accused of falling "well short of what was expected" over their failure to investigate an inappropriate relationship involving a New Milton teacher who was later jailed for having indecent images of children.

The Hampshire Safeguarding Children Board (HSCB) has also said the county council "could have challenged" decisions by the force not to investigate Tyrone Mark (pictured), who taught at Arnewood School.

The Hampshire force has been continually embarrassed by the saga, which began in late 2012 after it was first alerted to concerns about Mark by Hampshire County Council, which is in charge of the local children's ser-



vices department.

Subsequently, the school sacked Mark after he admitted during an internal investigation that he gave a pupil a key to his house, bottles of alcohol and a packet of condoms. He had also taken the girl to Bath without her parents' knowledge and the cinema.

The case was then referred to the National College for Teaching and Leadership (NCTL), which banned him from the profession for life.

After the NCTL ruling, Arnewood School released a statement from the then head teacher, Christopher Hummerstone, and chairman of governors

*Continued on page 2*

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## Police delays

*Continued from front page*

Elizabeth Cook, which said: "We would like to reassure parents that the police investigated these matters and found no criminal activity had taken place."

But a Freedom of Information (FoI) request by John Caine, the parent of an Arnewood pupil taught by Mark, revealed no full police investigation had actually taken place.

Hampshire Police, after first being told of concerns about Mark, had simply referred the matter back to the school and notified the police in Dorset where Mark was then living.

When the A&T approached the Hampshire and Dorset forces to ask whose responsibility it was to investigate, each initially argued it was the other's.

Finally, in 2015, Hampshire Police did fully investigate Mark and, although it did not pursue charges against him over his conduct at Arnewood, officers found indecent images of children on his home computer and charged him.

Mark later appeared at Southampton Crown Court, where he admitted 17 matters of making indecent photos of children and was jailed for six months.

The HSCB, which comprises representatives from a range of agencies, including police, fire, the NIIS, Public Health, the county council and local children's services, decided to conduct a review of the case due to what it said was "the ongoing public interest in the case".

It is collectively responsible for the strategic oversight of local safeguarding arrangements and monitors the delivery of safeguarding practice by all agencies across the county. The independent chairman, Derek Benson, is

accountable to Hampshire County Council.

The HSCB report revealed Hampshire Police – when first alerted about Mark – decided at the time Dorset Police should deal with the matter, and felt it had "passed" the matter on.

It did not elaborate further on that decision, who made it, or why – and pointed out Mark was dealt with by the school and NCTL.

Concerns about Mark were "appropriately shared" with police by Arnewood and the council's local authority designated officer (LADO), the report said, adding: "Hampshire Constabulary's initial investigation fell short of what can be expected."

It ruled the force should have recorded the referral by the school and LADO on its record management system and "considered undertaking an investigation" into material found by Arnewood.

The county council "could have challenged" on two occasions the police view that a joint investigation was not required as it was based on limited information, the report added.

It continued that "detailed rationale" for when no further action is taken needs to be consistently applied by Hampshire Constabulary to assist in understanding the future risks posed by suspects in investigations and ensure external agency internal disciplinary procedures are well informed.

Additionally, where permitted under relevant legislation, police investigators should view personnel files to identify "potential evidential opportunities and lines of enquiry".

Concluding, the report advised: "A police investigation should determine whether there are offences to investigate or there is insufficient evidence to progress further prior to deferring for a single agency investigation."

Responding, a Hampshire Constabulary spokeswoman said: "We have accepted that our processes at the time of the initial referral

were not suitable, and we have since implemented our Multi-Agency Safeguarding Hubs where our processes have changed.

"We are confident that these circumstances would not occur again," she added.

As reported in the A&T, it also emerged during the investigation by the NCTL that Mark had sent text messages to the Arnewood pupil, in which he wrote: "Apparently I can't b alone wiv u any-more!!!! So f\*\*\* the driving lessons and drink sessions."

A teaching colleague also found a file at Mark's home which contained pictures he had secretly collected for 10 years of former and current pupils with sexually explicit comments alongside. He had stored them with newspaper cuttings advertising adult services and massage parlours.

The NCTL ruled he "deliberately and persistently" increased his presence in the girl's life to make her become "dependent on him rather than her parents".

Mark's behaviour amounted to an "abuse of trust against pupils and former pupils" and was "sexually motivated in relation to all matters", the NCTL said.

Mr Caine, who has pursued the matter doggedly, welcomed the HSCB report but was still angry and continues to question why Hampshire Police initially opted not to investigate.

He said: "The evidence Hampshire Constabulary and Hampshire Children's Services ignored and would now have us believe did not make them think a criminal investigation into this teacher was warranted at the time, just to name some of it, included this teacher keeping 'sex dossiers' on students for over a decade, giving a young girl condoms, alcohol and the keys to his house and taking her on trips without her parents' permission.

"The implications were staggering. Just how stupid would someone have to be not to think this warranted a criminal investigation? And being that incompetent and negligent not once but twice."

127

with Mr Rayner.

**MASTER  
CHIMNEY SWEEP**

Murder trial



Article from Southern Daily Echo

News

5th December 2014

## Detectives investigating Tyrone Mark, who was sacked from The Arnewood School in New Milton after starting a relationship with a pupil and kept a sex dossier on students



Police investigate teacher who kept sex dossier on pupils



**EDUCATION** chiefs have passed vital files to detectives investigating a teacher who began a relationship with a pupil and kept a sex dossier on other students.

It comes two years after school bosses were first alerted to the friendship between the girl and geography tutor Tyrone Mark, 39, who was later sacked and banned from teaching for life.

Mr Mark, who taught at The Arnewood School in **New Milton**, gave the teenager alcohol, condoms and even a key to his house.

As reported in the Daily Echo, he also wrote sexually explicit notes about many of her fellow pupils – some of whom featured in school photographs he kept at his home.

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Earlier this year he was found guilty of professional misconduct and barred from teaching by the National College for Teaching and Leadership (NCTL).

At the time Arnewood issued a statement saying a police investigation had found no evidence of any criminal activity by Mr Mark.

But campaigning parent John Caine, of New Milton, submitted a Freedom of Information Act request and discovered that no such probe had taken place.

Officers have now launched an investigation after receiving a bundle of evidence, including the dossier compiled by the teacher.

A police spokesman said: "We have received files from The Arnewood School that were passed to them by the National College for Teaching and Leadership. The matter is now under investigation by our child abuse investigation team and it would not be appropriate for us to comment any further."

Mr Caine, whose son Jonathan went to Arnewood and was taught by Mr Mark, has repeatedly accused the school of not following proper procedures.

He said: "It was the school's responsibility to involve the police, and now the school will provide evidence to the police. Better late than never I suppose."

Mr Mark was sacked from Arnewood following an internal investigation and was expelled from the profession in July this year.

Arnewood has repeatedly defended the letter it subsequently sent to parents, saying it had received written confirmation from Hampshire County Council that police were taking no further action. But neither Arnewood nor the county council has been able to produce the relevant letter or e-mail.



Last night a county council spokesman said the authority received an initial report from the school and alerted police, who subsequently said they would be taking no further action.

Mr Mark, who lived in Dorset, is understood to have taught at Arnewood for about ten years. He was summoned to a meeting with head teacher Chris Hummerstone

in December 2012 and admitted giving the girl alcohol, condoms and his backdoor key. He also took her on two outings to Bath without her parents' knowledge.

A spokesman for The Arnewood School said: "We have acted with complete propriety and in good faith in this difficult case, closely following established protocols.

"We will happily assist the police with any enquiries."



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**LR 01**



**Hampshire Constabulary**  
**Chief Constable Olivia Pinkney QPM, MA**

Mr B Gerrard  
IOPC  
PO Box 476  
Sale  
M33 0BW

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Your Ref: 2018/101006

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[professionalstandards@hampshire.pnn.police.uk](mailto:professionalstandards@hampshire.pnn.police.uk)

8<sup>th</sup> June 2022

Dear Brett,

Non Recording Appeal by [REDACTED], decision dated 12 April 2018, IOPC Reference 2018/101006

Thank you for your letter dated the 17<sup>th</sup> May 2022 regarding non-recording appeal made by [REDACTED]

I note that you refer to s10 (1)(e) Police Reform Act 2002 with regards to the application of the Home Office Counting Rules (HOCR) for Recording Crime and National Crime Recording Standard (NCRS):

“..to make such recommendations, and to give such advice, for the modification of the arrangements maintained with respect to those matters, and also of police practice in relation to other matters, as appear, from the carrying out by the Commission of its other functions, to be necessary or desirable;”

Our position is that we believe that have complied with the National Crime Recording Standards in respect of recording this matter.

We have recorded the allegations by [REDACTED] on our Centurion database along with the decision to non-record. These matters are available for audit to those public bodies that have oversight functions of the police.

[www.hampshire.police.uk](http://www.hampshire.police.uk)



As you know, Her Majesty's Inspectorate of Constabulary currently hold the function to audit Forces in terms of their Crime Data Integrity. We also share information with yourselves from the Centurion database.

In terms of the specific matters relating to [REDACTED], we rely on the section of the HOCR document section which states:

**“An allegation of a crime made against a police officer or a member of police staff in the execution of his or her duty:**

It is recognised that by the very nature of their work officers and staff will be subject of complaints. Many of them are shown to be false or malicious or are determined have been lawful actions, such as in cases where the use of force is questioned. It is not the intention to record as crimes all such allegations unless or until it is determined there is a criminal case to answer. There is no requirement to record such matters within the general NCRS provisions within 24 hours of the report being made.

The point at which a crime will be recorded will be when:

The Appropriate Authority determines that there may be a case to answer criminally and requests Crown Prosecution Service advice; or

The Appropriate Authority determines, in accordance with the DPP Charging Guidance, that a charge or summons or out of court disposal should be issued in relation to a criminal matter; or

The Appropriate Authority determines, on the balance of probabilities, that there is a case to answer for misconduct or gross misconduct and the nature of the conduct is such that it would amount to a notifiable offence for the purposes of HOCR.

The appropriate authority is as defined in The Police (Conduct) Regulations 2020. Any allegation of a crime against a police officer or member of police staff which solely relates to his/her off duty activities or is other than in the execution of his/her duties should be dealt with in accordance with the NCRS and the Counting Rules.

Clarification:

The term ‘police staff’ includes any non-sworn employee of a force and will include Police Community Support Officers and Custody Detention Officers as well as staff employed in other roles.

Where criminal offences are being covertly investigated, notwithstanding a formal assessment of criminal conduct there is no requirement to record a crime until such time as the investigation progresses to a formal stage.”

This can be found in part 2 of Section I of HOCR (page 41) – Other Investigating Authorities (2 of 4).

In terms of [REDACTED] complaint, we have not yet reached the stage of determination and so to record this matter as a crime at this time, is premature.

As a further issue, we have a copy of the call made by [REDACTED] on the 21<sup>st</sup> October 2017.

The summary of this call is that [REDACTED] asked for a postal address for Police Headquarters, in particular for the legal department. The female call taker tried to give Mr [REDACTED] the address where the call taker worked. [REDACTED] stated that he did not think that Southampton was the correct address. [REDACTED] further asked if she could give the address of an individual as he had a pre-action letter to send to Roger Trencher, Force Solicitor.

[REDACTED] asks for the work address of the Force Solicitor. The call taker is quiet and Mr [REDACTED] says the Force Solicitor used to be at HQ in Winchester. [REDACTED] then says he will find the address by other means and the call ends. [REDACTED] and the call taker are polite throughout and [REDACTED] does not make a public complaint or a criminal allegation.

Thank you for your recommendation in terms of this matter. I hope that this sets out our position in terms of our compliance with the NCRS.

If you have any further questions, please do not hesitate to contact me.

Yours sincerely,



**Debra Masson**  
**Superintendent**  
**Professional Standards Department**



Recent decision from OPCC relying on the same misinformation originating from Hampshire Constabulary falsely claiming these matters have already been investigated. Hence Dorset Police's evidence not verified or answered. The false report has never been investigated. This court outcome will have a direct bearing on this decision.  
Note page 3 para 1.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Date: 09 April 2024

Our reference: SC004

Your reference: n/a

Dear [REDACTED]

### **Complaint against the Chief Constable of Hampshire and Isle of Wight Constabulary**

I am writing to you further to our correspondence on 4 September 2023.

Your complaint has been handled under the Police (Complaints and Misconduct) Regulations 2020 and other associated legislation, as well as having regard to Statutory Guidance issued by the Independent Office for Police Conduct (IOPC).

In summary, I consider your allegation against the Chief Constable as follows:

*'This correspondence is now to register a formal complaint against the Chief Officer Mr. Scott Chilton of Hampshire Constabulary.*

#### *Grounds*

- 1) In general by allowing and permitting a solicitor (Mr. Tom Silson of Plexus Law) to lie in response to a legal pre-action letter on his behalf to attempt to pervert the course of justice and spending public funds to do so.*
- 2) By allowing public money to be spent by employing and engaging a solicitor to lie.*
- 3) Lie 1. Dorset Police Officers evidence confirming Hampshire Police's PSD produced a false report into the handling of a bugled child sexual abuse case was NEVER investigated. Mr. Tom Silson's response letter clearly lies it was.*
- 4) Lie2. I presented no new evidence to substantiate the complain. Also a blatantly false assertion of fact put forward by Mr. Silson in his letter. A further substantive lie. There was new evidence submitted in the form of letters from Dorset Police's PSD and their Head of PSD further confirming the report produced by Hampshire's PSD was substantively false and manufactured (and should be investigated).*

*In support of this complaint please refer to my previous emails and evidence submitted to your office of 26 Aug 2023 at 11:22 and 26 Aug 2023 at 11:28. The attached documents include Mr. Silson's letter of 2 July 2023, lies indicated in the red boxed statements. SAR confirmation from Hampshire Police dated 22 August 2023 proving no investigation. Dorset Police's evidence / letters of 20 Sept 2022 and 27 April 2023. The other attached evidence is probative as it shows a systemic and widespread attempt by the PSD to block evidence and lie about the facts to cover up serious gross misconduct by the PSD to protect the individuals involved at the expense of children's safety and sexual abuse safeguarding.*

*I realize your office will respond with the “corporation sole” excuse to avoid dealing with this evidence and this complaint. However it is unclear if that can be invoked here given the legal challenge to which Mr. Silson was responding named the Chief Officer Mr. Scott Chilton. If you respond saying it does I will then be able to take it to the IOPC for clarification of this legal point.’*

As the Appropriate Authority for complaints about the Chief Constable I have concluded that this is a complaint and have recorded it as such but it is not reasonable or proportionate to take any further action, other than to provide an explanation to you.

On the 20 July 2023 I wrote to you outlining a decision with respect to comments you provided within an IOPC online complaint form and associated emails. This was sent to us by Hampshire and Isle of Wight Constabulary Professional Standards Department as any consideration regarding allegations about a Chief Constable must be dealt with by this office.

This action was in accordance with legislation and so the comments were handled under the Police (Complaints and Misconduct) Regulations 2020 and other associated legislation, as well as having regard to Statutory Guidance issued by the Independent Office for Police Conduct (IOPC).

Your complaint was recorded as follows:

*‘This is a serious corruption complaint about individuals in Hampshire Police and a solicitor representing the Chief Officer Scott Chilton a Mr. Tom Silson by way of obfuscation and lies in an attempt to pervert the course of justice and suppress evidence provided by Dorset Police Officers which proves Hampshire Police’s PSD produced a false report into a child sexual abuse case.’*

*‘Dear Professional Standards Department Please ensure I get an acknowledgement and response to my criminal complaint against Mr. Tom Silson and conspirators instructing him on the Chief Constables behalf.’*

*‘Please now register this as a formal complaint about your legal department and counsel Mr. Tom Silson of Plexus Law deliberately and knowingly not complying with Court rules, specifically the JR Pre-Action protocol 13 highlighted below. The Chief Officers legal defence for not investigating my complaint/s is based on clear misinformation my complaints are repetitive as they have already been investigated. Of course my request for the investigation outcomes when answered will prove this to be a deliberate and very obvious lie put forward on behalf of the Chief Officer Scott Chilton.’*

Further to that you clarified that you had not made a complaint as outlined below.

*‘To be very clear I am not withdrawing the complaint. I NEVER MADE IT IN THE FIRST PLACE. THERE IS NOTHING FOR ME TO WITHDRAW. It is your office that should cancel it. Please make that very clear to the IOPC. And send me a copy of your communications with them.’*

As a consequence this matter was not recorded as outlined in my letter of 28 July 2023.



I am aware that the matters you have raised relate to wider allegations that have previously been investigated by the Professional Standards Department. I will not comment on those as they are not within the remit of this office.

The legislation and statutory guidance allows us to follow this course of action in certain circumstances. This is because there is no evidence, new or otherwise, in your complaint that indicates the Chief Constable has been personally involved in your case. It has previously been explained to you the status of the 'corporation sole'.

This is further supported by checks I have made that confirm the mechanisms and processes employed by the force to ensure decisions are made at the appropriate level and in this case the Chief Constable has not been directly involved.

As head of a large and complex public sector organisation, a Chief Constable routinely delegates operational responsibilities of the Constabulary to other officers and staff through a rank structure established for the police service. They are therefore not routinely involved in decisions relating to individual cases.

Correspondence addressed to the Chief Constable is handled by staff in his office on his behalf and then delegated to more appropriate officers or staff to respond to.

'Representing', or making decisions, 'on behalf of', is an indication that the Chief Constable has not been personally involved in your case, and has been handled by other staff as would be routine business practice. Due to the volume of correspondence sent, it is not possible for a Chief Constable to see every individual item directed to them or check every decision made. Such handling processes are common practice for Chief Constables.

As indicated above I am aware you have raised complaints relating to wider matters with the Constabulary's Professional Standards Department and you have received communication from them. Therefore, I will make no further comment on those matters.

You have the right to request a review of the outcome of this complaint to the Independent Office for Police Conduct within 28 days from the day after the date of this letter, which is 07 May 2024. If you wish to submit a request to review, please visit the IOPC website at [www.policeconduct.gov.uk/complaints-reviews-and-appeals/reviews-and-appeals](http://www.policeconduct.gov.uk/complaints-reviews-and-appeals/reviews-and-appeals) . Alternatively, if you do not have access to the internet, you can telephone them on 0300 020 0096 to request a hard copy of the application form.

Yours sincerely,



Olan Jenkins  
Senior Business Manager

## EX 21

These 7 outcome letters are the Hampshire Police decisions which underpin my challenge relating to the IOPC (First Defendants) decisions relating to the same. As is evident from the reading at no time has Hampshire Police ever investigated, or even referenced the evidence provided by Dorset Police to me in the responses to my complaints. That is the evidence from Dorset Police establishing the police report in question from Hampshire Constabulary contains substantive misinformation. These documents prove Dorset Police's evidence was ignored by Hampshire Constabulary and was never answered by them in response to my complaints. Both Defendants know this and answering my information request would have made the Court aware of it too. In the absence of a response to my information request these documents equally prove the point they are avoiding. That is:

- i) Hampshire Police never answered the provided evidence from Dorset Police all.
- ii) And Hampshire Police never raised the issue in response to my complaints I was not a valid complainant in reference to the complaint outcomes under challenge.

### **Underpinning Hampshire Police response letters appealed to the IOPC**

CO/01483/22 31 March 2023 - David Winter	Page 458
CO/1332/22 18 May 2022 - Rachel Stokel-Walker	467
CO/2896/22 4 Oct 2022 - Rachel Stokel-Walker	474
CO/3022/22 31 Oct 2022 - Rachel Stokel-Walker	476
CO/1380/23 30 May 2023 - David Winter	488
CO/2000/23 27 July 2023 - Justin Torgout	493
CO/1813/23 14 July 2023 - David Winter	496



# Hampshire & Isle of Wight Constabulary

Chief Constable Scott Chilton MSt (Cantab)

Professional Standards  
Tower Street  
Winchester  
Hampshire  
SO23 8ZD

Telephone: 101

Minicom: 18001 101

PublicComplaintsMB@hampshire.police.uk

Our ref: CO/01483/22.

Your ref:

31 March 2023

Dear [REDACTED]

I refer to your complaint against Hampshire and Isle of Wight Constabulary that has been given the reference number CO/01483/22.

In order to address this complaint, reference has been made to the Hampshire and Isle of Wight Constabulary Record Management System (RMS), which is an electronic record of the investigation. I will deal with each complaint allegation in turn.

Having undertaken a review of our complaints database, I am aware that there has been a number of previous complaints made by yourself. For clarity, this outcome letter set out below will only address your allegations as detailed below as confirmed in our email conversations.

**1) Ms. Stokel-Walker misled (lied) to PS Jones about my complaint being investigated. At no time has it been investigated. As she knows full well. If Hampshire Constabulary's position is it has please identify and provide the report of the investigation regarding the attached evidence regarding child sexual abuse safeguarding failings.**

I have obtained email correspondence between PS (Police Sergeant) Jones and Ms Stokel-Walker, which shows your original VRR (Victim Right to Review) request, and the following communication between PS Jones and Ms Stokel-Walker.

From reviewing the email chain I note that you originally applied for VRR online on the 20th May 2022 and in the request you noted the reference number you wanted reviewing as CO/1332/22 and added Rachel Stokel-Walker as the OIC.

The VRR request is received by PS Jones who works in the Resolution Centre (RC) and part of his role is to consider VRR requests. PS Jones reviewed your request and then emailed Ms Stokel-Walker on the 20th May 2022 as you had listed her as the OIC, asking if your VRR was about a PSD Complaint or a Criminal investigation.

The email chain continues with a reply from Ms Stokel-Walker to PS Jones, in which she states that the reference number you put on the online form related to your most recent complaint which she NFA'd (No Further Actioned) earlier in the week. Ms Stokel-



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Walker comments that her name is on the outcome letters which is why you added her as the OIC.

Ms Stokel-Walker then confirms that PSD haven't investigated the matter criminally, and that Ms Stokel-Walker explained to you the VRR process and that the Public Complaints review process are different. She comments that you believe you were reporting a crime and that you should have a VRR. Ms Stokel-Walker also adds that she expects you would request a review of the complaint to the IOPC.

Finally the email states to PS Jones that if you are happy for her to do so, she would provide PS Jones with a copy of the complaint letter you sent in for CO/1332/22.

Ms Stokel-Walker has been invited to make a response and states:

I did not lie to or mislead PS Jones, in my email to PS Jones I stated the following:

The reference he has provided below (CO/1332/22) is his latest complaint which I NFA'd (No Further Actioned) earlier this week as it was directly repetitious of a complaint he made in December 2017 about Roger Trencher. My name is on the letters complainants receive with our no further action decisions which is why he's put me as investigating.

██████████ believes Mr Trencher ignored failings in a child sex abuse case and this is the subject of the majority of his complaints to PSD over the ██████████

I can confirm PSD haven't investigated the matter criminally. I did explain to Mr ██████████ the VRR process and public complaint review process are different, however he believes what he is reporting is a crime and that he should have a VRR."

As you can see from the above I did not tell PS Jones ██████████ complaint had been investigated. I had no control over the information PS Jones gave to Mr ██████████ in his email and he did not tell me beforehand what he would be responding to ██████████ with. If he had I would have corrected him.

It is worth pointing out that departments outside PSD do not understand the complaint and conduct regulations as they have no need to.

PS Jones has been invited to make a response and states:

██████████ VRR request landed in the RC mailbox at 1228 on 20/05/2022 and was a confusing rambling request but my understanding was that he was basically asking for a VRR in relation to a PSD investigation that did not go his way. I replied to him informing him that there was no VRR for PSD investigations.



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Chief Constable Scott Chilton MSt (Cantab)

Predictably he decided I was wrong and tried to enter into an e-mail debate with me. I did not see a need to engage with him any further than necessary to be polite, professional and point him in what I considered to be the right direction for his concerns. It is my belief that he was trying to use the VRR route to complain about a PSD decision he did not agree with, rather than what it is intended for however I did contact Rachel Stokel-Walker for her advice around the matters he was raising before responding to [REDACTED]

I updated him that the VRR criteria were not met and pointed him in the direction of the IOPC if he wished to complain about the PSD investigation. The tone of his emails to me were rude, demanding and condescending. I was polite in my dealings with him and my explanation as to why a VRR would not be proceeded with in this case.

My review into this allegation has been unable to identify any evidence that Ms Stokel-Walker lied to PS Jones, and you have not provided any evidence to substantiate your claim. From reviewing the email chain supplied to me by both Ms Stokel-Walker and PS Jones, I have concluded that Ms Stokel-Walker did not lie to PS Jones, she has stated the facts about the complaint being NFA'd and how you were advised of the differences between a Police Complaint appeal to the IOPC/OPCC and a VRR on a Crime Report. I have concluded on this occasion the service provided by Hampshire Constabulary was acceptable.

***2. She lied about it not being a criminal complaint. It was about a crime report made to 101. There has also been a recent High Court order ordering it be dealt with under the provisions of the HOCR (as a criminal complaint).***

Ms Stokel-Walker has been invited to make a response and states:

This is not a criminal complaint and therefore I have not lied about it not being a criminal complaint.

The detail of what has happened in respect of this matter has been fully explained to you [REDACTED]. I would draw your attention to the letter that was sent to you on the 27th October 2022 by Mr Tom Silson, a solicitor acting on behalf of Hampshire Police. You have been sent a copy of this letter.

As Ms Stokel-Walker's line manager, I have undertaken a review and consider that Ms Stokel-Walker is correct that this is not a criminal complaint.

It was dealt with by Hampshire Police as a public complaint under the Police Reform Act 2002 (the Act). Any appeal is made under paragraph 3 of Schedule 3 to the Act, against the decision not to record it. The rights of a complainant are set out in the Act and





# Hampshire & Isle of Wight Constabulary

Chief Constable Scott Chilton MSt (Cantab)

regulations made under it and the Victims Code has no application to the handling of complaints under the Act.

As you are aware, we have sought to identify the telephone call that you made and have identified only one call on the day you identified and the content of this call was to seek the address of the Constabulary in order to send correspondence. Not report of a crime was made during that call.

Mr Silson has previously set out to you in a letter dated the 31st August 2022 that the Appropriate Authority determines if a matter requires referral to the Crown Prosecution Service at the point of determination of the complaint. The detail is clearly set out in paragraph 2 that begins on page 1.

Overall, I have concluded that the service provided was acceptable and that the appropriate Policy and Procedure has been followed.

### **3. *She has ignored and contradicted that court order.***

Ms Stokel-Walker has been invited to make a response and states:

Our position has remained the same in terms of this matter regarding the outstanding complaint. If a complaint is subject to special procedures where there is an allegation that, if proved, might constitute a criminal offence by a person serving with the police or justify the bringing of disciplinary proceedings, then the appropriate time to record a crime is at the point of determination.

That is a decision for the Appropriate Authority to take in terms of any referral to the Crown Prosecution Service. A determination takes place at the end of the investigation.

As far as I am aware, there is no final outcome for that matter as set out in the letter sent to you from Mr Tom Silson, a solicitor acting on behalf of Hampshire Police, dated the 31st August 2022. There has not been a court order that has ordered Hampshire Police to record a crime in this matter.

██████████ for clarity Hampshire and the Isle of Wight Constabulary have not been instructed by a Court Order to deal with the matter. You sought to get the Independent Office for Police Conduct (IOPC) to direct Hampshire Police to record a crime and they agreed to recommend to Hampshire Police that we record the crime. This recommendation was sent in a letter sent by Brett Gerard to Hampshire Police on the 17th May 2022.

Hampshire Police replied to the IOPC on the 8th June 2022 re-iterating our position that we would continue to follow the guidance set out in the Home Office Counting Rules



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(HOCR) and National Crime Recording Standards. And as a result I am happy that the service provided was acceptable.

**4. In an attempt to discredit me to PS Jones she raised previous issues and complaints that were not relevant to PS Jones in the determining of VRR. And misrepresented the facts once again, none of the related complaints she eluded too for PS Jones' "benefit" have been investigated either (she is the one who has arbitrarily dispatched them). There is one currently under investigation after a court order.**

From reviewing the obtained email correspondence between PS (Police Sergeant) Jones and Ms Stokel-Walker, with regards to your original VRR (Victim Right to Review) request, I note that Ms Stokel-Walker does indeed state you are a persistent complainer to PSD, however this is the only mentioned of your history of making complaints to Hampshire Constabulary.

Ms Stokel-Walker has been invited to make a response and states:

I was not trying to discredit [REDACTED] when I mentioned to PS Jones the history of Mr Caine's complaints to the Constabulary, of which there have been more than 90 in a seventeen year period, rather I was providing context to his complaints and correspondence and the latest complaint he had submitted. [REDACTED]

As explained in allegation 1 above I did not tell PS Jones [REDACTED] complaint had been investigated, therefore I did not misrepresent the facts.

My review into this allegation has been unable to identify any evidence that Ms Stokel-Walker attempted to discredit you to PS Jones, and you have not provided any evidence to substantiate your claim. I note that Ms Stokel-Walker does indeed state you are a persistent complainer, [REDACTED] [REDACTED] have concluded that on this occasion the service provided by Hampshire Constabulary was acceptable, and that there is no evidence to show that Ms Stokel-Walker has attempted to discredit you.

**5. She has failed to review the evidence at anytime in proving there is a serious case to answer. Evidence cannot be ignored.**

Ms Stokel-Walker has been invited to make a response and states:

The documents provided by [REDACTED] which he has described as evidence have been reviewed and are repetitious of previous complaints which have been



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Chief Constable Scott Chilton MSt (Cantab)

responded to. The Appropriate Authority (Rachel Stokel-Walker) must consider whether the reasonable and proportionate way to handle a complaint is by investigation or otherwise than by investigation. Otherwise than by investigation includes taking no further action. When making these decisions the Appropriate Authority must consider what is alleged and whether a number of previous similar complaints have been recorded (either about the same issue, or, where appropriate, about the same officer or department).

Where it is established that the complaint has already been responded to and no new evidence or concerns are apparent a decision should be made whether further action would be reasonable and proportionate. Complaints should not be re-visited where it is not appropriate to do so, and where this may raise unrealistic expectations of different outcomes.

The documents provided by [REDACTED] had been reviewed in his previous complaints and therefore did not require further review.

As the line manager for Ms Stokel-Walker I have concluded that she was correct in her assessment that all of the information had previously been considered. I have knowledge of these matters as I have been the officer dealing with the pre-action letters from yourself and I have been instructing Mr Silson from Plexus Law to deal with this.

I am aware that your complaint relating to the Hampshire and Isle of Wight Constabulary's Force Solicitor is not yet finalised. I have concluded that the service provided by Hampshire Constabulary was acceptable, and that Ms Stokel-Walker has made the correct decision.

**6. She misdirected the review of her decision to the OPCC. It was properly for the IOPC (as now agreed by the OPCC). Where it is now after I corrected matters.**

Ms Stokel-Walker has been invited to make a response and states:

The Appropriate Authority (Rachel Stokel-Walker) decides who the relevant review body is after considering the complaint allegations. Depending on the circumstances of the complaint, the application for a review will be considered either by the OPCC or the IOPC. In this allegation it is believed you are referring to complaint CO/1332/22, and I considered the OPCC were the appropriate review body for your complaint when reviewing your complaint.

The IOPC statutory guidance understands that sometimes a review body will be chosen by the Appropriate Authority but that the review body considers the alternative review body to be better suited to review the complaint. The guidance states where the IOPC receives an application for a review, but the local policing body is the relevant review body, the IOPC will forward it to the local policing body.





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And where a local policing body receives an application for a review, but the IOPC is the relevant review body, it must be forwarded to the IOPC.

There was no attempt at misdirection, the relevant review body was chosen by the Appropriate Authority at the time having considered the complaint allegations.

Having undertaken a review of this allegation, I am satisfied that the details provided by Ms Stokel-Walker are correct in terms of how the review body is selected. The criteria around selecting the review body are set out in the IOPC Statutory Guidance on the Police Complaint System:

18.6 The IOPC is the relevant review body where

- i. the appropriate authority is a local policing body
- ii. the complaint is about the conduct of a senior officer (an officer holding a rank above chief superintendent)
- iii. the appropriate authority is unable to satisfy itself, from the complaint alone, that the conduct complained of (if it were proved) would not justify the bringing of criminal or disciplinary proceedings or would not involve an infringement of a person's rights under Article 2 or 3 of the European Convention on Human Rights.
- iv. the complaint has been, or must be, referred to the IOPC
- v. the IOPC is treating the complaint as having been referred (also known as the 'power of initiative', see paragraphs 9.36 – 9.39)
- vi. the complaint arises from the same incident as a complaint falling within ii-v
- vii. any part of the complaint falls within ii-vi

18.7 In any other case the relevant review body is the local policing body.

In this case, I am satisfied that the correct process was followed and it is a matter for the local policing body if they decide to delegate their responsibility for the review.

I have not seen any evidence to suggest that there was an attempt to misdirect the review for the complaint, and as such have concluded that the service was acceptable.

**7. She did not send me a copy of or summary of my complaint before "dealing" with it as is a standard requirement under the guidance.**

Ms Stokel-Walker has been invited to make a response and states:

This is not a 'standard requirement'. The IOPC statutory guidance on the police complaints system states Forces must inform the complainant as soon as practicable that their complaint has been recorded and provide them with a copy of the record that has been made. The guidance does not state that a copy of the complaint recorded must be given to the complainant before the complaint can be



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dealt with, and in the cases where no further action is taken it is reasonable and proportionate to provide the complaint allegations to the complainant within the outcome letter which is what I did.

Having reviewed the guidance by the IOPC, it is correct that the detail of the recorded complaint is included in the letter outlining why no further action is to be taken. This process can take a relatively short period of time and so it is reasonable to send all of the detail in a single letter, rather than confuse the process by sending details of the recorded complaint and then sending a letter outlining why no further action has been taken.

The complaint process is about dealing with complaints in a reasonable manner and I appreciate that this can be subjective. Overall I am satisfied that on this occasion the service provided by Hampshire Constabulary was acceptable.

Your complaint has been closed as I consider it resolved by way of my explanations above. However if you remain unhappy with this explanation, you have the right to apply for a review of the outcome of your complaint.

To apply for a review of your complaint, you will need to apply to the Independent Office for Police Conduct (IOPC). Please visit the IOPC website at <https://www.policeconduct.gov.uk/complaints-reviews-and-appeals/reviews-and-appeals> for details of how to do this. Your review request must include the following:

- the details of the complaint;
- the date on which the complaint was made;
- the name of the force or local policing body involved; and
- the date on which you were provided with the details about your right of review

If you do not have access to the internet, you can telephone the IOPC on 0300 020 0096 and request a hard copy of the review form or write to:

Independent Office for Police Conduct  
PO Box 473  
Sale  
M33 0BW

You have 28 days within which to lodge your review to the IOPC beginning the day after the date of this letter. You are advised to lodge your review in good time to ensure it reaches them before the end of the 28<sup>th</sup> day which in your case is Friday, 28 April 2023. **Requests for reviews received after 28 days may not be allowed unless there are exceptional circumstances.** If you are posting your review form,



## Hampshire & Isle of Wight Constabulary

Chief Constable Scott Chilton MSt (Cantab)

you might want to consider using a guaranteed delivery post service to ensure that it is received within time.

I do hope that this concludes the matter and that you have understood my explanation.

Thank you for taking the time to raise your concerns with us.

Yours sincerely

A handwritten signature in black ink, appearing to read "D Winter". Below the signature, the letters "CIINSP" are printed in a small, sans-serif font.

**Chief Inspector David Winter**  
Professional Standards Department

To find out more about how Hampshire and Isle of Wight Constabulary uses your personal data and how to exercise your legal rights, see our privacy notice at <https://www.hampshire.police.uk/hyg/fpnhc/privacy-notice/> or request a copy by calling 101.



# Hampshire Constabulary

Chief Constable Olivia Pinkney QPM, MA

Professional Standards  
Tower Street  
Winchester  
Hampshire  
SO23 8ZD

Telephone: 101

Email: [professional.standards@hampshire.police.uk](mailto:professional.standards@hampshire.police.uk)

Our ref: CO/1332/22

Your ref:

18<sup>th</sup> May 2022

Dear [REDACTED]

I acknowledge receipt of your recent complaint dated 10<sup>th</sup> May 2022. We have recorded your complaint as follows:

1. Complainant states that he sent Mr Trencher evidence confirming statutory recording failings on the part of Officer's relating to a child sexual abuse case and requested these be forward to the relevant people with oversight of a conduct assessment as directed by Lesley Longstone, the then IPCC Chief Exec.
2. Complainant states that Mr Trencher is ignoring substantive evidence establishing serious deceit and lies in an official conduct assessment report as produced by Mr. Franks of the PSD regarding child sexual abuse safeguarding failings by Hampshire Constabulary. This directly contravenes his duties under the police code of ethics and his responsibilities to act in the best interests of the public and put the best interests of children first. The complainant states it is also an obvious abuse of position and trust.

Hampshire Constabulary takes any expression of dissatisfaction or complaint about its members of staff seriously. Whilst sometimes there may be an opportunity to learn and improve both for individuals or the Constabulary on this occasion, in accordance with current legislation and statutory guidance issued by the Independent Office for Police Conduct (IOPC), I have decided to take no further action on the matters.

This is because your complaint is the same as, or very similar to complaint MI/10/18 that you have made and I consider that these matters were appropriately addressed in your previous complaint.

For your reference, complaint MI/10/18 was made on 21<sup>st</sup> December 2017 and we summarised that complaint as follows:

**Complaint against the Force Solicitor, Mr Roger Trencher in respect of his failure to pass on to the IPCC evidence that you had provided to ACC Pryde. The**

[www.hampshire.police.uk](http://www.hampshire.police.uk)





## Hampshire Constabulary

Chief Constable Olivia Pinkney QPM, MA

evidence you state referred to statutory recording failings on the part of officers relating to a child sexual abuse case. You wanted the evidence passed on to relevant persons within the then IPCC.

I note the email chain you have provided for complaint CO/1332/22 dated 21<sup>st</sup> December 2017 is the same email chain you provided when making complaint MI/10/18.

A non-record decision was made for complaint MI/10/18 and this was communicated to you in a letter dated 1<sup>st</sup> February 2018 which contained the following explanation:

"It is relevant to state that on the 23<sup>rd</sup> January 2016 you emailed the professional standards department alleging statutory failings in respect of the case (Tyrone Mark) alleging that the requirements of NCRS had not been met. Your complaint was the subject of a non record decision recorded under reference MI/24/16 on the basis that you were not a person under the Police Reform Act 2002 who could make a complaint as you were not directly or adversely affected by the conduct. You subsequently appealed the non record decision to the IPCC. Your appeal was not upheld.

As a consequence you later wrote both to the Children's Commissioner and the IPCC regarding the perceived failings that you had identified. The IPCC directed Hampshire Constabulary to conduct a conduct assessment regarding the Tyrone Mark investigation which was completed in November 2016. The conduct assessment was forwarded to the IPCC for the attention of the Commissioner. I am aware that subsequently the IPCC summarised the conduct assessment findings to you.

At this point it is quite clear that you were aware that a conduct assessment had been completed and it would be clear that the IPCC would be in possession of all of the relevant information. Despite this however on the 21<sup>st</sup> December you email the professional standards department making a complaint in respect of Mr Trencher arising from alleged failings nine months previously knowing that the issues had been addressed.

I consider that it is additionally relevant that on 15<sup>th</sup> November 2017 you wrote to the Chief Constable making a complaint that Mr Trencher has not responded to a pre-action letter regarding a Judicial Review. This complaint was also the subject of a non record letter.

I considered that according to the Police Reform Act 2002 (Paragraph 2, schedule 3) and the Police (Complaints and Misconduct) Regulations 2012, the matters you raise cannot be recorded as a complaint against police as the complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints.

No further action will be taken in respect of the issues raised."





## Hampshire Constabulary

Chief Constable Olivia Pinkney QPM, MA

I note that you did not initially receive the recording decision within the 15 day timescale that was applicable at the time, and you appealed the non-record decision to the IOPC on 12<sup>th</sup> January 2018. This appeal was upheld as the timescales had not been adhered to, however the IPCC noted you had since been sent a non-recording decision letter. Although your appeal was upheld on 6<sup>th</sup> February 2018, Hampshire were not instructed to record your matter as a complaint or to resend you the non-record decision letter.

You sent a further complaint email to the Constabulary about this matter on 1<sup>st</sup> February 2018. Within it your email made a complaint against the Force Solicitor, Mr Roger Trencher, in respect of his failure to pass on evidence you state referred to statutory recording failings on the part of officers relating to a child sexual abuse case.

Additionally you stated Mr Trencher should not be making decisions on this case and should have passed it on to someone independent.

A non-record decision letter was sent to you on 8<sup>th</sup> February 2018 explaining the following:

"These appear to be similar issues that you raised in your email dated the 21st December 2017. A non record decision letter was sent to you regarding this matter under the reference MI.10/18. You have appealed this decision to the IOPC and they are currently reviewing your appeal.

As such, I consider that according to the Police Reform Act 2002 (Paragraph 2, schedule 3) and the Police (Complaints and Misconduct) Regulations 2012, the matters you raise cannot be recorded as a complaint against police. This is because at to raise these issues again, whilst an appeal with the IOPC is ongoing, is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints.

The rationale provided within the non record decision letter dated the 1st February 2018 for MI.10/18 is also applicable to this case. I summarise it again below for you:

"It is relevant to state that on the 23rd January 2016 you emailed the professional standards department alleging statutory failings in respect of the case (Tyrone Mark) alleging that the requirements of NCRS had not been met. Your complaint was the subject of a non record decision recorded under reference MI/24/16 on the basis that you were not a person under the Police Reform Act 2002 who could make a complaint as you were not directly or adversely affected by the conduct. You subsequently appealed the non record decision to the IPCC. Your appeal was not upheld.

As a consequence you later wrote both to the Children's Commissioner and the IPCC regarding the perceived failings that you had identified. The IPCC directed Hampshire Constabulary to conduct a conduct assessment regarding the Tyrone Mark investigation which was completed in November 2016. The conduct assessment was forwarded to the IPCC for the attention of the Commissioner. I am aware that subsequently the IPCC summarised the conduct assessment findings to you.



## Hampshire Constabulary

Chief Constable Olivia Pinkney QPM, MA

At this point it is quite clear that you were aware that a conduct assessment had been completed and it would be clear that the IPCC would be in possession of all of the relevant information. Despite this however on the 21st December you email the professional standards department making a complaint in respect of Mr Trencher arising from alleged failings nine months previously knowing that the issues had been addressed.

I consider that it is additionally relevant that on 15th November 2017 you wrote to the Chief Constable making a complaint that Mr Trencher has not responded to a pre-action letter regarding a Judicial Review. This complaint was also the subject of a non record letter.

No further action will be taken in respect of the issues raised."

You appealed the second non-recording decision letter the Constabulary sent you for this complaint to the IOPC, and on 13<sup>th</sup> March 2018 the IOPC wrote to you explaining they had not upheld your appeal.

The IOPC included the following explanation to you in their appeal outcome letter of 13<sup>th</sup> March 2018:

"After looking at all the information available I have not upheld your appeal.

My letter to you will consider each point:

1. Did the chief officer or appropriate authority fail to make a decision?

No. You initially submitted a complaint by email dated 21 December 2017. I note that you did not initially receive a recording decision, and you appealed to the IOPC on 12 January 2018. This appeal was upheld, and you received a decision from Hampshire Constabulary not to record your complaint by letter dated 1 February 2018.

Not Upheld.

2. Did the chief officer or appropriate authority fail to notify the appropriate authority?

No. Hampshire Constabulary are the appropriate authority.

Not Upheld.

3. Should the matter/s you raised have been recorded as a complaint?

When a complaint is made to a chief officer or appropriate authority, they have a duty to record any complaint about the conduct (behaviour) of a person serving with the police or a contractor. The law allows the chief officer or appropriate authority not to record a complaint when certain statutory exceptions are met. One such exception is where the complaint is deemed to be vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints. In deciding whether your complaint should be recorded, consideration may be given to one or more of the terms within this ground.

I have reviewed your complaint email dated 21 December 2017 and have decided that the matters you raise are not required to be recorded. I provide my rationale below.



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In the force's letter to you dated 1 February 2018 they state that they did not record your complaint on the basis that it was vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints. A complaint is considered to be vexatious when it is without foundation, and is intended, or tends to vex, worry, annoy or embarrass. An oppressive complaint is one that is without foundation that is intended or likely to result in burdensome, harsh or wrongful treatment of the person complained against.

A complaint is deemed to be an abuse of the complaints procedure where there is or has been a manipulation or misuse of the complaints system to initiate or progress a complaint which, in all the circumstances of the particular case, should not have been made or should not be allowed to continue.

In your complaint email dated 21 December 2017 you allege that the force solicitor, Mr Trencher, failed to forward documents you sent to him to "relevant people with oversight of a conduct assessment", namely former Chief executive of the IPCC Lesley Longstone and Commissioner Jenefer Izeke. You also state that Mr Trencher had failed to contact you regarding the documents. Your appeal dated 5 February 2018 provides additional context, where you state that this information should have been used to inform the conduct assessment carried out by Hampshire Constabulary.

I agree with the force that your complaint is not required to be recorded. In particular I consider your complaint to meet the criteria of both a vexatious complaint and an abuse of the procedures for dealing with complaints. According to the information provided by both yourself and the force, you appear to have initially asked Mr Trencher to forward information to the IPCC by email on 15 March 2017. Mr Trencher replied by email on 23 March 2017 to state that he would make enquiries, but you were also free to contact the IPCC directly. I note that Mr Trencher did not state that he would forward the documents on.

I also note that on 17 October 2017 you emailed Mr Trencher and alleged that he had not passed on information you had sent him. In his response, Mr Trencher states that you appear to have sent this information to several bodies, including the Professional Standards Department (PSD), the Chief Constable and the IPCC. Mr Trencher also asks for clarification as to which documents were specifically sent to him as opposed to other departments.

Your email to Hampshire Constabulary PSD dated 10 February 2018 appears to confirm that you had sent this information to several other professional bodies and individuals. Your email states that you sent this information to the IPCC, and that you "sent it to various individuals" within Hampshire Constabulary. This would suggest that the information you state that you sent to Mr Trencher would be broadly accessible to Hampshire Constabulary, and would have been available, if required, to inform the conduct assessment.

Additionally, I note that you received an email on 24 April 2017 from Assessment Analyst Katie Aston of the IPCC/IOPC, which stated that the conduct assessment had been completed by the force, rather than the IPCC directly. As such, it appears that you were aware at the time of your complaint dated 21 December 2017 that the IPCC, while holding oversight of matters concerning the conduct





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assessment had not completed it directly. As such, it is unclear why the information you had provided would not be available to the force, considering you had disseminated it widely. It is also unclear how the information being sent (or not sent) to Lesley Longstone and Commissioner Jenefer Izeke would have a direct impact on whether it was available, if necessary, for the conduct assessment.

I further note that your request that Mr Trencher pass information on for you was made on 15 March 2017. Although I note that you may have been unclear on when the conduct assessment was completed, the non-recording letter sent by the force on 1 February 2018 clarifies that it was finalised in November 2016. As such, it is somewhat unclear how Mr Trencher would be able to have fulfilled your request in a manner that would have been satisfactory to you.

Based on the above information, I agree with the force that your complaint is vexatious. Your complaint appears to be without foundation as you allege that Mr Trencher withheld information you had also widely disseminated to other relevant parties. Considering that the reason for holding Mr Trencher specifically responsible when this information was widely available is unclear, I believe your complaint is made with the intention to vex, worry, annoy or harass.

I also agree that your complaint is an abuse of the procedures for dealing with complaints. Although I note that you had not seen a copy of the conduct assessment at the time of your complaint, it appears that you are aware that no misconduct has been identified. Based on your correspondence with the IOPC and the force it appears that you are dissatisfied with this assessment, and are seeking to challenge the validity of the conduct assessment. This is a manipulation of the complaints procedures, as it attempts to revisit the matter of the conduct assessment in order to change its outcome.

Having considered your complaint email dated 21 December 2017 I agree with the force that your complaint is not required to be recorded. This is because it is vexatious, and an abuse of the procedures for dealing with complaints. As such, your appeal is not upheld.

Not Upheld.

It is important to highlight that in reaching my decision I have considered all of the material and comments provided. Where a document or comment has not been specifically referred to, it does not mean it has not been considered.

You are not able to appeal my decision."

I consider my decision to take no further action for complaint CO/1332/22 reasonable and proportionate in the circumstances and in accordance with the IOPC's statutory guidance which states that complaints should not be re-visited where it is not appropriate to do so and where no new evidence or concerns are apparent.

In addition, as the IOPC have explained to you previously, repeatedly raising the same or similar complaints is an abuse of the complaints process. Re-framing or re-wording



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a complaint that has already been finalised, and refusing to accept reasonable explanations following the conclusion of a complaint are an abuse of the complaints process.

Whilst we are not taking any further action, we have recorded your complaint. You have a right of review against this decision. If you wish to do this, you will need to apply to the Office of the Police and Crime Commissioner (OPCC) for Hampshire within 28 days. Right to review applications received after 28 days may not be allowed unless there are exceptional circumstances. In this case your right to review should be received by the 16<sup>th</sup> June 2022.

Please visit the OPCC website at [www.hampshire-pcc.gov.uk](http://www.hampshire-pcc.gov.uk) for details of how to do this. Your review request must include the following:

- the details of the complaint;
- the date on which the complaint was made;
- the name of the force or local policing body involved; and
- the date on which you were provided with the details about your right of review

If you do not have access to the internet, you can telephone the OPCC on 01962 871595 and request a hard copy of the review form or write to:

Office of the Police Crime Commissioner for Hampshire  
St George's Chambers  
St George's Street  
Winchester  
Hampshire  
SO23 8AJ

To find out more about how Hampshire Constabulary uses your personal data and how to exercise your legal rights, see our privacy notice at <https://www.hampshire.police.uk/hyg/fpnhc/privacy-notice/> or request a copy by calling 101.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Rachel Stokel-Walker'.

**Rachel Stokel-Walker**  
Business Support Manager  
Professional Standards Department



# Hampshire Constabulary

Chief Constable Olivia Pinkney QPM, MA

Professional Standards  
Tower Street  
Winchester  
Hampshire  
SO23 8ZD

Telephone: 101

Email: PublicComplaintsMB@hampshire.police.uk

Our ref: CO/2896/22

Your ref:

4<sup>th</sup> October 2022

Dear [REDACTED]

I acknowledge receipt of your recent complaint dated 26<sup>th</sup> September 2022. We have recorded your complaint as follows:

1. The complainant believes the Constabulary should re-evaluate its prior response to his complaints about Mr. Trencher and others in PSD withholding evidence from those who should have had sight.
2. The complainant believes the Constabulary should re-evaluate its prior response to his complaints about PSD (Mr. Stephen Franks) producing a false report into child sexual abuse safeguarding failings. The complainant states the false report has never been corrected contrary to children's best interests.

Hampshire Constabulary takes any expression of dissatisfaction or complaint about its members of staff seriously. Whilst sometimes there may be an opportunity to learn and improve both for individuals or the Constabulary on this occasion, in accordance with current legislation and statutory guidance issued by the Independent Office for Police Conduct (IOPC), I have decided to take no further action on the matters.

This is because your complaint is the same as, or very similar to complaints MI/10/18 and CO/1332/22 that you have made and I consider that these matters were appropriately addressed in your previous complaints.

For your reference complaint CO/1332/22 was made on 10<sup>th</sup> May 2022 and I sent you an outcome action letter on 18<sup>th</sup> May 2022 explaining I would be taking no further action as your complaint was the same as or very similar to complaint MI/10/18. You have exercised your right of review for complaint CO/1332/22 and the review is currently with the IOPC, therefore the correct procedure is to wait for the outcome of that review.

I consider my decision to take no further action for complaint CO/2896/22 reasonable and proportionate in the circumstances and in accordance with the IOPC's statutory



## Hampshire Constabulary

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guidance which states that complaints should not be re-visited where it is not appropriate to do so and where no new evidence or concerns are apparent.

In addition as complaint CO/1332/21 is currently under review I consider it an abuse of the complaints process to repeatedly raise the same complaint matters, especially when you are waiting for the review outcome of a similar complaint.

Whilst we are not taking any further action, we have recorded your complaint. You have a right of review against this decision. If you wish to do this, you will need to apply to the Independent Office for Police Conduct (IOPC) within 28 days. Right to review applications received after 28 days may not be allowed unless there are exceptional circumstances. In this case your right to review should be received by the 2<sup>nd</sup> November 2022.

To apply for a review of your complaint, you will need to apply to the IOPC. Please visit the IOPC website at <https://www.policeconduct.gov.uk/complaints-reviews-and-appeals/reviews-and-appeals> for details of how to do this. Your review request must include the following:

- the details of the complaint;
- the date on which the complaint was made;
- the name of the force or local policing body involved; and
- the date on which you were provided with the details about your right of review

If you do not have access to the internet, you can telephone the IOPC on 0300 020 0096 and request a hard copy of the review form or write to:

Independent Office for Police Conduct  
PO Box 473  
Sale  
M33 0BW

To find out more about how Hampshire Constabulary uses your personal data and how to exercise your legal rights, see our privacy notice at <https://www.hampshire.police.uk/hyg/fpnhc/privacy-notice/> or request a copy by calling 101.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Rachel Stokel-Walker'.

**Rachel Stokel-Walker**  
Business Support Manager  
Professional Standards Department



# Hampshire Constabulary

Chief Constable Olivia Pinkney QPM, MA

Professional Standards  
Tower Street  
Winchester  
Hampshire  
SO23 8ZD

Telephone: 101

Email: PublicComplaintsMB@hampshire.police.uk

Our ref: CO/3022/22

Your ref:

31<sup>st</sup> October 2022

Dear [REDACTED]

I acknowledge receipt of your recent complaint dated 10<sup>th</sup> October 2022. Thank you for taking the time to raise your concerns to us.

We have recorded your complaint as follows:

1. The complainant states that the PSD Investigator, Maurice Smart, has not produced an accurate terms of reference document and remains unresponsive to emails. The complainant states terms of reference documents for any investigation must reflect complaints from members of the public fully and accurately and not omit vital aspects of the complaint. The complainant states Mr. Smart has actually removed a very important allegation and that this must be corrected along with the other matters/additions the complainant states he has brought to his attention but likewise remain ignored. The complainant stated in an email to Mr Smart the very significant and important allegation removed is *"That is Mr. Trencher using a report he knew to be untrue "PSI Osborne's" in an attempt to circumvent litigation, and never corrected the report which he had to know was false given his High Court statement. Also as raised the "terms of reference" should itemise the entirety of my complaint as highlighted in my previous unanswered emails to you."*

Hampshire Constabulary takes any expression of dissatisfaction or complaint about its members of staff seriously. Whilst sometimes there may be an opportunity to learn and improve both for individuals or the Constabulary on this occasion, in accordance with current legislation and statutory guidance issued by the Independent Office for Police Conduct (IOPC), I have decided to take no further action on the matter.

This is because I believe there is a more appropriate procedure and organisation to deal with your complaint which is about an ongoing PSD investigation into a complaint made by yourself, complaint CO/484/19.





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For your reference complaint CO/484/19 was initially recorded as follows:

1. You wish to complain that the force solicitor has perverted the course of justice by lying to a PSD investigator to clear his name and using the false outcome achieved in an attempt to derail civil litigation.
2. You state that Mr. Trencher is refusing to obey a High Court order in respect of owed costs, and that in your view he is in contempt of court to deliberately refuse to obey the order.
3. You state that Mr. Trencher has been trying to intimidate, and harass you for years, with threats of costs enforcement.
4. You state that Mr. Trencher is abusing his position to investigate you about unrelated matters, that have no bearing on the dispute over costs, and that this is another attempt to intimidate, and bully his way out of trouble.
5. You state that Mr. Trencher is clearly lying about having no knowledge about the proceeding case in the High Court, which is underpinned by clear evidence of him ignoring children's best interests, by deliberately endangering children, by suppressing evidence about a child sexual abuse case, which was kept out of the police system for 2 years.

Allegation 1 was later amended by PSDI Smart to the following when he began his initial investigation into your complaint:

1. Mr. Caine wishes to complain that Mr. Trencher, being the Hampshire Constabulary Force Solicitor, has perverted the course of justice by lying to a PSD Investigator to clear his name, and using the false outcome achieved in an attempt to derail civil litigation. Mr. Caine alleges that Mr. Trencher had been untruthful in a statement that he had made to PSDI Osborne that had been referred to within the local resolution ('LR') documentation. This being as follows; 'Mr. Trencher states he did not accuse Mr. Caine of falsifying an E-Mail, but he stated that the Children Commissioners Office noted a doctored E-Mail in an article produced by Mr. Caine'.

Allegations 2, 3 and 4 were withdrawn by the Force, and only allegations 1 and 5 were subject to investigation by PSDI Smart and then review by the IOPC. They were referred to in your complaint investigation and review outcome letter as allegations 1 and 2, but they were 1 and 5 as recorded above on our database, to avoid confusion on the wording of the allegation being looked at now.

The IOPC wrote to you on 13/08/2021 and explained that following a request for a review you made of complaint CO/484/19 they were only upholding the amended allegation 1. The IOPC then directed a re-investigation in respect of the first recorded complaint only (the amended allegation 1 above).



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On 5<sup>th</sup> July 2022 PSD Smart sent you the following email:



Having returned from leave I have ascertained that the Head of PSD has written to the Independent Office for Police Conduct (IOPC), and advised that Hampshire Constabulary will not be recording the matter that you have raised against Mr Trencher within the Record Management System (RMS).

The letter being in response to the non-recording appeal decision dated the 12<sup>th</sup> April 2018 (IOPC Ref 2018/101006), and their letter dated the 17<sup>th</sup> May 2022.

I appreciate that you have requested that you would like the re-investigation, following your appeal to the previous outcome of the investigation (PSD Ref CO/484/19), stayed until the RMS issue was resolved.

Taking into account the above-mentioned decision of the Head of PSD, I am of the view that the re-investigation can now be actioned.

I have noted that within page 12 of the IOPC letter to you, dated the 13<sup>th</sup> August 2021 in response to your appeal, the Casework Manager has commented on the RMS recording issue, and advised that it was not considered as part of your appeal.

I am therefore in a position to commence the re-investigation as detailed within the same IOPC letter in response to 'Complaint 1' only.

I believe it is important to ensure that the matter subject of re-investigation should be clearly identified, and established with you, so that it can be proceeded with.

I note that the IOPC Caseworker mentioned that there was some ambiguity regarding the content of 'Complaint 1', and in particular it '*was necessary to establish what the 'alleged lie by Mr Trencher was', so that it could be fully considered within the re-investigation.*

For reference 'Complaint 1' was previously recorded as follows;

*[Redacted] wishes to complain that Mr. Trencher, being the Hampshire Constabulary Force Solicitor, has perverted the course of justice by lying to a PSD Investigator to clear his name, and using the false outcome achieved in an attempt to derail civil litigation.*

*[Redacted] alleges that Mr. Trencher had been untruthful in a statement that he had made to PSDI Osborne that had been referred to within the LR documentation. This being as follows;*



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*'Mr. Trencher states he did not accuse [REDACTED] of falsifying an E-Mail, but he stated that the Children Commissioners Office noted a doctored E-Mail in an article produced by Mr. Caine'.*

With this in mind may I ask that you kindly identify the content of your complaint against Mr Trencher, so that the re-investigation can be conducted.

Yours sincerely,

Maurice Smart,  
Professional standards Investigator 14711

PSDI Smart emailed you again on 12<sup>th</sup> July 2022 with the following:

Dear [REDACTED]

*In addition to my previous E-Mail sent to you on the 7<sup>th</sup> July 2022, advising that the Head of Department (HOD) was away until the 18<sup>th</sup> July 2022, I am able to advise that the Deputy Head of PSD (DHOD) is currently dealing with the issue, and is being legally advised by a solicitor, from an external legal firm.*

*The DHOD has informed me that he has reviewed the legal advice provided by a barrister, who represented the interests of Hampshire Police at the High Court, and Court of Appeal hearings recently.*

*He further informs me that the letter from Hampshire Police (HOD), to the IOPC has not yet been replied to. We are not sure if the IOPC will respond to us, however, we would expect a reply.*

*The DHOD states that at this time, our position remains the same in respect of what you were told at the High Court, and the Court of Appeal, with regards to the National Crime Recording Standards, and the Home Office Counting Rules.*

*The DHOD is not minded to share the letter to the IOPC with you. The reason for this is that Hampshire Police are only an interested party to the High Court, and the Court of Appeal proceedings at this time. He suggests that as the Claimant in those proceedings, your avenue regarding this matter is with the defendant, being the Independent Office for Police Conduct.*

*I hope that this provides an answer to your request for a copy of the letter in question.*

*With this decision in mind, may I therefore ask that you comply with my request for you to identify the details of the complaint that you would like subject of re-*





## Hampshire Constabulary

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*investigation, taking into account that it only relates to complaint '1' of your appeal, as detailed by the IOPC.*

*Yours sincerely,*

*Maurice Smart.  
Professional Standards Department,  
E-Mail – [maurice.smart.14711@hampshire.police.uk](mailto:maurice.smart.14711@hampshire.police.uk)*

Following some emails from you to PSDI Smart in response to his email of 12<sup>th</sup> July 2022 he then emailed you the following on 13<sup>th</sup> July 2022:

*Dear [REDACTED]*

*Please be advised that I do not intend to become embroiled in E-Mail conversation regarding the crime recording issue. This matter was addressed within page 12 of the appeal outcome letter, dated 13<sup>th</sup> August 2021 provided to you by the IOPC. It is not within my remit to action any request, and any future E-Mails regarding the issue should be addressed to the Professional Standards Mailbox so that they can be managed accordingly.*

*What I do require however is confirmation from you of the area of complaint that you wish to raise against Mr Trencher, which will then be the subject of re-investigation. This request is mentioned within my E-Mail to you dated the 5<sup>th</sup> July 2022.*

*I would further advise that should I not receive detail from you of the area of complaint in question by the 15<sup>th</sup> July 2022, I will have no alternative but to conduct a proportionate investigation, using the limited information available. You will of course have the opportunity to appeal any outcome, should the investigation be progressed in this manner.*

*Yours sincerely,*

*Maurice Smart.  
Professional Standards Department*

On 18<sup>th</sup> July 2022 you sent via email a Legal Letter before claim with attachments.

On 18<sup>th</sup> August 2022 PSDI Smart sent the following email to you:

*Dear [REDACTED]*



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*Please be advised that as I not received any information from you, in response to the E-Mail that I sent to you on the 13th July 2022, I have decided to progress the re-investigation, and have reviewed the letter sent to you by the IOPC, following your right to review.*

*I have prepared the following wording , that I believe is relevant to the information within the IOPC letter, and will request a response from Mr Trencher in due course. I will also prepare a Terms of Reference document, and forward this to you.*

*The wording being as follows;*

*Mr Trencher,*

*As you are aware, in 2020 I conducted an investigation regarding two areas of complaint that had been raised against you by [REDACTED] These being as follows;*

*1) [REDACTED] alleges that Mr. Trencher had been untruthful in a statement that he had made to PSDI Osborne that had been referred to within the Local Resolution (LR) documentation.*

*This being as follows;*

*Mr. Trencher states he did not accuse [REDACTED] of falsifying an E-Mail, but he stated that the Children Commissioners Office noted a doctored E-Mail in an article produced by [REDACTED]*

*2) [REDACTED] alleges that Mr. Trencher is clearly lying about having no knowledge of the proceeding case in the High Court, which is underpinned by clear evidence of him ignoring children's best interests, by deliberately endangering children, by suppressing evidence about a child sexual abuse case, which was kept out of the police system for 2 years.*

*Following investigation neither matter was upheld, and in relation to Complaint '1', it was deemed that the matter had been suitably addressed by PSDI Osborne, by LR, and no response was requested from you.*

*[REDACTED] subsequently appealed the outcome decision to the Independent Office for Police Conduct (IOPC), and following review the appeal relating to Complaint '2' was dismissed.*

*However the appeal against the outcome of Complaint '1' was upheld, and the matter has been returned for re-investigation.*

*Within their appeal outcome document the IOPC have raised the following questions that they believe should have been addressed in the original investigation, in response to Complaint '1'.*



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Chief Constable Olivia Pinkney QPM, MA

*It is their view that the difference between the initial complaint, which PSDI Osborne considered under the LR, and the complaint investigated by me, being the subject of the appeal, are sufficiently different to require an account to be sought from you.*

*They advise that in respect of complaint 1 there appears to be some complexities, and outstanding issues.*

*The IOPC have outlined the pertinent communications around the alleged 'doctoring' in chronological order starting with the earliest, and as follows;*

*Mr Trencher's email to [REDACTED] (24/05/2018) states;*

*[REDACTED]*  
*Thank you for your email. I note your intended course of action and trust that you will have more success than you have in the last few years. I did enjoy your article as did the Children Commissioners Office. They particularly enjoyed you doctoring of their email and are very interested in our experience of dealing with your ill-conceived Judicial Reviews as, I understand you are now threatening them with one.*

*Regards'*

*The Record of Local Resolution CD1a (the outcome of the local Resolution by PSDI Osborne) states at section 6;*

*'Mr Trencher states he did not accuse [REDACTED] of falsifying an email, but he stated that the Children Commissioners Office noted a doctored email in an article produced by Mr Caine'.*

*The IOPC advise that this does not appear to be verbatim as to what Mr Trencher said to PSDI Osborne, rather it appears to be an indirect quote, or summary given by PSDI Osborne, i.e. effectively paraphrasing.*

*The reason the IOPC believe this is because they understand from the Summary Grounds (acknowledgement of service 15/04/2019) for contesting the JR, that there was a witness statement made by you, in the course of the initial investigation by PSDI Osborne.*

*They have not received a copy of the witness statement, however they have seen the below direct quotation from the statement, within the summary grounds supplied by Mr Caine.*

*This being as follows;*



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*'I phoned the Information Commissioners Office on the same day. I regret that I did not record the name of the person that I spoke to, but they were familiar with [REDACTED] I read the details of the post, and specifically the E-Mail. Though the person that I spoke to did not have access to the E-Mail, they informed me that;*

*The post on Facebook, and the E-Mail did not accurately reflect the correspondence between [REDACTED] and the Children's Commissioner.*

*That they would be collating the papers and passing them to the Joint Parliamentary Committee on Human Rights because they were not sure what else to do with the papers, and it would be for the Committee to make a decision.*

*At that point I ended the call'.*

*The IOPC advise that it therefore appears there are certainly 2 (initial email to the complainant, and witness statement), if not 3 different variations from you.*

*From the evidence available the IOPC do not know, whether or not the information in PSDI Osborne's investigation came from his interpretation of the issue, or from what you said in discussion, or whether it was a quotation from another source.*

*The IOPC advise that without this issue being explored it cannot be determined if you are responsible for that particular seemingly incorrect, or disputed content within the CD1a document completed by PSDI Osborne.*

*However the IOPC state that the information within the above-mentioned witness statement places a different interpretation of emphasis on the initial discussion between you, and a representative from the Children's Commissioner's Office.*

*They can only place document 1 (aka the initial email Mr Trencher to Mr Caine), and document 2 (aka the witness statement made by Mr Trencher to PSDI Osborne in the investigation and quoted in the Summary Grounds) as originating from you, from the evidence available.*

*The re-investigation will therefore focus on the issues raised by the IOPC, and it is therefore requested that you explain why the two accounts differ.*

*These being the account recorded by PSDI Osborne within the CD1A document, and that detailed within the witness statement made by you contesting the JR, as detailed above.*

*A copy of the witness statement that you completed contesting the JR, as mentioned above, is also requested.*



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Chief Constable Olivia Pinkney QPM, MA

*It is their view that the difference between the initial complaint, which PSDI Osborne considered under the LR, and the complaint investigated by me, being the subject of the appeal, are sufficiently different to require an account to be sought from you.*

*They advise that in respect of complaint 1 there appears to be some complexities, and outstanding issues.*

*The IOPC have outlined the pertinent communications around the alleged 'doctoring' in chronological order starting with the earliest, and as follows;*

*Mr Trencher's email to [REDACTED] (24/05/2018) states;*

[REDACTED]

*Thank you for your email. I note your intended course of action and trust that you will have more success than you have in the last few years. I did enjoy your article as did the Children Commissioners Office. They particularly enjoyed you doctoring of their email and are very interested in our experience of dealing with your ill-conceived Judicial Reviews as, I understand you are now threatening them with one.*

*Regards'*

*The Record of Local Resolution CD1a (the outcome of the local Resolution by PSDI Osborne) states at section 6;*

*'Mr Trencher states he did not accuse [REDACTED] of falsifying an email, but he stated that the Children Commissioners Office noted a doctored email in an article produced by Mr Caine'.*

*The IOPC advise that this does not appear to be verbatim as to what Mr Trencher said to PSDI Osborne, rather it appears to be an indirect quote, or summary given by PSDI Osborne, i.e. effectively paraphrasing.*

*The reason the IOPC believe this is because they understand from the Summary Grounds (acknowledgement of service 15/04/2019) for contesting the JR, that there was a witness statement made by you, in the course of the initial investigation by PSDI Osborne.*

*They have not received a copy of the witness statement, however they have seen the below direct quotation from the statement, within the summary grounds supplied by Mr Caine.*

*This being as follows;*





## Hampshire Constabulary

Chief Constable Olivia Pinkney QPM, MA

*Please be advised that I will update you on the progress of the re-investigation each 28 days, or sooner if required.*

*Yours sincerely,*

*Maurice Smart.*

*Professional Standards Department,*

*E-Mail - [maurice.smart.14711@hampshire.police.uk](mailto:maurice.smart.14711@hampshire.police.uk)*

PSDI Smart drafted terms of reference for the re-investigation and those were emailed to you on 6<sup>th</sup> September 2022 by PSD Smart. You sent several emails to PSDI Smart in response between 6<sup>th</sup> September 2022 and 7<sup>th</sup> September 2022 stating what you would like added to the terms of reference which included:

*"Please ensure the re-investigation references him using the false outcome to attempt to derail litigation. You have been sent the correspondence showing this. Use the same wording you used before. It did include reference to using the false outcome to see of litigation. It is now conspicuous by its absence."*

And the following:

- 1) *Mr. Trencher then used PSI Osborne's report containing the outcome he knew was not true in an attempt to derail civil litigation in the High Court.*
- 2) *Mr. Trencher has never corrected PSI Osborne's report despite clearly knowing it to be based on a false premise.*

And

Also on review, there is another serious lie on the part of Mr. Trencher. That is in his statement to the High Court, specifically page 5 para 11 as to what he states was told to him by the Children's Commissioners Office:

*"... the email did not accurately reflect the correspondence between [REDACTED] and the Children's Commissioner."*

The posted email was verbatim of the email in question. Why would the Children's Commissioner Office state it was not accurate to Mr. Trencher?? They had no motive to do that and deny the veracity of the email they sent to me. Mr. Trencher lied about it in his High Court statement. The original email sent to me as published was true and accurate. He lied in his statement to the High Court. The proof? Well the original email and the laws of probability. That is who had cause to lie about this and who did not. Your investigation needs to answer this too. If you have not yet amended the terms of reference doc with the points you missed I previously emailed through please add this to the document as well. You of course should also question PSI Osborne as to why he stated what he did in his outcome report.



## Hampshire Constabulary

Chief Constable Olivia Pinkney QPM, MA

On 11<sup>th</sup> September 2022 in response to the emails you had sent him PSDI Smart sent you the following email:

Dear [REDACTED]

*In response to the number of E-Mails that you have sent to me following receipt of the Terms of Reference (TOR) document regarding the re-investigation, following your 'Right to Review' submission to the IOPC, please be advised of the following:*

- It is recorded that I sent you an E-Mail on the 13<sup>th</sup> July 2022, in which I requested that you confirm the area of complaint that you wished to raise against Mr Trencher.*
- For reference I also sent you an E-Mail on the 5<sup>th</sup> July 2022 requesting similar information.*
- With regards to the E-Mail that I sent you on the 13<sup>th</sup> July 2022, you did not respond by the 15<sup>th</sup> July 2022, as I requested. However I can confirm that you sent me an E-Mail on the 19<sup>th</sup> July 2022, in which you advised that you had submitted a legal letter regarding the re-investigation that I am conducting. You also asked why Mr. Trencher had not corrected the false statement in the local investigation report (PSDI Osborne's), when he certainly now knows it to be false, and contrary to the facts. You asked that I explain this conundrum within the outcome report. You also made reference to the Home Office Counting Rules, which is not part of my remit.*
- You subsequently sent me a number of E-Mails following receipt of the Terms of Reference document.*
- I prepared the TOR, as I had not received any information from you by the 15<sup>th</sup> July 2022, as requested within my E-Mail dated the 13<sup>th</sup> July 2022, and following a review of the IOPC appeal letter dated the 13<sup>th</sup> August 2021.*

*So as to move the matter forward, I have served the relevant paperwork upon Mr Trencher, and am awaiting a response. I will refer to the question that you have asked regarding the statement to PSDI Osborne within the outcome report.*

*I believe that the re-investigation should be progressed, and I intend to do this, using the information detailed within the IOPC letter. You will have a further 'Right to Review' upon receiving a copy of the outcome report. I will update you on the progress of the re-investigation each 28 days, or sooner if required.*

*Please be advised that I will not respond to any further E-Mails that you send me, as my decision on moving the matter forward has been made, which I believe to be proportionate in the circumstances.*



## Hampshire Constabulary

Chief Constable Olivia Pinkney QPM, MA

*Yours sincerely,*

*Maurice Smart.  
Professional Standards Department*

As evidenced above, Professional Standards Investigator Smart was not unresponsive to emails, he asked you to confirm the areas of your complaint so that he could draft the terms of reference. Mr Smart produced the terms of reference using the IOPC review letter to yourself as a guide and after requesting details of your complaint from you to add to the terms of reference which you did not provide when requested.

As your complaint investigation is in progress the correct procedure is to wait for the outcome of that investigation, and if you remain dissatisfied with the handling of that complaint you will be able to exercise your right of review to the IOPC. The correct procedure is not to complain about a complaint investigation whilst it is ongoing, to re-frame or re-word a complaint that has already been finalised, or to refuse to provide information needed to conduct an investigation, such as confirming the details of the complaint, and then complaining that the terms of reference do not reflect your complaint.

As PSDI Smart reminded you in his email of 12<sup>th</sup> July 2022 when he wrote *"may I therefore ask that you comply with my request for you to identify the details of the complaint that you would like subject of re-investigation, taking into account that it only relates to complaint '1' of your appeal, as detailed by the IOPC."* the re-investigation of your complaint does not include matters outside allegation 1.

Whilst we are not taking any further action, we have recorded your complaint. You have a right of review against this decision. If you wish to do this, you will need to apply to the Independent Office for Police Conduct (IOPC) within 28 days. Right to review applications received after 28 days may not be allowed unless there are exceptional circumstances. In this case your right to review should be received by the 29<sup>th</sup> November 2022.

To apply for a review of your complaint, please visit the IOPC website at <https://www.policeconduct.gov.uk/complaints-reviews-and-appeals/reviews-and-appeals> for details of how to do this. Your review request must include the following:

- the details of the complaint;
- the date on which the complaint was made;
- the name of the force or local policing body involved; and
- the date on which you were provided with the details about your right of review

If you do not have access to the internet, you can telephone the IOPC on 0300 020 0096 and request a hard copy of the review form or write to:





## Hampshire Constabulary

Chief Constable Olivia Pinkney QPM, MA

Independent Office for Police Conduct  
PO Box 473  
Sale  
M33 0BW

To find out more about how Hampshire Constabulary uses your personal data and how to exercise your legal rights, see our privacy notice at <https://www.hampshire.police.uk/hyg/fpnhc/privacy-notice/> or request a copy by calling 101.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Rachel Stokel-Walker'.

**Rachel Stokel-Walker**  
Business Support Manager  
Professional Standards Department



HAMPSHIRE & ISLE OF WIGHT  
**CONSTABULARY**

Chief Constable Scott Chilton Mst (*Cantab*)

Professional Standards  
Operational Headquarters  
Tower Street  
Winchester  
Hampshire  
SO23 8ZD

Telephone: 101  
Minicom: 19001 101  
Email: [PublicComplaintsMB@hampshire.police.uk](mailto:PublicComplaintsMB@hampshire.police.uk)

Our ref: CO/1380/23  
Your ref:

30<sup>th</sup> May 2023

Dear [REDACTED]

I acknowledge receipt of your recent complaint dated 24<sup>th</sup> May 2023.

We have recorded your complaint as follows:

1. Complainant wishes to make a complaint against the ACC Lucy Hutson in regards to failings under the code of ethics. Specifically her failing to adhere to Principle 10 of the code: Challenging and reporting improper behaviour. He feels she has failed to perform her obligations and duties that her position mandates.  
The complainant states that the ACC was contacted by Dorset DCC with evidence establishing Hampshire PSD had produced a false conduct assessment report into a child sexual abuse case. He claims that she has taken no action and therefore feels she is party to suppressing this evidence contrary to the children's best interests and the duties of her post and the principles of the code of ethics.
2. The complainant has made an allegation that Hampshire police were ordered by the IOPC to investigate Mr Roger Trencher for lying as part of a High court order. Hampshire PSD are failing to communicate with him on this "investigation". He want to know why this is and believes it has to do with this case. The complainant asks is Ms. Hutson perhaps not aware of what is going on in the department she has personal responsibility for.
3. The complainant states he has provided proof of further deceit by PSD (Rachel Stokel-Walker) lying about the matter being address and fully investigated when it never was. The complainant wants to see the investigation report that deals with this evidence, and would like to see the answers to Dorset Police's new and recent evidence.



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4. The complainant states DCC Hutson has not ensured her department refers serious gross misconduct and criminal complaints about officers and staff to the IOPC for an investigations decision contrary to the IOPC statutory guidance. These matters relate to criminal conduct matters pertaining to evidence suppression and lies regarding matters surrounding a child sexual abuse case e.g. Complaints pertaining to Misconduct in public office and abuse of position.

Hampshire and the Isle of Wight Constabulary takes any expression of dissatisfaction or complaint about its members of staff seriously. Whilst sometimes there may be an opportunity to learn and improve both for individuals or the Constabulary on this occasion, in accordance with current legislation and statutory guidance issued by the Independent Office for Police Conduct (IOPC), I have decided to take no further action on the matters.

This is because allegations 1, 2 and 4 of your complaint about DCC Hutson are the same as, or very similar to a judicial review matter pending where we are an interested party and it touches on the same issues. DCC Hutson has passed the details from Dorset to myself to deal with, and the follow up to that was the letter to yourself from Plexus Law. You have then submitted these complaints off the back of the Plexus Law letter and so it is a repetitious matter which is being appropriately addressed through the judicial review process.

Allegation 3 of your complaint about police staff Rachel Stokel-Walker is the same as, or very similar to complaint CO/1483/22 that you have made and I consider that these matters were appropriately addressed in your previous complaint.

For your reference, complaint CO/1483/22 was made on 20<sup>th</sup> May 2022 and we recorded that complaint as follows:

1. Ms. Stokel-Walker misled (lied) to PS Jones about my complaint being investigated. At no time has it been investigated. As she knows full well, if Hampshire Constabulary's position is it has please identify and provide the report of the investigation regarding the attached evidence regarding child sexual abuse safeguarding failings.
2. She lied about it not being a criminal complaint. It was about a crime report made to 101. There has also been a recent High Court order ordering it be dealt with under the provisions of the HOCR (as a criminal complaint).
3. She has ignored and contradicted that court order.



4. In an attempt to discredit me to PS Jones she raised previous issues and complaints that were not relevant to PS Jones in the determining of VRR. And misrepresented the facts once again, none of the related complaints she eluded too for PS Jones' "benefit" have been investigated either (she is the one who has arbitrarily dispatched them). There is one currently under investigation after a court order.
5. She has failed to review the evidence at any time in proving there is a serious case to answer. Evidence cannot be ignored.
6. She misdirected the review of her decision to the OPCC. It was properly for the IOPC (as now agreed by the OPCC). Where it is now after I corrected matters.
7. She did not send me a copy of or summary of my complaint before "dealing" with it as is a standard requirement under the guidance.

Complaint CO/1483/22 was allocated to our Complaint Resolution Unit to look into and respond to, and an outcome letter was sent to yourself on 31<sup>st</sup> March 2023 and within was detailed your right of review if you remained dissatisfied with the handling of that complaint. I note you have exercised your right of review and the review is currently with the IOPC to consider and provide an outcome to.

I consider my decision to take no further action for allegation 3 of complaint CO/1380/23 reasonable and proportionate in the circumstances and in accordance with the IOPC's statutory guidance which states that complaints should not be re-visited where it is not appropriate to do so and where no new evidence or concerns are apparent.

In addition as complaint CO/1483/22 is currently under review I consider it an abuse of the complaints process to repeatedly raise the same complaint matters, especially when you are waiting for the review outcome of a similar complaint.

I also believe there is a more appropriate procedure and organisation to deal with allegation 3 of your complaint about police staff Stokel-Walker, and that is the IOPC through the current review process you have with them for complaint CO/1483/22.

I also believe there is a more appropriate procedure to deal with allegations 1, 2 and 4 of your complaint about DCC Hutson, and that is the judicial review process.

Whilst we are not taking any further action, we have recorded your complaint. You have a right of review against this decision. If you wish to do this, you will need to apply to the Independent Office for Police Conduct (IOPC) within 28 days. Right to review applications received after 28 days may not be allowed unless there are exceptional circumstances. In this case your right to review should be received by the 28<sup>th</sup> June 2023.



## HAMPSHIRE & ISLE OF WIGHT **CONSTABULARY**

To apply for a review of your complaint, please visit the IOPC website at <https://www.policeconduct.gov.uk/complaints-reviews-and-appeals/reviews-and-appeals> for details of how to do this. Your review request must include the following:

- the details of the complaint;
- the date on which the complaint was made;
- the name of the force or local policing body involved; and
- the date on which you were provided with the details about your right of review

If you do not have access to the internet, you can telephone the IOPC on 0300 020 0096 and request a hard copy of the review form or write to:

Independent Office for Police Conduct  
PO Box 473  
Sale  
M33 0BW

To find out more about how Hampshire and the Isle of Wight Constabulary uses your personal data and how to exercise your legal rights, see our privacy notice at <https://www.hampshire.police.uk/hyg/fpnhc/privacy-notice/> or request a copy by calling 101.

Yours sincerely,

  
CI/NSP

**Chief Inspector David Winter**  
Professional Standards Department





**HAMPSHIRE & ISLE OF WIGHT**  
**CONSTABULARY**

Chief Constable Scott Chilton Mst (*Cantab*)

Professional Standards  
Operational Headquarters  
Tower Street  
Winchester  
Hampshire  
SO23 8ZD

Telephone: 101  
Minicom: 19001 101  
Email: [PublicComplaintsMB@hampshire.police.uk](mailto:PublicComplaintsMB@hampshire.police.uk)

Our ref: CO/2000/23  
Your ref:

27<sup>th</sup> July 2023

Dear [REDACTED]

I acknowledge receipt of your recent complaint dated 22<sup>nd</sup> July 2023 and the additional emails you sent to the Public Complaints Mailbox that day.

We have recorded your complaint as follows:

**The complainant wishes to make a complaint about the unnamed individual in Hampshire Constabulary's legal department directing Mr Tom Silson. Mr Silson would only do what he is directed to do and is mandated to follow instructions and not act independently. Those instructions would have come by way of someone in your legal department.**

Hampshire and the Isle of Wight Constabulary takes any expression of dissatisfaction or complaint about its members of staff seriously. Whilst sometimes there may be an opportunity to learn and improve both for individuals or the Constabulary on this occasion, in accordance with current legislation and statutory guidance issued by the Independent Office for Police Conduct (IOPC), I have decided to take no further action on the matters.

This is because your complaint is the same as, or very similar to complaint CO/1813/23 that you made on 6<sup>th</sup> July 2023 and I consider that these matters were appropriately addressed in your previous complaint, for which an outcome letter was sent to you on 14<sup>th</sup> July 2023.

I consider my decision to take no further action for complaint CO/2000/23 reasonable and proportionate in the circumstances and in accordance with the IOPC's statutory guidance which states that complaints should not be re-visited where it is not appropriate to do so and where no new evidence or concerns are apparent.



## HAMPSHIRE & ISLE OF WIGHT **CONSTABULARY**

In addition, as you have indicated you will be seeking a review of the handling of complaint CO/1813/23 I consider it an abuse of the complaints process to repeatedly raise the same complaint matters, and to re-frame or re-word a complaint that has already been answered in an attempt to obtain a different outcome, especially when you are waiting for the review outcome of a similar complaint.

As was explained in your outcome letter for complaint CO/1813/23 we also believe there are more appropriate procedures and organisations to deal with your complaint.

Mr Silson is not an employee of Hampshire and the Isle of Wight Constabulary, we have utilised his services, however, complaining to the Professional Standards Department about him is not the correct procedure as we are not the correct organisation to consider or respond to complaints about him. Therefore any complaints you wish to make about Mr Silson should be made to him, and not the Constabulary. I have included a link below to the Law Society's website which explains how you can complain about a solicitor.

<https://www.lawsociety.org.uk/public/for-public-visitors/using-a-solicitor/complain-about-a-solicitor>

The last letter that you received from Tom Silson as solicitor acting on behalf of Hampshire and the Isle of Wight Constabulary remains the current position. Mr Silson was very clear as to what your next steps could be.

In addition, I believe you are using the complaints system purely to vex, worry, annoy or embarrass and there is no foundation to the complaint

When a complaint is made about a member of the Office of the Force Solicitor - you are aware you have made complaints about the Office of the Force Solicitor, it is usual practice to instruct an external solicitor to deal with these matters. Once an external solicitor is instructed, the instructions are provided to them by an Appropriate Authority within the Professional Standards Department.

In the case relating to complaints made by yourself, Chief Inspector David Winter, Head of the Complaints and Misconduct Unit, and an Appropriate Authority, provided instructions to Mr Tom Silson from Plexus Law as is the correct procedure.

Whilst we are not taking any further action, we have recorded your complaint. You have a right of review against this decision. If you wish to do this, you will need to apply to the Office of the Police and Crime Commissioner (OPCC) for Hampshire and the Isle of Wight within 28 days. Right to review applications received after 28 days may not be allowed unless there are exceptional circumstances. In this case your right to review should be received by the 25<sup>th</sup> August 2023.



HAMPSHIRE & ISLE OF WIGHT

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Please visit the OPCC website at [www.hampshire-pcc.gov.uk](http://www.hampshire-pcc.gov.uk) for details of how to do this. Your review request must include the following:

- the details of the complaint;
- the date on which the complaint was made;
- the name of the force or local policing body involved; and
- the date on which you were provided with the details about your right of review

If you do not have access to the internet, you can telephone the OPCC on 01962 871595 and request a hard copy of the review form or write to:

Office of the Police Crime Commissioner for Hampshire and the Isle of Wight  
The Long Barn  
Dean Estate  
Wickham Road  
Fareham  
Hampshire  
PO17 5BN

To find out more about how Hampshire and the Isle of Wight Constabulary uses your personal data and how to exercise your legal rights, see our privacy notice at <https://www.hampshire.police.uk/hyg/fpnhc/privacy-notice/> or request a copy by calling 101.

Yours sincerely,

**Detective Superintendent Justin Torgout**  
Professional Standards Department





**HAMPSHIRE & ISLE OF WIGHT**  
**CONSTABULARY**

Chief Constable Scott Chilton Mst (*Cantab*)

Professional Standards  
Operational Headquarters  
Tower Street  
Winchester  
Hampshire  
SO23 8ZD

Telephone: 101

Minicom: 19001 101

Email: [PublicComplaintsMB@hampshire.police.uk](mailto:PublicComplaintsMB@hampshire.police.uk)

Our ref: CO/1813/23

Your ref:

14<sup>th</sup> July 2023

Dear [REDACTED]

I acknowledge receipt of your most recent complaint dated 6<sup>th</sup> July 2023 and the seven additional emails you sent to the Public Complaints Mailbox about that complaint on the 6<sup>th</sup>, 8<sup>th</sup> and 10<sup>th</sup> July 2023.

We have recorded your complaint as follows:

The complainant states he wishes to complain about individuals in Hampshire Police and a solicitor representing the Chief Officer Scott Chilton, a Mr. Tom Silson, by way of obfuscation and lies in an attempt to pervert the course of justice and suppress evidence provided by Dorset Police Officers which proves Hampshire Police's PSD produced a false report into a child sexual abuse case. The complainant alleges the Chief Constable is engaging a solicitor who lies and obfuscates based on some immoral perception that is what he is being paid to do out of the public purse.

The complainant states he is making a criminal complaint against Mr. Tom Silson and conspirators instructing him on the Chief Constables behalf. The complainant states it's a serious corruption complaint that should be referred in to the IOPC within 24 hours under the statutory guidance. The complainant states he will of course withdraw this complaint if he is provided with the evidence he has requested, specifically the investigation reports that show the evidence provided by Dorset Police has been investigated, or in fact his complaint about what he claims is a false police report produced by Stephen Franks has ever been investigated at all. The complainant believes not only should this be provided under the GDPR as he believes it is his personal information if it exists, but by way of his legal disclosure request.

The complainant states there has been a deliberate attempt to pervert the course of justice by Mr. Tom Silson for the Chief Officer Scott Chilton. The



## **HAMPSHIRE & ISLE OF WIGHT CONSTABULARY**

complainant claims this is all to sweep evidence under the carpet that shows the PSD produced a false police report into a child sexual case of which Mr. Roger Trencher of legal has been involved in all along by helping suppress evidence. The complainant states he looks forward to receiving a complaint number and crime number by way of acknowledgement.

The complainant states Ms. Rachel Stokel-Walker should not have anything to do with this complaint and claims she too has made false assertions and statements in the past that the matters complained of and Dorset Police's evidence provided by its officer's has been investigated. The complainant states therefore she will want to continue to suppress this matter and avoid the evidence to cover up her own gross misconduct and disregard for children's rights.

Hampshire and the Isle of Wight Constabulary takes any expression of dissatisfaction or complaint about its members of staff seriously. Whilst sometimes there may be an opportunity to learn and improve both for individuals or the Constabulary on this occasion, in accordance with current legislation and statutory guidance issued by the Independent Office for Police Conduct (IOPC), I have decided to take no further action on the matters.

This is because parts of your complaint are the same as, or very similar to complaints MI/10/18, CO/1332/22, CO/1483/22 and CO/1380/23 that you have made and I consider that these matters were appropriately addressed in your previous complaints.

I will not repeat the details of complaint MI/10/18 as this was included in your outcome letter for complaint CO/1332/22. Complaint CO/1332/22 was made on 10<sup>th</sup> May 2022 and we recorded that complaint as follows:

1. Complainant states that he sent Mr Trencher evidence confirming statutory recording failings on the part of Officer's relating to a child sexual abuse case and requested these be forward to the relevant people with oversight of a conduct assessment as directed by Lesley Longstone, the then IPCC Chief Exec.
2. Complainant states that Mr Trencher is ignoring substantive evidence establishing serious deceit and lies in an official conduct assessment report as produced by Mr. Franks of the PSD regarding child sexual abuse safeguarding failings by Hampshire Constabulary. This directly contravenes his duties under the police code of ethics and his responsibilities to act in the best interests of the public and put the best interests of children first. The complainant states it is also an obvious abuse of position and trust.

A letter was sent to you on 18<sup>th</sup> May 2022 explaining we would be taking no action for complaint CO/1332/22 as we considered it to be the same as, or very similar to complaint MI/10/18. You were provided with details of your right of review if you



## HAMPSHIRE & ISLE OF WIGHT **CONSTABULARY**

remained dissatisfied with the handling of complaint CO/1332/22 and I note you have exercised your right of review. That review is currently with the IOPC to consider and provide an outcome to.

Complaint CO/1380/23 was made on 24<sup>th</sup> May 2023 and we recorded that complaint as follows:

- 1. Complainant wishes to make a complaint against the ACC Lucy Hutson in regards to failings under the code of ethics. Specifically her failing to adhere to Principle 10 of the code: Challenging and reporting improper behaviour. He feels she has failed to perform her obligations and duties that her position mandates.**  
The complainant states that the ACC was contacted by Dorset DCC with evidence establishing Hampshire PSD had produced a false conduct assessment report into a child sexual abuse case. He claims that she has taken no action and therefore feels she is party to suppressing this evidence contrary to the children's best interests and the duties of her post and the principles of the code of ethics.
- 2. The complainant has made an allegation that Hampshire police were ordered by the IOPC to investigate Mr Roger Trencher for lying as part of a High court order. Hampshire PSD are failing to communicate with him on this "investigation". He want to know why this is and believes it has to do with this case. The complainant asks is Ms. Hutson perhaps not aware of what is going on in the department she has personal responsibility for.**
- 3. The complainant states he has provided proof of further deceit by PSD (Rachel Stokel-Walker) lying about the matter being address and fully investigated when it never was. The complainant wants to see the investigation report that deals with this evidence, and would like to see the answers to Dorset Police's new and recent evidence.**
- 4. The complainant states DCC Hutson has not ensured her department refers serious gross misconduct and criminal complaints about officers and staff to the IOPC for an investigations decision contrary to the IOPC statutory guidance. These matters relate to criminal conduct matters pertaining to evidence suppression and lies regarding matters surrounding a child sexual abuse case e.g. Complaints pertaining to Misconduct in public office and abuse of position.**

A letter was sent to you on 30<sup>th</sup> May 2023 explaining we would be taking no action for complaint CO/1380/23 and that specifically we considered allegation 3 of your complaint about police staff Rachel Stokel-Walker was the same as, or very similar to complaint CO/1483/22 that you have made and I consider that these matters were appropriately addressed in your previous complaint.



## HAMPSHIRE & ISLE OF WIGHT

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Complaint CO/1483/22 was made on 20<sup>th</sup> May 2022 and we recorded that complaint as follows:

1. Ms. Stokel-Walker misled (lied) to PS Jones about my complaint being investigated. At no time has it been investigated. As she knows full well. If Hampshire Constabulary's position is it has please identify and provide the report of the investigation regarding the attached evidence regarding child sexual abuse safeguarding failings.
2. She lied about it not being a criminal complaint. It was about a crime report made to 101. There has also been a recent High Court order ordering it be dealt with under the provisions of the HOCR (as a criminal complaint).
3. She has ignored and contradicted that court order.
4. In an attempt to discredit me to PS Jones she raised previous issues and complaints that were not relevant to PS Jones in the determining of VRR. And misrepresented the facts once again, none of the related complaints she eluded too for PS Jones' "benefit" have been investigated either (she is the one who has arbitrarily dispatched them). There is one currently under investigation after a court order.
5. She has failed to review the evidence at any time in proving there is a serious case to answer. Evidence cannot be ignored.
6. She misdirected the review of her decision to the OPCC. It was properly for the IOPC (as now agreed by the OPCC). Where it is now after I corrected matters.
7. She did not send me a copy of or summary of my complaint before "dealing" with it as is a standard requirement under the guidance.

Complaint CO/1483/22 was allocated to our Complaint Resolution Unit to look into and respond to, and an outcome letter was sent to yourself on 31<sup>st</sup> March 2023 and within was detailed your right of review if you remained dissatisfied with the handling of that complaint. I note you exercised your right of review and the review is currently with the IOPC to consider and provide an outcome to.

You were provided with details of your right of review if you remained dissatisfied with the handling of complaint CO/1380/23 and I note you have exercised your right of review. That review is currently with the IOPC to consider and provide an outcome to.

I therefore consider my decision to take no further action for the parts of complaint CO/1813/23 that are similar to complaints MI/10/18, CO/1332/22, CO/1483/22 and CO/1380/23 reasonable and proportionate in the circumstances and in accordance





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with the IOPC's statutory guidance which states that complaints should not be re-visited where it is not appropriate to do so and where no new evidence or concerns are apparent.

In addition as complaints CO/1332/22, CO/1483/22 and CO/1380/23 are currently under review I consider it an abuse of the complaints process to repeatedly raise the same complaint matters, and to re-frame or re-word a complaint that has already been answered in an attempt to obtain a different outcome, especially when you are waiting for the review outcome of similar complaints.

I also believe there are more appropriate procedures and organisations to deal with various other parts of your complaint.

### 1. The Chief Constable

Complaints about the Chief Constable are looked into and responded to by the Office of the Police and Crime Commissioner (OPCC) for Hampshire and the Isle of Wight. We have therefore forwarded your complaint form and the additional emails you sent on 6<sup>th</sup>, 8<sup>th</sup> and 10<sup>th</sup> July 2023, to the OPCC to consider and respond to the matters you raise about the Chief Constable. The Professional Standards Department do not look into or respond to complaints about the Chief Constable. The OPCC will correspond with you separately about the issues in your complaint that relate to the Chief Constable.

### 2. Mr Silson of Plexus Law

Mr Silson is not an employee of Hampshire and the Isle of Wight Constabulary, we have utilised his services, however complaining to the Professional Standards Department about him is not the correct procedure as we are not the correct organisation to consider or respond to complaints about him. Therefore any complaints you wish to make about Mr Silson should be made to him, and not the Constabulary. I have included a link below to the Law Society's website which explains how you can complain about a solicitor.

<https://www.lawsociety.org.uk/public/for-public-visitors/using-a-solicitor/complain-about-a-solicitor>

### 3. The correspondence sent to you in response to your Subject Access Request from the Joint Information Management Unit

The Joint Information Management Unit wrote to you on 15<sup>th</sup> June 2023 in response for your SAR request and within their letter to you stated the following which has been copied and pasted from the letter you forwarded to the Professional Standards Department in one of your emails to us on 10<sup>th</sup> July 2023:



## HAMPSHIRE & ISLE OF WIGHT CONSTABULARY

Further information regarding access rights and your right to complain can be obtained from the Information Commissioner's website: <https://ico.org.uk/your-data-matters/>. If you believe that any information you have been provided with is inaccurate, please write to the address above quoting the reference number.

As required under legislation we have also included a link to our Privacy Notice that provides individuals with a description of how we process personal data: <https://www.hampshire.police.uk/hyg/fpnhc/privacy-notice/>, please contact us.

[www.hampshire.police.uk](http://www.hampshire.police.uk)



Please do not hesitate to contact this office in the first instance should you require any further assistance.

Yours sincerely

H. Savage  
Public Access  
Joint Information Management Unit

The Joint Information Management Unit provided you with information about how to complain to the Information Commissioners Office (ICO) if you were dissatisfied with their response, therefore the correct procedure is to contact the ICO if you remain dissatisfied. They also stated if you believed the information they had provided to you to be inaccurate you should write to the Joint Information Management Unit at the address they provided on their letter to you.

You were provided with a complaint reference number (CO/1813/23) on 6<sup>th</sup> July 2023 by the Professional Standards Department when we acknowledged your complaint via email so that part of your correspondence has been answered already.

This is not a criminal matter and therefore there is no crime reference to provide to you.

I also do not consider a referral needs to be made to the IOPC. Whilst you are alleging what you describe as 'serious corruption' by Mr Silson, as explained above complaints about Mr Silson are not for the Professional Standards Department, and therefore do not require referral to the IOPC. Whilst your beliefs about corruption may be genuinely held, they are bare assertions not supported by the evidence available.



## HAMPSHIRE & ISLE OF WIGHT **CONSTABULARY**

I also note you have offered to withdraw your complaint if your demands are met, therefore undermining your allegations of corruption if you would willingly withdraw them.

The last letter that you received from Tom Silson as solicitor acting on behalf of Hampshire and the Isle of Wight Constabulary remains the current position. Mr Silson was very clear as to what your next steps could be.

Unfortunately, the manner in which your complaints are now being made, repeated, expanded, escalated and making demands, has become vexatious and an abuse of the police complaints system.

Whilst we are not taking any further action, we have recorded your complaint. You have a right of review against this decision. If you wish to do this, you will need to apply to the Independent Office for Police Conduct (IOPC) within 28 days. Right to review applications received after 28 days may not be allowed unless there are exceptional circumstances. In this case your right to review should be received by the 12<sup>th</sup> August 2023.

To apply for a review of your complaint, please visit the IOPC website at <https://www.policeconduct.gov.uk/complaints-reviews-and-appeals/reviews-and-appeals> for details of how to do this. Your review request must include the following:

- the details of the complaint;
- the date on which the complaint was made;
- the name of the force or local policing body involved; and
- the date on which you were provided with the details about your right of review

If you do not have access to the internet, you can telephone the IOPC on 0300 020 0096 and request a hard copy of the review form or write to:

Independent Office for Police Conduct  
PO Box 473  
Sale  
M33 0BW

To find out more about how Hampshire and the Isle of Wight Constabulary uses your personal data and how to exercise your legal rights, see our privacy notice at <https://www.hampshire.police.uk/hyg/fpnhc/privacy-notice/> or request a copy by calling 101.



HAMPSHIRE & ISLE OF WIGHT  
**CONSTABULARY**

Yours sincerely,



CI/NSP

**Chief Inspector David Winter**  
Professional Standards Department



## EX 22

Letter to [REDACTED] from Head of Dorset Police PSD T.J Whittle dated 31 October 2023.

The letter confirms the matter of the false report is being pursued by Dorset Police, and it is not only the Claimant who has raised these matters but a Dorset Police PSD investigator enquiring into the matter as well. There have been very high level meetings. Dorset Police are to report back. See page 505 (next page).



Chief Constable Amanda Pearson MSt (*Cantab*)  
www.dorset.police.uk

OFFICIAL

[REDACTED]

Sent via email:

[REDACTED]

**Dorset Police**  
**Professional Standards Department**  
Force Headquarters  
Winfrith, Dorchester  
Dorset DT2 8DZ

Our ref: CO/00806/23  
TJW/3808/AW

Phone: 101 Ext. 3808

E-mail: [complaints&misconduct@dorset.pnn.police.uk](mailto:complaints&misconduct@dorset.pnn.police.uk)

Date: 31 October 2023

Dear [REDACTED]

#### COMPLAINT AGAINST POLICE

I acknowledge receipt of your email of 14 October 2023 and apologise for the delay in this matter.

I have now received a response from DCC de Reya and as a result I have asked Mr Watkinson to arrange a meeting between Dorset and Hampshire Professional Standards Departments, to clarify exactly the position on the matters that you have raised.

During March of this year DCC de Reya has confirmed that she did in fact have a telephone/teams meeting with the then Hampshire DCC Hutson, on the issues raised by yourself and Mr Watkinson. This is confirmed in emails as you are aware.

My understanding is that various letters were exchanged which were the culmination of your original Dorset complaint dealt with by Mr Watkinson, but further paperwork and explanation was also to be provided by Dorset Professional Standards Department.

This position was not conveyed to Mr Watkinson and therefore nothing further was provided to Hampshire, which might account for the inactivity on the matter.

I apologise for this oversight and I am hoping that this meeting in the near future will provide clarity for me to inform you of both Forces position on your complaints.

I will be in contact in due course.

Yours sincerely

TJ Whittle  
Joint Head of Complaints & Misconduct Unit

## **WS 2**

**Claimants Second Witness Statement**

Date 9/5/2024

**Court Reference AC-2024-CDF-000059**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

In response to the Defendants AOS filings  
Date of service on the Claimant 7/5/2024

**For the attention of the Judge when this application is considered**

**Duty of candour omission by the Defendant's**

Included evidence: Letter to the Claimant from Dorset Police dated 31 October 2023.  
See page 4 of this document.

Dear Sirs,

I am now in receipt of the Defendant's respective AOS filings (served 7/5/2024).  
There is a serious omission under the duty of candour. In reference to the statement by the First Defendant (the IOPC) it is not aware Dorset Police are pursuing the issue of the false police report produced by Hampshire Constabulary.

Here I direct the Court to:

*First Defendants Summary Grounds of Defence*  
*Para 42(e) – page 23*

This representation by the First Defendant is misleading and wholly inaccurate. Both Defendants know the matter of the false report as complained about is currently being pursued at a very high level by Dorset Police and not just by me. Please see the attached letter from Dorset Police confirming this. It has gone all the way up the chain to the respective Deputy Chief Constables. It is therefore not only the Claimant (me) who has raised the issue of the false police report with the Second Defendant but Dorset Police directly as well. Mr. Gary Watkins is a Dorset Police professional standards investigator who too has raised these very same issues as the Claimant (me) as the attached letter absolutely confirms.

The Second Defendant absolutely knows this and the First Defendant should too. Given this has now been raised as a defence issue it is important for the Court to understand it is not just I the Claimant (me) who have raised the matter of the false police report produced by Hampshire Police but Dorset Police directly as well. Under the duty of candour this should have been brought to the attention of the Court by the Defendant's, certainly given Dorset Police's alleged lack of action has now been raised in defence even though it is not true. Clearly the intention of omitting this salient truth is to try to further its vexatious and repetitive argument. This is a breach to the duty of candour. Clearly given Dorset Police's actions as identified in the letter the complaint is not unfounded, and this is extremely

damaging to the defence, yet has not been disclosed by either Defendant for the Court's benefit.

Furthermore, the Defendant's AOS filings now unwittingly confirm that the complaints made by me about the Defendant's being untruthful in complaint responses, letters and pre-action correspondence about my allegations into the false report already having been investigated to be completely correct, there was no investigation. Neither Defendant can identify and reference a single investigation into the matter of the false report and Dorset Police's evidence. Of course I can complain about that, along with being sent a false police report which lied to me. These complaints have absolutely nothing to do with my standing in reference to not being affected by the sexual offences or statutory legal failings in how Hampshire Constabulary originally dealt with the related child sexual abuse case. These are separate and different issues all together.

Breaches to the Rules:

Judicial Review Guide 20223

7.5 Duty of candour and cooperation with the Court

7.5.1 There is a special duty – the duty of candour and cooperation with the Court – which applies to all parties to judicial review claims. Parties are obliged to ensure that all relevant information and all material facts are put before the Court. This means that parties must disclose relevant information or material facts which either support or undermine their case. The duty of candour may require a party to disclose a document rather than simply summarising it.

7.5.2 It is very important that parties comply with the duty of candour. The duty is explained in more detail below at para 15.1 of this Guide.

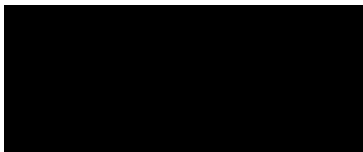
7.6 Disclosure and requests for further information

7.6.1 The duty of candour should ensure that all relevant information is before the Court. The general rules governing the disclosure of documents in civil claims do not apply to judicial review claims.

-----  
In closing.

[REDACTED]

-----



STATEMENT OF TRUTH

[REDACTED]

9 May 2024



Chief Constable Amanda Pearson MSt (*Cantab*)  
www.dorset.police.uk

OFFICIAL

[REDACTED]

Sent via email:

[REDACTED]

**Dorset Police**  
**Professional Standards Department**  
Force Headquarters  
Winfrith, Dorchester  
Dorset DT2 8DZ

Our ref: CO/00806/23  
TJW/3808/AW

Phone: 101 Ext. 3808

E-mail: [complaints&misconduct@dorset.pnn.police.uk](mailto:complaints&misconduct@dorset.pnn.police.uk)

Date: 31 October 2023

Dear [REDACTED]

## COMPLAINT AGAINST POLICE

I acknowledge receipt of your email of 14 October 2023 and apologise for the delay in this matter.

I have now received a response from DCC de Reya and as a result I have asked Mr Watkinson to arrange a meeting between Dorset and Hampshire Professional Standards Departments, to clarify exactly the position on the matters that you have raised.

During March of this year DCC de Reya has confirmed that she did in fact have a telephone/teams meeting with the then Hampshire DCC Hutson, on the issues raised by yourself and Mr Watkinson. This is confirmed in emails as you are aware.

My understanding is that various letters were exchanged which were the culmination of your original Dorset complaint dealt with by Mr Watkinson, but further paperwork and explanation was also to be provided by Dorset Professional Standards Department.

This position was not conveyed to Mr Watkinson and therefore nothing further was provided to Hampshire, which might account for the inactivity on the matter.

I apologise for this oversight and I am hoping that this meeting in the near future will provide clarity for me to inform you of both Forces position on your complaints.

I will be in contact in due course.

Yours sincerely

TJ Whittle  
Joint Head of Complaints & Misconduct Unit

---

**From:** PUBLIC ACCESS Mailbox [<mailto:public.access@hampshire.police.uk>]

**Sent:** 22 April 2024 13:08

**To:** [REDACTED]

**Subject:** RE: 17226/W

Dear [REDACTED]

You have previously been advised of the following;

*Hampshire Constabulary has refused access to the data under section 45(4)(a) of the Data Protection Act as disclosure would prejudice an official or legal inquiry, investigation or procedure.*

Please refer to the ICO if you remain unhappy with our response.

Kind Regards

**S Carr | Public Access Manager**

**Joint Information Management Unit | Hampshire & Isle of Wight Constabulary and Thames Valley Police**

Address | Hampshire & Isle of Wight Constabulary, Mottisfont Court, Tower Street, Winchester, Hampshire, SO23 8ZD

Information Management Helpdesk:

Hampshire [information.management@hampshire.pnn.police.uk](mailto:information.management@hampshire.pnn.police.uk)

Thames Valley [information.management@thamesvalley.pnn.police.uk](mailto:information.management@thamesvalley.pnn.police.uk)



**From:** [REDACTED]  
**Sent:** 09 May 2024 01:46  
**To:** 'cardiff@administrativecourtoffice.justice.gov.uk'  
**Cc:** 'civil.litigation@hampshire.pnn.police.uk'; 'legal.admin@policeconduct.gov.uk'; 'Danny Simpson'; 'Jade.Clarke@dwf.law'  
**Subject:** AC-2024-CDF-000059 Claimants Second Witness Statement  
**Attachments:** AC-2024-CDF-000059 Claimants second witness statement 2.pdf

RE: AC-2024-CDF-000059

Duty of Candour omission by the Defendant's

**For the attention of the Judge when this application is considered.**

**CC: All Parties**

Claimant's Second Witness Statement of 9/5/2024

Dear Sirs,

I am now in receipt of the Defendant's respective AOS filings (served 7/5/2024). I know it is not encouraged but I feel compelled to file a 2<sup>nd</sup> Witness Statement (attached) to highlight and answer serious substantive omissions under the duty of candour in the Defendants AOS filings for the benefit of the Court. This will enable it to make an informed decision based on the true facts of the case in children's best interests. The statement highlights breaches to the Court rules by the Defendant's by the way of withholding substantive information from the Court.

Thank you

[REDACTED]

Claimant

[REDACTED]

**From:** [REDACTED]  
**Sent:** 09 May 2024 21:40  
**To:** 'cardiff@administrativecourtoffice.justice.gov.uk'  
**Cc:** 'civil.litigation@hampshire.pnn.police.uk'; 'legal.admin@policeconduct.gov.uk'; 'Danny Simpson'; 'Jade.Clarke@dwf.law'  
**Subject:** AC-2024-CDF-000059 Claimants Second Witness Statement

RE: AC-2024-CDF-000059

**CC: All Parties**

Claimant's Second Witness Statement of 9/5/2024

Also for the attention of the Judge when the application is considered.

Dear Sirs,

I would also like to add the following for the attention of the Judge's consideration along with my second witness statement as previously emailed to the Court Office regarding the identified breaches to the duty of candour by the Defendants. I believe it also relates to important information for the Court not disclosed or answered by either Defendant. However highly germane and substantive.

As to the proffered defence I am not a "qualifying complainant". This was not raised in CO/2550/2018 (The Honourable Mr. Justice Garnham) or CO/80/2019 (UT Judge Grubb). Both of these cases I won. The former case CO/2550/2018 was also related specifically to the false police report produced by Hampshire Constabulary, but before Dorset Police's new evidence of 2022/2023 further corroborating the allegation the police report produced by Hampshire Police complained of is substantively false. This too I believe is a germane fact that the Court should be aware of, yet not addressed in the Defendant's AOS filings.

For the record I agree I was not a qualifying complainant regarding the raft of failings re the handling of the underpinning child sexual abuse case. I at no point have disputed or contested that. But I am a qualifying complainant when it comes to being lied to by way of being sent a false police report, which I know to be false by way of the evidence I had previously provided to Hampshire Police which was suppressed. Equally I am a qualifying complainant when my complaints are rejected on the wholly false premise they are repetitive and vexatious as they have been investigated before (when they have not). When a member of the public is lied to by the police, of course they have a right to complain about it. And this is what this is about, a member of the public being lied to and having complaints rejected on a false basis. It is not about the original policing fiasco at all, to which I was not a qualifying complainant, but was never the less instrumental in having those failings on the part of Hampshire Police corrected in children's best interests.

Sincerely

[REDACTED]  
Claimant  
[REDACTED]

## **WS 3**

Claimants 3<sup>rd</sup> Witness Statement – Defendants breaches to the duty of candour and answer to new issues/evidence raised in AOS responses

**Third Witness Statement**

Date 23/5/2024

In response to the Defendants AOS filings.

Date of service on the Claimant 7/5/2024

[REDACTED] (Claimant)

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

For the attention of the Judge when this application is considered

**Duty of candour omissions by the Defendant's and response to new issues raised**

Dear Sirs,

- 1) This Claimants 3<sup>rd</sup> witness statement is in response to the new issues raised in Defendants AOS filings (served 7/5/2024) and about various breaches to the duty of candour by the way of omission and obfuscation.
- 2) The supporting evidence has already been filed with the Court by way of the Claimant's bundle (FILE 2).
- 3) This further filed evidence substantiates a very clear contempt of Court on the part of the Second Defendant in passed proceedings which I request the Court to use its prerogative to now act on given it is a slight on the Court and on the justice system in general. One that remains denied hence remains to be purged or referred to the Attorney General to prosecute as would be the case is if were a regular member of the public. This is addressed further down in my statement along with the supporting evidence proving the matter.
- 4) The additionally provided evidence and documents also make it clear the Defendants have failed to mention High Court Case CO/2550/2018 where the First Defendant made all the same arguments as now, eg: I am not a qualifying complainant and have no standing to complain. These were all robustly defeated and permission to proceed was granted. This too is further explained and addressed later in this statement.
- 5) The evidence also highlights a false statement in a prior pre-action response from the Second Defendant which too is a blatant breach to the duty of candour and hence the Claimant respectfully also requests the Court address.
- 6) The list provided by the First Defendant in its AOS of my past complaints only "tells half the story". The outcomes I have included in the second bundle are from the Parliamentary Commissioner, Information Commissioner's Office and High Court rulings which have held the Second Defendant to account whereas the First Defendant has proved itself to be largely redundant in doing so. These

tell the other side of the story. The list of non upheld complaints provided by the First Defendant is not proof they were correct outcomes. And certainly given the conduct of the Defendant's in reference to this matter before the Court and the highlighted past history documented herein, they must be considered highly dubious at best.

- 7) I have included the First Defendants (IOPC) pre-action response at the end of this statement which indicates the new argument and material proffered by the First Defendant in its AOS filing did not appear and were not raised in its pre-action response to me. The AOS broadly adds in a collateral attack on the Claimant (me) which does not appear anywhere in the Defendant's pre-action response. The evidence I have provided in FILE 2 is also an answer to this. Notwithstanding the statutory IOPC guidance states a complainant cannot be "vexatious" only a complaint. My history is therefore irrelevant in the determination of this matter under the guidance. It is children's best interest, the law and evidence from Dorset Police that counts of course and not what or who I am. That matters not.
- 8) **The evidence of Contempt of Court by the Second Defendant.** For the breached undertaking given by Mr. Roger Trencher in past proceedings refer to Claimants Bundle File 2 page 59 (EX 27). For the Parliamentary Commissioner's decision confirming the breach (which the second Defendant accepted) see (EX 28) page 69 and 78 for the Commissioners summary where it is made crystal clear. For the Force Solicitors denial of the very obvious see his correspondence on page 191 (EX 40). Notwithstanding the evidence of contempt, I believe this adequately demonstrates a perverse culture of denial at all costs within Hampshire Constabulary that extends all the way through to its legal department.
- 9) **The Defendant's failed to bring the matter of High Court Case CO/2550/2018 to the Courts attention in terms of it invalidating the defence as put forward in the Defendant's AOS responses to the Court in this case.** Here it was likewise argued by the Defendants in the papers and verbally at the hearing before the Honourable Mr. Justice Garnham I was not a qualifying complainant. The Judge entirely rejected that argument and granted permission for the application to proceed. It is important to also note that case was also about the false police report I was sent as produced by Hampshire Constabulary into the handling of the Arnewood School teacher child sexual abuse case. This breach to the duty of candour is made very evident in the supplied papers as I have now provided re CO/2550/2018 (FILE 2) which I will come too. This case also relied on some of the same evidence which was never answered or investigated, now even further bolstered by the new evidence provided to me by Dorset Police is 2022 and 2023, yet also summarily rejected. No mention or argument was made then in CO/2550/2018 by either Defendant that the evidence was not what it was purported to be. I am sure had it not have been credible or was frivolous the Honourable Mr. Justice Garnham would have dismissed the case there and then. He did not. It went on to a consent order which I address in my next point. There is an enormous difference to me not being a qualifying complainant re the underlying statutory failings regarding the Arnewood School teacher case where I

was instrumental in getting those issues addressed, as opposed to be a qualifying complainant about being lied to by way of being sent a false police report I knew to be false by way of the evidence I had submitted to the Second Defendant. It is also unarguable that I am not a valid complainant when it comes to the other challenged outcomes as well. Which relate to the same issue of being lied to and misled repeatedly in documents and legal and other responses from the Second Defendant now thoroughly evidenced for the Court. The Court is directed to page 220 (EX 17) of the Claimants first (original) bundle for the Judges order. For the Judicial Review Claim form explaining the claim refer to page 222 (also EX 17) of the same bundle. For the resulting consent order (I will come to this in my next point) see page 228 of (EX 17). For further analysis please refer to the Claimants FILE 2 For the First Defendant's AOS, pre-action response and skeleton argument relating to CO/2550/2018, these can be found in (EX 37) at page 135 to 170 of FILE 2. These documents adequately demonstrate for the Court they are now trying on the very same arguments here yet again, albeit both Defendants' know they have previously failed in the High Court before. That is remiss under the duty of candour and overriding objective. It is a deliberate omission that precludes the Court from being able to make an informed and just decision in this case. Of course the Court will know it is not bound by decisions of other High Court Judges, but it is highly unusual for a fellow Judges decision to be over ridden without very good cause, and here there is none.

**10) The Court was misled and misdirected in CO/2550/2018 by both Defendants.**

This was to hood wink the Court into agreeing to change the finalised consent order changed from an IOPC "direction" to a "recommendation". This resulted in the original evidence (EX 01 – pages 63 to 69 original bundle) once again being swept "under the carpet". Refer to the original consent order on page 228 (EX 17) of the Claimant' original bundle. Pages 38 to 52 (EX 25) of Claimants FILE 2 bundle consists of the applications and argument presented to the Court to get the order changed to a "recommendation". The Judges ruling agreeing the change can be found at page 234 (EX 17) of the Claimants original bundle. The evidence this was a false argument has now been inadvertently proven by way of a new letter and "memo" sent to me by the First Defendant (IOPC) dated 13/5/2024 included at pages 8 to 11 (EX 23) of FILE2. Of course this memo is correct under law, refer to page 245 (EX 17) of the Claimants original bundle. It is very implausible that a case worker knows more about the law than the Defendants respective legal departments and the senior solicitors they employ.

**11) The Second Defendant lies in a pre-action letter.** Likewise a breach to the duty of candour. Which is engaged at the start of the pre-action phase. Here I direct the Court to Mr. Tom Silson's (a solicitor acting for the Second Defendant) letter at page 78 (EX 05) of the Claimant's original bundle. The lies appear on page 78 (boxed as LIE 1 and LIE 2) of the document. The person from whom Mr. Silson was receiving instructions was Mr. David Winter the Head of Hampshire Constabularies Professional Standards Department (PSD). This is confirmed at the end of the letter (page 81). Then contrast this with the same Mr. David Winters letter to me dated 30/3/2023 page 459 (EX 21), note Ms. Stokel-Walkers

response he was given starting at paragraph 4 confirming no investigation had been undertaken. The other decisions by the Second Defendant now included in (EX 21) of FILE 2 underpin the challenged First Defendants (IOPC) decisions. These further prove there was no investigation at all, criminal or otherwise into my complaints. They were all summarily rejected complaints. Hence my request for the investigation reports I was not aware of after receiving Mr. Silson's letter of 2/6/2023. I further made a request for the investigation reports in my application form to the Court, which was ignored by both Defendants. The tactics of the Defendant's appear to have now moved from the complaints already being investigated (hence are repetitive and vexatious) to the evidence is not what it is purported to be (CO/2550/2018 disproves that). Well it is what it purports to be. I direct the Court back to (EX 01) to (EX 04) of the original Claimants bundle. I further draw the Courts attention to my in vain attempts to get the investigation reports to which Mr. Silson referred in his pre-action response. The First Defendant has now written to Hampshire Constabulary twice about my complaint about not being sent the investigation reports to which I would be entitled to as a matter of right, and still the complaint about the same has not been answered or even acknowledged. That is unlawful. Refer to page 139 (EX 12) of the Claimants original bundle for the unlawfully ignored complaint. And page 142 (EX 13) of the Claimants original bundle for my failed Subject Access Request to get the information (the investigation report/s) I was and still am entitled to if they exist. The Second Defendant refused the request on the basis it would "prejudice" the Judicial Review Proceedings of which there were none (only a pre-action letter had been issued). That is an additional deception as Mr. Silson refused to provide them to me as well. My requests under the duty of candour were also ignored. If they would prejudice proceedings as the Second Defendant claimed to the ICO they are relevant to those proceedings and should have been and still should be disclosed to the Court and me under the duty of candour, note page 57 (D8) of the Claimants original bundle. Also please note pages 55 to 60 (D8) of the original Claimants Bundle where the First Defendant (IOPC) has pursued the Second Defendant (The Chief Officer) about the non response to the Claimants (my) complaint about not being sent the investigation report/s referenced by Mr. Tom Silson in his pre-action response letter. The IOPC have subsequently written to them a second time about this (email from Ms Alice Law dated 22/4/2024), yet still no response yet again from the Second Defendant. Why not? Well I believe that is because answering would be self condemning and incriminating on the part of the Second Defendant. There really has been no investigation at all. And that they should be candid with the Court about, but have not. The false argument about matters being investigated has even impacted the decision making of other agencies, refer to page 454 (EX 20) of the Claimants original bundle.

- 12) **Withholding evidence**. Not disclosing substantive information as highlighted above in point 11. Relevant substantive evidence which would "prejudice" proceedings as is the Second Defendant's position in correspondence with the Information Commissioner is a further evident clear breach to the duty of candour. If it will affect proceeding either way it should be disclosed to the Court

as it is relevant to those proceedings. Refer to page 171 (EX 15) of the Claimants original bundle. Here the information is denied to me hence the Court on the argument it would “prejudice proceedings”. Then not provided when requested under the pre-action protocol either. That too is an affront to the Court and the rules.

- 13) **Yet another duty of candour failing.** Not bringing to the attention of the Court Dorset Police are pursuing matters pertaining to the false report at the highest level. It has gone right up the command chain to both Force Deputy Chief Constables. That would not happen if the evidence was not what it appeared to be. Refer to page 505 (EX 22) of the Claimants original bundle. Here I also draw the Courts attention to my Second Witness statement dated 9/5/2024 on page 507 (WS 2) of the original bundle. This is highly relevant information. The Second Defendant should have made the Court aware of it. It throws a correct light from an authoritative third party on the evidence. It is not all a manufactured nonsense as they would have the Court believe at the expense of children’s best interests.
- 14) **Yet more misinformation.** Then of course there is the matter of the misdirection employed by Superintendent Debra Masson when informing the IOPC the Second Defendant would not comply with its recommendation resulting from High Court case CO/2550/2018. Refer to page 451 (EX 19) of the original bundle. Here she informs the First Defendant (IOPC) the call to 101 was about a request for an address. As if a judicial review which ended in a Court agreed consent order (CO/2550/2018) would be about a request for an address. It was all about reporting a crime. It should have been logged and an incident number issued. It was not but should have been and the Honourable Mr. Justice Garnham clearly agreed with me on that in CO/2550/2018, and regarded me as a “qualifying” complainant as well. Now more new evidence from Dorset Police has become available proving the falsity of the report sent to me, I still am. That does not change. And as the evidence past and present has never been investigated under the PRA 2002 or otherwise dealt with under the provisions of the PRA 2002 by means of local resolution (which would be entirely inappropriate anyway) the complaint cannot be repetitious or vexatious. It’s a valid complaint under the Police Reform Act 2002 and both versions of the IOPC Statutory Guidance and Regulations, that is both the 2015 and 2020 versions. It must be dealt with as such in children’s best interests. False police reports into the handling of child sexual abuse cases are really not a good thing. And if I am not a valid complainant as they strangely cling to despite prior proceedings establishing otherwise why have they not carried out a mandated conduct assessment as required by the rules? Refer to the Head of the then IPCC Lesley Longstone’s letter to the Children’s Commissioner dated 9/16/2016 on page 254 (EX 18) of the Claimants original bundle. Specifically paragraph 5 on page 255 of the same document.
- 15) The other documents I have included in FILE2 also go to the newly raised issues regarding the Complainants (my) complaint history. Although I do not believe



they are relevant to the law and evidence raised here in this case, I have provided these additional documents to show there is another side to the list produced by the First Defendant. Producing a list of non upheld complaints does not prove they are right. Furthermore everything I alleged herein is documented with evidence. None of it is frivolous or made up. To further make this point I draw the Courts attention to the Court orders and Second Defendants frivolous defence in CO/80/2019 page 13 (EX 24) of FILE 2 where the same old mantra of vexatious and abuse of process was used, and defeated. The resulting investigation from this particular High Court action is still not concluded after being sent back by the First Defendant (IOPC) to the Second Defendant (Chief Officer) for yet a second time, refer to page 8 (EX 23) of FILE 2. We are now at 6 years and counting. Then there is the referenced "village green" complaint. DJ Callaway's order on that where he expresses his gratitude is included on page 55 (EX 26) in FILE 2. Success in CO/212/2012 which resulted in the breached High Court undertaking (EX 27). The Parliamentary Commissioner decision confirming the denied breach (EX 28) by the Second Defendant. LJ Arden's Appeal Court ruling confirming serious SEN failings at the Arnewood School (EX 29). And the TSOL's letter confirming the same (EX 30). The news articles embarrassing the Second Defendant (EX 32), there were others. An ICO decision against Dorset Police is provided in (EX 35) page 124. I could provide more examples of where I succeeded despite of the Defendants, however when added to my success in getting a child sex offender of the streets when Hampshire Constabulary bizarrely kept it out of the system for 2 years I am sure the Court will get the picture. I am responsible for getting numerous and some very serious legal failing by the Second Defendant corrected. That cannot be disputed. The Defendants have made many mistakes previously, far too many mistakes. And this is simply a continuum of that same modus operandi and culture of denial and cover up at all costs which have gone before.

#### STATEMENT OF TRUTH

[REDACTED]

23 May 2024

[REDACTED]

10 South Colonnade  
Canary Wharf  
London E14 4PU

Tel: 0300 020 0096

Email: [enquiries@policeconduct.gov.uk](mailto:enquiries@policeconduct.gov.uk)

By email only to:

23 February 2024

Legal/DS/00011949

Dear

### **Proposed Judicial Review of the IOPC's decisions dated 31 January 2024.**

I am instructed by the IOPC to reply to your letter of claim under the judicial review pre-action protocol, purportedly dated 14 January 2024 but in fact sent by email on 14 February 2024.

### **Introduction**

- 1) You are challenging 7 separate review decisions, made under paragraph 6A schedule 3 Police Reform Act 2002 ("PRA"), all dated 31 January 2024. In each case Hampshire Police, as the Appropriate Authority ("AA"), had decided to take no further action on your complaints and the IOPC's reviews determined that outcome was reasonable and proportionate.
- 2) I have numbered the complaints in the table below. Complaints 1-2 and 3-7 all relate directly or collaterally to the Conduct Assessment (the assessment) carried out by Mr Stephen Franks on behalf of the AA in 2016 (see below) concerning Hampshire Police's handling of allegations against a teacher made in 2012/13. In short you allege Mr Franks lied in the assessment and that the other people complained about have failed to correct his lies or to investigate your complaints about them. It is clear from the complaints themselves and from your letter of claim that you are seeking to re-open the assessment.
- 3) The reviews determined that no further action was appropriate it has previously been determined that you are not a qualifying complainant in relation to any failings in 2012/13 or the assessment, the complaints repeated the earlier complaints and/or were vexatious and an abuse of complaints procedures because they were collateral challenges to the earlier outcomes. You have produced material from Dorset Police which you say is new evidence supporting that the conduct assessment was false. You say that the reviews failed to evaluate that evidence and ignored it.

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- 4) As a matter of law, the IOPC has no power arising out of a review or otherwise to require Hampshire to re-open the assessment, it remains the case that you are not a qualifying complainant, and that the complaints are an abuse of the procedures for making complaints. However, if the IOPC had concerns that the assessment was flawed and there may be a realistic basis for bringing criminal or misconduct proceedings and a public interest basis in doing so, it would encourage Hampshire Police to re-open it. It has therefore evaluated the information you have provided from Dorset Police. Having done so, is of the view there is no such realistic basis and that the public interest in addressing the 2012/13 failings has been met by the 2014 criminal investigation and prosecution, the findings of the assessment, the review by Hampshire Safeguarding Children Board and the steps taken to address the failings.
- 5) For the reasons given above, the review decisions Complaints 1-2 and 3-7 were lawful and reasonable and there is no merit in the proposed challenge. The letter of claim does not appear to contain any grounds for challenging the review for complaint 3 which is in any event public law reasonable. If issued any claim will be defended.

### The Complaints

- 6) These are set out in the table below:

	<b>IOPC Reference</b>	<b>Complaint Dated</b>	<b>Complaints as set out in the outcome letters</b>
	<b>Hampshire Police Reference</b>		
1.	2022/170780  CO/1332/22	10 May 2022	(1) Mr Roger Trencher ignored evidence establishing serious deceit and lies in a conduct assessment produced by Mr Franks. (2) Mr Roger Trencher failed to forward vital evidence to IPCC personnel and failed to respond to you.
2	2022/177564  CO/2896/22	26 September 2022	(1) The PSD (Mr Stephen Franks) produced a false conduct assessment into child sexual abuse safeguarding failings. (2) Mr Roger Trencher and members of the PSD did not forward on the evidence that proved the falsity of the report to those with oversight. (3) The false report has never been corrected contrary to children's best

			interests. (4) You requested PSD to re-evaluate its prior responses to your complaints about Mr Trencher and others in PSD, and Mr Franks producing a false report into child sexual abuse safeguarding failings
3	2022/178129 CO/3077/22	10 October 2022	(1) Mr Maurice Smart did not produce accurate terms of reference (TOR) and he removed an important allegation. Mr Smart was also unresponsive to emails.
4	2023/188631 CO/1380/23	24 & 25 May 2023	<p>(1) Assistant Chief Constable Hutson failed to be fair, honest, provide good leadership, to be objective and failed to report or challenge improper conduct or failed to take action against the improper conduct. She has failed to perform her obligation and duties as her position mandates. ACC Hutson is party to suppressing evidence contrary to children's best interests and contrary to the duties of her post. ACC Hutson did not ensure PSD referred gross misconduct and criminal complaints to the IOPC.</p> <p>(2) Ms Rachel Stokel-Walker lied about a matter being investigated when it never had been.</p> <p>(3) Hampshire Constabulary were ordered by the IOPC to investigate Mr Trencher for lying as a result of a High Court Order. Hampshire Constabulary have failed to communicate with you in relation to the investigation.</p>
5	2023/191907 CO/2000/23	22 July 2023.	An unnamed individual in Hampshire Constabulary's legal department who was responsible for directing and instructing Mr Silson of Plexus Law to not to answer and to avoid in his pre-action response contrary to court rules. The unnamed individual directed Mr Silson to continue with subterfuge and cover up of evidence

			<p>was just continued as directed by some individual in your legal department. Mr Silson is trying to suppress Dorset Police's evidence contrary to his duties to the court, and someone in the Hampshire Constabulary legal department is putting him up to it and authorising it.</p>
6	<p>2023/192018</p> <p>CO/1813/23</p>	6 July 2023	<p>(1) Individuals in Hampshire Constabulary's legal department deliberately and knowingly have not complied with Court rules. They have also attempted to pervert the course of justice.</p> <p>(2) Hampshire Constabulary have engaged a solicitor who lies and obfuscates. (3) Individuals in Hampshire Constabulary have lied about the matter being investigated when it had not.</p>
7	<p>2023/185488</p> <p>CO/1483/22</p>	20 May 2022	<p>(1) Ms. Stokel-Walker misled (lied) to PS Jones about my complaint being investigated. At no time has it been investigated. As she knows full well. If Hampshire Constabulary's position is it has, please identify, and provide the report of the investigation regarding the attached evidence regarding child sexual abuse safeguarding failings.</p> <p>(2) She lied about it not being a criminal complaint. It was about a crime report made to 101. There has also been a recent High Court order ordering it be dealt with under the provisions of the HOCR (as a criminal complaint).</p> <p>(3) She has ignored and contradicted that court order.</p> <p>(4) In an attempt to discredit me to PS Jones she raised previous issues and complaints that were not relevant to PS Jones in the determining of VRR. And misrepresented the facts once again, none</p>

			<p>of the related complaints she alluded to for PS Jones' "benefit" have been investigated either (she is the one who has arbitrarily dispatched them). There is one currently under investigation after a court order.</p> <p>(5) She has failed to review the evidence at any time in proving there is a serious case to answer. Evidence cannot be ignored.</p> <p>(6) She misdirected the review of her decision to the OPCC. It was properly for the IOPC (as now agreed by the OPCC). Where it is now after I corrected matters.</p> <p>(7). She did not send me a copy of or summary of my complaint before "dealing" with it as is a standard requirement under the guidance.</p>
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## Background

- 7) All these complaints have their origin in allegations that a teacher named Tyrone Mark had inappropriate relationships with pupils at the Arnewood School where he taught. Your son attended that school, but the allegations did not relate to him.
- 8) In December 2012 a referral was made by the school to the Hampshire County Council's Local Authority Designated Officer (LADO) regarding Mr Mark's apparent over familiar, not sexual, relationship with an older pupil at the school. The school's investigation raised further concerns regarding Mr Mark giving the pupil gifts, cards, condoms, and the key to his flat<sup>1</sup>. The LADO referred the matter to Hampshire Constabulary's Central Referral unit (CRU), who, as both the teacher and the pupil resided in Dorset, "referred" the matter to Dorset Police. No police action was taken and Arnewood School instigated a disciplinary process during which Mr Mark resigned from his post in March 2013. In October 2013 a colleague of Mr Mark returned some items that had been left with him by Mr Mark to the school. These included copies of school records, photographs of pupils (not indecent and taken by the school) with details of sexual fantasies on or attached to the material. Hampshire Constabulary was contacted for advice who advised that no action was required by them, and that the material could be dealt with by the single

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<sup>1</sup> See [Mark\\_\\_Tyrone\\_-\\_Web\\_Decision\\_-\\_9951029.pdf](#) ([publishing.service.gov.uk](http://publishing.service.gov.uk)) for the full details

agency (the school) and the Disclosure and Barring service (DBS). The circumstances were referred to the National College for Teaching and Leadership who in July 2014 barred Mr Mark from teaching indefinitely.

- 9) It seems, because of publicity surrounding Mr Mark being barred, in December 2014 Hampshire Constabulary searched Mr Mark's home and seized computer equipment. Indecent images of children were recovered from it; he was charged, convicted, and sentenced to imprisonment for their possession in February 2016.
- 10) From IOPC case management records, it appears your first complaint arising out of this background which came to the IOPC's attention, was a "non-recording appeal" under reference 2016/062579 in January 2016. The complaint concerned failings by Hampshire Police in connection with the reports made in 2012/13. The AA determined neither you nor your son were qualifying complainants under the PRA as neither of you had been adversely affected by the alleged failings. You appealed to the IOPC (then the IPCC) which agreed and did not uphold the appeal. That decision has not been subject to any successful challenge.
- 11) You then entered into correspondence with the Children's Commissioner who in turn entered into correspondence with the IOPC which resulted in it asking Hampshire Constabulary to carry out a "conduct assessment" (the assessment) to determine if there was any indication that anyone handling the contact from the school in 2012/13 may have behaved in a manner that justified bringing disciplinary proceedings. That assessment was a non-statutory "scoping" investigation which the IOPC had no power to require the AA to carry out, but it agreed to do so. The assessment was provided in writing by Mr Stephen Franks and dated 22 December 2016. It identified several organisational failures in recording information and decision making but did not consider that any of them indicated individual misconduct which justified disciplinary proceedings or criminality. The report was considered by the Chief Constable who agreed and advised the IOPC of that decision in a letter dated 24 March 2017:

As you will see I have concluded that there is no indication that any member of staff may have committed a criminal offence or behaved in a manner which would justify disciplinary proceedings.

In my view the identified failings, which I regret, were organisational in nature, as opposed to a breach of the standards of professional behaviour on the part of any individual(s). I am satisfied that these failings have been addressed in the appropriate manner and that the Hampshire Safeguarding Children Board will ensure independent scrutiny of the changes we have made going forward.

- 12) You subsequently made a complaint under Hampshire Police reference MI/38/17 alleging that Mr Franks, and others involved in the review had conspired to cover up the failings of Hampshire Police in 2012/13. The AA refused to record the complaint on the grounds that, you were not a qualifying complainant because you were not adversely affected by it. You appealed to the IOPC under its reference 2017/082405 but it was not upheld on the same basis, and it also considered the complaint to be vexatious because you were complaining about those who carried out the assessment in an attempt to revisit the original complaints.

- 13) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] Many but not all of the complaints since 2016 relate to the matters concerning Mr Mark and which were not recorded, or investigated because you were not a qualifying complainant and/or they were vexatious and/or an abuse of procedures for making complaints because they were in reality a collateral challenge the outcome of the conduct assessment and the decisions in 2016/062579 and 2017/082405 that you are not a qualifying complaint. No successful challenge has been made to the determination that you are not a qualifying complainant or that attempts to collaterally challenge the outcome of the conduct review are vexatious and/or an abuse of the complaints system. In judicial review application CO/2550/2018 you challenged one such determination, IOPC appeal decision 2018/101006 but subsequently withdrew the claim.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

## Relevant Law

- 15) All the complaints concerned in the reviews are made under the regime which came into effect on 1 February 2020.
- 16) The IOPC's statutory functions include the investigation of complaints and conduct matters recorded for persons serving with the police. A conduct matter is one where there is an indication that a person serving with the police may have committed an offence or behaved in a manner which would justify disciplinary proceedings.<sup>2</sup> A complaint is any expression of dissatisfaction but may only be recorded where the person complaining has been adversely affected by the matter complained about<sup>3</sup>.
- 17) The IOPC has no power to investigate matters which have not been recorded and referred to it or "called in". It may only direct matters to be recorded or treat them as such if they meet the definitions of a conduct matter or an eligible complaint. Importantly it has no powers or duties, whether following a review or otherwise to direct a force to carry out a "scoping" investigation such as the assessment which, which the IOPC had *requested* Hampshire to carry out. Similarly, the IOPC has no power to quash or re-open it.

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<sup>2</sup> Section 12 Police Reform Act 2002.

<sup>3</sup> sections 12(1), (1A), (1B) and 29(5) Police Reform Act 2002



18) Where a person is a qualifying complainant, their complaint must be recorded under paragraphs 2(6) and 2(6A) of schedule 3 Police Reform Act 2020 (schedule 3) if:

(a) The person making it meets the description of a complainant because they are the person to whom the conduct complained of took place, they witnessed it and/or were adversely affected by it.

(b) They wish the complaint to be recorded.

19) Where someone is not a qualifying complainant then their complaints need not be recorded. There is no review or appeal against a determination that someone is not a qualifying complainant, although it could be subject to a judicial review challenge. Paragraph 5.13 of the IOPC Statutory Guidance advises that “...where a complaint is considered to fall outside the police complaints system, the person making it should be informed of this and why, as soon as possible. A record should be kept of the decision and of any other action taken”. At least arguably you were not a qualifying complainant and the complaints subject to review should not have been recorded.

20) Under the pre-2020 regime an AA was not required to record a complaint if, among other things, it was repetitious or vexatious, oppressive, or otherwise an abuse of the procedures for dealing with complaints. As had been the case for a number of your pre-2020 complaints. The changes in 2020 were not intended to require that vexatious complaints be investigated. A vexatious complaint may be recorded under the new regime but, that it is vexatious will be taken into account when the AA decides if any further action is necessary (see below) and/or when the IOPC considers necessity to investigate.

21) Once a complaint is recorded the AA must decide if it required to be referred to the IOPC under paragraph 4 of the schedule and regulation 4 Police (Complaints and Misconduct) Regulations 2020. It is relevant to these matters that regulation 4(1)(a)(iii) requires the referral of complaints of “serious corruption”, applying the IOPC Statutory Guidance at paragraphs 9.15-23 about its meaning. When considering the referral test, the AA must look at the conduct alleged in the complaint and consider whether that conduct, if substantiated, would constitute serious corruption as defined in the guidance. If it would, then the criteria for mandatory referral are met; the AA should not at that stage consider the merits of the complaint but must instead focus on the nature of what was being alleged. Whether the conduct alleged falls within the definition is a matter of objective interpretation of what was being alleged by reference to the definition<sup>4</sup>.

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<sup>4</sup> R (on the application of Rose) v Chief Constable of the Greater Manchester Police [2021] EWHC 875 (Admin) at [44], [45]

- 22) On receipt of a referral, under paragraph 5 of the schedule, the IOPC must decide if it is necessary to investigate it. There are no statutory criteria for that determination, the IOPC considers the public interest and its statutory functions, under s10 PRA, including to uphold public confidence in the arrangements for investigating complaints and to ensure they are efficient and effective. If an investigation is not necessary, the IOPC may (but need not) under paragraph 5(2)(b) refer the complaint back to the AA to be dealt with by in accordance with paragraph 6. If not, the complainant will be notified of that decision and no further action is required of the IOPC or the AA.
- 23) Where a complaint has been recorded and not referred to the IOPC or it has been referred back under paragraph 5(2)(b) of the schedule then the complaint must be handled by the AA under paragraph 6. Under paragraph 6(2A) all complaints must be handled in such reasonable and proportionate manner as the AA determines. Paragraph 6(2B) explains this may include making arrangements for the complaint to be investigated or notifying the complainant that no further action is to be taken in relation to the complaint. A complaint which has been recorded, but which is not investigated is referred to one which is “otherwise handled”.
- 24) Under paragraph 6(2C) of the schedule a complaint must be investigated if it appears to the authority that there is an indication that a person serving with the police may have committed a criminal offence or behaved in a manner that would justify the bringing of disciplinary proceedings, or there may have been the infringement of a person's rights under Article 2 or 3 of the European Convention on Human Rights. However, it is important to note:
- (a) It is for the AA to determine if this test is met. The IOPC Statutory Guidance at 10.7 explains that the AA should take account any readily available evidence, and not focus solely on what the complainant says.
  - (b) There is an exception in Regulation 6 Police (Complaints and Misconduct) Regulations 2020, to the duty to investigate complaints falling within paragraph 6(2C) if they are substantially the same as other complaints which have previously been investigated or “otherwise handled” and there is no new no fresh substantive evidence or any fresh indication of misconduct or criminality.
- 25) If there is no duty to investigate the complaint then, as above, the AA must handle it reasonably and proportionately. This can include taking no further action, because for example, it comes within Regulation 6 Police (Complaints and Misconduct) Regulations 2020 as being substantially the same as one which has been handled previously, it is better handled by another process and/or is vexatious, see IOPC Statutory Guidance 12.10-11.
- 26) In this case all of the complaints were recorded, none were referred to the IOPC and in all cases the AA decided that no further action was the reasonable and proportionate manner of handling the complaint and you were informed of these outcomes.

27) Where a complaint has been handled otherwise than by investigation there is a right of review under paragraph 6A of the schedule as exercised by you in these cases. On a review the IOPC must determine if the outcome was reasonable and proportionate. Paragraph 6A(5) of the schedule provides that:

(5) Where the Director General is the relevant review body and the Director General finds that the outcome is not a reasonable and proportionate outcome, the Director General may—

(a) determine that it is necessary for the complaint to be investigated;

(b) make a recommendation under paragraph 28ZA.

28) It follows from the above that even where the IOPC determines the outcome was not reasonable and proportionate, it is in the Director General's unfettered discretion whether to determine a complaint should be investigated and/or to make a recommendation. Even if there has been a flaw in the handling of a complaint, the IOPC must still consider if it is appropriate, under paragraph 6A(5) to direct an investigation or make any recommendation. The Statutory Guidance 18.33 makes it clear they need not do so, where the result would inevitably be the same because "*the focus of a Review is on whether the outcome is appropriate, rather than the process followed*". It may not be appropriate to direct an investigation despite flaws in the handling where for example:

(a) Although the reasons for no further action given were wrong or mistaken, in all the circumstances, including if the complaint is vexatious and/or an abuse of police complaints procedures, no further action is the only reasonable or proportionate outcome.

(b) The complaint should have been referred to the IOPC as one alleging serious corruption, applying the test in *R (on the application of Rose) v Chief Constable of the Greater Manchester Police* [2021] EWHC 875 (Admin) at [44], [45] but where no reasonable IOPC decision maker would decide it is necessary to investigate the complaint.

29) This is because to direct an investigation where there are flaws in the decision making but no merit in an investigation, would not be efficient and effective and so contrary to the IOPC's statutory duties under s10 PRA.

### **Reasons for the decisions**

30) Detailed reasons for not upholding the reviews are set out in the decision letter however these can be summarised as follows:

(a) For complaints 1-2 and 4-7 it was determined that no further action was the appropriate outcome because they were substantially similar to previous

complaints and/or were vexatious because they were a collateral attempt to challenge the conduct assessment and/or outcome of previous complaints.

- (b) Complaint 3 concerned the investigation of a complaint against the Hampshire Force solicitor, Mr Trencher, that he had been untruthful during a local resolution of an earlier complaint you had made against him, that he had wrongly alleged you altered a document. The IOPC directed the AA it must investigate this complaint further in its decision 2020/129962. You then made the present complaint 3 about the investigator. The AA decided no further action was reasonable and proportionate and the review agreed because the first part should be addressed (if it is still then a matter of concern) at the end of the investigation and the second part, about failing to respond to email correspondence was vexatious. Grounds of Challenge and Responses (the numbering is that given by you for the grounds in letter of Claim on pages 3-4)

*Ground 1)*

- 31) This alleges “failing to provide proper reasons and explanations as highlighted herein.” This is denied the reasons are set out in full within the decision letters.

*Grounds 2)-8) and 10)*

- 32) These all challenge the reasonableness of the decisions that the complaints had been considered before and/or they were vexatious because they had ignored “*convincing authoritative 3rd party evidence that has never been evaluated or answered in any way shape and form*”. As set out above the complaints are all in one way or another challenging the truthfulness and/or rationality of the outcome of the assessment.
- 33) The evidence which you have produced and which you say has never been evaluated or answered is:

- (a) A letter dated 20 September 2022 from Dorset Police stating:

The officer has explained that he liaised with the LADO knowing that Hampshire Police had said they would not deal with the case. He recalls that he felt that the matter was for Hampshire to investigate as the concerns appear to have arisen from the school and were reported as inappropriate communication between teacher and child. At the time he had no information to suggest there were offences in Dorset and it would be for the LADO to co-ordinate the investigation. He remembers that it was the LADO's preferred option that the matter be dealt with by the Education Authority. The information available to him from the referral and speaking to the LADO did not suggest offences had been committed in Dorset, he felt Hampshire Police should investigate and informed the LADO of his view.

[and in answer to your questions]

1. No file or any evidence on the Tyrone Mark case was sent to Dorset Police at any time.
2. No crime was recorded under the HOCR.

3. Dorset Police did not investigate.
4. Dorset Police did not make any decisions on the case.
5. Dorset Police did not decide the case should be handled on a single agency basis.
6. The case was not transferred to Dorset Police by Hampshire Police.

- 34) A letter dated 27 April 2023 stating from Det Supt Kessell at Dorset Police saying he would direct an investigation but that he had no power to do so.
- 35) An email trail ending 21 August 2014 from Hampshire Police stating that it holds no information about any investigation of Mr Tyrone.
- 36) A letter from Plexus Law stating it did not agree there was any fresh indication that anyone serving with Hampshire police may have committed an offence or behaved in a way which would justify disciplinary proceeding and that previous complaints had been investigated and handled accordingly. You have annotated to say these are lies.
- 37) A copy of the summary of the conduct assessment with your annotations stating that the passage *"the matter was referred to Dorset Police who decided that a single agency referral was appropriate and could be conducted by the school"* is a lie.
- 38) For the avoidance of doubt the IOPC has evaluated the evidence regardless that it has no legal power to re-open the assessment. It understands you consider it to be a lie in the assessment where it states *"the matter was referred to Dorset Police who decided that a single agency referral was appropriate and could be conducted by the school"* because the material you have supplied from Dorset Police, as set out above, shows no file was provided by Hampshire Police to Dorset Police and/or that there was no transfer of the "case".
- 39) The assessment also said that *"the LADO referred the matter to Hampshire Constabulary's Central Referral unit (CRU), who, as both the teacher and the pupil resided in Dorset, referred the matter to Dorset Police. Dorset Police decided that a single agency referral was appropriate to be conducted by the school."*
- 40) In the IOPC's view, the information from Dorset Police is not materially different to what is said in the assessment. It makes clear that the LADO knew that Hampshire Police had said they would not deal with the case, and that the LADO then decided the matter should be dealt with by the Education Authority. There is no reference in the Conduct Assessment to a "file" being provided to Dorset from Hampshire or any "case" being transferred. Nor does the assessment maintain that the allegations raised in 2012/13 were investigated at that time by Hampshire (or Dorset) Police. As there were no records kept it does not appear possible to determine exactly what information was passed between Hampshire and Dorset in 2012/13. However, it appears from the assessment

and the absence of records that it must have been largely or entirely informal. That was, of course, a serious failing, as identified by the review (see below).

41) You have not disclosed the letter you sent to Det Supt Kessell that led him to say he would direct an investigation but, in any event, it is not evidence in itself that the conduct assessment was false.

42) The conduct assessment did identify the following failures:

1) The referral from the LADO in December 2012 and subsequent contact with Dorset were not recorded on RMS [Records Management System].

2) The further referral in October 2013 and interaction with the LADO following the return of items belonging to Mr Mark by a colleague was not recorded on RMS.

3) The referral by the LADO in December 2012 ought to have resulted in an initial police investigation by Hampshire Police to establish the nature of the relationship between teacher and pupil.

4) That Hampshire Constabulary had not followed local and national safeguarding procedures by not establishing the full facts of a case prior to concluding whether a position of trust allegation should be single agency and if a criminal investigation is required. The report acknowledged that the decision in December 2012 to refer to Dorset Police on the basis that the teacher and pupil both resided in Dorset was in accordance with the Constabulary's local procedure. It however recommended that all contacts regarding LADO referrals and decisions reached should be recorded on RMS including cross border cases.

43) The Echo article you have provided dated 4 March 2017 records that Hampshire Safeguarding Children Board (HSCB) had also found the force's initial inquiry concerning Mr Mark fell short of the standard expected.

44) The assessment stated that no individual officer has been identified for whom there was an indication they may have breached the standards of professional behaviour in a manner which justified disciplinary proceedings or committed an offence. The IPCC accepted that assessment in 2017 because there was no realistic basis on which disciplinary proceedings could not be brought or any offence prosecuted against any identifiable officer.

45) As explained above IOPC has no power arising out of a review or otherwise to require Hampshire to carry out a new assessment and it remains the case that you are not a qualifying complainant and therefore the review decisions no further action was reasonable and proportionate was correct. Notwithstanding so, if it had concerns that the assessment was flawed and believed there may now be a realistic basis, for bringing criminal or misconduct proceedings and there was a public interest in doing so, it would encourage Hampshire Police to re-open it. However, there is no such realistic basis, having regard to the Dorset material or otherwise and the public interest has been met by the 2014 investigation and prosecution, the recognition of the failings in 2012-13 and the steps taken to address them.

## **Ground 9**

46) This alleges a failure by the AA to have referred your complaints to the IOPC on the grounds it was mandatory because some or all of your complaints amounted to an allegation of “serious corruption”. It is not accepted the complaints do amount to serious corruption. Even if they did meet the mandatory referral criteria, no reasonable IOPC decision maker would decide it is necessary to investigate them, they are bare allegations, characterising your disagreement with Mr Frank’s assessment (or those who have previously handled your complaints and representations) as perverting the course of justice for which there is no realistic basis.

### **Summary response to the claim**

47) The review decisions were lawful and reasonable and the IOPC will defend any proceedings if issued.

### **Service of Proceedings**

48) Proceedings may be served at the address set out above and electronic service will be accepted provided it is reciprocated, and on condition that documents which are being formally served are sent to [legal.admin@policeconduct.gov.uk](mailto:legal.admin@policeconduct.gov.uk) with details of the case, our reference and the term “SERVICE” clearly shown in the subject line of that email. Please note that strict compliance with these terms is a condition of our agreement to accept service by email for the purposes of paragraph 4.2 PD 6A CPR.

### **Details of any other interested parties (IP)**

49) You have identified that the Chief Constable of Hampshire Police is an IP. The IOPC is of the view that the individuals complained against are also interested parties and you should liaise with the Chief Constable or their legal representatives regarding whether they need to be served separately with any proceedings.

### **ADR Proposals**

50) The IOPC will defend any proceedings and in any event, it is unable to change its review decisions without the intervention of the Court, see *R (on the application of Dennis) v Independent Police Complaints Commission* [2008] EWHC 1158 (Admin). Alternative dispute resolution is not therefore appropriate.

### **Disclosure**

51) The IOPC has no material that is relevant to disclose in accordance with its duty of candour.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D Simpson', on a light grey background.

**Danny Simpson**  
**Solicitor for the Director General**

**Cc Hampshire Police**



**From:** Alice Law [Alice.Law@policeconduct.gov.uk]  
**Sent:** 22 April 2024 14:22  
**To:** [REDACTED]  
**Subject:** IOPC Reference 2023/197109

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

This is no 2 "chaser" email by the IOPC sent to Hampshire Police re unlawfully not acknowledging the complaint about not sending me the investigation report into my complaint after Tom Silson informed me (and others) there had been an investigation. First one sent on 01/03/2024 by Alexandra Bailey. Still nothing. That's unlawful under the PRA 2002 and related guidance.

Dear [REDACTED]

Thank you for contacting the Independent Office for Police Conduct (IOPC). We acknowledge receipt of your email dated 19 April 2024, the content of which has been noted. The IOPC reference number is 2023/197109 which you should quote in all future correspondence to us regarding this matter.

Further to your email, we have sent a chaser email to the Professional Standards Department (PSD) of Hampshire Constabulary. We have also made them aware of your request for your complaint to be formally recorded under the Police Reform Act (PRA) 2002.

You should hear from them in due course. Please see their contact details below, should you wish to contact them directly:

Hampshire Constabulary  
Professional Standards  
Tower Street  
Winchester  
Hampshire  
SO23 8ZD

Tel: 101  
Email: [PublicComplaintsMB@Hampshire.police.uk](mailto:PublicComplaintsMB@Hampshire.police.uk)

Please see the following links to our Complaint Guide and FAQs on our website:  
[20220707 A guide to complaint system 2022.pdf \(policeconduct.gov.uk\)](#)  
[Frequently asked questions | Independent Office for Police Conduct](#)

Kind regards,

**Alice Law**  
**Customer Contact Advisor**  
**Independent Office for Police Conduct (IOPC)**  
PO Box 473  
Sale  
M33 0BW

**Tel:** 0300 020 0096  
**Email:** [enquiries@policeconduct.gov.uk](mailto:enquiries@policeconduct.gov.uk)  
**Website:** [www.policeconduct.gov.uk](http://www.policeconduct.gov.uk)  
**Twitter:** [@policeconduct](https://twitter.com/policeconduct)

Find out how we [handle your personal data](#).

The IOPC is proud to have achieved [Customer Service Excellence | Independent Office for Police Conduct \(IOPC\)](#)

How satisfied were you with your experience with the IOPC's Customer Contact Centre? Let us know by [taking this short survey](#)

We welcome correspondence in Welsh. If you contact us in Welsh, we will respond in Welsh and this will not delay our reply.

Rydym yn croesawu gohebiaeth yn Gymraeg. Os cysylltwch â ni yn Gymraeg, fe gewch ymateb yn Gymraeg, heb arwain at oedi.

We welcome correspondence in Welsh. We will respond to you in Welsh and this will not lead to delay.

Rydym yn croesawu gohebiaeth yn y Gymraeg. Byddwn yn ymateb i chi yn y Gymraeg ac ni fydd hyn yn arwain at oedi.

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Gall y neges hon a'i chynnwys gynnwys gwybodaeth gyfrinachol, freintiedig neu hawlfraint. Fe'u bwriedir at ddefnydd y derbynnydd arfaethedig yn unig. Os derbynioch y neges hon mewn camgymeriad, mae'n rhaid i chi beidio â datgelu, copïo, dosbarthu na chymryd unrhyw gamau sy'n dibynnu ar y cynnwys. Yn hytrach, rhowch wybod i'r anfonwr ac yna dilëwch ef yn barhaol. Mae unrhyw farn neu safbwyntiau a fynegir yn y cyfathrebiad hwn yn eiddo i'r awdur yn unig ac nid ydynt o reidrwydd yn cynrychioli barn yr IOPC. Dim ond staff penodedig sydd wedi'u hawdurdodi i wneud cytundebau rhwymol ar ran yr IOPC trwy e-bost. Nid yw'r IOPC yn derbyn unrhyw gyfrifoldeb am gytundebau anawdurdodedig y daethpwyd iddynt â gweithwyr neu asiantau eraill. Ni all yr IOPC warantu diogelwch yr e-bost hwn nac unrhyw atodiadau. Tra bod negeseuon e-bost yn cael eu sganio'n rheolaidd, ni all yr IOPC gymryd unrhyw gyfrifoldeb am unrhyw firws y gellir ei drosglwyddo â'r rhyngrwyd. Mae systemau cyfathrebu'r IOPC yn cael eu monitro i'r graddau a ganiateir gan y gyfraith. O ganlyniad, gall unrhyw e-bost a/neu atodiadau gael eu darllen gan staff monitro.

2015 Statutory Guidance. Attention is drawn to page 18 (Who can complain). Specifically note the 1st, 2nd and 3rd bullet points. I was lied to. I'm not sure it that makes me a victim. But the aforementioned 3 points certainly make me a valid complainant under the PRA 2002.

# Statutory Guidance to the police service on the handling of complaints

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## Section 1:

# INTRODUCTION

- 1.1** The Independent Police Complaints Commission (IPCC) has a statutory duty to secure and maintain public confidence in the police complaints system in England and Wales. This guidance has an important part to play in this. It is one of the ways in which the IPCC assists local policing bodies and forces to comply with their legal obligations and achieve high standards in the handling of complaints, conduct and death and serious injury (DSI) matters.
- 1.2** The Police Reform and Social Responsibility Act 2011 introduced a number of changes to the police complaints system. These changes have been incorporated into this guidance.
- 1.3** This guidance also draws on good practice in complaints handling and, in particular, the Parliamentary and Health Ombudsman's *Principles of Good Complaints Handling*<sup>1</sup>. These are:
- getting it right
  - being customer focused
  - being open and accountable
  - acting fairly and proportionately
  - putting things right
  - seeking continuous improvement.
- 1.4** These principles apply to the handling of complaints in many different situations and are very relevant to dealing with complaints against police officers, special constables and police staff members. The focus should not be solely on the process involved and the issue of whether anyone is to blame. Instead, it should be on understanding that a complaint is an expression of dissatisfaction with the way a person has been treated or the service he or she has received. Such dissatisfaction needs to be taken seriously and is an important part of feedback on performance.
- 1.5** The police complaints system is not straightforward or easy to understand, even for practitioners. It can be even more difficult for complainants. That is why everyone involved in administering the system has a responsibility for ensuring that complainants and other parties are not disadvantaged and that they can access the information they need in a straightforward way. Accessibility is a vital part of securing public confidence.

<sup>1</sup>[www.ombudsman.org.uk](http://www.ombudsman.org.uk)

## Whom the guidance applies to

- 1.6** The guidance is issued under Section 22 of the Police Reform Act 2002. It applies to local policing bodies and all 43 Home Office police forces in England and Wales. Local policing bodies, police officers, police staff members and special constables working within those forces must all have regard to the guidance. It also applies to those agencies and non-Home Office forces that have entered into Section 26 or Section 26BA agreements with the IPCC, subject to any particular provisions contained within those agreements.
- 1.7** If the people listed above do not follow the guidance, they need to have a sound rationale for departing from it or risk legal challenge. A failure to have regard to the guidance is admissible in evidence in any disciplinary proceedings and any appeal proceedings following a disciplinary decision.
- 1.8** This guidance is written with the needs of professionals within the police service and local policing bodies in mind. It is also available to the public and other individuals and groups who have an interest in the system. In addition, the IPCC has published a range of other material to assist different audiences.

## How the guidance is arranged

### The law and IPCC guidance

- 1.9** The guidance follows, so far as is possible, the chronological order of events in the police complaints system. Within the main body of the document, the law is highlighted in boxed text to differentiate it from IPCC guidance. The text in these boxes paraphrases or explains the law and is not a direct quotation from the legislation. A number of flowcharts provide a visual representation of some of the more complex processes.

### Legal definitions

- 1.10** Rather than including legal definitions throughout the guidance itself, key terms and concepts are defined in section 15. As this guidance is primarily intended to be used electronically, these definitions are accessible through links to section 15. In the published version, the definitions can be found at the end of the document.

### Dealing with allegations of discriminatory behaviour

- 1.11** It is a matter of real concern to society when a person serving with the police is perceived to have acted in a discriminatory and partial way. Specific guidance on the handling of allegations of discriminatory behaviour is included in the guidance. In addition, the IPCC guidelines on dealing with allegations of discriminatory behaviour are available as a separate document on the IPCC website. Local policing bodies and persons serving with the police should have regard to that guidance when dealing with cases involving allegations of discrimination.

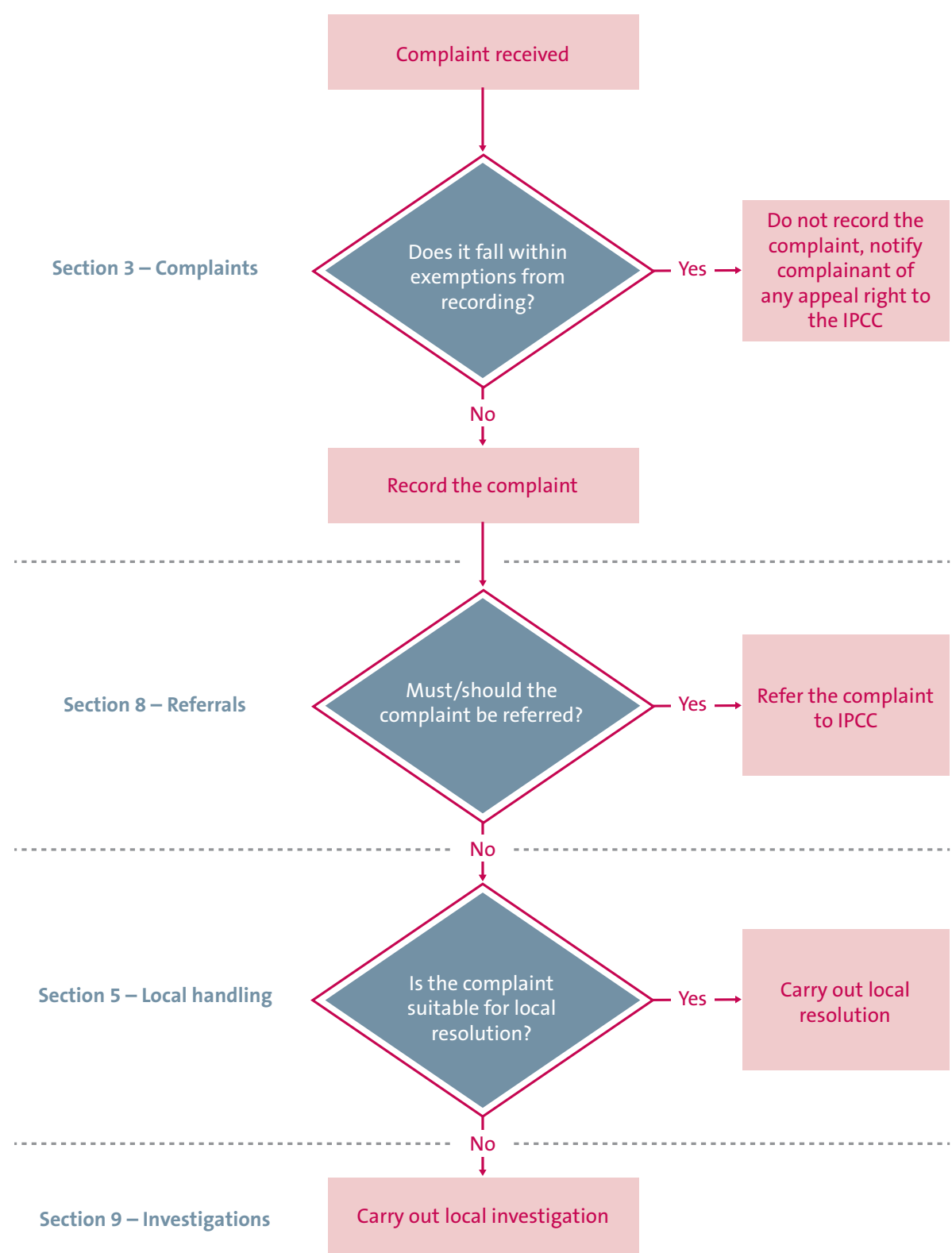
## Overview – the three ways into the system

- 1.12** There are three ways into the system – complaints (see section 3), conduct matters (see section 6) and DSI matters (see section 7). This guidance covers the initial handling of

each of these elements separately as there are different considerations and decisions to be made. From the point of referral to the IPCC, the guidance converges, as the handling of a referral and the investigation process is broadly the same, regardless of its origin.

### Complaints

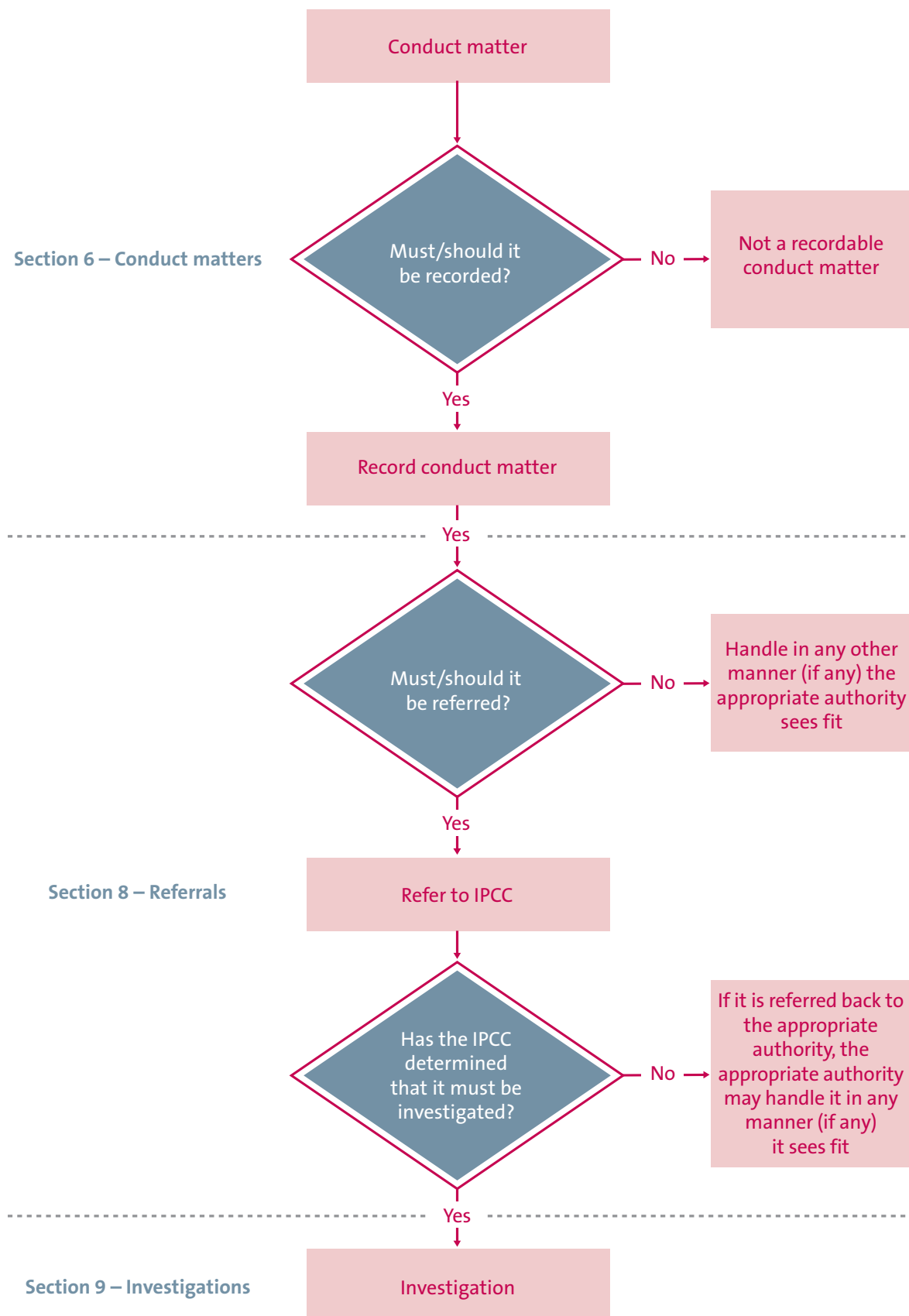
**1.13** The following chart provides an overview of the various stages in handling a complaint, the decisions that need to be made and the relevant sections of this guidance.





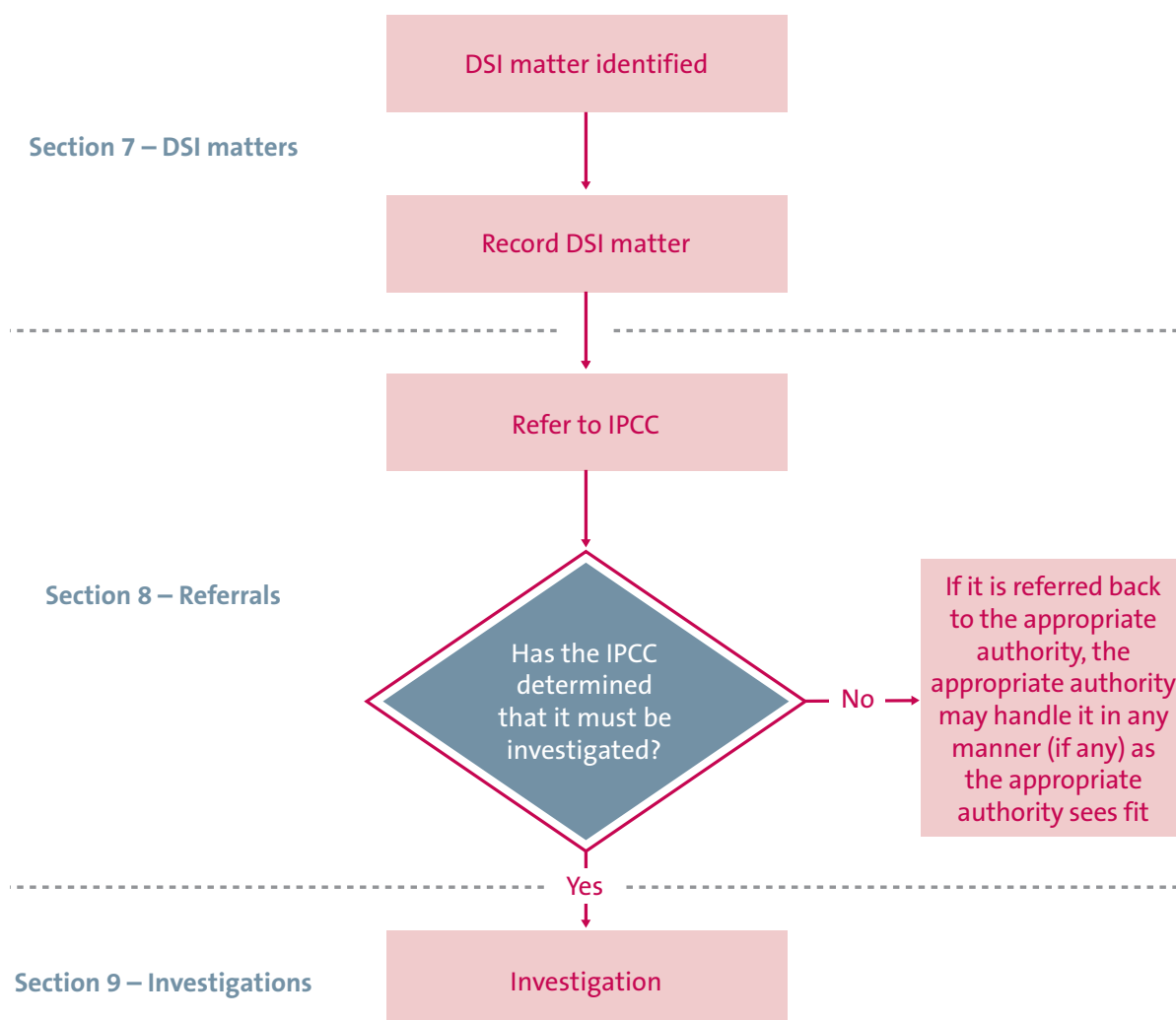
## Conduct matters

**1.14** This chart provides an overview of the various stages in dealing with a conduct matter, the decisions that need to be made and the relevant sections of this guidance.



## Death or serious injury matters

**1.15** This chart provides an overview of the various stages in dealing with a DSI matter and the relevant sections of this guidance.



## The Police Reform and Social Responsibility Act 2011: changes to the police complaints system

**1.16** The policing landscape and the police complaints system underwent major change in 2012. Amendments made to the police complaints system by the Government in the Police Reform and Social Responsibility Act 2011 were designed to streamline and remove unnecessary bureaucracy from the system, ensure that complaints are handled at the lowest appropriate level, and focus more on putting right the complaint made by a member of the public.

### Police accountability

**1.17** Local policing bodies (for most areas of the country Police and Crime Commissioners) are responsible for holding to account the chief officer of their force for how policing services are delivered in their force area. They should ensure that the chief officer has appropriate processes in place for dealing with complaints, conduct matters and DSI matters.

- 1.18** Where it appears to a local policing body that the chief officer of the force he or she maintains has not complied with an obligation under Part 2 of the Police Reform Act 2002 or has contravened an obligation, the local policing body may direct the chief officer to take whatever steps the local policing body thinks appropriate. The chief officer must comply with any directions given in such circumstances by the local policing body.
- 1.19** The local policing body is also the appropriate authority for any complaints, conduct matters, or DSI matters involving the chief officer (or any acting chief officer) of the force that he or she oversees.
- 1.20** Chief officers are responsible for holding to account everyone in their force. This now includes responsibility as the appropriate authority for complaints and other matters concerning senior officers.

### Recording complaints

- 1.21** Accurate and consistent recording practice plays a significant part in ensuring public confidence in the complaints system and contributes to a sound evidence base to inform the development of future policy and good practice. All complaints must be recorded unless certain limited circumstances apply. These circumstances are defined in legislation.<sup>2</sup>
- 1.22** The definition of a ‘complaint’ now includes direction and control matters. These complaints must be recorded in the same way as complaints about police conduct. The distinction between complaints about conduct and complaints about direction and control is not important at the recording stage. It is, however, vital that complaints are classified correctly as either direction and control matters or conduct. This is because the right of appeal in relation to direction and control complaints is more limited than the right of appeal for conduct complaints. This guidance stresses that only a limited range of matters should be classified as direction and control.

### Local handling

- 1.23** The complainant’s consent is no longer required in order to resolve a complaint locally. However, for local resolution to be successful it must remain a two-way dialogue. Complaints stand the best chance of being resolved to the complainant’s satisfaction if he or she is taken seriously, and if the person handling the complaint works with the complainant to understand the reason for his or her dissatisfaction and what he or she would consider an appropriate outcome.
- 1.24** The IPCC believes that when it is carried out effectively and is used appropriately, local resolution of less serious matters has a key part to play in the complaints system and in ensuring public confidence. Accordingly, this guidance places increased emphasis on local resolution.

<sup>2</sup> The Police Reform Act 2002 and The Police (Complaints and Misconduct) Regulations 2012.

## Disapplication and discontinuance

**1.25** In certain limited circumstances local policing bodies and chief officers now have the discretion to disapply Schedule 3 of the Police Reform Act 2002 or to end an investigation early where specific grounds are met. This means that they may be able, in certain limited and specified circumstances, not to deal with the complaint in accordance with Schedule 3 of the Police Reform Act 2002 or to discontinue a local investigation without applying to the IPCC for permission. Where the local policing body or chief officer has used this discretion, the complainant may have a right to appeal the disapplication or discontinuance decision.

## Outcomes

**1.26** Changes to the system have emphasised the importance of complaints and other matters resulting in a proper outcome. The nature of a proper outcome is entirely dependent on the facts and circumstances of any individual case, and so this guidance does not attempt to prescribe what proper outcomes should be. The IPCC considers, however, that any proper outcome will:

- take into account the initial complaint or allegation (where there is one)
- take into account the views of the complainant or interested person (where there is a complainant or interested person)
- be based upon the facts established
- be appropriate to the seriousness of the circumstances.

## Appeals

**1.27** Chief officers now have responsibility for handling certain appeals. All appeals about the recording of complaints will continue to be dealt with by the IPCC. The IPCC will also deal with any appeal concerning a complaint about the conduct of a senior officer or complaints that have been or must be referred to the IPCC.

**1.28** For any other type of appeal, a test is set out in the regulations to determine whether that appeal should be dealt with by the IPCC or by the relevant chief officer. This test should be applied to the substance of the complaint, not using hindsight and information that has been gathered during the handling of the complaint. If a complaint satisfies any of the criteria laid down in the test, then the relevant appeal body is the IPCC. If not, the relevant appeal body is the chief officer. See section 13 for detailed guidance on appeals.

**1.29** It is anticipated that chief officers will delegate many of their responsibilities for complaint handling and determining appeals. (References to chief officers in this guidance include those people who have delegated authority to act on the chief officer's behalf.) This is permitted by the regulations, but chief officers should always be mindful of the need for public confidence in the arrangements they make. It is important that those who might be affected by decisions made under delegated powers can have confidence that the person to whom the power is delegated is able to act impartially.

## Unsatisfactory performance procedures

**1.30** In addition to making recommendations and directions about misconduct proceedings, in certain circumstances the IPCC is now able to recommend and direct the use of unsatisfactory performance procedures (or equivalent procedures for police staff members). It is important that these procedures are used where appropriate in order to allow officers and police staff members to improve their performance, thereby improving the performance of the force as a whole. It is also vital that appropriate authorities inform the complainant or interested person of the outcome of unsatisfactory performance procedures as this is as relevant to him or her as the outcome of any misconduct proceedings. See paragraphs 12.25-12.34 for more information about unsatisfactory performance procedures.

## IPCC oversight of relevant office holders

**1.31** The Police Reform and Social Responsibility Act 2011 introduced Police and Crime Commissioners and the Mayor's Office for Policing and Crime. Collectively, Police and Crime Commissioners, the Mayor's Office for Policing and Crime and their appointed Deputies are called 'relevant office holders'.

**1.32** The IPCC will be responsible for deciding whether a complaint or any indication that a relevant office holder has committed a criminal offence should be investigated and, if so, how it will be investigated. This guidance does not apply to complaints about relevant office holders. It is likely that the IPCC will issue separate guidance about dealing with such matters once we have experience of these cases.

**1.33** The Anti-Social Behaviour, Crime and Policing Act 2014 brought contractors within the jurisdiction of the IPCC. Matters relating to contractors will be dealt with in a similar way to those relating to the police however they are governed by separate regulations. This guidance does not apply to the handling of complaints, conduct matters and DSI matters in relation to contractors. The IPCC will issue separate guidance about dealing with such matters.

## Section 2:

# PROMOTING ACCESS

- 2.1** All those in the police service and those overseeing it share responsibility for increasing awareness of the police complaints system and promoting access to it. This section sets out the minimum standards for providing information about the system and making it accessible to those who need to use it.

### The importance of an accessible system

- 2.2** Easy access to the complaints system is a vital component of securing public confidence in the system itself. Complaints can provide valuable feedback about the service provided by the police and are an important source of learning to help forces improve the service they offer.
- 2.3** All organisations involved with the complaints system have a responsibility for ensuring that members of the public can easily and quickly find information about how to make a complaint and what to expect when their complaint is being dealt with.
- 2.4** IPCC research indicates that most people want to complain directly to their local police force. However, it also shows that many complainants who come to the IPCC do so because they have not succeeded in making a complaint direct to the police.<sup>3</sup> This underlines the need for forces and local policing bodies to have robust strategies for promoting access.

### Providing information and access

- 2.5** Chief officers and local policing bodies should ensure that information about how to complain is easily available. Forces and local policing bodies should provide their own information about the complaints system. Information needs to be easy to find, clear, accurate, comprehensible and up to date. Forces should publish information on their websites<sup>4</sup> as well as producing printed information, such as leaflets. Local policing bodies should provide information on their websites about how to make a complaint about the chief officer in addition to signposting complaints information on the force website. The IPCC expects forces and local policing bodies to include a link to information about the complaints system on the front page of their websites.

<sup>3</sup> IPCC (2010) Direct complaints survey: a survey seeking feedback from people who complain directly to the IPCC. IPCC research note 3.

<sup>4</sup> www.ipcc.gov.uk has suggested structure and content for complaints information on force websites.

- 2.6** Information should be available when and where it may be needed, for example, in police stations or other places where members of the public may have contact with police. The information should tell people what they can and cannot expect from the complaints system. Posters that convey information about the complaints system should be displayed in public areas of police premises, particularly custody areas and front desks. It is also useful to disseminate information through non-police premises or organisations – for example libraries, Citizens Advice Bureaux, schools or voluntary sector organisations.
- 2.7** Forces and local policing bodies should ensure that the information they provide gives prominence to information about how to make a complaint direct to the force (or local policing body where the complaint is about the conduct of a chief officer or acting chief officer) rather than to the IPCC. It should make clear when the force or local policing body is required to record complaints and that complaints made to the IPCC will automatically be passed to the force or local policing body for recording unless there are exceptional circumstances that justify not passing it on.
- 2.8** Forces and local policing bodies should also provide members of the public with information about appeals and to whom an appeal may be made in different circumstances. This information must always be provided to a complainant whenever a decision that carries a right of appeal is communicated to him or her. It is also best practice to advise the complainant of the precise date by which an appeal should be submitted.
- 2.9** Forces and local policing bodies should make a range of channels available for people who wish to make a complaint. These should include paper-based forms, online forms, an email address and telephone lines.
- 2.10** Forces and local policing bodies should take into account a complainant's or interested person's stated preference as to the method of communication (for example, telephone call, email or letter) when providing him or her with information. However, this guidance requires certain information to be provided in writing. This may not only reflect a statutory requirement, but also ensures that a formal record exists of the information provided or action taken. Written communication avoids uncertainty in those situations where there is a dispute about what may have been said or have taken place.

### **Complainants who need additional assistance**

- 2.11** It is vital that the complaints system is available to all members of the public, including those with special access requirements – especially as these are often people whose confidence in the police complaints system is lower. Provision should also be made for people who wish to make a complaint or need information about the complaints system in another language, including sign language, or who need information such as leaflets, letters and documents provided in other languages or formats such as Braille, audio or easy read.
- 2.12** Chief officers and local policing bodies must take into account their obligations under the Equality Act 2010.

**2.13** Some people may require adjustments to be made to usual procedures in order to enable them to use the complaints system. It might be, for example, that:

- the complainant has learning difficulties;
- the complainant has mental health difficulties;
- the complainant is a young person under 16;
- English is not the complainant's first language;
- effective communication is through the spoken and not the written word;
- the complainant's effective means of communication is sign language; or
- the complainant is vulnerable or disadvantaged in some other way.

**2.14** It should always be presumed that a person who wishes to make a complaint possesses the capacity to do so (i.e. the ability to make decisions) unless it is established that he or she does not.

**2.15** The assistance of a relative, carer or other representative may be necessary to enable the complainant's wishes to be expressed sufficiently for the complainant's intentions to be clear. However, in some cases, additional support may be required. Forces and local policing bodies should always consider what adjustments may be appropriate in the circumstances.

**2.16** Chief officers and local policing bodies should explicitly recognise the role of feedback received through the complaints system within their diversity strategy and use this diversity strategy to complement and support measures put in place to ensure broad access to the complaints system.

### Complaints made by young people under 16

**2.17** A young person under 16 should not normally need to provide written permission for a parent, guardian or advocate (for example, a teacher or social worker) to make a complaint on his or her behalf. In many cases a young person who makes a complaint against a person serving with the police will be supported by a parent, guardian, or other appropriate adult. If this is not the case, this should not prevent him or her from making a complaint.

**2.18** The appropriate authority will need to consider whether a parent or guardian should be informed of the complaint and involved in the complaints process or whether another form of support would be appropriate to assist the young person in navigating through the complaints system. The young person's wishes in relation to the involvement of a parent, guardian or advocate should be taken into account, having regard to the principle in case law<sup>5</sup> that young people under the age of 16 are able to give valid consent (and refuse parental involvement) provided they have sufficient understanding and intelligence to enable them to understand fully what is proposed.

<sup>5</sup> Gillick v West Norfolk & Wisbech Area Health Authority [1986] AC 112.



- 2.19** The appropriate authority has a responsibility to ensure that a young person understands the process and the potential outcomes when making a complaint. Support should be provided to young people not only in their initial access to the police complaints system, but throughout the handling of their complaint – for example, ensuring that they understand the local resolution process or providing them with appropriate support should they need to give evidence at criminal or disciplinary proceedings.
- 2.20** When communicating with young people about complaints, the appropriate authority should bear in mind that the system is complex and that it might be necessary to take more steps to ensure that there is a proper explanation. The appropriate authority should also take into account the fact that they may find the idea of dealing with a formal complaints process intimidating or off-putting. Reassurance may be required about the framework for dealing with the complaint.

## Section 3:

# COMPLAINTS

- 3.1** This section sets out the framework for the initial stages of dealing with a complaint. The way in which a complaint is dealt with at the outset can have a significant effect on the complainant's perceptions of the complaints system as a whole. It is, therefore, important that decisions are made and communicated in a timely manner and that they are explained clearly.
- 3.2** The section covers:
- the initial handling of a complaint
  - the legal definition of a complaint
  - direction and control
  - recording a complaint
  - deciding how to handle a complaint.

### Initial handling

- 3.3** The primary focus of the initial handling of a complaint should be to resolve it, with the exception of certain serious complaints, which must be referred to the IPCC. The fact that someone has made a complaint means that he or she is dissatisfied with the way he or she has been treated or with the service that he or she has received. This needs to be taken seriously and the concerns of the complainant should be addressed as soon after receiving the complaint as possible. Speed is important as a complaint is more likely to be successfully resolved if the force is seen to respond promptly. This gives the complainant a clear message that his or her concerns are being taken seriously.
- 3.4** The police complaints system is not straightforward or easy to understand, particularly for complainants. Those receiving complaints should ensure that complainants are given the information they need to enable them to navigate through the system. This means that when a complaint is submitted, whether in writing, over the telephone or in person, the complainant should receive, as soon as possible, an explanation of the possible ways in which the complaint may be dealt with.
- 3.5** When a complaint is received, the complainant should be advised who is dealing with the complaint and given their contact details. The person dealing with the complaint should establish exactly what the complaint is about and what the complainant would regard as a satisfactory outcome. This should happen as soon as possible and, if possible, at the time the complaint is received i.e. during the initial phone call or over the counter. A personal approach is more likely to be successful than simply sending a letter, although a written record will always be required.

- 3.6** It is important to be realistic with the complainant about what may be a likely or achievable outcome to his or her complaint and the reasons for this. While it may not be possible to deliver the desired outcomes, a complainant who considers that his or her complaint was handled well and that his or her views were properly considered is less likely to remain dissatisfied at the conclusion of the process.
- 3.7** Chief officers are responsible for ensuring that all officers and police staff with public-facing duties are aware of, and able to advise the public about, how to make a complaint and what to expect if they do. Similarly, local policing bodies should ensure that members of their staff are able to deal with complaints about the chief officer. If the officer or staff member is not able to deal with the complaint him or herself, he or she should take the contact details of the person and pass them to those responsible for dealing with complaints. Someone from that team should make contact with the member of the public as soon as possible and in any event within two working days. However, earlier contact with the complainant may be required, for example, where the complaint is particularly serious, requires referral to the IPCC (see timescales for referral in text box on page 47) or the complainant is vulnerable.
- 3.8** Where it becomes apparent that those taking complaints are dealing with a vulnerable or intimidated complainant it may be more appropriate to take an initial account and make further arrangements to enable a fuller account to be taken by those with appropriate experience or training. The person dealing with the complaint should act professionally and offer reassurance when taking details of any allegation.

### Definition of a complaint

- 3.9** A complaint is an expression of dissatisfaction by a member of the public about the conduct of a person serving with the police. This could, for example, be about the way the person has been treated or the service he or she has received. A complaint does not need to be communicated in writing nor does it need to say explicitly it is a complaint. It can simply be a statement of dissatisfaction.
- 3.10** The previous distinction between conduct and direction and control no longer applies to the definition of a complaint. However, the distinction does impact upon the complainant's right of appeal.

## Who can complain?

A complaint may be made by any of the following:

- a member of the public who claims that the conduct took place in relation to him or her
- a member of the public who claims to have been adversely affected by the conduct, even though it did not take place in relation to him or her
- 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.

A person can only be considered as having been authorised to act on behalf of another for the purposes of making a complaint if he or she has and is able to produce written consent from that person.

Section 12, Police Reform Act 2002

### 3.11 Written consent should be clear and unambiguous. It need not be in English.

The following persons cannot make a complaint under the Police Reform Act 2002:

- i. a person who at the time of the alleged conduct was under the direction and control of the same chief officer as the person whose conduct it was; or
- ii. a person serving with the police, a member of staff of the Serious Organised Crime Agency or the National Policing Improvement Agency or a person on relevant service (falling within the meaning of section 97(1)(a) or (d) of the Police Act 1996) if he or she was on duty at the time that:
  - the conduct took place in relation to him or her; or
  - he or she was adversely affected by it; or
  - he or she witnessed it.

Section 29, Police Reform Act 2002

**3.12** This does not mean that a person serving with the police cannot raise concerns about the conduct of other people serving within their own force. However, the person serving with the police who raises the concern does not have any of the statutory rights of a complainant. Police forces and local policing bodies should ensure that there are adequate systems in place to support and protect people serving with the police who want to raise concerns about the conduct of their colleagues. This might include extending confidentiality to anyone raising such a concern, as far as this is possible and appropriate.

**3.13** In the first instance, a person serving with the police should consider raising concerns within his or her own force. However, as a supplement to existing force practices the IPCC has a 'report line'. This is a dedicated phone line and email address for the use of people serving with the police wishing to report that someone serving with the police may have committed a criminal offence or behaved in a way that would justify misconduct proceedings. People serving with the police can get contact details of the IPCC report line from their professional standards department, staff association or trade union.

### Partners and relatives

**3.14** A partner or relative of someone who has served or is serving with the police will not be able to make a complaint on that person's behalf if the exclusion discussed in the box above applies to the person who is serving or who has served with the police.

**3.15** Forces should be open to the possibility that a partner or relative may make a complaint in an attempt to circumvent the exclusions from the complaints system. Where this is believed to be the case consideration should be given to whether the complaint falls within the exemptions from recording as a vexatious complaint or as an abuse of procedure (see paragraphs 3.17 to 3.20). For example, if a partner or relative of a person serving with the police complains about a disciplinary process in relation to their family member or the way he or she is being treated at work this may be considered to be an abuse of process as there are proper means by which the person serving with the police can raise such issues. The complaints system is not intended to deal with internal employment issues.

**3.16** It should not automatically be assumed, however, that a complaint made by a partner or relative is either vexatious or an abuse of procedure as he or she might legitimately claim to have witnessed, or been adversely affected by, the conduct alleged and so may become a complainant in his or her own right.

### Recording a complaint

**3.17** 'Recording' in this context means that a record is made of the complaint giving it formal status as a complaint under the Police Reform Act 2002. This means that it has to be handled in accordance with this legislation and this guidance. Complaints should be recorded in some form of register, which can be readily accessed and inspected by the IPCC if required.

**3.18** Some complaints will be 'mixed' i.e. a single complaint may involve a combination of allegations directed at the chief officer and at other ranks or personnel in the wider police force. The local policing body and chief officer should, therefore, have procedures in place to direct the relevant parts of the complaint to the correct appropriate authority to deal with (there is no requirement for consent from the complainant to forward the complaint in these circumstances). Thereafter, they should ensure that handling by each authority is co-ordinated as necessary.

**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.

Where a complaint is recorded under the Police Reform Act 2002, the appropriate authority must supply:

- a copy of the record made of that complaint to the complainant; and
- subject to the matters below, a copy of the complaint to the person complained against.

The copy of the complaint provided may keep the complainant's or any other person's identity anonymous.

An appropriate authority may decide not to supply such a copy of a complaint if it considers that to do so:

- might prejudice any criminal investigation or pending proceedings, or
- would otherwise be contrary to the public interest.

If an appropriate authority decides not to supply such a copy, it must keep the decision under regular review.

**Regulation 15 (Complaints and Misconduct) Regulations 2012**

**3.22** If a decision is made not to record a complaint, there should be an audit trail which shows that recording has been considered, the reason why the complaint has not been recorded and what other action, if any, is to be taken.

**3.23** Any complaint about direction and control should be recorded and handled in the same way as a complaint about conduct. It is, however, important that complaints are classified correctly as either direction and control or conduct as there is an important distinction between them in relation to appeal rights. This is because the right of appeal in relation to direction and control matters is much more limited than the right of appeal for conduct complaints. There is no requirement to inform the complainant of the classification at this stage.

**3.24** A 'direction and control' matter means a matter that relates to the direction and control of a police force by the chief officer or someone carrying out the chief officer's functions for the time being. 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. 'Conduct' includes acts, omissions, statements and decisions.<sup>6</sup>

**3.25** The table below shows some of the types of complaints that should be classified as direction and control and those that should be classified as conduct. There will be cases where it is not clear whether a matter is about direction and control. In such cases, the IPCC expects the matter not to be treated as direction and control.

<sup>6</sup> Section 29, Police Reform Act 2002.

### Direction and control

Operational management decisions directed to the police force – including force-wide crime initiatives and the making of general strategic decisions about how certain police powers should be exercised.

The drafting of operational policing policies and the process leading to their approval.

Organisational decisions – including decisions about the configuration and organisation of policing resources, where officers or police staff should be located, how they should be managed, and what equipment should be procured for them.

General policing standards in the force.

### Conduct

The making of a specific decision on the deployment of officers for a particular investigation or operation.

The decision to (or not to) arrest and prosecute a particular suspect for a certain crime.

Decisions about the deployment of a particular tactic on a particular occasion, and the use of that tactic.

The application of force policies, in particular, circumstances where the application of the policy involves an officer exercising their discretion.

Day-to-day operational decisions made in response to a particular set of circumstances that have arisen.

### Off-duty conduct

**3.26** Depending on the circumstances, off-duty conduct may fall within the Police Reform Act 2002. If the complaint is about conduct which, if proved, discredits the police service or undermines public confidence in it then it may be recorded under the Police Reform Act 2002.

### Complaints about discriminatory behaviour

**3.27** It is important that the police service is seen to police a diverse society and community fairly. People may belong to one or more minority groups, but this should not have a negative effect on the service they receive from the police.

**3.28** People from minority groups may be reluctant to express their belief that a problem they have experienced is rooted in discriminatory attitudes. This may, for example, be because a complainant is reluctant to disclose his or her sexuality or to disclose a mental health problem for fear that this may affect the investigator's attitude to the merit of a complaint. To overcome this, people dealing with complaints should encourage complainants to explain why they think a person serving with the police behaved the way that he or she did and demonstrate a willingness to accept and investigate this aspect of the allegation.

**3.29** In addition to training on processes, people dealing with complaints should receive specific formal and informal training to develop their ability to identify discrimination. This training should stress that discrimination is not always overt, and that it can be necessary to look at all the circumstances of a particular case in order to see



if discrimination can rightly be inferred from the surrounding facts. Such an exploration of the surrounding circumstances should include, as a matter of course, consideration of the standard practice and guidelines in relation to the particular activity complained of, and the historic patterns of behaviour of the officer(s) or staff member(s) to whose conduct the investigation relates. Investigators should be alert to the need to undertake this level of enquiry.

**3.30** If a statement of complaint is taken this should cover what happened and what was seen, heard, felt and thought. It is essential that allegations of discrimination are given in sufficient detail to identify why the complainant believes discrimination was a factor. In particular, the following information should be recorded:

- what was it that made the complainant believe the person serving with the police's words or actions were discriminatory?
- did the complainant note any differences in the way he or she was treated compared with others?
- did the complainant note any differences in the way that this person serving with the police behaved compared with other persons serving with the police (either on this or previous occasions)?
- was there anything about the person serving with the police's language that the complainant noted?
- what was the impact on the complainant?
- did anyone else witness the incident and were any comments or reactions expressed to the complainant at the time or since?

### Who can be complained about?

**3.31** The person whose conduct can be complained about must be serving with the police i.e. be a police officer, police staff member or special constable. Volunteers (other than special constables) are not covered by this definition.

**3.32** The Police Reform Act 2002 and the Police (Complaints and Misconduct) Regulations 2012 apply to contracted out staff who are designated as a detention officer or escort officer by a chief officer insofar as the complaint relates to (or other instance of misconduct involves) the carrying out of these functions for the purposes of any power or duty imposed or conferred by the designation.

### Complaints about people who no longer work for the police

Complaints relating to the conduct of a person who since the time of the conduct has stopped serving with the police must be handled in the same way under the Police Reform Act 2002 as any other complaint. However, the appropriate authority will not be required to determine whether disciplinary proceedings should be brought against that person whose conduct is the subject matter of a report.

Regulation 27, Police (Complaints and Misconduct) Regulations 2012

**3.33** It is recommended that in such circumstances, the investigator should seek to obtain an explanation or statement from an individual who has left the force although it may not be possible to compel him or her to co-operate.

**3.34** The local resolution or investigation of the matter may provide an opportunity for an explanation to be given to the complainant or, where relevant, the interested person. It may also enable the police to learn lessons. Although disciplinary proceedings will not result against someone who is no longer serving with the police, criminal proceedings could be brought if appropriate.

### Decisions not to notify or record a complaint

Where a chief officer or a local policing body decides not to notify or record the whole or any part of a complaint that has been received, he or she must notify the complainant in writing of:

- the decision to take no action and, where applicable, to what part of the complaint this decision relates;
- the grounds for that decision;
- the complainant's right of appeal, where applicable (see section 13) and;
- that the right of appeal is to the IPCC; and
- the time limit for making an appeal.

Paragraph 3, Schedule 3, Police Reform Act 2002  
Regulation 11, Police (Complaints and Misconduct) Regulations 2012

### Deciding how to handle a complaint

#### Referral

**3.35** People who receive complaints should have an understanding of which complaints or types of complaints need to be referred to the IPCC and which do not. For information about referrals see section 8.

#### Local resolution

**3.36** If a complaint does not need to be referred to the IPCC (and is unlikely to result in voluntary referral), the appropriate authority must decide whether it is suitable for local resolution. For information about local resolution see section 5.

#### Local investigation

**3.37** Where a complaint is not suitable for local resolution it must be investigated. For information about investigating a complaint see section 9.

#### Disapplication

**3.38** If the appropriate authority believes a complaint should not be dealt with in line with Schedule 3 of the Police Reform Act 2002 and it meets one of the disapplication grounds, he or she may consider disapplication. For information about disapplication see section 4.

## Section 4:

# DISAPPLICATION

- 4.1** There are certain limited circumstances in which a recorded complaint does not have to be dealt with under the Police Reform Act 2002. This is called disapplication and means that an appropriate authority may disapply the requirements of Schedule 3 of the Police Reform Act 2002 in relation to a complaint. The appropriate authority may instead handle a recorded complaint in whatever manner it thinks fit, including taking no action on it. A disapplication may only take place if the complaint fits one or more of the grounds described at paragraphs 4.7 to 4.19.
- 4.2** Disapplication should only happen in relation to a small proportion of complaints. It is available so that a complaint which falls within one of the grounds listed at paragraphs 4.7 to 4.19 does not create an unnecessary burden on the force involved. Disapplication should never be used simply because the complaint will be difficult to deal with or because of a problematic relationship with the complainant.

### When can disapplication be carried out by the appropriate authority?

Disapplication can only be used for recorded complaints that:

- have been referred to the IPCC and it has referred the complaint back to the appropriate authority;
- have been referred to the IPCC and it has determined the form of investigation; or
- are not required to be referred to the IPCC.

Before deciding to carry out a disapplication or making an application to the IPCC for permission to disapply, the appropriate authority must write to the complainant at his or her last known address inviting him or her to make representations. The letter must state that the complainant has 28 days from the day following the date of the letter to make any representations. Any representations that are made must be taken into account before a final decision to disapply or submit an application for permission to the IPCC is taken as they may affect the appropriate authority's decision.

Paragraphs 6 and 7, Schedule 3, Police Reform Act 2002  
 Regulation 5, Police (Complaints and Misconduct) Regulations 2012

## When the IPCC's permission needs to be obtained

Where a complaint has been referred to the IPCC and has either been referred back to the appropriate authority or the IPCC has determined the form of an investigation, the IPCC's permission must be obtained to disapply Schedule 3 of the Police Reform Act 2002.

The appropriate authority must notify the complainant about the making of such an application.

Paragraph 7, Schedule 3, Police Reform Act 2002

- 4.3** In practice, an application to disapply is usually only likely to occur when a complaint has been referred back or on a local or supervised investigation, and unlikely to occur on a managed or independent one.

While the application to disapply is being considered, the appropriate authority must not take any action in relation to that complaint (other than those to obtain and preserve evidence relating to it).

Paragraph 7, Schedule 3, Police Reform Act 2002

## Information to be sent to the IPCC

Any application to the IPCC to disapply Schedule 3 of the Police Reform Act 2002 must be in writing. The appropriate authority must provide:

- the application;
- a copy of the complaint;
- an explanation of the reasons for making the application;
- copies of any other relevant documents or materials held by it.

The appropriate authority must provide any other information required by the IPCC to determine any application to disapply.

Regulation 5, Police (Complaints and Misconduct) Regulations 2012

- 4.4** Information provided to the IPCC with the application must include any evidence of representations being sought from the complainant, any representations received and how these were taken into account when deciding to make the application.
- 4.5** This information must be provided as soon as is reasonably practicable, unless the IPCC notifies the appropriate authority that it requires the information by a specified deadline.

## If the IPCC does not grant permission to disapply

If the IPCC does not grant permission for the appropriate authority to disapply, then the complaint will be passed back to the appropriate authority to determine whether it should locally resolve it and, if not, to investigate it.

Paragraph 7, Schedule 3, Police Reform Act 2002

- 4.6** When making this determination the appropriate authority should take into account any decisions or directions made by the IPCC when the complaint was originally referred.

The appropriate authority cannot make more than one application for permission from the IPCC in respect of the same complaint.

Paragraph 7, Schedule 3, Police Reform Act 2002

## Grounds for disapplication

**More than 12 months have elapsed between the incident, or the latest incident, giving rise to the complaint and the making of the complaint and either that no good reason for the delay has been shown or that injustice would be likely to be caused by the delay.**

- 4.7** A 12-month delay is not enough on its own for this ground to apply. One or other of these two criteria must be met as well. They are, however, separate. This means that if 12 months have passed between the incident (or the latest incident in a chain of events) and the making of the complaint, and no good reason for the delay has been shown, disapplication may be possible. Disapplication can take place on this ground even though the delay is not likely to result in injustice. It also means that if 12 months have passed between the incident (or the latest incident in a chain of events) and the making of the complaint and injustice is likely to be caused by the delay, disapplication may be possible even though good reason for the delay has been shown.
- 4.8** When deciding whether injustice is likely to be caused by the delay, the appropriate authority should consider the need to balance this against any injustice potentially caused by not investigating the complaint.
- 4.9** Each case should be considered on its merits and the complainant's reasons for the delay should be taken into account when making a decision about disapplication. This is why it is important that appropriate authorities seek the complainant's representations about the delay, its reasons and whether any injustice is likely to be caused.

### The matter is already the subject of a complaint made by or on behalf of the same complainant.

- 4.10** A matter is considered to be already subject of a complaint where a complaint is made against the same officer originally complained of, relating to the same subject matter and by (or on behalf of) the same complainant.
- 4.11** Any representations from the complainant may explain whether or how the new complaint differs from the original complaint.
- 4.12** In practice, this ground applies where the handling of the original complaint is still ongoing. If the original complaint has been dealt with, the appropriate authority should consider whether the 'repetitious' disapplication ground applies (see paragraph 4.17).
- 4.13** The appropriate authority should be able to provide evidence of the previous complaint(s) and how the current one is already the subject of a complaint before either deciding to disapply or making an application to the IPCC.

### 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.

- 4.14** Where possible, the appropriate authority should attempt to discover the identity and address of, and contact, the person making the complaint, or any other interested person. There should be more than one attempt and various methods of communication should be used. The appropriate authority should allow time for the complainant or interested person to make contact before disapplying or making an application to the IPCC. The time allowed should be determined on a case-by-case basis, but should be reasonable, taking into account the circumstances and subject matter of the complaint.

### The complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints.

- 4.15** It is important to note that it is the complaint itself that must be judged vexatious, oppressive or an abuse, not the complainant. Consideration of this ground should therefore focus primarily on the current complaint. The complainant's past complaint history may, however, be taken into account where it is relevant to show that the current complaint is vexatious, oppressive or an abuse.
- 4.16** The appropriate authority should be able to demonstrate with evidence a reasonable belief that the complaint is vexatious, oppressive or an abuse of process before deciding to disapply or making an application to the IPCC. Some assessment of the complaint will be required in order to demonstrate this.

### The complaint is repetitious.

**4.17** Any representations from the complainant may explain whether or how the new complaint differs from the original complaint or conduct matter.

### It is not reasonably practicable to complete the investigation of the complaint or any other procedures under Schedule 3 to the Police Reform Act 2002.

**4.18** Before considering a disapplication on this ground the appropriate authority should ensure that:

- reasonable efforts have been made to contact the complainant (i.e. more than one attempt) and to gain his or her co-operation, using a range of appropriate methods, for example, letter, email or telephone;
- efforts were made to work through the complainant's representative;
- practical help was made available to support a complainant with specific needs;
- reasonable efforts have been made to overcome any obstacle preventing completion of the investigation or any other procedure;
- reasonable efforts have been made to overcome any obstacle preventing the complaint being dealt with; and
- the impact of the refusal or failure is sufficient to justify not completing an investigation or any other procedure under Schedule 3.

**4.19** There are many reasons why it may not be practicable to communicate with the complainant or person acting on his or her behalf. Where there is sufficient information to proceed with an investigation of the complaint or any other procedure this should be carried out. If it is not possible to proceed without further communication with the complainant, disapplication may be appropriate.

### Partial disapplication

**4.20** Where a complaint is made up of multiple allegations, only some may be suitable for disapplication. For example, some aspects of a complaint may be repetitious while others are not. In such cases disapplication may be carried out, or applied for, in respect of those parts of the complaint.

### Appeals against the decision to subject the complaint to disapplication

**4.21** There is a right of appeal against any decision by the appropriate authority to disapply (except where the complaint relates to a direction and control matter or where the IPCC gave permission for the disapplication). For further information about this see paragraphs 13.43 to 13.60.

## Section 5:

# LOCAL HANDLING

- 5.1** The great majority of complaints will not need to be referred to the IPCC and will be handled, at least initially, by the appropriate authority (usually forces themselves). Local handling covers a wide range of activity. Some can be dealt with through local resolution. This is a process which focuses on resolving the complaint in the most appropriate way, and which therefore allows the appropriate authority to work with a complainant to take the necessary action (see below for more detail). However, local resolution cannot be used for complaints that reach a certain threshold of seriousness. Those complaints must be dealt with by a formal local investigation, which may result in disciplinary or criminal sanctions, and carry a right of appeal to the IPCC if the complainant is dissatisfied with the outcome.
- 5.2** It is important that appropriate authorities understand which complaints can be dealt with by local resolution and which require investigation. This section describes the process of local resolution and the threshold test to be applied in using it. Section 9 describes the process of local investigation.
- 5.3** The primary focus of the person handling a complaint, regardless of the process followed, should be to resolve the complaint.
- 5.4** When a complaint is made, the person dealing with it should establish exactly what the complaint is about and what the complainant would regard as a satisfactory outcome. A personal approach to this is more likely to be successful than sending a letter as a conversation will allow for any issues or concerns to be explored in more detail.
- 5.5** It is important to be clear with the complainant about what may be a realistic outcome to his or her complaint and the reasons for this. While it may not be possible to deliver the desired outcome, an explanation to the complainant at an early stage will help them to understand what is likely to happen as a result of their complaint.
- 5.6** The person handling the complaint should discuss with the complainant the actions that may be taken to deal with their complaint. The aim should be to engage in a dialogue about how the complaint will be dealt with. An effective relationship with the complainant from the outset should assist in the handling of the complaint and reduce the likelihood of an eventual appeal. It is also important when speaking to the complainant that the focus is on the actions to be taken in order to achieve a satisfactory outcome, rather than on the process to be followed (i.e. local resolution or investigation).



- 5.7** The complainant should be informed of what practical action or learning may result from their complaint. It is important that appropriate authorities demonstrate to complainants and communities their willingness to learn from the complaints made against them and demonstrate that the complaints process does lead to improved police practice.

## Local resolution

- 5.8** Local resolution is a flexible process that can be adapted to the needs of the complainant. The complaint will be handled in the main at a local managerial level, not within professional standards departments.
- 5.9** Although local resolution will not result in disciplinary proceedings, the manager of the person complained about may take management action or formal action under the unsatisfactory performance procedures (for police officers) or capability procedures (for police staff members) during, or as a result of, the complaints process.

## Complaints suitable for local resolution

- 5.10** When a complaint has been recorded and there is no requirement to refer it to the IPCC and it is not being referred voluntarily, the appropriate authority must decide whether the complaint is suitable for local resolution.

When a complaint has been recorded and there is no requirement to refer it to the IPCC and it is not being referred voluntarily, the appropriate authority must decide whether the complaint is suitable for local resolution.

A complaint must meet both of the following conditions to be suitable for local resolution:

- the appropriate authority is satisfied that the conduct that is being complained about (even if it were proved) would not justify bringing criminal or disciplinary proceedings against the person whose conduct is complained about; and
- the appropriate authority is satisfied that the conduct complained about (even if it were proved) would not involve the infringement of a person's rights under Article 2 or 3 of the European Convention on Human Rights.

If a complaint does not meet these conditions, it is not suitable for local resolution and must be investigated by the appropriate authority.

Paragraph 6, Schedule 3, Police Reform Act 2002

**5.11** This assessment should be made taking the complaint at face value. If a complaint meets these conditions, it may be dealt with by way of local resolution, and the expectation is that it will be locally resolved unless there is a reason why this is not possible. If there is doubt whether a complaint satisfies either of the conditions, it is advisable to err on the side of caution and not treat it as suitable for local resolution.

**5.12** Where a pattern of behaviour is identified in a person serving with the police, the person determining whether the complaint is suitable for local resolution should consider carefully whether local resolution is appropriate. Local resolution may be the proportionate response, for example to a complaint of incivility. However, if there have been similar or previous complaints that have also been resolved locally the IPCC encourages the appropriate authority to consider whether there are underlying reasons for the pattern of behaviour which may justify the bringing of disciplinary proceedings in respect of the latest conduct complained about.

### Local resolution following referral

**5.13** An appropriate authority may consider local resolution of a complaint that has been referred to the IPCC if the IPCC has determined that an investigation is not necessary and referred the complaint back to the appropriate authority.

**5.14** If the IPCC has determined that an investigation is necessary and how the complaint should be investigated, but the appropriate authority wishes to resolve the complaint locally, an application for local resolution must be submitted to the IPCC. However, this should not be a routine occurrence. Applications should be made only where there is new information or evidence, which was not reasonably available at the time of the referral, to suggest that local resolution would be appropriate.

The appropriate authority cannot make more than one application for the IPCC's approval to the determination that a complaint is suitable for local resolution in respect of the same complaint.

Paragraph 6, Schedule 3, Police Reform Act 2002

### Ways of resolving the complaint

**5.15** Local resolution is a flexible process that may be adapted to the needs of the complainant and the individual complaint. The actions taken to resolve a complaint locally will depend on the substance of the complaint and the discussion that has taken place with the complainant. Possible actions that could be taken include:

- resolution over the counter or by telephone
- providing information and explanation
- an apology on behalf of the appropriate authority or an apology from the person complained about (if that person has agreed to an apology)
- a written explanation of the circumstances and any action taken

- mediation between the complainant and the person complained about, either directly or indirectly
- a change to policy or procedures
- learning shared within the force
- taking some investigative steps to establish further information.

**5.16** Mediation can be a productive way to deal with complaints that are suitable for local resolution. A mediation process, which will usually involve a third party to mediate between the complainant and the officer complained against, is more likely to increase satisfaction for both parties as it allows for both the complainant and the person complained against each to describe their experiences.

### Action plans

**5.17** The details of how a specific complaint will be resolved locally are best documented in an action plan that outlines the steps to be taken. The action plan should be discussed with the complainant and he or she should have an opportunity to comment on it. This will help reach a shared understanding of the actions to be taken and will be a useful record of any agreements reached. Any step in an action plan should be both effective and achievable; an action plan that unduly raises a complainant's expectations and fails to deliver will negatively affect the complainant's confidence in the police. If a step in an action plan cannot be completed, the reasons for this should be recorded and explained to the complainant.

**5.18** The complainant should be provided with a copy of the agreed action plan.

### Communication

During a local resolution process, the complainant and person complained against must be given the opportunity, as soon as practicable, to make comments about the complaint.

Regulation 6, Police (Complaints and Misconduct) Regulations 2012

**5.19** Participation by the person complained about should be actively encouraged. Local resolution is not seeking to establish blame or wrongdoing, but is aiming to resolve the complaint. It should generally be expected that the person complained about will comment upon the complaint.

A record must be made as soon as practicable of the outcome of the local resolution procedure. A copy of this record must be given to the person complained against and the complainant.

Regulation 6, Police (Complaints and Misconduct) Regulations 2012

## Statements

A statement made by any person for the purposes of a local resolution is not admissible in any subsequent criminal, civil or disciplinary proceedings (except where it is an admission to a matter that has not been subjected to local resolution).

Paragraph 8, Schedule 3, Police Reform Act 2002

**5.20** There is no legal power or requirement to issue a notice of investigation to the person complained against as part of the local resolution process.

## Appeal against local resolution

**5.21** Where a complaint has been resolved locally, the complainant will have a right of appeal about the outcome of the local resolution (unless the complaint relates to a direction and control matter).<sup>7</sup> See paragraphs 13.61 to 13.67 for more information on appeals.

**5.22** At the conclusion of any local resolution process, the appropriate authority must ensure that the complainant is informed, in writing, of:

- the outcome of the local resolution (and sent a copy of the record of the outcome)
- the right of appeal
- the identity of the relevant appeal body (and, if it is the IPCC, the reason)
- that there is no further right of appeal to the IPCC (where the relevant appeal body is the chief officer)
- the timescale in which the appeal must be received (28 days).

## It is not possible to locally resolve the complaint

Where it becomes apparent to the appropriate authority during the course of an attempt at local resolution that it is not possible to resolve the complaint using local resolution or the complaint is, for any other reason, not suitable for local resolution, arrangements must be made for the complaint to be investigated by the appropriate authority.

In those circumstances, no-one who was involved in the attempt at local resolution can be appointed to investigate the complaint or to assist with the investigation.

Paragraph 8, Schedule 3, Police Reform Act 2002

<sup>1</sup> Paragraph 8A, Schedule 3, Police Reform Act 2002

- 5.23** There may be occasions, either because the relationship between the complainant and the force has irretrievably broken down, or because the complainant's desired outcome to the complaint is unachievable, where there is no possibility of engaging in a two-way resolution process. Additionally, it is unlikely to satisfy a complainant if he or she feels that local resolution has been imposed against his or her express wishes. In these instances a local investigation may be the most practical and satisfactory means of dealing with the complaint.
- 5.24** Detailed guidance on carrying out investigations can be found in section 9 of this guidance.
- 5.25** An investigation carried out in these circumstances will carry a right of appeal. The way in which a complaint is dealt with (i.e. whether it is locally resolved or investigated) has no bearing on who considers the appeal. This is based purely on the complaint(s) made at the beginning of the process (see paragraphs 13.11 to 13.17 for more information about the relevant appeal body).

## Section 6:

# CONDUCT MATTERS

**6.1** This section sets out the framework for the initial stages of dealing with a conduct matter.

**6.2** The section covers:

- the definition of a conduct matter
- how a conduct matter should be recorded
- which conduct matters must be referred to the IPCC.

### Definition of a conduct matter

Subject to some limited exceptions a conduct matter is any matter about which there is not or has not been a complaint, where there is an indication (whether from the circumstances or otherwise) that a person serving with the police may have committed a criminal offence or behaved in a manner which would justify disciplinary proceedings.

Section 12, Police Reform Act 2002

**6.3** It is vital that conduct matters are recognised and dealt with, both to deal with the issues and as part of the learning and improvement process for the force and the individual.

**6.4** Conduct matters may come to light where a person who is prevented from being a complainant by the Police Reform Act 2002 raises issues that satisfy the definition of a conduct matter. The person raising the issue may be treated as an interested person if the matter is treated as a recordable conduct matter.

### Recording a conduct matter

**6.5** 'Recording' in this context means that a record is made of the conduct matter giving it formal status under the Police Reform Act 2002. This means that it has to be handled formally in accordance with the Police Reform Act 2002 and this guidance.

## Conduct matters arising in civil proceedings

- 6.6** There is a duty on chief officers and local policing bodies to identify and deal with conduct matters that come to their attention as a result of civil proceedings. Where a chief officer or local policing body receives a notification that civil proceedings relating to any matter have been brought or are likely to be brought against him or her by a member of the public, he or she should make an initial assessment about whether any complaint has been made about the same conduct. If so, he or she should deal with the complaint in accordance with the guidance on handling complaints.

If no complaint has been made, the chief officer or local policing body must assess whether those proceedings involve or would involve a conduct matter (see paragraphs 6.2 to 6.4). If so, then the chief officer or local policing body must first decide if he or she is the relevant appropriate authority.

If the chief officer or local policing body is not the relevant appropriate authority, he or she must notify the relevant appropriate authority of the proceedings and the circumstances that suggest it involves, or would involve, a conduct matter.

If the chief officer or local policing body is the appropriate authority then he or she must determine whether there is a requirement, or it would be appropriate, to refer the matter to the IPCC. If so, then the matter must be recorded, unless he or she is satisfied the matter has been or is already being dealt with by criminal or disciplinary proceedings against the person to whose conduct the matter relates.

In any other case, the appropriate authority must determine whether the matter is repetitious within the meaning of regulation 7(3) of the Police (Complaints and Misconduct) Regulations 2012. If the matter is not repetitious then the appropriate authority must record the matter unless it is satisfied the matter has been or is already being dealt with by criminal or disciplinary proceedings against the person to whose conduct the matter relates.

In any other case, the appropriate authority may record the matter, but is not obliged to do so.

Paragraph 10, Schedule 3, Police Reform Act 2002  
Regulation 7, Police (Complaints and Misconduct) Regulations 2012

- 6.7** Conduct matters should be recorded as soon as practicable after they have come to light and the decision has been made that they must be recorded.

Where a conduct matter is recorded, but there is no requirement to refer the matter to the IPCC and the matter is not being referred voluntarily, the appropriate authority may handle the matter in whatever other manner it may determine, including taking no action.

Paragraph 10, Schedule 3, Police Reform Act 2002

- 6.8** Appropriate authorities should ensure that there is clear local guidance about who is responsible for identifying conduct matters in civil proceedings and ensuring that they are handled effectively and efficiently.
- 6.9** There is no cut-off for recording a conduct matter arising from a civil claim, i.e. where the events took place some years previously. However, appropriate authorities can consider whether there are grounds for discontinuing an investigation into a conduct matter (see section 10).

### Conduct matters in other cases

Where a conduct matter comes to the attention of a chief officer or local policing body (other than as a result of civil proceedings) and he or she is the relevant appropriate authority, an assessment must first be made to determine whether it involves conduct which, assuming it has taken place:

- appears to have resulted in the death or serious injury of any person;
- has had an adverse effect on a member of the public; or
- falls within a description specified in the Police (Complaints and Misconduct) Regulations 2012, namely:
  - i. a serious assault, as defined in paragraphs 8.7 to 8.10 of this guidance;
  - ii. a serious sexual offence, as defined in paragraphs 8.11 and 8.12 of this guidance;
  - iii. serious corruption, as defined in paragraphs 8.13-8.17 of this guidance;
  - iv. a criminal offence or behaviour which is liable to lead to misconduct proceedings and which in either case was aggravated by discriminatory behaviour on the grounds of a person's race, sex, religion, or other status identified in paragraph 8.18 of this guidance;
  - v. a relevant offence (see box under Relevant offence in section 8);
  - vi. conduct whose gravity or other exceptional circumstances make it appropriate to record the matter in which the conduct is involved; or
  - vii. conduct which is alleged to have taken place in the same incident as one in which conduct within sub-paragraphs (i) to (v) is alleged.

If so, the appropriate authority must determine whether it is required, or it would be appropriate, to refer the matter to the IPCC. If the appropriate authority determines that it is required, or it would be appropriate, to refer the matter to the IPCC then it must record the matter, unless it is satisfied that it has been or is already being dealt with by criminal or disciplinary proceedings against the person to whose conduct the matter relates.

In any other case, the appropriate authority must determine whether the matter is repetitious within the meaning of regulation 7(3) of the Police (Complaints and Misconduct) Regulations 2012. If the matter is not repetitious then the appropriate authority must record the matter, unless it is satisfied that it has been or is already being dealt with by criminal or disciplinary proceedings against the person whose conduct the matter relates.



In any other case, the appropriate authority may record the matter, but is not obliged to do so.

Where a conduct matter is recorded, but there is no requirement to refer the matter to the IPCC and it is not being referred voluntarily, then the appropriate authority may handle the matter in whatever other manner it may determine, including taking no action.

The IPCC may direct the appropriate authority to record a matter that has come to the IPCC's attention which is a recordable conduct matter but has not been recorded. The appropriate authority must comply with that direction.

Paragraph 11, Schedule 3, Police Reform Act 2002  
Regulation 7, Police (Complaints and Misconduct) Regulations 2012

- 6.10** Conduct matters should be recorded as soon as practicable after they have come to light and the decision has been made that they must be recorded.

### Conduct matters involving allegations of discrimination

- 6.11** Paragraphs 3.27 to 3.30 of this guidance in relation to complaints will also be relevant to dealing with interested persons in relation to such conduct matters.

### Conduct matters relating to people who no longer work for the police

Conduct matters relating to the conduct of a person who since the time of the conduct has stopped being a person serving with the police must be handled in the same way under the Police Reform Act 2002 as any other conduct matter. However, the appropriate authority will not be required to determine whether disciplinary proceedings should be brought against that person whose conduct is the subject matter of a report.

Regulation 27, Police (Complaints and Misconduct) Regulations 2012

- 6.12** The investigation of the conduct matter may provide an opportunity for an explanation to be given to an interested person. It may also enable the police to learn lessons. Although disciplinary proceedings will not result against someone who is no longer serving with the police, criminal proceedings could be brought if appropriate.

### Referral of conduct matters to the IPCC

- 6.13** For information about referring conduct matters to the IPCC see section 8 of this guidance.

## Section 7:

# DEATH OR SERIOUS INJURY MATTERS

**7.1** This section sets out the framework for the initial stages of dealing with a death or serious injury (DSI) matter.

**7.2** The section covers:

- the definition of a DSI matter
- how a DSI matter should be recorded
- the referral of DSI matters to the IPCC.

### Definition of a DSI matter

A DSI matter means any circumstances (unless the circumstances are or have been the subject of a complaint or amount to a conduct matter) in, or as a result of which, a person has died or sustained serious injury and:

- at the time of death or serious injury the person had been arrested by a person serving with the police and had not been released or was otherwise detained in the custody of a person serving with the police; or
- at or before the time of death or serious injury the person had contact of any kind – whether direct or indirect – with a person serving with the police who was acting in the execution of his or her duties and there is an indication that the contact may have caused – whether directly or indirectly – or contributed to the death or serious injury. However, this sub-category excludes contact that a person who suffered the death or serious injury had whilst he or she was acting in the execution of his or her duties as a person serving with the police.

Section 12, Police Reform Act 2002

‘Serious injury’ means a fracture, a deep cut, a deep laceration or an injury causing damage to an internal organ or the impairment of any bodily function.

Section 29, Police Reform Act 2002

## Recording a DSI matter

Where a DSI matter comes to the attention of a chief officer or local policing body, and he or she is the relevant appropriate authority, he or she must record that matter.

Paragraph 14A, Schedule 3, Police Reform Act 2002

- 7.3** DSI matters should be recorded as soon as practicable after they are identified bearing in mind the timescale for referral set out in the text box on page 47.

The IPCC may direct the appropriate authority to record a DSI matter that has come to the IPCC's attention, but has not been recorded. The appropriate authority must comply with that direction.

Paragraph 14A, Schedule 3, Police Reform Act 2002

## Referral of DSI matters

- 7.4** For information about referrals see section 8 of this guidance.

## Section 8:

# REFERRALS

**8.1** Referral to the IPCC is an important part of ensuring public confidence in the independence, accountability and integrity of the police complaints system.

**8.2** This section explains:

- what must be referred to the IPCC
- the IPCC's decision when it receives a referral
- the types of investigation that may follow.

### Complaints that must be referred to the IPCC

Appropriate authorities must refer to the IPCC:

- complaints alleging that the conduct complained of has resulted in death or serious injury;
- complaints which fall within the mandatory referral criteria (see below); or
- complaints which the IPCC notifies the appropriate authority that it requires to be referred regardless of whether the complaint is already being investigated by any person or the IPCC has considered it.

However, a complaint that has already been referred to the IPCC is not required to be referred again unless the IPCC so directs.

Paragraph 4, Schedule 3, Police Reform Act 2002

**8.3** Appropriate authorities should notify the IPCC where concerns or issues arise later which indicate that the matter should be referred again.

## Conduct matters that must be referred to the IPCC

Appropriate authorities must refer to the IPCC recordable conduct matters which:

- relate to any incident or circumstances in or in consequence of which a person has died or suffered serious injury;
- fall within the mandatory referral criteria (see below); or
- the IPCC notifies the appropriate authority that it requires the matter to be referred regardless of whether the conduct matter is already being investigated by any person or the IPCC has considered it previously.

However, a conduct matter that has already been referred to the IPCC does not have to be referred again unless the IPCC so directs.

Paragraph 13, Schedule 3, Police Reform Act 2002

- 8.4** Appropriate authorities should notify the IPCC where concerns or issues arise later which indicate that the matter should be referred again.

## Referral of death or serious injury (DSI) matters

All DSI matters must be referred to the IPCC.

However, a DSI matter that has already been referred to the IPCC does not have to be referred again unless the IPCC so directs.

Paragraph 14C, Schedule 3, Police Reform Act 2002

## Mandatory referral criteria

The appropriate authority must refer complaints and recordable conduct matters that include allegations of conduct which constitutes:

- serious assault
- serious sexual offence
- serious corruption
- criminal offence or behaviour which is liable to lead to misconduct proceedings and which, in either case, is aggravated by discriminatory behaviour on the grounds of a person's race, sex, religion or other status identified in paragraph 8.18 of this guidance
- a relevant offence, or
- complaints or conduct matters which are alleged to have arisen from the same incident as anything falling within these criteria.

An appropriate authority must also refer complaints which arise from the same incident about which there is a complaint alleging that the conduct complained of resulted in death or serious injury.

*Regulation 4 and 7, Police (Complaints and Misconduct) Regulations 2012*

**8.5** Where there is doubt about whether a complaint or recordable conduct matter must be referred, the IPCC encourages referral. The appropriate authority can seek the IPCC's advice about general policy on referrals or about whether to refer a specific incident or allegation.

**8.6** If further evidence or information is obtained indicating that an incident was more serious than first thought and if it meets the criteria for referral, the matter should be referred to the IPCC. Similarly, further evidence or information might prompt consideration about re-referral so that the mode of investigation can be reviewed. Where a referral is made some time after the original incident, an explanation should be given indicating the evidence that has come to light requiring referral (or re-referral) of the matter.

## Definitions of referral criteria

### Serious assault

**8.7** 'Serious assault' is conduct that results in an injury that amounts to actual bodily harm or a more serious injury.

**8.8** 'Serious assault' is interpreted in accordance with the law on what constitutes an assault occasioning actual bodily harm contrary to Section 47 of the Offences Against the Person Act 1861. The offence is committed when a person assaults another, thereby causing actual bodily harm to that other person. One factor in law that distinguishes a charge under Section 39 of the Criminal Justice Act 1988 (common assault) from one under Section 47 is the degree of injury.

The Crown Prosecution Service (CPS) legal guidance on the charging standards for the offence of assault occasioning actual bodily harm should be applied in determining whether an offence is one of assault occasioning actual bodily harm rather than common assault.

**8.9** Any attempt, incitement or conspiracy to commit any offence referred to above must also be referred to the IPCC.

**8.10** Where a person is injured as a result of the conduct of a person serving with the police, forces should first consider whether the injury is a serious injury or one which must be referred. If not, they should ask themselves whether there is anything about the conduct or the circumstances in which the injury was sustained which points to the need for a voluntary referral. For injuries occurring once a person is in custody, the threshold for force to be necessary or proportionate is higher.

### Serious sexual offences

**8.11** The term ‘serious sexual offences’ includes:

- all offences under the Sexual Offences Acts 1956 to 2003 that must be tried in the Crown Court; or
- any other offences under these Acts which appear, to an appropriate authority, to be an offence for which the individual concerned, if convicted, would be likely to receive a sentence of more than six months.

**8.12** Any attempt, incitement or conspiracy to commit any offence referred to above must also be referred to the IPCC.

### Serious corruption

**8.13** The term serious corruption refers to conduct that includes:

- any attempt to pervert the course of justice or other conduct likely seriously to harm the administration of justice, in particular the criminal justice system;
- payments or other benefits or favours received in connection with the performance of duties amounting to an offence for which the individual concerned, if convicted, would be likely to receive a sentence of more than six months;
- abuse of authority;
- corrupt controller, handler or covert human intelligence source (CHIS) relationships;
- provision of confidential information in return for payment or other benefits or favours where the conduct goes beyond a possible prosecution for an offence under Section 55 of the Data Protection Act 1998;
- extraction and supply of seized controlled drugs, firearms or other material; or
- attempts or conspiracies to do any of the above.

**8.14** The law requires that allegations of serious corruption are referred to the IPCC without delay. It is therefore not appropriate to wait until there is sufficient information to make an arrest.

**8.15** Where an allegation of serious corruption is made or potential serious corruption is identified this may require covert investigation. This should not prevent or delay referral to the IPCC.

**8.16** The IPCC expects covert cases to be referred if any of the following factors are present:

- reasonable suspicion that a criminal offence has been committed
- the investigation has moved to an operational phase
- covert intrusive tactics are about to be deployed
- the allegations are extremely sensitive or likely to have an adverse impact on public confidence.

**8.17** If it is unclear whether any of these factors are present the case should be discussed with the IPCC to establish whether referral is necessary.

**Criminal offences and behaviour liable to lead to misconduct proceedings and which in either case is aggravated by discriminatory behaviour.**

**8.18** This refers to any criminal offence or other behaviour liable to lead to misconduct proceedings that is aggravated by discrimination on the grounds of a person's:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; or
- sexual orientation.

**8.19** The form of the alleged discrimination may be direct through language or behaviour, for example, the use of offensive and discriminatory words or use of stereotypes to describe individuals. The complainant or interested person may allege that the criminal offence or behaviour was motivated by discrimination. He or she may allege treatment which amounts to discrimination by comparison with the treatment given to others. While it is not for the complainant to prove that the person serving with the police discriminated against him or her it is important that when raising allegations about the treatment he or she received that he or she is able to identify (where possible) how that treatment was discriminatory. The person dealing with the matter should encourage the complainant or interested person to provide as much information as possible as to why they consider they were discriminated against. It is equally possible that the complainant or interested person does not allege discrimination,



but that the investigator believes discrimination is a factor (see paragraphs 3.27 to 3.30 and 9.17 to 9.23 for additional information on dealing with allegations of discrimination).

### Relevant offence

‘A relevant offence’ is defined as any offence for which the sentence is fixed by law or any offence for which a person of 18 years and over (not previously convicted) may be sentenced to imprisonment for seven years or more (excluding any restrictions imposed by Section 33 of the Magistrates Court Act 1980).

Regulation 1, Police (Complaints and Misconduct) Regulations 2012

### Matters which the IPCC requires to be referred to it (‘call in’)

**8.20** The IPCC may require any complaint or recordable conduct matter to be referred to it by the appropriate authority. This power of call in is exercisable irrespective of whether the matter is already being investigated or has previously been considered by the IPCC.

**8.21** If the IPCC calls a matter in, the appropriate authority must provide all relevant information at, or as soon as practicable after, the time of referral.

### Deadlines for referral

A mandatory referral must be made without delay and in any case not later than the end of the day after the day it first becomes clear that it is a matter which must be referred.

Regulations 4, 7 and 8, Police (Complaints and Misconduct) Regulations 2012

**8.22** If necessary referrals can be made via the IPCC’s on-call number.

Where the IPCC calls a matter in, it must be referred without delay and in any case by the end of the day after the day the IPCC notifies the appropriate authority that it must be referred.

Regulations 4 and 7, Police (Complaints and Misconduct) Regulations 2012

**8.23** The process of referral must not delay any initial action by an appropriate authority to secure or preserve evidence especially in relation to incident scene management.

**8.24** In any case, when referring a matter, an appropriate authority must provide to the IPCC as much relevant information as possible to ensure it makes informed decisions. The need to provide information should be balanced against the timeliness of making the referral, but the following list gives some examples of information which, where available and relevant, will help the decision maker:

- a copy of the complaint
- use of force forms where there is an allegation of excessive force or an injury
- medical records relating to any injuries allegedly sustained
- the custody record, where the referral relates to an issue that occurred in custody
- officer notes relating to the incident.

### Voluntary referrals

**8.25** The IPCC encourages appropriate authorities to refer complaints or recordable conduct matters that do not have to be referred but where the gravity of the subject matter or exceptional circumstances justifies referral.<sup>8</sup> This may be, for example, because the complaint or recordable conduct matter could have a significant impact on public confidence, or it is felt there is a need for independent involvement in the investigation.

**8.26** Relevant local policing bodies can also refer complaints or recordable conduct matters which either have not been referred or are required to be referred by the appropriate authority if the local policing body considers referral would be appropriate because of the gravity of the subject matter or any other exceptional circumstances.<sup>9</sup>

### Referral of complaints about direction and control

Where a complaint relates to a direction and control matter but is not a complaint which must be referred to the IPCC, it may only be referred to the IPCC if the IPCC consents.

Paragraph 4, Schedule 3, Police Reform Act 2002

<sup>8</sup> Paragraph 4 and 13, Schedule 3, Police Reform Act 2002.

<sup>9</sup> Paragraph 4 and 13, Schedule 3, Police Reform Act 2002.

**8.27** In cases where an appropriate authority wishes to refer a complaint about a direction and control matter it should contact the IPCC for its consent, giving as much information about the matter as possible including why it is considered to be a direction and control matter and the reasons why it should be referred to the IPCC.

### Notification of referral

Whenever a local policing body or chief officer refers a complaint or conduct matter to the IPCC, it must notify:

- the complainant (if there is one); and
- the person complained against or whose conduct it was, unless it would prejudice a possible future investigation of the complaint or matter.

Paragraph 4 and 13, Schedule 3, Police Reform Act 2002

The local resolution of any complaint must be discontinued if the IPCC calls the complaint in or it is otherwise referred to the IPCC.

Paragraph 8, Schedule 3, Police Reform Act 2002

### Determining whether and how a matter should be investigated

Once a referral is made to the IPCC it must determine whether the matter should be investigated. If it decides that the matter should be investigated then it must determine the mode of investigation, having regard to the seriousness of the case and the public interest.

Paragraph 5, 14, 14D and 15, Schedule 3, Police Reform Act 2002

**8.28** It is therefore essential that as much information is given at the time of referral or as soon as practicable thereafter to ensure the IPCC makes the right decision in respect of the matters referred to it.

## When a matter does not need to be investigated

If the IPCC decides that the matter does not need to be investigated then:

- in the case of a complaint, it may refer the complaint back to the appropriate authority for local resolution or local investigation or, if appropriate, to consider making an application for disapplication
- in the case of a recordable conduct or DSI matter, it may refer the matter to the appropriate authority to be dealt with in such a manner (if any) as the appropriate authority thinks fit.

Paragraph 5, 14 and 14D Schedule 3, Police Reform Act 2002

## When the IPCC determines a matter should be investigated

**8.29** Having taken into account the seriousness of the case and the public interest, the IPCC must determine the mode of investigation. The mode of investigation may be:

- local investigation;
- supervised investigation;
- managed investigation; or
- independent investigation.

The IPCC can, at any time, re-determine the mode of investigation.

Paragraph 15, Schedule 3, Police Reform Act 2002

## Section 9:

# INVESTIGATIONS

**9.1** Investigations under the Police Reform Act 2002 may vary greatly in their scope, purpose and complexity. This section covers:

- the IPCC's expectations in relation to issues such as terms of reference and keeping an audit trail
- some of the legislative requirements that apply to such an investigation, such as:
  - special requirements and severity assessments
  - the power to suspend an investigation; and
  - duties with regard to the provision of information
- best practice guidance.

### Purpose of an investigation

**9.2** The purpose of an investigation is to establish the facts behind a complaint, conduct matter or DSI matter and reach conclusions. This includes, where applicable, whether, in respect of those subject to investigation, there is a case to answer for misconduct or gross misconduct or unsatisfactory performance. It is also an opportunity to ascertain whether there is any learning for the force arising from the incident itself or the way it was handled. An investigation should be fair, reasonable and objective and based on evidence. What is reasonable in each case will depend on the particular circumstances.

### Appointment of a person to carry out the investigation

The appropriate authority is responsible for appointing the investigating officer in a local, supervised or managed investigation. In the case of a supervised or managed investigation, the IPCC has the power to require any proposed appointment to be subject to its approval or, where a person has already been appointed, it may require another investigating officer to be selected.

Paragraph 16, 17 and 18, Schedule 3, Police Reform Act 2002

An appropriate authority may appoint:

- i. a person serving with the police
- ii. a member of staff of the Serious Organised Crime Agency, or
- iii. a member of staff of the National Policing Improvement Agency who is a constable to investigate the complaint or matter.

However, the appointment of an investigating officer is subject to a number of important qualifications. These are:

- i. where an investigation relates to the conduct of a chief officer, the investigating officer must not be under that chief officer's direction and control
- ii. where an investigation relates to the conduct of the Commissioner or Deputy Commissioner of Police of the Metropolis, the investigating officer must be nominated by the Secretary of State for the Home Department
- iii. the investigating officer must have an appropriate level of knowledge, skills and experience to plan and manage the investigation
- iv. the investigating officer must not work, directly or indirectly, under the management of the person being investigated (this qualification does not apply to the investigation of a complaint about a direction and control matter)
- v. where an investigation relates to a senior officer, the investigating officer must not be the chief officer or a member of the same force as the person to whose conduct the investigation relates (this qualification does not apply to the investigation of a complaint about a direction and control matter); and
- vi. the investigating officer must not be appointed if his involvement in that role could reasonably give rise to a concern whether he or she could act impartially (however, where an investigation relates to a complaint about a direction and control matter the fact that a person works, directly or indirectly, under the management of the person to whose conduct the investigation relates or is the chief officer or a member of the same force as the person to whose conduct the investigation relates are not enough in themselves to constitute reasonable grounds for concern that the investigating officer could not act impartially).

Paragraph 16, 17 and 18, Schedule 3, Police Reform Act 2002  
Regulation 24, Police (Complaints and Misconduct) Regulations 2012

- 9.3** The appointment of an investigator should be recorded in writing. Where any concerns have been raised about the appointment of a particular investigator the appropriate authority should also record in writing any decision, together with its reasons, whether or not to replace the investigator.
- 9.4** At the start of each investigation, the investigator should make a written note in the investigation decision log to declare whether or not there is anything that could reasonably give rise to a concern about whether he or she or any member of the investigation team could act impartially.

- 9.5** If no such concern is identified, an entry in the investigation decision log should be made to that effect for the purposes of transparency. Where there is such concern the investigator should raise it with the appropriate authority (and the IPCC in a managed or supervised investigation), before he or she or any member of the investigation team carries out any steps (other than preservation of evidence) in connection with the investigation.
- 9.6** The appropriate authority should then decide whether to replace the investigator or not. Any decision made, together with the reasons, should be recorded in writing. This decision will be subject to any power of the IPCC to require the appropriate authority to select another investigator.

### Terms of reference

- 9.7** Terms of reference will vary according to the complexity of an investigation. In straightforward investigations which are not subject to special requirements they may be as simple as a summary of the complaint being investigated. Investigations supervised or managed by the IPCC, as well as those which it carries out independently, will always have more detailed terms of reference.
- 9.8** Terms of reference should:
- provide focus and direction for the investigation
  - be clear, unambiguous and tightly drawn
  - describe the scope of the investigation that will be undertaken including the time period and/or what will not be investigated, if appropriate
  - include a summary of any concerns, complaints or allegations
  - not list actions to be undertaken
  - include the identification of organisational learning
  - spell out, where there is a parallel investigation, the relationship between the two investigations.
- 9.9** Subject to the harm test, a copy of the terms of reference and any revisions to them should be sent to complainants, interested persons and any subjects of the investigation. It may also be useful to meet with the complainant and any interested person at an early stage to explain the investigation process.

### Keeping an audit trail

- 9.10** Every investigation, no matter how small or quick, requires some level of file recording to show what was done and why, together with the collation and preservation of any documents or other evidence seen or created as part of the inquiry.

**9.11** The investigator should be able to demonstrate that steps were taken to understand the complaint and the views of the complainant. The following are examples of steps that may be taken to achieve this:

- if the investigation is based on a letter, the investigator should check with the complainant that this is a full account of everything that the person wants to complain about;
- if the complainant has expressed a wish to make a statement then the investigator should not refuse this and, whilst it may not always be necessary, ordinarily a formal statement should be taken. If a statement is not taken, the basis for this decision should be recorded by the investigator; and
- if the complaint has been made verbally, this must be recorded in writing and a copy of the account provided to the complainant at an early stage. This gives the complainant an opportunity to confirm his or her agreement that it is an accurate record of the complaint he or she wants addressed.

**9.12** A statement must always be sought from the complainant if his or her evidence may be used in criminal proceedings or disciplinary proceedings.

**9.13** Where the investigator seeks an account from a person who is the subject of investigation, there must be an auditable record of it. The person could be invited to sign handwritten notes or a pocket notebook entry to confirm the accuracy of a record of a conversation. However, this is the minimum. In many cases, more would be required, such as an account by email, letter, statement or (recorded) interview. If an investigation is subject to special requirements (see paragraphs 9.29 to 9.34) or is an investigation into a recordable conduct matter, a notice of investigation will in most cases have been served (see paragraph 9.39) and a statement under an appropriate caution should be taken or requested from the person to whose conduct the investigation relates or he or she should be required to attend an interview, which will be recorded (see paragraphs 9.41 to 9.47 for more information on interviews).

## The scope of the investigation

**9.14** Investigators should adopt a proportionate approach to any investigation in order to ensure that, in the public interest, investigative resources are focused and employed efficiently and fairly. However, to use the term ‘proportionate’ is not another way of describing an investigation as limited or small scale. It must be borne in mind that the adequacy of the investigation may be scrutinised when any appeal is considered either by the IPCC or the chief officer. In order to decide what is a proportionate approach to investigating a complaint it may be useful to discuss with the complainant what are his or her key points to ensure that these are covered. Every investigation needs to be proportionate to:

- the seriousness of the matter being investigated;
- the prospects of a criminal trial, misconduct proceedings or unsatisfactory performance proceedings resulting;
- the public interest; and
- the investigation producing learning for the individual or organisation.



**9.15** Investigators should take the following factors into account when determining the scope of an investigation and the methods to be used:

- the need to establish the facts in all cases;
- the seriousness of the allegation;
- whether Articles 2 or 3 of the European Convention on Human Rights are engaged;
- any more general cause of a complainant's dissatisfaction;
- whether the facts are in dispute;
- how long ago the incident took place and whether evidence is still likely to be available;
- the learning the investigation might yield for local or national policing and individual learning for persons serving with the police; and
- actual or potential public knowledge of, and concern about, the case.

**9.16** Where further investigation is no longer proportionate to the likely outcome (for example, because no additional evidence is likely to emerge) it should be concluded and findings reported to the appropriate authority (or the IPCC in independent, managed or supervised investigations). In local and supervised investigations into a complaint the complainant has a right of appeal in relation to the investigation.

### Allegations involving discrimination

**9.17** Allegations of discrimination are not inevitably at the most serious end of the spectrum: all allegations must be assessed individually. Judgements made at the start of the investigation may well change in the light of the evidence. An allegation of discrimination could be more serious if, for example, the allegation has become the focus of public concern, or the incident may demonstrate that an officer's subsequent decision making may have been influenced by discriminatory attitudes.

**9.18** The following factors can provide a guide to the scope of the investigation and the methods to be used (see also information on getting a complaint statement at paragraph 3.30). These factors should be revisited and re-assessed as more information becomes available. The list is not intended to be definitive or prescriptive:

- does the alleged discriminatory behaviour involve words, attitude or actions?
- what was the impact of the alleged behaviour on the complainant or interested person?
- what is the nature of the evidence supporting the alleged behaviour and what other evidence is likely to be found in establishing what happened during the incident?
- was the alleged behaviour raised by the complainant, someone on his or her behalf or an interested person, or reported by another person serving with the police?

- what does the complainant or interested person expect as an outcome for dealing with the alleged discrimination?
- has the impact of the incident affected, or is it likely that the impact will affect, the wider community or have a negative impact on views about the police service?
- is anything relevant known about the person to whose conduct the investigation relates, police force or local police area that would impact on the degree of investigation required?
- does the allegation raise other issues that will impact on how it is dealt with?

**9.19** Evidence that could be considered in investigating an allegation of discriminatory behaviour might include:

- whether intelligence reports exist about the person subject to investigation or whether there is anything recorded on his or her personal files. However, any reference to personal data must be justifiable and lawful as there could be data protection issues.
- covert methods of gaining evidence (telephone logs, surveillance, integrity testing) may be considered if lawful in the circumstances
- if broader allegations of discrimination are indicated, it may be appropriate to extend considerations to a particular division or area in the police force. This may include consideration of local or national policies either in relation to a particular area or more generally on a community relations level.

**9.20** It may also be useful to consider comparator evidence such as:

- how any other persons serving with the police who were present behaved at the incident;
- how other members of the public were treated at the same incident;
- how this officer or police staff member has behaved in similar circumstances;
- how this complainant or interested person has been treated at other similar incidents
- how a reasonable person serving with the police with similar levels of training and experience would be expected to behave in these circumstances.

**9.21** When assessing all of the evidence it is important to give appropriate weight to any explanation given by a person serving with the police in response to the allegation of discrimination, particularly where there is a difference in treatment which has resulted in detriment to the complainant. There may have been an obvious detriment, such as loss of liberty. However, detriment can also include loss of dignity and hurt feelings. An investigator will have to make an assessment about whether the explanation provided is adequate, reasonable and justified in the circumstances. The allegation will be difficult to assess where the person subject of investigation has provided no explanation for the alleged behaviour. Comparator evidence, in these circumstances, may be helpful to the investigator as a means of determining whether discrimination was a factor.

**9.22** Discrimination is not always overt, and it can be necessary to look at all the circumstances of a particular case in order to see if discrimination can rightly be inferred from the surrounding facts as explained at paragraph 3.29 above.

**9.23** The relationship between the police and people from minority groups may be affected by local circumstances. Investigators should aim to ensure they have an awareness of local issues and experiences.

### Death or serious injury matters turning into conduct matters

**9.24** If, during an investigation of a DSI matter, it appears to the investigator that there is an indication that a person serving with the police may have committed a criminal offence or behaved in a manner justifying disciplinary proceedings, the investigator must make a submission to that effect. This should be in writing and should set out the investigator's reasons for reaching this conclusion.

**9.25** In a managed investigation, the submission must be sent to the IPCC. In a local or supervised investigation the submission must be sent to the appropriate authority.

**9.26** In a managed investigation, if the IPCC Commissioner agrees that there is such an indication he or she will send a copy of the submission to the appropriate authority who must record the matter as a conduct matter and consider whether it should be referred to the IPCC. In a local or supervised investigation if the appropriate authority agrees with the submission, it must notify the relevant appropriate authority, (if it is not the relevant authority itself) and the IPCC and send them a copy of the investigator's submission. The relevant appropriate authority must then record the matter as a conduct matter and consider whether it should be referred to the IPCC. In any case, the IPCC may call the matter in and may re-determine the mode of investigation.

**9.27** Once the matter has been recorded, the investigator must make a severity assessment in relation to the conduct of the person concerned (where that person is a member of a police force or a special constable).

**9.28** This process may happen at any time during an investigation and any DSI investigation should be kept under review as to whether there is an indication of the matters set out in paragraph 9.24.

### Special requirements

**9.29** Special requirements only apply to investigations of complaints against a member of a police force or a special constable. In the case of any other person, the investigator must adhere to the relevant policies and procedures for investigating allegations made against such persons.

If at any time during an investigation of a complaint, it appears to the investigator that there is an indication that a person to whose conduct the investigation relates may have:

- committed a criminal offence; or
- behaved in a manner which would justify the bringing of disciplinary proceedings then the investigator must certify the investigation as one subject to special requirements.

Paragraph 19B, Schedule 3, Police Reform Act 2002

**9.30** This provision means that throughout the course of any investigation, the investigator must consider whether such an indication exists even if he or she initially decided it did not.

**9.31** Disciplinary proceedings for the purposes of special requirements mean any proceedings under the Police (Conduct) Regulations 2012.

**9.32** There is an ‘indication’ where the investigator, having considered the circumstances and evidence available at that time, is of the view that the officer, or member of staff, may have committed a criminal offence or behaved in a manner justifying the bringing of disciplinary proceedings. A bare assertion of misconduct or criminality, particularly if it is undermined by other material or inherently unlikely, may not be sufficient. For example a complaint that an officer is “harassing” someone without more is unlikely to be sufficient.

**9.33** The investigator must set out the reasoning behind his or her decision as to whether an investigation should be subject to special requirements.

**9.34** In a managed investigation, the investigator must consult with the IPCC’s managing investigator as to whether or not the investigation should be subject to special requirements.

### Severity assessments

**9.35** Severity assessments only apply to investigations of complaints subject to special requirements or recordable conduct matters against a member of a police force or a special constable. Again, in the case of any other person, the investigator must adhere to the relevant policies and procedures for investigating allegations against such persons.

Severity assessments must be undertaken in respect of investigations of complaints subject to special requirements and all recordable conduct matters against a member of a police force or a special constable.

A severity assessment must be made as soon as reasonably practicable after:

- the investigator certifies the investigation as one subject to special requirements, in the case of a complaint; or
- the investigator is appointed in the case of a recordable conduct matter; or
- a matter is recorded as a conduct matter during or following an investigation of a DSI matter.

A severity assessment is an assessment as to:

- whether the conduct, if proved, would amount to misconduct or gross misconduct; and
- if the conduct were to become the subject of disciplinary proceedings, the form which those proceedings would be likely to take.

Paragraph 19B, Schedule 3, Police Reform Act 2002

**9.36** The investigator must make the severity assessment on the basis of what would happen if the conduct was proved. The investigator should not consider the likelihood of the conduct being proven when making the severity assessment.

**9.37** The investigator must consult with the appropriate authority before the assessment is completed.<sup>10</sup> In a managed investigation, the investigator should also consult with the IPCC's managing investigator.

**9.38** Any assessment must be fully reasoned and documented. The investigator should obtain a copy of the relevant officer's disciplinary history to ensure that the appropriate assessment is made (see paragraph 9.40).

The definitions of misconduct and gross misconduct are as follows:

Misconduct is defined as:

a breach of the Standards of Professional Behaviour

Gross misconduct is defined as:

a breach of the Standards of Professional Behaviour so serious that dismissal would be justified

Paragraph 29, Schedule 3, Police Reform Act 2002 and Regulation 3, Police (Conduct) Regulations 2012

**9.39** After deciding whether the conduct, if proved, would amount to misconduct or gross misconduct, the investigator must decide what form any disciplinary proceedings would be likely to take.

<sup>10</sup> Paragraph 19B, Schedule 3, Police Reform Act 2002

**9.40** Ordinarily an assessment of misconduct would result in a misconduct meeting and an assessment of gross misconduct would result in a hearing. However, checks on the officer's disciplinary record should be made to determine whether:

- they are the subject of a live final written warning at the time of the initial severity assessment, or
- they have been reduced in rank (under the Police (Conduct) Regulations 2004 only) less than 18 months prior to the initial severity assessment.

**9.41** If either condition applies, then the proceedings will be a hearing (irrespective of whether the conduct was assessed as amounting to misconduct only).<sup>11</sup>

**9.42** The severity assessment may be revised if the investigator believes it is appropriate to do so.

### Notices of investigation

On completing a severity assessment, the investigator must give a written notice to the person concerned, which complies with the requirements of paragraph 19B(7), Schedule 3 of the Police Reform Act 2002 and regulation 16 of the Police (Complaints & Misconduct) Regulations 2012.

A written notice need not be given for so long as the investigator considers the notification might prejudice:

- the investigation; or
- any other investigation, including a criminal investigation.

During an investigation, the investigator may revise the severity assessment and if they do so they must, as soon as practicable, serve a further written notice on the person concerned which complies with Paragraph 19B(7), Schedule 3 of the Police Reform Act 2002 and regulation 16 of the Police (Complaints & Misconduct) Regulations 2012.

Paragraph 19B, Schedule 3 Police Reform Act 2002

**9.43** In a managed investigation, the investigator should consult with the IPCC's managing investigator as to the content of the notice, whether its service should be delayed or any revision of the severity assessment.

### Representations to the investigator

During the investigation of a complaint subject to special requirements or a recordable conduct matter, the investigator must consider any relevant statement or document provided by the person concerned (or document provided by a police friend) within ten working days (unless this period has been extended by the investigator) starting with the day after which the notice of investigation is given.

Paragraph 19C, Schedule 3, Police Reform Act 2002  
 Regulation 18, Police (Complaints and Misconduct) Regulations 2012

<sup>11</sup> Regulation 19(9)(a) and (b), Police (Conduct) Regulations 2012

- 9.44** Any oral statement should be recorded and the person concerned should be asked to sign the record as an accurate reflection of what has been said.

## Interviews

During an investigation which is subject to special requirements or in relation to a recordable conduct matter and where an investigator proposes to interview the person concerned (the interviewee), the investigator shall, if reasonably practicable, agree a date and time for the interview with the interviewee.

If a date and time is not agreed, the investigator shall specify a date and time. If the interviewee or their police friend is not available to attend but proposes an alternative time which is reasonable and falls within five working days beginning with the first working day after the day specified by the investigator, then the interview will be postponed to the time proposed. An interviewee must attend the interview.

Regulation 19, Police (Complaints and Misconduct) Regulations 2012

- 9.45** A failure to attend an interview may in itself be a breach of the Standards of Professional Behaviour.
- 9.46** The interviewee must be given written notice of the date, time and place of interview.<sup>12</sup> This should be given as soon as reasonably practicable after these are either agreed or, in the absence of agreement, specified by the investigator.

In advance of an interview, the investigator must provide the interviewee with such information as the investigator considers appropriate in the circumstances of the case to enable the interviewee to prepare for the interview.

Regulation 19, Police (Complaints and Misconduct) Regulations 2012

- 9.47** Decisions as to what should be disclosed should be documented and made in light of the circumstances of the case. The interviewee is not entitled to disclosure of every document, but only those that the investigator considers appropriate in the circumstances of the case to enable them to prepare for interview.<sup>13</sup> Public confidence could be undermined if the extent of the disclosure given could be perceived to give the interviewee an unfair advantage.
- 9.48** Where a decision is made to interview a person serving with the police and if the allegation is at the more serious end of the spectrum, then consideration should be given to techniques such as video interviewing, cognitive interviewing and interviewing vulnerable and significant witnesses. Only investigators who have received the appropriate training should undertake such interviews.
- 9.49** At the beginning of the interview the interviewee should be reminded of the content of any written notice of investigation given to him or her and reminded of the warnings it contains.

<sup>12</sup> Regulation 19, Police (Complaints & Misconduct) Regulations 2012

<sup>13</sup> Regulation 19, Police (Complaints and Misconduct) Regulations 2012

**9.50** Where an interview is taking place in relation to an allegation of discriminatory behaviour the person being interviewed should be invited to:

- describe in detail what took place;
- describe his or her perceptions of the complainant and the incident;
- reflect on what may have prompted the complaint;
- reflect on his or her behaviour in the light of the relevant professional standards;
- describe his or her training and experience;
- reflect on his or her understanding of his or her public duties to eliminate discrimination and promote equality;
- reflect on the interaction with the complainant in light of the allegation.

**9.51** These provisions apply to interviews held under the Police Reform Act 2002. Criminal interviews held under the Police and Criminal Evidence Act 1984 must comply with that Act and the relevant case law and codes of practice.

### Power to suspend an investigation or other procedure

An appropriate authority may suspend an investigation or other procedure which would, if it were to continue, prejudice any criminal investigation or proceedings. Having consulted with the appropriate authority, the IPCC may direct that the investigation or procedure shall continue if it is in the public interest.

Regulation 22, Police (Complaints and Misconduct) Regulations 2012

**9.52** The power to suspend only arises where continuing the investigation or other procedure would prejudice a criminal investigation or criminal proceedings. Thus, there should be specific, identified prejudice (and that prejudice should be significant). In order to determine whether such prejudice arises, it will be necessary to consider the following:

- (a) the extent to which the matter raises issues which are the same as, or closely connected with, the issues in the ongoing criminal investigation or proceedings; and
- (b) what particular prejudice (if any) would be caused to the ongoing criminal investigation or proceedings by the investigation or any other procedure.



**9.53** If the power to suspend arises, appropriate authorities should next consider whether it is appropriate to exercise that power in all the circumstances. When deciding whether to exercise the power to suspend, authorities should consider whether, if the investigation or other procedure were to continue, there would be prejudice to the criminal investigation or proceedings which is so significant that it is not outweighed by the public interest in ensuring:

- i. the prompt investigation of the matter; and
- ii. the prompt bringing of criminal or disciplinary proceedings against persons serving with the police where they are warranted.

**9.54** In other words, a balancing exercise should be carried out. The following relevant factors should be considered:

- the relative severity of the allegation against the person serving with the police and the allegation against the suspect or defendant in the criminal investigation or proceedings;
- the relative strength of the evidence in support of each allegation;
- whether delay would lead to the frustration of any potential criminal or disciplinary proceedings against a person serving with the police;
- in particular, whether suspending the investigation would risk the expiration of the six-month statutory time limit for the bringing of a prosecution of a summary-only offence before the conclusion of any investigation;
- whether delay would otherwise lead to injustice to the complainant, interested person or to the subject of the complaint; and
- the view of the CPS about whether continuing with the investigation or other procedure would prejudice any criminal investigation or proceedings, and if so, whether there are any steps short of suspension which can be taken to mitigate the risk of prejudice.

**9.55** There will be many cases where the necessary balancing exercise comes down in favour of continuing with the investigation or other procedure even though the issues raised by the criminal investigation or proceedings and by the complaint are closely linked. That might be so, for example, where it is alleged that the police officer has committed a more serious offence than that with which the defendant to the related criminal proceedings is charged (because it might then be in the public interest to prioritise the investigation and prosecution of the more serious offence despite the risk of prejudice to the ongoing prosecution of the lesser offence).

**9.56** Appropriate authorities should always seek, and consider, the views of the CPS before exercising the power to suspend.

**9.57** A number of steps may be taken to reduce (or remove) the risk of prejudice to criminal proceedings while still allowing an investigation to proceed. These include,

- carrying out a single interview with each relevant witness covering both the subject matter of the criminal proceedings and the matter under investigation;
- interviewing witnesses to the matter in the presence of the solicitor for the defendant to the criminal proceedings.

- 9.58** Appropriate authorities should always consider whether measures of this kind can be put in place, and should only exercise the power to suspend where significant prejudice to the criminal proceedings, which is not outweighed by countervailing public interest considerations, would remain even if any appropriate measures of this type were taken.
- 9.59** Even though an investigation or other procedure is suspended, there may still be an opportunity to obtain witness statements by those not involved in a criminal investigation or trial. There is also unlikely to be any reason why, if the criteria are satisfied, the relevant persons cannot or should not be served with a notice of investigation. Furthermore, it may well be the case that after receiving legal advice, the complainant decides that they still wish to provide a statement of complaint. Other aspects of the investigation may still be subject to suspension if the appropriate authority, in consultation with the CPS, deems this appropriate.
- 9.60** In any instance where an investigation or other procedure is suspended, the complainant must be notified in writing and be provided with a rationale for the decision. Where a complainant objects to the suspension, he or she should also be informed of their right to ask the IPCC to consider whether or not to direct that the investigation or other procedure continue.

### Resumption of a complaint after criminal proceedings

Where the whole or part of a local or supervised investigation of a complaint has been suspended until the conclusion of criminal proceedings, unless the complainant has indicated that he or she wishes for the investigation to start or be resumed, the appropriate authority must take all reasonable steps to contact the complainant (or if applicable, their solicitor or other representative), to ascertain whether the investigation should be started or resumed. In a managed or independent investigation this will be the responsibility of the IPCC.

The investigation must be started or resumed if the complainant indicates he or she does want this.

If the complainant indicates he or she does not want the investigation started or resumed or fails to reply within 28 days starting on the day after the date of the letter sent to him or her, then the appropriate authority must determine whether it is in the public interest for the complaint to be treated as a recordable conduct matter.

**Regulation 23, Police (Complaints and Misconduct) Regulations 2012**

- 9.61** If the appropriate authority decides it is in the public interest for the complaint to be treated as a recordable conduct matter then it should be dealt with as a recordable conduct matter. If it decides it is not in the public interest, the appropriate authority can close the case and should notify the complainant to that effect. The appropriate authority must also notify the person complained against whether it will treat the matter as a recordable conduct matter or not, unless it might prejudice any criminal investigation, pending proceedings or would not be in the public interest.

**9.62** The IPCC expects the appropriate authority to have checked whether the complainant is in prison as this may have a bearing on the speed, practicality and means of communication, and any delay may not be due to an unwillingness to co-operate.

**9.63** Where a complaint is subject to a supervised investigation, the investigator should write to the IPCC staff member supervising, setting out the action taken to contact the complainant before proposing to close the case. This enables the IPCC to decide if further action needs to be taken before the complaint is closed. This would be dealt with as a 'reasonable requirement' for the purposes of the supervised investigation.<sup>14</sup>

### Suspension of officers and special constables

The Police (Conduct) Regulations 2012 allow the appropriate authority to suspend a police officer or special constable in certain circumstances.

In the case of a supervised, managed or independent investigation the appropriate authority must consult with the IPCC in deciding whether or not to suspend an officer or special constable. It must also consult the IPCC before a suspension is brought to an end (because the suspension conditions are no longer satisfied).

Regulation 10, Police (Conduct) Regulations 2012

**9.64** In consulting the IPCC, the appropriate authority should inform the IPCC of its preliminary view and rationale for that view, including which suspension conditions are satisfied.

### Providing information/communication

**9.65** Investigators and appropriate authorities need to manage the provision of information to complainants, interested persons and those to whose conduct the investigation relates in the course of an investigation. They also need to be in a position to deal with requests for information and questions.

<sup>14</sup> Regulation 9, Police (Complaints and Misconduct) Regulations 2012

The Police Reform Act 2002 requires the appropriate authority (or the IPCC in independent and managed cases) to keep the complainant and/or interested person informed about:

- the progress of an investigation
- any provisional findings of the person carrying out the investigation
- where applicable whether the appropriate authority (or the IPCC) has made a determination under paragraph 21A, Schedule 3 of the Police Reform Act 2002
- whether an investigation report has been submitted to the IPCC or the appropriate authority
- the action to be taken (if any); and
- where action is taken, its outcome(s).

Sections 20 and 21, Police Reform Act 2002

**9.66** Once an investigation has started, the appropriate authority in a local or supervised investigation, or the IPCC in an independent or managed investigation, has a duty to keep the complainant or interested person informed of its progress.

The first update must be provided promptly and within 28 calendar days of the start of the investigation. Subsequent updates must be provided at least every 28 calendar days after that.

Regulation 12, Police (Complaints and Misconduct) Regulations 2012

**9.67** The investigator should agree with the complainant or interested person how he or she wishes to be kept informed of the progress of the investigation (i.e. by telephone, in writing, or in person). Where a notification is given that is not in writing, it must be confirmed in writing as soon as reasonably practicable.

**9.68** Updates on the progress of the investigation may include, for example, information about the stage reached in the investigation, what has been done, what remains to be done and, where applicable, a summary of any significant evidence obtained. Updates should also include the likely timescale for completing the investigation and any revisions to this.

**9.69** It is also good practice, where it will not prejudice the investigation, to keep the person who is the subject of the investigation regularly informed of the investigation's progress, taking into account the exceptions described below. At the start of the investigation, an investigator should agree with him or her or his or her representative(s), the preferred method for giving the updates and to whom they should be given.

**9.70** Appropriate authorities and investigators should take into account any further guidance issued by the IPCC concerning disclosure of information.

## Exceptions to the duty to provide information

The duty to keep the complainant and interested persons informed does not apply in circumstances where non-disclosure is:

- i. necessary to prevent premature or inappropriate disclosure of information that is relevant to, or may be used in, any actual or prospective criminal proceedings
- ii. necessary to prevent the disclosure of information in any circumstances in which its non-disclosure is:
  - in the interest of national security
  - for the purposes of the prevention or detection of crime, or the apprehension or prosecution of offenders
  - required on proportionality grounds; or
  - otherwise necessary in the public interest.

The appropriate authority must consider whether the non-disclosure of information is justified under any of the above grounds where:

- i. that information is relevant to, or may be used in, any actual or prospective disciplinary proceedings
- ii. the disclosure of that information may lead to the contamination of the evidence of witnesses during such proceedings
- iii. the disclosure of that information may prejudice the welfare or safety of any third party
- iv. that information constitutes criminal intelligence.

Regulation 13, Police (Complaints and Misconduct) Regulations 2012

**9.71** Information must not be withheld on one of these grounds unless the appropriate authority concludes that there is a real risk of the disclosure of the information causing a significant adverse effect.<sup>15</sup> In considering whether provision of information may have a significant adverse effect, it is necessary to bear in mind that the risk may not be explicit on the face of one document, but may be implicit when several documents are taken together. For example, an informant may not be explicitly named, but it may be possible to identify him or her from the context when several documents are considered together.

**9.72** Potential harm can sometimes be avoided or minimised by redacting the material that is harmful from the document or information requested. What needs to be removed will depend on what information is requested and what harm may arise from its disclosure.

<sup>15</sup> Regulation 13, Police (Complaints and Misconduct) Regulations 2012

## Section 10: DISCONTINUANCES

**10.1** A discontinuance ends an ongoing investigation into a complaint, conduct matter or DSI matter. It can take place only in certain limited circumstances set out in the Police (Complaints and Misconduct) Regulations 2012 and described in paragraphs 10.5 to 10.15 below. Appropriate authorities must satisfy themselves that one of the grounds applies before discontinuing an investigation or applying to discontinue.

### When can an investigation be discontinued by the appropriate authority?

The appropriate authority may discontinue a local investigation into a complaint which did not require to be referred to the IPCC or a local investigation into a conduct or DSI matter.

Paragraph 21, Schedule 3, Police Reform Act 2002

### When the IPCC's permission needs to be obtained

The appropriate authority must obtain the IPCC's permission to discontinue an investigation if:

- the investigation it wishes to discontinue is a local investigation into a complaint which required referral to the IPCC; or
- the investigation it wishes to discontinue is being carried out under the supervision or management of the IPCC.

Paragraph 21, Schedule 3, Police Reform Act 2002

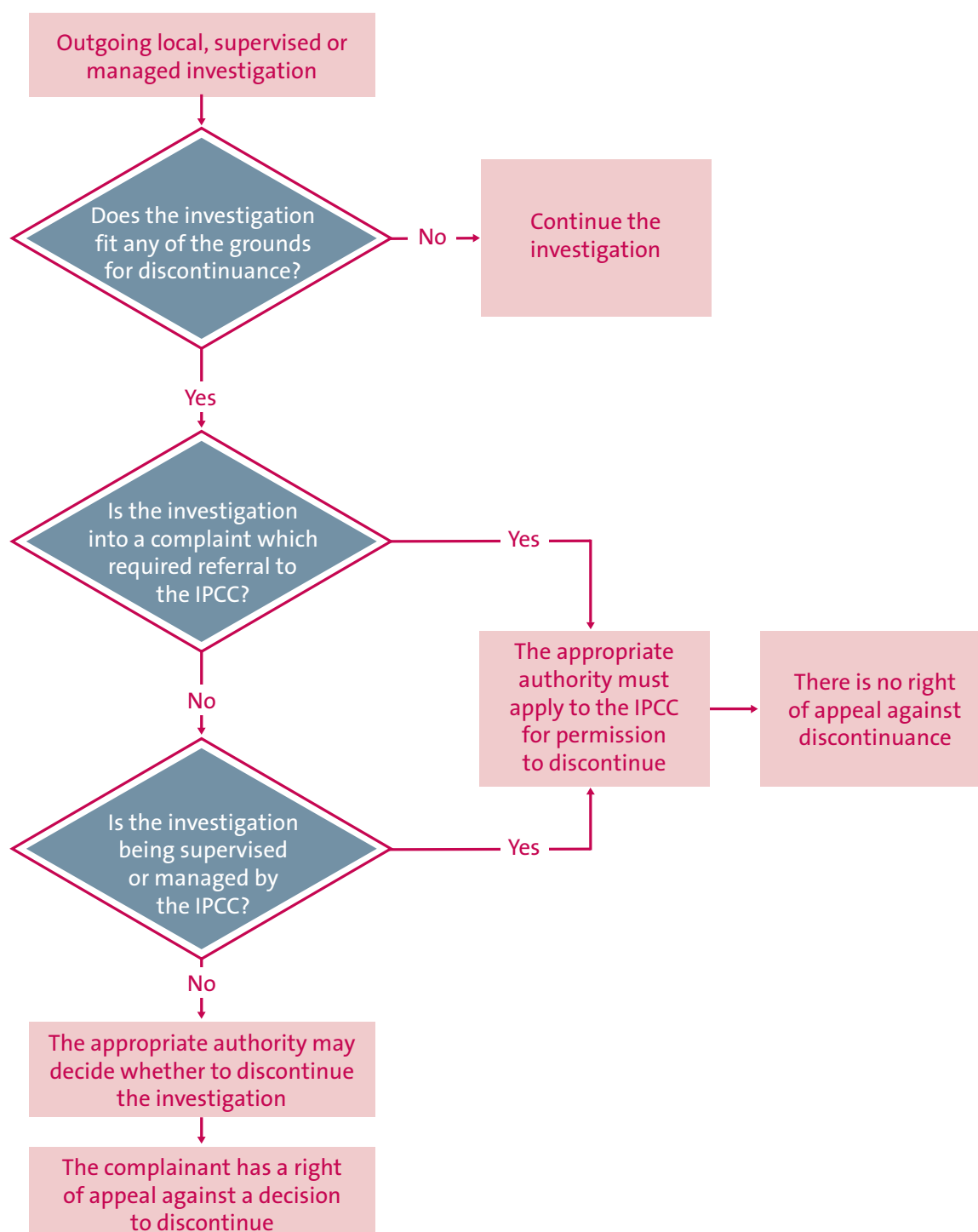
**10.2** The IPCC may decide, in the absence of an application from the appropriate authority, that an investigation should be discontinued (provided that discontinuance is within its power). It may also discontinue an independent investigation.

**10.3** While an appropriate authority may make an application to the IPCC for permission to discontinue an investigation more than once on the same investigation, a second application should be made only where there is new evidence or information to support the later application which was not available at the time the first application was made.

## Information to be sent to the IPCC

Any application by an appropriate authority to the IPCC for permission to discontinue an investigation shall be in writing and shall be accompanied by a copy of the complaint and a memorandum from the appropriate authority containing a summary of the investigation undertaken so far and explaining the reasons for the application to discontinue.

Regulation 10, Police (Complaints and Misconduct) Regulations 2012



## Requirement to obtain representations from the complainant

Before discontinuing an investigation or applying to the IPCC for permission to discontinue, the appropriate authority must write to the complainant at his or her last known address inviting him or her to make representations. The letter must state that the complainant has 28 days from the day after the date of the letter to make any representations. Any representations which are made must be taken into account before a final decision to discontinue or make an application to the IPCC is made as they may affect the appropriate authority's decision.

Regulation 10, Police (Complaints and Misconduct) Regulations 2012

**10.4** The appropriate authority should make reasonable efforts to contact the complainant in order to seek his or her representations.

## Grounds for discontinuance

### The complainant refuses to co-operate to the extent that it is not reasonably practicable to continue the investigation

**10.5** Before deciding to discontinue an investigation or applying to the IPCC for permission to discontinue, the appropriate authority must consider whether it is reasonably practicable to continue and conclude the investigation, irrespective of the lack of co-operation from the complainant. If possible, the investigation should be concluded and the complainant advised of the investigation findings, proposed action and right of appeal (if applicable).

**10.6** Before deciding that this ground applies, the appropriate authority should ensure that:

- reasonable efforts have been made to contact the complainant (i.e. more than one attempt) and to gain their co-operation, using a range of methods, for example, by letter, email or telephone;
- efforts have been made to work through the complainant's representative (where applicable);
- practical help has been made available to support a complainant with specific needs.

**10.7** Where a complainant has provided a statement or a letter of complaint, this ground is unlikely to be appropriate except where further information is necessary to continue the investigation and the complainant refuses to co-operate. The appropriate authority should consider whether, in light of the information already provided, the complainant's refusal to co-operate means that it is not reasonably practicable to complete the investigation.



## Where the appropriate authority has determined the complaint is suitable for local resolution

**10.8** In order to meet this ground, the complaint should pass the suitability test for local resolution set out in paragraphs 5.10 to 5.12. Before making a decision to discontinue an investigation on this ground, or applying to the IPCC for permission to discontinue, the appropriate authority should speak to the complainant about the local resolution process and ascertain his or her views on the complaint being dealt with in that way. This could be done as part of the process of gaining representations or more informally before making a decision whether to discontinue or applying to the IPCC.

**10.9** If the complaint is one that was referred to the IPCC and a mode of investigation has been determined, the IPCC's approval is needed before a determination can be reached that the complaint is suitable for local resolution. In such cases an application for local resolution and application for discontinuance may be submitted as a combined application to the IPCC.

## The complaint or matter is vexatious, oppressive or otherwise an abuse of procedures for dealing with complaints, conduct matters or DSI matters

**10.10** It is important to note that it is the complaint itself that must be judged vexatious, oppressive or an abuse, not the complainant. Consideration of this ground should therefore focus primarily on the current complaint. The complainant's past complaint history may, however, be included where it is relevant to show that the current complaint is vexatious, oppressive or an abuse. The complaint history may be relevant, for example, to show whether there have been a series of similar complaints that have been addressed, either directed at the person subject to this complaint or another person.

**10.11** The investigation may have provided evidence to show that the complaint is vexatious, oppressive or amounts to an abuse that could be used to support a decision to discontinue an investigation, or to apply to the IPCC to do so.

**10.12** The appropriate authority should be able to demonstrate with evidence a reasonable belief that the complaint is vexatious, oppressive or an abuse of process before deciding to discontinue or making an application to the IPCC.

## The complaint or conduct matter is repetitious

**10.13** Any representations from the complainant may explain whether or how the new complaint differs from the original complaint.

## It is not reasonably practicable to proceed with the investigation

**10.14** This ground offers discretion for the appropriate authority to consider why it is not reasonably practicable to proceed with the investigation.

**10.15** The evidence supporting such an application or decision on this ground must be sufficient to demonstrate that the investigation is no longer reasonably practicable to continue.

## Notification

When an application is made to the IPCC for permission to discontinue an investigation, the appropriate authority must send a copy of the application to the complainant on the same day it is sent to the IPCC.

Regulation 10, Police (Complaints and Misconduct) Regulations 2012

When the IPCC decides that an investigation should be discontinued, it must notify the appropriate authority, the complainant (where applicable) and any interested persons.

Where the appropriate authority discontinues an investigation itself where it is not necessary to apply to the IPCC, it must notify the complainant (where applicable) and any interested persons. Where the discontinuance relates to a complaint investigation, the appropriate authority must also advise the complainant of any right of appeal against the decision to discontinue.

Paragraph 21, Schedule 3, Police Reform Act 2002

## Action to be taken following a discontinuance

Where the IPCC has given the appropriate authority permission to discontinue an investigation, the IPCC may issue the following directions to the appropriate authority:

- require the appropriate authority to produce an investigation report and to take any subsequent steps under Schedule 3 of the Police Reform Act 2002;
- where the investigation concerned a complaint, require the appropriate authority to disapply the requirements of Schedule 3 of the Police Reform Act 2002;
- where the investigation concerned a complaint which the appropriate authority determined was suitable for local resolution, require the appropriate authority to resolve locally the complaint; or
- direct the appropriate authority to handle the matter in whatever manner (if any) that authority thinks fit.

Regulation 10, Police (Complaints and Misconduct) Regulations 2012

**10.16** The appropriate authority must comply with any direction given.

Where the appropriate authority discontinues an investigation without the involvement of the IPCC, the appropriate authority may:

- produce an investigation report on the discontinued investigation and take any subsequent steps under Schedule 3 of the Police Reform Act 2002
- where the investigation concerned a complaint, disapply the requirements of Schedule 3 of the Police Reform Act 2002 in relation to that complaint
- locally resolve the complaint
- handle the matter in whatever manner the appropriate authority thinks fit.

Regulation 10, Police (Complaints and Misconduct) Regulations 2012

**10.17** Other than complying with any directions given by the IPCC or carrying out any of the actions listed in the box above, the appropriate authority should not take any further action under Schedule 3 of the Police Reform Act 2002 in relation to the complaint or matter.

### Appeal against the decision to discontinue

**10.18** The complainant has a right of appeal against any decision by the appropriate authority to discontinue an investigation into a complaint (except where the complaint relates to a direction and control matter or where the IPCC's permission is needed to discontinue the investigation). See paragraphs 13.68 to 13.79 for information about appeals against the decision to discontinue.

## Section 11:

# CONCLUDING THE INVESTIGATION

11.1 This section deals with the investigation report. It covers:

- what the report should contain
- how the report should be written
- the action that an appropriate authority should take once a report has been received.

### The investigation report

11.2 The investigation report is an important document as it is the primary record of the investigation, the evidence and its conclusions. Subject to the harm test it will usually be sent to the complainant and any interested persons and so needs to be written in clear and unambiguous terms. It may be subject to extensive scrutiny possibly even by a court so it is important that it is factually correct and that the conclusions which are drawn are coherent and based on the evidence gathered in the course of the investigation.

### Whose report?

11.3 In a local or supervised investigation, the report is written by the investigator appointed by the appropriate authority. The findings and conclusions contained in the report are therefore those of the investigator.

11.4 In a supervised investigation the IPCC has to confirm that the terms of reference and any requirements it imposed during the investigation have been met. The appropriate authority should confirm that the IPCC is so satisfied. The IPCC may seek further information, evidence and explanation from the investigator, but its role is not to approve the report so it will not endorse the report's findings or recommendations. This is because the IPCC may have subsequently to consider an appeal from a complainant. Appropriate authorities should ensure that the IPCC's limited role in a supervised investigation is not misrepresented to the complainant and/or any interested person.

11.5 In a managed investigation, the report is written by the investigator appointed by the appropriate authority. However, the IPCC has direction and control of the investigation and so the investigator should consult the IPCC's managing investigator about the report's findings and conclusions. It must be borne in mind that, in the event of any dispute between the managing investigator and the force investigator, the IPCC's managing investigator may attach an addendum to the report setting out his or her findings and conclusions.

## The content of a report

**11.6** The investigation report is the main source of information and explanation for the complainant or interested person. The CPS, appropriate authority and the IPCC may also rely on the report to guide them through the evidence.

At the end of an investigation of a complaint subject to special requirements or a recordable conduct matter into the actions of a police officer or special constable, the investigator's report must:

- i. provide an accurate summary of the evidence
- ii. attach or refer to any relevant documents; and
- iii. indicate the investigator's opinion as to whether there is a case to answer in respect of misconduct or gross misconduct or whether there is no case to answer.

Regulation 20, Police (Complaints and Misconduct) Regulations 2012

**11.7** At the end of an investigation of a complaint which is not subject to special requirements or a DSI matter, the investigator should also produce a report that includes an accurate summary of the evidence and attach or refer to any relevant documents.

**11.8** The report in any DSI matter should address the matters set out in paragraph 11.38.

**11.9** The IPCC expects all reports to be objective and evidence-based. In addition to the matters above, where they apply, reports should contain only relevant information and:

- explain what the complaint, conduct or DSI matter is about
- include the terms of reference, if any, for the investigation
- give a clear account of the evidence gathered
- show that the investigation has met the objectives set for it in the terms of reference or otherwise
- provide clearly reasoned conclusions based on the evidence
- highlight any learning opportunities for either an individual or the organisation, where appropriate, even where no allegation is substantiated
- be written in plain language free of technical jargon.

## Conclusions: All investigations

- 11.10** A report should provide a clear narrative explanation, based on the evidence collated, as to what the evidence suggests may have happened and the context within which any conduct under investigation should be considered. This should make sure that the complainant or interested person is provided with a clear explanation of the relevant evidence gathered by the investigation and which addresses their allegations or the terms of reference of the investigation.
- 11.11** In all investigations (DSIs, conduct matters, complaint investigations subject to special requirements and those that are not) investigators, in coming to their conclusions, have to analyse evidence and make findings on facts, only to the extent necessary to reach final conclusions (or to assist the appropriate authority regarding unsatisfactory performance). The guidance below outlines what conclusions are available in relation to each type of investigation.
- 11.12** In reaching conclusions, investigators should apply the balance of probabilities standard of proof. The “balance of probabilities” standard of proof is not a sliding scale; it is a single unvarying standard. In deciding whether something is more likely than not to have occurred, regard should be had to all of the available evidence and the weight to be attached to it, including consideration of the extent to which that occurrence may be inherently probable or improbable.
- 11.13** Investigators should take particular care not to unnecessarily reach findings of fact in conduct matter or complaint investigations that have become subject to special requirements. In these types of investigation, investigators should evaluate the evidence and indicate whether in their opinion there is a case to answer (see paragraphs 11.31 to 11.35 below in relation to this test). It is unnecessary (and unlawful) for investigators to reach findings of fact that are conclusive of misconduct or gross misconduct – these findings should be left for any subsequent misconduct hearing or meeting. Often investigators are faced with conflicting accounts of the facts from, for example, a police officer and the complainant. Sometimes an account is inherently implausible or is undermined by other evidence (such as CCTV or documentary evidence). In other cases that may not be so and therefore, at the time the report is being prepared, it is a case of one person’s word against the other. This is often the case in court proceedings and does not mean that there is no case to answer. A misconduct hearing or meeting can take into account witnesses’ evidence and cross-examination along with their demeanour in order to make a decision about which account to accept, just as courts do daily. Where two accounts are on an analysis of the evidence equally credible, and where on one account, if proved, an officer may have misconducted himself, it will usually be appropriate to indicate that, in the investigator’s opinion, there is a case to answer and for the misconduct hearing or meeting to decide which of the accounts is to be preferred.
- 11.14** The following sections outline the different conclusions which are available in different types of investigation. In summary, a decision about whether to uphold or not uphold a complaint should only be made where the investigation is not subject to special requirements. If the complaint includes issues of misconduct or lawfulness (civil or criminal), then the report should not reach a determinative finding in relation to these issues. Reaching concluded determinations on these issues is for the subsequent misconduct meeting or hearing or court.

## Unsatisfactory Performance

- 11.15** In an investigation, which has not been subject to special requirements or if it has and no case to answer for misconduct is found, the investigation report can, if applicable, draw attention to evidence which suggests that the performance of the person to whose conduct the investigation relates may have been satisfactory or unsatisfactory. This should always be included where the weight of the evidence suggests that the performance may have been unsatisfactory.
- 11.16** It is for the appropriate authority or the IPCC, not the investigator, to reach the final decision as to whether there may have been unsatisfactory performance.

## 'Lawfulness' complaints

- 11.17** A complaint can be about the lawfulness of police officer conduct (for example, the making of an arrest is both an 'act' and a 'decision' and falls within the definition of 'conduct'). If there is a critical need to offer a view as to the lawfulness of conduct it must be couched in the language of an indication of opinion on the matter. In relation to complaint investigations concerning lawfulness that have not become subject to special requirements, an investigator can decide whether to uphold, or not uphold, a complaint, providing that the report makes clear that no final determination is being reached on lawfulness.

## Mixed Complaints

- 11.18** Often what may be called a complaint in the singular will in fact contain several different allegations. In such cases, even where complainants have not itemised the distinct elements, the investigator will frequently break down the complaint into its elements for the purpose of analysis in the report. The separate elements are often "mixed", including allegations of service delivery failure and individual misconduct, so that some may be subject to special requirements and others not.
- 11.19** Whilst it is possible to formally split the investigation<sup>16</sup>, it is also possible to deal with them in the same report and to uphold (or not) the complaints that were not subject to special requirements. However, it is very important that the terms of reference, if need be by amendment, clearly itemise the allegations and identify those parts which are subject to special requirements and those which are not. This should only be done where there is a clear distinction between the elements of the complaint, so that upholding the non special requirements elements does not appear to determine matters which are also the subject to the investigator's case to answer opinion.

## Conclusions: Investigation of complaints not subject to special requirements

- 11.20** Where relevant, it may also be appropriate to explain in the findings of the report why the investigation did not become subject to special requirements (i.e. that there has been no indication of a criminal offence or behaviour which would justify disciplinary proceedings, see paragraphs 9.29 to 9.34). This may be particularly useful where the original complaint did make allegations of individual misconduct.

<sup>16</sup> Regulation 25, Police (Complaints and Misconduct) Regulations 2012

**11.21** In the case of an investigation into a complaint not subject to special requirements, there will be no decision to make about whether there is a case to answer for misconduct or gross misconduct. The report should therefore state whether the complaint should be upheld or not upheld (subject to the qualifications outlined below).

**11.22** As set out above, the investigator may also want to draw attention to matters which would help the appropriate authority or IPCC decide whether there may have been unsatisfactory performance.

### *Standard of service complaints*

**11.23** A complaint can be made about the conduct of a person serving with the police and ‘conduct’ includes acts, omissions, statements and decisions. An investigation may conclude that a person’s complaint should be upheld because, in the circumstances, the force did not deliver the service standard expected because of, for example, systemic failings (regardless of the absence of indications of misconduct or individual officer failings).

**11.24** Where appropriate, reaching this finding is necessary so that an assessment can be made by the police force as to what steps should be taken to improve the service provided to the public.

**11.25** A complaint should be upheld where the findings of the investigation show that the service provided by the police did not reach the standard a reasonable person could expect. In deciding what that standard of service is, the investigator and appropriate authority should apply an objective test: that of a reasonable person in possession of the available facts. They should have regard to any agreed service standards and any national guidance that applies to the matter.

**11.26** An investigation into more than one complaint may result in separate complaints being upheld but on different bases.

### *The final decision concerning upholding a complaint*

**11.27** It is for the appropriate authority (in a local or supervised investigation) or the IPCC (in a managed investigation) to reach the final decision as to whether to uphold a complaint. Complaints may also be upheld as part of determining an appeal about a relevant finding of a local or supervised investigation – see section 13.

**11.28** Where there is a difference between the conclusion of the investigator and the decision reached by the appropriate authority or the IPCC, the reasons for this should be noted in the rationale for the final decision. The decision(s) of the appropriate authority or the IPCC should, if possible, be communicated to the complainant and any interested person.



## Complaint investigations subject to special requirements and recordable conduct matter investigations

**11.29** Having analysed the evidence, investigators must give their opinion on whether any subject of the investigation has a case to answer for gross misconduct or misconduct or whether there is no case to answer.

**11.30** A determination should not be made at any time (including following the conclusion of any disciplinary proceedings) about whether a complaint which has been investigated subject to special requirements should be upheld or not.

### *The 'case to answer' test*

**11.31** The investigator should indicate that in their opinion there is a case to answer where there is sufficient evidence, upon which a reasonable misconduct meeting or hearing could, on the balance of probabilities make a finding of misconduct or gross misconduct.

**11.32** It follows from the case to answer test, that where the investigators opinion is that there is a case to answer, a subsequent misconduct hearing or meeting may, nonetheless, make different findings of fact and/or about whether the conduct breached the Standards of Professional Behaviour. Therefore, although the investigators must still explain the evaluation of the evidence that has caused them to come to such a conclusion, they must be careful to stop short of expressing findings on the very questions that will fall to be answered by the disciplinary proceedings, court or tribunal which may consider the matter.

**11.33** The position is slightly different where the investigator's evaluation of the evidence enables them to conclude, and report, that in fact there is no such case to answer. If, for example, the evidence in a case had demonstrated beyond question that the officer had been abroad on the afternoon of the alleged incident, so that the complaint against him was obviously misdirected, the investigator can make clear findings on the evidence to that effect and to report that there was no case for him to answer.

**11.34** No finding of misconduct or gross misconduct can be made unless there has been a breach of the Standards of Professional Behaviour. There is no requirement to indicate in the report the precise breach of the Standards of Professional Behaviour for which, in the investigator's opinion there is a case to answer. However, it is likely to assist in explaining why the investigator has reached a case to answer finding to indicate which Standard(s) they have in mind.

**11.35** In deciding whether to indicate that, in their opinion, there is a case to answer for misconduct or gross misconduct, the investigator must consider whether the alleged misconduct, if proved, would amount to a breach of the Standards that is so serious as to justify dismissal and if so, should indicate that, in their opinion, there is a case to answer for gross misconduct. If not considered this serious, then the investigator should indicate that, in their opinion, there is a case to answer for misconduct only. The investigator should make clear in the report the reason why the particular case to answer finding has been reached.

The Police Reform Act 2002 defines misconduct as “a breach of the Standards of Professional Behaviour” and gross misconduct as “a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal.”

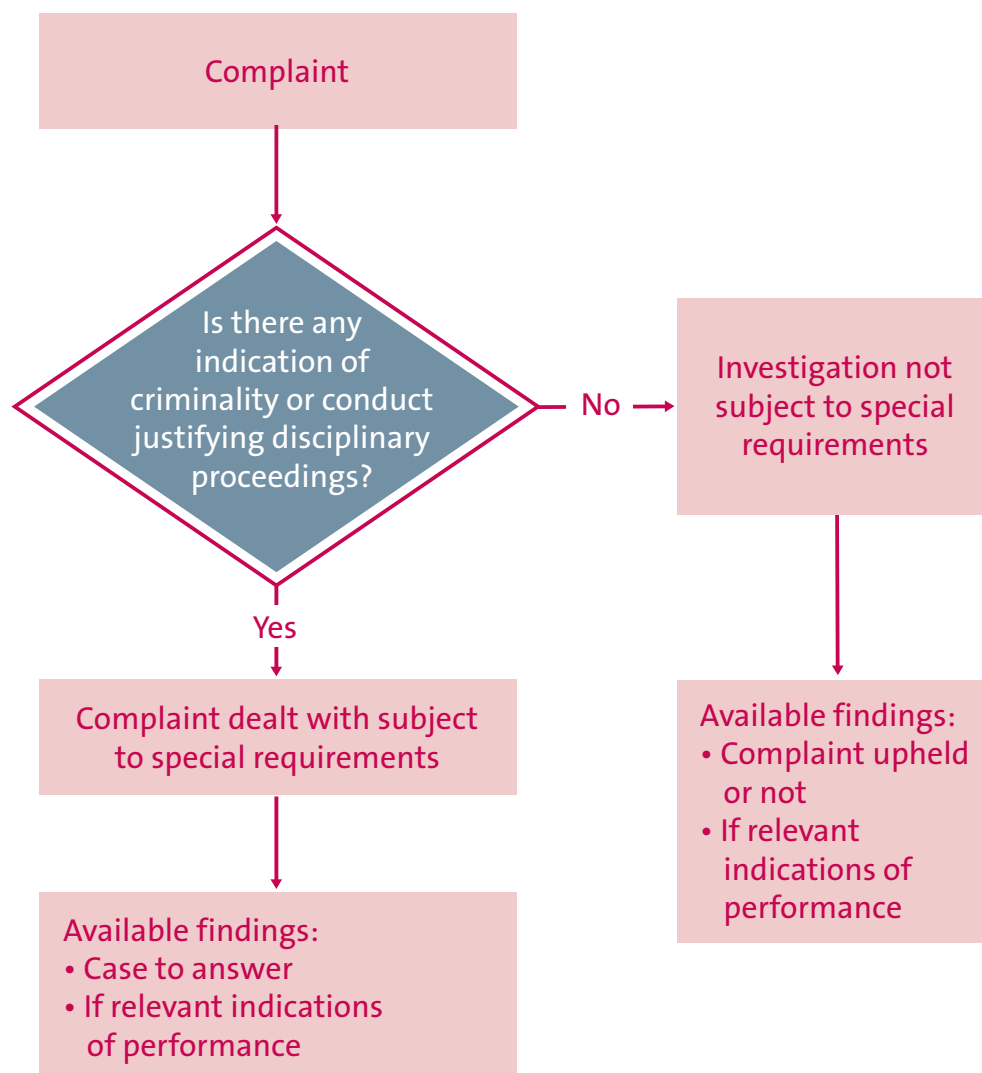
Paragraph 29, Schedule 3, Police Reform Act 2002

## Recommendations

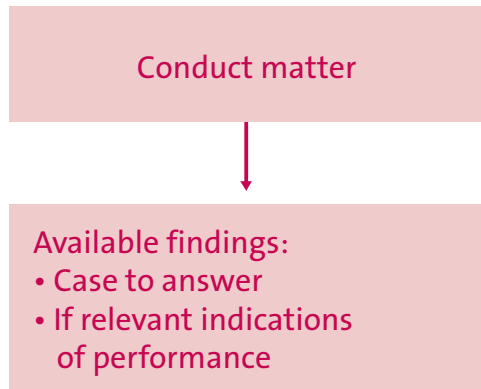
**11.36** Based on the evidence that has come to light during the investigation, the investigator may include recommendations in the report about possible action to be taken by police forces. These recommendations may relate, for example, to training, changes in policy/procedure or enhanced supervision.

**11.37** The following charts provide an overview of the findings which are available in different types of investigation.

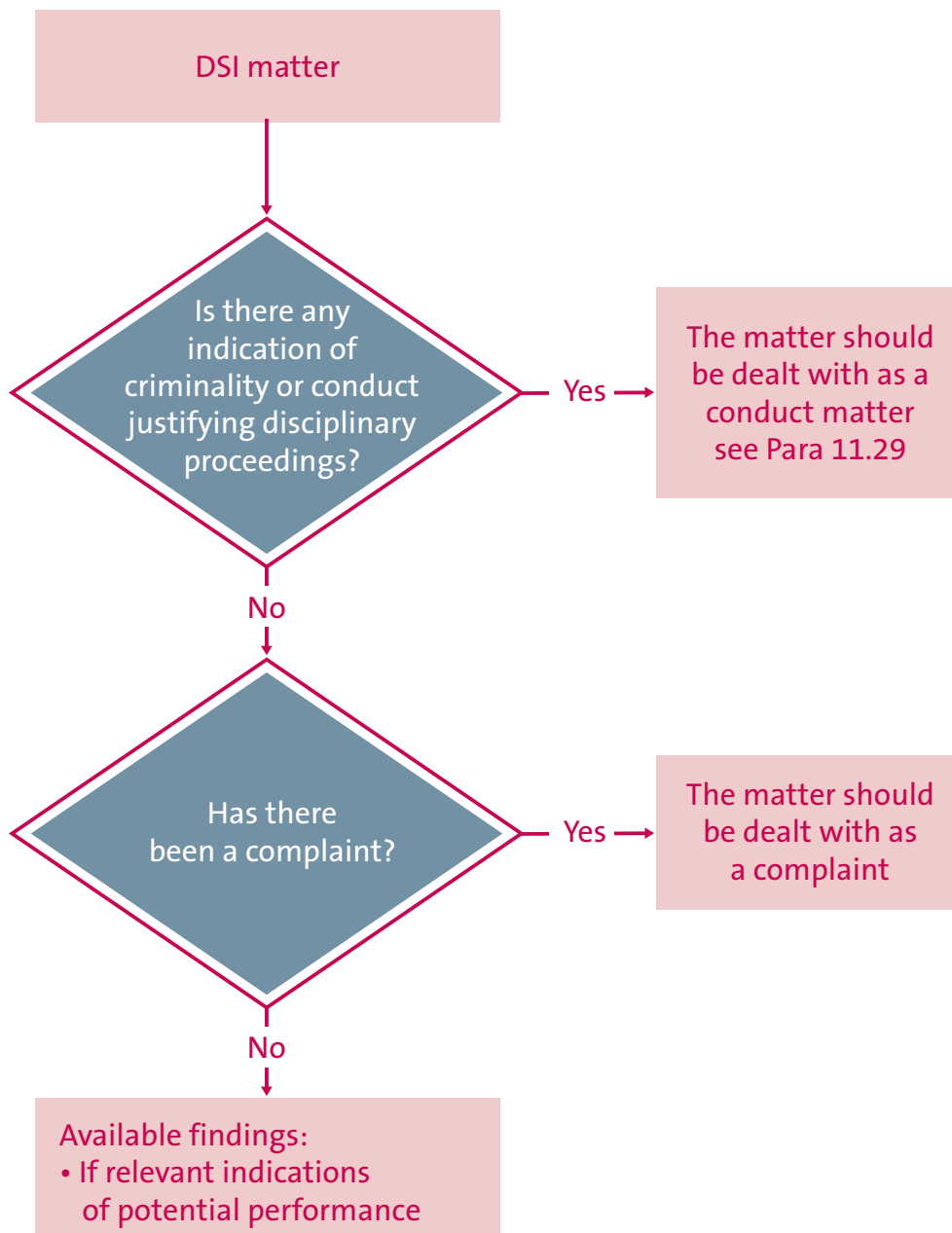
### 11.38 *Complaint*



### 11.39 *Conduct matter*



### 11.40 *Death or serious injury matter*



**11.41** The table below summarises the types of findings which are available in each type of PRA investigation.

Type of investigation	Available findings		
	Case to answer	Complaint – uphold or not	Performance
Complaint investigation subject to special requirements	Indicate the investigators opinion on whether each subject has a case to answer for misconduct or gross misconduct or no case to answer	No	If relevant, draw attention to evidence which may be the basis for a determination of whether or not each subject's performance was satisfactory or unsatisfactory (this may be particularly relevant where a finding of no case to answer has been reached in relation to a particular subject)
Complaint investigation not subject to special requirements	No  It may be instructive to explain the evidential basis on which it was decided that there were no special requirements	Decide whether each complaint should be upheld or not upheld (subject to the qualifications detailed in paragraph 11.18-11.27)	If relevant, draw attention to evidence which may be the basis for a determination of whether or not each subject's performance was satisfactory or unsatisfactory
Conduct matter investigation	Indicate the investigators opinion on whether each subject has a case to answer for misconduct or gross misconduct or no case to answer	n/a (there is no complaint to uphold)	If relevant, draw attention to evidence which may be the basis for a determination of whether or not each subject's performance was satisfactory or unsatisfactory (this may be particularly relevant where a finding of no case to answer has been reached in relation to a particular subject)

Type of investigation	Available findings		
	Case to answer	Complaint – uphold or not	Performance
DSI investigation	<p>No (if there was any indication of a criminal offence or behaviour justifying disciplinary proceedings, these matters would have become a conduct matter (see paragraphs 9.24 to 9.28))</p> <p>It may be instructive to explain the evidential basis on which it was decided that there were no indications of conduct matters during the investigation</p>	n/a (there is no complaint to uphold)	If relevant, draw attention to evidence which may be the basis for a determination of whether or not each subject's performance was satisfactory or unsatisfactory

## Criticism

**11.42** No criticism or adverse comment against an individual who is capable of being identified should appear in a report unless that individual has had an opportunity to respond to that criticism or adverse comment. This applies not only to persons serving with the police, but to anyone identified in the report. Normally, criticism or adverse comments will be put to the individual during an interview, but they can also be drawn to the individual's attention in other ways, such as by serving the notice of investigation on the person subject to investigation or providing a copy of the complaint to the person complained against.

**11.43** When drafting the report, if it appears to the investigator that the person criticised or subject to comment has not had an opportunity to respond to it then either:

- the criticism or adverse comment should be removed from the report (unless to do so would undermine the findings or adequacy of the explanation); or
- a letter should be sent to the relevant individual informing them of what the criticism is and the facts or evidence which support the criticism. The recipient must then be given a reasonable opportunity to respond to that criticism. The investigator should consider any response and decide whether the criticism or adverse comment should be amended or removed from the report. It may also be appropriate to include the response in the report.

## Who receives the report?

The report in a local investigation must be submitted to the appropriate authority.

The report in a supervised and managed investigation must be submitted to the IPCC and a copy sent to the appropriate authority.

The report in a DSI investigation must be submitted to the IPCC and a copy sent to the appropriate authority.

Paragraphs 22 and 24A, Schedule 3, Police Reform Act 2002

## What does the IPCC expect the appropriate authority to do with the report?

### Local and supervised investigations

When it receives a report after a local or supervised investigation into a complaint or conduct matter, the appropriate authority must determine whether the report should be referred to the Director of Public Prosecutions (CPS) (see paragraphs 12.37 to 12.43).

In addition, the appropriate authority must determine:

- i. whether or not any person to whose conduct the investigation related has a case to answer in respect of misconduct, gross misconduct or no case to answer
- ii. whether or not any such person's performance is unsatisfactory
- iii. what action, if any, the authority will take in respect of the matters dealt with in the report; and
- iv. what other action (if any) the authority will take in respect of those matters.

Paragraph 24, Schedule 3, Police Reform Act 2002

**11.44** These decisions are for the appropriate authority, not the investigator.

Once it has made these decisions, and subject to the harm test, the appropriate authority must notify the complainant (where there is one) and any interested person of:

- i. the findings of the report
- ii. its determinations; and
- iii. the complainant's right of appeal.

Paragraph 24, Schedule 3, Police Reform Act 2002

**11.45** Appropriate authorities should ensure that a complainant or interested person receives a clear explanation of what has happened based on the facts established in the investigation. In most cases the investigation report will be sent to the complainant and any interested person unless there is a reason under the harm test not to do so.

### Managed and independent investigations

In a managed or independent investigation, the IPCC will determine whether to notify the CPS and send it a copy of the report. A copy of the report will be sent to the appropriate authority and the IPCC will notify the appropriate authority that it must determine:

- i. whether any person to whose conduct the investigation related has a case to answer in respect of misconduct, gross misconduct or has no case to answer
- ii. whether or not any such person's performance is unsatisfactory
- iii. what action, if any, the authority will take in respect of the matters dealt with in the report; and
- iv. what other action (if any) the authority will take in respect of those matters.

The appropriate authority must make those determinations and submit a memorandum to the IPCC setting out:

- i. its determinations
- ii. its reasons if it decides not to bring any disciplinary proceedings against that person.

Paragraph 23, Schedule 3, Police Reform Act 2002

**11.46** The IPCC expects the appropriate authority's memorandum as soon as practicable having made its determinations and in any event, within 15 working days of the request. Its determinations should be clear and well reasoned so that the IPCC can consider the memorandum and decide whether to make recommendations. The IPCC may seek further information from the appropriate authority when considering the memorandum.

**11.47** When it receives the memorandum, the IPCC will decide whether to accept the appropriate authority's determinations and whether to make any recommendations or directions under paragraph 27, Schedule 3 of the Police Reform Act 2002.

The IPCC may make a recommendation that:

- i. a person serving with the police has a case to answer for misconduct or gross misconduct or no case to answer
- ii. the person's performance is unsatisfactory or not
- iii. disciplinary proceedings of a form specified are brought against the person in respect of his or her conduct, efficiency or effectiveness; and/or
- iv. disciplinary proceedings are modified so as to deal with specified aspects of that person's conduct, efficiency or effectiveness.

If the appropriate authority does not take steps to give full effect to the IPCC's recommendation, then the IPCC may direct the appropriate authority to take such steps. The appropriate authority must comply with the IPCC's direction.

Paragraph 27, Schedule 3, Police Reform Act 2002

**11.48** The IPCC will require confirmation from the appropriate authority of the steps that have been taken to give effect to the recommendation or direction.

The appropriate authority is under a duty to ensure that any disciplinary proceedings brought in accordance with an IPCC recommendation or direction are brought to a proper conclusion.

Paragraph 27, Schedule 3, Police Reform Act 2002

## Death or serious injury (DSI) investigation outcomes

**11.49** The outcomes of a DSI investigation will reflect the fact that it is not an inquiry into any criminal, conduct or complaint allegation against any person serving with the police.

**11.50** The purpose of a DSI investigation is to establish facts, the sequence of events and their consequences. Its role is to investigate how and to what extent, if any, the person who has died or been seriously injured had contact with the police, and the degree to which this caused or contributed to the death or injury.



At the end of a DSI investigation, the investigator must submit a report to the IPCC and send a copy to the appropriate authority. The IPCC must determine whether the report indicates that a person serving with the police may have committed a criminal offence or behaved in a manner justifying the bringing of disciplinary proceedings. If the IPCC decides that it does, it will notify the appropriate authority. The appropriate authority must then record the matter as a conduct matter and consider whether it should be referred to the IPCC. Subject to any decision by the IPCC to re-determine the form of the investigation, the investigator of the DSI matter must investigate the conduct matter.

Where there is no such indication, the IPCC may make recommendations or give advice under section 10(1) (e) of the Police Reform Act 2002 as it considers necessary or desirable.

Paragraphs 24A – 24C, Schedule 3, Police Reform Act 2002

**11.51** The appropriate authority must respond to those recommendations indicating where it accepts them and where it does not, what action it will take as a result and its rationale for those decisions. The IPCC may also wish to follow up whether and how these changes have been implemented.

## Publication

**11.52** The IPCC is responsible for publishing investigation reports in managed and independent investigations. Chief officers should consider whether it would enhance public confidence if they also published reports into local and supervised investigations. Publication may require some redaction.

## Section 12: ACTION AFTER THE INVESTIGATION

**12.1** This section deals with the range of actions that may follow receipt of an investigation report. These include conduct outcomes, unsatisfactory performance procedures, and criminal and inquest proceedings. The section also covers other actions that may flow from the report's conclusions, such as apologising and identifying learning.

**12.2** Section 12 sets out what the IPCC expects an appropriate authority to do after it receives a report. The detail of the action to be taken will vary depending on whether the investigation was a local or supervised investigation.

### Communication with the complainant and interested persons after the conclusion of the investigation

In local and supervised investigations it is the appropriate authority's responsibility to communicate and explain the reasons for its decisions about its determinations and action it will take following receipt of the final report.

For independent and managed investigations, the IPCC must explain its decisions and reasons for its determinations about the action to be taken in respect of the matters dealt with in the report.

As already outlined in 11.32 to 11.33 onwards, after a local or supervised investigation, the appropriate authority must notify the complainant and/or any interested person of:

- i. the findings of the report
- ii. its own determinations; and
- iii. the complainant's right of appeal.

The information to be provided to the complainant and any interested person will be subject to the harm test.

Paragraph 23 and 24, Schedule 3, Police Reform Act 2002

**12.3** The appropriate authority should ensure that a complainant and any interested person receives a clear explanation of what has happened based on the facts established in the investigation. In most cases the investigation report will be sent to the complainant and any interested person unless there is a reason under the harm test not to do so.

- 12.4** Appropriate authorities should take into account any further guidance issued by the IPCC concerning disclosure of information. They may discharge their duty to inform complainants and interested persons of the findings of the investigation by sending them a copy of the investigation report.<sup>17</sup>
- 12.5** The IPCC believes that communication with complainants and interested persons should be based on a presumption of openness. Making the investigation report available to the complainant and/or interested person is the most transparent way of showing what the investigation has found. It should usually be provided to the complainant and any interested person, subject to the harm test<sup>18</sup> and any necessary redactions. In some circumstances, where there is a difference between the recommendation made by the investigator and the decision reached by the appropriate authority, it will be necessary to provide the investigation report together with the final decision and rationale for it.
- 12.6** Complainants, interested persons and their representatives sometimes ask for additional disclosure, such as copies of statements or documentation collected during the investigation. The IPCC considers that disclosure of material generated by a complaint investigation should occur through the appropriate disclosure gateway (i.e. the Police Reform Act 2002; disclosure to other public bodies; disclosure for the purposes of civil proceedings; disclosure under the Freedom of Information Act 2000 or the Data Protection Act 1998). All this means is that the complainant, interested persons and their representatives should make it clear on what basis they are asking for this additional disclosure so that the appropriate authority can apply the relevant legal basis for disclosing it.
- 12.7** If, for example, a complainant, interested person or their representative wants to understand the report better, the request should be made and considered under the PRA gateway. The disclosure should then be aimed at providing the complainant with a better understanding of the findings of the investigation. The presumption of openness applies in favour of disclosure subject to the harm test, with appropriate redaction being made where necessary and providing disclosure does not incur unreasonable expense. Any non-disclosure must be necessary because there is a real risk of the disclosure causing a significant adverse effect. The risk must be real, which is to be assessed on a case-by-case basis. Therefore, appropriate authorities should not adopt a blanket approach when considering whether disclosure should be made in any given case.
- 12.8** The IPCC believes that it would be disproportionate for disclosure to take place which burdens the investigating authorities with unreasonable expense and this is recognised by regulation.<sup>19</sup> It would reduce the time available for investigators to conduct other investigations thus having a negative impact on those other investigations. Where an appropriate authority decides that disclosing documentation to the complainant, interested person or their representative would incur unreasonable expense, it should consider whether some disclosure could be made that is not unreasonably expensive or whether it is possible to satisfy the request by some other means, for example by inviting the complainant, interested person or their representative to inspect the documents sought. However, where disclosure of underlying evidence can take place in accordance with the harm test and without incurring unnecessary expense, the IPCC considers that the disclosure should take place.

<sup>17</sup> Paragraph 24, Schedule 3, Police Reform Act 2002

<sup>18</sup> Paragraph 24, Schedule 3, Police Reform Act 2002 and Regulation 13, Police (Complaints & Misconduct) Regulations 2012

<sup>19</sup> Regulation 13, Police (Complaints and Misconduct) Regulations 2012

**12.9** The names of persons serving with the police who play a significant role in the matters under investigation should not normally be redacted. They may, however, be redacted if there is good reason under the harm test; for example, if their names have to be kept secret for operational reasons, such as, for example, surveillance officers. When interviewed or asked to give any form of account, persons serving with the police should raise with the investigator any reasons there may be for keeping their names confidential. Pseudonyms may be used where there are good reasons for keeping the person's identity confidential, but their real names and relevant pseudonyms must be recorded elsewhere. Where an inquest has been opened, the coroner should be consulted about the identification of such individuals in the report and in the inquest.

## Apologies

**12.10** The IPCC expects appropriate authorities to apologise where a complaint is upheld. A sincere and timely apology can have a significant effect and also demonstrate a willingness to learn after something has gone wrong.

**12.11** Careful consideration should be given to the timing of any apology. The earlier it is delivered, the more positive the outcome is likely to be. Delaying delivering an apology can diminish its value when it is finally received. If it becomes apparent that an apology is appropriate before the end of an investigation, it is not necessary to wait until the investigation is complete before issuing an apology.

**12.12** Consideration also needs to be given to the most appropriate person to deliver an apology. The IPCC expects a chief officer to deliver any apology given by a force in relation to police actions or omissions that have caused or contributed to a person's death or serious injury. In other cases, if the apology relates to an organisational failing rather than that of an individual, a manager or supervisor should deliver the apology.

**12.13** If the complaint is upheld because of the behaviour of a person serving with the police and he or she is willing to apologise, appropriate authorities should facilitate this and support the individual concerned in making the apology. Alternatively, it may be appropriate for a manager or supervisor to convey a personal apology on the person's behalf, if he or she is unable to meet or speak to the complainant.

**12.14** Appropriate authorities should also consider whether it would be appropriate to apologise to any interested person in respect of any recordable conduct or DSI matters.

## Outcomes for individuals

**12.15** This guidance briefly describes conduct outcomes for police officers and police staff following investigation under the Police Reform Act 2002.

Subject to any IPCC recommendation, which the appropriate authority accepted, or a direction made under paragraph 27, Schedule 3 of the Police Reform Act 2002, if following receipt of the investigation report, the appropriate authority determines (either in the case of police officers or special constables) that there is no case to answer in respect of either misconduct or gross misconduct, the only outcomes that are available are:

- i. no further disciplinary action under the Police (Conduct) Regulations 2012
- ii. management action; or
- iii. for the matter to be dealt with under the Police (Performance) Regulations 2012.

If the appropriate authority concludes that there is a case to answer for misconduct then either management action or misconduct proceedings may follow. Those proceedings will be a misconduct meeting, unless the officer or special constable has:

- i. a final written warning in force at the date of the severity assessment made in relation to the conduct; or
- ii. been reduced in rank under the Police (Conduct) Regulations 2004 less than 18 months before the severity assessment made in relation to the conduct. In such cases, the misconduct proceedings will be a misconduct hearing.

If the appropriate authority concludes there is a case to answer for gross misconduct, this may only be heard at a misconduct hearing.

**Regulation 19, Police (Conduct) Regulations 2012**

**12.16** It may be relevant to look at an officer or special constable's history when deciding the most appropriate course of action. This is consistent with the expectation that officers and special constables should learn from mistakes.

**12.17** In the case of members of police staff and contracted-out staff, the possible outcomes will depend on their contract of employment and the disciplinary and capability procedures and policies that apply.

### Allegations involving discrimination

**12.18** Proven discriminatory words or acts should be dealt with at the more serious end of the spectrum in terms of disciplinary action, and in many cases it will be entirely appropriate that a person serving with the police should face disciplinary proceedings for complaints of discriminatory behaviour. However, in cases where the behaviour is clearly unwitting and not motivated by lack of respect for specific groups of people, the response should focus on changing the behaviour or attitudes. There may also be circumstances where a person serving with the police has acted with evident integrity, but the outcome was unfair to the complainant or interested person. In any case, the outcome should be based on the evidence, take account of the attitude of the person who is the subject of an investigation and the effect on the person discriminated against.

**12.19** Where a person's attitude seems to reflect a similar negative attitude within the team or department, the appropriate authority also has a responsibility to consider whether any action is required to address these issues.

**12.20** Close supervision may be needed for a person serving with the police who has behaved, for example, with a lack of courtesy. In this case it is important that the supervisor knows how the person's behaviour can be managed. Any decision regarding supervision should be made with the explicit agreement of the supervisor.

### Special case procedures

**12.21** 'Special case' procedures<sup>20</sup> provide a fast track misconduct procedure. They can be used only if the appropriate authority certifies the case as a special case or the IPCC recommends or directs such certification. Special case procedures can take place only in relation to an investigation of a complaint or recordable conduct matter before the completion of the investigation.

**12.22** A special case is:

- one where there is sufficient evidence in the form of written statements or other documents to prove, on the balance of probabilities, that the conduct to which the investigation relates constitutes gross misconduct; and
- that it is in the public interest for that police officer or special constable to cease to be a member of a police force or be a special constable without delay.<sup>21</sup>

**12.23** An investigator will therefore need to keep under review the possibility of proposing the use of the special case procedure as the investigation proceeds and the evidence is obtained.

**12.24** In a managed investigation, the investigator should consult with the IPCC's managing investigator before submitting any statement or report in a special case.

### Unsatisfactory performance procedures

**12.25** Action under the unsatisfactory performance procedures (UPP) may also be an outcome of an investigation under the Police Reform Act either because the appropriate authority has made a decision that UPP is appropriate or because the IPCC has recommended or directed UPP.

**12.26** In addition, investigating a complaint may bring to light underlying issues that may not have led directly to the complaint, but still need to be dealt with. In many circumstances, these will be issues that can be dealt with through UPP.

**12.27** The fundamental purpose of UPP is to improve performance. The use of UPP, where appropriate, is to improve the performance of an individual, the overall performance of the force, to respond to complaints, and to improve public confidence. The use of UPP also encourages individuals and managers to take responsibility for unsatisfactory behaviour.

**12.28** The Police (Performance) Regulations 2012 apply to police officers (of the rank of chief superintendent or below) and special constables.

<sup>20</sup> Paragraphs 20A-20H Schedule 3, Police Reform Act 2002

<sup>21</sup> Paragraph 20A, Schedule 3, Police Reform Act 2002

**12.29** Unsatisfactory performance or attendance is quite different from misconduct and gross misconduct. Misconduct and gross misconduct involve a breach of the Standards of Professional Behaviour<sup>22</sup> whereas unsatisfactory performance or attendance concerns the officer or special constable's ability or failure to perform their role to a satisfactory level. His or her performance may be unsatisfactory, but not breach the Standards of Professional Behaviour.

**12.30** If the appropriate authority determines that there is a case to answer for misconduct or gross misconduct, then the case should not be dealt with under the Police (Performance) Regulations 2012.

**12.31** It can be hard to distinguish precisely between unsatisfactory performance and misconduct. However, the following principles should be taken into account:

- a deliberate failure to perform the duties of a police officer or special constable satisfactorily would not normally be unsatisfactory performance
- a failure to perform the role satisfactorily through lack of competence or capability on the officer or special constable's part, should generally be dealt with as unsatisfactory performance
- unsatisfactory performance may be more readily identified by a pattern of behaviour, rather than a single incident (although a single incident may suffice).

**12.32** When reaching conclusions following any investigation, the appropriate authority should always consider whether it would be appropriate to use UPP to deal with failings by individuals.

**12.33** When a decision is made to deal with the matter under the Police (Performance) Regulations 2012 or the Police (Conduct) Regulations 2012, the person making the determination should keep a clear record of the decision made and its rationale.

**12.34** The Police (Performance) Regulations 2012 do not apply to senior officers, members of police staff, or contracted out staff. In the case of members of police staff or contracted out staff, the relevant contract of employment and their relevant disciplinary and capability procedures and policies apply.

## Public hearings

The IPCC may direct that the whole or part of a third stage meeting which has not been preceded by a first or second stage meeting (in the case of unsatisfactory performance) or a misconduct hearing (not a special case hearing) be held in public. This power to direct arises where the IPCC has conducted an independent investigation and it considers that, because of the gravity of the case or other exceptional circumstances, it would be in the public interest to so direct.

Regulation 40, Police (Performance) Regulations 2012 and Regulation 31, Police (Conduct) Regulations 2012

**12.35** Depending on the circumstances of the case, the IPCC may consult with other parties, such as the CPS.

<sup>22</sup> Regulation 3, Police (Conduct) Regulations 2012



**12.36** Before finalising how it will comply with any such direction, the appropriate authority should consult the IPCC about the intended location for the hearing, its planned arrangements for enabling the attendance of the complainant or interested person, if any, other members of the public, and representatives of the media. It should also consult the IPCC about any modifications to its normal procedure proposed by the person presiding at the hearing to take account of the hearing's public nature and the anticipated interest of the general public in the proceedings and their outcome. Any additional cost resulting from the public status of the hearing will be met by the appropriate authority.

### Communication of outcomes

An appropriate authority must inform the IPCC, the complainant and any interested person of the outcome of disciplinary proceedings, including the fact and outcome of any appeal, in respect of any matters dealt with in a report submitted under paragraph 22, Schedule 3 of the Police Reform Act 2002.

Regulation 12, Police (Complaints and Misconduct) Regulations 2012

### Criminal proceedings

If a report indicates a criminal offence may have been committed and the IPCC (for managed and independent investigations) or the appropriate authority (for local and supervised ones) considers it to be appropriate for the matters dealt with in the report to be considered by the CPS or they fall within a prescribed category, the report must be referred to the CPS.

Paragraph 23 and 24, Schedule 3, Police Reform Act 2002

**12.37** The reason(s) for a decision not to refer to the CPS should be clearly documented.

**12.38** In a local or supervised investigation, the complainant will have a right of appeal in respect of the appropriate authority's decision not to send the report to the CPS. There is no right of appeal in relation to a complaint relating to a direction and control matter.

**12.39** Given that the information for summary criminal offences must be laid within six months of the date of their alleged commission,<sup>23</sup> the appropriate authority should ensure that any determination or notification it makes is done in time to avoid the offence being time barred.

**12.40** In a managed or independent investigation, it is for the IPCC to make the determinations whether a report should be referred to the CPS.<sup>24</sup>

**12.41** Where a case is referred to the CPS, the person referring the matter should ensure that the CPS is given relevant information to enable him or her to initiate effective liaison with the complainant and/or interested person.

<sup>23</sup> Section 127, Magistrates' Courts Act 1980

<sup>24</sup> Paragraph 23, Schedule 3, Police Reform Act 2002



**12.42** Appropriate authorities and investigators should ensure a good working relationship with the CPS. In the event of any doubt about their roles and responsibilities, the investigator should consult with the CPS. In managed cases, the IPCC's managing investigator must be involved in the liaison between the CPS and the investigator for the purpose of any criminal proceedings.

**12.43** If a local or supervised investigation results in a person serving with the police being charged with a criminal offence, then the appropriate authority is responsible for informing the complainant or interested person of the outcome(s) of those criminal proceedings. In the case of a managed or independent investigation, the IPCC will be responsible for providing this information.

### Learning lessons

**12.44** Investigations can provide valuable feedback about the service provided by the police and are an important source of learning to help forces improve the service they offer. Many investigations will reveal significant learning outcomes for local and/or national policing.

**12.45** The IPCC expects appropriate authorities to consider whether there is any learning to be derived from each investigation. The IPCC and the police service have developed standard terms of reference to capture learning from investigations. These should be used in managed and supervised investigations. The IPCC also expects appropriate authorities to adopt the same or a similar approach in local investigations. They should develop standard terms of reference or other operating procedures to encourage consistent and regular reporting of learning from investigations. These should include mechanisms for rapid reporting of learning to senior managers in the force or beyond before an investigation has been completed and a final report prepared.

**12.46** Where relevant learning has been identified, whether for the organisation and its management or for national police bodies, investigators should produce information that can be publicised to the local police service and, where appropriate, reported through ACPO to the IPCC for possible inclusion in the Learning the Lessons bulletin. The IPCC encourages appropriate authorities to extend this approach to learning that goes towards the duty to promote equality of opportunity and eliminate unlawful discrimination.

**12.47** It may be appropriate to consider drafting a separate 'learning report' or alternatively a separate part of the investigation report. The reason for this separation is to facilitate wider dissemination and learning as it may not be appropriate to share the full facts of the investigation widely.

**12.48** In managed investigations, the IPCC requires investigators to use a template. This includes:

- an overview of the key facts found and their context
- the conclusions and corresponding recommendations, and suggestions for the local force or national policing organisations
- actions taken to implement those recommendations that are agreed.

**12.49** Appropriate authorities should have regard to practical advice issued by the IPCC on the completion of a learning report.<sup>25</sup> The report's size and scope will depend on the nature of the investigation, its complexity and the specific lessons found.

**12.50** It is important that what is in fact an individual's misconduct or unsatisfactory performance is not unduly attributed to organisational failings. It is equally important that an individual is not blamed for organisational failings. However, learning and misconduct or unsatisfactory performance are not always mutually exclusive. A person serving with the police might reasonably have been expected to act differently without, for example, being given specific training.

**12.51** Where an investigation uncovers both organisational learning and misconduct or unsatisfactory performance, it is important to explain, in the section of the investigation report that deals with any misconduct or unsatisfactory performance, why those organisational failings do not affect the conduct. If this is not done, the organisational failings may be used as a defence in any misconduct or UPP.

**12.52** In managed investigations, the IPCC will ensure that recommendations that affect national policing policy or legislation are consistent with its own policy and previous recommendations. Procedures have been agreed to ensure consultation with, and the approval of, the IPCC to achieve this. Appropriate authorities should adopt similar approaches in local and supervised investigations to encourage consistency within the relevant police force.

### Implementing recommendations

**12.53** The IPCC may ask an appropriate authority what action it intends to take in respect of (among other things) any learning recommendations made at the conclusion of an investigation. The appropriate authority should respond to the IPCC accordingly with an action plan as soon as reasonably practicable and, in any event, within 28 days of the request.

**12.54** Where changes are to be initiated, this plan should detail the changes planned, the timescale(s) for implementation, the managers identified as responsible for putting these changes into action, and how the impact of the changes will be monitored. The IPCC may have further comment on the proposed action plan and appropriate authorities should have regard to them before implementing any changes. The IPCC may also wish to follow up whether and how these changes have been implemented.

**12.55** The IPCC expects practice in supervised and local investigations to mirror the arrangements in managed investigations, with an action plan setting out the actions to be taken. Following a supervised or local investigation of a complaint, the appropriate authority should consider sending the action plan to the complainant and any interested person. In a supervised investigation it may decide to copy the plan to the IPCC for its information. Appropriate authorities should also consider providing a copy to the person or persons to whose conduct the investigation related.

<sup>25</sup> Practical advice is available on the IPCC website – [www.ipcc.gov.uk](http://www.ipcc.gov.uk)

## Local and national reporting of lessons from investigations

**12.56** Many professional standards departments report the learning from investigations to their respective forces in a regular bulletin or e-communication, particularly following complaints. The IPCC encourages chief officers and local policing bodies to consider ways in which learning from investigations can be reported regularly to those who would benefit.

**12.57** Local recommendations, their corresponding findings and the events from which they arise may appear to have only local significance. However, the Learning the Lessons bulletin now regularly publishes such accounts. They have been shown to provide important learning for the entire police service. They highlight systemic or practical risks for strategic and operational managers and supervisors to be aware of so that they can reduce or avoid them. Examples of good practice identified by the investigation may also merit consideration by the police service as a whole.

**12.58** Investigators in supervised and local investigations should consider whether it would be appropriate to share a learning report with the police service nationally so that it can be considered for wider dissemination through the IPCC's Learning the Lessons bulletins.

## IPCC recommendations under paragraph 28A of Schedule 3

### *When recommendations may be made*

When the IPCC has:

- i. received a report on a DSI investigation or a report on a supervised, managed or independent investigation into a complaint or conduct matter; or
- ii. determined an appeal against:
  - a local/supervised investigation, or
  - the outcome of the local resolution of a complaint or the outcome of a complaint handled otherwise than in accordance with Schedule 3 of the Police Reform Act (see paragraphs 13.61 to 13.66)

The IPCC may make a recommendation about a matter dealt with in the report or appeal. The IPCC must publish these recommendations.

Paragraph 28A, Schedule 3, Police Reform Act 2002

## Timescale for responding to a recommendation

The recipient of the recommendation must provide a response to the IPCC within 56 days of the recommendation being made, unless either the IPCC grants an extension to this time limit or there is a judicial review challenge.

Paragraphs 28A and 28B, Schedule 3, Police Reform Act 2002

**12.59** If the chief officer or local policing body wishes to request an extension to the time limit for responding to the recommendation, the request should be made in writing to the IPCC before the deadline with an explanation for the request and an indication of the date when a response will be provided.

### Content of a response

**12.60** There is no obligation for chief officers or local policing bodies to implement an IPCC learning recommendation, however they must provide a response.

The response must state:

- i. what action the chief officer or PCC the recommendation was addressed to has taken or proposes to take in response to the recommendation, or
- ii. why the chief officer or PCC has not taken, or does not propose to take, any action in response.

Paragraphs 28A and 28B, Schedule 3, Police Reform Act 2002

### Publishing responses to recommendations

The IPCC must publish the response to the recommendation within 21 days of receipt. The local policing body or chief officer who has made the response must publish the response (in the same amount of detail as the IPCC), along with the original recommendation, at the same time the IPCC publishes the response.

Paragraphs 28A and 28B, Schedule 3, Police Reform Act 2002

**12.61** If the chief officer or local policing body believes that the response, or part of it, should not be published, they must provide representations to the IPCC explaining the reasons for this. The IPCC will make a decision about whether the response will be published or not, taking into account the representations made.

**12.62** The IPCC will advise the chief officer or local policing body in advance of when it will publish the response in order to allow them to publish at the same time.

**12.63** Chief officers and local policing bodies should publish recommendations and their response on their websites in a way which is clear and easy to find. This will increase transparency by allowing members of the public to find recommendations and responses on local websites, not just from the IPCC.

## Inquest proceedings

- 12.64** Where an investigation is carried out in relation to a death of a person and an inquest is likely or has already been opened, this may delay any disciplinary proceedings until after the conclusion of the inquest. Delay is not a necessary consequence of the fact that there is an inquest and appropriate authorities should consider whether it is possible to conclude the disciplinary proceedings since this is likely to be in the interests of all those involved.
- 12.65** In most cases, an investigation will be completed before the inquest is held. If this is so, then the appropriate authority must make its determinations in respect of the final report as soon as practicable after receiving it. Furthermore, the appropriate authority should conclude any resulting misconduct proceedings or UPP resulting from that determination in accordance with the timescale prescribed in the relevant regulations. If proceedings occur before the inquest takes place, the coroner should be informed of the date for any meeting or hearing and its result unless there are good reasons not to provide this information.
- 12.66** Where an inquest follows a managed investigation into the circumstances of the death, lead responsibility for liaison with the coroner rests with the IPCC. Given that the police produce the final report under IPCC guidance, it may be more appropriate for a member of the police force to attend court should the coroner require someone to attend the hearing to assist with statements, documents and other evidence, or to give evidence about the investigation.
- 12.67** Where an inquest follows a local or supervised investigation into the circumstances of the death, lead responsibility for liaison with the coroner rests with the investigator.

## Section 13:

# APPEALS

**13.1** This section explains the different rights of appeal that exist for a complainant and sets out the legislative framework. From 22 November 2012, the responsibility for determining appeals is shared between the IPCC and the chief officer. This section provides guidance on how an appeal to the chief officer should be dealt with.

### Principles of appeal handling

**13.2** An appeal offers a final opportunity to consider whether the complaint could have been handled better at a local level and, where appropriate, to put things right. If a complainant is still dissatisfied after an appeal he or she may seek to challenge the appropriate authority's decision through judicial review.

**13.3** An appeal should be dealt with in good faith, fairly and in a timely manner.

**13.4** Appeals should be handled consistently and proportionately.

**13.5** Consideration of an appeal must involve a fresh consideration of the case. Although it is not a re-investigation it should not merely be a 'quality check' of what has happened before.

**13.6** An appeal must be given impartial consideration. There needs to be clear separation between the original decision-maker and the person who decides the appeal.

**13.7** The complainant's appeal contains their representations, which must be given due consideration.

**13.8** The person who made the decision that is being appealed should be allowed the opportunity to comment on the appeal so that this can be taken into account when determining it.

**13.9** The right of appeal allows the complainant to challenge a decision or outcome. If the appeal is upheld, relevant action must be taken by the appropriate authority.

**13.10** The complainant and, where applicable, the person complained about should be provided with a clear explanation of the outcome of the appeal and the reason for any decision made.

## Who considers the appeal?

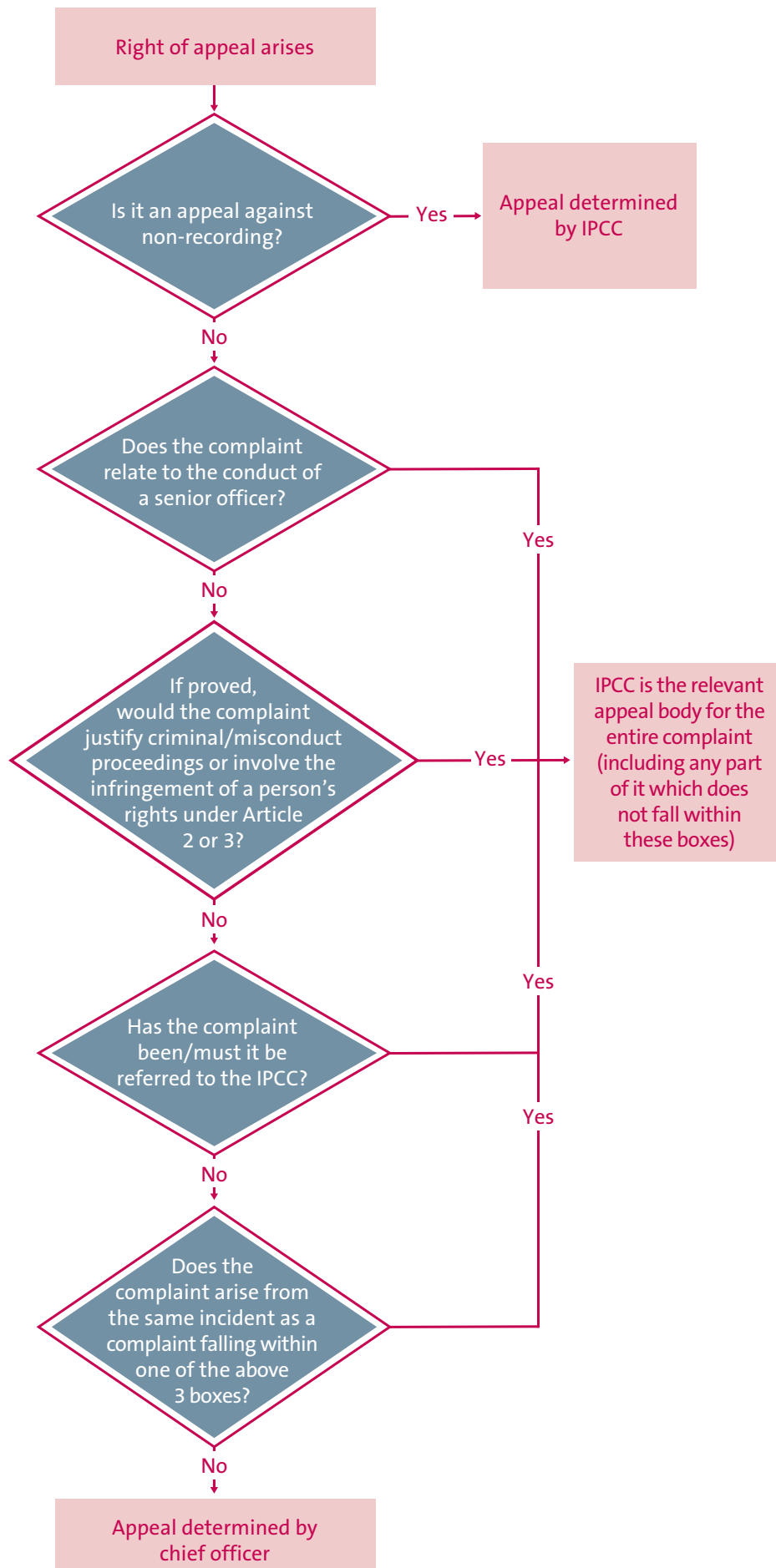
The Police Reform Act 2002 provides a right of appeal in respect of certain decisions and outcomes made in relation to a complaint. These are:

- i. a decision not to record a complaint or not to notify the correct appropriate authority (or a failure to make a determination whether it is the appropriate authority or decide to record or notify)
- ii. a decision to disapply the requirements of Schedule 3 of the Police Reform Act 2002 in relation to a complaint
- iii. the outcome of the local resolution of a complaint
- iv. the outcome of a complaint handled otherwise than in accordance with Schedule 3 of the Police Reform Act 2002
- v. a decision to discontinue the investigation of a complaint; and
- vi. certain determinations and outcomes relating to a local or supervised investigation into a complaint.

Paragraphs 3, 7, 8A, 21 and 25, Schedule 3, Police Reform Act 2002

**13.11** When informing the complainant of a decision that carries a right of appeal, the local policing body or the chief officer must also inform the complainant of who will consider that appeal.

**13.12** Depending on the circumstances of the complaint, an appeal will be considered by either the chief officer of the relevant appropriate authority or the IPCC.





**13.13** When determining who should consider the appeal, the local policing body or the chief officer should ask the following questions:

- i. is it an appeal about a failure to determine if it is the appropriate authority or to record or notify a complaint?
- ii. is the complaint that is the subject of the appeal about the conduct of a senior officer (an officer holding a rank above chief superintendent)?
- iii. if proved, would the conduct as described in the complaint either justify criminal or misconduct proceedings or involve the infringement of a person's rights under Article 2 or 3 of the European Convention on Human Rights?
- iv. has the complaint that is the subject of the appeal been referred to the IPCC or must it be referred?
- v. does the complaint arise from the same incident as a complaint falling within sub-paragraphs i-iv above?
- vi. does part of the complaint that is the subject of the appeal fall within any of the sub-paragraphs outlined in ii-iv above?

**13.14** If the answer to all of these questions is no, the right of appeal is to the chief officer.

**13.15** If the answer to any of these questions is yes, the right of appeal is to the IPCC.

**13.16** The test listed at 13.13 iii above must be applied to the substance of the complaint, not applied with hindsight after the complaint has been dealt with. It means that if the appropriate authority cannot satisfy itself from the complaint as presented that the conduct complained about, if proved, would not lead to criminal or misconduct proceedings against a person serving with the police or infringe Article 2 or 3 of the European Convention on Human Rights, any appeal in relation to that complaint must be dealt with by the IPCC regardless of how the complaint has been dealt with or any findings in relation to the complaint.

**13.17** When considering whether a complaint arises from the same incident as another complaint, appropriate authorities should consider whether the complaints arise from the same time and place and involve the same or substantially similar persons serving with the police. A number of separate complaints that are otherwise unconnected, but arise from the same large-scale event should not be considered as having arisen from the same incident.

### Appeals to the chief officer

**13.18** Assigning the responsibility for some appeals to chief officers is designed to ensure that more complaints are dealt with, and thus resolved, locally. However, chief officers will need to be mindful of the importance of public confidence in the complaints system and should ensure that any arrangements they put in place to determine appeals allow objective decision making.

**13.19** As this section is focusing on the role of the chief officer in determining appeals, references to 'chief officer' are to the chief officer as the relevant appeal body, unless otherwise specified.

## Delegation of the consideration of appeals

Where the chief officer is the relevant appeal body he or she may delegate his or her responsibilities in relation to appeals to a police officer of at least the rank of chief inspector or police staff member who is of at least a similar level of seniority.

The chief officer may not delegate these responsibilities to a person whose involvement in that role could reasonably give rise to a concern as to whether he or she could act impartially, whether because that person has acted as the investigating officer in the case or attempted to resolve the complaint by way of local resolution or otherwise.

Regulation 30 and 33, Police (Complaints and Misconduct) Regulations 2012

**13.20** The IPCC considers that chief officers should not delegate the consideration of an appeal to the following:

- i. anyone who was involved in the local resolution of the complaint or the investigation process (either carrying out tasks, advising on the case or making the final decision) that is subject to appeal
- ii. anyone involved in the decision to disapply or discontinue that is subject to appeal
- iii. anyone overseeing or supervising the decision that is subject to appeal (this means involvement in the decision itself rather than having a general supervisory role over the person making the decision)
- iv. the person in whose name the notification of the decision subject to appeal was sent as this could lead the complainant to believe that both the original decision and the appeal decision have been made by the same person
- v. anyone of a lower rank than the person who made the decision subject to appeal (or equivalent for police staff)
- vi. anyone who has a personal connection to the person serving with the police or to the incident subject of the complaint, or anyone who is the immediate line manager of the person serving with the police.

**13.21** In many circumstances, the type of case that will come to the chief officer on appeal will have been dealt with by local management. Therefore, consideration of the appeal by the professional standards department (PSD) will provide sufficient distance for an objective review. Where an appeal relates to actions taken by the PSD, the chief officer should consider carefully whether another member of the PSD will be viewed as being capable of carrying out an objective review or whether the appeal should be considered by a person from another department. This may mean that in some forces, more complaints will need to be dealt with initially by local management to allow for a two-stage process.

- 13.22** The fundamental consideration for the chief officer when deciding to delegate his or her power to consider appeals is whether the person to whom he or she proposes to delegate is a person whose involvement in the role could reasonably give rise to a concern about whether he or she could act impartially. This is an objective test. The chief officer should consider whether a reasonable person could have concerns about whether the person deciding the appeal could act impartially. If the answer to that question is yes, then someone else should be appointed to determine the appeal.
- 13.23** The IPCC considers it good practice to tell the complainant who has considered the appeal and why he or she is an appropriate person to do so. In some circumstances this may reassure the complainant. It is important for public confidence that the complainant feels that his or her appeal has been given full consideration by an appropriate person.
- 13.24** In order to assist in maintaining confidence in the appeals process, chief officers should develop an internal process for quality checking the handling of appeals and ensuring that they are dealt with appropriately.
- 13.25** Chief officers should also develop and disseminate a scheme of delegation to ensure that the right people at the right levels and with the right training are allocated as decision makers. In the interests of accountability and transparency, it is good practice to make the scheme of delegation available on the force website.

### Notification and receipt of appeals

Where a chief officer (or a local policing body) notifies the complainant of a decision which carries a right of appeal, he or she must notify the complainant in writing of:

- i. the existence of the right of appeal
- ii. the body to whom the appeal should be made
- iii. where the relevant appeal body is the IPCC, the reason why
- iv. that there is no right of appeal to the IPCC, where the chief officer is the relevant appeal body; and
- v. the time limit for making the appeal.

Regulation 11, Police (Complaints and Misconduct) Regulations 2012

- 13.26** It is important that the right appeal body is identified and clearly communicated to the complainant in order to avoid appeals being made to the incorrect appeal body creating delay and unnecessary administrative work for the complainant, appropriate authorities and the IPCC. Appropriate authorities should be in a position to respond quickly and fully to any enquiries from the IPCC where there is any uncertainty about whether the correct relevant appeal body has been identified.

If an appropriate authority receives an appeal which should be considered by the IPCC, the appeal must be forwarded to the IPCC and the complainant notified that the appeal has been forwarded and that the IPCC is the relevant appeal body. The appeal will be taken to have been made when it is forwarded.

Paragraph 32, Schedule 3, Police Reform Act 2002

**13.27** It is important that the appeal is forwarded as soon as reasonably practicable. In order to aid timeliness this should be done, where possible, by email or fax.

**13.28** When an appeal is received, unless it can be immediately identified as not being a valid appeal, a letter acknowledging receipt of the appeal must be sent to the complainant. This should inform the complainant when they can expect to hear about their appeal and what they can expect to happen. It should also give the complainant a point of contact should he or she have any queries.

### Appeals to the IPCC

**13.29** When the IPCC receives an appeal for which it is the relevant appeal body it will notify the local policing body or chief officer concerned of the appeal. Once notified that an appeal has been made, the local policing body or the chief officer should not take any action that would prejudice the appeal or any action that may be taken as a result.

The IPCC may request any information which it considers necessary to deal with an appeal from any person. Any information requested by the IPCC for this purpose must be supplied.

Regulation 11, Police (Complaints and Misconduct) Regulations 2012

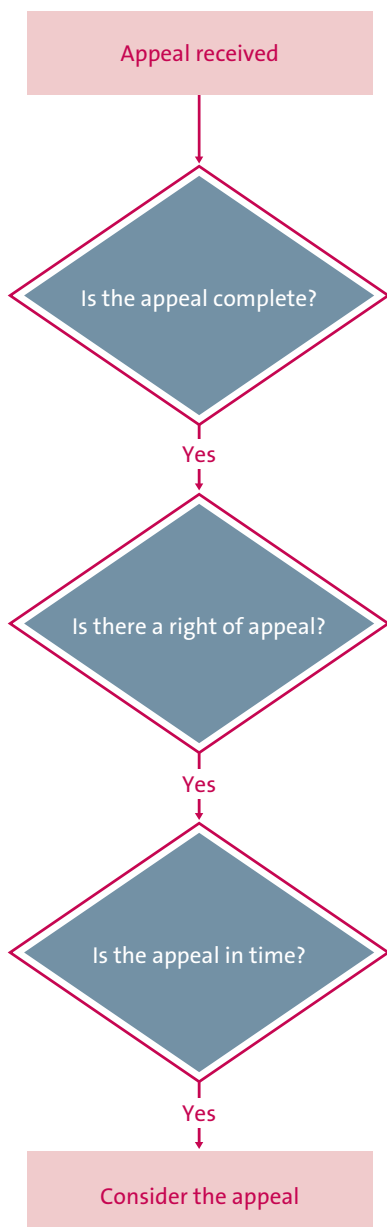
**13.30** The IPCC expects any information it requests to be provided within five working days of the request.

If the IPCC receives an appeal which should be considered by the chief officer of a force, the IPCC will forward the appeal to the chief officer and notify the complainant that the appeal has been forwarded and that the chief officer is the relevant appeal body. The appeal will be taken to have been made when it is forwarded.

Paragraph 31, Schedule 3, Police Reform Act 2002

## Appeal validity

**13.31** There are a number of reasons why an appeal may be judged to be invalid. If it is judged that an appeal is invalid, the complainant should be advised of this determination and the reason for the decision should be explained clearly.



## Is the appeal complete?

An appeal must be in writing and state:

- i. the details of the complaint
- ii. the date on which the complaint was made
- iii. the name of the force or local policing body whose decision is the subject of the appeal
- iv. the grounds for the appeal; and
- v. the date on which the decision to which the appeal relates was given to the complainant.

However, the relevant appeal body (or the IPCC in the case of a non-recording appeal) may decide to consider an appeal even though it does not comply with one or more of these requirements.

Regulation 11, Police (Complaints and Misconduct) Regulations 2012

**13.32** It may still be possible to consider an appeal even if the reasons given for the appeal are minimal (or absent), or show a lack of understanding of the complaints system. An appeal should usually be considered in the absence of any of the information above unless the lack of information makes it impossible to identify the case to which the appeal relates.

**13.33** In some circumstances it may be appropriate to contact the complainant to clarify the points he or she is raising, or if it is not clear to which complaint the appeal relates. If, after taking all reasonable steps to contact the complainant, it has not been possible to make contact with them or it has not been possible to gather sufficient information to consider the appeal, the appeal may be considered invalid.

## Is there a right of appeal?

**13.34** The complaint to which the appeal relates must have come to the attention of the appropriate authority on or after 22 November 2012. If the complaint was made before this date the appeal will be dealt with in accordance with the relevant previous Police (Complaints and Misconduct) Regulations.

**13.35** Only a complainant, or someone acting on his or her behalf, can bring an appeal (of any type) in relation to a complaint (see 'Who can complain' in section three for the definition of a complainant). If anyone other than the complainant or someone acting on his or her behalf tries to make an appeal, the appeal is invalid.

**13.36** Before an appeal can be made there should be a final decision, clearly dated, which can evidence the decision being appealed. The exception to this is where the appeal is in relation to the non-recording of a complaint and no decision has been made. In this case the IPCC will consider any appeal made 15 working days or more after the complaint was submitted.

There is no right of appeal in relation to a complaint that relates to a direction and control matter in the following cases:

- i.** an appeal against a decision by the appropriate authority to disapply the requirements of Schedule 3 of the Police Reform Act 2002
- ii.** an appeal against the outcome of any complaint that is subject to local resolution or handled otherwise than in accordance with Schedule 3 of the Police Reform Act 2002
- iii.** an appeal against a decision by the appropriate authority to discontinue an investigation (where that discontinuance is not within the IPCC's power); or
- iv.** an appeal with respect to an investigation.

Paragraphs 7, 8A, 21 and 25, Schedule 3, Police Reform Act 2002

There is no right of appeal against a failure by the local policing body to determine whether it is the appropriate authority, to notify or record a complaint if the complaint relates to a direction and control matter.

Paragraph 3C, Schedule 3, Police Reform Act 2002

There is no right of appeal against a decision by the appropriate authority to disapply or discontinue where the IPCC has given permission.

Paragraph 7 and Paragraph 21, Schedule 3, Police Reform Act 2002

There is no right of appeal against a decision to discontinue an investigation (where that discontinuance is within the IPCC's power).

Paragraph 21, Schedule 3, Police Reform Act 2002

### Is the appeal in time?

Appeals must be made within 28 days of the day after the date of the letter from the local policing body or chief officer giving a notification of the decision which is capable of appeal to the complainant.

Except in the case of a non-recording appeal, if the appeal has been made to the wrong appeal body, it will be treated as having been made when it is forwarded by the chief officer or the IPCC to the correct relevant appeal body. However, any time elapsing between the appeal being received by the chief officer or the IPCC and being forwarded on to the correct relevant appeal body will not be taken into account for the purposes of the 28 day period.

Regulation 11, Police (Complaints and Misconduct) Regulations 2012  
 Paragraph 31 and 32, Schedule 3, Police Reform Act 2002

**13.37** The IPCC expects the notification to the complainant to specify the date by which the appeal should be received and for it to be posted on the day it is dated. If any of the information required in the notification has not been given (or there is no evidence that it has been given), the appeal should not be treated as out of time and should be given full consideration.

The relevant appeal body (or the IPCC in the case of a non-recording appeal) may extend the period for making an appeal where it is satisfied that because of the special circumstances of a case it is just to do so.

Regulation 11, Police (Complaints and Misconduct) Regulations 2012

**13.38** Whether such special circumstances exist will be a matter for the person dealing with the appeal to consider on a case-by-case basis. Where an appeal has been made out of time, the complainant should be asked to provide any reasons why the appeal is late. Any reasons provided should be taken into account when deciding whether an appeal should be considered. The following matters should also be taken into account (though this is not an exhaustive list):

- any reasons for the delay – including whether the delay is outside the complainant's control and whether he or she has taken all reasonable steps to submit his or her appeal in time. This should include consideration of any particular vulnerabilities or needs of the complainant – for example, medical conditions, disabilities or where English is not his or her first language
- the subject matter of the complaint – is this a particularly serious case or one in which there would be real public interest?
- links to other complaints that may be being investigated or appealed
- the length of the delay – the test should become more difficult to pass the further beyond 28 days the appeal is received
- the fairness of the case – for example, the potential impact on the complainant or any other member of the public and on those subject to the investigation.

**13.39** The fact that a notice of investigation (see paragraph 9.39) may have been withdrawn before an appeal was made does not prevent an appeal from being considered. Even if a notice of investigation has been withdrawn, disciplinary proceedings may follow a successful appeal.

**13.40** If, following consideration, the appeal is judged to be out of time and there are no special circumstances making it just to extend the time, the appeal should be treated as invalid and the appeal should not be considered further.

### Notifying the complainant where the appeal is invalid

**13.41** The complainant should be informed of the decision to treat the appeal as invalid. This notification should be made in writing (and by any other means where the complainant has asked for such communication) as soon as reasonably practicable. The reasons for considering the appeal as invalid should be explained clearly to the complainant.



## Appeals against a failure to notify or record a complaint or to determine whether it is the appropriate authority (non-recording appeals)

There is a right of appeal to the IPCC against the non-recording of any complaint except where:

- i. there is no requirement to record the complaint because the subject matter of the complaint has been or is already being dealt with by means of criminal or disciplinary proceedings against the person whose conduct it was
- ii. there is no requirement to record the complaint because the complaint has been withdrawn; or
- iii. the complaint is about direction and control and the appeal relates to a failure by the local policing body.

Paragraph 3A-3C, Schedule 3, Police Reform Act 2002

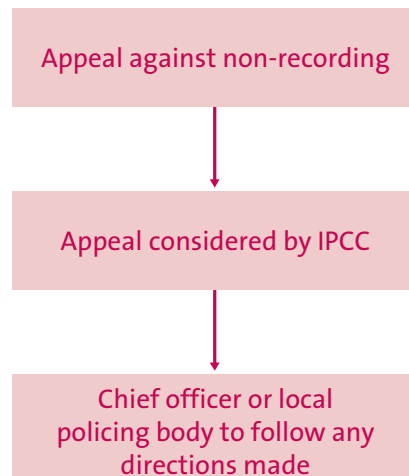
There are three potential grounds for an appeal against the non-recording of a complaint:

- i. a failure by the chief officer or local policing body to determine whether or not it is the appropriate authority
- ii. a failure by the chief officer or local policing body to notify the correct appropriate authority about the complaint; or
- iii. a failure by the chief officer or local policing body to record a complaint or part of a complaint.

Paragraph 3, Schedule 3, Police Reform Act 2002

**13.42** If the appeal is upheld, the chief officer or the local policing body must follow any direction given to it by the IPCC as to the action to be taken for making a determination or for notifying or recording a complaint.<sup>26</sup> In determining whether the chief officer or local policing body has failed to make a decision or to record or notify, the IPCC will take into consideration its expectation that any decision about recording will be made within ten working days of a complaint being received.

<sup>26</sup> Paragraph 3, Schedule 3, Police Reform Act 2002



### Appeals against the decision to disapply

An appeal may be made to the relevant appeal body against a decision to disapply the requirements of Schedule 3 of the Police Reform Act 2002. However there is no right of appeal where the complaint relates to a direction and control matter or where the IPCC has given its permission for the disapplication.

Paragraph 7, Schedule 3, Police Reform Act 2002

### Consideration of appeals against the decision to disapply

The chief officer (where he or she is the relevant appeal body) must determine whether the decision to disapply the requirements of Schedule 3 of the Police Reform Act 2002 should have been taken.

Paragraph 7, Schedule 3, Police Reform Act 2002

**13.43** When determining an appeal against a decision to disapply, the person dealing with the appeal should take the following points into consideration:

- has the complaint been, or should the complaint have been, referred to the IPCC? If so, the complaint should not have been subject to any decision to disapply without the approval of the IPCC and the appeal must be upheld
- was the decision to disapply made with the permission of the IPCC? If so, there is no right of appeal and the appeal should be considered as invalid; and
- was the complainant offered the opportunity to make representations before the decision to disapply was made and if any representations were provided, were these taken into account in making the decision to disapply?

**13.44** The disapplication decision should show on which ground the decision to disapply has been made and the reason why that ground was considered appropriate. The guidance below covers each ground for disapplication separately; however the guidance on disapplications in section four of this guidance should also be taken into account.

**More than 12 months have passed between the incident, or the latest incident, and the complaint and either no good reason for the delay has been shown or injustice would be caused by the delay**

**13.45** Where the complaint relates to a series of incidents, the person dealing with the appeal must ensure that the date used as a benchmark for the 12-month period is the date of the most recent incident.

**13.46** Assuming that the 12-month period has passed, the person dealing with the appeal must also assess whether the appropriate authority should have determined:

- i. no good reason for the delay has been shown; or
- ii. injustice would be likely to be caused by the delay.

**The matter is already the subject of a complaint made by or on behalf of the same complainant**

**13.47** The disapplication decision should include details of the previous complaint and why this new complaint is the same. The person dealing with the appeal must ensure that the complaint is against the same officer originally complained against, relating to the same subject and by the same complainant.

**13.48** The person dealing with the appeal should ensure that, at the time of the decision to disapply, the handling of the previous complaint was still ongoing. If not, disapplication under this ground is not appropriate.

**Anonymous complaints**

**13.49** Although it is unlikely that an appeal will be made relating to an anonymous complaint, the complainant or interested person may make his or her identity known only after the disapplication decision has been taken. Where this happens, the complainant should be advised of his or her right of appeal.

**The complaint is vexatious, oppressive or an abuse of the procedures for dealing with complaints**

**13.50** The person dealing with the appeal must assess whether the complaint meets the definition of vexatious, oppressive or an abuse of the procedures for dealing with complaints as set out in paragraphs 4.15 and 4.16 and section 15 of this guidance.

**13.51** The person dealing with the appeal must also satisfy him or herself that the decision has been made based on the substance of the complaint, rather than about the complainant.

## Repetitious complaints

**13.52** The person dealing with the appeal must ensure that the complaint satisfies the definition of a repetitious complaint.

### It is not reasonably practicable to complete the investigation of the complaint or any other procedures under Schedule 3 to the Police Reform Act 2002

**13.53** The disapplication decision should show that one of the criteria for not reasonably practicable applies to the complaint and how it is considered to apply.

**13.54** If the disapplication decision is reached on the basis of either lack of communication or refusal or failure to co-operate; the person dealing with the appeal must consider what efforts have been made to communicate and engage with the complainant. This should include looking at the methods of communication used, any communication preferences expressed by the complainant, any attempts to deal with his or her representative where appropriate, and the efforts made to meet any particular needs of the complainant.

**13.55** The person dealing with the appeal should also consider whether the complaint could have been dealt with without the complainant's co-operation.

**13.56** If the disapplication decision is made on the basis of the lapse of time, the person dealing with the appeal must consider whether he or she agrees that the lapse of time is such that the completion of a satisfactory investigation is not reasonably practicable.

## Considering the appeal

**13.57** The appeal must be upheld if the relevant appeal body finds that the decision to disapply the requirements of Schedule 3 of the Police Reform Act 2002 should not have been made.

**13.58** If a decision to disapply has been based upon a single disapplication ground, the person dealing with the appeal may consider that the particular criterion used was not appropriate. In some circumstances, it may be clear from the information available that another disapplication ground would apply and therefore disapplication would still have been appropriate. Where the complainant has not had the opportunity to make representations in relation to the new ground being considered as part of the appeal, he or she should be given an opportunity to make representations at the appeal stage before a decision is made about whether the appeal should be upheld.

**13.59** Some complaints may consist of multiple allegations. The person dealing with the appeal may find that disapplication was the correct decision in relation to some allegations, but not for others. In such circumstances, the appeal may be upheld in part. However, action under Schedule 3 of the Police Reform Act 2002 would only need to be taken in relation to those allegations where the decision to disapply should not have been made.

## Directions and notification

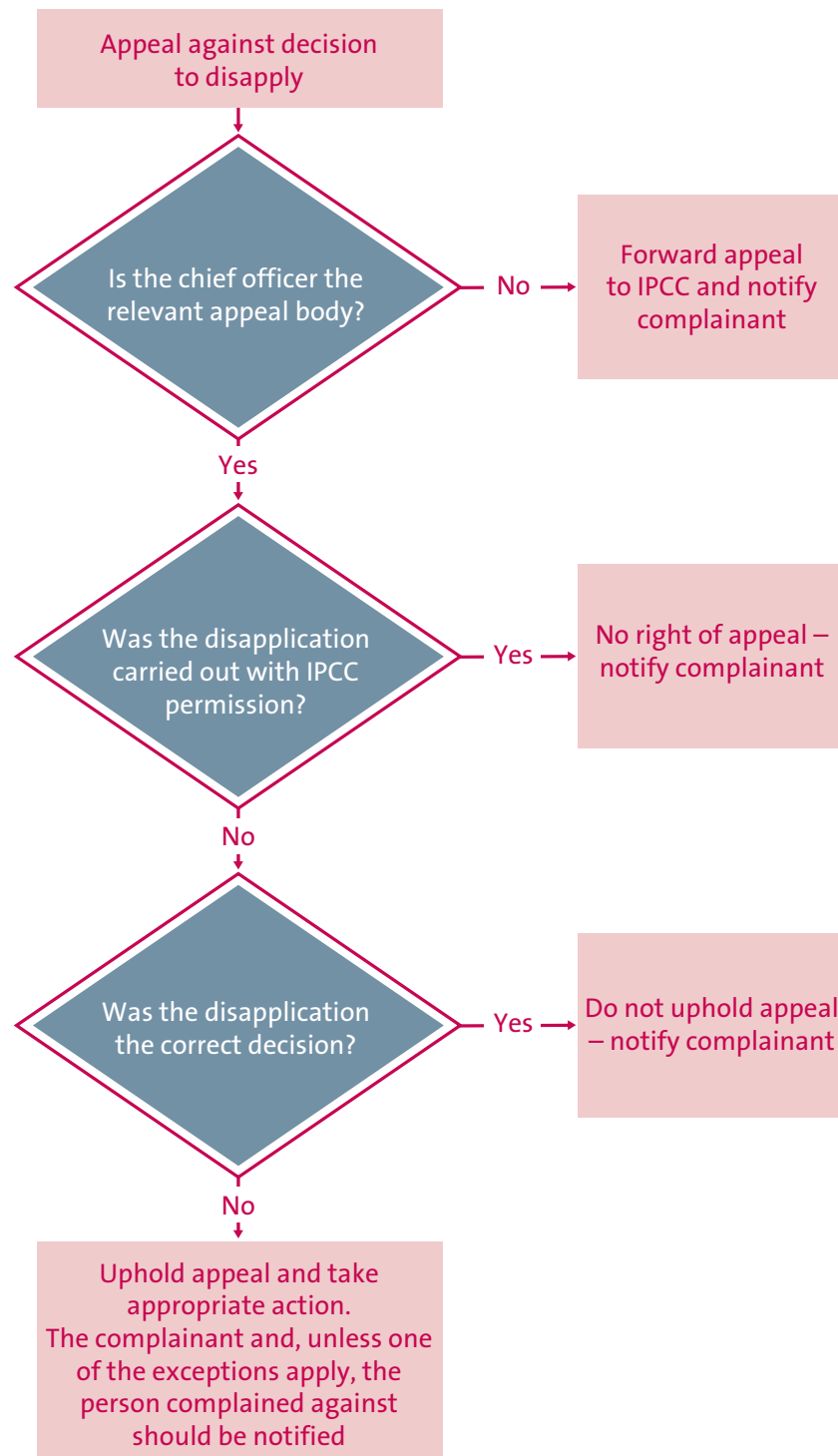
The chief officer must notify the complainant of the reasons for his or her determination in relation to the appeal. Where an appeal against the decision to disapply is upheld by the chief officer, the chief officer must take whatever action he or she thinks appropriate in relation to the complaint. The chief officer must also notify the complainant and the person complained against of any action he or she proposes to take in relation to the complaint.

Where the IPCC is the relevant appeal body, it must notify the complainant and the appropriate authority of the reasons for its determination and any **directions** in relation to the appeal. The appropriate authority must notify the person complained against of any direction the IPCC gives unless it might prejudice any criminal investigation, pending proceedings or would otherwise be contrary to the public interest.

Paragraph 7, Schedule 3, Police Reform Act 2002  
 Regulation 11, Police (Complaints and Misconduct) Regulations 2012

**13.60** Where an appeal against the decision to disapply is upheld by the IPCC, the IPCC will give whatever directions it thinks appropriate as to the action to be taken by the appropriate authority. The appropriate authority must comply with any directions given by the IPCC.<sup>27</sup>

<sup>27</sup> Paragraph 7, Schedule 3, Police Reform Act 2002



### Appeals against the outcome of the local resolution of a complaint or the outcome of a complaint handled otherwise than in accordance with Schedule 3 of the Police Reform Act 2002

There is a right of appeal against the outcome of any complaint which is subjected to local resolution or is handled otherwise than in accordance with Schedule 3 of the Police Reform Act 2002 except where the complaint relates to a direction and control matter.

Paragraph 8A, Schedule 3, Police Reform Act 2002

**13.61** An appeal against the outcome of a complaint handled otherwise than in accordance with Schedule 3 of the Police Reform Act 2002 refers to an appeal against the outcome of a complaint that has been the subject of a disapplication. The right of appeal relates to the outcome of any action, including no action, taken in respect of such a complaint.

**13.62** In most circumstances, the relevant appeal body for this type of appeal will be the chief officer. However, if a person begins to consider an appeal and finds that the complaint was not initially suitable to be dealt with by local resolution or that the complaint should not have been handled otherwise than in accordance with Schedule 3 of the Police Reform Act 2002, the appeal should be upheld because the complaint should not have been handled in such a way.

### Consideration of appeals

The chief officer must decide whether the outcome of the complaint, whether it has been locally resolved or handled otherwise than in accordance with Schedule 3 of the Police Reform Act 2002, is a proper outcome.

Paragraph 8A, Schedule 3, Police Reform Act 2002

**13.63** When deciding whether the outcome is a proper one, the focus should be on whether the outcome is appropriate to the complaint, not simply on the process followed to reach that outcome. The decision should be made on the basis of the evidence available.

**13.64** In making a decision about the appeal, the relevant appeal body should take the following into consideration:

- any representations the complainant has provided as part of his or her appeal about why the outcome is not a proper outcome
- whether an action plan was drawn up and agreed with the complainant setting out the steps to be taken when locally resolving his or her complaint. The outcome of the local resolution should be a clear consequence of the actions agreed
- whether both the complainant and the person complained against had the opportunity to comment on the complaint during the local resolution process
- whether any explanation given was sufficiently clear and comprehensive to address the complainant's concerns
- if no apology has been given as part of the outcome, whether an apology would be appropriate, taking into account the substance of the complaint;<sup>28</sup> and
- whether there is any learning from the complaint and whether this has been identified and communicated to the complainant.

**13.65** If the person dealing with the appeal finds that the outcome of the complaint is not a proper outcome, the appeal must be upheld.

<sup>28</sup> Regulation 6, Police (Complaints and Misconduct) Regulations 2012 prevents, during the local resolution of a complaint, an apology being tendered on behalf of the person complained against if they have not agreed to the apology.

**13.66** An appeal may result from the fact that although the outcome is proper, it has not been communicated effectively. In these circumstances the appeal should not be upheld, but further information about the outcome should be provided to the complainant.

### Directions and notifications

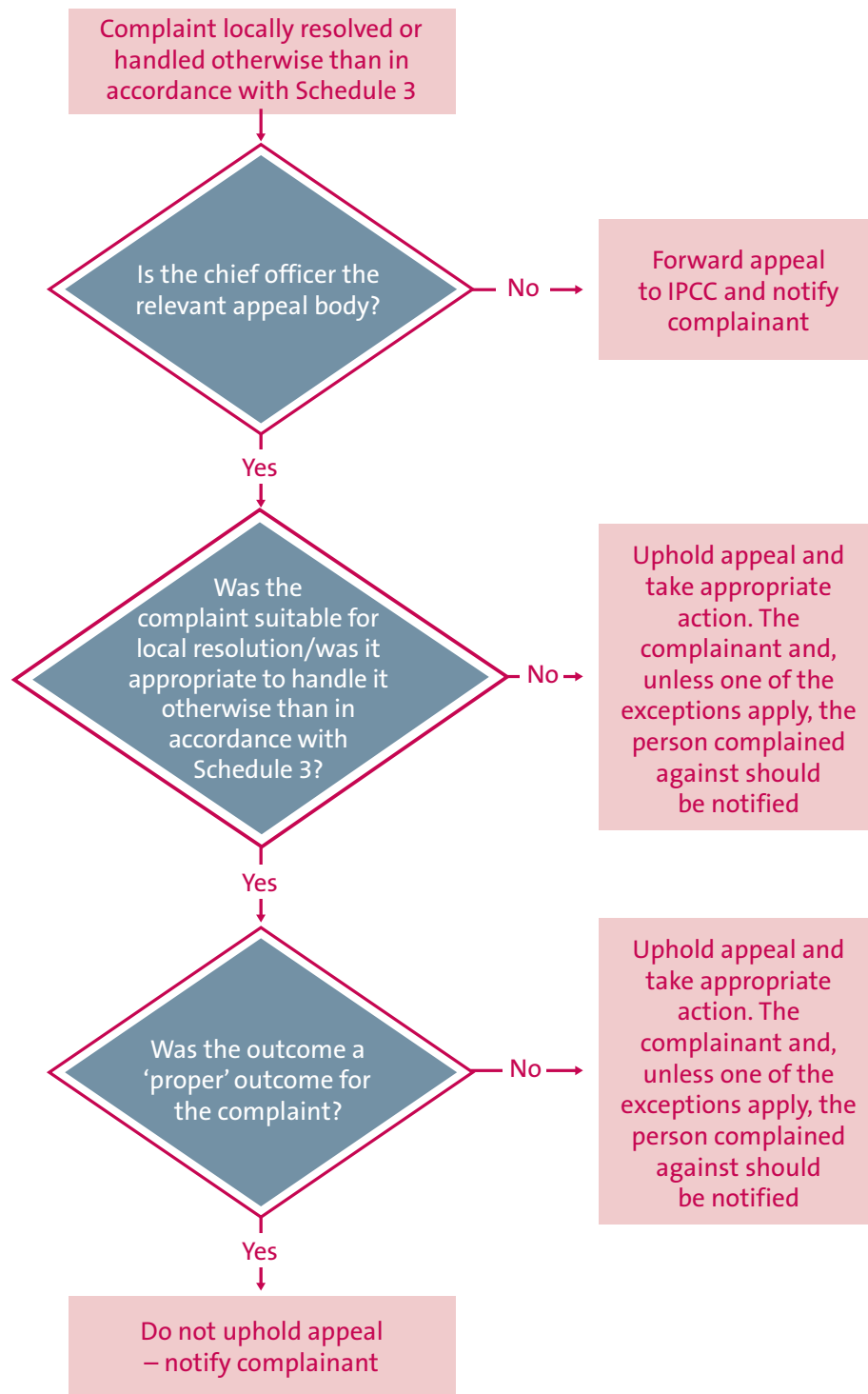
The chief officer must notify the complainant of the reasons for his or her determination in relation to the appeal. Where an appeal is upheld by the chief officer, he or she must take whatever action he or she thinks appropriate in relation to the complaint. The chief officer must notify the complainant and the person complained against of any action he or she proposes to take in relation to the complaint.

Where the IPCC is the relevant appeal body, it must notify the complainant and the appropriate authority of the reasons for its determination and any directions in relation to the appeal. The appropriate authority must notify the person complained against of any direction the IPCC gives unless it might prejudice any criminal investigation, pending proceedings or would otherwise be contrary to the public interest.

Regulation 11, Police (Complaints and Misconduct) Regulations 2012  
 Paragraph 8A, Schedule 3, Police Reform Act 2002

**13.67** Any action taken by the appropriate authority as a result of an appeal should be aimed at reaching a proper outcome for the complaint.





### Appeals against the decision to discontinue

An appeal may be made to the relevant appeal body against a decision by the appropriate authority to discontinue an investigation of a complaint (where the discontinuance is not within the Commission's power). However, there is no right of appeal where the complaint relates to a direction and control matter.

Paragraph 21, Schedule 3, Police Reform Act 2002

## Consideration of appeals against the decision to discontinue

The chief officer must determine whether the decision to discontinue the investigation should have been taken.

Paragraph 21, Schedule 3, Police Reform Act 2002

**13.68** When determining an appeal against a decision to discontinue an investigation, the person dealing with the appeal should consider the following questions:

- if the investigation was a local investigation, was the complaint one that required referral to the IPCC? Is the investigation supervised or managed? If the answer is yes to either question, the investigation can only be discontinued with the permission of the IPCC. If the investigation was discontinued without an application to the IPCC the appeal should be upheld
- was the discontinuance ordered or carried out by the IPCC? If so, there is no right of appeal and the appeal should be considered as invalid
- was the complainant offered the opportunity to make representations before the decision to discontinue was made and, if any representations were provided, were these taken into account in making the decision to discontinue?

**13.69** The discontinuance decision should show on which ground the decision was based and the reason why that ground was felt to be appropriate. The guidance below covers each ground for discontinuance separately, however the guidance on discontinuances in section 10 of this guidance should also be taken into account.

### The complainant refuses to co-operate to the extent that it is not reasonably practicable to continue the investigation

**13.70** The relevant appeal body must consider what efforts have been made to communicate and engage with the complainant. This should include looking at the methods of communication used, any communication preferences expressed by the complainant, attempts to deal with his or her representative where appropriate, and efforts made to meet any particular needs of the complainant.

**13.71** The relevant appeal body should also consider whether the complaint could have been investigated without the complainant's co-operation.

### Where the appropriate authority has determined the complaint is suitable for local resolution

**13.72** The relevant appeal body should consider whether the complaint passed the suitability test for local resolution set out in paragraphs 5.10 to 5.12.

### The complaint is vexatious, oppressive or an abuse of the procedures for dealing with complaints, conduct matters or DSI matters

**13.73** The person dealing with the appeal must assess whether the complaint meets the definition of vexatious, oppressive or an abuse of the procedures for dealing with complaints as set out in paragraphs 10.10 to 10.12 and section 15 of this guidance.

**13.74** The person dealing with the appeal must also satisfy him or herself that the decision has been made based on the substance of the complaint and not on the basis of the complainant.

### The complaint is repetitious

**13.75** The person dealing with the appeal must ensure that the complaint fits the definition of a repetitious complaint.

### It is not reasonably practicable to proceed with the investigation

**13.76** The person dealing with the appeal must consider the rationale given by the appropriate authority as to why it was not reasonably practicable to proceed with the investigation and whether he or she agrees with that rationale. The person dealing with the appeal must decide whether it was reasonably practicable to proceed with the investigation.

### Considering the appeal

**13.77** The appeal must be upheld if the person dealing with the appeal finds that the decision to discontinue the investigation should not have been taken.

**13.78** If a decision to discontinue an investigation has been made based upon a single discontinuance ground, the person dealing with the appeal may consider that the particular ground used was not appropriate. In some circumstances, it may be clear from the information available that another discontinuance ground would apply and therefore a discontinuance would still have been appropriate. Where the complainant has not had the opportunity to make representations in relation to the new ground being considered as part of the appeal, they should be given this opportunity at the appeal stage before a decision about whether the appeal should be upheld is made.

**13.79** Some complaints may consist of multiple allegations. The person dealing with the appeal may find that discontinuance was the correct decision in relation to some allegations, but not in relation to others. In such circumstances, the appeal may be upheld in part, however the action required to investigate would only need to be taken in relation to those allegations where the discontinuance decision was incorrect.

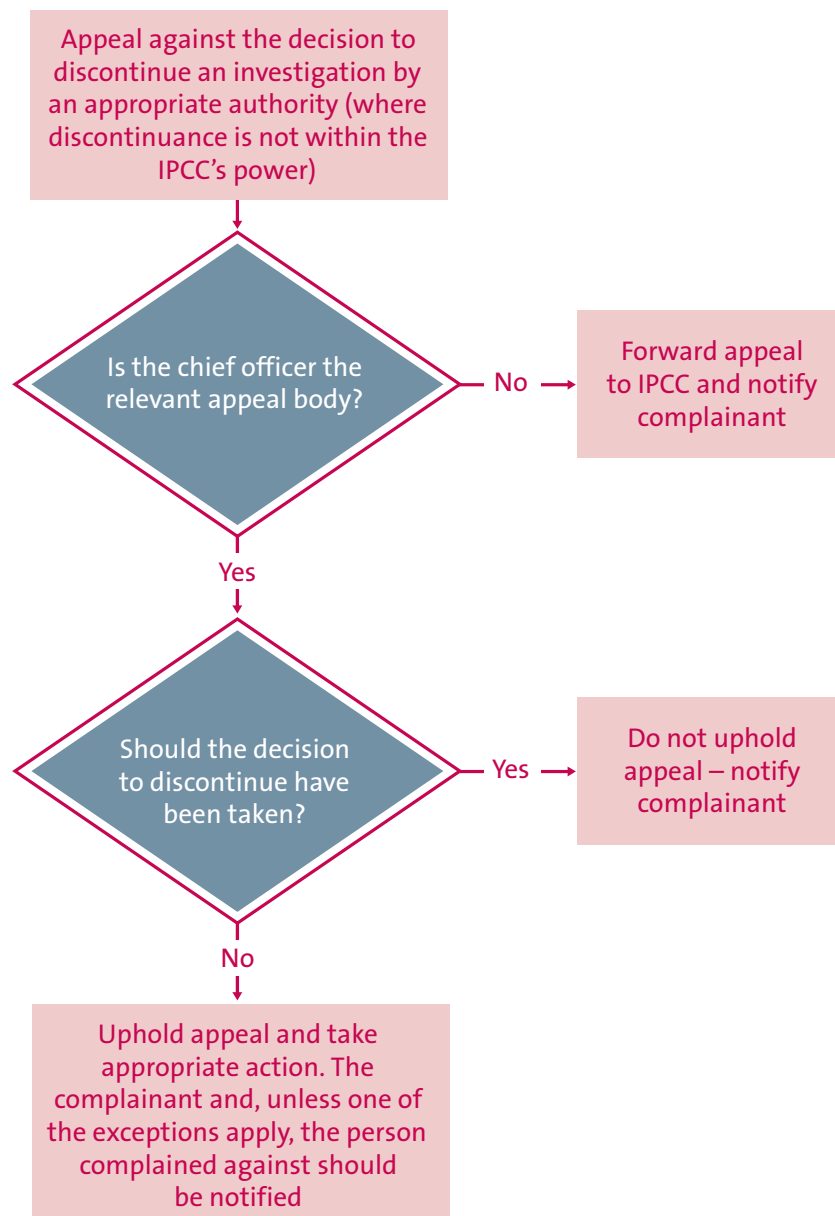
## Directions and notification

The chief officer must notify the complainant of the reasons for his or her determination in relation to the appeal. Where an appeal against the decision to discontinue an investigation is upheld by the chief officer, the chief officer must take whatever action the chief officer thinks appropriate for investigating the complaint. The chief officer must notify the complainant and the person complained against of any action he or she proposes to take in relation to the complaint.

Where the IPCC is the relevant appeal body, it must notify the complainant and the appropriate authority of the reasons for its determination and any directions in relation to the appeal. The appropriate authority must notify the person complained against of any direction the IPCC gives unless it might prejudice any criminal investigation, pending proceedings or would otherwise be contrary to the public interest.

Paragraph 21, Schedule 3, Police Reform Act 2002

Regulation 11, Police (Complaints and Misconduct) Regulations 2012



## Appeals against investigation

There is a right of appeal to the relevant appeal body in relation to an investigation of a complaint carried out by the appropriate authority itself or supervised by the IPCC. The only exception to this is where the complaint relates to a direction and control matter; in which case there is no right of appeal.

Paragraph 25, Schedule 3, Police Reform Act 2002

### 13.80 There is no right of appeal in respect of managed or independent investigations.

A complainant may appeal on the following grounds:

- i. that he or she has not been adequately informed about the findings of the investigation or any determination relating to the action to be taken or not taken in respect of the matters dealt with in the report
- ii. against the findings of the investigation
- iii. against the appropriate authority's determination as to whether the person to whose conduct the investigation related has a case to answer for misconduct, gross misconduct or no case to answer or whether the person's performance is unsatisfactory or not
- iv. against the appropriate authority's determinations relating to the action to be taken or not taken in respect of the matters dealt with in the report, or
- v. against the appropriate authority's determination not to refer the report to the CPS.

Paragraph 25, Schedule 3, Police Reform Act 2002

## Consideration of appeals against investigation

The chief officer must consider those appeal grounds that are appropriate in the circumstances.

Paragraph 25, Schedule 3, Police Reform Act 2002

### 13.81 In practice, this means that the person dealing with the appeal does not have to consider a ground of appeal not mentioned by the complainant, but may still do so if he or she deems it appropriate: for example, where it appears that another ground of appeal may apply and may lead to the upholding of the appeal. The person dealing with the appeal should consider all grounds of appeal raised by the complainant.

Where an appeal is brought, the IPCC may require the appropriate authority to submit a memorandum to it setting out:

- i. whether it has determined that the person to whose conduct the investigation related has a case to answer and, if so, whether in respect of misconduct or gross misconduct
- ii. whether it has determined that the person's performance is or is not unsatisfactory
- iii. what action, if any, it will take in respect of the matters dealt with in the report
- iv. if no disciplinary proceedings are to be brought, the reasons for that determination; and
- iv. the reasons for determining it does not need to send the report to the CPS.

Paragraph 25, Schedule 3, Police Reform Act 2002

**13.82** The appropriate authority must comply<sup>29</sup> and should do so as soon as reasonably practicable (which, in practice, should not generally exceed seven days) unless the IPCC requires this memorandum by a specified deadline.

**13.83** The guidance below covers each ground of appeal separately. However, it may be appropriate to consider them together: for example, where there are strong links between findings and outcome.

### Considering whether the complainant received adequate information

The right of appeal relates only to whether the complainant has been given adequate information about:

- i. the findings of the investigation; or
- ii. any determination of the appropriate authority relating to the action to be taken or not taken in respect of the matters dealt with in the report.

Paragraph 25, Schedule 3, Police Reform Act 2002

<sup>29</sup> Paragraph 25, Schedule 3, Police Reform Act 2002

**13.84** It is essential that a full explanation is given to the complainant about what has been found to have happened. A person whose complaint against a person serving with the police has been investigated should receive:

- a clear narrative explanation for what has happened, based on the facts established
- a description of the context for any behaviour complained about
- a clear statement about whether his or her complaints have been upheld
- where appropriate, whether a person serving with the police has a case to answer for misconduct or gross misconduct or no case to answer or whether a person's performance is satisfactory or unsatisfactory; and
- what, if any, action is to be taken in relation to the matters dealt with in the report.

**13.85** The quality of the explanation provided, in the context of the investigation work undertaken, should be taken into account when considering this ground.

**13.86** Where an investigation report has been written, the IPCC considers that forces should disclose it to the complainant (subject to the harm test). This means that it is important that it is clear and easy to understand. If the report was redacted or edited before being given to the complainant, the person dealing with the appeal should satisfy him or herself that the relevant points in the report were not omitted unnecessarily because of the redaction.

**13.87** Where an investigation report has been written, but the complainant has been given a decision letter instead, the person dealing with the appeal should ensure that all relevant points in the report were also included in the letter. The person dealing with the appeal should also consider sending the report to the complainant as part of the appeal determination.

**13.88** Where an investigator has failed to provide sufficient information during the investigation this should be highlighted to the appropriate authority to ensure that it fulfils its duties to provide information to a complainant in the future. However, an appeal cannot be upheld based on a failure to provide information during the progress of the investigation as this falls outside the appeal grounds.

### Considering the findings of the investigation

**13.89** The findings of the investigation include the eventual conclusions. In their clearest form this will be a set of allegations that are either upheld or not. The findings of the investigation also include the reasons for the conclusions, the evidence that has been gathered to support the conclusions, and a critical analysis of the evidence.

**13.90** Guidance on findings and outcomes is contained within sections 11 and 12 of this guidance. These sections provide information on explanations of the outcome of an investigation, the giving of apologies where appropriate, and the making of decisions about whether a complaint should be upheld or not.

**13.91** When determining an appeal against the findings of an investigation, the person dealing with the appeal should consider the investigation findings, taking into account the evidence gathered, and decide whether the investigation's findings need to be reconsidered. The person dealing with the appeal must develop his or her own assessment of the case, not base it on the assessment that the investigator has made.

**13.92** When communicating a decision about whether an appeal is upheld in relation to the findings, the rationale for the decision should be provided to the complainant with reference to the relevant evidence.

**13.93** The following questions should be considered to reach a decision on the findings:

*Are the conclusions reached reasonable in light of the evidence?*

**13.94** The appropriate authority should have looked at every allegation that the complainant has made, for example, in a statement or letter of complaint. If the investigation has not answered the allegations that have been made, the person dealing with the appeal should consider whether this was an appropriate and proportionate approach, taking into account the substance and circumstances of the case. If not, it may be appropriate to uphold the appeal on this ground. The person dealing with the appeal should continue to assess the findings in relation to those allegations that have been dealt with.

**13.95** The person dealing with the appeal must consider whether the conclusions of the investigation are supported by the evidence available, and ensure that a clear rationale is being made to link the evidence to the conclusions.

*Has the investigation been carried out in a proportionate manner and has sufficient evidence been gathered?*

**13.96** The factors listed at paragraph 9.15 of this guidance should be used to inform what approach was proportionate for an investigator to have taken to investigate a complaint. As an investigation has progressed, the proportionality of the response required may have changed and this should be taken into account when considering any appeal. Proportionality is a particular consideration when it appears that lines of enquiry may have been missed or consciously not pursued by an investigator. However, it is not sufficient to conclude that an investigation has been proportionate without further explanation. When considering the 'proportionality' of following particular lines of enquiry a judgement is being made about the likelihood and difficulty of obtaining fruitful evidence weighed against the seriousness of the allegations. When considering the 'proportionality' of the investigation as a whole, a judgement is being made about the scope and robustness of the investigation weighed against the seriousness of the allegations. Where appropriate it should be made clear to the complainant why the person dealing with the appeal has deemed a particular approach to be disproportionate.



**13.97** In considering the lines of enquiry pursued by the investigator, the person dealing with the appeal should take into account any terms of reference or similar document, such as an investigation log or file record of relevant decisions, that may have applied to the scope and methods used during the investigation. This may have required a particular direction to be taken by the investigation or put limits on what the investigation would examine, including the availability of evidence required and considerations as to the sufficiency of the evidence to establish the facts of the case given the seriousness of the allegation and likely outcomes.

*Have the right decisions been made about whether or not the complaint(s) that have been investigated should be upheld?*

**13.98** Guidance in paragraphs 11.18 to 11.24 outlines where a complaint should be upheld. The person dealing with the appeal should have regard to this guidance when reviewing an appeal and considering whether a complaint should have been upheld. A decision on whether each complaint has been upheld or not should be clear from the file and the person dealing with the appeal should satisfy him or herself that the correct decisions have been reached. If the person dealing with the appeal decides that the findings need to be reconsidered then the appeal should be upheld and the appropriate authority must then re-investigate the complaint.<sup>30</sup> It is the final decision made by the appropriate authority as to whether each complaint is upheld or not that is subject to appeal, not any findings made by an investigator to the appropriate authority. Such findings and their rationale may, however, be useful in considering whether the right decisions have been reached.

**Considering whether there is a case to answer or whether a person's performance is unsatisfactory**

The person dealing with the appeal must decide if he or she considers the appropriate authority's decision is appropriate as to:

- i. whether the person subject of investigation has a case to answer in respect of misconduct, or gross misconduct or no case to answer
- ii. whether the person's performance is unsatisfactory or not; and
- iii. whether the action, if any, to be taken by the appropriate authority is appropriate.

Paragraph 25, Schedule 3, Police Reform Act 2002

**13.99** The person dealing with the appeal should be satisfied that the findings do not need to be reconsidered before considering whether the determinations about the action to be taken are appropriate.

**13.100** The person dealing with the appeal should assess whether the appropriate authority's decisions and the action to be taken, if any, are appropriate. If they are not, then the appropriate authority should take action, which he or she considers appropriate, in relation to the bringing of disciplinary proceedings.

<sup>30</sup> Paragraph 25, Schedule 3 of the Police Reform Act 2002

**13.101** Finding that there is a case to answer means that the person dealing with the appeal is of the opinion that there is sufficient evidence upon which a reasonable misconduct hearing or meeting could find on the balance of probabilities, gross misconduct or misconduct.

### Considering whether the proposed action is appropriate

**13.102** The proposed action in respect of an investigation could include the possibility of disciplinary proceedings.

**13.103** The action could also include non-disciplinary action – recommendations regarding force practices or policies that are suggested by the circumstances of the complaint and its investigation.

**13.104** In terms of the determinations as to whether any disciplinary proceedings should be brought against persons serving with the police, the person dealing with the appeal should judge whether the proposed action is appropriate based on the seriousness of the conduct in respect of which findings have been made and the underlying evidence. The person dealing with the appeal should assess each case on its own merits but, for example, may consider the following factors:

- the background to the incident in which the alleged conduct took place
- whether an individual has shown remorse for what happened
- whether the alleged action was accidental, negligent or deliberate; and
- whether the person serving with the police has admitted to the conduct alleged and, if so, at what stage he or she did so.

**13.105** A clear rationale should be provided for any action to be taken as a result of the appeal.

### Considering whether a referral to the CPS should have been made

The person dealing with the appeal should consider whether the following conditions are satisfied:

- i. the report indicates that a criminal offence may have been committed by a person to whose conduct the investigation related, and
- ii. the circumstances are such that it is appropriate for the report to be considered by the CPS, or
- iii. any of the matters in the report fall within any prescribed category of matters.

Paragraph 25, Schedule 3, Police Reform Act 2002

**13.106** When considering whether the circumstances are such that it is appropriate for the report to be considered by the CPS, this decision must be made in light of the report's findings and the evidence gathered and the reasons given by the appropriate authority for not referring the report to the CPS.

**13.107** Many of the issues that are relevant here will have been considered when looking at the findings of the investigation. A full rationale will be required when it is determined that a referral to the CPS is not necessary despite the report indicating that a criminal offence may have been committed.

### Following an appeal against investigation: determinations, directions and notification

When a chief officer upholds an appeal, he or she shall, depending on the appeal ground upheld:

- i. take such steps as he or she considers appropriate for ensuring the complainant is properly informed
- ii. reinvestigate the complaint
- iii. take such action as he or she considers appropriate in relation to the bringing of disciplinary proceedings and ensure that any such proceedings are proceeded with to a proper conclusion; and/or
- iv. notify the CPS of the determination and send it a copy of the investigation report.

The chief officer must give notification of any determination to the complainant, to any interested person and (unless it may prejudice any proposed review or re-investigation of the complaint) the person complained against.

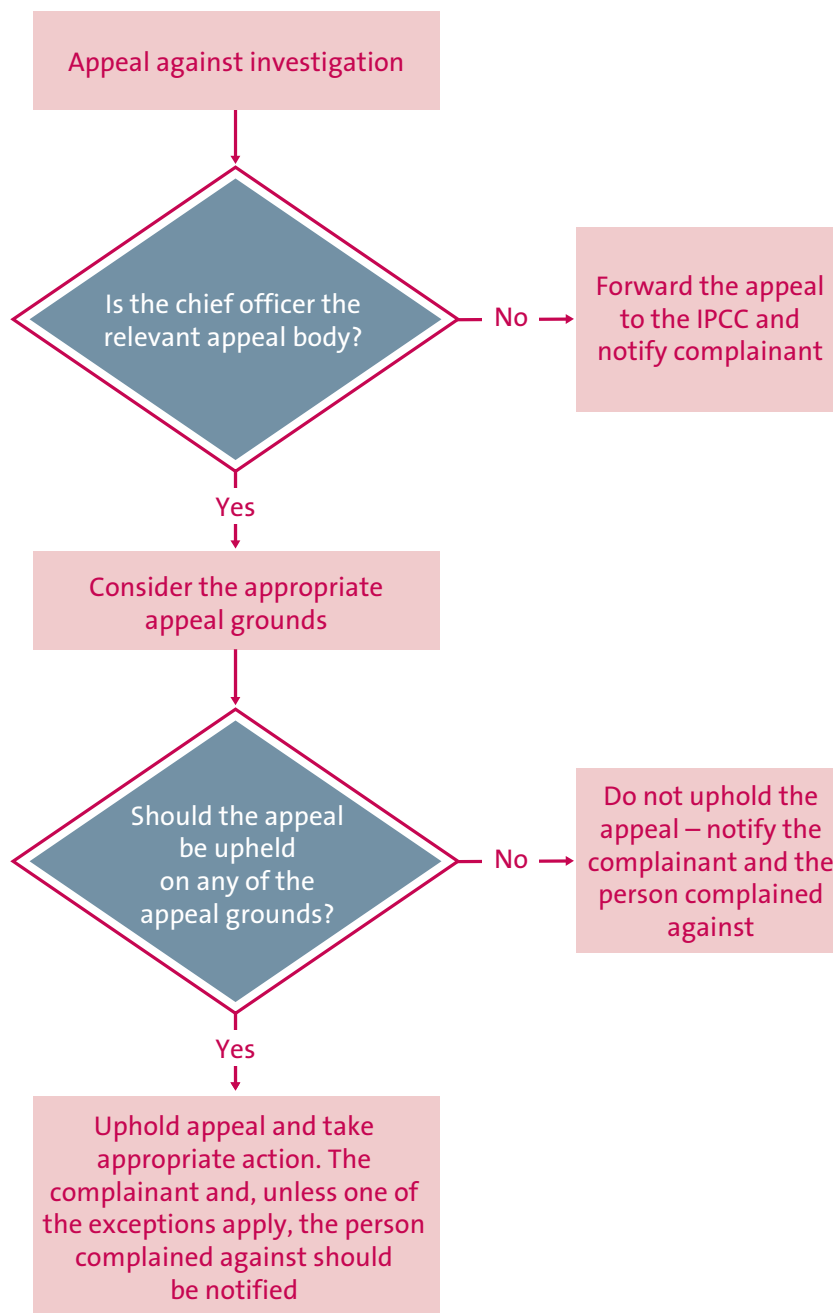
Paragraph 25, Schedule 3, Police Reform Act 2002

Where the IPCC is the relevant appeal body and an appeal is upheld, the IPCC shall (depending on the appeal ground upheld):

- i. give directions to the appropriate authority to ensure the complainant is properly informed
- ii. review the findings, without further investigation
- iii. direct a reinvestigation of the complaint
- iv. determine whether to make recommendations under paragraph 27, Schedule 3, Police Reform Act 2002
- v. direct the appropriate authority to notify the CPS of the determination and send it a copy of the investigation report.

The appropriate authority must comply with any directions given to it by the IPCC.

Paragraph 25, Schedule 3, Police Reform Act 2002



## Section 14:

# DATA COLLECTION AND MONITORING

- 14.1** The IPCC has a statutory duty to secure and maintain public confidence in the police complaints system.<sup>31</sup> The co-operation and participation of all the other bodies that operate and oversee the complaints system – forces, local policing bodies, Her Majesty's Inspector of Constabulary (HMIC), and others – is essential in carrying out this duty.
- 14.2** The handling of complaints, conduct matters and DSI matters provides one of the most valuable feedback mechanisms for the police service. Chief officers and local policing bodies should have a commitment to learn, whether from individual cases or from broader analysis of the complaints system, and to share that learning both internally and externally.
- 14.3** The IPCC, police forces, local policing bodies, ACPO, and policing partners all have a role to play in ensuring that learning is captured, disseminated and monitored.
- 14.4** The IPCC expects police forces and local policing bodies to monitor complaints, particularly allegations of discriminatory behaviour. Monitoring allows regular review of the types of complaints being made, helps to identify any emerging trends and encourages forces and local policing bodies to consider how, and whether, the number of complaints can be reduced. Learning from complaints is an important element of the complaints system.

### Responsibilities of the chief officer

- 14.5** Each chief officer is responsible for the overall running and performance of his or her force. There is, therefore, a clear interest for the chief officer in the learning that arises from the complaints system and in performance data that gives a picture of what is happening within the force and can be used as a means of comparison with similar forces. The chief officer should use this information as an evidence base to inform planning and improvement for the force.
- 14.6** The IPCC expects the chief officer to:
- respond to the IPCC on recommendations in IPCC investigation reports and appeal decisions
  - report regularly to his or her local policing body on progress of the implementation of recommendations that have been accepted
  - promote and ensure the identification of learning and recommendations from appeals considered within the force
  - provide information to the IPCC on learning in relation to the relevant performance framework indicators

<sup>31</sup> Section 10, Police Reform Act 2002

- support the professional standards department in setting and maintaining quality standards in handling complaints, conduct matters and DSI matters across the force.

**14.7** The chief officer should ensure that his or her force has a system for recording:

- recommendations in investigation reports
- appeal and other decisions (whether made internally or by the IPCC)
- learning published in Learning the Lessons bulletins
- internal learning from local resolution, investigations and appeals.

**14.8** This system should be designed to:

- decide what to do with a recommendation
- implement it (or not) in accordance with what is decided
- monitor implementation and the impact of learning
- make adjustments to recommended policy or practice as appropriate.

### Responsibilities of the local policing body

**14.9** The IPCC expects the local policing body to:

- ensure that his or her force has a system for monitoring and recording learning as outlined above
- regularly monitor whether the force is using this system appropriately
- monitor the force's appeals activity and outcomes to satisfy him or herself that the force's processes are operating properly and fairly
- check the progress of his or her force in relation to recommendations it has agreed to implement (whether from investigations or appeals, IPCC decisions or internal decisions)
- be aware of the process in place in the force to ensure quality across all aspects of handling complaints, conduct matters and DSI matters
- use learning from the way the force is handling complaints, conduct matters and DSI matters to decide whether to use their powers of direction (outlined in section 2 of this guidance).

**14.10** Local policing bodies have an important role to play in ensuring that forces understand and monitor their performance. The IPCC expects that forces will provide it with information about what those who use their service say about the service. Local policing bodies should ensure that they receive such information and should use it to inform their understanding of the force's performance on the handling of complaints, conduct matters and DSI matters, and to identify problems or good practice within the force.

**14.11** Local policing bodies may also perform quality audits to provide important information about a force's performance. Among a number of methods that can serve the same purpose, file sampling is one such activity that enables a local policing body to scrutinise the performance of its force. It provides the means, through a formal structured process, to determine the extent to which proper procedures were followed and whether a force is dealing with matters appropriately and proportionately.

**14.12** As the appropriate authority for chief officers, local policing bodies should also ensure that they comply with the guidance given to chief officers in paragraphs 14.5 to 14.8.

### **The police complaints system performance framework**

**14.13** The IPCC uses a performance framework to collate data on complaints from police forces and local policing bodies and publish regular reports. The performance framework supports the analysis and evaluation of performance. It is used to assess performance across the police service and to benchmark forces and levels of complaints.

**14.14** The benefits of the performance framework are:

- the creation of a consensus on what constitutes good performance for the police complaints system, which is evidence based rather than intuitive
- the ability to make accurate comparisons about the performance of each constituent part of the complaints system
- greater clarity for the police service and the IPCC about the performance that is expected
- a reduced burden of reporting
- the ability to identify and share best practice across the system
- access to timely, relevant, consistent performance data that supports decision making among those responsible for the complaints system
- the ability to demonstrate increased accountability to stakeholders and the public through publication of performance data.

**14.15** The IPCC makes the information collated publicly available, enabling those responsible for the complaints system to take action in response to that information and so improve future performance.

**14.16** In order for effective monitoring and reporting to be possible it is important that recording practice is consistent. Anyone entering police complaints data onto recording systems should have regard to the IPCC's guidance on recording standards, which are available on the IPCC's website.

## Section 15:

# LEGAL DEFINITIONS

### Abuse of the complaints system

Where there is or has been manipulation or misuse of the complaints system in order to initiate or progress a complaint which, in all the circumstances of the particular case, should not have been made or should not be allowed to continue.

### Acting chief officer

A person exercising or performing the functions and duties of a chief officer in accordance with either Sections 41, 44, 45(4) of the Police Reform and Social Responsibility Act 2011 or Section 25 of the City of London Police Act 1839.<sup>32</sup>

### Adversely affected

A person is adversely affected if he or she suffers any form of loss or damage, distress or inconvenience, if he or she is put in danger or is otherwise unduly put at risk of being adversely affected.<sup>33</sup> A person cannot be a complainant by claiming to be adversely affected if he or she has only seen or heard the conduct or its alleged effects unless:

- he or she was physically present or sufficiently nearby when the conduct took place or effects occurred that he or she could see or hear the conduct or its effects; or
- he or she was adversely affected because (or it was aggravated by the fact that) he or she already knew the person in relation to whom the conduct took place.<sup>34</sup>

### Anonymous complaint

A complaint that does not disclose the complainant's name and address, nor that of any other interested person and it is not reasonably practicable to ascertain such a name or address.<sup>35</sup>

### Appropriate authority

The appropriate authority for a person serving with the police is:<sup>36</sup>

- for a chief officer or an acting chief officer, the local policing body for the area of the police force of which the officer is a member; or
- in any other case, the chief officer with direction and control over the person serving with the police.

<sup>32</sup> Section 29, Police Reform Act 2002

<sup>33</sup> Section 29, Police Reform Act 2002

<sup>34</sup> Section 12, Police Reform Act 2002

<sup>35</sup> Regulation 3 and 5, Police (Complaints and Misconduct) Regulations 2012

<sup>36</sup> Section 29, Police Reform Act 2002



## Article 2

Article 2 of the European Convention on Human Rights provides that everyone's life shall be protected by law. This involves both a prohibition on the state taking life (subject to very limited exceptions) and, in certain circumstances, a positive duty on the state to protect life. Sometimes it will be very clear that an allegation engages a person's Article 2 rights – for example, where a person dies while in police detention. In other cases, it may be less clear whether Article 2 is engaged – for example, where the police are alleged to be aware of a threat to a person's life and have failed to take adequate steps to protect that life. If appropriate authorities are unsure whether a matter engages Article 2, they should take legal advice.

## Article 3

Article 3 of the European Convention on Human Rights provides that no one shall be subjected to torture or to inhuman or degrading treatment or punishment. It is an absolute right – which means that torture, or inhuman or degrading treatment is never permissible, in any circumstances. The ill treatment of the person must reach a minimum level of severity before it can be considered as torture, inhuman or degrading treatment or punishment. Whether the ill treatment engages Article 3 will depend on the circumstances of the case, including the duration of the treatment, the physical and mental effects on the victim, taking into account his or her age, gender and state of health. If appropriate authorities are unsure whether a matter engages Article 3, they should take legal advice.

## Chief officer

Chief officer means the chief officer of police of a police force.<sup>37</sup> For most police forces this will be the Chief Constable, for the Metropolitan Police Service and City of London Police it is the Commissioner.

## Complainant refuses to co-operate

This is where the complainant refuses to co-operate to such an extent that the relevant body considers it is not reasonably practicable to continue the investigation.<sup>38</sup>

The relevant body is the IPCC where discontinuance is within its power. The appropriate authority is the relevant body in any other case.

## Conduct

Conduct includes acts, omissions, statements and decisions (whether actual, alleged or inferred).<sup>39</sup>

This may include, for example:

- language used and the manner or tone of communications;
- breach of a published code or policy
- the making of a specific decision on the deployment of officers for a particular investigation or operation

<sup>37</sup> Section 29, Police Reform Act 2002

<sup>38</sup> Regulation 10, Police (Complaints and Misconduct) Regulations 2012

<sup>39</sup> Section 29, Police Reform Act 2002

- the decision to (or not to) arrest and prosecute a particular suspect for a certain crime
- decisions about the deployment of a particular tactic on a particular occasion, and the use of that tactic
- the application of force policies, in particular, circumstances where the application of the policy involves an officer exercising their discretion
- day-to-day operational decisions made in response to a particular set of circumstances that have arisen.

### Direction and control matter

A direction and control matter means a matter relating to the direction and control of a police force by its chief officer or a person for the time being carrying out that chief officer's functions.<sup>40</sup>

### Disapplication

This occurs, under paragraph 7, Schedule 3 of the Police Reform Act 2002, where an appropriate authority handles a complaint otherwise than in accordance with Schedule 3 of the Police Reform Act 2002. The appropriate authority may handle a complaint in whatever manner (if any) it thinks fit.<sup>41</sup>

### Discontinuance

A discontinuance ends an ongoing investigation into a complaint, conduct matter or DSI matter. An investigation may only be discontinued if it meets one or more of the grounds for discontinuance as described at paragraphs 10.5 to 10.15.

### Disciplinary proceedings

The meaning of disciplinary proceedings for the purposes of the Police Reform Act 2002 is different for members of a police force and special constables compared to any other person serving with the police.

For a member of a police force or special constable, disciplinary proceedings means any proceedings under the Police (Conduct) Regulations 2012.

The term 'disciplinary proceedings' will also include unsatisfactory performance procedures under the Police (Performance) Regulations 2012 wherever that term is used in section 22, section 36 and paragraphs 22, 23, 25 and 27, Schedule 3, Police Reform Act 2002.

For any other person serving with the police, disciplinary proceedings means any proceedings or management process during which that person's conduct, rather than their performance, is considered for the purposes of deciding whether any sanction or punitive measure should be imposed against them for that conduct.

The term 'disciplinary proceedings' will also include any proceedings or management process during which that person's performance is considered to determine whether it is satisfactory and whether any action should be taken in relation to it wherever that term is used in section 22 and paragraphs 22, 23, 25 and 27, Schedule 3, Police Reform Act 2002.<sup>42</sup>

<sup>40</sup> Paragraph 29, Schedule 3, Police Reform Act 2002

<sup>41</sup> Paragraph 7, Schedule 3, Police Reform Act 2002

<sup>42</sup> Section 29, Police Reform Act 2002; Regulation 1, Police (Complaints and Misconduct) Regulations 2012  
Regulation 3, Police (Conduct) Regulations 2012 and Regulation 4, Police (Performance) Regulations 2012

## European Convention on Human Rights

This means the Convention for the Protection of Human Rights and Fundamental Freedoms agreed by the Council of Europe at Rome on 4 November 1950.

## Fanciful complaints

A complaint is fanciful if no reasonable person could lend any credence to it.<sup>43</sup> It is an objective test.

## Independent investigation

An investigation carried out by the IPCC itself.<sup>44</sup>

An independent investigation is often used for the most serious incidents and/or those with the greatest public interest. For example, those that cause the greatest level of public concern, have the greatest potential to impact on communities, or have serious implications for the reputation of the police service.

## Interested person

Someone who has an interest in being kept properly informed about the handling of a complaint, recordable conduct matter or DSI matter. An interested person is not a complainant.

In the case of a complaint or recordable conduct matter, a person will have an interest in being kept properly informed if it appears to the IPCC or to an appropriate authority that the person:

- is a relative of the person whose death is alleged to be the result of the conduct complained of or to which the recordable conduct relates;
- is a relative of the person whose serious injury is alleged to be the result of the conduct complained of or to which the recordable conduct relates and that person cannot make a complaint; or
- is a person who has suffered serious injury that is alleged to be the result of the conduct complained of or to which the recordable conduct relates.<sup>45</sup>

In the case of a DSI matter, a person will have an interest in being kept properly informed if it appears to the IPCC or to an appropriate authority that the person:

- is a relative of the person who has died;
- is a relative of the person who suffered serious injury and that person cannot make a complaint; or
- is the person who has suffered serious injury.<sup>46</sup>

A relative is defined as any spouse, partner, parent or adult child.<sup>47</sup>

A person who does not fall into any of the categories above may still be an interested person if the IPCC or the appropriate authority considers that person has an interest in the handling of the complaint, conduct matter or DSI matter that is sufficient to make it appropriate for information to be provided to him in accordance with this section. For example, this may include coroners.

<sup>43</sup> Regulation 3, Police (Complaints and Misconduct) Regulations 2012

<sup>44</sup> Paragraph 19, Schedule 3, Police Reform Act 2002

<sup>45</sup> Section 21, Police Reform Act 2002

<sup>46</sup> Section 21, Police Reform Act 2002

<sup>47</sup> Regulation 14, Police (Complaints and Misconduct) Regulations 2012

A person may only be treated as an interested person under the Police Reform Act if he or she has consented to information being provided to him or her.<sup>48</sup>

### Local policing body

This is a collective term for:

- police and crime commissioners
- the Mayor's Office for Policing and Crime (in relation to the Metropolitan Police district)
- the Common Council (in relation to the City of London Police police area).<sup>49</sup>

### Local investigation

An investigation carried out by the appropriate authority on its own behalf.<sup>50</sup>

### Managed investigation

An investigation conducted by the appropriate authority under the direction and control of the IPCC.<sup>51</sup>

The IPCC manages the investigation in terms of its scope, investigative strategy and findings of the report.

Tasks such as completing the policy log and writing the final report will be carried out by the police investigator under the IPCC's direction. The IPCC's manager will review policy books and the IPCC will confirm the investigation has met the terms of reference.

### Mandatory referral

A complaint, conduct matter or DSI matter that must be referred to the IPCC.

### Matter which is already the subject of a complaint relating to the same subject matter and made by or on behalf of the same complainant

A matter is considered to be already the subject of a complaint where a complaint is made against the same person serving with the police originally complained of, relating to the same subject and by the same complainant.

### Misconduct proceedings

For a member of a police force or a special constable, misconduct proceedings means a misconduct meeting or a misconduct hearing.

For a person serving with the police who is not a member of a police force or a special constable, misconduct proceedings means any proceedings or management process during which the conduct (as opposed to the performance) of such a person is considered in order to determine whether a sanction or punitive measure is to be imposed against him or her in relation to that conduct.<sup>52</sup>

<sup>48</sup> Section 21, Police Reform Act 2002

<sup>49</sup> Section 101, Police Act 1996

<sup>50</sup> Paragraph 16, Schedule 3, Police Reform Act 2002

<sup>51</sup> Paragraph 18, Schedule 3, Police Reform Act 2002

<sup>52</sup> Regulation 1, Police (Complaints and Misconduct) Regulations 2012

## Not reasonably practicable to complete the investigation of the complaint or any other procedures under Schedule 3, Police Reform Act 2002

For the purposes of the disapplication grounds, it is not reasonably practicable to investigate a complaint or any other procedures under Schedule 3, Police Reform Act 2002 where:

- it is not reasonably practicable to communicate with the complainant or person acting on his or her behalf; or
- it is not reasonably practicable to complete a satisfactory investigation because:
  - i. the complainant is refusing or failing to make a statement or provide other reasonable assistance for the purposes of the investigation; or
  - ii. of the lapse of time since the event(s) complained about.

Not being reasonably practicable includes action that it is not reasonably practicable to take within a period that is reasonable in all the circumstances of the case.<sup>53</sup>

## Oppressive complaint

A complaint which is without foundation that is intended, or likely to result in burdensome, harsh or wrongful treatment of the person complained against.

## Person concerned

Person concerned means:

- in the case of an investigation of a complaint, the person in respect of whom there is an indication that he or she may have committed a criminal offence or behaved in a manner that would justify the bringing of disciplinary proceedings
- in the case of an investigation of a recordable conduct matter, the person to whose conduct the investigation relates.

## Person serving with the police

This includes:

- a member of a police force
- a civilian employee of a police force (referred to in this guidance as a police staff member)
- an employee of the Common Council of the City of London who is under the direction and control of a chief officer
- a special constable who is under the direction and control of a chief officer.<sup>54</sup>

<sup>53</sup> Regulation 5, Police (Complaints and Misconduct) Regulations 2012

<sup>54</sup> Section 12, Police Reform Act 2002

## Recording

Recording a complaint, conduct matter or DSI matter gives it formal status under the Police Reform Act 2002.

## Repetitious complaint

A repetitious complaint is one that:

- concerns substantially the same conduct as a previous conduct matter or is substantially the same as a previous complaint made by or on behalf of the same complainant;
- contains no new allegations that significantly affect the account of the conduct complained of; and
- no new evidence (that was not reasonably available at the time the previous complaint was made) is provided to support the complaint.

However, one or more of the following conditions must also be met in relation to the previous complaint or conduct matter for the new complaint to be repetitious:

- the complaint was locally resolved;
- the requirements of Schedule 3 of the Police Reform Act 2002 were disapplied or dispensed with in respect of the complaint;
- the IPCC ordered the discontinuance of the investigation of the complaint and gave the appropriate authority a direction to disapply or dispense;
- the appropriate authority disapplied the requirements of Schedule 3 of the Police Reform Act 2002 when it discontinued an investigation (where the discontinuance was not within the IPCC's power);
- the complaint was withdrawn; or
- the appropriate authority either submitted a memorandum to the IPCC setting out its determinations following a managed or independent investigation, or made the determinations following a local or supervised investigation.<sup>55</sup>

## Repetitious conduct matter

A repetitious conduct matter is one that:

- concerns substantially the same conduct as a previous complaint or conduct matter;
- there is no fresh indication in respect of that matter that a person serving with the police may have committed a criminal offence or behaved in a manner that would justify the bringing of disciplinary proceedings; and
- there is no fresh evidence in respect of that matter that was not reasonably available at the time the previous complaint was made or the previous conduct matter was recorded.

However, one or more of the following conditions must also be met in relation to the previous complaint or conduct matter for the new conduct matter to be repetitious:

- the complaint was locally resolved;

<sup>55</sup> Regulation 3, Police (Complaints and Misconduct) Regulations 2012

- the requirements of Schedule 3 of the Police Reform Act 2002 were disapplied or dispensed with in respect of the complaint;
- the IPCC ordered the discontinuance of the investigation of the complaint and gave the appropriate authority a direction to disapply or dispense;
- the appropriate authority disapplied the requirements of Schedule 3 of the Police Reform Act 2002 following the discontinuance of an investigation (where the discontinuance was not within the IPCC's power);
- the complaint was withdrawn and it does not fall to be treated as a recordable conduct matter; or
- the appropriate authority either submitted a memorandum to the IPCC setting out its determinations following a managed or independent investigation or made the determinations following a local or supervised investigation.<sup>56</sup>

### Senior officer

A member of a police force holding a rank above chief superintendent.<sup>57</sup>

### Serious injury

A fracture, deep cut, deep laceration or injury causing damage to an internal organ or the impairment of any bodily function.<sup>58</sup>

### Severity assessment

An assessment as to:

- whether the conduct, if proved, would amount to misconduct or gross misconduct; and
- if the conduct were to become the subject of disciplinary proceedings, the form that those proceedings would be likely to take.<sup>59</sup>

### Special requirements

Special requirements apply only to investigations of complaints against a member of a police force or a special constable. In the case of any other person, the investigator must adhere to the relevant policies and procedures for investigating allegations of any form of misconduct.

If, at any time during an investigation of a complaint, it appears to the investigator that there is an indication that a person to whose conduct the investigation relates may have:

- committed a criminal offence; or
- behaved in a manner that would justify the bringing of disciplinary proceedings

then the investigator must certify the investigation as one subject to special requirements.<sup>60</sup> Throughout the investigation, the investigator must consider whether such an indication exists even if he or she initially decided it did not.

<sup>56</sup> Regulation 7, Police (Complaints and Misconduct) Regulations 2012

<sup>57</sup> Regulation 1, Police (Complaints and Misconduct) Regulations 2012

<sup>58</sup> Section 29, Police Reform Act 2002

<sup>59</sup> Paragraph 19B, Schedule 3, Police Reform Act 2002

<sup>60</sup> Paragraph 19B, Schedule 3, Police Reform Act 2002

## Supervised investigation

An investigation carried out by the appropriate authority under the IPCC's supervision.<sup>61</sup>

The IPCC will also agree the terms of reference and investigation plan. The investigator must satisfy any requirements imposed by the IPCC that appear to the IPCC to be reasonable and necessary.<sup>62</sup>

## Unsatisfactory Performance Procedures

(UPP) Means the procedures set out in the Police (Performance) Regulations 2012.<sup>63</sup>

## Unsatisfactory performance or attendance

Unsatisfactory performance or attendance means an inability or failure of a police officer to perform the duties of the role or rank he or she is currently undertaking to a satisfactory standard or level.<sup>64</sup>

## Vexatious complaint

A complaint that is without foundation, which is intended, or tends, to vex, worry, annoy or embarrass.

## Voluntary referral

A complaint or recordable conduct matter that is not required to be referred to the IPCC, but where the gravity of the subject matter or any exceptional circumstances justifies referral.<sup>65</sup>

## Withdrawn complaints

A complaint that is withdrawn in accordance with regulation 21, Police (Complaints and Misconduct) Regulations 2012 following an indication or notification from the complainant.<sup>66</sup>

## Witnessed the conduct

For the purposes of making a complaint under the Police Reform Act 2002, a person can only be said to have 'witnessed the conduct' (and thus be able to be a complainant) if he or she acquired his or her knowledge of that conduct in a manner that would make him or her a competent witness capable of giving admissible evidence of that conduct in criminal proceedings or has in his or her possession or control anything that would be admissible evidence in criminal proceedings of the conduct.<sup>67</sup>

<sup>61</sup> Paragraph 17, Schedule 3, Police Reform Act 2002

<sup>62</sup> Paragraph 17, Schedule 3, Police Reform Act 2002 and Regulation 9, Police (Complaints and Misconduct) Regulations 2012

<sup>63</sup> Regulation 4, Police (Performance) Regulations 2012

<sup>64</sup> Regulation 4, Police (Performance) Regulations 2012

<sup>65</sup> Paragraphs 4 and 13, Schedule 3, Police Reform Act 2002

<sup>66</sup> Regulation 21, Police (Complaints and Misconduct) Regulations 2012

<sup>67</sup> Section 12, Police Reform Act 2002



## Independent Police Complaints Commission

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Reference POL/42



## **LR 03**

### **The Police (Complaints and Misconduct) Regulations 2012**

The 2012 regulations that apply to the complaints made about the false police report produced by Hampshire Constabulary. Note regulation 3.3. The complaint cannot be classified as repetitious under these provisions either.

STATUTORY INSTRUMENTS

2012 No. 1204

POLICE, ENGLAND AND WALES

The Police (Complaints and Misconduct) Regulations 2012

<i>Made</i>	- - - -	<i>1st May 2012</i>
<i>Laid before Parliament</i>		<i>3rd May 2012</i>
		<i>22nd November</i>
<i>Coming into force</i>	- -	<i>2012</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 13, 20(5), 21(10) and (12), 23, 29(1), 39(9) and 105(4) and (5) of, and paragraphs 2(8), 3(7), 4(1)(b), 4(4), 7(1), (1A) and (3), 8(2), 11(2)(c), 13(4), 14C(2), 17(7), 19B(7) and (10), 19C(2)(b), 19D, 21(1), (1A), (2), (4) and (6), 22(7), 23(11), 24(9), 25(13) and 29 of Schedule 3 to, of the Police Reform Act 2002<sup>(1)</sup>.

In accordance with sections 24 and 39(11) of the Police Reform Act 2002, the Secretary of State has consulted with the Independent Police Complaints Commission, the Association of Police Authorities, the Association of Chief Police Officers and such other persons as she thinks fit.

In accordance with section 63(3)(b) of the Police Act 1996<sup>(2)</sup>, the Secretary of State supplied a draft of these Regulations to the Police Advisory Board of England and Wales and has taken into consideration their representations before making these Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Police (Complaints and Misconduct) Regulations 2012 and come into force on 22 November 2012.

(2) In these Regulations—

“the 2002 Act” means the Police Reform Act 2002;

“the 2011 Act” means the Police Reform and Social Responsibility Act 2011<sup>(3)</sup>;

“acting chief officer” means—

(a) a person exercising or performing functions of a chief constable in accordance with section 41 of the 2011 Act;

(1) 2002 c. 30. Relevant amendments were made by paragraphs 1, 9 and 10 of Schedule 12 to the Serious Organised Crime and Police Act 2005 (c. 15), paragraphs 1 and 2 of Schedule 23 to the Criminal Justice and Immigration Act 2008 (c. 4) and Schedules 14 and 16 to the Police Reform and Social Responsibility Act 2011 (c. 13).

(2) 1996 c. 16. Section 63(3)(b) was substituted by paragraphs 68 and 78 of Schedule 4 to the Serious Organised Crime Act 2005; there have been further amendments to section 63 that are not relevant for these purposes.

(3) 2011 c. 13.

- (b) a person exercising powers or duties of the Commissioner of Police of the Metropolis in accordance with section 44 or 45(4) of the 2011 Act; or
- (c) a person exercising duties of the Commissioner of Police for the City of London in accordance with section 25 of the City of London Police Act 1839<sup>(4)</sup>;

“appropriate authority”—

- (a) in relation to a person serving with the police or in relation to any complaint, conduct matter or investigation relating to the conduct of such a person, means—
  - (i) if that person is the chief officer or an acting chief officer, the local policing body for the area of the police force of which he is a member; and
  - (ii) if he is not the chief officer or an acting chief officer, the chief officer under whose direction and control he is; and
- (b) in relation to a death or serious injury (DSI) matter, means—
  - (i) if the relevant officer is the chief officer or an acting chief officer, the local policing body for the area of the police force of which he is a member; and
  - (ii) if he is not the chief officer or an acting chief officer, the chief officer under whose direction and control he is;

“bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971<sup>(5)</sup> in England and Wales;

“the Commission” means the Independent Police Complaints Commission;

“the Conduct Regulations” means the Police (Conduct) Regulations 2008<sup>(6)</sup>;

“direction and control matter” has the same meaning as in paragraph 29 of Schedule 3 to the 2002 Act;

“disciplinary proceedings”—

- (a) in relation to a member of a police force or a special constable means—
  - (i) disciplinary proceedings within the meaning of the Conduct Regulations; and
  - (ii) unsatisfactory performance procedures within the meaning of the Performance Regulations; and
- (b) in relation to a person serving with the police who is not a member of a police force or a special constable, means—
  - (i) misconduct proceedings; and
  - (ii) any proceedings or management process during which the performance of such a person is considered in order to determine whether it is unsatisfactory and whether, as a result, any action is to be taken in relation to it,

but this definition does not apply in relation to regulation 36, which defines disciplinary proceedings for the purposes of Part 2 of the 2002 Act;

“investigator” means a person appointed or designated to investigate under paragraph 16, 17, 18 or 19 of Schedule 3 to the 2002 Act (investigations);

“misconduct hearing” has the same meaning as in the Conduct Regulations;

“misconduct meeting” has the same meaning as in the Conduct Regulations;

“misconduct proceedings”—

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<sup>(4)</sup> 2 & 3 Vict. x xciv.

<sup>(5)</sup> 1971 c. 80.

<sup>(6)</sup> S.I. 2008/2864, as amended by S.I. 2011/3027.

- (a) in relation to a member of a police force or a special constable, means a misconduct meeting or misconduct hearing; and
- (b) in relation to a person serving with the police who is not a member of a police force or a special constable, means any proceedings or management process during which the conduct (as opposed to the performance) of such a person is considered in order to determine whether a sanction or punitive measure is to be imposed against him in relation to that conduct;

“the Performance Regulations” means the Police (Performance) Regulations 2008<sup>(7)</sup>;

“police friend” means a person chosen by the person concerned in accordance with regulation 17;

“police officer” means a member of a police force or special constable;

“police staff member” means—

- (a) a member of the civilian staff of a police force, including the metropolitan police force, within the meaning of section 102(4) and (6) of the 2011 Act; or
- (b) an employee of the Common Council of the City of London who is under the direction and control of the Commissioner of the City of London Police;

“a relevant offence” means—

- (a) an offence for which the sentence is fixed by law, or
- (b) an offence for which a person of 18 years or over (not previously convicted) may be sentenced to imprisonment for a term of seven years (or might be so sentenced but for the restrictions imposed by section 33 of the Magistrates’ Courts Act 1980<sup>(8)</sup>);

“senior officer” means a member of a police force holding a rank above that of chief superintendent;

“Standards of Professional Behaviour” has the same meaning as in the Conduct Regulations;

“working day” means any day other than a Saturday or Sunday or a day which is a bank holiday or public holiday in England and Wales.

## **Revocation and transitional provisions**

**2.—**(1) Subject to the following provisions of this regulation, the following Regulations are revoked—

- (a) the Police (Complaints and Misconduct) Regulations 2004<sup>(9)</sup>;
- (b) the Police (Complaints and Misconduct) (Amendment) Regulations 2006<sup>(10)</sup>;
- (c) the Police (Complaints and Misconduct) (Amendment) Regulations 2008<sup>(11)</sup>; and
- (d) the Police (Complaints and Misconduct) (Amendment: Metropolitan Police) Regulations 2011<sup>(12)</sup>.

(2) Where a complaint, conduct matter or DSI matter came to the attention of an appropriate authority before 22 November 2012, nothing in these Regulations shall apply and the Police (Complaints and Misconduct) Regulations 2004 shall continue to have effect with the modifications in paragraph (3).

(3) In regulation 1(2) of the Police (Complaints and Misconduct) Regulations 2004—

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(7) [S.I. 2008/2862](#), as amended by [S.I. 2011/3027](#).

(8) [1980 c. 43](#).

(9) [S.I. 2004/643](#), as amended by [S.I. 2011/3028](#).

(10) [S.I. 2006/1406](#).

(11) [S.I. 2008/2866](#).

(12) [S.I. 2011/3028](#).

- (a) for the definition of “appropriate authority” substitute the definition in regulation 1(2) of these Regulations;
- (b) in paragraph (a) of the definition of “police authority”, for “police authority established under section 3 of that Act” substitute “police and crime commissioner”;
- (c) in paragraph (b) of the definition of “police staff member”, for “the Metropolitan Police Force (within the meaning of section 102(6) of the Police Reform and Social Responsibility Act 2011)” substitute “a police force, including the Metropolitan Police Force, within the meaning of section 102(4) and (6) of the Police Reform and Social Responsibility Act 2011”.

(4) Where, as a result of the coming into force of paragraph (3), a chief officer replaces the police authority as the appropriate authority in relation to any complaint, conduct matter or DSI matter, the Police (Complaints and Misconduct) Regulations 2004 shall have effect as if anything done, or treated as done, by or in relation to the police authority in its capacity as appropriate authority had been done by or in relation to the chief officer.

### **Recording of complaints**

**3.—**(1) For the purposes of paragraph 2(8) of Schedule 3 to the 2002 Act (descriptions of complaint not required to be recorded) the complaints set out in paragraph (2) are hereby specified.

(2) Those complaints are complaints in the case of which the appropriate authority considers that—

- (a) the matter is already the subject of a complaint made by or on behalf of the same complainant;
- (b) 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;
- (c) the complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints;
- (d) the complaint is repetitious; or
- (e) the complaint is fanciful.

(3) For the purposes of paragraph (2)(d) a complaint is repetitious if, and only if—

- (a) it concerns substantially the same conduct as a previous conduct matter or it is substantially the same as a previous complaint made by or on behalf of the same complainant;
- (b) it contains no fresh allegations which significantly affect the account of the conduct complained of;
- (c) no fresh evidence, being evidence which was not reasonably available at the time the previous complaint was made, is tendered in support of it; and
- (d) as respects the previous complaint or conduct matter, either—
  - (i) the complaint was locally resolved in accordance with the provisions of paragraph 8 of Schedule 3 to the 2002 Act;
  - (ii) the complaint was handled otherwise than in accordance with Schedule 3 to the 2002 Act or no action was taken in relation to it, in accordance with paragraph 7 of that Schedule (disapplication of requirements of Schedule);
  - (iii) the Commission gave the appropriate authority a direction under regulation 10(10)(b) of these Regulations or regulation 7(7)(b) of the Police (Complaints and Misconduct) Regulations 2004 (power of the Commission to discontinue an investigation);

- (iv) the appropriate authority disappplied the requirements of Schedule 3 to the 2002 Act in accordance with regulation 10(12)(b);
- (v) the complainant gave such notification as is mentioned in regulation 21(1) of these Regulations or regulation 15(1) of the Police (Complaints and Misconduct) Regulations 2004 (withdrawn complaints); or
- (vi) the requirements of paragraph 23(7) or 24(6) of Schedule 3 to the 2002 Act (determination by the appropriate authority of what action to take) were complied with.

(4) For the purposes of paragraph (2)(e) a complaint is fanciful if, and only if, no reasonable person could lend any credence to it.

### **Reference of complaints to the Commission**

4.—(1) For the purposes of paragraph 4(1)(b) of Schedule 3 to the 2002 Act (reference to the Commission of any complaint of a specified description), the complaints set out in paragraph (2) are hereby specified.

(2) Those complaints are—

(a) any complaints not falling within paragraph 4(1)(a) of that Schedule but alleging conduct which constitutes—

- (i) a serious assault, as defined in guidance issued by the Commission;
- (ii) a serious sexual offence, as defined in guidance issued by the Commission;
- (iii) serious corruption, as defined in guidance issued by the Commission;
- (iv) a criminal offence or behaviour which is liable to lead to misconduct proceedings and which in either case was aggravated by discriminatory behaviour on the grounds of a person's race, sex, religion, or other status identified in guidance by the Commission;
- (v) a relevant offence, or

(b) complaints which arise from the same incident as one in which any conduct falling within sub-paragraph (a) or within paragraph 4(1)(a) of Schedule 3 to the 2002 Act is alleged.

(3) Where a complaint is required to be referred to the Commission under sub-paragraph (1)(a) or (b) of paragraph 4 of Schedule 3 to the 2002 Act, notification of the complaint shall be given to the Commission—

(a) without delay and in any event not later than the end of the day following the day on which it first becomes clear to the appropriate authority that the complaint is one to which that sub-paragraph applies, and

(b) in such manner as the Commission specifies.

(4) Where a complaint is required to be referred to the Commission under sub-paragraph (1)(c) of paragraph 4 of Schedule 3 to the 2002 Act, notification of the complaint shall be given to the Commission—

(a) without delay and in any event not later than the end of the day following the day on which the Commission notifies the appropriate authority that the complaint is to be referred, and

(b) in such manner as the Commission specifies.

### **Disapplication of requirements of Schedule 3**

5.—(1) For the purposes of paragraph 7 of Schedule 3 to the 2002 Act (disapplication of requirements of Schedule 3) the complaints set out in paragraph (2) are hereby specified.

(2) Those complaints are complaints where the appropriate authority considers that—



- (a) more than 12 months have elapsed between the incident, or the latest incident, giving rise to the complaint and the making of the complaint and either that no good reason for the delay has been shown or that injustice would be likely to be caused by the delay;
  - (b) the matter is already the subject of a complaint made by or on behalf of the same complainant;
  - (c) 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;
  - (d) the complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints;
  - (e) the complaint is repetitious, as defined in regulation 3(3); or
  - (f) it is not reasonably practicable to complete the investigation of the complaint or any other procedures under Schedule 3 to the 2002 Act.
- (3) For the purposes of paragraph (2)(f) it is not reasonably practicable to complete the investigation of a complaint or any other procedures under Schedule 3 to the 2002 Act if, and only if—
- (a) it is not reasonably practicable to communicate with the complainant or a person acting on his behalf; or
  - (b) it is not reasonably practicable to complete a satisfactory investigation in consequence of—
    - (i) a refusal or failure, on the part of the complainant, to make a statement or afford other reasonable assistance for the purposes of the investigation; or
    - (ii) the lapse of time since the event or events forming the subject-matter of the complaint.
- (4) In this regulation any reference to action not being reasonably practicable shall include a reference to action which it does not appear reasonably practicable to take within a period which is reasonable in all the circumstances of the case.
- (5) Before deciding to handle a complaint in whatever manner (if any) it thinks fit in accordance with paragraph 7(1) of Schedule 3 to the 2002 Act, an appropriate authority shall—
- (a) write to the complainant at his last known address—
    - (i) inviting him to make representations in relation to the matter, and
    - (ii) allowing him a period of 28 days, commencing on the day after the date of the letter, to do so; and
  - (b) have regard to any representations made by the complainant.
- (6) An application under paragraph 7(1A) of Schedule 3 to the 2002 Act for permission to handle a complaint in whatever manner (if any) an appropriate authority thinks fit shall be in writing and shall be accompanied by—
- (a) a copy of the complaint;
  - (b) an explanation of the appropriate authority's reasons for making the application;
  - (c) copies of any other documents or material in the possession of the appropriate authority which are relevant to the complaint.
- (7) The appropriate authority shall supply any further information requested by the Commission for the purpose of considering an application by that authority made under paragraph 7(1A) of Schedule 3 to the 2002 Act.

## **Local resolution of complaints**

6.—(1) The procedures that are to be available for dealing with a complaint which is to be subjected to local resolution are, subject to the provisions of this regulation, any procedures which are approved by the Commission.

(2) Where it appears to the appointed person that the complaint had in fact already been satisfactorily dealt with at the time it was brought to his notice, he may, subject to any representation by the complainant, treat it as having been locally resolved.

(3) The appointed person shall as soon as practicable give the complainant and the person complained against an opportunity to comment on the complaint.

(4) The appointed person shall not, for the purpose of locally resolving a complaint, tender on behalf of the person complained against an apology for his conduct unless the person complained against has agreed to the apology.

(5) Where a complaint has been dealt with by way of local resolution, a record shall be made as soon as practicable of the outcome of the procedure and a copy of the record sent to the complainant and the person complained against.

(6) At the time of sending a copy of the record of outcome to the complainant under paragraph (5), the appropriate authority shall notify the complainant in writing of his right of appeal against that outcome under paragraph 8A of Schedule 3 to the 2002 Act (appeals relating to complaints dealt with other than by investigation), unless sub-paragraph (2) of that paragraph applies.

(7) In this regulation, “the appointed person” means a person appointed under paragraph 8(1) of Schedule 3 to the 2002 Act to secure the local resolution of a complaint.

## **Recording and reference of conduct matters**

7.—(1) For the purposes of paragraph 11(2)(c) of Schedule 3 to the 2002 Act (recording etc of conduct matters), the following descriptions of conduct are hereby specified—

- (a) a serious assault, as defined in guidance issued by the Commission;
- (b) a serious sexual offence, as defined in guidance issued by the Commission;
- (c) serious corruption, as defined in guidance issued by the Commission;
- (d) a criminal offence or behaviour which is liable to lead to misconduct proceedings and which in either case was aggravated by discriminatory behaviour on the grounds of a person’s race, sex, religion, or other status identified in guidance by the Commission;
- (e) a relevant offence;
- (f) conduct whose gravity or other exceptional circumstances make it appropriate to record the matter in which the conduct is involved; or
- (g) conduct which is alleged to have taken place in the same incident as one in which conduct within sub-paragraphs (a) to (e) is alleged.

(2) For the purposes of paragraphs 10(4A) and 11(3B) of Schedule 3 to the 2002 Act (conduct matters not required to be recorded), any conduct matter which is repetitious within the meaning of paragraph (3) is specified.

(3) A conduct matter is repetitious for the purposes of paragraph (2) if, and only if—

- (a) it concerns substantially the same conduct as a previous complaint or conduct matter;
- (b) there is no fresh indication in respect of that matter that a person serving with the police may have committed a criminal offence or behaved in a manner which would justify the bringing of disciplinary proceedings;

- (c) there is no fresh evidence in respect of that matter which was not reasonably available at the time the previous complaint was made or the previous conduct matter was recorded; and
- (d) as respects the previous complaint or conduct matter, either—
  - (i) the complaint was locally resolved in accordance with the provisions of paragraph 8 of Schedule 3 to the 2002 Act;
  - (ii) the complaint was handled otherwise than in accordance with Schedule 3 to the 2002 Act or no action was taken in relation to it, in accordance with paragraph 7 of that Schedule (disapplication of requirements of Schedule);
  - (iii) the Commission gave the appropriate authority a direction under regulation 10(10)(b) of these Regulations or regulation 7(7)(b) of the Police (Complaints and Misconduct) Regulations 2004 (power of the Commission to discontinue an investigation);
  - (iv) the appropriate authority disapplied the requirements of Schedule 3 Part 2 of the 2002 Act in accordance with regulation 10(12)(b);
  - (v) the complainant gave such notification as is mentioned in regulation 21(1) of these Regulations or regulation 15(1) of the Police (Complaints and Misconduct) Regulations 2004 (withdrawn complaints), and the complaint does not fall to be treated as a recordable conduct matter by reason of regulation 21(4) to (8) of these Regulations or regulation 15(4) to (8) of the Police (Complaints and Misconduct) Regulations 2004; or
  - (vi) the requirements of paragraph 23(7) or 24(6) of Schedule 3 to the 2002 Act (determination by the appropriate authority of what action to take) were complied with.
- (4) For the purposes of paragraph 13(1)(b) of Schedule 3 to the 2002 Act (reference of recordable conduct matters to the Commission) any matter which relates to conduct falling within paragraph (1)(a) to (e) or (g) of this regulation is hereby specified.
- (5) Any conduct matter which is required to be referred to the Commission shall be referred in such manner as the Commission specifies and—
  - (a) if the matter falls within sub-paragraph (1)(a) or (b) of paragraph 13 of Schedule 3 to the 2002 Act, without delay and in any event not later than the end of the day following the day on which it first becomes clear to the appropriate authority that the conduct matter is one to which that sub-paragraph applies, and
  - (b) if the matter falls within sub-paragraph (1)(c) of that paragraph, without delay and in any event not later than the end of the day following the day on which the Commission notifies the appropriate authority that the conduct matter is to be referred.

### **Reference of Death or Serious Injury matters**

- 8. Any DSI matter which is required to be referred to the Commission shall be referred in such manner as the Commission specifies and—
  - (a) in a case where the Commission directs that the matter be referred to it, without delay and in any event not later than the end of the day following the day on which the Commission so directs;
  - (b) in any other case, without delay and in any event not later than the end of the day following the day on which the matter first comes to the attention of the appropriate authority.

### **Power of Commission to impose requirements in relation to an investigation which it is supervising**

9.—(1) For the purposes of paragraph 17(7) of Schedule 3 to the 2002 Act (investigations supervised by the Commission) the requirements which may be imposed by the Commission on a person appointed to investigate a complaint, recordable conduct matter or DSI matter are, subject to paragraphs (2) and (3), any reasonable requirements as to the conduct of the investigation as appear to it to be necessary.

(2) Where at any stage of an investigation of a complaint, recordable conduct matter or DSI matter the possibility of criminal proceedings arises, the Commission shall not, under paragraph (1), impose any requirement relating to the obtaining or preservation of evidence of a criminal offence without first obtaining the consent of the Director of Public Prosecutions to the imposition thereof.

(3) The Commission shall not, under paragraph (1), impose any requirement relating to the resources to be made available by a chief officer for the purposes of an investigation without first consulting him and having regard to any representations he may make.

### **Power to discontinue an investigation**

10.—(1) For the purposes of paragraph 21(1) and (1A) of Schedule 3 to the 2002 Act (discontinuance of investigations) the descriptions of complaint or matter set out in paragraph (2) of this regulation are hereby specified.

(2) Those descriptions are any complaint or matter—

- (a) in which the complainant refuses to co-operate to the extent that the relevant body considers that it is not reasonably practicable to continue the investigation;
- (b) which the appropriate authority has determined is suitable for local resolution;
- (c) which the relevant body considers is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints, conduct matters or DSI matters;
- (d) which is repetitious, as defined in regulation 3(3); or
- (e) which the relevant body otherwise considers is such as to make it not reasonably practicable to proceed with the investigation.

(3) For the purposes of paragraph (2) “relevant body” means—

- (a) the Commission, in a case where discontinuance is within the Commission’s power in accordance with paragraph 21(1B) of Schedule 3 to the 2002 Act; and
- (b) the appropriate authority, in any other case.

(4) For the purposes of paragraph 21(2) of Schedule 3 to the 2002 Act the cases in which the Commission is authorised to discontinue an investigation that is being carried out in accordance with paragraph 19 of that Schedule are any cases where the complaint, conduct matter or DSI matter under investigation falls within paragraph (2) of this regulation.

(5) Before discontinuing an investigation or applying to the Commission for an order requiring the discontinuance of an investigation, an appropriate authority shall—

- (a) write to the complainant at his last known address—
  - (i) inviting him to make representations in relation to the matter, and
  - (ii) allowing him a period of 28 days, commencing on the day after the date of the letter, to do so; and
- (b) have regard to any representations made by the complainant.

(6) Any application by an appropriate authority to the Commission for an order that it discontinue an investigation shall be in writing and shall be accompanied by—

- (a) a copy of the complaint, and
  - (b) a memorandum from the appropriate authority containing a summary of the investigation undertaken so far and explaining the reasons for the application to discontinue the investigation.
- (7) The appropriate authority shall—
- (a) send the complainant a copy of any such application on the same day as the day on which the application is sent to the Commission; and
  - (b) supply any further information requested by the Commission for the purpose of considering that application.
- (8) The Commission shall not require the discontinuance of an investigation in a case where there has been no application to do so by the appropriate authority unless it has consulted with that authority.
- (9) Before requiring the discontinuance of an investigation under paragraph 21(1) of Schedule 3 to the 2002 Act in a case where there has been no application to do so by the appropriate authority, or discontinuing an investigation itself under paragraph 21(2) of that Schedule, the Commission shall—
- (a) write to the complainant at his last known address—
    - (i) inviting him to make representations in relation to the matter, and
    - (ii) allowing him a period of 28 days, commencing on the day after the date of the letter, to do so; and
  - (b) have regard to any representations made by the complainant.
- (10) A direction given to an appropriate authority by the Commission under paragraph 21(4)(a) of Schedule 3 to the 2002 Act may—
- (a) require the appropriate authority to produce an investigation report on the discontinued investigation under paragraph 22 of that Schedule and to take any subsequent steps under that Schedule;
  - (b) where the investigation concerned a complaint, require the appropriate authority to disapply the requirements of Schedule 3 to the 2002 Act as respects that complaint;
  - (c) in a case within paragraph (2)(b) of this regulation, require the appropriate authority to subject the complaint to local resolution;
  - (d) direct the appropriate authority to handle the matter in whatever manner (if any) that authority thinks fit.
- (11) The steps set out in paragraph (12) are hereby specified for the purposes of paragraph 21(6)(a) of Schedule 3 to the 2002 Act (steps that may be taken by the appropriate authority when an investigation is discontinued) and, with the exception of the step set out in paragraph (12)(c), are also specified for the purposes of paragraph 21(4)(b) of that Schedule (steps that may be taken by the Commission when an investigation is discontinued).
- (12) Those steps are—
- (a) to produce an investigation report on the discontinued investigation and take any subsequent steps under that Schedule;
  - (b) where the investigation concerned a complaint, to disapply the requirements of Schedule 3 to the 2002 Act as respects that complaint;
  - (c) to subject the complaint to local resolution;
  - (d) to handle the matter in whatever manner the appropriate authority or (as the case may be) the Commission thinks fit.

## Appeals

11.—(1) This regulation applies to an appeal under any of the following provisions of Schedule 3 to the 2002 Act—

- (a) paragraph 3(3) (appeal against a failure to notify or record a complaint);
- (b) paragraph 7(8) (appeal against a decision to handle a complaint otherwise than in accordance with the Schedule or take no action in relation to it);
- (c) paragraph 8A(1) (appeal against the outcome of a complaint subjected to local resolution or handled otherwise than in accordance with the Schedule);
- (d) paragraph 21(7) (appeal against a decision to discontinue an investigation); and
- (e) paragraph 25(2) (appeal in relation to an investigation).

(2) Where a local policing body or chief officer notifies the complainant of a decision which is or may be capable of appeal under any of the provisions in paragraph (1), the local policing body or chief officer shall at the same time notify the complainant in writing of—

- (a) the existence of the right of appeal;
- (b) the identity of the relevant appeal body or, in a case to which paragraph 3 of Schedule 3 applies, the fact that the appeal is to the Commission;
- (c) where the appropriate authority has determined that the Commission is the relevant appeal body, the sub-paragraph of regulation 30(2) relied upon in making that determination;
- (d) where the appropriate authority has determined that the chief officer is the relevant appeal body, the fact that there is no right of appeal to the Commission; and
- (e) the time limit for making an appeal mentioned in paragraph (3).

(3) Subject to paragraphs (4) and (5), an appeal shall be made within a period of 28 days commencing on the day after the date of the letter giving notification under paragraph (2).

(4) For the purposes of the time period mentioned in paragraph (3), the following shall be left out of account—

- (a) any time elapsing between the appeal being received by the Commission under paragraph 31(1)(a) of Schedule 3 to the 2002 Act and being forwarded to the appropriate authority under paragraph 31(2)(a) of that Schedule;
- (b) any time elapsing between the appeal being received by the appropriate authority under paragraph 32(1)(a) of that Schedule and being forwarded to the Commission under paragraph 32(2)(a) of that Schedule.

(5) The relevant appeal body or, in a case of an appeal under paragraph 3 of Schedule 3, the Commission may extend the time period mentioned in paragraph (3) in any case where it is satisfied that by reason of the special circumstances of the case it is just to do so.

(6) Subject to paragraph (7), an appeal shall be made in writing and shall state—

- (a) details of the complaint;
- (b) the date on which the complaint was made;
- (c) the name of the police force or local policing body whose decision is the subject of the appeal;
- (d) the grounds for the appeal; and
- (e) the date on which notification was given under paragraph (2).

(7) Where the relevant appeal body or, in the case of an appeal under paragraph 3 Schedule 3, the Commission receives an appeal which fails to comply with one or more of the requirements mentioned in paragraph (6), it may decide to proceed as if those requirements had been complied with.

- (8) Where the Commission receives an appeal it shall—
- (a) in the case of an appeal under paragraph 3 of Schedule 3, notify the local policing body or chief officer concerned of the appeal as soon as reasonably practicable; and
  - (b) in that or any other case, request any information from any person which it considers necessary to dispose of the appeal.
- (9) Any person receiving a request under paragraph (8)(b) shall supply to the Commission the information requested.
- (10) The relevant appeal body or, in the case of an appeal under paragraph 3 of Schedule 3, the Commission shall determine the outcome of the appeal as soon as practicable.
- (11) The relevant appeal body or, in the case of an appeal under paragraph 3 of Schedule 3, the Commission shall notify the complainant of the reasons for its determination, and the Commission—
- (a) in the case of an appeal under the said paragraph 3, shall also notify the local policing body or chief officer concerned; and
  - (b) in a case where it is the relevant appeal body, shall also notify the appropriate authority.
- (12) In the case of an appeal other than one under paragraph 3 of Schedule 3—
- (a) where the Commission is the relevant appeal body—
    - (i) it shall notify the complainant of any direction it gives to the appropriate authority as to the future handling of the complaint; and
    - (ii) subject to paragraph (13), the appropriate authority shall notify the person complained against of any such direction;
  - (b) where the chief officer is the relevant appeal body, he shall notify the complainant and the person complained against of the action that he proposes to take in relation to the complaint.
- (13) An appropriate authority may decide not to make a notification under paragraph (12)(a)(ii) if it is of the opinion that to do so might prejudice any criminal investigation or pending proceedings or would otherwise be contrary to the public interest.

### **Manner in which duties to provide information are to be performed**

**12.—**(1) For the purposes of sections 20(5) and 21(10) of the 2002 Act (duties to keep complainant and other persons informed), the manner in which the Commission or, as the case may be, an appropriate authority shall perform the duties imposed by those sections is as follows.

(2) The Commission, in a case falling within section 20(1) or 21(6) of the 2002 Act (investigation of a complaint, conduct matter or DSI matter by or under the management of the Commission), shall inform the complainant or, as the case may be, the interested party—

- (a) of the progress of the investigation promptly and in any event—
  - (i) if there has been no previous notification, within four weeks of the start of the investigation; and
  - (ii) in any other case, within four weeks of the previous notification;
- (b) of any provisional findings of the person carrying out the investigation as frequently as the Commission determines to be appropriate in order for the complainant to be kept properly informed.

(3) An appropriate authority, in a case falling within section 20(2) or 21(7) of the 2002 Act (investigation of a complaint, conduct matter or DSI matter by an appropriate authority), shall inform the complainant or the interested party (as the case may be)—

- (a) of the progress of the investigation promptly and in any event—

- (i) if there has been no previous notification, within four weeks of the start of the investigation; and
  - (ii) in any other case, within four weeks of the previous notification.
- (b) of any provisional findings of the person carrying out the investigation as frequently as the appropriate authority determines to be appropriate in order for the complainant to be kept properly informed.
- (4) When an investigation has been completed, each complainant and interested person shall be notified—
  - (a) of the date on which the final report under paragraph 22 of Schedule 3 to the 2002 Act is likely to be submitted;
  - (b) of the date on which the notification under paragraph 23(9) or 24(7) of that Schedule is likely to be given.
- (5) In performing the duties imposed by section 20(1) and (2) and section 21(6) and (7) of the 2002 Act, and by paragraphs 23(9) and 24(7) of Schedule 3 to that Act, the Commission or, as the case may be, the appropriate authority shall determine whether it is appropriate to offer, or to accede to a request for, a meeting with a complainant or, as the case may be, an interested person.
- (6) As soon as practicable after any such meeting the Commission or, as the case may be, the appropriate authority shall send to the complainant or interested person a written record of the meeting and an account of how any concerns of that person will be addressed.
- (7) As soon as practicable after the conclusion of any disciplinary proceedings that are taken in respect of the matters dealt with in any report submitted under paragraph 22 of Schedule 3 to the 2002 Act, the appropriate authority shall notify the Commission, any complainant and any interested person of the outcome of those proceedings, including the fact and outcome of any appeal against the outcome of the proceedings.
- (8) If the Commission or, as the case may be, the appropriate authority, considers that an investigation has made minimal or no progress since the previous notification, then the next notification may be made by any means that in the opinion of the Commission or, as the case may be, the appropriate authority is suitable.
- (9) Any notification under this regulation shall be given in writing, except in a case where the notification is given at a meeting held in consequence of a determination under paragraph (5) or it is given by means other than writing in accordance with paragraph (8).

**Exceptions to the duty to keep the complainant informed and to provide information for other persons**

**13.**—(1) Subject to paragraph (2), the duties mentioned in section 20(1) and (2) (duty to keep the complainant informed) and section 21(6) and (7) (duty to provide information for other persons) of the 2002 Act and in paragraphs 23(9) and 24(7) of Schedule 3 to that Act (action by the Commission or appropriate authority in response to an investigation report) shall not apply in circumstances where in the opinion of the Commission, or, as the case may be, of the appropriate authority, the non-disclosure of information is necessary for the purpose of—

- (a) preventing the premature or inappropriate disclosure of information that is relevant to, or may be used in, any actual or prospective criminal proceedings;
- (b) preventing the disclosure of information in any circumstances in which its non-disclosure—
  - (i) is in the interests of national security;
  - (ii) is for the purposes of the prevention or detection of crime, or the apprehension or prosecution of offenders;



- (iii) is required on proportionality grounds; or
- (iv) is otherwise necessary in the public interest.

(2) The Commission or, as the case may be, the appropriate authority shall not conclude that the non-disclosure of information is necessary under paragraph (1) unless it is satisfied that—

- (a) there is a real risk of the disclosure of that information causing an adverse effect; and
- (b) that adverse effect would be significant.

(3) Without prejudice to the generality of paragraph (1), the Commission or, as the case may be, the appropriate authority shall consider whether the non-disclosure of information is justified under that paragraph in circumstances where—

- (a) that information is relevant to, or may be used in, any actual or prospective disciplinary proceedings;
- (b) the disclosure of that information may lead to the contamination of the evidence of witnesses during such proceedings;
- (c) the disclosure of that information may prejudice the welfare or safety of any third party;
- (d) that information constitutes criminal intelligence.

### **Meaning of “relative”**

**14.** For the purposes of section 21(12) of the 2002 Act (meaning of “relative”), the description of person that is hereby prescribed is any spouse, partner, parent or adult child.

### **Copies of complaints etc**

**15.—**(1) Where a complaint is recorded under paragraph 2(6) of Schedule 3 to the 2002 Act, the appropriate authority shall—

- (a) supply to the complainant a copy of the record made of that complaint; and
- (b) subject to paragraphs (2) to (4), supply to the person complained against a copy of the complaint.

(2) A copy of a complaint supplied under this regulation may be in a form which keeps anonymous the identity of the complainant or of any other person.

(3) An appropriate authority may decide not to supply such a copy of a complaint if it is of the opinion that to do so—

- (a) might prejudice any criminal investigation or pending proceedings, or
- (b) would otherwise be contrary to the public interest.

(4) Where an appropriate authority decides not to supply such a copy, it shall keep that decision under regular review.

### **Written notices**

**16.—**(1) For the purposes of paragraph 19B(7) of Schedule 3 to the 2002 Act (assessment of seriousness of conduct under investigation) the notification given by the investigator to the person concerned must be in writing and state—

- (a) the conduct that is the subject matter of the allegation and how that conduct is alleged to fall below the Standards of Professional Behaviour;
- (b) that there is to be an investigation into the matter and the identity of the investigator;
- (c) the investigator’s assessment of whether that conduct, if proved, would amount to misconduct or gross misconduct;

- (d) whether, if the matter were to be referred to misconduct proceedings, those would be likely to be a misconduct meeting or a misconduct hearing;
  - (e) that if the likely form of any misconduct proceedings to be held changes, further notice (with reasons) will be given;
  - (f) that he has the right to seek advice from his staff association or any other body and of the effect of regulation 17(1) to (3);
  - (g) the effect of regulation 18 and paragraph 19C of Schedule 3 to the 2002 Act (duty to consider submissions from person whose conduct is being investigated) and regulations 7(1) to (3) of the Conduct Regulations (legal or other representation); and
  - (h) that whilst he does not have to say anything it may harm his case if he does not mention when interviewed or when providing any information under regulation 18 or regulation 22(2) or (3) of the Conduct Regulations (procedure on receipt of notice of referral to misconduct proceedings) something which he later relies on in any misconduct proceedings, special case hearing, an appeal meeting or appeal hearing.
- (2) For the purposes of paragraph 19B(10) of Schedule 3 to the 2002 Act (assessment of seriousness of conduct under investigation), if following service of the notice under paragraph (1), the investigator revises his assessment of the conduct in accordance with paragraph 19B(9) of Schedule 3 to the 2002 Act or his determination of the likely form of any misconduct proceedings to be taken, the investigator shall, as soon as practicable, give the person concerned further written notice of—
- (a) the assessment of whether the conduct, if proved, would amount to misconduct or gross misconduct as the case may be and the reason for that assessment;
  - (b) whether, if the case were to be referred to misconduct proceedings, those would be likely to be a misconduct meeting or a misconduct hearing and the reason for this.
- (3) The notice whether given in accordance with paragraph (1) or (2) shall be—
- (a) given to the person concerned in person;
  - (b) left with some person at, or sent by recorded delivery to, the person concerned's last known address; or
  - (c) given to him in person by his police friend where the police friend has agreed with the appropriate authority to deliver the notice.
- (4) In paragraph (1)(h), “appeal hearing”, “appeal meeting” and “special case hearing” have the same meaning as in the Conduct Regulations.

### **Police friend**

**17.—**(1) Where the person concerned is a police officer he may choose—

- (a) a police officer;
- (b) a police staff member; or
- (c) where the officer concerned is a member of a police force, a person nominated by his staff association,

who is not otherwise involved in the matter to act as his police friend.

(2) Where the person concerned is a police staff member he may choose—

- (a) a person employed by a trade union of which he is an official within the meaning of sections 1 and 119 of the Trade Union and Labour Relations (Consolidation) Act 1992 (meaning of trade union);

- (b) an official of a trade union (within that meaning) whom the union has reasonably certified in writing as having experience of, or as having received training in, acting as a police staff member's companion at disciplinary proceedings;
- (c) a police officer;
- (d) a police staff member; or
- (e) any other person nominated by the person concerned and approved by the chief officer of the force in which a police staff member is serving,

who is not otherwise involved in the matter to act as his police friend.

(3) A police friend may—

- (a) provide any relevant document to the investigator in accordance with paragraph 19C(2)(b) of Schedule 3 to the 2002 Act (power to prescribe persons who may provide submissions to the investigator);
- (b) accompany the officer concerned to any interview conducted under regulation 19;
- (c) advise the person concerned throughout proceedings under these Regulations; and
- (d) make representations to the Commission concerning any aspect of the proceedings under these Regulations.

(4) Where a police friend is a police officer or a police staff member, the chief officer of the force of which the police friend is a member shall permit him to use a reasonable amount of duty time for the purposes referred to in paragraph (3).

(5) The reference in paragraph (4) to the force of which the police friend is a member shall include a reference to the force maintained for the police area for which a special constable is appointed and the force in which a police staff member is serving.

### **Representations to the investigator**

**18.** For the purposes of paragraph 19B(7)(c) of Schedule 3 to the 2002 Act (time limits for providing documents to the investigator), the person concerned or police friend shall have 10 working days starting with the day after which the notice is given under regulation 16(1) (unless this period is extended by the investigator) to provide any relevant statement or relevant document as the case may be.

### **Interviews during investigation**

**19.—(1)** For the purposes of paragraph 19D(1) of Schedule 3 to the 2002 Act (interview of person whose conduct is being investigated), where an investigator wishes to interview the person concerned as part of his investigation, he shall, if reasonably practicable, agree a date and time for the interview with the person concerned.

(2) Where no date and time is agreed under paragraph (1), the investigator shall specify a date and time for the interview.

(3) Where a date and time is specified under paragraph (2) and—

- (a) the person concerned or his police friend will not be available at that time; and
- (b) the person concerned proposes an alternative time which satisfies paragraph (4),

the interview shall be postponed to the time proposed by the person concerned.

(4) An alternative time must—

- (a) be reasonable; and
- (b) fall before the end of the period of 5 working days beginning with the first working day after the day specified by the investigator.

- (5) The person concerned shall be given written notice of the date, time and place of the interview.
- (6) The investigator shall, in advance of the interview, provide the person concerned with such information as the investigator considers appropriate in the circumstances of the case to enable the person concerned to prepare for the interview.
- (7) The person concerned shall attend the interview.
- (8) A police friend may not answer any questions asked of the person concerned during the interview.

### **Report of investigation**

**20.** For the purposes of paragraph 22(7) of Schedule 3 to the 2002 Act (final reports on investigations), on completion of an investigation the investigator's report shall—

- (a) provide an accurate summary of the evidence;
- (b) attach or refer to any relevant documents; and
- (c) indicate the investigator's opinion as to whether there is a case to answer in respect of misconduct or gross misconduct or whether there is no case to answer.

### **Withdrawn complaints**

**21.—**(1) If an appropriate authority receives from a complainant notification in writing signed by him or by his solicitor or other authorised agent on his behalf to the effect either—

- (a) that he withdraws the complaint, or
- (b) that he does not wish any further steps to be taken in consequence of the complaint,

then the appropriate authority shall forthwith record the withdrawal or the fact that the complainant does not wish any further steps to be taken, as the case may be, and subject to the following provisions of this regulation, the provisions of Part 2 of the 2002 Act shall cease to apply in respect of that complaint.

(2) Where a complainant gives such notification as is mentioned in paragraph (1) to the Commission but, so far as is apparent to the Commission, has not sent that notification to the appropriate authority, then—

- (a) the Commission shall send a copy of the notification to the appropriate authority;
- (b) that appropriate authority shall record the withdrawal or the fact that the complainant does not wish any further steps to be taken, as the case may be; and
- (c) subject to the following provisions of this regulation, the provisions of Part 2 of the 2002 Act shall cease to apply in respect of that complaint.

(3) Where a complainant gives such notification as is mentioned in paragraph (1) to an appropriate authority, or where the appropriate authority receives a copy of a notification under paragraph (2), and it relates to a complaint—

- (a) which was referred to the Commission under paragraph 4(1) of Schedule 3 to the 2002 Act and which has not been referred back to the appropriate authority under paragraph 5(2) of that Schedule; or
- (b) which the appropriate authority knows is currently the subject of an appeal to the Commission under paragraph 3(3), 7(8), 8A(1), 21(7) or 25(2) of that Schedule,

then the appropriate authority shall notify the Commission that it has recorded the withdrawal of the complaint or the fact that the complainant does not wish any further steps to be taken, as the case may be.

(4) In a case falling within paragraph (3)(a), the Commission shall determine whether it is in the public interest for the complaint to be treated as a recordable conduct matter, and shall notify the appropriate authority of its decision.

(5) In a case falling within paragraph (3)(b), the appropriate authority shall—

- (a) determine whether it is in the public interest for the complaint to be treated as a recordable conduct matter; and
- (b) notify the Commission of its determination and the reasons for that determination.

(6) Where a determination is made that a complaint is to be treated as a recordable conduct matter, then the provisions of Part 2 of Schedule 3 to the 2002 Act shall apply to that matter.

(7) Where a complainant gives such notification as is mentioned in paragraph (1) to an appropriate authority, or where the appropriate authority receives a copy of a notification under paragraph (2), and that notification relates to a complaint which does not fall within sub-paragraph (a) or (b) of paragraph (3), then—

- (a) the appropriate authority shall determine whether it is in the public interest for the complaint to be treated as a recordable conduct matter;
- (b) if the complaint is to be treated as a recordable conduct matter, the provisions of Part 2 of Schedule 3 to the 2002 Act shall apply to that matter;
- (c) if the complaint is not to be treated as a recordable conduct matter, the provisions of Part 2 of the 2002 Act shall cease to apply in respect of that complaint.

(8) In a case where—

- (a) a complaint has been subjected to an investigation by the appropriate authority on its own behalf;
- (b) the complaint is currently subject to an appeal to the Commission under paragraph 25 of Schedule 3 to the Act; and
- (c) the appropriate authority has notified the Commission under paragraph (5)(b) that it has determined that the complaint is not to be treated as a recordable conduct matter,

the Commission shall consider whether it is in the public interest for that determination to be reversed, and if so it shall instruct the appropriate authority to reverse the decision.

(9) Where a complainant indicates that he wishes to withdraw the complaint or that he does not wish any further steps to be taken in consequence of the complaint, but he fails to provide a notification to that effect in writing signed by him or on his behalf, then—

- (a) in the case of an indication received by the appropriate authority, the authority shall take the steps set out in paragraph (10);
- (b) in the case of an indication received by the Commission, the Commission shall refer the matter to the appropriate authority which shall take the steps set out in paragraph (10).

(10) Those steps are—

- (a) the appropriate authority shall write to the complainant to ascertain whether he wishes to withdraw his complaint or does not wish any further steps to be taken in consequence of the complaint;
- (b) if the complainant indicates that he wishes to withdraw his complaint or does not wish any further steps to be taken in consequence of the complaint, or if he fails to reply within a period of 28 days commencing on the day after the date of the letter under sub-paragraph (a), the appropriate authority shall treat the indication as though it had been received in writing signed by the complainant;

- (c) if the complainant indicates that he does not wish to withdraw his complaint, or that he does wish further steps to be taken in consequence of the complaint, the appropriate authority shall start or resume the investigation as the case may be.
- (11) Subject to paragraph (12), the appropriate authority shall notify the person complained against if—
  - (a) it records the withdrawal of a complaint or the fact that the complainant does not wish any further steps to be taken;
  - (b) it determines that a complaint shall be treated as a recordable conduct matter;
  - (c) the Commission determines that a complaint shall be treated as a recordable conduct matter;
  - (d) the Commission instructs it to reverse a decision not to treat a complaint as a recordable conduct matter;
  - (e) the provisions of Part 2 of the 2002 Act cease to apply in respect of a complaint.

(12) Nothing in paragraph (11) shall require the appropriate authority to make a notification if it has previously decided under regulation 15(3) not to notify the person complained against of the complaint because it is of the opinion that that might prejudice any criminal investigation or pending proceedings or would be contrary to the public interest.

### **Circumstances in which an investigation or other procedure may be suspended**

**22.**—(1) The Commission may suspend any investigation or other procedure under Part 2 of the 2002 Act which would, if it were to continue, prejudice any criminal investigation or proceedings.

(2) An appropriate authority may, subject to paragraph (3), suspend any investigation or other procedure under Part 2 of the 2002 Act which would, if it were to continue, prejudice any criminal investigation or proceedings.

(3) The Commission may direct that any investigation or other procedure under Part 2 of the 2002 Act which is liable to be suspended under paragraph (2) shall continue if it is of the view that it is in the public interest to make such a direction.

(4) The Commission shall consult the appropriate authority before making such a direction.

### **Resumption of investigation after criminal proceedings**

**23.**—(1) Where the whole or part of the investigation of a complaint has been suspended until the conclusion of criminal proceedings, and the complainant has failed to indicate after the conclusion of those proceedings that he wishes the investigation to start or be resumed, the Commission or, as the case may be, appropriate authority shall take the steps set out in paragraph (2).

(2) The Commission or appropriate authority shall take all reasonable steps to contact the complainant to ascertain whether he wants the investigation to start or be resumed as the case may be.

(3) If the complainant indicates that he does wish the investigation to start or be resumed, the Commission or appropriate authority shall start or resume the investigation as the case may be.

(4) If the complainant indicates that he does not want the investigation to start or be resumed, or if he fails to reply within a period of 28 days commencing on the day after the date of a letter sent to him by the Commission or appropriate authority, the Commission or appropriate authority as the case may be shall determine whether it is in the public interest for the complaint to be treated as a recordable conduct matter.

(5) If the Commission or appropriate authority determines that it is not in the public interest for the complaint to be treated as a recordable conduct matter, the provisions of Part 2 of the 2002 Act shall cease to apply to the complaint.

(6) If the Commission or appropriate authority determines that it is in the public interest for the complaint to be treated as a recordable conduct matter, the provisions of Part 2 of Schedule 3 to the 2002 Act shall apply to the matter.

(7) Subject to paragraph (8), the Commission or appropriate authority shall notify the person complained against if paragraph (5) or (6) applies.

(8) Nothing in paragraph (7) shall require the Commission or appropriate authority to make a notification if it is of the opinion that that might prejudice any criminal investigation or pending proceedings or would be contrary to the public interest.

### **Appointment of persons to carry out investigations**

**24.**—(1) No person shall be appointed to carry out an investigation under paragraph 16, 17 or 18 of Schedule 3 to the 2002 Act (investigation by the appropriate authority on its own behalf, supervised and managed investigations)—

- (a) unless he has an appropriate level of knowledge, skills and experience to plan and manage the investigation;
- (b) subject to paragraph (2), if he works, directly or indirectly, under the management of the person whose conduct is being investigated;
- (c) subject to paragraph (2), in a case where the officer concerned is a senior officer, if he is—
  - (i) the chief officer of the police force concerned, or
  - (ii) a member of the same force as the officer concerned;
- (d) subject to paragraph (3), if he is a person whose involvement in the role could reasonably give rise to a concern as to whether he could act impartially under these Regulations.

(2) Paragraphs (1)(b) and (c) shall not apply in a case where the investigation is of a complaint in relation to a direction and control matter.

(3) In a case where the investigation is of a complaint in relation to a direction and control matter, the fact that a person—

- (a) works, directly or indirectly, under the management of the person whose conduct is being investigated; or
- (b) is the chief officer of the police force concerned or a member of the same force as the officer concerned,

shall not, without more, constitute reasonable grounds for concern as to whether that person could act impartially for the purposes of paragraph (1)(d).

(4) In this regulation any reference to a member of a police force shall include a reference to a special constable appointed for the area of that force and a police staff member serving in that force.

### **Combining and splitting investigations**

**25.**—(1) An appropriate authority which is carrying out an investigation on its own behalf may—

- (a) combine that investigation with another such investigation; or
- (b) split that investigation into two or more such separate investigations

if it considers that it is more efficient and effective, or is otherwise in the public interest, to do so.

(2) Subject to paragraph (3), where the Commission is supervising, managing or carrying out an investigation, it may—

- (a) combine that investigation with another investigation; or
- (b) split that investigation into two or more separate investigations,

if it considers that it is more efficient and effective, or is otherwise in the public interest, to do so.

(3) The Commission shall not take any action under paragraph (2) in relation to a supervised or managed investigation except after consultation with the appropriate authority.

(4) Nothing in this regulation shall prevent the Commission from determining that—

- (a) where an investigation is split into two or more separate investigations, those investigations may take different forms;
- (b) two or more separate investigations which take different forms (including an investigation being carried out by the appropriate authority on its own behalf) may be combined into a single investigation.

### **Relinquishing the Commission's supervision or management of an investigation**

**26.**—(1) This regulation applies where the Commission—

- (a) relinquishes the management of an investigation in favour of a supervised investigation or an investigation by the appropriate authority on its own behalf, or
- (b) relinquishes the supervision of an investigation in favour of an investigation by the appropriate authority on its own behalf.

(2) Where this regulation applies, and subject to paragraph (3), the Commission—

- (a) shall notify the appropriate authority, the complainant, any interested person within the meaning of section 21 of the 2002 Act and the person complained against of its decision, and the reasons for that decision; and
- (b) shall send to the appropriate authority any documentation and evidence gathered during its investigations as will assist the appropriate authority to carry out its functions under Part 2 of the 2002 Act.

(3) Nothing in paragraph (2)(a) shall require the Commission to make a notification to the person complained against if it is of the opinion that that might prejudice any criminal investigation or pending proceedings or would be contrary to the public interest.

### **Complaints or conduct matters concerning a person who has subsequently ceased to serve with the police**

**27.** Where a complaint or conduct matter relates to the conduct of a person who has ceased to be a person serving with the police since the time of the conduct, then Part 2 of the 2002 Act shall apply in relation to such a person as if it did not include any requirement for an appropriate authority to determine whether disciplinary proceedings should be brought against a person whose conduct is the subject-matter of a report.

### **Complaints or conduct matters concerning a person whose identity is unascertained**

**28.**—(1) Where a complaint or conduct matter relates to the conduct of a person whose identity is unascertained at the time at which the complaint is made or the conduct matter is recorded, or whose identity is not ascertained during or subsequent to, the investigation of the complaint or recordable conduct matter, then Part 2 of the 2002 Act and these Regulations shall apply in relation to such a person as if it did not include—

- (a) any requirement for the person complained against to be given a notification or an opportunity to make representations;
- (b) any requirement for the Commission or the appropriate authority to determine whether a criminal offence may have been committed by the person whose conduct has been the subject-matter of an investigation, or to take any action in relation to such a determination;



- (c) any requirement for an appropriate authority to determine whether disciplinary proceedings should be brought against a person whose conduct is the subject-matter of a report.

(2) Where the identity of such a person is subsequently ascertained, the Commission and appropriate authority shall take such action in accordance with Part 2 of the 2002 Act and these Regulations as they see fit, regardless of any previous action taken under that Part as modified above.

### **Notification of actions and decisions**

**29.**—(1) So far as not covered by paragraph 23(9) and (10) and paragraph 25(10) and (11) of Schedule 3 to the 2002 Act (notifications by the Commission in relation to recommending disciplinary proceedings), where the Commission takes any action or decisions in consequence of it having received a memorandum under paragraph 23(7) or paragraph 25(3) of that Schedule, it shall notify such action or decisions, together with an explanation of its reasons for having taken them, to—

- (a) the appropriate authority;
- (b) the complainant and any other interested person within the meaning of section 21(5) of the 2002 Act;
- (c) subject to paragraph (3), the person complained against.

(2) Without prejudice to the generality of paragraph (1), the Commission shall include in any notification under that paragraph a statement as to whether it intends to participate in any disciplinary proceedings.

(3) The Commission may decide not to give such a notification and explanation to the person complained against if it is of the opinion that that notification might prejudice any criminal investigation, pending proceedings, or review of the complaint.

### **Relevant appeal body**

**30.**—(1) For the purposes of paragraph 30(1)(a) of Schedule 3 to the 2002 Act (descriptions of complaint in relation to which the Commission is the relevant appeal body), the complaints set out in paragraph (2) are hereby specified.

(2) Those complaints are any complaint—

- (a) about the conduct of a senior officer;
- (b) in the case of which the appropriate authority is unable to satisfy itself, from the complaint alone, that the conduct complained of (if it were proved)—
  - (i) would not justify the bringing of criminal or misconduct proceedings against a person serving with the police; or
  - (ii) would not involve the infringement of a person's rights under Article 2 or 3 of the Convention (within the meaning of the Human Rights Act 1998<sup>(13)</sup>);
- (c) that has been, or must be, referred to the Commission under paragraph 4 of Schedule 3 to the 2002 Act;
- (d) arising from the same incident as a complaint to which sub-paragraph (a), (b) or (c) applies;
- (e) to any part of which sub-paragraph (a), (b), (c) or (d) applies.

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(13) 1998 c. 42.

### **Keeping of records**

**31.** Every local policing body and chief officer shall keep records, in such form as the Commission shall determine, of—

- (a) every complaint and purported complaint that is made to it or him;
- (b) every conduct matter recorded by it or him under paragraph 10 or 11 of Schedule 3 to the 2002 Act;
- (c) every DSI matter recorded by it or him under paragraph 14A of Schedule 3 to the 2002 Act;
- (d) every exercise of a power or performance of a duty under Part 2 of the 2002 Act.

### **Register to be kept by the Commission**

**32.**—(1) The Commission shall establish and maintain a register of all information supplied to it by a local policing body or chief officer under Part 2 of the 2002 Act.

(2) Subject to paragraph (3), the Commission may publish or otherwise disclose to any person any information held on the register provided that the publication or disclosure is necessary for or conducive to the purpose of—

- (a) learning lessons from the handling of, or demonstrating the thoroughness and effectiveness of, local resolutions, investigations by the Commission or managed or supervised investigations;
- (b) raising public awareness of the complaints system; or
- (c) improving the complaints system.

(3) Information may not be published or disclosed in circumstances where in the opinion of the Commission the non-disclosure of information is necessary for a purpose mentioned in regulation 13(1)(a) or (b).

### **Delegation of powers and duties by chief officer**

**33.**—(1) Subject to the remaining paragraphs of this regulation, a chief officer may delegate all or any of the powers or duties conferred or imposed on him by or under Part 2 of the 2002 Act to such an officer as is mentioned in paragraph (2), or to a police staff member who, in the opinion of the chief officer, is of at least a similar level of seniority.

(2) That officer is—

- (a) a senior officer, in the case of a complaint or conduct matter concerning the conduct of a senior officer; and
- (b) a member of a police force of at least the rank of chief inspector, in any other case.

(3) A chief officer shall not, in any particular case, delegate any power or duty under paragraph (1) to a person whose involvement in the role could reasonably give rise to a concern as to whether he could act impartially under these Regulations, whether because he has acted as investigating officer in the case or attempted to resolve it by way of local resolution or otherwise.

(4) A chief officer may delegate all or any of his powers or duties in relation to the local resolution of complaints under Part 2 of the 2002 Act to any person serving with the police.

### **Manner and time limits of notifications**

**34.**—(1) Any notification to be given under these Regulations shall—

- (a) unless otherwise specified in these Regulations or determined in guidance issued by the Commission, be given in writing;

(b) unless otherwise specified in these Regulations, be made within such period as the Commission may determine in guidance.

(2) No time limit mentioned in these Regulations or determined by the Commission shall apply in any case where exceptional circumstances prevent that time limit being complied with.

#### **Application to contracted-out staff**

**35.**—(1) Subject to paragraph (2), Part 2 of the 2002 Act and these Regulations shall apply in relation to a detention officer or escort officer as they apply in relation to a person serving with the police.

(2) Paragraph (1) applies only insofar as a complaint relates to, or another instance of misconduct involves, the carrying out of functions for the purposes of which any power or duty is conferred or imposed by a designation under section 39(2) of the 2002 Act (police powers for contracted-out staff).

(3) References in Part 2 of the 2002 Act to a civilian employee of a police force shall include references to a detention officer or escort officer who has been so designated by the chief officer of that force.

(4) In this regulation, “detention officer” means a person designated under section 39(2)(a) of the 2002 Act and “escort officer” means a person designated under section 39(2)(b) of that Act.

#### **Disciplinary proceedings for police staff**

**36.** In relation to a person serving with the police who is not a member of a police force or a special constable, for the purposes of Part 2 of the 2002 Act “disciplinary proceedings” means—

- (a) any proceedings or management process during which the conduct (as opposed to the performance) of such a person is considered in order to determine whether a sanction or punitive measure is to be imposed against him in relation to that conduct; and
- (b) for the purposes of section 22 of, and paragraphs 22, 23, 25 and 27 of Schedule 3 to the 2002 Act only, any proceedings or management process during which the performance of such a person is considered in order to determine whether it is unsatisfactory and whether, as a result, any action is to be taken in relation to it.

Home Office  
1st May 2012

*Nick Herbert*  
Minister of State

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations consolidate the Police (Complaints and Misconduct) Regulations 2004 (“the 2004 Regulations”) and the various Regulations that have amended the 2004 Regulations. They also make modifications to the provisions of the 2004 Regulations in order to reflect amendments made to the Police Reform Act 2002 (“the 2002 Act”) by the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”). They further modify the provisions of the 2004 Regulations in order to make improvements to the efficiency and effectiveness of the police complaints system.

The provisions of the 2004 Regulations are re-enacted in these Regulations as follows:

<i>2004 Regulations</i>	<i>These Regulations</i>
Regulation 1	Regulation 1
Regulation 2	Regulation 4
Regulation 3	Regulation 5
Regulation 4	Regulation 6
Regulation 5	Regulation 7
Regulation 5A(14)	Regulation 8
Regulation 6	Regulation 9
Regulation 7	Regulation 10
Regulation 8	Regulation 11
Regulation 10(15)	Regulation 11
Regulation 11	Regulation 12
Regulation 12	Regulation 13
Regulation 13	Regulation 14
Regulation 14	Regulation 15
Regulation 14A(16)	Regulation 16
Regulation 14B	Regulation 17
Regulation 14C	Regulation 18
Regulation 14D	Regulation 19
Regulation 14E	Regulation 20
Regulation 15	Regulation 21

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(14) Regulation 5A of the 2004 Regulations was inserted by [S.I. 2006/1406](#).

(15) Regulation 9 of the 2004 Regulations concerned appeals under paragraph 9 of Schedule 3 to the 2002 Act against the conduct of local resolution of complaints. This right of appeal has been replaced with a right of appeal against the outcome of the local resolution – see paragraph 18 of Schedule 14 to the 2011 Act. Accordingly regulation 9 of the 2004 Regulations has not been re-enacted, but regulation 11 of these Regulations concerns the new right of appeal.

(16) Regulations 14A to 14E of the 2004 Regulations were inserted by [S.I. 2008/2866](#).

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<i>2004 Regulations</i>	<i>These Regulations</i>
Regulation 16	Regulation 22
Regulation 17	Regulation 23
Regulation 18	Regulation 24
Regulation 19	Regulation 25
Regulation 20	Regulation 26
Regulation 21	Regulation 27
Regulation 22	Regulation 28
Regulation 23	Regulation 29
Regulation 24	Regulation 31
Regulation 25	Regulation 32
Regulation 26	Regulation 33
Regulation 27	Regulation 34
Regulation 28	Regulation 35
Regulation 30(17)	Regulation 36

These Regulations make the following modifications to the provisions in the 2004 Regulations:

In regulation 1(2) of these Regulations (interpretation), the definition of “appropriate authority” and “police staff member” are changed to reflect changes made by the 2011 Act. Definitions of “disciplinary proceedings” and “misconduct proceedings” are inserted. The former term refers to proceedings in relation to unsatisfactory performance as well as misconduct.

Regulation 3 of these Regulations (recording of complaints) specifies descriptions of complaints that do not have to be recorded by an appropriate authority<sup>(18)</sup>. The descriptions are similar to those specified in regulation 3 of the 2004 Regulations for the purposes of dispensation by the Independent Police Complaints Commission (“the Commission”) from the requirements of Schedule 3 to the 2002 Act. There is an additional description of complaint; a complaint which is fanciful, in the sense that no reasonable person could lend any credence to it.

Regulation 4 of these Regulations (reference of complaints to the Commission) re-enacts regulation 2 of the 2004 Regulation with the change that complaints must be referred to the Commission without delay, and in any event not later than specified deadlines which are the same as those imposed by regulation 2 of the 2004 Regulations. Regulations 7 and 8 of these Regulations incorporate the same changes in relation to the referral of conduct matters and death or serious injury matters, respectively.

Regulation 5 of these Regulations (disapplication of requirements of Schedule 3) re-enacts regulation 3 of the 2004 Regulations but reflects the fact that paragraph 7 of Schedule 3 to the 2002 Act now refers to disapplication of the provisions of that Schedule rather than dispensation, and the provisions of the Schedule can now be disappplied by the appropriate authority without making an application to the Commission in some circumstances<sup>(19)</sup>.

Regulation 6 of these Regulations (local resolution of complaints) re-enacts regulation 4 of the 2004 Regulations with the change that a record of the outcome of the local resolution of a complaint is to be sent to the complainant automatically, rather than on application, and at the same time the appropriate authority is to inform the complainant of his right of appeal against the outcome. The

<sup>(17)</sup> Regulation 29 of the 2004 Regulations was revoked by [S.I. 2006/594](#).

<sup>(18)</sup> See paragraph 2(8) of Schedule 3 to the 2002 Act, inserted by paragraph 8(5) of Schedule 14 to the 2011 Act.

<sup>(19)</sup> See the amendments made to paragraph 7 of Schedule 3 to the 2002 Act by paragraph 10 of Schedule 14 to the 2011 Act.

fact that the person complained against chose not to comment on the complaint does not have to be recorded.

Regulation 7 of these Regulations (recording and reference of conduct matters) re-enacts regulation 5 of the 2004 Regulations, while also specifying a repetitious conduct matter as a description of matters that do not have to be recorded by the appropriate authority, provided that the matter does not have to be recorded because it is specified as a description of matter that must be referred to the Commission<sup>(20)</sup>.

Regulation 10 of these Regulations (power to discontinue an investigation) re-enacts regulation 7 of the 2004 Regulations with changes to reflect the fact that investigations of complaints and conduct matters can now be discontinued by the appropriate authority without an order from the Commission, in certain circumstances<sup>(21)</sup>.

Regulation 11 of these Regulations (appeals) consolidates regulations 8 and 10 of the 2004 Regulations, providing a single provision applicable to the rights of appeal to which those regulations applied, and to the new rights of appeal against a decision to disapply the requirements of Schedule 3 to the 2002 Act, against the outcome of a complaint that is subjected to local resolution or handled otherwise than in accordance with that Schedule and against a decision to discontinue an investigation of a complaint<sup>(22)</sup>.

Regulation 12 of these Regulations (manner in which duties to provide information are to be performed) re-enacts regulation 11 of the 2004 Regulations with the change that, where disciplinary proceedings are taken in respect of matters dealt with in an investigation report, the appropriate authority is now required to notify the Commission, as well as the complainant and any interested person, of the outcome of the proceedings, including the fact and outcome of any appeal.

Regulation 24 of these Regulations (appointment of person to carry out investigations) re-enacts regulation 18 of the 2004 Regulations with the change that the prohibition on the appointment of an investigator who is the chief officer or a member of the same police force as the person being investigated, or who works under the management of that person, does not apply where the investigation is of a complaint in relation to a direction and control matter. Further, where the complaint is in relation to a direction and control matter, the fact that a person falls into one of these categories does not of itself provide reasonable cause for concern as to whether the person could act impartially (which would otherwise bar the person from appointment as investigator). In relation to the first of these changes, where the person being investigated is a chief officer, paragraphs 16(4), 17(6) and 18(2) of Schedule 3 to the 2002 Act prohibit the appointment of an investigator who is under the direction and control of that chief officer in any event.

Regulations 27 (complaints or conduct matters concerning a person who has subsequently ceased to serve with the police) and 28 (complaints or conduct matters concerning a person whose identity is unascertained) of these Regulations re-enact regulations 21 and 22 of the 2004 Regulations respectively, with the change that they apply to conduct matters as well as complaints.

Regulation 30 of these Regulations (relevant appeal body) specifies the descriptions of complaint in respect of which the Commission, rather than the chief officer of police, is the relevant appeal body<sup>(23)</sup>.

Regulation 33 of these Regulations (delegation of powers and duties by chief officer) re-enacts regulation 26 of the 2004 Regulations with the change that it allows powers and duties to be delegated to a member of the police force of at least the rank of chief inspector (or a police staff member of equivalent rank), except in a case where the person whose conduct is in question is a senior officer. In that case, powers and duties can be delegated to another senior officer (or the police staff equivalent).

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<sup>(20)</sup> See paragraphs 10 and 11 of Schedule 3 to the 2002 Act, as amended by paragraphs 11 and 12 of Schedule 14 to the 2011 Act.

<sup>(21)</sup> See the amendments made to paragraph 21 of Schedule 3 to the 2002 Act by paragraph 13 of Schedule 14 to the 2011 Act.

<sup>(22)</sup> See the amendments made to Schedule 3 to the 2002 Act by paragraphs 15 to 20 of Schedule 14 to the 2011 Act.

<sup>(23)</sup> See paragraph 30 of Schedule 3 to the 2002 Act, inserted by paragraph 22 of Schedule 14 to the 2011 Act.

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Regulation 36 of these Regulations (disciplinary proceedings for police staff) changes the way that disciplinary proceedings are defined for the purposes of Part 2 of the 2002 Act. Proceedings for misconduct continue to be classed as disciplinary proceedings, but proceedings for unsatisfactory performance are now also classed as disciplinary proceedings for the purposes of particular provisions of the 2002 Act that concern the giving of advice, recommendations and directions by the Commission. This mirrors the position achieved for police officers by regulations made under sections 50 and 51 of the Police Act 1996.

These Regulations make further minor drafting or consequential changes in re-enacting the provisions of the 2004 Regulations.

















































