
This information sheet is for advice workers on assisting individuals who are unhappy with the response of a statutory agency to their report of hate crime.

Everyone is entitled to expect a good service from public bodies whose services they use. Internal review and complaints procedures to deal with situations where things have gone wrong are now a common feature of public services.

Despite this, the complaints process can be difficult for individuals to navigate. The guidance below aims to assist advice workers in empowering individuals to speak up when they feel a service has let them down.

Discuss the pros and cons

If you are advising someone who wants to make a complaint, ensure they are making an informed decision by exploring possible positive and negative outcomes. A complaint could result in an apology, an explanation, a different decision or create change within an organisation. On the other hand, complaints can be emotionally taxing, they can drag on for months, or could result in a frustrating response.

Identify an objective

It can be helpful to clarify what an individual wants to achieve, as this can focus the content of a complaint. For instance, an individual might want to feel heard, change a decision, alter an institutional practice, or have a staff member challenged. For financial compensation the best route is usually legal action or complaining to an Ombudsman.

Writing complaint letters

To be effective, a complaint letter should outline the situation, describe what went wrong and suggest a solution. Complainants often want to include a lot of detail, but keeping points concise can avoid the main argument getting lost. Include the complainant’s personal details and any reference numbers. Clearly mark it 'complaint'. When complaining on someone else’s behalf, include a few lines about your organisation and a signed form authorising you to act on the service user’s behalf.
It can also be helpful to point out any official guidelines that were not followed. These might include local policies published by the organisation, national hate crime guidance (see http://library.college.police.uk/docs/college-of-policing/Hate-Crime-Operational-Guidance.pdf) or standards of behaviour for police officers (see http://www.college.police.uk/What-we-do/Ethics/Documents/Code_of_Ethics.pdf). It is also useful to be aware of the rights of people who experience crime (see https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/470212/code-of-practice-for-victims-of-crime.PDF) or who are arrested, held or accused of crimes (see https://www.gov.uk/guidance/police-and-criminal-evidence-act-1984-pace-codes-of-practice).

Complaints about police

Complaint options include the following:

1) Local resolution

Most police complaints are dealt with through ‘local resolution’. This usually involves the complainant having a telephone or face-to-face conversation with a senior officer to find a means of resolving the situation. This can be well-suited to fixing simple problems or helping someone understand why a decision was made. Local resolution can be initiated by calling 101 and explaining the complaint, writing a letter and delivering it to a local police station addressed to the ‘Duty Inspector’, or attending a police station in person to complain. Some police force websites have a complaint form you can fill out on their websites. The time limit to make a complaint is 12 months after the incident, unless there is a good reason for not having made the complaint earlier.

2) Internal police investigation

Every police force has an internal department called the Professional Standards Unit that investigates potential police misconduct. They tend to handle more serious complaints. You or a complainant can write to them directly asking for a formal investigation in the first instance, or if local resolution has been exhausted. If they decide to investigate the complaint, they will set out their findings and any action they plan to take in a letter. It is relatively rare to get any acknowledgement of wrongdoing or apology through this method, which can leave complainants feeling frustrated. The time limit to make a complaint is twelve months after the incident, unless there is a good reason for a longer delay.

3) Independent appeal to the Independent Police Complaints Commission (IPCC)

If a complainant is unhappy with the outcome of an internal police investigation they can appeal to the Independent Police Complaints Commission (IPCC). Upon receiving a valid appeal request, the IPCC can check whether the police handling of the complaint was adequate. If they decide the process of complaint investigation by the police was flawed they can recommend the police re-investigate it. An appeal request would usually include a copy of the police decision letter and a letter from the complainant or a worker acting for them, which explains any shortcomings in the police investigation. An IPCC appeal can be made up to 28 days from the day after the date of the police decision. For details of the process and a list of the grounds on
which you can appeal visit: www.ipcc.gov.uk/appeals. If the appeal is upheld, the matter is likely to be sent back for reinvestigation by the local police force.

The IPCC only directly investigate or supervise the investigation of complaints if they involve very serious potential police misconduct, for example, where it involves death, serious assault or serious sexual offence. Police forces have a duty to refer themselves directly to the IPCC when they become aware of these sorts of allegations. For a description of issues police forces must refer to the IPCC, see section 8 of the following document: www.ipcc.gov.uk/sites/default/files/Documents/statutoryguidance/2015_statutory_guidance_english.pdf.

Complaints about the Crown Prosecution Service (CPS)

Anyone who uses the Crown Prosecution Service (CPS) can complain about the handling of their case. There is a six-month time limit to complain. Two layers of appeal are possible if a service user is unhappy with the response. For a description of their complaints process visit: www.cps.gov.uk/contact/feedback_and_complaints/complaints_guidance.html.

Complaints about courts

It is possible to complain about the behaviour of a judge, magistrate or court staff member. However, if you are unhappy with the outcome of a case before a Court or Tribunal you will usually need to appeal the decision that has been made. For details visit: www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/complaints-procedure.

Complaints about councils

Local authorities have various services for people facing safety problems. Every council has a complaints procedure. Most include two layers of internal appeal. If the process has been exhausted and an individual is still unsatisfied they can appeal to the Local Government Ombudsman. For further information, visit: www.galop.org.uk/wp-content/uploads/2011/11/Solving-Problems-With-Council-Services-A4.pdf.

Complaints about housing

Housing associations and councils have a responsibility to keep their tenants safe. For details about making housing complaints visit: http://england.shelter.org.uk/get_advice/going_to_court/how_to_complain.

Challenging a decision not to charge

The ‘Victims’ Right to Review’ scheme allows an individual to appeal against a CPS or police decision not to charge a suspect. The request for a review should be directed to the CPS if they considered the case and decided not to press charges. It should be directed to the police if they decided not to refer it to the CPS or if they had the power to charge but decided not to (the police are now responsible for charging less serious crimes). The request should ideally be
made within five working days of hearing about the decision, but can still be made up to three months after finding out about it. For details visit: www.cps.gov.uk/victims_witnesses/victims_right_to_review.

Getting legal help

People unhappy about their treatment by a service provider can ask a lawyer to act for them. There are numerous legal firms specialising in action against the police, which can be found by searching online. Many lawyers will consider doing this type of work on a ‘no win, no fee’ basis, but only if they believe there is a good chance of being awarded compensation in court. Alternatively, individuals who qualify for Legal Aid (principally those of limited means) may be able to get legal assistance paid for by the Legal Aid Agency. You may also want to speak to a solicitor specialising in ‘public law’ or ‘judicial review’. They specialise in challenging decisions by public bodies where the decision-making process was legally flawed. However, legal aid funding for this area of law is limited and it is often prohibitively expensive to privately fund such a claim.

This information sheet was produced by Galop, an LGBT anti-violence charity providing support, advice and advocacy to people facing hate crime, domestic abuse or sexual violence. It is a part of a series of 17 resources on hate crime for LGBT people and service providers, created on behalf of the National LGBT Hate Crime Partnership. The other useful information sheets are:

1. Glossary of Terms Relating to Hate Crime
2. Diary Sheets and Guidance on Keeping a Written Record of Hate Crime
8. Training Toolkit on LGBT Hate Crime
9. LGBT Hate Crime Quality Standard: A Service Improvement Tool for Organisations
14. Hate Crime and Older Lesbian, Gay, Bisexual and Trans people in Care Settings
15. Housing, Disability and LGBT Hate Crime
17. Building Partnerships to Tackle Hate Crime

Find out about our work at www.galop.org.uk and www.lgbthatecrime.org.uk