

Military Police Investigative Doctrine Chapter 43 – Royal Military Police Complaints Policy

This Chapter is designed to outline HQ PM(A) Policy for dealing with complaints against Service Police personnel under the command of PM(A) in circumstances where existing methods of complaints do not apply. Following the principles of the Interpretation Act 1978, where a reference is made to man/he/his, the female equivalent applies.

Index

Section 1	Introduction		<ul style="list-style-type: none"> 1.1 - <u>Introduction.</u> 1.2 - <u>Glossary of Terms.</u>
Section 2	General Principles		<ul style="list-style-type: none"> 2.1 - <u>What is a complaint?</u> 2.1.1 - <u>Who can complain?</u> 2.1.2 - <u>Methods of complaint resolution.</u> 2.1.3 - <u>Promoting access.</u> 2.1.4 - <u>Anonymous complaints.</u> 2.1.5 - <u>Vexatious and oppressive complaints.</u> 2.1.6 - <u>Out of scope complaints.</u> 2.1.7 - <u>Complaints by suspects.</u> 2.1.8 - <u>Diverse Complaints.</u>
Section 3	Guidance, Procedure and Tactics	First Response	<ul style="list-style-type: none"> 3.1 - <u>The Complainant.</u> 3.1.1 - <u>Complaints made by young people under 16.</u> 3.2 - <u>Recording the complaint.</u> 3.2.1 - <u>Capturing the complaint in writing.</u> 3.2.2 - <u>The Delegated Service Police Officer (DSPO).</u> 3.2.3 - <u>Deciding how to handle a complaint.</u> 3.2.4 - <u>Analysing the complaint.</u> 3.2.5 - <u>Review the complaint.</u>
		Initial Actions	<ul style="list-style-type: none"> 3.3 - <u>Local resolution.</u> 3.3.1 - <u>Appeals following local resolution.</u> 3.4 - <u>Apologies to persons making a complaint.</u> 3.4.1 - <u>Explanations to persons making a complaint.</u> 3.5 - <u>Conduct of investigations into complaints which do not allege the commission of criminal offences or breaches of the Service Test.</u>

			<p><u>3.5.1 - Gathering information from RMP personnel who are the subject of a complaint.</u></p> <p><u>3.5.2 - RMP Advisor.</u></p> <p><u>3.5.3 - RMP Personnel as witnesses.</u></p> <p><u>3.5.4 - Civilian witnesses.</u></p> <p><u>3.5.5 - Additional sources of evidence.</u></p> <p><u>3.5.6 - Completion of investigation.</u></p> <p><u>3.5.7 - Determination by Delegated Service Police Officer.</u></p> <p><u>3.5.8 - Appeals following decision by the Delegated Service Police Officer.</u></p> <p><u>3.6 - Disclosure.</u></p>
		Qualified Response	<p><u>3.7 - Engagement with Professional Standards and Review.</u></p> <p><u>3.7.1 - Types of PS&R investigation.</u></p> <p><u>3.7.2 - Conclusion of PS&R reports.</u></p>
		Regional Variations	<p><u>4.1 - Operational Theatres.</u></p>
Section 4	Compliance and Qualification		<p><u>4.2 - Compliance.</u></p> <p><u>4.2.1 - Qualification.</u></p> <p><u>4.2.2 - Recusal.</u></p> <p><u>4.2.3 - Suspension from Service Police Duties.</u></p>
Section 5	Subject Matter Experts		<p><u>5.1 - Professional Standards and Review (PS&R).</u></p>
Section 6	Linked Documents	Associated Policy	<p><u>6.1 - Tri Service Complaints Procedure – To follow.</u></p> <p><u>6.1.1 - JSP 831 – Redress of Individual Grievances: Service Complaints.</u></p> <p><u>6.1.2 - IPCC Statutory Guidance to the Police Service on the handling of complaints – Amended May 2015.</u></p>
		Flow Charts	<p><u>6.2 - Flow Charts for investigating Complaints against RMP.</u></p>
		Forms	<p><u>6.3 - Service Police Complaint Records.</u></p>
			<p><u>6.3.6 - Service Police Complaint Procedure Leaflet.</u></p> <p><u>6.3.7 - RMP record of proceedings following a breach of professional standards.</u></p>
Section 7	Training		<p><u>7.1 - Training.</u></p>

Section 8	Financial		8.1 - <u>Financial Authority.</u>
Section 9	Review Process		9.1 - <u>Stakeholder Review.</u> 9.2 - <u>Legacy Audit Trail.</u>
Section 10	Lessons Learnt		10.1 - <u>Abridged Learning Account.</u>

Introduction

1.1 Introduction. Maintaining confidence in the transparency, accountability and integrity of the RMP is of paramount importance for being able to effectively police the Military community and increase confidence in RMP policing capability. This is not possible without having a mechanism in place for individuals to raise legitimate complaints or concerns and understand how such matters will be addressed. This is particularly important given the fact that the RMP does not currently come under the remit of the Independent Police Complaints Commissioner (IPCC). The method by which the complaint will be addressed will depend on who is complaining and what they are complaining about. Leadership and responsibility are key tenets of Command and therefore all RMP personnel responsible for subordinates should be prepared to address complaints levelled at those under their Command and follow the processes outlined in this MPID Chapter in order to satisfactorily resolve any complaint that may be raised. This MPID Chapter compliments and provides further guidance to the Service Police Complaints Procedure document which is due to be published in 2015.

1.2 Glossary of Terms. The following terms referred to and the context in which they apply to this MPID are outlined below:

- a. **Complaint.** For the purpose of this MPID chapter, the term 'Complaint' refers to an expression of dissatisfaction with what has happened or how someone has been treated during the course of member(s) of the RMP exercising their statutory duties.
- b. **Complainant.** This refers to the person wishing to express dissatisfaction.
- c. **Conduct.** Conduct refers to how a member of the RMP has exercised their statutory powers as a Service Policeman or woman or how investigations have been conducted in accordance with the Armed Forces Act 2006 (AFA 06) (as amended). It does not have to amount to 'misconduct' as defined under AFA 06 or within administrative policy.
- d. **COPPERS II.** This is a computer system utilised by the majority of SP units for recording policing activity and information.
- e. **Delegated Service Police Officer (DSPO).** The DSPO is responsible for dealing with any complaint made regarding RMP. Ordinarily, the DSPO would be _____ however, the role may be delegated on authority from _____
- f. **Duty Officer (DO).** The full remit of a DO is defined by unit standing orders, but they are ordinarily an individual of suitable rank and experience to act on behalf of the officer in charge of that specific unit until such time as they can brief their hierarchy or refer the matter upwards.
- g. **Prescribed Officer.** The Prescribed Officer is an individual involved in the Armed Forces Service Complaint Policy outlined in the Joint Service Publication (JSP) 831 - Redress of Individual Grievances: Service Complaints. They are ordinarily the Commanding Officer of an individual who has submitted a Service Complaint for consideration and will manage the complaint through the appropriate channels. They are referred to in this policy as there is occasionally a requirement for interaction between the Service Complaint process and the

Service Police Complaints Procedure (SPCP).

- h. **Provost Marshal.** The Royal Navy Police (RNP), Royal Military Police (RMP) and Royal Air Force Police (RAFP) each have a head of organisation who is referred to as the Provost Marshal. They have oversight of all complaints submitted in respect of SP under their command and will ensure that there is single Service policy derived from this SPCP to ensure that it is appropriately followed.
- i. **Responsible Officer.** A Responsible Officer is a person with sufficient rank and experience to act on the direction of the DSPO to investigate the complaint in accordance with this policy – The minimum rank should be a Captain.
- j. **Service Complaint.** A Service Complaint (SC) is a statutory complaint submitted in accordance with JSP 831. The formal complaint process for service and former service personnel. It does not allow for civilians to submit a complaint or for complaints to be made in respect of certain aspects of SP activity, therefore it is necessary to have a separate SPCP.
- k. **Service Police Complaints Procedure (SPCP).** This is the process by which complaints relating to the conduct of a serving member of the SP when exercising their statutory powers or conducting investigations should be recorded, investigated and resolved. This MPID is derived from that draft policy which is due to be published shortly. will review this MPID when the Service Police Complaints Procedure (SPCP) policy note is published and make any amendments as necessary.
- l. **Special to Type (STT) Complaints.** A number of STT administrative complaint procedures already exist for the resolution of complaints that relate to service medical care, housing complaints, pay and allowance complaints and financial compensation claims through the directorate of safety and claims. These individual STT complaint procedures must be exhausted before a complaint can be considered under the SC process as set out in JSP 831. Therefore, it is likely that any SC submitted about RMP activity is likely to be stayed whilst the SPCP is followed, if appropriate.

General Principles

2.1 What is a complaint? For the benefit of this policy, a complaint in this context is any allegation made about the conduct of a person serving with the Royal Military Police (RMP) in the course of conducting their duty as a Service Policeman. For example, it could be about behaviour, inappropriate language, acts or omissions, expression of dissatisfaction with what has happened or how someone has been treated. Often, someone who wishes to complain will be explicit about their intentions. If not, the person's wishes and expectations should be established. This guidance does not require the word 'complaint' to be used by someone voicing discontent, this term denotes a considered grievance needing to be resolved. A level of dissatisfaction must be present for the matter to be recordable as a complaint. A voiced observation about RMP practice for consideration by the chain of command (CoC) or a question that the person wishes to have answered does not constitute a complaint. It is not necessary for a grievance to be formally submitted in writing for it to be deemed a complaint to which this policy applies, as the method of capturing the complaint is part of the process defined below. Directing an individual to put their complaint down in writing before it will be entertained or discussed may exacerbate the situation and reduce the likelihood of success of resolving the complaint locally.

2.1.1 Who can complain? This policy will not apply to complaints from local nationals in theatres of operation. Each operational theatre should have a bespoke Standard Operating Procedure (SOP) for dealing with complaints and this must be followed in the first instance. In the event of a complaint of this type, guidance can be sought from PS&R if necessary. Principally the following

groups can complain – it is the method in which their complaint is dealt with that will vary as detailed below:

- a. Members of the Public – less operational theatres;
- b. Service Personnel – Persons Subject to Service Law (PSSL);
- c. Civilians Subject to Service Discipline (CSSD); or
- d. A person acting on behalf of one of the above with written permission.

2.1.2 Methods of complaint resolution. There are two main formal methods by which complaints can be addressed. For Persons Subject to Service Law (PSSL) it is primarily utilising the Service Complaints (SC) Process defined in JSP 831 Redress of Individual Grievances: Service Complaints ([Para 6.1.1](#)), however, individuals should not be automatically advised to submit a SC from the outset without attempting to resolve it appropriately first by following this Service Police Complaints Process (SPCP). This is within the spirit of JSP 831 in respect of complaint resolution where informal processes should be exhausted before initiating a SC, however this does not preclude a SC from being submitted at any stage. The only exception to which the SC process does not apply for service personnel making complaints is when it is in relation to a decision made by a member of the RMP under any provision in or made by virtue of Chapter 1 of Part 5 of the Armed Forces Act 2006 (i.e. the decision to refer an individual for an offence). Should the SPCP be unsuccessful in addressing an issue of this nature (for PSSL) then the matter should be referred to HQ PM(A) rather than the SC Wing who may then request PS&R of either 1 MP Bde or another SP unit investigate the matter. As the legislation in respect of Service Complaints does not apply to Civilians, then their complaints should be addressed utilising the Service Police Complaints Procedure firstly, with PM(A) fulfilling the appeals role if it can not be resolved satisfactorily at unit level.

2.1.3 Promoting access. Each unit must make sure that appropriate information about how to complain is easily available. As a minimum, the leaflet at [Para 6.3.6](#) outlining the Service Police Complaint Procedure is to be clearly displayed where any member of the public or military community is likely to interact with the RMP (eg Police Stations, interview facilities, Military vehicles, crash out bags etc) and units should give consideration to generating their own guidance on how an initial complaint can be made locally such as email contact details, written addresses, appropriate telephone numbers. All information must be accurate, comprehensible and up to date.

2.1.4 Anonymous complaints. Anonymous complaints will not be considered or recorded because they are unfair and may be malicious. Anonymous complaints should be forwarded to PS&R. Whilst it will not be actionable in its own right, the information may be linked to other intelligence/ information that would give grounds for action. This will not apply to complaints which make allegations of a criminal nature which will be referred to _____ to consider whether the matter warrants further investigation. Should the anonymous complaint relate to an allegation of a criminal nature, then it may be subject to investigation as per any other offence – direction should be sought from _____ in the first instance.

2.1.5 Vexatious and oppressive complaints. 'Vexatious' and 'oppressive' should be given their usual dictionary meaning. So, a vexatious complaint will be one without foundation which is intended, or tends, to vex, worry, annoy or embarrass. For a complaint to be vexatious, it does not have to be repetitious. An oppressive complaint is without foundation and is intended, or likely, to result in wrongful treatment of the person complained against or creates a disproportionate organisational burden on the Service. Care must be taken not to label an individual as vexatious or oppressive simply because they are not clear at articulating their full complaint from the outset. It must be the complaint that is treated as vexatious or oppressive, rather than the individual themselves. Prior to determining a complaint vexatious or repetitive, authority must be sought from _____ to record it as such, evidencing the belief as to why it has been judged as such. It should be noted that whilst previous

complaint history may have some bearing, it should not automatically lead to the assumption that any future complaint is vexatious or oppressive.

2.1.6 Out of scope complaints. The following are **not** within scope of this MPID guidance:

- a. Complaints regarding the direction and control of the RMP (this means role and function of the RMP) are not within the scope of this complaint policy. Complaints of this nature should be forwarded to _____ to address.
- b. Complaints regarding off duty conduct and those which are not directly relating to policing activity or investigations are not within the scope of this guidance and are to be addressed through existing discipline and administrative action processes.
- c. Complaints about the use of sensitive police tactics, techniques or procedures. Any complaint received concerning any aspect of policing or investigation which involves the use of powers under the Regulation of Investigatory Powers Act 2000, Part 1 or part 2 is to be immediately referred to _____ without any other action being taken unless directed. No entry is to be made on COPPERS II. _____ will then take the lead in addressing the issue.
- d. Complaints older than 3 months old. Complaints must normally be made within 3 months, beginning with the day the matter complained of occurred or when the individual first became aware of the issue. If the matter complained about occurred over a period, the complaint should be submitted within 3 months of the latest incident or end of the period. There is no limit as to how far back a period can extend. Complaints made more than 3 months after the matter complained of occurred will generally be ruled out of time and notification of that decision will normally be provided by a senior RMP Officer¹ to the complainant. However, in certain circumstances, the normal time limit may be extended if it is considered that in all the circumstances it would be reasonable to do so.
- f. Complaints alleging Armed Forces Act (06) criminal conduct offences. If a complaint alleges conduct suspected to involve the commission of a Serious Service Offence² the investigation should normally follow routine procedures and reporting which includes feedback required for the person complaining as contained within the victim's code³. _____ or _____ should be consulted at the earliest opportunity. It is possible that Provost Marshal (Army) or his delegated representative may consider engaging the Tri- Service Police Investigation Protocol or requesting another RMP unit deal with the incident.
- g. Alleged breaches of the Service Test. These should be investigated in accordance with AGAI 67. _____ and _____ should be informed from the outset.
- h. Complaints made by members of the RMP against their colleagues (unless the complaint is from a suspect subject to an investigation and the complaint relates to that specific investigation (see para 2.1.7 below). 1 MP Bde will publish a separate policy in the near future on "whistleblowing".

2.1.7 Complaints by suspects. Any person who is a suspect in an RMP investigation who indicates that they wish to make a complaint against the RMP is to have their complaint captured as detailed in this policy. However, it must be stressed that while their complaint will be examined it will not delay or impede the investigation of which they are subject. The complaint procedure must be initiated and the detail of the complaint must be brought to the attention of the officer in charge of the criminal investigation⁴ who must then make a rapid assessment in order to determine what measures need to

¹ Normally Commanding Officer.

² As defined in JSP 397: Service Police Codes of Practice, Code B (Para M - Explanatory notes).

³ JSP 839: Code of Practice on services to be provided by the Armed Forces to victims of crime V1.0.

⁴ This would ordinarily be the Officer Commanding of the unit conducting the investigation. In their absence, such matters must not be

be taken to protect the integrity of the investigation, such as reallocating investigators or requesting another SP unit assume responsibly for the criminal investigation. Depending on the nature of the complaint, it may not be possible to address it until such time as all due legal process has concluded and legal advice should be sought. Complaints of this nature are to be reported to _____ and _____ as a priority.

2.1.8 Diverse complaints. Individuals may seek to complain about a number of matters, some of which are within the gift of the RMP to address and some which are more appropriately responded to by another party such as the chain of command. In these circumstances, the RMP should still seek to address RMP issues and advise the individual to seek redress elsewhere for the other issues. If the individual is PSSSL, then they can be advised to submit a SC and the various aspects will be responded to by each of the appropriate departments, with the Service Complaints Wing (SCW) maintaining control of the overarching process.

Guidance, Procedures and Tactics

First Response

3.1 The Complainant. It is vital that the complaints system is open to all, including those with special access requirements – often these individuals may also have lower confidence in the RMP. It should always be presumed that a person who wishes to make a complaint has the capacity to do so, unless it established otherwise. Consideration must be given to:

- a. Whether the complainant has learning difficulties;
- b. The complainant has mental health difficulties;
- c. English is not the complainants first language;
- d. Effective communication may be more appropriate through the spoken word, rather than the written word;
- e. A relative, carer or other representative may needed to support the complainant captured; or
- f. The complainant is disadvantaged some other way.

3.1.1 Complaints made by young people under 16. A young person should not normally need to provide written consent for a parent or guardian to act on their behalf when making a complaint against the RMP. However, it may be appropriate for the RMP to inform a parent or guardian of the complaint – guidance should be sought from _____ in the first instance.

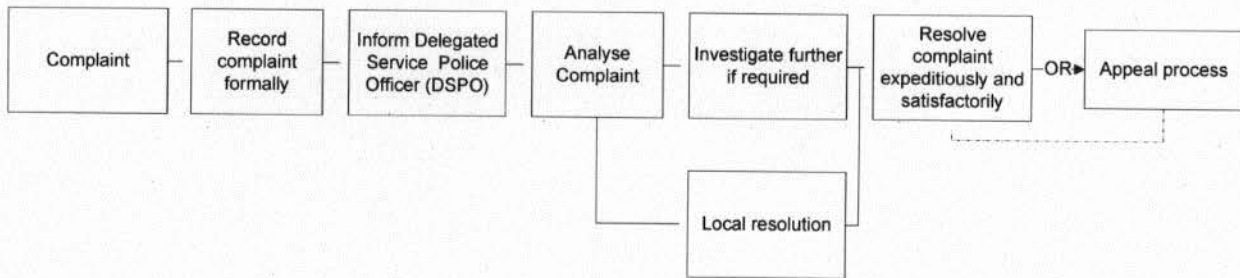
3.2 Recording the complaint. "Recording" in this context means formally logging the complaint and that it must then be handled in accordance with this policy. A record of the complaint must be held centrally at PS&R which can then be readily accessed and inspected should the need arise. The following complaints do not have to be recorded, however authority must be sought from _____ and the rationale as to why the complaint is not being recorded must be captured for record keeping:

- a. The matter is already the subject of a complaint made by or on behalf of the same complaint;
- b. The complaint discloses neither the name or the address of the complainant or that of

any other interested person and it is not reasonably practicable to ascertain such a name or address;

- c. The complaint is repetitious; or
- d. The complaint is vexatious or malicious.

3.2.1 Capturing the complaint in writing. As soon as an individual indicates they want to make a complaint, the complaint should be recorded on COPPERS II with limited details and should not state who the subject of the complaint is. At this stage, the person first receiving the complaint should complete the Service Police Complaint Record - Part 1. The Officer Commanding or RMP unit Duty Officer must be informed and a Responsible Officer (RO) (Defined at Para 1.2.i) should contact the complainant within one working day to establish what their complaint is and what resolution is sought. The complainant should also be provided with the complaint information sheet outlining the Service Police Complaint Procedure and the RO should make a note that this has been provided. The RO should meet with the complainant in person if possible⁵ and capture their complaint using the Service Police Complaint Record - Part 2, a copy of which must be sent to the DSPO (Defined at Para 1.2.e). On receipt of the Service Police Complaint Record – Part 2, the DSPO will determine how the complaint may be dealt with. At this stage, the RO should not attempt to grant redress.



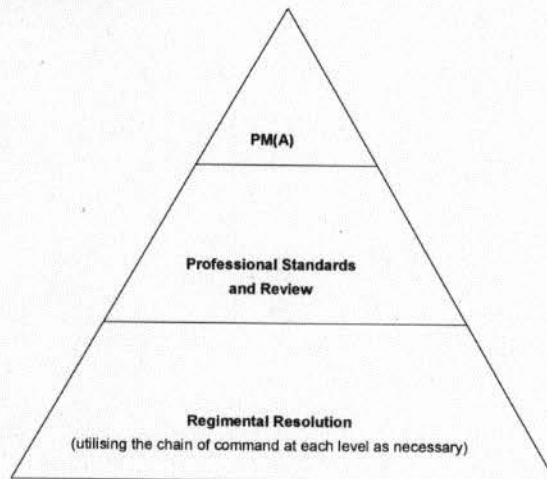
The individual complaining needs to know their complaint is being taken seriously and will be given the appropriate level of attention, therefore there can be significant advantages to utilising the senior elements of the chain of command within that unit to at least make that first contact with an individual and then introduce a person to them who will deal with the detail of the complaint on their behalf, if they deem it appropriate. It is important to capture the complaint accurately. People skills are paramount in engaging with someone who wishes to complain and whilst some may seem aggressive or rude on first impression this does not mean they should immediately be treated as hostile and RMP personnel should not be reluctant to engage. The individual may simply wish to raise an issue, have something explained to them or be frustrated at a situation but an open mind must be kept from the outset. Sometimes it is obvious and the complainant is clear about what resolution they seek, but occasionally the complaint must be explored further with the individual to capture the specific points and identify specifically what redress they seek. It is possible that an individual may wish to complain about multiple issues which may not all relate to RMP. It is best to still engage with the individual and help them to understand what can be addressed by RMP and what sits outside the remit of the RMP. Swift resolution of minor issues should not be postponed for the sake of other matters which rest outside RMP responsibility. If the complaint would be within the scope of the existing SC system as defined in JSP 831, then the complainant must be informed at this point that they can, if they so wish submit a SC, at this or any later stage in the process. In the event that a criminal offence is alleged then it would ordinarily be dealt with in the same way any other criminal offence is responded to by the RMP, however the matter should be discussed with _____ or _____ as it may not be practical for the unit in question to deal. The overarching Service Police Complaints Procedure (SPCP) for addressing complaints is as follows:

3.2.2. The Delegated Service Police Officer (DSPO). The DSPO is appointed by PM(A) to

⁵ Or by telephone, following up with an email of the Service Police Complaint Record which the complainant must agree to prior to submitting to the next level.

act on his behalf in the management and oversight of all complaints made against the RMP and initiate the SPCP. For the purpose of this policy, the DSPO is . The functional control of a specific complaint may be delegated down to a unit representative to resolve, however the DSPO will maintain oversight and document the outcome of the resolution. The DSPO will advise the responding unit on how to manage complaints in order to ensure parity and consistency across the whole of the RMP and the DSPO may determine when it is not appropriate for a unit to respond direct on a complaint and allocate it to PS&R or another unit for resolution.

3.2.3 Deciding how to handle a complaint. The overall decision on how a complaint will be handled rests with the DSPO, however the principle is that where possible, complaints will be resolved at the lowest possible level. Some complaints will be suitable for immediate local resolution (see [Para 3.3](#)) whereas others will require a degree of investigation first, prior to resolution. This complaints process allows for issues to be addressed at three different levels depending on the severity of the incident and any subsequent appeal:



3.2.4 Analysing the complaint. Once the details of the complaint have been captured, the RO should complete the relevant parts of the Service Police Complaint Record (see [Para 6.3.2 for template](#)). Not all boxes on this form can be completed at this stage –some will be completed at a later date by the DSPO) and analyse the complaint in order to gauge how best to address it. This will require a review of the information to hand at the time and may require asking RMP personnel for information which will assist with understanding what may have occurred and how it should best be dealt with. The process undertaken is akin to the threshold test and severity assessment undertaken by HOPF Professional Standard Departments (see [Para 6.1.2](#)). This does not constitute an investigation and is considered a fact finding stage prior to embarking on a deliberate course of action. Once the RO has gathered the basic information, they should forward it to the DSPO for consideration. The flowchart at [Para 6.2](#) should assist in determining what action should be taken but the following questions should be asked:

- a. Who is complaining?
- b. What are they complaining about?
- c. How is the complaint most appropriately investigated.
- d. What conduct is alleged to have been committed/omitted?
- e. What category⁶ does the alleged conduct appear within?

⁶ Service Offence, breach of Service Test, professional failure or service provision failure.

f. What, if any resolution is sought by the person complaining? It is possible that in the course of delivering a policing service or the investigation of alleged offences that errors or mistakes are made. If, on analysis of the complaint, there has been a mistake or error made by RMP, then it should follow that an apology is offered as soon as possible or as soon as is reasonable, once the facts have been established. The individual who is the subject of the complaint can not be made to apologise, they can only be asked to consider offering an apology. Further guidance on issuing apologies can be found at Para 3.4 below.

g. Is it capable of being resolved locally or must it be referred upwards? This includes the "Suitability Test" – Complaints which would justify criminal proceedings or Major AGAI action against a member of the RMP are not suitable for local resolution. Also, complaints which relate to Article 2 – Right to Life or Article 3 – Prohibition of Torture under the European Convention of Human Rights Act 1998 are not suitable for local resolution.

h. Is it believed to be vexatious or oppressive? It is important to note that it is the complaint itself that must be judged vexatious, oppressive or an abuse, not the complainant. The complainant's past complaint history may however be 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 like complaints that have been addressed, either directed at the person subject to this complaint or another person. An assessment of the complaint must be conducted if it is to be satisfied that the complaint does indeed lack any foundation or amounts to an abuse and no individual should determine a complaint to be vexatious without having fully engaged with the individual to attempt to understand and subsequently resolve their complaint. Consultation with _____ must be sought before deciding if a complaint is vexatious, oppressive or an abuse of process. If a complaint is judged to be vexatious, oppressive or an abuse of process, the RMP Complaint Record, all of the supporting documentation, evidence and/or correspondence used to formulate the decision is to be retained by the unit and copies submitted to PS&R. The complainant will be informed that no further action will be taken in respect of their complaint.

i. Does the complaint amount to criminal or non-criminal conduct?

j. What is the impact on the reputation of the organisation?

3.2.5 Review the complaint. Once the assessment described at Para 3.2.4 has been completed, the DSPO will determine the most appropriate way to address the complaint and may produce a written action plan for addressing the complaint or advise the unit who should produce an action plan. The action plan should be effective, achievable and realistic, relevant to the complaint, clearly defining the steps to take to resolve the complaint and allow the unit handling the complaint the ability to manage the complainant's expectations. This will indicate whether the matter can be addressed at local level or whether further investigation is warranted. In considering the complaint, the DSPO should also consider whether, if the conduct was proved, it would be most likely to be addressed by administrative or disciplinary proceedings.

3.2.6 Regularly updating the complainant. In accordance with Tri-Service Policy, the complainant must be updated on the progress of their complaint every 28 days. It is the responsibility of the RO to maintain this contact and document it appropriately.

Initial Actions

3.3 Local resolution. Local resolution is a flexible process that may be adapted to the needs of the complainant and the individual complaint. It is not suitable for complaints which, when taken at face value are likely to result in possible disciplinary proceedings against any member of the RMP. It may also be necessary to conduct a complaint investigation prior to attempting local resolution but

occasionally complaints may be able to be resolved by swift local resolution without having to conduct a detailed investigation. The decision to locally resolve rests with the DSPO. 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. Any outcome should be informed by way of personal contact with the complainant, followed by a letter confirming the nature of the complaint and the resolution provided. Local resolution possible actions that could be taken include:

- a. Resolution at the RMP Station or by telephone;
- b. Providing information and explanation;
- c. An apology on behalf of the appropriate authority or an apology from the person complained about (if that person has agreed to an apology);
- d. A written explanation of the circumstances and any action taken;
- e. Mediation;
- f. A change to policy or procedures;
- g. Learning shared with the rest of the RMP through HQ PM(A) Inv; or
- h. Taking some investigative steps to establish further information.

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 RMP. If a step in an action plan cannot be completed, the reasons for this should be recorded and explained to the complainant. The complainant should be provided with a copy of the agreed action plan. 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. Participation by the person complained about should be actively encouraged in order to be fair to all parties. 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 is to be provided to the complainant and also to PS&R and the original should be retained by the unit. The complainant must be made aware of their right of appeal should they not be satisfied with the outcome of the local resolution. Ordinarily, they should be allowed up to 30 days to appeal before the matter is closed.

3.3.1 Appeals following local resolution. If a person complaining is not content with an apology or the explanation provided to them, the matter is to be referred to next level of the chain command⁷ who should attempt local resolution and consider initiating a detailed complaint investigation if necessary⁸. This should be done within 30 days of the outcome of the previous level of resolution. Once the chain of command has been fully exhausted then the individual should be advised to submit a SC in accordance with JSP 831 or write directly to Provost Marshal (Army) if it pertains to a complaint from a civilian.

3.4 Apologies to persons making a complaint. It is possible that in the delivering of the policing service or the investigation of alleged offences that errors or mistakes are made. If, on analysis of the complaint, there has been a mistake or error made by RMP personnel then it should follow that

⁷ Up to and including Commanding Officer.

⁸ This should be done immediately when it is identified that Local Resolution will not resolve the complaint.

an apology is offered as soon as is reasonable once the facts have been established. In delivering the apology and where the facts support it, there should be an open and honest disclosure of any error and an explanation that the error was caused by either:

- a. An honest error based on information available at the time to the RMP; and/or
- b. A misunderstanding by RMP personnel; and/or
- c. A failure to act where it was reasonable to have expected the RMP personnel to do so.

The apology should detail in general terms any restorative action being taken by the RMP in respect of its personnel without pre-judging or disclosing sensitive personal information covered by the Data Protection Act, including material relating to disciplinary issues or administrative sanctions.

3.4.1 Explanations to persons making a complaint. There will be instances where the RMP personnel acted lawfully, proportionately and in all necessity but that the person complaining is not satisfied with the conduct. In these cases it is essential to explain the facts as they appeared at the time to the RMP personnel and that the actions taken were proportionate, necessary and within the powers of the Service Police. In providing the explanation it will be necessary to understand and accept the perception of the person complaining and to fairly and plainly explain that while their complaint is understood there was no known fault or error on the part of the RMP. There will be occasions where the actions by RMP personnel were lawful, proportionate and necessary but with hindsight and the application of greater experience it might have been handled better. If this is the case this should be explained and an assurance given that the RMP as an organisation has learned from the incident. If a lesson has been identified then it is to be submitted to HQ PM(A) via

Legal advice should be sought prior to disclosing any sanction that may have been awarded to a member of the RMP following the complaint

3.5 Conduct of Investigations⁹. Where the conduct alleged does not allege the commission of criminal offences or breaches of the Service Test, the unit receiving the complaint is to gather all relevant information by the most effective means possible. A complaint file must be opened (as opposed to an investigation file), utilising the COPPERS II reference and it is imperative that all detail is captured in this file. Fundamentally, the rationale of the RO and DSPO (where appropriate) must be captured to explain on what basis decisions were made – this process is crucial so that if there is any subsequent appeal, the whole investigation and outcome can be reviewed in full context. The RO effectively assumes the role of the investigating officer and must draw up appropriate Terms of Reference (TOR) for the investigation. The following principles apply to TOR:

- a. They should provide focus and direction for the investigation; and
- b. They should be clear, unambiguous and tightly drawn; and
- c. Describe the scope of the investigation that will be undertaken, including the time period and/or what will not be investigated if appropriate; and
- d. Include a summary of any concerns, complaints or allegations; and
- e. They should not simply be a list of actions to be undertaken by others; and
- f. Include the identification of organisational learning; and
- g. Spell out, where there is a parallel investigation, the relationship between the two investigations; and

⁹ Only into complaints which do not allege the commission of criminal offences or breaches of the Service Test.

- h. Cleared with the DSPO.

In the event that the matter is not resolved using the SPCP as described and the individual submits a SC, the complaint file and contents may be requested by the SCW in order to see what attempts have already been made to resolve the complaint. The SCW may determine that there is no further redress to be granted or they may request further special to type input which would ordinarily come from HQ PM(A) PS&R if appropriate¹⁰. The accounts of the persons complaining and any relevant witnesses are to be recorded in writing but not by using a s.9 CJA 1967 statement form. The account is to be gained using normal investigative standards and reduced to writing, being signed as a true and accurate account by the person making it on completion. If requested, a copy of the account may be provided only to the person making it as soon as possible. The investigation undertaken must be proportionate to the alleged complaint and those supervising and conducting the investigation must give careful consideration as to their actions to make sure they are not using their powers granted under AFA 06 for non-applicable offences. If there is confusion, personnel should seek legal advice from I at the earliest opportunity.

3.5.1 Gathering information from RMP personnel who are the subject of a complaint. Providing the RMP personnel are not suspected of committing a Service Offence or are subject to administrative action, they are to produce a written report¹¹ within 48 hrs once they have been informed of the details of the complaint. They are to provide all relevant material, notebook entries, etc they have within their possession and their report should detail:

- a. Their knowledge of incident;
- b. Any action taken;
- c. The statutory powers exercised;
- d. The rationale and reasoning for the use of those powers;
- e. Any authorities provided to them;
- f. The records they made in respect of the incident.

3.5.2 RMP Advisor. Where a member of Service Police is the subject of a complaint they are to be provided with or offered the support of a Service Police Advisor who has sufficient experience and service¹² to provide advice in preparing their report. The Service Police Advisor is not to have had any part in the incident complained of or the subsequent management to resolve it. Their sole function is to support the member of the Service Police during the process. It is the responsibility of the Officer Commanding of the subject to ensure that support is provided to them throughout the complaint process.

3.5.3 RMP personnel as witnesses. Any number of RMP personnel may have been involved in dealing with an incident or investigation that gives rise to a complaint. They are to produce a report as described at Para 3.5 above within 48 hrs of being notified.

3.5.4 Civilian witnesses. Whilst civilians can not be compelled to provide information to assist with the resolution of a complaint, they should be approached and politely requested to assist in the fair and timely resolution of any complaint, if possible.

3.5.5 Additional Sources of evidence. The person responsible for the investigation of the

¹⁰ They may also seek special to type input from other SP units if they so wish.

¹¹ Under no circumstances are they to be required to produce a s.9 CJA 1967 statement

¹² For JNCOs this should be a Sgt/SSgt for SNCOs a WO2/WO1 for WOs a Capt. For Officers an Officer at least one rank above.

complaint is to ensure that all relevant and reasonable steps have been taken to gather the evidence. This includes any CCTV or other passive generated data that might be available. Caution should be taken to assess whether Service Police powers will apply for an investigation of this nature - whether a service offence is suspected to have been committed.

3.5.6 Completion of investigation. Any investigation in relation to a complaint in accordance with this policy is to be concluded within 90 working days from the complaint being received. This timeframe includes time taken by the DSPO in determining the case. Deployment of RMP personnel or other witnesses are not reasons to delay the investigation. Once the investigation has been completed and all relevant persons identified and their accounts gained, a summary should be provided to the DSPO. If, at the 90 day point the matter has not been concluded, guidance should be sought from [redacted] as to whether to continue to attempt to deal with the complaint at unit level or advise the complainant that they must submit a SC should they wish (for PSSL) or to HQ PM(A) (for Civilians). Should any administrative or disciplinary action be taken in respect of RMP, the RMP Record of Proceedings following a breach of Professional Standards must be completed and submitted to PS&R together with a copy of the completed Service Police Complaint Record.

3.5.7 Determination by Delegated Service Police Officer. Upon receipt of the summary and evidence the DSPO is to:

- a. Consider the evidence gathered;
- b. Be content that all reasonable investigative action has been taken proportionate to the complaint;
- c. Determine, on the balance of probability, whether the complaint is substantiated; in full, partially or not at all;
- d. Decide what restorative action is necessary and initiate it;
- e. Identify any organisational learning from the incident and disseminate it;
- f. Communicate the findings to the person complaining. This may be done in person or by writing. If done in person this must be confirmed in writing;
- g. A copy of the decision and finding is to be forwarded to HQ PM(A) Inv and the Prescribed Officer when there is a Service Complaint;
- h. All action is to be completed within 10 working days of receipt of the summary and evidence;
- i. Ensure that the summary, evidence, decision and all relevant material is retained and stored for six years from date of the complaint;
- j. The DSPO is at liberty to seek legal advice through [redacted] at HQ PM(A).

3.5.8 Appeals following decision by the Delegated Service Police Officer. Where a person complaining is not content with the apology, explanation or decision provided, the matter is to be referred to [redacted] who should review the material (if the role of DSPO was delegated) or refer to [redacted] if [redacted] was the DSPO in the complaint. It is likely to result in a recommendation of a submission of a SC (in respect of PSSL) or consideration as to whether it will be referred to another SP unit for further investigation. Complaints or appeals that seek a particular disciplinary or administrative sanction will not be tolerated as a basis for an appeal. In addition some redresses, such as an apology from an individual who has wronged a complainant, may be reasonably sought but cannot be ordered by the chain of command.

3.6 Disclosure. Disclosure of material is governed by the MOD disclosure policy and procedures. If requested by the person complaining, a copy of their complaint and the SP Complaint Record may be provided once all action in respect of the complaint has been completed. This will exclude any data protected by the Data Protection Act 1998, investigative material or security protected material. This may require the provision of a redacted copy of the relevant material which must be checked by the DSPO and sent to relevant SP HQ Secretariat for authority to release prior to handing it to any other party.

Qualified response

3.7 Engagement with Professional Standards and Review. All complaints that are made to RMP are to be reported for information to PS&R via the team mail box, including a copy of the Service Police Complaint Report. A master list of complaints made against RMP will be maintained by PS&R for accountability and consistency in responses by units when dealing with complaints. Units are required to provide updates to PS&R every 10 working days in respect of live complaints. In the event that complaints are referred to the Service Complaints Commissioner (SCC) (or direct to PM(A) in respect of civilians for any matter or PSSL/CSSD who allege breaches of Ch 1 Part 5 of the Armed Forces Act 06), then PS&R will review the information to hand or may conduct an investigation in order to respond to the complaint or provide special to type input to the SC process.

3.7.1 Types of PS&R investigation. Reflecting on best practice published by the IPCC, there are four types of investigation that PS&R may undertake, each type of investigation will have a set of bespoke Terms of Reference directed by _____ – the first three are conducted in accordance with AFA 06 and the 4th is conducted as a lessons learned process:

- a. Independent Investigation – This is an investigation conducted by PS&R utilising PS&R personnel only.
- b. Managed Investigation – Conducted by a nominated RMP unit under the direction and control of PS&R. This method of investigation would be led by a deployed member of the PS&R staff who would be responsible to _____ for the investigation and referral.
- c. Supervised Investigation – This is an investigation led by a nominated RMP unit which is supervised by PS&R. This method of investigation would be led by a senior investigator from a nominated unit, agreed with _____ who would be responsible for the investigation and referral to the Commanding Officer of the subject under investigation. However, the progress and findings of the investigation will be subject to supervision by PS and the decision in respect to either SPCR or SPIS action must be discussed with _____ before publication.
- d. Organisational learning – This is an investigation into perceived organisational failings which are unlikely to be attributed to any single individual and where there are wider lessons to be learned to prevent a recurrence. The issue is possibly thought to be systemic and in order to rectify it must be fully understood through detailed investigation. Under these circumstances, key individuals are likely to be treated as witnesses; however they may be informed of any suspected shortcomings for which they are personally responsible prior to any witness statement being recorded. This is akin to the notice of intended criticism process undertaken in Public Inquires which allows individuals to consider the suggested failings in detail and be prepared to account for their actions when asked. This ensures the end product is as balanced and representative of the actual course of events and individuals have had an opportunity to explain themselves or their actions. No witness evidence is to be recorded on Section 9 Statements and individuals should be encouraged to be as honest and frank so as to achieve the best final product. It is unlikely that this process will result in individual disciplinary proceedings, unless other factors come to light of a criminal or non-criminal nature which merits criminal investigation. Any organisational learning investigation is to be deferred until

the alleged criminal/non criminal conduct offences have been addressed and all judicial processes have concluded. At the conclusion of the organisational learning investigation, it is possible that administrative action may be recommended if required.

3.7.2 Conclusion of PS&R reports. At the conclusion of any PS&R Investigation, the findings will be reported to determine how best to respond to the complainant. Any action taken by the chain of command in respect of any RMP for their conduct during the course of conducting their duty requires completion of a record of proceedings following a breach of professional standards form (Para 6.3.7) for submission to PS&R. This is irrespective of whether the failing is identified in the course of a unit complaint investigation, or by work undertaken by PS&R. PS&R may make recommendations regarding continued employment of those who have been subject to complaints – there may be a requirement for remedial training or supervision in order to prevent re-occurrence.

Regional Variations

4.1 Operational Theatres. This policy will not apply to complaints made by local nationals in operational theatres. Theatre-specific Standard Operating Procedures (SOPs) are to be applied.

Compliance and Qualification

4.2 Compliance. This policy is to be complied with by all personnel under the command of Provost Marshal (Army), including those from other Service Police units. Any reference to RMP equally applies to those Service Police personnel attached from other units. Any report or response to a complainant produced at unit level, should be shared with or prior to responding in order to ensure consistency and parity across the RMP. In the event that the matter has been dealt with by PS&R, then the summary will be made to DPM Inv in order to determine how to respond to the complaint. This reflects national best practice.

4.2.1 Qualification. RMP personnel should undertake local resolution training at unit level in order to better understand how to deal with complaints from both the service and civilian community.

4.2.2 Recusal. Personnel are reminded that the policy for recusing oneself from an investigation applies to investigating complaints as well as conducting normal investigations in accordance with AFA 06. Further guidance can be found in Policy Note 04/11.

4.2.3 Suspension from Service Police Duties. Suspension from duty and removal of warrant cards is subject to separate policy – engage with HQ PM(A) for further direction.

Subject Matter Experts

5.1 Professional Standards and Review (PS&R). Advice and guidance can be sought from in the first instance on how to deal with complaints against the RMP.

Linked Documents

Associated Policy. The following documentation should also be read in conjunction with this chapter:

6.1 Tri-Service Police Complaints Procedure – to follow

6.1.1 JSP 831 - Redress of Individual Grievances: Service Complaints.

6.1.2 IPCC Statutory Guidance to the Police Service on the handling of complaints – amended May 2015.

Flow Charts

6.2 Flow charts for investigating complaints against RMP.

Forms

6.3 There are five forms used to record a complaint, users need only complete the form relevant to them at the material time.

6.3.1 Service Police Complaint Record - Part 1. This form is intended to be used by the staff dealing with a walk in or telephone complaint.

6.3.2 Service Police Complaint Record - Part 2. For use by Responsible Officer when liaising with the complainant.

6.3.3 Service Police Complaint Record - Part 3. For use by DSPO when making initial decisions.

6.3.4 Service Police Complaint Record - Part 4. This form is intended to be used by for the Responsible Officer only, recording the outcome of any investigation.

6.3.5 Service Police Complaint Record - Part 5. For use by DSPO to record how a complaint has been closed.

6.3.6 Service Police Complaint Procedure.

6.3.7 RMP Record of Proceedings following a breach of professional standards.

7.1 Training. PS&R staff can be requested to provide unit level training on local resolution. A power point presentation for local unit utility is also available from HQ PM(A) Inv or PS&R.

8.1 Financial Authority. Engagement with any external agencies or Subject Matter Experts that may incur financial costs are to be cleared and authorised via _____, HQ PM(A). Authority out of hours can be given by an RMP Officer not below Field Rank but must be justified and notified to _____ HQ PM(A) the next working day.

9.1 Stakeholder Review. This document will next be reviewed periodically. Any amendments or comments should be submitted to _____ HQ PM(A).

9.2 Legacy Audit Trail. The following updates and amendments have been made to this chapter and previously published versions retained for audit purposes.

Date of re-publication:	Paragraphs amended:	Actioned by:
14 Mar 16	3.2.1 6.1 – 6.3.7	

Lessons Learnt

10.1 Abridged Learning Account. In line with MoD policy, there may be an occasion for units to produce Learning Accounts to be submitted to HQ PM(A). All considerations relevant to investigations and policing practice will be collated by way of an Abridged Learning Account, maintained by \ within HQ PM(A) Inv. Those which have a specific bearing on this MPID chapter can be found below.

INTENTIONALLY BLANK