



Table of Contents

| | |
|---|-----------|
| 1 What You Need to Know | 2 |
| 1.1 Introduction..... | 2 |
| 1.2 Legislative background..... | 3 |
| 2 Key aspects of the Service Police complaints system..... | 5 |
| 2.1 Making a complaint..... | 5 |
| 2.2 The Service Police Complaints Commissioner (SPCC)..... | 5 |
| 2.3 Mandatory referral criteria | 6 |
| 2.4 Appropriate Authorities | 8 |
| 2.5 The role of Commanding Officers in the Service Police complaints system | 9 |
| 2.6 The principles of reasonable and proportional handling | 9 |
| 2.7 Service Police complaints and the wider Service Complaints system | 10 |
| 3 Overview of the Service Police complaints system | 11 |
| 3.1 Informal handling and recording of complaints | 11 |
| 3.2 Formal handling and investigations | 12 |
| 4 Dealing with Conduct & Death and Serious Injury (DSI) matters. | 14 |
| 4.1 Conduct matters | 14 |
| 4.2 DSI matters | 14 |
| 5 Document Information | 16 |
| 5.1 Document Coverage..... | 16 |
| 5.2 Document Information | 16 |
| 5.3 Document Versions | 16 |
| 5.4 Linked JSPs | 16 |
| 6 Diversity and Inclusion | 17 |
| Annex A: Glossary..... | 18 |
| Annex B: Points of Contact for Submission of Service Police Complaint and Application for Review Forms | 23 |
| Annex C: Sources of Independent Support..... | 24 |
| Annex D: Service Police complaints flowchart | 25 |



1 What You Need to Know

This policy has been developed in accordance with legislation and trusted sources of information, primarily the GOV.UK and ACAS websites.

An effective Service Police complaints system helps secure the confidence of persons subject to Service law and Service discipline, as well as the wider public, in the Service Police and the wider Service Justice System. This policy document and the procedure document provides the direction and guidance for those wanting to make a complaint, and for those involved in the handling of complaints and other matters.

1.1 Introduction

1.1.1 There is a Service Police force for each of the services headed by a Provost Marshal: the Royal Navy Police; the Royal Military Police, and the Royal Air Force Police. In addition, there is a Provost Marshal for the tri-Service Defence Serious Crime Command (DSCC), which was established on 22 April 2022. The DSCC is the strategic command headquarters for the Defence Serious Crime Unit, which investigates the most serious crimes alleged to have been committed by persons subject to service law in both the UK and overseas.

1.1.2 In order to protect the Service community and bring justice to victims of crime, members of the Service Police are granted a wide range of powers. These powers include the authority to stop and search, to arrest, to use reasonable force, to search premises and seize property, as well as engage in covert investigation and surveillance.

1.1.3 Legislation, supported by various Codes of Practice, regulate the use of Service Police powers. In addition, Service Police Codes of Conduct set out the professional standards that reflect the expectations that the Service community and wider public have of the behaviour of those working in Service policing.

1.1.4 The single Service Provost Marshals had established non-statutory complaints procedures to deal with complaints about members of their forces, the need for independent oversight for complaints against the Service Police had been raised in Parliament and been the subject of debate in both Houses.

1.1.5 In 2017, the Ministry of Defence commissioned a review of the Service Justice System in preparation for the next Armed Forces Bill. The Service Justice System Review (carried out by HH Shaun Lyons and supported by former Chief Constable Sir Jon Murphy) was to identify and consider a range of options for establishing an independent oversight mechanism to deal with complaints made against the Service Police. The Review recommended the establishment new niche independent body to deliver independent oversight and the Government agreed to model the oversight functions of those provided for the civilian Police – the Independent Office for Police Conduct (IOPC).



Policy

JSP 849: Service Police Complaints

1.1.6 Legislative changes were made to the Armed Forces Act 2006 via the Armed Forces Act 2021. These changes established a new office holder: the Service Police Complaints Commissioner, and new statutory procedures. These procedures correspond with the provisions set out in, and under Part 2 of the Police Reform Act 2002 for the handling of complaints, conduct matters and death and serious injury (DSI) matters.

1.1.7 The first Service Police Complaints Commissioner (SPCC), Margaret Obi was appointed by His Majesty the King in November 2022.

1.2 Legislative background

1.2.1 The legislation relating to the Service Police complaints system is set out in the following primary and subordinate legislation:

- a. Section 365BA of the [Armed Forces Act 2006](#) ('the 2006 Act') (as amended by the Armed Forces Act 2021) establishes the office of Service Police Complaints Commissioner. Part 14B (Service Police: Complaints, Misconduct etc) provides a regulation-making power to enable the creation of a system for the Service Police similar to the system that applies to the civilian police in England and Wales in relation to complaints¹.
- b. [The Service Police \(Complaints etc\) Regulations 2023](#) - 'the Regulations' - set out the process and procedures for the Service Police complaints system.

1.2.2 The 2006 Act (as amended) and the Regulations provide the legal framework for the Service Police Complaints process and sets out the functions of the Service Police Complaints Commissioner ('Commissioner').

1.2.3 This document provides an overview of the Service Police complaints policy based on the above legislation, and the role of the SPCC. It primarily focuses on Service Police complaints (or 'complaints') but will address conduct matters and DSI matters where necessary.

1.2.4 Part 2 of this document provides the procedures for those wanting to make a complaint, and for those involved in the handling of complaints and other matters. The guidance has been drafted to assist those who have powers or duties under the Regulations, including those whose duties relate to the handling of complaints, the means by which recordable conduct matters or DSI matters are dealt with, or the detection or deterrence of misconduct² by members of the Service Police. Separately, the SPCC may from time to time produce a range of other material to both supplement this guidance and assist different audiences.

¹ The Service Police complaints system is modelled on the oversight functions of those provided for the civilian police, which is set out in and under Part 2 of the Police Reform Act 2002 and Schedule 3 to that Act. That system is overseen by the Director General of the Independent Office for Police Conduct (IOPC).

² Under the Regulations, misconduct means a breach of professional standards (see Regulation 2 and the glossary to this Policy Document).



Ministry
of Defence

Policy

JSP 849: Service Police Complaints

1.2.5 A number of terms are used throughout this Policy Document and where they have not been defined in the text, a full glossary of the terms used is provided at Annex A.



2 Key aspects of the Service Police complaints system

2.1 Making a complaint

2.1.1 A complaint is defined as any expression of dissatisfaction with a Service Police force or a member of a Service Police force which is expressed by a person or on behalf of another person. A complaint can be made about any matter which has had an adverse effect on the person making the complaint.

2.1.2 Complaints can be made by a member of the Armed Forces or a member of the public. While there is no time limit on making a complaint, complaints about events that occurred before the Regulations came into force (19 June 2023), will not be handled under the statutory Service Police complaints system. Instead, these complaints will continue to be handled under the non-statutory arrangements established by the Provost Marshals. Please see the Procedure document, Chapter 2, Section 2.1 for further guidance on how to make a complaint, what can be complained about, who can make a complaint, and when a complaint can be made.

2.2 The Service Police Complaints Commissioner (SPCC)

2.2.1 The SPCC oversees the Service Police complaints system and is independent from the Service Police and the MOD.

2.2.2 The general functions of the SPCC include³:

- a. statutory duty to secure, maintain and review arrangements in respect to the procedures that deal with complaints, conduct matters, and death and serious injury matters.
- b. secure the confidence of persons subject to Service law and service discipline, as well as to secure the public confidence in the Service Police complaints system.
- c. make recommendations and provide advice in relation to those arrangements, (for example, training or procedures where the SPCC believes this may improve policing practice).

2.2.3 The SPCC is also required to consider certain matters referred to them⁴. Complaints that are required to be referred to the SPCC include those that:

- a. allege that the conduct or other matter complained of has resulted in death or serious injury.

³ See Regulation 3.

⁴ Regulation 13 relates to complaint referral, Regulation 24 relates to conduct matters referrals and Regulation 29 for DSI matters being referred.



Policy

JSP 849: Service Police Complaints

- b. fall within the mandatory referral criteria (see below).
- c. relate to the conduct of a Provost Marshal, and in relation to which the appropriate authority is unable to satisfy itself, from the complaint alone, that the conduct complained of (if it were proved) would not justify disciplinary or administrative action procedures being taken⁵.
- d. the SPCC notifies the appropriate authority that it must refer the complaint.
- e. relate to grave subject matter or exceptional circumstances which make referral appropriate.

2.3 Mandatory referral criteria

2.3.1 Complaints must be referred that allege conduct which constitutes:

- a. serious assault (as defined in the Procedure document).
- b. a serious sexual offence (as defined in the Procedure document).
- c. serious corruption, including abuse of position for a sexual purpose or for the purpose of pursuing an improper emotional relationship (as defined in the Procedure document).
- d. a service offence or behaviour which is liable to lead to the initiation of administrative action procedures and which, in either case, is aggravated by discriminatory behaviour on the grounds of a person's race, sex, religion or other status (as defined in the Procedure document).
- e. a relevant service offence - an offence under Section 42 of the 2006 Act for which the sentence is fixed by law; or a person of 18 years or over (not previously convicted) may be sentenced to imprisonment for a term of seven years or more or might be so sentenced.

2.3.2 Where a matter has been referred to the SPCC, they will determine whether an investigation is necessary⁶, and if so, the type of investigation⁷. The types of investigation are:

- a. an investigation by the appropriate authority on its own behalf (a local investigation).

⁵ Administrative action procedures under Regulation 2 means the procedures and processes under which the conduct of a member of a Service Police force is considered in order to determine whether it is misconduct or gross misconduct, and if so whether as a result any administrative action is to be taken in relation to it.

⁶ See Regulation 16.

⁷ See Regulation 32.



Policy

JSP 849: Service Police Complaints

- b. an investigation by the appropriate authority under the direction of the SPCC (a directed investigation).
- c. an investigation persons designated by the SPCC (an independent investigation).

2.3.3 When determining the type of investigation, the SPCC will have regard to the seriousness of the case and the public interest.

2.3.4 At the end of any investigation a final report will be completed, and there are different procedures that apply depending on the type of investigation and whether it related to a complaint, conduct matter, or DSI matter⁸.

2.3.5 Where a final report has been produced, the SPCC can make any recommendation (other than compensation being paid) considered appropriate to remedy the dissatisfaction by the complainant concerned⁹.

2.3.6 The SPCC also has a power to make recommendations where a report has been received for a directed or independent investigation, or where an independent investigation has been carried out by the SPCC personally¹⁰. In some cases, this can include a recommendation that the person's conduct appears to justify the institution of administrative action procedures.

2.3.7 The SPCC has powers to make recommendations more broadly as a result of their general functions¹¹. These powers enable the SPCC to make recommendations where there is a potential area of organisational learning for a Service Police force (for example, a change to guidance, training or practice where the SPCC believes this may improve policing practice or prevent a recurrence of something that went wrong). Such a recommendation can be made at any time, and before the conclusion of an investigation or review and may therefore be used for 'quick-time learning'.

2.3.8 The SPCC does not have a power to compel actions to be taken in line with the recommendations. However, the expectation is that recommendations will generally be followed to maintain credibility of the system and avoid bringing it into disrepute.

2.3.9 The SPCC also has a review function. A complainant has a right of review of the outcome of their complaint where it has been recorded (in simple terms, 'recorded' means that the complaint is given formal status and must be handled in line with the rules set out in the Regulations). There are several grounds where the relevant review body would be the SPCC (see the Procedure document, Chapter 15). The SPCC will consider whether the complaint outcome is reasonable and proportionate. Where an outcome is not reasonable and proportionate, the SPCC may make certain recommendations depending on whether

⁸ See Regulation 56 and Regulation 60.

⁹ See Regulation 68.

¹⁰ See Regulation 69.

¹¹ See Regulation 3.



Policy

JSP 849: Service Police Complaints

the complaint has been investigated or dealt with other than by investigation (i.e. where there has been no investigation).

2.3.10 Finally, the SPCC is required to produce an annual report which the Secretary of State will lay before Parliament and publish. In addition, the SPCC has the ability to make reports at any time about matters where the gravity or exceptional circumstances require the SPCC to bring them to the attention of the Secretary of State. Where the Secretary of State considers it appropriate to do so, these reports will also be laid in Parliament and published.

2.4 Appropriate Authorities

2.4.1 The Service Police complaints system has been designed to enable matters to be dealt with at the most appropriate level. This ensures both efficiency and fairness, while providing for the most serious matters to be investigated independently.

2.4.2 As such, appropriate authorities are responsible for the initial handling of complaints and have various functions and responsibilities set out in the legislation. In general terms, an appropriate authority is the Provost Marshal of the Service Police force about which the dissatisfaction is expressed or, where a complaint relates to the conduct of an individual, the Provost Marshal who had direction and control over that person.

2.4.3 Where a complaint relates to the Provost Marshal, the appropriate authorities are as follows:

- a. the Admiralty Board in relation to the Provost Marshal (Navy);
- b. the Army Board in relation to the Provost Marshal (Army);
- c. the RAF Board in relation to the Provost Marshal (RAF);
- d. the Defence Council in relation to the Provost Marshal (DSCC).

2.4.4 The Defence Council and single Service Boards are also relevant review bodies for reviews that do not meet the grounds to be considered by the SPCC. In practice, most reviews considered by the Defence Council or a single Service Board will relate complaints handled outside of an investigation. This is because if a complaint meets any of the threshold grounds that require it to be investigated, the complaint will also have met one or more grounds which define the relevant review body as the SPCC.

2.4.5 The Defence Council or a single Service Board may delegate the exercise or performance of all or any of the powers and duties conferred on it by the Regulations to any person. However, there is an exception where such delegation could reasonably give rise to a concern as to whether the person could act impartially¹².

¹² See Regulation 71.



Policy

JSP 849: Service Police Complaints

2.4.6 A Provost Marshal may also delegate the exercise or performance of all or any of the powers and duties conferred on them by the Regulations, but there are certain restrictions. In the case of a complaint or conduct matter concerning the conduct of a senior officer¹³, a Provost Marshal can only delegate to another senior officer. In any other case, delegation can only be made to a member of a Service Police force of at least the rank of:

- a. Lieutenant in relation to the Royal Navy Police.
- b. Captain in relation to the Royal Military Police.
- c. Flight Lieutenant in relation to the Royal Air Force Police.

2.4.7 Where a complaint has been recorded and is handled other than by investigation, a Provost Marshal can delegate to any person except where this could reasonably give rise to a concern as to whether the person could act impartially¹⁴.

2.4.8 Finally, appropriate authorities should always be mindful of the need for confidence in the arrangements they make, as this impacts the overall confidence in the complaints system and the wider Service Justice System. It is particularly important that those who might be affected by decisions made under delegated powers have confidence that the person to whom the power is delegated is able to act impartially.

2.5 The role of Commanding Officers in the Service Police complaints system

2.5.1 Commanding officers (COs) are an important part of the Service Justice System and there are certain service offences that can be heard summarily.

2.5.2 As such, an investigation (whether local, directed, or independent) could result in a referral to a person's CO. This may occur where there is an indication that the person concerned (whose conduct the investigation related) has committed a service offence capable of being heard summarily.

2.5.3 A referral could also be made where the circumstances are such that, in the opinion of the SPCC, it is appropriate that matters dealt with in an investigation report should be considered by the person's concerned CO. If a referral is made by the SPCC, the CO must notify the Commissioner of any decision or action taken in respect of the matters dealt with in the report.

2.6 The principles of reasonable and proportional handling

2.6.1 Other important aspects of the Service Police Complaints system are the principles of reasonableness and proportionality.

¹³ See Regulation 2

¹⁴ See Regulation 84



Policy

JSP 849: Service Police Complaints

2.6.2 The principles of reasonableness and proportionality apply to decisions about how a complaint should be handled, and, as part of that handling, what steps are required to resolve it. This includes providing a reasonable and proportionate outcome.

2.6.3 Reasonable and proportionate means doing what is appropriate in the circumstances, taking into account the facts of the matter and the context in which it has been raised, within the framework of legislation and guidance. It means weighing up the matter's seriousness and its potential for learning, against the efficient use of policing resources, to determine the extent and nature of the matter's handling and outcome.

2.6.4 Considering the matter's seriousness should involve due regard to the nature of the incident, any actual or potential impact on individuals, communities or the wider public, as well as the potential impact on confidence in the Service Police, the Service Police complaints system, and the wider Service Justice System. A reasonable and proportionate response includes providing a clear and evidence-based rationale for any decisions taken.

2.7 Service Police complaints and the wider Service Complaints system

2.7.1 Any complaint that is either made or could be made under the Service Police complaints system is now an excluded matter under the Armed Forces (Service Complaints Miscellaneous Provisions) Regulations 2015 and should not be raised as a Service Complaint, except where it falls within Paragraph 2 of the Schedule to the Armed Forces (Service Complaints Miscellaneous Provisions) Regulations 2015.

2.7.2 Should a 'statement of complaint' be submitted under JSP 831 about an excluded matter, the Specified Officer (SO)¹⁵ within the single Service Secretariat Central Admissibility Team, should inform the complainant in writing, setting out the reasons why the matter complained about is not admissible as a Service Complaint. The SO will also need to advise the complainant that they will need to make the complaint to the appropriate authority to be handled as a Service Police complaint.

2.7.3 SOs will need to, as part of their admissibility assessment, determine whether any remaining parts of a complaint that includes a number of matters can be treated as an admissible Service Complaint.

¹⁵ A Specified Officer is someone is appointed by the Defence Council to decide whether a statement of complaint, or parts thereof are admissible as a valid Service Complaint.



3 Overview of the Service Police complaints system

3.1 Informal handling and recording of complaints

3.1.1 A complaint is any expression of dissatisfaction with a Service Police force (including the Defence Serious Crime Command) which is expressed by, or on behalf, of an eligible person¹⁶. The body that receives the complaint must decide whether it is the appropriate authority, and if it is not, it must forward the complaint to the body that appears to be the appropriate authority¹⁷. This includes complaints that are made directly to the SPCC, which will be redirected to the appropriate authority¹⁸.

3.1.2 Where a complaint is considered to fall outside of the Service Police complaints system, the complainant will be informed of this and the reasons why. For example, it may be unclear how the concerns raised relate to policing or whether the person making the complaint is eligible to make a complaint under the Regulations. In these situations, the Service Police force should consider clarifying the nature and circumstances of the complaint with the complainant.

3.1.3 If it appears that the concern may be more appropriately raised as a Service Complaint which falls within the oversight of the Service Complaints Ombudsman, the Service Police force will also need to inform the complainant of this.

3.1.4 As soon as the complaint is received by the correct body it must be logged. The appropriate authority must then contact the complainant and seek the complainant's views on how the complaint should be handled. This should happen as soon as possible after the complaint is made. Where appropriate, there should be an attempt to resolve the complaint during this contact unless it is immediately obvious that the complaint is one that must be recorded.

3.1.5 Non-recorded complaints can be dealt with informally outside the regulatory framework, but the complaint must still be handled in a manner which is considered appropriate to resolving the complaint to the complainant's satisfaction.

3.1.6 Non-recorded complaints can be dealt with informally outside the regulatory framework, but the complaint must still be handled in a manner which is considered appropriate to resolving the complaint to the complainant's satisfaction.

- a. The matters which form the basis of the complaint meet the criteria for recording (as set out in the Regulations).
- b. The Service Police force decides it is appropriate to record the complaint.

¹⁶ See Regulation 9.

¹⁷ See Regulation 12.

¹⁸ There are exceptions to this as Regulation 9(2) states that the Commissioner need not give that notification if the Commissioner considers that there are exceptional circumstances that justify it not being given.



Policy

JSP 849: Service Police Complaints

- c. The complainant wants it to be recorded at any stage.
- d. The complainant is dissatisfied following informal handling and wishes to pursue the matter.

3.1.7 For all recorded complaints the appropriate authority must provide a copy of the record made of the complaint to the complainant; and subject to the provisions set out in Regulation 15, a copy of the complaint to the person complained against (if any).

3.2 Formal handling and investigations

3.2.1 For all recorded complaints the appropriate authority will need to decide whether a complaint must or should be referred to the SPCC¹⁹. Appropriate authorities must refer certain complaints to the SPCC (as set out in paragraph 2.2.3). The appropriate authority may also voluntarily refer a complaint where the gravity of the subject matter or where exceptional circumstances justify a referral of this kind. If not identified immediately, referral is possible at any point during the handling of a complaint.

3.2.2 Where a complaint comes to the attention of the SPCC, they have the power to treat a complaint as if it has been referred to them and notify the appropriate authority²⁰.

3.2.3 Where a complaint has not been referred to the SPCC, the appropriate authority must decide on the reasonable and proportionate way to handle the complaint, and in particular, whether the matter ought to be investigated by that authority (a local investigation) or handled otherwise than by investigation. Advice can be sought from the SPCC.

3.2.4 Where there is no investigation, the appropriate authority will consider what other reasonable and proportionate steps can be taken to address concerns raised and seek to resolve them²¹. For example, the complainant may only want an explanation, or for their concerns to be noted or passed on. In some cases, there are no further reasonable actions for the appropriate authority to take, in which case the complainant will be notified that no further action will be taken.

3.2.5 The appropriate authority must investigate where there is an indication that a member of a Service Police force may have committed a service offence, behaved in a manner that would justify the initiation of administrative action procedures, or where there may have been the infringement of a person's rights under Article 2 or 3 of the ECHR²².

3.2.6 Where a matter has been referred to the SPCC, and they determine that a matter must be investigated, they will decide on the type of investigation, i.e. local, directed, or independent (as set out in paragraph 2.3.2).

¹⁹ Regulation 13.

²⁰ Regulation 14.

²¹ Regulation 17.

²² Regulation 17(5).



Policy

JSP 849: Service Police Complaints

3.2.7 Special procedures²³ exist to protect the rights of those under investigation for more serious matters. These special procedures are used where there is an indication that a member of a Service Police force to whose conduct the investigation relates may have committed a service offence or behaved in a manner that would justify the initiation of administrative action procedures.

3.2.8 At the end of an investigation a final report will be completed containing the evidence from the investigation and the investigator's analysis of the evidence. Depending on the type of investigation, the focus and content of the report will vary²⁴.

3.2.9 The report of a local investigation of a complaint will be submitted to the appropriate authority. The report of a directed investigation of a complaint will be submitted to the SPCC and a copy sent to the appropriate authority. On receipt of the final report relating to a complaint, the SPCC or appropriate authority can make recommendations on what actions should be taken with a view to remedying the dissatisfaction expressed by the complainant²⁵.

3.2.10 Subject to certain exceptions²⁶, the report will usually be sent to the complainant, and any person whose actions are under investigation, as well as any other interested persons.

3.2.11 Where a complaint has been recorded, the complainant has a right of review of the outcome of their complaint in two circumstances: where a complaint was dealt with other than by an investigation, or where the complaint was subject to a local investigation. There is no right of review where there has been either a directed or independent investigation. For further guidance on how to apply for a review see the Procedure document, Chapter 15.

²³ Regulations 46 to 52 set out the special procedures.

²⁴ See Regulation 56 and Regulation 60.

²⁵ See Regulation 68.

²⁶ For instance, a person whose conduct the investigation relates will not receive a copy of the report if it could prejudice any investigation, proceedings or review.



4 Dealing with Conduct & Death and Serious Injury (DSI) matters

4.1 Conduct matters

4.1.1 A conduct matter is any matter which is not and has not been the subject of a complaint²⁷, but there is an indication (whether from the circumstances or otherwise) that a member of a Service Police force may have committed a service offence or behaved in a manner which would justify the initiation of administrative action procedures²⁸.

4.1.2 The Service Police complaints system recognises that issues relating to the conduct of an individual should be dealt with appropriately even where no complaint has been made. These are matters that come to the attention of the appropriate authority otherwise than by complaint, for example by way of an allegation made by another member of the Service Police.

4.1.3 Appropriate authorities should be proactive and alert to the potential for conduct matters to arise and there is a specific duty in the Regulations requiring appropriate authorities to identify and deal with conduct matters that come to their attention as a result of civil proceedings.

4.1.4 The criteria for the referral of conduct matters to the SPCC are similar to the criteria for complaints. All DSI matters are subject to mandatory referral to the SPCC (these matters are covered in more detail in the Procedure document, Chapter 6).

4.2 DSI matters

4.2.1 A DSI matter means any circumstances where a person has died or sustained serious injury²⁹ (unless the circumstances are or have been the subject of a complaint or amount to a conduct matter)³⁰, and:

- a. had been arrested by a member of a Service Police force and had not been released from that arrest, or was otherwise detained in the custody of a member of a Service Police force; or
- b. at or before the time of the death or serious injury, the person had contact (of whatever kind, and whether direct or indirect) with a member of a Service Police force who was acting in the execution of their duties; and there is an indication that the

²⁷ Regulation 9(4).

²⁸ Administrative action procedures under Regulation 2 means the procedures and processes under which the conduct of a member of a Service Police force is considered in order to determine whether it is misconduct or gross misconduct, and if so whether as a result any administrative action is to be taken in relation to it.

²⁹ Regulation 2 defines a serious injury as a fracture, a deep cut, a deep laceration or an injury causing damage to an internal organ or the impairment of any bodily function.

³⁰ Regulation 2 defines a serious injury as a fracture, a deep cut, a deep laceration or an injury causing damage to an internal organ or the impairment of any bodily function.



Policy

JSP 849: Service Police Complaints

contact may have caused - directly or indirectly - or contributed to the death or serious injury.

4.2.2 A death or serious injury, which may have occurred as a result of Police contact, is one of the mandatory referral criteria to the SPCC. However, identifying whether or not there may be a causal link between Police action or inaction and what happened can be difficult. Only when there is clearly no causal link between the death or serious injury and the action/inaction of the Service Police should forces not refer cases – if there is any possibility of a causal link or one cannot be ruled out, it will be referred.

4.2.3 The procedures for conduct matters and DSI matters are detailed in the Procedure document.



5 Document Information

5.1 Document Coverage

This policy supersedes all previous MOD Policy on Service Police Complaints. The totality of documents included in this Policy Suite are listed in the Policy and Guidance Portal.

5.2 Document Information

| | |
|-------------------------|--|
| Filename: | Service Police Complaints Policy |
| Document ID: | To be confirmed |
| Owning Function / Team: | Conduct, Equity and Justice Directorate People-Diversity-Inclusion@mod.gov.uk |
| Service Owner (1*): | Head, Service Complaints and Behaviours Transformation |
| Approving Authority: | Chief of Defence People |

5.3 Document Versions

| Version | Publication Date | Revision History | Revised Pages |
|---------|------------------|--|-------------------------|
| 1.1 | 23/09/2024 | Policy simplification revamp. Amendment to paragraph 2.7.1 of the policy document to make clear those matters which are not excluded from the Service Complaints process. | Multiple Page 10 |

MOD will review this policy in two years or when changes to legislation or best practice dictate.

5.4 Linked JSPs

| JSP Number | JSP Name |
|------------|--|
| 831 | Redress of Individual Grievances: Service Complaints |



Policy

JSP 849: Service Police Complaints

6 Diversity and Inclusion

MOD respects and values people of all backgrounds. The Service Police Complaints policy is designed to ensure all employees are treated in a fair, transparent and consistent manner. All those involved in the management of MOD employees must abide by legislation and should adhere to MOD policy.

This policy has been subjected to an Equality Analysis (EA).



Annex A: Glossary

Administrative Action procedures

Under the Regulations this means the procedures and processes under which the conduct of a member of a Service Police force is considered in order to determine whether it is misconduct or gross misconduct, and if so whether as a result any administrative action is to be taken in relation to it.

Adversely affected

A person is adversely affected if they suffer any form of loss or damage, distress or inconvenience, if they are put in danger or are otherwise unduly put at risk of being adversely affected.

Appropriate authority

In general terms, an appropriate authority is the Provost Marshal of the Service Police force about which dissatisfaction is expressed or, where a complaint relates to the conduct of an individual, the Provost Marshal who had direction and control over that person.

Where a complaint relates to the Provost Marshal, the appropriate authorities are:

- a. the Admiralty Board in relation to the Provost Marshal (Navy).
- b. the Army Board in relation to the Provost Marshal (Army).
- c. the RAF Board in relation to the Provost Marshal (RAF).
- d. the Defence Council in relation to the Provost Marshal (DSCU).

Articles 2 and 3 of ECHR

Article 2 of the European Convention on Human Rights provides that everyone's life shall be protected by law.

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.

Complaint handler

Any person who has been appointed to handle a complaint. This includes, where a complaint is being investigated, the investigator.

Conduct

Includes acts, omissions, statements and decisions (whether actual, alleged or inferred).

Conduct matter

Any matter which is not and has not been the subject of a complaint, but in the case of which there is an indication (whether from the circumstances or otherwise) that a member of a



Policy

JSP 849: Service Police Complaints

Service Police force may have committed a service offence or behaved in a manner which would justify the initiation of administrative action procedures.

Death or Serious Injury matter - 'DSI matter'

Any matter (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.

Directed investigation

An investigation conducted by the appropriate authority under the direction and control of the SPCC. The SPCC directs the investigation in terms of its scope, investigative strategy and findings of the report.

Disciplinary proceedings

Proceedings in relation to a service offence.

Formal handling

A complaint or conduct matter that has been recorded and must be handled in accordance with the procedures set out in the Regulations.

Gross misconduct

Within the context of the Service Police complaints system, gross misconduct means a breach of the professional standards that is so serious as to justify termination of their membership of the Service Police force.

Independent investigation

An investigation carried out by the SPCC. An independent investigation is often used for the most serious incidents.

Informal handling

A complaint or conduct matter that has not been recorded (i.e. given 'formal status'), and is handled outside the requirements of the Regulations.

Interested person

A person who has an interest in being kept properly informed about the handling of a complaint, conduct matter or DSI matter.

Local investigation

An investigation carried out by the appropriate authority on its own behalf.

Misconduct

A breach of the professional standards (see below).

Person complained against

In relation to a complaint that relates to conduct of a member of a Service Police force, means the person whose conduct is the subject matter of the complaint.



Policy

JSP 849: Service Police Complaints

Person concerned

In relation to an investigation of a complaint, means the person in respect of whom it appears - to the person investigating the complaint - may have committed a Service offence or behaved in a manner which would justify the initiation of administrative action procedures. In relation to an investigation of a recordable conduct matter, this means the person whose conduct is the subject of the investigation.

Professional standards

The values and standards that apply to members of a Service Police force, which are set out in policies, and which they are required to comply with.

Recordable conduct matter

A conduct matter that is required to be recorded by the appropriate authority under the regulations or has been so recorded.

Recording

Recording a complaint, conduct matter or DSI matter gives it formal status under the Regulations.

Relevant Officer

In relation to a DSI matter, means the member of a Service Police force:

- a. who arrested the person who has died or suffered serious injury;
- b. in whose custody that person was at the time of the death or serious injury; or
- c. with whom that person had the contact in question.

Where there is more than one member of a Service Police force involved it means the member who dealt with that person last before the death or serious injury occurred.

Relevant service offence

An offence under Section 42 of the Armed Forces Act 2006 for which the sentence is fixed by law; or a person of 18 years or over (not previously convicted) may be sentenced to imprisonment for a term of seven years or more or might be so sentenced.

Relevant review body

The SPCC, where the appropriate authority is the Defence Council or a single Service Board, or where:

- a. the complaint is about the conduct of a 'senior officer'.
- b. 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 disciplinary proceedings or initiation of administrative action procedures against a member of a Service Police force.



Policy

JSP 849: Service Police Complaints

- c. the appropriate authority is unable to satisfy itself, from the complaint alone, that the conduct complained of (if it were proved) would not involve an infringement of a person's rights under Article 2 or 3 of the ECHR (within the meaning of the Human Rights Act 1998).
- d. the complaint has been or must be referred to the SPCC.
- e. the SPCC has treated the complaint as though it has been referred.
- f. the complaint arises from the same incident as a complaint falling within (a) to (e).
- g. any part of the complaint falls within (a) to (f).

In any other case the relevant review body is either the Defence Council or relevant single Service Board.

Senior Officer

Under the Regulations it means a member of a Service Police force holding a rank of or above that of:

- a. Lieutenant Commander in relation to the Royal Navy Police.
- b. Major in relation to the Royal Military Police.
- c. Squadron Leader in relation to the Royal Air Force Police.

Service complaint

A complaint made under the Service Complaints system (JSP 831) that comes under the oversight of the Service Complaints Ombudsman. Under this system a Service person is able to make a complaint about any matter relating to their service in the Armed Forces, unless it is an excluded matters under the Armed Forces (Service Complaints Miscellaneous Provisions) Regulations 2015.

Serious injury

A fracture, deep cut, deep laceration or injury causing damage to an internal organ or the impairment of any bodily function.

Severity assessment

An assessment requiring the person investigating to consider whether the conduct of the person concerned, if proved, would amount to a failure to meet the Professional standards, and whether that conduct would become the subject of administrative action procedures.



Policy

JSP 849: Service Police Complaints

Special procedures

Procedures for investigations relating to either a recordable conduct matter, or a complaint where there is an indication that the person complained against may have committed a Service offence or the initiation of administrative action procedures is justified.

Voluntary referral

A complaint or recordable conduct matter that is not required to be referred to the SPCC, but where the gravity of the subject matter or any exceptional circumstances justifies referral.



Annex B: Points of Contact for Submission of Service Police Complaint and Application for Review Forms

Royal Navy Police

RN Police Professional Standards Department
HQ Provost Marshal (Navy)
West Battery Ground Floor
HMS EXCELLENT
Whale Island
Portsmouth
PO2 8ER

Email: NAVYPOLICE-HQPSDMAILBOX@mod.gov.uk

Royal Military Police

RMP Professional Standards Department
Building 398
Trenchard Lines
Upavon
Wiltshire
SN9 6BE

Email: ArmyPM-PSD-Mailbox@mod.gov.uk

Royal Air Force Police

RAFP Professional Standards Department
Building 36
RAF Henlow
Bedfordshire
SG16 6DN

Email: RAFP-PSDMULTIUSER@mod.gov.uk

Defence Serious Crime Command

DSCC Professional Standards Department
3rd Floor
Overlord Building
Southwick Park
Hampshire
PO17 6EJ

Email: People-DSCC-PSDMailbox@mod.gov.uk



Annex C: Sources of Independent Support

Victim Support

Tel: 0808 168 9111 (in Scotland please call 0300 3321000 and in Northern Ireland please call 0289 0243133).

Health Assured

B&H Helpline: 0800 014 2381 or 0330 008 5942 (overseas) - free to call 24/7.

Veterans' Gateway

Tel: 0808 802 1212 or website: www.veteransgateway.org.uk.

Royal British Legion

Tel: 0808 802 8080 or website: www.britishlegion.org.uk.

Combat Stress

Veterans - Tel: 0800 138 1619

Serving personnel - Tel: 0800 323 444

Text number: 07537 404719

Email: helpline@combatstress.org.uk

Employee Assistance Programme

Tel: 0800 731 8629 - free to call 24/7.

Samaritans

Tel: 116 123

Army Welfare Service

Tel: 01904 882503/504

Forces Helpline

Tel: 0800 260 6767

Civilians who are members of a Trade Union can call their National Trade Union Helpline or they can contact ACAS on 0300 123 1100 for free advice on workplace rights, rules and best practice.



Annex D: Service Police complaints flowchart

