

A GUIDE TO COMPLAINTS PROCEDURES AND COMPENSATION



RIGHTS to WOMEN

This information sheet explains the ways in which you can complain if you have a problem with the police or the Crown Prosecution Service (CPS). It also gives you information about criminal injuries compensation and how you can apply. Public bodies such as the police and the CPS are accountable and have codes of practice which they must follow. If these are not being followed then you may be able to make a formal complaint.

Making a complaint about the police

As a member of the public, if you are dissatisfied with the service you received from a particular police station or police officer, then you are entitled to make a complaint.

You may be unhappy about the way in which your case was dealt with, for reasons such as not being kept informed or your complaint not being taken seriously. If an officer is aggressive or rude, uses excessive force or subjects you to any type of misconduct you can make a complaint about this conduct.

You can also make a complaint about the police if you were a witness to such misconduct. If necessary you can make a complaint on behalf of someone else, who gives you their consent in writing.

How to complain

You can make a complaint in a number of ways, including:

- Contacting the police station involved either by going into the police station or contacting the police station by phone, email or post;
- Contacting the Independent Police Complaints Commission (IPCC) by telephone on 08453 002 002, or email at enquiries@ipcc.gsi.gov.uk;
- Contacting a support organisation or advice group which may contact the police station or IPCC on your behalf;
- Contacting the head of the police force, either the Chief Constable, the Commissioner of the police or police authority.

Once a complaint is received the police force involved will be informed and they must record the complaint made against them.

When making your complaint, especially if you are writing or sending an email, you should remember to include as many details as possible, such as your personal and contact details. You should explain

what happened, when, where and who was involved and detail any injuries or damage that occurred. If you are aware of any witnesses you should give their details if known.

If you forget to mention anything or even if you believe you gave a full account of what happened, the person dealing with your complaint may need to contact you for further information.

What happens next?

The police should respond to your complaint and let you know what action they intend to take, if any. If the police need to investigate matters further they should contact you to discuss with you the method by which you would prefer to be kept informed.

At the conclusion of any investigation the person dealing with your complaint should inform you of their findings regarding the complaint and what action, if any, they intend to take. If action is to be taken they should detail what will happen and let you know if anyone will be subject to disciplinary procedures and how they will stop such situations from occurring again.

If the IPCC believe that the allegation of misconduct you made is so serious that it may also be a criminal offence then they may decide to send their findings to the CPS. The CPS will look at the case and decide if there is enough evidence to bring criminal charges against the person(s) involved.

Another outcome as a result of your complaint may be that no further action is taken. This could be to do with the information available to the investigator. If there is little or no evidence, it may not be possible to take the complaint further.

Making a complaint about the CPS

If you are unhappy about the way in which the case you were involved in was dealt with and the complaint relates to the CPS or a member of their staff; you can make a complaint about the conduct of the case or the way the case was handled.

How to complain

Firstly, you should put any concerns you have in a letter to the local CPS office that are or were dealing with the case you were involved in. They will need details such as your personal information, which court the case was in, the police station involved and the name of the defendant (the person alleged to have committed the crime).

The CPS should then reply to your letter of complaint. If you do not believe that your complaint was dealt with appropriately by the local office you should then write to the Chief Crown Prosecutor in your area. They will usually be based at the local office dealing with the original complaint.

You should then receive a response from the Chief Crown Prosecutor in your area. However, if you are not satisfied and need to take your complaint further you should send a letter of complaint to the central CPS office. This should be sent to the CPS Correspondence Unit, 50 Ludgate Hill, London EC4M 7EX or email at complaints@cps.gsi.gov.uk (phone number 020 7796 8500). In this letter you should provide details not only of the complaint but also what efforts you made to resolve these issues with the local office.

This letter should then be directed to the Director of Public Prosecutions or Chief Executive. They will decide who should

deal with the complaint and you should then receive a response from the person investigating your complaint.

If the case is still going through the courts the correspondence unit will not normally look into the complaint until the conclusion of the case. This is in order to avoid interfering with the proceedings.

If you are not satisfied in general with the way in which your case has been handled you are within your rights to contact your local MP regarding your complaint.

What happens next?

The CPS policy states that they will aim to respond to your complaint within three working days of receipt of your letter setting out your complaint. However if they do not reply within that time then they should send you a letter informing you that they have received your complaint and then send a full reply within ten working days if possible.

If your complaint is upheld then the CPS state that they will try and resolve the issue in order that such a situation does not arise again.

Claiming compensation for victims of violent crime

Who can claim compensation and for what?

You may be eligible to apply for compensation through the criminal injuries compensation scheme.

The Criminal Injuries Compensation Authority (CICA) sets out the situations in which you can claim compensation. If you fall within these situations, you should complete an application for compensation.

You can apply if you fall into any of the situations detailed below:

- Within the last two years you were subjected to a violent crime and as a result you were physically or psychologically (mentally or emotionally) injured.
- Within the last two years your parent, child, husband, wife or partner (this includes heterosexual and same sex couples living together for two years or more) died as a result of a violent crime.
- Within the last two years another person with whom you have a close relationship was subjected to a violent crime and you were at the scene of the crime when it took place or were involved in the immediate aftermath of the crime. This involvement must have caused you some sort of psychological injury.

The person who committed the crime does need to have been found guilty of the offence in court in order for you to receive compensation. However, the CICA will look at what you did to help the police with their investigations. Therefore, they may need to ask various questions surrounding your actions in relation to reporting the crime and your involvement thereafter.

How to claim compensation

To apply for compensation you will need to complete an application form which you can obtain from any police station or Victim Support office.

You can contact the CICA directly at Tay House, 300 Bath Street, Glasgow G2 4LN or call 0800 358 3601 or log on to www.cica.gov.uk

After you send off your application you should receive a letter confirming that your complaint has been received but your actual claim process could take up to a year. The process will be lengthier if there is a criminal trial taking place, as the CICA will normally wait for the conclusion of the trial before they will make a decision about your claim for compensation.

Types of compensation

There are two main types of compensation awards which are detailed below.

The **personal injury award** compensates where you have experienced pain and suffering as a result of the violent crime against you. This can be both mental and physical. This payment is also available where a person was present when someone they were close to was subjected to a violent crime and as a result experienced psychological injury.

The **fatal injury award** is available where your parent, child, husband, wife or partner died as a result of a violent crime. You may also be eligible to receive a separate amount of money if the deceased supported you financially and a separate amount for funeral expenses if you paid for them.

If you are eligible for one of the above main awards you may be able to claim for an additional award of loss of earnings or special expenses.

If you have lost earnings or been unable to work for at least 28 weeks since you were injured, you may be able to claim a **loss of earnings award**. Information from your employer and doctor will be needed. Any benefits paid to you as a result of the loss

of earnings will be deducted from any compensation you are awarded.

If you had to purchase any specialist medical treatment or equipment due to the injury you suffered, you may be eligible to claim a **special expenses award**. This will only apply if you have been unable to work for longer than 28 weeks since you were injured.

When may compensation be refused?

Compensation will usually be refused in the following circumstances:

- If the crime happened outside England, Scotland and Wales;
- If there was only one injury suffered and it was minor, such as a black eye;
- If the crime happened over two years ago;
- If you were in a road traffic accident, unless it was a deliberate act to injure you;
- If you were subjected to sexual abuse or sexual assaults which stopped before October 1979 and you and the defendant were living together as family members.

The compensation award may also be refused or reduced if you started or agreed to take part in the fight or altercation in which you were injured. If you provoked the person who subsequently assaulted you, you may also receive a reduction or a refusal. This may also happen if the person applying for the compensation or the victim themselves has a criminal record (except for 'spent' convictions), but will be dependent on a number of factors such as when and how long you were sentenced for the crime.

For more detailed information on criminal injuries compensation and whether or not you are eligible please contact the CICA.

Other remedies

Private prosecutions

Any person who has a complaint or dispute with another individual or organisation can take a private prosecution against them. For example you could begin a private prosecution against a police authority or a particular police officer if you have exhausted other formal complaint procedures against the individual or agency.

These proceedings take place in the civil courts and there is no public funding for these types of cases. Therefore you will need to pay a barrister and or solicitor privately, which can be extremely expensive (please note that these proceedings will not result in any criminal penalties but you could be awarded damages). You should seek legal advice before embarking on such a prosecution. You can contact the Law Society at www.lawsociety.org.uk or call 0870 606 6575 for help in choosing a solicitor.

Although rare, some barristers may provide their services free of charge. Contact the Bar Pro Bono unit on 020 7611 9500.

Judicial review

If you are unhappy with a decision or

action, or the failure to act by a public body, you may be able to apply to a civil judge to review the lawfulness of that decision or action. You must make your application to the courts within 3 months of when the complaint arose.

In order for the judge to consider your claim you must have gone through all the available complaints procedures against that public body beforehand, this includes any right to appeal you may have.

This process is focused on whether the correct procedures have been followed by the public body in reaching a decision. The grounds of unlawfulness are illegality, irrationality and unfairness of the procedures to reach the decision.

There are a number of possible outcomes from judicial review proceedings, such as overturning the decision, prohibiting the public body from carrying out the decision or making the public body carry out an order. There are a number of other remedies available. However, on occasion the judge may rule that the decision was made unlawfully but not make any order.

You may be able to apply for public funding to make such a claim and you should seek the advice of a solicitor specialising in this area of law. You can contact the Law Society at www.lawsociety.org.uk or call 0870 606 6575 for help in choosing a specialist solicitor.

The law and procedure relating to these issues is very complex. We have provided only a very basic overview of these procedures. We would strongly advise any woman involved in making a complaint or seeking compensation to seek further advice and support from our advice line or the organisations listed overleaf.

For free confidential legal advice on sexual violence and the criminal law please call our sexual violence advice line on 020 7251 8887 (telephone) or 020 7490 2562 (textphone).

Mondays 11am – 1pm and Tuesdays 10am – 12 noon

Other useful telephone numbers

Bar pro bono unit	020 7611 9500	www.barprobonounit.org.uk
Citizens Advice Bureau		www.citizensadvice.org.uk/contact_us/contactus/cita_offices.htm (for your local office)
Crown Prosecution Service Correspondence Unit	020 7796 8500	complaints@cps.gsi.gov.uk
Criminal Injuries Compensation Authority Helpline	0800 358 3601	www.cica.gov.uk
Crown Prosecution Service Police Forces		www.cps.gov.uk/local/ www.police.uk
Independent Police Complaints Commission	0845 300 2002	www.ipcc.gov.uk
The Law Society		www.lawsociety.org.uk
Victim Support Line	0845 303 0900	www.victimsupport.org

Rights of Women, 52-54 Featherstone Street, London EC1Y 8RT

Office/Admin: 020 7251 6575/6

Textphone: 020 7490 2562

Fax: 020 7490 5377

Email: info@row.org.uk

Website: www.rightsofwomen.org.uk

Industrial and Provident Society No: 23221R

