

# **Statutory Guidance on the Service Police complaints system**

## **Executive summary**

Version 1, 2025



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# Introduction

Regulation 85 of the Service Police (Complaints etc.) Regulations ('the Regulations') empowers the Service Police Complaints Commissioner (SPCC) to issue guidance to reflect Part 3 of the Regulations. Part 3 deals with the investigation and handling of complaints, conduct issues and Service offences. The primary legislation relating to the SPCC is set out in Section 365BA of the Armed Forces Act 2006 (as amended by the Armed Forces Act 2021). It establishes the Office of the SPCC. Part 14B (Service Police: Complaints, Misconduct etc) provides a regulation-making power to enable the creation of the SPCC similar to the system that applies to the civilian police in England and Wales.

In accordance with that power, the Commissioner has drafted a guidance document ('the Guidance') which will be kept under review and updated from time-to-time as required. The Guidance aims to support the Commissioner's duty to build and maintain confidence among those subject to Service law and civilians under Service discipline. It also seeks to uphold public trust in the Service Police complaints system.

The Guidance consolidates JSP 849 Parts 1 and 2 by eliminating duplication, reorganising the content and addressing previously uncovered areas. This ensures any gaps in the original JSP are now resolved. It has been aligned with the Independent Office for Police Conduct's guidance, on which the Regulations are based, with additional sections added to address practical issues related to investigations. Issuing this Guidance ensures alignment with the relevant Regulations.

# Structure

The Guidance is arranged in five parts.

1. **Part 1: Principles of the complaints system** – This section outlines principles that are crucial to achieving a fair and effective complaints system – accessibility for all, a reasonable and proportionate approach, and continuous improvement.
2. **Part 2: Initial handling of complaints** – This section outlines initial considerations and actions on receipt of a complaint, including the definition of a complaint and what action can be taken before recording it under the Regulations.
3. **Part 3: Handling complaints, recordable conduct matters, death or serious injury matters and super-complaints** – This section outlines requirements and considerations when investigating or otherwise handling matters under the Regulations. This includes referral to the SPCC, keeping people informed, severity assessments, special procedures and reporting.
4. **Part 4: Outcomes of handling** – This section outlines action on receipt of an investigation report, communicating outcomes and responsibilities relating to reviews.
5. **Part 5: General matters** – This section outlines general information relating to the Guidance, such as support available and key roles and responsibilities.

In addition, the annexes contain key definitions and flowcharts setting out processes for handling complaints, recordable conduct matters, death or serious injury matters, and reviews. The annexes also include a synopsis on dealing with super-complaints.

# Scope and remit

The power to issue guidance does not cover Part 4 of the Regulations, which relates to super-complaints. However, the Commissioner highlights the need for transparency and understanding of the process and investigatory duties. Accordingly, the Guidance includes an annex (Annex J) dealing with super-complaints, which, although limited to certain bodies, are often significant and broadly relevant. This summary has been agreed with His Majesty's Inspectorate of Constabulary and Fire and Rescue Services.

The overall Guidance does not represent a departure from existing processes and good practice. It is broadly in line with the Home Office's Independent Office for Police Conduct approach. It does not seek to break new ground or bring about any material change to processes which have been tried and tested. The approach taken is intended to promote consistency and to stay within the limit of the Regulations. The Guidance cannot fill gaps in the overall system and does not seek to. Accordingly, while it is comprehensive, it does not cover:

- matters of military justice
- matters of general Service conduct (although there may be overlaps with the Service Police complaints system)
- the procedure and conduct of misconduct hearings, which should be the subject of separate regulations and appropriate guidance
- levels of outcome following any findings of misconduct or gross misconduct – these are matters for future guidance on outcomes derived from a regulatory scheme for misconduct hearings
- vetting reviews
- the relationships between Commanding Officers and Professional Standards Departments
- other relationships which are or will be the subject of Memoranda of Understanding
- those matters covered in governance frameworks or service level agreements

# Key takeaways from the Guidance

## Part 1: Principles of the complaints system

- **Accessibility for all**

The Service Police complaints system must be easily accessible, fair and inclusive, with clear information and support available – especially for those who may face barriers – so that everyone can raise concerns with confidence and be treated fairly throughout the process. No-one should be deterred from making complaints.

- **A reasonable and proportionate approach**

The Service Police complaints system must be handled in a way that is reasonable, proportionate and fair – balancing the seriousness and impact of complaints with efficient use of policing resources. This includes clear communication, timely action, a focus on individual needs, and a commitment to learning and accountability.

- **Learning and improvement**

A strong learning culture is essential to maintaining public confidence. Complaints must be treated as opportunities for reflection and continuous improvement, with robust mechanisms in place to identify, act on and communicate organisational lessons. Senior officers are expected to use data, feedback and external sources to inform change, monitor performance and share best practice.

## Part 2: Initial handling of complaints

- **Broad scope of complaints**

A complaint is defined as any expression of dissatisfaction with a Service Police force or its members, which can be made by individuals who are directly affected, witnesses, or representatives. Complaints can relate to individual conduct or wider Service issues, and may also concern former Service officers if the matter impacts confidence in the Service Police. A complaint may concern the actions of a member of the Service Police who was off-duty at the time of the incident.

- **How to make a complaint**

Complainants can make a complaint by completing the Service Police complaints form and sending it to the Professional Standards Department of the relevant Service Police Force (Royal Navy Police, Royal Military Police, Royal Air Force Police, or Defence Serious Crime Command). Complaints can also be made directly to the SPCC, but only in exceptional cases.

- **Formal recording**

It is crucial that complaints are properly understood to determine how they should be handled. Formal recording is mandatory if requested by the complainant, or if the complaint meets defined criteria – such as allegations involving serious harm, human rights breaches, or potential Service offences. The requirement to record is based on the substance of the allegation, not its merit, and delays should be avoided.

- **Informal handling**

Informal handling can be used for complaints that do not meet formal recording criteria, provided the approach is appropriate and satisfies the complainant. However, if resolving the matter requires substantial steps or investigations, or if the complainant is not satisfied, the complaint must be recorded formally. Complaint handlers should manage expectations while ensuring that complainants are not discouraged from requesting formal recording.

## **Part 3: Handling complaints, recordable conduct matters, death or serious injury matters or super-complaints**

- **Mandatory referrals for serious matters**

Appropriate Authorities must refer specific categories of serious complaints, conduct matters, and all death or serious injury matters to the SPCC without delay. This includes cases involving death, serious injury, serious assault, sexual offences, corruption, discrimination, and conduct by Provost Marshals, with the SPCC then determining whether investigation is necessary and deciding the appropriate investigation mode (local, directed or independent).

- **A comprehensive case-by-case approach**

All matters must be handled case-by-case in a reasonable and proportionate manner, considering factors like seriousness, available evidence, and complainant expectations. Key requirements include appointing qualified, impartial complaint handlers, maintaining regular written communication with complainants, preserving all evidence with a clear audit trail, and ensuring anyone subject to criticism has an opportunity to respond before findings are published.

- **Resolving complaints without investigation**

Complaint handlers should consider meaningful actions to address complainants' concerns through non-investigative methods, including mediation, limited investigative steps where necessary, and policy changes. Decisions to take no further action are only justified in exceptional circumstances, such as uncredible complaints or matters with no relevance to Service Police roles, and they always require explanations to complainants.

- **Special procedures for investigations**

Investigations involving recordable conduct matters or potential Service offences must follow special procedures, including severity assessments, formal written notices of investigation, terms of reference and specific interview protocols. These procedures protect the rights of those under investigation while ensuring proper evidence gathering and fairness throughout the process.

- **Withdrawal of complaints**

When complainants withdraw complaints or indicate they do not want to proceed further, the Appropriate Authority must record the withdrawal but then determine whether it is in the public interest to treat the matter as a recordable conduct matter. For matters already referred to the SPCC, the SPCC makes this decision. For the avoidance of doubt, the withdrawal of a complaint does not of itself bring an investigation to an end.



- **Investigation reports**

An investigation report must be completed at the end of an investigation. It serves as the key record of the evidence and analysis, guiding the Appropriate Authority and others, such as the SPCC, review bodies, court martial or administrative action teams.

## **Part 4: Outcomes of handling**

- **Reasonable, proportionate and evidence-based outcomes**

All outcomes should be impartial, logical and based on case facts. For complaints not subject to special procedures, determinations must classify the Service Police service as acceptable, not acceptable or unable to be determined, applying an objective test of what a reasonable person would conclude given the available facts. Complainants must be informed of outcomes within five working days, with a written explanation.

- **Recommendations of the SPCC**

The SPCC can recommend solutions to address a complainant's dissatisfaction and suggest changes to policy, guidance, training or practices to improve Service Policing or prevent future issues.

- **Clear review rights**

Complainants have the right to apply to the relevant review body for a review of a recorded complaint's outcome within 28 days. The review assesses whether the original outcome was reasonable and proportionate, and can result in recommendations for re-investigation, referral to the SPCC or remedial actions to address the complainant's dissatisfaction.

- **A structured response system**

When review bodies make recommendations, Appropriate Authorities must respond within 28 days stating that they accept the recommendations and proposed steps, or providing clear reasons for rejection. The SPCC has additional powers to make binding directions rather than just recommendations, and all responses must be shared with complainants, interested people and those complained about to ensure transparency and accountability.

## **Part 5: General matters**

- **Support**

There is information regarding support which is available, details regarding roles and responsibilities, and document information.

- **Annexes**

These provide a glossary, definitions, flowcharts and information regarding super-complaints. The flowchart at Annex C provides an overview of the Service Police complaints process.



# Conclusion

An effective complaints system is vital. This Guidance helps Service Police forces to achieve high standards in the handling of complaints. Through its emphasis on transparency, regular communication and continuous learning, the Guidance is designed to strengthen trust and confidence in the Service Police complaints system and ensure that it meets the needs of those it serves.



