



Home Office

# Police Super-Complaints

Guidance for bodies seeking designation  
as super-complainants

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# Introduction

The Policing and Crime Act 2017 enables organisations designated by the Home Secretary to raise issues on behalf of the public about patterns or trends in policing that are, or appear to be, significantly harming the interests of the public. The primary purpose of this system is to capture national or cross force issues that are not otherwise dealt with under the existing complaints system or by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services' (HMICFRS) inspection regime. The secondary purpose is to act as an additional safety net providing a mechanism for capturing localised systemic issues in policing.

The Home Secretary will be responsible for designating bodies which will then be able to submit police super-complaints under s.29A of the Police Reform Act 2002.

All applications for designated body status will be judged against the criteria set out in legislation and included in this guidance, ensuring an open and transparent process. An organisation will need to meet all of the set criteria in order to become a designated body.

Once approved, the bodies will be designated in regulations made by the Home Secretary. A list of designated bodies will also be published to maintain transparency and to enable individuals and bodies not designated to see which organisations they could approach if they had concerns relevant to the making of a super-complaint.

There will be no appeals process for this decision, however organisations who have been unsuccessful will be able to re-apply in a future application process if they have further evidence they wish to submit.

This guidance is for bodies wishing to apply to be designated under the police super-complaints system. Separate guidance on how to make a super-complaint will be available from HMICFRS once the system goes live.

# The Criteria for Designation

Bodies wishing to become designated under the police super-complaints system must demonstrate in the application form that they fulfil each of the following criteria:

## **Criterion 1: That the body is competent in, and has considerable experience of, representing the interests of the public.**

The purpose of this criterion is to enable organisations to show that they have engaged in quality work representing the interests of the public in a reliable and effective way. It is important that designated bodies are trusted by the public, well-positioned to fulfil their responsibilities within the super-complaints system and have experience in reaching out to and representing communities.

Applicants should demonstrate this criterion by:

- Providing a comprehensive description of their purpose and activities, the sectors they cover, and evidence of how long the organisation has been in existence. This should be as concise as possible and is intended to ensure that the organisation has a track record demonstrating experience and competence in representing the interests of the public.
- Demonstrating experience of acting in the interests of the public, whether generally or for particular groups, and over what period of time. 'Considerable experience' should include a variety of high quality work which has had a significant impact.
- Demonstrating competence within, or available to, the organisation - for example, legal advisors or case officers familiar with representing the interests of the public in the context of this criterion.

In assessing this experience and competence, the Home Office would expect the track record to be for a minimum of two years, but would consider a shorter period if it can be demonstrated by the applicant that it fulfils the other criteria.

## **Criterion 2: That the body would represent the interests of the public effectively in its role as a designated body and, in particular, would work to improve policing.**

This criterion is aimed at ensuring that the bodies involved in the system are genuinely there to work towards the improvement of policing and are sufficiently able to represent the interests of the public.

This will exclude bodies who are opposed to policing in general, and bodies which represent a vested interest and may use the system inappropriately. This criterion is not intended to exclude bodies that are critical of the police or those which may have a challenging relationship with the police. The intention is for designated bodies to be able to capture and bring forward legitimate concerns on behalf of the public for the purpose of improving policing and assisting those adversely affected.

Whilst the improvement of policing does not have to be an organisational priority as such, it is expected that this will be the motivation behind any super-complaint.

This criterion includes organisations that represent the general public as a whole, as well as those supporting smaller communities with a shared interest, geographical location or protected characteristic. They should have established working relationships with policing bodies or a history of engaging with government, having strong networks, a public platform or experience of working across multiple channels.

Applicants should demonstrate this criterion by:

- Showing what activities they have previously engaged in that demonstrate quality work in representing the public interest. Examples relating to policing should be included, where possible.
- Producing reports or other previous examples of raising important issues through the correct channels, or simply through the everyday work of the body.

**Criterion 3: That the composition of the body and the arrangements for its governance and accountability are such that it can be relied upon to act independently and with integrity in its role as a designated body.**

Bodies should have sufficient governance and accountability structures in place to ensure that, in pursuing a super-complaint, they are motivated by the interests of and detriment suffered by the group affected by the issue and a genuine want to improve the situation and not, for example, by any wider interests. An example of the pursuit of a wider interest would be the bringing of a super-complaint solely for its publicity value, rather than a realistic chance of improving policing for the benefit of the public. This criterion is aimed at preventing unduly biased organisations from using the system inappropriately.

Applicants should demonstrate this criterion by providing the following information:

- Details of the constitution of the body including its legal or statutory status, its board and/or management structure and affiliations to other bodies.
- The current list of directors (including non-executive directors), partners or principal officers of the organisation and any other person who could be said to exercise control of the body.

- At least two years of accounts or, where this is not possible, an explanation of why these accounts are not available.
- Details of any shareholdings in the organisation.
- Details of the sources and extent of funding of the organisation by other bodies including private enterprises.
- Relevant information about the past conduct of the individuals who manage or control the organisation

The past conduct of the individuals who manage or control the organisation (directors, partners, or principal officers) may have an impact on the way in which it would make super-complaints if it were to be designated. This would depend on the specific circumstances, including the degree of influence of the individual concerned.

In appropriate cases, the Home Office will take into account evidence of the integrity of such individuals and the extent to which the decisions that individual may take in relation to the organisation could be influenced by financial or other improper considerations.

The Home Office will take into account all relevant circumstances, including (but not limited to) whether the organisation, or the individuals who manage or control it:

- have committed any offence involving fraud or other dishonesty or, in the case of an individual, any offence which might cast doubt on the suitability of an organisation controlled or managed by that person and which is not a spent conviction under the Rehabilitation of Offenders Act 1974.
- are subject to winding up proceedings or, in the case of an individual, an undischarged bankrupt or disqualified director.
- have practised unlawful discrimination on grounds of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership or pregnancy and maternity, in connection with the carrying on of any business.
- have engaged in business practices that appear to the Home Office to be deceitful or oppressive, or otherwise unfair or improper (whether lawful or not).

**Criterion 4: That the body has the capability necessary to carry out its role as a designated body effectively.**

In order to fulfil their role as a designated body, organisations will need to have the resource and capability to carry out sufficient research, and other work as required, to turn the issues or concerns they have identified into well-reasoned super-complaints. This

criterion prevents any bodies that are not in a position to produce a fully-evidenced super-complaint from being designated.

Applicants should demonstrate this criterion by:

- Showing that they have a body of staff (paid or unpaid) capable of producing high quality, evidence-based reports, as well as adequate provision for research.
- Providing examples of previous papers and research, which could be across a number of different areas or in relation to a particular issue.

**Criterion 5: That the body has made arrangements for the appropriate storage and handling of data that it may obtain in its role as a designated body.**

This aims to exclude any body that cannot adhere to the relevant data protection legislation. A super-complainant may need to be trusted with sensitive information provided by members of the public or other bodies and it is important that these bodies are able to share this information with confidence. Depending on the nature of the super-complaint, it may also be necessary to keep information confidential and limit disclosure for a specified period of time so that any investigation is not prejudiced. This would be agreed between the designated body and HMICFRS.

Applicants should demonstrate this criterion by:

- Providing a copy of their data handling policy.
- Showing that they have secure IT systems.
- Providing examples of when they have successfully shared sensitive data in the past.

Applicants may also wish to provide details of any relevant training provided to staff within the organisation.

**Criterion 6: That the body can be relied upon to have regard to any guidance about the making of super-complaints which is given to designated bodies by Her Majesty's Chief Inspector of Constabulary.**

This criterion ensures that prior agreement is obtained from the participating bodies that they will have regard to the guidance issued by HMICFRS, ensuring that the system will be used in the correct manner.

The Home Office will have regard to any representations from HMICFRS which suggest a body has failed to take into account their guidance, in considering whether to withdraw designation.

Applicants should demonstrate this criterion by:

- Confirming a readiness and willingness to have regard to the guidance issued by HMICFRS on the making of super-complaints.

**Criterion 7: That the body's activities include activities in, or in relation to, more than one police area.**

Although the super-complaints system can capture localised or single force issues, it is not the primary purpose of the policy. Designated bodies will need to be able to deal with issues involving more than one police force. The Home Office therefore considers that it is important that they already engage in activities in, or in relation to, more than one police area. Whilst designated bodies do not need to have offices or staff in more than one police force area, it would be expected that their work reaches or has an impact in different areas. This will ensure that a range of communities in different regions are represented.

Applicants should demonstrate this criterion by:

- Confirming that the work of the organisation impacts on more than one police force area
- Listing these areas
- Providing examples of work in these areas. These examples do not necessarily have to involve police work.

**Criterion 8: That the body is not a trade union or an association which represents the interests of members of police forces.**

The police super-complaints system is intended to provide a voice for organisations, such as charities, to raise a complaint on behalf of the public about patterns or trends in policing that are, or appear to be, significantly harming the interests of the public. There are already existing processes in place for trade unions and police staff organisations to raise complaints.

Applicants should demonstrate this criterion by:

- Confirming that they are not a police staff association or trade union.

**Criterion 9: That the body would collaborate effectively with bodies which are not designated bodies but which are, or may be, aware of matters which could form the basis of a super-complaint and, where appropriate, make a super-complaint on the basis of matters raised with it by such bodies.**

While the super-complaints system will be primarily for cross-force issues, it is important that the system can also capture and highlight localised policing issues. This criterion will ensure maximum access to the system and allow for similar issues to be collated into one super-complaint if appropriate, ensuring that systemic issues are recognised and highlighted in this way. This would not necessarily involve the bodies working together on their super-complaints, unless they wish to, but in some circumstances it may be appropriate for HMICFRS to address them simultaneously.

To clarify, designated bodies will not need to be constituted as an existing umbrella body as part of their normal work, but they will have to demonstrate they are willing and able to work collaboratively with other bodies, if appropriate, within the super-complaints system.

A list of designated bodies will be published online to ensure the public and non-designated bodies know who they could approach if they had concerns relevant to the making of a super-complaint.

There is an expectation that designated bodies would provide a valid, written reason if they decide not to progress as a super-complaint an issue brought to them by another body. Failure to do this may result in the removal of their designation.

Applicants should demonstrate this criterion by:

- Confirming that they are willing and able to act as a co-ordinating body for those who have collated evidence from the public - such as smaller charities, organisations or, in some cases, individuals.
- Providing previous examples of collaboration with other organisations and any existing networks with other bodies.

## **Withdrawal of Designation**

Designated status will be removed from any designated body that the Home Office believes no longer meets the nine criteria.

Designated status, however, will not be removed simply because a body does not submit any super-complaints. The emphasis is on ensuring that bodies put forward well-reasoned super-complaints, rather than submitting them purely in an attempt to retain designation.

Designation can also be withdrawn at the request of the organisation.

## **Review of Designation**

The Home Office may periodically review the designation of any organisation in order to ensure that it continues to meet the criteria.

If, during the review and having consulted the body, it is found that the organisation no longer meets the criteria then the Home Office will withdraw its designation.

Applicants should undertake to formally notify the Home Office of any changes to the information supplied at the application stage, which could be relevant to meeting any of the criteria. This might include, for example, changes to directors, partners or principle officers of the organisation, or changes in the activities of the organisation.

## **Changes to the criteria against which bodies are assessed**

It may become necessary to amend these criteria in the future. If a proposal is made to change the criteria, the Home Office will consider how the potential changes would affect the designation of bodies and how best to consult on the changes.

# How to apply

Applicants may wish to refer to this guidance document before completing the application form. It is important that the information supplied is correct and relevant for each of the criteria and that the word count is not exceeded. The Home Office will not be able to consider any information which exceeds the word count, however this does not include any examples of previous work which are provided and considered relevant to the criteria.

Bodies wishing to apply to become designated can complete an application form online at:

<https://www.gov.uk/government/publications/designation-as-a-policing-super-complainant>

An acknowledgement of receipt will be sent within five working days.

Feedback will be provided to applicants at the end of the application process detailing whether or not an organisation has been successful against each of the criterion.

Any questions about the application process or individual applications should be directed to the following email address:

[policesupercomplaints@homeoffice.gsi.gov.uk](mailto:policesupercomplaints@homeoffice.gsi.gov.uk)

Please also use this email address if you require the application form in a different format.



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