Gmail

Michael Jones <[redacted]>

Your PHSO complaint C-2184831

Michael Jones <[redacted]> 1 September 2026 at 08:07
Reply-To: [redacted]
To: Vicki Mitchell <Vicki.Mitchell@ombudsman.org.uk>

Dear Ms Mitchell,

Thank you for your email of 24/08/2026 in relation to my complaint against the Metropolitan Police Service, including its attached decision letter notifying me that the PHSO intends not to investigate my complaint.

It is disappointing and frustrating that the PHSO should have taken nine months in reaching that decision on the rather basic premise that the complaint does not fall within the PHSO's remit. One might have expected the PHSO to be able to reach such a decision based upon the fairly detailed information provided in my complaint form. The fact that the complaint was allocated to a caseworker (thus engaging an eight-month delay) indicates that it had originally been assessed as falling within the PHSO's remit on that basis. So what additional information that could not be deduced from my complaint form has led to this change in its assessment?

Sections 1 & 2 of this email below explain why the rationale given for the decision in your letter is flawed. Section 3 raises some doubts over the integrity of the PHSO's decision. In light of these representations a review of the PHSO's decision not to investigate my complaint is now demanded.

1. Objections to the rationale of the PHSO's decision letter

Your decision letter states that my complaint does not fall within the PHSO's remit because it may only consider complaints against the police "if they relate to their failure to comply with duties placed on them by the Victims' Code"; and that: "As MPS does not accept, on the basis of the information it has seen, that there has been a crime committed, the Victims' Code does not apply". The letter goes on to state:

> *"We have no power under the Victims' Code to examine, or challenge, the police's use of discretion in these circumstances. Nor do we have the power to take our own view on whether a criminal offence has occurred."*

The question is therefore whether MPS acted with reasonable discretion and in accordance with the crime recording rules in determining whether or not I was a victim of a crime in respect of the fraud I tried to report to MPS during October 2024. After all, objectively I may well have been the victim of a fraud and therefore the Victims' Code would still apply even though MPS may have failed in its duty to record that fact. It is biased and unwholesome, and hence unfair, for the PHSO to decide that the Victims' Code does not apply where police may have acted arbitrarily or with negligence, and either disregarded or failed to process information in such a way as to arrive at a fair assessment "on the balance of probabilities".

I consider that MPS did not act with reasonable discretion and in accordance with the crime recording rules for the following reasons:

a) According to the *Home Office Crime Recording Rules for Front line Officers and Staff* [re: p. 7 of the attached file: *crime-recording-rules-for-frontline-officers-and-staff…*], **Step 1** in the crime recording process is defined as *"the victim is to be believed"*. **Step 2** is defined as *"on the balance of probability a crime in law has been committed"*. Implicit in Step 1 is the principle that the person reporting a crime is already to be considered a victim, i.e., on the basis that they may have a sufficient understanding of the law and a well-founded belief that they are a victim of a crime. In order to proceed to Step 2 and make a fair assessment on the balance of probability, the police are required to keep an open mind and to consider the victim's report with reference to the parameters of the law.

In my initial online report to MPS of 14/10/2024 (p. 3 of the attached: *MPS_Report_Oct24_binder.pdf*) I had included sufficient detail for an assessment that the offence I was trying to report fulfilled all the criteria of an offence of

fraud by false representation, contrary to S.2 of the Fraud Act 2006. HOCR defines an offence of fraud by false representation where the alleged offender:

> *"Dishonestly makes a false representation, and intends, by making the representation to make a gain for himself or another, or to cause loss to another or to expose another to risk of loss."* [Re: p. 115 of the attached file: *nfib-fraud-april-2023.pdf*.]

The content of my report made on 14/10/2024 described events that fulfilled all these criteria. Therefore, in refusing to recognise a criminal offence of fraud from my description (the first considered response from MPS on 16/10/2024 was: *"This is a civil dispute so please seek legal advice or contact the Citizen's Advice Bureau"* – re: p. 11 of the binder file), it is either the case that staff at MPS simply *did not believe* my description of events (contrary to Step 1); or it is the case that they failed to adequately compare that description against the parameters of the offence as defined by law, and therefore failed to make a fair assessment on the balance of probability (contrary to Step 2).

It appears that the MetCC Digital Contact Centre's response as quoted above was based on a *vague assumption* that, as the conduct being reported occurred within the context of a civil legal process, this excluded the possibility of criminal conduct in that context. That response was not open-minded and hence was not a fair assessment on the balance of probability as it was based upon prejudice and assumption.

b) In response to MetCC's email of 16/10/2024 quoted in (a) above, I made my second online crime report on 17/10/2024 (re: pp. 12-17 of the binder file) giving more explicit definition (p. 14) of why the conduct of my solicitor between January-October 2018 fulfilled all the criteria of a criminal offence of fraud under S.2 of the Fraud Act 2006. The report also identified (pp. 15-17) two local witnesses and a local suspect in the allegation, thus engaging a call for service at the local police level.

MetCC's ultimate response to this on 18/10/2024 (re: p. 23 of *MPS_Report_Oct24_binder.pdf*) was to refer me to Action Fraud. That response was not in accordance with the rules, but nevertheless it implicitly recognised a criminal offence of fraud *("due to the circumstances of the incident"*) from my second crime report, and hence also implicitly recognised me as a victim of fraud on that basis. MPS's implicit acknowledgement in response to my second report therefore undermines the assertion made in p. 3 para. 5 of the PHSO's decision letter that the Victims' Code does not apply in this case because MPS does not accept that a crime has been committed (the same erroneous assertion having also appeared in MOPAC's Outcome to its Review of my complaint against MPS—to which I had drawn attention on p. 7 of my complaint form to the PHSO).

That MPS's recognition that I am the victim of the reported fraud is merely implicit in its email of 18/10/2024 and did not result in its appropriate recording of the crime is only due to the fact that in referring me to Action Fraud it had not acted in accordance with either the *Home Office Crime Recording Rules for Front line Officers and Staff* or with HOCR. According to those rules, as my report of 17/10/2024 constituted a call for service at the local police level, this mandated MPS to record the crime locally and issue a crime reference number, as well as making its own report to Action Fraud [re: p. 91 of the attached: *crime-recording-rules-for-frontline-officers-and-staff…*; and also pp. 2-3 of the attached: *nfib-fraud-april-2023.pdf*]. In not issuing a crime reference number in violation of the quoted rules, MPS also violated 3.1 of the Victims' Code. These issues were already discussed under item 2 paras. 6-8 of my email to the PHSO of 07/08/2026; and under paras. 7-8 of my email of 17/08/2026.

c) There was a further consequence of MetCC's neglect of the crime recording rules in response to my second report of 17/10/2024. As I have written on p. 8 of my original complaint form to the PHSO, the attached: *crime-recording-rules-for-frontline-officers-and-staff…* states (on p. 10):

> *"Where a report of a crime is made to police and the decision is to not record it, then an auditable record of that decision must be made, and the victim or person reporting must be informed of that decision. They have a right to appeal the decision or to provide further supporting information."*

Although MPS had implicitly acknowledged an offence of fraud by inappropriately referring me to Action Fraud on 18/10/2024, in doing so MPS actually *avoided making any decision at all* in response to my crime report; so that MPS neither recorded the crime locally as it was obliged to do, nor did it create an auditable record of any decision *not to* record the crime. This meant that I was left without an option to appeal its de facto *failure* to

record it. Effectively therefore my only option to appeal this general failure on behalf of MPS was to submit my complaint to it of 12/11/2024. The PHSO's current decision not to investigate that complaint has assumed incorrectly that MPS had employed its discretion in deciding not to record a crime; but in fact MPS made no such decision, because there is no auditable record of such a decision against which I could be advised of a right to appeal.

2. The decision that the Victims' Code does not apply is mistaken in fact and interpretation

As noted above, the PHSO's decision letter asserts that the Victims' Code does not apply in my case because MPS had used its discretion in deciding 'on the balance of probability' not to record a crime in response to my crime report. That assertion is shown to be factually incorrect in 1(c) above because MPS had not made such a decision, or it would have been obliged to notify me of the explicit decision as well as my right of appeal against it. MPS had avoided such a decision by diverting my crime report to Action Fraud (i.e., implicitly acknowledging an offence of fraud of which I had been the victim, but deferring its own obligation to record the offence, with clear contempt for the Home Office crime recording rules which mandated it to do so).

The logical extension (should it be adopted as general policy) of the PHSO's decision that the Victims' Code does not apply in this case is that the Code might be similarly disapplied in any circumstance (such as my own) where the police have acted arbitrarily in flouting the Home Office rules in order to frustrate a victim's right to have their crime report respectfully recorded. For this reason—that it ultimately removes any protection under the Code *except* in those circumstances in which the police *have* followed the rules—the PHSO's rationale for its decision is plainly ridiculous and flawed in its interpretation of the purpose and application of the Victims' Code.

3. Doubts over the integrity of the PHSO's decision

I understand that my complaint was allocated to yourself as caseworker on 17/07/2026. That engaged step 2 of the process in which the PHSO considers whether to proceed to investigate the complaint. It was followed by an exchange of emails in which you sought clarification over details of the complaint.

I have pointed out under 1(b) above the significance of my two emails to the PHSO of 7 & 17 August in referencing details from the Home Office crime recording rules in order to highlight MPS's evident disregard for those rules in its responses to my crime report. This begs the question of why, having provided further clarification in those emails of the exact manner in which MPS had failed to comply with its own rules, and hence also with the Victims' Code, the PHSO should then decide that it has *less* cause to investigate my complaint, having already decided following its initial triage of my complaint form that the complaint did fall within its remit to investigate?

The close proximity of that decision to my two emails of 7 and 17 August suggests that it was an impromptu reaction to either or both of those emails, but importantly, in a manner in which the PHSO has avoided an explicit acknowledgement of the content of those communications, with the result that the arguments raised in them have been effectively disregarded (your decision letter of 24 August being the only considered response sent by the PHSO since my email of 7 August). This, together with the fact that the rationale for the PHSO's decision is based upon a false and rather biased assertion that the Victims' Code does not apply in this case (re: 1(b) & 2 above), suggests the motive for the PHSO's decision to be disingenuous—that is to say, it was motivated to evade a serious outcome to my complaint, had it proceeded to investigate it, which due consideration to the arguments raised in my emails of 7 and 17 August might have suggested as unavoidable.

With respect to the reasons detailed in sections 1 & 2 above which show the that the premises of the PHSO's decision letter are mistaken either in fact or in interpretation, I submit that the reasons given for its decision of 24/08/2026 not to investigate my complaint against MPS under the Victims' Code are without merit and insupportable, and as such that decision should be withdrawn. Contrary to that decision and in line with its initial assessment of my complaint form, this complaint does fall within the PHSO's remit as set out in law.

Yours sincerely,

Michael Jones

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P.s. I have attached to this email copies of: the *Home Office Crime Recording Rules for Front line Officers and Staff* and the *Home Office Counting Rules for Recorded Crime (Fraud)* ('HOCR').

These items were downloaded directly from: https://www.gov.uk/government/publications/counting-rules-for-recorded-crime.

As it also is referenced in S.1 of the above email, I have attached a repeat copy of the binder *MPS_Report_Oct24_binder.pdf*, which was originally attached to my initial submission to the PHSO of 20/11/2025.

[Quoted text hidden]

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3 attachments

crime-recording-rules-for-frontline-officers-and-staff-2025_26-april-2025-update.pdf
1059K

nfib-fraud-april-2023.pdf
1129K

MPS_Report_Oct24_binder.pdf
3362K