You can contact me on: +44 300 061 1551
Vicki.Mitchell@ombudsman.org.uk

Our reference: C-2184831

Parliamentary and Health Service Ombudsman

In Confidence

Michael Jones
By email only to: [redacted]

24 August 2026

Dear Mr Jones

Your complaint about Metropolitan Police Service (MPS)

Thank you for giving us information on your concerns about MPS. We are sorry to hear about the difficulties you have experienced.

Our role

We make final decisions on complaints that the NHS in England, UK government departments and other UK public organisations have not resolved. You can find out more information about us by visiting our website https://www.ombudsman.org.uk/about-us/who-we-are.

We, as the Parliamentary and Health Service Ombudsman are governed by two legislations. Complaints relating to UK government departments and UK public organisations are considered under the Parliamentary Commissioners Act 1967 . Any complaints that are relating to an NHS service are considered under the Health Commissioners Act 1993.

Our Decision

Based on the information you have given us, we have decided that your complaint is not one that we can look at. This is because it falls outside of our remit, that is set out in the above legislation. Therefore, we will not be taking any further action.

I am sorry this was not the outcome you were hoping for, and I would like to explain in this letter why we are not the right organisation to help you with your complaint.

Why are you unable to look at my complaint?

You complain that MPS has failed to record a crime you reported to it in October 2024. You consider MPS has failed to comply with the duties placed on it by the Code of Practice for Victims of Crime (Victims' Code). You say this has created the opportunity for valuable

evidence to have been disposed of and prevented you from obtaining redress for the consequential losses arising from the crime.

You would like MPS to acknowledge and apologise for its failure to comply with its Victims' Code obligations. You would also like it to record the crime you reported and then investigate this accordingly.

Schedule 2 of the Parliamentary Commissioners Act, 1967 sets out which organisations we can consider complaints about. MPS is not one of these organisations.

Section 5 1(B) of the same Act explains that we may be able to look at some complaints about organisations not listed under Schedule 2 if they relate to their failure to comply with duties placed on them by the Victims' Code. All polices forces, including MPS, are listed within these organisations. This means that we can consider complaints brought to us about MPS but only if that complaint is about its failure to adhere to the Victims' Code.

You told us you were represented by a solicitor in a civil matter regarding housing. After that matter concluded, you discovered information that led you to believe the solicitor had acted fraudulently. You tried to report this as a crime to MPS between 14 and 19 October 2024 on the basis of it being fraud by false representation, contrary to S2 of the Fraud Act, 2006. You say MPS told you the issue was a civil dispute and you should seek legal advice about it. You say you also visited a station in person but were told MPS could not accept your documentation (which you explains need to be seen to appreciate how your allegations of a crime have come about) and you would need to report the crime online. Having done so, you explain you were unable to upload your supporting documentation and, when you tried to make contact with MPS to arrange to provide this, you were unsuccessful.

The Victims' Code sets out the services and a minimum standard for these services that must be provided to victims of crime. It explains that, for the purpose of the Victims' Code, 'the definition of a 'victim' is a person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence'. There are other criteria listed for who might be considered a victim, or who otherwise has Rights afforded to them under the Victims' Code, but none of these are applicable to your circumstances.

The Victims' Code goes on to say 'a 'criminal offence' means an offence that is committed, or subject to criminal proceedings, in England and Wales'. While we cannot take a view on whether a criminal offence has been committed, it may be helpful to understand how the police approach the matter.

You have referred to the 'Home Office Counting Rules for Recording Crime' (HOCR). This is a document which helps the police to decide whether something should be recorded as a crime.

The HOCR sets out the general principles for the recording of a crime and is relevant for our purposes. It says that, although the police must make a record of incidents reported to them, they have discretion on whether to record that incident as a crime. We acknowledge that the HOCR says that, on most occasions, the police will record the incident as a crime if the victim believes a crime has occurred, this does not remove the discretionary aspect of that decision. It is for the police to decide whether 'on the balance of probability a crime in law has been committed'.

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.

Our position is that there has to be a crime committed in order for the Victims' Code Rights to commence. It is a matter for MPS to determine whether something is a criminal offence and/or to record it as a crime. If the individual is not in agreement, then the Independent Office for Police Conduct (IOPC) would be the correct organisation to consider this. It is not within our jurisdiction to determine whether something is a criminal offence and/or should be recorded as such.

We can see that you have already complained to the IOPC about this matter. The IOPC passed the complaint to MPS' Professional Standards Department. This did not result in a change in its position. 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. Consequently, we cannot consider your complaint further as it does not fall within our remit as set out in law.

I am sorry that we could not help you this time. If you have any questions about our decision, then please contact me using the details given in this letter. Please make sure this is done within one month of the date of this letter.

Please note there are some important details about how we use your information at the bottom of this email.

We recognise that everyone has different needs and circumstances, and these are likely to influence the way you access our service. Should you require this letter in a different format and/or a reasonable adjustment in how you access our service going forward, please do not hesitate to contact our helpline on 0345 015 4033 or through our Sign Video service where we can discuss your accessibility requirements

Yours sincerely

Vicki Mitchell
Caseworker

Important details about how we use your information

You can read more about how we use your information in our privacy notice. The notice explains how we use and look after information about you, or that could identify you, and how long we keep it. It also explains your rights and how to request your information. You can find the privacy notice online at www.ombudsman.org.uk/information-you-give-us. If you would like a copy in a printed or other format, please contact informationrights@ombudsman.org.uk or call the number at the top of this letter.