

TYNWALD COMMISSIONER FOR ADMINISTRATION

TCA 2026/0022

INFORMATION COMMISSIONER

STATEMENT

(pursuant to Section 14 Tynwald Commissioner for Administration Act 2011)

This Statement is addressed to the Complainant and to the Chief Constable and the Minister of Home Affairs.

In accordance with the convention established by the TCA's predecessor in office, the late Angela Main Thompson OBE, this Statement is also delivered to Tynwald.

Preliminary: Section 14 Tynwald Commissioner for Administration Act 2011 – decision not to investigate

1. The Tynwald Commissioner for Administration Act 2011 ("2011 Act") in section 14 provides:

14 Decision not to investigate

(1) If the Commissioner, after considering a complaint, decides not to investigate a complaint, the Commissioner must send a statement of the reasons for the decision to the persons specified in subsection (2).

(2) Those persons are — (a) the complainant; (b) the listed authority in question; [...]

2. This Statement is made following the decision of the TCA not to investigate two separate complaints brought by the same Complainant against (a) the Chief Constable and (b) the Department of Home Affairs.

3. The TCA notes that section 14 of the 2011 Act is silent in circumstances where, as with the present complaint in the case of the Chief Constable, the body complained of is *not* a listed authority.

4. Details of the complaints and the reasons for the TCA concluding that neither comes within the investigative jurisdiction of the TCA are contained in the Reasoning and Conclusions, which draw upon the following exchange of e mails between the TCA and the Complainant.

Correspondence between the TCA and the Complainant

5. By e mail to the TCA dated 14 April 2026 10:22 the Complainant wrote:

Please find attached my request for investigation under the Tynwald Commissioner for Administration Act 2011, together with the supporting complaints-pathway documents referred to in it.

The covering letter to you is the PDF titled: “2026-04-14 [...] Request for investigation under the Tynwald Commissioner for Administration Act 2011.pdf”

In summary, I ask you to investigate maladministration and service failure in the recording and progression of my police complaints from 27 January 2026 onwards. This request concerns the administrative handling of the complaints pathway and the resulting failure of statutory redress. It is not a request to determine the merits of the underlying criminal investigation or any issue before the courts.

For ease of reference, the attached complaints-pathway documents have been named with dates so that they appear in chronological order.

Please would you confirm receipt and provide a case reference in due course.

5.1 The covering letter to which the Complainant referred is dated 14 April 2026 and reads:

Subject: Request for investigation under the Tynwald Commissioner for Administration Act 2011 - alleged maladministration / service failure in the recording and progression of police complaints

Executive summary

I ask you to investigate maladministration and service failure which have caused, and continue to cause, serious injustice and hardship to me and my family by failing to record and progress serious complaints, thereby preventing the statutory police complaints machinery from operating.

This is not a request for you to revisit the merits of any criminal investigation, to determine whether any police suspicion was well-founded, or to review court proceedings. It is a request for you to investigate the administrative handling of my complaints pathway after serious written complaints had been made.

In practical terms, the complaint mechanism has not functioned. Serious complaints were made in writing, but no proper investigation and no concluded report were provided within the relevant time. This has left me without any functioning complaint mechanism, without findings or conclusions on serious misconduct allegations, and without any timely administrative route by which the ongoing consequences to my family can be addressed.

The result is a practical deadlock in the statutory oversight process: if a serious complaint is simply not recorded and progressed, the intended complaint and oversight machinery cannot operate in any meaningful way.

What I am complaining about

My complaint to you concerns post-complaint administrative failures, not the underlying criminal justice issues.

Core complaint:

1. A serious complaint about police conduct was raised in writing with the Chief Constable on 27 January 2026. As of today, it has still not been properly recorded and progressed through the statutory complaints process, and I have received no proper investigation and no concluded report on it.

2. A second complaint was then raised on 22 March 2026 about the failure to progress the first complaint. That complaint too has not resulted in a proper investigation and concluded report.

The injustice and hardship arise from the absence in practice of any functioning complaint route, despite serious written complaints having been made, and from the resulting inability to obtain any timely administrative scrutiny, findings, or remedy.

Your published description of maladministration / service failure includes faulty procedures, failure to follow correct procedures, avoidable delay, neglect, refusing to answer reasonable

questions, and not offering an adequate remedy when one is due. The conduct identified in this letter and the attached material falls squarely within those categories.

Why this is a complaint about statutory administration

This is not an argument about best practice. It is about the operation, or non-operation, of a statutory complaint process.

Police Act 1993, Schedule 1

Where a complaint is submitted to the Chief Constable, Schedule 1 provides that the complaint is to be dealt with through the statutory process. The initial steps include recording the complaint, taking steps to obtain or preserve evidence, furnishing particulars to the Police Complaints Commissioner, and considering whether informal resolution is suitable. Where informal resolution is not suitable, the complaint is to proceed by formal investigation after consultation with the Commissioner.

Police (Complaints) Regulations 1994

The Regulations require a complaints register recording the steps taken in dealing with a complaint and their outcome.

If a serious complaint is not recorded and progressed, the statutory process is blocked at the outset. That in turn defeats the very oversight structure which the legislation is meant to provide.

Exhaustion, timing, and gateway conditions

I objected in writing on 27 January 2026 and again on 22 March 2026. The first complaint is already far beyond the 28-day period without a proper investigation or concluded report, so the gateway is plainly met in relation to that complaint. The second complaint was made because that failure had still not been remedied. Although 28 days have not yet fully elapsed in relation to the second complaint, this is not a new or separate delay in isolation; it is part of the same continuing administrative failure.

No final decision has been notified to me in relation to either complaint. This request is therefore brought in time and concerns a live, ongoing failure in the complaints pathway. I ask you to accept it now on that basis, rather than require me to wait for the complaint about non-progression itself to drift into the same unresolved state.

Jurisdiction and exclusions: what I am not asking you to do

I recognise that your jurisdiction has limits, including in relation to crime/security matters and court proceedings.

Accordingly, I do not ask you to:

- determine criminal guilt or innocence;*
- determine whether the underlying police allegations were true or false;*
- quash a warrant or reverse a court decision;*
- investigate the conduct of court proceedings; or*
- investigate the Isle of Man Financial Services Authority or the Police Complaints Commissioner in relation to their statutory functions, insofar as those matters fall outside your jurisdiction.*

I rely on the underlying background only to explain the significance of the complaints failure and the resulting injustice; I do not ask you to determine the merits of the underlying criminal investigation, the lawfulness of the warrant, or any issue before the courts.

What I do ask you to investigate is the administrative handling of the complaints pathway from 27 January 2026 onwards, including whether listed authorities, office-holders, officers, or persons acting on behalf of them failed to record, progress, supervise, investigate, or report on my complaints in accordance with the statutory framework.

Why “go to court” is not an adequate answer to this complaint

The response I have effectively received has been that the statutory complaint process has not been brought into operation, while the alternative suggested in substance has been court proceedings.

That is not an adequate answer to a complaint about complaint handling.

A court claim and a statutory complaints process are different things and serve different functions. Court proceedings are concerned with judicial relief. A complaints process is concerned with the proper administrative handling of complaints, findings on conduct, accountability within the complaint system, and the provision of an administrative remedy where one is due.

If the answer to a complaint that has not been recorded or progressed is simply “go to court”, then the statutory complaint mechanism becomes optional in practice and can be defeated by administrative inaction.

Your own statutory framework also recognises that the existence of a court route does not necessarily make it reasonable or expedient to require a complainant to use it. Here, the practical position is that the statutory complaint pathway was not activated, while court

proceedings are costly and are not a substitute for complaint handling. The injustice is therefore real and current.

Why investigation is needed as a matter of statutory integrity

This complaint raises a simple but important administrative question:

“What happens if serious complaints are made in writing, but those responsible for operating the statutory complaints pathway do not properly record and progress them?”

If the answer is that nothing happens unless the complainant brings expensive court proceedings, then the statutory oversight mechanism is not functioning as intended.

This is why I respectfully ask you to investigate not merely whether there was delay or poor communication, but whether a practical deadlock has arisen in the statutory oversight process itself.

What I ask you to investigate

I ask you to investigate the handling of the complaints pathway from 27 January 2026 onwards, including:

- 1. whether my complaint of 27 January 2026 was properly recorded, and if so when, by whom, under what reference, and with what subsequent steps;*
- 2. whether the statutory requirements relating to progression, investigation, supervision, consultation, and reporting were complied with in relation to that complaint;*
- 3. whether my further complaint of 22 March 2026 about the non-progression of the first complaint has been properly recorded, considered, and progressed, and whether it is on course to be dealt with lawfully and within time;*
- 4. which listed authority or listed authorities, office-holders, officers, or persons acting on behalf of them were responsible at each stage for the recording, progression, supervision, and reporting of the complaints pathway from 27 January 2026 onwards;*
- 5. whether there has been maladministration and/or service failure in the handling of that pathway, including by reason of non-recording, non-progression, avoidable delay, failure to answer reasonable questions, or failure to provide an adequate administrative remedy; and*
- 6. whether a practical deadlock has arisen whereby, if a complaint is not formally recorded and progressed at the outset, the intended oversight mechanism cannot function in any meaningful way.*

What I ask you to do now

I respectfully request that you:

- 1. accept this as a duly made complaint and confirm a case reference;*
- 2. identify which listed authority or listed authorities, office-holders, officers, or persons acting on behalf of them you treat as the relevant respondents for the purpose of this complaint;*
- 3. obtain the relevant records directly, including whether my complaint of 27 January 2026 was recorded, the relevant complaints-register entry, and any associated records showing what steps were or were not taken;*
- 4. investigate the handling to date of my further complaint of 22 March 2026 as part of the same continuing pathway failure;*
- 5. determine who was responsible at each stage for ensuring that the statutory complaints process was brought into operation and progressed lawfully, and whether that responsibility was discharged;*
- 6. consider whether any interim step is appropriate to reduce the risk of continuing injustice or hardship pending investigation; and*
- 7. if you conclude that injustice or hardship has occurred and appears not to have been or will not be remedied, consider whether a special report is appropriate.*

If you decide not to investigate, I ask that you please provide a written statement of reasons addressing specifically the alleged failures in the recording and progression of the complaints pathway and the practical deadlock issue raised in this letter.

Evidence attached / immediately available

I attach copies of the principal complaints-pathway documents, including:

- my written complaint dated 27 January 2026;*
- the acknowledgement and subsequent correspondence from the Professional Standards Department;*
- my complaint dated 22 March 2026 concerning the failure to progress the first complaint; and*
- subsequent correspondence from the Department of Home Affairs.*

If useful, I can provide further evidence of the injustice and hardship caused to me and my family by the non-functioning of the complaints process and the absence of timely administrative scrutiny. I would provide that material only to show the personal injustice and hardship arising from the administrative failure, not to ask you to determine matters outside your jurisdiction.

I confirm that I am directly affected and complain of personal injustice and hardship, not matters raised merely as a citizen at large.

I also confirm that I consent to being identified in any report issued by the Tynwald Ombudsman concerning this complaint.

6. By e mail to the Complainant dated 14 April 15:13 the TCA replied:

Thank you for your enquiry. I regret that I am unable to assist, as matters concerning the Isle of Man Constabulary are not within my jurisdiction under the Tynwald Commissioner for Administration Act 2011.

Section 11 of the 2011 Act lists those matters which are excluded, and section 11(2)(c) excludes: action taken by or with the consent or authority of the Attorney General or Chief Constable for the purposes of, or in connection with, the detection, investigation or prevention of crime or the protection of the security of the Island or the United Kingdom;

Your recourse is to the Police Complaints Commissioner, Advocate Michelle Norman: [Isle of Man Government - Police Complaints Commissioner](#)

I realise that my own inability to assist will disappoint you, but I hope that you understand that, firstly, my decision is constrained by the provisions of the 2011 Act and, secondly, my decision is wholly neutral as regards the merits or otherwise of your complaints. I cannot in my capacity as Tynwald Commissioner advise you on alternative remedies through the Isle of Man High Court or through Tynwald, and you may wish to take independent legal advice on these.

7. By e mail to the TCA dated 14 April 2026 17:10 the Complainant responded:

Thank you for your prompt response.

I respectfully ask you to reconsider, or at least clarify, the basis of your refusal, as my complaint to you is not directed to any action taken by the Chief Constable for the detection, investigation

or prevention of crime. It is directed to the later administrative failure to record and progress serious written complaints under the statutory police complaints framework.

Could you please clarify whether your position is that an alleged failure by those responsible for the complaints pathway to record and progress a complaint is itself excluded by section 11(2)(c) in these circumstances?

I ask this because the practical position now appears to be as follows:

- 1. My first complaint has not been properly recorded and progressed by Professional Standards / the Constabulary after 11 weeks.*
- 2. My second complaint to the Police Complaints Commissioner and the Department of Home Affairs, concerning that non-progression, has likewise not been progressed in itself, nor produced any effective progression of the first complaint. The Police Complaints Commissioner has indicated, in substance, that she cannot require Professional Standards to progress a complaint unless and until it is itself progressed.*
- 3. My complaint to you has now also been refused on the basis of section 11(2)(c).*

Court is not a realistic answer to the administrative failure complained of. As the subject of a money-laundering investigation, advocates cannot readily accept payment from me while that continues. More fundamentally, if a statutory complaints process can simply be ignored unless and until a costly court claim is brought, then it is difficult to see what function that statutory process serves.

If your position is that neither your office nor any other domestic body can require compliance with the statutory complaints requirements in these circumstances, then the position appears to be that I have exhausted all practical domestic avenues of redress in relation to this complaints deadlock.

If you remain of the view that you have no jurisdiction, I should be grateful if you would confirm expressly whether your position is that the administrative handling of the police complaints pathway is, in law, inseparable from action taken for the purposes of, or in connection with, the detection, investigation or prevention of crime within section 11(2)(c).

I ask this because the wording of section 11(2)(c) appears to exclude only action taken for those purposes, or in connection with them, rather than all functions of the Chief Constable or all later administrative handling of complaints about such matters. My complaint to you was directed to that later complaint-handling failure, not to the underlying investigative acts themselves.

8. By e mail to the Complainant dated 14 April 2026 18:29 the TCA provided further clarification:

All complaints concerning the Isle of Man Constabulary lie outside the remit given to me under the 2011 Act; not merely the substance of an original complaint but also the manner (in the sense of the administrative handling) in which that complaint was addressed.

In circumstances where my powers of investigation have been activated, it is the case that the investigation is on two levels; firstly, an investigation into the merits of the original complaint and secondly an investigation into the manner in which that complaint was handled by the Listed Authority concerned.

This second part of the process is not “stand alone”. By this, I mean that where the original complaint is outside my powers of investigation, I do not have authority to investigate as a separate complaint in its own right the manner in which it was handled.

9. By e mail to the TCA dated 14 April 2026 21:26 the Complainant replied:

Thank you again for your prompt reply. There are four points on which I would be grateful for clarification:

1. Does section 11(2)(c) exclude all Chief Constable / Constabulary actions?

Section 11(2)(c) excludes action taken by or with the consent or authority of the Chief Constable “for the purposes of, or in connection with, the detection, investigation or prevention of crime”. I do not understand why that wording would be used if every action of the Chief Constable were intended to be excluded. It appears to contemplate that some actions fall within the exclusion and some do not. That is why I struggle to see why the later administrative handling of a statutory complaints process must automatically be treated as excluded. You say that all complaints concerning the Isle of Man Constabulary lie outside your remit, but I do not see why that must follow from section 11(2)(c).

2. Why is it necessary to investigate the merits of the original complaint before investigating non-progression?

I remain unclear about your “two levels” interpretation. I do not see why, in order to investigate the failure to record and progress my complaint, it would first be necessary to investigate the merits of the underlying complaint itself.

Police Act 1993 Schedule 1 appears to require that, where a complaint is submitted to the Chief Constable, it shall be recorded. Professional Standards have expressly stated that my complaint has not been formally recorded. It is unclear to me where regulation 15 of the Police (Complaints) Regulations 1994 fits into the Schedule 1 paragraph 3 timeline. However, even if dispensation could in principle arise before formal progression, that does not appear to have happened here. If dispensation had been granted, regulation 15(4) appears to require that the complainant be informed. That has not occurred.

As such, where in the Tynwald Commissioner for Administration Act 2011 is it stated that maladministration or service failure in complaint handling cannot be investigated unless the merits of the original excluded complaint can also be investigated? On the face of it, the statutory requirements appear not to have been complied with in either of the two possible outcomes, and that can be determined without investigating the merits of the original police-conduct complaint.

3. What is your position once the DHA deadline also expires?

In five days' time, the 28-day period in relation to my complaint to the Department of Home Affairs (Complaint 2) will also expire. They too have so far failed to record and progress that complaint. Is your position that I should simply wait until that point and then approach you again? Or is your position that you would still be unable to investigate Complaint 2 because it concerns the non-progression of Complaint 1, which ultimately involves Constabulary misconduct?

4. How is the resulting deadlock meant to be resolved?

The present position appears to create an obvious deadlock. If the police simply do not record and progress a complaint, and no other body can require them to do so, then the statutory complaints framework can be defeated in practice by inaction alone. Do you still consider that recourse lies with the Police Complaints Commissioner? Miss Norman's position appears to be that she cannot intervene until the Chief Constable has reached Schedule 1 paragraph 3(c) in the initial complaint steps.

I would be grateful for any further clarification you can provide.

10. Whilst the TCA was considering his response, the Complainant by e mail sent jointly to the Minister of Home Affairs, the TCA, the Police Complaints Commissioner and a named MHK ("named MHK"), and copied to a named Advocate, dated 16 April 2026 13:23, under the heading "Failure of statutory police complaints process" wrote:

I write to you together because, in our small jurisdiction, legality, accountability and effective remedy cannot simply be passed from office to office until they disappear. Between you, you hold senior responsibilities touching justice, maladministration, police complaints oversight and democratic scrutiny. Three of you are also experienced advocates, with duties not merely to repeat institutional positions, but to exercise independent judgment in the service of truth, justice and the rule of law.

What has happened to my family has been severe, prolonged and deeply damaging. In my view, the police misled the court to obtain a warrant which did not authorise seizure, then used it to exercise destructive powers that were neither authorised nor disclosed. The result has been the effective destruction of my livelihood, the unlawful seizure of extensive family property and funds, and the continuing unlawful retention of property wholly unrelated to my business, including my wife's and daughter's belongings, causing seven months of ongoing harm.

In January, [the Minister] advised me to make a formal complaint to the police. The law is straightforward: the Chief Constable must either record and progress the complaint, or formally dispense with it. He has done neither. The Police Complaints Commissioner says she cannot act unless he does. The Tynwald Ombudsman says he cannot intervene in matters relating to the Constabulary. The Department of Home Affairs has likewise neither recorded nor progressed my subsequent complaint to them, while the Commissioner has indicated that she does not believe it has authority to act. In practical terms, the police can simply ignore a complaint they do not wish to address and thereby defeat the statutory process altogether. I attach a chronology of safeguard failures and a mapped breach matrix. I would be very grateful if each of you could, at a minimum, skim-read the chronology while bearing in mind that the current position of Professional Standards Superintendent [name] is that [they are] not recording my complaint because [they do] "not see any suggestion that there has been a breach".

That is the denial of effective remedy. The Human Rights Act 2001 provides that it is unlawful for a public authority to act incompatibly with a Convention right. Article 13 ECHR and Article 2(3) ICCPR require an effective remedy before a competent authority, and Council of Europe guidance explains that effective remedies should be "available, known, accessible, affordable and capable of providing appropriate redress." Strasbourg jurisprudence is clear that rights must be practical and effective, not theoretical or illusory. A complaints mechanism that exists on paper but can be ignored or left non-functional is no remedy at all.

The present reality is that the only practical way to force compliance with the statutory framework is for me to seek third-party funding for court proceedings against the Chief Constable and the Department. In other words, the citizen must pay to make public authorities

follow the law. That is not an effective remedy; it merely transfers the cost of official unlawfulness onto the victim. The same pattern already occurred last year: when the Constabulary unlawfully seized and retained approximately £900,000 of my customer's funds. My customer was forced to incur legal costs to apply to the court, only for the Constabulary then to concede and return his funds.

Respectfully, allowing this situation to continue is not neutrality. It is institutional paralysis in the face of apparent unlawfulness. The system is not operating as intended, serious alleged misconduct is being left without remedy, and a family's life is continuing to be damaged while each institution points elsewhere. I ask you, plainly, not to let this be buried. Someone with authority must now acknowledge that the complaints system has failed and ensure that a real and lawful remedy is finally provided.

11. The Complainant by e mail sent jointly to the Minister of Home Affairs, the TCA, the Police Complaints Commissioner and the named MHK, and copied to a named Advocate, dated 19 April 2026 17:01, under the heading "Failure of statutory police complaints process" wrote:

A brief correction to my email of last week.

I omitted a zero in paragraph 6.1 of the attached document, "Operation Jutland: Chronology of Safeguard Failures". The correct figure was approximately £18,000, not £1,800.

The point is that my customer was forced to spend approximately £18,000 to make public authorities follow the law: the Constabulary repeatedly refused to return funds which they knew had been seized unlawfully, until a claim was prepared and put before the court at great expense, at which point they immediately conceded and returned the seized funds without any court proceedings taking place.

I attach a corrected version of the chronology for ease of reference.

Complaint against the Department of Home Affairs

12. By e mail to the TCA dated 19 April 2026 16:48, copied to the named MHK, the Complainant wrote:

I now make a complaint to you concerning the Department of Home Affairs.

On 22 March 2026 I made a written complaint to the Department of Home Affairs concerning the conduct of the Chief Constable in relation to the statutory police complaints process. On 24 March 2026 the Department confirmed that the complaint had been formally received. On 9 April 2026 the Department stated only that the complaint was being considered under the relevant legislation. However, no recorded complaint reference, no identified statutory route of progression, no proper investigation outcome, and no concluded report have been communicated to me. It has now been 28 days since that complaint was made.

This complaint is directed to the Department's own administrative action and alleged service failure in failing to operate and progress the complaints process after receiving that complaint. It is not a request that you determine the merits of the underlying criminal investigation or the merits of the underlying complaint against the Chief Constable. That underlying complaint concerned his alleged failure to perform statutory duties in relation to the police complaints process.

The relevant complaints framework, together with the position communicated to me by the Police Complaints Commissioner, indicates that where the complaint concerns the Chief Constable, the Department is the body expected to deal with that complaint. My present complaint to you concerns the Department's own handling, non-progression and non-response after receiving the complaint, including the failure to record and progress it through any identifiable statutory route.

The Department of Home Affairs is a listed authority under the Tynwald Commissioner for Administration Act 2011. Under that Act, "action" includes a failure to act, and the matters you are entitled to investigate include administrative action and alleged service failure by or on behalf of a listed authority. A complaint may be investigated where the complainant has objected in writing to the listed authority and that authority has not, within 28 days, conducted a proper investigation into the matter and reported its conclusions to the complainant.

Against that statutory background, I ask you to investigate whether the Department of Home Affairs has failed to discharge its own administrative responsibilities in relation to my complaint of 22 March 2026, including by failing to record, progress, investigate and report upon it.

If you decide not to investigate this complaint, please would you provide the statement of reasons required by section 14 of the 2011 Act, identifying precisely the statutory basis of refusal. If your position is that you have no jurisdiction, please would you also state whether, on your analysis, there is any person, body, or legal mechanism within the Island competent to investigate or require the lawful recording and progression of this complaint, and if so identify it.

Documents attached:

- 1. 22 March 2026 complaint to the Police Complaints Commissioner / Department of Home Affairs: “Formal complaint concerning failure to progress a complaint under Schedule 1 (Police Act 1993) and request for direction under Regulation 11(1)”.*
- 2. DHA correspondence of 24 March and 9 April 2026 confirming receipt and later consideration of the complaint, but not identifying any recorded complaint reference, any statutory progression route, any investigation outcome, or any concluded report communicated to me.*

TCA’s overarching reply

13. By e mail to the Complainant, copied to the named MHK, dated 20 April 2026 08:00 the TCA wrote:

I shall prepare a Statement under section 14 Tynwald Commissioner for Administration Act 2011, further confirming that in your case my powers of investigation have not been activated.

As with a Report, a Statement has at its core copies of all correspondence between the TCA and a complainant and copies of all materials provided.

The Statement will be delivered to you and to the Department of Home Affairs. In accordance with the convention established by my late predecessor, the Statement is also delivered to Tynwald and is uploaded to the Tynwald Ombudsman website and will therefore be in the public domain. An example of a Statement can be seen on that website, under “Reports”.

<https://www.tynwald.org.im/ombudsman>

I would ask you to bear with me, as my workload as TCA is currently very heavy, with five complex investigations in progress which as you will appreciate sequentially take precedence over each other, and it may not therefore be possible for me to deliver the Statement as quickly as I would otherwise wish, or indeed within the life of the current administration.

Reasoning and Conclusions

14. Neither the Isle of Man Constabulary nor any member of the police force (all being officers of the Crown¹) is a listed authority under the Tynwald Commissioner for Administration Act 2011 (“2011 Act”); and so none comes within the investigative jurisdiction of the TCA.

15. Further, the powers of investigation of the TCA under the 2011 Act are not unconstrained. Specifically, section 11 of the 2011 Act dealing with Excluded Matters provides that the TCA “must not investigate” (a mandatory formulation, excluding any possibility of an exercise of discretion on the part of the TCA):

11(2)(c) action taken by or with the consent or authority of the Attorney General or Chief Constable for the purposes of, or in connection with, the detection, investigation or prevention of crime or the protection of the security of the Island or the United Kingdom

11(2)(k) action in respect of which the complainant has a statutory right of appeal or reference to, or review by, an adjudicator, tribunal or other body

16. Section 9 and Schedule 1 Police Act 1993 address the issue of complaints against the police. The responsibility is firstly that of the Chief Constable, with the possibility of a referral to or supervision by the Police Complaints Commissioner:

The role of the Police Complaints Commissioner

The Police Complaints Commissioner is appointed under Schedule 1 to the Police Act 1993 by His Excellency the Lieutenant Governor after consultation with the Department of Home Affairs. The role of the Commissioner, which is set out in Schedule 1, is essentially to ensure that complaints made concerning the conduct of officers of the Isle of Man Constabulary ('conduct complaints') are properly considered and, where necessary, result in criminal and/or disciplinary proceedings. For this purpose, the Commissioner has the power, in certain circumstances, to supervise the investigation by a senior police officer of conduct complaints,

¹ Section 7 Police Act 1993 https://legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/1993/1993-0011/1993-0011_8.pdf

as well as to refer cases to the Attorney General for consideration for prosecution and to recommend to the Chief Constable that the officer concerned be subject to disciplinary charges
[...]

It must be stressed that the Commissioner does not personally investigate conduct complaints. The investigations are always carried out by a senior police officer, usually from the Isle of Man Constabulary. In certain cases, the investigating officer may be appointed from a UK police force.²

17. The Police Complaints Commissioner is not a listed authority under the 2011 Act.

18. The TCA concludes that the TCA has no authority under the 2011 Act to conduct the investigation into the Isle of Man Constabulary requested by the Complainant as set out in paragraphs 5.1, 7, 9, 10 and 11 of this Statement.

Department of Home Affairs

19. The Department of Home Affairs (“DHA”) is a listed authority under the 2011 Act.

20. The Complainant has put forward the following argument (see paragraph 12 of this Statement):

On 22 March 2026 I made a written complaint to the Department of Home Affairs concerning the conduct of the Chief Constable in relation to the statutory police complaints process. On 24 March 2026 the Department confirmed that the complaint had been formally received. On 9 April 2026 the Department stated only that the complaint was being considered under the relevant legislation. However, no recorded complaint reference, no identified statutory route of progression, no proper investigation outcome, and no concluded report have been communicated to me. It has now been 28 days since that complaint was made.

² Police Complaints Commissioner <https://www.gov.im/categories/home-and-neighbourhood/police-complaints-commissioner/>

This complaint is directed to the Department's own administrative action and alleged service failure in failing to operate and progress the complaints process after receiving that complaint. It is not a request that you determine the merits of the underlying criminal investigation or the merits of the underlying complaint against the Chief Constable. That underlying complaint concerned his alleged failure to perform statutory duties in relation to the police complaints process.

The relevant complaints framework, together with the position communicated to me by the Police Complaints Commissioner, indicates that where the complaint concerns the Chief Constable, the Department is the body expected to deal with that complaint. My present complaint to you concerns the Department's own handling, non-progression and non-response after receiving the complaint, including the failure to record and progress it through any identifiable statutory route.

The Department of Home Affairs is a listed authority under the Tynwald Commissioner for Administration Act 2011. Under that Act, "action" includes a failure to act, and the matters you are entitled to investigate include administrative action and alleged service failure by or on behalf of a listed authority. A complaint may be investigated where the complainant has objected in writing to the listed authority and that authority has not, within 28 days, conducted a proper investigation into the matter and reported its conclusions to the complainant.

Against that statutory background, I ask you to investigate whether the Department of Home Affairs has failed to discharge its own administrative responsibilities in relation to my complaint of 22 March 2026, including by failing to record, progress, investigate and report upon it.

[Emphasis added by the TCA]

21. However, not all aspects of the duties and responsibilities of the DHA are within the powers of investigation conferred upon the TCA under the 2011 Act; as the TCA informed the Complainant (see paragraph 8 of this Statement):

All complaints concerning the Isle of Man Constabulary lie outside the remit given to me under the 2011 Act; not merely the substance of an original complaint but also the manner (in the sense of the administrative handling) in which that complaint was addressed.

*In circumstances where my powers of investigation have been activated, it is the case that **the investigation is on two levels; firstly, an investigation into the merits of the original complaint***

and secondly an investigation into the manner in which that complaint was handled by the Listed Authority concerned.

This second part of the process is not “stand alone”. By this, I mean that where the original complaint is outside my powers of investigation, I do not have authority to investigate as a separate complaint in its own right the manner in which it was handled.

22. In order for the TCA to investigate the manner in which the DHA had responded to the Complainant’s “written complaint to the Department of Home Affairs concerning the conduct of the Chief Constable in relation to the statutory police complaints process” (the DHA’s response being the *second level* event) the TCA would need to examine the context in which that response was made. The context is the manner in which the Chief Constable had investigated the Complainant’s complaint against the police force (the *first level* event). Integral to this would be an examination by the TCA of the scope and of the merits of the Complainant’s original complaint, in order that the TCA could assess how comprehensive the Chief Constable’s investigation had been and how objectively reasonable had been the conclusions reached by the Chief Constable. From this, the TCA could determine how comprehensive and reasonable had been the process of review and the conclusions drawn by the DHA; and whether that review process evidenced any aspect of maladministration. But for the reasons set out in paragraphs 14 to 18 of this Statement, the TCA has no power to examine the scope or the merits of the Complainant’s original complaint.

23. The TCA concludes that the TCA has no authority under the 2011 Act to conduct the investigation into the DHA requested by the Complainant as set out in paragraph 12 of this Statement.

Advocate Paul R Beckett

Tynwald Commissioner for Administration

2 July 2026