



Police (Northern Ireland) Act 2000

2000 CHAPTER 32

PART VIII

THE POLICE OMBUDSMAN

62 Mediation

(1) After section 58 of the 1998 Act there shall be inserted—

“58A Steps to be taken after investigation – mediation

- (1) If the Ombudsman—
 - (a) determines that a report made under section 56(6) or 57(8) does not indicate that a criminal offence may have been committed by a member of the police force, and
 - (b) considers that the complaint is not a serious one,he may determine that the complaint is suitable for resolution through mediation.
- (2) If he does so, he must inform the complainant and the member of the police force concerned.
- (3) If the complainant and the member of the police force concerned agree to attempt to resolve the complaint through mediation, the Ombudsman shall act as mediator.
- (4) Anything communicated to the Ombudsman while acting as mediator is not admissible in evidence in any subsequent criminal, civil or disciplinary proceedings.
- (5) But that does not make inadmissible anything communicated to the Ombudsman if it consists of or includes an admission relating to a matter which does not fall to be resolved through mediation.

Status: This is the original version (as it was originally enacted).

- (6) If a complaint is resolved through mediation under this section, no further proceedings under this Act shall be taken against the member of the police force concerned in respect of the subject matter of the complaint.”
- (2) For subsection (1) of section 59 of the 1998 Act (disciplinary proceedings) there shall be substituted—
- “(1) Subsection (1B) applies if—
- (a) the Director decides not to initiate criminal proceedings in relation to the subject matter of a report under section 56(6) or 57(8) sent to him under section 58(2); or
 - (b) criminal proceedings initiated by the Director in relation to the subject matter of such a report have been concluded.
- (1A) Subsection (1B) also applies if the Ombudsman determines that a report under section 56(6) or 57(8) does not indicate that a criminal offence may have been committed by a member of the police force and—
- (a) he determines that the complaint is not suitable for resolution through mediation under section 58A; or
 - (b) he determines that the complaint is suitable for resolution through mediation under that section but—
 - (i) the complainant or the member of the police force concerned does not agree to attempt to resolve it in that way; or
 - (ii) attempts to resolve the complaint in that way have been unsuccessful.
- (1B) The Ombudsman shall consider the question of disciplinary proceedings.”
- (3) After subsection (2) of that section, there shall be inserted—
- “(2A) In a case mentioned in subsection (1A)(b), the Ombudsman shall, in considering the recommendation to be made in his memorandum, take into account the conduct of the member of the police force concerned in relation to the proposed resolution of the complaint through mediation.”
- (4) In section 64(2) of the 1998 Act (regulations)—
- (a) in paragraph (b), after “resolution” insert “or mediation”;
 - (b) in paragraph (c), after “informally” insert “or through mediation”; and
 - (c) in sub-paragraph (i) of paragraph (d), after “informally” insert “or through mediation”.