
Status: Point in time view as at 23/03/2015.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, Part 1. (See end of Document for details)

SCHEDULES

SCHEDULE 3

HANDLING OF COMPLAINTS AND CONDUCT MATTERS ETC.

PART 1

HANDLING OF COMPLAINTS

Duties to preserve evidence relating to complaints

- 1 (1) Where a complaint is made about the conduct of a chief officer, it shall be the duty of the [^{F1}local policing body] maintaining his force to secure that all such steps as are appropriate for the purposes of Part 2 of this Act are taken, both initially and from time to time after that, for obtaining and preserving evidence relating to the conduct complained of.
- (2) Where—
- (a) a complaint is made to a chief officer about the conduct of a person under his direction and control, or
 - (b) a chief officer becomes aware that a complaint about the conduct of a person under his direction or control has been made to the Commission or to a [^{F2}local policing body] ,
- the chief officer shall take all such steps as appear to him to be appropriate for the purposes of Part 2 of this Act for obtaining and preserving evidence relating to the conduct complained of.
- (3) The chief officer's duty under sub-paragraph (2) must be performed as soon as practicable after the complaint is made or, as the case may be, he becomes aware of it.
- (4) After that, he shall be under a duty, until he is satisfied that it is no longer necessary to do so, to continue to take the steps from time to time appearing to him to be appropriate for the purposes of Part 2 of this Act for obtaining and preserving evidence relating to the conduct complained of.
- (5) It shall be the duty of a [^{F3}local policing body] to comply with all such directions as may be given to it by the Commission in relation to the performance of its duty under sub-paragraph (1).
- (6) It shall be the duty of a chief officer to take all such specific steps for obtaining or preserving evidence relating to any conduct that is the subject-matter of a complaint as he may be directed to take for the purposes of this paragraph by the [^{F4}local policing body] maintaining his force or by the Commission.

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Textual Amendments

- F1** Words in Sch. 3 para. 1(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(2\)\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F2** Words in Sch. 3 para. 1(2)(b) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(2\)\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F3** Words in Sch. 3 para. 1(5) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(2\)\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F4** Words in Sch. 3 para. 1(6) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(2\)\(b\)](#); S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

- C1** Sch. 3 para. 1 applied (with modifications) (1.4.2006) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\), reg. 3\(5\)\(6\)](#), Sch. 3

Commencement Information

- I1** Sch. 3 para. 1 wholly in force at 1.4.2004; Sch. 3 para. 1 not in force at Royal Assent see s. 108(2); Sch. 3 para. 1 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306, art. 4\(e\)](#); Sch. 3 para. 1 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913, art. 2\(d\)](#)

Initial handling and recording of complaints

- 2 ^{F5}(1) Where a complaint is made to the Commission, it shall give notification of the complaint to the appropriate authority.
- (1A) But the Commission need not give that notification if the Commission considers that there are exceptional circumstances that justify its not being given.]
- (2) Where a complaint is made to a [^{F6}local policing body], it shall—
- (a) determine whether or not it is itself the appropriate authority; and
 - (b) if it determines that it is not, give notification of the complaint to the person who is.
- (3) Where a complaint is made to a chief officer, he shall—
- (a) determine whether or not he is himself the appropriate authority; and
 - (b) if he determines that he is not, give notification of the complaint to the person who is.
- ^{F7}(4)
- (5) Where the Commission, a [^{F8}local policing body] or a chief officer gives notification of a complaint under any of sub-paragraphs (1) to (3) ^{F9}..., the person who gave the notification ^{F10}... shall notify the complainant—
- (a) that the notification has been given and of what it contained; or
 - ^{F11}(b)
- (6) Where—
- (a) a [^{F12}local policing body] determines, in the case of any complaint made to [^{F13}the body], that it is itself the appropriate authority,
 - (b) a chief officer determines, in the case of any complaint made to that chief officer, that he is himself the appropriate authority, or

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- (c) a complaint is notified to a [^{F14}local policing body] or chief officer under this paragraph,
[^{F15}the body] or chief officer shall record the complaint.
- (7) Nothing in this paragraph shall require the notification or recording by any person of any complaint about any conduct if—
- (a) that person is satisfied that the subject-matter of the complaint has been, or is already being, dealt with by means of criminal or disciplinary proceedings against the person whose conduct it was; or
- (b) the complaint has been withdrawn.
- [^{F16}(8) Nothing in this paragraph shall require the recording by any person of any complaint about any conduct if that person considers that the complaint falls within a description of complaints specified in regulations made by the Secretary of State for the purposes of this paragraph.]

Textual Amendments

- F5** Sch. 3 para. 2(1) (1A) substituted for Sch. 3 para. 2(1) (16.1.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 14 para. 8\(2\)](#); S.I. 2011/3019, art. 3, Sch. 1; S.I. 2012/2892, art. 2(g) (with art. 6)
- F6** Words in Sch. 3 para. 2(2) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(3\)\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F7** Sch. 3 para. 2(4) omitted (16.1.2012 for specified purposes, 22.11.2012 in so far as not already in force) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 14 para. 8\(3\)](#); S.I. 2011/3019, art. 3, Sch. 1; S.I. 2012/2892, art. 2(g) (with art. 6)
- F8** Words in Sch. 3 para. 2(5) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(3\)\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F9** Words in Sch. 3 para. 2(5) omitted (22.11.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 14 para. 8\(4\)\(a\)\(i\)](#); S.I. 2012/2892, art. 2(g) (with art. 6)
- F10** Words in Sch. 3 para. 2(5) omitted (22.11.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 14 para. 8\(4\)\(a\)\(ii\)](#); S.I. 2012/2892, art. 2(g) (with art. 6)
- F11** Sch. 3 para. 2(5)(b) omitted (22.11.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 14 para. 8\(4\)\(b\)](#); S.I. 2012/2892, art. 2(g) (with art. 6)
- F12** Words in Sch. 3 para. 2(6)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(3\)\(b\)\(i\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F13** Words in Sch. 3 para. 2(6)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(3\)\(b\)\(ii\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F14** Words in Sch. 3 para. 2(6)(c) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(3\)\(c\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F15** Words in Sch. 3 para. 2(6) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(3\)\(d\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F16** Sch. 3 para. 2(8) inserted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 14 para. 8\(5\)](#); S.I. 2012/2892, art. 2(g) (with art. 6)

Modifications etc. (not altering text)

- C2** Sch. 3 para. 2 applied (with modifications) (1.4.2006) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\), reg. 3\(5\)\(6\)](#), Sch. 3

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Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, Part 1. (See end of Document for details)

Commencement Information

- I2** Sch. 3 para. 2 wholly in force at 1.4.2004; Sch. 3 para. 2 not in force at Royal Assent see s. 108(2); Sch. 3 para. 2 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, art. 4(e); Sch. 3 para. 2 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, art. 2(d)

Failures to notify or record a complaint

Failures to notify or record a complaint

- 3 (1) This paragraph applies where anything which is or purports to be a complaint in relation to which paragraph (2) has effect is received by a [^{F17}local policing body] or chief officer (whether in consequence of having been made directly or of a notification under that paragraph).
- (2) If the [^{F18}local policing body] or chief officer decides not to take action under paragraph (2) for notifying or recording the whole or any part of what has been received, [^{F19}the body] or chief officer shall notify the complainant of the following matters—
- (a) the decision to take no action and, if that decision relates to only part of what was received, the part in question;
 - (b) the grounds on which the decision was made; and
 - (c) that complainant's right to appeal against that decision under this paragraph.
- (3) The complainant shall have a right of appeal to the Commission against any failure by the [^{F20}local policing body] or chief officer to make a determination under paragraph 2 or to notify or record anything under that paragraph.
- [^{F21}3A) But the complainant has no right of appeal under sub-paragraph (3) in either of the following cases.
- (3B) The first case is where, by virtue of paragraph 2(7), there is no requirement to record the complaint.
- (3C) The second case is where—
- (a) the complaint relates to a direction and control matter, and
 - (b) the appeal relates to a failure by a local policing body.]
- (4) On an appeal under this paragraph, the Commission shall—
- (a) determine whether any action under paragraph 2 should have been taken in the case in question; and
 - (b) if the Commission finds in the complainant's favour, give such directions as the Commission considers appropriate to the [^{F20}local policing body] or chief officer as to the action to be taken for making a determination, or for notifying or recording what was received;
- and it shall be the duty of a [^{F20}local policing body] or chief officer to comply with any directions given under paragraph (b).
- (5) Directions under sub-paragraph (4)(b) may require action taken in pursuance of the directions to be treated as taken in accordance with any such provision of paragraph 2 as may be specified in the direction.
- (6) The Commission—

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- (a) shall give notification both to the [^{F22}local policing body] or, as the case may be, the chief officer and to the complainant of any determination made by it under this paragraph; and
 - (b) shall give notification to the complainant of any direction given by it under this paragraph to the [^{F22}local policing body] or chief officer.
- (7) The Secretary of State may by regulations make provision—
- (a) for the form and manner in which appeals under this paragraph are to be brought;
 - (b) for the period within which any such appeal must be brought; and
 - (c) for the procedure to be followed by the Commission when dealing with or disposing of any such appeal.

Textual Amendments

- F17** Words in Sch. 3 para. 3(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(4\)\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F18** Words in Sch. 3 para. 3(2) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(4\)\(b\)\(i\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F19** Words in Sch. 3 para. 3(2) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(4\)\(b\)\(ii\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F20** Words in Sch. 3 para. 3(3)(4) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(4\)\(c\)](#); S.I. 2011/3019, art. 3, Sch. 1; S.I. 2011/3019, art. 3, Sch. 1
- F21** Sch. 3 para. 3(3A)-(3C) inserted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 14 para. 16](#); S.I. 2012/2892, art. 2(g) (with art. 6)
- F22** Words in Sch. 3 para. 3(6) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(4\)\(c\)](#); S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

- C3** Sch. 3 para. 3 applied (with modifications) (1.4.2006) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\), reg. 3\(5\)\(6\)](#), Sch. 3
- C4** Sch. 3 para. 3(3) restricted (1.4.2004) by [The Independent Police Complaints Commission \(Transitional Provisions\) Order 2004 \(S.I. 2004/671\), art. 4\(2\)](#)

Commencement Information

- I3** Sch. 3 para. 3 wholly in force at 1.4.2004; Sch. 3 para. 3 not in force at Royal Assent see s. 108(2); Sch. 3 para. 3 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306, art. 4\(e\)](#); Sch. 3 para. 3 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913, art. 2\(d\)](#)

Reference of complaints to the Commission

- 4 (1) It shall be the duty of the appropriate authority to refer a complaint to the Commission if—
- (a) the complaint is one alleging that the conduct complained of has resulted in death or serious injury;
 - (b) the complaint is of a description specified for the purposes of this subparagraph in regulations made by the Secretary of State; or
 - (c) the Commission notifies the appropriate authority that it requires the complaint in question to be referred to the Commission for its consideration.

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- (2) In a case where there is no obligation under sub-paragraph (1) to make a reference, the appropriate authority may refer a complaint to the Commission if that authority considers that it would be appropriate to do so so by reason of—
- (a) the gravity of the subject-matter of the complaint; or
 - (b) any exceptional circumstances.
- (3) In a case in which a reference under sub-paragraph (1) or (2) is neither made nor required to be made, a [^{F23}local policing body] may refer a complaint to the Commission if—
- (a) it is one in relation to which the chief officer of police of the police force maintained by [^{F24}that body] is the appropriate authority; and
 - (b) the [^{F23}local policing body] considers that it would be appropriate to do so reason of—
 - (i) the gravity of the subject-matter of the complaint; or
 - (ii) any exceptional circumstances.
- (4) Where there is an obligation under this paragraph to refer a complaint to the Commission, it must be so referred within such period as may be provided for by regulations made by the Secretary of State.
- (5) Subject to sub-paragraph (7), the following powers—
- (a) the power of the Commission by virtue of sub-paragraph (1)(c) to require a complaint to be referred to it, and
 - (b) the power of a [^{F25}local policing body] or chief officer to refer a complaint to the Commission under sub-paragraph (2) or (3),
- shall each be exercisable at any time irrespective of whether the complaint is already being investigated by any person or has already been considered by the Commission.
- (6) A [^{F26}local policing body] or chief officer which refers a complaint to the Commission under this paragraph shall give a notification of the making of the reference—
- (a) to the complainant, and
 - (b) except in a case where it appears to [^{F27}that body] or chief officer that to do so might prejudice a possible future investigation of the complaint, to the person complained against.
- (7) A complaint that has already been referred to the Commission under this paragraph on a previous occasion—
- (a) shall not be required to be referred again under this paragraph unless the Commission so directs; and
 - (b) shall not be referred in exercise of any power conferred by this paragraph unless the Commission consents.
- [^{F28}(8) In a case where—
- (a) a complaint relates to a direction and control matter, and
 - (b) there is no obligation under this paragraph for the appropriate authority to refer the complaint to the Commission,
- the appropriate authority may refer the complaint to the Commission under this paragraph only if the Commission consents.]

Status: Point in time view as at 23/03/2015.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, Part 1. (See end of Document for details)

Textual Amendments

- F23** Words in Sch. 3 para. 4(3) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\)](#), [Sch. 16 para. 300\(5\)\(a\)\(i\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F24** Words in Sch. 3 para. 4(3)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\)](#), [Sch. 16 para. 300\(5\)\(a\)\(ii\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F25** Words in Sch. 3 para. 4(5)(b) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\)](#), [Sch. 16 para. 300\(5\)\(b\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F26** Words in Sch. 3 para. 4(6) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\)](#), [Sch. 16 para. 300\(5\)\(c\)\(i\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F27** Words in Sch. 3 para. 4(6)(b) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\)](#), [Sch. 16 para. 300\(5\)\(c\)\(ii\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F28** Sch. 3 para. 4(8) inserted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\)](#), [Sch. 14 para. 5\(2\)](#); S.I. 2012/2892, art. 2(g) (with art. 6)

Modifications etc. (not altering text)

- C5** Sch. 3 para. 4 applied (with modifications) (1.4.2006) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), [reg. 3\(5\)\(6\)](#), Sch. 3

Commencement Information

- I4** Sch. 3 para. 4 wholly in force at 1.4.2004; Sch. 3 para. 4 not in force at Royal Assent see s. 108(2); Sch. 3 para. 4 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(e\)](#); Sch. 3 para. 4 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), [art. 2\(d\)](#)

Duties of Commission on references under paragraph 4

- 5 (1) It shall be the duty of the Commission in the case of every complaint referred to it by a [^{F29}local policing body] or chief officer, to determine whether or not it is necessary for the complaint to be investigated.
- (2) Where the Commission determines under this paragraph that it is not necessary for a complaint to be investigated, it may, if it thinks fit, refer the complaint back to the appropriate authority to be dealt with by that authority in accordance with paragraph 6.
- (3) Where the Commission refers a complaint back under sub-paragraph (2), it shall give a notification of the making of the reference back—
- to the complainant, and
 - except in a case where it appears to the Commission that to do so might prejudice a possible future investigation of the complaint, to the person complained against.

Textual Amendments

- F29** Words in Sch. 3 para. 5(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\)](#), [Sch. 16 para. 300\(6\)](#); S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

- C6** Sch. 3 para. 5 applied (with modifications) (1.4.2006) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), [reg. 3\(5\)\(6\)](#), Sch. 3

Status: Point in time view as at 23/03/2015.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, Part 1. (See end of Document for details)

Commencement Information

- I5** Sch. 3 para. 5 wholly in force at 1.4.2004; Sch. 3 para. 5 not in force at Royal Assent see s. 108(2); Sch. 3 para. 5 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(e\)](#); Sch. 3 para. 5 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), [art. 2\(d\)](#)

Handling of complaints by the appropriate authority

- [^{F306}** (1) This paragraph applies where a complaint has been recorded by the appropriate authority.
- (2) But this paragraph does not apply to a complaint if it is one that has been, or must be, referred to the Commission under paragraph 4, unless the complaint is for the time being—
- (a) referred back to the authority under paragraph 5, or
 - (b) the subject of a determination under paragraph 15.
- (3) Subject to paragraph 7, the appropriate authority shall determine whether or not the complaint is suitable for being subjected to local resolution.
- (4) If the appropriate authority determines that the complaint is suitable for being subjected to local resolution, it shall make arrangements for it to be so subjected.
- (5) If the appropriate authority determines that the complaint is not so suitable, it shall make arrangements for the complaint to be investigated by the authority on its own behalf.
- (6) A determination that a complaint is suitable for being subjected to local resolution may not be made unless the following conditions are both met.
- (7) The first condition is that the appropriate authority is satisfied that the conduct complained of (even if it were proved) would not justify the bringing of any criminal or disciplinary proceedings against the person whose conduct is complained of.
- (8) The second condition is that the appropriate authority is satisfied that the conduct complained of (even if it were proved) would not involve the infringement of a person's rights under Article 2 or 3 of the Convention (within the meaning of the Human Rights Act 1998).
- (9) In a case where this paragraph applies to a complaint by virtue of sub-paragraph (2) (b), a determination that the complaint is suitable for being subjected to local resolution may not be made unless the Commission approves the determination.
- (10) No more than one application may be made to the Commission for the purposes of sub-paragraph (9) in respect of the same complaint.
- (11) Sub-paragraph (9) (where applicable) is in addition to sub-paragraphs (6) to (8).]

Textual Amendments

- F30** Sch. 3 para. 6 substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 14 para. 9\(1\)](#); [S.I. 2012/2892](#), art. 2(g) (with art. 6)

Status: Point in time view as at 23/03/2015.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, Part 1. (See end of Document for details)

[^{F31}Disapplication of] requirements of Schedule

Textual Amendments

F31 Words in Sch. 3 para. 7 heading substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 14 para. 10\(2\)](#); S.I. 2012/2892, art. 2(g) (with art. 6)

- 7 (1) If, in a case in which paragraph (6) applies, the appropriate authority considers—
- (a) that it should handle the complaint otherwise than in accordance with this Schedule or should take no action in relation to it, and
 - (b) that the complaint falls within a description of complaints specified in regulations made by the Secretary of State for the purposes of this paragraph,
- the appropriate authority may ^{F32}... handle the complaint in whatever manner (if any) that authority thinks fit.
- [^{F33}(1A) But, in a case where paragraph 6 applies by virtue of paragraph 6(2)(a) or (b), the appropriate authority may not handle the complaint in whatever manner (if any) the authority thinks fit unless—
- (a) the authority applies to the Commission, in accordance with the regulations, for permission to so handle the complaint, and
 - (b) the Commission gives permission.]

[^{F34}(2) The appropriate authority shall notify the complainant—

 - (a) that the appropriate authority has decided to handle the complaint as permitted by sub-paragraph (1) (in a case where the appropriate authority is not required to apply for permission under sub-paragraph (1A) to so handle the complaint); or
 - (b) about the making of the application under sub-paragraph (1A) (in a case where the appropriate authority makes such an application).]

(3) Where such an application is made to the Commission, it shall, in accordance with regulations made by the Secretary of State—

 - (a) consider the application and determine whether to grant the permission applied for; and
 - (b) notify its decision to the appropriate authority and the complainant.

(4) Where an application is made under this paragraph in respect of any complaint, the appropriate authority shall not, while the application is being considered by the Commission, take any action in accordance with the provisions of this Schedule (other than under paragraph 1) in relation to that complaint.

(5) [^{F35}Where the complaint is to be handled in whatever manner (if any) the authority thinks fit (whether or not the Commission's permission is needed), the authority—]

 - (a) shall not be required by virtue of any of the provisions of this Schedule (other than paragraph 1) to take any action in relation to the complaint; but
 - (b) may handle the complaint in whatever manner it thinks fit, or take no action in relation to the complaint, and for the purposes of handling the complaint may take any step that it could have taken, or would have been required to take, [^{F36}if it were not proceeding in accordance with this paragraph].

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Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, Part 1. (See end of Document for details)

- (6) Where [^{F37}the appropriate authority applies to the Commission under sub-paragraph (1A) and] the Commission determines that no permission should be granted ^{F38}...—
- (a) it shall refer the matter back to the appropriate authority for the making of a determination under [^{F39}paragraph 6(3)]; and
 - (b) the authority shall then make that determination.
- (7) No more than one application may be made to the Commission under this paragraph in respect of the same complaint.
- ^{F40}(8) The complainant shall have a right of appeal to the relevant appeal body against any decision by the appropriate authority under this paragraph to handle the complaint otherwise than in accordance with this Schedule or to take no action in relation to it.
- (9) But the complainant has no right of appeal in either of the following cases.
- (10) The first case is where the appeal relates to a decision for which the Commission has given permission under this paragraph.
- (11) The second case is where the complaint relates to a direction and control matter.
- (12) On an appeal under this paragraph, subject to sub-paragraphs (13) and (14), the relevant appeal body shall—
- (a) determine whether any decision taken by the appropriate authority under this paragraph should have been taken in the case in question; and
 - (b) if the relevant appeal body finds in the complainant's favour, give such directions as the relevant appeal body thinks appropriate to the local policing body or chief officer as to the action to be taken for handling the complaint in accordance with this Schedule or handling it otherwise than in accordance with this Schedule;
- and it shall be the duty of a local policing body or chief officer to comply with any directions given under paragraph (b).
- (13) Sub-paragraph (12) does not apply in a case where a particular chief officer of police is—
- (a) the person in respect of whose decision the appeal is made under this paragraph, and
 - (b) the relevant appeal body in relation to the appeal.
- (14) In such a case—
- (a) the appeal shall determine whether any decision taken by the appropriate authority under this paragraph should have been taken in the case in question; and
 - (b) if the appeal finds in the complainant's favour, the chief officer of police must take such action as the chief officer thinks appropriate for handling the complaint in accordance with this Schedule or handling it otherwise than in accordance with this Schedule.]

Textual Amendments

F32 Words in Sch. 3 para. 7(1) omitted (22.11.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 14 para. 10\(4\)](#); S.I. 2012/2892, art. 2(g) (with art. 6)

Status: Point in time view as at 23/03/2015.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, Part 1. (See end of Document for details)

- F33** Sch. 3 para. 7(1A) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 10(5)**; S.I. 2012/2892, art. 2(g) (with art. 6)
- F34** Sch. 3 para. 7(2) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 10(6)**; S.I. 2012/2892, art. 2(g) (with art. 6)
- F35** Sch. 3 para. 7(5) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 10(7)(a)**; S.I. 2012/2892, art. 2(g) (with art. 6)
- F36** Words in Sch. 3 para. 7(5)(b) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 10(7)(b)**; S.I. 2012/2892, art. 2(g) (with art. 6)
- F37** Words in Sch. 3 para. 7(6) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 10(8)(a)**; S.I. 2012/2892, art. 2(g) (with art. 6)
- F38** Words in Sch. 3 para. 7(6) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 10(8)(b)**; S.I. 2012/2892, art. 2(g) (with art. 6)
- F39** Words in Sch. 3 para. 7(6)(a) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 9(2)**; S.I. 2012/2892, art. 2(g) (with art. 6)
- F40** Sch. 3 para. 7(8)-(14) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 17(2)**; S.I. 2012/2892, art. 2(g) (with art. 6)

Modifications etc. (not altering text)

- C7** Sch. 3 para. 7 applied (with modifications) (1.4.2006) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(5)(6)**, Sch. 3

Commencement Information

- I6** Sch. 3 para. 7 wholly in force at 1.4.2004; Sch. 3 para. 7 not in force at Royal Assent see s. 108(2); Sch. 3 para. 7 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 7 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

Local resolution of complaints

- 8 (1) The arrangements made by the appropriate authority for subjecting any complaint to local resolution may include the appointment of a person who—
- is serving with the police, and
 - is under the direction and control of the chief officer of police of the relevant force,
- to secure the local resolution of the complaint.
- (2) The Secretary of State may by regulations make provision—
- for the different descriptions of procedures that are to be available for dealing with a complaint where it is decided it is to be subjected to local resolution;
 - for requiring a person complained against in a case in which the complaint is subjected to local resolution to be given an opportunity of commenting, in such manner as may be provided for in the regulations, on the complaint;
 - for requiring that, on the making of an application in accordance with the regulations, a record of the outcome of any procedure for the local resolution of any complaint is to be given to the complainant.
- (3) A statement made by any person for the purposes of the local resolution of any complaint shall not be admissible in any subsequent criminal, civil or disciplinary proceedings except to the extent that it consists of an admission relating to a matter that has not been subjected to local resolution.
- (4) If, after attempts have been made to resolve a complaint using local resolution, it appears to the appropriate authority—

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Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, Part 1. (See end of Document for details)

- (a) that the resolution of the complaint in that manner is impossible, or
 - (b) that the complaint is, for any other reason, not suitable for such resolution,
- it shall make arrangements for the complaint to be investigated by that authority on its own behalf.
- (5) The local resolution of any complaint shall be discontinued if—
- (a) any arrangements are made under sub-paragraph (4);
 - (b) the Commission notifies the appropriate authority that it requires the complaint to be referred to the Commission under paragraph 4; or
 - (c) the complaint is so referred otherwise than in pursuance of such a notification.
- (6) A person who has participated in any attempt to resolve a complaint using local resolution shall be disqualified for appointment under any provision of this Schedule to investigate that complaint, or to assist with the carrying out of the investigation of that complaint.

Modifications etc. (not altering text)

- C8** Sch. 3 para. 8 applied (with modifications) (1.4.2006) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), **reg. 3(5)(6)**, Sch. 3

Commencement Information

- I7** Sch. 3 para. 8 wholly in force at 1.4.2004; Sch. 3 para. 8 not in force at Royal Assent see s. 108(2); Sch. 3 para. 8 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), **art. 4(e)**; Sch. 3 para. 8 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), **art. 2(d)**

[^{F41} Appeals relating to complaints dealt with other than by investigation

Textual Amendments

- F41** Sch. 3 para. 8A substituted for Sch. 3 para. 9 (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 14 para. 18**; [S.I. 2012/2892](#), art. 2(g) (with art. 6)

- 8A (1) The complainant shall have a right of appeal to the relevant appeal body against the outcome of any complaint that is—
- (a) subjected to local resolution, or
 - (b) handled otherwise than in accordance with this Schedule.
- (2) But the complainant has no right of appeal if the complaint relates to a direction and control matter.
- (3) On an appeal under this paragraph, subject to sub-paragraphs (4) and (5), the relevant appeal body shall—
- (a) determine whether the outcome of the complaint is a proper outcome; and
 - (b) if the relevant appeal body finds in the complainant's favour, give such directions as the relevant appeal body thinks appropriate to the appropriate authority as to the action to be taken in relation to the complaint;
- and it shall be the duty of the appropriate authority to comply with any directions given under paragraph (b).

Status: Point in time view as at 23/03/2015.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, Part 1. (See end of Document for details)

- (4) Sub-paragraph (3) does not apply in a case where a chief officer of police is the relevant appeal body in relation to the appeal.
- (5) In such a case—
- (a) the appeal shall determine whether the outcome of the complaint is a proper outcome; and
 - (b) if the appeal finds in the complainant's favour, the chief officer of police must take such action as the chief officer thinks appropriate in relation to the complaint.]

Status:

Point in time view as at 23/03/2015.

Changes to legislation:

There are currently no known outstanding effects for the Police Reform Act 2002, Part 1.