
STATUTORY INSTRUMENTS

2012 No. 2632

The Police (Conduct) Regulations 2012

PART 4

Misconduct Proceedings

Notice of referral to misconduct proceedings and panel membership

21.—(1) Where a case is referred to misconduct proceedings, the appropriate authority shall as soon as practicable give the officer concerned—

- (a) written notice of—
 - (i) the referral;
 - (ii) the conduct that is the subject matter of the case and how that conduct is alleged to amount to misconduct or gross misconduct as the case may be;
 - (iii) the name of the person appointed to (in the case of a misconduct meeting for an officer other than a senior officer) conduct or (in any other case) chair the misconduct proceedings and of the effect of paragraphs (3) to (6) of this regulation; and
 - (iv) the effect of regulation 7(1) to (3) in relation to the form of misconduct proceedings to which the case is being referred;
- (b) a copy of any statement he may have made to the investigator during the course of the investigation; and
- (c) subject to the harm test, a copy of—
 - (i) the investigator's report or such parts of that report as relate to him (together with any document attached to or referred to in that report which relates to him); and
 - (ii) any other relevant document gathered during the course of the investigation.

(2) As soon as practicable after—

- (a) any person has been appointed under regulation 7(5) to advise the person or persons conducting the misconduct proceedings; and
- (b) where the misconduct proceedings are to be conducted by a panel, the person or persons comprising that panel (other than the chair) have been determined,

the appropriate authority shall give the officer concerned written notice of the names of such persons and of the effect of paragraphs (3) to (6) of this regulation.

(3) The officer concerned may object to any person whom he is notified under the preceding provisions of this regulation is to—

- (a) conduct (including chair) his misconduct proceedings; or
- (b) advise the person or persons conducting those proceedings.

(4) Any such objection must be made in writing to the appropriate authority before the end of 3 working days beginning with the first working day after the officer concerned is given notice of the person's name and must set out the grounds of objection of the officer concerned.

(5) The appropriate authority shall notify the officer concerned in writing whether it upholds or rejects an objection to any panel member or to any person appointed under regulation 7(5) to advise the person or persons conducting the misconduct proceedings.

(6) If the appropriate authority upholds the objection, the person to whom the officer concerned objects shall be replaced (in accordance with regulations 7(5) and (6) or 25 and 26 as appropriate).

(7) As soon as reasonably practicable after any such appointment, the appropriate authority shall notify in writing the officer concerned of the name of the new panel member, or the adviser to the person or persons conducting the misconduct proceedings, as the case may be.

(8) The officer concerned may object to the appointment of a person appointed under paragraph (6).

(9) Any such objection must be made in accordance with paragraph (4), provided that it must be made before the end of 3 working days beginning with the first working day after receipt of the notification referred to in paragraph (7); and the appropriate authority shall comply with paragraphs (5) to (7) in relation to that objection, but paragraph (8) shall not apply.

(10) In this regulation “relevant document” means a document which, in the opinion of the appropriate authority, is relevant to the case the officer concerned has to answer.