
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the basis on which the Independent Police Complaints Commission (“the Commission”) has oversight of complaints and other matters relating to the conduct of officers of the Gangmasters and Labour Abuse Authority (“the Authority”) in their capacity as labour abuse prevention officers (“LAPOs”). Section 114B of the Police and Criminal Evidence Act 1984 (inserted by section 12 of the Immigration Act 2016) defines a LAPO as an officer of the Authority who is authorised by the Secretary of State for the purposes of the section and who is acting for the purposes of one of four specified Acts (or any other purpose prescribed in regulations made by the Secretary of State).

The statutory framework in accordance with which the Commission has oversight of police conduct is set out in Part 2 of, and Schedule 3 to, the Police Reform Act 2002 (“the 2002 Act”). These Regulations make provision which broadly reflects existing arrangements in accordance with which the Commission has oversight of the police, but with modifications in parts where it is necessary to reflect differences between the Authority and the police.

Part 1 contains introductory provision, including an interpretation provision (regulation 2).

Part 2 contains provision which sets out the broad basis on which the Commission has oversight of complaints and misconduct relating to LAPOs. It makes provision to apply specific sections of Part 2 of the 2002 Act with modifications (regulation 5), and sets out the general functions of the Commission and the reporting requirements which apply to it (regulations 6 and 7). Regulation 8 defines the matters which may be the subject of an investigation under these Regulations (a complaint, conduct matter or death or serious injury (or DSI) matter). Regulations 9 to 12 set out the general duties of the Chief Executive of the Authority (“the Chief Executive”), payment for assistance (e.g. in a case where the police assists with an investigation), the provision of information by the Chief Executive to the Commission and requirements in relation to onward disclosure of such information and the inspection of Authority premises by the Commission.

Regulations 13 to 16 make provision for keeping complainants and other interested persons informed about investigations, and includes provision about the manner in which these requirements are fulfilled and exceptions to them.

Part 3 contains provision about the handling of complaints. It imposes duties to preserve evidence (regulation 17) and duties regarding the initial handling and recording of complaints (regulation 18). It makes provision regarding the referral of complaints to the Commission (regulations 21 and 22) and the handling of complaints by the Chief Executive (regulations 23 to 26). There are prescribed appeal rights in certain cases (regulations 20, 25 and 27).

Part 4 contains provision about the handling of conduct matters. It imposes duties in relation to the identification and recording of conduct matters (regulations 28 to 30) and the preservation of evidence (regulation 31) and makes provision regarding the referral of conduct matters to the Commission (regulations 32 and 33).

Part 5 contains provision about the handling of DSI matters. It imposes duties to record DSI matters and preserve evidence (regulations 34 and 35) and makes provision regarding the referral of DSI matters to the Commission (regulations 36 and 37).

Part 6 contains provision governing the basis on which the Commission determines the form of an investigation in a matter referred to it (regulation 38), ranging from investigations carried out by the Chief Executive on the Chief Executive’s own behalf (regulation 41) or supervised or

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managed by the Commission (regulations 42 or 43) to investigations carried out by the Commission itself (regulation 44). There is also provision governing the appointment of persons to carry out investigations (regulation 39) and the processes which apply in specific cases (e.g. withdrawn complaints or the resumption of an investigation following the conclusion of relevant criminal proceedings) (regulations 40 and 49 to 52).

Part 6 also contains provision governing a special procedure which applies in a case in which a conduct matter is revealed during the course of the investigation of a complaint (regulations 53 to 56), powers to interview witnesses (regulation 58), restrictions on certain proceedings during an investigation (regulation 59) and an accelerated procedure in cases where gross misconduct is identified during an investigation into a complaint or conduct matter (regulations 60 to 64). The provisions on interviews require the officer of the Authority called to interview to attend. If the officer fails to attend, the officer may be dealt with in accordance with the Authority's disciplinary processes. This Part also contains provision governing the discontinuance of an investigation (regulations 65 and 66) and the procedure in cases where a conduct matter is revealed during an investigation into a DSI matter (regulation 67).

Part 7 sets out the basis governing the submission of investigation reports, the actions which the Commission or the Chief Executive are required to take, the prescribed appeal rights in relation to an investigation and the availability of a review or reinvestigation following an appeal (regulations 68 to 74). Regulation 75 sets out the duties on the Chief Executive with respect to disciplinary proceedings (e.g. following a recommendations made by the Commission) and the information which is required to be provided to complainants about such proceedings (regulation 76).

Part 8 contains provision about a number of general matters.

An impact assessment has not been prepared for these Regulations as no impact on businesses, charities, voluntary bodies or the public sector is foreseen.