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STATUTORY INSTRUMENTS

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**2017 No. 521**

**The Gangmasters and Labour Abuse Authority  
(Complaints and Misconduct) Regulations 2017**

**PART 3**

**HANDLING OF COMPLAINTS**

**Disapplication of the requirements of these Regulations: notifications, appeals etc.**

**25.**—(1) Before deciding to handle a complaint in whatever manner (if any) the Chief Executive thinks fit in accordance with regulation 24(1), the Chief Executive must—

- (a) write to the complainant at the complainant's last known address—
  - (i) inviting the complainant to make representations in relation to the matter; and
  - (ii) allowing the complainant a period of 28 days, commencing on the day after the date of the letter, to do so; and
- (b) have regard to any representations made by the complainant.

(2) The Chief Executive must notify the complainant—

- (a) that the Chief Executive has decided to handle the complaint as permitted by regulation 24(1) (in a case where the Chief Executive is not required to apply for permission under regulation 24(2) to so handle the complaint);
- (b) about the making of the application under regulation 24(2) (in a case where the Chief Executive makes such an application).

(3) Where the complaint is to be handled in whatever manner (if any) the Chief Executive thinks fit (whether or not the Commission's permission is needed), the Chief Executive—

- (a) is not required by virtue of any of the provisions of these Regulations (other than regulation 17) to take any action in relation to the complaint; and
- (b) may handle the complaint in whatever manner the Chief Executive thinks fit, or take no action in relation to the complaint, and for the purposes of handling the complaint may take any step that the Chief Executive could have taken, or would have been required to take, if the Chief Executive were not proceeding in accordance with regulation 24.

(4) Where the Chief Executive applies to the Commission under regulation 24(2) and the Commission determines that permission should not be granted—

- (a) the Commission must refer the matter back to the Chief Executive for the making of a determination under regulation 23(3); and
- (b) the Chief Executive must then make that determination.

(5) No more than one application may be made to the Commission under regulation 24(2) in respect of the same complaint.

(6) The complainant may appeal to the Commission against any decision by the Chief Executive under regulation 24 to handle the complaint otherwise than in accordance with these Regulations or to take no action in relation to it.

(7) But the complainant may not appeal in a case in which the appeal relates to a decision for which the Commission has given permission under regulation 24.

(8) On an appeal under this paragraph, the Commission must—

(a) determine whether any decision taken by the Chief Executive under regulation 24 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 thinks appropriate to the Chief Executive as to the action to be taken for handling the complaint in accordance with these Regulations or handling it otherwise than in accordance with these Regulations,

and the Chief Executive must comply with any directions given under sub-paragraph (b).