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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 7

#### REPORTS AND RECOMMENDATIONS

##### **Duties with respect to disciplinary proceedings etc.**

- 75.**—(1) This regulation applies where, in the case of any investigation, the Chief Executive—
- (a) has given, or is required to give, a notification under regulation 70(12) of the action the Chief Executive is required to or will, in the Chief Executive’s discretion, take in relation to the matters dealt with in any report of the investigation;
  - (b) has submitted, or is required to submit, a memorandum to the Commission under regulation 69 or 73 setting out the action that the Chief Executive is required to or will, in the Chief Executive’s discretion, take in relation to those matters; or
  - (c) has submitted, or is required to submit, a memorandum to the Commission under regulation 72.
- (2) Subject to regulation 59 (restrictions on proceedings pending the conclusion of an investigation) and to any recommendations or directions under the following provisions of this regulation, the Chief Executive must—
- (a) take the action which has been or is required to be notified or, as the case may be, which is or is required to be set out in the memorandum; and
  - (b) in a case where that action consists of or includes the bringing of disciplinary proceedings, secure that those proceedings, once brought, are proceeded with to a proper conclusion.
- (3) Where this regulation applies by virtue of paragraph (1)(b), the Commission may make a recommendation to the Chief Executive in respect of a LAPO that—
- (a) the person has a case to answer in respect of misconduct or gross misconduct or has no case to answer in relation to the conduct to which the investigation related;
  - (b) the person’s performance is, or is not, unsatisfactory;
  - (c) disciplinary proceedings or unsatisfactory performance proceedings of the form specified in the recommendation are brought against the person in respect of the conduct, efficiency or effectiveness to which the investigation related;
  - (d) any disciplinary proceedings or unsatisfactory performance proceedings brought against the person are modified so as to deal with such aspects of that conduct, efficiency or effectiveness as may be so specified.
- (4) Where this regulation applies by virtue of paragraph (1)(c), the Commission may make a recommendation to the Chief Executive in respect of a LAPO—
- (a) that the person’s performance is, or is not, satisfactory;

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- (b) that action of the form specified in the recommendation is taken in respect of the person's performance.
- (5) The Chief Executive must notify the Commission whether the Chief Executive accepts a recommendation made under this regulation and, if the Chief Executive does, set out in the notification the steps that the Chief Executive is proposing to take to give effect to it.
- (6) If, after the Commission has made a recommendation under this regulation, the Chief Executive does not take steps to secure that full effect is given to the recommendation—
- (a) the Commission may direct the Chief Executive to take steps for that purpose; and
  - (b) the Chief Executive must comply with the direction.
- (7) A direction under paragraph (6) may, to such extent as the Commission thinks fit, set out the steps to be taken by the Chief Executive in order to give effect to the recommendation.
- (8) Where the Commission gives the Chief Executive a direction under this regulation, it must supply the Chief Executive with a statement of its reasons for doing so.
- (9) Where disciplinary proceedings or unsatisfactory performance proceedings have been brought in accordance with a recommendation or direction under this regulation, the Chief Executive must ensure that they are proceeded with to a proper conclusion.
- (10) The Commission may at any time withdraw a direction given under this regulation, and paragraph (9) does not impose any obligation in relation to any time after the withdrawal of the direction.
- (11) The Chief Executive must keep the Commission informed—
- (a) in a case in which this regulation applies by virtue of paragraph (1)(b), of whatever action the Chief Executive takes in pursuance of the duty under paragraph (2); and
  - (b) in every case of a recommendation or direction under this regulation, of whatever action the Chief Executive takes in response to that recommendation or direction.

**Commencement Information**

**II** Reg. 75 in force at 30.4.2017, see [reg. 1](#)

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**Changes and effects yet to be applied to :**

- Regulations word omitted by [S.I. 2017/1250 reg. 36\(3\)](#)
- Regulations words substituted by [S.I. 2017/1250 reg. 36\(2\)\(a\)](#)
- Regulations words substituted by [S.I. 2017/1250 reg. 36\(2\)\(b\)](#)
- Regulations words substituted by [S.I. 2017/1250 reg. 36\(2\)\(c\)](#)
- Regulations words substituted by [S.I. 2017/1250 reg. 36\(2\)\(d\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 6(3A) inserted by [S.I. 2017/1250 reg. 36\(7\)\(a\)](#)
- reg. 6A6B inserted by [S.I. 2017/1250 reg. 36\(8\)](#)
- reg. 7(6)(6A) substituted for reg. 7(6) by [S.I. 2017/1250 reg. 36\(9\)\(b\)](#)
- reg. 44(2)(2A) substituted for reg. 44(2) by [S.I. 2017/1250 reg. 36\(14\)\(a\)](#)
- reg. 67(2A)(2B) inserted by [S.I. 2017/1250 reg. 36\(18\)\(b\)](#)