
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision regarding the handling, including the investigation, of complaints about, and related matters concerning, the police. They revoke and replace the Police (Complaints and Misconduct) Regulations 2012 (S.I. 2012/1204) and various instruments which amend or modify those Regulations. This is in part to reflect changes to the provisions of the Police Reform Act 2002 (2002 c. 30) (“the 2002 Act”) concerning the handling of complaints, conduct matters and death and serious injury matters (“DSI matters”) made by Part 2 of the Policing and Crime Act 2017 (2017 c. 3).

Part 1 contains preliminary provisions, including interpretation provisions.

Part 2 makes provision concerning the initial handling of complaints, conduct matters and DSI matters. Regulation 3 requires a local policing body or chief officer when recording a complaint to provide the complainant with a copy of the record made of the complaint and the person complained against with a copy of the complaint (subject to specified exceptions). Regulations 4 and 5 specify the types of complaint which must be referred to the Director General of the Independent Office of Police Conduct (“the Director General”) and which must be investigated. Regulation 7 makes provision concerning the recording and reference of conduct matters. Regulations 8 and 10 require that conduct matters and DSI matters which relate to the conduct of a chief officer or the Deputy Commissioner of Police of the Metropolis be investigated.

Part 3 makes provision concerning the investigation of complaints, conduct matters and DSI matters and subsequent proceedings. Regulation 12 prohibits certain people from being appointed to investigate complaints and matters. Regulation 13 requires the person or body in charge of an investigation to provide an update on the progress of an investigation which has been going on for longer than a year (and to provide further updates every six months thereafter). Regulation 14 allows for the combining and splitting of investigations and regulation 15 makes provision regarding the change in form of an investigation. Regulations 16 to 22 set out a special procedure for investigations to which paragraph 19A of Schedule 3 to the 2002 Act applies. This includes where it appears to the person investigating a complaint that there is an indication that the officer concerned may have committed a criminal offence or behaved in a way which would justify the bringing of disciplinary proceedings. The special procedure requires, subject to exceptions, that the person investigating give the officer concerned a notice detailing the alleged conduct and the officer’s rights (regulation 17) and consider any representations the officer makes (regulation 20). Regulations 24 to 26 set out an accelerated procedure for cases to which paragraph 20A of Schedule 3 to the 2002 Act applies. This is for cases where it may be in the public interest for the officer concerned to be dismissed without delay. Regulations 27 and 28 make provision concerning investigation reports. Regulations 29 and 32 concern reviews under paragraphs 6A and 25 of Schedule 3 to the 2002 Act; regulation 29 stipulating the time period in which an application for a review must be made, and what it must contain, and regulation 32 setting out the cases in which the Director General is to hear a review. Regulations 30 and 31 make provision regarding recommendations by local policing bodies and the Director General following reviews and investigations.

Part 4 makes provision regarding keeping the complainant and interested persons (within the meaning of section 21 of the 2002 Act) informed. Sections 20 and 21 of the 2002 Act impose duties on the Director General, chief officers and local policing bodies in this respect. Regulation 33 specifies the matters of which the complainant and interested persons must be kept informed. Regulation 34 specifies how the duties in sections 20 and 21 are to be discharged and regulation 35 sets out the exceptions to those duties.

Changes to legislation: *There are currently no known outstanding effects for the The Police (Complaints and Misconduct) Regulations 2020. (See end of Document for details)*

Part 5 contains general provisions. Regulations 38 and 39 make provision regarding withdrawn complaints, including setting out when they must be treated as conduct matters. Regulations 40 and 41 deal with the suspension and resumption of proceedings under the 2002 Act and these Regulations. Regulations 42 (which introduces Schedule 2) and 43 provide for the application of the 2002 Act and these Regulations, with modifications, to cases where the complaint or conduct matter relates to the conduct of a person who is no longer serving with the police or whose identity is not known. Regulations 46 and 50 make provision regarding the delegation of the exercise and performance of powers and duties by chief officers and local policing bodies. Regulations 48 and 49 make provision concerning the giving and withdrawal of notices under section 13A of the 2002 Act by local policing bodies (which allows a local policing body to give notice that it will take on specified functions of the relevant chief officer in relation to complaints). Regulations 53 to 55 amend the Policing Protocol Order 2011 ([S.I. 2011/2744](#)), the Police (Complaints and Conduct) Regulations 2013 ([S.I. 2013/281](#)) and the Public Interest Disclosure (Prescribed Persons) Order 2014 ([S.I. 2014/2418](#)). These changes are consequential on the changes made to the 2002 Act by the Policing and Crime Act 2017.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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