
STATUTORY INSTRUMENTS

2020 No. 2

The Police (Complaints and Misconduct) Regulations 2020

PART 3

Investigations and subsequent proceedings

Recommendations by the Director General under paragraph 28A of Schedule 3

31.—(1) The types of conduct matter specified for the purposes of paragraph 28A(4)(a)(ii) of Schedule 3 (recommendation following receipt or completion of report relating to a conduct matter)(1) are any matter—

- (a) falling within paragraph 13(1)(a) of Schedule 3 (conduct matters relating to incidents where a person has died or suffered serious injury etc.);
- (b) relating to—
 - (i) a serious assault, as determined in guidance issued by the Director General;
 - (ii) a serious sexual offence, as determined in guidance issued by the Director General;
 - (iii) serious corruption, including abuse of position for a sexual purpose or for the purpose of pursuing an improper emotional relationship, as determined in guidance issued by the Director General;
 - (iv) a criminal offence or behaviour which is liable to lead to disciplinary proceedings and which in either case was aggravated by discriminatory behaviour on the grounds of a person's race, sex, religion or other status determined in guidance by the Director General;
 - (v) a relevant offence;
 - (vi) conduct which took place in the same incident as one in which conduct falling within sub-paragraphs (i) to (v) took place;
- (c) that the Director General determines must be investigated in accordance with regulation 8 (recordable conduct matters relating to the conduct of chief officers etc.);
- (d) in respect of which the Director General gives a notification to the appropriate authority under paragraph 13(1)(c) of Schedule 3 (power of the Director General to require a conduct matter to be referred)(2), or
- (e) that the Director General is treating as having been referred to the Director General under paragraph 13A(1) of Schedule 3 (power of Director General to treat conduct matter as having been referred)(3).

(1) Paragraph 28A was inserted by section 139 of the Anti-social Behaviour, Crime and Policing Act 2014; sub-paragraph (4)(a) was amended by paragraphs 15 and 56 of Schedule 9 to the Policing and Crime Act 2017.
(2) Paragraph 13(1)(c) was amended by paragraphs 15 and 56 of Schedule 9 to the Policing and Crime Act 2017.
(3) Paragraph 13A(1) was inserted by section 17(1) and (6) of the Policing and Crime Act 2017 and amended by paragraphs 15 and 56 of Schedule 9 to that Act.

(2) The types of complaint specified for the purposes of paragraph 28A(4)(a)(iii) and (b) of Schedule 3 (recommendation following receipt or completion of report or review relating to a complaint)(4) are any complaint—

- (a) falling within paragraph 4(1)(a) of Schedule 3 (complaints alleging that conduct or other matter has resulted in death or serious injury)(5);
- (b) alleging conduct which constitutes—
 - (i) a serious assault, as determined in guidance issued by the Director General;
 - (ii) a serious sexual offence, as determined in guidance issued by the Director General;
 - (iii) serious corruption, including abuse of position for a sexual purpose or for the purpose of pursuing an improper emotional relationship, as determined in guidance issued by the Director General;
 - (iv) a criminal offence or behaviour which is liable to lead to disciplinary proceedings and which in either case was aggravated by discriminatory behaviour on the grounds of a person’s race, sex, religion or other status determined in guidance by the Director General;
 - (v) a relevant offence;
- (c) which arises from the same incident as one in which any conduct falling within sub-paragraphs (a) or (b) took place;
- (d) that the Director General determines must be investigated in accordance with regulation 5 (complaints relating to the conduct of chief officers etc.);
- (e) in respect of which the Director General gives a notification to the appropriate authority under paragraph 4(1)(c) of Schedule 3 (power of the Director General to require a complaint to be referred)(6), or
- (f) that the Director General is treating as having been referred to the Director General under paragraph 4A(1) of Schedule 3 (power of the Director General to treat complaint as having been referred)(7).

Commencement Information

II Reg. 31 in force at 1.2.2020, see [reg. 1\(1\)](#)

(4) Sub-paragraph (4)(b) of paragraph 28A was amended by paragraph 47 of Schedule 5 to the Policing and Crime Act 2017.

(5) Paragraph 4(1)(a) was amended by paragraphs 1 and 7 of Schedule 4 to the Policing and Crime Act 2017.

(6) Paragraph 4(1)(c) was amended by paragraphs 15 and 56 of Schedule 9 to the Policing and Crime Act 2017.

(7) Paragraph 4A(1) was inserted by section 17(1) and (3) of the Policing and Crime Act 2017 and amended by paragraphs 15 and 56 of Schedule 9 to that Act.

Changes to legislation:

There are currently no known outstanding effects for the The Police (Complaints and Misconduct) Regulations 2020, Section 31.