

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke and replace the Police (Conduct) Regulations 2012 (S.I. 2012/2632) (“the 2012 Regulations”), with a number of changes, in part to reflect changes made to the handling of police complaints and police disciplinary matters made by the Policing and Crime Act 2017 (2017 c. 3). These Regulations deal with internal conduct matters brought to the attention of the police otherwise than under Schedule 3 to the Police Reform Act 2002 (2002 c. 30) (“the 2002 Act”). They operate alongside the Police (Complaints and Misconduct) Regulations 2020 (S.I. 2020/2) which deal with public complaints and other discipline related matters arising under Schedule 3 to the 2002 Act.

Part 1 contains preliminary provisions, including interpretation provisions. The definition of “misconduct” (regulation 2(1)) has been changed since the 2012 Regulations. The term is defined as a breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary action. Regulation 4 deals with the application of the Regulations and provides for the Regulations to apply with the modifications set out in Schedule 1 to former officers.

Part 2 contains general provisions including a statement of the harm test.

Part 3 deals with investigations. Regulation 13 provides that this Part does not apply to a case to which paragraph 16, 18 or 19 of Schedule 3 to the 2002 Act applies (investigations by an appropriate authority on its own behalf and investigations directed or undertaken by the Director General). Regulation 14 provides for the appropriate authority to make a severity assessment in relation to the conduct which is the subject matter of the allegation. There is new provision in this regulation for a matter to be referred to be dealt with under the reflective practice review process under Part 6 of the Regulations (see description below). Regulation 19 makes provision about the timeliness of investigations. Where an investigation is not completed within a period of 12 months, the appropriate authority must provide specified information to the local policing body. This duty arises at the end of each 6 month period thereafter.

Part 4 makes provision about misconduct proceedings. New provisions in this Part include, in particular, regulation 24, which provides for the Director General to decide to present a case on behalf of the appropriate authority; regulation 25, which makes provision about joint misconduct proceedings, where 2 or more cases arise from the same matter or incident; regulation 26 which provides for an appropriate authority to delegate functions in relation to the administration of a hearing to the chief officer of another police force; regulation 29, which specifies the role of the chair of the panel, in the case of a misconduct hearing, and regulation 33, which, where a matter is referred to a misconduct hearing, makes provision for a misconduct pre-hearing.

Part 5 makes provision about accelerated misconduct hearings. Such hearings were previously referred to as special case hearings, under the 2012 Regulations.

Part 6 makes provision for a reflective practice review process. This process does not amount to disciplinary proceedings, as defined in regulation 2(1). There is provision for a matter to be referred to be dealt with under this process by the appropriate authority when making a severity assessment (under regulation 14(4)) or, following an investigation, under regulation 23(8) and by a person or persons conducting misconduct proceedings, under regulation 42(1)(b). The reflective practice review process consists of 2 stages; a fact-finding stage (dealt with in regulation 68) and a discussion stage (dealt with in regulation 69). Following completion of the discussion stage, the reviewer must produce a reflective review development report, in accordance with regulation 70.

Part 7 amends the Special Constables Regulations 1965 (S.I. 1965/536) to remove the prohibition on special constables giving notice of their retirement whilst suspended or retiring pursuant to a notice given before they were suspended. Part 7 also amends the Police Barred List and Police

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

Advisory List Regulations 2017 (S.I. 2017/1135) consequential on the revocation and replacement of the 2012 Regulations by these Regulations.

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

**Changes to legislation:**

There are currently no known outstanding effects for the The Police (Conduct) Regulations 2020.