
STATUTORY INSTRUMENTS

2020 No. 4

The Police (Conduct) Regulations 2020

PART 3

Investigations

Written notices

17.—(1) Subject to the harm test and except where paragraph (6) applies by virtue of sub-paragraph (a) of that paragraph, the investigator must, as soon as reasonably practicable after being appointed, give the officer concerned a written notice stating—

- (a) the conduct that is the subject matter of the allegation and how that conduct is alleged to fall below the Standards of Professional Behaviour;
- (b) that there is to be an investigation into the matter and the identity of the investigator;
- (c) the result of the severity assessment conducted under regulation 14;
- (d) the result of any assessment under regulation 14(5)(b) as to whether any misconduct proceedings would likely be a misconduct meeting or a misconduct hearing;
- (e) that if the officer is dismissed at misconduct proceedings, information including the officer's full name and a description of the conduct which led to dismissal will be added to the police barred list and may be subject to publication for a period of up to 5 years;
- (f) that the officer has the right to seek advice from the officer's staff association or any other body and of the effect of regulation 7(1) and (2);
- (g) the effect of regulations 8(1) to (3) and 18, and
- (h) that whilst the officer does not have to say anything it may harm the officer's case if the officer does not mention when interviewed or when providing any information under regulation 18(1) or 31(2) or (3) something later relied on in any disciplinary proceedings.

(2) Where a notice is given under paragraph (1), the investigator must—

- (a) subject to the harm test and except where paragraph (6) applies by virtue of sub-paragraph (b) of that paragraph, give the officer concerned the written terms of reference of the investigation, or
- (b) where written terms of reference are not provided under sub-paragraph (a), give the officer concerned written notice stating that the terms of reference are not being provided and explaining why.

(3) Where practicable, the investigator must give the officer concerned the written terms of reference, or, as the case may be, the written notice, under paragraph (2), at the same time as notice is given under paragraph (1), or otherwise within a period of 5 working days, beginning with the first working day after the day on which such notice is given.

(4) Subject to the harm test and except where paragraph (6) applies by virtue of sub-paragraph (c) of that paragraph, where notice is given under paragraph (1) and the appropriate authority revises its

severity assessment in accordance with regulation 14(6), the appropriate authority must as soon as practicable give the officer concerned a written notice of the result of the revised severity assessment.

(5) Subject to the harm test and except where paragraph (6) applies by virtue of sub-paragraph (d) of that paragraph, where the written terms of reference are given under paragraph (2) and those terms are revised by the investigator, the investigator must as soon as practicable give the officer concerned the revised terms of reference.

(6) This paragraph applies for so long as the investigator considers that giving—

- (a) a written notice under paragraph (1);
- (b) terms of reference under paragraph (2);
- (c) a written notice under paragraph (4), or
- (d) revised terms of reference under paragraph (5),

might prejudice the investigation or any other investigation (including, in particular, a criminal investigation).

(7) Once a written notice has been given in accordance with paragraph (1), the investigator must notify the officer concerned of the progress of the investigation—

- (a) if there has been no previous notification following the supply of the written notice under paragraph (1), before the end of 4 weeks beginning with the first working day after that written notice was given, and
- (b) in any other case, before the end of 4 weeks beginning with the first working day after the previous notification.

Commencement Information

II Reg. 17 in force at 1.2.2020, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Police (Conduct) Regulations 2020, Section 17.