
STATUTORY INSTRUMENTS

2020 No. 4

The Police (Conduct) Regulations 2020

PART 4

Misconduct proceedings

Persons conducting misconduct proceedings

28.—(1) Where the officer concerned is an officer other than a senior officer—

- (a) where the case is referred to a misconduct meeting, that meeting must be conducted by a person appointed by the appropriate authority in accordance with paragraph (3) ^{F1} ...;
- (b) where the case is referred to a misconduct hearing, that hearing must be conducted by a panel of three persons [^{F2}constituted] in accordance with paragraph (4).

(2) Where the officer concerned is a senior officer and the case is referred to misconduct proceedings, those misconduct proceedings must be conducted by a panel of three persons appointed in accordance with paragraphs (4) [^{F3}to (5A)].

(3) The person appointed by the appropriate authority under paragraph (1)(a)—

- (a) where the officer concerned is a member of a police force, must be either another member of a police force of at least one rank higher than the officer or, unless the case substantially involves operational policing matters, a police staff member who, in the opinion of the appropriate authority, is more senior than the officer concerned;
- (b) where the officer concerned is a special constable, must be—
 - (i) a member of a police force of the rank of sergeant or above;
 - (ii) a senior human resources professional, or
 - (iii) unless the case substantially involves operational policing matters, a police staff member who, in the opinion of the appropriate authority, is more senior than the officer concerned.

^{F4}(4) Subject to paragraphs (4A), (5) and (5A) (and see also regulation 2(4A) (delegation of responsibility for chairing or conducting misconduct proceedings)), the panel of persons must comprise—

- (a) a chair, who must be the chief officer of police of the police force concerned;
- (b) a person appointed by the local policing body, who—
 - (i) has qualifications or experience relevant for the purpose of disciplinary proceedings; and
 - (ii) is selected on a fair and transparent basis from the list of candidates with such qualifications or experience maintained by the local policing body for the purpose of this sub-paragraph; and

(c) a person appointed by the local policing body, who need not have such qualifications or experience, selected on a fair and transparent basis from the list of candidates maintained by the local policing body for the purpose of this sub-paragraph.

(4A) A person may not be appointed under paragraph (4)(b) or (c) unless the person is a lay person, within the meaning set out in paragraph 10(aa) of Schedule 6 to the Police Act 1996.]

[^{F5}(5) Subject to paragraph (5A), where the officer concerned is a senior officer, for paragraph (4) (a) substitute—

“(a) a chair, appointed by the appropriate authority, who must be a senior officer of a police force other than the police force concerned, who is of a more senior rank than the officer concerned;”.

(5A) Where the officer concerned is a chief officer of police, Deputy Commissioner of Police of the Metropolis or Assistant Commissioner of Police of the Metropolis, for paragraph (4)(a) substitute—

“(a) a chair, appointed by the local policing body, who must be HMCIC or an inspector of constabulary nominated by HMCIC;”.

(5B) A person is to be appointed by the local policing body as an adviser to the chair and panel of persons conducting a misconduct hearing under paragraphs (4) to (5A), selected on a fair and transparent basis from a list of legally qualified persons maintained by a local policing body for the purpose of this paragraph.

(5C) The legally qualified person appointed under paragraph (5B) must provide advice to the panel of persons conducting or to the person chairing a misconduct hearing upon request by the chair in respect of any legal or procedural issues relating to the misconduct proceedings.

(5D) The panel of persons conducting or the person chairing a misconduct hearing must have regard to any advice given by the legally qualified person in accordance with paragraph (5C).

(5E) Paragraph (5F) applies where the officer concerned is not a senior officer and—

- (a) the appropriate authority, when its views were sought in respect of the case under paragraph 23(5A)(a)(i) or (iii) of Schedule 3 to the 2002 Act (action by the Director General in relation to an investigation report under paragraph 22 of that Schedule), expressed a view on the matter that differed from the determination of the Director General under paragraph 23(5A)(b) of that Schedule; or
- (b) the appropriate authority notified the Director General under paragraph 25(4D)(a) of Schedule 3 to the 2002 Act (reviews with respect to an investigation) that it did not accept a recommendation of the Director General under paragraph 25(4C)(c) of that Schedule (reviews with respect to an investigation).

(5F) Where this paragraph applies, the Director General may, within 10 working days beginning with the day after the day on which the Director General makes the determination referred to in paragraph (5E)(a) or the recommendation referred to in paragraph (5E)(b), make written representations to the chief officer of police who is to chair the misconduct proceedings under paragraph (4)(a) as to whether the chief officer of police should delegate responsibility for chairing the misconduct proceedings to a person from a police force other than the police force concerned.

(5G) The chief officer of police to whom representations have been made under paragraph (5F) must—

- (a) have regard to those representations; and
- (b) within 10 working days beginning with the day on which the representations were received, determine whether or not to delegate responsibility for chairing the misconduct proceedings to a person from a police force other than the police force concerned.]

(6) In this regulation “legally qualified person” means a person who satisfies the judicial-appointment eligibility condition on a 5-year basis ^{M1}.

(7) For the purpose of section 84(4) of the 1996 Act (power to prescribe “the panel” for the purpose of representation at proceedings), the panel of persons or the person specified by this regulation to conduct misconduct proceedings is prescribed as “the panel”.

Textual Amendments

- F1** Words in reg. 28(1)(a) omitted (7.5.2024) by virtue of [The Police \(Conduct\) \(Amendment\) Regulations 2024 \(S.I. 2024/521\)](#), regs. 1(2), **4(4)** (with reg. 7)
- F2** Word in reg. 28(1)(b) substituted (7.5.2024) by [The Police \(Conduct\) \(Amendment\) Regulations 2024 \(S.I. 2024/521\)](#), regs. 1(2), **3(3)(a)** (with reg. 7)
- F3** Words in reg. 28(2) substituted (7.5.2024) by [The Police \(Conduct\) \(Amendment\) Regulations 2024 \(S.I. 2024/521\)](#), regs. 1(2), **3(3)(b)** (with reg. 7)
- F4** Reg. 28(4)(4A) substituted for reg. 28(4) (7.5.2024) by [The Police \(Conduct\) \(Amendment\) Regulations 2024 \(S.I. 2024/521\)](#), regs. 1(2), **3(3)(c)** (with reg. 7)
- F5** Reg. 28(5)-(5G) substituted for reg. 28(5) (7.5.2024) by [The Police \(Conduct\) \(Amendment\) Regulations 2024 \(S.I. 2024/521\)](#), regs. 1(2), **3(3)(d)** (with reg. 7)

Commencement Information

- I1** Reg. 28 in force at 1.2.2020, see [reg. 1](#)

Marginal Citations

- M1** See section 50 of the [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#).

Changes to legislation:

There are currently no known outstanding effects for the The Police (Conduct) Regulations 2020, Section 28.