
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 242

Police Powers for Designated Staff (Complaints and Misconduct) Regulations (Northern Ireland) 2008

PART IV

COMPLAINTS AND OTHER MATTERS

Complaints: making and receipt

8.—(1) Subsections (1) to (3) of section 52 of the 1998 Act (receipt of complaints) shall apply in relation to complaints about designated persons as they apply in relation to complaints about the police, with the following modifications—

- (a) the persons required to refer complaints to the Ombudsman under subsection (1)(b) shall include any contractor or member of the police support staff to whom a complaint is made about the relevant conduct of a designated person; and
- (b) the persons required to take steps to preserve evidence under subsection (2) shall include any contractor or member of the police support staff to whom a complaint is made about the relevant conduct of a designated person.

(2) Subsections (4) to (10) of that section (initial classification of complaints) shall apply in relation to the relevant conduct of a designated person as they apply in relation to the conduct of a police officer who is not a senior officer, with the following modifications—

- (a) in subsection (5) (exclusion of certain complaints) after “Chief Constable” insert “, the direction and control of designated persons by the Chief Constable or the terms or operation of a contract entered into under section 5A of the Police (Northern Ireland) Act 2000”;
- (b) in subsection (9) for the reference to disciplinary proceedings substitute a reference to misconduct proceedings; and
- (c) subsection (10) shall apply in any case where a complaint is made otherwise than to the Chief Constable.

(3) A complainant may have a complaint about the relevant conduct of a designated person registered on his behalf by a third party providing the complainant gives his consent, either in writing or orally, or is incapable of giving consent.

(4) Where the Ombudsman has recorded a complaint against a designated person, the Ombudsman shall, as soon as practicable—

- (a) send a copy of the complaint to the Chief Constable, and the complainant, and
- (b) subject to paragraphs (5) and (6), send a copy of the complaint to—
 - (i) the designated person, and
 - (ii) in the case of a complaint against a designated person employed by a contractor, the contractor concerned.

(5) Paragraph (4) shall not require the Ombudsman to supply a copy of a complaint if he is of the opinion that compliance with the request—

- (a) would impede any investigation of the matter, or
- (b) might prejudice any criminal proceedings pending at the time the request is made, or
- (c) would be contrary to the public interest and the Secretary of State agrees that no copy should be so supplied.

(6) Where a request is made to the Ombudsman for a copy of a complaint to be sent to a person under paragraph (4)(b) and the Ombudsman refuses to supply a copy of the complaint on the ground that he is of the opinion mentioned in paragraph (5)(a), (b) or (c), he shall give written notice of his refusal to the person who made the request.

(7) Where notice is given to a person under paragraph (6), no further request may be made by that person for a copy of the complaint within the period of six months beginning with the date of the notice, without prejudice, however, to further such requests being made subsequently.

(8) The Chief Constable shall supply the Ombudsman with such material as he may require relating to a complaint about the conduct of a designated person made or referred to the Ombudsman under section 52(1) of the 1998 Act, whether or not such complaint is the subject of an investigation by the Ombudsman or supervised by the Ombudsman, for the purpose of enabling the Ombudsman to fulfil his functions under these regulations or the 1998 Act.

(9) The Ombudsman shall cause a register to be kept of complaints about the relevant conduct of designated persons, in which there shall be recorded the steps taken in dealing with a complaint and their outcome.