



Police (Northern Ireland) Act 2000

2000 CHAPTER 32

PART VIII

THE POLICE OMBUDSMAN

62 Mediation

(1) After section 58 of the 1998 Act there shall be inserted—

“58A Steps to be taken after investigation – mediation

- (1) If the Ombudsman—
 - (a) determines that a report made under section 56(6) or 57(8) does not indicate that a criminal offence may have been committed by a member of the police force, and
 - (b) considers that the complaint is not a serious one,he may determine that the complaint is suitable for resolution through mediation.
- (2) If he does so, he must inform the complainant and the member of the police force concerned.
- (3) If the complainant and the member of the police force concerned agree to attempt to resolve the complaint through mediation, the Ombudsman shall act as mediator.
- (4) Anything communicated to the Ombudsman while acting as mediator is not admissible in evidence in any subsequent criminal, civil or disciplinary proceedings.
- (5) But that does not make inadmissible anything communicated to the Ombudsman if it consists of or includes an admission relating to a matter which does not fall to be resolved through mediation.

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- (6) If a complaint is resolved through mediation under this section, no further proceedings under this Act shall be taken against the member of the police force concerned in respect of the subject matter of the complaint.”
- (2) For subsection (1) of section 59 of the 1998 Act (disciplinary proceedings) there shall be substituted—
- “(1) Subsection (1B) applies if—
- (a) the Director decides not to initiate criminal proceedings in relation to the subject matter of a report under section 56(6) or 57(8) sent to him under section 58(2); or
 - (b) criminal proceedings initiated by the Director in relation to the subject matter of such a report have been concluded.
- (1A) Subsection (1B) also applies if the Ombudsman determines that a report under section 56(6) or 57(8) does not indicate that a criminal offence may have been committed by a member of the police force and—
- (a) he determines that the complaint is not suitable for resolution through mediation under section 58A; or
 - (b) he determines that the complaint is suitable for resolution through mediation under that section but—
 - (i) the complainant or the member of the police force concerned does not agree to attempt to resolve it in that way; or
 - (ii) attempts to resolve the complaint in that way have been unsuccessful.
- (1B) The Ombudsman shall consider the question of disciplinary proceedings.”
- (3) After subsection (2) of that section, there shall be inserted—
- “(2A) In a case mentioned in subsection (1A)(b), the Ombudsman shall, in considering the recommendation to be made in his memorandum, take into account the conduct of the member of the police force concerned in relation to the proposed resolution of the complaint through mediation.”
- (4) In section 64(2) of the 1998 Act (regulations)—
- (a) in paragraph (b), after “resolution” insert “or mediation”;
 - (b) in paragraph (c), after “informally” insert “or through mediation”; and
 - (c) in sub-paragraph (i) of paragraph (d), after “informally” insert “or through mediation”.

63 Reports by Ombudsman to Chief Constable and Board

- (1) After section 61 of the 1998 Act there shall be inserted—

“61A Reports to Chief Constable and Board

- (1) The Ombudsman may make to the Chief Constable and the Board a report on any matters concerning the practices and policies of the police which—
- (a) come to the Ombudsman’s attention under this Part; and
 - (b) should, in the opinion of the Ombudsman, be drawn to the attention of the Chief Constable and the Board.

(2) The Ombudsman may carry out research into any matter which may be the subject of a report under subsection (1).”

(2) In section 63 of the 1998 Act (restriction on disclosure of information), after subsection (2) there shall be inserted—

“(2A) Subsection (1) does not prevent the Ombudsman, to such extent as he thinks it necessary to do so in the public interest, from disclosing in a report under section 61A—

- (a) the identity of an individual, or
- (b) information from which the identity of an individual may be established.”

64 Supply of information by Ombudsman to Board

After section 61A of the 1998 Act there shall be inserted—

“61AA Supply of information by Ombudsman to Board

- (1) The Ombudsman shall compile, and supply the Board with, such statistical information as is required to enable the Board to carry out its functions under section 3(3)(c)(i) of the Police (Northern Ireland) Act 2000.
- (2) The Ombudsman shall consult the Board as to—
 - (a) the information to be supplied under subsection (1); and
 - (b) the form in which such information is to be supplied.
- (3) The Ombudsman shall supply the Board with any other general information which the Ombudsman considers should be brought to the attention of the Board in connection with its functions under section 3(3)(c)(i) of the Police (Northern Ireland) Act 2000.”

65 Limits on complaints and references to Ombudsman

In section 64 of the 1998 Act (regulations) after subsection (2) there shall be inserted—

“(2A) The Secretary of State may by regulations provide that, subject to such exceptions as may be prescribed—

- (a) this Part shall not apply to a complaint about the conduct of a police officer which took place more than the prescribed period before the date on which the complaint is made or referred to the Ombudsman under section 52(1);
- (b) the Ombudsman shall not investigate any matter referred to him under section 55(1), (2) or (4) if the actions, behaviour or conduct to which the matter relates took place more than the prescribed period before the date on which the reference is made;
- (c) the Ombudsman shall not at any time commence a formal investigation under section 55(6) of any matter if the actions or behaviour to which the matter relates took place more than the prescribed period before that time;
- (d) to the extent that the subject matter of a complaint falls within the jurisdiction of—

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(i) the tribunal constituted under section 65(1) of the Regulation of Investigatory Powers Act 2000, or
(ii) a person appointed under Part IV of that Act,
the Ombudsman shall not investigate it.”

66 Access by Ombudsman to information and documents

The Chief Constable and the Board shall supply the Ombudsman with such information and documents as the Ombudsman may require for the purposes of, or in connection with, the exercise of any of his functions.