

# **POLICE REFORM ACT 2002**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### *Commentary on Sections*

#### *Schedule 3 Part 1: Handling of complaints*

#### *Paragraph 2: Initial handling and recording of complaints*

65. This paragraph describes what happens when a complaint is made by anyone described in section 12 to the Commission, to a police authority or to a chief officer.
66. There is a general belief amongst practitioners that the recording of complaints is not a problem in itself and a change from the present provision is more likely to cause problems than to have benefits. Therefore, the responsibility for recording a complaint will remain with the police or police authority.
67. Where a complaint is made to the Commission, it will forward the complaint to the appropriate authority to be recorded, providing the complainant is content for it to do so, and it will notify the complainant that it has done so. If the complainant is not content, the Commission may bring it to the attention of the appropriate authority if it considers it is in the public interest to do so and the appropriate authority shall record it as a conduct matter under *paragraph 11*. In such a case, the Commission will notify the complainant.
68. On receipt of a complaint, if a chief officer or a police authority is satisfied that he or it is the appropriate authority, the complaint must be recorded. If not, the complaint must be passed to the appropriate authority to be recorded and the complainant notified accordingly.
69. *Sub-paragraph (7)* prevents a complaint from entering the system if it has been or is being dealt with satisfactorily by means of criminal or disciplinary proceedings. The reason for this is that in such a case, an investigation will have been carried out and there would be no need for a second investigation.