



Policing and Crime Act 2017

2017 CHAPTER 3

PART 2

POLICE COMPLAINTS, DISCIPLINE AND INSPECTION

CHAPTER 5

IPCC: RE-NAMING AND ORGANISATIONAL CHANGE

33 Independent Office for Police Conduct

- (1) The body corporate known as the Independent Police Complaints Commission—
 - (a) is to continue to exist, and
 - (b) is to be known instead as the Independent Office for Police Conduct.
- (2) Section 9 of the Police Reform Act 2002 (which established the Independent Police Complaints Commission) is amended in accordance with subsections (3) to (8).
- (3) For the heading substitute “The Independent Office for Police Conduct”.
- (4) For subsection (1) substitute—
 - “(1) The body corporate previously known as the Independent Police Complaints Commission—
 - (a) is to continue to exist, and
 - (b) is to be known instead as the Independent Office for Police Conduct.”
- (5) For subsection (2) substitute—
 - “(2) The Office is to consist of—
 - (a) a Director General appointed by Her Majesty, and
 - (b) at least six other members.
- (2A) The other members must consist of—

Status: This is the original version (as it was originally enacted).

- (a) persons appointed as non-executive members (see paragraph 1A of Schedule 2), and
- (b) persons appointed as employee members (see paragraph 1B of that Schedule),

but the powers of appointment under those paragraphs must be exercised so as to secure that a majority of members of the Office (including the Director General) are non-executive members.”

- (6) In subsection (3)—
 - (a) for “chairman of the Commission” substitute “Director General”;
 - (b) omit “, or as another member of the Commission,”.
- (7) In subsection (5)—
 - (a) for “The Commission shall not—” substitute “Neither the Office nor the Director General shall—”;
 - (b) for “Commission’s” substitute “Office’s”.
- (8) In subsection (6) for “Commission” substitute “Office”.
- (9) Schedule 9 makes further provision in relation to the Independent Office for Police Conduct.

34 Exercise of functions

- (1) Section 10 of the Police Reform Act 2002 (general functions of the Commission) is amended in accordance with subsections (2) to (5) (see also paragraph 17 of Schedule 9 for further minor and consequential amendments).
- (2) For “Commission”, in each place except as otherwise provided by subsection (5) (including in the heading and in provisions inserted by amendments made by this Act), substitute “Director General”.
- (3) In subsection (2)—
 - (a) in paragraph (a), at the end insert “or other concerns raised by virtue of Part 2B (whistle-blowing)”;
 - (b) in paragraph (c), after “complaints” insert “or other concerns”.
- (4) After subsection (5) insert—

“(5A) In carrying out functions the Director General must have regard to any advice provided to the Director General by the Office (see section 10A(1)(c)).”
- (5) In subsection (7), for “Commission”, in the first place it occurs, substitute “Office”.
- (6) After that section insert—

“10A General functions of the Office

- (1) The functions of the Office are—
 - (a) to secure that the Office has in place appropriate arrangements for good governance and financial management,
 - (b) to determine and promote the strategic aims and values of the Office,
 - (c) to provide support and advice to the Director General in the carrying out of the Director General’s functions, and

Status: This is the original version (as it was originally enacted).

- (d) to monitor and review the carrying out of such functions.
- (2) The Office also has such other functions as are conferred on it by any other enactment (whenever passed or made).
- (3) The Office is to perform its functions for the general purpose of improving the way in which the Director General's functions are carried out (including by encouraging the efficient and effective use of resources in the carrying out of those functions).
- (4) In carrying out its functions the Office must in particular have regard to public confidence in the existence of suitable arrangements with respect to the matters mentioned in section 10(2) and with the operation of the arrangements that are in fact maintained with respect to those matters.
- (5) The Office may do anything which appears to it to be calculated to facilitate, or is incidental or conducive to, the carrying out of its functions.

10B Efficiency etc in exercise of functions

The Director General and the Office must carry out their functions efficiently and effectively.

10C Strategy for exercise of functions

- (1) The Director General and the Office must jointly—
- (a) prepare a strategy for the carrying out of their functions, and
 - (b) review the strategy (and revise it as appropriate) at least once every 12 months.
- (2) The strategy must set out how the Director General and the Office propose to carry out their functions in the relevant period.
- (3) The strategy must also include a plan for the use during the relevant period of resources for the carrying out of functions of the Director General and the Office.
- (4) The Director General and the Office must each give effect to the strategy in carrying out their functions.
- (5) The Director General and the Office must jointly publish a strategy (or revised strategy) prepared under this section (stating the time from which it takes effect).
- (6) In this section “relevant period”, in relation to a strategy, means the period of time that is covered by the strategy.

10D Code of practice

- (1) The Director General and the Office must jointly prepare a code of practice dealing with the relationship between the Director General and the Office.
- (2) In doing so, they must (in particular) seek to reflect the principle that the Director General is to act independently when making decisions in connection with the carrying out of the Director General's functions.

Status: This is the original version (as it was originally enacted).

- (3) The code must include provision as to the following—
- (a) how the strategy required by section 10C is to be prepared, reviewed and revised;
 - (b) the matters to be covered by the strategy and the periods to be covered by it from time to time;
 - (c) how the carrying out of functions by the Director General is to be monitored and reviewed by other members of the Office;
 - (d) the giving of advice to the Director General by other members of the Office in connection with the carrying out of functions by the Director General;
 - (e) the keeping of written records of instances where the Director General has not followed advice given by other members of the Office and the reasons for not doing so;
 - (f) how non-executive members of the Office are to give practical effect to the requirement imposed by subsection (2).
- (4) The Code may include whatever other provision the Director General and the Office think appropriate.
- (5) The Director General and the Office must jointly review the code regularly and revise it as appropriate.
- (6) The Director General and the Office must each comply with the code.
- (7) The Director General and the Office must jointly publish a code (or revised code) prepared under this section (stating the time from which it takes effect).”

35 Public records

- (1) In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part 2 of the Table at the end of paragraph 3, insert at the appropriate place—

“Independent Office for Police Conduct.”

- (2) The records that become public records for the purposes of that Act as a result of the amendment made by subsection (1) include all records of the Independent Office for Police Conduct of the kind mentioned in paragraph 3(1) of Schedule 1 to that Act (whether created before or after the coming into force of this section, and whether created under that name or under the name of the Independent Police Complaints Commission).
- (3) If the amendment made by subsection (1) comes into force before subsection (1) of section 33 comes into force, the reference in that amendment to the Independent Office for Police Conduct is, until subsection (1) of that section comes into force, to be read as a reference to the Independent Police Complaints Commission.