

SCHEDULES

SCHEDULE 5

COMPLAINTS, CONDUCT MATTERS AND DSI MATTERS: PROCEDURE

PART 2

HANDLING OF COMPLAINTS

- 5 Part 1 of Schedule 3 to the Police Reform Act 2002 (handling of complaints) is further amended as follows.
- 6 (1) Paragraph 6 (handling of complaints by the appropriate authority) is amended as follows.
- (2) In sub-paragraph (2), omit the “or” at the end of paragraph (a) and omit paragraph (b).
- (3) After sub-paragraph (2) insert—
- “(2A) The appropriate authority must handle the complaint in such reasonable and proportionate manner as the authority determines.
- (2B) An appropriate authority may handle a complaint in accordance with sub-paragraph (2A) by (amongst other things)—
- (a) making arrangements for the complaint to be investigated by the authority on its own behalf;
- (b) notifying the complainant that no further action is to be taken in relation to the complaint.
- (2C) The appropriate authority must comply with its duty under sub-paragraph (2A) by making arrangements for the complaint to be investigated by the authority on its own behalf if at any time it appears to the authority from the complaint, or from the authority’s handling of the complaint to that point, that there is an indication that—
- (a) a person serving with the police may have committed a criminal offence or behaved in a manner that would justify the bringing of disciplinary proceedings, or
- (b) there may have been the infringement of a person’s rights under Article 2 or 3 of the Convention (within the meaning of the Human Rights Act 1998).
- (2D) The Secretary of State may by regulations provide for the duty in sub-paragraph (2C) to be subject to exceptions.
- (2E) A statement made by any person for the purposes of the handling of any complaint in accordance with sub-paragraph (2A) otherwise than by the appropriate authority making arrangements for the complaint to be investigated by the authority on its own behalf is not admissible in any

Status: This is the original version (as it was originally enacted).

subsequent criminal, civil or disciplinary proceedings except to the extent that it consists of an admission relating to a matter that has not been subjected to such handling.”

(4) Omit sub-paragraphs (3) to (11).

7 Omit paragraph 7 (disapplication of requirements of Schedule) and the italic heading before that paragraph.

8 Omit paragraph 8 (local resolution of complaints) and the italic heading before that paragraph.