



# Policing and Crime Act 2017

## 2017 CHAPTER 3

### PART 2

#### POLICE COMPLAINTS, DISCIPLINE AND INSPECTION

### CHAPTER 1

#### POLICE COMPLAINTS

#### **15 Duty to keep complainant and other interested persons informed**

(1) Part 2 of the Police Reform Act 2002 (complaints and misconduct) is amended as follows.

(2) In section 20 (duty to keep the complainant informed), after subsection (3) insert—

“(3A) In any case in which a complaint is being handled—

- (a) in accordance with paragraph 6(2A) of Schedule 3 otherwise than by the appropriate authority making arrangements for the complaint to be investigated by the authority on its own behalf, or
- (b) otherwise than in accordance with Schedule 3 (as to which see paragraph 2(6C) of that Schedule),

it shall be the duty of the appropriate authority to provide the complainant with all such information as will keep him properly informed, while the complaint is being handled and subsequently, of all the matters mentioned in subsection (4).”

(3) In section 20, for subsection (4) substitute—

“(4) The matters of which the complainant must be kept properly informed are—

- (a) the progress of the handling of the complaint;
- (b) the outcome of the handling of the complaint;

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*Status: This is the original version (as it was originally enacted).*

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- (c) any right to apply for a review conferred on the complainant by paragraph 6A or 25 of Schedule 3 (as the case may be);
  - (d) such other matters as may be specified in regulations made by the Secretary of State.
- (4A) The generality of subsection (4)(a) and (b) is not affected by any requirement to notify the complainant that is imposed by any other provision of this Part.”
- (4) In section 20, after subsection (8) insert—
- “(8A) In any case in which there is an investigation of a complaint, the Commission or the appropriate authority may comply with its duty under subsection (1) or (2) (as the case may be) so far as relating to the findings of a report submitted under provision made by virtue of paragraph 20A(4)(b) of Schedule 3, or a report of the investigation submitted under paragraph 22 of Schedule 3, by sending the complainant a copy of the report.
- (8B) Subsection (8A) applies notwithstanding any obligation of secrecy imposed by any rule of law or otherwise but is subject to—
- (a) regulations made under subsection (5), and
  - (b) section 21A.”
- (5) In section 20(9), after “under this Part” insert “, or who is otherwise involved in the handling of a complaint under this Part,”.
- (6) In section 21 (duty to provide information for other persons), after subsection (8) insert—
- “(8A) In any case in which—
- (a) the complaint is being handled in accordance with paragraph 6(2A) of Schedule 3 otherwise than by the appropriate authority making arrangements for the complaint to be investigated by the authority on its own behalf, or
  - (b) the recordable conduct matter or DSI matter is being handled in a manner determined by the appropriate authority in accordance with paragraph 10(4D), 11(3E), 14(2) or 14D(2) of Schedule 3 otherwise than by the appropriate authority making arrangements for the matter to be investigated by the authority on its own behalf,
- it shall be the duty of the appropriate authority to provide the interested person with all such information as will keep him properly informed, while the complaint, recordable conduct matter or DSI matter is being handled and subsequently, of all the matters mentioned in subsection (9).”
- (7) In section 21, for subsection (9) substitute—
- “(9) The matters of which the interested person must be kept properly informed are—
- (a) the progress of the handling of the complaint, recordable conduct matter or DSI matter;
  - (b) the outcome of the handling of the complaint, recordable conduct matter or DSI matter;
  - (c) such other matters as may be specified in regulations made by the Secretary of State.

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

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- (9A) The generality of subsection (9)(a) and (b) is not affected by any requirement to notify an interested person that is imposed by any other provision of this Part.”
- (8) In section 21, after subsection (11) insert—
- “(11A) In any case in which there is an investigation of a complaint, recordable conduct matter or DSI matter, the Commission or the appropriate authority may comply with its duty under subsection (6) or (7) (as the case may be) so far as relating to the findings of a report submitted under provision made by virtue of paragraph 20A(4)(b) of Schedule 3, or a report of the investigation submitted under paragraph 22 or 24A of Schedule 3, by sending an interested person a copy of the report.
- (11B) Subsection (11A) applies notwithstanding any obligation of secrecy imposed by any rule of law or otherwise but is subject to—
- (a) regulations made under subsection (10), and
- (b) section 21A.”
- (9) In Schedule 3—
- (a) in paragraph 23 (action by the Commission in response to an investigation report under paragraph 22), omit sub-paragraphs (4) and (9) to (12);
- (b) in paragraph 24 (action by the appropriate authority in response to an investigation report under paragraph 22), omit sub-paragraphs (4) and (7) to (10).
- (10) In consequence of the repeal made by subsection (9)(b), Schedule 3 is further amended as follows—
- (a) in paragraph 24, after sub-paragraph (6A) (as inserted by Schedule 5) insert—
- “(6B) It shall be the duty of the appropriate authority—
- (a) to take the action which it determines under sub-paragraph (6) that it is required to, or will in its discretion, take, and
- (b) in a case where that action consists of or includes the bringing of disciplinary proceedings, to secure that those proceedings, once brought, are proceeded with to a proper conclusion.”;
- (b) in paragraph 27 (duties with respect to disciplinary proceedings etc)—
- (i) in sub-paragraph (1), omit paragraph (a) (including the “or” at the end);
- (ii) in sub-paragraph (2)(a), omit “which has been or is required to be notified or, as the case may be,”.
- (11) In consequence of the repeals made by subsection (9), omit the following—
- (a) in the Criminal Justice and Immigration Act 2008, in Schedule 23, paragraph 14(7) and (8);
- (b) in the Anti-social Behaviour, Crime and Policing Act 2014, in Part 3 of Schedule 11, paragraph 95(6).