
STATUTORY INSTRUMENTS

2015 No. 25

The Ministry of Defence Police (Conduct etc.) Regulations 2015

PART 3

Investigations

Assessment of conduct

16.—(1) The relevant authority must assess whether the conduct of the officer concerned which is the subject matter of the allegation, if proved, would amount to misconduct or gross misconduct or neither.

(2) Where the relevant authority assesses that the conduct, if proved, would amount to neither misconduct nor gross misconduct, it may—

- (a) take no action;
- (b) take management action against the officer concerned; or
- (c) refer the matter to be dealt with under the Performance Regulations.

(3) Where the relevant authority assesses that the conduct, if proved, would amount to misconduct, it must determine whether or not it is necessary for the matter to be investigated and—

- (a) if so, the matter must be investigated and the relevant authority shall further assess whether, if the matter were to be referred to misconduct proceedings, those would be likely to be a misconduct meeting or a misconduct hearing;
- (b) if not, the relevant authority may—
 - (i) take no action; or
 - (ii) take management action against the officer concerned.

(4) Where the relevant authority assesses that the conduct, if proved, would amount to gross misconduct, the matter must be investigated.

(5) At any time before the start of any misconduct proceedings, the relevant authority may revise its assessment of the conduct under paragraph (1) if it considers it appropriate to do so.

(6) Where the relevant authority decides to take no action, take management action or to refer the matter to be dealt with under the Performance Regulations, it must notify the officer concerned in writing of that decision as soon as practicable.