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STATUTORY INSTRUMENTS

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**2015 No. 431**

**The Independent Police Complaints Commission  
(Complaints and Misconduct) (Contractors) Regulations 2015**

**PART 7**

**Reports and Recommendations**

**Action by the appropriate authority in response to an investigation report under regulation 72**

**74.**—(1) This regulation applies where—

- (a) a report of an investigation is submitted to the appropriate authority in accordance with regulation 72(2) (final reports on investigations: complaints, conduct matters and certain DSI matters); or
- (b) a copy of a report of an investigation carried out under the supervision of the Commission is sent to the appropriate authority in accordance with regulation 72(3).

(2) On receipt of the report or (as the case may be) the copy, the appropriate authority—

- (a) shall determine whether the conditions set out in paragraphs (3) and (4) are satisfied in respect of the report;
- (b) if it determines that those conditions are so satisfied, shall notify the Director of Public Prosecutions of the determination and send the Director a copy of the report; and
- (c) shall notify the persons mentioned in paragraph (7) of its determination under paragraph (a) and of any action taken by it under paragraph (b).

(3) The first condition is that the report indicates that a criminal offence may have been committed by a person to whose conduct the investigation related.

(4) The second condition is that the circumstances are such that, in the opinion of the appropriate authority, it is appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions.

(5) The Director of Public Prosecutions shall notify the appropriate authority of any decision of the Director to take, or not to take, action in respect of the matters dealt with in any report a copy of which has been sent to the Director under paragraph (2)(b).

(6) It shall be the duty of the appropriate authority to notify the persons mentioned in paragraph (7) if criminal proceedings are brought against any person by the Director of Public Prosecutions in respect of any matters dealt with in a report copied to the Director under paragraph (2)(b).

(7) The persons are—

- (a) in the case of a complaint, the complainant and every person entitled to be kept properly informed in relation to the complaint under regulation 14 (duty to provide information for other persons); and
- (b) in the case of a recordable conduct matter, every person entitled to be kept properly informed in relation to that matter under that regulation.

(8) In the case of a report falling within paragraph (1)(b) which relates to a recordable conduct matter, the appropriate authority shall also notify the Commission of its determination under paragraph (2)(a).

(9) On receipt of such a notification that the appropriate authority has determined that the conditions in paragraph (3) and (4) are not satisfied in respect of the report, the Commission—

- (a) shall make its own determination as to whether those conditions are so satisfied; and
- (b) if it determines that they are so satisfied, shall direct the appropriate authority to notify the Director of Public Prosecutions of the Commission's determination and to send the Director a copy of the report.

(10) It shall be the duty of the appropriate authority to comply with any direction given to it under paragraph (9).

(11) On receipt of the report or (as the case may be) of the copy, the appropriate authority shall note the contents of the report and determine—

- (a) whether any person to whose conduct the investigation related has a case to answer in respect of their conduct or has no case to answer;
- (b) whether or not any such person's performance is unsatisfactory;
- (c) what action (if any) the authority is required to, or will in its discretion, take in respect of the matters dealt with in the report; and
- (d) what other action (if any) the authority will in its discretion take in respect of those matters.

(12) On the making of the determinations under paragraph (11) the appropriate authority shall give a notification—

- (a) in the case of a complaint, to the complainant and to every person entitled to be kept properly informed in relation to the complaint under regulation 13 (duty to keep complainant informed); and
- (b) in the case of a recordable conduct matter, to every person entitled to be kept properly informed in relation to that matter under regulation 14 (duty to provide information for other persons).

(13) The notification required by paragraph (12) is one setting out—

- (a) the findings of the report;
- (b) the determinations the authority has made under paragraph (11);
- (c) the complainant's right of appeal under regulation 77 (appeals with respect to an investigation).

(14) Regulation 16 (exceptions to the duty to keep the complainant informed and to provide information for other persons) shall have effect in relation to the duties imposed on the appropriate authority by paragraph (12) of this regulation as it has effect in relation to the duties imposed on the appropriate authority by regulations 13 and 14.

(15) Subject to regulation 16, the appropriate authority shall be entitled (notwithstanding any obligation of secrecy imposed by any rule of law or otherwise) to discharge the duty to give a person mentioned in paragraph (12) notification of the findings of the report by sending that person a copy of the report.

(16) In relation to a DSI matter in respect of which a determination has been made under regulation 71(2) or (4) (procedure where conduct matter is revealed during investigation of DSI matter), the references in this regulation to the appropriate authority are references to the appropriate authority in relation to the person whose conduct is in question.