
STATUTORY INSTRUMENTS

2017 No. 521

The Gangmasters and Labour Abuse Authority
(Complaints and Misconduct) Regulations 2017

PART 6

INVESTIGATIONS AND SUBSEQUENT PROCEEDINGS

Special cases: other investigations: action by the Chief Executive

63.—(1) This paragraph applies where—

- (a) a statement and a special report on an investigation carried out by the Chief Executive on the Chief Executive's own behalf; or
- (b) a statement and a special report on an investigation carried out under the supervision of the Commission,

are submitted to the Chief Executive under regulation 60(2) or (3).

(2) The Chief Executive must determine whether the special conditions are satisfied.

(3) If the Chief Executive determines that the special conditions are satisfied, the Chief Executive must—

- (a) certify the case as a special case for the purposes of procedures for the taking of disciplinary proceedings; and
- (b) take such steps as are required by those procedures in relation to a case so certified,

unless the Chief Executive considers that the circumstances are such as to make it inappropriate to do so.

(4) Where—

- (a) the statement and report were required under regulation 60(2) to be copied to the Commission; or
- (b) the statement and report were submitted under regulation 60(3),

the Chief Executive must notify the Commission of a certification under paragraph (3).

(5) If the Chief Executive determines—

- (a) that the special conditions are not satisfied; or
- (b) that, although those conditions are satisfied, the circumstances are such as to make it inappropriate at present to bring disciplinary proceedings,

the Chief Executive must notify the person investigating the complaint or matter of the Chief Executive's determination.

(6) If the Chief Executive certifies a case under paragraph (3), the Chief Executive must 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 14; 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 that regulation.
- (7) The notification required by paragraph (6) is one setting out—
 - (a) the findings of the report;
 - (b) the Chief Executive’s determination under paragraph (2); and
 - (c) the action that the Chief Executive is required to take in consequence of that determination.
- (8) Regulation 16 (exceptions to the duty to keep the complainant informed and to provide information for other persons) has effect in relation to the duties imposed on the Chief Executive by paragraph (6) as it has effect in relation to the duties imposed on the Chief Executive by regulations 13 and 14.
- (9) Except so far as may be otherwise prohibited by regulation 16, the Chief Executive is 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 (6) notification of the findings of the special report by sending that person a copy of that report.