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STATUTORY INSTRUMENTS

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**2017 No. 521**

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

**PART 8**

**GENERAL**

**Appeals**

**85.**—(1) This regulation applies to an appeal under any of the following provisions of these Regulations—

- (a) regulation 20(3) (appeal against a failure to record a complaint);
- (b) regulation 25(6) (appeal against a decision to handle a complaint otherwise than in accordance with these Regulations or take no action in relation to it);
- (c) regulation 27(1) (appeal against the outcome of a complaint subjected to local resolution or handled otherwise than in accordance with these Regulations);
- (d) regulation 66(9) (appeal against a decision to discontinue an investigation); and
- (e) regulation 73(2) (appeal in relation to an investigation).

(2) Where the Chief Executive notifies the complainant of a decision which is or may be capable of appeal under any of the provisions in paragraph (1), the Chief Executive must at the same time notify the complainant in writing of—

- (a) the existence of the right of appeal;
- (b) the fact that the appeal is to the Commission; and
- (c) the time limit for making an appeal mentioned in paragraph (3).

(3) Subject to paragraph (4), an appeal must be made within a period of 28 days commencing on the day after the date of the letter giving notification under paragraph (2).

(4) The Commission may extend the time period mentioned in paragraph (3) in any case where it is satisfied that by reason of the special circumstances of the case it is just to do so.

(5) Subject to paragraph (6), an appeal must be made in writing and must state—

- (a) details of the complaint;
- (b) the date on which the complaint was made;
- (c) the decision which is the subject of the appeal;
- (d) the grounds for the appeal; and
- (e) the date on which notification was given under paragraph (2).

(6) Where the Commission receives an appeal which fails to comply with one or more of the requirements mentioned in paragraph (5), it may decide to proceed as if that requirement or those requirements had been complied with.

(7) Where the Commission receives an appeal it must—

- (a) notify the Chief Executive of the appeal as soon as reasonably practicable; and
  - (b) request any information from any person which it considers necessary to dispose of the appeal.
- (8) Any person receiving a request under paragraph (7)(b) must supply to the Commission the information requested.
- (9) The Commission must determine the outcome of the appeal as soon as practicable.
- (10) The Commission must notify the complainant and the Chief Executive of the reasons for its determination.
- (11) In the case of an appeal other than one under regulation 20(3)—
- (a) the Commission must notify the complainant of any direction it gives to the Chief Executive as to the future handling of the complaint; and
  - (b) subject to paragraph (12), the Chief Executive must notify the person complained against of any such direction.
- (12) The Chief Executive may decide not to make a notification under paragraph (11)(b) if the Chief Executive is of the opinion that to do so might prejudice any criminal investigation or proceedings or would otherwise be contrary to the public interest.