
STATUTORY INSTRUMENTS

2020 No. 4

The Police (Conduct) Regulations 2020

PART 6

Reflective practice review process

Interpretation and application

65.—(1) In this Part—

“participating officer” means the police officer whose actions or behaviour are subject to the reflective practice review process, and

“reviewer” means the person who is conducting the reflective practice review process.

(2) The reviewer must be—

- (a) the line manager of the participating officer;
- (b) another officer who is senior to the participating officer, or
- (c) a police staff member who, in the opinion of the appropriate authority, is more senior than the participating officer.

(3) This Part applies where a matter has been referred to be dealt with under the reflective practice review process—

- (a) under these Regulations, or
- (b) following—
 - (i) a determination under paragraph 6(2A) of Schedule 3 to the 2002 Act (handling of complaints by the appropriate authority)(1);
 - (ii) a determination under paragraph 23(5A)(c) of Schedule 3 to the 2002 Act (action by the Director General in response to an investigation report under paragraph 22)(2);
 - (iii) a determination under paragraph 24(6) of Schedule 3 to the 2002 Act (action by the appropriate authority in response to an investigation report under paragraph 22)(3);
 - (iv) a recommendation under paragraph 28ZA of Schedule 3 to the 2002 Act (recommendations by the Director General or a local policing body)(4).

(1) Paragraph 6(2A) to (2E) of Schedule 3 to the 2002 Act was inserted by paragraphs 5 and 6(1) and (3) of Schedule 5 to the Policing and Crime Act 2017.

(2) Paragraph 23(5A) of Schedule 3 to the 2002 Act was inserted by paragraphs 9 and 26(1) and (2) of Schedule 5 to the Policing and Crime Act 2017 and was amended by paragraphs 15 and 56(1) to (3) and (16)(c)(ii) of Schedule 9 to that Act.

(3) Paragraph 24(6) of Schedule 3 to the 2002 Act was substituted by section 127 of, and paragraphs 1, 3 and 14(1) and (6) of Schedule 23 to, the Criminal Justice and Immigration Act 2008 and was amended by section 95 of, and paragraphs 1 and 14(1) and (3) of Schedule 14 to, the Police Reform and Social Responsibility Act 2011 and section 16 of, and paragraphs 9, 27(1) and (2) and 47(h)(xiii) of Schedule 5 to, the Policing and Crime Act 2017.

(4) Paragraph 28ZA of Schedule 3 to the 2002 Act was inserted by section 16 of, and paragraph 45 of Schedule 5 to, the Policing and Crime Act 2017 and was amended by paragraphs 15 and 56(1), (2) and (20) of Schedule 9 to that Act.

General

66.—(1) Where a matter is dealt with under this Part, regulation 7(2)(b) to (d) does not apply.

(2) Where more than one officer is involved in a matter that has been referred to be dealt with under the reflective practice review process, a joint reflective practice review discussion may take place, provided that individual reflective review development reports are produced.

(3) A participating officer must not be prevented from applying for or obtaining a promotion by reason of the officer's participation in the reflective practice review process.

(4) Any account given by the participating officer under regulation 67(1)(b) or during the reflective practice review discussion held under regulation 69 is not admissible in any subsequent disciplinary proceedings brought against the participating officer, except to the extent that it consists of an admission relating to a matter that has not been referred to be dealt with under the reflective practice review process.

Referral to reflective practice review process

67.—(1) Where a matter is referred to the reflective practice review process, the reviewer must as soon as practicable provide the following to the participating officer—

(a) details of the matter that has been referred and the circumstances that are being considered, and

(b) an invitation to provide an account of the matter that has been referred for review.

(2) The participating officer must provide any account under paragraph (1)(b) within 5 working days beginning with the first working day after the day on which the invitation to do so is received, unless a longer period is agreed with the reviewer.

(3) The reflective practice review process consists of a fact-finding stage and a discussion stage, followed by the production of a reflective review development report.

Fact-finding stage

68.—(1) Enquiries made by the reviewer during the fact-finding stage must be reasonable, proportionate and relevant to the purpose, which is to establish the facts of the matter subject to the review process.

(2) Paragraphs (3) and (4) apply to a matter that has been referred under these Regulations to be dealt with under the reflective practice review process.

(3) If at any time during the fact-finding stage substantial evidence becomes available to the reviewer, which was not available to the appropriate authority when the matter was referred to be dealt with under the reflective practice review process, the reviewer must refer the matter to the appropriate authority for a further assessment under regulation 14.

(4) Where a matter is so referred for a further assessment, unless such further assessment is that the conduct, if proved, would amount to practice requiring improvement, the reflective practice review process must not be continued.

Discussion stage

69.—(1) The reviewer must, following completion of the fact-finding stage, invite the participating officer to attend a reflective practice review discussion.

(2) Such discussion should take place as soon as reasonably practicable.

(3) The discussion must include, in particular—

- (a) a discussion of the practice requiring improvement and related circumstances that have been identified, and
- (b) the identification of key lessons to be learnt by the participating officer, line management or police force concerned, to address the matter and prevent a reoccurrence of the matter.

Reflective review development report

70.—(1) The reviewer must, following completion of the discussion stage, produce a reflective review development report.

(2) A reflective review development report must contain—

- (a) a summary of the issue and any relevant background circumstances;
- (b) a summary of the reflective practice review discussion;
- (c) key actions to be undertaken within a specified time period;
- (d) any lessons identified for the participating officer;
- (e) any lessons identified for the line management or police force concerned;
- (f) a specified period of time for reviewing the report and the actions taken.

(3) The reviewer must send a copy of the report to the appropriate authority.

(4) The appropriate authority must take appropriate action to ensure that any lessons identified for the line management or police force concerned are addressed.

(5) A copy of the report, together with a note of the review of the report and of actions taken, must be retained.

(6) The report and review notes must be discussed as part of the participating officer's performance and development review during the 12 month period following agreement of the report.

Failure to engage with the reflective practice review process

71. If the reviewer considers that the participating officer is failing to engage with the reflective practice review process, the reviewer may refer that failure for assessment by the appropriate authority under regulation 14.