
DRAFT STATUTORY INSTRUMENTS

2011 No.

**The Elected Local Policing Bodies (Complaints
and Misconduct) Regulations 2011**

PART 4

Resolution of Other Complaints

Complaints to which this Part applies

27. This Part applies to a complaint which has been recorded by the police and crime panel unless the complaint—

- (a) is one which has been, or must be, referred to the Commission under regulation 13, and is not for the time being referred back to the panel under regulation 14(2); or
- (b) is one which the panel has decided to handle as permitted by regulation 15(2).

Informal resolution

28.—(1) If a complaint to which this Part applies concerns the conduct of—

- (a) a police and crime commissioner;
- (b) a deputy police and crime commissioner; or
- (c) a holder of the office of Deputy Mayor for Policing and Crime who is not a member of the London Assembly at the time when the complaint is recorded,

the police and crime panel shall make arrangements for the complaint to be subjected to informal resolution.

(2) The informal resolution of any complaint shall be discontinued if—

- (a) the Commission notifies the police and crime panel that it requires the complaint to be referred to the Commission under regulation 13(1)(b); or
- (b) the complaint is so referred otherwise than in pursuance of such a notification.

(3) The arrangements made by a police and crime panel for subjecting a complaint to informal resolution may include the appointment of a sub-committee or a single member of the panel, or (subject to paragraph (4)) a person who is not a member of the panel, to secure the informal resolution of the complaint, and any reference to the panel in paragraphs (6) to (14) shall be read as a reference to the sub-committee or person so appointed.

(4) A police and crime panel shall not appoint a relevant office holder to secure the informal resolution of a complaint under paragraph (3).

(5) In a case where a sub-committee or person is appointed under paragraph (3), the arrangements made by the police and crime panel may include arrangements for the complaint to be remitted at any time to the panel as a whole (whether at the request of the appointed sub-committee or person, the complainant or the person complained against, or otherwise) if the panel is of the opinion that this will lead to a more satisfactory resolution of the complaint.

(6) Regulation 4(1) of the 2004 Regulations shall apply in relation to the informal resolution of a complaint, modified so that it has effect as follows—

“(1) The procedures that are to be available for dealing with a complaint which is to be subjected to informal resolution under Part 4 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2011 are, subject to the provisions of regulation 28 of those Regulations, any procedures which are approved by the Secretary of State in guidance issued under section 22(5) (as modified by regulation 4 of those Regulations).”.

(7) The procedures approved under regulation 4(1) of the 2004 Regulations (as modified by paragraph (6) of this regulation) shall not include investigation of the complaint, but the exercise by the police and crime panel of its powers to require the person complained against to—

- (a) provide the panel with information or documents under section 13(1) or 33(5)(b) of the 2011 Act; or
- (b) attend before the panel to answer questions or give evidence under section 29(1) or 33(5) (a) of the 2011 Act

shall not be regarded as investigation for the purposes of this paragraph.

(8) Where it appears to the police and crime panel that the complaint had in fact already been satisfactorily dealt with at the time it was brought to its notice—

- (a) the panel may, subject to any representation by the complainant, treat it as having been resolved, and
- (b) if the panel does so, paragraphs (9) to (14) shall not apply to it.

(9) The police and crime panel shall as soon as practicable give the complainant and the person complained against an opportunity to comment on the complaint.

(10) Where the person complained against chooses not to comment on the complaint, the police and crime panel shall record this fact in writing.

(11) The police and crime panel shall not, for the purposes of informally resolving a complaint, tender on behalf of the person complained against an apology for his conduct unless the person complained against has admitted the conduct in question and has agreed to the apology.

(12) Where a complaint has been subjected to informal resolution, the police and crime panel shall as soon as practicable make a record of the outcome of the procedure and send a copy of that record to the complainant and the person complained against.

(13) A police and crime panel shall not publish any part of any such record unless the panel—

- (a) has given the complainant and the person complained against the opportunity to make representations in relation to the proposed publication; and
- (b) having considered any such representations, is of the opinion that publication is in the public interest.

(14) A statement made by any person for the purposes of the informal resolution of any complaint shall not be admissible in any subsequent criminal or civil proceedings except to the extent that it consists of an admission relating to a matter that has not been subjected to informal resolution.

Resolution in accordance with Part 3 of the Local Government Act 2000

29.—(1) If a complaint to which this Part applies concerns the conduct of—

- (a) the holder of the Mayor’s Office for Policing and Crime; or
- (b) a holder of the office of Deputy Mayor for Policing and Crime who is a member of the London Assembly at the time when the complaint is recorded,

the police and crime panel shall pass the complaint to the monitoring officer appointed by the Greater London Authority under section 73(1) of the Greater London Authority Act 1999 (“the monitoring officer”).

(2) On receiving a complaint in accordance with paragraph (1), the monitoring officer shall deal with it in accordance with Part 3 of the Local Government Act 2000⁽¹⁾ as if it was a written allegation made under section 57A(1) of that Act.

(3) The monitoring officer shall as soon as practicable inform the police and crime panel of the outcome of the complaint.

⁽¹⁾ 2000 c. 22. Section 57A was inserted by the Local Government and Public Involvement in Health Act 2007 (c. 28).