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DRAFT STATUTORY INSTRUMENTS

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**2023 No.**

**The Service Police (Complaints etc.) Regulations 2023**

**PART 4**

**Super-complaints**

**CHAPTER 2**

**Power to make super-complaints**

**Power to make super-complaints**

**88.**—(1) A body designated by the Secretary of State in accordance with this Part may make a super-complaint to the Chief Inspector that a feature, or combination of features, of policing by one or more than one relevant body<sup>(1)</sup> is, or appears to be, significantly harming the interests of the public.

(2) The Secretary of State may make or revoke such a designation if the Secretary of State considers it appropriate to do so.

(3) The Secretary of State must, in deciding whether to act under paragraph (2), apply the criteria specified in regulation 89, or the criterion specified in regulation 90, as the case may be.

(4) The Secretary of State must publish, in such manner as the Secretary of State considers appropriate, the name of each body designated and the revocation of any such designation.

**Criteria for the making of designations**

**89.** The following criteria must be applied by the Secretary of State in deciding whether to make a designation—

- (a) that the body is competent in, and has considerable experience of, representing the interests of the public;
- (b) that the body would represent the interests of the public effectively in its role as a designated body and, in particular, would work to improve policing;
- (c) that the composition of the body and the arrangements for its governance and accountability are such that it can be relied upon to act independently and with integrity in its role as a designated body;
- (d) that the body has the capability necessary to carry out its role as a designated body effectively;
- (e) that the body has made arrangements for the appropriate storage and handling of data that it may obtain in its role as a designated body;
- (f) that the body can be relied upon to have regard to any guidance in relation to the making of super-complaints under regulation 88(1) which is given to designated bodies by the Chief Inspector;

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<sup>(1)</sup> See section 340R(2) of the 2006 Act for the meaning of “relevant body”.

- (g) that the body is not—
  - (i) a trade union; or
  - (ii) an association (other than a trade union) which represents the interests of members of a service police force;
- (h) that the body would—
  - (i) collaborate effectively with bodies which are not designated bodies but which are, or may be, aware of matters which could form the basis of a super-complaint; and
  - (ii) where appropriate, make a super-complaint on the basis of matters raised with it by such bodies.

### **Criterion for the revocation of designations**

**90.** The criterion specified for the revocation of a designation is that one or more of the following sets of circumstances apply in relation to the body—

- (a) it is failing to represent the interests of the public effectively in its role as a designated body;
- (b) it is failing to act independently and with integrity in that role;
- (c) it no longer has the capability necessary to carry out that role;
- (d) it no longer has effective arrangements for the appropriate storage and handling of data that it may obtain in its role as a designated body;
- (e) it is failing to have regard to guidance in relation to the making of super-complaints under regulation 88(1) which is given to designated bodies by the Chief Inspector;
- (f) it has become—
  - (i) a trade union; or
  - (ii) an association (other than a trade union) which represents the interests of members of a service police force;
- (g) it is—
  - (i) failing to collaborate effectively with bodies which are not designated bodies but which are, or may be, aware of matters which could form the basis of a super-complaint; or
  - (ii) failing to make super-complaints in appropriate cases on the basis of matters raised with it by such bodies.

### **Guidance about super-complaints**

**91.**—(1) The Chief Inspector may give guidance in relation to the making of super-complaints, to bodies designated by the Secretary of State in accordance with this Part.

(2) The Chief Inspector may revise any guidance given under paragraph (1).

### **Requirements for making super-complaints**

**92.**—(1) A super-complaint must be in writing.

(2) A super-complaint must—

- (a) set out the feature, or combination of features, of policing to which it relates;
- (b) explain why the designated body making the complaint, is of the opinion that the feature, or combination of features, is or appears to be significantly harming the interests of the public; and

- (c) include the evidence relied upon by that designated body to support that opinion.
- (3) A super-complaint must give the name of an individual representing the designated body making the complaint, who may be contacted about the super-complaint.