
DRAFT STATUTORY INSTRUMENTS

2023 No.

The Service Police (Complaints etc.) Regulations 2023

PART 4

Super-complaints

CHAPTER 3

Duties in respect of super-complaints

Duty to acknowledge receipt

93. The Chief Inspector must acknowledge receipt of a super-complaint before the end of the period of 5 working days beginning with the day on which the super-complaint is received or, if that day is not a working day, beginning with the first working day after that day.

Duty to determine eligibility for consideration

94.—(1) Where a super-complaint is received by the Chief Inspector, the Chief Inspector and the Commissioner must decide whether it is eligible for consideration.

(2) Subject to paragraphs (3) and (4), a super-complaint is eligible for consideration if it complies with the requirements of regulation 92.

(3) A super-complaint that merely repeats the substance of a super-complaint that is being investigated is not eligible for consideration.

(4) A super-complaint that merely repeats the substance of a super-complaint that has already been investigated is not eligible for consideration unless there has been a material change of circumstances since the previous super-complaint was made.

(5) If the Chief Inspector and the Commissioner decide that a super-complaint is eligible for consideration, the Chief Inspector must inform the designated body making the super-complaint, in writing that—

- (a) the super-complaint will be investigated; and
- (b) that designated body will be provided with progress reports on the investigation of the super-complaint.

(6) Where the Chief Inspector and the Commissioner are unable to agree on whether a super-complaint is eligible for consideration, the decision whether the super-complaint is eligible for consideration is to be made by the Chief Inspector.

(7) If the Chief Inspector and the Commissioner decide that the super-complaint is not eligible for consideration, the Chief Inspector must inform the designated body making the complaint in writing of that decision and the reasons for it.

Duty to provide progress reports

95.—(1) Where the designated body making the complaint has been informed that a super-complaint will be investigated, the Chief Inspector must, before the end of each relevant period, send that designated body a written progress report.

(2) Subject to paragraph (3), the progress report must include the following information—

- (a) an explanation of the steps the Chief Inspector and the Commissioner have taken in relation to the investigation (so far as they have not been explained in a previous written progress report sent to that designated body);
- (b) an explanation of the steps they propose to take in relation to the investigation before the end of the next relevant period in relation to the investigation.

(3) The Chief Inspector may exclude information from the progress report if the Chief Inspector considers that its inclusion—

- (a) would be contrary to the interests of national security; or
- (b) might jeopardise the safety of any person.

(4) For the purposes of this regulation, each of the following is a “relevant period”—

- (a) the period of 56 working days beginning with the day on which the Chief Inspector informs the designated body making the complaint that the super-complaint will be investigated;
- (b) each subsequent period of 56 working days beginning with the first working day after the end of the preceding relevant period.

Duty to report on outcome of investigation

96.—(1) When the Chief Inspector and the Commissioner have concluded an investigation of a super-complaint, they must make a report—

- (a) describing the steps they have taken to investigate the super-complaint;
- (b) setting out their conclusions and the reasons for them;
- (c) describing any further action they (or one of them) propose to take; and
- (d) making such recommendations to any other person as they consider appropriate.

(2) The Chief Inspector must—

- (a) send the report to the designated body making the complaint; and
- (b) publish it in such form and manner as the Chief Inspector considers appropriate.

(3) The Chief Inspector may exclude information from the report sent to that designated body and published under paragraph (2) if the Chief Inspector considers that its inclusion—

- (a) would be contrary to the interests of national security; or
- (b) might jeopardise the safety of any person.

(4) Where the Chief Inspector and the Commissioner are unable to agree on the contents of a report, the Chief Inspector and the Commissioner must each include in the report their opinion on the matters on which there is disagreement.