
DRAFT STATUTORY INSTRUMENTS

2023 No.

The Service Police (Complaints etc.) Regulations 2023

PART 3

Complaints etc.

CHAPTER 2

Handling of complaints

Reviews relating to complaints dealt with other than by investigation

18.—(1) This regulation applies where a complaint is handled by the appropriate authority in accordance with regulation 17(3) otherwise than by the authority making arrangements for the complaint to be investigated by the authority on its own behalf.

(2) The complainant has the right to apply to the relevant review body for a review of the outcome of the complaint.

(3) The relevant review body must notify the following of an application for a review under paragraph (2)—

- (a) the appropriate authority;
- (b) every person entitled to be kept properly informed in relation to the complaint under regulation 78; and
- (c) the person complained against (if any).

(4) On a review applied for under paragraph (2), the relevant review body must determine whether the outcome is a reasonable and proportionate outcome.

(5) Where the Commissioner is the relevant review body and the Commissioner finds that the outcome is not a reasonable and proportionate outcome, the Commissioner may—

- (a) determine that it is necessary for the complaint to be investigated;
- (b) make a recommendation under regulation 68.

(6) Where the Defence Council or a Board is the relevant review body and it finds that the outcome is not a reasonable and proportionate outcome, it may—

- (a) where the complaint has not previously been referred to the Commissioner under regulation 13, make a recommendation to the appropriate authority that it refer the complaint to the Commissioner under paragraph (2) of that regulation;
- (b) make a recommendation to the appropriate authority that it make arrangements for the complaint to be investigated by the authority on its own behalf;
- (c) make a recommendation under regulation 68.

(7) Where the Defence Council or a Board makes a recommendation under paragraph (6)(a) or (b)—

- (a) the Provost Marshal to whom the recommendation is made must—

- (i) provide a written response to the body making the recommendation stating—
 - (aa) whether the Provost Marshal accepts the recommendation;
 - (bb) if the recommendation is accepted, the steps the Provost Marshal is proposing to take to give effect to the recommendation;
 - (cc) if the recommendation is not accepted, the reasons why the Provost Marshal does not accept it;
- (ii) subject to sub-paragraph (b)(i), provide the response before the end of the period of 28 days starting with the day after the day on which the recommendation was made;
- (b) the body making the recommendation—
 - (i) may extend the period mentioned in sub-paragraph (a)(ii) and if the body does so, the Provost Marshal to whom the recommendation is made must provide the response before the end of the extended period;
 - (ii) must send a copy of the recommendation and the response to it to—
 - (aa) the complainant concerned;
 - (bb) any interested person; and
 - (cc) except in a case where it appears to the body making the recommendation that to do so might prejudice any investigation, the person complained against (if any).
- (8) The relevant review body must give notification of the outcome of a review under this regulation and of its reasons for the determination made under paragraph (4) to—
 - (a) the appropriate authority;
 - (b) the complainant concerned;
 - (c) every person entitled to be kept properly informed in relation to the complaint under regulation 78; and
 - (d) except in a case where it appears to the relevant review body that to do so might prejudice any investigation of the complaint, the person complained against (if any).
- (9) In this regulation, references to the outcome of a complaint do not include the outcome of any disciplinary or criminal proceedings or administrative action procedures brought in relation to any matter which was the subject of the complaint.
- (10) In this regulation, “complainant concerned” means the complainant who applied for review under paragraph (2).