

Status: Point in time view as at 01/12/2007. This version of this provision is not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, Paragraph 19B. (See end of Document for details)

SCHEDULES

SCHEDULE 3

HANDLING OF COMPLAINTS AND CONDUCT MATTERS ETC.

PART 3

INVESTIGATIONS AND SUBSEQUENT PROCEEDINGS

VALID FROM 03/11/2008

Assessment of seriousness of conduct under investigation

- [^{F1}19B(1) If, during the course of an investigation of a complaint, it appears to the person investigating that there is an indication that a person to whose conduct the investigation relates may have—
- (a) committed a criminal offence, or
 - (b) behaved in a manner which would justify the bringing of disciplinary proceedings,
- the person investigating must certify the investigation as one subject to special requirements.
- (2) If the person investigating a complaint certifies the investigation as one subject to special requirements, the person must, as soon as is reasonably practicable after doing so, make a severity assessment in relation to the conduct of the person concerned to which the investigation relates.
 - (3) The person investigating a recordable conduct matter must make a severity assessment in relation to the conduct to which the investigation relates—
 - (a) as soon as is reasonably practicable after his appointment or designation, or
 - (b) in the case of a matter recorded in accordance with paragraph 21A(5) or 24B(2), as soon as is reasonably practicable after it is so recorded.
 - (4) For the purposes of this paragraph a “severity assessment”, in relation to conduct, means an assessment as to—
 - (a) whether the conduct, if proved, would amount to misconduct or gross misconduct, and
 - (b) if the conduct were to become the subject of disciplinary proceedings, the form which those proceedings would be likely to take.
 - (5) An assessment under this paragraph may only be made after consultation with the appropriate authority.

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- (6) On completing an assessment under this paragraph, the person investigating the complaint or matter must give a notification to the person concerned that complies with sub-paragraph (7).
- (7) The notification must—
- (a) give the prescribed information about the results of the assessment;
 - (b) give the prescribed information about the effect of paragraph 19C and of regulations under paragraph 19D;
 - (c) set out the prescribed time limits for providing the person investigating the complaint or matter with relevant statements and relevant documents respectively for the purposes of paragraph 19C(2);
 - (d) give such other information as may be prescribed.
- (8) Sub-paragraph (6) does not apply for so long as the person investigating the complaint or matter considers that giving the notification might prejudice—
- (a) the investigation, or
 - (b) any other investigation (including, in particular, a criminal investigation).
- (9) Where the person investigating a complaint or matter has made a severity assessment and considers it appropriate to do so, the person may revise the assessment.
- (10) On revising a severity assessment, the person investigating the complaint or matter must notify the prescribed information about the revised assessment to the person concerned.
- (11) In this paragraph and paragraphs 19C to 19E—
- “the person concerned”—
- (a) in relation to an investigation of a complaint, means the person in respect of whom it appears to the person investigating that there is the indication mentioned in paragraph 19B(1);
 - (b) in relation to an investigation of a recordable conduct matter, means the person to whose conduct the investigation relates;
- “relevant document”—
- (a) means a document relating to any complaint or matter under investigation, and
 - (b) includes such a document containing suggestions as to lines of inquiry to be pursued or witnesses to be interviewed;
- “relevant statement” means an oral or written statement relating to any complaint or matter under investigation.]

Textual Amendments

- F1** Sch. 3 paras. 19A-19E inserted (3.11.2008 for the purpose of making regulations and 1.12.2008 otherwise) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 127, 153, [Sch. 23 para. 5](#) (with s. 14(1)); S.I. 2008/2712, [art. 2](#), Sch. para. 17(b) (subject to arts. 3, 4); S.I. 2008/2993, [art. 2\(1\)\(i\)\(ii\)](#) (with [art. 3](#))

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