



Police Reform Act 2002

2002 CHAPTER 30

PART 2

COMPLAINTS AND MISCONDUCT

Co-operation, assistance and information

20 Duty to keep the complainant informed

(1) In any case in which there is an investigation of a complaint in accordance with the provisions of Schedule 3—

- (a) by the [^{F1}Director General], or
- (b) under [^{F2}the Director General's][^{F3}direction],

it shall be the duty of the [^{F1}Director General] to provide the complainant with all such information as will keep him properly informed, while the investigation is being carried out and subsequently, of all the matters mentioned in subsection (4).

(2) In any case in which there is an investigation of a complaint in accordance with the provisions of Schedule 3—

- (a) by the appropriate authority on its own behalf, ^{F4}...
- ^{F5}(b)

it shall be the duty of the appropriate authority to provide the complainant with all such information as will keep him properly informed, while the investigation is being carried out and subsequently, of all the matters mentioned in subsection (4).

(3) Where subsection (2) applies, it shall be the duty of the [^{F1}Director General] to give the appropriate authority all such directions as [^{F6}the Director General] considers appropriate for securing that that authority complies with its duty under that subsection; and it shall be the duty of the appropriate authority to comply with any direction given to it under this subsection.

[^{F7}(3A) In any case in which a complaint is being handled—

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- (a) in accordance with paragraph 6(2A) of Schedule 3 otherwise than by the appropriate authority making arrangements for the complaint to be investigated by the authority on its own behalf, or
- (b) otherwise than in accordance with Schedule 3 (as to which see paragraph 2(6C) of that Schedule),

it shall be the duty of the appropriate authority to provide the complainant with all such information as will keep him properly informed, while the complaint is being handled and subsequently, of all the matters mentioned in subsection (4).]

- [^{F8}(4) The matters of which the complainant must be kept properly informed are—
- (a) the progress of the handling of the complaint;
 - (b) the outcome of the handling of the complaint;
 - (c) any right to apply for a review conferred on the complainant by paragraph 6A or 25 of Schedule 3 (as the case may be);
 - (d) such other matters as may be specified in regulations made by the Secretary of State.
- (4A) The generality of subsection (4)(a) and (b) is not affected by any requirement to notify the complainant that is imposed by any other provision of this Part.]
- (5) The duties imposed by this section on the [^{F1}Director General] and the appropriate authority in relation to any complaint shall be performed in such manner, and shall have effect subject to such exceptions, as may be provided for by regulations made by the Secretary of State.
- (6) The Secretary of State shall not by regulations provide for any exceptions from the duties imposed by this section except so far as he considers it necessary to do so for the purpose of—
- (a) preventing the premature or inappropriate disclosure of information that is relevant to, or may be used in, any actual or prospective criminal proceedings;
 - (b) preventing the disclosure of information in any circumstances in which it has been determined in accordance with the regulations that its non-disclosure—
 - (i) is in the interests of national security;
 - (ii) is for the purposes of the prevention or detection of crime, or the apprehension or prosecution of offenders;
 - (iii) is required on proportionality grounds; or
 - (iv) is otherwise necessary in the public interest.
- (7) The non-disclosure of information is required on proportionality grounds if its disclosure would cause, directly or indirectly, an adverse effect which would be disproportionate to the benefits arising from its disclosure.
- (8) Regulations under this section may include provision framed by reference to the opinion of, or a determination by, the [^{F1}Director General] or any [^{F9}local policing body] or chief officer.
- [^{F10}(8A) In any case in which there is an investigation of a complaint, the [^{F1}Director General] or the appropriate authority may comply with [^{F11}their] duty under subsection (1) or (2) (as the case may be) so far as relating to the findings of a report submitted [^{F12}(or finalised)] under provision made by virtue of paragraph 20A(4)(b) of Schedule 3, or a report of the investigation submitted [^{F13}(or completed)] under paragraph 22 of Schedule 3, by sending the complainant a copy of the report.

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- (8B) Subsection (8A) applies notwithstanding any obligation of secrecy imposed by any rule of law or otherwise but is subject to—
- (a) regulations made under subsection (5), and
 - (b) section 21A.]
- (9) It shall be the duty of a person appointed to carry out an investigation under this Part [F14, or who is otherwise involved in the handling of a complaint under this Part.] to provide the [F1Director General] or, as the case may be, the appropriate authority with all such information as the [F1Director General] or that authority may reasonably require for the purpose of performing [F15their] duty under this section.

Textual Amendments

- F1** Words in s. 20 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 26\(2\)](#); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))
- F2** Words in s. 20(1)(b) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 26\(3\)](#); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))
- F3** Word in s. 20(1)(b) substituted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 47\(c\)\(i\)](#)
- F4** Word in s. 20(2)(a) omitted (31.1.2017 for specified purposes) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 47\(c\)\(ii\)](#)
- F5** S. 20(2)(b) omitted (31.1.2017 for specified purposes) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 47\(c\)\(ii\)](#)
- F6** Words in s. 20(3) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 26\(4\)](#); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))
- F7** S. 20(3A) inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 15\(2\)](#), 183(1)(5)(e)
- F8** S. 20(4)(4A) substituted for s. 20(4) (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 15\(3\)](#), 183(1)(5)(e)
- F9** Words in s. 20(8) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 286](#); S.I. 2011/3019, art. 3, Sch. 1
- F10** S. 20(8A)(8B) inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 15\(4\)](#), 183(1)(5)(e)
- F11** Word in s. 20(8A) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 26\(5\)\(a\)](#); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))
- F12** Words in s. 20(8A) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 26\(5\)\(b\)](#); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))
- F13** Words in s. 20(8A) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 26\(5\)\(c\)](#); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))
- F14** Words in s. 20(9) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 15\(5\)](#), 183(1)(5)(e); S.I. 2020/5, [reg. 2\(c\)](#) (with art. 3(1)(2)(4))
- F15** Word in s. 20(9) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 26\(6\)](#); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))

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Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, Section 20. (See end of Document for details)

Modifications etc. (not altering text)

- C1** Pt. 2 applied (with modifications) (22.11.2012) by [The Police \(Complaints and Misconduct\) Regulations 2012 \(S.I. 2012/1204\)](#), regs. 1(1), **35(1)** (with reg. 35(2))
- C2** Pt. 2 applied (with modifications) (22.11.2012) by [The Police \(Complaints and Misconduct\) Regulations 2012 \(S.I. 2012/1204\)](#), regs. 1(1), **27**
- C3** S. 20 applied (with modifications) (28.12.2005) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), **reg. 3(2)(6)**, Sch. 1

Commencement Information

- I1** S. 20 wholly in force at 1.4.2004; s. 20 not in force at Royal Assent, see s. 108(2); s. 20(5)-(8) in force for certain purposes at 1.10.2002 by [S.I. 2002/2306](#), **art. 4(b)**; s. 20 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), **art. 2(a)**

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