
STATUTORY INSTRUMENTS

2015 No. 431

**The Independent Police Complaints Commission
(Complaints and Misconduct) (Contractors) Regulations 2015**

PART 1

Introductory

Citation, commencement and extent

1. These Regulations may be cited as the Independent Police Complaints Commission (Complaints and Misconduct) (Contractors) Regulations 2015 and come into force on 8th April 2015.

Interpretation

2. In these Regulations—

“1984 Act” means the Police and Criminal Evidence Act 1984(1);

“the 2002 Act” means the Police Reform Act 2002;

“the 2014 Act” means the Anti-social Behaviour, Crime and Policing Act 2014(2);

“the 2012 Regulations” means the Police (Complaints and Misconduct) Regulations 2012(3);

“the 2013 Regulations” means the Police (Complaints and Conduct) Regulations 2013(4);

“appropriate authority” means the chief officer—

(a) in relation to a contractor or in relation to any complaint, conduct matter or investigation relating to the conduct of such a person; and

(b) in relation to a death or serious injury (DSI) matter if the relevant officer is a contractor;

“bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(5) in England and Wales;

“Code B” means the code of practice issued under section 66(1)(c) and (d) of the 1984 Act(6);

“Code C” means the code of practice issued under section 66(1)(b) of the 1984 Act;

“complainant” shall be construed in accordance with regulation 8(2);

“complaint” has the same meaning as in regulation 8;

“conduct matter” has the same meaning as in regulation 8;

“contractor” means a person who is—

(1) 1984 c. 60.

(2) 2014 c. 12.

(3) S.I. 2012/1204 as amended by S.I. 2014/2406.

(4) S.I. 2013/281.

(5) 1971 c. 80.

(6) Section 66 was amended by section 57(1) and (4) of the Criminal Justice and Court Services Act 2000 (c. 43). There are other amendments which are not relevant to the provision made by these Regulations.

- (a) a contractor in accordance with section 12(10) of the 2002 Act,
- (b) a sub-contractor of a person falling within (a), or
- (c) an employee of a person falling within (a) or (b);

“contractor friend” means a person chosen by the person concerned in accordance with regulation 58;

“contractor manager” means—

- (a) the person who has responsibility for the management of the provision of the services to a chief officer, or
- (b) the person—
 - (i) who has direct management responsibility for the person in relation to whom there is a complaint, conduct matter or DSI matter, and
 - (ii) who in the opinion of the chief officer has sufficient seniority, skills and experience to carry out this function;

“contractor standards” means the behaviours and standards in accordance with which a contractor is required to comply under the contractor’s conduct and performance policies;

“death or serious injury matter” or “DSI matter” has the same meaning as in regulation 8;

“disciplinary proceedings” in relation to the contractor means any proceedings or management process in accordance with which the conduct of a person is considered in order to determine whether it is misconduct or gross misconduct and if so whether, as a result, any action is to be taken in relation to it;

“HMIC” means Her Majesty’s Inspectors of Constabulary;

“investigator” means a person appointed or designated to investigate under regulations 42 to 45;

“person concerned” has the meaning in regulation 54;

“recordable conduct matter” means a conduct matter that is required to be recorded by the appropriate authority under regulation 29 or 30 or has been so recorded;

“relevant appeal body” means a body within the meaning of regulation 91(1);

“relevant offence” means—

- (a) an offence for which the sentence is fixed by law; or
- (b) an offence for which a person of 18 years or over (not previously convicted) may be sentenced to imprisonment for a term of seven years (or might be so sentenced but for the restrictions imposed by section 33 of the Magistrates’ Courts Act 1980(7));

“relevant officer”, in relation to a DSI matter, means the contractor—

- (a) who arrested the person who has died or suffered serious injury;
- (b) in whose custody that person was at the time of the death or serious injury; or
- (c) with whom that person had the contact in question,

and where there is more than one such person it means the one who so dealt with the person who died or suffered serious injury last before the death or serious injury occurred (but where it cannot be determined which of the employees of the contractor dealt with a person last before a death or serious injury occurred, the most senior of them);

“senior officer” means a member of a police force holding a rank above that of chief superintendent;

“trade union” has the same meaning as in sections 1 and 119 of the Trade Union and Labour Relations (Consolidation) Act 1992(8);

“unsatisfactory performance proceedings” means any proceedings or management process in accordance with which the performance of the contractor is considered in order to determine whether it is unsatisfactory or whether, as a result, any action is to be taken in relation to it;

“working day” means any day other than a Saturday or Sunday or a day which is a bank holiday or public holiday in England and Wales.

Saving and transitional provisions

3.—(1) Subject to paragraphs (2) and (3), regulation 35 of the 2012 Regulations is omitted.

(2) Notwithstanding the omission of regulation 35 of the 2012 Regulations—

(a) regulation 35 as in force immediately before the coming into force of these Regulations continues to have effect—

(i) to a matter in respect of which section 39(9) to (11) of the 2002 Act continues to apply;

(ii) to a matter which came to the attention of the preceding appropriate authority before 8th April 2015; and

(b) nothing in these Regulations shall apply to a matter to which sub-paragraph (a) applies.

(3) In this regulation, “preceding appropriate authority” is the appropriate authority for the purposes of a matter in relation to which regulation 35 of the 2012 Regulations has effect.

Application: general

4.—(1) For the purposes of Part 2 of the 2002 Act and the Regulations listed in paragraph (2) a contractor is to be treated as a person serving with the police.

(2) The Regulations are—

(a) the 2012 Regulations; and

(b) the 2013 Regulations.

(3) But in the application of Part 2 of the 2002 Act and the Regulations listed in paragraph (2) to contractors, Part 2 and those Regulations are to be modified, and therefore the provisions in Part 2 and the regulations listed in paragraph (2) specified in the first column of the table in the Schedule are to be read as having effect as set out in the provisions of these Regulations specified in the second column of the table in the Schedule opposite the respective entries.

Delegation of functions to the contractor manager

5. In relation to a contractor, the chief officer may arrange for the contractor manager to carry out the functions of the appropriate authority.