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STATUTORY INSTRUMENTS

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**2017 No. 521**

**The Gangmasters and Labour Abuse Authority  
(Complaints and Misconduct) Regulations 2017**

**PART 7**

**REPORTS AND RECOMMENDATIONS**

**Final reports on investigations: complaints and conduct matters**

- 68.**—(1) This regulation applies on the completion of an investigation of—
- (a) a complaint; or
  - (b) a conduct matter (including a matter that was formerly a DSI matter but has been recorded as a conduct matter in pursuance of regulation 67(5)).
- (2) A person appointed under regulation 41 (investigations by the Chief Executive on the Chief Executive's own behalf) must submit a report on that person's investigation to the Chief Executive.
- (3) A person appointed under regulation 42 (investigations supervised by the Commission) or 43 (investigations managed by the Commission) must—
- (a) submit a report on that investigation to the Commission; and
  - (b) send a copy of that report to the Chief Executive.
- (4) A person designated under regulation 44 (investigations by the Commission itself) as the person in charge of an investigation by the Commission itself must submit a report on it to the Commission.
- (5) A person submitting a report under this regulation is not prevented by any obligation of secrecy imposed by any rule of law or otherwise from including all such matters in that person's report as that person thinks fit.
- (6) For the purposes of a report on an investigation to which regulation 54 (special procedure cases) applies, on completion of the investigation the report must—
- (a) provide an accurate summary of the evidence;
  - (b) attach or refer to any relevant documents; and
  - (c) indicate the opinion of the person investigating as to whether there is a case to answer in respect of misconduct or gross misconduct or whether there is no case to answer.
- (7) A person who has submitted a report under this regulation on an investigation to which regulation 54 applies must supply the Chief Executive with such copies of further documents or other items in that person's possession as the Chief Executive may request.
- (8) The Chief Executive may only make a request in respect of a copy of a document or other item if the Chief Executive—
- (a) considers that the document or item is of relevance to the investigation; and
  - (b) requires a copy of the document or the item for either or both of the purposes mentioned in paragraph (9).

(9) Those purposes are—

- (a) complying with any obligation which the Chief Executive has in respect of any disciplinary proceedings in relation to any person to whose conduct the investigation related;
- (b) ensuring that any such person receives a fair hearing at any disciplinary proceedings in respect of any such conduct of that person.

**Action by the Commission in response to an investigation report under regulation 68**

**69.**—(1) This regulation applies where—

- (a) a report on an investigation carried out under the management of the Commission is submitted to it under paragraph (3) of regulation 68; or
- (b) a report on an investigation carried out by a person designated by the Commission is submitted to it under paragraph (4) of that regulation.

(2) On receipt of the report, the Commission must—

- (a) if it appears that the Chief Executive has not already been sent a copy of the report, send a copy of the report to the Chief Executive;
- (b) determine whether the conditions set out in paragraphs (3) and (4) are satisfied in respect of the report;
- (c) if it determines that those conditions are so satisfied, notify the Director of Public Prosecutions of the determination and send the Director a copy of the report; and
- (d) notify the Chief Executive and the persons mentioned in paragraph (7) of its determination under paragraph (b) and of any action taken by it under paragraph (c).

(3) The first condition is that the report indicates that a criminal offence may have been committed by a person to whose conduct the investigation related.

(4) The second condition is that the circumstances are such that, in the opinion of the Commission, it is appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions.

(5) The Director of Public Prosecutions must notify the Commission of any decision of the Director to take, or not to take, action in respect of the matters dealt with in any report a copy of which has been sent to the Director under paragraph (2)(c).

(6) The Commission must notify the persons mentioned in paragraph (7) if criminal proceedings are brought against any person by the Director of Public Prosecutions in respect of any matters dealt with in a report copied to the Director under paragraph (2)(c).

(7) The persons are—

- (a) in the case of a complaint, the complainant and every person entitled to be kept properly informed in relation to the complaint under regulation 14 (duty to provide information for other persons); and
- (b) in the case of a recordable conduct matter, every person entitled to be kept properly informed in relation to that matter under that regulation.

(8) On receipt of the report, the Commission must also notify the Chief Executive that the Chief Executive must determine—

- (a) whether any person to whose conduct the investigation related has a case to answer in respect of misconduct or gross misconduct or has no case to answer;
- (b) whether or not any such person's performance is unsatisfactory;
- (c) what action (if any) the Chief Executive is required to, or will in the Chief Executive's discretion, take in respect of the matters dealt with in the report; and

- (d) what other action (if any) the Chief Executive will in the Chief Executive's discretion take in respect of those matters.
- (9) On receipt of a notification under paragraph (8) the Chief Executive must make those determinations and submit a memorandum to the Commission which—
  - (a) sets out the determinations the Chief Executive has made; and
  - (b) if the Chief Executive has decided in relation to any person whose conduct is the subject matter of the report that disciplinary proceedings or unsatisfactory performance proceedings should not be brought against that person, sets out the Chief Executive's reasons for so deciding.
- (10) On receipt of a memorandum under paragraph (9), the Commission must—
  - (a) consider the memorandum and whether the Chief Executive has made the determinations under paragraph (8) that the Commission considers appropriate in respect of the matters dealt with in the report;
  - (b) determine, in the light of its consideration of those matters, whether or not to make recommendations under regulation 75 (duties with respect to disciplinary proceedings etc.); and
  - (c) make such recommendations (if any) under that regulation as it thinks fit.
- (11) On the making of a determination under paragraph (10)(b) the Commission must give a notification—
  - (a) in the case of a complaint, to the complainant and to every person entitled to be kept properly informed in relation to the complaint under regulation 14; and
  - (b) in the case of a recordable conduct matter, to every person entitled to be kept properly informed in relation to that matter under that regulation.
- (12) The notification required by paragraph (11) is one setting out—
  - (a) the findings of the report;
  - (b) the Commission's determination under paragraph (10)(b); and
  - (c) the action which the Chief Executive is to be recommended to take as a consequence of the determination.
- (13) Regulation 16 (exceptions to the duty to keep the complainant informed and to provide information for other persons) has effect in relation to the duties imposed on the Commission by paragraph (11) of this regulation as it has effect in relation to the duties imposed on the Commission by regulations 13 and 14.
- (14) Subject to regulation 16, the Commission is entitled (notwithstanding any obligation of secrecy imposed by any rule of law or otherwise) to discharge the duty to give a person mentioned in paragraph (11) notification of the findings of the report by sending that person a copy of the report.

**Action by the Chief Executive in response to an investigation report under regulation 68**

- 70.**—(1) This regulation applies where—
  - (a) a report of an investigation is submitted to the Chief Executive in accordance with regulation 68(2); or
  - (b) a copy of a report of an investigation carried out under the supervision of the Commission is sent to the Chief Executive in accordance with regulation 68(3).
- (2) On receipt of the report or (as the case may be) the copy, the Chief Executive must—
  - (a) determine whether the conditions set out in paragraphs (3) and (4) are satisfied in respect of the report;

- (b) if the Chief Executive determines that those conditions are so satisfied, notify the Director of Public Prosecutions of the determination and send the Director a copy of the report; and
  - (c) notify the persons mentioned in paragraph (5) of the Chief Executive's determination under paragraph (a) and of any action taken by the Chief Executive under paragraph (b).
- (3) The first condition is that the report indicates that a criminal offence may have been committed by a person to whose conduct the investigation related.
- (4) The second condition is that the circumstances are such that, in the opinion of the Chief Executive, it is appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions.
- (5) The persons are—
- (a) in the case of a complaint, the complainant and every person entitled to be kept properly informed in relation to the complaint under regulation 14 (duty to provide information for other persons); and
  - (b) in the case of a recordable conduct matter, every person entitled to be kept properly informed in relation to that matter under that regulation.
- (6) In the case of a report falling within paragraph (1)(b) which relates to a recordable conduct matter, the Chief Executive must also notify the Commission of the Chief Executive's determination under paragraph (2)(a).
- (7) On receipt of a notification that the Chief Executive has determined that the conditions in paragraph (3) and (4) are not satisfied in respect of the report, the Commission must—
- (a) make its own determination as to whether those conditions are so satisfied; and
  - (b) if it determines that they are so satisfied, direct the Chief Executive to notify the Director of Public Prosecutions of the Commission's determination and send the Director a copy of the report.
- (8) The Chief Executive must comply with any direction given to the Chief Executive under paragraph (7).
- (9) The Director of Public Prosecutions must notify the Chief Executive of any decision of the Director to take, or not to take, action in respect of the matters dealt with in any report a copy of which has been sent to the Director under paragraph (2)(b) or following a direction by the Commission under paragraph (7).
- (10) The Chief Executive must notify the persons mentioned in paragraph (5) if criminal proceedings are brought against any person by the Director of Public Prosecutions in respect of any matters dealt with in a report copied to the Director under paragraph (2)(b) or following a direction by the Commission under paragraph (7).
- (11) On receipt of the report or (as the case may be) of the copy, the Chief Executive must note the contents of the report and determine—
- (a) whether any person to whose conduct the investigation related has a case to answer, or has no case to answer, in respect of misconduct or gross misconduct;
  - (b) whether or not any such person's performance is unsatisfactory;
  - (c) what action (if any) the Chief Executive is required to, or will in the Chief Executive's discretion, take in respect of the matters dealt with in the report; and
  - (d) what other action (if any) the Chief Executive will in the Chief Executive's discretion take in respect of those matters.
- (12) On the making of the determinations under paragraph (11) the Chief Executive must give a notification—

- (a) in the case of a complaint, to the complainant and to every person entitled to be kept properly informed in relation to the complaint under regulation 14; and
  - (b) in the case of a recordable conduct matter, to every person entitled to be kept properly informed in relation to that matter under that regulation.
- (13) The notification required by paragraph (12) is one setting out—
- (a) the findings of the report;
  - (b) the determinations the Chief Executive has made under paragraph (11); and
  - (c) the complainant’s right of appeal under regulation 73 (appeals with respect to an investigation).

(14) Regulation 16 (exceptions to the duty to keep the complainant informed and to provide information for other persons) has effect in relation to the duties imposed on the Chief Executive by paragraph (12) of this regulation as it has effect in relation to the duties imposed on the Chief Executive by regulations 13 and 14.

(15) Subject to regulation 16, the Chief Executive is entitled (notwithstanding any obligation of secrecy imposed by any rule of law or otherwise) to discharge the duty to give a person mentioned in paragraph (12) notification of the findings of the report by sending that person a copy of the report.

#### **Final reports on investigations: DSI matters**

**71.**—(1) This regulation applies on the completion of an investigation of a DSI matter in respect of which neither the Commission nor the Chief Executive has made a determination under regulation 67(2) or (4) (procedure where a conduct matter is revealed during investigation of a DSI matter).

- (2) The person investigating must—
- (a) submit a report on the investigation to the Commission; and
  - (b) send a copy of that report to the Chief Executive.

(3) A person submitting a report under this regulation is not prevented by any obligation of secrecy imposed by any rule of law or otherwise from including all such matters in the report as that person thinks fit.

- (4) On receipt of the report, the Commission must determine whether the report indicates that a LAPO may have—
- (a) committed a criminal offence; or
  - (b) behaved in a manner which would justify the bringing of disciplinary proceedings.

#### **Action by the Commission in response to an investigation report under regulation 71**

**72.**—(1) If the Commission determines under regulation 71(4) that the report indicates that a LAPO may have—

- (a) committed a criminal offence; or
- (b) behaved in a manner which would justify the bringing of disciplinary proceedings,

it must notify the Chief Executive and, if it appears that the Chief Executive has not already been sent a copy of the report, send a copy of the report to the Chief Executive.

(2) Where the Chief Executive is notified of a determination by the Commission under paragraph (1), the Chief Executive must record the matter under regulation 29 as a conduct matter.

(3) Where a DSI matter is recorded under regulation 29 as a conduct matter by virtue of paragraph (2)—

- (a) the person investigating the DSI matter must (subject to any determination made by the Commission under regulation 38(5)) investigate the conduct matter as if appointed or designated to do so; and
  - (b) the other provisions of these Regulations apply in relation to that matter accordingly.
- (4) This paragraph applies where the Commission determines under regulation 71(4) that there is no indication in the report that a LAPO may have—
- (a) committed a criminal offence; or
  - (b) behaved in a manner which would justify the bringing of disciplinary proceedings,
- (5) Where paragraph (4) applies, the Commission may notify the Chief Executive that the Chief Executive must determine—
- (a) whether or not the performance of a LAPO is unsatisfactory; or
  - (b) what action (if any) the Chief Executive will take in respect of any such LAPO's performance.
- (6) On receipt of a notification under paragraph (5) the Chief Executive must make those determinations and submit a memorandum to the Commission setting out the determinations the Chief Executive has made.
- (7) On receipt of a memorandum under paragraph (6), the Commission must—
- (a) consider the memorandum and whether the Chief Executive has made the determinations under paragraph (6) that the Commission considers appropriate;
  - (b) determine whether or not to make recommendations under regulation 75 (duties with respect to disciplinary proceedings etc.);
  - (c) make such recommendations (if any) under that regulation as it thinks fit.

### **Appeals with respect to an investigation**

- 73.**—(1) This regulation applies where a complaint has been subjected to—
- (a) an investigation by the Chief Executive on the Chief Executive's own behalf; or
  - (b) an investigation under the supervision of the Commission.
- (2) The complainant may appeal to the Commission—
- (a) on the grounds that the complainant has not been provided with adequate information—
    - (i) about the findings of the investigation;
    - (ii) about any determination of the Chief Executive relating to the taking (or not taking) of action in respect of any matters dealt with in the report on the investigation;
  - (b) against the findings of the investigation;
  - (c) against any determination by the Chief Executive that a person to whose conduct the investigation related has a case to answer, or has no case to answer, in respect of misconduct or gross misconduct or that such a person's performance is, or is not, unsatisfactory;
  - (d) against any determination by the Chief Executive relating to the taking (or not taking) of action in respect of any matters dealt with in the report; and
  - (e) against any determination by the Chief Executive that the conditions in regulation 70(3) and (4) (requirement to send copy of the report to the Director of Public Prosecutions) are not satisfied.
- (3) In paragraph (2)—

- (a) references to the findings of an investigation do not include a reference to findings on a report submitted under regulation 60 (accelerated procedure in special cases); and
- (b) references to the report of an investigation do not include a reference to a report submitted under that regulation.

(4) The Commission must notify the Chief Executive, every person entitled to be kept properly informed in relation to the complaint under regulation 14 and the person complained against of any appeal brought under this regulation.

(5) On the bringing of an appeal under this regulation, the Commission may require the Chief Executive to submit a memorandum to the Commission which—

- (a) sets out whether the Chief Executive has determined that a person to whose conduct the investigation related has a case to answer, or has no case to answer, in respect of misconduct or gross misconduct;
- (b) sets out whether the Chief Executive has determined any such person's performance is, or is not, unsatisfactory;
- (c) sets out what action (if any) the Chief Executive has determined that the Chief Executive is required to or will, in the Chief Executive's discretion, take in respect of the matters dealt with in the report;
- (d) if the Chief Executive has decided in relation to a person to whose conduct the investigation related that disciplinary proceedings or unsatisfactory performance proceedings should not be brought against that person, sets out the Chief Executive's reasons for so deciding; and
- (e) if the Chief Executive made a determination that the conditions in regulation 70(3) and (4) are not satisfied, sets out the reasons for that determination,

and the Chief Executive must comply with any requirement under this paragraph.

(6) Where the Commission so requires on the bringing of any appeal under this regulation in the case of an investigation by the Chief Executive on the Chief Executive's own behalf, the Chief Executive must provide the Commission with a copy of the report of the investigation.

(7) On an appeal under this regulation, the Commission must determine such of the following as it considers appropriate in the circumstances—

- (a) whether the complainant has been provided with adequate information about the matters mentioned in paragraph (2)(a);
- (b) whether the findings of the investigation need to be reconsidered;
- (c) whether the Chief Executive—
  - (i) has made such a determination as is mentioned in paragraph (5)(a) or (b) that the Commission considers to be appropriate in respect of matters dealt with in the report; and
  - (ii) has determined that the Chief Executive is required to or will, in the Chief Executive's discretion, take the action (if any) that the Commission considers to be so appropriate; and
- (d) whether the conditions set out in regulation 70(3) and (4) are satisfied in respect of the report.

(8) If, on an appeal under this regulation, the Commission determines that the complainant has not been provided with adequate information about any matter, the Commission must give the Chief Executive all such directions as the Commission considers appropriate for securing that the complainant is properly informed.

(9) Nothing in paragraph (8) authorises the Commission to require the disclosure of any information the disclosure of which to the appellant has been or is capable of being withheld by virtue of regulation 16.

(10) If, on an appeal under this regulation, the Commission determines that the findings of the investigation need to be reconsidered, it must either—

- (a) review those findings without an immediate further investigation; or
- (b) direct that the complaint be re-investigated.

(11) If, on an appeal under this regulation, the Commission determines—

- (a) that the Chief Executive has not made a determination as to whether there is a case for a person to whose conduct the investigation related to answer in respect of misconduct or gross misconduct that the Commission considers appropriate;
- (b) that the Chief Executive has not made a determination as to whether such a person's performance is unsatisfactory; or
- (c) that the Chief Executive has not determined that the Chief Executive is required to or will, in the Chief Executive's discretion, take the action in respect of the matters dealt with in the report that the Commission considers appropriate,

the Commission must determine, in the light of that determination, whether or not to make recommendations under regulation 75 (duties with respect to disciplinary proceedings etc.) and make such recommendations (if any) under that regulation as it thinks fit.

(12) If disciplinary proceedings or unsatisfactory performance proceedings are brought by virtue of paragraph (11), the Chief Executive must ensure that they are proceeded with to a proper conclusion.

(13) If, on an appeal under this regulation, the Commission determines that the conditions set out in regulation 70(3) and (4) are satisfied in respect of the report, it must direct the Chief Executive to—

- (a) notify the Director of Public Prosecutions of the determination, and
- (b) send the Director a copy of the report.

(14) The Commission must give notification of any determination under this regulation to—

- (a) the Chief Executive;
- (b) the complainant;
- (c) every person entitled to be kept properly informed in relation to the complaint under regulation 14; and
- (d) except in a case where it appears to the Commission that to do so might prejudice any proposed review or re-investigation of the complaint, the person complained against.

(15) The Commission must give notification of any directions given to a person under this regulation to—

- (a) the complainant;
- (b) every person entitled to be kept properly informed in relation to the complaint under regulation 14; and
- (c) except in a case where it appears to the Commission that to do so might prejudice any proposed review or re-investigation of the complaint, the person complained against.

(16) The Chief Executive must comply with any directions given under this regulation.

### **Reviews and re-investigations following an appeal**

**74.—**(1) On a review under regulation 73(10)(a) (appeals with respect to an investigation) of the findings of an investigation, the powers of the Commission are to do one or more of the following—



- (a) to uphold the findings in whole or in part;
- (b) to give the Chief Executive such directions as the Commission sees fit—
  - (i) as to the carrying out by the Chief Executive of the Chief Executive’s own review of the findings;
  - (ii) as to the information to be provided to the complainant; and
  - (iii) generally as to the handling of the matter in future;
- (c) to direct that the complaint be re-investigated.

(2) Where the Commission gives a direction under regulation 73(10) or paragraph (1) that a complaint be re-investigated, it must make a determination of the form that the re-investigation should take.

(3) Paragraphs (3) to (7) of regulation 38 (power of the Commission to determine the form of an investigation) apply in relation to a determination under paragraph (2) as they apply in the case of a determination under that regulation.

(4) The other provisions of these Regulations (including this paragraph) apply in relation to any re-investigation in pursuance of a direction under regulation 73(10) or paragraph (1) of this regulation as they apply in relation to any investigation in pursuance of a determination under regulation 38.

(5) The Commission must give notification of any determination made by it under this regulation—

- (a) to the Chief Executive;
- (b) to the complainant;
- (c) to every person entitled to be kept properly informed in relation to the complaint under regulation 14; and
- (d) except in a case where it appears to the Commission that to do so might prejudice any proposed re-investigation of the complaint, to the person complained against.

(6) The Commission must also give notification of any directions given to the Chief Executive under this regulation—

- (a) to the complainant;
- (b) to every person entitled to be kept properly informed in relation to the complaint under regulation 14; and
- (c) except in a case where it appears to the Commission that to do so might prejudice any proposed review or re-investigation of the complaint, to the person complained against.

#### **Duties with respect to disciplinary proceedings etc.**

**75.**—(1) This regulation applies where, in the case of any investigation, the Chief Executive—

- (a) has given, or is required to give, a notification under regulation 70(12) of the action the Chief Executive is required to or will, in the Chief Executive’s discretion, take in relation to the matters dealt with in any report of the investigation;
- (b) has submitted, or is required to submit, a memorandum to the Commission under regulation 69 or 73 setting out the action that the Chief Executive is required to or will, in the Chief Executive’s discretion, take in relation to those matters; or
- (c) has submitted, or is required to submit, a memorandum to the Commission under regulation 72.

(2) Subject to regulation 59 (restrictions on proceedings pending the conclusion of an investigation) and to any recommendations or directions under the following provisions of this regulation, the Chief Executive must—

- (a) take the action which has been or is required to be notified or, as the case may be, which is or is required to be set out in the memorandum; and
- (b) in a case where that action consists of or includes the bringing of disciplinary proceedings, secure that those proceedings, once brought, are proceeded with to a proper conclusion.

(3) Where this regulation applies by virtue of paragraph (1)(b), the Commission may make a recommendation to the Chief Executive in respect of a LAPO that—

- (a) the person has a case to answer in respect of misconduct or gross misconduct or has no case to answer in relation to the conduct to which the investigation related;
- (b) the person's performance is, or is not, unsatisfactory;
- (c) disciplinary proceedings or unsatisfactory performance proceedings of the form specified in the recommendation are brought against the person in respect of the conduct, efficiency or effectiveness to which the investigation related;
- (d) any disciplinary proceedings or unsatisfactory performance proceedings brought against the person are modified so as to deal with such aspects of that conduct, efficiency or effectiveness as may be so specified.

(4) Where this regulation applies by virtue of paragraph (1)(c), the Commission may make a recommendation to the Chief Executive in respect of a LAPO—

- (a) that the person's performance is, or is not, satisfactory;
- (b) that action of the form specified in the recommendation is taken in respect of the person's performance.

(5) The Chief Executive must notify the Commission whether the Chief Executive accepts a recommendation made under this regulation and, if the Chief Executive does, set out in the notification the steps that the Chief Executive is proposing to take to give effect to it.

(6) If, after the Commission has made a recommendation under this regulation, the Chief Executive does not take steps to secure that full effect is given to the recommendation—

- (a) the Commission may direct the Chief Executive to take steps for that purpose; and
- (b) the Chief Executive must comply with the direction.

(7) A direction under paragraph (6) may, to such extent as the Commission thinks fit, set out the steps to be taken by the Chief Executive in order to give effect to the recommendation.

(8) Where the Commission gives the Chief Executive a direction under this regulation, it must supply the Chief Executive with a statement of its reasons for doing so.

(9) Where disciplinary proceedings or unsatisfactory performance proceedings have been brought in accordance with a recommendation or direction under this regulation, the Chief Executive must ensure that they are proceeded with to a proper conclusion.

(10) The Commission may at any time withdraw a direction given under this regulation, and paragraph (9) does not impose any obligation in relation to any time after the withdrawal of the direction.

(11) The Chief Executive must keep the Commission informed—

- (a) in a case in which this regulation applies by virtue of paragraph (1)(b), of whatever action the Chief Executive takes in pursuance of the duty under paragraph (2); and
- (b) in every case of a recommendation or direction under this regulation, of whatever action the Chief Executive takes in response to that recommendation or direction.

### **Information for the complainant about disciplinary recommendation**

76.—(1) Where—

- (a) the Commission makes a recommendation under regulation 75 (duties with respect to disciplinary proceedings etc.) in the case of an investigation of a complaint; and
- (b) the Chief Executive notifies the Commission that the recommendation has been accepted,

the Commission must notify the complainant and every person entitled to be kept properly informed in relation to the complaint under regulation 14 of the recommendation and of the steps that have been, or are to be taken, by the Chief Executive to give effect to it.

(2) Where in the case of an investigation of a complaint the Chief Executive—

- (a) notifies the Commission that the Chief Executive does not (either in whole or in part) accept a recommendation made by the Commission under regulation 75; or
- (b) fails to take steps to give full effect to any such recommendation,

the Commission must determine what (if any) further steps to take under that regulation.

(3) The Commission must notify the complainant and every person entitled to be kept properly informed in relation to the complaint under regulation 14—

- (a) of any determination under paragraph (2) not to take further steps under regulation 75; and
- (b) where it determines under that paragraph to take further steps under that regulation, of the outcome of the taking of those steps.

### **Recommendations by the Commission**

77.—(1) This regulation applies where the Commission has received a report under—

- (a) regulation 68(3) (report on completion of investigation of a complaint or conduct matter supervised or managed by the Commission);
- (b) regulation 68(4) (report on completion of investigation of a complaint or conduct matter by the Commission itself); or
- (c) regulation 71(2) (report on completion of investigation of a DSI matter).

(2) This regulation also applies where the Commission has made a determination on an appeal under—

- (a) regulation 27 (appeals relating to complaints dealt with other than by investigation); or
- (b) regulation 73 (appeals with respect to an investigation).

(3) The Commission may make a recommendation to the Chief Executive in relation to a matter dealt with in the report or appeal.

(4) Where the Commission makes a recommendation under this regulation, it must also—

- (a) publish the recommendation, and
- (b) send a copy of it to any person to whom the Commission thinks a copy should be sent.

(5) Nothing in this regulation affects the power of the Commission to make recommendations or give advice under regulation 6(1)(e) (general functions of the Commission under these Regulations).

(6) Where the Commission makes a recommendation under this regulation, the Chief Executive must provide to the Commission a response in writing stating—

- (a) what action the Chief Executive has taken or proposes to take in response to the recommendation; or
- (b) why the Chief Executive has not taken, or does not propose to take, any action in response.

(7) The Chief Executive must provide the response to the Commission before the end of the period of 28 days beginning with the day on which the recommendation was made.