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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 3**

**HANDLING OF COMPLAINTS**

**Reference of complaints to the Commission**

- 21.**—(1) The Chief Executive must refer a complaint to the Commission if—
- (a) the complaint is one alleging that the conduct complained of has resulted in death or serious injury;
  - (b) the complaint does not fall within sub-paragraph (a) but is one alleging conduct which constitutes—
    - (i) a serious assault, as defined in guidance issued by the Commission;
    - (ii) a serious sexual offence, as defined in guidance issued by the Commission;
    - (iii) serious corruption, as defined in guidance issued by the Commission;
    - (iv) a criminal offence or behaviour which is liable to lead to disciplinary proceedings and which, in either case, was aggravated by discriminatory behaviour on the grounds of a person's race, sex, religion, or other status identified in guidance issued by the Commission;
    - (v) a relevant offence;
  - (c) the complaint arises from the same incident as one in which any conduct falling within sub-paragraph (a) or (b) is alleged;
  - (d) the Commission notifies the Chief Executive that it requires the complaint to be referred to it for its consideration.
- (2) In a case where there is no obligation under paragraph (1) to make a reference, the Chief Executive may refer a complaint to the Commission if the Chief Executive considers that it would be appropriate to do so by reason of—
- (a) the gravity of the subject matter of the complaint; or
  - (b) any exceptional circumstances.
- (3) Where a complaint is required to be referred to the Commission under paragraph (1)(a), (b) or (c), notification of the complaint must be given to the Commission—
- (a) without delay and in any event not later than the end of the day following the day on which it first becomes clear to the Chief Executive that the complaint is one to which that paragraph applies; and
  - (b) in such manner as the Commission specifies.
- (4) Where a complaint is required to be referred to the Commission under paragraph (1)(d), notification of the complaint must be given to the Commission—

(a) without delay and in any event not later than the end of the day following the day on which the Commission notifies the Chief Executive that the complaint is to be referred; and

(b) in such manner as the Commission specifies.

(5) Subject to paragraph (7)—

(a) the power of the Commission by virtue of paragraph (1)(d) to require a complaint to be referred to it; and

(b) the power of the Chief Executive to refer a complaint to the Commission under paragraph (2),

are each exercisable at any time irrespective of whether the complaint is already being investigated by any person or has already been considered by the Commission.

(6) Where the Chief Executive refers a complaint to the Commission under this regulation the Chief Executive must give a notification of the making of the reference—

(a) to the complainant; and

(b) except in a case where it appears to the Chief Executive that to do so might prejudice a possible future investigation of the complaint, to the person complained against.

(7) A complaint that has already been referred to the Commission under this regulation on a previous occasion—

(a) is not required to be referred again under paragraph (1), unless the Commission so directs; and

(b) may only be referred in exercise of the power at paragraph (2) if the Commission consents.