
STATUTORY INSTRUMENTS

2017 No. 521

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

PART 3

HANDLING OF COMPLAINTS

Handling of complaints by the Chief Executive

- 23.**—(1) This regulation applies where a complaint has been recorded by the Chief Executive.
- (2) But this regulation does not apply to a complaint if it is one that has been, or must be, referred to the Commission under regulation 21, unless the complaint is for the time being—
- (a) referred back to the Chief Executive under regulation 22; or
 - (b) the subject of a determination under regulation 38 (power of the Commission to determine the form of an investigation).
- (3) Section 24 was amended by paragraph 12 of Schedule 4 to the Police and Justice Act 2006 (c. 48), paragraph 289 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13) and paragraphs 6 and 7 of Schedule 14 to the Policing and Crime Act 2017 (c. 3).
- (4) If the Chief Executive determines that the complaint is suitable for being subjected to local resolution, the Chief Executive must make arrangements for it to be so subjected
- (5) If the Chief Executive determines that the complaint is not so suitable, the Chief Executive must make arrangements for the complaint to be investigated by the Chief Executive.
- (6) A determination that a complaint is suitable for being subjected to local resolution may not be made unless the Chief Executive is satisfied that—
- (a) the conduct complained of (even if it were proved) would not justify the bringing of any criminal or disciplinary proceedings against the person whose conduct is complained of; and
 - (b) the conduct complained of (even if it were proved) would not involve the infringement of a person's rights under Article 2 or 3 of the Convention (within the meaning of the Human Rights Act 1998⁽¹⁾).
- (7) In a case where this regulation applies to a complaint by virtue of paragraph (2)(b), a determination that the complaint is suitable for being subjected to local resolution may not be made unless the Commission approves the determination.
- (8) No more than one application may be made to the Commission for the purposes of paragraph (7) in respect of the same complaint.
- (9) Paragraph (7) (where applicable) is in addition to paragraph (6).

(1) 1998 c. 42.

Status: *This is the original version (as it was originally made).*
