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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 4**

**HANDLING OF CONDUCT MATTERS**

**Reference of conduct matters to the Commission**

**32.**—(1) The Chief Executive must refer a recordable conduct matter to the Commission (whether or not the case falls within regulation 28 (conduct matters arising in civil proceedings)) if—

- (a) that matter relates to any incident or circumstances in or in consequence of which any person has died or suffered serious injury;
- (b) that matter is of a description specified in paragraph (2); or
- (c) the Commission notifies the Chief Executive that it requires that matter to be referred to it for its consideration.

(2) Any matter which relates to conduct falling within the following descriptions is specified for the purposes of paragraph (1)(b)—

- (a) a serious assault, as defined in guidance issued by the Commission;
- (b) a serious sexual offence, as defined in guidance issued by the Commission;
- (c) serious corruption, as defined in guidance issued by the Commission;
- (d) 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 by the Commission;
- (e) a relevant offence; or
- (f) conduct which is alleged to have taken place in the same incident as one in which conduct within sub-paragraphs (a) to (e) is alleged.

(3) In a case where there is no obligation under paragraph (1) to make a reference, the Chief Executive may refer a recordable conduct matter to the Commission if the Chief Executive considers that it would be appropriate to do so by reason of—

- (a) the gravity of the matter; or
- (b) any exceptional circumstances.

(4) Where there is an obligation under paragraph (1) to refer a matter to the Commission, it must be referred in such manner as the Commission specifies and—

- (a) if the matter falls within paragraph (1)(a) or (b), 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 conduct matter is one to which that paragraph applies;

- (b) if the matter falls within paragraph (1)(c), 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 conduct matter is to be referred.
- (5) Subject to paragraph (7), the following powers—
- (a) the power of the Commission by virtue of paragraph (1)(c) to require a matter to be referred to it; and
  - (b) the power of the Chief Executive to refer any matter to the Commission under paragraph 3,
- are exercisable at any time irrespective of whether the matter is already being investigated by any person or has already been considered by the Commission.
- (6) The Chief Executive must give a notification of the making of a reference under this regulation to the person to whose conduct the matter relates, unless the Chief Executive considers that to do so might prejudice a possible future investigation of the matter.
- (7) A matter 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 (3) if the Commission consents.