
STATUTORY INSTRUMENTS

2017 No. 521

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

PART 7

REPORTS AND RECOMMENDATIONS

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.