
STATUTORY INSTRUMENTS

2020 No. 2

The Police (Complaints and Misconduct) Regulations 2020

PART 3

Investigations and subsequent proceedings

Special procedure: notification of severity assessment etc.

17.—(1) Except where paragraph (4) applies, on the completion of a severity assessment, the person investigating must give the person concerned a notification stating—

- (a) the conduct that is the subject matter of the allegation and how that conduct is alleged to fall below the Standards of Professional Behaviour;
 - (b) that there is to be an investigation into the matter and the identity of the person investigating;
 - (c) the result of the severity assessment;
 - (d) that if the person concerned is dismissed at disciplinary proceedings, information including the person's full name and a description of the conduct which led to dismissal will be added to the list referred to in section 88B(2) of the Police Act 1996 (police barred list)⁽¹⁾ and may be subject to publication for a period of up to five years;
 - (e) that the person concerned has the right to seek advice from the person's staff association or any other body;
 - (f) the effect of regulation 18 (special procedure: police friend);
 - (g) the effect of regulation 20 (special procedure: representations to the person investigating) and regulation 8 of the Conduct Regulations (legal and other representation), and
 - (h) that whilst the person concerned does not have to say anything it may harm the person's case if the person does not mention when interviewed or when providing any information under regulation 20 or regulation 31 of the Conduct Regulations (procedure on receipt of notice) something later relied on in any disciplinary proceedings or appeal against the outcome of such proceedings.
- (2) Where a notice is given under paragraph (1), the person investigating must—
- (a) except where paragraph (4) applies, provide a copy of the terms of reference of the investigation to the person concerned, or
 - (b) where paragraph (4) applies, give the person concerned a notice stating that the terms of reference of the investigation are not being provided and explaining why,

where practicable, at the same time as notice is given under paragraph (1), or otherwise within a period of five working days starting with the first working day after the day on which such notice is given.

⁽¹⁾ Section 88B(2) was inserted by Schedule 8 to the Policing and Crime Act 2017.

(3) Except where paragraph (4) applies, where a copy of the terms of reference of the investigation has been provided under paragraph (2) and those terms are revised, the person investigating must provide a copy of the revised terms to the person concerned as soon as practicable.

(4) This paragraph applies for so long as—

(a) in the case of an investigation under paragraph 18 or 19 of Schedule 3 (investigations directed by the Director General and investigations by the Director General), the Director General, or

(b) in the case of an investigation under paragraph 16 of Schedule 3 (investigations by the appropriate authority on its own behalf), the person investigating the complaint or matter, considers that giving the notification or providing a copy of the terms, or revised terms, of reference of the investigation might prejudice the investigation or any other investigation (including a criminal investigation).

(5) A copy of the terms, or revised terms, of reference of the investigation provided under paragraph (2) or (3) may be in a form which keeps anonymous the identity of the complainant (if any) or any other person.

(6) On the completion of a severity assessment, the person investigating must notify the appropriate authority of the result of the assessment.

(7) A notice under paragraph (1) and a copy of the terms, or revised terms, of reference of the investigation under paragraph (2) or (3) must be—

(a) given to the person concerned in person;

(b) left with a person at, or sent by recorded delivery to, the last known address of the person concerned;

(c) given to the person concerned in person by that person's police friend, where the police friend has agreed with the appropriate authority to deliver the notice, or

(d) given to the person concerned in any other manner agreed between the person investigating and the person concerned.