
STATUTORY INSTRUMENTS

2020 No. 2

The Police (Complaints and Misconduct) Regulations 2020

PART 3

Investigations and subsequent proceedings

Recommendations by the Director General or a local policing body

30.—(1) The kinds of recommendation described for the purposes of paragraph 28ZA(1) of Schedule 3 (recommendations by the Director General or a local policing body)(1) are—

- (a) a recommendation that an apology be made to the complainant concerned;
 - (b) a recommendation that any property seized from the complainant concerned be returned;
 - (c) a recommendation that a matter be referred to be dealt with under the reflective practice review process;
 - (d) any other recommendation, other than a recommendation that compensation be paid, which the Director General or local policing body (as the case may be) considers appropriate to remedy the dissatisfaction expressed by the complainant concerned.
- (2) A recommendation under paragraph 28ZA of Schedule 3 may only be made—
- (a) where the recommendation is made by virtue of paragraph 24(6A) of Schedule 3 (action by the appropriate authority in response to an investigation report)(2), to the chief officer to whose conduct the complaint relates;
 - (b) in all other cases, to the appropriate authority.
- (3) Paragraphs (4) to (7) apply where a person makes a recommendation under—
- (a) paragraph 28ZA of Schedule 3;
 - (b) paragraph 6A(6)(a) or (b) of Schedule 3 (reviews relating to complaints dealt with other than by investigation: recommendations other than under paragraph 28ZA);
 - (c) paragraph 25(4E)(a), (b) or (c) or (4G)(b) of Schedule 3 (reviews with respect to an investigation: recommendations other than under paragraph 28ZA)(3).
- (4) The person to whom the recommendation is made must provide to the person making the recommendation a written response stating—
- (a) whether the person to whom the recommendation is made accepts the recommendation;
 - (b) if the person does, the steps that the person is proposing to take to give effect to the recommendation;
 - (c) if the person does not, the reasons why the person does not.

(1) Paragraph 28ZA was inserted by paragraph 45 of Schedule 5 to the Policing and Crime Act 2017 and amended by paragraphs 15 and 56 of Schedule 9 to that Act.

(2) Paragraph 24(6A) was inserted by paragraphs 9 and 27 of Schedule 5 to the Policing and Crime Act 2017.

(3) Sub-paragraphs (4E) and (4G) of paragraph 25 were inserted by paragraphs 29 and 34 of Schedule 5 to the Policing and Crime Act 2017; sub-paragraph (4E)(b) was amended by paragraphs 15 and 56 of Schedule 9 to that Act.

(5) Subject to paragraph (6), the person to whom the recommendation is made must provide the response before the end of the period of 28 days starting with the day after the day on which the recommendation was made.

(6) The person making the recommendation may extend the period mentioned in paragraph (5) and if the person does so the person to whom the recommendation is made must provide the response before the end of the extended period.

(7) The person making the recommendation must send a copy of the recommendation and the response to it to—

- (a) the complainant concerned;
- (b) any interested person, and
- (c) except in a case where it appears to the person making the recommendation that to do so might prejudice any investigation (including a criminal investigation), the person complained against (if any).

(8) In this regulation, “complainant concerned”—

- (a) in relation to a recommendation under paragraph 28ZA of Schedule 3, has the meaning given by sub-paragraph (3) of that paragraph;
- (b) in relation to a recommendation under paragraph 6A(6)(a) or (b) or 25(4E)(a), (b) or (c) or (4G)(b) of Schedule 3, means the complainant who applied under paragraph 6A(2) or 25(1B) of Schedule 3 for the review.