
STATUTORY INSTRUMENTS

2020 No. 2

The Police (Complaints and Misconduct) Regulations 2020

PART 2

Handling of complaints, conduct matters and DSI matters

Recording and reference of conduct matters

7.—(1) The descriptions of conduct specified for the purposes of paragraph 11(2)(c) of Schedule 3 (recording etc. of conduct matters in other cases) are—

- (a) a serious assault, as determined in guidance issued by the Director General;
- (b) a serious sexual offence, as determined in guidance issued by the Director General;
- (c) serious corruption, including abuse of position for a sexual purpose or the purpose of pursuing an improper emotional relationship, as determined in guidance issued by the Director General;
- (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 as determined in guidance issued by the Director General;
- (e) a relevant offence;
- (f) conduct whose gravity or other exceptional circumstances make it appropriate to record the matter in which the conduct is involved;
- (g) conduct of a chief officer or the Deputy Commissioner of Police of the Metropolis;
- (h) 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.

(2) The description of matter specified for the purposes of paragraphs 10(4A) and 11(3B) of Schedule 3 (conduct matters not required to be recorded)⁽¹⁾ is any matter—

- (a) which concerns substantially the same conduct as—
 - (i) a complaint made previously (“the previous complaint”), or
 - (ii) a conduct matter recorded previously (“the previous conduct matter”);
- (b) in respect of which there is no fresh indication that a person serving with the police may have committed a criminal offence or behaved in a way which would justify the bringing of disciplinary proceedings;
- (c) in respect of which there is no fresh substantive evidence which was not reasonably available at the time the previous complaint was made or the previous conduct matter was recorded, and

⁽¹⁾ Paragraphs 10(4A) and 11(3B) were inserted by paragraphs 1, 11 and 12 of Schedule 14 to the Police Reform and Social Responsibility Act 2011.

- (d) as respects the previous complaint or previous conduct matter, it has been or is being investigated or (in the case of a complaint) otherwise handled in accordance with Schedule 3.
- (3) The description of matter specified for the purposes of paragraph 13(1)(b) of Schedule 3 (recordable conduct matters which must be referred to the Director General)⁽²⁾ is any matter which relates to conduct falling within paragraph (1), other than sub-paragraph (f).
- (4) Any conduct matter which is required to be referred to the Director General must be referred in such manner as the Director General determines and—
 - (a) if the matter falls within paragraph 13(1)(a) or (b) of Schedule 3, without delay and in any event not later than the end of the day following the day on which it becomes clear to the appropriate authority that the conduct matter is one to which paragraph 13(1)(a) or (b) of Schedule 3 applies;
 - (b) if the matter falls within paragraph 13(1)(c) of Schedule 3, without delay and in any event not later than the end of the day following the day on which the Director General notifies the appropriate authority that the conduct matter is to be referred.

(2) Paragraph 13(1) was amended by paragraphs 277 and 301 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 and paragraphs 15 and 56 of Schedule 9 to the Policing and Crime Act 2017.