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STATUTORY INSTRUMENTS

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**2020 No. 4**

**The Police (Conduct) Regulations 2020**

**PART 4**

**Misconduct proceedings**

**Notice of referral to misconduct proceedings**

**30.**—(1) Where a case is referred to misconduct proceedings, the appropriate authority must as soon as practicable give the officer concerned—

- (a) written notice of—
  - (i) the referral;
  - (ii) the conduct that is the subject matter of the case and how that conduct is alleged to amount to misconduct or gross misconduct, as the case may be;
  - (iii) where functions in relation to the administration of the hearing have been delegated under regulation 26(1), the details of the authority to whom they have been delegated;
  - (iv) the name of the person appointed to conduct (in the case of a misconduct meeting for an officer other than a senior officer) or chair (in any other case) the misconduct proceedings and, in the case of a chair, confirmation that the person has been selected on a fair and transparent basis;
  - (v) the effect of paragraphs (3) to (6) of this regulation;
  - (vi) the effect of regulation 8(1) to (3) in relation to the form of misconduct proceedings to which the case is being referred;
  - (vii) where relevant, the fact that the Director General has made a decision under regulation 24(1) to present the case, and
  - (viii) where relevant, the fact that the case has been referred to joint misconduct proceedings under regulation 25;
- (b) a copy of any statement the officer may have made to the investigator during the course of the investigation, and
- (c) subject to the harm test, a copy of—
  - (i) the investigator's report or such parts of that report as relate to the officer (together with any document attached to or referred to in that report which relates to the officer), and
  - (ii) any other document which might reasonably be considered capable of undermining or assisting the case.

(2) As soon as practicable after any person has been appointed under regulation 8(6) to advise the person conducting or chairing the misconduct proceedings, the appropriate authority must give the officer concerned written notice of the name of that person and of the effect of paragraphs (3) to (6) of this regulation.

(3) The officer concerned may object to any person whom the officer is notified under the preceding provisions of this regulation is to—

- (a) conduct or, as the case may be, chair the misconduct proceedings, or
- (b) advise the person conducting or, as the case may be, chairing the misconduct proceedings.

(4) Any such objection must be—

- (a) made in writing to—
  - (i) the local policing body, where the person in relation to whom the objection is made was appointed by that body, or
  - (ii) the appropriate authority in all other cases, and
- (b) in the case of joint misconduct proceedings, copied to each other officer concerned,

before the end of 3 working days beginning with the first working day after the officer is given notice of the person's name and must set out the grounds of objection of the officer.

(5) The appropriate authority or, as the case may be, the local policing body must notify the officer concerned in writing whether it upholds or rejects an objection to a person appointed to conduct or, as the case may be, chair the misconduct proceedings or to any person appointed under regulation 8(6) to advise the person conducting or chairing the misconduct proceedings.

(6) If the appropriate authority or, as the case may be, the local policing body upholds the objection, the person to whom the officer concerned objects must be replaced (in accordance with regulation 8(6) and (7) or 28 as appropriate).

(7) As soon as reasonably practicable after any such appointment, the appropriate authority must give a written notice to the officer concerned of the name of the new person appointed to conduct or, as the case may be, chair the misconduct proceedings or of the new adviser to the person conducting or chairing the misconduct proceedings, and of the effect of paragraphs (8) and (9) of this regulation.

(8) The officer concerned may object to the appointment of a person appointed under paragraph (6) of this regulation.

(9) In relation to an objection under paragraph (8) of this regulation—

- (a) paragraph (4) applies except in so far as it specifies the period of time for making an objection;
- (b) the objection must be made before the end of 3 working days beginning with the first working day after the officer concerned has been given the notice referred to in paragraph (7);
- (c) paragraphs (5) to (7) apply, with the exception of the requirement in paragraph (7) for the appropriate authority to give written notice of the effects of paragraphs (8) and (9).

(10) Where the Director General has made a decision under regulation 24(1) to present a case, the appropriate authority must—

- (a) consult the Director General about—
  - (i) the contents of the written notice to be given under paragraph (1)(a) to the extent to which they relate to the conduct that is the subject matter of the case and how that conduct is alleged to amount to misconduct or gross misconduct, as the case may be;
  - (ii) the application of the harm test under paragraph (1)(c), and
  - (iii) the documents that may be provided under paragraph (1)(c)(ii);
- (b) comply with any direction given by the Director General in relation to the matters specified in sub-paragraph (a), and
- (c) provide the Director General with a copy of the written notices given under paragraphs (1) and (2).