
STATUTORY INSTRUMENTS

2020 No. 4

The Police (Conduct) Regulations 2020

PART 4

Misconduct proceedings

Appeal from misconduct meeting: officers other than senior officers

45.—(1) Where the officer concerned is an officer, other than a senior officer, whose case was decided at a misconduct meeting, the officer may, subject to the provisions of this regulation, appeal—

- (a) if the officer admitted the officer's conduct amounted to misconduct, against any disciplinary action imposed under regulation 42, or
- (b) if (after the officer denied misconduct) the person conducting or chairing the misconduct meeting found that the officer's conduct amounted to misconduct, against that finding or any disciplinary action imposed under regulation 42.

(2) The only grounds of appeal under this regulation are that—

- (a) the finding or disciplinary action imposed was unreasonable;
- (b) there is evidence that could not reasonably have been considered at the misconduct meeting which could have materially affected the finding or decision on disciplinary action, or
- (c) there was a serious breach of the procedures set out in these Regulations or other unfairness which could have materially affected the finding or decision on disciplinary action.

(3) An appeal under this regulation must be commenced by the officer concerned giving written notice of appeal to the appropriate authority—

- (a) before the end of 7 working days beginning with the first working day after the report is given to the officer under regulation 43 (unless this period is extended by the appropriate authority for exceptional circumstances), and
- (b) stating the grounds of appeal and whether a meeting is requested.

(4) An appeal under this regulation must be determined—

- (a) where the person who conducted the misconduct meeting was a member of a police force, by—
 - (i) a member of a police force of at least one rank higher than that person, or
 - (ii) unless the case substantially involves operational policing matters, a police staff member who, in the opinion of the appropriate authority, is more senior than that person;
- (b) where the person who conducted the misconduct meeting was a police staff member, by—
 - (i) a member of a police force who, in the opinion of the appropriate authority is more senior than that person, or

- (ii) a more senior police staff member,
who is not an interested party, appointed by the appropriate authority.
- (5) The appropriate authority must as soon as practicable give the officer concerned written notice of—
 - (a) the name of the person appointed to determine the appeal under paragraph (4);
 - (b) the name of any person appointed under regulation 8(6) to advise the person determining the appeal, and
 - (c) the effect of paragraphs (6) to (9) of this regulation.
- (6) The officer concerned may object to any person whom the officer is notified under this regulation is to—
 - (a) determine the appeal, or
 - (b) advise the person determining the appeal.
- (7) Any such objection must be made in writing to the appropriate authority before the end of 3 working days beginning with the first working day after the officer concerned is given notice of the person's name and must set out the grounds of objection of the officer.
- (8) The appropriate authority must notify the officer concerned in writing whether it upholds or rejects an objection to the person appointed to determine the appeal or to any person appointed under regulation 8(6) to advise the person determining the appeal.
- (9) If the appropriate authority upholds the objection, the person to whom the officer concerned objects must be replaced (in accordance with regulation 8(6) and (7) or paragraph (4) as appropriate).
- (10) 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 determine the appeal or the advisor to the person determining the appeal, as the case may be, and of the effect of paragraphs (11) and (12) of this regulation.
- (11) The officer concerned may object to the appointment of a person appointed under paragraph (9).
- (12) In relation to an objection under paragraph (11) of this regulation—
 - (a) paragraph (7) 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 is given the notice referred to in paragraph (10);
 - (c) paragraphs (8) to (10) apply, with the exception of the requirement in paragraph (10) for the appropriate authority to give written notice of the effects of paragraphs (11) and (12).
- (13) The appropriate authority must supply the person determining the appeal with a copy of—
 - (a) the documents given to the person who held the misconduct meeting as specified in regulation 32(6);
 - (b) the notice of appeal given by the officer concerned under regulation 45(3);
 - (c) the record of the misconduct meeting taken under regulation 44(1), and
 - (d) any evidence of a kind referred to in regulation 45(2)(b) that the officer wishes to submit in support of the appeal.
- (14) The person determining the appeal must determine whether the notice of appeal sets out arguable grounds of appeal and if they decide that it does not, they must dismiss the appeal.