
STATUTORY INSTRUMENTS

2023 No. 624

The Service Police (Complaints etc.) Regulations 2023

PART 3

Complaints etc.

CHAPTER 5

Investigations and Subsequent Proceedings etc.

Duty to provide information for other persons

78.—(1) A person has an interest in being kept properly informed about the handling of a complaint, recordable conduct matter or DSI matter if—

- (a) it appears to the Commissioner or to an appropriate authority that the person is a person falling within paragraph (2) or (3); and
- (b) that person has indicated consent to the provision of information in accordance with this regulation and that consent has not been withdrawn.

(2) A person falls within this paragraph if (in the case of a complaint that relates to conduct of a member of a service police force or a recordable conduct matter) that person—

- (a) is a relative of a person whose death is the alleged result of the conduct complained of or to which the recordable conduct matter relates;
- (b) is a relative of a person whose serious injury is the alleged result of that conduct and that person is incapable of making a complaint;
- (c) has suffered serious injury as the alleged result of that conduct.

(3) A person falls within this paragraph if (in the case of a DSI matter) that person—

- (a) is a relative of the person who has died;
- (b) is a relative of the person who has suffered serious injury and that person is incapable of making a complaint;
- (c) is the person who has suffered serious injury.

(4) A person who does not fall within paragraph (2) or (3) has an interest in being kept properly informed about the handling of a complaint, recordable conduct matter or DSI matter if—

- (a) the Commissioner or an appropriate authority considers that that person has an interest in the handling of the complaint, recordable conduct matter or DSI matter which is sufficient to make it appropriate for information to be provided to that person in accordance with this regulation; and
- (b) that person has indicated consent to the provision of information to that person in accordance with this regulation.

(5) In relation to a complaint, this regulation confers no rights on the complainant.

(6) In any case in which there is an investigation of the complaint, recordable conduct matter or DSI matter in accordance with this Part—

- (a) by the Commissioner, or
- (b) under the Commissioner’s direction,

the Commissioner must provide the interested person with all such information as will keep the interested person properly informed, while the investigation is being carried out and subsequently, of all the matters mentioned in paragraph (10).

(7) In any case in which there is an investigation of the complaint, recordable conduct matter or DSI matter in accordance with this Part by the appropriate authority on its own behalf, the appropriate authority must provide the interested person with all such information as will keep that person properly informed, while the investigation is being carried out and subsequently, of all the matters mentioned in paragraph (10).

(8) Where paragraph (7) applies, the Commissioner must give the appropriate authority all such directions as the Commissioner considers appropriate for securing that that authority complies with its duty under that paragraph; and the appropriate authority must comply with any direction given to it under this paragraph.

(9) In any case in which—

- (a) the complaint is being handled in accordance with regulation 17(3) otherwise than by the appropriate authority making arrangements for the complaint to be investigated by the authority on its own behalf, or
- (b) the recordable conduct matter or DSI matter is being handled in a manner determined by the appropriate authority in accordance with regulation 21(8), 22(8), 26(4) or 31(4) otherwise than by the appropriate authority making arrangements for the matter to be investigated by the authority on its own behalf,

the appropriate authority must provide the interested person with all such information as will keep that person properly informed, while the complaint, recordable conduct matter or DSI matter is being handled and subsequently, of all the matters mentioned in paragraph (10).

(10) The matters of which the interested person must be kept properly informed are—

- (a) the progress of the handling of the complaint, recordable conduct matter or DSI matter;
- (b) the outcome of the handling of the complaint, recordable conduct matter or DSI matter;
- (c) in the case of a complaint, in relation to any right to apply for a review conferred on the complainant by regulation 18 or 64—
 - (i) the identity of the relevant review body;
 - (ii) where the appropriate authority has determined that the Commissioner is not the relevant review body, the fact that there is no right to apply to the Commissioner for a review;
 - (iii) the time limit for applying for a review; and
 - (iv) the effect of regulation 65(5);
- (d) the progress of any disciplinary or criminal proceedings brought in relation to, or arising from, any matter which was the subject of the complaint, recordable conduct matter or DSI matter;
- (e) the outcome of any such proceedings;
- (f) where an appeal is brought against the outcome of any such proceedings, the fact and outcome of the appeal.

(11) The generality of paragraph (10)(a) and (b) is not affected by any requirement to notify an interested person that is imposed by any other provision of this Part.

(12) The duties imposed by this regulation on the Commissioner and the appropriate authority in relation to any complaint, recordable conduct matter or DSI matter—

(a) must be performed in such manner as provided for by regulation 79; and

(b) have effect subject to the exceptions set out in regulation 80.

(13) Paragraph (10) of regulation 77 applies for the purpose of this regulation as it applies for the purpose of that regulation.

(14) In any case in which there is an investigation of a complaint, recordable conduct matter or DSI matter, the Commissioner or the appropriate authority may comply with their duty under paragraph (6) or (7) (as the case may be) so far as relating to the findings of a report of the investigation submitted (or completed) under regulations 56 or 60, by sending an interested person a copy of the report.

(15) Paragraph (14) applies notwithstanding any obligation of secrecy imposed by any rule of law or otherwise but is subject to regulation 80 and 81.

(16) In this regulation “relative” means any spouse, partner, parent or adult child.

Commencement Information

II Reg. 78 in force at 19.6.2023, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Service Police (Complaints etc.) Regulations 2023, Section 78.