

II. Documents

a) any document setting out HMIC's organisation, remit, authority & powers

- Summary of existing legislation/regulations affecting HMIC, as amended by the Police Reform & Social Responsibility Act, including assessment of impact of the new Bill on HMIC's role (Annex A)
- Government White paper: "Policing in the 21st Century: reconnecting police and the people" <http://www.homeoffice.gov.uk/publications/consultations/policing-21st-century/> in particular pages 10, 17, 20-21, 25, 27 and 41.
- HMIC Annual report 2009/10 <http://www.hmic.gov.uk/search-publications/?cat=annual-reports-cat>
- HMIC Inspection Plan 2010/11 <http://www.hmic.gov.uk/publications/>

b) Any document relating to the regulation of matters concerning phone hacking, computer hacking, "blagging" or bribery by the media or those acting on behalf of or at the instigation of the media

- Home Secretary's oral statement to parliament on the Metropolitan Police Service - 18th July 2011 <http://www.homeoffice.gov.uk/publications/about-us/parliamentary-business/oral-statements/police-service/?view=Standard&pubID=928639>
- Review of Police Service Integrity 2011 – Terms of Reference <http://www.hmic.gov.uk/inspections/review-police-service-integrity/>
- Raising the Standard – 2006 <http://www.hmic.gov.uk/publication/raising-the-standard-full-report/>
- Police Integrity: securing and maintaining public confidence – June 1999 Report: <http://www.hmic.gov.uk/publication/police-integrity/> Appendices: <http://www.hmic.gov.uk/publication/police-integrity-appendices/>

c) Any documents relating to the effectiveness of HMIC's regulatory effort (limited to matters within the scope of the Inquiry's terms of reference) and/or proposals for improvement or reform of the same.

- Covered by Annex A, which includes an impact assessment of the Police Reform and Social Responsibility Act.

ANNEX A

HMIC ROLE AND FUNCTIONS AS GOVERNED BY LEGISLATION & REGULATIONS

Police Act 1996 (amended 2002) – as amended by the Police Reform and Social Responsibility Act

Section 54 - Impact of Act:

- Local policing body may request HMIC to carry out an inspection for which they must pay HMIC
- Chief HMI shall lay a copy of annual report before Parliament and the report must include Chief HMI assessment of efficiency and effectiveness
- The Home Secretary may delegate their role in appointment of Chiefs to HMIC

54 Appointment and functions of inspectors of constabulary (England & Wales)

(1) Her Majesty may appoint such number of inspectors (to be known as Her Majesty's Inspectors of Constabulary as the Secretary of State may with the consent of the Treasury determine, and of the persons so appointed one may be appointed as chief inspector of constabulary.

(2) The inspectors of constabulary shall inspect, and report to the Secretary of State on the efficiency and effectiveness of, every police force maintained for a police area . . . the National Criminal Intelligence Service and the National Crime Squad and the Central Training and Development Authority.

~~(2A) The inspectors of constabulary may inspect, and report to the Secretary of State on, a police authority's compliance with the requirements of Part I of the Local Government Act 1999 (best value).~~

(2B) The Secretary of State may at any time require the inspectors of constabulary to carry out an inspection under this section of—

- (a) a police force maintained for any police area;
- (b) the National Criminal Intelligence Service; or
- (c) the National Crime Squad;

and a requirement under this subsection may include a requirement for the inspection to be confined to a particular part of the force, Service or Squad in question, to particular matters or to particular activities of that force, Service or Squad.

(2BA) The local policing body for a police area may at any time request the inspectors of constabulary to carry out an inspection under this section of a police force maintained for that police area; and a request under this subsection may include a request for the inspection to be confined to a particular part of the force in question, to particular matters or to particular activities of that force.

(2BB) Where a local policing body requests the inspectors to carry out an inspection under (2BA), the body must pay the inspectors such reasonable costs incurred to to be incurred in connection with the inspection as the inspectors may require.

~~(2C) Where the inspectors carry out an inspection under subsection (2B), they shall send a report on that inspection to the Secretary of State.]~~

(3) The inspectors of constabulary shall carry out such other duties for the purpose of furthering police efficiency and effectiveness as the Secretary of State may from time to time direct.

(3A) The Secretary of State may delegate to the chief inspector of constabulary any or all of the following functions—

(a) his functions by virtue of sections 9F(2), 9FA(2) and 9G(2) with respect to the approval required for the appointment of an Assistant Commissioner of Police of the Metropolis, of a Deputy Assistant Commissioner of Police of the Metropolis or of a Commander in the metropolitan police force;

(b) his functions by virtue of sections 11(1), 11A(2) and 12(2) with respect to the approval required for the appointment of the chief constable of a police force, of the deputy chief constable of a police force or of an assistant chief constable of a police force;

(c) his functions by virtue of section 12A(4) with respect to the consent required for a deputy chief constable to exercise or perform any powers or duties of a chief constable for a continuous period exceeding three months.]

(4) The chief inspector of constabulary shall in each year submit to the Secretary of State a report in such form as the Secretary of State may direct on the carrying out of inspections under this section, and the Secretary of State chief inspector shall lay a copy of that report before Parliament.

(4A) A report under subsection (4) must include the chief inspector's assessment of the efficiency and effectiveness of policing in England and Wales for the year in respect of which the report is prepared.

(5) The inspectors of constabulary shall be paid such salary and allowances as the Secretary of State may with the consent of the Treasury determine.

Section 55 Police Act 1996- Impact of Act:

- HMIC arrange for any report to be published in such manner as they see appropriate- not SOS
- SOS will no longer send a copy of the report to force or PA HMIC are now responsible for this
- Chief officer to respond to local policing body on HMIC reports
- Local policing body to publish comments on HMIC reports as they see appropriate

55 Publication of reports.

(1) Subject to subsection (2), the Secretary of State shall arrange for any report received by him under section 54(2) ~~[F1 or (2A)]~~ to be published in such manner as appears to him to be appropriate. *The inspectors of constabulary must arrange for any report prepared under section 54 to be published in such a manner as appears to the inspectors to be appropriate.*

(2) The Secretary of State may exclude from publication under subsection (1) any part of a report if, in his opinion, the publication of that part— *But the inspectors of constabulary must exclude from publication under subsection (1) anything that the inspectors consider -*

(a) would be against the interests of national security, or

(b) might jeopardise the safety of any person.

[2A] *The inspectors must disclose to the Secretary of State anything excluded from publication by virtue of subsection (2).*

~~(3) The Secretary of State shall send a copy of the published report—~~

~~(a) **F2** . . . to the police authority maintaining the police force to which the report relates, and~~

~~(b) to the chief officer of police of that police force.~~

The inspectors of constabulary must send a copy of the published report to—

(a) the Secretary of State,

(b) the local policing body maintaining the police force to which the report relates,

(c) the chief officer of police of that police force, and

(d) any police and crime panel established under section 28 of the Police Reform and Social Responsibility Act 2011 for the police area of that police force.

~~(4) The ~~police authority~~ local policing body shall invite the chief officer of police to submit comments on the published report to the ~~authority~~ body before such date as it may specify.~~

~~(5) The ~~police authority~~ local policing body shall prepare comments on the published report and shall arrange for—~~

~~(a) its comments,~~

~~(b) any comments submitted by the chief officer of police in accordance with subsection (4), and~~

~~(c) any response which the ~~authority~~ body has to the comments submitted by the chief officer of police,~~

~~to be published in such manner as appears to the authority to be appropriate.~~

~~(6) The ~~police authority~~ local policing body. . . shall send a copy of any document published under subsection (5) to the Secretary of State.~~

~~(7) Subsections (3) to (6) above shall apply in relation to a report relating to the National Criminal Intelligence Service or the National Crime Squad as if—~~

~~(a) the body to which the report relates were a police force,~~

~~(b) the Service Authority which maintains that body were the police authority which maintains that force, and~~

~~(c) the Director General of that body were the chief officer of police of that force.~~

F5 ~~(8) Subsections (3) to (6) above apply in relation to a report relating to the Central Police Training and Development Authority as if—~~

~~(a) the reference to the police authority maintaining the police force to which the report relates were a reference to the Central Police Training and Development Authority; and~~

~~(b) subsections (3)(b), (4) and (5)(b) and (c) were omitted.]~~

Schedule 4A to the Police Act 1996 - Impact of Bill:

- HMIC must lay before Parliament a copy of each inspection programme or framework – but before doing so must obtain the approval of SOS
- SOS may by order specify any matters to which HMIC should have regard when preparing an inspection programme or framework
- These clauses include the “Gateway” but aren’t altered by the Bill as the SoS can add organisations to the Gateway by order (clause 3(3) below).
- Introduces powers of access to premises and requires chief officer of police to provide to an inspector such information and documents specified.

SCHEDULE 4A Further provision about Her Majesty's Inspectors of Constabulary (England & Wales (E&W)

Delegation of functions (E&W)

1(1) An inspector of constabulary may delegate any of his functions (to such extent as he may determine) to another public authority.

(2) If an inspector of constabulary delegates the carrying out of an inspection under sub-paragraph (1) it is nevertheless to be regarded for the purposes of section 54 and this Schedule as carried out by the inspector.

(3) In this Schedule “public authority” includes any person certain of whose functions are functions of a public nature.

Inspection programmes and inspection frameworks E&W

2(1) The chief inspector of constabulary shall from time to time, ~~or at such times as the Secretary of State may specify by order,~~ prepare—

- (a) a document setting out what inspections he proposes to carry out (an “inspection programme”);
- (b) a document setting out the manner in which he proposes to carry out his functions of inspecting and reporting (an “inspection framework”).

(2) Before preparing an inspection programme or an inspection framework the chief inspector of constabulary shall consult the Secretary of State and (subject to sub-paragraph (3))—

- (a) Her Majesty's Chief Inspector of Prisons,
- (b) Her Majesty's Chief Inspector of the Crown Prosecution Service,
- (c) Her Majesty's Chief Inspector of the National Probation Service for England and Wales,
- (d) Her Majesty's Chief Inspector of Court Administration,
- (e) Her Majesty's Chief Inspector of Education, Children's Services and Skills,
- (f) the Commission for Healthcare Audit and Inspection,
- (g) the Commission for Social Care Inspection,
- (h) the Audit Commission for Local Government and the National Health Service in England and Wales,
- (i) the Auditor General for Wales, and

(j) any other person or body specified by an order made by the Secretary of State, and he shall send to each of those persons or bodies the Secretary of State a copy of each programme or framework once it is prepared.

(2A) The chief inspector of constabulary must –

(a) lay before Parliament a copy of each inspection programme or inspection framework prepared under this paragraph,

(b) arrange for each such programme or framework to be published in such a manner as the chief inspector thinks appropriate, and

(c) send a copy of each such programme or framework to each of the persons or bodies listed in sub-paragraph (2)(a) to (j).

(2B) But the chief inspector of constabulary must obtain the approval of the Secretary of State to the inspection programme or framework in question before acting under sub-paragraph (2A).

(3) The requirement in sub-paragraph (2) to consult, and *under sub-paragraph (2A)(c) to send copies to, a person or body listed in paragraphs (a) to (j) of that sub-paragraph (2) is subject to any agreement made between the chief inspector and that person or body to waive the requirement in such cases or circumstances as may be specified in the agreement.*

~~(4) The Secretary of State may by order specify the form that inspection programmes or inspection frameworks are to take.~~

(4A) The Secretary of State may by order specify matters to which the chief inspector of constabulary must have regard in preparing an inspection programme or an inspection framework.

(4B) Those matters may (in particular) include the need to secure, so far as possible, the following objectives-

(a) that any requirements placed on police forces as a result of inspections carried out under section 54 are not unduly burdensome; and

(b) that inspections under that section can be carried out promptly in response to matters that raise issues of national importance in relation to the police.

(4C) For the purposes of sub-paragraph (4B)(b), the Secretary of State may issue guidance as to the matters that raise issues of national importance in relation to the police; and the chief inspector of constabulary must have regard to any such guidance in preparing an inspection programme or an inspection framework.

(5) Nothing in any inspection programme or inspection framework is to be read as preventing the inspectors of constabulary from making visits without notice.

Inspections by other inspectors of organisations within remit of inspectors of constabulary

3(1) If—

(a) a person or body within sub-paragraph (2) is proposing to carry out an inspection that would involve inspecting a specified organisation, and

(b) the chief inspector of constabulary considers that the proposed inspection would impose an unreasonable burden on that organisation, or would do so if carried out in a particular manner, the chief inspector of constabulary shall, subject to sub-paragraph (7), give a notice to that person or body not to carry out the proposed inspection, or not to carry it out in that manner.

(2) The persons or bodies within this sub-paragraph are—

(a) Her Majesty's Chief Inspector of Prisons;

(b) Her Majesty's Chief Inspector of the Crown Prosecution Service;

(c) Her Majesty's Inspectorate of the National Probation Service for England and Wales;

(d) the Commission for Healthcare Audit and Inspection;

(e) the Audit Commission for Local Government and the National Health Service in England and Wales.

(3) The Secretary of State may by order amend sub-paragraph (2).

(4) In sub-paragraph (1)(a) "specified organisation" means a person or body specified by an order made by the Secretary of State.

(5) A person or body may be specified under sub-paragraph (4) only if it exercises functions in relation to any matter falling within the scope of the duties of the inspectors of constabulary under section 54 of this Act or any other enactment.

(6) A person or body may be specified under sub-paragraph (4) in relation to particular functions that it has.

In the case of a person or body so specified, sub-paragraph (1)(a) is to be read as referring to an inspection that would involve inspecting the discharge of any of its functions in relation to which it is specified.

(7) The Secretary of State may by order specify cases or circumstances in which a notice need not, or may not, be given under this paragraph.

(8) Where a notice is given under this paragraph, the proposed inspection is not to be carried out, or (as the case may be) is not to be carried out in the manner mentioned in the notice.

This is subject to sub-paragraph (9).

(9) The Secretary of State, if satisfied that the proposed inspection—

(a) would not impose an unreasonable burden on the organisation in question, or

(b) would not do so if carried out in a particular manner,

may give consent to the inspection being carried out, or being carried out in that manner.

(10) The Secretary of State may by order make provision supplementing that made by this paragraph, including in particular—

(a) provision about the form of notices;

- (b) provision prescribing the period within which notices are to be given;
- (c) provision prescribing circumstances in which notices are, or are not, to be made public;
- (d) provision for revising or withdrawing notices;
- (e) provision for setting aside notices not validly given.

Co-operation

4 The inspectors of constabulary shall co-operate with—

- (a) Her Majesty's Chief Inspector of Prisons,
- (b) Her Majesty's Chief Inspector of the Crown Prosecution Service,
- (c) Her Majesty's Inspectorate of the National Probation Service for England and Wales,
- (d) Her Majesty's Inspectorate of Court Administration,
- (e) Her Majesty's Chief Inspector of Education, Children's Services and Skills,
- (f) the Commission for Healthcare Audit and Inspection,
- (g) the Commission for Social Care Inspection,
- (h) the Audit Commission for Local Government and the National Health Service in England and Wales,
- (i) the Auditor General for Wales, and
- (j) any other public authority specified by an order made by the Secretary of State,

where it is appropriate to do so for the efficient and effective discharge of the functions of the inspectors of constabulary.

Joint action

5(1) The inspectors of constabulary may act jointly with another public authority where it is appropriate to do so for the efficient and effective discharge of their functions.

(2) The chief inspector of constabulary, acting jointly with the chief inspectors within sub-paragraph (3), shall prepare a document (a "joint inspection programme") setting out—

- (a) what inspections the inspectors of constabulary propose to carry out in the exercise of the power conferred by sub-paragraph (1), and
- (b) what inspections the chief inspectors within paragraph (3) (or their inspectorates) propose to carry out in the exercise of any corresponding powers conferred on them.

(3) The chief inspectors within this sub-paragraph are—

- (a) Her Majesty's Chief Inspector of Prisons;
- (b) Her Majesty's Chief Inspector of the Crown Prosecution Service;
- (c) Her Majesty's Chief Inspector of the National Probation Service for England and Wales;
- (d) Her Majesty's Chief Inspector of Court Administration.

(4) A joint inspection programme must be prepared from time to time or at such times as the Secretary of State, the Lord Chancellor and the Attorney General may jointly direct.

(5) Sub-paragraphs (2), (3) and (5) of paragraph 2 apply to a joint inspection programme as they apply to a document prepared under that paragraph.

(6) The Secretary of State, the Lord Chancellor and the Attorney General may by a joint direction specify the form that a joint inspection programme is to take.

Powers of inspectors regarding information etc

6A (1) *The chief officer of police of a police force must –*

(a) *provide to an inspector such information and documents specified or described in a notification given by the inspector to that chief officer, and*

(b) *produce or deliver up to the inspector all such evidence and other things so specified or described,*

as appear to the inspector to be required for the purposes of an inspection under section 54.

(2) *A notification under sub-paragraph (1) requiring any information or documents to be provided may authorise or require that they be provided electronically.*

(3) *Anything that a chief officer is obliged to provide, produce or deliver up by virtue of a requirement imposed under sub-paragraph (1) must be provided, produced or delivered up in such form and manner, and within such period, as may be specified –*

(a) *in the notification imposing the requirement, or*

(b) *in any subsequent notification given by the inspector to the chief officer.*

(4) *Nothing in this paragraph requires a chief officer –*

(a) *to comply with an obligation imposed under sub-paragraph (1) before the earliest time at which it is practicable to do so,*

or

(c) *to comply at all with any such obligation if it never becomes practicable to do so.*

(5) *In this paragraph –*

'document' means anything in which information of any description is recorded, and –

'inspector' means –

(a) *an inspector of constabulary, or*

(b) *a person appointed under section 56 as an assistant inspector of constabulary or staff officer to the inspectors of constabulary.*

6B (1) *Sub-paragraph (2) applies if –*

- (a) *an inspector requires the chief officer of police of a police force to allow the inspector to have access to any premises occupied for the purposes of that force and to documents and other things on those premises, and*
- (b) *the requirement is imposed for the purposes of an inspection under section 54.*
- (2) *The Chief officer must secure that the required access is allowed to the inspector.*
- (3) *Where there are reasonable grounds for not allowing the inspector to have the required access at the time at which the inspector seeks to have it, the obligation under subparagraph (2) has effect as an obligation to secure the required is allowed to the inspector at the earliest practicable time specified by the inspector after there cease to be any grounds.*
- (4) *In this paragraph 'document' and 'inspector' have the same meanings as in paragraph 6A.*
- Assistance for other public authorities*
- 6(1) The chief inspector of constabulary may if he thinks it appropriate to do so provide assistance to any other public authority for the purpose of the exercise by that authority of its functions.
- (2) Assistance under this paragraph may be provided on such terms (including terms as to payment) as the chief inspector of constabulary thinks fit.
- Orders under this Schedule*
- 7 A statutory instrument containing an order under this Schedule shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

HMIC's Role in Police complaints and Misconduct

In the past, HMIC's role in relation to the police complaints and misconduct system and involvement in Police Appeals Tribunals was set out in the Police Act 1996 and Annex K of the HO Guidance: Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures.

The position in summary was that under Section 77 of the Police Act 1996 HM Inspectors were required to keep themselves informed as to the working of the complaints and misconduct procedures in forces. HM Inspectors also had a role in sitting as a member of a Police Appeals Tribunal¹ for appeals made by senior police officers (ACPO rank). In addition HMIC could receive public interest disclosures concerning the conduct of a chief officer. HMIC did not have any role in individual misconduct hearings.

The relevant extracts of the guidance are below:

HM inspectors of constabulary may be called upon to serve as one of the members of a Police Appeals Tribunal where the appellant is a senior officer that is above the rank of Chief Superintendent. HM Inspectors are not otherwise involved in individual misconduct cases.

¹ Schedule 6 to the Police Act 1996 (as amended).

Clerks to police authorities and HM Inspectors may become involved in public interest cases, where a police officer wishes to report the conduct of a chief officer.

The role of HMIC as set out in the Police Act 1996 and Annex K of the Home Office guidance have been superseded by the Police Reform Act 2002 and the Police (Conduct) Regulations 2008 save for HMIC's role in relation to Police Appeals Tribunals which is still set out in the Police Act 1996 (as amended)

The main changes in HMIC's role are below – with particular reference to the role we play in misconduct meetings/hearings and complaints made by police officers. There is also reference to the new Police Reform and Social Responsibility Act and the impact this has on HMIC in relation to our involvement in misconduct and complaints

Misconduct proceedings

Current Position

The current position on HMIC's role in misconduct proceedings is set out in the Police (Conduct) Regulations 2008² and the HO statutory guidance (Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures dated: 1st December 2008).

There are two types of misconduct proceedings:-

1. Misconduct meeting – where maximum outcome that can be imposed is a final written warning; and
2. Misconduct hearing – for cases where it has been assessed that if proven or admitted the likely outcome is that the officer will be dismissed.

Where a case concerns the chief officer, the panel will include an HM Inspector irrespective of whether the case has been referred to a misconduct meeting or hearing. In cases involving a senior officer³ other than the chief officer, HM Inspectors will be part of the panel for a misconduct hearing (not meetings).

Any person sitting on the panel must be sufficiently independent of the case so as to not give rise to any suggestion of unfairness in sitting in judgement in that case.

The Police (Conduct) Regulations 2008 allows the Chief Officer or senior officer to object to any person hearing or advising at a misconduct meeting/hearing if they set out their objections clearly.

All chief officers have a right to appeal to the Police Appeals Tribunal (as per Schedule 6 - Police Act 1996⁴) against any finding or outcome from a misconduct meeting/hearing. The Police Appeals Tribunal Panel consists of:-

- a Legally Qualified Chair from a list held by the Home Office
- HMCIC or an HM Inspector nominated by HMCIC
- Permanent Secretary to the Home Office or a Home Office director nominated by the permanent secretary

The extracts of the regulations which relate to HMIC are set out below:

(2) Where a case is referred to a misconduct meeting and the police officer concerned is-

(a) a chief constable;

² Statutory Instrument 2008 No. 2864

³ Police officer of ACPO rank

⁴ As amended by Paragraph 11 of Schedule 22 to the Criminal Justice and Immigration Act 2008

- (b) in the case of the Metropolitan Police Force –
 - (i) the commissioner;
 - (ii) the deputy commissioner; or
- (c) in the case of the City of London police force, the commissioner, the misconduct hearings shall be conducted by the following panel of persons appointed by the 'appropriate authority': -
 - (i) the chair of the police authority for the police force concerned, or another member of that police authority nominated by the chair, who shall be the chair; and
 - (ii) HMCIC or an inspector of constabulary nominated by HMCIC
- (3) For a misconduct hearing, those persons are –
 - (a) a barrister selected from a list of candidates nominated by the SOS, who shall be the chair;
 - (b) the chair of the police authority for the police force concerned or another member of that police authority nominated by that chair;
 - (c) HMCIC or an inspector of constabulary nominated by HMCIC
 - (d) a person selected from a list of candidates maintained by a police authority.

The Future

The Police Reform and Social Responsibility Act alters the way misconduct proceedings are conducted and this may have implications for HMCIC's role in these proceedings as set out above.

Complaints

Current Position

The Police Reform Act 2002 outlines that HMCIC's role is to ensure it is kept informed of any complaints/issues within a force- (Police Reform Act 2002 (Para 15(1) – see below) and not to become involved in individual complaints.

- (15) *General duties of police authorities, chief officers and inspectors*
 - (1) *It shall be the duty of –*
 - (a) every police authority maintaining a police force,
 - (b) the chief officer of police of every police force, and
 - (c) **every inspector of constabulary carrying out any of his functions in relation to a police force,**
to ensure **that he is kept informed,** in relation to that force, about all matters falling within subsection (2)
 - (2) *Those matters are-*
 - (a) matters with respect to which any provision of this Part has effect;
 - (b) anything which is due under or for the purposes of any such provision; and
 - (c) any obligations to act or refrain from acting that have arisen by or under this Part but have not yet complied with, or have been contravened.

It is the role of the '**appropriate authority**' to deal with any complaints. The 'appropriate authority' is defined at Para 29(2) of the Police Reform Act- (see below). The appropriate authority is the police authority where the person being complained about is a senior officer – to note is that HMCIC are **not** defined as being an appropriate authority.

- 29(1) *'the appropriate authority' –*
 - (a) *in relation to a person serving with the police or in relation to any complaint, conduct matter or investigation relating to the conduct of such a person means –*
 - (a) (i) if that **person is a senior officer, the police authority** for the area of the police force of which he is a member; and
 - (b) if he is not a senior officer, the chief officer under whose direction and control.

Though not covered by legislation, in practice what may happen is the Police Authority may request that the regional HMI identify suitable person(s) who could investigate the complaint – for example this may be another Chief Constable.

Schedule 3 of the Police Reform Act 2002 – covers the process on handling complaints which can be summarised as follows:

The Future

The Police Reform and Social Responsibility Act has no impact on the role HMIC have in the handling of complaints.

NOTE: Once Police and Crime Commissioners are introduced and police authorities are abolished, the Police and Crime Commissioner will be the 'appropriate authority' for handling complaints against the chief officer and the chief officer will be the 'appropriate authority' for complaints against all other officers and police staff (including other ACPO ranks).

Complaints about a Police Authority –

Where there is a complaint about the Police Authority the relevant body to investigate is the LGA.

Role of the IPCC

All matters listed below must be referred to the IPCC as set out in legislation - Police Reform Act 2002 and Police (Complaints and Misconduct) Regulations 2004 (as amended).

The appropriate authority must refer any complaint where there is an allegation that the conduct complained of has resulted in death or serious injury (DSI). This includes any complaint that alleges that the police failed to take action which could have prevented someone's death. The appropriate authority also has a duty to refer a recordable conduct matter if it relates to an incident or circumstances in which any person has died or suffered serious injury.

The appropriate authority must also refer complaints and conduct that include the following allegations:

- serious assault by a person serving with the police;
- serious sexual assault by a person serving with the police;
- serious corruption;
- criminal offence or behaviour which is liable to lead to a disciplinary sanction and which in either case, is aggravated by discriminatory behaviour
- that a relevant offence has been committed
- complaints or conduct matters which are alleged to have arisen from the same incident as anything falling within these criteria.

Where there is doubt about whether a complaint or incident falls within the mandatory criteria, the IPCC encourages referral.