

# **POLICE REFORM ACT 2002**

---

## **EXPLANATORY NOTES**

### **THE ACT**

#### *Commentary on Sections*

#### *Schedule 3 Part 1: Handling of complaints*

#### *Paragraph 8: Local resolution of complaints*

82. This paragraph enables an appropriate authority to make arrangements for the local resolution of a complaint, and sets qualifications for a person who may be appointed to deal with it. *Sub-paragraph (2)* allows the Secretary of State to make provisions by regulations for different techniques to be used for the local resolution of a complaint, giving the person who is subject of a complaint the opportunity to comment and providing the complainant with a record of the outcome of the local resolution of a complaint.
83. *Sub-paragraph (3)* provides that a statement, specific to a complaint, made by any person for the purposes of the local resolution of that complaint shall not be admissible in any criminal, civil or disciplinary proceedings arising from the conduct complained about. The intention is to create a climate of conciliation in which the officer will have the opportunity to explain his behaviour, apologise to the complainant if appropriate and express an intent to avoid a recurrence. If such statements can be used against him, he may be reluctant to express them, thereby rendering ineffective the process of local resolution.
84. If, after attempting to resolve a complaint by local resolution, it becomes clear that it cannot be resolved in that way or that it is not appropriate, *sub-paragraph (4)* enables an appropriate authority to have that complaint investigated instead. In such a case or if the complaint is called in by the Commission under paragraph 4, *sub-paragraph (5)* allows local resolution to be discontinued. *Sub-paragraph (6)* disqualifies any person who participated in the local resolution of the complaint from appointment to investigate the complaint or from participating in its investigation. The reason for this is to avoid prejudice to the investigation, real or perceived.