

Changes to legislation: Police Reform Act 2002, Paragraph 2 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 3

HANDLING OF COMPLAINTS AND CONDUCT MATTERS ETC.

Modifications etc. (not altering text)

- C1** Sch. 3 modified (15.12.2017) by S.I. 2012/1204, **Sch. Pt. 1** (as inserted by The Police (Conduct, Complaints and Misconduct and Appeal Tribunal) (Amendment) Regulations 2017 (S.I. 2017/1134), reg. 1(1), **Sch. 2** (with reg. 2))
- C1** Sch. 3 applied (with modifications) by 1984 c. 55, **ss. 56A-56C** (as inserted (6.4.2023 for specified purposes) by Building Safety Act 2022 (c. 30), **ss. 53(1)**, 170(4)(c); S.I. 2023/362, **reg. 3(1)(v)**)

PART 1

HANDLING OF COMPLAINTS

Initial handling and recording of complaints

- 2 ^{F1}(1) Where a complaint is made to the [^{F2}Director General], [^{F3}the Director General] shall give notification of the complaint to the appropriate authority.
- (1A) But the [^{F2}Director General] need not give that notification if the [^{F2}Director General] considers that there are exceptional circumstances that justify its not being given.]
- (2) Where a complaint is made to a [^{F4}local policing body], it shall—
- (a) determine whether or not it is itself the appropriate authority; and
 - (b) if it determines that it is not, give notification of the complaint to the person who is.
- (3) Where a complaint is made to a chief officer, he shall—
- (a) determine whether or not he is himself the appropriate authority; and
 - (b) if he determines that he is not, give notification of the complaint to the person who is.
- ^{F5}(4)
- (5) Where the [^{F2}Director General], a [^{F6}local policing body] or a chief officer gives notification of a complaint under any of sub-paragraphs (1) to (3) ^{F7}..., the person who gave the notification ^{F8}... shall notify the complainant—
- (a) that the notification has been given and of what it contained; or
 - ^{F9}(b)
- (6) Where—

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- (a) a [^{F10}local policing body] determines, in the case of any complaint made to [^{F11}the body], that it is itself the appropriate authority,
- (b) a chief officer determines, in the case of any complaint made to that chief officer, that he is himself the appropriate authority, or
- (c) a complaint is notified to a [^{F12}local policing body] or chief officer under this paragraph,

[^{F13}the body] or chief officer shall [^{F14}contact the complainant and seek the complainant's views on how the complaint should be handled].

[^{F15}(6A) A local policing body or chief officer that is subject to the duty in sub-paragraph (6) in relation to a complaint must record the complaint if—

- (a) at any time the complainant indicates a wish for the complaint to be recorded, or
- (b) the local policing body or chief officer determines that the complaint is to be handled in accordance with this Schedule.

(6B) The local policing body or chief officer must determine that a complaint is to be handled in accordance with this Schedule if—

- (a) the complaint is one alleging that the conduct or other matter complained of has resulted in death or serious injury,
- (b) the complaint is one alleging that there has been conduct by a person serving with the police which (if proved) might constitute the commission of a criminal offence or justify the bringing of disciplinary proceedings,
- (c) the conduct or other matter complained of (if proved) might have involved the infringement of a person's rights under Article 2 or 3 of the Convention (within the meaning of the Human Rights Act 1998), or
- (d) the complaint is of a description specified for the purposes of paragraph 4(1) (b) in regulations made by the Secretary of State.

(6C) Where a local policing body or chief officer determines (for the purposes of sub-paragraph (6A)) that a complaint is to be handled otherwise than in accordance with this Schedule, the local policing body or chief officer must handle the complaint in such other manner as the local policing body or chief officer considers appropriate with a view to resolving the complaint to the complainant's satisfaction.

(The duty in this sub-paragraph ceases to apply if the complaint is recorded in accordance with sub-paragraph (6A)(a).)

(6D) Where a local policing body or chief officer records a complaint under sub-paragraph (6A), or determines that a complaint is to be handled otherwise than in accordance with this Schedule, the local policing body or chief officer must notify the complainant of the recording of the complaint or (as the case may be) of the determination.]

[^{F16}(7) Nothing in this paragraph shall require the taking of any action in relation to a complaint if the complaint has been withdrawn.]

^{F17}(8)

[^{F18}(9) If a local policing body or chief officer decides that it or (as the case may be) he is not required to comply with any of sub-paragraphs (2), (3) and (6) to (6C) on the basis of a determination that what purports to be a complaint is not a complaint, the

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local policing body or chief officer must notify the complainant of the determination and the grounds on which it was made.

- (10) If a local policing body or chief officer determines that part of what has been received (whether directly or by virtue of a notification under this paragraph) is a complaint and part is not, the local policing body or chief officer must proceed under this paragraph as if those two parts had been separately received.]

Textual Amendments

- F1** Sch. 3 para. 2(1) (1A) substituted for Sch. 3 para. 2(1) (16.1.2012 for specified purposes, 22.11.2012 in so far as not already in force) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 8(2)**; S.I. 2011/3019, art. 3, Sch. 1; S.I. 2012/2892, art. 2(g) (with art. 6)
- F2** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(2)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F3** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(4)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F4** Words in Sch. 3 para. 2(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(3)(a)**; S.I. 2011/3019, art. 3, Sch. 1
- F5** Sch. 3 para. 2(4) omitted (16.1.2012 for specified purposes, 22.11.2012 in so far as not already in force) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 8(3)**; S.I. 2011/3019, art. 3, Sch. 1; S.I. 2012/2892, art. 2(g) (with art. 6)
- F6** Words in Sch. 3 para. 2(5) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(3)(a)**; S.I. 2011/3019, art. 3, Sch. 1
- F7** Words in Sch. 3 para. 2(5) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 8(4)(a)(i)**; S.I. 2012/2892, art. 2(g) (with art. 6)
- F8** Words in Sch. 3 para. 2(5) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 8(4)(a)(ii)**; S.I. 2012/2892, art. 2(g) (with art. 6)
- F9** Sch. 3 para. 2(5)(b) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 8(4)(b)**; S.I. 2012/2892, art. 2(g) (with art. 6)
- F10** Words in Sch. 3 para. 2(6)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(3)(b)(i)**; S.I. 2011/3019, art. 3, Sch. 1
- F11** Words in Sch. 3 para. 2(6)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(3)(b)(ii)**; S.I. 2011/3019, art. 3, Sch. 1
- F12** Words in Sch. 3 para. 2(6)(c) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(3)(c)**; S.I. 2011/3019, art. 3, Sch. 1
- F13** Words in Sch. 3 para. 2(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(3)(d)**; S.I. 2011/3019, art. 3, Sch. 1
- F14** Words in Sch. 3 para. 2(6) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 2(2)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F15** Sch. 3 para. 2(6A)-(6D) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 2(3)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F16** Sch. 3 para. 2(7) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 2(4)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F17** Sch. 3 para. 2(8) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 2(5)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

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F18 Sch. 3 para. 2(9)(10) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 2(6)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Modifications etc. (not altering text)

C1 Sch. 3 para. 2 applied (with modifications) (1.4.2006) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(5)(6)**, Sch. 3

Commencement Information

II Sch. 3 para. 2 wholly in force at 1.4.2004; Sch. 3 para. 2 not in force at Royal Assent see s. 108(2); Sch. 3 para. 2 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 2 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 26F inserted by [2023 c. 41 Sch. 13 para. 6](#)
- s. 28A(6A)(6B) inserted by [2023 c. 41 s. 45\(2\)](#)