

**Changes to legislation:** Police Reform Act 2002, Paragraph 28A 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 3

#### INVESTIGATIONS AND SUBSEQUENT PROCEEDINGS

##### *[<sup>F1</sup>Recommendations by the [<sup>F2</sup>Director General]*

##### Textual Amendments

- F1** Sch. 3 paras. 28A, 28B and cross-headings inserted (1.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 139**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(a)
- 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)

- 28A (1) This paragraph applies where the [<sup>F2</sup>Director General] has received a report [<sup>F3</sup>(or otherwise completed one in relation to an investigation carried out under paragraph 19 by the Director General personally)] under—
- paragraph 22(3) (report on completion of investigation of complaint or conduct matter <sup>F4</sup>... [<sup>F5</sup>directed] by [<sup>F2</sup>Director General]),
  - paragraph 22(5) (report on completion of investigation of complaint or conduct matter by [<sup>F6</sup>or on behalf of the Director General]), or
  - paragraph 24A(2) [<sup>F7</sup>or (2A)] (report on completion of investigation of DSI matter that is not also conduct matter).
- (2) This paragraph also applies where the [<sup>F2</sup>Director General] has made a determination on [<sup>F8</sup>a review] under—
- paragraph [<sup>F9</sup>6A] ([<sup>F10</sup>review] relating to complaint dealt with other than by investigation), or
  - paragraph 25 ([<sup>F11</sup>review] with respect to an investigation).

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(3) The [F<sup>2</sup>Director General] may make a recommendation in relation to a matter dealt with in the report or [F<sup>12</sup>review].

[ Where this paragraph applies—

<sup>F13</sup>(3A) (a) by virtue of sub-paragraph (1)(a) or (b) and the report is a report of an investigation of a complaint, or

(b) by virtue of sub-paragraph (2),

a recommendation made under sub-paragraph (3) may not be a recommendation of a kind described in regulations made under paragraph 28ZA(1).]

(4) A recommendation under this paragraph may be made to any person if it is made—

(a) following the receipt [F<sup>14</sup>or completion] of a report relating to—

(i) a DSI matter,

(ii) a conduct matter of a type specified in regulations, or

(iii) a complaint of a type specified in regulations; or

(b) following a determination on [F<sup>15</sup>a review] relating to a complaint of a type specified in regulations.

(5) In any other case, a recommendation under this paragraph may be made only to—

(a) a person serving with the police, or

(b) a local policing body.

(6) Where the [F<sup>2</sup>Director General] makes a recommendation under this paragraph, [F<sup>16</sup>the Director General] must also—

(a) publish the recommendation, and

(b) send a copy of it—

(i) in a case where the recommendation is made to a local policing body, to the chief officer of the police force maintained by that body;

(ii) in a case where the recommendation is made to a chief officer of a police force, to the local policing body that maintains the police force;

(iii) in a case where the recommendation is made to a contractor (within the meaning of section 12(10)), to the chief officer of a police force to whom the contractor is providing services, and the local policing body that maintains the police force;

(iv) in a case where the recommendation is made to a sub-contractor or an employee of a contractor, to the contractor and the persons to whom a copy must be sent under paragraph (iii);

(v) in a case where the recommendation is made to an employee of a sub-contractor, to the sub-contractor, the contractor and the persons to whom a copy must be sent under sub-paragraph (iii);

(vi) in any other case, to any person to whom the [F<sup>2</sup>Director General] thinks a copy should be sent.

(7) Nothing in this paragraph affects the power of the [F<sup>2</sup>Director General] to make recommendations or give advice under section 10(1)(e) (whether arising under this Schedule or otherwise).]

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### Textual Amendments

- F3** Words in Sch. 3 para. 28A(1) inserted (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(21)(a)(i)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F4** Words in Sch. 3 para. 28A(1)(a) 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. 47(h)(xxi)(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F5** Word in Sch. 3 para. 28A(1)(a) 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. 47(h)(xxi)(b)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F6** Words in Sch. 3 para. 28A(1)(b) 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(21)(a)(ii)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F7** Words in Sch. 3 para. 28A(1)(c) inserted (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(21)(a)(iii)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F8** Words in Sch. 3 para. 28A(2) 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. 47(h)(xxii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F9** Word in Sch. 3 para. 28A(2)(a) 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. 47(h)(xxiii)(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F10** Word in Sch. 3 para. 28A(2)(a) 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. 47(h)(xxiii)(b)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F11** Word in Sch. 3 para. 28A(2)(b) 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. 47(h)(xxiv)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F12** Word in Sch. 3 para. 28A(3) 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. 47(h)(xxiv)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F13** Sch. 3 para. 28A(3A) 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. 46**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F14** Words in Sch. 3 para. 28A(4)(a) inserted (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(21)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F15** Words in Sch. 3 para. 28A(4)(b) 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. 47(h)(xxv)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F16** 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)

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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\(2\)](#)