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**Changes to legislation:** There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, SCHEDULE 14. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 14

Section 95

#### POLICE: COMPLAINTS

##### *Introduction*

1 The Police Reform Act 2002 is amended in accordance with this Schedule.

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**Commencement Information**

**I1** Sch. 14 para. 1 in force at 15.11.2011 by [S.I. 2011/2515](#), **art. 3(f)**

##### *Membership and proceedings of Independent Police Complaints Commission*

2 In section 9(2)(b) (minimum number of members of Commission), for “ten” substitute “five”.

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**Commencement Information**

**I2** Sch. 14 para. 2 in force at 15.11.2011 by [S.I. 2011/2515](#), **art. 3(f)**

3 In Schedule 2 (the Independent Police Complaints Commission), in paragraph 10 (proceedings), omit sub-paragraph (6).

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**Commencement Information**

**I3** Sch. 14 para. 3 in force at 15.11.2011 by [S.I. 2011/2515](#), **art. 3(f)**

##### *Complaints about policing*

4 Omit section 14 (direction and control matters).

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**Modifications etc. (not altering text)**

**C1** Sch. 14 para. 4 modified (with application in accordance with art. 6(1) of the amending S.I.) by [The Police Reform and Social Responsibility Act 2011 \(Commencement No. 7 and Transitional Provisions and Commencement No. 3 and Transitional Provisions \(Amendment\)\) Order 2012 \(S.I. 2012/2892\)](#), **art. 6(3)**

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**Commencement Information**

**I4** Sch. 14 para. 4 in force at 16.1.2012 for specified purposes by [S.I. 2011/3019](#), **art. 3**, **Sch. 1** (with **art. 8(2)**) (as amended (14.11.2012) by [S.I. 2012/2892](#), art. 8(3))

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**I5** Sch. 14 para. 4 in force at 22.11.2012 in so far as not already in force by [S.I. 2012/2892](#), [art. 2\(g\)](#) (with [art. 6](#))

5 (1) In section 29(1) (interpretation of Part 2), in the definition of “conduct” in subsection (1), for “and statements” substitute “, statements and decisions”.

(2) In Schedule 3 (handling of complaints and conduct matters), in paragraph 4 (reference of complaints to the Commission), after sub-paragraph (7) insert—

“(8) In a case where—

- (a) a complaint relates to a direction and control matter, and
- (b) there is no obligation under this paragraph for the appropriate authority to refer the complaint to the Commission,

the appropriate authority may refer the complaint to the Commission under this paragraph only if the Commission consents.”.

#### Commencement Information

**I6** Sch. 14 para. 5 in force at 22.11.2012 by [S.I. 2012/2892](#), [art. 2\(g\)](#) (with [art. 6](#))

6 In consequence of paragraph 4—

- (a) in section 10 (general functions of the Commission), omit subsection (8);
- (b) in section 13 (handling of complaints, conduct matters and DSI matters etc), omit “subject to section 14(1)”.

#### Commencement Information

**I7** Sch. 14 para. 6 in force at 22.11.2012 by [S.I. 2012/2892](#), [art. 2\(g\)](#) (with [art. 6](#))

#### *Power of local policing body to direct chief officer of police to comply with obligations*

7 In section 15 (general duties of local policing bodies, chief officers and inspectors), after subsection (2) insert—

“(2A) Subsection (2B) applies in a case where it appears to a local policing body that—

- (a) an obligation to act or refrain from acting has arisen by or under this Part,
- (b) that obligation is an obligation of the chief officer of police of the police force which is maintained by the local policing body, and
- (c) the chief officer has not yet complied with that obligation, or has contravened it.

(2B) The local policing body may direct the chief officer to take such steps as the local policing body thinks appropriate.

(2C) The chief officer must comply with any direction given under subsection (2B).”.

#### Commencement Information

**I8** Sch. 14 para. 7 in force at 16.1.2012 for specified purposes by [S.I. 2011/3019](#), [art. 3](#), [Sch. 1](#)

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- 19** Sch. 14 para. 7 in force at 22.11.2012 in so far as not already in force by [S.I. 2012/2892](#), **art. 2(g)** (with [art. 6](#))

*Initial handling and recording of complaints*

- 8 (1) In Schedule 3 (handling of complaints and conduct matters), paragraph 2 (initial handling and recording of complaints) is amended in accordance with sub-paragraphs (2) to (5).
- (2) For sub-paragraph (1) substitute—
- “(1) Where a complaint is made to the Commission, it shall give notification of the complaint to the appropriate authority.
- (1A) But the Commission need not give that notification if the Commission considers that there are exceptional circumstances that justify its not being given.”.
- (3) Omit sub-paragraph (4).
- (4) In sub-paragraph (5)—
- (a) in the words before sub-paragraph (a)—
- (i) omit the words from “or the Commission” to “sub-paragraph (4)”;
- (ii) omit “or, as the case may be, the Commission”;
- (b) omit sub-paragraph (b) (and the word “or” preceding it).
- <sup>F1</sup>(5) .....
- (6) In consequence of the amendments made by sub-paragraphs (2) to (5)—
- (a) in section 12(2) (complaints, matters and persons to which Part 2 applies), omit “, paragraph 2(4) of Schedule 3”;
- (b) in section 29(1) (interpretation of Part 2), omit paragraph (b) of the definition of “recordable conduct matter”.

**Textual Amendments**

- F1** Sch. 14 para. 8(5) 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. 51(a)**; [S.I. 2020/5](#), [reg. 2\(n\)](#) (with [art. 3\(1\)\(2\)\(4\)](#))

**Commencement Information**

- I10** Sch. 14 para. 8 in force at 22.11.2012 in so far as not already in force by [S.I. 2012/2892](#), **art. 2(g)** (with [art. 6](#))
- I11** Sch. 14 para. 8(1)(2)(3) in force at 16.1.2012 for specified purposes by [S.I. 2011/3019](#), [art. 3](#), **Sch. 1**

*Handling of complaints by the appropriate authority*

- 9 (1) In Schedule 3 (handling of complaints and conduct matters), for paragraph 6 (handling of complaints by the appropriate authority) substitute—
- “6 (1) This paragraph applies where a complaint has been recorded by the appropriate authority.

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- (2) But this paragraph does not apply to a complaint if it is one that has been, or must be, referred to the Commission under paragraph 4, unless the complaint is for the time being—
  - (a) referred back to the authority under paragraph 5, or
  - (b) the subject of a determination under paragraph 15.
- (3) Subject to paragraph 7, the appropriate authority shall determine whether or not the complaint is suitable for being subjected to local resolution.
- (4) If the appropriate authority determines that the complaint is suitable for being subjected to local resolution, it shall make arrangements for it to be so subjected.
- (5) If the appropriate authority determines that the complaint is not so suitable, it shall make arrangements for the complaint to be investigated by the authority on its own behalf.
- (6) A determination that a complaint is suitable for being subjected to local resolution may not be made unless the following conditions are both met.
- (7) The first condition is that the appropriate authority is satisfied that the conduct complained of (even if it were proved) would not justify the bringing of any criminal or disciplinary proceedings against the person whose conduct is complained of.
- (8) The second condition is that the appropriate authority is satisfied that the conduct complained of (even if it were proved) would not involve the infringement of a person's rights under Article 2 or 3 of the Convention (within the meaning of the Human Rights Act 1998).
- (9) In a case where this paragraph applies to a complaint by virtue of sub-paragraph (2)(b), a determination that the complaint is suitable for being subjected to local resolution may not be made unless the Commission approves the determination.
- (10) No more than one application may be made to the Commission for the purposes of sub-paragraph (9) in respect of the same complaint.
- (11) Sub-paragraph (9) (where applicable) is in addition to sub-paragraphs (6) to (8).”.

<sup>F2</sup>(2) . . . . .

(3) In section 22 (power of the Commission to issue guidance), in subsection (5)(c), omit sub-paragraph (ii) (and the word “and” at the end of sub-paragraph (i)).”.

**Textual Amendments**

**F2** Sch. 14 para. 9(2) 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. 51(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

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### Commencement Information

**I12** Sch. 14 para. 9 in force at 22.11.2012 by S.I. 2012/2892, art. 2(g) (with art. 6)

### *Disapplication of requirements of Schedule 3 to 2002 Act*

**F3** 10 .....

### Textual Amendments

**F3** Sch. 14 para. 10 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. 51(a); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

### *Conduct matters arising in civil proceedings*

- 11 (1) In Schedule 3 (handling of complaints and conduct matters), paragraph 10 (conduct matters arising in civil proceedings) is amended in accordance with sub-paragraphs (2) to (4).
- (2) In sub-paragraph (3), for “record that matter” substitute “ determine whether the matter is one which it or he is required to refer to the Commission under paragraph 13 or is one which it would be appropriate to so refer ”.
- (3) For sub-paragraph (4) substitute—
- “(4) In a case where the appropriate authority determines that the matter is one which it or he is required to refer to the Commission under paragraph 13, or is one which it would be appropriate to so refer, it or he shall record the matter.
- (4A) In any other case, the appropriate authority shall determine whether the matter falls within a description of matters specified in regulations made by the Secretary of State for the purposes of this sub-paragraph.
- (4B) In a case where the appropriate authority determines that the matter does not fall within such a description, it or he shall record the matter.
- (4C) In any other case, the appropriate authority may (but need not) record the matter.
- (4D) In a case where the appropriate authority—
- (a) records a matter under this paragraph, and
- (b) is not required to refer the matter to the Commission under paragraph 13 and does not do so,
- the appropriate authority may deal with the matter in such other manner (if any) as it or he may determine.”.
- (4) In sub-paragraph (5), for “sub-paragraph (3)” substitute “ sub-paragraph (4) or (4B) ”.
- (5) In paragraph 16(2)(a) of Schedule 3, for “10(4)(b)” substitute “ 10(4D) ”.

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**Commencement Information**

**I13** Sch. 14 para. 11 in force at 22.11.2012 by S.I. 2012/2892, art. 2(g) (with art. 6)

*Recording etc of conduct matters in other cases*

- 12 (1) In Schedule 3 (handling of complaints and conduct matters), paragraph 11 (recording etc of conduct matters in other cases) is amended in accordance with sub-paragraphs (2) to (4).
- (2) In sub-paragraph (1)—
- (a) for the words before paragraph (a) substitute—
- “(1) This paragraph applies where—”;
- (b) omit the words after paragraph (b).
- (3) For sub-paragraph (3) substitute—
- “(3) The appropriate authority must determine whether the matter is one which it or he is required to refer to the Commission under paragraph 13, or is one which it would be appropriate to so refer.
- (3A) In a case where the appropriate authority determines that the matter is one which it or he is required to refer to the Commission under paragraph 13, or is one which it would be appropriate to so refer, it or he shall record the matter.
- (3B) In any other case, the appropriate authority shall determine whether the matter falls within a description of matters specified in regulations made by the Secretary of State for the purposes of this sub-paragraph.
- (3C) In a case where the appropriate authority determines that the matter does not fall within such a description, it or he shall record the matter.
- (3D) In any other case, the appropriate authority may (but need not) record the matter.
- (3E) In a case where the appropriate authority—
- (a) records a matter under this paragraph, and
- (b) is not required to refer the matter to the Commission under paragraph 13 and does not do so,
- the appropriate authority may deal with the matter in such other manner (if any) as it or he may determine.”.
- (4) In sub-paragraph (4), for “sub-paragraph (1)” substitute “ sub-paragraph (3A) or (3C) ”.
- (5) In paragraph 16(2)(a) of Schedule 3, for “11(3)(b)” substitute “ 11(3E) ”.

**Commencement Information**

**I14** Sch. 14 para. 12 in force at 22.11.2012 by S.I. 2012/2892, art. 2(g) (with art. 6)

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*Power to discontinue an investigation*

<sup>F4</sup> 13 .....

**Textual Amendments**

**F4** Sch. 14 para. 13 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. 51\(a\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

*Duties with respect to disciplinary proceedings*

14 (1) Schedule 3 is amended in accordance with this paragraph.

<sup>F5</sup>(2) .....

(3) In paragraph 24 (action by the appropriate authority in response to an investigation report under paragraph 22), in sub-paragraph (6)(a), after sub-paragraph (i) insert—  
“(ia) whether or not any such person's performance is unsatisfactory, and”.

<sup>F6</sup>(4) .....

<sup>F6</sup>(5) .....

**Textual Amendments**

**F5** Sch. 14 para. 14(2) 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. 51\(a\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

**F6** Sch. 14 para. 14(4)(5) 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. 51\(a\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

**Commencement Information**

**I15** Sch. 14 para. 14 in force at 22.11.2012 by S.I. 2012/2892, [art. 2\(g\)](#) (with art. 6)

*Rights of appeal*

15 Schedule 3 (handling of complaints and conduct matters) is amended in accordance with the following paragraphs of this Schedule.

**Commencement Information**

**I16** Sch. 14 para. 15 in force at 22.11.2012 by S.I. 2012/2892, [art. 2\(g\)](#) (with art. 6)

<sup>F7</sup> 16 .....

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**Textual Amendments**

**F7** Sch. 14 para. 16 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. 51(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

**F8** 17 .....

**Textual Amendments**

**F8** Sch. 14 para. 17 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. 51(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

**F9** 18 .....

**Textual Amendments**

**F9** Sch. 14 para. 18 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. 51(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

**F10** 19 .....

**Textual Amendments**

**F10** Sch. 14 para. 19 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. 51(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

20 (1) In the italic heading that precedes paragraph 25 (appeals to the Commission with respect to an investigation), omit “*to the Commission*”.

(2) Paragraph 25 is amended in accordance with the following provisions of this paragraph.

**F11**(3) .....

**F11**(4) .....

**F11**(5) .....

**F11**(6) .....

**F11**(7) .....

**F11**(8) .....

**F11**(9) .....

**F11**(10) .....

**F11**(11) .....



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- (12) In sub-paragraph (10)—
- (a) in the words before paragraph (a), for “Commission” substitute “ relevant appeal body ”;
  - (b) in sub-paragraph (a), after “authority” insert “ (unless it is the relevant appeal body) ”;
  - (c) in sub-paragraph (d), for “Commission” substitute “ relevant appeal body ”.

<sup>F12</sup>(13) .....

- (14) In sub-paragraph (13), for “Commission” substitute “ relevant appeal body ”.

#### Textual Amendments

- F11** Sch. 14 para. 20(3)-(11) 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. 51\(a\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F12** Sch. 14 para. 20(13) 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. 51\(a\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

#### Commencement Information

- I17** Sch. 14 para. 20 in force at 22.11.2012 by S.I. 2012/2892, [art. 2\(g\)](#) (with art. 6)

- 21 In paragraph 29 (minor definitions), before the definition of “gross misconduct” insert—

““direction and control matter” means a matter that relates to the direction and control of a police force by—

- (a) the chief officer of police of that force, or
- (b) a person for the time being carrying out the functions of the chief officer of police of that force;”.

#### Commencement Information

- I18** Sch. 14 para. 21 in force at 22.11.2012 by S.I. 2012/2892, [art. 2\(g\)](#) (with art. 6)

- 22 After paragraph 29 insert—

*“Appeals: the relevant appeal body*

- 30 (1) The relevant appeal body in relation to an appeal is—
- (a) the Commission, in a case where the relevant complaint falls within a description of complaints specified in regulations made by the Secretary of State for the purposes of this paragraph; or
  - (b) the chief officer of police who is the appropriate authority in relation to the relevant complaint, in any other case.
- (2) In this paragraph and paragraphs 31 and 32—
- “appeal” means an appeal under paragraph 7(8), 8A, 21(7) or 25(2);

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“relevant complaint”, in relation to an appeal, means the complaint to which the appeal relates.

- 31 (1) This paragraph applies in a case where—
- (a) an appeal is made to the Commission, and
  - (b) the appropriate authority is the relevant appeal body in relation to the appeal.
- (2) The Commission must—
- (a) forward the appeal to the appropriate authority; and
  - (b) notify the person who made the appeal—
    - (i) that the appropriate authority is the relevant appeal body; and
    - (ii) the appeal has been forwarded.
- (3) The appeal is to be taken to have been—
- (a) made to the appropriate authority, and
  - (b) so made at the time when it is forwarded to the appropriate authority.
- 32 (1) This paragraph applies in a case where—
- (a) an appeal is made to the appropriate authority; and
  - (b) the Commission is the relevant appeal body in relation to the appeal.
- (2) The appropriate authority must—
- (a) forward the appeal to the Commission; and
  - (b) notify the person who made the appeal—
    - (i) that the Commission is the relevant appeal body; and
    - (ii) the appeal has been forwarded.
- (3) The appeal is to be taken to have been—
- (a) made to the Commission; and
  - (b) so made at the time when it is forwarded to the Commission.”.

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**Commencement Information**

**I19** Sch. 14 para. 22 in force at 22.11.2012 by S.I. 2012/2892, art. 2(g) (with art. 6)

**Changes to legislation:**

There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, SCHEDULE 14.