



# Anti-social Behaviour, Crime and Policing Act 2014

## 2014 CHAPTER 12

### PART 11

#### POLICING ETC

##### *Independent Police Complaints Commission*

#### **138 Unsatisfactory performance procedures following investigation of death or serious injury matter**

(1) In paragraph 24C of Schedule 3 to the Police Reform Act 2002 (cases of death or serious injury where Independent Police Complaints Commission determines that disciplinary proceedings not justified), at the end there is inserted—

“(3) The Commission may notify the appropriate authority that it must, in accordance with regulations under section 50 or 51 of the 1996 Act, determine—

- (a) whether or not the performance of a person serving with the police is unsatisfactory, and
- (b) what action (if any) the authority will take in respect of any such person's performance.

(4) On receipt of a notification under sub-paragraph (3) the appropriate authority shall make those determinations and submit a memorandum to the Commission setting out the determinations the authority has made.

(5) On receipt of a memorandum under sub-paragraph (4), the Commission shall—

- (a) consider the memorandum and whether the appropriate authority has made the determinations under sub-paragraph (4) that the Commission considers appropriate;

**Changes to legislation:** *Anti-social Behaviour, Crime and Policing Act 2014, Section 138 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*

- (b) determine whether or not to make recommendations under paragraph 27;
  - (c) make such recommendations (if any) under that paragraph as it thinks fit.”
- (2) Paragraph 27 of that Schedule (duties with respect to disciplinary proceedings) is amended as follows.
- (3) In sub-paragraph (1), at the end there is inserted “; or
  - (c) has submitted, or is required to submit, a memorandum to the Commission under paragraph 24C(4).”
- (4) After sub-paragraph (3) there is inserted—
  - “(3A) Where this paragraph applies by virtue of sub-paragraph (1)(c), the Commission may make a recommendation to the appropriate authority—
    - (a) that the performance of a person serving with the police is, or is not, satisfactory;
    - (b) that action of the form specified in the recommendation is taken in respect of the person's performance;and it shall be the duty of the appropriate authority to notify the Commission whether it accepts the recommendation and (if it does) to set out in the notification the steps that it is proposing to take to give effect to it.”

#### Commencement Information

**II** S. 138 in force at 1.10.2014 by S.I. 2014/2454, art. 3(a)

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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. 102(2)(ba) inserted by [2022 c. 32 Sch. 11 para. 35\(2\)\(a\)](#)