



Anti-social Behaviour, Crime and Policing Act 2014

2014 CHAPTER 12

PART 11

POLICING ETC

Independent Police Complaints Commission

139 Recommendations by IPCC and requirement to respond

After paragraph 28 of Schedule 3 to the Police Reform Act 2002 there is inserted—

“Recommendations by the Commission

28A (1) This paragraph applies where the Commission has received a report under—

- (a) paragraph 22(3) (report on completion of investigation of complaint or conduct matter supervised or managed by Commission),
- (b) paragraph 22(5) (report on completion of investigation of complaint or conduct matter by Commission itself), or
- (c) paragraph 24A(2) (report on completion of investigation of DSI matter that is not also conduct matter).

(2) This paragraph also applies where the Commission has made a determination on an appeal under—

- (a) paragraph 8A (appeal relating to complaint dealt with other than by investigation), or
- (b) paragraph 25 (appeal with respect to an investigation).

(3) The Commission may make a recommendation in relation to a matter dealt with in the report or appeal.

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- (4) A recommendation under this paragraph may be made to any person if it is made—
- (a) following the receipt 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 an appeal 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 Commission makes a recommendation under this paragraph, it 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 Commission thinks a copy should be sent.
- (7) Nothing in this paragraph affects the power of the Commission to make recommendations or give advice under section 10(1)(e) (whether arising under this Schedule or otherwise).

Response to recommendation

- 28B (1) A person to whom a recommendation under paragraph 28A is made must provide to the Commission a response in writing stating—
- (a) what action the person has taken or proposes to take in response to the recommendation, or

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- (b) why the person has not taken, or does not propose to take, any action in response.
- (2) The person must provide the response to the Commission before the end of the period of 56 days beginning with the day on which the recommendation was made, unless sub-paragraph (3) applies.
- (3) The Commission may extend the period of 56 days following an application received before the end of the period; and if the Commission grants an extension, the person must provide the response before the end of the extended period.
- (4) But if proceedings for judicial review of the Commission's decision to make a recommendation are started during the period allowed by sub-paragraph (2) or (3), that period is extended by however many days the proceedings are in progress.
- (5) On receiving a response, the Commission must, within the period of 21 days beginning with the day on which the Commission received it—
 - (a) publish the response, and
 - (b) send a copy of it to any person who was sent a copy of the recommendation under paragraph 28A(6)(b),unless the person giving the response has made representations under sub-paragraph (6).
- (6) The person giving the response may, at the time of providing it to the Commission, make representations to the Commission asserting that the requirements of publication and disclosure under sub-paragraph (5) should not apply to the response, or to particular parts of it.
- (7) On receiving such representations, the Commission may decide—
 - (a) that the response should not be published, or that only parts of it should be published;
 - (b) that the response should not be disclosed, or that only parts of the response should be disclosed.
- (8) Where, following a decision on representations, the Commission decides to publish or disclose a response (in whole or in part), it must do so only after the person giving the response has been informed of the Commission's decision, and—
 - (a) in a case where the Commission has decided to accept all of the representations, it must do so within the period of 21 days beginning with the day on which it received the response;
 - (b) in a case where the Commission has decided to reject any of the representations, it must do so—
 - (i) within the period of 21 days beginning with the day on which the person was informed of the Commission's decision on the representations, but
 - (ii) not before the end of the period of 7 days beginning with that day.
- (9) But if proceedings for judicial review of the Commission's decision to reject a representation are started during the period of 7 days referred to in sub-paragraph (8)(b)(ii)—

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- (a) the Commission must not publish or disclose the response while the proceedings are in progress;
 - (b) if the court upholds the Commission's decision to reject a representation, the Commission must publish and disclose the response (in whole or in part, as appropriate) before the end of the period of 7 days beginning with the day on which the proceedings are no longer in progress.
- (10) Where a local policing body or a chief officer makes a response under this paragraph, the body or officer must, at the time the Commission publishes the response, also publish the response (to the same extent as published by the Commission) and the recommendation under paragraph 28A.
- (11) For the purposes of this paragraph—
- (a) “disclosing” a response means sending a copy of it as mentioned in sub-paragraph (5)(b);
 - (b) the period during which judicial review proceedings are in progress includes any day on which an appeal is in progress or may be brought.”

Commencement Information

II S. 139 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\(2\)\(a\)](#)