
Changes to legislation: Policing and Crime Act 2017, Paragraph 26 is up to date with all changes known to be in force on or before 19 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 5

COMPLAINTS, CONDUCT MATTERS AND DSI MATTERS: PROCEDURE

PART 3

INVESTIGATIONS AND SUBSEQUENT PROCEEDINGS

- 26 (1) Paragraph 23 (action by the Commission in response to an investigation report under paragraph 22) is amended as follows.
- (2) After sub-paragraph (5) insert—
- “(5A) On receipt of the report, the Commission shall also—
- (a) seek the views of the appropriate authority on—
 - (i) whether any person to whose conduct the investigation related has a case to answer in respect of misconduct or gross misconduct or has no case to answer,
 - (ii) whether or not any such person's performance is unsatisfactory, and
 - (iii) the other matters (if any) dealt with in the report (but not on whether the conditions in sub-paragraphs (2A) and (2B) are satisfied in respect of the report),
 - (b) having considered the views (if any) of the appropriate authority, make a determination as to—
 - (i) the matters described in paragraph (a)(i) and (ii), and
 - (ii) whether or not disciplinary proceedings should be brought against any person to whose conduct the investigation related and, if so, what form the disciplinary proceedings should take,
 - (c) having considered the views (if any) of the appropriate authority and if the Commission considers it appropriate to do so, make a determination as to any matter dealt with in the report, being a determination other than one that it is required to make under sub-paragraph (2)(b) or paragraph (b) of this sub-paragraph,
 - (d) notify the appropriate authority of its determination under paragraph (b) and any determination under paragraph (c),
 - (e) where the Commission determines that disciplinary proceedings of a form specified in the determination should be brought against a person, direct the appropriate authority to bring those proceedings, and
 - (f) direct the appropriate authority to determine what action (if any) the appropriate authority will in its discretion take, not being action involving the bringing of disciplinary proceedings, in respect

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of the matters dealt with in the report and having regard to the Commission's determination under paragraph (b) and any determination under paragraph (c).

- (5B) The appropriate authority must comply with a direction given under sub-paragraph (5A)(e) and must secure that the proceedings, once brought, are proceeded with to a proper conclusion.
- (5C) The Commission may at any time withdraw a direction given under sub-paragraph (5A)(e); and sub-paragraph (5B) shall not impose any obligation in relation to any time after the withdrawal of the direction.
- (5D) The appropriate authority must keep the Commission informed of the action it takes in response to a direction given under sub-paragraph (5A)(e).
- (5E) The appropriate authority must comply with the direction given under sub-paragraph (5A)(f) and must notify the Commission of the determination it makes.
- (5F) On receipt of the report, where it is a report of an investigation of a complaint, the Commission may also make a recommendation under paragraph 28ZA.”

(3) Omit sub-paragraphs (6) to (8).

Commencement Information

- I1** [Sch. 5 para. 26](#) in force for certain purposes at Royal Assent, see [s. 183](#)
- I2** [Sch. 5 para. 26](#) in force at 1.2.2020 in so far as not already in force by [S.I. 2020/5, reg. 2\(n\)](#) (with [art. 3\(1\)\(2\)\(4\)](#))

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/1139, reg. 2 by [S.I. 2017/1162 reg. 2](#)