



Policing and Crime Act 2017

2017 CHAPTER 3

PART 2

POLICE COMPLAINTS, DISCIPLINE AND INSPECTION

CHAPTER 4

POLICE DISCIPLINE

32 Guidance concerning disciplinary proceedings and conduct etc

(1) Section 87 of the Police Act 1996 (guidance concerning disciplinary proceedings etc) is amended as follows.

(2) For subsections (1) to (1A) substitute—

“(1) The Secretary of State may issue guidance as to the discharge of their disciplinary functions to—

- (a) local policing bodies,
- (b) chief officers of police,
- (c) other members of police forces,
- (d) civilian police employees, and
- (e) the Independent Police Complaints Commission.”

(3) Before subsection (2) insert—

“(1B) The College of Policing may, with the approval of the Secretary of State, issue guidance to the persons mentioned in subsection (1)(a) to (c) as to the discharge of their disciplinary functions in relation to members of police forces and special constables and former members of police forces and former special constables.”

(4) After subsection (4) insert—

Status: This is the original version (as it was originally enacted).

“(4A) In this section “disciplinary functions” means—

- (a) functions in relation to the conduct, efficiency and effectiveness of, and the maintenance of discipline of, the following persons (including functions in relation to disciplinary proceedings)—
 - (i) members of police forces;
 - (ii) special constables;
 - (iii) civilian police employees;
- (b) functions in relation to disciplinary proceedings against persons who were, but have ceased to be, persons falling within paragraph (a).”

(5) For subsection (5) substitute—

“(5) In this section—

“civilian police employee” means—

- (a) a member of the civilian staff of a police force, including the metropolitan police force (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011), or
- (b) a person employed by the Common Council of the City of London in its capacity as police authority who is under the direction and control of the Commissioner of Police for the City of London;

“disciplinary proceedings”—

- (a) in relation to a member of a police force or a special constable, or a former member of a police force or a former special constable, means any proceedings under regulations under section 50 or 51 that are identified as disciplinary proceedings by those regulations;
- (b) in relation to any other person, means any proceedings identified as disciplinary proceedings by regulations made by the Secretary of State for the purposes of this section.”

(6) After subsection (5) insert—

“(6) A statutory instrument containing regulations under paragraph (b) of the definition of “disciplinary proceedings” in subsection (5) is subject to annulment in pursuance of a resolution of either House of Parliament.”

(7) After section 87 of the Police Act 1996 insert—

“87A Guidance concerning conduct etc

- (1) The Secretary of State may issue guidance as to matters of conduct, efficiency and effectiveness to—
 - (a) members of police forces,
 - (b) special constables, and
 - (c) civilian police employees.
- (2) The College of Policing may, with the approval of the Secretary of State, issue guidance of the type described in subsection (1) to the persons mentioned in paragraphs (a) and (b) of that subsection.

Status: This is the original version (as it was originally enacted).

- (3) It shall be the duty of every person to whom any guidance under this section is issued to have regard to the guidance.
- (4) A failure by a person to whom guidance under this section is issued to have regard to the guidance shall be admissible in evidence in any disciplinary proceedings brought against the person.
- (5) In this section “civilian police employees” and “disciplinary proceedings” have the same meaning as in section 87.”