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STATUTORY INSTRUMENTS

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**2010 No. 782**

**The UK Border Agency (Complaints  
and Misconduct) Regulations 2010**

**PART 6**

**PROVISION OF INFORMATION**

**Manner in which duties to provide information to the complainant are to be performed**

**54.**—(1) For the purposes of regulations 49(4) (duty to keep the complainant informed) and 50(9) (duty to provide information for other persons), the manner in which the IPCC or, as the case may be, a relevant appropriate authority shall perform the duties imposed by those regulations is as follows.

(2) The IPCC, in a case falling within regulation 49(1) (duty to keep the complainant informed) or 50(7) (duty to provide information for other persons), shall inform the complainant or, as the case may be, the interested party—

- (a) of the progress of the investigation promptly and in any event—
  - (i) if there has been no previous notification, within four weeks of the start of the investigation; and
  - (ii) in any other case, within four weeks of the previous notification;
- (b) of any provisional finding of the person carrying out the investigation as frequently as the IPCC determines to be appropriate in order for the complainant to be kept properly informed.

(3) The relevant appropriate authority, in a case falling within regulation 49(2) or 50(8) shall inform the complainant or the interested party (as the case may be)—

- (a) of the progress of the investigation promptly and in any event—
  - (i) if there has been no previous notification, within four weeks of the start of the investigation; and
  - (ii) in any other case, within four weeks of the previous notification;
- (b) of any provisional findings of the person carrying out the investigation as frequently as the relevant appropriate authority determine to be appropriate in order for the complainant to be kept properly informed.

(4) When an investigation has been completed, each complainant and interested person shall be notified—

- (a) of the date on which the final report under regulation 62 (final reports on investigations: complaints, conduct matters and certain DSI matters) is likely to be submitted;
- (b) of the date on which the notification under regulation 63(11) (action by the IPCC in response to an investigation report under regulation 62) is likely to be given.

(5) In performing the duties imposed by regulations 49(1) and (2), and 50(7) and (8), the IPCC or, as the case may be, the relevant appropriate authority shall determine whether it is appropriate

for it to accept and take into account written representations from the complainant or, as the case may be, an interested person.

(6) As soon as practicable after those written representations have been taken into account, the IPCC or, as the case may be, the relevant appropriate authority shall send to the complainant or interested person a written account of how any concerns of that person will be addressed.

(7) Before notifying a complainant or interested person of how the IPCC has taken those written representations into account, the IPCC shall consult the relevant appropriate authority and shall have regard to any representations made to it in the notification.

(8) As soon as practicable after any disciplinary hearing or other action that is taken in respect of the matters dealt with in any report submitted under regulation 62, the IPCC or, as the case may be, a relevant appropriate authority shall notify any complainant and interested person of the outcome of that hearing or action, including the fact and outcome of any appeal against the findings of or sanctions imposed by such a hearing.

(9) Before notifying a complainant or interested person of the outcome of the disciplinary hearing and the outcome of any appeal against the findings of or sanctions imposed by such a hearing, the IPCC shall consult the relevant appropriate authority and shall have regard to any representations made to it.

(10) If the IPCC or, as the case may be, the relevant appropriate authority, considers that an investigation has made minimal or no progress since the previous notification, then the next notification may be made by any means that in the opinion of the IPCC or, as the case may be, the relevant appropriate authority is suitable.