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STATUTORY INSTRUMENTS

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**2018 No. 748**

**POLICE, ENGLAND AND WALES**

**The Police Super-complaints (Designation  
and Procedure) Regulations 2018**

<i>Made</i>	- - - -	<i>20th June 2018</i>
<i>Laid before Parliament</i>		<i>25th June 2018</i>
<i>Coming into force</i>	- -	<i>1st November 2018</i>

The Secretary of State, after complying with the duty in section 29B(3) of the Police Reform Act 2002<sup>(1)</sup>, makes the following Regulations in exercise of the powers conferred by sections 29B(1) and (2)(a) and 29C(1), (2)(b) and (3)(a) of that Act<sup>(2)</sup>.

*Citation, commencement and interpretation*

**Citation and commencement**

1.—(1) These Regulations may be cited as the Police Super-complaints (Designation and Procedure) Regulations 2018.

(2) These Regulations come into force on 1st November 2018.

**Interpretation**

2.—(1) In these Regulations—

“the 1996 Act” means the Police Act 1996<sup>(3)</sup>;

“the 2002 Act” means the Police Reform Act 2002;

“the Chief Inspector” means Her Majesty’s Chief Inspector of Constabulary;

“complaint” means a complaint made to the Chief Inspector under section 29A of the 2002 Act (power to make super-complaints)<sup>(4)</sup>;

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(1) 2002 c. 30. Section 29B was inserted by section 26 of the Policing and Crime Act 2017 (c. 3). The Police Super-complaints (Criteria for the Making and Revocation of Designations) Regulations 2018 (S.I. 2018/412) were made under sections 29B(3) and 29C of the Police Reform Act 2002.

(2) Section 29C was inserted by section 27 of, and amended by paragraph 41 of Schedule 9 to, the Policing and Crime Act 2017.

(3) 1996 c. 16.

(4) Section 29A was inserted by section 25 of the Policing and Crime Act 2017.

“the decision-making authorities” means the Chief Inspector, the Director General of the Independent Office for Police Conduct and the College of Policing;

“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971<sup>(5)</sup>.

(2) Any reference in these Regulations to the designated body, in relation to a complaint, is a reference to the designated body making the complaint.

### *Designated bodies*

#### **Designated bodies**

3. The following bodies are designated under section 29B(1) and (2)(a) of the 2002 Act (bodies who may make super-complaints)—

- (a) Action on Elder Abuse, a company registered in England and Wales with the registration number 07290092;
- (b) Advocacy After Fatal Domestic Abuse, a company registered in England and Wales with the registration number 09527065;
- (c) Centre for Women’s Justice, a company registered in England and Wales with the registration number CE008821;
- (d) the Children’s Commissioner for England;
- (e) Criminal Justice Alliance, a company registered in England and Wales with the registration number 06331413;
- (f) Faith Matters, a company registered in England and Wales with the registration number 06082225;
- (g) Galop, a company registered in England and Wales with the registration number 02969307;
- (h) Hestia, a company registered in England and Wales with the registration number 02020165;
- (i) Liberty, a company registered in England and Wales with the registration number 03260840;
- (j) Missing People, a company registered in England and Wales with the registration number 02814202 ;
- (k) Pathway Project, a company registered in England and Wales with the registration number 02635912;
- (l) Southall Black Sisters, a company registered in England and Wales with the registration number 03037955;
- (m) Suzy Lamplugh Trust, a company registered in England and Wales with the registration number 02417823;
- (n) Tees Valley Inclusion Project, a company registered in England and Wales with the registration number 07882456;
- (o) Welsh Women’s Aid, a company registered in England and Wales with the registration number 07483469;
- (p) Women’s Aid Federation of England, a company registered in England and Wales with the registration number 03171880.

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(5) 1971 c. 80.

### *Making of complaints*

#### **Making of complaints**

- 4.—(1) A complaint must be in writing.
- (2) A complaint must—
  - (a) set out the feature, or combination of features, of policing to which it relates,
  - (b) explain why the designated body is of the opinion that the feature, or combination of features, is or appears to be significantly harming the interests of the public, and
  - (c) include the evidence relied upon by the designated body to support that opinion.
- (3) A complaint must give the name of an individual representing the designated body who may be contacted about the complaint.

### *Duties in respect of complaints*

#### **Duty to acknowledge receipt**

5. The Chief Inspector must acknowledge receipt of a complaint before the end of the period of 5 working days beginning with the day on which the complaint is received or, if that day is not a working day, beginning with the first working day after that day.

#### **Duty to determine eligibility for consideration**

6.—(1) Where a complaint is received by the Chief Inspector, the decision-making authorities must decide whether it is eligible for consideration.

(2) Subject to paragraphs (3) and (4), a complaint is eligible for consideration if it complies with the requirements of regulation 4 (making of complaints).

(3) A complaint that merely repeats the substance of a complaint that is being investigated is not eligible for consideration.

(4) A complaint that merely repeats the substance of a complaint that has already been investigated is not eligible for consideration unless there has been a material change of circumstances since the previous complaint was made.

(5) If the decision-making authorities decide that a complaint is eligible for consideration, the Chief Inspector must inform the designated body in writing that—

- (a) the complaint will be investigated, and
- (b) the designated body will be provided with progress reports on the investigation of the complaint.

(6) If the decision-making authorities decide that the complaint is not eligible for consideration, the Chief Inspector must inform the designated body in writing of that decision and the reasons for it.

#### **Duty to provide progress reports**

7.—(1) Where the designated body has been informed that a complaint will be investigated, the Chief Inspector must, before the end of each relevant period, send the designated body a written progress report.

- (2) Subject to paragraph (3), the progress report must include the following information—

- (a) an explanation of the steps the decision-making authorities have taken in relation to the investigation (so far as they have not been explained in a previous written progress report sent to the designated body);
  - (b) an explanation of the steps they propose to take in relation to the investigation before the end of the next relevant period in relation to the investigation.
- (3) The Chief Inspector may exclude information from the progress report if the Chief Inspector considers that its inclusion—
- (a) would be contrary to the interests of national security, or
  - (b) might jeopardise the safety of any person.
- (4) For the purposes of this regulation, each of the following is a “relevant period”—
- (a) the period of 56 working days beginning with the day on which the Chief Inspector informs the designated body that the complaint will be investigated;
  - (b) each subsequent period of 56 working days beginning with the first working day after the end of the preceding relevant period.

#### **Duty to report on outcome of investigation**

8.—(1) When the decision-making authorities have concluded an investigation of a complaint, they must prepare a report—

- (a) describing the steps they have taken to investigate the complaint,
  - (b) setting out their conclusions and the reasons for them,
  - (c) describing any further action the decision-making authorities (or any of them) propose to take, and
  - (d) making such recommendations to any other person as they consider appropriate.
- (2) The Chief Inspector must—
- (a) send the report to the designated body, and
  - (b) publish it in such form and manner as the Chief Inspector considers appropriate.
- (3) The Chief Inspector may exclude information from the report sent to the designated body and published under paragraph (2) if the Chief Inspector considers that its inclusion—
- (a) would be contrary to the interests of national security, or
  - (b) might jeopardise the safety of any person.

#### *Further provision about complaints*

#### **Powers in relation to investigations**

9.—(1) The decision-making authorities may request any person to provide advice on or assistance with the investigation of a complaint or the preparation of a report under regulation 8 (duty to report on outcome of investigation).

(2) Paragraph (3) applies where the decision-making authorities request an inspector to assist with the investigation of a complaint.

(3) Paragraphs 6A and 6B of Schedule 4A to the 1996 Act (further provision about Her Majesty’s inspectors of constabulary: powers of inspectors to obtain information and access to premises)(6) apply in relation to the investigation of the complaint in accordance with the decision-

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(6) 1996 c. 16. Schedule 4A was inserted by section 29(2) of the Police and Justice Act 2006 (c. 48). Paragraphs 6A and 6B were substituted, along with paragraphs 6C to 6F, for paragraphs 6A and 6B by section 36(1) of the Policing and Crime Act 2017.

making authorities' request as they apply in relation to an inspection under section 54 of that Act (appointment and functions of inspectors of constabulary).

(4) Where a notice is, by virtue of paragraph (3), served under paragraph 6A of Schedule 4A to the 1996 Act, paragraphs 6C and 6D of that Schedule (further provision about Her Majesty's inspectors of constabulary: failure to comply with notices and appeals)(7) apply in relation to the notice.

(5) Where a notice is, by virtue of paragraph (3), served under paragraph 6B of Schedule 4A to the 1996 Act, paragraph 6C of that Schedule applies in relation to the notice.

(6) In this regulation, "inspector" means—

- (a) an inspector of constabulary;
- (b) a person appointed under section 56 of the 1996 Act (assistant inspectors and staff officers) as an assistant inspector of constabulary or a staff officer to the inspectors of constabulary.

### **Information sharing etc**

**10.**—(1) For the purpose of investigating a complaint, each of the decision-making authorities may use any information held by it and share that information with any of the other decision-making authorities.

(2) The use or sharing of information by a decision-making authority under paragraph (1) does not breach any obligation of confidence owed by the decision-making authority.

### **Procedure where decision-making authorities unable to agree**

**11.**—(1) Where the decision-making authorities are unable to agree on whether a complaint is eligible for consideration (as described in regulation 6(2) to (4)), the decision whether the complaint is eligible for consideration is to be made by the Chief Inspector.

(2) Where the decision-making authorities are unable to agree on the contents of a report under regulation 8 (duty to report on outcome of an investigation), each decision-making authority must include in the report its opinion on the matters on which there is disagreement

20th June 2018

*Caroline Nokes*  
Minister of State  
Home Office

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(7) Paragraph 6D was amended by section 43(2) of the Policing and Crime Act 2017.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Regulation 3 of these Regulations designates bodies under section 29B of the Police Reform Act 2002 (c. 30) (“the 2002 Act”). Section 29B was inserted by section 26 of the Policing and Crime Act 2017 (c. 3) (“the 2017 Act”). Bodies designated under section 29B are able to make super-complaints under section 29A of the 2002 Act (as inserted by section 25 of the 2017 Act), being complaints about systemic issues in policing which are significantly harming the interests of the public.

Regulation 4 of these Regulations makes provision regarding the making of super-complaints.

Regulations 5 to 8 of these Regulations impose duties on Her Majesty’s Chief Inspector of Constabulary and the other authorities which will consider and make decisions on super-complaints.

Regulations 9 to 11 of these Regulations make further provision about super-complaints.

A full impact assessment has not been prepared for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.