



Anti-social Behaviour, Crime and Policing Act 2014

2014 CHAPTER 12

PART 11

POLICING ETC

Independent Police Complaints Commission

138 Unsatisfactory performance procedures following investigation of death or serious injury matter

(1) In paragraph 24C of Schedule 3 to the Police Reform Act 2002 (cases of death or serious injury where Independent Police Complaints Commission determines that disciplinary proceedings not justified), at the end there is inserted—

“(3) The Commission may notify the appropriate authority that it must, in accordance with regulations under section 50 or 51 of the 1996 Act, determine—

- (a) whether or not the performance of a person serving with the police is unsatisfactory, and
- (b) what action (if any) the authority will take in respect of any such person’s performance.

(4) On receipt of a notification under sub-paragraph (3) the appropriate authority shall make those determinations and submit a memorandum to the Commission setting out the determinations the authority has made.

(5) On receipt of a memorandum under sub-paragraph (4), the Commission shall—

- (a) consider the memorandum and whether the appropriate authority has made the determinations under sub-paragraph (4) that the Commission considers appropriate;

Status: This is the original version (as it was originally enacted).

- (b) determine whether or not to make recommendations under paragraph 27;
 - (c) make such recommendations (if any) under that paragraph as it thinks fit.”
- (2) Paragraph 27 of that Schedule (duties with respect to disciplinary proceedings) is amended as follows.
- (3) In sub-paragraph (1), at the end there is inserted “; or
 - (c) has submitted, or is required to submit, a memorandum to the Commission under paragraph 24C(4).”
- (4) After sub-paragraph (3) there is inserted—
 - “(3A) Where this paragraph applies by virtue of sub-paragraph (1)(c), the Commission may make a recommendation to the appropriate authority—
 - (a) that the performance of a person serving with the police is, or is not, satisfactory;
 - (b) that action of the form specified in the recommendation is taken in respect of the person’s performance;and it shall be the duty of the appropriate authority to notify the Commission whether it accepts the recommendation and (if it does) to set out in the notification the steps that it is proposing to take to give effect to it.”