STATUTORY INSTRUMENTS

2026 No. 1098

PUBLIC SECTOR FRAUD, ENGLAND AND WALES

The Authorised Investigators (Complaints and Misconduct) Regulations 2026

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The Minister for the Cabinet Office makes these Regulations in exercise of the powers conferred by sections 26G(1), (2) and (6) and 105(4) and (5) of the Police Reform Act 2002(**a**).

(**a**) 2002 c. 30. Section 26G was inserted by section 9(3) of the Public Authorities (Fraud, Error and Recovery) Act 2025 (c. 28). Section 105(5) was amended by section 28(4) of, and paragraph 54 of Schedule 9(2) to, the Policing and Crime Act 2017 (c. 3). See section 105(6) of the Police Reform Act 2002 which provides that references to the Secretary of State include references to the Minister for the Cabinet Office for the purposes of section 26G.

PART 1

Introductory

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Authorised Investigators (Complaints and Misconduct) Regulations 2026 and come into force on 9th November 2026.

(2) These Regulations extend to England and Wales.

Interpretation

2.—(1) In these Regulations—

"the 2002 Act" means the Police Reform Act 2002;

"the 2025 Act" means the Public Authorities (Fraud, Error and Recovery) Act 2025(**a**);

"authorised functions" means the functions conferred on authorised investigators by section 7 of the 2025 Act (Police and Criminal Evidence Act 1984 powers for authorised investigators);

"authorised investigator" has the meaning given in section 7 of the 2025 Act;

"chief officer" means, in relation to a police force, the chief officer of police of that police force;

"complainant" means—

(a) in the case of a complaint falling within regulation 4(1)(d), the person on whose behalf the complaint was made;

(b) in the case of a complaint not falling within regulation 4(1)(d), the person by whom the complaint was made;

but where any person is acting on another's behalf for the purposes of any complaint, anything that is to be, or that may be, done under these Regulations by, or in relation to, the complainant may be done by, or in relation to, the person acting on the complainant's behalf;

"complaint" has the meaning given by regulation 4(1) and includes a purported complaint;

"conduct" includes acts, omissions, statements and decisions (whether actual, alleged or inferred) by an authorised investigator, while acting in the exercise of authorised functions;

"conduct matter" has the meaning given by regulation 4(2)(a);

"death or serious injury matter" and "DSI matter" have the meaning given by regulation 4(2)(b);

"disciplinary proceedings" means any proceedings or management process during which the conduct of an authorised investigator is considered in order to determine whether a sanction or punitive measure should be imposed against that person in relation to that conduct;

"information notice" has the meaning given in regulation 67(1);

(**a**) 2025 c. 28.

"Inspectors of Constabulary" means His Majesty's Inspectors of Constabulary appointed under section 54 of the 1996 Act(**a**);

"interested person" has the meaning given in regulation 62;

"performance proceedings" means any proceedings or management process during which the performance of a person is considered in order to determine whether it is unsatisfactory and whether, as a result, any action is to be taken in relation to it;

"person complained against", in relation to a complaint, means the person whose conduct is the subject matter of the complaint;

"person concerned" has the meaning given in regulation 48(11);

"person investigating", in relation to a complaint, recordable conduct matter or DSI matter, means the person appointed to investigate or designated to take charge of an investigation;

"PSFA" means the Public Sector Fraud Authority;

"PSFA friend" means a person chosen under regulation 50(2);

"Public Sector Fraud Authority" means the non-statutory body known as the Public Sector Fraud Authority;

"recordable conduct matter" means a conduct matter that is required to be recorded by the Minister(**b**) under regulation 21 or 22, or which has been so recorded;

"relevant document" means, in relation to a complaint, recordable conduct matter or DSI matter under investigation, a document relating to that complaint or matter (and includes a document containing suggestions as to lines of inquiry to be pursued or witnesses to be interviewed), but this definition does not apply in relation to regulation 71;

"relevant offence" means—

(a) an offence for which the sentence is fixed by law; or

(b) an offence for which a person aged 18 years or over, who has not previously been convicted, may be sentenced to imprisonment for a term of seven years or more (or might be so sentenced but for the restrictions imposed by section 33 of the Magistrates' Courts Act 1980(**c**));

"relevant statement" means, in relation to a complaint, recordable conduct matter or DSI matter under investigation, an oral or written statement relating to that complaint or matter;

"severity assessment" means, in relation to conduct, an assessment as to—

(a) whether the conduct, if proved, would amount to gross misconduct or misconduct that is so serious as to justify the commencement of disciplinary proceedings; and

(b) if the conduct were to become the subject of disciplinary proceedings, the form which those proceedings would be likely to take;

"working day" means any day other than—

(a) Saturday or Sunday,

(b) Christmas Day or Good Friday, or

(**a**) See section 106 of the 2002 Act for the definition of "the 1996 Act". There are amendments to section 54 but none is relevant.

(**b**) See section 26G of the 2002 Act for the definition of "the Minister".

(**c**) 1980 c. 43. Section 33 was amended by sections 165 and 168(1) of, and Schedule 9 to, the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), sections 17(3)(b) and 101(1) of and Schedules 4 and 12 to the Criminal Justice Act 1991 (c. 53) and section 2 of the Aggravated Vehicle-Taking Act 1992 (c. 11).

(c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971(**a**) in England and Wales.

(2) References in these Regulations to a "member of the public", in relation to any conduct or anything purporting to be a complaint about any conduct, do not include references to an authorised investigator.

(3) For the purposes of these Regulations, a person is adversely affected if that person—

(a) suffers or is unduly put at risk of suffering any form of loss, damage, distress or inconvenience; or

(b) is, or is unduly put at risk of being, in danger.

(4) References in these Regulations to the investigation of any complaint, recordable conduct matter or DSI matter by the Minister, under the direction of the Director General, or by the Director General are to be construed as references to the Director General's investigation in accordance with—

(a) regulation 39 (investigations by the Minister on the Minister's own behalf);

(b) regulation 40 (investigation by a police force or the National Crime Agency(**b**) under the direction of the Director General);

(c) regulation 41 (investigations by the Minister under the direction of the Director General); or

(d) regulation 42 (investigations by the Director General).

PART 2

Complaints and misconduct: general

Application: general

3. These Regulations apply in relation to the exercise by authorised investigators of their authorised functions and confer functions on the Director General accordingly.

Complaints, matters and persons to whom and to which these Regulations apply

4.—(1) Subject to the following provisions of this regulation, in these Regulations "complaint" means any complaint about the conduct of an authorised investigator acting in the exercise of authorised functions which is made, whether in writing or otherwise, by—

(a) a member of the public who claims to be the person in relation to whom the conduct took place;

(b) a member of the public not falling within sub-paragraph (a) who claims to have been adversely affected by the conduct;

(c) a member of the public who claims to have witnessed the conduct;

(d) a person who is acting on behalf of a person falling within any of sub-paragraphs (a) to (c) and who is authorised to act on that person's behalf,

and references to a complaint are references to any expression of dissatisfaction with an authorised investigator acting in the exercise of authorised functions which is expressed, whether in writing or otherwise, by or on behalf of a member of the public.

(2) In these Regulations—

(**a**) 1971 c. 80.
(**b**) The National Crime Agency was established by section 1 of the Crime and Courts Act 2013 (c. 22).

(a) "conduct matter" means, subject to the following provisions of this regulation, any matter which is not and has not been the subject of a complaint but in the case of which there is an indication, whether from the circumstances or otherwise, that, while acting in the exercise of authorised functions, an authorised investigator may have—

(i) committed a criminal offence; or

(ii) behaved in a manner which would justify the bringing of disciplinary proceedings;

(b) "death or serious injury matter" ("DSI matter") means any circumstance, other than those which are or have been the subject of a complaint or which amount to a conduct matter—

(i) in or in consequence of which a person has died or has sustained serious injury; and

(ii) in relation to which the custody requirement or the contact requirement are satisfied (as to which, see paragraphs (3) and (4)).

(3) The custody requirement is that—

(a) at the time of the death or serious injury, the person mentioned in paragraph (2)(b)(i) was in the custody of a person serving with the police within the meaning of section 12(7) of the 2002 Act(**a**) or a person with the powers and privileges of a constable, and

(b) in connection with that custody, an authorised investigator was acting in the exercise of their authorised functions.

(4) The contact requirement is that—

(a) at or before the time of the death or serious injury the person mentioned in paragraph (2)(b)(i) had contact (of whatever kind, and whether direct or indirect), with an authorised investigator, who was acting in the exercise of authorised functions at the time of the contact; and

(b) there is an indication that the contact described in sub-paragraph (a) may have caused (whether directly or indirectly) or contributed to the death or serious injury.

(5) In paragraph (2)(b)(i) the reference to a person includes an authorised investigator, but in relation to such a person "contact" in paragraph (4) does not include contact that that authorised investigator had whilst acting in the exercise of authorised functions.

(6) The complaints that are complaints for the purposes of these Regulations by virtue of paragraph (1)(b) do not, except in a case falling within paragraph (7), include any made by or on behalf of a person who claims to have been adversely affected as a consequence only of having seen or heard the conduct, or any of the alleged effects of the conduct.

(7) A case falls within this paragraph if—

(a) it was only because the person in question was physically present, or sufficiently nearby, when the conduct took place or the effects occurred that the person was able to see or hear the conduct or its effects; or

(b) the adverse effect is attributable to, or was aggravated by, the fact that the person in relation to whom the conduct took place was already known to the person claiming to have suffered the adverse effect,

and for the purposes of sub-paragraph (a), "person in question" means the person who claims to have been adversely affected as a consequence of having seen or heard the conduct or any of the alleged effects of the conduct, or the person on whose behalf such a claim is made.

(**a**) 2002 c. 30. Section 12 was amended by Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13) and section 41(1) of the Policing and Crime Act 2017 (c. 3). There are other amendments but none are relevant.

(8) For the purposes of this regulation a person is to be taken to have witnessed conduct only if—

(a) that person acquired knowledge of that conduct in a manner which would make that person a competent witness capable of giving admissible evidence of that conduct in criminal proceedings; or

(b) that person possesses or controls anything which would in any such proceedings constitute admissible evidence of that conduct.

(9) For the purposes of these Regulations a person falling within paragraph (1)(a) to (c) is not to be taken to have authorised another person to act on their behalf unless that other person—

(a) is for the time being designated for the purposes of this regulation by the Director General as a person through whom complaints may be made, or is of a description of persons so designated; or

(b) has been given, and is able to produce, the written consent to such action of the person on whose behalf that action is taken.

(10) References in this regulation to the powers and privileges of a constable are references to any power or privilege conferred by or under any enactment (including one passed after the making of these Regulations) on a constable.

Complaints against a person who has subsequently ceased to be employed by the Crown in service of the Cabinet Office

5. Where a complaint or conduct matter relates to the conduct of a person who has ceased to be employed by the Crown in service of the Cabinet Office since the time of the conduct concerned, these Regulations apply in relation to such a person as if they did not include any requirement to determine whether disciplinary proceedings or performance proceedings should be brought against a person whose conduct is the subject matter of a report.

Application of the 2002 Act

6.—(1) The following sections of the 2002 Act apply to the exercise by authorised investigators of their authorised functions with the modifications set out in paragraph (2)—

(a) section 9 (the Independent Office for Police Conduct)(**a**);

(b) section 19 (use of investigatory powers by or on behalf of the Director General)(**b**); and

(c) section 22 (power of the Director General to issue guidance)(**c**).

(2) Section 22 of the 2002 Act applies as if—

(a) for subsection (1) there were substituted—

"(1) The Director General may issue guidance to the Public Sector Fraud Authority, public sector fraud investigators or any person the Director General sees fit concerning the exercise or performance, by the persons to whom the guidance is issued, of any powers or duties specified in subsection (2).";

(**a**) Section 9 was amended by Schedules 2 and 17 to the Serious Organised Crime and Police Act 2005 (c. 15); Schedule 14 to the Police and Justice Act 2006 (c. 48); Schedule 8 to the Crime and Courts Act 2013; and section 33 of the Policing and Crime Act 2017.

(**b**) Section 19 was amended by Schedule 9 to the Policing and Crime Act 2017 and Schedule 1 to the Covert Human Intelligence Sources (Criminal Conduct) Act 2021 (c. 4).

(**c**) Section 22 was amended by Schedule 12 to the Serious Organised Crime and Police Act 2005; Schedule 4 to the Police and Justice Act 2006 (c. 48); Schedule 16 to the Police Reform and Social Responsibility Act 2011; and Schedules 5, 9 and 14 to the Policing and Crime Act 2017.

(b) in subsection (2)(b)(iii) for "persons serving with the police" there were substituted "public sector fraud investigators";

(c) for subsection (3) there were substituted—

"(3) Before issuing any guidance under this section, the Director General must consult the Public Sector Fraud Authority and any person the Director General sees fit.";

(d) in subsection (5)(b) for "appropriate authority" there were substituted "Minister for the Cabinet Office".

(3) Where a provision listed in paragraph (1) (as modified by paragraph (2)) contains a term that is defined in these Regulations, the definition given in these Regulations, rather than any definition contained in a provision of, or another provision made under, the 2002 Act, applies for the purposes of the application of the relevant provision in relation to the exercise by authorised investigators of their authorised functions.

Temporary service

7. The Director General may make arrangements with the Minister under which authorised investigators are engaged on temporary service with the Office.

General functions of the Director General in relation to authorised investigators

8.—(1) The functions of the Director General in relation to authorised investigators are to—

(a) secure the maintenance by the Director General, and by the Minister, of suitable arrangements with respect to the matters mentioned in paragraph (2);

(b) keep under review all arrangements maintained with respect to those matters;

(c) secure that arrangements maintained with respect to those matters—

(i) comply with the requirements of these Regulations;

(ii) are efficient and effective; and

(iii) contain and manifest an appropriate degree of independence;

(d) secure that public confidence is established and sustained in the existence of suitable arrangements with respect to those matters and with the operation of the arrangements that are maintained with respect to those matters; and

(e) make such recommendations, and give such advice, for the modification of the arrangements maintained with respect to those matters, as appear, from the carrying out by the Director General of the Director General's other functions, to be necessary or desirable.

(2) The matters are—

(a) the handling of complaints;

(b) the recording of recordable conduct matters which must be referred to the Director General or which will be voluntarily referred to the Director General;

(c) the recording of DSI matters; and

(d) the manner in which any such complaints or any such matters as are mentioned in sub-paragraph (b) or (c) are investigated or otherwise handled and dealt with.

(3) The Director General—

(a) must exercise the powers and perform the duties conferred on the Director General by these Regulations in the manner that the Director General considers best calculated for

the purpose of securing the proper carrying out of the Director General's functions under paragraph (1);

(b) must secure that arrangements exist which are conducive to, and facilitate, the reporting of misconduct by authorised investigators;

(c) may enter into arrangements with the Chief Inspector of Constabulary for the purpose of securing cooperation, in the carrying out of their respective functions in relation to authorised investigators, between the Director General and the Inspectors of Constabulary; and

(d) may provide the Inspectors of Constabulary with all such assistance and co-operation as may be required by the arrangements mentioned in that sub-paragraph, or as otherwise appears to the Director General to be appropriate, for facilitating the carrying out by those Inspectors of their functions.

(4) In carrying out functions under these Regulations the Director General must have regard to any advice provided to the Director General by the Office (see regulation 9(1)(a)).

(5) Subject to the other provisions of these Regulations, the Director General may do anything which appears to the Director General to be calculated to facilitate, or is incidental or conducive to, the carrying out of the Director General's functions.

(6) The Office may, in connection with the making of any recommendation or the giving of any advice to any person for the purpose of carrying out the Director General's function under paragraph (1)(e), impose any such charge on that person for anything done by the Director General for the purposes of, or in connection with, the carrying out of that function as the Director General thinks fit.

General functions of the Office under these Regulations

9.—(1) The functions of the Office are—

(a) to provide support and advice to the Director General in the carrying out of the Director General's functions; and

(b) to monitor and review the carrying out of the Director General's functions.

(2) The Office is to perform its functions under these Regulations for the general purpose of improving the way in which the Director General's functions under these Regulations are carried out, including by encouraging the efficient and effective use of resources in the carrying out of those functions.

(3) In carrying out its functions under these Regulations the Office must, in particular, have regard to public confidence in the existence of suitable arrangements with respect to the matters mentioned in regulation 8(2) and the operation of the arrangements that are maintained with respect to those matters.

(4) The Office may do anything which appears to it to be calculated to facilitate, or is incidental to, the carrying out of its functions under these Regulations.

Reports to the Secretary of State

10.—(1) As soon as practicable after the end of each of the Office's financial years, the Director General and the Office must jointly make a report to the Secretary of State on the carrying out of their functions under these Regulations during that year.

(2) The Secretary of State may also require reports to be made at any time—

(a) by the Director General about the carrying out of the Director General's functions;

(b) by the Office about the carrying out of the Office's functions; or

(c) jointly by the Director General and the Office about the carrying out of their functions.

(3) The Director General may, from time to time, make such other reports to the Secretary of State as the Director General considers appropriate for drawing the Secretary of State's attention to matters which—

(a) have come to the Director General's notice; and

(b) are matters which the Director General considers should be drawn to the attention of the Secretary of State by reason of their gravity or of other exceptional circumstances.

(4) The Office may, from time to time, make such other reports to the Secretary of State as it considers appropriate for drawing the Secretary of State's attention to matters which—

(a) have come to its notice; and

(b) are matters that it considers should be drawn to the Secretary of State's attention by reason of their gravity or other exceptional circumstances.

(5) References in paragraphs (2) to (4) to functions or matters are to functions or matters under these Regulations.

(6) The Director General and the Office may jointly make reports under paragraphs (3) and (4).

(7) The Director General may prepare such reports containing advice and recommendations as the Director General thinks appropriate for the purpose of carrying out the Director General's function under regulation 8(1)(e).

(8) Where the Secretary of State receives any report under this regulation, the Secretary of State must—

(a) in the case of every annual report under paragraph (1); and

(b) in the case of any other report, if and to the extent that the Secretary of State considers it appropriate to do so,

arrange for a copy of the report to be laid before Parliament and publish the report.

(9) The Director General or, as the case may be, the Office must send a copy of every report made or prepared under paragraph (3) or (4) to such of the persons (in addition to the Secretary of State) who—

(a) are referred to in the report; or

(b) appear to the Director General or the Office otherwise to have a particular interest in its contents,

as the Director General or the Office thinks fit.

(10) Where a report under paragraph (3) or (4) is prepared jointly under paragraph (6), a duty under this regulation to send a copy of the report to any person is met if either the Director General or the Office sends a copy to that person.

General duties of the Minister

11.—(1) The Minister must, in relation to authorised investigators, keep abreast of—

(a) matters with respect to which any provision of these Regulations has effect;

(b) anything which is done under or for the purposes of any such provision; and

(c) any obligations to act or refrain from acting that have arisen by or under these Regulations, but which have not yet been complied with or which have been contravened.

(2) The Minister must provide the Director General and every member of the Office's staff with all such assistance as the Director General or that member of staff may reasonably require

for the purposes of, or in connection with, the carrying out of any functions by the Director General under these Regulations.

(3) The Minister must ensure that a person appointed under regulation 39, 40 or 41 to carry out an investigation is given all such assistance and co-operation in the carrying out of that investigation as that person may reasonably require.

Keeping of records by the Minister

12. The Minister must keep records, in such form as the Director General determines, of—

(a) every complaint that is made or notified to the Minister;

(b) every conduct matter recorded by the Minister under regulation 21 and 22;

(c) every DSI matter recorded by the Minister under regulation 31;

(d) every exercise of a function or performance of a duty under these Regulations.

Inspections of PSFA premises on behalf of the Director General

13.—(1) Where—

(a) the Director General requires the Minister to allow a person nominated by the Director General to have access to any premises occupied for the purposes of the PSFA and to documents and other things on those premises; and

(b) the requirement to allow access is imposed for any of the purposes mentioned in paragraph (2),

the Minister must secure that the required access is allowed to the nominated person.

(2) Those purposes are—

(a) any examination by the Director General of the efficiency and effectiveness of the arrangements made by the Minister for handling complaints or dealing with recordable conduct matters or DSI matters;

(b) any investigation by the Director General under these Regulations or of any investigation carried out under the Director General's direction;

(c) any review by the Director General under regulation 80.

(3) A requirement to allow access imposed under this regulation for the purposes mentioned in paragraph (2)(a) must be notified to the Minister at least 48 hours before the time at which access is required.

(4) Where the requirement to allow access under this regulation is imposed for the purpose mentioned in paragraph (2)(a) and the Minister considers there are reasonable grounds for not securing that the required access is allowed to the person, the obligation under paragraph (1) does not apply until the earliest practicable time after which, in the Minister's opinion, there cease to be any such grounds.

(5) The provisions of this regulation are in addition to, and without prejudice to—

(a) the rights of entry, search and seizure that are or may be conferred on—

(i) a person designated under regulation 42; or

(ii) any person who otherwise acts on behalf of the Director General,

in that person's capacity as a constable or as a person with the powers and privileges of a constable; or

(b) the duties and obligations of the Minister under regulations 11 and 57.

Payments

14.—(1) The Minister must pay such amount to the Secretary of State in respect of functions under these Regulations performed by the Office or the Director General, as the case may be, as may be agreed between the Minister and the Office or the Director General, as the case may be.

(2) In the absence of an agreement, the Minister must pay such amount in respect of those functions, after consultation with the Secretary of State, as the Secretary of State determines.

Payment for assistance with investigations

15.—(1) This regulation applies where—

(a) a person serving with the police or a National Crime Agency officer is appointed to investigate a complaint, recordable conduct matter or DSI matter further to arrangements made in pursuance of regulation 40 or 41(2)(c);

(b) a person appointed under regulation 39, 40 or 41 to carry out an investigation requests assistance from a police force or the National Crime Agency in connection with the investigation, and the police force or National Crime Agency provides that assistance; or

(c) the Director General or a member of the Office's staff requests assistance from a police force or the National Crime Agency in connection with an investigation under these Regulations, and the police force or National Crime Agency provides that assistance.

(2) In a case where this regulation applies by virtue of paragraph (1)(a) or (b), the Minister must pay to the local policing body maintaining the relevant police force or the National Crime Agency, as the case may be, such contribution (if any) towards the costs of the assistance—

(a) as may be agreed between them;

(b) in the absence of an agreement, as may be determined in accordance with any arrangements which—

(i) have been agreed to by local policing bodies generally or the National Crime Agency, as the case may be, and the Minister; and

(ii) are for the time being in force with respect to the making of contributions towards the costs of assistance provided in connection with investigations under these Regulations; or

(c) in any other case, as may be determined by the Secretary of State.

(3) In a case where this regulation applies by virtue of paragraph (1)(c), the Office must pay to the local policing body maintaining the relevant police force or the National Crime Agency, as the case may be, such contribution (if any) towards the costs of the assistance—

(a) as may be agreed between them;

(b) in the absence of an agreement, as may be determined in accordance with any arrangements which—

(i) have been agreed to by local policing bodies generally or the National Crime Agency, as the case may be, and the Director General; and

(ii) are for the time being in force with respect to the making of contributions towards the costs of assistance provided in connection with investigations under these Regulations; or

(c) in any other case, as may be determined by the Secretary of State.

PART 3

Handling of complaints

Recording of complaints

16.—(1) Where a complaint is made to the Director General, the Director General must give notification of the complaint to the Minister.

(2) But the Director General need not give that notification if the Director General considers that there are exceptional circumstances that justify the Minister not being given that notification.

(3) Where a complaint is—

(a) made to the Minister; or

(b) notified to the Minister by the Director General under paragraph (1),

the Minister must record the complaint.

(4) Where the Director General gives notification of a complaint under paragraph (1), the Director General must notify the complainant that the notification has been given and of what it contained.

Duty to preserve evidence relating to complaints

17.—(1) Where—

(a) a complaint is made to the Minister; or

(b) the Minister becomes aware that a complaint has been made to the Director General,

the Minister must take all such steps as appear to the Minister to be appropriate for the purposes of these Regulations for obtaining and preserving evidence relating to the conduct complained of.

(2) The Minister's duty under paragraph (1) must be performed as soon as practicable after the complaint is made or, as the case may be, the Minister becomes aware of it.

(3) The Minister must, until satisfied that it is no longer necessary to do so, continue to take the steps which from time to time appear to the Minister to be appropriate for the purposes of these Regulations for obtaining and preserving evidence relating to the conduct complained of.

(4) The Director General may direct the Minister to take all such specific steps for obtaining or preserving evidence relating to any conduct that is the subject matter of a complaint as the Director General considers appropriate for the purposes of these Regulations; and the Minister must comply with any such direction.

Handling of complaints by the Minister

18.—(1) This regulation applies where a complaint has been recorded by the Minister unless the complaint—

(a) is one which has been, or must be, referred to the Director General under regulation 24; and

(b) is not for the time being either referred to the Minister under regulation 26 or the subject of a determination under regulation 37.

(2) The Minister is not to be required by virtue of any provisions of these Regulations to take any action in relation to the complaint but may handle the complaint in whatever manner the Minister thinks fit, or take no action in relation to the complaint.

Withdrawn complaints

19.—(1) This regulation applies where the Minister receives a notification signed by the complainant or the complainant's solicitor or other authorised agent on the complainant's behalf that the complainant—

(a) withdraws the complaint; or

(b) does not wish any further steps to be taken.

(2) The Minister must record the withdrawal or the fact that the complainant does not wish any further steps to be taken and, subject to the following provisions of this regulation, these Regulations cease to apply in respect of that complaint.

(3) Where the notification mentioned in paragraph (1) relates to a complaint which—

(a) was referred to the Director General under regulation 24 or is being treated by the Director General as having been so referred under regulation 25; and

(b) has not been referred to the Minister under regulation 26(2),

the Minister must notify the Director General that the Minister has recorded the withdrawal or the fact that the complainant does not wish any further steps to be taken.

(4) Where the notification mentioned in paragraph (1) relates to a complaint which the Minister knows is subject to a review under regulation 80, the Minister must notify the Director General that the Minister has recorded the withdrawal or the fact that the complainant does not wish any further steps to be taken.

(5) In a case falling within paragraph (3) or paragraphs (3) and (4), the Director General must—

(a) determine whether it is in the public interest for the complaint to be treated as a recordable conduct matter; and

(b) notify the Minister of the Director General's determination.

(6) In a case falling within paragraph (4) (but not also paragraph (3)), the Minister must—

(a) determine whether it is in the public interest for the complaint to be treated as a recordable conduct matter; and

(b) notify the Director General of that determination and the reasons for it.

(7) Where the notification mentioned in paragraph (1) relates to a complaint which does not fall within paragraph (3) or (4), the Minister must determine whether it is in the public interest for the complaint to be treated as a recordable conduct matter.

(8) Where a determination is made under paragraph (5), (6) or (7) that it is in the public interest for the complaint is to be treated as a recordable conduct matter, regulations 21, 22, 23, 28, 29 and 30 apply to that matter.

(9) Where—

(a) a complaint is subject to a review by the Director General under regulation 80; and

(b) the Minister notifies the Director General under paragraph (6)(b) that the Minister has determined that the complaint is not to be treated as a recordable conduct matter,

the Director General must consider whether it is in the public interest for that determination to be reversed and, if so, the Director General must instruct the Minister to reverse the determination.

(10) Subject to paragraph (11), the Minister must notify the person complained against if—

(a) the Minister records the withdrawal of the complaint or the fact that the complainant does not wish any further steps to be taken;

(b) a determination is made under paragraph (5), (6) or (7) that it is in the public interest for the complaint to be treated as a recordable conduct matter;

(c) the Director General instructs the Minister to reverse a determination not to treat the complaint as a recordable conduct matter;

(d) the provisions of these Regulations cease to apply to the complaint.

(11) Nothing in paragraph (10) requires the Minister to make a notification if the Minister believes that to do so—

(a) might prejudice any criminal investigation or pending proceedings; or

(b) would otherwise be contrary to the public interest.

Withdrawn complaints: no written signed notification

20.—(1) This regulation applies where the complainant indicates a wish—

(a) to withdraw the complaint; or

(b) that no further steps be taken,

but does not provide a notification to that effect signed by the complainant or the complainant's solicitor or other authorised agent on the complainant's behalf.

(2) The Minister must send a letter to the complainant to determine how the complainant wishes to proceed.

(3) A letter under paragraph (2) must, subject to guidance issued by the Director General, be sent by recorded delivery.

(4) Where the complainant—

(a) replies confirming the complainant's wish to withdraw the complaint or that no further steps be taken; or

(b) does not reply within a period of 28 days beginning with the day after the day the letter was sent by the Minister in accordance with paragraph (2),

the Minister must proceed as if the Minister had received a notification signed by the complainant that the complainant withdraws the complaint or wishes that no further steps be taken.

PART 4

Handling of conduct matters

Conduct matters arising in civil proceedings

21.—(1) This regulation applies where—

(a) the Minister has received notification (whether or not under this regulation) that civil proceedings relating to any matter have been issued by a member of the public against the Minister, or it otherwise appears to the Minister that such proceedings are likely to be so issued; and

(b) it appears to the Minister (whether at the time of the notification or at any time subsequently) that those proceedings involve, or would involve, a conduct matter.

(2) The Minister must determine whether the matter is one which the Minister is required to refer to the Director General under regulation 28 or is one which it would be appropriate to so refer.

(3) If the Minister determines that the matter is one which the Minister is required to refer to the Director General under regulation 28, or is one which it would be appropriate to so refer, the Minister must record the matter.

(4) In any case not falling within paragraph (3), the Minister must determine whether the matter—

(a) concerns substantially the same conduct as—

(i) a complaint made previously ("previous complaint"); or

(ii) a conduct matter recorded previously ("previous conduct matter");

(b) is one in respect of which there is no fresh indication that an authorised investigator may have—

(i) committed a criminal offence; or

(ii) behaved in a manner which would justify the bringing of disciplinary proceedings;

(c) is one in respect of which there is no fresh substantive evidence which was not reasonably available at the time the previous complaint was made or the previous conduct matter was recorded; and

(d) is one where, as respects the previous complaint or previous conduct matter, it has been or is being investigated or otherwise handled in accordance with these Regulations.

(5) In a case where the Minister determines that the matter does not fall within paragraph (4), the Minister must record the matter.

(6) In any case not falling within paragraph (3) or (5), the Minister may (but need not) record the matter.

(7) In a case where the Minister—

(a) records a matter under this regulation; and

(b) is not required to refer the matter to the Director General under regulation 28 and does not do so,

the Minister may deal with the matter in such other manner (if any) as the Minister may determine.

(8) Nothing in paragraphs (3) or (5) requires the Minister to record any conduct matter if the Minister is satisfied that the matter has been, or is already being, dealt with by means of criminal or disciplinary proceedings against the person to whose conduct the matter relates.

(9) For the purposes of this paragraph, civil proceedings involve a conduct matter if—

(a) they relate to such a matter; or

(b) they are proceedings that relate to a matter in relation to which a conduct matter, or evidence of a conduct matter, is or may be relevant.

Recording, etc., of conduct matters in other cases

22.—(1) This regulation applies where—

(a) a conduct matter comes to the attention of the Minister otherwise than as set out in regulation 21; and

(b) it appears to the Minister that the conduct involved in that matter falls within paragraph (2).

(2) Conduct falls within this paragraph if, assuming it to have taken place—

(a) it appears to have resulted in the death of any person or in serious injury to any person;

(b) a member of the public has been adversely affected by it; or

(c) it involves—

(i) a serious assault, as determined in guidance issued by the Director General;

(ii) a serious sexual offence, as determined in guidance issued by the Director General;

(iii) serious corruption, including abuse of position for a sexual purpose or the purpose of pursuing an improper emotional relationship, as determined in guidance issued by the Director General;

(iv) a criminal offence or behaviour which is liable to lead to disciplinary proceedings and which, in either case, was aggravated by discriminatory behaviour on the grounds of a person's race, sex, religion or other status, as determined in guidance issued by the Director General;

(v) a relevant offence;

(vi) conduct whose gravity or other exceptional circumstances make it appropriate to record the matter in which the conduct is involved;

(vii) conduct which is alleged to have taken place in the same incident as one in which conduct within paragraphs (i) to (v) is alleged.

(3) The Minister must determine whether the matter is one which the Minister is required to refer to the Director General under regulation 28 or is one which it would be appropriate to so refer.

(4) If the Minister determines that the matter is one which the Minister is required to refer to the Director General under regulation 28, or is one which it would be appropriate to so refer, the Minister must record the matter.

(5) In any case not falling within paragraph (4), the Minister must determine whether the matter—

(a) concerns substantially the same conduct as—

(i) a complaint made previously ("previous complaint"); or

(ii) a conduct matter recorded previously ("previous conduct matter");

(b) is one in respect of which there is no fresh indication that an authorised investigator may have—

(i) committed a criminal offence; or

(ii) behaved in a manner which would justify the bringing of disciplinary proceedings;

(c) is one in respect of which there is no fresh substantive evidence which was not reasonably available at the time the previous complaint was made or the previous conduct matter was recorded; and

(d) is one where, as respects the previous complaint or previous conduct matter, it has been or is being investigated or otherwise handled in accordance with these Regulations.

(6) In a case where the Minister determines that the matter does not fall within paragraph (5), the Minister must record the matter.

(7) In any case not falling within paragraph (4) or (6), the Minister may (but need not) record the matter.

(8) In a case where the Minister—

(a) records a matter under this paragraph; and

(b) is not required to refer the matter to the Director General under regulation 28 and does not do so,

the Minister may deal with the matter in such other manner (if any) as the Minister may determine.

(9) Nothing in paragraph (4) or (6) requires the Minister to record any conduct matter if the Minister is satisfied that the matter has been, or is already being, dealt with by means of criminal or disciplinary proceedings against the person to whose conduct the matter relates.

Duty to preserve evidence relating to recordable conduct matters

23.—(1) Where the Minister becomes aware of any recordable conduct matter relating to the conduct of an individual, the Minister must take all such steps as appear to the Minister to be appropriate for the purposes of these Regulations for obtaining and preserving the evidence relating to that matter.

(2) The Minister's duty under paragraph (1) must be performed as soon as practicable after the Minister becomes aware of the matter in question.

(3) The Minister must, until satisfied that it is no longer necessary to do so, continue to take the steps from time to time appearing to the Minister to be appropriate for the purposes of these Regulations for obtaining and preserving evidence relating to the matter.

(4) The Director General may direct the Minister to take all such specific steps for obtaining or preserving evidence relating to any recordable conduct matter as the Director General considers appropriate for the purposes of these Regulations; and the Minister must comply with any such direction.

PART 5

Referral of complaints and recordable conduct matters to the Director General

Reference of complaints to the Director General

24.—(1) The Minister must refer a complaint to the Director General where the complaint is—

(a) one alleging that the conduct complained of has resulted in death or serious injury;

(b) any complaint not falling within sub-paragraph (a) but alleging conduct which constitutes—

(i) a serious assault, as determined in guidance issued by the Director General;

(ii) a serious sexual offence, as determined in guidance issued by the Director General;

(iii) serious corruption, including abuse of position for a sexual purpose or the purpose of pursuing an improper emotional relationship, as determined in guidance issued by the Director General;

(iv) a criminal offence or behaviour which is liable to lead to disciplinary proceedings and which, in either case, was aggravated by discriminatory behaviour on the grounds of a person's race, sex, religion, or other status, as determined in guidance issued by the Director General; or

(v) a relevant offence;

(c) a complaint which arises from the same incident as one in which any conduct falling within sub-paragraph (a) or (b) is alleged; or

(d) one in respect of which the Director General notifies the Minister that the Director General requires the complaint in question to be referred to the Director General for the Director General's consideration.

(2) In a case where there is no obligation under paragraph (1) to make a reference, the Minister may refer a complaint to the Director General if the Minister considers that it would be appropriate to do so by reason of—

(a) the gravity of the subject matter of the complaint; or

(b) any exceptional circumstances.

(3) Where a complaint is required to be referred to the Director General under paragraph (1)(a), (b) or (c), notification of the complaint must be given to the Director General—

(a) without delay and in any event not later than the end of the day following the day on which it first becomes clear to the Minister that the complaint falls within paragraph (1)(a), (b) or (c); and

(b) in such manner as the Director General specifies.

(4) Where a complaint is required to be referred to the Director General under paragraph (1)(d), notification of the complaint must be given to the Director General—

(a) without delay and in any event not later than the end of the day following the day on which the Director General notifies the Minister that the complaint is to be referred; and

(b) in such manner as the Director General specifies.

(5) Subject to paragraph (6), the power of—

(a) the Director General by virtue of paragraph (1)(d) to require a complaint to be referred to the Director General; and

(b) the Minister to refer a complaint to the Director General under paragraph (2),

may be exercised at any time irrespective of whether the complaint is already being investigated by any person or has already been considered by the Director General.

(6) Where the Minister refers a complaint to the Director General under this regulation the Minister must give a notification of the making of the reference—

(a) to the complainant; and

(b) except in a case where it appears to the Minister that to do so might prejudice an investigation of the complaint (whether an existing investigation or a possible future one), to the person complained against.

(7) A complaint that has already been referred to the Director General under this regulation on a previous occasion or that has been treated as having been so referred by virtue of regulation 25—

(a) is not required to be referred again under this regulation unless the Director General so directs; and

(b) may only be referred under paragraph (2) if the Director General consents.

Power of the Director General to treat complaints as having been referred

25.—(1) The Director General may treat a complaint that comes to the Director General's attention otherwise than by having been referred to the Director General under regulation 24 as having been so referred.

(2) Where the Director General treats a complaint as having been referred to the Director General—

(a) regulations 16 and 24 do not apply, or cease to apply, in relation to the complaint except to the extent provided for by regulation 24(7); and

(b) regulations 18 and 80 apply in relation to the complaint as if it had been referred to the Director General by the Minister under regulation 24.

(3) The Director General must notify the following that the Director General is treating a complaint as having been referred to the Director General—

(a) the Minister;

(b) the complainant;

(c) except in a case where it appears to the Director General that to do so might prejudice an investigation of the complaint (whether an existing investigation or a possible future one), the person complained against (if any).

(4) Where the Minister receives a notification under paragraph (3) in respect of a complaint and the complaint has not yet been recorded, the Minister must record the complaint.

Duties of the Director General on references under regulation 24 or complaints treated as having been so referred under regulation 25

26.—(1) The Director General must, in the case of every complaint referred to the Director General by the Minister under regulation 24, or treated as having been so referred under regulation 25, determine whether or not it is necessary for the complaint to be investigated by the Director General.

(2) Where the Director General determines under this regulation that it is not necessary for a complaint to be investigated by the Director General—

(a) in a case where the complaint is already being investigated by the Minister on the Minister's own behalf (and notwithstanding the Director General's determination), the Director General must refer the complaint to the Minister for the investigation to be completed;

(b) in any other case, the Director General may, if the Director General thinks fit, refer the complaint to the Minister to be dealt with by the Minister in accordance with regulation 18.

(3) Where the Director General refers a complaint under paragraph (2), the Director General must give a notification of the making of the reference—

(a) to the complainant; and

(b) except in a case where it appears to the Director General that to do so might prejudice an investigation of the complaint (whether an existing investigation or a possible future one), to the person complained against (if any).

Manner of reference of recordable conduct matters

27. Any recordable conduct matter which is required to be referred to the Director General must be referred in such manner as the Director General specifies and—

(a) if the matter falls within regulation 28(1)(a) or (b), without delay and in any event not later than the end of the day following the day on which it first becomes clear to the Minister that the matter falls within regulation 28(1)(a) or (b);

(b) if the matter falls within regulation 28(1)(c), without delay and in any event not later than the end of the day following the day on which the Director General notifies the Minister that the matter is to be referred.

Reference of recordable conduct matters to the Director General

28.—(1) The Minister must refer a recordable conduct matter to the Director General, whether or not the case falls within regulation 21, if—

(a) that matter relates to any incident or circumstances in or in consequence of which any person has died or suffered serious injury;

(b) that matter involves the commission, or the alleged commission, of—

(i) a serious assault, as determined in guidance issued by the Director General;

(ii) a serious sexual offence, as determined in guidance issued by the Director General;

(iii) serious corruption, including abuse of position for a sexual purpose or the purpose of pursuing an improper emotional relationship, as determined in guidance issued by the Director General;

(iv) a criminal offence or behaviour which is liable to lead to disciplinary proceedings and which, in either case, was aggravated by discriminatory behaviour on the grounds of a person's race, sex, religion, or other status, as determined in guidance issued by the Director General;

(v) a relevant offence; or

(vi) conduct which is alleged to have taken place in the same incident as one in which conduct within paragraphs (i) to (v) is alleged; or

(c) the Director General notifies the Minister that the Director General requires that matter to be referred to the Director General for the Director General's consideration.

(2) In any case where there is no obligation under paragraph (1) to make a reference, the Minister may refer a recordable conduct matter to the Director General if the Minister considers that it would be appropriate to do so by reason of—

(a) the gravity of the matter; or

(b) any exceptional circumstances.

(3) Where there is an obligation under paragraph (1) to refer any matter to the Director General, it must be so referred within such period as is provided for by regulation 27.

(4) Subject to paragraph (6), the power of—

(a) the Director General by virtue of paragraph (1)(c) to require a matter to be referred to the Director General;

(b) the Minister to refer any matter to the Director General under paragraph (2),

may be exercised at any time irrespective of whether the matter is already being investigated by any person or has already been considered by the Director General.

(5) The Minister must give a notification of the making of a reference under this regulation to the person to whose conduct the matter relates, unless the Minister considers that to do so might prejudice an investigation of the matter (whether an existing investigation or a possible future one).

(6) A matter that has already been referred to the Director General under this regulation on a previous occasion or that has been treated as having been so referred by virtue of regulation 29—

(a) is not required to be referred again under this regulation unless the Director General so directs; and

(b) may only be referred under paragraph (2) if the Director General consents.

Power of the Director General to treat conduct matters as having been referred

29.—(1) The Director General may treat a conduct matter that comes to the Director General's attention otherwise than by having been referred to the Director General under regulation 28 as having been so referred.

(2) Where the Director General treats a conduct matter as having been referred to the Director General, regulations 21, 22 and 28 do not apply, or cease to apply, in relation to the matter except to the extent provided for by regulation 28(6).

(3) The Director General must notify the following that the Director General is treating a conduct matter as having been referred to the Director General—

(a) the Minister;

(b) except in a case where it appears to the Director General that to do so might prejudice an investigation of the matter (whether an existing investigation or a possible future one), the person to whose conduct the matter relates.

(4) Where the Minister receives a notification under paragraph (3) in respect of a conduct matter and the matter has not yet been recorded, the Minister must record the matter (and the other provisions of these Regulations apply in relation to that matter accordingly).

Duties of the Director General on references under regulation 28 or recordable conduct matters treated as having been referred under regulation 29

30.—(1) The Director General must, in the case of every recordable conduct matter referred to the Director General by the Minister under regulation 28 or treated as having been referred under regulation 29, determine whether or not it is necessary for the matter to be investigated by the Director General.

(2) Where the Director General determines under this regulation that it is not necessary for a recordable conduct matter to be investigated by the Director General—

(a) in a case where the recordable conduct matter is already being investigated by the Minister on the Minister's own behalf, and notwithstanding the Director General's determination, the Director General must refer the matter to the Minister for the investigation to be completed;

(b) in any other case, the Director General may, if the Director General thinks fit, refer the matter to the Minister to be dealt with by the Minister in such manner (if any) as the Minister may determine.

(3) Where the Director General refers a matter under paragraph (2), the Director General must give a notification of the making of the reference to the person to whose conduct the matter relates, except in cases where it appears to the Director General that to do so might prejudice an investigation of the matter (whether an existing investigation or a possible future one).

PART 6

Handling of DSI matters

Duty to record DSI matters

31. Where a DSI matter comes to the attention of the Minister, the Minister must record that matter.

Duty to preserve evidence relating to DSI matters

32.—(1) Where a DSI matter comes to the attention of the Minister, the Minister must take all such steps as appear to be appropriate for the purposes of these Regulations for obtaining and preserving evidence relating to that matter.

(2) The Minister's duty under paragraph (1) must be performed as soon as practicable after the Minister becomes aware of the matter in question.

(3) The Minister must, until satisfied that it is no longer necessary to do so, continue to take the steps which from time to time appear to the Minister to be appropriate for the purposes of these Regulations for obtaining and preserving evidence relating to the matter.

(4) The Director General may direct the Minister to take all such specific steps for obtaining or preserving evidence relating to any DSI matter as the Director General considers appropriate for the purposes of these Regulations; and the Minister must comply with any such direction.

Reference of DSI matters to the Director General

33.—(1) The Minister must refer a DSI matter to the Director General.

(2) A DSI matter must be referred to the Director General in such manner as the Director General specifies and—

(a) in a case where the Director General directs that the matter be referred to the Director General, without delay and in any event not later than the end of the day following the day on which the Director General so directs; and

(b) in any other case, without delay and in any event not later than the end of the day following the day on which the matter first comes to the attention of the Minister.

(3) A matter that has already been referred to the Director General under paragraph (1) on a previous occasion, or that has been treated as having been so referred by virtue of regulation 34, is not required to be referred again, unless the Director General so directs.

Power of the Director General to treat DSI matters as having been referred

34.—(1) The Director General may treat a DSI matter that comes to the Director General's attention otherwise than by having been referred to the Director General under regulation 33 as having been so referred.

(2) Where the Director General treats a DSI matter as having been referred to the Director General, regulations 31 and 33 do not apply, or cease to apply, in relation to the matter except to the extent provided for by regulation 33(3).

(3) The Director General must notify the Minister that the Director General is treating a DSI matter as having been referred to the Director General.

(4) Where the Minister receives a notification under paragraph (3) in respect of a DSI matter and the matter has not yet been recorded, the Minister must record the matter (and the other provisions of these Regulations apply in relation to that matter accordingly).

Duties of the Director General on references under regulation 33 or DSI matters treated as having been referred under regulation 34

35.—(1) The Director General must, in the case of every DSI matter referred to the Director General by the Minister under regulation 33, or treated as having been so referred under regulation 34, determine whether or not it is necessary for the matter to be investigated by the Director General.

(2) Where the Director General determines under this regulation that it is not necessary for a DSI matter to be investigated by the Director General—

(a) in a case where the DSI matter is already being investigated by the Minister on the Minister's own behalf, and notwithstanding the Director General's determination, the Director General must refer the matter to the Minister for the investigation to be completed;

(b) in any other case, the Director General may, if the Director General thinks fit, refer the matter to the Minister to be dealt with by the Minister in such manner (if any) as the Minister may determine.

Procedure where conduct matter is revealed during investigation of DSI matter

36.—(1) If, during the course of an investigation of a DSI matter, it appears to a person appointed by the Minister under regulation 39 to undertake an investigation that an authorised investigator may have—

(a) committed a criminal offence; or

(b) behaved in a manner which would justify the bringing of disciplinary proceedings,

the person so appointed must make a submission to that effect to the Minister in relation to the DSI matter.

(2) If, after considering a submission under paragraph (1), the Minister determines that there is such an indication, the Minister must—

(a) notify the Director General of the Minister's determination; and

(b) send to the Director General a copy of the submission under paragraph (1).

(3) If during the course of an investigation of a DSI matter it appears to a person appointed under regulation 40 or 41, that there is an indication that an authorised investigator may have—

(a) committed a criminal offence; or

(b) behaved in a manner which would justify the bringing of disciplinary proceedings,

the person so appointed must make a submission to that effect to the Director General in relation to the DSI matter.

(4) If, after considering a submission under paragraph (3), the Director General determines that there is such an indication, the Director General must—

(a) notify the Minister of the Director General's determination; and

(b) send to the Minister a copy of the submission under paragraph (3).

(5) If during the course of an investigation of a DSI matter being carried out by a person appointed under regulation 40 or 41 the Director General determines (without there having been a submission under paragraph (3)) that there is an indication that an authorised investigator may have—

(a) committed a criminal offence; or

(b) behaved in a manner which would justify the bringing of disciplinary proceedings,

the Director General must notify the Minister of the Director General's determination.

(6) If during the course of an investigation of a DSI matter by a person designated under regulation 42 the Director General determines that an authorised investigator may have—

(a) committed a criminal offence; or

(b) behaved in a manner which would justify the bringing of disciplinary proceedings,

the Director General must proceed under paragraph (7).

(7) The Director General must—

(a) prepare a record of the determination made by the Director General under paragraph (6);

(b) notify the Minister of that determination; and

(c) send to the Minister a copy of the record of that determination prepared under sub-paragraph (a).

(8) Where the Minister—

(a) is notified of a determination by the Director General under paragraph (4), (5) or (7); or

(b) makes a determination under paragraph (2),

the Minister must record the matter under regulation 22 as a recordable conduct matter.

(9) Where a DSI matter is recorded under regulation 22 as a recordable conduct matter by virtue of paragraph (8)—

(a) the person investigating the DSI matter must, subject to any determination made by the Director General under regulation 37(5), (7) or (8), continue the investigation as if appointed or designated to investigate the conduct matter; and

(b) the other provisions of these Regulations apply in relation to that matter as if it were a recordable conduct matter.

PART 7

Investigations

Power of the Director General to determine the form of an investigation

37.—(1) This regulation applies where—

(a) a complaint or recordable conduct matter or DSI matter is referred to the Director General or treated as having been so referred; and

(b) the Director General determines under regulation 26(1), 30(1) or 35(1) that it is necessary for the complaint or matter to be investigated.

(2) The Director General must determine which of the following forms the investigation must take—

(a) an investigation by the Minister on the Minister's own behalf;

(b) an investigation by the Minister, a police force or the National Crime Agency under the direction of the Director General;

(c) an investigation by the Director General.

(3) In making a determination under paragraph (2) the Director General must first determine whether, having regard to the seriousness of the case and the public interest, it is appropriate for the investigation to take the form of an investigation by the Minister on the Minister's own behalf and, if it is, the Director General must determine that the investigation is to take that form.

(4) Where, in accordance with paragraph (3), the Director General determines that it is not appropriate for the investigation to take the form of an investigation by the Minister on the Minister's own behalf, the Director General must determine that the investigation is to take the form of an investigation by the Director General unless paragraph (5) applies.

(5) This paragraph applies where the Director General determines that it would be more appropriate for the investigation to take the form of an investigation by the Minister, a police force or the National Crime Agency under the direction of the Director General, in which case the Director General must determine that the investigation is to take that form.

(6) Where the Director General determines under paragraph (5) or (8) that an investigation is to take the form of an investigation by the Minister, a police force or the National Crime Agency under the direction of the Director General, the Director General must keep under review whether that form of investigation continues to be the most appropriate form of investigation.

(7) If, on such a review, the Director General determines that—

(a) it would be more appropriate for the investigation to take the form of an investigation by the Director General, the Director General must make a further determination under this regulation (to replace the earlier one) that the investigation is instead to take that form; or

(b) having regard to the seriousness of the case and the public interest, it would be more appropriate for the investigation to take the form of an investigation by the Minister on the Minister's own behalf, the Director General may make a further determination under

this regulation (to replace the earlier one) that the investigation is instead to take that form.

(8) Subject to paragraph (7), if at any time the Director General determines that, were the Director General to apply paragraphs (3) to (5) again, the form of the investigation would be different, the Director General may make a further determination (to replace the earlier one) such that the investigation takes that different form.

(9) Where a determination under this regulation replaces an earlier determination under this regulation, or relates to a complaint, recordable conduct matter or DSI matter in relation to which the Minister has already begun an investigation on the Minister's own behalf, the Director General may give—

(a) the Minister; and

(b) any person previously appointed to carry out the investigation,

such directions as the Director General considers appropriate for the purpose of giving effect to the new determination.

(10) A person to whom a direction is given under paragraph (9) must comply with it.

(11) The Director General must notify the Minister of any determination that the Director General makes under this regulation in relation to a complaint, recordable conduct matter or DSI matter, and of the Director General's reasons for making the determination.

(12) The Director General must also notify the following of any determination that the Director General makes under this regulation in relation to a complaint, recordable conduct matter or DSI matter, and of the Director General's reasons for making the determination—

(a) interested persons in relation to the complaint, recordable conduct matter or DSI matter;

(b) where the determination is made in relation to a complaint, the complainant;

(c) the person to whose conduct the investigation will relate.

(13) Paragraph (12)(a) and (b) are subject to regulation 64.

Appointment of persons to carry out investigations

38. A person may not be appointed to carry out an investigation under regulation 39, 40 or 41 if one or more of the following applies—

(a) the person does not have an appropriate level of knowledge, skills and experience to plan and manage the investigation;

(b) that person's involvement could reasonably give rise to a concern as to whether that person could act impartially under these Regulations; or

(c) that person works, directly or indirectly, under the management of the authorised investigator whose conduct is being investigated.

Investigations by the Minister on the Minister's own behalf

39.—(1) This regulation applies where the Minister is required by virtue of any determination made by the Director General under regulation 37 to make arrangements for a complaint, recordable conduct matter or DSI matter to be investigated by the Minister on the Minister's own behalf.

(2) The Minister must, subject to paragraph (3), appoint an authorised investigator to investigate the complaint or matter.

(3) If the Minister is of the opinion that, having regard to regulation 38, it is not possible to appoint an authorised investigator to investigate the complaint or matter, the Minister must appoint a person who is—

(a) employed by the Crown in service of the Cabinet Office;

(b) seconded to the Crown in service of the Cabinet Office; or

(c) engaged under a contract for services to the Crown in service of the Cabinet Office,

to investigate the complaint or matter.

Investigation by a police force or the National Crime Agency under the direction of the Director General

40.—(1) This regulation applies where the Director General determines under regulation 37 that there should be an investigation of a complaint, recordable conduct matter or DSI matter under the direction of the Director General by—

(a) a police force; or

(b) the National Crime Agency.

(2) The Director General must—

(a) in the case of an investigation by a police force—

(i) identify the police force whose force area includes the geographical area to which the subject matter of the complaint, recordable conduct matter or DSI matter most closely relates; and

(ii) take steps to obtain the agreement of the chief officer of that force, and the Minister, to the carrying out of the investigation by that force; or

(b) in the case of an investigation by the National Crime Agency, take steps to obtain the agreement of the Director General of the National Crime Agency, and the Minister, to the carrying out of the investigation by the National Crime Agency.

(3) In the event that no agreement is reached under paragraph (2) the Director General may require the chief officer of any police force that the Director General considers appropriate or, as the case may be, the National Crime Agency, to carry out the investigation.

(4) Whether by agreement or if required to do so under paragraph (3), where—

(a) the investigation is to be carried out by a police force, the chief officer of the police force must appoint a person serving with the police who is a member of that force to investigate the complaint or matter;

(b) the investigation is to be carried out by the National Crime Agency, the Director General of the National Crime Agency must appoint a National Crime Agency officer to investigate the complaint or matter.

(5) An appointment of a person under paragraph (4) must be notified to the Minister by the chief officer concerned or, as the case may be, by the Director General of the National Crime Agency.

(6) The person appointed to investigate the complaint or matter under paragraph (4)—

(a) is, in relation to that investigation, under the direction and control of the Director General; and

(b) must comply with all such requirements in relation to the carrying out of that investigation as may be imposed under these Regulations.

Investigations by the Minister under the direction of the Director General

41.—(1) This regulation applies where the Director General has determined under regulation 37 that the Director General should direct the investigation by the Minister of any complaint, recordable conduct matter or DSI matter.

(2) The Minister must—

(a) appoint an authorised investigator to investigate the complaint or matter;

(b) if the Minister is of the opinion that, having regard to regulation 38, it is not possible to appoint an authorised investigator to investigate the complaint or matter, appoint a person who is—

(i) employed by the Crown in service of the Cabinet Office;

(ii) seconded to the Crown in service of the Cabinet Office; or

(iii) engaged under a contract for services to the Crown in service of the Cabinet Office,

to investigate the complaint or matter; or

(c) if the Minister is of the opinion that, having regard to regulation 38, it is not possible to appoint an authorised investigator or a person mentioned in sub-paragraph (b)(i) to (iii) to investigate the complaint or matter, make arrangements with a chief officer or the Director General of the National Crime Agency to have a person serving with the police or a National Crime Agency officer appointed to investigate the complaint or matter.

(3) The Director General may require that no appointment is made under paragraph (2) unless the Director General has given notice to the Minister that the Director General approves the person whom the Minister proposes to appoint or proposes to make arrangements to have appointed.

(4) Where at any time the Director General is not satisfied with the person investigating, the Director General may require the Minister, as soon as reasonably practicable after being required to do so, to—

(a) propose a different person for appointment or propose to make arrangements to have a different person appointed in accordance with paragraph (2) to investigate the complaint or matter; and

(b) notify the Director General of the person proposed.

(5) Paragraph (4) applies whether the person investigating was appointed—

(a) before the Minister was given notice of the Director General's determination that the Director General should direct the investigation by the Minister;

(b) under paragraph (2) (including where the appointment was approved by the Director General in accordance with paragraph (3)); or

(c) under paragraph (6)(a).

(6) Where a proposal made in pursuance of a requirement under paragraph (4) has been notified to the Director General—

(a) the Minister must appoint that person to investigate the complaint or matter if, but only if, the Director General notifies the Minister that the Director General approves the appointment of that person;

(b) if the Director General notifies the Minister that the Director General does not approve the appointment of that person, the Minister must make another proposal in accordance with paragraph (4).

(7) The person appointed under paragraph (2) or (6)(a) to investigate the complaint or matter—

(a) is, in relation to that investigation, under the direction and control of the Director General; and

(b) must keep the Director General informed of the progress of the investigation.

Investigations by the Director General

42.—(1) This regulation applies where the Director General has determined under regulation 37 that the Director General should carry out the investigation of a complaint, recordable conduct matter or DSI matter.

(2) The Director General must designate both—

(a) a person to take charge of the investigation; and

(b) such members of the Office's staff as are required by the Director General to assist the person designated to take charge of the investigation.

(3) The person designated under paragraph (2) to take charge of an investigation must be—

(a) the Director General acting personally; or

(b) a person who is authorised to exercise the function of taking charge of the investigation on behalf of the Director General by virtue of paragraph 6A of Schedule 2 to the 2002 Act(**a**) (delegation of Director General's functions).

(4) A person who—

(a) is designated under paragraph (2) in relation to any investigation; but

(b) does not already, by virtue of section 97(8) of the 1996 Act(**b**), have all the powers and privileges of a constable throughout England and Wales and the adjacent waters,

has, for the purposes of the carrying out of the investigation and all purposes connected with it, all those powers and privileges throughout England and Wales and those waters.

(5) A person designated under paragraph (2) who is not a constable is not, as a result of paragraph (4), to be treated as being in police service for the purposes of—

(a) section 280 of the Trade Union and Labour Relations (Consolidation) Act 1992(**c**) (person in police service excluded from definitions of "worker" and "employee"); or

(b) section 200 of the Employment Rights Act 1996(**d**) (certain provisions of that Act not to apply to persons in police service).

(6) References in this regulation to the powers and privileges of a constable—

(a) are references to any power or privilege conferred by or under any enactment (including one passed after the making of these Regulations) on a constable; and

(b) have effect as if every such power were exercisable, and every such privilege existed, throughout England and Wales and the adjacent waters (whether or not that is the case apart from this paragraph).

(7) In this regulation "adjacent waters" means the sea and other waters within the seaward limits of the territorial sea of England and Wales.

(**a**) Paragraph 6A was inserted by paragraph 11 of Schedule 9 to the Policing and Crime Act 2017.

(**b**) Section 97(8) of the 1996 Act was amended by paragraph 82 of Schedule 4 to the Serious Organised Crime and Police Act 2005, Schedule 9 to the Safeguarding Vulnerable Groups Act 2006 (c. 47), paragraph 1 of Schedule 15 to the Police and Justice Act 2006, paragraph 1 of Schedule 14 to the Serious Crime Act 2007 (c. 27), paragraph 48 of Schedule 8 to the Crime and Courts Act 2013 and by S.I. 2007/1098 and 2012/2954.

(**c**) 1992 c. 52.

(**d**) 1996 c. 18. Section 200 of the Employment Rights Act 1996 was amended by section 6 of the Police (Health and Safety) Act 1997 (c. 42), S.I. 1998/1883, section 44 of and Schedules 4 and 9 to the Employment Relations Act 1999 (c. 26), section 37 of the Police Reform Act 2002 and Schedule 1 to the Employment Relations Act 2004 (c. 24).

Timeliness of investigations

43.—(1) Where an investigation under regulation 39 is not completed within a relevant period, the Minister must, as soon as practicable after the end of that period, provide in writing the information mentioned in paragraph (4) to the Director General.

(2) Where an investigation under regulation 40, 41 or 42 is not completed within a relevant period, the Director General must, as soon as practicable after the end of that period, provide in writing the information mentioned in paragraph (4) to the Minister, unless it appears to the Director General that to do so might prejudice the investigation or any other investigation or proceedings (including a criminal investigation or criminal proceedings).

(3) For the purposes of this regulation, each of the following is a "relevant period"—

(a) the period of 12 months beginning with the date on which—

(i) the complaint to which the investigation relates was made; or

(ii) the recordable conduct matter or DSI matter to which the investigation relates came to the attention of the Minister;

(b) each subsequent period of six months beginning with the day after the end of the immediately preceding relevant period.

(4) The information is—

(a) the date on which—

(i) the complaint to which the investigation relates was made; or

(ii) the recordable conduct matter or DSI matter to which the investigation relates came to the attention of the Minister;

(b) the date on which any notice was given under regulation 49;

(c) the progress of the investigation;

(d) an estimate of when the report on the investigation will be submitted or completed under regulation 71 or 75;

(e) the reason for the length of time being taken to complete the investigation; and

(f) a summary of planned steps to progress the investigation and bring it to a conclusion.

(5) The Minister or the Director General, as the case may be, must send a copy of the information provided in writing under paragraph (1) or (2) to—

(a) except where paragraph (6) applies, any complainant and interested person; and

(b) except in a case where it appears to the Minister or the Director General, as the case may be, that to do so might prejudice the investigation or any other investigation or proceedings (including a criminal investigation or criminal proceedings), the person to whose conduct the investigation relates.

(6) This paragraph applies where the Director General or the Minister, as the case may be, is of the opinion that regulation 64(2)(a) or (b) applies.

(7) Paragraphs (4) and (5) of regulation 64 apply in relation to paragraph (6) of this regulation as they apply in relation to paragraph (2) of regulation 64.

Combining and splitting investigations

44.—(1) Where the Minister is carrying out an investigation on the Minister's own behalf under regulation 39, the Minister may—

(a) combine that investigation with another such investigation; or

(b) split that investigation into two or more such separate investigations,

if the Minister considers that it is more efficient and effective, or is otherwise in the public interest, to do so.

(2) In the case of an investigation under the direction of the Director General under regulation 40 or 41 or by the Director General under regulation 42, the Director General may—

(a) combine that investigation with another investigation; or

(b) split that investigation into two or more separate investigations,

if the Director General considers that it is more efficient and effective, or is otherwise in the public interest, to do so.

(3) The Director General must consult the Minister before taking any action under paragraph (2) in relation to an investigation under the direction of the Director General.

(4) Nothing in this regulation prevents the Director General from determining—

(a) that where an investigation is split into two or more separate investigations, those investigations may take different forms; or

(b) that two or more separate investigations which take different forms (including an investigation being carried out by the Minister on the Minister's own behalf) may be combined into a single investigation.

Change of form of investigation: provision of documentation and evidence

45.—(1) This regulation applies where the Director General determines that—

(a) an investigation being carried out by the Director General should instead take the form of an investigation by the Minister on the Minister's own behalf or an investigation by the Minister under the direction of the Director General; or

(b) an investigation being carried out by the Minister under the direction of the Director General should instead take the form of an investigation by the Minister on the Minister's own behalf.

(2) The Director General must send to the Minister any documentation and evidence gathered during the investigation which will assist the Minister to carry out the Minister's functions under these Regulations.

Suspension of investigation or other procedure

46.—(1) The Director General and, subject to paragraph (2), the Minister may suspend any investigation or other procedure under these Regulations which, in the opinion of the Director General or, as the case may be, the Minister, would, if it were to continue, prejudice any criminal investigation or criminal proceedings.

(2) The Director General may direct that any investigation or other procedure under these Regulations which is liable to be, or has been, suspended by the Minister under paragraph (1) is to continue, or be resumed, if the Director General is of the view that it is in the public interest to make such a direction.

(3) The Director General must consult the Minister before making a direction under paragraph (2).

Resumption of investigation of complaint after criminal investigation or criminal proceedings

47.—(1) This regulation applies where—

(a) the Director General or the Minister has suspended the whole or part of an investigation of a complaint until the conclusion of a criminal investigation or criminal proceedings under regulation 46; and

(b) the criminal investigation or criminal proceedings mentioned in sub-paragraph (a) have concluded.

(2) Where the complainant has not indicated—

(a) a wish for the investigation to start or be resumed; or

(b) a wish that the investigation is not started or resumed,

the Director General or the Minister, as the case may be, must send a letter to the complainant to determine how the complainant wishes to proceed.

(3) A letter under paragraph (2) must, subject to guidance issued by the Director General, be sent by recorded delivery.

(4) Where the complainant indicates a wish for the investigation to start or be resumed, the Director General or the Minister, as the case may be, must start or resume the investigation.

(5) Where the complainant—

(a) indicates a wish that the investigation is not started or resumed; or

(b) does not reply to a letter under paragraph (2) within a period of 28 days beginning with the day after the day on which the letter is sent by the Director General or the Minister in accordance with paragraph (2),

the Director General or the Minister, as the case may be, must determine whether it is in the public interest for the complaint to be treated as a recordable conduct matter.

(6) Where the Director General or the Minister determines that it is not in the public interest for the complaint to be treated as a recordable conduct matter, the provisions of these Regulations relating to the investigation of the complaint cease to apply to the complaint.

(7) Where the Director General or the Minister determines that it is in the public interest for the complaint to be treated as a recordable conduct matter, the relevant provisions of regulations 21, 22, 23, 27, 28, 29 and 30 apply to the matter as if it were a recordable conduct matter.

(8) Subject to paragraph (9), the Director General or the Minister, as the case may be, must notify the person complained against if paragraph (6) or (7) applies.

(9) Nothing in paragraph (8) requires the Director General or the Minister to make a notification if the Director General or the Minister, as the case may be, believes that to do so might prejudice any criminal investigation or pending proceedings or would be contrary to the public interest.

Special procedure: severity assessment

48.—(1) Where at least one of Condition A, B or C is satisfied, the person investigating must proceed with the investigation in accordance with paragraphs (5) to (8) and regulations 49 to 54.

(2) Condition A is that—

(a) the investigation is an investigation of a complaint; and

(b) during the course of the investigation it appears to the person investigating or, in the case of an investigation under regulation 42, the Director General, that there is an indication that the person to whose conduct the investigation relates may have—

(i) committed a criminal offence; or

(ii) behaved in a manner which would justify the bringing of disciplinary proceedings.

(3) Condition B is that—

(a) the investigation is an investigation of a complaint being carried out by a person appointed under regulation 40 or 41; and

(b) during the course of the investigation the Director General determines that there is an indication that the person to whose conduct the investigation relates may have—

(i) committed a criminal offence; or

(ii) behaved in a manner which would justify the bringing of disciplinary proceedings.

(4) Condition C is that the investigation is an investigation of a recordable conduct matter.

(5) In the case of an investigation under regulation 40 or 41, the person investigating must, as soon as is reasonably practicable—

(a) form an opinion as to—

(i) whether the conduct of the person concerned, if proved, would amount to gross misconduct or misconduct that is so serious as to justify the commencement of disciplinary proceedings, and

(ii) if that conduct were to become the subject of disciplinary proceedings, the form which those proceedings would be likely to take;

(b) notify the Director General of that opinion; and

(c) refer the case to the Director General for the Director General to make a severity assessment in relation to the conduct of the person concerned.

(6) In the case of an investigation under regulation 42 other than by the Director General acting personally, the person investigating must, as soon as is reasonably practicable, refer the case to the Director General for the Director General to make a severity assessment in relation to the conduct of the person concerned.

(7) In any other case, the person investigating must, as soon as is reasonably practicable, make a severity assessment in relation to the conduct of the person concerned.

(8) A severity assessment may only be made after consultation with the Minister.

(9) Where the case has been referred to the Director General to make a severity assessment, the Director General must notify the person investigating of the result of that assessment.

(10) On the completion of a severity assessment or, in cases where paragraph (9) applies, after notification by the Director General, the person investigating must notify the Minister of the result of the assessment.

(11) In this regulation and in regulations 49 to 54, "person concerned" means—

(a) in relation to an investigation of a complaint—

(i) the person in respect of whom it appears to the person investigating or, in the case of an investigation under regulation 42, the Director General, that there is the indication mentioned in paragraph (2)(b); or

(ii) the person in respect of whom the Director General determines that there is the indication mentioned in paragraph (3)(b);

(b) in relation to an investigation of a recordable conduct matter, the person to whose conduct the investigation relates.

Special procedure: notification of severity assessment etc.

49.—(1) Except where paragraph (4) applies, on the completion of a severity assessment, the person investigating must give the person concerned a notice stating—

(a) the conduct that is the subject matter of the investigation and how that conduct is alleged to fall below the standards contained in the Civil Service Code(**a**);

(b) that there is an investigation into the matter and the identity of the person investigating;

(**a**) A copy of the Civil Service Code can be accessed online at https://www.gov.uk/government/publications/civil-service-code. Hard copies of the Code can be obtained from the Civil Service Commission, Room G/8, 1 Horse Guards Road, London SW1A 2HQ.

(c) the result of the severity assessment;

(d) that the person concerned has the right to seek advice from the person's staff association or any other body;

(e) the effect of regulation 50; and

(f) the effect of regulation 52.

(2) Where a notice is given under paragraph (1), the person investigating must—

(a) except where paragraph (4) applies, provide a copy of the terms of reference of the investigation to the person concerned; or

(b) where paragraph (4) applies, give the person concerned a notice stating that the terms of reference of the investigation are not being provided and explaining why,

where practicable, at the same time as notice is given under paragraph (1), or otherwise within a period of five working days beginning with the first working day after the day on which such notice is given.

(3) Except where paragraph (4) applies, where a copy of the terms of reference of the investigation has been provided under paragraph (2) and those terms are revised, the person investigating must provide a copy of the revised terms to the person concerned as soon as practicable.

(4) This paragraph applies for so long as—

(a) in the case of an investigation under regulation 40, 41 or 42, the Director General; or

(b) in the case of an investigation under regulation 39, the person investigating the complaint or recordable conduct matter,

considers that giving the notice, or providing a copy of the terms, or revised terms, of reference of the investigation, might prejudice the investigation or any other investigation or proceedings, including a criminal investigation or criminal proceedings.

(5) A copy of the terms, or revised terms, of reference of the investigation provided under paragraph (2) or (3) may be in a form which keeps anonymous the identity of the complainant (if any) or any other person.

(6) A notice under paragraph (1), a notice under paragraph (2)(b) and a copy of the terms, or revised terms, of reference of the investigation under paragraph (2) or (3) must be—

(a) given to the person concerned in person;

(b) left with a person at, or sent by recorded delivery to, the last known address of the person concerned;

(c) given to the person concerned in person by their PSFA friend, where the PSFA friend has agreed with the Minister to deliver the notice; or

(d) given to the person concerned in any other manner agreed between the person investigating and the person concerned.

Special procedure: PSFA friend

50.—(1) This regulation applies where the person investigating a complaint or recordable conduct matter has given the person concerned a notice under regulation 49.

(2) The person concerned may choose—

(a) an authorised investigator;

(b) a person employed by the Crown in service of the Cabinet Office who performs the functions of the PSFA; or

(c) an official of a trade union within the meaning of sections 1 and 119 of the Trade Union and Labour Relations (Consolidation) Act 1992(**a**),

who is not otherwise involved in the case to act as their PSFA friend.

(3) A PSFA friend may—

(a) advise the person concerned throughout any investigation or proceedings under these Regulations;

(b) provide any relevant statement or relevant document to the person investigating the complaint or recordable conduct matter;

(c) accompany the person concerned to any interview of that person conducted by the person investigating; and

(d) make representations to the Director General concerning any aspect of any investigation or proceedings under these Regulations.

(4) Where a PSFA friend is an authorised investigator or a person employed by the Crown in service of the Cabinet Office who performs the functions of the PSFA, the Minister must permit the PSFA friend to use a reasonable amount of their contractual working time for the purposes mentioned in paragraph (3).

Special procedure: revision of severity assessment

51.—(1) Where in the case of an investigation under—

(a) regulation 40 or 41; or

(b) regulation 42, other than by the Director General acting personally,

the Director General has made a severity assessment and indicates that it is appropriate to revise the assessment, the person investigating must refer the case to the Director General for the Director General to revise the assessment.

(2) Where in the case of an investigation under—

(a) regulation 40 or 41; or

(b) regulation 42, other than by the Director General acting personally,

the Director General has made a severity assessment and the person investigating forms the opinion that it is appropriate to revise that assessment, the person investigating must notify the Director General of that opinion.

(3) Where in any other case the person investigating has made a severity assessment and considers it appropriate to revise the assessment, the person investigating may do so.

(4) A severity assessment may only be revised after consultation with the Minister.

(5) Except where paragraph (6) applies, on the revision of a severity assessment the person investigating must give a notice of the result of the revision to the Minister and the person concerned.

(6) This paragraph applies for so long as—

(a) in the case of an investigation under regulation 40, 41 or 42, the Director General; or

(b) in the case of an investigation under regulation 39, the person investigating the complaint or recordable conduct matter,

considers that giving the notice might prejudice the investigation or any other investigation or proceedings (including a criminal investigation or criminal proceedings).

(7) A notice under paragraph (5) must be—

(**a**) 1992 c. 52. There are amendments to section 119 but none is relevant.

(a) given to the person concerned in person;

(b) left with a person at, or sent by recorded delivery to, the last known address of the person concerned;

(c) given to the person concerned in person by their PSFA friend, where the PSFA friend has agreed with the Minister to deliver the notice; or

(d) given to the person concerned in any other manner agreed between the person investigating and the person concerned.

Special procedure: representations to the person investigating

52.—(1) This regulation applies where the person investigating a complaint or recordable conduct matter has provided the person concerned with a copy of the terms of reference of the investigation, or given the person concerned a notice, under regulation 49(2)(b).

(2) Where in the case of an investigation under—

(a) regulation 40 or 41; or

(b) regulation 42, other than by the Director General acting personally,

the person concerned or their PSFA friend provides the person investigating with a relevant statement or relevant document before the expiry of the time limit mentioned in paragraph (4), the person investigating must send the statement or document to the Director General and the Director General must consider the statement or document.

(3) Where, in any other case, the person concerned or their PSFA friend provides the person investigating with a relevant statement or relevant document before the expiry of the time limit mentioned in paragraph (4), the person investigating must consider the statement or document.

(4) The time limit is ten working days beginning with the day after the day on which a copy of the terms of reference of the investigation is provided, or a notice is given, under regulation 49(2)(b), unless this period is extended by—

(a) the person investigating; or

(b) in the case of an investigation under regulation 42, other than by the Director General acting personally, the Director General.

Special procedure: duty to provide information to Minister

53. In a case where the Director General or person investigating has made a severity assessment under regulation 48, the person investigating must provide the Minister with such information in that person's possession as the Minister may reasonably request for the purpose of determining whether—

(a) the person concerned should have, or should continue to have, their authorisation as an authorised investigator suspended; or

(b) in relation to a person concerned who has been—

(i) seconded to or within the Cabinet Office and authorised to serve as an authorised investigator; or

(ii) engaged and authorised to serve as an authorised investigator under any other temporary arrangement with or within the Cabinet Office,

the secondment or temporary arrangement of the person concerned, and their connected authorisation as an authorised investigator, should cease to have effect, or continue to have no effect.

Special procedure: interview of the person concerned

54.—(1) This regulation applies where the person investigating a complaint or recordable conduct matter has provided the person concerned with a copy of the terms of reference of the investigation, or given the person concerned a notice under regulation 49(2)(b).

(2) In the case of an investigation under regulation 42 other than by the Director General acting personally, if the Director General wishes the person concerned to be interviewed as part of the investigation, the person investigating must refer the case to the Director General for the Director General—

(a) if reasonably practicable, to agree a date and time for the interview with the person concerned;

(b) where no date and time is agreed, to specify a date and time for the interview.

(3) In any other case, if the person investigating wishes to interview the person concerned as part of the investigation, the person investigating must—

(a) if reasonably practicable, agree a date and time for the interview with the person concerned;

(b) where no date and time is agreed, specify a date and time for the interview.

(4) Where a date and time is specified under paragraph (2) or (3) and—

(a) the person concerned or their PSFA friend will not be available at that time; and

(b) the person concerned proposes an alternative time which satisfies paragraph (5),

the interview must be postponed to the time proposed by the person concerned.

(5) An alternative time proposed by the person concerned must—

(a) be reasonable; and

(b) fall before the end of the period of five working days beginning with the first working day after the day specified under paragraph (2) or (3) by the person investigating or the Director General.

(6) The person investigating must, in advance of the interview, give the person concerned—

(a) a notice stating the date, time and place of the interview; and

(b) such information as the person investigating or, in the case of an investigation under regulation 42, other than by the Director General acting personally, the Director General considers appropriate in the circumstances of the case to enable the person concerned to prepare for the interview.

(7) The person concerned must attend the interview.

(8) A PSFA friend may not answer any questions asked of the person concerned during the interview.

Interview of an authorised investigator during investigations

55.—(1) This paragraph applies in relation to an interview which—

(a) is held with an authorised investigator during the course of the investigation by the person investigating a complaint, recordable conduct matter or DSI matter; and

(b) does not fall within regulation 54.

(2) The person investigating must—

(a) give written notice to the person who is to be interviewed ("the interviewee") that the interview will take place in accordance with this regulation; and

(b) if reasonably practicable, agree a date and time for the interview with the interviewee.

(3) Where no date and time is agreed under paragraph (2), the person investigating must specify a date and time for the interview.

(4) Where a date and time is specified under paragraph (3) and—

(a) the interviewee or the accompanying person will not be available at that time; and

(b) the interviewee proposes an alternative time which satisfies paragraph (5),

the interview must be postponed to the time proposed by the interviewee.

(5) An alternative time proposed by the interviewee must—

(a) be reasonable; and

(b) fall before the end of the period of five working days beginning with the first working day after the day specified under paragraph (2)(b) or (3) by the person investigating.

(6) The person investigating must, in advance of the interview, give the interviewee—

(a) a notice stating the date, time and place of the interview; and

(b) such information as the person investigating considers appropriate in the circumstances of the case to enable the interviewee to prepare for the interview.

(7) The interviewee must attend the interview.

(8) An accompanying person may accompany the interviewee to the interview under this regulation, and—

(a) during, and in relation to, the interview may—

(i) advise the interviewee;

(ii) provide any relevant statement or relevant document to the person investigating; but

(b) may not answer any questions asked of the interviewee during the interview.

(9) The Minister must permit an accompanying person to use a reasonable amount of their contractual working time for the purposes of this regulation.

(10) Nothing in this regulation applies to an interview of any person—

(a) in relation to an investigation of a complaint, in respect of which it appears to the person investigating that there is an indication that the person to whose conduct the investigation relates may have—

(i) committed a criminal offence; or

(ii) behaved in a manner which would justify the bringing of disciplinary proceedings; or

(b) in relation to an investigation of a recordable conduct matter, to whose conduct the investigation relates.

(11) Nothing in this regulation prevents or restricts the holding of interviews to which this regulation does not apply during the course of any investigation under these Regulations.

(12) In this regulation, "accompanying person" means a person who is—

(a) an authorised investigator or a person employed by the Crown in service of the Cabinet Office who performs the functions of the PSFA;

(b) nominated by the interviewee; and

(c) not otherwise involved in the case.

Restrictions on proceedings pending the conclusion of an investigation

56.—(1) No criminal or disciplinary proceedings may be brought in relation to any matter which falls to be determined under these Regulations until a report on that investigation has been submitted to the Director General or to the Minister under regulation 71 or 75 or, as the case may be, a report has been completed by the Director General under regulation 71 or 75.

(2) The restrictions imposed by this regulation in relation to the bringing of criminal proceedings do not apply to the bringing of criminal proceedings by the Director of Public Prosecutions in any case in which it appears to the Director of Public Prosecutions that there are exceptional circumstances which make it undesirable to delay the bringing of such proceedings.

PART 8

Provision of information

Provision of information to the Director General

57.—(1) The Minister must provide the Director General with—

(a) all such information, documents, evidence and other things as may be specified or described in these Regulations that the Director General may reasonably require for the purposes of the carrying out of any of the Director General's functions; and

(b) to the extent not falling within sub-paragraph (a), all such other information, documents, evidence and other things specified or described in a notification given by the Director General to the Minister under these Regulations as appear to the Director General to be required for the purposes of the carrying out of any of the Director General's functions.

(2) Anything falling to be provided by any person in pursuance of a requirement imposed under paragraph (1) must be provided in such form, in such manner and within such period as may be specified in—

(a) the notification imposing the requirement; or

(b) any other notification given by the Director General to that person for the purposes of this paragraph.

(3) Nothing in this regulation requires the Minister—

(a) to provide the Director General with any information, document, evidence or other thing, before the earliest time at which it is practicable for the Minister to do so; or

(b) to provide any information, document, evidence or other thing in a case in which it is not, or it never becomes, practicable for the Minister to do so.

Minister to notify the Director General of outcome of disciplinary proceedings etc.

58. The Minister must notify the Director General of—

(a) the outcome of any disciplinary proceedings or performance proceedings brought in relation to, or arising from, any matter dealt with in a report submitted or completed under regulation 71 or 75, as soon as practicable after the outcome of the proceedings or process;

(b) the bringing of any appeal against the outcome of any such proceedings or process, as soon as practicable after the Minister becomes aware of the appeal;

(c) the outcome of any such appeal, as soon as practicable after its conclusion.

Register to be kept by the Director General

59.—(1) The Director General must establish and maintain a register of all information supplied to the Director General by the Minister under these Regulations ("the register").

(2) Subject to paragraph (3), the Director General may publish or otherwise disclose to any person any information held on the register where, in the opinion of the Director General, that is necessary for, or conducive to, the purpose of—

(a) learning lessons from the handling of complaints, conduct matters or DSI matters;

(b) demonstrating the thoroughness and effectiveness of the handling of such complaints or matters;

(c) raising public awareness of the complaints system; or

(d) improving the complaints system.

(3) Information may not be published or disclosed under paragraph (2) in circumstances where, in the opinion of the Director General, the non-disclosure of the information is necessary for a purpose mentioned in regulation 64(3).

Copies of complaints etc.

60.—(1) Where a complaint is recorded under regulation 16(3), the Minister must—

(a) supply to the complainant a copy of the record made of that complaint; and

(b) subject to paragraphs (2) to (4), supply to the person complained against a copy of the complaint.

(2) A copy of a complaint supplied under paragraph (1)(b) may be in a form which protects the anonymity of the complainant or of any other person.

(3) The Minister may decide not to supply such a copy of a complaint if the Minister is of the opinion that to do so—

(a) might prejudice any criminal investigation or pending proceedings; or

(b) would otherwise be contrary to the public interest.

(4) Where the Minister decides not to supply such a copy, the Minister must keep that decision under regular review.

Duty to keep the complainant informed

61.—(1) Subject to regulation 64, in any case in which there is an investigation of a complaint in accordance with these Regulations—

(a) by the Director General; or

(b) under the direction of the Director General,

the Director General must provide the complainant with all such information as will keep the complainant properly informed, while the investigation is being carried out and subsequently, of the matters specified in paragraph (4).

(2) Subject to regulation 64, in any case in which there is an investigation of a complaint in accordance with these Regulations by the Minister on the Minister's own behalf, the Minister must provide the complainant with all such information as will keep the complainant properly informed, while the investigation is being carried out and subsequently, of the matters specified in paragraph (4).

(3) Where paragraph (2) applies, the Director General must give the Minister such directions as the Director General considers appropriate for securing that the Minister complies with the Minister's duty under that paragraph; and the Minister must comply with any such direction.

(4) The matters of which the complainant must be kept properly informed are—

(a) the progress of the investigation mentioned in paragraph (1) or (2);

(b) the outcome of the investigation mentioned in paragraph (1) or (2);

(c) any right to apply for a review conferred on the complainant by regulation 80, including—

(i) the time limit for applying for the review; and

(ii) the effect of regulation 81(4);

(d) the progress of any—

(i) criminal proceedings;

(ii) disciplinary proceedings; or

(iii) performance proceedings,

brought in relation to, or arising from, any matter which was the subject of the complaint;

(e) the outcome of any such proceedings or process falling within sub-paragraph (d);

(f) where an appeal is brought against the outcome of any proceedings falling within sub-paragraph (d), the fact and outcome of that appeal.

(5) The generality of paragraph (4)(a) and (b) is not affected by any requirement to notify the complainant that is imposed by any other provision of these Regulations.

(6) A person appointed to carry out an investigation under these Regulations must provide the Director General or, as the case may be, the Minister, with such information as the Director General or the Minister may reasonably require for the purpose of the performance by the Director General or the Minister of their duties under this regulation.

(7) The Director General or the Minister may comply with their duty under paragraph (1) or (2), as applicable, by sending the complainant a copy of any investigation report submitted (or completed) under regulation 71.

(8) Paragraph (7) applies notwithstanding any obligation of secrecy imposed by any rule of law or otherwise but is subject to—

(a) regulation 63; and

(b) regulation 64.

Interested persons and the duty to keep them informed

62.—(1) A person is an interested person in relation to a complaint, recordable conduct matter or DSI matter which is the subject of an investigation in accordance with these Regulations if—

(a) it appears to the Director General or the Minister (as the case may be) that the person falls within paragraph (2) or (3); and

(b) the person has consented to be provided with information in accordance with this regulation and that consent has not been withdrawn.

(2) In the case of a complaint or recordable conduct matter, a person falls within this paragraph if that person—

(a) is a relative of a person whose death is the alleged result of the conduct complained of or to which the recordable conduct matter relates;

(b) is a relative of a person whose serious injury is the alleged result of that conduct and that person is incapable of making a complaint;

(c) has suffered serious injury as the alleged result of that conduct.

(3) In the case of a DSI matter, a person falls within this paragraph if that person—

(a) is a relative of the person who has died;

(b) is a relative of the person who has suffered serious injury and that person is incapable of making a complaint;

(c) is the person who has suffered serious injury.

(4) A person who does not fall within paragraph (2) or (3) is an interested person in relation to a complaint, recordable conduct matter or DSI matter which is the subject of an investigation in accordance with these Regulations if—

(a) the Director General or the Minister (as the case may be) considers that the person has an interest in the handling of the complaint, recordable conduct matter or DSI matter which is sufficient to make it appropriate for information to be provided to that person in accordance with this regulation; and

(b) the person has consented to be provided with information in accordance with this regulation and that consent has not been withdrawn.

(5) In relation to a complaint, this regulation confers no rights on the complainant.

(6) While an investigation of a complaint, recordable conduct matter or DSI matter is being carried out by the Director General or under the Director General's direction in accordance with these Regulations, and subsequently, the Director General must keep the interested person properly informed of the matters in paragraph (9).

(7) While an investigation of a complaint, recordable conduct matter or DSI matter is being carried out by the Minister on the Minister's own behalf in accordance with these Regulations, and subsequently, the Minister must keep the interested person properly informed of the matters in paragraph (9).

(8) Where paragraph (6) applies, the Director General must give the Minister such directions as the Director General considers appropriate for securing that the Minister complies with the Minister's duty under that paragraph; and the Minister must comply with any such direction.

(9) The matters of which the interested person must be kept properly informed are—

(a) the progress of an investigation into a complaint, recordable conduct matter or DSI matter in accordance with these Regulations;

(b) the outcome of an investigation into a complaint, recordable conduct matter or DSI matter in accordance with these Regulations;

(c) the progress of any—

(i) criminal proceedings;

(ii) disciplinary proceedings; or

(iii) performance proceedings,

brought in relation to, or arising from, any matter which was the subject of the complaint, recordable conduct matter or DSI matter;

(d) the outcome of any such proceedings or process falling within sub-paragraph (c);

(e) where an appeal is brought against the outcome of proceedings falling within sub-paragraph (c), the fact and outcome of the appeal.

(10) The generality of paragraph (9)(a) and (b) is not affected by any requirement to notify an interested person that is imposed by any other provision of these Regulations.

(11) The duties imposed by this regulation on the Director General and the Minister in relation to any complaint, recordable conduct matter or DSI matter must be performed in accordance with, and subject to any exceptions set out in, regulations 63 and 64.

(12) The Director General or the Minister may comply with their duty under paragraph (6) by sending the interested person a copy of the investigation report submitted (or completed) under regulation 71 or 75.

(13) Paragraph (12) applies notwithstanding any obligation of secrecy imposed by any rule of law or otherwise but is subject to—

(a) regulation 63; and

(b) regulation 64.

(14) Regulation 61(6) applies for the purposes of this regulation as it applies for the purposes of that regulation.

(15) In this regulation, "relative" means any spouse, partner, parent or adult child.

Manner in which duties to keep the complainant and interested person informed are to be performed

63.—(1) The Director General or the Minister, as the case may be, must inform the complainant or any interested person of—

(a) the matters mentioned in regulation 61(4)(a) and (d) and 62(9)(a) and (c) promptly and in any event—

(i) if there has been no previous notification under this regulation, within four weeks of the start of the handling of the complaint, proceedings or process; and

(ii) in any other case, within four weeks of the previous notification;

(b) the matters mentioned in regulation 61(4)(b), (e) and (f) and regulation 62(9)(b), (d) and (e) promptly and in any event before the end of the period of five working days beginning with the day after the day of the outcome (or, where applicable, the bringing of the appeal).

(2) The information required by paragraph (1) must be given in writing, unless, in the case of a complaint, the complaint—

(a) was made otherwise than in writing; and

(b) is being handled in accordance with regulation 18(2).

(3) The Minister must inform the complainant in writing of the matters mentioned in regulation 61(4)(c)(i) and (ii), promptly and in any event before the end of the period of five working days beginning with the day after the day of the outcome of the handling of the complaint.

(4) In performing the duties imposed by these Regulations, the Director General or the Minister, as the case may be, must determine whether it is appropriate to offer, or grant a request for, a meeting with a complainant or interested person.

(5) As soon as practicable after any such meeting, the Director General or the Minister, as the case may be, must send the complainant or interested person a written record of the meeting and an account of how any concerns of that person will be addressed.

Exceptions to duties to keep the complainant and interested person informed

64.—(1) Paragraph (2) specifies the circumstances in which the duties imposed on the Director General and the Minister under regulations 61 and 62 do not apply.

(2) The circumstances are where, in the opinion of the Director General or the Minister, as the case may be—

(a) the disclosure would be disproportionate; or

(b) the non-disclosure of information is necessary for a purpose mentioned in paragraph (3).

(3) The purposes are—

(a) preventing the premature or inappropriate disclosure of information that is relevant to, or may be used in, any actual or prospective criminal proceedings;

(b) preventing the disclosure of information in any circumstances in which its non-disclosure—

(i) is in the interests of national security;

(ii) is for the purposes of the prevention or detection of crime, or the apprehension or prosecution of offenders; or

(iii) is otherwise necessary in the public interest.

(4) The Director General or the Minister, as the case may be, may only conclude that the non-disclosure of information is necessary under paragraph (2) if satisfied that—

(a) there is a real risk of the disclosure of that information causing an adverse effect; and

(b) that adverse effect would be significant.

(5) The Director General or the Minister, as the case may be, must consider whether the non-disclosure of information is necessary under paragraph (2) in circumstances where—

(a) that information is relevant to, or may be used in, any actual or prospective disciplinary proceedings or performance proceedings or appeal against the outcome of such proceedings;

(b) the disclosure of that information may lead to the contamination of the evidence of witnesses during such proceedings or appeal;

(c) the disclosure of that information might prejudice the welfare or safety of any third party;

(d) that information constitutes criminal intelligence.

Information for complainant and interested persons about disciplinary recommendations

65.—(1) This paragraph applies where, on the review of the outcome of an investigation under regulation 80, the Director General makes a recommendation under regulation 80(7)(c).

(2) Where the Minister notifies the Director General under regulation 80(8)(a) that the recommendation has been accepted, the Director General must notify the complainant and any interested persons in relation to the complaint of that fact and of the steps that have been, or are to be taken, by the Minister to give effect to the recommendation.

(3) Where the Minister—

(a) notifies the Director General under regulation 80(8)(a) that the Minister does not, either in whole or in part, accept the recommendation; or

(b) fails to take steps to give full effect to the recommendation,

the Director General must determine what further action (if any) to take under regulation 77, as applied by regulation 80(8)(b).

(4) The Director General must notify the complainant and any interested persons in relation to the complaint—

(a) of any determination by the Director General under paragraph (3) not to take further action; and

(b) where the Director General determines under paragraph (3) that the Director General will take further action, of the outcome of the taking of that action.

Manner and time limits of notices and notifications

66.—(1) Any notice or notification to be given under these Regulations must—

(a) unless otherwise specified in these Regulations or in guidance issued by the Director General, be given in writing; and

(b) unless otherwise specified in these Regulations, be made within such period as the Director General may determine in guidance.

(2) No time limit mentioned in these Regulations or determined by the Director General applies in any case where exceptional circumstances prevent that time limit being complied with.

Investigations by the Director General: power to serve an information notice

67.—(1) The Director General may serve upon any person a notice (an "information notice") requiring the person to provide the Director General with information that the Director General reasonably requires for the purposes of an investigation in accordance with regulation 42.

(2) But an information notice must not require a person—

(a) to provide information that might incriminate the person;

(b) to provide an item subject to legal privilege within the meaning given by the Police and Criminal Evidence Act 1984(**a**) (see section 10 of that Act);

(c) to make any disclosure that would be prohibited by Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016(**b**);

(d) to provide information that was provided to the person by, or by an agency of, the government of a country or territory outside the United Kingdom where that government does not consent to the disclosure of the information.

(3) An information notice must not require a postal operator or telecommunications operator to provide communications data.

(4) An information notice must—

(a) specify or describe the information that is required by the Director General and the form in which it must be provided;

(b) specify the period within which the information must be provided;

(c) give details of the right of appeal against the information notice under regulation 69(1).

(5) The period specified under paragraph (4)(b) must not end before the end of the period within which an appeal can be brought against the notice and, if such an appeal is brought, the information need not be provided pending the determination or withdrawal of the appeal.

(6) The Director General may cancel an information notice by written notice to the person on whom it was served.

(7) In these Regulations—

"communications data" has the meaning given in section 261 of the Investigatory Powers Act 2016(**c**);

(**a**) 1984 c. 60.

(**b**) 2016 c. 25. Part 1 was amended by S.I. 2017/730, Schedule 19 to the Data Protection Act 2018 (c. 12), S.I. 2018/1123, S.I. 2019/742, S.I. 2022/500, S.I. 2023/149, section 352(4) of the Finance (No. 2) Act 2013 (c. 30) and sections 6, 12 and 14 of the Investigatory Powers (Amendment) Act 2024 (c. 9). Part 2 was amended by S.I. 2018/1310, S.I. 2019/742, Schedule 5 to the Armed Forces Act 2021 (c. 35) and section 22 of the Investigatory Powers (Amendment) Act 2024. Part 3 was amended by S.I. 2018/1123, S.I. 2019/742, S.I. 2019/939 and sections 12 to 15 of the Investigatory Powers (Amendment) Act 2024. Part 4 was amended by S.I. 2018/1123, sections 16 to 21 of the Investigatory Powers (Amendment) Act 2024 and S.I. 2026/386. Part 5 was amended by Schedule 9 to the Policing and Crime Act 2017 (c. 3), S.I. 2019/742, Schedule 4 to the Armed Forces Act 2021 and sections 23 to 26 of the Investigatory Powers (Amendment) Act 2024. Part 6 was amended by section 27 of the Investigatory Powers (Amendment) Act 2024. Part 7 was amended by Schedule 19 to the Data Protection Act 2018, section 1 of the Investigatory Powers (Amendment) Act 2024 and section 90(10) of the Data (Use and Access) Act 2025 (c. 18). Chapter 1 of Part 9 was amended by sections 18 and 19 of the Investigatory Powers (Amendment) Act 2024 and S.I. 2026/386.

(**c**) Section 261 was amended by section 13(2) and (3) and 19(2) of the Investigatory Powers (Amendment) Act 2024 (c. 9).

"postal operator" has the meaning given in section 262 of the Investigatory Powers Act 2016;

"telecommunications operator" has the meaning given in section 261 of the Investigatory Powers Act 2016.

Failure to comply with an information notice

68.—(1) If a person who has received an information notice—

(a) fails or refuses to provide information required by the notice; or

(b) knowingly or recklessly provides information in response to the notice that is false in a material respect,

the Director General may certify in writing to the High Court that the person has failed to comply with the information notice.

(2) The High Court may then inquire into the matter and, after hearing any witness who may be produced against or on behalf of the person, and after hearing any statement offered in defence, deal with the person as if the person had committed a contempt of court.

Appeals against information notices

69.—(1) A person on whom an information notice is served may appeal against the notice to the First-tier Tribunal on the ground that the notice is not in accordance with the law.

(2) If the Tribunal considers that the notice is not in accordance with the law—

(a) it must quash the notice; and

(b) it may give directions to the Director General in relation to the service of a further information notice.

Sensitive information: restriction on disclosure

70.—(1) Where the Director General receives information within paragraph (3), the Director General must not disclose, whether under regulation 10, 61 or 62 or otherwise, the information, or the fact that the Director General has received it, unless the relevant authority consents to the disclosure.

(2) Where a person appointed under regulation 40(4) or 41(2) or (6) to investigate a complaint, recordable conduct matter or DSI matter (a "person conducting a directed investigation") receives information within paragraph (3), the person conducting a directed investigation must not disclose the information, or the fact that it has been received, to any person other than the Director General unless the relevant authority consents to the disclosure.

(3) The information is—

(a) intelligence service information;

(b) protected information relating to a relevant warrant; or

(c) information obtained (directly or indirectly) from a government department which, at the time it is provided to the Director General or the person conducting a directed investigation, is identified by the department as information the disclosure of which may, in the opinion of the relevant authority—

(i) cause damage to national security, international relations or the economic interests of the United Kingdom or any part of the United Kingdom; or

(ii) jeopardise the safety of any person.

(4) Where the Director General or a person conducting a directed investigation discloses to another person information within paragraph (3) or the fact that the Director General or the person conducting a directed investigation has received it, the other person must not disclose that information or that fact unless the relevant authority consents to the disclosure.

(5) In this regulation—

"government department" means a department of His Majesty's Government but does not include—

(a) the Security Service;

(b) the Secret Intelligence Service; or

(c) the Government Communications Headquarters ("GCHQ");

"His Majesty's forces" has the meaning given in the Armed Forces Act 2006(**a**);

"intelligence service information" means information which was obtained (directly or indirectly) from or which relates to—

(a) the Security Service;

(b) the Secret Intelligence Service;

(c) GCHQ; or

(d) any part of—

(i) His Majesty's forces; or

(ii) the Ministry of Defence,

which engages in intelligence activities;

"Minister of the Crown" has the meaning given in the Ministers of the Crown Act 1975(**b**);

"protected information", in relation to a relevant warrant, means information relating to any of the matters mentioned in section 57(4) of the Investigatory Powers Act 2016 in relation to the warrant;

"relevant authority" means—

(a) in the case of intelligence service information obtained from the Security Service, the Director General of the Security Service;

(b) in the case of intelligence service information obtained from the Secret Intelligence Service, the Chief of the Secret Intelligence Service;

(c) in the case of intelligence service information obtained from GCHQ, the Director of GCHQ;

(d) in the case of intelligence service information obtained from any part of—

(i) His Majesty's forces; or

(ii) the Ministry of Defence,

which engages in intelligence activities, the Secretary of State;

(e) in the case of protected information relating to a relevant warrant, the person to whom the warrant is or was addressed;

(f) in the case of information within paragraph (3)(c)—

(i) the Secretary of State; or

(**a**) 2006 c. 52.
(**b**) 1975 c. 26, to which there are amendments, but these are not relevant to this instrument.

(ii) the Minister of the Crown in charge of the government department from which the information was obtained (if that Minister is not a Secretary of State);

"relevant warrant" means—

(a) a warrant under Chapter 1 of Part 2 of the Investigatory Powers Act 2016(**a**); or

(b) a warrant under Chapter 1 of Part 6 of that Act(**b**).

PART 9

Reports and recommendations

Final reports on investigations: complaints and recordable conduct matters

71.—(1) This regulation applies on the completion of an investigation of—

(a) a complaint; or

(b) a recordable conduct matter.

(2) A person appointed under regulation 39 must submit a report on the investigation to the Minister.

(3) A person appointed under regulation 40 or 41 must—

(a) submit a report on the investigation to the Director General; and

(b) send a copy of that report to the Minister.

(4) A person designated under regulation 42 as the person in charge of an investigation must—

(a) submit a report on the investigation to the Director General; or

(b) where the person in charge of the investigation is the Director General acting personally, complete a report on the investigation.

(5) A person submitting or, in the case of an investigation under regulation 42 by the Director General acting personally, completing a report under this regulation is not prevented by any obligation of secrecy imposed by any rule of law or otherwise from including all such matters in the report as the person thinks fit.

(6) Where a person would contravene regulation 70 by submitting, or, as the case may be, sending a copy of, a report in its entirety to the Minister under paragraph (2) or (3)(b), the person must instead submit, or send a copy of, the report after having removed or obscured the information which by virtue of regulation 70 the person must not disclose.

(7) Where—

(a) a person has submitted, or, as the case may be, sent a copy of, a report in its entirety to the Minister under paragraph (2) or (3)(b); and

(b) the investigation to which the report relates is an investigation in respect of which at least one of Condition A, B or C in regulation 48 is satisfied;

that person must supply the Minister with such copies of further documents or other items in that person's possession as the Minister may request, except so far as the person is prevented from doing so by regulation 70.

(**a**) 2016 c. 25. Chapter 1 of Part 2 was amended by section 22(2) and (3) of the Investigatory Powers (Amendment) Act 2024, S.I. 2018/1310, S.I. 2019/742, S.I. 2022/500 and S.I. 2023/149.

(**b**) Chapter 1 of Part 2 was amended by S.I. 2022/500, S.I. 2023/149 and S.I. 2024/514.

(8) The Minister may only make a request under paragraph (7) in respect of a copy of a document or other item if the Minister—

(a) considers that the document or item is of relevance to the investigation; and

(b) requires a copy of the document or the item for either or both purposes mentioned in paragraph (9).

(9) Those purposes are—

(a) complying with any obligation which the Minister has under disciplinary proceedings in relation to any person whose conduct is the subject matter of the investigation;

(b) ensuring that any such person receives a fair hearing at any disciplinary proceedings in respect of any such conduct of that person.

(10) A report on an investigation in respect of which at least one of Condition A, B or C in regulation 48 is satisfied must—

(a) include an accurate summary of the evidence;

(b) be accompanied by, or refer to, any relevant documents; and

(c) where the investigation was carried out under regulation 39, include the opinion of the person investigating as to the matters mentioned in paragraph (12)(a) and (b).

(11) On completion of an investigation—

(a) carried out under regulation 40, 41 or 42; and

(b) in respect of which at least one of Condition A, B or C in regulation 48 is satisfied,

where the Director General seeks the views of the Minister on the matters mentioned in regulation 72(8)(a), the Director General must notify the Minister of the Director General's opinion as to the matters mentioned in paragraph (12).

(12) The matters are—

(a) whether any person to whose conduct the investigation related has a case to answer in respect of their conduct, or has no case to answer;

(b) whether or not any such person's performance is unsatisfactory;

(c) whether or not disciplinary proceedings should be brought against any such person;

(d) whether or not performance proceedings should be brought against any such person.

(13) For the purposes of paragraph (11), the Minister must provide the Director General with the Minister's views (if any) on the matters mentioned in regulation 72(8)(a) before the expiry of the time limit mentioned in paragraph (14).

(14) The time limit is 28 days beginning with the day after the day on which the Director General seeks the Minister's views in accordance with regulation 72(8)(a), unless this period is extended by the Director General.

Action by the Director General in response to an investigation report under regulation 71

72.—(1) This regulation applies where—

(a) a report on an investigation is submitted to the Director General under regulation 71(3)(a); or

(b) a report on an investigation is submitted to the Director General, or is otherwise completed, under regulation 71(4).

(2) But if, following the submission or completion of such a report, the Director General determines under regulation 79 that the complaint or recordable conduct matter is to be

re-investigated, the provisions of this regulation other than paragraph (3)(a), read with paragraph (4), do not apply, or cease to apply, in relation to that report.

(3) On receipt of the report, or on its completion by the Director General, the Director General—

(a) must send a copy of the report to the Minister if it appears that the Minister has not already been sent a copy of the report;

(b) must determine whether the conditions in paragraphs (5) and (6) are satisfied in respect of the report;

(c) if the Director General determines that the conditions in paragraphs (5) and (6) are satisfied, must notify the Director of Public Prosecutions of that determination and send the Director of Public Prosecutions a copy of the report; and

(d) must notify the Minister and—

(i) in the case of a complaint, the complainant and every interested person in relation to that complaint; and

(ii) in the case of a recordable conduct matter, every interested person in relation to that matter,

of the Director General's determination under sub-paragraph (b) and of any action taken by the Director General under sub-paragraph (c).

(4) Where the Director General would contravene regulation 70 by sending a copy of a report in its entirety to the Minister under paragraph (3)(a) or to the Director of Public Prosecutions under paragraph (3)(c), the Director General must instead send a copy of the report after having removed or obscured the information which by virtue of regulation 70 the Director General must not disclose.

(5) The first condition is that the report indicates that a criminal offence may have been committed by a person to whose conduct the investigation related.

(6) The second condition is that the circumstances are such that, in the opinion of the Director General, it is appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions.

(7) The Director of Public Prosecutions must notify the Director General and the Minister of any decision of the Director of Public Prosecutions to take, or not to take, action in respect of the matters dealt with in any report a copy of which has been sent to the Director of Public Prosecutions under paragraph (3)(c).

(8) On receipt of the report, or on its completion by the Director General, the Director General must also—

(a) seek the views of the Minister on—

(i) whether any person to whose conduct the investigation related has a case to answer in respect of their conduct, 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 paragraphs (5) and (6) are satisfied in respect of the report);

(b) having considered the views (if any) of the Minister, make a determination as to—

(i) the matters described in sub-paragraph (a)(i) and (ii); and

(ii) whether or not performance proceedings or disciplinary proceedings should be brought against any person to whose conduct the investigation related;

(c) having considered the views (if any) of the Minister and if the Director General 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 the Director General is required to make under paragraph (3)(b) or sub-paragraph (b) of this paragraph;

(d) notify the Minister of the determination under sub-paragraph (b) and any determination under sub-paragraph (c);

(e) where the Director General determines that performance proceedings or disciplinary proceedings should be brought against a person, direct the Minister to bring those proceedings; and

(f) direct the Minister to determine what action (if any) the Minister will, in the Minister's discretion, take, other than action involving the bringing of performance proceedings or disciplinary proceedings, in respect of the matters dealt with in the report and having regard to the Director General's determination under sub-paragraph (b) and any determination under sub-paragraph (c).

(9) The Minister must comply with a direction given under paragraph (8)(e) and must secure that the performance proceedings or disciplinary proceedings, once brought, are proceeded with to a proper conclusion.

(10) The Director General may at any time withdraw a direction given under paragraph (8)(e), after which any obligation imposed by paragraph (9) ceases.

(11) The Minister must keep the Director General informed of the action the Minister takes in response to a direction given under paragraph (8)(e).

(12) The Minister must comply with a direction given under paragraph (8)(f) and must notify the Director General of the determination the Minister makes.

(13) On receipt of the report, or on its completion by the Director General, where it is a report of an investigation of a complaint, the Director General may also make a recommendation under regulation 86.

Action by the Minister in response to an investigation report under regulation 71

73.—(1) This regulation applies where a report of an investigation is submitted to the Minister in accordance with regulation 71(2).

(2) On receipt of the report, the Minister must—

(a) determine whether the conditions in paragraphs (3) and (4) are satisfied in respect of the report;

(b) if the Minister determines that the conditions in paragraphs (3) and (4) are satisfied, notify the Director of Public Prosecutions of that determination and send the Director of Public Prosecutions a copy of the report; and

(c) notify the persons mentioned in paragraph (6) of the Minister's determination under sub-paragraph (a) and of any action taken by the Minister under sub-paragraph (b).

(3) The first condition is that the report indicates that a criminal offence may have been committed by a person to whose conduct the investigation related.

(4) The second condition is that the circumstances are such that, in the opinion of the Minister, it is appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions.

(5) The Director of Public Prosecutions must notify the Director General and the Minister of any decision of the Director of Public Prosecutions to take, or not to take, action in respect of the matters dealt with in any report a copy of which has been sent to the Director of Public Prosecutions under paragraph (2)(b).

(6) The persons are—

(a) in the case of a complaint, the complainant and every interested person in relation to the complaint; and

(b) in the case of a recordable conduct matter, every interested person in relation to that matter.

(7) On receipt of the report, the Minister must also—

(a) determine whether any person to whose conduct the investigation related has a case to answer in respect of their conduct, or has no case to answer;

(b) determine whether or not any such person's performance is unsatisfactory;

(c) determine what action (if any) the Minister is required to, or will in the Minister's discretion, take in respect of the matters dealt with in the report; and

(d) if the Minister 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 the Minister is required to make under paragraph (2)(a) or sub-paragraphs (a) to (c) of this paragraph.

(8) It is the duty of the Minister—

(a) to take the action which the Minister determines under paragraph (7) that the Minister is required to, or will in the Minister's discretion, take; and

(b) in a case where that action consists of, or includes, the bringing of disciplinary proceedings, to secure that those proceedings, once brought, are proceeded with to a proper conclusion.

Provision of copy of report on investigation etc. to person to whose conduct the investigation related

74.—(1) Except where paragraph (2) applies, where—

(a) the Director General determines under regulation 72(8) that neither disciplinary proceedings nor performance proceedings should be brought against an authorised investigator; or

(b) the Minister determines under regulation 73(7) that the Minister will bring neither disciplinary proceedings nor performance proceedings against the authorised investigator,

the Director General or the Minister, as the case may be, must provide the authorised investigator with a copy of the report on the investigation or such parts of it as relate to the authorised investigator.

(2) This paragraph applies for so long as the Director General or the Minister, as the case may be, considers that providing a copy of the report, or part of it, under paragraph (1) might prejudice any investigation or proceedings (including a criminal investigation or criminal proceedings) or review under regulation 80.

(3) A copy of the report, or part of it, provided under paragraph (1) may be in a form which keeps anonymous the identity of the complainant (if any) or any other person.

(4) Where the Director General or the Minister would contravene regulation 70 by providing a copy of the report, or part of it, under paragraph (1), the Director General or the Minister must instead provide the copy having removed or obscured the information which by virtue of regulation 70 must not be disclosed.

Final reports on investigations: DSI matters

75.—(1) This regulation applies on the completion of an investigation of a DSI matter in respect of which neither the Director General nor the Minister has made a determination under regulation 36(2), (4), (5) or (6).

(2) The person investigating must—

(a) submit a report on the investigation to the Director General; and

(b) send a copy of that report to the Minister.

(3) Paragraph (2)(a) does not apply where the person investigating is the Director General carrying out an investigation personally under regulation 42, but the Director General must complete a report on the investigation.

(4) A person submitting a report to the Director General under paragraph (2) or completing one under paragraph (3) is not prevented by any obligation of secrecy imposed by any rule of law or otherwise from including all such matters in the report as the person thinks fit.

(5) Where a person would contravene regulation 70 by sending a copy of a report in its entirety to the Minister under paragraph (2), the person must instead send a copy of the report after having removed or obscured the information which by virtue of regulation 70 the person must not disclose.

(6) On receipt of the report, or on its completion by the Director General, the Director General must determine whether the report indicates that the authorised investigator may have—

(a) committed a criminal offence; or

(b) behaved in a manner which would justify the bringing of disciplinary proceedings.

(7) On receipt of the report, or on its completion by the Director General, the Director General must also, if the Director General considers it appropriate to do so, make a determination as to any matter dealt with in the report, being a determination other than one—

(a) that the Director General is required to make under paragraph (6); or

(b) as to a matter mentioned in regulation 76(1)(a) or (b).

(8) But paragraphs (6) and (7) and regulation 76 do not apply, or cease to apply, in relation to a report submitted under paragraph (2) or completed under paragraph (3) if, following the submission or completion of the report, the Director General determines under regulation 79 that the DSI matter is to be re-investigated.

Action by the Director General in response to an investigation report under regulation 75

76.—(1) Where paragraph (2) applies, the Director General may notify the Minister that the Minister must determine—

(a) whether or not the performance of a person whose conduct is under investigation is unsatisfactory; and

(b) what action (if any) the Minister will take in respect of the performance of the person mentioned in sub-paragraph (a).

(2) This paragraph applies where the Director General determines under regulation 75(6) that there is no indication in the report produced under regulation 74(1) that an authorised investigator may have—

(a) committed a criminal offence; or

(b) behaved in a manner which would justify the bringing of disciplinary proceedings.

(3) On receipt of a notification under paragraph (1) the Minister must make the determinations and submit a memorandum to the Director General setting out the determinations the Minister has made.

(4) On receipt of a memorandum under paragraph (3), the Director General must—

(a) consider the memorandum and consider whether the Minister has made determinations under paragraph (1) that the Director General considers appropriate;

(b) determine whether or not to make recommendations under regulation 77;

(c) make such recommendations (if any) under regulation 77 as the Director General thinks fit.

(5) Paragraph (4) does not affect any power of the Director General to make recommendations or give advice under regulation 8(1)(e) in other cases, whether arising under these Regulations or otherwise.

(6) If the Director General determines under regulation 75(6) that the report indicates that an authorised investigator may have—

(a) committed a criminal offence; or

(b) behaved in a manner which would justify the bringing of disciplinary proceedings,

the Director General must notify the Minister of the Director General's determination, and, if it appears that the Minister has not already been sent a copy of the report, send a copy of the report to the Minister.

(7) Where the Minister is notified under paragraph (6) of a determination by the Director General, the Minister must record the DSI matter as conduct matter.

(8) Where a DSI matter is recorded as a conduct matter by virtue of paragraph (7)—

(a) the person investigating the DSI matter must, subject to any determination made by the Director General under regulation 37(7) or (8), investigate the recordable conduct matter as if appointed or, as the case may be, designated to do so; and

(b) the other provisions of these Regulations apply in relation to that matter as if it were a recordable conduct matter.

Duties with respect to disciplinary proceedings

77.—(1) This regulation applies where, in relation to an investigation, the Minister has submitted, or is required to submit, a memorandum to the Director General under regulation 76(3).

(2) But this regulation does not apply, or ceases to apply, in relation to the investigation if the Director General determines under regulation 79 that the DSI matter is to be re-investigated.

(3) Subject to any recommendations or directions under this regulation, the Minister must—

(a) take the action referred to in regulation 76(1) which is, or which is required to be, set out in the memorandum; and

(b) in a case where that action consists of or includes the bringing of disciplinary proceedings, secure that those proceedings, once brought, are proceeded with to a proper conclusion.

(4) The Director General may make a recommendation to the Minister—

(a) that the performance of a person whose conduct is under investigation is, or is not, satisfactory;

(b) that action is taken in respect of the performance of the person mentioned in sub-paragraph (a),

and the Minister must notify the Director General whether the Minister accepts the recommendation and, if the Minister does, set out in the notification the steps that the Minister is proposing to take to give effect to the recommendation.

(5) If, after the Director General has made a recommendation under this regulation, the Minister does not take steps to secure that full effect is given to the recommendation—

(a) the Director General may direct the Minister to take steps for that purpose; and

(b) the Minister must comply with a direction under sub-paragraph (a).

(6) A direction under paragraph (5) may, to such extent as the Director General thinks fit, set out the steps to be taken by the Minister in order to give effect to the recommendation.

(7) Where the Director General gives the Minister a direction under this regulation, the Director General must supply the Minister with a statement of the Director General's reasons for doing so.

(8) Where disciplinary or other proceedings have been brought in accordance with a recommendation or direction under this regulation, the Minister must ensure that they are proceeded with to a proper conclusion.

(9) The Director General may at any time withdraw a direction given under this regulation, after which any obligation imposed by paragraph (8) ceases.

(10) The Minister must keep the Director General informed—

(a) of whatever action the Minister takes in pursuance of the Minister's duties under paragraph (3); and

(b) in every case of a recommendation or direction under this regulation, of whatever action the Minister takes in response to that recommendation or direction.

Complaints and conduct matters relating to a person whose identity is unascertained

78.—(1) Where a complaint or conduct matter relates to the conduct of a person whose identity is unascertained at the time at which the complaint is made or the conduct matter is recorded, or whose identity is not ascertained during or subsequent to the investigation of the complaint or recordable conduct matter, these Regulations apply in relation to such a person as if they did not include—

(a) any requirement for the person complained against or the person to whose conduct the matter relates to be given a notification or an opportunity to make representations;

(b) any requirement for the Director General or the Minister to determine whether a criminal offence may have been committed by a person whose conduct has been the subject matter of an investigation, or to take any action in relation to such a determination;

(c) any requirement for the Director General or the Minister to determine whether disciplinary proceedings should be brought against a person whose conduct is the subject matter of a report.

(2) Where the identity of such a person is subsequently ascertained, the Director General and the Minister must take such action in accordance with these Regulations as they see fit, regardless of any previous action taken.

PART 10

Re-investigations, reviews and recommendations

Power of the Director General to require re-investigation

79.—(1) This regulation applies where—

(a) a report on an investigation of a complaint, recordable conduct matter or DSI matter carried out under the direction of the Director General has been submitted to the Director General under regulation 71(3)(a) or regulation 75(2)(a); or

(b) a report on an investigation of a complaint, recordable conduct matter or DSI matter carried out by a person designated by the Director General has been submitted to the Director General (or, in the case of an investigation carried out under regulation 42 by the Director General personally, is otherwise completed by the Director General) under regulation 71(4) or 75(2)(a) or (3).

(2) The Director General may at any time determine that the complaint, recordable conduct matter or DSI matter is to be re-investigated if the Director General is satisfied that there are compelling reasons for doing so.

(3) Where the Director General makes a determination under paragraph (2), the Director General must determine that the re-investigation is to take the form of an investigation by the Director General unless paragraph (4) applies, in which case the Director General must determine that the re-investigation is to take the form described in that paragraph.

(4) This paragraph applies where the Director General determines that it would be more appropriate for the re-investigation to take the form of an investigation by the Minister under the direction of the Director General.

(5) Where—

(a) the Director General determines under paragraph (3) or (7) that a re-investigation is to take the form of an investigation by the Director General; and

(b) at any time after the determination described in sub-paragraph (a), the Director General determines that paragraph (4) applies in relation to the re-investigation,

the Director General may make a further determination under this regulation (to replace the earlier one) that the re-investigation is instead to take the form of an investigation by the Minister under the direction of the Director General.

(6) Where the Director General determines under paragraph (3) or (5) (read with paragraph (4)) that a re-investigation is to take the form of an investigation by the Minister under the direction of the Director General, the Director General must keep under review whether paragraph (4) continues to apply in relation to the re-investigation.

(7) If, on such a review, the Director General determines that paragraph (4) no longer applies in relation to a re-investigation, the Director General must make a further determination under this regulation (to replace the earlier one) that the re-investigation is instead to take the form of an investigation by the Director General.

(8) Paragraphs (9) and (10) of regulation 37 apply in relation to a further determination under paragraph (5) or (7) as they apply in the case of a further determination under regulation 37(7) or (8).

(9) The other provisions of these Regulations apply in relation to any re-investigation in pursuance of a determination under this regulation as they apply in relation to any investigation in pursuance of a determination under regulation 37.

(10) The Director General must notify the Minister of any determination that the Director General makes under this regulation and of the Director General's reasons for making the determination.

(11) Subject to regulation 64, the Director General must also notify the following of any determination that the Director General makes under this regulation and of the Director General's reasons for making the determination—

(a) every interested person in relation to the complaint, recordable conduct matter or DSI matter;

(b) where the determination is made in relation to a complaint, the complainant;

(c) the person to whose conduct the re-investigation will relate.

(12) The reference to a report in paragraph (1) includes a report on a re-investigation by virtue of this regulation or regulation 80.

Reviews with respect to an investigation

80.—(1) This regulation applies where a complaint has been subjected to an investigation by the Minister on the Minister's own behalf.

(2) Where this regulation applies, the complainant has the right to apply to the Director General for a review of the outcome of the investigation in accordance with regulation 81.

(3) The Director General must notify the following of an application for a review under paragraph (2)—

(a) the Minister;

(b) every interested person in relation to the complaint; and

(c) the person complained against (if any).

(4) Where the Director General so requires on the making of an application for a review under paragraph (2), the Minister must provide the Director General with—

(a) a copy of the report of the investigation; and

(b) such information concerning the Minister's determinations under regulation 73(2)(a) or (7) as is described in a notification given by the Director General to the Minister.

(5) On a review under paragraph (2), the Director General must determine whether the outcome of the investigation is reasonable and proportionate.

(6) In making a determination under paragraph (5), the Director General may review the findings of the investigation.

(7) Where the Director General finds that the outcome of the investigation is not reasonable and proportionate, the Director General may take one or more of the following steps—

(a) make the Director General's own findings (in place of, or in addition to, any findings of the investigation);

(b) direct that the complaint be re-investigated;

(c) make a recommendation to the Minister in respect of the authorised investigator who is the subject of the complaint—

(i) that the authorised investigator has a case to answer in respect of their conduct, or has no case to answer;

(ii) that the authorised investigator's performance is, or is not, unsatisfactory;

(iii) that disciplinary proceedings are brought against the authorised investigator in respect of the conduct to which the investigation related;

(iv) that any disciplinary proceedings brought against that authorised investigator are modified so as to deal with such aspects of that conduct as may be so specified;

(d) make a recommendation under regulation 86.

(8) Where the Director General makes a recommendation under paragraph (7)(c)—

(a) the Minister must notify the Director General whether the Minister accepts the recommendation and (if the Minister does) set out in the notification the steps that the Minister proposes to take to give effect to it; and

(b) paragraphs (5) to (9) and (10)(b) of regulation 77 apply in relation to the recommendation as if it had been made under those provisions.

(9) Paragraph (10) applies where, on a review applied for under paragraph (2), the Director General determines that the report of the investigation indicates that a criminal offence may have been committed by a person to whose conduct the investigation related and that the circumstances are such that, in the opinion of the Director General, it is appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions.

(10) Where this paragraph applies, the Director General must notify the Director of Public Prosecutions of the determination under paragraph (9) and send the Director of Public Prosecutions a copy of the report.

(11) The Director General must give notification of the outcome of a review under this regulation, and of the reasons for the determination under paragraph (5)—

(a) to the Minister;

(b) to the complainant;

(c) to every interested person in relation to the complaint; and

(d) except in a case where it appears to the Director General that to do so might prejudice any re-investigation of the complaint, to the person complained against (if any).

(12) The Minister must comply with any directions given to the Minister under this regulation.

(13) In this regulation, references, in relation to an investigation, to the outcome of the investigation do not include the outcome of any criminal or disciplinary proceedings brought in relation to any matter which was the subject of the investigation.

Reviews: general

81.—(1) This regulation applies to reviews under regulation 80.

(2) Subject to paragraph (3), an application for a review must be made within a period of 28 days beginning with the day after the day on which the information mentioned in regulation 61(4)(c) was provided to the complainant.

(3) The Director General may extend the period mentioned in paragraph (2) in any case where the Director General is satisfied that, because of the special circumstances of the case, it is just to do so.

(4) An application for a review must be made in writing and must state—

(a) details of the complaint;

(b) the date on which the complaint was made; and

(c) the date on which the information mentioned in regulation 61(4)(c) was provided to the complainant.

(5) Where the Director General receives an application for a review which fails to comply with one or more of the requirements mentioned in paragraph (4), the Director General may decide to proceed as if those requirements had been complied with.

(6) Where the Director General receives an application for a review, the Director General must request any information from any person which the Director General considers necessary to dispose of the review, except information—

(a) that might incriminate the person;

(b) that is subject to legal privilege within the meaning of the Police and Criminal Evidence Act 1984 (see section 10 of that Act);

(c) that would cause a disclosure to be made that would be prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016;

(d) that was provided to the person by, or by an agency of, the government of a country or territory outside the United Kingdom where that government does not consent to the disclosure of the information;

(e) the disclosure of which would require a postal operator or telecommunications operator to provide communications data; and for this purpose "communications data", "postal operator" and "telecommunications operator" have the same meanings as in the Investigatory Powers Act 2016 (see sections 261 and 262 of that Act).

Information for complainant about disciplinary recommendations

82.—(1) This regulation applies where, on the review of the outcome of an investigation under regulation 80, the Director General makes a recommendation under paragraph (7)(c) of that regulation.

(2) Where the Minister notifies the Director General under regulation 80(8)(a) that the recommendation has been accepted, the Director General must notify the complainant, and every interested person in relation to the complaint, of that fact, and of the steps that have been, or are to be taken, by the Minister to give effect to it.

(3) Where the Minister—

(a) notifies the Director General under regulation 80(8)(a) that the Minister does not, either in whole or in part, accept the recommendation; or

(b) fails to take steps to give full effect to the recommendation,

the Director General must determine what further steps (if any) to take under regulation 77(5) to (7), (9) and (10)(b) as applied by regulation 80(8)(b).

(4) The Director General must notify the complainant, and every interested person in relation to the complaint—

(a) of any determination under paragraph (3) not to take further steps; and

(b) where the Director General determines under paragraph (3) that the Director General will take further steps, of the outcome of the taking of those steps.

Re-investigations following a review

83.—(1) Where the Director General directs under regulation 80 that a complaint be re-investigated, the Director General must make a determination of the form that the re-investigation should take.

(2) Paragraphs (2) to (10) of regulation 37 apply in relation to a determination under paragraph (1) as they apply in the case of a determination under that regulation.

(3) The other provisions of these Regulations (including this regulation) apply in relation to any re-investigation in pursuance of a direction under regulation 80(7)(b) as they apply in relation to any investigation in pursuance of a determination under regulation 37.

(4) Where the Director General determines under paragraph (1) that the re-investigation should take the form of an investigation by the Minister on the Minister's own behalf, the Director General may also give the Minister such directions as to the handling of the matter in future as the Director General thinks fit; and the Minister must comply with any such directions.

(5) The Director General must notify the Minister of any determination that the Director General makes under this regulation and of the Director General's reasons for making the determination.

(6) Subject to regulation 64, the Director General must also notify the following of any determination that the Director General makes under this regulation and of the Director General's reasons for making the determination—

(a) the complainant;

(b) every interested person in relation to the complaint;

(c) the person complained against (if any).

Recommendations by the Director General following receipt of reports on completion of an investigation or following a determination on a review

84.—(1) This regulation applies where the Director General has—

(a) received a report, or otherwise completed one in relation to an investigation carried out under regulation 42 by the Director General personally, under—

(i) regulation 71(3)(a);

(ii) regulation 71(4); or

(iii) regulation 75(2)(a) or (3); or

(b) made a determination on a review under regulation 80.

(2) The Director General may make a recommendation to the Minister in relation to a matter dealt with in the report or review.

(3) Where this paragraph applies—

(a) by virtue of paragraph (1)(a)(i) or (ii), and the report is a report of an investigation of a complaint; or

(b) by virtue of paragraph (1)(b),

a recommendation made under paragraph (2) may not be a recommendation of a kind described in regulation 86(3).

(4) A recommendation under this regulation may also be made to any person if it is made—

(a) following the receipt or completion of a report relating to—

(i) a DSI matter;

(ii) a recordable conduct matter; or

(iii) a complaint; or

(b) following a determination on a review relating to a complaint.

(5) Where the Director General makes a recommendation under this regulation, the Director General must also—

(a) publish the recommendation; and

(b) send a copy of it to any person to whom the Director General thinks a copy should be sent.

Response to recommendation

85.—(1) A person to whom a recommendation under regulation 84 is made must provide to the Director General a response in writing stating—

(a) what action the person has taken or proposes to take in response to the recommendation; or

(b) why the person has not taken, or does not propose to take, any action in response.

(2) The person must provide the response to the Director General before the end of the period of 56 days beginning with the day on which the recommendation was made, unless paragraph (3) applies.

(3) The Director General may extend the period of 56 days following an application for an extension received before the end of the period; and if the Director General grants an extension, the person must provide the response before the end of the extended period.

(4) But if proceedings for judicial review of the Director General's decision to make a recommendation are started during the period allowed by paragraph (2) or (3), that period is extended by however many days the proceedings are in progress.

(5) On receiving a response, the Director General must, within the period of 21 days beginning with the day on which the Director General received it—

(a) publish the response; and

(b) send a copy of it to any person who was sent a copy of the recommendation under regulation 84(5)(b),

unless the person giving the response has made representations under paragraph (6).

(6) The person giving the response may, at the time of providing it to the Director General, make representations to the Director General asserting that the requirements of publication and disclosure under paragraph (5) should not apply to the response, or to particular parts of it.

(7) On receiving such representations, the Director General may decide—

(a) that the response should not be published, or that only parts of it should be published;

(b) that the response should not be disclosed, or that only parts of it should be disclosed.

(8) Where, following a decision on such representations, the Director General decides to publish or disclose a response (in whole or in part), the Director General must do so only after the person giving the response has been informed of the Director General's decision, and—

(a) in a case where the Director General has decided to accept all of the representations, the Director General must do so within the period of 21 days beginning with the day on which the Director General received the response;

(b) in a case where the Director General has decided to reject any of the representations, the Director General must do so within the period which—

(i) begins on the seventh day after the day on which the person was informed of the Director General's decision on the representations, and

(ii) ends on the 21st day after the day on which the person was informed.

(9) But if proceedings for judicial review of the Director General's decision to reject a representation are started before the day referred to in paragraph (8)(b)(i)—

(a) the Director General must not publish or disclose the response while the proceedings are in progress;

(b) if the court upholds the Director General's decision to reject a representation, the Director General must publish and disclose the response (in whole or in part, as appropriate) before the end of the period of 7 days beginning with the day on which the proceedings are no longer in progress.

(10) Where the Minister makes a response under this regulation, the Minister must, at the time the Director General publishes the response, also publish the response (to the same extent as published by the Director General) and the recommendation under regulation 84.

(11) For the purposes of this regulation—

(a) "disclosing" a response means sending a copy of it as mentioned in paragraph (5)(b);

(b) the period during which judicial review proceedings are in progress includes any day on which an appeal is in progress or may be brought.

(12) This regulation does not apply, or ceases to apply, in relation to a recommendation made under regulation 84 if the Director General determines under regulation 79 that the complaint, recordable conduct matter or DSI matter that the Director General received a report on, or otherwise completed one on in relation to an investigation carried out under regulation 42 by the Director General personally, is to be re-investigated.

Recommendations by the Director General in relation to remedying dissatisfaction expressed by the complainant

86.—(1) This regulation applies for the purposes of regulation 72(13) or 80(7)(d) where the Director General considers it appropriate to make a recommendation of a kind described in paragraph (3) with a view to remedying the dissatisfaction expressed by the complainant concerned.

(2) A recommendation under this regulation may only be made to the Minister.

(3) The kinds of recommendation are—

(a) a recommendation that an apology be made to the complainant concerned;

(b) a recommendation that any property seized from the complainant concerned be returned;

(c) a recommendation not falling within sub-paragraphs (a) or (b), other than a recommendation that compensation be paid, which the Director General considers appropriate to remedy the dissatisfaction expressed by the complainant concerned.

(4) Following receipt of a recommendation, the Minister must provide to the Director General a written response stating—

(a) whether the Minister accepts the recommendation;

(b) if the Minister accepts the recommendation, the steps that the Minister proposes to take to give effect to the recommendation;

(c) if the Minister does not accept the recommendation, the reasons for not accepting it.

(5) The Minister must provide the response before the end of the period of 28 days beginning with the day after the day on which the recommendation was made.

(6) The Director General may extend the period mentioned in paragraph (5) and, if so, the Minister must provide the response before the end of the extended period.

(7) The Director General must send a copy of the recommendation and the response to it to—

(a) the complainant concerned;

(b) any interested person; and

(c) except in a case where it appears to the Director General that to do so might prejudice any investigation or proceedings (including a criminal investigation or criminal proceedings), the person complained against (if any).

(8) In this regulation, "complainant concerned" means—

(a) in relation to a recommendation under regulation 72(13), the complainant whose complaint, having been investigated, resulted in the submission or completion of the report under regulation 71;

(b) in relation to a recommendation under regulation 80(7)(d), the complainant who applied under regulation 80(2) for the review.

Mark Ferguson
Parliamentary Secretary
Cabinet Office

14th October 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the basis on which the Director General (the "Director General") of the Independent Office for Police Conduct ("IOPC") has oversight of complaints and other matters relating to the conduct of authorised investigators employed by the Cabinet Office and working in the Public Sector Fraud Authority ("PSFA"). Section 7(3) of the Public Authorities (Fraud, Error and Recovery) Act 2025 (c. 28) defines "authorised investigator".

The statutory framework in accordance with which the IOPC has oversight of police conduct is set out in Part 2 of, and Schedule 3 to, the Police Reform Act 2002 (c. 30) ("the 2002 Act"). These Regulations make provision which broadly reflects existing arrangements in accordance with which the IOPC has oversight of the police under the 2002 Act, but with modifications to reflect differences between the PSFA and the police.

Part 1 contains introductory provision, including an interpretation provision.

Part 2 comprises regulations 3 to 15 and includes general provision as to complaints and misconduct. In particular, Part 2 includes provision about the persons, complaints and matters to whom and to which these Regulations apply, the application of certain provisions of the 2002 Act with modifications, the general functions of the Director General, the IOPC and the Minister for the Cabinet Office ("the Minister"), reporting to the Secretary of State and provision relating to payments and payment for assistance with investigations.

Part 3 comprises regulations 16 to 20 and includes provision about the handling of complaints. In particular, Part 3 includes provision about the recording of complaints; the preservation of evidence; and the withdrawal of complaints.

Part 4 comprises regulations 21 to 23 and includes provision about the handling of conduct matters. In particular, Part 4 includes provision about the recording of conduct matters ("recordable conduct matters") and the preservation of evidence.

Part 5 comprises regulations 24 to 30. Part 5 contains provision about the referral of complaints, recordable conduct matters and death and serious injury ("DSI") matters by the Minister to the Director General; the duties of the Director General on such referrals; and the power of the Director General to treat complaints or conduct matters as having been referred to the Director General.

Part 6 concerns the handling of DSI matters and comprises regulations 31 to 36. Part 6 contains provision in relation to the recording and referral of DSI matters that is broadly similar to the provision contained in Parts 3 to 5.

Part 7 comprises regulations 37 to 56. In particular, Part 7 contains provision about the form of investigations into a complaint, recordable conduct matter or DSI matter; how these investigations are to operate and their timeliness; and sets out the special procedures that should be followed in certain cases of alleged serious misconduct.

Part 8 comprises regulations 57 to 70. In particular, Part 8 contains provision about duties to keep the complainant and certain other persons informed regarding a complaint or matter which is the subject of an investigation; the provision of information to the Director General; and restrictions on the disclosure of sensitive information. Part 8 also contains provision relating to the power of the Director General to serve an information notice.

Part 9 comprises regulations 71 to 78. In particular, Part 9 contains provision about reports and recommendations following an investigation and modifies certain requirements relating to notifications and determinations where a complaint or conduct matter relates to a person whose identity is unascertained.

Part 10 comprises regulations 79 to 86. In particular, Part 10 contains provision about the power of the Director General to require re-investigation of a complaint, recordable conduct matter or DSI matter and about the review of the outcome of an investigation into a complaint. Part 10 also contains provision about the making of recommendations following an investigation.

The guidance referred to in regulations 20, 22, 24, 28, 47 and 66 is IOPC statutory guidance on the police complaints system, issued under section 22 of the 2002 Act and can be viewed at htt ps://www.policeconduct.gov.uk/complaints/information-for-police. Hard copies are available for inspection at the PSFA Enforcement Unit, Cabinet Office, 1 Horse Guards Road, London SW1A 2HQ at reasonable times, following a written request to the address concerned or to enforcemen tinvestigations@cabinetoffice.gov.uk.

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

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