STATUTORY RULES OF NORTHERN IRELAND

2000 No. 319

POLICE

Royal Ulster Constabulary (Complaints) (Informal Resolution) Regulations 2000

Made . . . . . 23rd October 2000

Coming into operation . . 6th November 2000

To be laid before Parliament

The Secretary of State, in pursuance of Section 64 of the Police (Northern Ireland) Act 1998(**a**), and after consulting the Police Ombudsman, Police Authority and the Police Association for Northern Ireland in accordance with section 64(4) of that Act hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Royal Ulster Constabulary (Complaints) (Informal Resolution) Regulations 2000 and shall come into operation on 6th November 2000.

Interpretation

2. The following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Chief Constable" shall be construed as including a reference to an officer discharging the functions of the Chief Constable;

"complainant" means the person by or on behalf of whom a complaint is submitted;

"complaint" means a complaint to which Section 50 of the Act of 1998 applies and "copy of the complaint", in the case of a complaint made orally, shall include a copy of the record of the complaint;

"Director" means the Director of Public Prosecutions for Northern Ireland;

"member" means a member of the Royal Ulster Constabulary, or of the Royal Ulster Constabulary Reserve;

"member concerned" in relation to a complaint, means the member about whose conduct the complaint is made;

"senior officer" means a police officer of the rank of chief constable, deputy chief constable or assistant chief constable;

"the Act of 1998" means the Police (Northern Ireland) Act 1998;

(**a**) 1998 c. 32 (N.I.)

"the appropriate authority" means—

(*a*) in relation to a senior officer, the Police Authority,

(*b*) in relation to any other member, the Chief Constable;

"the appointed member" means the member appointed for the informal resolution of complaints under Section 53(4) of the Act of 1998;

"the Ombudsman" means the Police Ombudsman for Northern Ireland established under Section 51 of the Act of 1998.

Application of regulations

3.—(1) Subject to the following provisions, these regulations apply to a complaint recorded by the Ombudsman on or after 6th November 2000, being a complaint which he considers to be suitable for informal resolution.

(2) Where, under the Act of 1998, the Ombudsman is required to investigate or determines to supervise the investigation of a complaint it shall not be dealt with—

(*a*) by way of informal resolution; or

(*b*) continue to be dealt with by way of informal resolution; if

(*c*) in the course of investigation the evidence uncovered shows that the complaint was unsuitable for informal resolution.

Procedure for informal resolution of complaints

4.—(1) Following referral of a complaint suitable for informal resolution from the Ombudsman, the appropriate authority shall appoint a member for the purpose of informal resolution to which these regulations apply about the conduct of a member.

(2) Subject to paragraph (3) below, the appointed member shall as soon as practicable—

(*a*) seek the views of the complainant and the member concerned about the matter;

(*b*) give the member concerned an opportunity to comment orally or in writing on the complaint; and

(*c*) take such other steps as appear to him appropriate.

(3) The appointed member shall not, for the purpose of informally resolving a complaint, tender on behalf of the member concerned an apology for his conduct unless he has admitted the conduct in question.

(4) The appointed member shall, for the purpose of informally resolving a complaint, invite the complainant to record in writing his satisfaction with the resolution of the complaint.

Records

5.—(1) When a complaint is dealt with by way of informal resolution under these regulations a record shall be made of the outcome of the procedure and a complainant shall be entitled to obtain a copy thereof from the Ombudsman if he applies for such a copy not later than the end of three months from the day on which—

(*a*) the informal resolution of his complaint was achieved; or

(*b*) for whatever other reason, the appropriate authority determines that the complaint should no longer be subject to the said procedure.

(2) The appropriate authority shall forward to the Ombudsman a record of the outcome of a complaint dealt with by way of informal resolution under these regulations as soon as the process is deemed complete by the appropriate authority.

(3) The record shall include any written statement of satisfaction which may have been completed by the complainant.

Peter Mandelson

One of Her Majesty's Principal Secretaries of State

Northern Ireland Office
23rd October 2000

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations provide for the informal resolution of complaints against police officers in accordance with Section 53 of the Police (Northern Ireland) Act 1998. Informal resolution is intended to provide a flexible and simple procedure for dealing with complaints of a minor nature which would otherwise attract the extensive and rigorous process of formal investigation. This is a procedure, which in many circumstances, is the most appropriate way to deal with a complaint to the satisfaction of the complainant.

For Senior Officers, that is officers of the rank of Chief Constable, Deputy Chief Constable and Assistant Chief Constable, the Police Authority shall appoint a member for the purpose of informal resolution. For other officers, the Chief Constable, shall appoint a member for the purpose of informal resolution.

By regulation 3 the regulations apply only to complaints received by the Ombudsman on or after 6th November 2000.

Regulation 4 sets out the procedure for informal resolution.

Regulation 5(1) requires a record to be kept of the outcome of the procedure and enables the complainant to obtain a copy of the record; 5(2) ensures that the Ombudsman is supplied with copies of complaints dealt with by way of informal resolution together with a record of their outcome.

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