

Page 6 (*This paragraph has been amended to remove reference to a Section 26A agreement which related to SOCA and has now been replaced with regulations for NCA. Reference to Section 26B agreements which related to NPIA has been replaced with reference to Section 26BA which relates to the College of Policing*)

Whom the guidance applies to

1.6 The guidance is issued under Section 22 of the Police Reform Act 2002. It applies to local policing bodies and all 43 Home Office police forces in England and Wales. Local policing bodies, police officers, police staff members and special constables working within those forces must all have regard to the guidance. It also applies to those agencies and non-Home Office forces that have entered into Section 26 or Section 26BA agreements with the IPCC, subject to any particular provisions contained within those agreements.

Page 12 (*This is new text which we propose to add to the guidance*)

IPCC oversight of contractors

1.33 The Anti-Social Behaviour, Crime and Policing Act 2014 brought contractors within the jurisdiction of the IPCC. Matters relating to contractors will be dealt with in a similar way to those relating to the police, however they are governed by separate regulations. This guidance does not apply to the handling of complaints, conduct matters and DSI matters in relation to contractors. The IPCC will issue separate guidance about dealing with such matters.

IPCC recommendations under paragraph 28A of Schedule 3

When the IPCC has:

- i. received a report on a DSI investigation or a report on a supervised, managed or independent investigation into a complaint or conduct matter; or
- ii. determined an appeal against:
 - a local / supervised investigation, or
 - the outcome of the local resolution of a complaint or the outcome of a complaint handled otherwise than in accordance with Schedule 3 of the Police Reform Act (see paragraphs 13.61 to 13.66)

the IPCC may make a recommendation about a matter dealt with in the report or appeal. These recommendations must be published.

The recipient of the recommendation must provide a response to the IPCC within 56 days of the recommendation being made, unless either the IPCC grants an extension to this time limit or there is a judicial review challenge.

The response must state:

- i. what action the person has taken or proposes to take in response to the recommendation, or
- ii. why the person has not taken, or does not propose to take, any action in response.

The IPCC must publish the response to the recommendation within 21 days of receipt unless representations are made on disclosure. The local policing body or chief officer who has made the response must publish the response (to the same extent as the IPCC), along with the original recommendation, at the same time the IPCC publishes the response.

Paragraphs 28A and 28B, Schedule 3, Police Reform Act 2002

1. If the chief officer or local policing body wishes to request an extension to the time limit for responding to the recommendation, the request should be made in writing to the IPCC before the deadline with a rationale and an indication of the date when a response will be provided.

2. In addition to the requirements outlined above for the response, it should also state whether the recommendation is accepted and whether or not it is to be implemented.

3. Chief officers and local policing bodies should publish recommendations and their response on their websites in a way which is clear and easy to find.