POLICY NOTE

THE POLICE SERVICE OF SCOTLAND (CONDUCT) AMENDMENT REGULATIONS 2026

SSI 2026/276

The above instrument was made in exercise of the powers conferred by sections 48, 55 and 125(1) of the Police and Fire Reform (Scotland) Act 2012 ("the 2012 Act") and all other powers enabling them to do so. The instrument is subject to negative procedure.

Summary Box

These Regulations amend the Police Service of Scotland (Conduct) Regulations 2014 ("the 2014 Conduct Regulations"), which establish the procedures for dealing with allegations of misconduct and gross misconduct by constables in the Police Service of Scotland. These Regulations implement reforms to the police conduct system, arising from Lady Angiolini's *Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing* and the Police (Ethics, Conduct and Scrutiny) (Scotland) Act 2025. They update misconduct procedures to improve efficiency, transparency, fairness and public confidence in the handling of misconduct allegations.

In particular, the Regulations:

- establish a new accelerated misconduct hearing process for the most serious cases;
- introduce greater transparency through publication of misconduct outcomes;
- strengthen arrangements for complainant engagement and information sharing;
- provide for joint investigations between the Deputy Chief Constable and the Police Investigations and Review Commissioner in cases involving both constables and senior officers;
- introduce procedural reforms intended to improve the effective management of misconduct cases such as pre-hearings and case management timelines; and
- bring conduct matters relating to special constables within the framework of the 2014 Conduct Regulations.

Policy Objectives

1. Police constables possess a range of authorised statutory powers that set them apart from ordinary members of the public. It is therefore essential that they uphold the highest ethical and professional standards and act with the utmost integrity. Doing so is crucial to maintaining public trust and confidence in the police service.

2. Public confidence in policing depends on a conduct system which is fair, proportionate, transparent and capable of addressing serious misconduct effectively. The Scottish Government has worked with policing stakeholders to modernise the existing conduct framework and ensure that misconduct procedures reflect modern expectations of accountability, openness and procedural fairness.

3. The existing misconduct framework has been in place since 2014. Experience of operating the system has identified opportunities to improve case management, support witnesses and complainers, strengthen transparency and provide more

effective mechanisms for dealing with the most serious cases of alleged gross misconduct.

4. These Regulations therefore make a range of procedural and substantive changes to the conduct framework. The reforms are intended to:
   - improve public confidence in police misconduct processes;
   - support timely and effective resolution of cases;
   - ensure that witnesses and complainers are treated appropriately and in a trauma-informed manner;
   - strengthen procedural safeguards for officers subject to proceedings;
   - increase transparency regarding misconduct outcomes while preserving necessary protections for sensitive information.

Accelerated misconduct hearings

5. The Regulations establish a new accelerated misconduct hearing procedure. This process may be used where there is sufficient evidence to establish, on the balance of probabilities, that a constable's conduct amounts to gross misconduct and where it is in the public interest for the constable to cease to hold office without delay.

6. The accelerated procedure enables such cases to be considered more quickly than would be possible under the standard misconduct hearing process while maintaining procedural safeguards, including legal representation and rights of appeal.

Transparency and publication

7. The Regulations introduce new requirements for reports of misconduct proceedings and accelerated misconduct hearings to be provided to relevant parties and, in most cases, published on the Police Service of Scotland website. Publication may be restricted or dispensed with where necessary to protect criminal proceedings, public safety, personal data, welfare considerations or other important public interests.

8. The Regulations also require notification to certain complainants where a determination is made that there is no case to answer in respect of misconduct or gross misconduct.

Support measures for witnesses

9. The Regulations update the range of measures available to support the effective participation of witnesses in misconduct proceedings, including the use of remote evidence, screens, supporters and private evidence sessions where appropriate and compatible with fairness, allowing vulnerable witnesses or children to participate in misconduct proceedings more appropriately and effectively.

Procedural reforms

10. The Regulations introduce misconduct pre-hearings, a presenting officer role, new case management powers and revised arrangements relating to witness evidence and disclosure. They also provide updated rules regarding suspension, legal representation, investigation notices and the handling of disciplinary warnings.

Joint investigations

11. New provisions permit joint investigations between the Deputy Chief Constable and the Police Investigations and Review Commissioner in cases involving both constables and senior officers. The Regulations provide a framework for information sharing and joint investigative activity while preserving the separate statutory responsibilities of each decision-maker.

12. The Regulations introduce a definition of "trauma-informed practice" in relation to the joint investigations provisions and require trauma-informed approaches to be considered in the conduct of joint investigations involving the Police Service of Scotland and the Police Investigations and Review Commissioner. In particular, the Regulations require consideration of safeguarding and welfare needs and provide that joint witness interviews may only be conducted where the approach is consistent with trauma-informed practice.

Special constables

13. The Regulations bring conduct matters involving special constables within the conduct framework established by the 2014 Conduct Regulations and revoke the separate misconduct provisions currently contained in the Police Service of Scotland (Special Constables) Regulations 2013, subject to transitional arrangements for existing cases.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

14. In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (“the Act”), the Scottish Ministers certify that, in their view, the Police Service of Scotland (Conduct) Amendment Regulations 2026 are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

15. This instrument is not relevant to the Scottish Government’s policy to maintain alignment with the EU.

Consultation

16. In accordance with section 54(2) of the 2012 Act, Scottish Ministers have consulted and shared a draft of the Regulations with the persons mentioned in section 54(2)(a)(i) to (vi) and under this section have consulted relevant bodies with an interest in this area of policy, including Police Scotland, the Scottish Police Authority, the Police Investigations and Review Commissioner and staff associations. Scottish Ministers have considered the representations made and drafting changes have been made as a result of those comments.

Impact Assessments

17. An Equality Impact Assessment has been completed for these Regulations and is attached. It identified no equality impact issues due to any protected characteristics.

18. A Child Rights and Wellbeing Impact Assessment has been completed for these Regulations and is attached. The Regulations contain provisions supporting the participation of child witnesses where appropriate.

19. A Data Protection Impact Assessment has been completed for these Regulations and is attached.

Financial Effects

20. The Cabinet Secretary for Justice confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Safer Communities Directorate

24 September 2026