POLICY NOTE

THE POLICE SERVICE OF SCOTLAND (SENIOR OFFICERS) (CONDUCT) AMENDMENT REGULATIONS 2026

SSI 2026/277

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 instrument is subject to the negative procedure.

Summary Box

These Regulations amend the Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013 ("the 2013 Conduct Regulations"), which establish the procedures for dealing with allegations of misconduct and gross misconduct involving senior officers of the Police Service of Scotland. These Regulations implement reforms to the senior officer 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 reform the conduct framework for senior officers by strengthening the role of the Police Investigations and Review Commissioner, introducing accelerated misconduct hearings, increasing transparency and improving the management of misconduct cases.

In particular, the Regulations:

- transfer responsibility for the assessment and investigation of senior officer misconduct allegations from the Scottish Police Authority to the Police Investigations and Review Commissioner;
- introduce accelerated misconduct hearings for the most serious cases of alleged gross misconduct;
- establish new arrangements for joint investigations involving senior officers and other constables;
- increase transparency through public hearings, public notification of proceedings and the requirement of the publication of outcome reports;
- reform the composition of misconduct panels and strengthen the independence of decision-making; and
- introduce new case-management procedures and strengthen procedural safeguards for officers and witnesses.

Policy Objectives

1. This instrument supports implementation of reforms to police conduct, complaints handling and investigations following Lady Angiolini's independent review and subsequent legislative reforms. They are intended to strengthen public confidence in the independence, effectiveness and transparency of senior officer misconduct proceedings.

2. The principal policy objectives of the Regulations are outlined under the following subheadings.

Strengthening the role of the Police Investigations and Review Commissioner

3. A central reform is the transfer of responsibility for the assessment and investigation of misconduct allegations against senior officers to the Police Investigations and Review Commissioner ("the Commissioner"). The Regulations require all misconduct allegations concerning senior officers to be referred to the Commissioner, who is responsible for assessing allegations, determining whether investigations should be undertaken and conducting investigations through investigators appointed by the Commissioner.

4. The Regulations remove the previous preliminary assessment and investigative functions of the Scottish Police Authority in relation to senior officer misconduct allegations and replace them with a framework led by the Commissioner.

Accelerated misconduct hearings

5. The Regulations establish a new accelerated misconduct hearing process for the most serious cases of alleged gross misconduct. A case may be referred to an accelerated misconduct hearing where there is sufficient evidence to establish on the balance of probabilities that the conduct amounts to gross misconduct and, where it is in the public interest for the senior officer to cease to hold office without delay.

6. The accelerated process is intended to enable the timely resolution of the most serious cases while maintaining procedural safeguards, including legal representation, disclosure requirements and rights of appeal to the First-tier Tribunal for Scotland.

Transparency and public confidence

7. The Regulations introduce a presumption that misconduct hearings and accelerated misconduct hearings are held in public, subject to specified powers to exclude persons, impose attendance conditions or impose reporting restrictions where necessary.

8. The Regulations also provide for public notification of hearings, publication of outcome reports and greater access to information for complainants. Information may be withheld, redacted or anonymised only where necessary for specified purposes, including the protection of criminal proceedings, public safety, personal data or other public interests.

9. Where it is determined by the Commissioner that a senior officer has no case to answer in respect of misconduct or gross misconduct, the Regulations provide that the Commissioner must notify certain complainants of that outcome and the reasons for it, subject to limited exceptions.

Joint investigations

10. The Regulations introduce provisions enabling joint investigations by the Commissioner and the Deputy Chief Constable where allegations concern both a senior officer and a constable subject to the Police Service of Scotland (Conduct)

Regulations 2014. The Regulations provide for joint investigation strategies, information sharing and joint witness interviews while preserving separate statutory functions and independent decision-making in regard to each constables actions.

11. The Regulations also introduce a definition of trauma-informed practice and require trauma-informed approaches to be considered in the conduct of joint investigations, particularly in relation to witnesses and victims.

Hearings and case management

12. The Regulations introduce new misconduct pre-hearings and confer case-management powers on the chairing member of the panel to support the fair, efficient and timely conduct of proceedings. Statutory time limits are introduced for commencement of hearings, subject to extensions where required in the interests of justice.

13. The Regulations also strengthen procedural safeguards through expanded rights to legal representation, enhanced disclosure requirements and updated arrangements for witness participation. Witness-support measures include remote attendance, the use of screens, supporters and private evidence sessions where this is compatible with fairness and the interests of justice.

Misconduct panels and appeals

14. The Regulations reform the composition of misconduct panels. Chairing members are to be appointed by the Lord President from among the legal members of the First-tier Tribunal, while the Scottish Police Authority appoints a senior policing expert and an independent lay member. The Regulations also introduce enhanced safeguards concerning conflicts of interest and impartiality. Appeals against disciplinary action imposed following misconduct hearings or accelerated misconduct hearings lie to the First-tier Tribunal for Scotland.

Application of the senior officer conduct regime to certain non-senior officers

15. The Regulations extend the senior officer conduct regime to conduct occurring on or after 26 November 2026 where an individual was either subsequently promoted (permanently or temporarily) to senior officer rank after the conduct occurred, or was temporarily appointed to a senior officer rank at the time of the conduct.

16. Taken together, these reforms ensure that the misconduct framework for senior officers is robust, transparent and aligned with wider reforms to police accountability and public expectations.

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

17. 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 (Senior Officers) (Conduct) Amendment Regulations 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

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

Consultation

19. 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 with 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

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

21. 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.

22. A Data Protection Impact Assessment has been completed for these regulations and is attached.

Financial Effects

23. 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.

24. The financial implications associated with these policy changes, including independent panel arrangements and potential legal costs for the Police Investigations and Review Commissioner, were assessed at Bill stage and are reflected in the Revised Financial Memorandum published at Stage 2. The Regulations give effect to provisions already considered as part of that assessment.

Scottish Government
Safer Communities Directorate

27 September 2026