SCOTTISH POLICE FEDERATION

Established by Act of Parliament

6th November 2026

To all Members
The Scottish Parliament
Edinburgh
EH99 1SP

Dear Member of Parliament

RE: The Police Service of Scotland (Conduct) Amendment Regulations 2026

I am writing on behalf of the Scottish Police Federation, which represents approximately 16,500 police officers across Scotland, to ask for your support in pausing the new police conduct regulations, currently due to come into force on 26 November 2026.

I ask you to urge the Scottish Government to defer implementation and, if necessary, to support and vote for annulment of the regulations when the opportunity arises. This would allow further consultation and an independent evaluation of whether the proposed framework is fair, workable and capable of securing the confidence of the public and police officers alike.

The Federation supports robust accountability. Police officers hold extraordinary powers and must be held to the highest standards. Officers who abuse their position, commit serious misconduct or are unfit to serve must be dealt with effectively. The public are entitled to expect nothing less, and so are the many thousands of dedicated officers who serve their communities with integrity every day.

But a process can be robust only if it is also fair. Decisions must be made on reliable evidence, through procedures that are transparent, proportionate and capable of withstanding independent scrutiny. Where a system fails to meet those standards, the consequences are felt by complainants, officers, their families and the wider public.

The need for further scrutiny

The proposed regulations represent a significant change to how allegations of misconduct and gross misconduct will be investigated and determined. They must be considered in the context of the evidence available today, including experience of how the existing system has operated in practice.

The independent review led by Dame Elish Angiolini made an important contribution to improving police accountability and public confidence. However, a considerable period has passed since that review was undertaken. We believe it is reasonable to examine whether the proposals, in their present form, take full account of subsequent developments, evidence and practical experience.

When I gave evidence to the Criminal Justice Committee on 4 November, I made clear that the Federation is not opposed to a process that removes officers who should not be in policing. Our concern is that the current system can cause immense harm to individuals and their families, including in cases where decisions are subsequently overturned.

The Committee also heard concerns about how the existing regulations have been implemented. Changing the rules without fully understanding the causes of those difficulties risks carrying existing problems into a new framework.

Independent chairs for all gross misconduct hearings

The Scottish Police Federation believes that every gross misconduct hearing should be chaired by an appropriately qualified person who is independent of Police Scotland**.**

Gross misconduct proceedings can result in an officer losing their career, with profound consequences for the officer, their family, the complainant and public confidence in policing. Decisions of such significance should be made through a process that is demonstrably independent and fair.

An independent chair would help address the perception that the police are marking their own homework. It would provide assurance to complainants and the public that allegations are being considered impartially, while giving officers confidence that decisions are made objectively and on the evidence.

This principle should apply consistently to all gross misconduct hearings, regardless of the rank of the officer involved. We ask that the regulations be reconsidered to provide for this.

Fairness and equality of arms

The Federation remains concerned about the differing arrangements for officers of different ranks, including access to funded legal representation. Federated officers fund the support provided by the Federation through their own subscriptions. This raises a question of fairness when officers face proceedings that may end their careers and profoundly affect their families.

We ask MSPs to consider whether the proposed framework provides genuine equality of arms, appropriate independent representation and consistent safeguards for all officers.

The Federation also has concerns about the operation of accelerated proceedings, the use and duration of warnings, and the proposal to make demotion in rank available as an outcome in gross misconduct cases. These matters deserve careful consideration of their practical effects, proportionality and safeguards.

We are also concerned about the relationship between misconduct proceedings and vetting decisions. The two processes have distinct purposes, but their interaction must be clear and fair. An officer should be able to understand the case against them, the basis on which a decision is made and the routes available to challenge it.

Statutory guidance will have a role in supporting implementation, but guidance cannot amend the regulations themselves. Where the concern lies in the legal framework, it must be addressed in that framework.

A pause to get this right

We recognise that consultation has already taken place and that the Government and others have worked to improve the system. Our request is that unresolved concerns now receive further meaningful consideration before these regulations take effect.

We are asking for a pause to allow:

- Further consultation with officer representatives, Police Scotland, the Scottish Police Authority, oversight bodies and those representing the interests of complainants and the public.
- An evaluation of the operation and implementation of the existing conduct system, including delays, decision-making, outcomes and successful appeals.
- Provision for an independent, appropriately qualified chair at every gross misconduct hearing**.**
- Detailed consideration of safeguards, representation, equality of arms and the differences in arrangements between ranks.

- Assessment of how the proposed conduct and vetting processes interact.
- Clear, practical guidance and appropriate training before any revised framework is implemented.

We would welcome a transparent process with a defined timetable, so that any necessary improvements can be brought forward without unnecessary delay.

The Criminal Justice Committee is due to consider the motions to annul on 18 November. I would therefore ask you to raise these concerns with the Scottish Government, support a pause in implementation, and, should the matter come before Parliament, vote for annulment if that is necessary to allow the further consultation and evaluation outlined above.

Yours sincerely

DAVID KENNEDY
General Secretary