The Scottish Parliament
Pàrlamaid na h-Alba

Criminal Justice Committee

Neil Gray MSP
Cabinet Secretary for Justice

20 November 2026

Dear Cabinet Secretary,

Police Service of Scotland (Conduct) Amendment Regulations 2026 and Police Service of Scotland (Senior Officers) (Conduct) Amendment Regulations 2026

Thank you for your evidence to the Committee on Wednesday 18 November as part of its scrutiny of the above police conduct regulations. Following that evidence session, the Committee agreed to write to seek further information on several matters.

In seeking this information, the Committee wishes to assist its continued scrutiny of the implementation and operation of the regulations, particularly in relation to matters raised during debate.

Post-implementation review

During the session, you committed to seek an independent post-implementation review of the operation of the regulations by His Majesty's Chief Inspector of Constabulary in Scotland. The Committee notes and welcomes your subsequent correspondence of 19 November 2026, confirming that you have written to HMICS to take this commitment forward and that you intend to use the power of direction available under section 74(1) of the Police and Fire Reform (Scotland) Act 2012 to commission an independent assurance review. You further indicate that the review should encompass the wider package of conduct and vetting reforms and be undertaken jointly by HMICS and the Police Investigations and Review Commissioner in so far as it relates to senior officer provisions.

The Committee would nevertheless be grateful for further information on the proposed scope, timing and reporting arrangements for the review, including the anticipated timescale for commencement and completion, the matters to be examined as part of the review, including any consideration of training arrangements and safeguards relating to impartiality and conflicts of interest, and how the findings of the review will be reported to and scrutinised by the Committee.

Contact: Criminal Justice Committee, The Scottish Parliament, Edinburgh, EH99 1SP. Email: Criminal.Justice@parliament.scot. We welcome calls through Relay UK and in BSL through Contact Scotland BSL.

Training for officers who chair misconduct hearings

During the session, you indicated that you would engage with the Chief Constable regarding the concerns raised by Committee members about the adequacy of current training arrangements for officers who chair misconduct hearings. The Committee would welcome an update on any discussions you have with the Chief Constable on this issue.

The Committee notes the commitment given by Assistant Chief Constable Ratcliff that revised training arrangements would be developed when the regulations come into force, alongside your indication that you would engage further with Police Scotland on this matter.

The Committee would be grateful if you could keep it informed of progress in this area, including any agreed timetable for implementation.

Could you also set out the interim arrangements that will apply to police conduct proceedings during the period before any revised training arrangements are developed and implemented, including the safeguards that will be in place to ensure consistency and fairness in misconduct hearings pending completion of any new or updated training programme?

Guidance on impartiality and conflicts of interest

During the debate, the Committee raised concerns regarding the arrangements in place to ensure the impartiality of misconduct panels and to avoid any actual or perceived conflicts of interest. The Committee notes your commitment to consider whether further guidance or transparency may be required in this area.

The Committee would welcome further information on any work being undertaken in relation to guidance on panel composition, declarations of impartiality and the management of potential conflicts of interest.

Interaction between vetting and misconduct procedures

During the debate, you committed to provide further information on the interaction between vetting and misconduct processes.

The Committee would welcome an update on this matter, including any planned review or consideration of how vetting outcomes interact with conduct proceedings.

Legal position on independent legally qualified chairs

Finally, during the evidence session there was discussion of whether provision for independent legally qualified chairs for misconduct hearings involving officers below senior officer rank would require primary legislation. The Committee notes the evidence given by Amanda Dunlop that primary legislation would be required to extend to non-senior officers the same arrangements that apply to senior officers.

During the evidence session, I asked for clarification on whether it would be possible for the regulations to legislate for independent legally-qualified chairs for all ranks, and Amanda Dunlop said that the Scottish Government's view was that primary legislation would be required. It would be useful to understand more fully what this conclusion is based on. The enabling power in the 2012 Act, under which the current Regulations were made, requires provision to be made for independent legally-qualified chairs for senior officers, but does not prohibit similar provision being made for other ranks. The Committee would therefore welcome clarification of the Scottish Government's legal position, including:

- the specific statutory provisions which the Scottish Government considers prevent independent legally qualified chairs being introduced for non-senior officers by regulations alone;
- why the Scottish Government considers primary legislation would be required to make such provision; and
- whether the enabling power requires to be amended to enable such provision to be made.

The Committee intends to publish its report on the instruments shortly. If you can provide any initial clarification on these matters in advance of publication, that would be appreciated. However, I would be grateful for your full response to the points raised in this letter by 15 January 2027.

I look forward to hearing from you.

Kind regards,



David Linden MSP
Convener
Criminal Justice Committee