



SCOTTISH POLICE FEDERATION

Established by Act of Parliament

27 October 2026

The Convener and Members
Criminal Justice Committee
Scottish Parliament
Edinburgh
EH99 1SP

Dear Convener and Committee Members,

Police Conduct Amendment Regulations 2026 — request for reconsideration and deferred commencement

I am writing on behalf of the Scottish Police Federation concerning the Police Service of Scotland (Conduct) Amendment Regulations 2026 (SSI 2026/276) and the accompanying Police Service of Scotland (Senior Officers) (Conduct) Amendment Regulations 2026 (SSI 2026/277).

We ask the Committee urgently to examine our outstanding concerns and seek deferral of commencement, currently scheduled for 26 November 2026, to allow reconsideration of parity across ranks, independent adjudication, legal funding and procedural fairness.

The Federation supports an effective conduct system that addresses wrongdoing, protects the public and commands confidence. Officers must also have confidence that proceedings affecting their careers and livelihoods are fair, proportionate and independently scrutinised.

Our previous evidence

During my evidence to the Committee on 8 May 2024, I questioned whether the proposed reforms were necessary and would achieve their intended purpose. Before the Bill was passed and the regulations changed, I said there was a “good opportunity to see whether what is proposed is necessary”.

That contribution appears shortly after 12.30 pm in the [Official Report of the Committee's meeting on 8 May 2024](#).

The Federation reiterates that request for scrutiny. Lady Elish Angiolini's final report was published in November 2020. The passage of time, subsequent developments and the cumulative effect of the changes justify a fresh assessment before commencement. Relevant experience from other jurisdictions should also be evaluated.

Parity across ranks and independent adjudication

The Federation remains deeply concerned about a two-tier system.

At paragraphs 396–398 of its Stage 1 report, the Committee recorded our opposition to different appeal arrangements for senior officers alone and asked the Scottish Government to respond to the lack of parity for non-senior officers.

The report also records, at paragraph 380, Lady Elish Angiolini's recommendation that gross misconduct hearings for all ranks should include an independent legally qualified chair, an independent lay member and a policing member.

The senior officer regulations provide for a legally qualified chair appointed by the Lord President. Equivalent arrangements are not introduced for federated ranks by SSI 2026/276. We ask the Government to explain why officers facing comparable consequences should have different access to independent adjudication because of their rank.

We also ask the Committee to examine the continuing differences in appeal arrangements, including the scope of access to the First-tier Tribunal.

Presenting officers and equality of arms

SSI 2026/276 requires the Deputy Chief Constable to appoint a presenting officer, who may be a suitably senior constable, a member of police staff or a legally qualified person.

The Federation remains opposed to introducing presenting officers as a matter of principle because of the risk of making proceedings increasingly adversarial.

We acknowledge that the regulations extend entitlement to legal representation at specified hearings and provide procedural rights for the officer and their representative. Our concern is whether officers can exercise those rights effectively, particularly when the case against them is presented using publicly funded legal resources.

The senior officer regulations make provision for payment of reasonable expenses, including legal expenses subject to specified conditions. We ask for equivalent consideration of independent funding for federated officers, alongside effective disclosure and adequate preparation time.

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Website: www.spf.org.uk*

Accelerated hearings and sanctions

The regulations introduce accelerated misconduct hearings subject to special conditions. The Federation remains concerned that expedition must not undermine the proper testing of evidence or an officer's ability to prepare a defence.

Evidence that initially appears conclusive may be incomplete, unreliable or capable of another explanation. Decisions to accelerate proceedings must therefore be carefully justified, with safeguards applied effectively.

We oppose demotion in rank as a sanction for gross misconduct and remain concerned about the revised warning arrangements. Written warnings will remain effective for 18 months and final written warnings ordinarily for two years, with provision for extending a final written warning through subsequent proceedings to a maximum of five years.

We ask what evidence demonstrates that these measures are necessary and proportionate, and how their effects on rehabilitation and officer welfare have been assessed.

Hearings and publication

The instruments introduce different arrangements for attendance and transparency. The senior officer regulations establish public hearings, subject to safeguards. The federated regulations provide for complainant and witness attendance and publication of outcome reports, rather than the same general public-hearing regime.

The Federation recognises the value of transparency but asks that publication, redaction and attendance decisions properly protect fairness, privacy, sensitive information and officers' families. The safeguards must be clear and consistently applied.

Existing procedures and officer welfare

My evidence in 2024 highlighted concerns that performance and management matters were being treated as misconduct, and that lengthy investigations caused serious harm to officers and their families.

We recognise positive provisions in the final regulations, including consideration of redeployment before suspension, further notice when allegations change, additional disclosure and the possibility of ending investigations where the evidence no longer supports misconduct.

Those provisions must be supported by effective guidance, training and oversight. The service must distinguish between wrongdoing requiring

disciplinary action and matters appropriately addressed through performance procedures, management intervention or learning.

Our request to the Committee

We ask the Committee to seek:

1. Deferral of commencement and reconsideration of the instruments against current evidence and experience.
2. A substantive response on parity across ranks, independent adjudication and appeal rights.
3. Fair legal funding arrangements and effective equality of arms for federated officers.
4. Clear justification and safeguards for accelerated proceedings, sanctions and publication.
5. Confirmation that supporting guidance, training, welfare arrangements and resources will be in place before implementation.

The Federation's consultation response recommended deferring implementation until supporting guidance was available and had been consulted upon. We reiterate that request alongside our wider concerns about the final regulations.

Can I also take this opportunity to update the committee that our observations re the vetting regulations and the three bites at the cherry rule has come to fruition. This is a case currently being appealed at a PAT, for an officer who despite being reinstated at appeal stage by the ACC was subsequently sacked for failing vetting for allegations that never reached the bar of criminality or misconduct in the first instance.

I would welcome the opportunity to discuss these matters with the Committee and provide further written or oral evidence.

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Yours sincerely

DAVID KENNEDY
General Secretary