2 November 2026

Your Ref:

Our Ref:

Parliament and Government Liaison
Police Scotland Headquarters
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Dear Convenor

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

This letter should be read alongside our written submissions of December 2025 and August 2026. Our position remains unchanged. Police Scotland remains committed to regulatory reform, subject to appropriate safeguards, to support public protection, fair proceedings and confidence in policing.

I note that colleagues from the staff associations and other statutory bodies, namely HMICS and the Scottish Police Authority, have been afforded the opportunity to provide oral evidence to the Committee. It is a matter of disappointment that Police Scotland has not been given the same opportunity.

I am providing additional detail and current statistical information to assist the Committee's deliberations. By way of context, Police Scotland participates in UK-wide policing forums covering professional standards and draws on best practice across the UK, while recognizing differences in the applicable conduct regulations.

**Hearing arrangements and safeguards**

You may be aware that, under the Police (Conduct) (Amendment) Regulations 2024, legally qualified chairs no longer chair standard UK police misconduct hearings. Indeed, there is no single established model across professional regulation requiring legally qualified chairs. Regulatory systems adopt different approaches to balancing professional expertise, independence and legal assurance.

Where a serving officer chairs a hearing, confidence depends on clear safeguards: separation of assessment, investigation, case presentation and adjudication; effective management of conflicts of interest; access to legal advice where required; reasoned decisions; and effective review or appeal. I believe assurance around these safeguards is central to the Committee's consideration. In Police Scotland, all Chief Superintendents who chair gross misconduct hearings receive initial training, participate in continuous professional development and are supported throughout proceedings by legally qualified advisors.

**Assessment outcomes and proportionality**

The attached appendix sets out data over the last four years, showing that the majority (approximately 78%) of matters fully assessed within the Professional Standards Department results in no formal misconduct investigation, with these matters being dealt with by means of management advice or performance learning for the individual officer.

In cases where there is an initial assessment of potential gross misconduct, it is important to note that this is not a finding. These assessments relate to alleged conduct which, if proved, could warrant dismissal or, where applicable, demotion in rank and involves the most serious, alleged breaches of the Standards of Professional Behavior. Such conduct can represent a substantial risk to public trust and confidence and as such, merits full investigation.

The data from the last four years shows that of all matters referred to Professional Standards, circa 20% is assessed and progressed as gross misconduct. The majority of these cases relate to off duty criminality.

**Timeliness, public protection and fairness**

Concerns about timescales arise largely as a direct consequence of criminal proceedings and the time taken for criminal matters to conclude. Overall case duration can also be influenced by complexity. In all circumstances, the Police Service of Scotland (Conduct) Regulations 2014 do not provide for the progression of conduct matters until criminal proceedings have concluded.

In England and Wales, there is provision to fast-track cases where the evidence is irrefutable.

Information recently provided to the Scottish Police Authority's Complaints and Conduct Committee highlighted that approximately 80 officers are currently suspended. The majority of these matters concern alleged off-duty criminality, with a large proportion involving allegations of violence against women and girls (VAWG). This highlights the importance of considering victim impact in all cases assessed by the Professional Standards Department (PSD).

Whilst it may be important that the Committee takes into account the experience of officers under criminal or conduct investigation, the Committee should be assured that the welfare and wellbeing of these officers is of paramount importance. This must however be balanced with consideration of the impact on both victims and witnesses.

Lasting cultural change requires more than regulatory reform. We are committed to strengthening prevention, publishing misconduct outcomes and improving reporting routes to help identify and address criminal behavior and misconduct. Experience within Police Scotland and across the wider UK is demonstrating that there is heightened confidence in reporting wrongdoing on the part of police officers, both on and off duty.

**Conclusion**

Police Scotland supports a robust, transparent, fair and accountable conduct framework. The final arrangements should address concerns about rank, panel independence, investigative quality, timeliness and procedural safeguards, strengthening public trust while ensuring every officer has a fair opportunity to answer allegations.

Only a very small percentage of officers are subject to conduct assessments, and fewer still to investigation. Every case nevertheless requires rigorous scrutiny and fair treatment. We remain committed to constructive engagement with the Committee, open assessment of progress and outstanding risks, and continued improvement of practice and governance.

Yours sincerely

Parliament and Government Liaison

# Proportionality Context

## 2022

- 361 Preliminary Assessments
- 43 Gross Misconduct Investigations (12%)
- 29 Misconduct Investigations (8%)
- 214 Misconduct No Action / Improvement Action (60%)
- 75 Not Misconduct / Performance (20%)

## 2023

- 483 Preliminary Assessments
- 61 Gross Misconduct Investigations (13%)
- 16 Misconduct Investigations (3%)
- 287 Misconduct No Action / Improvement Action (59%)
- 119 Not Misconduct / Performance (25%)

## 2024

- 415 Preliminary Assessments
- 82 Gross Misconduct Investigations (20%)
- 23 Misconduct Investigations (6%)
- 242 Misconduct No Action / Improvement Action (58%)
- 68 Not Misconduct / Performance (16%)

## 2025

- 424 Preliminary Assessments
- 107 Gross Misconduct Investigations (25%)
- 12 Misconduct Investigations (3%)
- 267 Misconduct No Action / Improvement Action (63%)
- 38 Not Misconduct / Performance (9%)

NB

- Some of the matters in the displayed year do not conclude that year and are captured in the following year
- Why is GM investigations higher?

POLICE SCOTLAND | POILEAS ALBA

OFFICIAL