
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 68

The Police Service of Scotland (Conduct) Regulations 2014

PART 2

Misconduct investigations

Referral to misconduct proceedings

14.—(1) On receipt of the investigator's report, the deputy chief constable must, as soon as reasonably practicable, determine whether the constable has a case to answer in respect of—

- (a) misconduct;
- (b) gross misconduct; or
- (c) neither.

(2) If the deputy chief constable determines that the constable has a case to answer in respect of misconduct and paragraph (4) does not apply, the deputy chief constable must refer the misconduct allegation to a misconduct meeting.

(3) If—

- (a) the deputy chief constable determines that the constable has a case to answer in respect of gross misconduct; or
- (b) the deputy chief constable determines that the constable has a case to answer in respect of misconduct and paragraph (4) applies,

the deputy chief constable must refer the misconduct allegation to a misconduct hearing.

(4) This paragraph applies if, at a time when any of the conduct forming the subject matter of the misconduct allegation occurred, the constable was subject to a final written warning which was in effect.

(5) If the deputy chief constable determines that the constable has no case to answer in respect of either misconduct or gross misconduct, the deputy chief constable may—

- (a) take no further action;
- (b) take improvement action; or
- (c) refer the matter to be dealt with under the procedures established by the Performance Regulations.