
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 62

The Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013

PART 4

Appeals

Appeal procedure

26.—(1) Subject to the following provisions of this regulation, the appeal may be determined in such manner as the Authority determines.

(2) The appeal is not to be determined by any individual who was a member of the panel at the misconduct hearing.

(3) Where the senior officer does not request an appeal hearing, the Authority must determine the appeal on the basis of—

- (a) the appeal notice and any documents or other information sent with that notice;
- (b) the audio or written record of the misconduct hearing;
- (c) any notices, submissions or other documents or information provided by the Authority or the senior officer in accordance with regulation 16;

(4) Where the senior officer does request an appeal hearing, the following paragraphs of this regulation apply.

(5) The Authority must determine whether the appeal notice sets out arguable grounds of appeal and—

- (a) if it determines that it does, it must hold an appeal hearing;
- (b) if it determines that it does not, it must dismiss the appeal;
- (c) in either case, it must inform the senior officer in writing of its decision under this paragraph; and
- (d) where an appeal hearing is to be held, it must as soon as reasonably practicable specify by notice in writing to the senior officer a date and time for that hearing.

(6) The appeal hearing is to be held not more than 10 working days from the date on which the decision to hold that hearing was made in accordance with paragraph (5)(a).

(7) The appeal hearing is to be conducted in such manner as the Authority may determine, provided that—

- (a) the senior officer's police friend must be permitted to attend; and
- (b) the senior officer (or any individual representing the senior officer) must be permitted to make oral representations.

(8) After the appeal hearing the Authority may—

- (a) confirm or reverse any determination made under regulation 22(1);

- (b) confirm the disciplinary action to be taken in accordance with the determination of the panel under regulation 23(2);
 - (c) require disciplinary action to be taken which is less serious than that which was to be taken in accordance with that determination;
 - (d) require improvement action to be taken instead of disciplinary action;
 - (e) refer the matter to be dealt with under procedures maintained under regulation 23 of the Police Service of Scotland (Performance) Regulations 2013; or
 - (f) in a case where the ground of appeal mentioned in regulation 25(3)(b) is found to be established, remit the misconduct allegation back to the panel.
- (9) The Authority must, as soon as reasonably practicable, give notice to the senior officer of—
- (a) the outcome of the appeal; and
 - (b) the reasons for that outcome.
- (10) In a case where a decision to dismiss the senior officer has been confirmed, a notice under paragraph (9) must inform the senior officer of that officer's right under section 56 of the Act to appeal to a police appeals tribunal.