
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 68

The Police Service of Scotland (Conduct) Regulations 2014

PART 2

Misconduct investigations

Preliminary assessment

10.—(1) This regulation applies if a misconduct allegation comes to the attention of the deputy chief constable.

(2) The deputy chief constable must assess whether the conduct which is the subject matter of the misconduct allegation would, if that conduct were proved, amount to—

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

(3) If the deputy chief constable assesses that the conduct would, if proved, amount to neither misconduct nor 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.

(4) If the deputy chief constable assesses that the conduct would, if proved, amount to either misconduct or gross misconduct, the deputy chief constable must decide whether the misconduct allegation is to be investigated and—

- (a) if it is to be investigated, appoint an investigator; and
- (b) if it is not to be investigated—
 - (i) take no further action; or
 - (ii) take improvement action.

(5) An investigator appointed under paragraph (4)(a) must—

- (a) be a constable of a higher rank than the constable being investigated; and
- (b) have the necessary knowledge, skills and expertise to plan and manage the misconduct investigation in relation to which the appointment is made.

(6) The deputy chief constable must not appoint as an investigator any constable whose appointment could give rise to a reasonable concern as to whether that constable could act impartially in relation to the misconduct investigation.

(7) If, during the course of the misconduct investigation, the deputy chief constable considers that by reason of the scale or complexity of the case a different investigator should be appointed, the deputy chief constable may appoint, or arrange for the appointment of, a constable to replace the investigator originally appointed.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(8) Paragraph (5) and (6) apply to the appointment of a replacement investigator under paragraph (7).