
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 68

The Police Service of Scotland (Conduct) Regulations 2014

PART 3

Misconduct proceedings

Determination

21.—(1) At the conclusion of the misconduct proceedings, the person conducting those proceedings must—

- (a) determine whether the conduct which is the subject matter of the misconduct allegation is conduct of the constable;
- (b) in a case where the deputy chief constable has determined, in accordance with regulation 14(1)(a), that the constable has a case to answer in respect of misconduct, determine whether it is established that any conduct of the constable amounts to misconduct; and
- (c) in a case where the deputy chief constable has determined, in accordance with regulation 14(1)(b), that the constable has a case to answer in respect of gross misconduct, determine whether it is established that any conduct of the constable amounts to—
 - (i) gross misconduct;
 - (ii) misconduct; or
 - (iii) neither.

(2) A determination under paragraph (1) is to be made on a balance of probabilities.

(3) In a case mentioned in paragraph (1)(b), the person conducting the misconduct proceedings may not determine that any conduct of the constable amounts to gross misconduct.

(4) If the person conducting the misconduct proceedings determines that the conduct of the constable amounts to neither misconduct nor gross misconduct the person conducting those proceedings may—

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