
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 62

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

PART 3

Misconduct hearings

Disciplinary action

23.—(1) This regulation applies where—

- (a) the panel has determined that any conduct of the senior officer amounted to misconduct or, as the case may be, gross misconduct; or
- (b) the senior officer has admitted misconduct or, as the case may be, gross misconduct.

(2) Where this regulation applies, the panel must determine whether the Authority is to take—

- (a) in a case where the senior officer's conduct amounts to misconduct—
 - (i) improvement action; or
 - (ii) subject to paragraphs (4) to (7), any such disciplinary action as is mentioned in paragraph (3); or
- (b) in a case where the senior officer's conduct amounts to gross misconduct—
 - (i) improvement action; or
 - (ii) any such disciplinary action as is mentioned in paragraph (3).

(3) The disciplinary action is—

- (a) a verbal warning;
- (b) a written warning;
- (c) a final written warning;
- (d) dismissal with such notice as the Authority may specify; or
- (e) dismissal without notice.

(4) Where, on the date of the determination under regulation 22(1)(b), the senior officer was subject to a written warning which remains in effect, neither a verbal warning nor a written warning may be given.

(5) Where, on the date of the determination under regulation 22(1)(b), the senior officer was subject to a final written warning which remains in effect—

- (a) none of a verbal warning, a written warning or a final written warning may be given; but
- (b) in exceptional circumstances, the final written warning may be extended, provided that such a warning may be extended on one occasion only and for a period of no more than 18 months.

Status: This is the original version (as it was originally made).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

(6) Where the panel has determined that any conduct of the senior officer amounts to misconduct, the disciplinary action mentioned in paragraph (3)(d) or (e) may be taken only where the senior officer is subject, on the date of the determination under regulation 22(1)(b), to a final written warning which remains in effect.

(7) A final written warning remains in effect for a period of 18 months from the date on which it is given (unless extended under paragraph (5)(b)).

(8) The chairing member of the panel must, as soon as reasonably practicable (and not later than 5 working days from the date of conclusion of the misconduct hearing) notify the Authority of—

- (a) the panel's determination under regulation 22(1); and
- (b) the action to be taken in accordance with this regulation.