
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 62

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

PART 2

Investigations

Preliminary assessment

8.—(1) This regulation applies where a misconduct allegation comes to the attention of the Authority.

(2) The Authority 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) Where the Authority assesses that the conduct would, if proved, amount to neither misconduct nor gross misconduct, it may—

- (a) take no action;
- (b) take improvement action; or
- (c) refer the matter to be dealt with under procedures maintained under regulation 23 of the Police Service of Scotland (Performance) Regulations 2013.

(4) Where the Authority assesses that the conduct would, if proved, amount to either misconduct or gross misconduct, it must decide whether the misconduct allegation is to be investigated and—

- (a) if it is to be investigated, it must refer the allegation to the Commissioner; and
- (b) if it is not to be investigated, it may—
 - (i) take no further action; or
 - (ii) take improvement action.