

Criminal Justice Committee
Wednesday 11 March 2026
10th Meeting, 2025 (Session 6)

Note by the Clerk on the Police Service of Scotland (Vetting) Regulations 2026 (SSI 2026/46)

Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to the negative procedure. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. A motion to annul the instrument has been lodged by Pauline McNeill MSP and will be debated at the meeting.
3. More information about the instrument is summarised below:

Title of instrument: [The Police Service of Scotland \(Vetting\) Regulations 2026](#)

Laid under: sections 48, 55 and 125(1) of the [Police and Fire Reform \(Scotland\) Act 2012](#)

Laid on: 2 February 2026

Procedure: Negative

Deadline for committee consideration: 9 March 2026 (Advisory deadline for any committee report to be published)

Deadline for Chamber consideration: 13 March 2026 (Statutory 40-day deadline for any decision whether to annul the instrument)

Commencement: 1 April 2026

Procedure

4. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
5. Once laid, the instrument is referred to:
 - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
 - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.

6. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).
7. If the motion is agreed to by the lead committee, the Parliamentary Bureau must then lodge a motion to annul the instrument to be considered by the Parliament as a whole. If that motion is also agreed to, the Scottish Ministers must revoke the instrument.
8. **Members will wish to note that Pauline McNeill MSP has lodged a motion to annul this SSI (S6M-21017). This motion will be considered at today's meeting according to the procedure set out below.**

Delegated Powers and Law Reform Committee consideration

9. The DPLR Committee considered the instrument on 10 February 2026 and reported on it in its [17th Report, 2026](#). The DPLR Committee made no recommendations in relation to the instrument.

Purpose of the instrument

10. The purpose of this instrument is to make provision for the vetting of all constables appointed under the [Police and Fire Reform \(Scotland\) Act 2012](#).
11. The Regulations require every constable to hold and maintain vetting clearance. They also require the Chief Constable to re-assess the vetting clearance of constables at intervals and if a reason to do so arises.
12. In addition, they establish a procedure for withdrawing vetting clearance where there is evidence that a constable may no longer be suitable to hold it and an appeals process for all constables.
13. The Regulations sit alongside the [Police Service of Scotland \(Performance\) Regulations 2014](#) and the [Police Service of Scotland \(Senior Officers\) \(Performance\) Regulations 2016](#), which concern unsatisfactory performance or attendance or gross incompetence, and the [Police Service of Scotland \(Conduct\) Regulations 2014](#), the [Police Service of Scotland \(Senior Officers\) \(Conduct\) Regulations 2013](#) and Part 4 of the [Police Service of Scotland \(Special Constables\) Regulations 2013](#), which concern internal conduct matters.
14. The Policy Note accompanying the instrument is included in the **Annexe A**. It includes a summary of consultation undertaken on the instrument and the anticipated financial effects. The following impact assessments have been carried out:
 - [Equality Impact Assessment](#)
 - [Child Rights and Wellbeing Impact Assessment](#)

Correspondence received

15. The Cabinet Secretary for Justice and Home Affairs has written to the Committee to provide additional information in relation to questions raised by Members during the Committee's initial scrutiny of the instrument on 4 March 2026. A copy of the letter is included in **Annexe B**.
16. The Committee also received correspondence relating to the instrument from HM Inspectorate of Constabulary in Scotland and the Scottish Police Federation. Copies of both letters can be found in **Annexes C and D**.

Committee consideration

17. Members will commence proceedings by taking evidence from the Angela Constance MSP, Cabinet Secretary for Justice and Home Affairs.
18. This is their opportunity to ask any questions they have about its contents and effect.
19. Once the questions are complete, there will be a short debate on the SSI and, at its conclusion, Pauline McNeill MSP will be asked if she wishes to press or withdraw her motion. If she presses, the Convener will ask members if they agree that the motion to annul is agreed. If there is disagreement, the Convener will put this question to a vote.
20. As indicated above, if the motion to annul is agreed to, the Parliamentary Bureau must then lodge a further motion to annul the instrument to be considered by the Parliament as a whole. If that motion is also agreed to, the Scottish Ministers must revoke the instrument.

Clerks to the Committee
March 2026

Annexe A: Scottish Government Policy Note

The Police Service of Scotland (Vetting) Regulations 2026 (SSI 2026/46)

1. The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by sections 48, 55 and 125(1) of the Police and Fire Reform (Scotland) Act 2012 (“the 2012 Act”) and all other powers enabling them to do so. The instrument is subject to negative procedure.

Summary Box

The purpose of this instrument is to make provision for the vetting of all constables appointed under the 2012 Act. They require every constable to hold and maintain vetting clearance. They also require the Chief Constable to re-assess the vetting clearance of constables at intervals and if a reason to do so arises. They establish a procedure for withdrawing vetting clearance where there is evidence that a constable may no longer be suitable to hold it and an appeals process for all constables.

Policy Objectives

2. Police constables possess a range of authorised statutory powers that set them apart from ordinary members of the public. It is therefore essential that they uphold the highest ethical and professional standards and act with the utmost integrity. Doing so is crucial to maintaining public trust and confidence in the police service.

3. His Majesty’s Inspectorate of Constabulary in Scotland (HMICS) published their report: ‘Assurance review of vetting policy and procedures within Police Scotland’ in October 2023. One of their recommendations was that “the Scottish Government should place into legislation the requirement for all Police Scotland officers and staff to obtain and maintain a minimum standard of vetting clearance and the provision for the Chief Constable to dispense with the service of an officer or staff member who cannot maintain suitable vetting.”

4. These regulations progress the HMICS recommendation by ensuring the Chief Constable has in place robust vetting procedures, to identify those who pose a potential risk to others, or who are otherwise unsuitable to work within the police service. The regulations introduce provisions to ensure that the vetting of constables is carried out regularly and introduces procedures to allow the Chief Constable to dismiss a constable, should they have their vetting clearance withdrawn, where there is evidence that a constable cannot maintain a vetting clearance.

5. The regulations cover all constables and place a duty on the Chief Constable to reassess the vetting clearance of constables, with a re-assessment made of each constable at intervals of not more than 10 years. This will ensure that constables, who will have been vetted during their recruitment to the service, will have their vetting regularly re-assessed. The Chief Constable may also re-assess a constables’

vetting should a matter comes to their attention, that indicates an officer may no longer be suitable to hold vetting clearance.

6. If a matter raising a concern about the constable maintaining their current vetting clearance is found, either via this routine re-vetting or through some other means, this will be considered through a vetting withdrawal assessment. An appointed 'assessor' will gather information on the matter and consider whether the constable can maintain their vetting status. The constable can have access to a police or legal representative and must have an opportunity to make their own representations in respect of the matter which is under consideration.

7. The withdrawal assessment may be paused if there are any alleged offences. Where the matter of concern could also lead to conduct or performance proceedings, a withdrawal assessment must not commence whilst it is considered that the matter of concern would relate to a matter that is to be or may be dealt with under either process. This requirement does not, however, preclude a withdrawal assessment from taking place if there is more than one matter being considered, and the withdrawal assessment can commence in relation to matters that could not be dealt with under conduct or performance processes.

8. During the withdrawal assessment or appeal process a constable may be suspended, provided the suspension conditions are satisfied, and any suspension must be re-considered on a regular basis.

9. The 'assessor' will provide a report on their withdrawal assessment and the appropriate decision maker will then take one of the actions set out in the regulations. Actions available to the decision maker are to place conditions on vetting, downgrade vetting, withdraw vetting, or to do nothing, or divert the case to the conduct or performance processes. Where all vetting clearance of a constable has been withdrawn, a constable must be dismissed.

10. A constable can appeal against any action taken under the regulations. For non-senior officers, an appeal will be heard by an Assistant Chief Constable or if none is available, a Deputy Chief Constable. For senior officers, an appeal will be heard by a three-person panel appointed by the Scottish Police Authority. If, after an appeal, a constable is ultimately dismissed or demoted, they may appeal to the First-tier Tribunal.

11. From initial discovery through to final decision, the regulations ensure transparency, fairness and proportionality at every stage. They give constables the opportunity to put forward their case in relation to their vetting clearance, guarantees access to representation throughout the process, and provide both internal and external routes of appeal. At the same time, the Chief Constable is required to regularly review the vetting clearance of all constables and has a clear mechanism to dismiss those who cannot maintain it.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

12. In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the Police Service of Scotland (Vetting) Regulations 2026 are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

13. This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

14. In accordance with section 54(2) of the 2012 Act, Scottish Ministers have consulted and shared a draft of the Regulations with the persons mentioned in section 54(2)(a)(i) to (vi), and under this section have consulted relevant bodies with an interest in this area of policy. Scottish Ministers have considered the representations made and drafting changes have been made as a result of those comments.

Impact Assessment

15. An Equality Impact Assessment has been completed for the regulations and found that the regulations will not impact constables due to any protected characteristics.

16. An impact assessment regarding Child Rights and Wellbeing has been completed.

Financial Effect

17. The Cabinet Secretary for Justice and Home Affairs confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Safer Communities Directorate

Annexe B: correspondence from the Cabinet Secretary for Justice and Home Affairs

5 March 2026

Dear Convener

The Police Service of Scotland (Vetting) Regulations 2026

Following the Criminal Justice Committee's scrutiny of the Police Service of Scotland (Vetting) Regulations 2026 please find the following supplementary information requested by members to allow your further consideration of these regulations.

I would like to take the opportunity to set out that the ongoing vetting of police officers is not a new concept. Within Police Scotland each role has the desired vetting clearance and for specific roles there is a requirement for some constables and police staff to hold 'Management Vetting' status which is regularly reviewed, at present there are around 4,900 officers and police staff within Police Scotland who undertake regularly re-vetting, of a workforce of around 22,400.

The principle of ongoing suitability checks is by no means unique to Scottish policing. Across the wider public sector, large numbers of professionals, such as those in health, education and social care, are already subject to continuous monitoring through the Protecting Vulnerable Groups (PVG) scheme, which assesses their ongoing suitability to remain in roles involving significant trust and responsibility.

It is important to highlight that similar vetting regulations were developed by the previous UK Government prior to the General Election in 2024 and the current Government introduced [The Police \(Vetting\) Regulations 2025](#) in April 2025 that apply to all forces in England and Wales. While each jurisdiction retains responsibility for its own policing arrangements my officials have worked closely with UK Government officials. This collaborative approach has ensured a strong degree of alignment in principles and safeguards, reflecting our shared commitment to public protection, ethical policing and high professional standards. However, there are important and additional safeguards in our regulations that should reassure members, as we allow external appeals to the First Tier Tribunals for dismissal and demotion, whereas the UK regulations only allow for dismissal, which is a fully independent tribunal. The internal appeal mechanism before that point allows the constable to appeal all outcomes, including conditions being placed on their vetting. Moreover, our regulations provide for recording of interviews and the right for the constable to have receipt of these.

Various other safeguards exist in the Scottish Regulations and the equivalent UK Parliament ones, including the right for the constable to make representations to the assessor carrying out the vetting withdrawal assessment, for the constable to request to be interviewed by the assessor, and for the constable to be legally represented, and/or be represented by a police representative. The constable also has the right to be provided with information about the matter or matters being considered in the withdrawal assessment, subject to the disclosure risk test

assessing if there is unacceptable risk (in a defined range of circumstances very similar to criteria in the current conduct regulations, see regulation 8) of disclosure. Please find the following information in response to the specific questions raised by the committee:

1. What was the outcome of the consultation on the SSI, who was consulted, what was a flavour of what was said and how did the Scottish Government change what was planned for the SSI?

In accordance with section 54(2) of the Police and Fire Reform (Scotland) Act 2012, Scottish Ministers have consulted and shared a draft of the Regulations with the persons mentioned in section 54(2)(a)(i) to (vi), which are: the Chief Constable; Scottish Police Authority; Police Federation for Scotland; Association of Scottish Police Superintendents; and other persons consider appropriate. In addition to the statutory list, officials have also consulted with: His Majesty's Inspectorate for Constabulary in Scotland (HMICS); Scottish Police Chief Officers Association; Police Investigation and Review Commissioner. The consultation was also sent to the Lord Advocate and Scottish Courts and Tribunal Service, however, no responses were received.

Scottish Ministers considered the representations and drafting changes were made as a result of the feedback that was received. I have attached a copy of the letter issued by officials to stakeholders which provides a summary of the changes which were made following the consultation, see **Annex A**.

2. What is the justification for the powers afforded to the Chief Constable in relation to the potential dismissal of officers who have failed such a process and how would this be done?

The HMICS assurance review of vetting policies and procedures in Police Scotland raised concerns about the lack of regular re-vetting and the lack of a means of dismissal for failing to maintain vetting.

This was reflected in the following recommendations:

Recommendation 1 The Scottish Government should place into legislation the requirement for all Police Scotland officers and staff to obtain and maintain a minimum standard of vetting clearance and the provision for the Chief Constable to dispense with the service of an officer or staff member who cannot maintain suitable vetting.

Recommendation 3 Police Scotland should introduce a programme so that officers and staff who hold only Recruitment Vetting are re-vetted at least every 10 years.

The Police (Ethics, Conduct and Scrutiny) (Scotland) Act 2025 therefore made the necessary provision needed to ensure that legislation reflected this. Section 5 requires regulations made under section 48 to provide for constables to undergo vetting periodically and if a reason to do so arises. It also requires them to contain provision about when a constable who has undergone vetting is to be demoted or dismissed.

By providing for this obligation to re-vet, and for the dismissal where all vetting clearance is withdrawn, and the option of demotion for a constable whose vetting is downgraded where another suitable post cannot be found at the same rank, the regulations give effect to the will of the Scottish Parliament. Parliament has legislated for statutory vetting through the Police (Ethics, Conduct and Scrutiny) (Scotland) Act 2025, which was passed on 15 January 2025 and received Royal Assent on 4 March 2025.

The Police Service of Scotland (Vetting) Regulations 2026 implement that mandate in practice: they require every constable to hold and maintain vetting clearance, oblige the Chief Constable to reassess clearance at intervals of not more than 10 years (and earlier where circumstances warrant), establish a procedure to withdraw clearance where evidence indicates unsuitability, confer a power to dismiss where clearance cannot be maintained, and provide a statutory right of appeal. These measures also reflect the above HMICS recommendation that vetting obligations be placed in legislation to protect public confidence and safety and that re-vetting should take place at intervals of not more than 10 years.

This in turn means that persons who would pose a risk to policing or the public can be removed from their post, though there is a clear independent safeguard in the right to appeal to the First Tier Tribunal against any decision to dismiss or demote a constable.

In relation to the remarks made about the appropriateness of the Chief Constable's ability to re-assess a constable's vetting if a reason to do so arises, I should clarify that this aspect was not subject to consultation during the development of these regulations for the simple reason that the Police (Ethics, Conduct and Scrutiny) (Scotland) Act 2025 expressly requires that ongoing vetting arrangements **must** include provision for such reassessment.

3.What is involved in a clearance for vetting, what is considered, what would be problematic etc? And why would any problematic matters not be covered by the current disciplinary procedures?

Police Scotland have provided the following information in relation to a vetting clearance assessment.

A Vetting Clearance Assessment is an evaluation as to a constable or staff member's suitability, having regard to the ethical standards and behaviour expected, and to the person's character and personal circumstances. It is an independent (and different) assessment to Conduct, Performance or Criminal Processes and considers a range of pre-determined information, as documented within the Vetting Policy and Vetting Standard Operating Procedure, depending on the vetting level being considered. They are undertaken with a view of identifying problematic issues arising within the workforce from officers/staff who:

- are unsuitable through criminal activity or 3rd party association
- pose a risk to the public and to those who are particularly vulnerable
- have a demonstrable lack of honesty
- have previously behaved in a manner that is inconsistent with the standards of

- professional behaviour
- are financially vulnerable and/or
- who demonstrate personal behaviours which are contrary to our Standards of Professional Behaviour (officers), Code of Conduct (SPA/police staff) and Police Scotland Core Values and Vision.

A Vetting Clearance Assessment is assessed against a clear and prescribed risk assessment structure. It considers information against threat, vulnerability and impact, across factors pertaining to Relevance, Credibility, Recency, Frequency, Gravity, Association and considers present and future risk. This ensures a consistent, transparent and fair approach to vetting across the police workforce.

During a Vetting Clearance Assessment, behaviours that are identified as criminal, conduct or performance are referred to the relevant business area for progression. The vetting of that individual is pended, awaiting outcome of the other prescribed and pre-existing processes, ensuring a fairness and transparency for the person concerned.

Vetting can be refused however, not because an individual has done anything wrong or because they are deficient in some way (which would be progressed within pre-existing performance, conduct or criminal structures), but because there is something about their personal circumstances that is not suited to the person being a constable or a member of police staff any longer, such as a close family member or associate being involved in serious and organised crime. Matters such as this are extremely difficult, if not impossible, for Police Scotland to risk mitigate if the officer / staff member wishes to maintain the relationship / association. These are not considered criminal, conduct or performance related matters and as such cannot be progressed within their prescribed structures.

Police Scotland has a clear duty of care to the existing workforce. All vetting is handled sensitively and assessed on individual circumstances. The first consideration is (and will continue to be) to implement a plan to mitigate any risks that are identified utilising well established risk mitigation methods and control strategies that have been in place for several years within the organisation.

The regulations reflect the need to consider whether a matter should be diverted to conduct or performance instead of being considered via vetting. Regulation 13 mandates that diversion to conduct is considered where a matter might relate to a conduct matter, before a withdrawal assessment can commence.

If vetting proceedings have already commenced when a linked conduct matter is discovered, the matter can be diverted to conduct proceedings at preliminary assessment stage, or by the decision maker on receiving the report of the withdrawal assessment.

There are some matters that are considered to potentially cause a vetting risk (if no suitable mitigation can be found) which would not necessarily amount to a conduct or performance matter. This can include the constable having certain third party associations with those involved in serious or organised crime, or unmanaged debt, both of which can make them more vulnerable to corruption. Such corruption would undermine public perception of the police, in a society where we rely on policing by

consent. It could also directly impact on public safety. Without these regulations, there is no way to dismiss constables who cannot maintain vetting and where mitigations have not been successful if the circumstances do not fall under a conduct or performance matter, nor is there necessarily a clear route to suspend such persons from active duty.

4. How does the process of an officer being suspended during consideration of a vetting matter work? How long would this suspension be for?

The suspension provisions are based on the similar processes in the existing Police Service of Scotland (Conduct) Regulations 2014 and the Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013.

The test for when a constable can be suspended is the same in both, meaning that a previously tried and tested threshold needs to be met before a constable can be suspended.

The vetting regulations also require that before considering suspending a constable, they must have considered if temporary redeployment or alternative duties would negate the need for suspension.

If alternative duties or redeployment are not appropriate, then a constable CANNOT be suspended unless the vetting process would be prejudiced unless the constable concerned is suspended, or the public interest requires the constable be suspended, as per the test in the Conduct regulations.

Safeguards are built in as regulation 14 (Suspension) sets out at 14(10)(b) that a suspension must be reviewed by the decision maker not more than 4 weeks from the effective date of the suspension. Following the first review, each subsequent review must be taken no more than 4 weeks from the previous review.

The regulations also set out the actions that the decision maker can take if representations are made by the officer that include the ability to terminate the suspension if the conditions of the suspension are no longer met. The decision maker can also take the decision not to proceed with the vetting withdrawal assessment or if the constable who is suspended is dismissed with notice, the suspension will continue until the end of the notice period.

The suspension decision maker, when carrying out a review, must take into account any representations made by the constable, their legal representative or their police representative.

5. How many police officers have been dismissed in the last year for failures with vetting, how many appealed and how many were overturned or upheld? Are similar figures available for non-vetting related issues?

At present the Chief Constable does not have the power to dismiss any police officer who is unable to maintain their vetting. Currently, there is not, nor has there ever been, any legal requirement for police forces in Scotland to vet officers and staff.

It is not entirely meaningful to compare “similar figures” from disciplinary or

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performance routes as a proxy for vetting based outcomes, as those regimes apply different legal tests and pursue distinct objectives. However, I can confirm that between 4 March 2025 and 5 March 2026 that 14 officers have been dismissed from Police Scotland. There have been 10 cases where appeals have been submitted by officers. Currently there are 6 live appeals, 2 appeals currently with the First Tier Tribunal and 2 appeals have not been upheld.

ANGELA CONSTANCE

LETTER SENT TO CONSULTEES FOLLOWING THE CONSULTATION ON THE POLICE SERVICE OF SCOTLAND (VETTING) REGULATIONS 2026

9 December 2025

THE POLICE SERVICE OF SCOTLAND (VETTING) REGULATIONS 2026 - CONSULTATION

Thank you for your response to the consultation on the Police Service of Scotland (Vetting) Regulations 2026 and your time engaging with us prior to the consultation. Following the feedback received, we have considered where we are able to strengthen and provide clarity in several areas of the regulations.

I would like to provide reassurance that the Scottish Government will only introduce legislation into the Scottish Parliament that we consider to be compliant with the European Convention on Human Rights (ECHR), as the Scotland Act 1998 provides that the Scottish Parliament does not have legislative competence to pass legislation that is not ECHR compliant. The regulations do not state this, in line with accepted drafting practice, but there is an expectation under the Human Rights Act 1998- which incorporated the ECHR into UK law- that all public authorities including the Scottish Government and police forces, implement legislation in an ECHR compliant manner.

In relation to the disclosure risk test, while there is a general need to ensure that information gathered as part of the re-vetting process is disclosed, for additional clarity we will amend this regulation to include an additional provision what sets out that where any document or information is withheld; as far as reasonably possible, a summary of the content should be provided to the constable, if this can be done without causing the harm that is intended to be avoided.

We will take on board the views shared in relation to the primacy in relation to vetting, conduct and performance to amend the regulations to ensure that prior to the withdrawal assessment being completed that the assessor should consider if the matter should be dealt with under performance or conduct and appropriate discussions must be undertaken. This would be intended to be drafted in a way that no withdrawal assessment can take place whilst the matter of concern that is being considered for a withdrawal assessment could amount to a conduct or performance matter. In doing this, it is important to state that this does not prevent a withdrawal assessment from taking place if there is more than one matter being considered.

The consultation asked respondents about the scope of appeals. Following this feedback, I can confirm that we will seek to amend the regulations to ensure that if a constable appeals their vetting decision, that unless removal of all vetting clearance and therefore consequently dismissal was the original outcome, then the constable cannot have all vetting clearance (and consequently be dismissed) on appeal. Equally, downgrading of vetting, which may result in demotion, is not possible on appeal unless removal of vetting or downgrading of vetting was the original outcome.

The Cabinet Secretary has agreed with the principle that all outcomes can be appealed and that a constable could not be dismissed on appeal if the original outcome was not withdrawal of vetting. We will seek to amend the regulations to address this.

In relation to senior officers, there were two questions consulted on with respects to who would be the decision maker for a vetting withdrawal assessment and the constitution of the appeals panel for a senior officer's appeal. The Cabinet Secretary for Justice and Home Affairs has considered the feedback received and has decided that the Chief Constable should be the decision maker for a withdrawal assessment for both Deputy Chief Constables and Assistant Chief Constables, for the Chief Constable the decision maker should be the Scottish Police Authority (SPA).

Secondly, regarding appeals and the requirement for senior officers also to have access to a two stage appeal process. There has been agreement that all senior officers' appeals should be set up by the SPA and include a Legal Qualified Chair appointed by the Lord President, a senior expert in policing and an independent lay member. The SPA will be left to determine who is a senior expert in policing, the regulations are intentionally unrestrictive, we will give further consideration to this within the accompanying policy note that will be introduced along with the regulations. To ensure independence, an additional provision will be added to the regulations that the senior expert in policing must not have worked directly with the constable concerned.

We will make additional small technical changes that we believe will strengthen the regulations following the consultation. As I have previously communicated, the regulations are currently scheduled to be laid in Parliament on 2 February 2026, with a proposed commencement date of 1 April 2026.

We will keep everyone up to date and if you wish to discuss this letter further then please do not hesitate to contact me directly.

Yours sincerely
Vetting Policy Lead

Annexe C: correspondence from HM Inspectorate of Constabulary in Scotland

Dear Convenor

Letter of Support for The Police Service of Scotland (Vetting) Regulations 2026

I am writing to reaffirm my strong support for The Police Service of Scotland (Vetting) Regulations 2026 (SSI 2026/46). These Regulations directly address key recommendations made in the HMICS Assurance Review of Vetting Policy and Procedures within Police Scotland, which identified the need for statutory provisions requiring all officers and staff to obtain and maintain a minimum level of vetting clearance, as well as the power for the Chief Constable to dismiss those unable to sustain such clearance. The HMICS recommendation that the Scottish Government place vetting requirements into legislation is directly addressed by these regulations.

The key purpose of the instrument—to require all constables to hold and maintain vetting clearance, mandate periodic reassessment, establish a structured withdrawal process, and provide an appeals mechanism—is fully aligned with HMICS Recommendation 1 that every officer and staff member must achieve and maintain a minimum standard of vetting clearance, and that the Chief Constable must have the power to dispense with the service of those unable to do so. In addition, the Regulations provide clear procedures for reassessment, suspension, and the downgrading or withdrawal of vetting clearance, reflecting the HMICS findings that a more robust and consistent framework is needed to manage risk.

These Regulations also implement the review's call for cyclical re-vetting, including the ten-year interval now prescribed, and enable review in response to changes in personal circumstances or conduct proceedings, areas where the HMICS review identified critical gaps requiring urgent action.

To further contextualise the importance of the Scottish Regulations, I would draw the Committee's attention to the Police (Conduct) Regulations 2025 introduced in England and Wales (SI 2025/502), which strengthened vetting, conduct, and dismissal mechanisms across policing. These reforms aim to ensure that policing standards, integrity, and public confidence are upheld through rigorous vetting and clearer powers to remove officers who fail to meet required standards. The existence of these provisions in England and Wales means that failure to implement the Scottish Regulations would leave a significant divergence in the robustness of vetting frameworks across UK policing jurisdictions.

The HMICS review made clear that existing Scottish arrangements—without a statutory foundation—are insufficient to manage risk, ensure consistency, and support public confidence. The introduction of legally binding vetting requirements, periodic re-assessment, and formalised withdrawal and appeal procedures is essential to creating a resilient system comparable to that operating elsewhere in the UK. Without these Regulations, Scotland would remain without statutory protections now considered baseline practice in neighbouring jurisdictions.

Turning to the annulment motion lodged by Pauline McNeill MSP. The motion fails to recognise the necessity and proportionality of these Regulations, which address longstanding weaknesses in vetting processes identified by HMICS. The purpose of the Regulations is not punitive but protective—in service of police integrity, public trust, and operational effectiveness. Without these Regulations, Police Scotland would continue to operate without statutory underpinning for consistent vetting standards, leaving gaps in risk management, and potentially allowing individuals who cannot meet required standards to remain in roles of considerable responsibility. Annulment would leave Scotland as the only UK policing jurisdiction without a statutory vetting regime aligned to contemporary standards, resulting in a structural vulnerability that could undermine policing integrity, cross-border cooperation, and public trust.

For these reasons, I strongly urge the Committee to support the implementation of The Police Service of Scotland (Vetting) Regulations 2026. These Regulations are necessary to protect policing standards, align Scotland with wider UK best practice, and deliver on the clear recommendations set out in the HMICS Assurance Review. They represent a direct, evidence-based response to HMICS findings and provide the statutory safeguards necessary to ensure public confidence in Police Scotland.

Yours sincerely,

Craig Naylor

HM Chief Inspector of Constabulary in Scotland

Annexe D: correspondence from the Scottish Police Federation

Dear Convenor

Police Service of Scotland (Vetting) Regulations 2026

The Scottish Police Federation (SPF) is writing to you to provide further views to the Criminal Justice Committee regarding the proposed Police Service of Scotland (Vetting) Regulations 2026.

The Federation recognises the importance of robust vetting arrangements in policing. Public confidence in policing relies upon maintaining the highest standards of integrity and professionalism, and officers fully understand the need for appropriate scrutiny given the powers and responsibilities placed upon them.

However, while the principle of vetting is accepted and supported, the Federation has significant concerns regarding the scope, safeguards and potential consequences of the proposed regulations, particularly where they introduce the possibility of demotion or dismissal solely as a result of the withdrawal of vetting clearance.

The following issues represent the Federation's principal concerns:

1.Risk of Vetting Becoming a Parallel Misconduct System

The regulations provide for officers to be dismissed where vetting clearance is withdrawn, even in circumstances where the officer has not committed misconduct, criminality or any breach of the Standards of Professional Behaviour.

The correspondence provided to the Committee indicates that vetting clearance may be withdrawn where an officer's personal circumstances, associations or perceived vulnerability create a potential risk, even where the officer has done nothing wrong.

The Federation is concerned that this creates a parallel process which may bypass the established police misconduct framework, which contains well-established safeguards including evidential thresholds, hearings and independent oversight.

If dismissal can occur without misconduct being established, officers could face the loss of their career based upon a risk-based assessment rather than proven wrongdoing.

2.Concentration of Decision-Making Power

The regulations provide the Chief Constable with the authority to withdraw vetting clearance and ultimately dismiss an officer where clearance cannot be maintained.

While appeal mechanisms exist, the Federation is concerned that such significant employment consequences are initially determined within the operational chain of command rather than through an independent mechanism.

Given the gravity of dismissal, there should be careful consideration as to whether additional independent oversight or safeguards should exist prior to such decisions taking effect.

3. Use of Information That May Not Be Fully Disclosed

The regulations allow for circumstances in which information considered within a vetting decision may not be disclosed to the officer concerned, where disclosure would create a risk of harm.

While it is proposed that summaries of information may be provided where possible, there remains a clear possibility that officers may be required to respond to decisions without having access to the full case against them.

The Federation is concerned that this could undermine fundamental principles of procedural fairness and natural justice, particularly where the consequences could include dismissal.

4. Third-Party Associations and Personal Relationships

The regulations make clear that vetting risks may arise from third-party associations, including family members or close contacts involved in criminality or organised crime.

While the Federation understands the operational sensitivities surrounding corruption risks, officers may find themselves placed in an impossible position where they are expected to choose between:

- their family relationships, and
- their continued employment as police officers.

Such circumstances raise concerns about proportionality and the potential impact upon officers' private and family life.

5. Financial Vulnerability and Debt

The regulations also reference financial vulnerability or unmanaged debt as factors that may increase corruption risk.

The Federation is concerned that such provisions may inadvertently penalise officers experiencing financial pressures which are increasingly common due to wider economic conditions.

There is a risk that officers may become reluctant to seek financial advice or support, fearing that doing so could adversely affect their vetting status.

6. Suspension During Vetting Proceedings

The regulations also provide for officers to be suspended during vetting proceedings where necessary in the public interest.

While suspension decisions will be subject to periodic review, the Federation remains concerned that officers may be subject to significant reputational damage and prolonged uncertainty despite there being no allegation of misconduct.

7. Lack of Evidence of an Existing Problem

The Cabinet Secretary's correspondence confirms that no officer has previously been dismissed for failing vetting clearance, as the current legal framework does not provide for such dismissal powers.

The Federation would therefore encourage the Committee to carefully examine the scale and nature of the issue the regulations are intended to address, to ensure that the proposed powers are proportionate to the problem identified.

8. Workforce and Cultural Impact

Policing in Scotland already faces significant pressures in relation to recruitment, retention and morale.

The Federation is concerned that regulations which allow officers to lose their career due to perceived risk factors rather than proven misconduct may create a culture of uncertainty within the workforce and may discourage potential recruits from entering the profession.

9. Lack of Clarity Around Triggers for Vetting Reviews

While the regulations introduce a ten-year re-vetting cycle, they also allow for vetting to be reassessed where a reason to do so arises.

The Federation has concerns regarding the lack of clarity about what specifically constitutes "adverse information" sufficient to trigger a vetting review outside the ten-year cycle.

The list of behaviours that may be considered includes circumstances where an officer:

- has previously behaved in a manner inconsistent with the Standards of Professional Behaviour; or
- demonstrates personal behaviours contrary to the Code of Conduct or organisational values.

These categories appear extremely broad and potentially subjective, and the regulations do not clearly specify the threshold at which behaviour becomes sufficiently serious to justify the initiation of a vetting review.

This creates a number of concerns:

- minor matters or historic issues could potentially trigger a review,

- misconduct findings could potentially feed into a vetting review process, creating the risk that an officer is effectively punished twice for the same issue, and
- the lack of defined thresholds introduces significant discretion and inconsistency in decision-making.

Within the misconduct framework there are clear tests, for example that gross misconduct must be behaviour so serious as to justify dismissal.

No comparable test or threshold appears within the vetting framework, despite the fact that the outcomes may ultimately be equally serious, including demotion or dismissal.

The Federation believes the Committee may wish to consider whether the regulations require clearer statutory thresholds and definitions governing:

- what constitutes adverse information,
- what level of seriousness should trigger a vetting review, and
- how the process interacts with existing misconduct outcomes.

10. Impact on Private and Family Life

The regulations acknowledge that vetting concerns may arise due to third-party associations, including family members or personal relationships linked to criminal activity or organised crime.

While the Federation understands the operational sensitivities surrounding corruption risks, officers may find themselves placed in extremely difficult circumstances where they are effectively expected to choose between:

- maintaining family relationships; and
- maintaining their employment.

This raises questions regarding proportionality and the right to respect for private and family life under Article 8 of the European Convention on Human Rights.

11. Intrusion into Personal Lives

The regulations also reference personal behaviours contrary to Police Scotland's core values and vision as potential indicators of vetting concern.

The Federation is concerned that this wording may be interpreted in ways that extend beyond professional conduct and into the private lives of officers.

Officers are already subject to strict professional standards and conduct regulations. However, extending vetting scrutiny into undefined areas of personal behaviour risks creating uncertainty about the boundaries between professional accountability and private life.

Conclusion

The Scottish Police Federation supports the principle of robust and proportionate vetting arrangements which protect public confidence and maintain the integrity of policing.

However, the Federation believes that the proposed regulations require careful scrutiny to ensure that they contain sufficient safeguards to protect fairness, transparency and natural justice for police officers.

In particular, the Committee may wish to consider:

- whether additional independent oversight should be introduced prior to dismissal decisions.
- whether safeguards around evidence disclosure and procedural fairness are sufficient; and
- whether the regulations appropriately balance public protection with officers' employment rights and private lives.

The Federation would welcome the opportunity to provide further evidence or clarification to the Committee if that would assist its consideration of these regulations.

Yours sincerely

DAVID KENNEDY
General Secretary