

POLICE APPEALS TRIBUNALS HEARINGS PROTOCOL RELATING TO PUBLIC

Background

Police Appeals Tribunals hear appeals from police officers against decisions to dismiss them, or to demote them in rank, as a result of misconduct proceedings brought against them. Each Police Appeals Tribunal consists of three independent lawyers chosen from a pool of experienced lawyers appointed by the Lord President of the Court of Session. The Scottish Police Authority is responsible for the administration of Police Appeals Tribunals.

The appeals process is governed by the Police Appeals Tribunals (Scotland) Rules 2013 ("the Rules"). Appeals are normally considered by tribunals at a hearing where the tribunal members hear oral representations from representatives on behalf of both the appellant (ie the police officer in question) and the respondent. Where the appellant is a senior officer of Police Scotland (ie an officer of the rank of Assistant Chief Constable or above) the respondent is the Authority. In all other cases the respondent is the Chief Constable of Police Scotland. Witnesses called by the parties may also give evidence at a hearing.

Public hearings

Rule 12 of the Rules stipulates that all hearings must be heard in public unless the tribunal with the consent of the parties directs that a hearing, or a part of it, is to be heard in private. Accordingly there may on occasion be circumstances where a hearing, or certain parts of it, needs to take place in private.

Where a hearing, or a part of it, is to be held in public, the Authority will intimate the hearing in advance on the Authority's website (www.spa.police.uk) at least 14 days before the date of the hearing. The intimation will be in the following format :-

"A hearing of an appeal to a Police Appeals Tribunal by *[name of appellant]* will take place on *[date of hearing]* at *[name and address of venue]*. The proceedings will commence at 10.00am. Any individual wishing to attend the hearing to observe the proceedings should intimate their intention to attend the hearing to the Authority at least 3 working days in advance of the hearing by sending an email containing their name and address to SPALegal@spa.police.uk."

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Any individual who attends a hearing without first advising the Authority of their intention to attend may be denied entry to the hearing at the Tribunal's discretion.

Procedure at a hearing

- No recording equipment, photographic or audio, is allowed in the hearing room.
- Mobile telephones must be turned off during the proceedings.
- No social media reporting is allowed while witnesses are still giving evidence.
- Attendees should not enter or leave the hearing room until there is a break in the proceedings.
- Refreshments will not be provided.
- Attendees must not disrupt the proceedings in any way. Any disruption to proceedings may result in attendees being asked to leave the hearing room.

After a hearing

Copies of the written decision of the tribunal – which will include a statement of the reasons for the decision - are subsequently issued to both parties via the Authority.

Please note that the Rules do not provide for copies of a decision of a Police Appeals Tribunal to be issued to anyone other than the parties.

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