

Date: 17.01.2020

Ms Margaret Mitchell MSP
The Convenor, Justice Committee
The Scottish Parliament
Edinburgh
EH99 1SP



Police Scotland
Clyde Gateway
2 French Street
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Tel No. 01786 896 331

Dear Ms Mitchell

The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2020

I write to you concerning the above Amendment Order which is shortly to be considered by the Justice Committee.

Police Scotland support this Order for the reasons given below.

As you may be aware, previous legislation in this area (The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2015) adjusted how much conviction information can be used under the excepted status given to the role of police officer. This excepted status, under the previous 2013 Amendment Order, had previously allowed that information about all spent convictions could be used to assess a person's suitability for the role of police officer. This was a reflection of the sensitive nature of many of the duties undertaken by the police and the public's very high expectations as to their honesty and integrity.

Police Scotland recognises that the 2015 Order reflected the Scottish Government's vision on matters of rehabilitation and we are supportive of this vision. Nevertheless the change in effect of how excepted status operated has led to a number of changes in our recruitment provisions.

At a practical level the 2015 Amendment Order means that certain convictions which would have generally been a bar to appointment as a police officer cannot now be considered in our vetting process. These include convictions such as perjury or attempting to pervert the course of justice, which, in certain circumstances, can become protected convictions and therefore removed from our considerations.

The 2020 Order also seeks to provide new flexibility in using information relating to Alternatives to Prosecution.

We consider that the public's expectations of those appointed to uphold and enforce the law themselves or those charged with the custody and care of often very vulnerable prisoners are extremely high in terms of an officer's honesty and integrity. The current legal position means we cannot consider some convictions for serious offences or any Alternatives to Prosecution which show a clear disregard for the law. This has been a cause for substantial concern to Police Scotland.

It should be noted that legislative position in England and Wales has not followed this model and the role of police officer is such that all previous convictions can be used to inform certain decisions. The changes proposed in this 2020 Order would therefore mean the vetting of police officers in Scotland would be in line with those in England and Wales in terms of how previous conviction information is able to be used.

We have worked closely with officials of the Scottish Government and are in agreement that the terms of the draft 2020 Order under discussion offer a balance between the need to protect the public and maintain public confidence in policing whilst still reflecting the Scottish Government's commitment to rehabilitation.

I would ask that the Justice Committee notes Police Scotland's strong support for the 2020 Amendment Order under discussion.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized 'A' followed by a long, sweeping horizontal stroke that ends in a small hook.

Alan Speirs
Assistant Chief Constable
Professionalism and Assurance