

HM Inspectorate of Constabulary for Scotland (HMICS)

Basics	Web site	https://www.hmics.org
	Geographical coverage	Scotland
Constitutional Aspects	Legal Framework/Basis	Police Fire and Reform (Scotland) Act 2012 (available at http://www.legislation.gov.uk/asp/2012/8/contents/enacted)
	Independence	<p>The Police Service of Scotland (Police Scotland) came into effect on 1 April 2013. The Chief Constable will work closely with the Scottish Police Authority, which will maintain and provide strategic leadership to the service and hold it to account. The Scottish Government sets the strategic priorities for policing and provides funding to the Scottish Police Authority.</p> <p>Her Majesty’s Inspectorate of Constabulary for Scotland (HMICS) is independent of Police Scotland, the Scottish Police Authority and the Scottish Government. HMICS exists to monitor and improve police services in Scotland. It does this by:</p> <ul style="list-style-type: none"> • Inspecting and advising Police Scotland and the Scottish Police Authority; • Providing advice to Scottish Ministers; • Carrying out thematic inspections. <p>HMICS can enquire into any matter concerning the operation of Police Scotland. The main aims are to ensure the effectiveness and efficiency of policing services and ensure that the public get the best value possible.</p> <p>The Scottish Ministers may direct the inspectors of constabulary to make enquiries about any matter relating to the Scottish Police Authority or Police Scotland as they consider appropriate.</p>

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	Financial Independence	<p>Police Fire and Reform (Scotland) Act 2012, Chapter 11(71(5)); " An inspector of constabulary is otherwise:</p> <p>(a) to be paid such remuneration or allowances as the Scottish Ministers may determine and;</p> <p>(b) to hold office in accordance with such other terms and conditions as may be so determined."</p>
Membership	Composition of body	<p>Gill Imery QPM was appointed Chief Inspector of the Constabulary in April 2018. She was appointed for a term of three years.</p> <p>There are currently four Lead Inspectors who come from a wide range of backgrounds and provide an eclectic mix of skills and experience. They are supported by a Performance Unit and research and administrative staff. All staff are civil servants employed by the Scottish Government.</p> <p>HMICS uses Associate inspectors to augment inspection teams.</p>
	Appointment	<p>Her Majesty may by Royal warrant appoint such a number of Inspectors of Constabulary as the Scottish Ministers may determine.</p>

		<p>An Inspector of Constabulary is to hold and vacate office at Her Majesty's pleasure.</p>
	Expertise	<p>Dependent on the nature of the inspections to be carried out it is at times necessary to utilise the services of individuals with particular skills or expertise. During 2012, HMICS recruited a number of Associate Inspectors from a range of backgrounds to fill this need and provide the necessary technical skills or specialist knowledge. They will support the work of the Lead Inspectors as and when required.</p> <p>In addition HMICS works in collaboration with other Inspection Agencies addressing areas of joint interest; for example, with Audit Scotland to examine Best Value and recently with HM Fire Service Inspectorate for Scotland looking at the development of Local Policing and Fire and Rescue Plans and associated arrangements for local scrutiny and engagement.</p>

Visiting Mandate	Places of deprivation of liberty to be visited	<p>HMICS has responsibility to inspect all places of detention used or operated by Police Scotland and the Scottish Police Authority. HMICS also works with HMIC and HMIP during any inspections of custody involving the UK Border Force in Scotland.</p>
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Frequency of visits	During 2016, HMICS conducted an inspection of police custody facilities, among which the centre at Aikenhead Road and London Road in Glasgow through a series of unannounced visits. Staff and detainees were interviewed and the physical environment examined. It is intended that this approach will be replicated on an annual basis with the objective of providing an ongoing assessment of the standards of care and welfare being received by persons in custody. This will not preclude HMICS from carrying out further inspection activity should any risks be identified or highlighted by any other stakeholder.
Types of visits	Visits take the form of inspection of custody centres, processes and standards and of interview with staff and persons being held in custody. They are predominantly unannounced, whilst announced visits are generally only carried out in relation to ancillary centres, which are not routinely staffed.
Private interviews	During inspections, custody staff and any other professionals working within the custody centres are interviewed privately. Persons being held in custody are seen and spoken to, to assess their well being and provide an opportunity to highlight any issue of concern. Any such interviews would be done privately.
Access to information	HMICS have access to information held by Police Scotland and the Scottish Police Authority. All staff engaged in inspection activity have been appropriately vetted to permit access to restricted and confidential material. Information is stored in accordance with the security classification of the information.
Publication of findings after visits	HMICS reports are available to the public online. Reports on individual visits as part of inspection activity would not be published other than as part of a larger HMICS report.

	Copies of inspection reports are sent to Scottish Ministers, Chief Constable and the Scottish Police Authority and the media. These and other HMICS publications are available for reference.
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	<p>Coordination of visits</p>	<p>Management of Offenders etc. (Scotland) Act 2005 allows for cooperation between Her Majesty’s Chief Inspector of Prisons for Scotland, Her Majesty’s Chief Inspector of Constabulary and the Social Care and Social Work Improvement Scotland, as amended by The Public Services Reform (Scotland) Act 201, Sch. 1 para. 16(a): Co-operation for purposes of inspections:</p> <p>(1)Where any person mentioned in subsection (2) is conducting an inspection of the provision of services to relevant persons, the persons mentioned in that subsection may co-operate with one another for the purposes of that inspection.</p> <p>(2)The persons are—(a)Her Majesty’s Chief Inspector of Prisons for Scotland; (b)Her Majesty’s Chief Inspector of Constabulary; (c) the Social Care and Social Work Improvement Scotland.</p> <p>The inclusion of custody visiting in the Police Fire and Reform (Scotland) Act 2012, has placed independent custody visiting on a statutory footing. HMICS will monitor developments and engage with the Independent Custody Visitors to consider areas of joint interest.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Other Aspects of Mandate</p>	<p>Recommendations and suggestions for amendments to legislation</p>	<p>Following inspection HMICS makes recommendations to improve service and promote best value, to Police Scotland, the Scottish Police Authority and Scottish Ministers. The inspection reports are published and are available online. Subsequent follow up inspection activity will look at how the recommendations are progressed and improvements monitored.</p> <p>Where a report identifies that the SPA or Police Scotland is not efficient or effective, or unless remedial measures are taken, will cease to be efficient or effective, Scottish ministers may direct the SPA to take appropriate action. The SPA must comply with this direction.</p> <p>HMICS cannot however direct the Authority or the Chief Constable to take particular action.</p> <p>HMICS also provides advice to Scottish Government Ministers which may ultimately result in changes to legislation.</p>
	<p>Preventive activities</p>	<p>HMICS gathers a range of information and assessments together to identify concerns or difficulties which relate to policing generally or to Police Scotland or the Scottish Police Authority. Any such emerging issue may therefore be addressed at an early stage. The Inspection Framework identifies prevention as one of four pillars that public sector reform is based on. Their inspections aim to identify problems which may arise at a later date if deficiencies in service persist, which they can convey to Scottish ministers who can then direct the SPA to take action.</p>

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Standards	<p>Legal standards applied</p>	<p>The reform of the police service in Scotland has merging the existing 8 forces and the Scottish Police Services Authority into one single entity, the Police Service of Scotland. Similarly the police boards and authorities which provided oversight of policing have been replaced by the Scottish Police Authority. The Police Fire and Reform (Scotland) Act 2012 providing the legislative framework for the changes to both policing and fire services.</p> <p>HMICS have also been subject of change moving from seconded police officers carrying out the main inspection roles, to permanent staff employed by the Scottish Government. This restructuring of the organisation was designed to promote greater and clearer independence. The significant changes to the policing landscape present challenges for the inspectorate to continue to focus on the delivery of effective and efficient police services, considering options for improvement and promoting good practice. The annual work plan for 2013/14 will focus on those areas which were highlighted in previous inspection activity providing some continuity in areas of risk such as crime auditing and custody, whilst also making informed comment on the impact of police reform.</p>
Reports	<p>Annual reports</p>	<p>According to the Police Fire and Reform (Scotland) Act 2012, Chapter 11, section 82, as soon as is practicable after the end of each yearly period ending on 31 March, the Inspectors of Constabulary must prepare an annual report on the carrying out of their functions during that period.</p> <p>The inspectors of constabulary must</p> <ul style="list-style-type: none"> (a) give a copy of each of their annual reports to the Scottish Ministers, the Authority and the Chief Constable, and (b) publish each of their annual reports in such a manner as they consider appropriate (having regard to the desirability of it being accessible to those whom the inspectors of constabulary consider likely to have an interest in it) <p>The Scottish Ministers must lay before the Scottish Parliament a copy of each annual report. The report has been published in December for the past 6 years.</p>