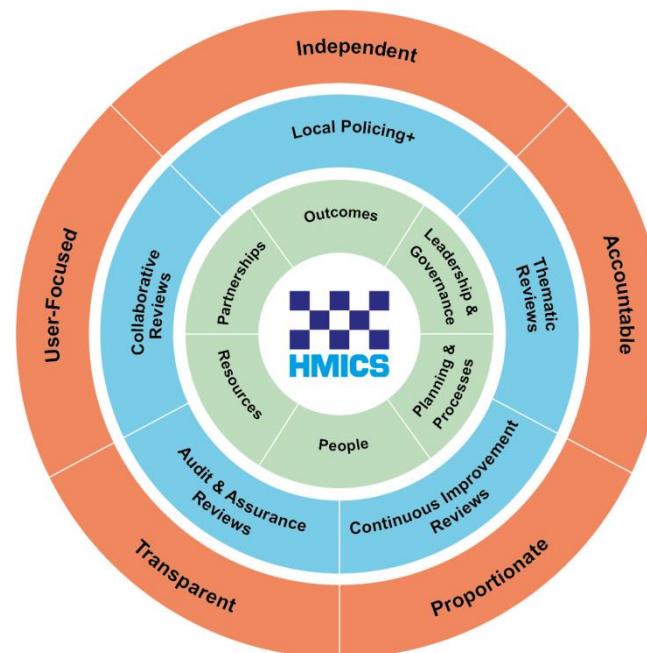




HM Inspectorate of Constabulary in Scotland

ANNUAL SCRUTINY PLAN 2016-17 Improving Policing across Scotland

This Plan is published in terms of Section 75 of the
Police and Fire Reform (Scotland) Act 2012



INTRODUCTION

Our *Annual Scrutiny Plan* for 2016-17 sets out how HM Inspectorate of Constabulary in Scotland (HMICS) will meet its statutory purpose to inquire into the state, efficiency and effectiveness of both the Police Service of Scotland (Police Scotland) and the Scottish Police Authority (SPA). It is published in terms of Section 75 of the *Police and Fire Reform (Scotland) Act 2012* and sets out our scrutiny priorities from April 2016 until March 2017.

We keep this plan under review and may from time to time revise it. In preparing our plan, we have consulted with a range of people interested in policing and we will consult further prior to making any revisions. We will publish this plan and any revised plan on our website and will make it directly accessible to those we consider are likely to have an interest in it.

Our *Corporate Strategy 2014-17*ⁱ shows how we are meeting our obligations and improving policing across Scotland.

Our approach is to support Police Scotland and the Scottish Police Authority to deliver services that are high quality, continually improving, effective and responsive to local needs.ⁱⁱ

We will scrutinise local policing through our *Local Policing+* programme. This provides a consistent means of assessing the quality of local policing as well as local scrutiny and engagement across Scotland. We intend to develop our approach during 2016-17, with greater focus on risk-based inspection and a commitment to work with Police Scotland and the Improvement Service to introduce validated self-assessments across local policing divisions.

Our *Thematic Reviews* will focus on forensic services, with scrutiny over existing governance arrangements and the services provided by the SPA. We will also conduct a strategic review of the forensic services for the victims of sexual crime. In addition, we will review cyber policing and build on the key findings and recommendations of previous scrutiny of policing in England and Wales. We will also examine counter terrorism and

security related issues in Scotland as part of a wider rolling programme across the United Kingdom, working where appropriate with Her Majesty's Inspectorate of Constabulary (HMIC) in England and Wales. We will use these thematic reviews to identify cross-cutting issues and provide opportunities to work with others to provide evidence to inform future policy development

Our plan includes *Collaborative Reviews* where we will work with other inspectorates in areas where Police Scotland or the SPA work in partnership. This will include our ongoing joint inspections of services for children and young people with the Care Inspectorate and engagement with Healthcare Improvement Scotland to develop plans for the joint inspection of police custody.

We will continue our programme of *Continuous Improvement Reviews*, working closely with both Police Scotland and the SPA to examine how effectively they meet their obligations to deliver best value and continuous improvement. In addition, we will carry out *Audit and Assurance Reviews* to scrutinise areas where there is a need to ensure accurate and ethical recording or provide targeted assurance in high risk areas. This will include separate reviews of counter corruption, crime recording and undercover policing as well as our follow-up scrutiny of call handling, multi-agency public protection arrangements (MAPPA) and stop and search.

We will also assess the progress made by Police Scotland and the SPA against the recommendations and improvement actions identified from our 2015-16 scrutiny plan.

HMICS will publish reports in respect of our individual scrutiny activities and will also publish our *Annual Report* in December 2016. I will take the opportunity in my Annual Report to comment on the overall state, efficiency and effectiveness of policing in Scotland and on the performance of Police Scotland and the SPA. Our scrutiny reports and Annual Report will be laid before the Scottish Parliament.

Derek Penman QPM
HM Chief Inspector of Constabulary in Scotland

OUR PURPOSE

HM Inspectorate of Constabulary in Scotland (HMICS) has been in existence since the 19th century. Our role was reaffirmed by the *Police and Fire Reform (Scotland) Act 2012* and we have wide ranging powers to look into the ‘state, effectiveness and efficiency’ of both Police Scotland and the SPA.ⁱⁱⁱ We have a statutory duty to inquire into how the Chief Constable and the SPA meet their obligations in terms of best value and continuous improvement.^{iv} If necessary, we can be directed by Scottish Ministers to look into anything relating to the SPA or Police Scotland as they consider appropriate.^v We also have an established role providing professional advice and guidance on policing in Scotland.

Our powers allow us to do anything we consider necessary or expedient for the purposes of, or in connection with, the carrying out of our functions.^{vi} The SPA and the Chief Constable must provide us with such assistance and co-operation as we may require to carry out our functions^{vii} and must comply with any reasonable request that we make. When we publish a report, the SPA and the Chief Constable must consider what we have found and take such measures, if any, as they think fit.^{viii} Where we make recommendations, we will follow them up and report publicly on progress.

We work with other inspectorates and agencies across the public sector to share specific expertise or jointly examine areas where Police Scotland works in partnership with other agencies and contributes to shared outcomes. We co-ordinate our activities to reduce the burden of inspection and avoid unnecessary duplication.

We aim to add value and strengthen public confidence in Scottish policing through independent scrutiny and objective, evidence-led reporting about what we find. Where relevant, we will make recommendations to Police Scotland and the SPA to improve policing. We will also identify good practice that can be rolled out across Scotland.

OUR VALUES

As a values-led organisation, we will conduct our activities in a way that is:

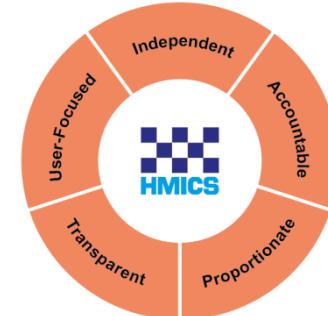
Independent – We will always act independently and publish impartial and objective reports. Our professional advice will be informed and unbiased. HM Chief Inspector of Constabulary in Scotland is appointed under Royal Warrant and is independent of the Scottish Government, Police Scotland and the SPA.

Accountable – We will be accountable for what we do and will justify our actions and reports by evidence. We will publish our statutory reports^{ix} to the Scottish Parliament and submit ourselves to whatever scrutiny is appropriate to our function.

Proportionate – We will ensure our scrutiny is proportionate and that we only inspect what is necessary to achieve our statutory purpose. We will minimise the burden on those we inspect and focus our activities through informed risk assessment to ensure what we do is effective and efficient.

Transparent – We will be open in what we do and give reasons for our decisions. We will publish our reports and restrict information only when the wider public interest clearly demands it.

User-Focussed – We will align our scrutiny to the needs of service users and co-operate with other scrutiny authorities. We will meet our responsibilities under the *Public Services Reform (Scotland) Act 2010*, by continuously improving our user focus in the design and operation of our functions. We will promote equality and respect for diversity in everything we do. Within all our inspections and reviews, we will give consideration to inequality and, where identified, make recommendations to improve experiences for service users and in support of the public sector equality duties.



OUR APPROACH TO SCRUTINY

Our annual **scrutiny plan** outlines our priorities and scrutiny activities for the 2016-17 fiscal year. The plan was initially developed through consultation with our stakeholders and is informed by an objective assessment of policing performance and risk.

We keep the plan under continual review and make such changes as we determine necessary to respond to risk and discharge our statutory purpose.

Our scrutiny activities take account of the Crerar review^x, Christie report^{xi} and supports production of the National Scrutiny Plan.^{xii}



Local Policing+

The three objectives for police reform were (i) *to protect and improve local services*; (ii) *to create more equal access to specialist support and national capacity*; and (iii) *to strengthen the connection between police services and communities*.^{xiii} In response to this, HMICS has introduced a rolling programme of divisional policing inspections entitled *Local Policing+*.

This provides a consistent means of assessing the quality of local policing across Scotland and enables us to report publicly on how Police Scotland is delivering against local priorities and keeping people safe. We are interested in the effectiveness of local scrutiny and engagement as well as the contribution policing makes to the well-being of communities. This includes an assessment of Partnership, Prevention, Performance and People in support of the wider Scottish public service reform agenda.^{xiv} We will capture innovation and good practice and where relevant, we will make recommendations that drive improvement.

Through our local inspections, we will review the effectiveness and efficiency of both national and regional structures and the provision of specialist policing across Scotland. Our *Local Policing+* programme allows sufficient flexibility to respond to new and emerging issues that arise and would benefit from our scrutiny. These issues will be identified through stakeholder engagement and our scrutiny risk assessment in advance of each inspection. Where our + element represents a substantial area of policing, we will report separately from our divisional inspections. We will take a risk-based approach to the selection and timing of those divisions to be inspected and will announce our selection in advance of our proposed scrutiny activity.

We discharge our obligations under the *National Preventive Mechanism* through a programme of unannounced visits to police custody centres.^{xv} These visits will primarily be aligned to our *Local Policing+* programme, although we may also undertake additional visits based on an assessment of risk. Any recommendations made in respect of police custody centres will be followed up through our regular monitoring of progress.

We completed our inspection of **Dumfries and Galloway Division** and published our report in May 2016.^{xvi} The + element considered the management of cross boundary crime.

During 2016-17, we will streamline our approach to *Local Policing+* inspections with a greater focus on risk-based inspection and have committed to work with Police Scotland and the Improvement Service to support the introduction of self-assessment across local policing divisions. This will be piloted as part of our proposed inspection of **Tayside Division** in 2017.

Thematic Reviews

We will use *Thematic Reviews* to scrutinise cross cutting issues that benefit from a more holistic review or where we choose to inspect major functions that fall outwith the scope of *Local Policing+*. We will capture innovation and good practice, and where relevant we will make recommendations that drive improvement. Our planned reviews for 2016-17 are:

- **Forensic Services for the Victims of Sexual Crime** (*July 2016 – 2017*) – A strategic overview will be provided of the forensic medical services provided to adult and child victims of sexual crime. This will be used to give a high level assessment of these services in terms of their current delivery against national policies and standards. It will highlight any strategic issues for consideration by key stakeholders, and will inform future scrutiny of this area of work.
- **Counter Terrorism** (*Ongoing 2016-18*) - Given the interoperability requirements of counter terrorism operations across the United Kingdom, HMICS and HMIC (England and Wales) recognised the value of joint inspections. A programme of counter terrorism inspections designed to provide assurance to the counter terrorism network will be carried out throughout 2016-18.

Continuous Improvement Reviews

We will maintain our programme of *Continuous Improvement Reviews* (CIR), working closely with both Police Scotland and the SPA to assess how they are meeting their obligations to secure best value and continuous improvement.^{xvii} Our planned reviews for 2016-17 are:

- **SPA Governance Review** (*Ongoing 2016-17*) - In March 2016, the Chair of the SPA published his Governance Review^{xviii} and developed an implementation plan for delivery of his recommendations by October 2016. We will engage with SPA to incorporate any remaining improvement actions from our previous CIR of Leadership and Governance into this implementation plan and thereafter review progress as part of a planned future inspection of the SPA.
- **Forensic Services Governance Review** (*June - October 2016*) – The SPA Governance Review^{xix} recommended that consideration should be given to reorganising or removing the service delivery responsibilities of the SPA, including forensic services, and reinforcing its purpose as a governance body. To inform this, we have agreed to review the current governance arrangements for forensic services and offer an options appraisal to the SPA Chair (a Professional Advice Note will be issued in October 2016). Our findings from this will be incorporated into our published thematic review of Forensic Services which is due to commence scoping in December 2016 and begin fieldwork in February 2017.
- **Police Scotland Corporate Services Review** (*September - December 2016*) – This piece of work is aimed at improving our understanding of the current challenges facing Police Scotland and the SPA in relation to a range of activities delivered across the Corporate Services portfolio. Our focus will be on identifying areas for improvement as well as key strategic interdependencies which will provide an independent assessment for the new management coming into Police Scotland. This work will also form the basis by which we will continue to monitor progress.

Audit and Assurance Reviews

Our *Audit and Assurance Reviews* allow for more detailed scrutiny where there is a specific need to audit critical systems, ensure accurate and ethical recording or provide independent assurance in high risk areas. Our planned reviews for 2016-17 are:

- **Call Handling (Follow Up) (Ongoing 2016-17)** – At the request of the Cabinet Secretary for Justice, we will continue our scrutiny of police call handling and assess the progress by Police Scotland and the SPA against the recommendations from our call handling report published in November 2015.^{xx} This will include unannounced visits to call handling centres across Scotland and an ongoing assessment of both the governance and assurance arrangements in place to support the national change programme. We will publish an update report in January 2017.
- In relation to demand management in the context of contact, command and control within Police Scotland, we will provide a Professional Advice Note (PAN) in December 2016 to inform and engender further discussion with stakeholders and provide options and exemplars for appropriate demand management to improve efficiency and effectiveness.
- **Counter Corruption (April - June 2016)** – This review will assess the state, effectiveness and efficiency of Police Scotland's Counter Corruption Unit (CCU). It was requested by the SPA in response to a finding by the Interception of Communications Commissioner that there had been contraventions of the Acquisition and Disclosure of Communications Data, Code of Practice 2015^{xxi} by Police Scotland. These related to one investigation being undertaken by Police Scotland's Counter Corruption Unit. The review will provide an independent assessment of the operations, systems and procedures in place, including compliance with the relevant legislation, codes of practice, policies, procedures and recognised best practice. The full terms of reference were published in January 2016.^{xxii}
- **Crime Audit 2016 (May - September 2016)** – We conducted a major audit of crime recording in November 2014, which for the first time provided a statistically reliable baseline assessment of crime recording in Scotland.^{xxiii} Our 2016 scrutiny will include a further statistically reliable audit to compare against the 2014 baseline and will allow us to accurately assess the extent to which recording practice by Police Scotland complies with the Scottish Crime Recording Standard and the Scottish Government's Counting Rules. This audit will also address the ongoing need for a comprehensive, independent audit of crime data as highlighted by the UK Statistics Authority.
- **Stop and Search Phase 2 (October 2016 - February 2017)** – This review will build on our previous scrutiny of stop and search,^{xxiv} which examined Police Scotland's processes for recording, supervision, audit and governance. We also examined the impact of the performance framework and targets in relation to stop and search activity. In Phase 2, we will undertake an independent audit of stop and search data recorded on the national stop and search database and review Police Scotland's own internal audit arrangements. We will also review the progress made by Police Scotland and the SPA against our recommendations.
- **Undercover Policing (December 2016 - September 2017)** – On 22 September 2016, the Cabinet Secretary for Justice directed HMICS to undertake a strategic review of undercover policing procedures and practices in Scotland. This was in response to a decision by the Home Secretary not to extend the terms of reference for the Pitchford Inquiry^{xxv} to consider the activity of undercover police officers deployed in Scotland. Our review will examine the effectiveness and efficiency of the current undercover policing arrangements in Scotland and provide an independent analysis of the extent and scale of undercover policing operations in Scotland since the introduction of the Regulation of Investigatory Powers (Scotland) Act (RIPSA) 2000 and Regulation of Investigatory Powers Act (RIPA) 2000. We will publish our terms of reference and timescales for this review in January 2017.

- **Inspection of custody centres at Aikenhead Road and London Road, Glasgow** (April - July 2016) – The aim of this inspection will be to assess the treatment of and conditions for those detained in police custody centres located at Aikenhead Road and London Road in Glasgow. This inspection will be in addition to our regular programme of custody inspections and takes place at the request of Police Scotland. While the principal aim will be to provide assurance about the delivery of custody at both centres, the secondary aim is to assist Police Scotland's Criminal Justice Services Division in developing its own, internal audit processes.

Collaborative Reviews

We will continue to work with other scrutiny bodies and undertake joint inspection activity in areas where Police Scotland or the SPA work in partnership and contribute to shared outcomes with others. Our planned reviews for 2016-17 are:

- **Children's Services** (Ongoing 2016-17) – Under section 115 of the *Public Services Reform (Scotland) Act 2010*, the Care Inspectorate leads joint inspections of services for children and young people across Scotland. These inspections look at the difference services are making to the lives of children, young people and families. They take account of the full range of work within a community planning partnership area including services provided by health visitors, school nurses, teachers, doctors, social workers and police officers. HMICS participates in these joint inspections and provides an inspector to each inspection. Reports are published by the Care Inspectorate.
- **Custody Healthcare** (Ongoing 2016-17) – As part of our ongoing scrutiny of police custody and obligations under the National Preventative Mechanism, we will engage with Healthcare Improvement Scotland to develop plans for the joint inspection of police custody. This collaborative approach will develop future plans and test a methodology to jointly scrutinise the healthcare provided by the NHS to those in police custody.

- **MAPPA (Follow Up)** (October 2016 – March 2017) - The background to the joint thematic review of MAPPA, the aims and methodology are outlined within our terms of reference¹ which were published on 29 October 2014. During 2015, HMICS and the Care Inspectorate carried out fieldwork which culminated in our published report on 26 November 2015.¹ Our report outlined 10 recommendations which were of a strategic nature, requiring a national response.

During October 2016, as part of our approach to monitoring progress we wrote to the chair of the MAPPA National Strategic Group (MAPPA NSG) requesting a copy of the action plan covering each of the 10 recommendations.

Between January and March 2017, the Care Inspectorate and HMICS will carry out fieldwork to determine the response to the joint thematic report recommendations. Our findings and the current status of each of the 10 recommendations will then be analysed.

Assessing Our Impact

An inspection does not end with the publication of a report. It is important that we ensure that our work adds value and assists in driving improvement. We proactively monitor the recommendations made and assess the extent to which they have been implemented. Monitoring progress in this way also helps us to assess whether a follow-up inspection is required to address any residual risk.

National Preventive Mechanism (NPM)

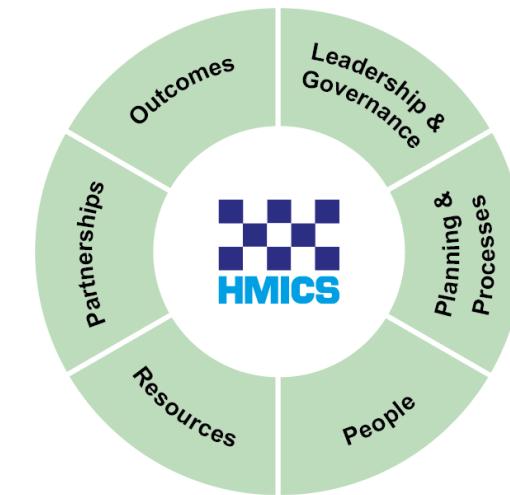
HMICS is a member of the United Kingdom's National Preventive Mechanism, a group of organisations designated under the *Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* (OPCAT) to monitor places of detention and report on the treatment of and conditions for detainees. OPCAT recognises that detainees are particularly vulnerable and aims to prevent ill-treatment through establishing a system of regular visits or inspections to all places of detention. OPCAT requires that States designate a '*National Preventive Mechanism*' (NPM) to carry out such visits to places of detention, to monitor treatment of and conditions for detainees, and to make recommendations for the prevention of ill-treatment.

The United Kingdom NPM is made up of 20 bodies who monitor places of detention across Scotland, England, Wales and Northern Ireland. This includes police custody, prisons, court custody, immigration and military detention, secure children's homes, and places where people are detained under mental health legislation. The NPM members have the power to enter places of detention and speak to detainees and staff in private.

As a member of the NPM, HMICS carries out regular inspections of police custody in Scotland. These visits will primarily be aligned to our Local Policing+ programme, although we may also undertake additional visits based on an assessment of risk. Any recommendations made in respect of police custody centres will be followed up through our regular monitoring of progress. We publish reports of these inspections, identify good practice and make recommendations for improvement. The HMICS Custody Inspection Framework^{xxvi} focuses on the treatment of and conditions for detainees and includes a range of indicators setting out what we expect to find during our custody inspections.

OUR FRAMEWORK

Our approach to inspection is supported by our Scrutiny Framework, which provides structure to our activities and the means to transparently, consistently and objectively assess policing in Scotland.



Our Framework has been developed using the principles outlined in the *Public Sector Improvement Framework* self-evaluation model used in many public sector settings. It has been adapted to provide a scrutiny framework model to assist specifically in the inspection of elements of policing or the SPA. It will form the basis of any inspection but provides sufficient flexibility to be adapted so that the key themes and sub-elements reflect the purpose of the inspection to be undertaken. The framework will support us when conducting inspections by providing a structure within which we can ensure a consistent and professional approach to our work.

Outcomes

We will focus on the overall performance of the organisation or part of the service and examine successes in delivering demonstrable, high-quality and improved outcomes for service users, communities and the public in general. We will also consider fulfilment of statutory duties.

Leadership and Governance

We will assess the leadership of Police Scotland and the SPA and the governance, accountability and scrutiny arrangements that have been put in place to ensure that the service is delivering its overall vision of keeping people safe and meeting national, regional and local priorities.

Planning and Process

We will examine the effectiveness of strategy and planning processes in ensuring services are inclusive and focussed on user needs. As well as strategies, plans and policies, we will also examine the work of the organisation or service in relation to its key functions, in particular the delivery and development of the services it provides, by itself or in partnership with others, and how these are measured.

People

We will look at the people within the organisation, their motivation, satisfaction and contribution to the development of the organisation or service area. We will assess how employees are managed, developed and empowered, and consider communication processes and whether people feel rewarded and recognised for their efforts.

Resources

We will consider whether the organisations or service area manage resources in the most efficient, effective and sustainable way, including corporate, financial and information resources and assets. We will assess whether this supports key activities and outcomes. We will also consider collaborative working, looking at whether shared resources are used as efficiently as possible to deliver shared outcomes. A key element of resourcing is the consideration of best value.

Partnerships

We will look at how well partners work together to support the delivery of outcomes as well as the approach to managing partnerships. Key elements include developing an agreed vision and objectives and aligning information, assets and resources in partnership to achieve shared outcomes. We will consider how well partners jointly plan and cooperate in delivering integrated working and whether the partnership ethos has developed a positive culture of involvement and working together.

We will work with others to ensure our Framework reflects best practice and has the potential to develop into a wider self-assessment tool.

OUR REPORTS

We will publish a number of reports each year, which will be laid before Parliament in accordance with our statutory obligations. We will provide the bodies we scrutinise with copies of our reports and publish them on our website. Where we are directed by Scottish Ministers, we will report to them and they will present these reports to the Scottish Parliament.

We will typically produce reports from our individual scrutiny activities through Local Policing+, Thematic Reviews, Continuous Improvement Reviews and Audit and Assurance Reviews. These will be published throughout the year in accordance with our scrutiny plan. The publication of any reports from Collaborative Inspections will ordinarily be undertaken by the lead inspection body responsible.

We will produce an Annual Report at the end of the fiscal year and provide information summarising our activities. This will include an assessment of our impact and how our activities contributed towards positive outcomes. We will also comment on the overall state, effectiveness and efficiency of policing in Scotland and on the performance of Police Scotland and the SPA. We will aim to publish our annual report in June of each year.

OUR COMPLAINTS PROCESS

Our complaints handling procedure reflects our values and commitment to deliver a transparent inspectorate. It seeks to resolve complainer dissatisfaction as quickly as possible and to conduct thorough, impartial and fair investigations of complaints. Our Complaints Handling Procedure is published on our website.^{xxvii}

Our complaints handling procedure does not extend to individual complaints about any police body, which should instead be addressed to the Police Investigations and Review Commissioner.^{xxviii}

SCRUTINY PLAN 2016-17

Document References

- ⁱ <http://www.hmics.org/publications/corporate-strategy-2014-2017>
- ⁱⁱ <http://www.scotland.gov.uk/About/Performance/scotPerforms/outcome/pubServ>
- ⁱⁱⁱ Police and Fire Reform (Scotland) Act 2012, Section 74(2)(a)
- ^{iv} Police and Fire Reform (Scotland) Act 2012, Section 74(2)(b)
- ^v Police and Fire Reform (Scotland) Act 2012, Section 74(1)
- ^{vi} Police and Fire Reform (Scotland) Act 2012, Section 76(1)
- ^{vii} Police and Fire Reform (Scotland) Act 2012, Section 77
- ^{viii} Police and Fire Reform (Scotland) Act 2012, Section 80
- ^{ix} Police and Fire Reform (Scotland) Act 2012, Section 79
- ^x <http://www.scotland.gov.uk/Resource/Doc/198627/0053093.pdf>
- ^{xii} <http://www.scotland.gov.uk/Resource/Doc/352649/0118638.pdf>
- ^{xiii} <http://www.audit-scotland.gov.uk/report/search?search=National%20Scrutiny%20Plan>
- ^{xiii} Police and Fire Reform Scotland Bill Policy Memorandum, Paragraph 3.
- ^{xiv} <http://www.gov.scot/About/Performance/scotPerforms/outcome/pubServ>
- ^{xv} <http://www.hmics.org/what-we-do/national-preventive-mechanism-npm>
- ^{xvi} [Local Policing + Inspection of Dumfries and Galloway Division](#)
- ^{xvii} Police and Fire Reform (Scotland) Act 2012, Section 37(1)&(2)
- ^{xviii} [Review of Governance in Policing, SPA Chair, March 2016](#)
- ^{xix} [Review of Governance in Policing, SPA Chair, March 2016](#)
- ^{xx} <http://hmics.org/publications/hmics-independent-assurance-review-police-scotland-call-handling-final-report>
- ^{xxi} [Home Office, Acquisition and Disclosure of Communications Data, Code of Practice, March 2015](#)
- ^{xxii} <http://www.hmics.org/publications/hmics-counter-corruption-unit-assurance-review-terms-reference>
- ^{xxiii} <http://www.hmics.org/publications/hmics-crime-audit-2014>
- ^{xxiv} <http://www.hmics.org/publications/hmics-audit-and-assurance-review-stop-and-search-phase-1>
- ^{xxv} Pitchford Inquiry – see www.ucpi.org.uk for more information
- ^{xxvi} <http://hmics.org/publications/hmics-custody-inspection-framework>
- ^{xxvii} <http://www.hmics.org/what-we-do/complaints-process>
- ^{xxviii} <http://pirc.scotland.gov.uk/>

