



HM INSPECTORATE OF CONSTABULARY IN SCOTLAND

Inspection of the strategic arrangements for the delivery of police custody

Terms of Reference

December 2018

HM Inspectorate of Constabulary in Scotland

HM Inspectorate of Constabulary in Scotland (HMICS) is established under the Police and Fire Reform (Scotland) Act 2012 and has wide ranging powers to look into the 'state, effectiveness and efficiency' of both the Police Service of Scotland (Police Scotland) and the Scottish Police Authority (SPA).¹

We have a statutory duty to inquire into the arrangements made by the Chief Constable and the SPA to meet their obligations in terms of best value and continuous improvement. If necessary, we can be directed by Scottish Ministers to look into anything relating to the SPA or Police Scotland as they consider appropriate. We also have an established role in 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.
- The SPA and the Chief Constable must provide us with such assistance and co-operation as we may require to enable us to carry out our functions.
- When we publish a report, the SPA and the Chief Constable must also consider what we have found and take such measures, if any, as they think fit.
- Where our report identifies that the SPA or Police Scotland is not efficient or effective (or best value not secured), or will, unless remedial measures are taken, cease to be efficient or effective, Scottish Ministers may direct the SPA to take such measures as may be required. The SPA must comply with any direction given.
- Where we make recommendations, we will follow them up and report publicly on progress.
- We will identify good practice that can be applied across Scotland.
- We work with other inspectorates and agencies across the public sector and 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 and will do this through independent scrutiny and objective, evidence-led reporting about what we find.

Our approach is to support Police Scotland and the SPA to deliver services that are high quality, continually improving, effective and responsive to local needs.²

This inspection will be undertaken by HMICS under section 74(2)(a) of the Police and Fire Reform (Scotland) Act 2012 and a report will be laid before the Scottish Parliament under section 79(3) of the Act.

¹ Chapter 11, Police and Fire Reform (Scotland) Act 2012.

² HMICS, [Corporate Strategy 2017-20](#) (2017).

Our inspection

Aim

1. The aim of this inspection will be to assess the strategic arrangements for the delivery of police custody in Scotland.

Background

2. Police custody is a high risk area of policing business and, as such, has already been subject to considerable scrutiny by HMICS since Police Scotland was established. Since 2013, HMICS has published seven police custody inspection reports. The first of these, a thematic inspection of arrangements for police custody, was published in 2014.³ It reported on the national arrangements for the delivery of police custody, including an assessment of issues such as leadership and governance, resources, and partnerships. It drew on evidence gathered during numerous interviews and focus groups with people working in Custody Division (now known as Criminal Justice Services Division) and Police Scotland more broadly, and with stakeholders. In addition, it drew on evidence gathered about treatment and conditions in police custody during inspection visits to 22 custody centres across Scotland. The report resulted in 15 recommendations and 39 improvement actions.
3. The thematic inspection was followed by five inspections of police custody in particular areas, usually linked to inspections of local policing divisions.⁴ These inspections involved visits to nine primary centres and 11 ancillary centres and resulted in a further 12 recommendations and eight improvement actions.⁵
4. Most recently, in October 2018, HMICS published a report following inspections of 17 custody centres across Scotland.⁶ This report included seven new recommendations and noted that, of 27 recommendations previously made regarding custody, 12 were now closed and one was closed in part. Of the 47 improvement actions previously made, 26 were closed. The report also identified three recurring themes which present challenges in delivering a custody service that best meets the needs of today's detainee population:
 - the quality of the custody estate varies significantly across Scotland and, in some areas, hampers the effective and efficient management of detainees
 - inconsistencies in practice across custody centres persist
 - while Police Scotland is working to manage the high level of vulnerability and complex needs of the detainee population, the needs of many detainees may be best met by others, such as health, social care and addition services.

³ HMICS, [Thematic inspection of police custody arrangements](#) (2014).

⁴ All custody centres in (then) [Aberdeen City](#), [Edinburgh](#), [Dumfries and Galloway](#), and [Tayside](#) Divisions were inspected as part of the HMICS Local Policing+ Inspection Programme. Two custody centres in Glasgow (at [London Road and Aikenhead Road](#)) were also inspected at the request of Police Scotland.

⁵ Primary centres are those which are operated by officers and staff from Criminal Justice Services Division either permanently or between specific times (such as at weekends). Ancillary centres are generally used infrequently and are operated by local policing officers with custody training. They may be used, for example, to process a person who is not 'lodged' in a cell but who is released after a police interview.

⁶ HMICS, [Inspection of custody centres across Scotland](#) (2018).



5. Each inspection of police custody carried out by HMICS contributes to the United Kingdom's response to its international obligations under the Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). OPCAT requires that all places of detention are visited regularly by a National Preventive Mechanism (NPM), an independent body or group of bodies which monitor the treatment of and conditions for detainees. HMICS is one of several bodies making up the NPM in the UK.⁷

Scrutiny Plan 2018-19

6. In our Scrutiny Plan 2018-19, HMICS set out our intention to carry out two key pieces of scrutiny activity relating to custody. The first inspection included a series of visits to custody centres across Scotland. These visits focused on the treatment of and conditions for detainees in custody, and assessed the extent to which the custody-specific outcomes from the HMICS Custody Inspection Framework were being met. These visits also helped us gather evidence to inform a second inspection of police custody.
7. This second inspection will focus on Police Scotland's strategic arrangements for the delivery of police custody.

Scope

8. Our inspection will examine the strategic arrangements for the delivery of police custody. Whereas our first custody inspection in 2018-19 focused on the outcomes being achieved in custody centres, this second inspection will consider the broader HMICS Inspection Framework and include an assessment of:
 - leadership and governance
 - planning and process
 - people
 - resources
 - partnerships
9. *Leadership and governance.* We will consider the quality of leadership, direction and communication within custody and the extent to which leaders make a difference in the outcomes achieved and their internal and external relationships. We will also consider how management and performance information is used to support the delivery of an effective custody service, and will assess governance, accountability and scrutiny arrangements.
10. *Planning and process.* We will look at how strategies, plans and policies are developed, the quality of the evidence on which they are based, and their effectiveness. We will also assess how Police Scotland seeks to continuously improve its custody service and the extent to which it has adopted a learning culture. We will review quality assurance, audit and internal scrutiny arrangements. We will also consider how Police Scotland secures service user insight to develop, review and improve processes.
11. *People.* We will consider the motivation and wellbeing of the officers and staff working in custody and the extent to which they contribute to the development of an effective and efficient custody service. We will assess how they are managed, trained, developed and empowered, and whether they are recognised for their efforts.

⁷ For more information, visit www.nationalpreventivemechanism.org.uk.



12. *Resources.* We will assess the extent to which Police Scotland manages its resources in the most efficient, effective and sustainable way. We will consider whether custody is sufficiently resourced, how resources are distributed across Scotland and how vacancies are managed. We will also consider the extent to which Police Scotland is effectively managing its custody estate and whether current ICT systems support the delivery of custody.
13. *Partnerships.* We will consider the extent to which Police Scotland works with partners to deliver better outcomes for detainees and the wider public.
14. Our inspection will also consider Police Scotland's vision for the future delivery of police custody, including the introduction of Criminal Justice Hubs.
15. In considering the themes outlined above, our inspection will also follow up on outstanding recommendations and improvement actions regarding police custody.

Methodology

16. Using the HMICS Inspection Framework during our inspection will help ensure a consistent and objective approach to our work. Following an initial period of scoping and planning our inspection, we will seek evidence from a range of sources. This will include a review of data, strategies, plans, policies, procedures and other documentation; observation of custody-related processes and meetings, including those done in partnership with other agencies; and interviews and focus groups with a range of police officers and staff, partners and stakeholders. All evidence gathered will be analysed to identify key themes, effective practice and areas for improvement.

Publication and timescales

17. Our inspection of the strategic arrangements for the delivery of police custody will take place in Winter 2018-19, with most fieldwork occurring in early 2019. A report of our inspection will be published in Spring 2019. This report will be laid before the Scottish Parliament under section 79(3) of the Police and Fire Reform (Scotland) Act 2012. Copies of our report will be provided to the Chief Constable, the Scottish Police Authority and the Cabinet Secretary for Justice. Our report will also be made publicly available on the HMICS website.
18. For further information about our inspection, please contact Laura Paton, Lead Inspector laura.paton@gov.scot

Gillian Imery QPM

HM Chief Inspector of Constabulary