



HM INSPECTORATE OF CONSTABULARY IN SCOTLAND

Annual Report 2020-2021

August 2021

Improving Policing Across Scotland



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Produced and Published by Her Majesty's Inspectorate of Constabulary in Scotland

ISBN: 978-1-910165-64-5

Laid before the Scottish Parliament by Scottish Ministers under section 82(3) of the Police and Fire Reform (Scotland) Act 2012

SG/2021/201

HMICS/2021/05

www.hmics.scot



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.

We are a member of the UK's National Preventive Mechanism (NPM), a group of organisations which independently monitor places of detention, including police custody, under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

This Annual Report is produced under Section 82(3) of the Police and Fire Reform (Scotland) Act 2012 and presented to Scottish Ministers for laying before the Scottish Parliament.

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



Contents

| | Page |
|---|-------------|
| Introduction by HM Chief Inspector of Constabulary in Scotland | 3 |
| Approach to scrutiny | 11 |
| Scrutiny activity during 2020-2021 | 14 |
| Assessing the outcomes from our activities | 19 |
| Facts and figures | 20 |
| HMICS staff | 20 |
| HMICS budget 2020-2021 | 20 |
| HMCICS expenses 2020 -2021 | 20 |
| Awards and commendations | 21 |
| Queen’s Birthday Honours 2020 | 21 |
| New Year Honours 2021 | 21 |

Introduction by HM Chief Inspector of Constabulary in Scotland

This report outlines how Her Majesty's Inspectorate of Constabulary in Scotland (HMICS) has carried out its statutory function for the period 1 April 2020 to 31 March 2021. I will also take the opportunity to reflect on the state of policing in Scotland during 2020-2021.

By 1 April 2020, almost a month had passed since the coronavirus (COVID-19) was declared a pandemic by the World Health Organisation. The United Kingdom was effectively in lockdown, with people being instructed to stay at home in an effort to contain the spread of the virus. Legislation had been introduced rapidly to provide the police with new powers to enforce the public health measures aimed at saving lives.

Having one police service for Scotland helped to achieve consistency in leadership direction, interpretation and implementation of legislation. Police Scotland's public messages repeatedly emphasised working with the public as fellow citizens, maintaining the principle of policing by consent and building legitimacy, despite the extraordinary additional police powers to restrict people's individual freedoms.

Police Scotland's Chief Constable identified the need for independent scrutiny of the police use of the new powers, and asked John Scott QC to chair an independent review. The Scottish Police Authority agreed with the idea and the review was announced on 9 April 2020.

To support the review, an Independent Advisory Group (IAG) was established, which reports to the Scottish Police Authority. Members of the IAG represent a wide range of communities and interests, key human rights organisations, as well as representatives from bodies with specific responsibilities in relation to policing in Scotland, including HMICS. I have been an active participant since the meetings began on 16 April 2020. Senior officers from Police Scotland also attend the IAG, largely to listen to the feedback from members, but also to explain the policing approach. The terms of reference for the IAG describe the human rights based scrutiny of the police use of the extraordinary powers provided by coronavirus based legislation. The full terms of reference, membership details, and copies of all the IAG updates and reports can be found on the SPA's website.

The early introduction of the IAG on Police Scotland's use of coronavirus powers has proved to be an important addition to the scrutiny of policing during this difficult and challenging time. Police Scotland introduced the Coronavirus Interventions system (CVI) in early April 2020, and publishes data on a weekly basis. The Operation TALLA (the operational name for the police response to coronavirus) Information, Assurance and Liaison Group (OptICAL) collates all data relating to the response, and has met weekly since 20 April 2020.

Taken together, the single police service, the Independent Advisory Group, and the national data set, place Scotland in a strong position to understand the impact of coronavirus on communities from a policing perspective, and provide public assurance that effective scrutiny is being applied. One of the key themes that emerged from the work of the IAG was the unequal impact of the virus and associated restrictions on different sections of the community, how the situation amplified existing inequalities.

Apart from the impact of coronavirus, the other issue characterising 2020 has been that of racism. The murder of George Floyd by a police officer in America in May 2020 sparked a wave of protests against racism across the world, including Scotland. These protests and others relating to issues of public concern, such as climate change, covid restrictions, and violence against women and girls, continued to present challenges for community tensions and policing over the course of 2020-2021.



When we carry out our inspection activity, we are always impressed by the commitment and dedication of police officers and staff on the frontline, never more so than during the pandemic when they have continued to carry out their duties, largely without the option of working from home.

I would like to thank all those in Police Scotland and the Scottish Police Authority who have participated in HMICS inspections during this unusual and uncertain year.

HMICS scrutiny during 2020-2021

Two weeks before the start of the scrutiny year, I suspended the HMICS inspection programme, and returned all seconded police officers back to Police Scotland to assist with the national COVID-19 response. Police Scotland was performing an important role in support of the measures to reduce the spread of infection, as well as continuing to provide a policing service to the public.

Our 2020-2021 Scrutiny Plan was published in August 2020 and takes account of the impact of the response to COVID-19 in terms of priorities and timescales. The rescheduling of the 26th Conference of the Parties (COP26) from November 2020 to November 2021 resulted in a change to the timing of our assurance review on the policing of COP26. The scrutiny plan was revised in November 2020, when I decided to defer the planned inspection of the national roll out of Police Scotland's contact assessment model (CAM), which is the way in which Police Scotland deals with calls for service. This decision was announced on 3 December 2020, and a revised version of the 2020-21 Scrutiny Plan was published in January 2021. We followed public health legislation and guidance in all of our inspection activity, adapting our methodology to ensure the safety of all participants.

We have largely fulfilled the commitments in the 2020-2021 scrutiny plan, albeit some inspections did suffer delays and were not published until after the end of March 2021.

HMICS continues to liaise regularly with other scrutiny bodies to share information on priorities and methodology, in particular there are frequent virtual meetings with colleagues from the policing inspectorates for England, Wales, Northern Ireland and the Republic of Ireland. Staff at HMICS remained committed to working with Healthcare Improvement Scotland and lead agency, the Care Inspectorate, to deliver the joint inspection programme on adult support and protection. Through working with local authority, health and police colleagues remote and digital solutions were tested enabling the programme to resume in late 2020.

This annual report summarises all of our inspection activity carried out during 2020-2021, however I would like to highlight some areas for specific comment here.

As part of the work to scrutinise the police use of the new temporary powers, HMICS carried out a series of interviews with police officers and staff at the beginning of June 2020 (report published 6 July 2020). They reported that the overwhelming majority of the public were complying willingly with the restrictions. Police officers and staff felt Police Scotland had done as well as it could to communicate the new legislation and train staff at pace. We were impressed by the positive attitude of the police officers and staff we spoke to, who did not have the option to work from home or remotely, but were continuing to serve their communities during a pandemic.

Whilst outwith the 2020-2021 scrutiny year, it is worth mentioning here that we carried out a second round of interviews of police officers and staff almost a year later in order to gauge the feelings of frontline staff over time. The second report was published on 30 June 2021. That report was also generally positive, albeit officers on the frontline did express disappointment not to have been prioritised in the vaccine roll out.

In July 2020 we published the terms of reference for the Crime Audit 2020, and were fortunate to be able to secure access to a Police Scotland operational environment to carry out scrutiny onsite during the summer. I am very grateful to all those in Police Scotland who provided the HMICS team with a safe workplace during some six weeks of fieldwork.



My intention in the 2020-2021 scrutiny plan (and indeed the 2021-2022 plan) is to focus on specific operational police functions, incorporating an examination of the adjustments that have been made in response to the pandemic, and a consideration of those that represent sustainable service improvements.

One of the areas where significant changes were made to adapt to the pandemic was criminal justice. In July 2020, we published the terms of reference for a joint inspection with HM Inspectorate of Prosecutions in Scotland to examine the emergency criminal justice provisions introduced by coronavirus legislation, and to consider any elements of the emergency provisions that could result in more effective and efficient ways of working in the long term.

Adapting our methodology meant we carried out more online surveys, including a survey of views on the emergency criminal justice provisions, launched on 6 August 2020.

The joint inspection report was published on 30 September 2020, and considered provisions such as the electronic transmission of documents and virtual custody courts. One of the most compelling responses to our survey was that “it shouldn’t take a global pandemic to force the criminal justice system into the 21st century”. We commented that many of the innovations introduced in response to the pandemic were ones that had been contemplated for many years but had never come to fruition. The pandemic had been a catalyst or an accelerator for changes that were long overdue in a system that had relied wholly on face-to-face interactions and paper based processes.

We praised the remarkable efforts of those working across the system to make changes at pace, and found evidence of strong partnership working between Police Scotland and the Crown Office Procurator Fiscal Service. It was hugely beneficial to work with HM Inspectorate of Prosecutions in Scotland on this inspection, and this joint approach would have been enhanced further had there been a scrutiny body for the Scottish Courts and Tribunal Service (SCTS). Unfortunately in Scotland there is no inspectorate for the SCTS, which I consider to be a significant gap in public oversight arrangements for the criminal justice system.

On 24 August 2020, we launched another online survey, this time seeking the views of the public about Police Scotland’s response to hate crime, which we examined over the course of 2020.

On 15 September 2020, we published our Thematic Inspection on Police Scotland Training and Development, Phase 1 report, in which we raised issues about leadership development and diversity training. With the introduction of Police Scotland in 2013, leadership roles and remits changed and expanded to include national and functional responsibilities, however HMICS found there had been a lack of investment in leadership training and continuous professional development ever since.

The report made recommendations that Police Scotland should provide improved leadership and diversity training as a matter of urgency. In the introduction to the report, I stated the intention to carry out a separate inspection focusing on Police Scotland’s recruitment, retention, development and promotion of people from under-represented groups.

In November 2020, the Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing, was published. This wide ranging report made 81 recommendations for improvement, including two that mention HMICS.

Recommendation 18 recommended that Police Scotland be subject of a fundamental review of equality matters by an independent organisation. That review should take account of HMICS’s proposed inspection of Training and Development that is to concentrate on the recruitment, retention, development and promotion of under-represented groups. The terms of reference for this inspection were published on 9 March 2021, and fieldwork is almost complete.



Recommendation 71 of the independent review of complaints recommended that HMICS, along with the appropriate health inspection or audit body, should conduct a review of the efficiency and effectiveness of the whole-system approach to mental health. We are actively engaging with Healthcare Improvement Scotland to take this and other joint work forward.

It is disappointing that yet another scrutiny year has ended without any joint inspection of the availability and quality of health services delivered in police custody suites to detainees, however we are working with colleagues in Healthcare Improvement Scotland on a plan for joint scrutiny during 2021-2022. The fact remains that the quality of healthcare for members of the public who come into police custody, often with pre-existing health challenges, has not been subject to effective scrutiny since NHS Scotland took over responsibility in 2013.

On 10 March 2021, we published the Crime Audit 2020, which found that crimes reported to Police Scotland were generally recorded correctly and according to national guidelines. We found wide variations in compliance with recording standards at a local level, however progress towards national standardisation will be helped by the implementation of the planned national crime management system.

We took the opportunity during the audit to look at the use of “cyber markers”, which help to identify the scale of reported online crime, in part due to the data challenges we had identified in our earlier report on online child sexual abuse. We also looked at incidents and crimes reported in respect of domestic abuse, specifically the use of the new offence relating to coercive control.

On 11 March 2021, HMICFRS (the inspectorate for police forces and fire services in England and Wales) published a report into how effectively police services in England and Wales manage public protests, having been commissioned to carry out the inspection by the Home Secretary.

HMICFRS was asked by the Home Office to comment on proposed changes to legislation. HMICFRS concluded that, with some qualifications, changes to the law, such as widening the conditions police can impose on static protests, would improve the effectiveness of protest policing, as long as they are applied proportionately and in line with human rights law.

The HMICFRS report includes reference to the impact of legislative change on Scotland, making specific reference to the forthcoming climate change conference in Glasgow in November 2021. HMICS and Police Scotland contributed to this part of the HMICFRS inspection.

During 2021, HMICS carried out an assurance review relating to COP26 (terms of reference were published on 2 February 2021). Our review looked at three aspects: the impact on business as usual; wellbeing arrangements for officers and staff, and resources. On the latter point, we have highlighted the difference in public order legislation and emphasised the importance of comprehensive briefings for public order officers coming to Scotland on mutual aid.

The Scottish Police Authority has established an oversight group for COP26, which receives regular updates from Police Scotland and HMICS, and continues to monitor progress in advance of the event.

Policing of gatherings and protests during coronavirus restrictions has been an issue during 2020-2021, and has often generated high levels of public, political and media interest. The Independent Advisory Group on the police use of coronavirus-related powers has considered some of these situations, for example the football related public gathering at that start of March 2021, and concluded that the overall policing approach was informed by, and consistent with, relevant human rights principles and considerations.

Some of our inspections suffered delays due to the impact of coronavirus, and the following pieces of assurance work were completed after the end of the 2020-2021 scrutiny year:

| | |
|---------------|--|
| 22 April 2021 | Assurance Validation of Police Scotland Transformation Benefits |
| 24 June 2021 | Assurance review, Policing of the 26 th Conference of the Parties |
| 29 June 2021 | Assurance review of Police Scotland demand analysis and management |

These reports are available on our website [here](#).

Throughout 2020-2021, significant improvements have been made by Police Scotland and the SPA in the response to HMICS recommendations, both in terms of activity to achieve the necessary improvements and the governance processes for discharging recommendations. Police Scotland's Audit and Assurance function has been pivotal to this improvement, as has the Authority's Audit Committee.

State of policing 2020-2021

Turning to the wider consideration of the state of policing in Scotland in 2020-2021, I would offer the following comments.

The year was dominated by the impact of the pandemic, which affected everyone's personal and professional lives in ways that could not have been imagined at the start of 2020. As people began to experience the impact of the virus itself and the impact of the restrictions brought in to limit the spread of infection, it became clear that primary worries were about health, employment, education, and social care.

Policing was important to support the national response to a public health emergency, and Police Scotland adopted the UK approach for interacting with the public about the coronavirus legislation, which became known as the "four Es" approach: Engage, Explain, Encourage and Enforce. The fact that Police Scotland is a single, national service helped to ensure consistency in the police style, tone, and communication with the public.

For most of 2020-2021, the Scottish Police Authority was led by the previous Vice Chair and interim Chief Executive, who provided calm and sensible leadership during a time of transition for the Authority, compounded by the challenges posed by the public health emergency. Proportionate levels of scrutiny were applied to the Police Scotland response to the pandemic through established public meetings of the Authority, augmented by the Independent Advisory Group on the police use of the powers provided by coronavirus legislation.

The Vice Chair retired at the start of 2021, and was replaced by a new Chair who took up post in February 2021. The interim Chief Executive was appointed permanent Chief Executive in March 2021. Both individuals have extensive professional backgrounds as well as direct experience of the Authority over the past few years, which will help to ensure the SPA continues in the positive direction it has adopted since the end of 2019.

The SPA has made good progress to fill the new posts introduced by its revised organisational structure, which will enhance the support provided to the members. There has been some change in membership of the SPA Board with six new members being announced in March 2021, all of whom have impressive professional experience.

SPA has key statutory responsibilities to promote and support continuous professional development in the policing of Scotland, and to hold the Chief Constable to account for the policing of Scotland. In my assessment, there has been a tendency to focus on the supportive role, with public meetings of the Authority emphasising the positive without asking more probing questions about areas of public interest. I am confident that the new Chair and members of the Board will assert more rigorous scrutiny of Police Scotland in areas where that is required.



Turning to Police Scotland, the chief officer team remained largely unchanged during 2020-2021. The strength and stability of the leadership at the top of the organisation have come to the fore during these challenging times. Two new Assistant Chief Constables joined Police Scotland from other police forces, having been successful during a selection process led by the SPA in May 2020.

The public messages from the Chief Constable and the chief officer team have repeatedly praised the efforts of the public to comply with restrictions because it is the right thing to do, not because it is the law. They have stressed the importance of police legitimacy and policing by consent, and welcomed scrutiny from the Independent Advisory Group.

At the same time, the Chief Constable has consistently asserted his operational independence, making it clear that he and the police officers under his direction and control, would continue to use discretion to respond appropriately in operational situations. Operational independence does not equate to a lack of accountability. Primarily, Police Scotland is held to account by the Scottish Police Authority, however there are several other bodies with a role to scrutinise policing, including HMICS.

During the 2016-2021 Scottish Parliament, three separate committees had an interest in policing: the Justice Committee; the Justice Sub-Committee on Policing, and the Public Audit and Post-Legislative Scrutiny Committee. Members of Police Scotland's senior team regularly provided evidence to Parliament. In my written submission to the Justice Sub-Committee on Policing in February 2021, I said it was difficult to think of a senior leadership team responsible for the delivery of any other public service (health, education, social services and others) which has been called to give evidence to Parliament as often as the Police Scotland senior team.

Throughout 2020-2021, the SPA and Police Scotland continued to make the case to Scottish Government for more funding. At the end of January 2021, the Vice Chair welcomed the Scottish Government's draft budget statement, which removed the previous structural deficit with the allocation of an additional £60 million in core revenue funding.

In March 2021, the 2021-2022 budget was agreed by SPA. Total funding from the Scottish Government was set at £1,299 million. The SPA agreed revenue allocation of £1,178.9 million to Police Scotland, £36.5 million to SPA Forensic Services, and £4.9 million to SPA corporate. The SPA continue to engage with SG on requirement to increase capital funding to enable investment in programmes to deliver modern policing service. Total capital funding allocation for 2021-2022 is £53.7 million, which maintains capital funding at existing levels. One addition is £0.5 million to fund body worn video. Reform funding consists of £25 million revenue, and £4.6 million capital. The budget also includes £15 million of one-off funding to support the in-year impact of covid. When combined, the total funding allocation allows the SPA to set a balanced budget with no operating deficit for 2021-2022.

The main reason for the previous structural deficit in the budget was the need to pay for the number of police officers, which the Scottish Government previously set at 17,234 or over. HMICS has consistently argued that the number of police officers is not a useful indicator of the quality of policing service. In 2017 the joint Police Scotland and SPA Serving a Changing Scotland 10 year strategy was introduced, which departed from a commitment to an arbitrary number of police officers, and stated an intention instead to match police resources to the needs of communities. Since then, Police Scotland has been working towards the production of a strategic workforce plan, which would show the mixture of police officers and specialist support staff required to deliver an effective policing service.

In November 2020, Police Scotland finally produced its first strategic workforce plan. This represented the result of significant work and effort, particularly during the challenging circumstances of 2020. The plan is a good start, containing the results of self-assessments by divisions and departments about what they consider to be the level of resource required to meet their objectives. What the strategic workforce plan lacks is an overall strategic vision for the shape and size of the future workforce.



Information on the demand for policing service needs to be used to make choices about recruitment and deployment of police officers and staff to ensure the most effective use of expensive public resources. Although its publication was after the conclusion of the 2020-2021 scrutiny year, our report on Police Scotland’s demand analysis and management praises the quality of demand data now available. Police Scotland should use its understanding of the demand for policing to inform decisions about priorities and resources.

Police Scotland’s Chief Constable has published his 2020-2021 year-end Performance Assessment,² which sets out an analysis of Police Scotland’s delivery of its Performance Framework outcomes and objectives, as well as Operation Talla.

The Police Scotland Quarterly Performance Report (Quarter 4 2020-2021)³ has also been published and contains management information on recorded crimes and incidents, results of public confidence surveys, and data on Police Scotland’s response to coronavirus.

Given the restrictions in place for most of 2020-2021, including the closure of pubs, restaurants, and non-essential shops, it is not surprising to see decreases in public space violence and disorder, and retail theft. Restrictions on travel led to reductions in traffic and a corresponding decrease in road traffic collisions. Police Scotland understood from the start that the “stay at home” instruction could increase the risk of private space violence and online harms. The Performance Report shows increases in reports of domestic abuse, as well as fraud and online child sexual abuse.

Overall call demand to Police Scotland in 2020-2021 decreased slightly compared with the previous year. Police Scotland received 2,566,269 calls, down 0.7% from 2,585,110 calls in 2019-2020.

These calls generated 1,506,805 incidents, which is again slightly lower than the previous year (1,652,519). There are some notable increases in certain incident types, for example reports from the public of anti-social behaviour 424,259 (318,248), which are attributed to reports relating to breaches of coronavirus legislation.

Overall recorded crime (Groups 1-7) fell by 5.8%, reported as 464,779 crimes in 2020-2021.

| Group | Crime Type | Total Crimes Recorded 2019/2020 | Total Crimes Recorded 2020/2021 |
|-------|--|---------------------------------|---------------------------------|
| 1 | Non-sexual violent crime | 9,313 | 8,972 |
| 2 | Sexual crimes | 13,506 | 13,131 |
| 3 | Crimes of dishonesty | 109,460 | 89,731 |
| 4 | Crimes of fire raising, malicious mischief etc | 48,175 | 42,961 |
| 5 | Other (drugs, offensive weapons) | 63,662 | 70,737 |
| 6 | Miscellaneous | 124,116 | 124,116 |
| 7 | Road traffic | 120,712 | 115,131 |

Figures for coronavirus interventions 27 March 2020-31 March 2021 show the total number of interventions as 125,333, the vast majority of which relate to dispersals after being informed and requested to comply (83,018 occasions). Fixed Penalty Notices were issued on 14,213 occasions, 875 arrests were made, and 253 recorded police warnings were given.

² SPA, [Policing Performance Meeting, Chief Constable’s Assessment of Policing Performance 2020/21](#), 8 June 2021.

³ Police Scotland, [Police Scotland Quarter Four Performance Report 2020/21](#).



In terms of public confidence, Police Scotland launched the Your Police 2020-2021 survey on 9 April 2020, which received 36,534 responses between then and 31 March 2021. The results show overall public confidence at 57%, and 44% of respondents fully support the approach taken by the police to the pandemic, with 38% thinking the police should take tougher action to ensure public compliance. Only 3% thought the police should have no role in enforcing the lockdown, and 1% thought the police approach is too heavy handed. In terms of public opinion, 84% feel very safe or fairly safe in their area, and 63% strongly agree or agree that the police are friendly and approachable.

Police Scotland uses a market research agency to conduct regular user experience surveys. Each month a random sample of people who contacted the police to report an incident or crime are asked about their experience. In 2020-2021, 84% satisfied or very satisfied with the way they were treated by officers who attended. 73% satisfied or very satisfied based on overall experience of Police Scotland.

In addition to Police Scotland surveys, the SPA commissioned independent polling of public opinion of policing during the pandemic, which showed strong levels of public confidence.

The most recent results available from the Scottish Crime and Justice Survey, published 16 March 2021, relate to 2019-2020. The SCJS reports an ongoing downward trend in volume of crime. Overall crime has fallen by 46% since 2008-2009. Most adults (88.1%) experienced no crime in 2019-2020. The likelihood of being a victim of any crime in 2019-2020 was higher for those living in the 15% most deprived areas of Scotland, and urban locations, whilst those aged 60 and over were least likely to be victims.

The majority of adults (55%) said the police in their local area do an excellent or good job (56% 2018-2019). The SCJS estimates that police know about 40% of crime experienced in 2019-2020, which is similar to previous years. Most adults (77%) said they felt very or fairly safe walking alone in their local area after dark. This figure was 66% in 2008-2009.

In conclusion, my assessment is that Police Scotland and the Scottish Police Authority have worked hard to continue to serve communities during a difficult and challenging year. The Police and Fire Reform (Scotland) Act 2012 describes the purpose of policing and includes a specific commitment to improving the wellbeing of people and places, which Police Scotland has certainly demonstrated through its contribution to the response to a public health emergency.

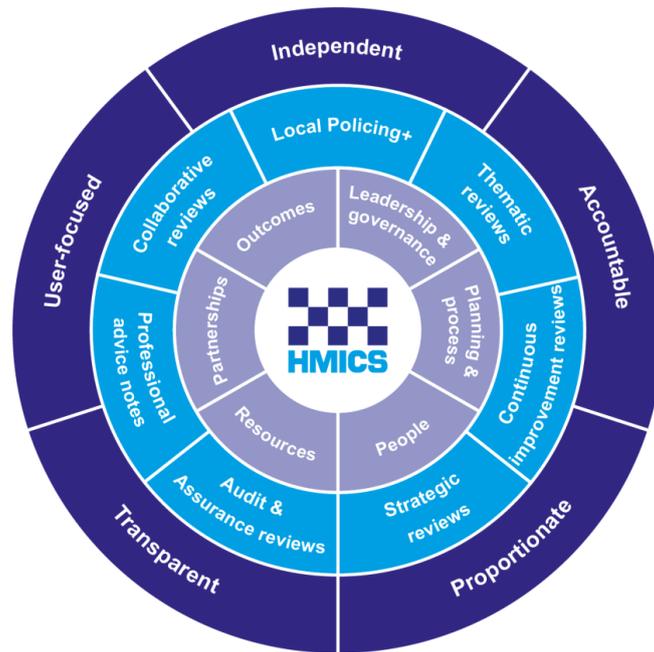
I am grateful to all those who participated in our inspections over the course of 2020-2021. I also acknowledge the efforts of the HMICS team, who have shown flexibility and tenacity in carrying out independent scrutiny throughout the year, with the aim of improving policing for the benefit of the public.

Gill Imery QPM

HM Chief Inspector of Constabulary



Approach to scrutiny



HMICS continues to conduct our business in accordance with our values, acting independently, proportionately and in a way which is focused on the needs of service users. We work in an open and transparent way, and we are fully accountable for what we do.

Our objectives

Our Corporate Strategy 2017-20⁴ sets out our purpose, values, approach and key objectives through to 2020 to build on 160 years of history as a credible, competent and collaborative inspectorate that adds value and strengthens public confidence in Scottish policing. Our key objectives for the next three years are as follows:

- We carry out informed, evidence-led inspections, looking beyond the boundaries of Scotland to identify scrutiny approaches and good practice that could be adopted
- We add value and strengthen public confidence and intensively debrief in scrutiny activity, seeking feedback from those we scrutinise, partners and others in order to enhance our processes and approach
- We work collaboratively with others to share expertise and scrutinise areas of shared interest, regularly engaging with other public bodies and providing support to joint inspections
- We are committed to our own continuous improvements by for example reviewing our inspection framework and our policies and procedures, as well as investing in our workforce.

By setting out these key objectives, it will help us to keep on track with what we want to achieve and how we are going to achieve it. Our strategy is currently being revised alongside our inspection framework and approaches through a project that includes benchmarking and research to build on learning that will take us beyond 2021.

⁴ HMICS, [Corporate Strategy 2017-20](#).

Our Inspection Framework⁵

HMICS has an Inspection Framework, which is based on the European Foundation for Quality Management (EFQM) Excellence Model and Best Value characteristics. The purpose of the framework is to support lead and associate inspectors to take a common and objective approach to assessing policing in Scotland. The framework can be used in its entirety, or selected and adapted so that the key themes and sub-elements reflect the purpose of the inspection to be undertaken.

We first published our Inspection Framework in 2014 and have since applied it to a wide range of policing activity. In light of this experience of its use, we reviewed and revised the framework to ensure it continues to meet our needs. Our revised framework was published in May 2018.

Scrutiny Plan 2020-2021⁶

Our Scrutiny Plan for 2020-2021 set out how HM Inspectorate of Constabulary in Scotland (HMICS) aimed to meet its statutory purpose to inquire into the state, efficiency and effectiveness of both the Police Service of Scotland (Police Scotland) and the SPA. It was published in terms of Section 75 of the Police and Fire Reform (Scotland) Act 2012 and set out our scrutiny priorities from April 2020 until March 2021.

This plan is kept under review and changes to timings and priorities were made over the course of the year. We also revisited our consultation analysis prior to making revisions.

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.

Partnership working

During 2020-2021, HMICS continued to work closely with our partners. We continued in our role as a member of the Strategic Scrutiny Group (SSG) along with Scotland's main public sector scrutiny bodies: the Accounts Commission; Audit Scotland; Education Scotland; the Care Inspectorate; Healthcare Improvement Scotland; Her Majesty's Fire Service Inspectorate; Her Majesty's Inspectorate of Prisons; the Inspectorate of Prosecution in Scotland and the Scottish Housing Regulator.

The SSG, which is chaired by the Accounts Commission, is a forum for HMICS and other scrutiny bodies to discuss key strategic scrutiny developments and identify opportunities for aligning assessment frameworks and methodologies. In November 2020, members of the SSG jointly prepared a report highlighting how scrutiny bodies have adapted approaches to scrutiny in response to Covid-19.⁷

As a member of the UK National Preventive Mechanism (NPM), HMICS continued to contribute to the United Kingdom's response to its international obligations under the UN Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

⁵ HMICS, [Inspection Framework](#) May 2018.

⁶ HMICS, [Scrutiny Plan 2020-21](#),

⁷ Audit Scotland, [Covid-19 Strategic Scrutiny Group](#), 5 November 2020.



User perspective

In accordance with our commitment to conduct our scrutiny activity in a way that is user focused, throughout our scrutiny process we aim to gain user perspectives from key stakeholders, including staff associations and relevant partners.

We, like many other public bodies, have had to adapt how we conduct our engagement over the past year from traditional focus groups to online discussions, telephone interviews and/or online survey.

During our joint inspection with HM Inspectorate of Prosecution on Emergency legislation we sought views of professionals working across the criminal justice sector.

Wherever possible we seek to assess the user perspective from those who have experienced it first-hand. In the course of our Inspection of Hate Crime, for example, we sought assistance from stakeholders to engage and promote our online survey to capture the views on hate crime and interaction with policing.



Scrutiny activity during 2020-2021

Thematic Inspection of Police Scotland Training and Development - Phase One⁸

This inspection was Phase 1 of an assessment of the training and development function of Police Scotland. Its main focus was on leadership training, continuous professional development, talent management, as well as appraisal and promotion processes. This inspection was one of those halted in early March 2020 due to the response to the coronavirus (COVID-19) pandemic. Therefore the main inspection activity was undertaken in late 2019 and early 2020 with follow up interviews taking place over telephone as we adjusted our working practices.

The report outlined that since the formation of Police Scotland in 2013, there has been no programme of leadership, training and development, other than the first line managers' course and highlighting the lack of focus on essential leadership training to those promoted in the last seven years.

The inspection found there was a considerable amount of time spent on fulfilling end to end promotion processes which could otherwise be invested in people's wider development. There was also a lack of opportunities for officers and staff to access continuous professional development.

The inspection reported positively on experience and commitment of the Leadership and Talent team who were focused on introducing new pathways and leadership programmes to harness and develop talent across the workforce. This was balanced with concerns regarding the demands on this relatively small team to deliver such wholesale changes.

A specific finding from the inspection was the lack of diversity training available during the development of Police Scotland's leaders as they advance through the service and this was recommended to be addressed as a matter of urgency.

There were seventeen recommendations in this report and since publication of this report in September 2020, Police Scotland has implemented three with the rest remaining part of ongoing improvement.

⁸ HMICS, [Thematic Inspection of Police Scotland Training and Development - Phase 1](#), 15 September 2020.

Crime Audit 2020⁹

The aim of this audit was to assess the state, efficiency and effectiveness of crime recording by Police Scotland and the extent to which practice complies with the Scottish Crime Recording Standard and Counting Rules. The audit followed similar audits of crime recording carried out by HMICS in 2013, 2014 and 2016.

This audit was delayed when HMICS suspended the inspection programme at the start of March 2020, however we were able to proceed under covid-safe restrictions in August 2020. We tested the accuracy of crime recording by auditing incident and crime records. We examined 7,177 incident, 2,525 crime records and 3,901 individual crimes. We also assessed arrangements for the management, governance and auditing of crime recording by Police Scotland.

The public must have confidence that reported incidents and crimes are recorded accurately and ethically and there are also a wider range of users who rely on recorded crime statistics.

The results of this audit show that Police Scotland's level of compliance is generally good at over 90% with 91.4% of incidents closed correctly and 90.8% of crime was counted and classified correctly. These compliance rates are lower than our last audit in 2016 when the results 92.7% and 95.1% respectively. The results of this audit also failed to reach Police Scotland's self-imposed target of 95% compliance.

The 2020 audit found many of the same errors continue to recur from our 2013, 2014 and 2016 audits and that the force-wide results mask variations in compliance across different local divisions, with the performance of some impacting on the overall force performance. As an example of this variance one division's result for one test was 70.7% whilst another division returned 98.6%.

Our audit for the first time examined domestic abuse incidents and crimes where compliance across the force was found to be good. This was encouraging and reflects force-wide investments in resource, training and a focus on quality assurance for this crime area.

The absence of a national crime recording system clearly continues to impact the ability to have consistent processes and resource to support accurate crime recording and there is a need to ensure the imminent roll out of a national crime recording system will have clear business processes and guidance to support those carrying out audit and quality assurance functions.

At the time of this audit there were a number of recommendations relating to previous years still open and in an effort to assist Police Scotland address the challenges highlighted and move forward with improvement, previous recommendations were closed and a new set of six recommendations issued with this report.

The Crime Audit 2020 was published in March 2021 and since then there has been engagement with Police Scotland on how it proposes to take forward improvement in this area.

⁹ HMICS, [Crime Audit 2020](#), 10 March 2021.

Thematic Inspection of Hate Crime¹⁰

The issue of hate crime was identified as a priority for inspection in 2019, given the context of Brexit, apparent increase of intolerance, and potential impact on community tensions. We were also aware of the Lord Bracadale review that had reported in 2018, and the likelihood of new hate crime legislation. The terms of reference for the HMICS thematic inspection of hate crime were published in January 2020.

This was one of the inspections that was suspended in March 2020 due to the pandemic. Events over the Spring and Summer of 2020 – protests about racism, and the inequalities exposed by coronavirus – made the scrutiny of hate crime all the more relevant. The inspection recommenced around August 2020. In September 2020, our Training and Development Phase 1 report highlighted gaps in diversity training. The Independent Review of Complaints report published in November 2020 also raised issues about diversity, in particular the experience of officers who were subjected to hate crime on duty.

Police Scotland had continued to improve its approach to equality, diversity and inclusion during 2020, and were already addressing issues raised in these reports. We took time to incorporate as much of that improvement as possible in the final report, which was published on 3 June 2021. The report reflects many positive developments, including the introduction of a new division for Partnerships, Prevent and Community Wellbeing. We highlighted the strong operational response to hate crime when it is reported. The knowledge and networks of officers in safer communities roles locally and nationally were also praised. The report identified that these positive elements were not joined up to create a coherent national strategy to prevent and detect hate crime.

The report also highlighted challenges. The lack of diversity training, under-reporting, and shortcomings in data quality, combined to make it difficult for Police Scotland to understand the nature and extent of hate crime in Scotland and its impact on communities. There were concerns about the support given to police officers and staff subjected to hate crime.

The hate crime report made 15 recommendations and we look forward to receiving Police Scotland's action plan.

¹⁰ HMICS, [Thematic Inspection of Hate Crime](#), 3 June 2021.

Joint Scrutiny Activity

Joint inspections of emergency criminal justice provisions¹¹

The inspection was carried out jointly, by HM Inspectorate of Constabulary in Scotland (HMICS) and HM Inspectorate of Prosecution in Scotland (IPS) and involved information gathering from a range of sources across the criminal justice sector during August and early September 2020.

The aim of this joint inspection was to assess the use and impact of key emergency criminal justice provisions introduced in response to the Covid-19 pandemic, and to consider whether any aspects of the emergency provisions could result in more efficient and effective ways of working in the longer term.

The inspection focused on the following four provisions:

1. Electronic signature and electronic transmission of documents
2. Remote, electronic attendance of parties at court
3. The ability to take a case beginning with an appearance from custody in any sheriff court (national jurisdiction)
4. The Lord Advocate's Guidelines on liberation by the police during Covid-19

The inspection found many positive findings in respect of the new provisions and it was evident this was a result of effective collaboration by those working in Police Scotland, COPFS and other criminal justice partners. The findings from 60 interviews and the survey conducted across a range of criminal justice professionals indicated a wish to build on this momentum with cautionary concern regarding current IT capabilities.

The report published in September 2020 provided an early indication of the impact of the emergency provisions and some valuable information regarding their implementation across the sector.

Joint inspection adult support and protection

HMICS are committed to working with inspection partners the Care Inspectorate and Healthcare Improvement Scotland (HIS) on a phased programme of inspections following on from the first joint inspections of adult support and protection, involving six partnerships, undertaken in 2017/18 and published July 2018.

The inspection programme led by the Care Inspectorate in collaboration with HMICS and HIS has been revised to take into account the impact of the pandemic. Joint inspections are now underway to deliver on the remaining 24 partnerships over 24 months and will be published in due course on the Care Inspectorate [website](#).

Joint Inspection of service for children in need of care and protection

The joint inspections of services for children in need of care and protection led by the Care Inspectorate was suspended during the pandemic. HMICS worked with scrutiny partners to revise the programme and inspection arrangements in order to resume in line with health guidance. HMICS associate inspectors were dedicated to inspections that were published this year South Lanarkshire¹² and Midlothian.¹³

¹¹ HMICS, [Joint inspection of emergency criminal justice provisions](#), 30 September 2020.

¹² Care Inspectorate, [Report of a joint inspection of services for children and young people in need of care and protection in South Lanarkshire](#), June 2020.

¹³ Care Inspectorate, [Report of a joint inspection of services for children and young people in need of care and protection in Midlothian](#), September 2020.



Counter terrorism

HMICS continued to work with HMICFRS to inspect the police response to certain national security threats. As a result of the nature of this work and for security reasons the resulting inspection reports cannot be published in the same way as other inspection reports.

Our reports are published on our [website](#) and report publications and other news are notified via our Twitter account. Go to: <https://twitter.com/HMICS> or [@HMICS](#)



Assessing the outcomes from our activities

HMICS activity is aligned to the values detailed within the Scottish Government's National Performance Framework namely; we are a society which treats all our people with kindness, dignity and compassion, respects the rule of law and acts in an open and transparent way.

Our activity seeks to support the achievement of the national outcomes, in particular;

- We live in communities that are inclusive, empowered, resilient and safe,
- We grow up loved, safe and respected so that we realise our full potential and
- We respect, protect and fulfil human rights and live free from discrimination.

The purpose of our work is to add value and support continuous improvement in the delivery of policing in Scotland. Where relevant, we will make recommendations to Police Scotland and the SPA that aim to improve policing. Through engagement these recommendations are regularly reviewed and will benchmark change.

Our inspection work does not end with the publication of our reports, we will often undertake follow-up work to assess progress, in addition to this we will also identify good practice that can be rolled out across Scotland.

We can inspect other UK police services that operate in Scotland and are members of the **National Preventive Mechanism**, inspecting police custody centres to monitor the treatment and conditions for detainees.

Facts and figures

HMICS staffing model

The position of HM Chief Inspector of Constabulary in Scotland (HMCIC) is held by Mrs Gillian Imery QPM who leads the following team:

| | |
|---|----------------------------------|
| Assistant Inspector of Constabulary | Elaine Galbraith |
| Lead Inspector | Ray Jones |
| Lead Inspector | Dawn Lewington |
| Lead Inspector | Brian McInulty |
| Lead Inspector | Tina Yule |
| Support Inspectors | Patricia Robertson Pam Colvin |
| Scrutiny Programme Co-ordinator | Rhona Ford |
| Research and Inspection Support Manager | Joanna Gardner |

Further details about our team can be found on the 'Meet Our Team' section of our website.¹⁴

Throughout 2020-2021, we continued to strengthen our capacity for inspection and continued to engage the services of Associate Inspectors from a range of backgrounds including policing, local government and academia. These inspectors provide specialist skills and experience to augment our inspection teams as required.

HMICS budget 2020-2021

HMICS is funded entirely by the Scottish Government in respect of staff, accommodation, equipment and other expenses.

Our budget for 2020-21 was £1,060,000. In addition, we received a credit of £31,995 following an erroneous payment made during the 2019-20 financial year. Therefore, our available budget for 2020-21 was £1,091,995. Our spend for the year was £1,108,704 which represents an overspend of £16,709.

HMCICS expenses

The total expenses incurred and claimed by HM Chief Inspector of Constabulary in Scotland in the financial year 2020-2021 was £0.

¹⁴ HMICS, [Meet Our Team](#).



Awards and commendations 2020-2021

The honours and awards conferred each year on police officers, police staff and special constabulary are a reflection of the service's commitment to the people of Scotland. In the fiscal year 2020-21, Her Majesty bestowed the following honours on members of the service in recognition of their exceptional service:

Queen's Birthday Honours 2020

QPM

- Campbell Thomson – Chief Superintendent
- Hazel Hendren – Chief Superintendent

MBE

- John Bullagh – Police Scotland - Special Constable - Services to Law and Order

BEM

- Graham Wilson – Police Scotland - Special Constable - Services to Law and Order
- Tom Kenny – Police Scotland – Services to Law and Order

New Year's Honours 2021

QPM

- Sam McCluskey – Detective Chief Superintendent.
- Lindsay Tulloch – Chief Inspector



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About Her Majesty's Inspectorate of Constabulary in Scotland

HMICS operates independently of Police Scotland, the Scottish Police Authority and the Scottish Government. Under the Police and Fire Reform (Scotland) Act 2012, our role is to review the state, effectiveness and efficiency of Police Scotland and the Scottish Police Authority. We support improvement in policing by carrying out inspections, making recommendations and highlighting effective practice.

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ISBN: 978-1-910165-64-5