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HM INSPECTORATE OF CONSTABULARY IN SCOTLAND

# **Thematic Inspection of Domestic Abuse**

## **Phase I**

### **– Terms of Reference**

March 2022

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# HM Inspector of Constabulary in Scotland

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HM Inspectorate for Constabulary in Scotland (HMICS) is established under the Police and Fire Reform (Scotland) Act 2012<sup>1</sup> 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).

We have a statutory duty to ensure that the Chief Constable and the SPA 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.<sup>2</sup>

**This Thematic Inspection of Domestic Abuse Phase 1 will be undertaken by HMICS under section 74(2)(a) of the Police and Fire Reform (Scotland) Act 2012 and will be laid before the Scottish Parliament under section 79(3) of the Act.**

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<sup>1</sup> Chapter 11, Police and Fire Reform (Scotland) Act 2012.

<sup>2</sup> HMICS, [Corporate Strategy 2017-20](#) (November 2017).

# Our audit

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## Introduction

1. HM Inspectorate of Constabulary in Scotland (HMICS) has committed to a statutory inspection of Domestic Abuse as part of its Scrutiny Plan for 2021-22.

## Aim

2. The scale and scope of a full thematic inspection of domestic abuse would be considerable. The complex issues that arise in this area extend beyond policing and involve wider criminal justice system issues, and as such there would be greater benefit in some of the themes being explored as a piece of joint inspection activity with other scrutiny bodies. A staged approach to inspection is therefore planned, with the first stage being conducted by HMICS within the 2021-2022 scrutiny year, with further stages to follow thereafter.
3. The aim of Phase I of the domestic abuse inspection will be to assess the state, efficiency and effectiveness of Police Scotland's response to domestic abuse, with a focus on the user experience of victims who report to the police.

## Background

4. Domestic abuse remains a strategic priority for Police Scotland and tackling violence against women and girls (VAWG) has also been a priority of Scottish Government for some time in terms of its Equally Safe Strategy to eradicate VAWG.
5. The nature of offending within a domestic setting encompasses a range of criminal conduct including physical, verbal, sexual, psychological and financial abuse. Although domestic abuse is experienced by all genders it disproportionately impacts women and girls.
6. In line with legislation and other strategic definitions, domestic abuse is defined by Police Scotland and the Crown Office and Procurator Fiscal Service (COPFS) as:  
  
*"Any form of physical, verbal, sexual, psychological or financial abuse which might amount to criminal conduct, and which takes place within the context of a relationship. The relationship will be between partners (married, cohabiting, civil partnership or otherwise) or ex-partners. The abuse may be committed in the home or elsewhere including online".*
7. While retaining the appropriate domestic abuse categorisation, domestic abuse is investigated and prosecuted according to the nature of the offending which includes a variety of crimes under common law and legislation, such as assault and statutory sexual offences. Further, specific domestic abuse legislation, the Domestic Abuse (Scotland) Act 2018, was enacted on 1 April 2019 and covers any course of coercive and/or controlling behaviour towards a partner or ex-partner.



8. Scottish Government statistics<sup>3</sup> on domestic abuse recorded by the police in Scotland 2020-21 reveal that:
  - Just over 65,000 incidents of domestic abuse were recorded in 2020-21, a 4% increase from 2019-20 and the fifth year in a row where there has been an increase in such incidents.
  - 4% of all crimes and offences recorded by Police Scotland in 2020-21 as part of a domestic abuse incident were recorded under the Domestic Abuse (Scotland) Act 2018.
  - Where gender information was recorded, four-in-five (80%) incidents of domestic abuse involved a female victim and a male accused, a slight decrease from 82% in 2019-20; and 16% involved a male victim and a female accused, a slight increase from 15% in 2019-20.
9. As a result of the high prevalence of domestic abuse, a considerable commitment by police and partners is required to tackle this criminal conduct and to protect those that are the victims of it.
10. Serious sexual offending is a recurring feature of domestic abuse. From a thematic perspective, serious sexual crime is regarded as a specialism by Police Scotland, with the exception of when it takes place within the context of domestic abuse, when it is investigated as part of the domestic abuse case.
11. The Covid-19 global pandemic and resultant government measures to manage it, particularly extended periods of societal 'lockdown', introduced a further dimension to domestic abuse in terms of heightened risk to victims, increased difficulties in accessing support and backlogs within the criminal justice system.
12. The last thematic inspection undertaken by HMICS on domestic abuse was before the inception of Police Scotland, having been published in August 2008. It is therefore timely that this important area of policing, which is of great public concern, is inspected.

### **Domestic Abuse Phase I - Terms of reference Scope**

13. This inspection will be undertaken by HMICS in terms of Section 74(2)(a) of the Police and Fire Reform (Scotland) Act 2012.
14. The intention of Phase I of the review is to assess the police response to reports of domestic abuse offences. This will have a particular focus on the victim's experience from report, during investigation and up to the conclusion of police investigations, and will include cases where serious sexual offences have also been reported for investigation. We will therefore assess:
  - The accessibility and ease with which victims of domestic abuse can report incidents and crimes to the police where domestic abuse features, and the effectiveness of any public messaging and/or engagement undertaken by Police Scotland with communities to encourage reporting and break down any potential barriers.

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<sup>3</sup>[Scottish Government official statistics - Domestic abuse recorded by the police in Scotland 2020-21 published 30 November 2021.](#)

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- The effectiveness of initial call handling and use of the THRIVE<sup>4</sup> assessment model for risk assessment, the appropriateness of consequent police action, and the application of initial safety measures.
  - The standard of service provided to victims of domestic abuse and whether their expectations are being met in terms of Police Scotland's published standards of service to victims and witnesses, and given the vulnerabilities and safety considerations involved.
  - The effectiveness of training and its impact on service delivery for victims.
  - The rationale and quality of investigative decision making during the course of investigations, including any supervisory input, and the interface between the local policing response and specialist national structures. This will include an assessment of the quality of investigation of serious sexual crime within the context of domestic abuse, an area of policing that is otherwise regarded as a specialism, to provide assurance a consistent level of service is being provided to victims.
  - The effectiveness of engagement and communication with victims and the provision of support throughout the investigation, including engagement with support and advocacy services. This will include any specific impact on engagement, communication and support provision during the Covid-19 pandemic.
  - The ongoing application of safety measures in relation to victims, including initial risk assessments, safety planning and escalation processes to establish the appropriateness and effectiveness of protective measures. This will include whether Multi-Agency Risk Assessment Conference (MARAC) or Muti-Agency Tasking and Coordination (MATAC) processes were utilised.
  - The use and consistency of application of protective measures in respect of suspects when released from police custody, including conditions attached to investigative liberation and undertakings, which are important safeguards available to help protect victims.

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<sup>4</sup> THRIVE – assessment of Threat, Harm, Risk, Investigative opportunity, Vulnerability, Engagement to resolve the issue.

## Exclusions from scope

15. Phase I of this inspection will not consider:

- The accuracy of crime recording. This was recently assessed by HMICS for both domestic abuse and sexual crimes, in its 2020 Crime Audit<sup>5</sup>. HMICS found compliance of the recording of domestic abuse offences was good. Six recommendations were made for improvement and HMICS continues to monitor ongoing work to discharge these recommendations.
- Police Scotland's structures, policy and strategic direction in relation to the wider business area of public protection and specifically in relation to violence against women and girls (VAWG). Police Scotland has recently commissioned a comprehensive review of the national policing response to public protection. In view of this ongoing work, it would be premature for HMICS to inspect this area at this time. This may feature as a separate phase of work in the future.
- Wider criminal justice system issues, including the quality of police reports submitted to the Crown Office and Procurator Fiscal Service (COPFS), delays and backlogs in the criminal justice system, and the management and communication of bail decisions following the submission of a police report. HMICS recognises the importance of these issues but considers it would be more advantageous if they were examined as part of a joint piece of inspection work with HM Inspectorate of Prosecution in Scotland (IPS). HMICS will liaise with IPS with a view to undertaking such joint inspection work in the future.
- The strategic arrangements for MARAC and MATAC processes and the quality of these processes. As outlined earlier, Phase I of the inspection will be concentrated on the police response, with a focus on the user experience. By their very nature multi-agency processes involve many other partners.
- Domestic abuse offending (including sexual offending within a domestic setting) where the suspect is a police officer or member of police staff. While this is a matter of significant public concern, a great deal of work is currently ongoing across the United Kingdom in this area, including:
  - i. Work commissioned by the Home Secretary encompassing (a) a thematic inspection by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) into vetting, counter-corruption procedures and the ability of forces in England and Wales to detect and deal with misogynistic and predatory behaviour, and (b) the Angiolini inquiry which will consider systemic failures which allowed Wayne Couzens to be employed as a police officer at the time of the Sarah Everard murder, and broader issues arising for policing and the protection of women;

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<sup>5</sup> [HMICS Crime Audit 2020 published March 2021](#)

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- ii. The ongoing joint investigation<sup>6</sup> into the Centre for Women's Justice super-complaint relating to the police response to allegations of police-perpetrated domestic abuse; and
  - iii. The ongoing investigation by the Independent Office for Police Conduct (IOPC) into a number of matters linked to the conduct and conviction of Wayne Couzens.

In addition, HMICS is aware that Police Scotland has reviewed and reported on sexual misconduct matters within Police Scotland to the complaints and conduct committee of the Scottish Police Authority (SPA), the SPA board also being made aware of this work.<sup>7</sup>

Therefore, it is considered more appropriate to conduct a separate piece of work in this area, to follow soon after Phase I, which will allow more meaningful assurance to be provided to maintain public confidence in policing. This is an area which will be kept under review by HMICS.

### Objectives and outcomes

16. The intended outcomes from phase I of the inspection and its publication are to:

- Assess the accessibility and ease with which victims of domestic abuse can report incidents/crimes to the police where domestic abuse features, and the effectiveness of public messaging and/or engagement undertaken by Police Scotland with communities to encourage reporting and break down any potential barriers.
- Identify any improvements that can be made to further break down any barriers that exist for victims reporting domestic abuse to the police.
- Evidence the victim experience of the service provided by Police Scotland when reporting domestic abuse, including those incidents with a sexual element, and the level of engagement, communication and provision of support to them throughout the investigation.
- Assess the victim experience against Police Scotland's published standards of service to victims and witnesses and whether Police Scotland is meeting the expectations of victims.
- Assess the effectiveness of training, its impact on service delivery for victims, and identify any gaps.
- Identify improvements that can be made to enhance the experience of victims when reporting to the police and ensure a consistently high standard of service delivery.

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<sup>6</sup> Investigation being conducted by Her Majesty's Inspectorate of Constabulary & Fire and Rescue Services (HMICFRS), the College of Policing and the Independent Office for Police Conduct (IOPC).

<sup>7</sup> [SPA Board meeting 19 January 2022 paper - item 4](#) – Summary report from Complaints and Conduct Committee.

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- Provide assurance of the effectiveness of investigative decision making at local and national level.
  - Identify good practice and positive learning that can be shared, to provide the opportunity for organisational learning.
  - Provide assurance that the Contact Assessment Model (CAM) of call handling is being used effectively and consistently in relation to reports of domestic abuse and the appropriate policing response is based on the THRIVE model with appropriate risk assessments and application of safety measures.
  - Provide the SPA with the information it needs to assert its scrutiny role appropriately in this area.
  - Enhance public confidence in the service provided in an area of policing of great public concern.

### **User Perspective**

17. As set out in the Public Services Reform (Scotland) Act 2010, HMICS has a duty to demonstrate continuous improvement in user focus, i.e., involving users in the scrutiny process. We will endeavor to obtain an accurate as possible perspective of key stakeholder groups through public engagement and consultation.
18. This is particularly relevant during Phase I of the inspection when the experience of victims who report to police is the focus. Organisations that are engaged in supporting victims of domestic abuse are a valuable conduit in obtaining an understanding of victims' experiences. In furtherance of this, HMICS will engage directly with Scottish Women's Aid, Rape Crisis Scotland, The Scottish Women's Rights Centre, Victim Support Scotland and other organisations who support victims of domestic abuse to gain their professional perspective. We also aim to learn directly from victims of their experience of reporting their abuse to Police Scotland.
19. HMICS will also engage directly with Police Scotland officers and staff, the Scottish Police Authority and Scottish Government officials.



## Methodology

20. We will use the latest HMICS Inspection Framework which is based on the European Foundation for Quality Management (EFQM) Excellence Model and Best Value Characteristics. The Inspection Framework will provide a structure to our review which will be risk based, proportionate and focused on improving delivery of policing in Scotland. We will structure our review around our objectives and three themes:

- Outcomes
- Delivery
- Leadership and Vision

21. Between March 2022 and June 2022 we will:

- Liaise regularly with Police Scotland through the identified single point of contact for HMICS who will support the inspection process and facilitate appropriate access to people and information, and maintain ongoing engagement with other key stakeholders.
- Listen to a sample of calls and examine associated incident and iVPD<sup>8</sup> records where reports of domestic abuse have been made to the police, and assess the use of the THRIVE model for risk assessment, the application of initial safety measures, and the appropriateness of the initial police response. The sample will be drawn from different territorial policing divisions to obtain a good geographical representation and a mix of rural and urban communities.
- Undertake case study file reviews of a separate sample of domestic abuse cases, again with a geographical spread across territorial policing divisions, and assess investigative decision making and the standard of service provided to victims, from the point of reporting to the police through to investigative conclusion.
- Conduct a document review of relevant police strategy, policies, procedural guidance and multi-agency arrangements.
- Conduct interviews and focus groups with staff and victim representatives from organisations engaged in supporting victims of domestic abuse, and with victims of domestic abuse to understand their lived experience.
- Conduct interviews and focus groups with key members of Police Scotland officers and staff.
- Carry out an online survey of victims of domestic abuse to capture their experience of reporting to the police.
- Examine and analyse other relevant survey material/data available from Police Scotland or other stakeholders which captures victims' experiences of reporting domestic abuse.

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<sup>8</sup> Vulnerable persons database – records incidents relating to vulnerability including domestic abuse



### **Publication and reporting timescales**

22. We anticipate publishing a report of our findings in early July 2022. Our report will be published in terms of Section 79 of the Police and Fire Reform (Scotland) Act 2012. A copy of the report will also be provided to the Chief Constable, the Scottish Police Authority and the Cabinet Secretary for Justice and laid before the Scottish Parliament. A copy will also be made publicly available on the HMICS website.
  
23. For further information about the Domestic Abuse Thematic Inspection Phase I, please contact Dawn Lewington, Lead Inspector (Dawn.Lewington@gov.scot).

### **Gillian Imery QPM**

HM Chief Inspector of Constabulary in Scotland  
March 2022