



HM INSPECTORATE OF CONSTABULARY IN SCOTLAND

Policing Mental Health in Scotland

– A Thematic Review

Terms of Reference

January 2023



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).

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, as outlined in the [HMICS Corporate Plan 2021-2024](#), is to support Police Scotland and the SPA to deliver services that are high quality, continually improving, effective and responsive to local needs.

This assurance review 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.

Our review

Introduction

1. HM Inspectorate of Constabulary in Scotland (HMICS) has committed to a thematic review of the servicing of mental health demand, during the period of our [Scrutiny Plan 2022-2025](#). During the scoping for this review it became apparent that there would be more benefit from a wider review that considers the demand on Police Scotland in responding to mental health related incidents and the subsequent policing services provided.

Aim

2. The aim of this thematic review will be to assess the state, efficiency and effectiveness of the force's provision of mental health related policing services.

Background

3. According to the [Scottish Health Survey 2019](#), it is estimated that around 1 in every 4 people are affected by poor mental health per year in Scotland. The increase in demand for policing services arising from poor mental health is well documented. In 2016, the [2026, Serving a Changing Scotland](#) strategy stated the most common marker on the interim vulnerable person's database (iVPD) system was mental health, accounting for around 157 incidents per day, or 57,000 mental health incidents recorded on the database in a year.
4. The [Scottish Government Mental Health Strategy 2017-2027](#) estimated that only 1 in 3 people who would benefit from mental health treatment currently receive it and people with mental health needs experience longer waits in 'out of hours' services than people with physical health needs. Furthermore, the strategy recognised that justice agencies were commonly dealing with situations where the main issues were mental health and distress, where no offence or only a minor offence had been committed.



5. These challenges are not limited to Scotland. The [HMICFRS 2018 report on Policing and Mental Health](#) highlighted issues with the broader mental health system, in England and Wales that result in the Police ‘picking up the pieces’ This report found that as well as letting those with mental health issues down, this was placing an intolerable burden on officers and staff. These findings resonate with themes highlighted to us during our scrutiny consultation, and during previous inspections.

6. Our inspection will consider the recommendation contained within 2020 [Independent Review of Police Complaints Handling, Investigations and Misconduct](#), conducted by Dame Elish Angiolini, namely –

As soon as it is reasonable and feasible to do so, 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

7. It is important to note that HMICS does not have statutory powers to inspect other agencies. It is, however, our intention to liaise with other scrutiny bodies during this review and to establish an advisory group to assist the review team.

Provision of mental health related policing services - Terms of Reference Scope

8. This thematic review will be undertaken by HMICS in terms of the Section 74(2)(a) of the Police and Fire Reform (Scotland) Act 2012.

9. The intention is to consider the role of Police Scotland in relation to mental health in Scotland and to assess the state, efficiency and effectiveness of Police Scotland’s provision of mental health related policing services, by assessing:

- How well prepared Police Scotland are to meet the needs of people who are suffering from poor mental health
- Whether the police response to mental health related demand impacts on the efficiency and effectiveness of the force in delivering other policing services
- Whether the force understand the demand associated with the provision of mental health related policing services



- The effectiveness of the force's collaborative working arrangements in relation to the provision of mental health related policing services
 - The impact that the involvement of the police has on the person who is suffering from poor mental health
10. The review will also consider the extent to which the Scottish Police Authority has exercised proportionate, accountable and transparent governance over mental health related policing, and how it has held the Chief Constable to account.

Exclusions from scope

11. This review will not consider:
- Missing person investigations – whilst there is a strong link between mental health and missing person enquiries, a separate missing person inspection is planned
 - Care of prisoners in custody who are suffering from poor mental health – will be covered by the custody inspection programme
 - Wider criminal justice response to mental health, our review will focus on the efficiency and effectiveness of the police approach
 - Mental health and wellbeing of police officers and staff, which will be covered by our front line focus review
 - Full evaluation of multi-agency initiatives that may be subject to separate evaluations

Objectives and outcomes

12. The intended outcomes from the review, and its publication, are to:
- Assess whether the right people, policies and procedures are in place to respond to the challenges arising from mental health related policing
 - Assess how effectively Police Scotland are working in collaboration with key partners to develop a whole system approach to mental health

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- Assess whether the force mental health response is integrated with other aspects of strategic planning, and being owned and implemented at both strategic and operational level within Police Scotland to support policing delivery
 - Assess whether suitable capacity, capability and skills are in place to respond to the needs of people who are suffering from poor mental health
 - Assess the effectiveness of training, its impact on service delivery for people who are suffering from poor mental health, and identify any gaps
 - Identify improvements that can be made to enhance the experience of people who are suffering from poor mental health when interacting with the police and ensure a consistently high standard of service delivery

User Perspective

13. 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 endeavour to obtain the perspective of key stakeholder groups through self-evaluation and consultation. HMICS will engage directly with Police Scotland, officers and staff, the Scottish Police Authority and partner agencies.
14. Organisations that are engaged in supporting people who suffer from poor mental health are a valuable conduit in obtaining and understanding of the experiences of people who have interacted with the police. HMICS will engage directly with organisations who support people who suffer from poor mental health to gain their professional perspective. We also aim to learn directly from people who suffer from poor mental health who have interacted with Police Scotland.



Methodology

15. 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 the delivery of policing in Scotland. We will structure our review around our objectives and three themes:
 - Outcomes
 - Leadership and Vision
 - Delivery

16. Between January 2023 and May 2023, 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
 - Issue a self-evaluation to Police Scotland
 - Establish an advisory group to work with the review team
 - Analyse the completed self-evaluation and evidence provided and consider relevant documentation in the public domain. Where possible we will minimise the need of further documents, but this will depend on the quality of evidence provided in the self-evaluation. Additional requests may emerge during the review
 - Conduct a document review of relevant police strategy, policies, procedural guidance and multi-agency arrangements
 - Conduct interviews and focus groups with staff and representatives from organisations engaged in supporting people who suffer from poor mental health, and with people who suffer from poor mental health to understand their lived experience
 - Conduct interviews and focus groups with key members of Police Scotland officers and staff

- Examine and analyse other relevant material/data available from Police Scotland or other stakeholders which captures the experiences of people who suffer from poor mental health and who have interacted with the police

Publication and reporting timescales

17. We anticipate publishing a report of our findings in July 2023. 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.
18. For further information about the assurance review of Police Scotland's provision of policing services to people with mental illness, please contact Brian McNulty, Lead Inspector brian.mcinulty@hmic.gov.scot

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January 2023