

HM Inspectorate of Constabulary for Scotland

Independent peer review

Dr Gill Robinson



April 2013



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2 April 2013

Dear Gill,

Independent Peer Review of HM Inspectorate of Constabulary for Scotland

Thank you for this important piece of work which Andrew Laing invited you to undertake.

I appreciate the rigour and thoroughness of its examination of how HMICS has gone about its work. It provides a useful sense of strategic direction for inspection of the Police Service in future, describing the characteristics which would represent excellence in the inspection of policing in Scotland.

The report is very timely, with my having taken over stewardship of HMICS on 1 March 2013, and with the preparations underway to form the new Police Service of Scotland on 1 April 2013. It will provide a valuable foundation as we examine and explore how HMICS can add greatest value in the new policing environment in Scotland.

Yours sincerely

George Graham
HM Inspector of Constabulary

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Foreword

On 1 April 2013, policing in Scotland will undergo the most significant change in more than a generation as the new single Police Service of Scotland and Scottish Police Authority come into being. In inviting this review of the work and impact of HM Inspectorate of Constabulary for Scotland, Her Majesty's Inspector of Constabulary for Scotland Andrew Laing saw value in gaining an external perspective as he took HMICS forward into this new era.

The evidence for this review has shown broad support for the ways in which approaches to inspection developed under his leadership. The report identifies where and how HMICS has made a positive impact, and helps to point the way to achieving even greater impact in the future.

I had discussions with around 100 people during the review. They were generous with their time and the discussions were often strikingly open and deep, illustrating the importance of the subject to those who took part. Almost all of them stressed how important it will be to establish the best possible arrangements for accountability and scrutiny within the new landscape of policing, and that HMICS's role would be crucial in providing assurance that Scottish policing is of the highest quality.

All inspectorates must be agile as they anticipate and reflect developments in the service with which they work. HMICS is no exception, and good work has been done in planning for HMICS's structure and activities beyond April 2013. HMICS will continue to evolve as the new Police Service of Scotland and the Scottish Police Authority themselves develop. The report identifies four strategic features – independence, credibility, partnership and impact - which will need to be continually renewed and sustained so that HMICS will continue to achieve the greatest benefits through its work.

I would like to thank all of the people who contributed to this review for sharing their knowledge, views and insights with me. I am very grateful to those who helped by making the efficient arrangements for my visits and meetings and by providing information. I would like to record my thanks to Andrew Laing for the opportunity to undertake this task, and to thank the members of the HMICS team for their openness, their help and their support.

I hope that this report will make a useful contribution to the important task of establishing rigorous and open arrangements for the scrutiny, inspection and improvement of policing in Scotland.

Dr Gill Robinson
March 2013

1. Introduction

This chapter provides a brief overview of the purpose of the review, the context within which HM Inspectorate of Constabulary operates, reforms of policing and local government in Scotland, and developments in the forms and purposes of inspection.

1.1 The review

In April 2012 Mr Andrew Laing, Her Majesty's Inspector of Constabulary for Scotland, invited me, as an HM Chief Inspector, Education Scotland,¹ to undertake an independent peer review of the work and impact of HM Inspectorate of Constabulary for Scotland (HMICS). The purpose of the review was to provide independent commentary on the approach adopted by HMICS, particularly since December 2010, and an assessment of its relevance to and impact on policing in Scotland in the context of police reform. The terms of reference are set out in appendix 1.

The review began in July 2012. Most of the fieldwork took place before October 2012, during the period before the appointment of office-holders within the new structure of Scottish policing. The work was interrupted because of unforeseen personal circumstances, and was completed during February and March 2013.

In the course of the review I held discussions with a wide range of individuals and groups including members and former members of staff of HMICS, chief constables and other representatives of all of the eight Scottish police forces and the Scottish Police Services Authority (SPSA), members and clerks of current police boards, policy officials, Ministers and representatives of other agencies, authorities and the Scottish Parliament Justice Committee. A list of those who contributed is provided in appendix 2.

In addition to these discussions I examined documents and relevant materials, joined members of the team in a number of activities and considered the arrangements for inspection of policing in some other countries. A description of the methodology of the review, including the main questions for the discussions, is provided in appendix 3.

¹ Education Scotland was formed in August 2011 by bringing together HM Inspectorate of Education with Learning and Teaching Scotland, the National Continuing Professional Development Team and the Positive Behaviour Team.

1.2 Context

Policing

Ethical, efficient, effective policing is fundamental to the safety, security and wellbeing of our country, communities and individuals. This distinctive role forms the backdrop to the work and functions of HMICS. Policing differs from other areas of public service in that all police officers, regardless of their rank, hold the office of constable. As 'sworn constables', they are subject to the direction and control of the chief constable but they are independent legal officials, not agents of the police force, police authority or government.

HM Inspectorate of Constabulary for Scotland

The Police (Scotland) Act 1857 established the position of inspector of constabulary to report on the efficiency and effectiveness of police forces in Scotland, and the first report was published in 1859. Section 33 of the Police (Scotland) Act 1967², as amended, sets out the statutory duties of inspectors of constabulary. In summary, these are:

- to visit and inquire into any matter concerning or relating to the operation of a police force or of police forces generally..... matters may include the state and efficiency of, and of the buildings and equipment used by, the force or forces; and
- to provide a written report annually on the state and efficiency of the police forces.

In addition to these statutory duties, HM Inspector of Constabulary for Scotland acts as a source of professional advice on police matters, including as the 'senior professional police adviser to Scottish Ministers'³.

HMICS's mission statement⁴ sums up the interconnected purposes of the organisation:

'Our mission, 'monitoring and improving policing' centres on the inspection of policing services, supporting improvement through our findings and recommendations, and identifying and sharing good practice.'

² [Police \(Scotland\) Act 1967 Section 33](#)

³ [Scottish Government News Release 29 October 2010](#)

⁴ [HMICS website: About us](#)

The Police (Scotland) Act 1967 makes provision for Her Majesty the Queen to appoint one or more inspectors of constabulary, and for one of those to be appointed as chief inspector. There was an HM Chief Inspector until 2009. A number of changes in inspection and scrutiny in Scotland took place around that time following a review by Professor Lorne Crerar⁵, and an HM Inspector of Constabulary for Scotland was appointed in 2009 rather than a chief inspector. The current HM Inspector took up post in December 2010, having most recently served as Deputy Chief Constable of Fife Constabulary. Chapter 3 provides details on HMICS's structure and staffing.

Arrangements for the governance and accountability of policing in Scotland

The review coincided with a period of major activity associated with the Scottish Government's programme of police reform. Following royal assent to the Police and Fire Reform (Scotland) Act 2012, a new single Police Service of Scotland (PSoS) was to be established on 1 April 2013 to replace Scotland's eight police forces. The Scottish Police Authority (SPA) would effectively take the place of the eight local police authorities.

In relation to HMICS, the Act states that 'there are to continue to be inspectors of constabulary in Scotland' and sets out functions for HM inspectors. These are similar to existing functions but HMICS's scrutiny roles would extend to both the PSoS and the SPA. The Act also sets out a role for the Auditor General in relation to the PSoS and SPA and establishes a Police Investigations and Review Commissioner (PIRC). The implications of the changes associated with police reform for the work of HMICS are discussed in chapter 4 and relevant extracts from the legislation are provided in appendix 4.

At the time of the review, HMICS was still operating in the context of existing governance and accountability arrangements for policing in Scotland, with Scottish Ministers, the chief constables of the eight existing police forces and their police authorities and joint police boards holding respective powers and responsibilities, known as the 'tripartite' arrangement':

- Scottish Ministers have powers to make regulations for the government and administration of police forces and promotion of their efficiency;
- Police Authorities and Joint Police Boards are responsible for setting police budgets and ensuring that best value is attained for the public purse;

⁵ [The Crerar Review: The Report of the Independent Review of Regulation, Audit, Inspection and Complaints Handling of Public Services in Scotland, Scottish Government \(2007\)](#)

- Chief Constables are responsible for the operational aspects of policing within their force (for example, HMICS (2011⁶)).

The Scottish Police Services Authority (SPSA) provides services to the police forces and training for police officers, through the Scottish Police College. It also maintains the Scottish Crime and Drug Enforcement Agency (SCDEA).

Bodies and agencies with other relevant responsibilities

HMICS is the body which has responsibility for the inspection of policing, but some other bodies and specialist agencies have responsibilities for audit or investigation in related areas. Until 31 March 2013, the Police Complaints Commissioner for Scotland reviews the way in which police organisations in Scotland deal with complaints made by members of the public. Audit Scotland, on behalf of the Accounts Commission, undertakes audits of Best Value of local authorities, including police authorities and, as described in the next chapter, has worked with HMICS on a joint programme of best value audits/inspections. In addition, some specific aspects of policing are regulated or scrutinised by commissioners or specialist agencies which operate alongside HMICS. This applies, for example, to the fields of firearms compliance and surveillance. HMICS also takes part in inspections with HMIC (England and Wales) within the Ministry of Defence Police, the Civil Nuclear Constabulary and the British Transport Police.

Finally, because of the contribution which policing makes to a range of endeavours which are carried out in partnership with other services (such as child protection and community planning) HMICS operates in different forms of partnership with other inspection and scrutiny bodies which have their own responsibilities for monitoring standards, efficiency and effectiveness in specific areas outwith policing. These include the Care Inspectorate, Education Scotland, Healthcare Improvement Scotland and HM Inspectorate of Prosecution in Scotland.

1.3 Inspection

The purposes of inspection in public services

Inspection has been an established part of the public sector landscape in Scotland for at least 150 years. However, across different public services and countries, the term 'inspection' is applied to a range of types of activity, with a range of purposes.

⁶ [Governance and accountability in policing in Scotland, HMICS, June 2011](#)

The purposes of inspection include:

1. providing assurance to Ministers, Parliament and the public about the quality of a service and its processes
2. ensuring compliance with legislation, regulations and standards
3. providing information about the relative performance of services, sometimes with a view to informing consumer choice (for example of health providers)
4. mitigating risk (for example by examining processes and practices associated with services to protect children)
5. informing and catalysing improvement by providing external evaluation, insights, advice and recommendations and disseminating good practice
6. building capacity, for example through support for self-evaluation and authoritative professional dialogue during an inspection.

Inspection is therefore a 'plastic' concept, taking different shapes in different contexts, and able to be reshaped in the light of developments and changing demands. In the case of policing, this 'plasticity' is evident within the history of inspection of policing in Scotland. As chapter 2 explains, the approaches and priorities of HMICS have changed significantly over time, particularly in recent years.

'Plasticity' is also evident internationally. Where countries adopt external inspection or scrutiny of policing, the structures, purposes and 'levers' at the disposal of inspectorates to influence practice or policy can vary markedly. (Examples are described in appendix 5.) Although there is not a uniform approach to the inspection of policing, there is a common commitment to 'independence' and to the gathering of first-hand evidence.

Recent developments in the inspection of public services in Scotland

In Scotland during the period from around 1997 to 2006 there were moves towards greater emphasis on self-evaluation. This move saw organisations increasingly evaluating their performance against indicators of quality as part of their cycles of planning for improvement. While compliance-based inspection remained for services which were regulated (such as care), inspection in school education, for example, developed so as to complement and promote self-evaluation and support improvement.

The Crerar Review of public service inspection commissioned by the Scottish Government⁷ reinforced the importance of self-assessment and made

⁷ [Report of the Independent Review of Regulation, Audit, Inspection and Complaints Handling of Public Services in Scotland, Scottish Government, 2007](#)

recommendations which had the aim of reducing any perceived 'burden' of inspection. There was subsequently a trend away from cyclical inspection programmes towards what were described as more 'risk-based', proportionate approaches. Part of the more risk-based approach saw a greater focus upon the outcomes which result from the operation of the particular service rather than their internal processes. In addition, the extent of inspection activity was designed to be more proportionate to the performance of the service. As part of this move, Audit Scotland was invited to lead in the establishment of a new approach to the scrutiny of local authorities. A process of shared risk assessment for each council was established in 2009, drawing upon relevant audit and inspection evidence from inspectorates.

1.4 Public sector reform in Scotland

Relevant recent developments in public sector reform in Scotland have included the statutory duty placed upon local authorities and police authorities by the Local Government in Scotland Act 2003 to secure Best Value and to engage in community planning. The inspection of public services in Scotland, including the work of HMICS, has developed to address these duties through, for example, best value reviews of local authorities and police forces and authorities and the development of scrutiny models for community planning partnerships.

The report of the Christie Commission on the future delivery of public services⁸, and the Scottish Government's response⁹ to that report set out a direction of travel for public sector reform. They emphasise:

- 'a decisive shift towards prevention;
- greater integration of public services at a local level driven by better partnership, collaboration and effective local delivery;
- greater investment in the people who deliver services through enhanced workforce development and effective leadership; and
- a sharp focus on improving performance, through greater transparency, innovation and use of digital technology.'⁹

Since inspection and scrutiny evolve to reflect national intentions, these priorities are likely to inform increasingly the work of HMICS and sister inspectorates.

⁸ [Report on the Future Delivery of Public Services by the Commission chaired by Dr Campbell Christie, Scottish Government, 2011.](#)

⁹ [Renewing Scotland's Public Services - Priorities for reform in response to the Christie Commission, Scottish Government, 2011](#)

1.5 Overview

The current changes in context and developments in thinking about the nature and purpose of inspection have significant implications for HMICS. In particular, its relationship to the PSoS and the SPA will have to be established within the overall strategic framework for accountability, scrutiny and improvement of policing in Scotland. This change in context also provides fresh impetus to reviewing and reshaping HMICS's role and operational practices in light of developing thinking about inspection and developments in public services.

2. Review of HMICS tasks and approaches

2.1 Introduction

This chapter summarises how the programmes of HMICS activities have developed in recent years, particularly since 2010. It describes perceptions of these activities and evidence of their impact.

In summary, HMICS moved away in 2007 from its existing programme of primary and secondary inspections of individual forces to a combination of thematic inspections and self-assessments, the results of which were submitted by each force to HMICS. These changes reflected the trends in inspection which followed the Crerar Review. After 2010, among a number of changes, the number of thematic inspections was reduced, the approach to self-assessment was no longer being prescribed by HMICS and a programme of best value audits/inspections, carried out jointly with Audit Scotland, was underway. More detail about the categories of activity and their evolution is provided below.

2.2 Current programme of work

HMICS's current priorities were outlined in the 2011-13 Corporate Plan¹⁰ and Workplan¹¹. In addition to inspection activities, HMICS was increasingly engaged in activities relating to the imminent reform of policing in Scotland. The Corporate Plan sets out three strands of activity:

1. Business as usual (risk-based assessments, force conference programme, work plan comprising best value, thematic inspections and commissioned tasks, advice and liaison, sharing good practice)
2. Change management (clarifying aims; business case development; process of change)
3. Future assurance of Scottish policing (review of current framework; options for change; future model)

The following sections address these priorities using headings which fall most naturally from the evidence.

¹⁰ [HMICS Corporate Plan 2011-13](#)

¹¹ [HMICS Workplan 2012-13](#)

2.3 Self-assessment and self-evaluation

This aspect is considered first because of its importance in the context of external inspection. As indicated in the previous chapter, inspection should take account of the maturity of self-evaluation and this will influence the balance and focus of inspection programmes.

Both terms are used in documents and discussions of these processes. In this section, 'self-assessment' suggests a regular stocktaking of performance and 'self-evaluation' a more rounded process drawing upon a wider range of evidence as an established part of ongoing business and operations. Where self-evaluation is rigorous and mature, this should lead to sustained improvement, not only compliance.

HMICS's initial approach to self-assessment

In 2007, HMICS had introduced an approach to self-assessment of police forces and the Scottish Police Services Authority (SPSA) based upon the European Foundation for Quality Management (EFQM) excellence model. HMICS requested that each force submit a detailed self-assessment by December 2008. This was to be carried out according to a specified methodology, addressing 86 questions. Relevant staff in forces and in HMICS undertook training in the expected methodology. HMICS revisited its requirements for forces' self-assessments for 2009-10, scaling back its expectations with the aims of reducing the time required for the process and making it more relevant to police forces.

Views on the value and impact of HMICS's approach to self-assessment over these cycles were overall not positive. The EFQM process was felt to have been bureaucratic and demanding of time, and its outcomes were not perceived as sufficiently helpful to justify the investment of time. Self-assessments had been submitted to HMICS but forces were not aware of responses to these or actions as a result.

Developments in self-assessment and self-evaluation

By 2010-11 there was change in approach by HMICS, in response to concerns and because the process had not encouraged ownership of the self-assessment by forces. The change was signalled by the then HM Inspector in September 2010. In April 2011 the current HM Inspector set out proposals for a more streamlined approach to self-assessment, including the introduction of force conferences (see below). Forces were no longer expected to undertake self-assessments for HMICS over and above their own self-assessment

processes, and HMICS gave an undertaking that it would draw upon forces' own self-evaluation to inform its inspection work.

Forces were also developing their own approaches to self-evaluation further in ways which were in line with their business processes and to inform their business and operational assessments (taking account of the Scottish Strategic Assessment¹² planning process), internal performance monitoring, resource allocation and priorities for improvement. They were using performance information in the Scottish Policing Performance Framework (SPPF), which allows comparisons to be made in relation to service response, public reassurance and community safety, criminal justice and tackling crime, and sound governance and efficiency.

Force conferences

HMICS introduced a programme of force conferences during 2011-12. These were intended as information-gathering events to replace the annual paper-based self-assessment. The aim was to provide a forum for discussion between HMICS, force executive team members and representatives of the authority/board about matters including performance, planning, improvement and matters relating to reform. This discussion would then inform a risk-based assessment of each force and allow the planning of further risk-based inspection as appropriate.

The purposes and proposed form of the conferences were outlined in a letter from HM Inspector to chief constables and conveners in April 2011. HMICS staff prepared information packs and held internal discussions about issues relating to the forces. The conferences themselves varied from force to force, partly depending upon their timing in relation to the stage they had reached in the best value audit/inspection process (see below) and their understanding of the process.

The conferences were seen as useful by some as a way of explaining the force's priorities to HMICS or to give impetus to their own self-assessment processes. There was less evidence that they were valued as contributing to forces' own improvement. There was an appetite for more challenge and

¹² The ACPOS Scottish Policing Assessment 2011-15 (http://www.sipr.ac.uk/downloads/SPA_Public.pdf) considered operational and business priorities for the service with the aim of ensuring that it is best placed to deliver the most effective service to communities of Scotland, so that they live their lives free from crime, disorder and danger.

feedback in any such forums in future, and that they should have a clearer link to improvements in outcomes.

HMICS used the conferences to assess the need for inspection activity in areas of priority. Work carried out as a result included inspections on preparedness for the London Olympic Games and on the new structures and relationships which were being developed between local authorities and the PSoS.

Self-evaluation: some issues for consideration

Some contributors to the review observed that self-evaluation, with robust internal challenge and openness to addressing identified weaknesses, was difficult to achieve fully within the rank structure of policing. Overall, however, self-evaluation was seen as playing a significant part in the management and improvement of individual forces and agencies and, in future, of the PSoS. There was considerable support, both within and outwith forces, for a further strengthening of self-evaluation, provided that it was relevant and not too resource intensive. The move from self-assessment as an exercise which was carried out for HMICS to self-evaluation which emphasised the importance of local ownership, and HMICS's commitment to draw upon forces' own strategic and corporate assessments were seen as positive in this context.

There is not yet a comprehensive set of 'tools' for self-evaluation, although there were moves to develop further the 'best value characteristics' used in the best value audits/inspections and work was underway to develop the SPPF to take account of the new context. There is also a need to include within a future set of tools a form of Police Objective Analysis'¹³, which would help to inform decisions about resource allocation to different activities. A plea that was commonly made was for ways of evaluating important aspects of policing which are not amenable to quantitative measurement, such as community policing, including a set of descriptions of what represents high quality. It would be important for PSoS, SPA and HMICS to work together in these developments, to help to build common understanding of high quality within policing in Scotland and alignment between self-evaluation and inspection.

Overall, self-evaluation had some way to go to become mature and consistent across the police forces and authorities. With this mixed picture of the development of self-evaluation in Scottish policing there will be considerable scope for the PSoS and SPA to continue to support the development of self-

¹³ Police Objective Analysis (POA) is a model for analysing individual police authority expenditure by activity.

evaluation as a means of maintaining and improving quality, and for HMICS to maintain an external view of its rigour and depth.

2.4 Thematic inspections

Thematic inspections address a particular aspect of activity or policy, drawing upon evidence from across the forces. The number of thematic inspections was increased (from around two per year) when the programme of primary and secondary inspections of forces ceased in 2007. There was a reduction again after 2010.

The programme had led to a large number of recommendations and on his arrival the current HM Inspector set in train a review of the recommendations which were still outstanding at that time. Subsequently there was a small number of thematic inspections, with the themes being identified on the basis of risk. Table 1 shows the pattern of publication.

Those who contributed to the review felt that the thematic inspection programme had initially been too large and they had reservations about its overall benefits, particularly in relation to the investment of time and resources required from forces. Not all reports were perceived to be authoritative. The recommendations as a whole were not seen as sufficiently prioritised, and the rationale for some recommendations and the expectations about implementing them were sometimes unclear. Forces would have liked more feedback which was specific to them rather than broad national recommendations. The 'pruning' of the recommendations was seen as helpful. Staff who had participated in recent thematic inspections were positive about the quality of engagement with HMICS during the process and the force-specific feedback which they had received.

Amongst the reports, the recent CONTEST Prepare joint inspection, the second Victims in the Criminal Justice System joint inspection and also the results of the recent Crime Audit were identified as being particularly useful to forces and authorities/boards. It is important to record, however, that across the programme as a whole, individual forces found different individual reports helpful (there was a wide range of views as to which reports had been of greatest and least value, with opposite views expressed about some reports).

Not all forces gave high priority to addressing the recommendations from thematic reports. Some forces had highly systematic arrangements in place to monitor and track progress in relation to the recommendations and report regularly to their authority/board. In another example, the board has placed greater emphasis on improvement rather than 'exact following of detailed recommendations'.

Table 1. HMICS thematic reports from 2008 to date

Year	Title (click to view report) ¹⁴
2008	Scottish Crime Recording Standard
	Custody Facilities
	Natural Justice (inspection with the Inspectorate of Prosecution in Scotland (IPS) into the prevention, investigation and prosecution of Wildlife Crime)
	Productivity of police officers
	Serious fraud
	Quality of Service to users of policing services
	Care of detained and arrested children
	Domestic Abuse
	Medical services for people in police custody
2009	Police use of firearms
	Strategic priority setting in Scottish forces: Consulting the public
	Offenders who present a high risk of serious harm (inspection with the Social Work Inspection Agency and HM Inspectorate of Prisons)
	The Proceeds of Crime Act 2002 (inspection with IPS)
2010	Attendance Management
	PNC: National Overview Report (Scottish forces' compliance with the Police National Computer code of practice)
	Crime Audit: National Overview
	Victims in the Criminal Justice System (i) (inspection with IPS)
2011	Victims in the Criminal Justice System (ii) (inspection with IPS)
	CONTEST Prepare (inspection with HM Fire Inspectorate in Scotland, National Health Service Quality Improvement Service)
2012	Crime Audit 2011: National Overview Report
	Critical National Infrastructure (inspection with HMIC (England and Wales))
2013	Care and Welfare of persons detained in police custody in Scotland

¹⁴ applies to those which are publicly available

It is important to note the distinction between compliance with recommendations and impact. Contributors generally could not identify a great deal of impact from the programme of thematic inspections. Some did, however, identify specific examples of improvements in response to particular reports. These included the three examples listed above.

Overall there would seem to be an important place in the future for thematic inspections in areas of high priority, to provide authoritative evaluations and insights and make recommendations which have clear intended outcomes in terms of demonstrable improvements, efficiencies or reductions in threat, risk or harm.

2.5 Best Value audits and inspections

As indicated in the previous chapter, the extent to which public services in Scotland are achieving best value (that is, achieving continuous improvement in the performance of their functions) has increasingly been a focus for the inspection of public services in Scotland in recent years. Starting in 2009, when the then HM Inspector established the process with the Accounts Commission, HMICS and Audit Scotland have jointly undertaken a cycle of best value audits/inspections of the eight police forces and their authorities or joint boards.

Table 2. Best Value audits and inspections carried out by Audit Scotland and HMICS

Date	Best Value Audits and Inspections (click to view report)
December 2009	Tayside Police and Joint Board
April 2010	Northern Constabulary and Joint Board
February 2011	Grampian Police and Joint Police Board
July 2011	Strathclyde Police and Police Authority
December 2011	Lothian and Borders Police and Police Board
June 2012	Dumfries and Galloway Constabulary and Police Authority
July 2012	Central Scotland Police and Central Scotland Joint Police Board
September 2012	Fife Constabulary and Fife Police Authority
September 2012	Strathclyde Police Authority - follow-up
November 2012	Best Value in police authorities and police forces in Scotland: Overview report

These audits/inspections addressed the performance of each of the police authorities or joint boards and its police force and led to joint reports by the Controller of Audit and HMICS to the Accounts Commission and Scottish Ministers. The published reports included, in separate sections, findings made by the Accounts Commission on the authorities/boards and those made by HMICS on the forces. They also included a performance assessment for each force.

The best value audits/inspections were perceived positively by convenors, elected members, council officials and chief constables and staff at different levels within police forces who contributed to the review. For example, they 'valued the externality of the analysis'. A number used terms such as 'the teams got it right'. Many particularly welcomed the fact that this was a joint endeavour between Audit Scotland and HMICS. In the main they saw the process as rigorous, while also not over-burdensome. Members of the audit and inspection teams had more mixed views, and some cited difficulties in aspects of the process, particularly in the early part of the programme. With experience, however, the audit/inspection processes had become smoother and more streamlined.

Some of those inspected referred to the high quality of professional dialogue they had experienced and welcomed advice on practice elsewhere which team members had brought. Although some felt that the scrutiny had been 'light', others welcomed the depth of the team's approach, for example when team members followed audit trails from policy through to direct observation of practice. Some commented that the Best Value Framework¹⁵ which was used as the basis for these audits/inspections did not address some aspects which they felt were relevant in the police context and would, for example, have wished to see a greater emphasis on outcomes. As indicated earlier, they felt that it would be helpful for the future to develop a framework for evaluation which was more fully tailored to the needs of policing, setting out what 'good' is.

There was evidence of beneficial impact from these audits/inspections, with most contributors indicating that they had been useful to them. The greatest impact was felt to be on improving the work of authorities and joint boards in their scrutiny role. In addition, some forces made use of published reports on other forces to assess themselves, so assisting their self-evaluation and improvement processes. Forces and authorities gave high priority to their action plan and to monitoring progress against it through force executive teams and boards. In one example the action plan addressed not only the specific recommendations but also individual comments in the report.

¹⁵ [Best Value - a guide for forces and authorities \(2011\)](#)

Audit Scotland and HMICS jointly published a national overview report in November 2012 summarising the issues emerging from the cycle of audit/inspections, providing advice for members of existing police authorities during the transition to the national police service and, importantly, identifying issues for the PSoS, SPA and local authorities to consider.

Future arrangements for the audit and inspection of Best Value of policing will be different under the 2012 Act because of the changed arrangements for local scrutiny and the duty of best value to which both the PSoS and the SPA are subject (see chapter 4 and appendix 4). The experience of this work, the methodologies used and the lessons learned provide a sound basis for the next stage of development of HMICS's approaches to inspection. As one example, the inspections illustrated the value which can be gained from 'mixed' teams which comprise highly-skilled individuals who have different kinds of expertise. The best value work showed that they could challenge assumptions effectively and usefully in areas where they were not specialists.

2.6 Joint inspection of public services

HMICS has contributed at a strategic level to the development of thinking on the scrutiny of local government public services through its membership of the Local Government Scrutiny Coordination Strategic Group, which is chaired by the Accounts Commission. This group prepares the annual National Scrutiny Plan for Local Government. The plan is based on a shared risk assessment process which takes place through local area networks where inspectorates share evidence relating to services and performance within individual local authorities. HMICS had made helpful contributions to some of these networks although overall it was not involved to a great extent in the shared risk assessment at local authority level.

Through the Local Government Scrutiny Coordination Strategic and Operational Groups HMICS had also been involved in the development of audit processes for community planning partnerships, which was led by Audit Scotland. A member of HMICS staff had taken part in the initial three audits alongside representatives from other Scottish inspectorates. Again the contributions from HMICS had been helpful.

Many contributors to the review emphasised the important work which police forces undertake locally in partnership with others. They were keen to stress that future inspection models, whether by HMICS alone or in partnership with others, should give attention to the quality of partnership working and do justice to the contributions of police to, for example, community safety and wellbeing, child protection and work with vulnerable individuals. In discussions on this theme, several made reference to their experiences of the cycles of joint inspections of services to protect children.

These, they felt, had had a significant impact (referred to as 'galvanising', for example), partly because of the importance of their subject.

A number of contributors, including elected members and local authority senior officers, felt that HMICS would be well placed to evaluate different approaches being taken to develop new structures and relationships between local authorities and the PSoS, taking account of pathfinder work which was underway. They felt that clear findings on benefits and weaknesses of different models would be valuable and would help them to establish the best arrangements from an early stage. This was in line with the priority identified by HMICS through force conferences in 2012.

2.7 Links with individual forces

Forces and authorities/boards valued professional, well-informed challenge by HMICS. The current HM Inspector's engagement with authorities/boards was seen as very positive and was described as 'open and credible'. It was frequently stated that his contributions had deepened elected members' understanding of policing issues, and his advice on, for example, appointments and specific sensitive matters was greatly valued. In one such example, representatives described this engagement as having a clear boundary between the provision of information and advice by HM Inspector on the one hand and the authority's responsibility for making decisions and taking actions on the other.

There was broad support for the structure introduced in 2011 within which individual inspection managers acted as liaison officers for specific forces and their authorities or boards. The aim of having a single point of contact was welcomed, as was the knowledge and experience which inspection managers could bring to the role. There had been some inconsistency in the quality of this engagement. In some cases it had been of very high quality. Current inspection managers were seen as open and approachable. The HMICS team was reducing in size during the course of the review, and some responsibilities had been transferred as a result.

Inspection managers built up force profiles including key facts, developments within the force including preparation for reform, force priorities, media coverage, budget and force performance. They gained this information through a combination of their liaison role and other sources including the SPPF. The profiles varied in their comprehensiveness and depth but provided a single point of reference for comparisons and briefings.

2.8 Links with SPSA, Scottish Crime and Drug Enforcement Agency (SCDEA) and the Scottish Police College

In addition to responsibility for inspecting the eight police forces, HMICS was responsible for inspecting the services provided by the SPSA¹⁶ (that is, the Scottish Police College, the SCDEA, forensic services, information technology (IT) support and criminal records). Inspection of the SPSA itself required Ministerial direction and there had not been such direction.

There were identified link officers for SPSA, SCDEA and the Scottish Police College, but senior staff felt that they had had relatively little contact with HMICS recently. The point was made that an 'external eye', offering both affirmation of good practice and constructive criticism where necessary, would be valuable in highly-specialist areas.

Within SPSA, findings from HMICS reports were not systematically reviewed to identify implications for developments or practice. There was also not a clear connection between HMICS's findings and the Scottish Police College's training and professional development.

In addition to these links with SPSA and its services there were formal connections to the Ministry of Defence Police, the British Transport Police and the Civil Nuclear Constabulary.

2.9 Professional advice

In addition to inspection activities, HM Inspector is the senior professional police adviser to Scottish Ministers. This role is exercised both directly and through advice provided to officials. Ministers were positive about the quality of the advice, and officials valued the access to professional advice. HM Inspector's insight and contributions to reform work were valued by officials and members of the reform team. HMICS has also provided advice on appointments and performance.

More widely, HM Inspector contributed to the development of policy and thinking through engagement with national forums. For example, his work with the Conveners' Forum was highly regarded.

In addition, HM Inspector acted as a source of advice to the Justice Committee, Boards, Authorities, chief executives and chief constables. As indicated in the section on links with forces, representative of boards who contributed to the

¹⁶ [News release](#)

review were very positive about HM Inspector's advice and confidential support.

As with other heads of inspectorates who have been senior professional advisers, HM Inspector's professional advice is able to be based upon first-hand evidence from inspections across the country, not solely personal experience, and derives independence from that. There was a lack of understanding in some minds about the nature of the professional advisory role, with some seeing conflict between 'closeness' to officials and Ministers and 'independence'. A number of people who contributed to the review felt that the move from HM Chief Inspector to HM Inspector had led to a perception of reduced influence of the role.

It will be important in future to have a clear explanation of the nature of this advisory role and also of the nature of independence in the context of HMICS. Key individuals expressed a wish to have, or continue to have, independent advice from HMICS, based upon the first-hand evidence of inspections.

2.10 Annual report

Under the Police (Scotland) Act 1967, HM Chief Inspector or HM Inspector for Constabulary submits to Ministers annually a report 'on the state and efficiency of the police forces generally'. The report is placed before Parliament and also published. In recent years the reports have varied in style and content but have been a combination of an overview and commentary from HMCI or HMI on the state of policing in Scotland, discussions of current matters of interest or concern, a report on the activities of HMICS, and plans for HMICS's activities in the coming year.

The 2010-11 annual report¹⁷, published in September 2011, included profiles of each force and the SPSA. These included summaries of selected aspects of the forces' performance, drawn from their SPPF databases, and examples of good practice supplied by the forces and SPSA. The report helpfully includes examples of how HMICS recommendations had led to improvements in policing.

The impact of the annual reports seems to be quite limited, possibly because much of the information is available elsewhere. The Justice Committee has not formally considered them to date and there has been little evidence of public or press interest. Under the new legislation, '... the inspectors of constabulary must prepare an annual report on the carrying out of their functions ...' Given the investment of time required to prepare an annual

¹⁷ [HMICS Annual report 2011-12](#)

report it will be important to revisit and clarify its purpose and audience. Particularly in the context of reform, annual reports should play an increasingly important role in providing reassurance, on the basis of evidence, and raising any matters of concern.

2.11 Sharing effective practice

The identification and sharing of good practice is an established¹⁸ purpose of HMICS (for example being an explicit part the former primary inspection process). It is possible because of the evidence which inspectors gain from observing and evaluating practice. Many of those who contributed to the review noted that, based on its direct evidence from all forces, the inspectorate was in a strong position to provide guidance on where good practice might be found.

Inspectors can share good practice by publishing examples in reports or referring to them in policy advice. They can also do this more informally through the discussions they have with those who are being inspected. Many who contributed to the review mentioned that they would value more information about successful practice - from other forces, from research or internationally - when they engaged with members of the HMICS team. They felt that this would assist the wider adoption of practices which might yield the greatest benefits for communities across Scotland.

It is important to state that there was also widespread recognition that HMICS should not prescribe specific practices or actions, since it was for forces to decide how they would operate.

After consideration within HMICS of the most appropriate ways of identifying and sharing good/best/effective practice, the HMICS website was seeking examples of 'effective practice' in order to make these more widely known. There was to date only one item on the website, but there had been useful thinking about criteria for identifying practice worthy of sharing more widely. These criteria could be used both within forces and by the inspectorate to assess innovative practice in terms of successful outcomes and best value.

The function of sharing effective practice was widely seen as an important contribution to the 'value added' of HMICS. To meet these expectations, it will be important to have in place arrangements within HMICS for inspectors to exchange evidence of practice from inspections and to develop stronger links with international practice and research.

¹⁸ For example [HMICS Annual report 2006-7](#)

2.12 Overview

HMICS's recent direction of travel, with less bureaucracy for forces, fewer thematic inspections and the introduction of best value audits/inspections, was appropriate and has been positively received overall. There was a positive tone and a greater sense of working with, not doing to, and this was welcomed. Individual inspectors had shared their knowledge in ways that both assisted and challenged. There was a consistent desire for depth and rigour across HMICS's work, and there is scope to move further in this direction.

As with all inspectorates, it is difficult to trace a causal link between the work of HMICS and improvements in processes or outcomes. However, there was evidence of impact in a number of areas. For example, forces were addressing matters raised in the recent crime audit and recent individual thematic inspections. The best value audits/inspections had acted as an encouragement to self-evaluation, and boards had improved their scrutiny following the reviews. HM Inspector's role in developing positive relationships and his advice and counsel were valued. He had created a good platform for further change.

This chapter identifies some wider issues for the future, including a need for better connections between the findings of inspections and the training arrangements within policing. Importantly, self-evaluation within Scottish policing is not yet at a mature stage. Full and frank self-evaluation is potentially more difficult within any rank structure and this needs to be acknowledged when looking at the place of self-evaluation in future. There is also a need to develop further 'tools' for self-evaluation which can be used by the PSoS, the SPA and HMICS.

3. HMICS organisation and processes

This chapter considers staffing, budget and organisational processes which have relevance to the impact and outcomes of HMICS's activities. Each successive head of the organisation brought his own approach to these processes as HMICS's role has evolved.

3.1 Budget

HMICS staffing, travel and other expenses are funded by the Scottish Government, with the salaries and expenses of seconded police officers being paid by the individual's home force or organisation and then reclaimed from the HMICS budget. The budget allocations and expenditure for the last five financial years have remained relatively constant from year to year and are shown in the table below. In addition to this 'cash budget', the Scottish Government provides accommodation, information technology, human resource services and communications services at no charge to HMICS.

Table 3. HMICS annual budgets 2008-09 to 2012-13¹⁹

Financial year	Budget allocation	Expenditure	Staff costs
2008-09	£1.035m	£1.028m	91%
2009-10	£1.040m	£1.033m	90.1%
2010-11	£1.033m	£1.045m	92.8%
2011-12	£1.08m	£1.03m	92.3%
2012-13	£1.06m (including £263k for performance project team)		

Across the period, efficiency savings had been made in administrative costs and through reductions in the numbers of posts. Additional funding of £263k

¹⁹ Source: HMICS annual reports

had been secured in the current financial year for the establishment of a new performance project team within HMICS, reflecting the growth in HMICS's work as a result of this responsibility.

In addition, HMICS has benefited from short- and medium-term attachments from police forces for specific specialist tasks or for general development for an individual. This represented a source of additional resource beyond that covered by the annual budget and included an arrangement whereby an officer from Strathclyde Police was attached to HMICS for a year to undertake corporate duties such as support for the preparation of the annual report. The salary costs of these members of staff were met by their forces, although their travel and subsistence expenses were met by HMICS.

As can be seen, staff costs represented more than 90% of expenditure. The costs of long-term seconded staff were dictated by the salary associated with their substantive rank or position. As a result, staffing costs for inspection personnel were high in comparison to other inspectorates in Scotland.

The 2012-13 budget of £1.06m represents less than 1/1000 of the projected budget for policing in Scotland of close to £1.2 billion in 2013-14. While it is essential to acknowledge the pressures upon public finances and the responsibility to gain the best possible value from resources, it will be important to keep under review the adequacy of HMICS's funding to ensure that it is commensurate with the significance of its functions and their desired impact in the context of new arrangements for policing in Scotland.

3.2 Staffing

The Inspectorate has historically been a small team, led until 2009 by an HM Chief Inspector and subsequently, following consideration of the status of the post in the light of the Crerar Review, by an HM Inspector of Constabulary. The team has comprised permanent civil servants (both research and administrative staff), and police officers and members of police staff seconded from UK police forces. Staff from Audit Scotland and the Royal Bank of Scotland were also seconded to HMICS in the past. In addition, as indicated earlier, a number of individuals from police forces had served short or medium-term attachments to HMICS for specific tasks such as particular thematic inspections or corporate duties. HMICS had, in turn, seconded police officers to HM Inspectorate of Education and currently to the Care Inspectorate to participate in the inspection of services for children.

Staffing change has been a constant feature of HMICS, including four heads of the inspectorate during the last six years. There were further changes within the staff team during the period of the review. A number of contributors were of the view that it would be desirable to increase continuity and consistency

within the team if possible in the future. The table shows the staffing at December 2012²⁰.

Table 4. Staffing of HM Inspectorate of Constabulary at December 2012

HM Inspector of Constabulary	
2 Principal inspection managers <i>Chief Superintendents seconded from police forces</i>	
4 Inspection managers <i>Superintendents seconded from police forces</i>	
1 Personal Assistant/Office Manager 1 Inspection support manager <i>Scottish Government staff</i>	
1 Performance Project Manager 1 Senior Research Officer <i>Scottish Government staff</i>	2 analysts <i>Seconded from police forces</i>
1 Staff officer (corporate role) <i>Chief Inspector: attachment from Strathclyde Police</i>	

Seconded police officers continued to hold the office of constable and either retained their substantive rank or moved on temporary promotion to a higher rank when they joined HMICS. The expectation has generally been that seconded staff would serve for two years, with the aim of ensuring that their operational knowledge remained current. In some cases secondments had lasted longer than this.

²⁰ Source: HMICS

Many contributors to the review noted that experience within HMICS could and should represent valuable professional development and so should be highly sought after: a 'plum posting'. Some of the senior police officers and police staff who took part in the review had served with HMICS at an earlier stage in their career and had valued the experience. It had, for example, provided them with access to national developments and insights into different practices which they would not otherwise have gained at their rank at the time. Current secondees spoke similarly positively about these benefits. In spite of this broad recognition of the potential value of a posting with HMICS there had been some difficulties in recruitment of police officers to the organisation over the last few years. Reasons offered for this included matters relating to terms and conditions of service, the forthcoming reform programme and views of the organisation at the time. It was therefore an encouraging signal that open recruitment processes which took place during the period of the review led to healthy numbers of applications. A few contributors had commented that recruitment had not always been transparent or deployments planned and managed as well as they might have been, but this recent process should address this concern.

As indicated earlier, HMICS was leading a project to develop a new performance framework for Scottish policing and to process and analyse performance data. A team comprising researchers and two seconded police analysts had recently been established for this work, funded by the additional resources provided for this purpose.

Administrative staff carried out duties including file management, taking of minutes, making travel bookings, communications and making arrangements for meetings, and had been involved, for example, in maintaining force profiles and providing support for some inspections and investigations. There was scope to enhance and clarify the role which administrative staff could play within each major task.

Steps were being taken for administrative support to be shared between HMICS and HM Inspectorate of Fire and Rescue. This would increase efficiency and enable common administrative and analytical processes to be used where appropriate, including the compilation of profile information for both police and fire at local authority level.

Implications of reform for the HMICS's staffing model

Seconded police officers were currently deployed to inspect only within forces other than their 'home' force, to avoid conflict of interest. This approach to deployment could not apply to an individual seconded from the single Scottish police force. Dependence upon the ability to augment the team

at minimal cost through short-term attachments could also represent a risk in future, given funding constraints within the Service.

Anticipating the implications of the new context, the current HM Inspector had taken steps to change the staffing model for HMICS. He had made appointments to six lead inspector posts through an extensive recruitment process. The contracts for these posts were to be for three years. In making these appointments there was an intention to widen the skill set within the team and, importantly, experience as a police officer was not required. Salaries were to be on Scottish Government scales, based upon assessment of the responsibilities of the role. These positive changes could be applied in future to the senior post or posts, although consideration would need to be given to the possible consequences for recruitment of differences between policing and civil service salary scales.

HM Inspector had also recruited a number of associate inspectors with a range of experience and expertise and who would be available on a call-off basis for specific tasks at a fixed daily rate. In addition, it had been agreed that at least one officer from PSoS would be attached to HMICS to undertake a corporate (not an inspection) role. It will be important not to lose the capacity for staff from the PSoS to be deployed within HMICS in carefully-managed ways. Such arrangements should pay dividends not only for the individual but also for both the organisations.

This model of staffing would, overall, be significantly more cost-effective than the existing one. Taken together, these steps should help to place the staffing on a more stable footing and, importantly, allow better continuity. The number of full-time equivalent staff remains small for the work ahead, however.

Staff management, development and review

Training of seconded staff for their role as a member of HMICS and for specific tasks mainly took place on the job. In the programme of best value inspections, for example, an HMICS staff member would be deployed in the team for one inspection before becoming a lead officer in a subsequent inspection. In the past there had been some training in inspection techniques and some members of staff had joined HMIE's induction programme for new inspectors, but overall there was little specific development activity in the skills of evaluation and inspection. The importance of more sustained and consistent learning and development had been recognised within HMICS. They had carried out an assessment of training needs, plans were being made for the induction of new staff and a paper had recently been prepared which set out proposals for the training of inspectors in the future, including a proposal for accreditation.

Staff management and arrangements to review progress against objectives took place relatively informally and there was scope to improve this under the new staffing arrangements. The appraisal of officers seconded for an extended period from police forces was carried out by their home forces and did not always represent a systematic review of performance against expectations of their role within HMICS.

For the future, it will be important to extend and deepen the training and learning of members of the team to maximise their individual and collective capacity to engage to a high level in professional dialogue and evaluation. Important themes would include inspection, relevant policing and governance matters, and the policy context. As part of this it will be helpful to make regular opportunities for members of the team to learn from each other and test out each other's thinking.

3.3 Planning

Over the years there had not been an established pattern of corporate and more detailed business planning or the publication of workplans. Each year's annual report included a proposed list of activities for HMICS in the year ahead. These were identified through, for example, consideration of the current context, specific areas identified as being of very high priority through the Scottish Strategic Assessment, or in response to requests. The subsequent annual report then generally included an overview of HMICS's activities during the year.

More recently, in April 2011, the current HM Inspector issued a two-year Corporate Plan to stakeholders for comment. It was then published in June 2011²¹, and provides a strategic direction for HMICS for the period 2011-13. It includes a statement of vision, mission and values and sets out what is a substantial work programme. These tasks are arranged under the three headings listed in the previous chapter: business as usual; change management; and future assurance of Scottish policing. The intentions are set out so that it would generally be straightforward to confirm that the task has been carried out.

An annual, more detailed work programme for 2012-13 was then published in May 2012²². This relates clearly to the corporate plan, although with appropriate amendments to take account of fast pace of change and new demands. Tasks had been added, including the establishment of the team to

²¹ [HMICS Corporate Plan 2011-13](#)

²² [HMICS Workplan 2012-13](#)

develop SPPF, an inspection of custody, and investigations into the policing of a demonstration and the 'Platform' IT project. Tasks had moved forward according to the plan, and it was commendable that the organisation had shown that it was able to respond quickly to new tasks requested of it in spite of reductions in staffing.

The 2012 Act establishes a statutory duty to consult and publish HMICS's plans. The recent approach to planning over the longer and shorter terms provides a good basis for these future regular cycles of strategic planning and more detailed workplans. It offers a way to set out a clear rationale for the proposed programme and to provide sufficient detail to allow those being inspected to plan for their involvement while, importantly, leaving scope for necessary flexibility to respond to requests and emerging issues.

It will be helpful to develop the planning process further to include estimates of staffing resources required (and hence cost) for the whole range of tasks and functions, recognising that these could only be approximate. This would support planning and prioritisation for the organisation as a whole and for individuals. It would also support, if necessary, arguments for additional resources if substantial new demands are placed upon HMICS. It will also be important to include indicators of impact and success in future plans. These could then be reported upon as part of the organisation's self-evaluation and reporting.

3.4 Self-evaluation within HMICS

HMICS has undertaken a number of self-evaluation exercises. The HMICS team took part in its own best value self-assessment in 2008, leading to a number of recommendations for action. A group of HMICS staff engaged in a further self-assessment workshop in March 2010, again identifying areas for improvement, some of which had been identified in the earlier exercise. A plan spanning both self-assessments was drawn up and many of the actions were addressed through the preparation of policies and documents. HMICS also undertook a substantial stakeholder survey in 2010, the main message from which was a desire to see clearer purposes and outcomes for HMICS's work. The findings were presented to the Independent Advisory Group.

HMICS also commissioned Consumer Focus Scotland to consult with members of the public in relation to the annual report. This work helped to shape subsequent reports and communications more widely.

A risk assessment exercise was carried out in 2011 in advance of setting out the strategic plan for 2011-13. It identified areas of risk for the organisation, mainly associated with staffing and communications. The risks are regularly reviewed and managed.

Overall there has been a commendable readiness to undertake self-evaluations of different kinds, including this peer review. It is clear that some actions have been taken to address issues raised, although the approach to following through on the findings has been inconsistent. For the future it will be useful to identify simple ways of routinely gathering and analysing evidence of the organisation's impact, effectiveness and efficiency, and ensuring that the results are followed through to sustained improvements in practice and outcomes.

3.5 Systems and procedures for inspections and other tasks

The majority of inspection work over the last two years had been the programme of best value audit/inspection, which applied protocols and procedures which had been developed by Audit Scotland. For its other inspections and activities, procedures were developed on a bespoke basis. There was an HMICS inspection manual which was extensive and detailed, covering all aspects from planning to publication, but members of the team did not find it useful in its current form and it was not usually applied.

There had been a concerted effort to keep to a minimum the amount of information which forces would be required to submit in advance of inspections, as part of a commitment to proportionality. Those who were responsible for submitting this material recognised and appreciated that there had been significant improvements in this regard. They also found the arrangement of inspection managers as a single point of contact helpful, valuing the reassurance and advice they gave to them about the process and any issues of concern. In terms of 'on site' inspection activity, as indicated earlier there was a broad consensus from forces that this should be thorough and be seen to be thorough, to give confidence in the process and the findings. Time spent in challenging discussions with a knowledgeable inspector was considered time well spent.

Some contributors to the review said that it was essential that they could understand both the rationale for the inspection and the expectations which inspectors would have. In most inspections, these expectations were encapsulated in operational standards – for example the Ministry of Defence's framework for the CONTEST Prepare inspection, and relevant Association of Chief Police Officers in Scotland (ACPOS) standards, such as the ACPOS Custody Manual of Guidance for the recent inspection of care and welfare in police custody.

As indicated earlier, many felt that, in addition to existing standards, procedural manuals and doctrine covering technical aspects of policing, there was a need to have characteristics of good practice in important, relevant

aspects of policing not covered by these standards, such as community policing. These could then act as reference points for both self-evaluation and external inspection. There was an intention, which was welcomed, to develop further the best value characteristics for policing. There was also some early progress to develop such characteristics as part of HMICS's development of the SPPF.

Looking ahead, there is a need to develop simpler guidance and procedures to support key aspects of inspections and the reporting process. In a small team an appropriate balance has to be struck, keeping systems as light and streamlined as possible while ensuring that they will lead to necessary consistency and quality. There is a need for consistency and rigour in, for example, setting out the aims of an inspection, the standards or characteristics against which evaluations will be made, the recording and retention of evidence gained in inspections and the procedures which will be used to prepare reports for publication, including the handling of points raised by those inspected.

3.6 User involvement

HMICS had considered its responsibilities under the Public Service Reform (Scotland) Act 2010²³ to involve the users of the services they scrutinise in designing, conducting and overseeing their work. They had prepared and published a User Involvement Strategy and plan²⁴. This, for example, made a commitment to take account of public concerns in the planning of the inspection programme and using plain English in reports. One action had been to form an Independent Advisory Group in 2010. Its purpose was to bring to bear experience and knowledge of different sectors on HMICS's work by bringing together representatives from a variety of backgrounds and agencies. In the event, this group met on two occasions and had not met recently. HMICS also worked with Consumer Focus Scotland to develop ways of increasing engagement with service users. This resulted in the addition of a 'have your say' area of the website.

There had been less focus on this aspect of HMICS's responsibilities recently but there will be an opportunity to revisit and extend the work done on user involvement in the new context of reform. This is considered further in chapter 4.

²³ [Public Service Reform \(Scotland\) Act 2010](#)

²⁴ [HMICS user involvement strategy 2012-13](#)

3.7 Communications

A number of recent developments had improved HMICS's communications, not least through increased face-to-face engagement with police authorities. All of the actions proposed in the communications strategy published in June 2012 had been taken. HMICS launched a new, stand-alone website in May 2012 to replace the former site which was within the Scottish Government website. The new [website](#) provides clear information on HMICS and its operations and gives access to information and reports. The reports are also available on the [Tellme Scotland](#) website, a portal for accessing public information notices issued by local authorities and public bodies across Scotland. HMICS published newsletters for stakeholders in March and May 2012, although the circulation was small. HMICS has had a Twitter account since May 2012, with 27 Tweets and 228 followers. Staff monitored the numbers of people accessing the website and newsletters.

Recent developments provide a good basis for extending and monitoring the effectiveness of the organisation's communications in the future. Work carried out by Consumer Focus Scotland for HMICS would suggest that the profile of the organisation amongst members of the public is relatively low, and it will be important to reaffirm publicly the position and purpose of HMICS in the new landscape of policing.

3.8 Accommodation

The HMICS team occupied offices in St Andrew's House in an area which also housed staff of the Police Division of the Justice Directorate within Scottish Government and the office of the Cabinet Secretary for Justice. During the period of the review, HMICS had developed a proposal to move to a different building. HM Inspector felt strongly that such a move would reaffirm HMICS's independence from the Scottish Government, and counter any perceptions that the current physical proximity was an impediment to independence. This proposal has not been progressed meantime.

3.9 Overview

HMICS had made good progress in strengthening planning, communications and minimising its demands for information from those inspected. Importantly, HM Inspector had begun to implement a reshaped staffing model for HMICS in anticipation of the move to the single police service.

The staffing for inspection is relatively small and, to a degree, fragile. It will be important to keep overall staffing under review so that the organisation is

able to play its full part in ensuring that Scottish policing is of the highest quality and efficiency.

HMICS had shown that it was able to respond and adapt quickly and successfully to new tasks requested of it in recent months, even with its reduced team.

It will be important to strengthen staff induction, training and review, to prepare succinct, clear guidance and protocols on key aspects of the inspection and reporting process, and to continue to develop ways of evaluating the outcomes and impact of individual tasks. In the context of reform, there should also be opportunities to develop new ways of engaging users in the work of the organisation.

4. Implications of policing reform for HMICS

This chapter summarises relevant features of the new arrangements for the governance and scrutiny of policing in Scotland, identifies some of the most significant implications of reform for HMICS and inspection, and considers four key strategic issues for HMICS which emerge from the analysis of the evidence and from the experience other inspectorates in Scotland and internationally. These issues are:

- independence
- credibility
- partnership
- impact

With very few exceptions, contributors to this review expressed a strong, sometimes very strong, view that the new landscape of Scottish policing required, even more than hitherto, an authoritative and highly credible inspectorate. They offered different insights and suggestions for how HMICS might develop in the new context, including views on what it might do, how it might do these things and implications for the team, and these have contributed to the analysis below.

As indicated in previous chapters, HM Inspector had made preparations for the period beyond 1 April 2013, reflecting the current HMICS corporate plan and business plan. These included the new staffing model and arrangements for the sharing of back office functions with HM Inspectorate of Fire and Rescue, the performance project, work on memoranda of understanding, and developing and consulting upon plans for HMICS's activities in 2013-14.

4.1 New arrangements for the governance and scrutiny of policing

Under the 2012 Act, a number of bodies and individuals have roles and responsibilities in the governance and scrutiny of policing in Scotland. Some selected aspects of these are as follows (appendix 4 provides relevant extracts from the Act for reference).

- *The SPA* is charged, amongst its several functions, with holding the chief constable to account for the policing of Scotland.
- *The chief constable* is responsible for the policing of Scotland, and he has to account to the SPA for this.

- *The Scottish Parliament* also has an interest, including through the Justice Committee and proposed sub-committee, in holding the Service and Authority to account.
- *Ministers* are responsible for establishing the overall context for governance. In relation to HMICS, Ministers will receive their reports and have power to direct the Authority to take action if HMICS make an adverse report.
- *HM inspectors of constabulary in Scotland* have functions which include inquiring into the state, efficiency and effectiveness of the Authority and the Service, and the arrangements being made by them to secure best value (that is, continuous improvement). Ministers may also direct them to carry out any inquiry they consider appropriate.
- *The Auditor General* may initiate examinations into the economy, efficiency and effectiveness of the Police Service and the Authority, and the arrangements made by the chief constable and the Authority to secure best value.
- *The Police Investigations and Review Commissioner* is established under the Act and, in addition to the investigation of complaints and incidents, may investigate ‘... matters relating to the Authority or the Police Service where the Commissioner considers it would be in the public interest to do so.’
- *New arrangements for policing at local level* are being established, with the appointment of local commanders and local authorities developing new roles and relationships in policing. These include developing local police plans and establishing reporting and feedback channels alongside existing local partnerships for community safety, child protection and community planning, for example.

4.2 Some implications of reform for HMICS

The formation of the single Police Service of Scotland and Authority has a number of implications for HMICS: its position within the new landscape, its purposes and priorities, its staffing and its processes.

1. *The public will be seeking assurance about the performance of the service from a source which they perceive as independent of both the service and the authority.* This was the implication most commonly cited by contributors to the review: they believed that, even more than hitherto, this requires a strong, credible inspectorate.

2. *HMICS will have a new and potentially complex blend of responsibilities in relation to both the Authority and the Service.*
 - Primarily the role of HMICS is one of inspecting, including making evaluations of matters relating to governance and the interactions between the Authority and the Service.
 - It can be anticipated that HMICS will also act as a source of professional advice to the SPA and the PSoS. The Authority will be likely to need evaluations and advice from an authoritative external source to provide it with additional assurance and support alongside internal reports from the Service.
 - Chief constables within the current structure referred to the importance for them of informed, 'mature' external challenge, together with an external view of how internal processes are operating. In future this is likely to continue to apply.
 - Ongoing constructive engagement between HMICS and both the PSoS and the SPA should contribute to improvement, for example with HMICS's evidence from practice helping to support decision making, especially in a time of reducing resources.
3. *Ministers will to continue to need access to professional advice on policing and associated matters. While they might obtain such advice from a range of sources, there is a strong platform to build upon and HMICS should be very well placed to continue to provide advice which is based upon its first-hand evidence.*
4. *There is a new stated purpose of policing: 'to improve the safety and wellbeing of persons, localities and communities in Scotland.... policing in a way which is accessible to, and engaged with, local communities; and promotes measures to prevent crime, harm and disorder.' This purpose, together with the new strategic police priorities, should inform and direct the work of the PSoS and be reflected within the SPPF. There will be a need to be able to demonstrate whether these priorities are achieving their intended outcomes, so they will provide a reference point for inspection and for HMICS's priorities.*
5. *The new structure brings with it new questions about how well policing is performing. These include how well national expectations are being translated into action at local level, how access to specialist policing services is operating across the country, and how well the arrangements for local commanders are working at local authority and community level. HMICS's agenda is likely to need to address these questions.*

6. *There is a need to establish new kinds of benchmarking of performance and quality, including international comparisons, with the move to a single force from eight forces which could be compared with each other. To ensure best value for the resources available to the PSoS, there is a need for insights into what represents best practice in different settings.*
7. *There are several other bodies and authorities with inspection and scrutiny roles, including the SPA, the Auditor General and the PIRC. It will be important to be clear about their respective contributions and where appropriate for them to work closely together to achieve the best synergies and avoid unnecessary duplication. Overall, Ministers, Parliament, the Authority and the public will wish to have assurance that, together, the accountability mechanisms will identify aspects of policing which need to be improved and ensure that they are addressed.*
8. *The SPA and PSoS will develop and implement their own internal arrangements for audit, quality assurance and improvement. Inspection should draw upon these processes and also, in time, assess them. It will be important to avoid direct duplication of these systems with parallel external ones.*
9. *It is likely that there will be calls upon HMICS to maintain and also extend its joint work with other scrutiny bodies, to address priority areas where various services and agencies work together to achieve shared outcomes. These include work with the most vulnerable and community planning.*
10. *HMICS will need the capacity, both in terms of the organisation's size and the skills, expertise and attributes of its staff, to engage successfully and fully in this important and broad agenda.*

4.3 Strategic issues for HMICS in the future

Each of these implications can be associated with one or more of four major strategic issues for HMICS: independence, credibility, partnership and impact. Much is in place under the current arrangements, but the purpose of the remainder of this chapter is to support longer-term development of HMICS in the post-reform context.

The next sections explore the issues in turn and set out principles and features which might be used to test proposed plans or structures. There is no one ideal solution, and there are tensions between some aspects.

4.4 Independence

During the review, 'independence' was frequently referred to as being crucial for HMICS, and becoming even more so in the future, in order for it to provide public assurance about policing in Scotland. When they elaborated on this, contributors stressed the need for independence from the PSoS and from policing more broadly ('not police policing police') and/or from the Government. HM Inspector's view was that the greater challenge to independence was that of proximity to Ministers and civil servants.

Independence is one of the most fundamental attributes of inspectorates of all kinds, and is seen as a safeguard of the impartiality of judgements and against interference by those who may have a vested interest in the outcomes of an inspection. Independence and ways of achieving it are not entirely straightforward, however.

In one analysis, Clarke (2008)²⁵ has identified four kinds of independence for inspectorates:

- technical independence, which relies on trained staff following particular protocols in order to arrive at an evaluation;
- institutional, which depends upon the structure and the status of the organisation;
- political, which relies upon impartiality in relation to party political interests; and
- social independence, which considers the composition of inspection teams and seeks to include those who can represent a community view of the service.

Independence therefore relates to a number of features. It requires that judgements are based upon rigorous processes and understanding of the matters being inspected. It also requires reassurance that evaluations and reports will not be tempered (deliberately or inadvertently) because of closeness to the service, authority, officials or Ministers.

'[Independence] is not a condition that can be proven or disproved. Rather it is a claim that must be continually sustained and revitalised in practice.' (Clarke, *ibid.*)

²⁵ Clark, J. (2008) 'Performance Paradoxes: the politics of evaluation in public services' in H. Davis and S. Martin (eds.) *Public Services Inspection in the UK (Research Highlights 50)*, Jessica Kingsley, London

How do inspectorates in other countries establish their independence?

Inspectorates in different countries use a range of devices to establish and protect their independence (see appendix 5). A common theme is that a reputation for high quality and convincingly ‘getting it right’ is seen as fundamental to demonstrating independence. As an example, Criminal Justice Inspection Northern Ireland (CJINI) applies the ISO 9001²⁶ standards and audits to its processes, with the aim of demonstrating that its processes and reports are of high quality and independent.

Inspectorates may also use their staffing policies and structures to signal independence from the service they inspect. In the case of the Garda Síochána Inspectorate in the Republic of Ireland, for example, there is a legislative requirement that the members of the Inspectorate cannot be past or present members of the Garda Síochána. In Northern Ireland, CJINI has responsibilities which span the criminal justice system, apart from the judiciary. Their team of inspectors comprises individuals from a range of backgrounds including former police officers, but for inspections of policing any inspector who has had a policing background is required to apply a conflict of interest test. The Netherlands has an Inspectorate of Security and Justice which carries out inspection of policing. It is funded and hosted for administrative purposes under the Secretary General, not the Director-General for Security and Justice. This helps to signal the inspectorate’s independence.

In relation to independence from Ministers, protocols are generally in place in these inspectorates to avoid any intervention by Ministers or policy officials in inspection and reporting processes (or perception that it might occur). At the same time, Ministers are recognised as having legitimate interests in the work of inspectorates, in different ways depending upon the jurisdiction. This means, for example, that they ensure that the inspectorates receive the resources for their work, and they take account of inspectorates’ reports, all as part of the democratic process. In each case the particular arrangements have emerged to fit the political and cultural context of the country concerned.

How might HMICS’s independence be explained, demonstrated and protected in future?

The Royal Warrant is a public statement that HM inspectors will be impartial. Inspectors’ independence of thought, based upon robust evidence, exercised

²⁶ [ISO 9001 website](#)

without fear or favour, turns this into practice. The features below illustrate possible characteristics of independence for HMICS.

- HMICS's inspection and reporting processes are demonstrably rigorous and are safeguarded through protocols to protect their integrity and avoid interference. Findings are acknowledged as 'getting it right'.
- The nature of HMICS's independence from policing, the PSoS and the SPA is clear. The HMICS team is constructed to include both those who have had experience as police officers and those from other professional backgrounds who can provide fresh eyes, challenge assumptions and help to provide assurance that the team is not too close to the service.
- The nature of HMICS's independence from (and relationships with) Ministers and policy officials is understood both internally and externally, with Ministers influencing the context for both policing and the inspection of policing, but not interfering with inspection or reporting. Protocols are in place for inspection and policy advice processes to aid this understanding.
- Safeguards around secondments from the PSoS protect the inspection process from perceptions of conflicts of interest.
- Recommendations and advice from inspectors do not stray into direction or 'management'.
- External signals (such as the location of the organisation and budget lines) are considered in terms of perceptions of independence and the risks and benefits of alternatives.
- Appropriate forms of 'user involvement' (for example lay members of inspection teams and reference groups) are in place, increasing transparency.

4.5 Credibility

A constant theme from discussions for the review was that 'public confidence requires an external body with high credibility'. Such credibility is needed so that the inspectorate's findings and views will carry weight, be influential and contribute to improvements.

The depth and rigour of inspection processes are critical to credibility. The work of the review also demonstrated that those who had experienced high-quality professional discussion and challenge in their engagement with individuals within HMICS valued it highly: this is an illustration of credibility.

To achieve this requires inspectors who are skilled at grasping a brief, understanding, exploring and analysing the issues surrounding it, and using their knowledge to help to extend the thinking of the person with whom they are engaging.

The inspectorates of policing in other countries recognise the fundamental importance of their credibility. They take account of this through the selection of their staff, the ways in which they prepare their staff for the work they will do, and their inspection and reporting processes.

The context of policing raises particular matters in relation to credibility and these are discussed in the next section.

Credibility: issues relating to the context of policing

A number of people felt that, in a rank-based context such as policing, the capacity to influence depended critically upon status, including rank and even salary. Some people felt that because the head of the inspectorate could not be a direct peer of the chief constable of the PSoS there might be impediments - in principle - to the head of the inspectorate achieving influence in the relationship with the chief constable. (It should be noted that the chief constable of the PSoS had not been appointed at the time when many of these discussions were taking place.) These views were most commonly expressed by staff from police forces, but not all chief constables, for example, shared them.

Others argued that credibility was something that could and should be earned, regardless of 'badge', and that this would happen through constructive relationships, the quality of evidence and analysis and the depth of knowledge and expertise. One summed up this point: 'influence should depend not upon rank but upon the quality of the contributions, leadership, influence and partnerships developed... [HMICS should be] a specialist body which possesses the necessary skills and is knowledgeable'. Clearly rank alone cannot secure influence, so these views on how to build credibility provide a useful focus.

Many referred to the personal credibility of the head of the organisation as critical to achieving the necessary influence for HMICS, and there was a great deal of recognition of the way in which the current HM Inspector had established credibility and influence across Scottish policing.

Some participants explored arguments about whether a future head of the inspectorate needed to have served as a police officer. Many were of the clear view that only an individual with very senior operational experience - which some felt required to be as a chief constable - would be able to have the

necessary influence. Others, from across all of the groups represented within the review, felt that it should be possible and might be desirable to have a highly experienced individual from a very senior position in a different field to lead the organisation, or play a senior leadership role within it. This matter would need to be very carefully considered in terms of risks and benefits, and in the context of the purposes of the organisation (as discussed, for example, in sections 1.3 and 4.2 above).

- It could be difficult (or impossible) for HM Inspector to act as the principal professional adviser on technical policing matters to Ministers and the SPA without direct operational policing experience at a very senior level. The need for such advice from an independent and highly-credible source was a strong theme in this review. (Heads of the inspectorates in the Netherlands and England and Wales are not former police officers but they are not advisers to ministers.)
- There could be aspects of being 'at the top', including the kinds of decisions which the chief constable would need to take, that might not readily be understood or second-guessed by an individual who had not been in similar shoes.
- On the other hand, some of the chief constable's strategic responsibilities might be closer to those of the head of another large public organisation than to another senior policing role. A suitable individual with such experience should be able to provide credible and valuable challenge and support.
- An HM Inspector, or depute, without a policing background could act as guarantor of the quality and integrity of inspection processes and provide reassurance about independence from the service. There could be risks to HMICS's credibility if that senior person was also expected to be the key source of professional advice on policing.

There is a balance to be found, and ultimately the head of the organisation's credibility will flow from the expertise, qualities and attributes of that individual and the way they undertake the role.

In addition to these considerations about the senior staff of the organisation, it is critical that what HMICS as a whole does and says is acknowledged as relevant, authoritative, and useful.

Securing HMICS's credibility and influence

The credibility of the organisation requires its work to be respected and all those who represent the inspectorate in the field to be individually highly

credible. The features below illustrate possible characteristics of credibility for HMICS.

- The head of the organisation has high personal credibility, with strong professional networks to support them in the role and access to high-quality evidence and analysis.
- Inspectors have well-developed skills of inspection, evaluation and analysis. They have strong interpersonal skills which help to establish constructive but challenging professional relationships and dialogue.
- Inspectors understand and are knowledgeable about the aspects they are inspecting, including knowledge of practice elsewhere. Teams have a suitable blend of expertise, including operational policing expertise or other relevant expertise for the task.
- The continuing professional development of each member of the team is planned to maintain and extend knowledge and skills.
- Inspection methodologies give confidence in findings. They include first-hand observation, structured but open questioning, probing, triangulating, validating, providing narrative, making external comparisons and, importantly, affirming success. Such approaches help to ensure that findings and advice are regarded as authentic and authoritative.
- Corporate and annual plans, inspection procedures and the indicators of quality and performance which will be applied in inspections are developed with those who have a stake in the processes.
- As far as possible (taking account of matters of public safety and security) HMICS's findings are made public. Reports are clear and accessible to interested members of the public.
- The results of HMICS's work – evaluations, recommendations, advice, assessments of performance and so on - are judged to be useful.

4.6 Partnership

The stated purpose of policing in Scotland, with its components of both safety and wellbeing of individuals and communities, is one which depends upon the police service working closely with other agencies to improve people's lives. It also reflects national priorities for the reform of public services more widely, such as an emphasis on joint working to achieve shared outcomes, prevention, reducing inequalities, improving performance and reducing costs.

It is appropriate that HMICS's inspection activity should reflect these national priorities.

Just as the PSoS will be striving to develop its working relationships with others, so HMICS can make important contributions to public value by working in constructive relationships and different forms of partnership with other bodies and agencies. These might include:

- different models of collaboration and joint working with other scrutiny bodies to inspect in areas of national priority
- co-ordinating and collective planning of respective scrutiny activities
- sharing of information, where appropriate
- joint training, secondments and other forms of sharing of expertise
- sharing of administrative and support services

Major social policy concerns often relate to matters where results depend upon a coherent approach across services, and frequently the weaknesses in these situations occur at the points of contact between services. Inspectorates working together are uniquely placed to examine the 'chain not the links', something which is more powerful than individual inspections of the component parts.

There has been a good deal of successful experience in different forms of joint working between inspectorates, including in child protection, best value, and work on victims in the criminal justice system. To take one example frequently cited during the review, for the joint inspection of services to protect children HMICS contributed strategic input through its head of inspectorate and provided staff for the joint inspection process. This visible commitment sent signals about the importance of the inspection and lent weight to the recommendations. It reinforced messages about partnership, while allowing the theme to be dealt with in the round. Scotland faces a number of challenging social policy matters where similar approaches might yield major results, for example joint work within the justice-related inspectorates in response to the Angiolini Report of the Commission on women offenders²⁷.

Each organisation can benefit greatly from participating in such partnerships: 'the separate inspectorates both innovate and develop for their own purposes and as they exchange their ideas and experiences for the benefit of all' (Grace, 2005)²⁸.

²⁷ [Commission on women offenders final report, Scottish Government, 2012](#)

²⁸ Grace, C. (2005) 'Change and improvement in audit and inspection: a strategic approach for the 21st Century.' *Local Government Studies* 31, 5, 575-596.

A further benefit of partnership is that it can aid efficiency (for both those being inspected and for the scrutiny bodies) where inspectorates share administrative functions and/or information.

One of the most significant changes flowing from police reform is the range of scrutiny bodies and agencies who will have responsibilities in relation to policing, including the SPA, the PIRC, the Auditor General and Parliamentary Committees. There is the potential for overlap and gaps. There is also the potential for strong synergies: for example a theme emerging from complaints, identified by the PIRC, might be taken forward through inspection.

How HMICS might work in partnership with others in the future?

The features below illustrate possible characteristics for HMICS's partnership working in future.

- HMICS models partnership working through its leadership and commitment to collaboration and joint inspection and reporting.
- HMICS uses its resources to evaluate the quality and impact on outcomes for Scotland's communities and people of the PSoS's partnerships with others.
- HMICS also works with other inspectorates to address selected areas of priority (such as domestic violence, youth justice, Multi-Agency Public Protection Arrangements (MAPPA), women offenders).
- Joint training of inspectors with colleagues from other agencies helps inspection processes and also builds team members' understanding of wider strategic issues.
- The 'map' of the respective responsibilities of the range of scrutiny bodies and agencies (including HMICS, the SPA, the PIRC and the Auditor General) is clear.
- Synergies between HMICS's work and that of the other scrutiny bodies and agencies are sought out and maximised to achieve greatest beneficial impact.
- The synergies and partnerships are based on good relationships and communication. Cooperation and joint planning help to avoid overlap or over-scrutiny. Memoranda of understanding and protocols ease joint processes of planning, inspection and reporting.

- Where appropriate, inspections are jointly followed through and reviewed with partners to assess their impact and to learn lessons for future joint working.

4.7 Impact

In discussions for this review there was a consistent theme that HMICS should focus upon activities that would yield the greatest benefit. Contributors used terms like ‘adding value’ and ‘highly geared’. The relatively small size of the organisation reinforces the importance of only doing what will have greatest impact, while fulfilling its statutory obligations.

Impact is most often thought of in terms of the actions which take place in response to inspectorate recommendations, such as when an important weakness or risk is identified through inspection and then addressed. This is very important, but impact can also take other forms. These can also include the professional learning or contributions to improvement which can result from high quality professional dialogue during an inspection or discussion; the influence of high quality evidence-based advice to Ministers or others at the right moment; an influential contribution in a key national forum; a narrative which provides insight and leads to improvement; and also the beneficial impact on staff and an organisation of affirmation by an authoritative external agency.

Following on from HMICS’s recent programmes, there is a spectrum of activities which HMICS might undertake in the medium and longer term. These include inspection and public reporting on the ‘state of the nation’ and areas of priority; ad hoc inspections and tasks; engagement with SPA and with PSoS at different levels from local to national; promoting best practice; providing technical and strategic advice; and developing and maintaining information on performance. For each of these, HMICS will want to take decisions about which are likely to achieve greatest impact, and allocate resources accordingly.

One factor in such decisions will be progress within the reform process. As one example, as mentioned earlier an initial development phase is underway for revised performance indicators which can be used by SPA, PSoS and HMICS and policy officials. As the SPA and PSoS develop processes for performance monitoring and reporting and self-evaluation, HMICS might move on, as part of its range of activities, to examine or even ‘validate’ the integrity, rigour and effectiveness of these processes. This would be in keeping with HMICS’s responsibility for examining the arrangements made to ensure continuous improvement.

It will also be necessary at an early stage to develop connections between HMICS and local commanders to gain intelligence on issues and performance in their areas, and again plans are in hand to do this. In time the focus will be able to move to evaluating how effectively the connections between national intentions and local implementation and outcomes are operating.

A similar approach might apply in the area of disseminating best practice. As a national service, the PSoS is likely to need to develop its own arrangements for identifying and dissemination of best practice. In the longer term, therefore, HMICS might evaluate and report on these processes. HMICS would still continue to learn about best practice through its inspections but rather than acting itself as a repository of examples of best practice, HMICS could contribute intelligence from the evidence of its inspections and its knowledge of practice internationally to those more directly responsible for improvement.

This would be in line with Davis and Martin (2008)²⁹ 'Inspectorates need to guard their independence above all else and the best way to do this is to hold inspected bodies to account for improving but to leave the job of giving practical advice and disseminating good practice to the improvement agencies, professional networks [and] leadership centres'. However, it would also depend upon networks, support for improvement and routes for professional and leadership development being in place for policing in Scotland. ACPOS, whose current role includes these functions, will no longer exist. It may be that HMICS, with universities, could make a valuable contribution to thinking as the new arrangements for support, learning and improvement across the PSoS and SPA are being developed.

How might HMICS achieve greatest impact in future?

It not easy to prove impact from the work of an inspectorate in terms of direct cause and effect (for example Boyne, 2003³⁰), but the principle of seeking to achieve the greatest beneficial impact is a fundamental one for HMICS. This is particularly the case given the small scale of resources available to HMICS in comparison to those of PSoS and SPA. The features below illustrate characteristics which might enable HMICS to achieve greatest impact.

²⁹ Davis, H. and Martin, S. (2008) 'The future of public services inspection' in *Public Services Inspection in the UK (Research Highlights 50)*, p 144-145 Jessica Kingsley, London

³⁰ Boyne, G. A. (2003) 'What is public service improvement?' *Public Administration* 81, 2, 211-227

- There are constructive professional relationships with the SPA and the PSoS, and these enable HMICS to act with their active consent and cooperation.
- Work programmes are developed through engagement with key players, taking account of priorities identified within the PSoS and SPA and by Ministers and Parliament, together with HMICS's own evidence and sources such as patterns in complaints.
- Plans identify the intended outcomes of each aspect of work. They address matters where the outcomes are likely to have greatest beneficial impact, including reduction of harm or risk and matters relating to ethics and integrity.
- Tasks make optimum use of the resources available within HMICS, are proportionate in terms of costs and benefits, and minimise unnecessary demands upon PSoS and SPA.
- Inspections and tasks are followed up at a suitable stage, not to confirm compliance with recommendations but to assess the outcomes of the work and any improvements.
- HMICS acts as a 'multiplier', for example by providing evidence to help to inform professional development within PSoS or decisions about the adoption of particular practices. It feeds evidence to those with responsibility for continuing education or improvement.
- HMICS acts as a 'connector of practice', including being linked to other sources of evidence and international networks. Members of the HMICS team share their knowledge within the team and so enhance the benefits of their engagement with staff in the field.
- HMICS seeks best value for itself. It is active in its own self-evaluation, gathering evidence of the quality and impact of its work and using it to continue to improve its efficiency and effectiveness.

4.8 Overview

Much is still to be done to establish the various accountability processes involving the range of agencies and bodies with responsibilities in this field, and the ways in which they will interact. It will be of great importance to Ministers, Parliament and the public that these arrangements should be seen to provide assurance about policing and also support improvement.

It will take time for new relationships, interactions, systems and structures to become established. This means that HMICS's activities and its ways of operating will need to continue to evolve.

This chapter identifies four strategic issues which will be of great importance to HMICS's success in the future – independence, credibility, partnership and impact. For each of these it sets out characteristics which could be used for self-evaluation and when considering future structures and plans. These are features which HMICS might need to display in order to play its fullest part in providing public assurance about policing and its governance, and contributing appropriately to improvement.

Chapter 5 Summary and conclusions

5.1 Summary

1. HMICS's recent direction of travel, with less bureaucracy for forces, fewer thematic inspections and the introduction of joint best value audit/inspections with Audit Scotland, has been positively received. The positive tone, and greater sense of working with rather than doing to, have been welcomed. There was a consistent desire for depth and rigour across HMICS's work, and there is scope to move further in this direction.
2. There was evidence of HMICS's impact in a number of areas. For example, forces were addressing important matters raised in individual thematic inspections (especially recent ones) and the recent crime audit. The best value audits/inspections had given impetus to forces' self-evaluation, and boards had improved their scrutiny following the reviews. Forces valued high-quality challenge and support from members of the HMICS team. HM Inspector's role in developing positive relationships and his advice and counsel were valued. He has created a good platform for further change.
3. HMICS has made good progress in strengthening planning and communications and minimising its demands for information from those inspected. Importantly, HM Inspector had begun to implement a reshaped staffing model for HMICS in anticipation of the move to the single police service. The proposed staffing for inspection is relatively small and, to a degree, fragile. It will be important to keep the overall staffing under review so that the organisation is able to play its full part in ensuring that Scottish policing is of the highest quality and efficiency.
4. HMICS had recognised the need to strengthen staff induction, training and review and these were being addressed for the new team. There was scope for more succinct guidance and protocols on key aspects of the inspection and reporting process, and to continue to develop ways of evaluating the outcomes and impact of individual tasks. In the context of reform, there should also be opportunities to develop new ways of engaging users in the organisation's work.
5. The review has identified a number of practical implications for the future including the potential for better connections between the findings of inspections and the training of police officers and staff. Importantly, the development of self-evaluation within policing has not been smooth and there is some way to go before it reaches maturity. Frank self-evaluation is potentially more difficult within any rank structure, and account needs to be taken of this in the next stage of development of self-evaluation. There is also

a need to develop further 'tools' for self-evaluation, including ways of assessing more qualitative aspects of practice, and which can be used by the PSoS, the SPA and HMICS.

6. The current changes in context arising through policing reform and public sector reform, together with developments in thinking about the nature and purpose of inspection, provide fresh impetus to reviewing and reshaping HMICS's role and operational practices.

7. Much is still to be done to establish the various accountability processes involving the range of agencies and bodies with responsibilities in this field and the ways in which they will interact. It will be of great importance to Ministers, Parliament and the public that these arrangements should be seen to provide assurance about policing and also support improvement. In particular, through the work of HMICS,

- SPA, Ministers and Parliament should have authoritative independent evidence and advice both on overall performance and specific technical or policy matters
- members of the public should have independent assurance about the quality and integrity of Scottish policing, that the PSoS and SPA are using their resources to achieve the best outcomes, and also that any weaknesses are being identified and addressed by the service
- the Chief Constable and executive team should have professional challenge and support of high quality, and gain independent affirmation of good practice and external insights about practice within the service, supporting improved outcomes
- members of the PSoS should gain external assurance about what they are doing well and also have useful tools to help them to improve.

8. Inspection is 'plastic': it can be carried out for different purposes, in different ways, in different proportions at different times, depending upon the context. This is an important point for HMICS. The organisation can and should evolve both in what it does and how it does its work as new relationships, interactions, systems and structures to become established.

9. Four strategic issues will be critical to maximising HMICS's contribution in the future: independence, credibility, partnership and impact. For these, characteristics which could be used in HMICS's self-evaluation and when considering future structures and plans for HMICS are summarised in the next two pages.

HMICS's independence

- HMICS's inspection and reporting processes are demonstrably rigorous and are safeguarded through protocols to avoid interference. Findings are acknowledged as 'getting it right'.
- The nature of HMICS's independence from policing, the PSoS and the SPA is clear. The HMICS team is constructed to include both those who have had experience as police officers and those from other professional backgrounds who can provide fresh eyes, challenge assumptions and help to provide assurance that the team is not too close to the service.
- The nature of HMICS's independence from (and relationships with) Ministers and policy officials is understood both internally and externally, with Ministers influencing the contexts for both policing and the inspection of policing, but not interfering with inspection or reporting. Protocols are in place for inspection and policy advice processes to aid this understanding.
- Safeguards around secondments from the PSoS protect the inspection process from perceptions of conflicts of interest.
- Recommendations and advice from inspectors do not stray into direction or 'management'.
- External signals (such as the location of the organisation and budget lines) are considered in terms of perceptions of independence and the risks and benefits of alternatives.
- Appropriate forms of 'user involvement' (for example lay members of inspection teams and reference groups) are in place, increasing transparency.

Credibility

- The head of the organisation has high personal credibility, with strong professional networks to support them in the role and access to high-quality evidence and analysis.
- Inspectors have well-developed skills of inspection, evaluation and analysis. They have strong interpersonal skills which help to establish constructive but challenging professional relationships and dialogue.
- Inspectors understand and are knowledgeable about the aspects they are inspecting, including knowledge of practice elsewhere. Teams have a suitable blend of expertise, including operational policing expertise or other relevant expertise for the task.
- The continuing professional development of each member of the team is planned to maintain and extend knowledge and skills.
- Inspection methodologies give confidence in findings. They include first-hand observation, structured but open questioning, probing, triangulating, validating, providing narrative, making external comparisons and, importantly, affirming success. Such approaches help to ensure that findings and advice are regarded as authentic and authoritative.
- Corporate and annual plans, inspection procedures and the indicators of quality and performance which will be applied in inspections are developed with those who have a stake in the processes.
- As far as possible (taking account of matters of public safety and security) HMICS's findings are made public. Reports are clear and accessible to interested members of the public.
- The results of HMICS's work – evaluations, recommendations, advice, assessments of performance and so on - are judged to be useful.

Partnership

- HMICS models partnership working through its leadership and commitment to collaboration and joint inspection and reporting.
- HMICS uses its resources to evaluate the quality and impact on outcomes for Scotland's communities and people of the PSoS's partnerships with others.
- HMICS also works with other inspectorates to address selected areas of priority (such as domestic violence, youth justice, Multi-Agency Public Protection Arrangements, women offenders).
- Joint training of inspectors with colleagues from other agencies helps the inspection process and also builds team members' understanding of wider strategic issues.
- The 'map' of the respective responsibilities of the range of scrutiny bodies and agencies (including HMICS, the SPA, the PIRC and the Auditor General) is clear.
- Synergies between HMICS's work and that of the other scrutiny bodies and agencies are sought out and maximised to achieve greatest beneficial impact.
- The synergies and partnerships are based on good relationships and communication. Cooperation and joint planning help to avoid overlap or over-scrutiny. Memoranda of understanding and protocols ease joint processes of planning, inspection and reporting.
- Where appropriate, inspections are followed through and reviewed with partners to assess their impact and to learn lessons for future joint working.

Impact

- There are constructive professional relationships with the SPA and the PSoS, and these enable HMICS to act with their full consent and active cooperation.
- Work programmes are developed through engagement with key players, taking account of priorities identified within the PSoS and SPA and by Ministers and Parliament, together with HMICS's own evidence and sources such as patterns in complaints.
- Plans identify the intended outcomes of each aspect of work. They address matters where the outcomes are likely to have greatest beneficial impact, including reduction of harm or risk and matters relating to ethics and integrity.
- Tasks make optimum use of the resources available within HMICS, are proportionate in terms of costs and benefits, and minimise unnecessary demands upon PSoS and SPA.
- Inspections and tasks are followed up at a suitable stage, not to confirm compliance with recommendations but to assess the outcomes of the work and any improvements.
- HMICS acts as a 'multiplier', for example by providing evidence to help to inform professional development within PSoS or decisions about the adoption of particular practices. It feeds evidence to those with responsibility for continuing education or improvement.
- HMICS acts as a 'connector of practice', including being linked to other sources of evidence and international networks. Members of the HMICS team share their knowledge within the team and so enhance the benefits of their engagement with staff in the field.
- HMICS seeks best value for itself. It is active in its own self-evaluation, gathering evidence of the quality and impact of its work and using it to continue to improve its efficiency and effectiveness.

5.2 Conclusions

1. Building on recent positive moves, a very high proportion of contributors to the review expressed the view that the new arrangements for policing in Scotland require an authoritative, high-profile HMICS which will provide even greater rigour and challenge. Many felt that the need for independent public assurance would be significantly higher when there is a single service.
2. The new context places HMICS in a crucial and complex role as it aims both to provide assurance about the work of the Police Service of Scotland and the Scottish Police Authority and their interactions, and also to foster improvement, in the interests of the people of Scotland.
3. The span, structures and disciplines of policing (and how influence can be exercised) are important factors when considering accountability and levers for improvement. In this context, HMICS's independence and credibility will be critical to its role. This has implications for HMICS's staffing and recruitment, the continuing professional development of its staff, and its processes.
4. There is a need to develop a shared understanding across all of the various players and agencies of how the strategy for accountability and improvement of the Police Service of Scotland will work and how their contributions will act together to ensure that the PSoS is as good as it can possibly be.
5. Effective and efficient self-evaluation will be a key component of accountability and improvement, alongside inspection. There is work to be done, involving the PSoS, the SPA and HMICS, to develop a shared approach to self-evaluation in Scottish policing.
6. Given the potential scale of expectations upon HMICS and its relatively small size it will be important for it to focus on those activities which will yield greatest beneficial impact, and not dissipate its resources.
7. The path that HM Inspector has set for HMICS, the good relationships established and the appropriate steps taken to reshape HMICS for the future provide a good platform for the next phase of HMICS's development.
8. 1 April 2013 represents an important opportunity to revisit and publicly re-affirm HMICS's role, purposes and priorities.

Appendices

Appendix 1. HMICS Peer Review - Terms of reference

Context

The nature of work undertaken by HMICS is influenced by many factors including the nature of pressures on policing at any given time; the evolving themes in approach to inspection, regulation and audit, more generally; public sector reform and governmental policy; and, importantly, the individual style and direction set by the head of the Inspectorate.

The approach to inspection within HMICS has changed dramatically over the past eight years, moving from Primary inspection, to a heavy thematic programme, to self-assessment and ultimately to a far less intrusive style. That change has been somewhat pronounced following the handover of the most senior post in December 2010. Whilst a great deal of consultation has taken place and feedback has been almost universally positive the pace of change has been significant and there is value now in commissioning a health check: more so in the context of the next stages of evolution as HMICS prepares to refocus on a single force following the creation of the Police Service of Scotland in April 2013.

In that context, HMICS has commissioned a peer review.

The purpose of the review is to provide independent commentary on the approach adopted by HMICS since December 2010 and, in particular, an assessment of its relevance to and impact on Policing in Scotland in the context of police reform: all with a view to further informing the determined approach to inspection of the Police Service of Scotland post reform. It is probable that some additional consultancy on the period preceding 2010 will be necessary to set a context for the subsequent changes.

In those terms, it will be important to consider:

The views and perspectives of key stakeholders, staff and partner organisations including:

- Chief Constables, Chief Executive of SPSA and Director General of SCDEA
- Relevant police authority convenors and clerks
- Head of Police Division and the lead on police reform in the Scottish Government.
- The lead officer on police reform in the police service
- Parliamentary committees and Scottish Ministers
- Accounts Commission
- Audit Scotland
- Force liaison officers
- HMICS staff

Where possible, there may be benefit in drawing some comparisons with other Inspectorates and an assessment against the principles of both Crerar and Christie should be made.

The report will be confidential and for internal consumption within HMICS, however, wider circulation may be necessary and will be determined between the author and HMICS.

Appendix 2. Contributors to the review

Andrew Laing	HM Inspector, HMICS
Phil Carson	HMICS
Paul Bullen	HMICS
Frank Gallop	HMICS
Dr Brian Plastow	HMICS
Dr Emma Fossey	HMICS
David McCracken	HMICS
Gavin Buist	HMICS
John Laing	HMICS
Susan Archibald	HMICS
Douglas Adams	HMICS
Stephen Woodhouse	HMICS
Irene Magill	HMICS
Caroline Gardner	Auditor General
John Baillie	Chair, Accounts Commission
Miranda Alcock	Audit Scotland
Antony Clark	Audit Scotland
Mark McCabe	Audit Scotland
Chief Constable Derek Penman	Central Scotland Police
Chief Inspector Jim Cattnach	Central Scotland Police
Superintendent Gary Lawrie	Central Scotland Police
Sergeant Kevin Carr	Central Scotland Police
Sergeant Kerri Marshall	Central Scotland Police
Cllr Jim Blackwood	Convener, Central Scotland Joint Police Board
Cllr Martin Earl	Central Scotland Joint Police Board
Cllr Alan Nimmo	Central Scotland Joint Police Board
Rose Mary Glackin	Clerk, Central Scotland Joint Police Board
Brian Pirie	Assistant to Clerk, Central Scotland Joint Police Board
Jackie McKelvie	SCDEA
Deputy Chief Constable Gordon Meldrum	Director General, SCDEA
David Thomson	Scottish Police College
Gordon Rodgers	Scottish Police College
John Fox-Davies	SPSA
Graham Stickle	SPSA
Vic Emery OBE	Chair, SPSA
Phil Denning	Education Scotland
Chief Constable Kevin Smith QPM	Reform Team
Kevin Mitchell	Care Inspectorate
Annette Bruton	Chief Executive, Care Inspectorate
Chief Inspector Fiona Armour	ACPOS
Susan Ferguson	Scottish Government
Avril Davidson	Scottish Government
Christie Smith	Scottish Government
Deborah Smith	Scottish Government
Kenneth Hogg	Scottish Government

Kenny MacAskill MSP	Cabinet Secretary for Justice
Christine Grahame MSP	Convener, Scottish Parliament Justice Committee
Leslie Evans	Scottish Government
Superintendent Tony Beveridge	Tayside Police
Donna Adam	Tayside Police
Chief Constable Justine Curran	Tayside Police
Bernadette Malone	Chief Executive Perth and Kinross Council
Cllr Ian Blake	Vice Convener, Dumfries and Galloway Police, Fire and Rescue Committee
Chief Constable Patrick Shearer QPM	Dumfries and Galloway Constabulary
DCC Mike McCormick	Dumfries and Galloway Constabulary
Gavin Stevenson	Chief Executive, Dumfries and Galloway Council
Inspector Steven Stiff	Dumfries and Galloway Constabulary
Sergeant Aileen Graham	Dumfries and Galloway Constabulary
Sheila Kelly	Dumfries and Galloway Constabulary
Keith Mannings	Chief Executive Strathclyde Police Authority
David Higgins	Scottish Police Authorities Conveners' Forum
Chief Constable Stephen House QPM	Strathclyde Police
Chief Inspector Alex Jarrett	Fife Constabulary
Inspector Lynda Allen	Fife Constabulary
Deputy Chief Constable Tom Ewing	Fife Constabulary
Chief Constable Andrew Barker	Fife Constabulary
Chief Constable Colin McKerracher QPM	Grampian Police
Inspector Ailsa Farmer	Grampian Police
Chief Inspector Kevin Elder	Grampian Police
Superintendent Willie MacColl	Grampian Police
Colin Bain	Grampian Police
Chief Inspector Adrian Berkeley	Grampian Police
Chief Inspector Colin Walker	Grampian Police
Sergeant Mark Fleming	Grampian Police
Chief Constable George Graham	Northern Constabulary
Superintendent John Darcy	Northern Constabulary
Cllr Iain Whyte	Convener, Lothian and Borders Police Board
Chief Constable David Strang QPM	Lothian and Borders Police
Susan Mitchell	Lothian and Borders Police
Deputy Chief Constable Bill Skelly	Lothian and Borders Police
Sue Bruce	Chief Executive, City of Edinburgh Council
Professor Richard Kerley	Queen Margaret University
Professor Nick Fyfe	University of Dundee SIPR
Joe O'Donnell	Inspectorate of Prosecution
Professor John McNeill	Police Complaints Commissioner for Scotland
Paddy Tomkins QPM	Former HM Chief Inspector of Constabulary for Scotland
Andrea Steenbrink	Inspectorate of Security and Justice, the Netherlands
Geert-Jan Fetter	Inspectorate of Security and Justice, the Netherlands
Jos Groot	Inspectorate of Security and Justice, the Netherlands
Ronald Lucardie	Inspectorate of Security and Justice, the Netherlands
Assistant Commissioner Jack Nolan	Garda Síochána

Robert Olsen	Chief Inspector, Garda Síochána Inspectorate
Mark Toland	Deputy Chief Inspector, Garda Síochána Inspectorate
Joe Mortell	Garda Síochána Inspectorate
Kevin Clarke	Department of Justice and Equality, Republic of Ireland
Kathleen Connelly	Department of Justice and Equality, Republic of Ireland
Zoë Billingham HMI	HMIC
Bill Priestley	Criminal Justice Inspectorate Northern Ireland
Rachel Bambery	New Zealand Police
Mike Webb	New Zealand Police
Steven Tribe	New Zealand Police

Appendix 3. Methodology

Individuals were approached to seek their involvement in the review. With almost no exceptions, those who were approached agreed to take part.

Discussions took place on the basis that views would not be attributed to individuals unless otherwise agreed. The agenda varied depending upon the particular interests of the individual or group, but was kept broad to allow exploration of issues as they emerged. An example, for a meeting with a Chief Constable, is given below.

- Brief overview of the nature of recent kinds of engagement with HMICS - approaches adopted and views on advantages/disadvantages
- Impact and influence of the range of HMICS's activities and findings in recent years (for example thematic work, Force Conference, Best Value, links with HMICS officers), and lessons which might be learned for the future development of HMICS
- Implications of the reform agenda for HMICS's work; views on what contributions by HMICS might lead to the most beneficial impact on policing in Scotland in the context of the reform agenda and the respective roles and responsibilities of local and national authorities and organisations.

I visited all of the police forces and met with police officers and staff to learn about their work and their involvement with HMICS.

I examined internal and published HMICS documents, accompanied members of the team on liaison visits and inspection and attended meetings.

I also gathered evidence on approaches to the inspection of policing in five other countries through interviews (face-to-face or by telephone) and their reports and other documentation.

Appendix 4. Relevant extracts from legislation

Police (Scotland) Act 1967 Section 33 as amended

(1) Her Majesty may appoint for the purposes after-mentioned such number of inspectors (hereafter in this Act referred to as “inspectors of constabulary”) as the Scottish Ministers may determine, and of the persons so appointed one may be appointed as chief inspector of constabulary.

(2) The inspectors of constabulary shall hold office during Her Majesty’s pleasure and shall be paid out of moneys provided by Parliament such salaries and allowances as the Scottish Ministers may determine.

(3) It shall be the duty of the inspectors of constabulary, on being directed to do so by the Secretary of State, to visit and inquire into any matter concerning or relating to the operation of a police force or of police forces generally and the National Criminal Intelligence Service; and, without prejudice to the generality of this subsection, such matters may include the state and efficiency of, and of the buildings and equipment used by, the force or forces.

(4) Such of the inspectors of constabulary as may be directed in that behalf by the Scottish Ministers shall annually, at such times as may be so directed, submit to the Scottish Ministers a written report on the state and efficiency of the police forces generally and the National Criminal Intelligence Service, and the Scottish Ministers shall cause a copy of every such annual report to be laid before each House of Parliament.

Extracts from the Police and Fire Reform (Scotland) Act 2012

Section 2: Functions of the Scottish Police Authority

- (a) To maintain the Police Service
- (b) To promote the policing principles set out in section 32 (below)
- (c) To promote and support continuous improvement in the policing of Scotland
- (d) To keep under review the policing of Scotland
- (e) To hold the chief constable to account for the policing of Scotland.

Section 32: Policing principles

The main purpose of policing is to improve the safety and wellbeing of persons, localities and communities in Scotland.

The police service, working in collaboration with others where appropriate should seek to achieve that main purpose by policing in a way which is accessible to, and engaged with, local communities; and promotes measures to prevent crime, harm and disorder.

Section 37: Best value

- (1) It is the duty of the Authority to make arrangements which secure best value for the Authority (that is, a continuous improvement in the carrying out of the Authority's functions).
- (2) It is the duty of the chief constable to make arrangements which secure best value for the Police Service (that is, a continuous improvement in the carrying out of police functions)

Section 74: Functions of Her Majesty's inspectors of constabulary in Scotland

- (1) The Scottish Ministers may direct the inspectors of constabulary to make inquiries about any matter relating to the Authority or the Police Service as they consider appropriate.
- (2) The inspectors of constabulary may make such other inquiries as they see fit about
 - (a) the state, efficiency and effectiveness of the Authority and the Police Service, and
 - (b) the arrangements made by the Authority and the chief constable under section 37 (1) and (2)

Section 42: Examination of the Police Service by the Auditor General

- The Auditor General may initiate examinations into
- (a) the economy, efficiency and effectiveness of the Police Service
 - (b) the arrangements made by the chief constable under section 37 (2)

Section 43: Examinations of the Scottish Police Authority by the Auditor General

The reference in section 23 of the Public Finance and Accountability Act 2000 to examinations into the economy, efficiency and effectiveness with which resources have been used is, in relation to the Authority, to include a reference to examinations into the arrangements made by the Authority under section 37(1).

Appendix 5. Comparisons with other systems: international examples

The tables which follow offer a summary of the arrangements for the inspection or scrutiny of policing in the Republic of Ireland, the Netherlands, Northern Ireland, New Zealand and England and Wales. All of these except England and Wales have a single police service, and all except New Zealand have an inspectorate of policing or inspect policing within a wider justice inspectorate. The information was gathered from interviews (by telephone or face-to-face) and from documents which were publicly available or supplied by the agency for the purpose of this work.

1. Republic of Ireland (single police force: the Garda Síochána)

Accountability	The Garda Commissioner (chief officer of the Garda Síochána) is accountable to the Minister for Justice and Equality
Legislative basis for inspectorate	Garda Síochána Act 2005 established an inspectorate for the first time. The Act also established a range of oversight bodies including the Garda Ombudsman Commission, which considers complaints against individual gardaí.
Objective	‘To ensure that the resources available to the Garda Síochána are used so as to achieve and maintain the highest levels of efficiency and effectiveness in its operations and administration, as measured by reference to the best standards of comparable police services.’
Functions	<ul style="list-style-type: none"> ○ Carry out inspections or inquiries at the request of the Minister for Justice and Equality, or with their consent, in relation to any particular aspects of the operation and administration of the Garda Síochána ○ Submit to the Minister for Justice and Equality reports of these inspections and, if required, on the operation and administration of the Garda Síochána during a period and on any significant developments ○ Provide advice to the Minister for Justice and Equality with regard to best policing practice.
Independence	Independence is enshrined within the Act: ‘The Inspectorate shall be independent in the performance of its duties.’ This is achieved partly through the staffing model (see below), the application of protocols, and acknowledgement and recognition by Justice officials and others of the importance of the independence of the Inspectorate.

Structure and staffing	<p>The inspectorate consists of three members (of whom at least one must be a woman and one a man) appointed by the Government. Legislation specifically precludes serving or former members of Garda Síochána from serving within the inspectorate. The current Chief Inspector was formerly Chief of Police in Minneapolis, and the other members of the Inspectorate were a Deputy Chief Constable, Hertfordshire Police and a Chief Superintendent, Metropolitan Police respectively.</p> <p>The inspectorate may engage police officers from outside the State or other bodies or persons to assist it in its functions, and consultants. Staff are also provided by the Department of Justice and Equality to support the functions of the Inspectorate.</p>
Budget	<p>Approximately €million and contributions in kind, from the Justice Department overall budget, provided annually. The resources are provided to carry out the general functions of the Inspectorate and the plan is implemented following discussion with the Department, taking into account the Minister's requests for particular issues to be inspected.</p>
Plans	<p>Priorities are agreed with the Department of Justice and Equality. These have emerged mainly from the Inspectorate but not exclusively and have included a mix of practical and strategic matters.</p>
Methodologies	<p>The team is new and it is placing initial emphasis on getting to know the Garda Síochána: station visits, meetings, including with staff associations to establish constructive working relationships as well as gain knowledge. There is recognition by both the Garda Síochána and the inspectorate of the importance of constructive relationships and mutual understanding of objectives and of the context.</p> <p>The Act provides for the making of written protocols to ensure that the Inspectorate receives any information requested by it from the Garda Síochána.</p> <p>Inspections involve research and desk work prior to fieldwork. Public surveys and international comparisons are used. The Inspectorate is conscious that these international comparisons must take into account the unique Garda culture and the Irish system of administration of justice.</p> <p>The generation and analysis of performance data is being developed</p>

	by the Garda Síochána.
Reports	<p>The inspectorate has published 8 reports so far (these include 'Resource allocation'). They are clear and accessible to the interested lay reader.</p> <p>The Act requires the Minister to ensure reports are laid before Parliament (with exclusions where necessary)</p>
Recommendations /powers of enforcement	<p>244 recommendations have been made in the reports completed to date. There is a formal process for addressing recommendations, where the Garda Síochána accept, modify or reject, with a rationale. The Garda Síochána has generally accepted the worth of implementing the recommendations, although indicating that in some cases they were already implementing them. A small number have been rejected.</p> <p>Implementation status updates of outstanding recommendations are published biannually on the inspectorate website, and the Inspectorate looks for some evidence of implementation. The pace of implementation of the recommendations lies with the Garda Síochána and there are no powers of enforcement.</p>
Website	http://www.gsinsp.ie

2. Netherlands (single police force from 1 January 2013)

<p>Accountability of police service</p>	<p>The existing 25 regional forces and the National Police Services Agency merged on 1 January 2013 into one national force consisting of ten regional units, one national unit and a support unit for operational management tasks such as ICT and Human Resources.</p> <p>The chief of police is in charge of the management and supervision of the national police. He is subordinate to and reports to the Minister of Security and Justice (note that justice and security, including policing, are combined within a single Ministry in the Netherlands). The police continue to be under local authority, the mayor continuing to manage the police when maintaining public order and providing emergency services in his municipality. The public prosecutor will continue to manage the police in the investigation of criminal offences.</p>
<p>Position of inspectorate/other mechanism for external evaluation</p>	<p>The Inspectorate of Security and Justice was formed on 1 January 2012 from the former Public Order and Safety Inspectorate and the Inspectorate for the Implementation of Sanctions. Its responsibilities span the entire field of the Ministry of Security and Justice including policing, prosecution, sanctions (including prisons), fire service, emergency medical services, disaster relief and crisis, incident investigation in the context of civil aviation security. They do not consider finances or value for money – this is carried out by the national audit body.</p> <p>The Inspectorate reports to the Minister for Security and Justice and is seen as acting on behalf of the public and Ministers.</p>
<p>Purpose</p>	<p>The Inspectorate is charged with monitoring how organisations within the domain of the Ministry carry out their duties and comply with laws and regulations. By assessing the work and compliance of the organisations the Inspectorate provides advice to ministers, local authorities, society and institutions on the quality of ‘task execution’ of the organisations.</p>
<p>Measures taken to secure independence</p>	<p>The Inspectorate is independent in its selection of themes, its judgements and its reports.</p> <p>The Inspectorate is funded and hosted for administrative purposes under the Secretary General, not the Director-General for Security and Justice. This helps to signal the inspectorate’s independence.</p>

	<p>There is a very strong ethos of independence within Dutch inspectorates, and no intervention by the DG or Ministers.</p> <p>Very few staff have recently been employed within the police force.</p>
Structure and staffing	<p>There are around 60 full-time staff including the head of the inspectorate and two directors (one of inspection, one of strategy and innovation). There is also a 'flexible layer' of 5-8 full-time secondees and specialists are also hired occasionally. The inspectorate uses this structure to refresh and also retain its knowledge. The staff members include very few former police officers with none currently seconded, although the Dutch Inspectorate values fresh insight on and practical experience with the police force and aims to increase the number of secondees. Permanent staff had been in post for considerable lengths of time – no new appointments had been made within the last 5 years. They primarily seek 'good inspectors' rather than those with first-hand knowledge of policing. Training is given high priority, including development of knowledge of the field which they will inspect, and joint training at the Dutch Inspection Academy.</p>
Budget	<p>The Inspectorate as a whole has a budget of just over €5m. Salaries are on the civil service scale.</p>
Plans	<p>These are developed through engagement with stakeholders, interest groups, the Ministry, focus groups of staff from police forces and the police academy. They use a 'Group decision room' methodology (where participants made online submissions following group discussions) together with academic input to identify highest priorities.</p> <p>Emerging themes are: the quality of police reports as filed; the quality of SWAT teams and how they relate to other teams; investigation of economic crimes; complaints handling.</p>
Methodologies	<p>Literature reviews; interviews (large scale); discussions; surveys; observing practice, seeking to triangulate; risk analysis.</p> <p>In the single force they expect to examine each of the 10 regions every 3 years using a system of critical indicators to complement and test internal systems (this methodology was being discussed with the new head of the police force and developed through 'expert sessions' with staff from the police force to gain acceptance). They will compare regions and seek to identify reasons for differences.</p>

Reports	<p>Once printed, reports are sent to Minister for written reaction, which goes to Parliament.</p> <p>Recent reports: 'Reporting a crime: citizen-centered?'; 'State of police education in the Netherlands'</p>
Recommendations /powers of enforcement	<p>Recommendations tend to be at a general level rather than setting out how things should be changed to achieve improvement.</p> <p>The Minister can require that recommendations are addressed.</p> <p>Progress is reviewed after 2/3 years.</p>
Influence and impact	<p>The inspectorate works to achieve influence through the quality of their knowledge, evidence and judgement, a reputation which has taken many years to build.</p> <p>The inspectorate evaluates its work through satisfaction surveys and assessment of whether there have been changes as a result – this is an approach which is shared with other Dutch inspectorates.</p>
Website	<p>http://www.ivenj.nl</p>

**3. Northern Ireland: Criminal Justice Inspectorate Northern Ireland (CJINI)
(Single Police Service of Northern Ireland)**

<p>Line of accountability of police service</p>	<p>The Minister of Justice has overall responsibility. The Chief Constable has operational independence. The Northern Ireland Policing Board holds the Police Service of Northern Ireland (PSNI) to account. It is an independent public body of 19 Political and Independent Members ‘established to ensure for all the people of Northern Ireland an effective, efficient, impartial, representative and accountable police service which will secure the confidence of the whole community, by reducing crime and the fear of crime.’</p>
<p>Position of inspectorate/other mechanism for external evaluation</p>	<p>CJINI is an independent statutory inspectorate with responsibility for inspecting all aspects of the criminal justice system in Northern Ireland apart from the judiciary. It also inspects a number of other agencies and organisations that link into the criminal justice system.</p> <p>The Justice (Northern Ireland) Act 2002 and the Justice and Security (Northern Ireland) Act 2007 give CJI powers to inspect a range of named organisations including the PSNI. CJI is not allowed to investigate individual cases but it can, when asked by the Minister for Justice, undertake specific pieces of work including investigations and reviews.</p>
<p>Purpose</p>	<p>CJINI’s aim is ‘a better justice system for all’. It has four functions:</p> <ul style="list-style-type: none"> ○ To promote efficiency and effectiveness through assessment and inspection to facilitate performance improvement ○ To provide an independent assessment to Ministers and the wider community on the working of the criminal justice system ○ To provide independent scrutiny of the outcomes for, and treatment of, users of the criminal justice system ○ To work in partnership to deliver a high quality, independent and impartial inspection programme <p>Its outcomes are its inspection programme, its published inspection reports, the completion of action plans and follow-up reviews and community consultation.</p> <p>Evidence is provided to officials. CJI does not provide policy advice to Ministers.</p> <p>There is caution about any involvement in capacity building, in case this would work against independence.</p>

<p>Measures taken to secure independence</p>	<p>CJI works very closely with community representatives and Non-Government Organisations, at times involving hundreds of people in inspections of policing dependent on the subject area. This is to ensure that members of the public and their representatives see the process as thorough and independent. ‘Reporting as we find’ is a key element of independence for CJI. Only points of factual accuracy are considered when finalising reports and a record of changes is maintained.</p> <p>The staff team have a range of backgrounds (see below). For an inspection of policing, say, a member of staff who has not recently left the police will lead the inspection. As a general rule a new member of staff will not inspect within their area of previous experience for two years, although CJI has recently moved to a declaration of conflict of interest rather than a time bound requirement.</p> <p>The organisation’s email address contains ‘.org’ not ‘.gsi’. This was perceived as important to signal distance from government. The organisation has its own media management and strategy.</p>
<p>Achieving credibility and influence</p>	<p>CJI aim to ensure that its products are of very high quality to enhance credibility: stressing the importance of ‘getting it right’ including through rigorous internal checks of reports. CJI use ISO 9001 standards for all processes. All areas of business are certificated and there is an annual audit/certification process. Induction and training are included within the ISO 9001 processes, and induction includes the ISO process.</p> <p>Inspectors have tailored induction programmes and in an inspector’s initial year they are supported by other experienced inspectors during inspection work. All inspections are allocated a lead and deputy inspector to provide assurance and continuity to the inspection process.</p> <p>‘Reputation’ is included in the risk register and regularly revisited.</p>
<p>Structure and staffing</p>	<p>The complement is 8 inspectors, a Deputy Chief Inspector (post to be filled), 5 administrative staff and the Chief Inspector of Criminal Justice. No staff members are secondees and there is no additional ‘bank’ of additional personnel. All are directly recruited, and they come from a wide range of backgrounds, including former police officers. Occasionally they may require additional specialist expertise, which might be obtained from a university or from justice agencies outside the jurisdiction.</p>
<p>Budget</p>	<p>£1.4 m</p>

Plans	<p>The corporate and business planning processes are covered by the ISO 9001 standards, including consultation and implementation.</p> <p>Current plans include inspection of restorative justice, looking at this in the round, including policing.</p>
Methodologies	<p>Processes are covered by ISO 9001 standards (these seem clear and straightforward).</p> <p>Each inspection is covered by terms of reference which are agreed with those being inspected. They include the (existing) standards which will be used in the inspection.</p>
Reports	<p>Reports go to the Minister, are laid before the Northern Ireland Assembly and are made publicly available.</p> <p>Recent reports include</p> <p>Answering the call - an Inspection of the Police Service of Northern Ireland Contact Management Arrangements (June 2012)</p> <p>Policing with the Community - a follow-up review of inspection recommendations September 2012</p>
Impact Recommendations/ powers of enforcement	<p>CJI revisits its recommendations to determine whether they were accepted, implemented, workable, helpful.</p> <p>They have established an internal working group to look at the impact of strategic recommendations to identify ways of measuring what difference they may have made.</p> <p>The chief inspector undertakes reviews with those who have been inspected, the Justice Committee, Ministers and organisations and feeds back results to the inspector team.</p>
Website	<p>http://www.cjini.org/Home.aspx</p>

4. New Zealand (single police force)

Line of accountability of police service	New Zealand Police is a non-public service department, with a Minister of Police. The Commissioner and sworn members swear allegiance to the Queen and have constabulary independence from the government.
Position of inspectorate/other mechanism for external evaluation	There is not a standing inspectorate in New Zealand, but a number of bodies oversee aspects of New Zealand Police: <ul style="list-style-type: none"> ○ Independent Police Conduct Authority – investigates complaints and oversees conduct ○ Auditor General – systems audits and performance audits (for example of strategies to reduce drink driving) through joint teams ○ Commission of enquiry into serious matters of concern ○ In addition a Performance Improvement Framework (PIF) Review was carried out recently. This was part of a wider cycle of review of all government agencies under the States Services Commission, and reported publicly.
Purpose of Performance Improvement Framework Review	The PIF addressed the question ‘What is the contribution that New Zealand needs from New Zealand Police and, therefore, what is the performance challenge?’ It considered the desired outcomes of policing and the internal processes which needed to be strengthened in order to improve them.
Internal assurance review	An internal assurance function conducts a programme of independent assessments of strategic, operational or capability risk areas within Police, looking at current practice, levels of variation and innovation, implications for future national performance, making recommendations for improvement. Reports are received by the Police Executive and are considered by the Assurance and Risk Committee. This is an independent committee with three external members, chaired by a former State Services Commissioner. [The other two members are a former Secretary for Justice and a senior manager from a private sector company who now heads an independent Crown entity]. The committee calls business owners to attend to report on progress on report recommendations.
Structure and staffing	Not applicable
Budget	Not applicable
Plans	Not applicable
Methodologies	The PIF was an intensive process which used self-evaluation as a starting point. It was carried out by a team led by a former chair of the

	<p>New Zealand Commerce Commission and former CEO of New Zealand Post with input from former senior police officers. The review was carried out against a framework tailored to the police context, and addressed matters including achieving 'safe communities', reduction of harm and offending and partnerships, as well as more generic factors such as change management, financial performance, culture, people management, knowledge management and strategic partnerships.</p>
Reports	<p>Formal review of the New Zealand Police (September 2012)</p>
Recommendations/ powers of enforcement	<p>Recommendations from the PIF review are being addressed within Police and will be followed up in 2014</p>
Other points	<p>There may be value in further examining both the internal and external evaluation processes in New Zealand.</p> <p>There would be interest in further discussions on benchmarking between Scotland and New Zealand.</p>

5. HMIC England and Wales

Line of accountability of police service	The Police Reform and Social Responsibility Act 2011 changed the landscape of accountability in England and Wales, replacing police authorities with directly elected Police and Crime Commissioners.
Position of inspectorate/other mechanism for external evaluation	<p>HMIC assesses the efficiency and effectiveness of police forces in England and Wales. It also inspects non home office forces. Since 2004, HMIC has also had responsibility for inspecting HM Revenue and Customs and the Serious Organised Crime Agency.</p> <p>Recent moves have increased the independence of HMIC from the Home Office. HMIC now reports directly to Parliament rather than to the Home Secretary. The Police Reform and Social Responsibility Act 2011 introduces new relationships between HMIC and the Police and Crime Commissioners, where HMIC aims to support them in their role.</p>
Purpose	<p>The publicly-expressed purpose explicitly sets out that HMIC operates in the public interest:</p> <p>‘HMIC independently assesses police forces and policing activity ranging from neighbourhood teams through serious crime to the fight against terrorism – in the public interest’.</p>
Measures taken to secure independence	<p>These include a public statement that HMIC is independent of Government and the police:</p> <p>‘HM Inspectors of Constabulary are appointed by the Crown – they are not employees of the police service or government. HM Chief Inspector of Constabulary reports annually to Parliament on the efficiency and effectiveness of police forces in England and Wales.’</p> <p>See above also in relation to distance from Westminster. The appointment of a chief inspector who does not have a policing background is notable in relation to distance from policing.</p>
Structure and staffing	<p>130 staff including HM Chief Inspector and four HM Inspectors, two of whom are former chief constables; the backgrounds of the other two HMIs are the criminal justice system and public inspection respectively. Within the HMIC staff, there is an emphasis on secondments, mainly of serving police officers (at chief inspector/superintendent rank) but also of police staff.</p> <p>Appointments to HMIC currently take place through Home Office procedures.</p>

Budget	£12.9m for 2012-13
Plans	HMIC is required to consult on its inspection programme/framework in its business plan
Methodologies	A range of methodologies is adopted, but the broad approach is summed up as ‘In preparing our reports, we ask the questions which citizens would ask, and publish the answers in accessible form, using our expertise to interpret the evidence. We provide authoritative information to allow the public to compare the performance of their force against others, and our evidence is used to drive improvements in the service to the public.’
Reports	HM Chief Inspector of Constabulary will report annually on HMIC inspections and the HMCIC assessment of efficiency and effectiveness of policing in England and Wales. Increasingly HMIC’s reports are seen as being for the public and provide clear assessments, on a comparative basis for local reports. Reports were formerly provided to the Home Secretary but in future they will be presented to Parliament, amongst other recipients. Some recent examples: Taking time for crime: a study of how police officers prevent crime in the field Reviews of police service integrity Policing in austerity: one year on All HMIC inspection reports are published and a copy is sent to the Home Secretary. HMIC will not publish any report that in the interests of national security is deemed to jeopardise the safety of the public or put the public at risk.
Recommendations/ powers of enforcement	There are moves towards providing fewer recommendations. Reports indicate what follow-up activity is proposed.
Other points	HMIC would be interested in reciprocal secondment arrangements for staff between HMIC and HMICS.
Website	http://www.hmic.gov.uk

Appendix 6. Abbreviations used

ACPOS	Association of Chief Police Officers in Scotland
EFQM	European Foundation for Quality Management
HMI	Her Majesty's Inspector
HMICS	Her Majesty's Inspectorate of Constabulary for Scotland
HMIE	Her Majesty's Inspectorate of Education
IPS	Inspectorate of Prosecution in Scotland
MAPPA	Multi-Agency Public Protection Arrangements
PIRC	Police Independent Review Commissioner
POA	Police Objective Analysis
PSoS	Police Service of Scotland
SCDEA	Scottish Crime and Drug Enforcement Agency
SPA	Scottish Police Authority
SPPF	Scottish Policing Performance Framework
SPSA	Scottish Police Services Authority

Appendix 7. List of suggestions of priorities for HMICS offered by contributors to the review

National

National issues of high priority – security, resilience, community safety, public protection, traffic policing
Progress nationally, including inspection of SPA’s scrutiny [Medium term]
Use evidence from patterns in complaints to explore any weaknesses which have led to these
Ethics/corruption
Integrity of performance reporting

Local

Inspection of pathfinders to provide advice about promising practice
Progress in establishing local working relationships
Development of local policing plans (avoiding becoming too close to this process)
Police contributions to local outcomes – assurance about quality of connections with other services - CPPs
Territorially-based inspection – through direct engagement, not desk based
Local access to specialist services e.g. for serious crime

Connections between national and local (longer term)

Connections from national intentions through to local delivery – use of resources to achieve best outcomes - efficiency and effectiveness (sampling, not regular monitoring of all)
How the Service identifies and adopts best practice
Assisting in identifying effective practice – e.g. examining different approaches to community policing, taking account of Best Value

Multi-agency inspections

Youth justice
Domestic violence
MAPP
Vulnerable communities
'Christie agenda'

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