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Police Investigations &
Review Commissioner



MEMORANDUM OF UNDERSTANDING

between

THE POLICE INVESTIGATIONS AND REVIEW COMMISSIONER

and

HM INSPECTOR OF CONSTABULARY FOR SCOTLAND

March 2013

Introduction

1. The Police and Fire Reform (Scotland) Act 2012 places a duty on the Police Investigation & Review Commissioner (PIRC) and inspectors of constabulary in Scotland to co-operate and coordinate activity with one another with a view to improving how we carry out our respective functions.¹
2. This Memorandum of Understanding sets out how we intend to fulfil this duty. It describes our respective powers and responsibilities and proposes a framework for collaborative working. This framework is designed to optimise the skills and experience involved in inspections, reviews or investigations, avoid duplication of effort and minimise the burden of scrutiny.

Statutory role of HM Inspectorate of Constabulary in Scotland

3. The statutory role of Her Majesty's Inspectorate of Constabulary for Scotland (HMICS) is set out in Sections 71 to 82 of the Police and Fire Reform (Scotland) Act 2012. The role of HMICS is to make inquiries about any matter relating to the Scottish Police Authority (SPA) or the Police Service (Police Scotland) as they consider appropriate; about the state, efficiency and effectiveness of the Authority and the Police Service.

Statutory role of the Police Investigation & Review Commissioner for Scotland

4. Sections 61 and 62 of the Police and Fire Reform (Act) 2012 renamed and extended the powers of the former Police Complaints Commissioner (established in 2006). The general functions of the new Police Investigation & Review Commissioner are to:
 - secure the maintenance by the Authority and the chief constable of suitable arrangements for the handling of relevant complaints,
 - examine the handling of relevant complaints and reconsider such complaints,
 - investigate, where directed to do so by the appropriate prosecutor, any circumstances in which there is an indication that a person serving with the police may have committed a crime, or the circumstances of any death involving a person serving with the police which the Procurator Fiscal is required to investigate under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976,
 - determine whether to investigate, where requested to do so by the Authority or the chief constable, certain serious incidents involving the police, and
 - investigate other matters relating to the Authority or the Police Service where the Commissioner considers that it would be in the public interest to do so.

A framework for collaborative working

5. PIRC and HMICS are committed to ensuring that our inspection, review and investigation work contribute to providing assurance that the SPA and Police Scotland are operating efficiently and

¹ Police and Fire Reform (Scotland) Act 2012, Section 85.

effectively and that our recommendations lead to demonstrable improvements in service delivery. We will also work to ensure we deliver our inspections, reviews and investigations efficiently and effectively and that we do not place any unnecessary burdens on the SPA or Police Scotland.

6. In fulfilling our duty to co-operate, we are committed to:

- Maintaining effective communication and liaison,
- Working together where appropriate,
- Sharing knowledge, skills, expertise and experience, and
- Sharing relevant information and respecting confidentiality of shared information.

Maintaining effective communication and liaison: PIRC and HMICS will meet regularly to ensure effective communication between the two organisations. In addition to routine communication, the Commissioner and the Inspector of Constabulary or their nominated representatives will meet at least twice yearly to discuss strategic matters.

Working together where appropriate: Where appropriate, HMICS will follow up on recommendations made as a result of PIRC reviews or investigations. We are also committed to making the best use of our collective skills and expertise in inspection, review or investigative work. Where appropriate, we will encourage the use of short-term secondments or placements to deliver specific inspections, reviews or investigations, and will provide mutual advice and support as required.

Sharing knowledge, skills, expertise and experience: We believe there is much to be gained by both organisations in sharing our respective knowledge, skills and expertise. We will investigate different approaches for doing this, for example through shared training on inspection or review methodology, work shadowing, and temporary secondments. Sharing knowledge and expertise will contribute to building mutual confidence in the quality of our inspection, review and regulation work.

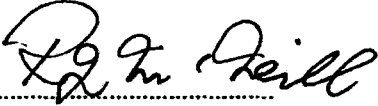
Sharing relevant information: HMICS and PIRC will share relevant information, including strategic developments relating to the police service, performance and financial information, and inspection reports. While PIRC cannot share information relating to: ongoing investigations directed by the Crown Office and Procurator Fiscal service, misconduct investigations, or reviews of complaints, it will share with HMICS other relevant information when it is able to do so. The organisations will respect the confidential nature of the information they share and will not disclose the information to third parties without prior discussion.


Resolving disagreements

7. HMICS and PIRC are committed to working together in an environment of mutual trust and respect and in promoting a culture of openness. This approach should minimise the risk of disagreements. Should disagreements arise, they should be resolved amicably between the people concerned, and failing that through discussions between relevant senior managers.

Reviewing the Memorandum of Understanding

8. We will review this Memorandum annually to ensure both organisations are working within the agreed framework, and consider whether the framework needs to be revised to meet changing circumstances.

Signed 
Date 23 April 2013
Police Investigations & Review Commissioner for Scotland

Signed 
Date 11/4/13
HM Inspector of Constabulary Scotland