

MEMORANDUM OF UNDERSTANDING

BETWEEN

**HIS MAJESTY'S INSPECTORATE OF
CONSTABULARY IN SCOTLAND (HMICS)**

AND

HEALTHCARE IMPROVEMENT SCOTLAND

**Relating to co-operation and exchange of
information regarding the inspection of police
custody centres in Scotland**

October 2024

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1. INTRODUCTORY

This Memorandum of Understanding (MOU) sets out the framework agreed between His Majesty's Inspectorate of Constabulary in Scotland (HMICS) and Healthcare Improvement Scotland (HIS) for co-operation and exchange of information in relation to the inspection of police custody centres in Scotland. This MOU supersedes the previous agreement dated July 2022.

1.1 Background

HMICS provides independent scrutiny of both Police Scotland and the Scottish Police Authority (SPA). Their approach is to support Police Scotland and the SPA to deliver services that are high quality, continually improving, effective and responsive to local needs. HIS supports HMICS by inspecting all healthcare aspects of police custody inspections across Scotland.

This MOU is required to underpin collaboration between the two organisations in respect of co-operation and exchange of information relating to inspection of police custody centres in Scotland.

1.2 Aims and objectives

The purpose of this MOU is to document the roles and responsibilities of each organisation. HMICS and HIS have worked in partnership to develop this MOU, which defines the respective roles. It also sets out how both organisations will collaborate and work together in respect of the healthcare element of inspections of police custody centres in Scotland. This MOU defines the circumstances and processes through which HMICS and HIS will co-operate when carrying out their respective functions.

2. JOINT WORKING ARRANGEMENTS

2.1 Activities and principles of the working relationship

HMICS and HIS are committed to ensuring that inspection activities contribute to providing assurance that Police Scotland, the Scottish Police Authority (SPA), and health providers are operating efficiently and effectively in respect of the operation of police custody centres; and that our recommendations lead to demonstrable improvements in service delivery. We will also work to ensure we deliver our inspections efficiently and effectively and that we do not place any unnecessary burden on Police Scotland, the SPA or health providers.

HMICS and HIS will co-operate in the following key areas, subject to the availability of resources in each organisation:

- co-ordination and exchange of information
- inspection and monitoring process
- risk assessed unannounced visits by HMICS
- planning of work programme
- identification and dissemination of best practice
- cross referral of concerns
- seeking and giving advice
- training and guidance, and
- thematic reviews, as required.

This list is not exhaustive; additions can be made between review dates by agreement between the relevant officials. Any collaborative work undertaken by HMICS and HIS, but not identified by this MOU, should be carried out in accordance with the principles outlined in this document.

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
- sharing relevant information, and
- respecting confidentiality of shared information.

HMICS and HIS will seek to ensure effective working relationships through the following:

- HMICS is the lead organisation with responsibility for the inspection of police custody centres. HIS will manage the healthcare element of these inspections on behalf of, and under the direction of, HMICS. HIS will submit feedback for inclusion in the healthcare section of HMICS reports. HIS must agree any subsequent changes to the healthcare section of a report. The final report will belong to HMICS and will be published on the HMICS website.
- Respecting each other's independent status and co-operating when necessary and / or appropriate.

- Working together to develop consistent, high quality, accurate information regarding the quality of healthcare provided in a police custody centre setting.
- Keeping each other informed on matters of strategic mutual interest through its respective lead officials.
- Being open and transparent in their decisions regarding when and where it is considered appropriate for both organisations to work together.
- Collaborating on the scheduling of inspections in advance of the scrutiny year. It is recognised that the location and timing of inspections may on occasion be subject to change based on identified risk and/or operational demands.

External Communications

As lead organisation, HMICS will be responsible for publication processes, laying the report before parliament and publication on the HMICS website. HMICS will liaise with HIS on issues of communication of report findings; including media briefings, as required. HMICS and HIS will inform each other of external communications related to the provision of healthcare to police custody centres. This could include:

- involvement in drafting press releases, where their content includes healthcare related matters
- the timing of press releases and any other publications relevant to the inspection process
- assistance in the dissemination of information about good practice in police custody healthcare, and
- involvement in conferences and other public discussions (where appropriate).

2.2 Monitoring and evaluation

Both organisations will keep each other informed on matters of strategic mutual interest through their respective Partnership Leads. Both organisations will be in regular contact with each other through formal and informal meetings. These meetings will allow open exchange of information and allow regular discussions relating to the planning and development of the police custody inspection process. The Partnership Leads from each organisation will review these arrangements annually.

2.3 Partnership Leads

The following Partnership Leads are the main contacts for any MOU queries:

HMICS	HIS
Ray Jones	Cath Haley
Lead Inspector, HMICS	Senior Inspector, HIS
St Andrew's House Regent Road Edinburgh EH1 3DG	Delta House 50 West Nile Street Glasgow G1 2NP
0131 244 5614	0141 225 6999
HMIC@hmic.gov.scot	his.jpcci@nhs.scot

2.4 Governance

The Partnership Leads are responsible for oversight of the joint working relationship between HMICS and HIS, and for checking progress. The Leads will also be the first step for any escalation of concerns.

2.5 Cross referral and escalation of concerns

Cross Referral of Concerns

It is acknowledged that both organisations will receive information, which bears upon the other's responsibility. It is important that both organisations, through this MOU, encourage a culture of mutual trust and understanding and be willing to share relevant information. The interests of detainees and the public should remain paramount and where issues relate to the fitness to practise of healthcare professionals, this information should be referred to the employing body. Nothing in this MOU seeks to preclude HMICS from taking action that is justifiable to safeguard detainees and / or staff.

Escalations and serious concerns

It is recognised that there may be issues relating to fitness to practise of employees of the providers of healthcare that emerge during the course of an inspection. Whilst neither organisation would be directly involved in such matters, both would ensure that the other is appropriately informed of such issues. HMICS and HIS reserve the right to make referrals direct to relevant regulatory bodies in respect of concerns.

2.6 Summary of roles of each organisation

HMICS is established under the Police and Fire Reform (Scotland) Act 2012 and has wide ranging powers to look into the ‘state, effectiveness and efficiency’ of both the Police Service of Scotland (Police Scotland) and the SPA. HMICS has a statutory duty to ensure that the Chief Constable and the SPA meet their obligations in terms of best value and continuous improvement. If necessary, HMICS can be directed by Scottish Ministers to look into anything relating to the SPA or Police Scotland as they consider appropriate. HMICS also has an established role in providing professional advice and guidance on policing in Scotland.

HIS has the responsibility to support healthcare providers across Scotland to deliver high quality care and scrutinise those services to provide public assurance about the quality and safety of that care. HIS uses established quality assurance standards which are human rights based. Specific standards or quality indicators are developed, where required, to support inspection, such as joint inspection activities with other scrutiny organisations.

- More information on the role and remit of HIS can be found [here](#).
- More information on the role and remit of HMICS can be found [here](#).

2.7 Information Sharing

Co-ordination and Exchange of Information

HMICS and HIS will aim to share relevant information where necessary relating to police custody. Examples of types of information include:

- strategic development relating to police custody
- data and information from any inspection and review work that has specific relevance for healthcare provision in police custody centres
- relevant, published information which could potentially impact upon detainee healthcare within police custody settings
- relevant intelligence arising from national network groups such as the Scottish Health in Custody Network
- data on trends, approaches and initiatives and other concerns relevant to the shared aims of both organisations, and
- guidelines and procedures relating to the respective interests of each organisation and subject matter.

Confidentiality

Each organisation will respect and maintain the confidential nature of documents and information provided to them. In sharing information, HMICS and HIS will adhere to the requirements of the relevant statutes, codes of practice, best practice, guidance, information governance and organisation specific operating policies and working practices relating to the sharing of information and data.

The legal framework, governing information sharing, includes all relevant legislation. Where any information is shared, both organisations will act in accordance with their legal obligations. All arrangements for the exchange of information will comply with the UK General Data Protection Regulation (GDPR).

Dispute resolution

Where a dispute occurs, staff who are involved from the respective organisations should make attempts to obtain a resolution, involving line management (Partnership Leads) where a resolution has not been found. For ongoing disputes, the organisations' Chief Executives will work together to obtain a resolution.

3. LEGAL DISCLAIMER



3.1 Disclaimer

Nothing in this MOU reduces the separate duties and reporting rights of either organisation, even where they have decided to work collaboratively. This MOU does not place additional legal obligations on either organisation, nor does it imply any transfer of responsibility from one to the other or sharing of statutory functions. In operating within the terms of this MOU, each organisation will continue to work within its respective statutory framework at all times.

4. CLOSING SECTION

4.1 Duration and Review Period

In agreeing this MOU, the signatories agree to its content and the obligations and remit of each organisation. The MOU agreement will be reviewed every two years, or more frequently, if required.

HMICS	HIS
Craig Naylor	Ann Gow
HM Chief Inspector of Constabulary	Interim Director of Quality Assurance and Regulation
	
31/10/2024	28/10/2024