

NOT PROTECTIVELY MARKED

TJ Wright

Address for correspondence:

request-318921-75b5faa1@whatdotheyknow.com

29 March 2016

Dear TJ Wright

HMICS Freedom of Information Request – Fol/16/00384

I refer to your request dated 12 February 2016, which was received by HMICS on 15 February 2016, under the Freedom of Information (Scotland) Act 2002 (FOISA), for the following information:

How do the HMICS vet their staff (and who completes this vetting? The SPA?) and placements (including the HMICS himself) and what is the procedure when outstanding complaints or a lack in the officially recognised training or vetting programme is recognised such as in the articles below?

<https://www.sundaypost.com/news/scottish-news/police-watchdog-in-complaints-mystery/>

<http://www.scotsman.com/news/anti-terror-police-chiefs-not-qualified-for-attack-1-3367461>

Please advise what action (if any) is taken and how highly public protection is prioritised and placed in such circumstances. Also please advise the role of Ministers in over-riding any intervention or action against such realisations and individuals, what form that would take and whether that has ever been implemented since 1999.

In relation to the first section of your Freedom of Information request:

HM Inspectorate of Constabulary in Scotland (HMICS) staff are vetted by the Scottish Government.

The first article to which you refer relates to two alleged outstanding misconduct complaints against the current HM Inspector during his appointment process to HMICS. The article makes clear and placed on public record that the HM Inspector of Constabulary was unaware of any on-going or outstanding investigations or complaints against him or any other matter at the time of his application for this post. The Scottish Government has already confirmed that all routine pre-employment checks were carried out and were satisfactory.

The procedure for dealing with any outstanding complaint would be matter for the vetting authority to consider prior to reaching a decision to grant clearance.

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The second article to which you refer relates to the Strategic Command Course (SCC) qualification for Senior Officers. In accordance with section 2, of the Police and Fire Reform (Scotland) Act 2012, the Scottish Police Authority is responsible for the appointment of Assistant Chief Constables to the Police Service of Scotland. The procedure for dealing with officially recognised training and eligibility criteria for appointment would be a matter for them to consider.

In relation to your second section of your Freedom of Information request:

HMICS does not hold the information requested, therefore Section 17 of the Freedom of Information (Scotland) Act 2002, information not held, applies.

HMICS does have a duty to assist applicants; however, this duty does not extend to obtaining information from another legal entity in order to respond to requests.

I trust this information is satisfactory for you, however, if you are unhappy with this response you may ask us to carry out an internal review, by writing to Mr Dennis Hunter at the address shown on this letterhead. Your request should explain why you wish a review to be carried out, and should be made within 40 working days of receipt of this letter. We will then reply within 20 working days of receipt of any such letter.

You then have a right of appeal to the Scottish Information Commissioner if you are dissatisfied with our internal review. The Commissioners website has a guide containing the full details for this process (www.itspublicknowledge.info) or they can be contacted via the following:

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS
Tel: 01334 464 610

Yours Sincerely,

Joanna Drapper
Research and Inspection Support

