

DECISION NUMBER: PCCG-2022-013

OFFICE OF POLICE AND CRIME COMMISSIONER

TITLE: Independent Custody Visiting Scheme Annual Review

DATE: 6th May 2022

TIMING: Annual

PURPOSE: For Monitoring Purposes

RECOMMENDATION

That the Police and Crime Commissioner considers the work of the Independent Custody Visiting Scheme during 2021/22.

INTRODUCTION & BACKGROUND

The Independent Custody Visiting Scheme (the Scheme) is the system whereby volunteers attend police stations to check on the treatment of detainees and the conditions in which they are held and that their rights and entitlements are being observed. It offers protection to both detainees and the police and provides reassurance to the community at large. This report summarises the invaluable work undertaken by our volunteers for which I offer my thanks.

The responsibility for organising and overseeing the delivery of the Scheme resides with the Police and Crime (Commissioner) in consultation with the Chief Constable. The Office of the Police and Crime Commissioner (OPCC) is a member of the Independent Custody Visiting Association (ICVA), a national organisation that works with OPCCs and the Home Office to support Schemes.

Responsibility for the running of the Scheme sits with the Governance Officer who is the Scheme Administrator. This role includes oversight of the Scheme and the responsibility of ensuring that any issues raised are resolved. Low level complaints are managed by the Scheme Chair and Vice Chair, however, the Scheme Administrator is responsible for any serious complaints or grievances raised against any Scheme members or by Scheme members. The Assistant Scheme Administrator provides support to the Scheme Administrator, arranging meetings, logging reports and providing a point of contact for Independent Custody Visitors (ICVs).

Custody staff work closely with the OPCC to consider ways of raising awareness of the custody visiting process. Custody and OPCC staff contribute to custody visiting training sessions and meetings.

ICV arrangements within Gwent are based on Code C of the Police and Criminal Evidence Act 1984 (PACE), Code of Practice for the Detention, Treatment and Questioning of persons by Police Officers.

ICVs cover visits across two custody units, Newport and Ystrad Mynach. There is 'life sign' equipment in all cells in Newport Central and in 12 cells in Ystrad Mynach to monitor detainees movement improving the safety of the detainee.

Gwent Police has adopted a model of Child Centred Policing practice. Although children are sometimes detained in custody, steps have been taken to ensure the relevant intervention agencies are involved from the outset to offer support to the child and that the cells used to detain children are located in a specific area which is segregated from the adult area. The Force also continues to work with other partner organisations to ensure appropriate safe and secure arrangements are put in place. Children are visited as a priority by ICVs during their visits.

ICVs visit custody in pairs at any time throughout the day or evening and their visits are unannounced. A rota is provided by the ICV Chair, although the ICVs themselves decide which day of the week and time to visit. The Scheme Administrator monitors the times of the visits to ensure they are undertaken sporadically.

ISSUES FOR CONSIDERATION

Due to the risk posed by Covid19, the decision was taken to suspend face to face visits by the ICV Scheme members to ensure their safety in March 17 2020.

During this time the Scheme Administrator made alternative arrangements, in order to negate the risk and to meet my legal obligation under the section 51 of the Police Reform Act 2002, by obtaining detailed weekly updates on the checks and balances put in place to ensure the welfare of detainees from the Custody Chief Inspector. An alternative telephone monitoring process was introduced in June 2020 offering detainees the opportunity to speak privately with ICVs on the telephone in order that the volunteers can check on their welfare and ensure they have received their rights and entitlements under the Police and Criminal Evidence Act 1984 (PACE) Code C. Following the lifting of restrictions, the ICVs resumed face to face visits from July 2021.

It was agreed that the Chair and Vice Chair would continue in their role from June 2021. The role of the Chair and Vice Chair includes creating the rotas, leading the quarterly panel meetings, assisting in the recruitment and selection of new volunteers and representing the scheme at training and conferences.

In 2019/2020, the Vice Chair was appointed as the voluntary Regional Representative on the National Expert Forum (NEF) and has continued in the role this year. The role involves, attending NEF meetings, coordinating the collation of regional quarterly

reports from the regional Scheme Managers, including statistical information, sharing of good practice, the dissemination of NEF minutes to the Scheme Managers in the region and ensuring that any issues they would like discussed are brought to the ICVA's attention.

The Scheme has a 2 term limit on ICVs' tenure. The length of each tenure is 3 years meaning that ICVs can do a maximum period of 6 years on the Scheme unless there are exceptional circumstances which could lead to an extension. Due to the onset of Covid19 in 2020, many of our ICVs agreed to extend their tenures by one year in 2020 to support the scheme and ensure the rights of the detainees continued to be met due to the difficulty in appointing and training new members during this time.

A recruitment campaign to appoint ICVs had commenced in early 2020. Shortlisting was undertaken and interviews were due to take place in March 2020 but these were delayed due to the impact of the Covid19 pandemic. The interviews subsequently took place online, resulting in 1 new ICV joining the scheme in May 2021.

One of our volunteers resigned from the scheme in July and another in August 2021. Therefore, an additional recruitment campaign was launched and 3 further ICVs joined the scheme in November/December 2021. The tenure was extended for an additional year in 2021 for some of our ICVs to ensure our new ICVs could be afforded the time to gain the necessary experience required to conduct the role effectively.

The performance framework captures data that enables the Scheme to map, amongst other things, visiting trends in custody and establish any issues that may need addressing such as custody records not being viewed, the number of detainees that require translators and whether female detainees were being offered menstrual products in accordance with the changes to PACE code C introduced 21st August 2019.

During the period 1st April 2021 to 31st March 2022, a total of 8,990 people were arrested into custody compared to 10,652 in the previous year.

During Visits/Calls made within this period:

- 378 were in custody;
- 106 refused to take a call/receive a visit;
- 92 were incapacitated asleep or at interview etc. and
- 180 accepted calls/visit from ICVs

During the 2021/22 financial year, 24 telephone calls were made between April 2021 and July and 36 face to face visits from August to March 2022 to check on the welfare of the detainees. In total, this was 5 fewer visits than in the previous year. The number

of calls/visits accepted have increased to (44%) compared to (15%) in the previous year. There was a significant increase from August onwards when face to face visits had commenced.

There were 92 minor issues raised over the course of the year, with no specific themes identified. The majority were in relation to detainees requesting water or food, to see the nurse or for family members or a solicitor to be contacted, the issues raised were dealt with by the custody officers on duty immediately. There were 13 issues referred to the OPCC, relating to low staffing levels primarily due to the impact of covid and a change of structure, however, staffing levels have been addressed.

The number of near misses has reduced significantly to 5 in 2021/22 compared to 45 in 2020/21 since the Force identified that near misses were being recording inaccurately and the process has been amended to reflect actual near misses. Officers were recording detainees who presented to custody with existing injuries or who had been provided with or taken to medical assistance/treatment to avoid further harm as near misses as well as near miss incidents that had happened whilst in custody.

Other ad-hoc estate matters such as a buzzer not working or peeling paint are reported to the OPCC and any action taken is fed back to volunteers at regular meetings. Anything more serious is referred immediately to the Custody Inspector and the Scheme Administrator is informed. In order to ensure clarity around this, a formal reporting process has been included as part of a revised Scheme handbook.

During 2017 the ICVA introduced a Quality Assurance Framework for the ICV Schemes. Following assessment by the ICVA, Gwent was awarded 'Code Compliant' status and this has been retained to date.

NEXT STEPS

Further recruitment processes will be conducted to increase the number of ICV volunteers. Work will be undertaken with the communication and engagement team to highlight the roles further in those areas where the scheme needs to increase representation from harder to reach parts of local communities.

FINANCIAL CONSIDERATIONS

ICVs are appointed on a voluntary basis and there is no facility for financial remuneration. However, all reasonable travelling expenses are reimbursed with mileage paid at 45p per mile. Additional costs may include conferences and training.

There was an increase in mileage and costs as face to face visits recommenced in August.

Account Description	Actual Spend YTD (£)
Staff Course Fees	0
ICV's Casual Mileage	415.53
Subscriptions - Organisational	1000
Hospitality Car Parking Costs/Trains Costs/	9.30
Total:	1424.83

The annual budget allocated for the scheme for 2021/22 was £3050 which includes the subscription to ICVA of £1000 plus expenses and training costs. The actual cost of running the scheme during 2021/22 was £1424.83. The budget will need to be retained for 2022/23 as face to face visits are expected to be maintained.

PERSONNEL CONSIDERATIONS

The Scheme is administered within the OPCC. The running of the Scheme is the responsibility of the Governance Officer as Scheme Administrator. All administration of the Scheme is conducted by the Assistant Scheme Administrator.

In May 2017, ICVA changed their training structure meaning Scheme Managers and Chairs deliver training sessions to their ICVs as opposed to an ICVA provided trainer. ICVA online resources have been introduced by the ICVA to support ongoing training. The Scheme Administrator has conducted induction training for the new recruits and 3 yearly reviews for some of the ICV members.

LEGAL IMPLICATIONS

The Police Reform and Social Responsibility Act 2011 Part 3 Section 299 confirms the statutory requirement for the Commissioner to run an ICV scheme.

EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS

This report has been considered against the general duty to promote equality, as stipulated under the Strategic Equality Plan (the Plan) and has been assessed not to discriminate against any particular group.

Whilst due cognisance is given to the requirements of the Plan in the recruitment, training and operation of Custody Visiting, the over-riding consideration must be the health and safety of ICVs whilst undertaking their role. ICVs sign a volunteer agreement agreeing to inform the OPCC to any changes to their wellbeing or circumstances which could affect their ability to carry out visits.

Consideration has been given to requirements of the Articles contained in the European Convention on Human Rights and the Human Rights Act 1998 in preparing

this report. Human Rights matters and legislation are of vital importance when considering custody matters. Consideration will be given to reaching as many minority communities as possible when recruitment next takes place to try and increase the diversity of scheme members to better reflect the population of Gwent.

The demographics for the Scheme as of 31 March 2022 was as follows:

- 3 men and 6 women
- Ages range between mid-40s to mid-60s

Of the nine members, four have been on the Scheme since 2015, one since 2017, four since 2021.

Local Authority	Number of ICVs
Caerphilly	2
Monmouthshire	4
Newport	2
Torfaen	1

RISK

The potential risk of not providing a scheme is a breach of statutory duty, but more importantly the failure to ensure that detainees are being treated appropriately could pose a reputational risk to both the OPCC and the Force.

There is a potential risk that recruitment campaigns may not attract the level of applicants required to replace the 5 ICVs who will be leaving in 2023 due to their tenure coming to an end.

PUBLIC INTEREST

This report will be made available to the public once it has been reviewed by the Police and Crime Commissioner.

CONTACT OFFICER

Nicola Warren, Scheme Administrator

ANNEXES



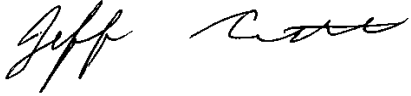
2022-013 ICV
Annual Report 2021

Police and Crime Commissioner for Gwent

I confirm that I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct.

The above request has my approval.

Signature:

A handwritten signature in black ink, appearing to read "Jeff Cook". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

Date: 14/06/2022