

DECISION NO: PCCG-2013-073	
<b><u>OFFICE OF POLICE &amp; CRIME COMMISSIONER</u></b>	
<b>TITLE:</b>	<b>Gwent Police Response to the HMIC Inspection of Custody</b>
<b>DATE:</b>	<b>21<sup>st</sup> May 2013</b>
<b>TIMING:</b>	<b>Routine</b>
<b>PURPOSE:</b>	<b>For monitoring</b>
<b>1.</b>	<b><u>RECOMMENDATION</u></b>
1.1	This report is submitted for monitoring by the Police & Crime Commissioner.
<b>2.</b>	<b><u>INTRODUCTION &amp; BACKGROUND</u></b>
2.1	A joint unannounced Inspection visit was made to Gwent Police Custody Facilities between the 11 <sup>th</sup> and 13 <sup>th</sup> of September 2012 by Her Majesty's Inspectorate of Constabulary (HMIC) and Her Majesty's Inspectorate of Prisons (HMIP). The inspection team spent three days examining the services and facilities of the Force and speaking to key members of staff and partner agencies. Prior to this visit the team had also interviewed a number of inmates at Cardiff Prison who had recently been through the Gwent Custody system.
2.2	In November 2012 the HMIC/HMIP published the "Report on an Unannounced Inspection Visit to Police Custody Suites in Gwent". The Introduction to the Report stated: <i>"This report is part of a programme of inspections of police custody which are carried out jointly by our two inspectorates and form a key part of the joint work programme of the criminal justice inspectorates. These inspections also contribute to the United Kingdom's response to its international obligation to ensure regular and independent inspection of all places of detention. The inspections look at strategy, treatment and conditions, individual rights and health care."</i>
2.3	The Report was made publically available and local media (notably The Argus) published and commented some of the information from the Report.
2.4	The full report can be accessed at <a href="http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/police-cell-inspections/gwent-2012.pdf">http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/police-cell-inspections/gwent-2012.pdf</a> (PDF, 502KB, <u>new window</u> )
2.5	The Report is summarised by the Inspection Team in their Press Release: <i>"Inspectors were pleased to find that:</i> <ul style="list-style-type: none"> <li>• <i>strategic oversight of the custody function was coherent and effective;</i></li> <li>• <i>the suites had sufficient capacity and were well run;</i></li> <li>• <i>partnership working was well developed, with an effective independent visiting group;</i></li> <li>• <i>detainees were treated properly: vulnerable people were treated with consideration and risk assessment was thorough and sensitive to individual circumstances;</i></li> </ul>

	<ul style="list-style-type: none"> <li>• a high level of voluntary attendance for interview suggested that detention was not overused;</li> <li>• Police and Criminal Evidence Act (PACE) requirements were met and the courts were flexible in accepting cases on the day of arrest;</li> <li>• telephone interpreting was used for those with poor English and there was good coordination with the UK Border Agency; and</li> <li>• the substance misuse service was effective and detention of people under Section 136 of the Mental Health Act was well controlled.</li> </ul> <p>However, inspectors were concerned to find that:</p> <ul style="list-style-type: none"> <li>• operational management, communications and initial training were generally carried out well, but lacked systematic engagement of staff in a users' forum or refresher training;</li> <li>• preparation for release was not always thorough and at Newport, call bells were not always responded to promptly;</li> <li>• gaps in the doctors' rota created problems, although nursing cover was adequate; and</li> <li>• the prescribing and administration of medicines were not efficient and in some respects irregular.</li> </ul> <p>Nick Hardwick and Dru Sharpling said: "Overall, the force was providing a custody operation at a reasonably good standard in most respects, with the Ystrad Mynach suite equipped and managed better than Newport in some ways. The area in which attention was especially needed was the provision of primary health care. This report provides a small number of recommendations to assist the force and the Police and Crime Commissioner to improve provision further. We expect our findings to be considered in the wider context of priorities and resourcing, and for an action plan to be provided in due course."</p>
2.6	<p>When provided with the content of this Report the Custody Department developed an Action Plan to address the issues identified, giving a risk assessment to each considering the impact on Gwent Police and the communities it serves. This Action Plan is provided for the information of the PCC at <b>Annex A</b>.</p>
2.7	<p>The Report raised issues under four headings. There were three items under 'Main Recommendations/National Issues' identified, 19 classed as 'Recommendations' and a further 21 listed as 'Housekeeping' points for the Force. In addition the Report identified three items of particularly 'Good Practice' that the Inspection Team were seeking to propagate across the country.</p>
2.8	<p>The majority of the issues raised have been addressed and concluded. The Criminal Justice Department welcomed this report as it identified areas where Gwent Police processes could be improved to maintain its effective management of detainees and investigations.</p>

2.9	<p>One key area remains a risk for the Force. Gwent Police acknowledges that the current provision of FME cover is inadequate. There is a structured rota in place that is compiled by the lead FME. This often has gaps in coverage resulting from unavailability of retained Doctors. There are not enough Doctors trained and accredited as Force Medical Examiners for the demand at present and steps are in place to recruit additional however this is proving difficult to achieve.</p> <p>There are additional medical facilities provide by nurses in custody, to address any identified medical need.</p> <p>There are Wales-wide processes in place to develop an effective governance system across the four Welsh Forces and to directly involve Heath Boards in medical provision within Custody Units. This is currently with the WAG/ACPO Cymru to develop options for implementation.</p> <p>The Deputy Chief Constable is currently leading a process to develop clinical governance within Gwent Police and this issue will be addressed through that forum.</p>
3.	<p><b><u>ISSUES FOR CONSIDERATION</u></b></p>
3.1	<p>This report is submitted to provide information to the Police &amp; Crime Commissioner regarding the adaptations that have been made in response to this Inspection Report and to ensure that the PCC is aware of the on-going issues being addressed.</p>
4.	<p><b><u>NEXT STEPS</u></b></p>
4.1	<p>The Force will continue to develop its approach to Clinical Governance and to seek improvements in the way it resources Force Medical Examiner cover for Custody Units. This will include seeking local solutions to ensure that the existing cover is supplemented, and working with the Welsh Assembly Government to seek an all-Wales solution.</p>
5.	<p><b><u>FINANCIAL CONSIDERATIONS</u></b></p>
5.1	<p>The provision of Force Medical Examiners has a significant financial implication for Gwent Police. But the role is a critical one within the guidelines of Safer Detention.</p>
6.	<p><b><u>PERSONNEL CONSIDERATIONS</u></b></p>
6.1	<p>None applicable.</p>
7.	<p><b><u>LEGAL IMPLICATIONS</u></b></p>
7.1	<p>The primary legal implications contained within the HMIC/HMIP Inspection Report are relating to the obligations under the Police and Criminal Evidence Act and under the duty of care that we hold towards persons held in Custody.</p>

<b>8.</b>	<b><u>EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS</u></b>
8.1	This project/proposal has been considered against the general duty to promote equality, as stipulated under the Single Equality Scheme and has been assessed not to discriminate against any particular group.
8.2	In preparing this report, consideration has been given to requirements of the Articles contained in the European Convention on Human Rights and the Human Rights Act 1998.
<b>9.</b>	<b><u>RISK</u></b>
9.1	The risk (R.A.G.) grading for each of the issues raised by the Inspection Report is included in the Action Plan (see <b>Annex A</b> ).
<b>10.</b>	<b><u>PUBLIC INTEREST</u></b>
10.1	The Inspection Report is a public document and has received media attention locally.
<b>11.</b>	<b><u>CONTACT OFFICER</u></b>
11.1	Chief Inspector Daniel Taylor, Head of Custody for Gwent Police.
<b>12.</b>	<b><u>ANNEXES</u></b>
12.1	<b>Annex A:</b> Action Plan from the Report on the Unannounced HMIC/HMIP Inspection of Gwent Police 11 <sup>th</sup> -13 <sup>th</sup> September 2012.

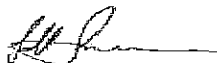
For OPCC use only

**Office of the Chief Constable**

I confirm that **Gwent Police Response to the HMIC Inspection of Custody** report has been discussed and approved at a formal Chief Officers' meeting.

It is now forwarded to the OPCC for **monitoring purposes**.

**Signature:**



**Date: 14 May 2013**

	Tick to confirm (if applicable)
<b>Financial</b> The Treasurer has been consulted on this proposal.	✓
<b>OPCC (insert name)</b> The Senior Business Manager has reviewed the request and is satisfied that it is correct and consistent with the PCC's plans and priorities.	✓
<b>Legal</b> The legal team have been consulted on this proposal.	N/A
<b>Equalities</b> The Equalities Officer has been consulted on this proposal.	N/A

**Chief Executive/ Deputy Chief Executive:**

I have been consulted about the proposal and can confirm that financial, legal, equalities etc... advice has been taken into account in the preparation of this report.

I am satisfied that this is an appropriate report to be submitted to the Police and Crime Commissioner for Gwent.

**Signature:**



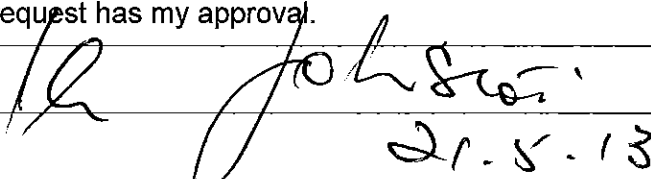
**Date: 16/05/13**

**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:**



**Date:**

21.5.13

