

OFFICE OF POLICE AND CRIME COMMISSIONER

TITLE: Independent Custody Visiting Scheme Annual Review

DATE: 17th October 2019

TIMING: Annual

PURPOSE: For Monitoring Purposes

1. RECOMMENDATION
That the Commissioner considers the work of the Gwent Custody Visiting Scheme during 2018/19.

2. INTRODUCTION & BACKGROUND
Independent Custody Visiting (ICV) 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.

The responsibility for organising and overseeing the delivery of Independent Custody Visiting lies 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 which works with OPCCs and the Home Office to support visiting schemes. 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 .

During the 2018/19 financial year, there were 9 Independent Custody Visitors (Visitors) on the Gwent ICV Scheme who conducted 49 visits. The demographics of the ICV Scheme were:

- 5 men and 4 women
- Ages range between early 40s to mid-60s

The Visitors are spread across Local Authority areas:

<u>Local Authority</u>	<u>Number of ICVs</u>
Blaenau Gwent	0
Caerphilly	1
Monmouthshire	4
Newport	1
Torfaen	3

ICVs cover visits across two custody units, Newport and Ystrad Mynach.

In order to provide more responsibility and independence to the volunteers, formal job descriptions were created for the roles of Chair and Vice Chair. Responsibilities within these roles included creating rotas, leading meetings and representing the Scheme at training and conferences. Two volunteers were successful in being appointed into these roles following a group vote.

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

In early May 2016, there was change in the custody provision at Ystrad Mynach whereby it was closed and only used as an overflow facility or for planned operations. As such, it was agreed that Ystrad Mynach would no longer be visited by ICVs unless in circumstances where the Unit was being used for the reasons mentioned above. However, in the Autumn of 2018 an internal review was held, following which, the decision was made to reopen the Ystrad Mynach custody unit to its full operational capacity due to operational demand. As from 27th November 2018, ICV's recommenced visits to this unit.

3. ISSUES FOR CONSIDERATION

During 2015, the ICV Scheme for Gwent (the Scheme) saw the introduction of a two-term limit on ICVs tenure. The length of each tenure is three years meaning that ICVs can do a maximum period of six years on the Scheme.

Of the nine members, five have been on the Scheme since 2015 and three since 2017.

The performance framework which was implemented in January 2015 has continued to be completed, capturing data that enables the Scheme to map, amongst other things, visiting trends in custody and establish any issues that may need addressing. For instance custody records not being viewed, delays in ICVs being granted access to custody, the number of detainees that require translators and the number people detained under s136 of the Mental Health Act unable to access suitable places of safety.

During the period 1st April 2018 to 31st March 2019, a total of 9,322 people were arrested into custody.

During ICV visits in the same period:

- 457 were in custody;
- 295 were offered a visit; and
- 270 accepted visits.

Some detainees may have chosen not to accept a visit or were asleep, incapacitated or in interview.

Some issues were encountered with ICVs accessing custody in Newport. However having met with the newly deployed Custody Inspector the matter has

been resolved.

100 minor issues were raised over the course of the year, the majority were in relation to detainees requesting water or food (20), to see the nurse (21), for family members or a solicitor to be contacted (12), a blanket (8), reading material (7), use of the exercise yard (7), to make a phone call (5) or to request an update (4). These issues were raised with the custody officers on duty and dealt with immediately.

Other 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.

Gwent Police is currently one of a few number of forces in the UK which now has life sign monitoring facilities in all of its custody cells in Newport and approximately half of its cells in Ystrad Mynach. The Custody Inspector has advised that this feature now means there is a vast improvement in detainee and staff safety.

In May 2017, ICVA changed their training structure meaning Scheme Managers and Chairs were now expected to deliver training sessions to their visitors as opposed to an ICVA provided trainer. The new Scheme Chair, Manager and Administrator have all now received 'train the trainer' sessions meaning they are now equipped to deliver training to the rest of the Scheme.

During the 2017 Independent Custody Visiting Association (ICVA) Scheme Manager conference it was confirmed that schemes would now be assessed under an ICVA Quality Assurance Framework (QAF). In March 2019, Gwent was awarded 'Code Compliant' status.

4. NEXT STEPS

In order to inform practice, Custody Inspectors will continue to provide updates at each Scheme Meeting and the performance framework will continue to be populated.

As one volunteer's tenure expired in June 2019 and one ICV left the scheme due to work commitments, the decision was taken to recruit additional ICVs for the financial year 2019/20.

Following a recruitment process over the Summer of 2019, two new volunteers were recruited.

5. FINANCIAL CONSIDERATIONS

Custody Visitors are appointed on a voluntary basis and as such 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.

	<p>The annual budget allocated for the scheme for 2018/19 was £2,550, which includes the subscription to ICVA of £700 plus expenses and training costs. The actual cost of running the scheme during 2018/19 was £1,744.00.</p> <p>The budget for 2019/20 remains the same at £2,550.</p>
6.	<p><u>PERSONNEL CONSIDERATIONS</u></p> <p>The Scheme is administered by the OPCC. Following an organisational restructure, the role of the Scheme Manager changed from the Engagement Officer to the Governance Officer. The Administrative Assistant has taken over the role of Scheme Administrator.</p>
7.	<p><u>LEGAL IMPLICATIONS</u></p> <p>The Police Reform and Social Responsibility Act 2011 Part 3 Section 299 confirms the statutory requirement for the Commissioner to run an ICV scheme.</p>
8.	<p><u>EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS</u></p> <p>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.</p> <p>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 custody visitors whilst undertaking their role. Visitors 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.</p> <p>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. Visitors have been trained in Human Rights implications and monitoring takes place via the OPCC.</p>
9.	<p><u>RISK</u></p> <p>The potential risk of not providing a scheme is two-fold. Firstly a breach of statutory duty, but more importantly the failure to ensure that detainees are afforded the opportunity to have the independent check on how the force operates within the custody unit environment.</p>
10.	<p><u>PUBLIC INTEREST</u></p> <p>There is a requirement to publish details of the scheme.</p>
11.	<p><u>CONTACT OFFICER</u></p> <p>Nicola Warren (Scheme Manager) Nicola.warren@gwent.pnn.police.uk</p>

12.

ANNEXES

Performance Framework



ICV Performance
Framework.xlsx

For OPCC use only

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:

28/10/19