

**OFFICE OF POLICE AND CRIME COMMISSIONER**

**TITLE:** Independent Custody Visiting Scheme Annual Review

**DATE:** 18th May 2020

**TIMING:** Annual

**PURPOSE:** For Monitoring Purposes

<b>1.</b>	<b><u>RECOMMENDATION</u></b> That the Commissioner considers the work of the Independent Custody Visiting Scheme during 2019/20.
<b>2.</b>	<b><u>INTRODUCTION &amp; BACKGROUND</u></b> 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. 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 Independent Custody Visiting Scheme (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 visiting schemes.  Responsibility for the running of the Scheme sits with the Governance Officer who is the Scheme Manager. 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 Manager is responsible for any serious complaints or grievances raised against any Scheme members or by Scheme members. The Administration Assistant provides support to the Governance Officer as 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. All cells in Newport Custody Unit contain 'life sign' equipment to monitor detainees movement improving the safety of the detainee; it is anticipated that work will commence at Ystrad Mynach custody during 2020/21 to introduce life sign in their cells.

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 them 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 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.

**3. ISSUES FOR CONSIDERATION**

During the 2019/20 financial year, the ICVs conducted 69 visits.

The demographics for the Scheme as at 31 March 2020 was as follows:

- 4 men and 4 women
- Ages range between early 20s to mid-60s

Of the eight members, four have been on the Scheme since 2015, two since 2017, one since 2018 and one since 2019.

The ICVs come from the following Local Authority areas:

Local Authority	Number of ICVs
Blaenau Gwent	0
Caerphilly	1
Monmouthshire	4
Newport	0
Torfaen	3

A new Chair and Vice Chair were appointed in June 2019 following a successful nomination process for a period of 1 year. 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). The role involves collating

and sending regional quarterly statistics to the ICVA, attending the NEF meetings, the dissemination of NEF minutes to the Scheme Managers in the region and to ensure that any issues they would like discussed are brought to ICVA's attention.

The Scheme has 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 unless there are exceptional circumstances which could lead to an extension.

One ICV left the scheme in June 2019 having completed their six year tenure and another ICV ended their voluntary agreement early in August 2019 due to work commitments. A recruitment campaign was conducted in the Summer and two applicants were successful during the selection process. One of the applicants commenced their role in August 2019 and unfortunately, the other did not submit the required documentation to enable the role to commence. A number of the ICVs were not able to conduct visits during the same period due to illness. Having consulted with the ICVA, the decision was taken to reduce the number of ICV visits to one visit per week at alternating custody units which meant we were able to remain compliant with Government guidelines until ICV numbers were increased.

A further recruitment campaign to appoint additional ICVs commenced in early 2020. Shortlisting was undertaken and interviews were due to take place in March 2020 but due to the impact of the Coronavirus pandemic, the process has been delayed and will be revisited as soon as practicable.

ICV visits were suspended from 17th March 2020 due to concerns around social distancing measures and the potential risks posed to ICVs by the Coronavirus. Alternative monitoring arrangements have been implemented for the interim period until visits can resume. The OPCC has been presented with the Custody business continuity plan used during the pandemic; the Scheme Manager receives detailed weekly updates on the checks and balances put in place by to ensure the welfare of detainees and receives ongoing guidance from the ICVA regarding scheme compliance with Government guidelines. The Scheme Manager is also corresponding with OPCC counterparts in England and Wales and the ICVA to review other methods of monitoring detainee welfare to ensure best practice is being followed.

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 new changes to PACE code C introduced 21<sup>st</sup> August 2019. The framework is also used to record good practice such as ICVs being granted access to custody within 5 minutes.

During the period 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020, a total of 9,142 people were arrested into custody compared to 9,322 in the previous year.

During visits in the same period:

- 367 were in custody; and
- 227 accepted visits

Although there were 90(19%) fewer detainees in custody during the visits when compared to the previous year, the percentage of detainees who had accepted a visit had increased slightly by 11(3%). Some detainees chose not to accept a visit or were asleep, incapacitated or in interview.

There were 76 minor issues raised over the course of the year, with no specific themes identified. The majority were in relation to detainees requesting water, food, a blanket or reading material, to see the nurse, for family members or a solicitor be contacted, use of the exercise yard, to make a phone call, or to request an update. The issues raised were dealt with by the custody officers on duty immediately.

Following the changes to PACE Code C regarding the provision of sanitary products, ICVs reported that a small number of detainees were not being asked. The Custody Inspector was informed by the Scheme Manager and he in turn reminded his team of the changes to ensure all female detainees were asked in line with the new legislation.

During the course of the year, 1 allegation of assault was reported to a visitor by a detainee. The complaint was immediately referred to the Professional Standards Department (PSD) for review by the OPCC Scheme Administrator upon receiving the visitors report. PSD confirmed that the custody unit had provided details of the complaint and it had been recorded in accordance with statutory guidance.

There was an issue with the process of signing in ICVs at the custody desk in Newport, this was resolved quickly by the Custody Inspector by making all Station Enquiry Officers aware of the expected safety protocol.

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 Manager is informed. In order to ensure clarity around this, a formal reporting process has been included as part of a revised Scheme handbook.

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. The Scheme Chair, Manager and Administrator received 'train the trainer' sessions on 9<sup>th</sup> July 2019 meaning they are equipped to deliver training to the rest of the Scheme.

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.

**4. NEXT STEPS**

In order to inform practice during the Coronavirus pandemic, Custody Inspectors will continue to provide weekly updates and alternative methods of review such as telephone monitoring will be considered until normal visiting processes resume.

Finalisation of the recruitment process will be conducted to appoint further volunteers when practicable and work will be undertaken with the communication and engagement team to highlight the roles further in those areas where the scheme has little/no representation.

**5. 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 a slight reduction in mileage costs as ICVs ceased conducting visits from 17<sup>th</sup> March due to potential risks posed by Coronavirus pandemic. Further reductions in expenses will be expected in the 2019/20 as we are currently unsure when visiting will resume as normal.

Account Description	Actual YTD (£)	Spend
Staff Course Fees	250	
ICV's Casual Mileage	801	
Subscriptions - Organisational	700	
Hospitality Costs/Car Parking Costs/Trains	498	
<b>Total:</b>	<b>2249.00</b>	

The annual budget allocated for the scheme for 2019/20 was £2,550, which includes the subscription to ICVA of £700 plus expenses and training costs. The actual cost of running the scheme during 2019/20 was £2249.00.

Following consultation with Schemes and Association of Police and Crime Chief Executives (APACE) the ICVA subscription costs have increased to £1,000 for 2020/21. However, the budget for 2020/21 had been set prior to the consultation and could not be amended therefore it remains the same at £2,550.

6.	<p><b><u>PERSONNEL CONSIDERATIONS</u></b></p> <p>The Scheme is administered within the OPCC. The running of the Scheme is the responsibility of the Governance Officer as Scheme Manager. All administration of the Scheme is conducted by the Scheme Administrator.</p>
7.	<p><b><u>LEGAL IMPLICATIONS</u></b></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><b><u>EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS</u></b></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 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.</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.</p>
9.	<p><b><u>RISK</u></b></p> <p>The potential risk of not providing a scheme is 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. In light of the recent Coronavirus pandemic, it is important to note that alternative monitoring of detainee welfare has been undertaken in accordance with ICVA guidance from 17<sup>th</sup> March 2020.</p> <p>There is a potential risk that some ICVs may not wish to resume their role following the pandemic due to health concerns. Consideration is being given to a dual monitoring process whereby some ICVs resume face to face visits and others will conduct telephone monitoring.</p>
10.	<p><b><u>PUBLIC INTEREST</u></b></p> <p>There is a requirement to publish details of the scheme.</p>
11.	<p><b><u>CONTACT OFFICER</u></b></p> <p>Nicola Warren, Scheme Manager.</p>
12.	<p><b><u>ANNEXES</u></b></p> <p>Performance Framework</p>



ICV Performance  
Framework - App1.x

**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:**

**19.05.2020**