**DECISION NUMBER: PCCG-2023-007**

## **OFFICE OF POLICE AND CRIME COMMISSIONER**

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

**DATE: 8th September 2023**

**TIMING: Annual**

**PURPOSE:For Monitoring Purposes**

**RECOMMENDATION**

That the Police and Crime Commissioner considers the work of the Independent Custody Visiting Scheme during 2022/23.

**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.

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 Commissioner has delegated the responsibility to the Chief Executive as referenced within the Manual of Corporate Governance. 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. Scheme 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.

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 Assistant Scheme Administrator, a role held by the Administration Assistant, provides support to the Scheme Manager, 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. Both Custody and OPCC staff contribute to custody visiting training sessions and meetings.

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 seen as a priority by ICVs during their visits.

ICVs cover visits across two custody units; Newport and Ystrad Mynach. They visit custody in pairs at any time during 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 Manager monitors the times of the visits to ensure they are undertaken sporadically.

**ISSUES FOR CONSIDERATION**

The Chair and Vice Chair were re-appointed to their roles in July 2022. 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.

Since 2019/2020, the Vice Chair has been appointed as the voluntary Regional Representative on the National Expert Forum (NEF) and has continued in the role during 2022/23. 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. Two of our ICVs also participate in the Force Disproportionality Scrutiny Panel with other independent members. The panel meet once a quarter to review data in relation to detainees held in custody and any perceived disparity is discussed initially and following further checks and audits.

In February 2023 the Scheme increased its two term limit on ICVs’ tenure to three. The length of each tenure is 3 years meaning that ICVs can serve a maximum period of 9 years on the Scheme unless there are exceptional circumstances which could lead to an extension. As there has been difficulty recruiting enough volunteers to the Scheme for a number of years, this increase in tenure supports the OPCC to remain compliant in its statutory duty to ensure the rights of the detainees continue to be met and also allows time for newer members to gain experience.

One of the ICVs left the scheme in October 2022 as her tenure had reached its conclusion and another resigned from the scheme in December 2022 due to illness. A recruitment campaign to appoint ICVs had commenced in November 2022 resulting in one new ICV joining the scheme. One of our ICVs attended the 999 Behind the Badge Day with our OPCC Engagement Team to help encourage recruitment to the Scheme.

The Scheme Manager developed an anti-racism policy for the OPCC volunteer schemes to ensure that the ICVs are clear on the anti-racism commitment.

The Scheme Manager provided support to fellow Scheme Managers including guidance on ICV refresher training and use of report forms.

The performance framework for the Scheme enables the capturing of data 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 on 21st August 2019. Updates on the performance framework are reported to each meeting by the Scheme Manager.

During the period 1st April 2022 to 31st March 2023, a total of 9,511 people were arrested into custody compared to 8,990, in the previous year.

During visits made within this period:

* 438 were in custody;
* 24 refused to receive a visit;
* 137 were incapacitated, asleep or at interview etc;
* 277 detainees accepted a visit; and
* ICVs gained entry to the Custody Suites within 15 minutes for the majority of the visits although there were some delays and one visit had to be aborted. The Scheme Manager contacted the Custody Inspector for an explanation and it was mainly due to staffing shortages, which was addressed.

During the 2022/23 financial year, 73 visits took place to check on the welfare of the detainees. This was 37 more visits than in the previous year. The number of visits accepted has increased to 66% this year compared to 47% in the previous year as alternative telephone monitoring visits were still being conducted early on in 2021 due to covid.

As evidenced in appendix 1, the frequency of planned and actual visits changed in December 2022 and a number of scheduled visits were missed. This was due to ICVs visiting the custody units on an alternat basis for 4 months as opposed to weekly basis as there was a reduction in ICV members as well as closure of the custody units for various reasons including plumbing issues, shower repairs, CCTV upgrades and server updates. There was also a number of visits that were missed unintentionally and some ICVs were not able to attend due to sickness.

There were 122 minor issues raised over the course of the year, with the majority in relation to detainees requesting water or food, to use the exercise yard, to see the nurse or for a solicitor to be contacted. The issues raised were dealt with by the custody officers on duty immediately. There were 7 issues referred to the OPCC, including low staffing levels primarily due to change of structure, one nurse temporarily covering two custody units and a complaint made against an officer by a detainee. Any action taken by the OPCC is fed back to ICVs at their quarterly meetings. Anything more serious is referred immediately to the Custody Inspector. In order to ensure clarity around this, a formal reporting process is included in the Scheme handbook.

The number of near misses (a dangerous occurrence which did not result in an injury or damage to property, but clearly could have done), were not being provided due to issues with the recording process. Since the data has been provided the figures appear to be inaccurate so we are working with the force to understand why they have increased when compared to previous years.

**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, particularly in those areas where the scheme needs to increase representation to try and ensure membership reflects the communities that we serve.

The ICVA has a Quality Assurance Framework (QAF) for ICV Schemes to benchmark progress and achievements and further enhance engagement with the PCC and local community. Following assessment by the ICVA, Gwent was previously awarded ‘Code Compliant’ status. The ICVA have subsequently reviewed their QAF criteria and following a review, we are working towards achieving the Silver compliance award by the September 2023 deadline.

Following the work undertaken by the ICVA with the Criminal Justice Alliance, our visit report form was updated in May 2022 to include the ethnicity of the detainees and more age group categories. This will provide more detailed information to enable us to better monitor trends.

**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.

The annual budget allocated for the scheme for 2022/23 was £3,338 which includes the subscription to ICVA of £1000 plus expenses. The actual cost of running the scheme during 2022/23 was £2167.28, a breakdown of costs is included in the table below:

|  |  |
| --- | --- |
| **Account Description** | **Actual Spend YTD (£)** |
| Staff Course Fees | 0 |
| ICVs Casual Mileage | 1153.98 |
| Subscriptions - Organisational | 1000 |
| Hospitality Car Parking Costs/Train Costs | 13.30 |
| **Total:** | **2167.28** |

**PERSONNEL CONSIDERATIONS**

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 Assistant Scheme Administrator.

Scheme Managers and Chairs deliver training sessions to their ICVs. Online resources have been introduced by the ICVA to support ongoing training. The Scheme Manager has conducted induction training for the new recruits and 3 yearly reviews for existing ICV members.

Training of our ICVs is very important to ensure that they are up to date with changing legislation, and they have the skills to do their work. ICVs received refresher training in August 2022 and continue to receive the ICVA bitesize online training material. The Scheme Manager has continued to conduct 3 yearly reviews to identify any further training requirements.

Over the course of the year, training has included:

Refresher training August 2022 covering the following areas:

Mental Health

Learning Disability & Autism

Race & Policing

Changes to PACE Menstrual Care & Dignity

Transgender Awareness

Equalities & Bias

Vulnerability

Assertiveness

and ICVA bitesize online training resources have been circulated to scheme members on the following areas which also included a refresher on some of the areas above:

Dignity & Independent Custody

Use of Force

Children and young children in custody treatment and conditions

Women in Police Custody

Physical Disability in custody

Public Sector Equality Duty

Children and Young People in Custody: Diversion and Release

* An Introduction to Racism within Custody and Policing

The Scheme Manager also took part in the peer review inspection of the force custody suite and shared best practice with the other Scheme Managers.

We are broadening our recruitment strategy to encourage applications to the scheme as interest has been minimal during the last campaigns undertaken.

As well as being more representative of our communities, we will look to try and ensure representation from all Local Authority areas in Gwent as part of the next recruitment campaign by focussing on those areas where ICVs will be leaving when their tenure ends and those that are under-represented. Work will continue with the Communication and Engagement Team in order to attract more interest in these areas and to increase the awareness of our scheme so that the local community can understand the incredible work of our volunteers.

**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.

The Scheme is firmly committed to promoting equality of opportunity for all local people and communities and are committed to recruiting ICVs who are representative of the community to better reflect the population of Gwent.

The demographics for the Scheme as of 31st March 2023 was as follows:

* 4 men and 4 women
* Ages range between mid-40s to 70s
* 8 white

Of the eight members, three have been on the Scheme since 2015, one since 2017, three since 2021 and one since 2023.

|  |  |
| --- | --- |
| Local Authority | Number of ICVs |
| Caerphilly | 2 |
| Monmouthshire | 3 |
| 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 three ICVs who will be leaving in 2026 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 Manager

**ANNEXES**

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| **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: 24.10.2023** |