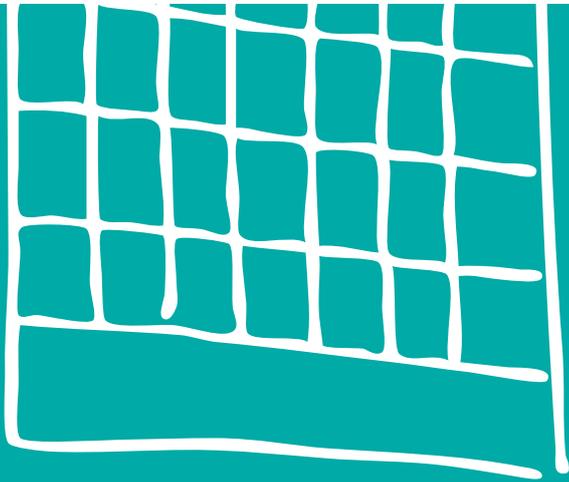


VISITING TIMES

SUMMER 2012 - V21/3 the newsletter of the Independent Custody Visiting Association



Bradley Report



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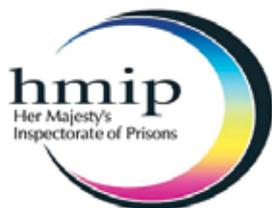


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A WORD FROM THE CHAIR



Hello and welcome to the Summer edition of Visiting Times...

I hope you all had an enjoyable Easter break and are looking forward to a very pleasant summer. With another year's Home Office funding freshly confirmed, plans are afoot for a more proactive year than ever for ICVA in 2012/13, including the production of a training module for ICVs who meet vulnerable detainees when carrying out their role. A revised programme will combine the new national standards, a benchmarking toolkit and a regulatory role for the association. You can read more about these plans in Our Commitment to You.

Our lead story on the Bradley Report reviews where we're at now in terms of diverting people with mental health problems and learning disabilities away from the criminal justice system. We introduce the Bradley Report Group, highlight what actions have been taken in terms of progress and address areas where apathy still exists.

Revised codes of practice relating to PACE & Terrorism were laid before parliament on 10th May 2012 and the commencement date for PACE Codes C & H & the other terrorism codes was when the relevant Order came into force on 11th May 2012. For Code G, the start date is 13 November 2012. You can read more about this in our Revised Codes article or visit the ICVA website to be directed to the new codes in full.

As HMIP and HMIC's Police Custody inspections continue, we share highlights from the most recently published reports. I would personally like to thank those independent custody visitors who have contributed to this and express appreciation of their commitment to improving custody processes nationally.

We also update you on the IPCC's Article 2 Review and share ICVA's contribution to HMIP's Corporate Plan consultation. It always gives me great pleasure to hear how schemes are developing Across the Regions and I hope you too will find these updates interesting and useful.

As ever a programme of events are planned across the UK for the year ahead, including regional conferences and the scheme administrators' conference. ICVA's national conference will take place in Bristol on 20th October 2012, so please do let your scheme administrator know if you are interested in attending - we would love to see many of you there!

This event will be closely followed by the introduction of Police and Crime Commissioners and the abolition of police authorities on 15th November 2012. While the governance of independent custody visiting will change, ICVA does not anticipate disruption to the visiting process, which we believe will be more valuable than ever. ICVA's support will remain intact throughout as we assist Police and Crime Commissioners in the delivery of their statutory obligations for custody visiting.

Before I say my goodbyes I'd like to pass on personal best wishes to Sarah Stanley, Jean Snowsill and Alan Fry OBE - and wish each of them success as they move on to new beginnings. All that remains is for me to thank ICVA's chief executive, Ian Smith OBE and executive assistance, Anna Jarratt for their dedication to the association and wish you a very enjoyable read!

David Wood
Chair, ICVA

ICVA NATIONAL CONFERENCE BRISTOL - 20TH OCTOBER 2012

This is your Visiting Times

This is ICVA's magazine for you. Please contribute. A proper exchange of views and debate is essential for us all to develop and progress custody visiting together. Email your views, articles, ideas, suggestions and criticisms to: visitingtimes@icva.org.uk

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Article 2 Review

The IPCC is reviewing its involvement in cases where Article 2 of the European Convention of Human Rights is engaged (where a death has occurred either during or after contact with the police). The review will look at the IPCC's powers, resources and approach to dealing with these cases.

ICVA was among those invited to consider a number of specific questions and may be invited to assist with a programme of work including further consultation, evidence gathering, focus groups, public events and interviews with a variety of interested parties.

The aims of the review are:

- to take stock after eight years of operation and identify any changes/improvements that are required to IPCC's approach, the resources allocated to this area and IPCC powers;
- to engage extensively with ALL stakeholders particularly individuals who have been involved in work in this area to listen to their views and concerns;
- to improve public understanding of IPCC work in this area and thus public confidence.

The review will commence with a programme of work including further consultation, evidence gathering, focus groups, public events and interviews with a variety of interested parties.

It will result in a summary report setting out recommendations for actions in response. This might include actions for the IPCC and wider actions for the Home Office to consider.

The following extract highlights which areas the IPCC review will focus on.

Scope

The review will consist of:

- a call for evidence based on a pack containing facts and figures information plus suggested areas/questions for comment; and
- facilitated focus groups or public events;
- one to one meetings, where this is appropriate - eg for any family members who wish to contribute but prefer a less public setting.

Currently the IPCC envisages that the scope of the review will cover the following areas:

How we decide which cases to investigate independently:

- The IPCC's initial response to the referral
- The requirements of Article 2
- Are we taking the right cases?
- Public expectations

How we carry out investigations:

- Deployment to a scene
- The process for officers providing accounts following an incident
- How we use our powers and whether we need additional powers
- How we demonstrate the independence of our investigations.
- Whether the IPCC is constrained by legal processes
- Do diversity issues affect how we work? Should they?

How we work with families:

- Communication, engagement and provision of information to bereaved families during the IPCC's investigation
- How the IPCC and Police interact with the family at the initial stages of an investigation.
- How engagement is carried out by the IPCC and other organisations in the run up to and during inquests and criminal prosecutions.

How we communicate to and engage with the public, communities and other interested parties:

- What makes a case "high profile" and what does this mean in practice
- How we engage with communities and other interested parties such as MPs and pressure groups from the start of an investigation and throughout the process
- How we use Community Reference Groups

- Our media work around investigations
- The extent to which IPCC communications are constrained by other parties to the system (CPS/Coroners)

How the IPCC interacts with other organisations:

- The IPCC's interaction with other organisations involved in investigations into deaths such as the Coroner and the CPS

Have we drawn on best practice/learning in this area?

- Examination of relevant research
- The experience of other organisations and bodies which deal with deaths and bereavement.

How the IPCC can demonstrate its independence and ensure public confidence in its work in this area?

- The IPCC's role and powers in decision making on outcomes (including criminal and misconduct outcomes) and recommendations at the end of an investigation
- How we ensure that the requirement for an independent investigation is satisfied
- How the system can ensure that recommendations have been progressed.
- The process for learning lessons from deaths internally and externally to continue improvement.

The proposal is that the review will be overseen by a steering group with external stakeholder representation. The review will result in a report which will summarise what has come out of the consultation and will set out recommendations for actions in response. This might include actions for the IPCC and wider actions for the Home Office to consider.

The resulting report should be published in December 2012.

S136 Thematic Inspection

HMIC are leading on a thematic inspection examining the extent to which police custody is used as a place of safety under Section 136 of the Mental Health Act 1983. This is a joint thematic with HMIP, Care Quality Commission and Health Inspectorate Wales. ICVA is part of a reference group which will advise on the inspection task and comment on early findings.

The Criminal Justice Joint Inspection Plan 2011-2013 identified mental health in the criminal justice system as a theme for inspection. It sets out a need to look at the very early stages of engagement with the criminal justice system, in particular at police custody suites. Despite a number of high profile studies into the use of police custody as a place of safety, and subsequent recommendations, it is clear that police custody continues to regularly be used as a place of safety.

The aim of this thematic inspection is:

To examine the extent to which police custody is used as a place of safety under Section 136 of the Mental Health Act 1983 and identify the factors which either enable or inhibit those detained [under the Act] from being accepted into a preferred place of safety, such as a hospital or other medical facility.

Visits to 9 police areas across England and Wales between April and June 2012 will identify the extent to which police custody is used as a place of safety - and the factors which either enable or inhibit those detained [under the Act] from being accepted into a preferred place of safety, such as a hospital or other medical facility.

Inspection activity began in April, with inspections of Norfolk and Suffolk and will include visits to Lancashire, North Wales, Kent, Sussex and Leicestershire. Two other areas will also be inspected during the unannounced custody inspection programme. Interviews with key stakeholders around the UK will precede publishing of a findings and recommendations report by the end of December 2012.

The Bradley Report

Where are we now?

We have focused on the Bradley Report and surrounding issues at ICVA events and in previous editions of VT. In this issue, we would like to highlight what actions have been taken in terms of progress and address areas where apathy still exists.



Background

In December 2007, Lord Bradley was asked by the government to look into diverting people with mental health problems and learning disabilities away from the criminal justice system.

The Bradley review considered evidence from criminal justice and health practitioners, as well as vulnerable people who had been through the criminal justice system. Membership of the review's working group included the Department of Health, the Ministry of Justice and the Home Office. The Prison Reform Trust was an independent advisory group member.

The Bradley Review published its report on 30 April 2009 and Ministers promised to publish an action plan six months later.

The Bradley Report Group

'The Bradley Report Group' has been established as successor to the National Advisory Group, bringing together organisations that support and encourage implementation of the Bradley Report.

It will offer advice and scrutiny of the Government and public services' efforts to implement the recommendations of the Bradley Report and any subsequent policies. The Group has a seat on the Health and Criminal Justice Programme Board and will make representations to government and statutory bodies about aspects of policy or practice.

Members - include organisations that were previously members of the National Advisory Group for mental health and criminal justice and those of the Mental Health and Criminal Justice Third Sector Forum.

Scope - The Bradley Group will look at the treatment of people with mental health conditions and learning difficulties of all ages across the whole of the criminal justice system.

It will offer advice to government, national statutory bodies (such as the NHS Commissioning Board), local organisations (including NHS, police, courts and prisons), professional associations and practitioners in support of its aims.

The Group will complement the work of local and regional groups pursuing similar ends by providing a national network through which organisations with local branches or affiliates can share concerns and ideas.

Government - Senior officials from the Department of Health, Ministry of Justice and the Home Office will be invited to attend quarterly meetings to provide updates on progress, report on any areas of concern and seek member feedback on key issues.

A representative of the Bradley Report Group will be invited to join the Government's Health and Criminal Justice Programme Board, chaired by David Behan.

Support - It will have a small secretariat and communications group to ensure that information is shared widely.

Overview

A number of Bradley Report Group member organisations have developed materials, highlighted good practice and delivered training to raise awareness of mental health across various sectors. Consensus seems to be that awareness and knowledge of support needs are improving but are still inadequate.

Children and Young People

In 2009 the cross-government 'Healthy Children Safer Communities' strategy was published, promoting the health and wellbeing of children and young people in contact with the criminal justice system.

The current government has agreed in principle to adopt it and a National Health Children Safer Communities Transition Action Group (which reports into the Health and Criminal Justice Programme Board) is charged with delivering on its commitments.

Policy and Community Policing

- West Yorkshire Police has piloted Learning Disability Screening Questionnaires in custody suites with successful results. There has been resistance from custody sergeants due to administrative burdens. Also it has been flagged that even if identified, there is a lack of police expertise in how to then provide support.
- CPS has issued guidance that early identification of mental health conditions or learning disabilities should be part of the cautioning process. However, there is a lack of evidence as to how this has been followed up and there is no mention of this in 2010 guidance on issuing cautions. There are concerns that police are often ill-equipped to identify vulnerability and this could therefore mean that appropriate advice is not sought, nor support offered.
- Work is being undertaken on how best to deliver 'Appropriate Adults for Adults' services and pilot schemes are happening. It is also felt that the issue of Appropriate Adults not being a statutory service needs to be resolved.
- There is an increasing number of RCN custody nursing staff within police custody services to support police offers. RCN is also developing specific guidance on nursing in justice services.
- Guidance has been produced and actively promoted by ACPO/NPIA in consultation with the Department of Health, which covers multi-agency cooperation and protocols around 135 and 136 detentions.
- There seems to be little evidence that there is any real appetite to seek or introduce new places of safety.

Liaison and Diversion

- In March 2011, Ministers announced investment of £5 million for creating a liaison and diversion development network. This comprises 54 adult and 37 youth liaison and diversion sites, with 10 police early adopter sites. These sites will lead the way in developing models for future diversion schemes.

Court Processes

- There was little feedback on the recommendations relating to approved premises and there appears to have been little progress made on the extension of special measures to cover vulnerable defendants.

Training

- There seems to be willingness to develop relationships between police and community support officers and local services to develop joint training packages.
- Training also needs to extend to those responsible for private services within criminal justice settings i.e. custody suites.
- There are concerns that budget pressures and restructuring will mean that mental health and learning disability awareness training will not be prioritised.

Commissioning

- It is anticipated that responsibility for commissioning health services in police custody sites will have moved completely to the NHS by 2015. A programme to implement this is under way but different police forces are at different stages. Current commissioning arrangements are inconsistent.

Prisons

- There is a clear need for robust mental health and learning disability screening at reception into prison. Where this is currently in place, there are still questions over how this information is retained, utilised and transferred between services where appropriate.

Joint working

- Provision of psychiatric reports is still a challenge as many mental health services are under pressure and supporting court reports is not seen as core business. Together is undertaking work with NHS Trusts to establish formal routes for obtaining reports, but more support and guidance is needed.

Research and Evaluation

- The Offender Health Network Research Network published a report in Dec 2011 entitled Alternatives to Custody for People with Mental Health Problems which concluded that the Mental Health Treatment Requirement has not been fully adopted by sentencers or mental health and criminal justice professionals.

Personality Disorder

- During 2012/13, development of treatment and alternative interventions will be supported and commissioned by DH/NOMS co-commissioners and Probation Trusts expect to play a key role in ensuring offenders with Personality Disorder access these services.

Quality

- HM Inspectorate of Prisons has a longstanding memorandum of understanding with the Care Quality Commission, who accompany HMIP on all prison inspections. CQC inspectors particularly focus on mental health trusts working with the establishment, who are registered with CQC.

- HM Inspectorate of Probation has been proactively liaising with organisations for input learning disability specific guidance for inspections.

Children's Commissioner

The Deputy Children's Commissioner (DCC) wrote to Ministers on 5 December 2011 welcoming the Government's response to her report and identifying a number of areas of work which she would like to focus on in achieving progress on the recommendations.

She has since provided an update on each area of work and, where relevant, how commitments will be conveyed to local commissioners. Further details are available at <http://www.childrenscommissioner.gov.uk/>



ICVA's commitment

ICVA is delighted to confirm funding for 2012/13 and would like to take this opportunity to publicly thank the Home Office for its continued commitment. Here, chief executive, Ian Smith OBE, identifies clear new deliverables for the next 12 months in support of custody visiting nationally.

In addition to responding to new opportunities throughout the year, ICVA will... amongst its deliverables this year,

- work with the Home Office, Office of Police & Crime Commissioners and HMIC/HMIP to provide a programme of oversight of schemes against the codes of practice and national standards to combine the new national standards, a benchmarking toolkit and a regulatory role for the association
- assist Police and Crime Commissioners in the delivery of their statutory obligations for custody visiting
- meet with relevant bodies and NGOs with a view to sharing resources and information for the voluntary sector
- consider a national training programme for the voluntary sector in relation to the promotion of OPCAT competencies
- work with government offices nationally to support them in their delivery of custody visiting
- provide an annual conference and attend regional conferences to disseminate information, good practice and support to custody visiting and visitor

- produce materials for an information and awareness campaign for custody visiting in 2012/13
- provide an annual conference and attend regional conferences to disseminate information, good practice and support to custody visiting and visitors
- produce this Visiting Times publication to provide information and exchange of views to custody visitors locally
- provide feedback to members on inspections
- meet with HMIC/HMIP and IPCC regularly to discuss outcomes of inspections and Reports to provide for meetings of the Executive and AGM

This underlines that ICVA's dedication to independent custody visiting not only remains constant but more proactive than ever in the changing landscape that lies ahead. None of these goals would be possible without the tireless efforts of every ICV in the UK, which should not be undermined.

Ian Smith OBE
Chief Executive, ICVA

NPM Update



Members of the UK's national preventive mechanism (NPM) met in Belfast in February 2012, hosted by Criminal Justice Inspection Northern Ireland. They were updated on recent NPM-related activity, briefed on engaging with the SPT and CPT and discussed future business plans. Key elements of their meeting follow for your information.

NPM membership

- The lay observers of court custody have put forward a case to the Ministry of Justice requesting that they be considered for membership of the NPM. MOJ does not foresee any obstacles to their membership and it is likely they will be designated as the 19th member in the near future.
- MOJ intends to extend the scope of OPCAT to the Isle of Man.
- Custody visitors in Scotland are currently NPM members through their membership of ICVA but, ideally, they would be separately designated. They are not statutory but the Police and Fire Reform (Scotland) Bill, introduced to the Scottish Parliament in January 2012, will place them on a statutory footing. The Bill explicitly states that the role of custody visitors is to fulfil OPCAT obligations and also provides for visits to police custody in Scotland by the SPT. It is anticipated that custody visitors in Scotland may be separately designated as a member of the NPM once the Bill is passed.

NPM activities since May 2011

- Publication of second NPM annual report on 8 February 2012.
- Workshop for lay monitoring bodies in the NPM in October 2011 which afforded the opportunity to look in more detail at how lay bodies comply with OPCAT.
- A thematic workshop on use of force and restraint was held at Bristol University in March 2012.
- Promotion of the work of the UK NPM when hosting numerous visiting delegations and promotion of our NPM model to the Ukraine
- Participation in European NPM Project including:
 - Workshop on methodology of monitoring
 - Workshop on vulnerable detainees
 - Workshop for medical personnel of NPMs
 - HMIP hosted an inter-NPM workshop in London on monitoring deportations attended by NPMs of Spain, France, Germany and Switzerland, members of the CPT, the European NPM Project team and the APT
 - the European NPM Project will continue for another six months at least but with a focus on immigration detention issues following the successful inter-NPM workshop in London. In March 2012, the IMB represented the UK NPM at a workshop on deportations in Geneva.

OPCAT compliance

Government response to recommendation in the first NPM annual report that places of detention not being monitored be identified and addressed:

- HMIP began inspecting court custody in England and Wales from April 2012
- HMIC and HMIP will jointly inspect UKBA-operated customs custody facilities
- HMIP is in negotiations with MOD about service custody facilities (i.e. guardhouses)

It was noted that as the NPM grows, it becomes even more different than other NPMs. Furthermore, there is greater variation in the nature of the member bodies – for example, a future member will be a board on the Isle of Man that only monitors one prison.

All members updated attendees on developments in their area. ICVA's updated was as follows:

- "the policing landscape is changing and this will have an impact on custody visiting. Police and crime commissioners will be in place by the end of the year (equivalent arrangements have already come into being in London) and custody visiting will become one of their responsibilities
- working with stakeholders on a care not custody campaign to improve care for vulnerable detainees and help visitors to better understand the issues
- received a definitive answer from the Home Office on when detention begins (something discussed at previous NPM meetings): a detainee is anyone who is detained in a police station and not just when the detention has been authorised
- custody visitors already monitor Jersey and Guernsey"

Members were briefed on the role of the Subcommittee on Prevention of Torture and the Committee for the Prevention of Torture and made suggestions for how the NPM could engage with each body in 2012.

The SPT

The SPT is a UN body established by Article 2 of OPCAT. It became operational in 2007 and has 25 members. The current chair of the SPT is Professor Malcolm Evans from the University of Bristol. The SPT may visit any place of detention in any State which has ratified OPCAT. It will make recommendations to the government but its report will only be published with the government's consent.

There is no imminent prospect of a detention monitoring visit by the SPT to the UK. However, the SPT is keen to develop its role in relation to NPMs. It has appointed a 'focal point' for European NPMs who has written to us asking for ideas on how best to engage with the UK NPM.

The CPT

The CPT is a Council of Europe body established by the Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment 1987. It has 47 members - one for each CoE member State. The CPT's role is to visit places of detention in any CoE State. It makes recommendations to the government and, like the SPT, its reports are confidential unless the government consents to publication (the UK always consents). The CPT has visited the UK on several occasions and its last visit in 2010 focused on detention in Jersey and Guernsey. Previous visits have tended to focus on the criminal justice system. The CPT has announced it will visit the UK in 2012 and the NPM has written to the Committee expressing an interest in engaging with it during the visit.

Prison visiting committees in Scotland

The NPM members discussed the proposed abolition of prison visiting committees in Scotland and whether, and to what extent, the NPM collectively should get involved. Individual members, such as SHRC, have already been involved in discussions on this issue.

It was felt that a public intervention by the NPM as a whole would be helpful. The NPM has a legitimate interest in the fact that prisoners in Scotland will be afforded less protection than prisoners in the rest of the UK if the visiting committees are abolished.

Steering Group

At a previous NPM business meeting, it was proposed that the NPM members collectively develop standards for the NPM. These had since been drafted and revised by the Steering Group, who proposed referring to them as 'expectations' rather than standards so as not to confuse them with substantive criteria for inspections.

The Steering Group identified several issues which could be addressed by the NPM next year:

- a) use of solitary confinement
- b) de facto detention
- c) drugs and alcohol
- d) searching of detainees and visitors and the taking of samples
- e) recommendations - how the members make them, follow up etc.

The members split into groups to review the draft business plan and to consider whether they are happy with the proposals, whether there are other issues the NPM should address or other types of activities that could be undertaken.

Proposed Training Tools



The Prison Reform Trust has expressed interest in ICVA's proposal to provide training for ICVs in working with vulnerable detainees - in conjunction with Care not Custody.

In the last issue of Visiting Times we shared our commitment to the Care not Custody campaign, which has inspired visitors nationwide. ICVA's Executive Committee members are keen that custody visitors should look to improve communications with vulnerable detainees by raising awareness of some of the issues and difficulties.

ICVA hopes to work with the Prison Reform Trust in producing a specific training module or material that can be used by volunteers in order to provide better understanding and assist them in ensuring that vulnerable detainees feel able to communicate whilst in custody.

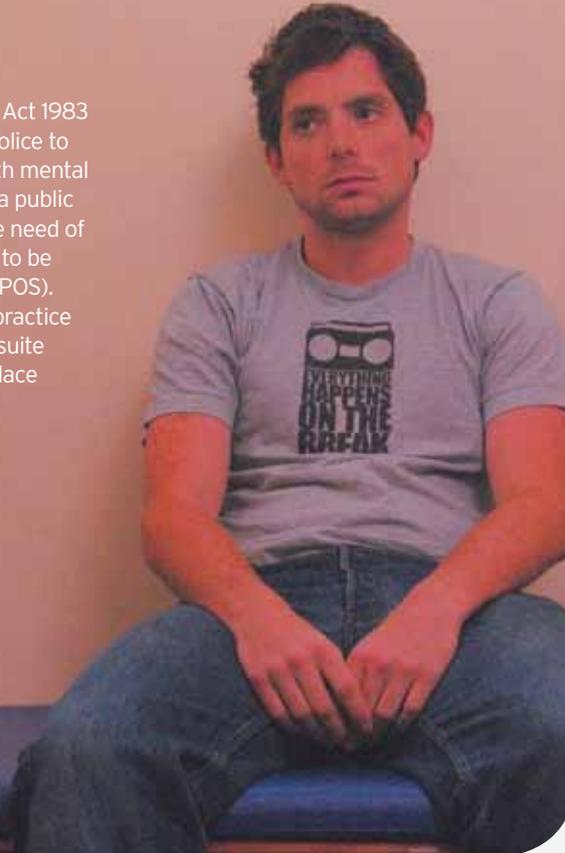
In addition, ICVA has approached the Youth Justice Board about creating training tools on working with young people. Given the stark figures the Board presented on the number of juvenile detainees at the annual conference ICVA would like to raise awareness of some of the issues and difficulties to ensure that young people feel able to communicate while in custody.

Police Custody and Mental Health

The provision of interagency places of safety for those detained under section 136 of Mental Health Act remains a priority for police forces. Here we share a report summarising how forces have responded to this issue.

LEGISLATION AND BACKGROUND

S 136 of the Mental Health Act 1983 provides a power for the police to detain people suffering with mental disorder who are found in a public place and are in immediate need of care and control. They are to be taken to a place of safety (POS). Chapter 10 of the code of practice states that police custody suite should only be used as a place of safety in exceptional circumstances.



An IPCC report in 2008 identified that roughly two thirds of detainees were being taken to police custody suites because local partnership arrangements and resources were not robust enough to deliver appropriate health based places of safety (HB POS) in accordance with the code. In some instances even where facilities existed, health professionals screened out any detainee with any level of intoxication.

In 2010, ACPO and NPIA developed guidance for the service in relation to all aspects of policing and mental health, including a chapter on responses to S 136. This was endorsed by the Department of Health. The ensuing delivery plan also included jointly endorsed products for use by forces and mental health commissioners, including a template

service level agreement on the partnership arrangements for health based places of safety.

THE MAIN FINDINGS

OVERALL POSITION

All 43 forces in England and Wales were asked to respond to the questionnaire, (Wales has its own mental health act but it has similar powers to that in England), and of those 36 forces have responded.

Overall the picture for robust provision in accordance with the code is mixed,

with some partnerships having long term robust arrangements, others moving forward quite rapidly and still others making limited progress.

The area that has made most notable progress is West Midlands and Warwickshire, where they have moved from a position of no HBPOS prior to 2010 to complete compliance by 2011. The principal drivers of improvement have been as a result of a tragic death and the leadership from both senior police officers (The Deputy Chief Constable was ACPO lead for Mental Health at this time) and strategic health colleagues.

PROVISION OF A HEALTH BASED PLACE OF SAFETY (HBPOS)

All, bar two, (one is City of London police who utilise Metropolitan provision) reported that there was full geographic coverage of their force area by a HBPOS and that these facilities were funded in entirety by the NHS. The vast majority were located in existing mental health hospitals although some A and E departments were also utilised, which proved valuable especially where the detainee was also physically injured or unwell. There is an improvement on 2009 when some forces reported that they did not have full geographic coverage.

POLICE CUSTODY USED IN EXCEPTIONAL CIRCUMSTANCES

Whilst geographic coverage of a HBPOS was comprehensive, many forces still experience problems accessing the provision, leading to a continued over reliance of police custody as a POS. Only 8 forces reported police custody being used 20% or less. These were a mixture of both urban and rural forces. The average amount of time police custody is utilised is approximately 47%, which is an improvement on IPCC report of 2008 recording 66%.

This suggests improved recording by the NHS as well as an overall increase in use of HBPOS, and there is potential for double counting where a person is moved from police custody to a HBPOS. Without more in-depth

investigation of the numbers and fuller understanding of circumstances in local areas it is difficult to fully understand the different factors which are driving this increase and the drop in the use of police custody in the previous paragraph.

The important finding is that 4 forces have been able to reach 4% or less usage of police custody. Where this occurs it is because the HBPOS provide a robust service that caters for all intoxicated detainees. Furthermore, a shared risk assessment in accordance with the code, allows access for moderately violent detainees on the proviso that the police remain until the risk is reduced.

In contrast, where forces were reporting high levels of police detention, the primary reason was because of a reduced tolerance to intoxication of the detainee. However only 2 forces reported the ongoing use of a breathalyser (designed to calculate levels of alcohol in breath as part of drink driving test) as part of the assessment prior to acceptance into the HBPOS.

In summary, whilst there has been progress and some areas are performing well, more work needs to be done to ensure that all services can comply with the Code of Practice's expectations.

CHANGE IN PROVISION OWING TO CUTBACKS

ACPO were concerned about reported withdrawal of services of some mental health trusts as a result of the economic climate. Whilst some HBPOS are being withdrawn, the impact

has been limited as consolidation of services has occurred elsewhere. Only the Metropolitan service and one Welsh service reported a significant risk of total withdrawal in some areas. Elsewhere as partnerships mature, such as in Leeds, capacity is being increased.

GOVERNANCE OF THE PARTNERSHIP

All but five forces reported a forcewide governance process with health colleagues. Six forces also reported that they were not able to monitor or collate performance data on proportional use of POS. Of the 36 responses, 29 forces reported the introduction of the NPJA protocol or its use to baseline and improve partnership governance and performance. Only 4 forces stated that they had not utilised it. Interestingly, although information was not sought on this matter, 3 forces reported problems with transportation of detainees by the ambulance service.

FUTURE STRATEGY

The Department of Health and Home Office are rolling out the voluntary transfer of commissioning of police custody health care to the NHS in England. Currently there are 10 early adopter forces and a further 21 have expressed an interest to engage in the process. All the early adopters are reporting that they will ask their NHS commissioner to formally include s 136 joint commissioning as part of that process.

Early discussions between Offender Health and DH Mental Health also support recommending to the new NHS Commissioning Board that the Commissioning Board take on the national responsibility for the commissioning of POS arrangements in accordance with the code as part of their responsibility for commissioning offender health services. This recommendation would enable NHS offender health commissioners, working closely with police forces, to commission both police and HBPOS arrangements and ensure oversight by one body.

As detention under the Act can also be considered a diversionary process, (preventing a CJ resolution to minor criminal offences by taking a detainee straight to a HBPOS), such a recommendation would be in line with emergent policy development on mental health diversion. This recommendation is supported by ACPO leads for Custody and Mental Health.

RECOMMENDATION

That ACPO, Offender Health and the Ministerial Board for Deaths in Custody note this report and that Director of Offender Health present a recommendation to the emergent NHS Commissioning Board, following consideration by the Health and Criminal Justice Board, to take responsibility for commissioning of health based places of safety.

T Supt Andy Hunt

Place of safety detentions under the Mental Health Act 1983 in NHS facilities and independent hospitals, 2006-07 - 2010-11					
	Number of admissions				
	2006-07	2007-08	2008-09	2009-10	2010-11
Section 136 - Total	6,004	7,035	8,495	12,038	14,111
Men	3,661	4,037	4,893	6,778	7,839
Women	2,343	2,998	3,602	5,260	6,272

Source: KP90, The NHS Information Centre

ICVA

ACROSS THE REGIONS

We had such positive feedback following our 'ICVA Across the Regions' feature in the previous issue of VT, we're back to bring you a flavour of what's been happening in schemes across the UK!

As well as providing useful information we hope this feature will enable schemes to share best practice.

EAST MIDLANDS

Those EM Authorities represented at the ICVA National Conference in Belfast were very positive about the conference arrangements, programme content and the location. Early notification of the 2012 conference venue would be appreciated for planning purposes.

Planning has begun on the programme for the Annual East Midlands Advanced Training day, which this year will be held on 26 May 2012 at Leicestershire Police Headquarters. Colleagues from Derbyshire will be arranging and hosting the event. Whilst it is still early days, the programme is likely to feature a mix of key note speakers and interactive sessions. Themes suggested include the election of Police and Crime Commissioners, Illegal Immigrants and Mental Health issues, Safety in the Custody Environment, ICVA Update and a Quiz.

Some key points from regional performance data presented for the period April to December 2011 include:

- 100% of designated custody suites receiving at least one visit per week with the exception of Derbyshire, which achieved 95%.
- Over 90% of detainees offered a visit across the region consented to receive a visit with the highest performers being Leicestershire and Northamptonshire on 97%.
- The average percentage of weekday visits across the region was 80.4% whilst weekend visits accounted for 19.6% of total visits.

There is a lot of interest in Lincolnshire Police Authority's decision to make security specialist G4S its preferred bidder in an outsourcing deal that will include ICT, Back Office (Finance, HR, Facilities etc) and Command & Control - including management of custody suites across the county. Announcements are yet to be made on the future shape of the custody estate although some additional investment is expected.



Eastern Region

Training Essex Police Authority planning a training session for custody visitors around the Police Reform Programme - will share details with Scheme Administrators in due course.

Scheme Updates

Suffolk

- Lowestoft Panel had been dissolved as a result of the opening of the Gorleston Police Investigation Centre.
- Norfolk and Suffolk Police Authorities had recently developed a joint Protocol regarding persons detained under Terrorism Legislation.
- Joint training sessions were planned for March 2012.

Essex

- Essex custody visitors made a specific point of visiting custody the day after the bailiffs had been onto the Dale Farm site.
- 42 people were arrested over the three days, 17 of which were held in custody at the time of the visit.
- The visitors found the custody facility to be well staffed and detainees appeared to accept the position in terms of their detention.
- A number of the detainees were already aware of the visitors' role and no complaints and no complaints about their treatment had been made.

Cambridgeshire

- Pheobe Murphy introduced as the new Scheme Administrator for Cambridgeshire Police Authority. Her initial work focused on recruitment.
- She said there had been a number of resignations for varying circumstances, some as a result of the implementation of self-introduction.
- However, on the whole, there had been a positive approach to self-introduction.

Hertfordshire

- Peter said that the Hertfordshire Scheme consisted of 60 volunteers and had exceeded its targets for the first half of the year.
- Self-introduction was more successfully embedded and the take-up rate had increased to between 84-89% of those available to be seen.
- Training was up-to-date and the Panel Chairs undertook Terrorism Act (TACT) training with detention officers in July 2011. A protocol has been established to allow for the Chairs to visit persons held under Terrorism legislation.
- The three Hertfordshire Panels meet as a single Panel on a six monthly basis. In October meeting in the new format was held in October and 40 of the 60 volunteers had attended. Following break out sessions the key concerns were fed back to the full group for discussion. The meeting included updates from the Force, the presentation of three long service awards and a tour of the Force Operations Room. The Panel Chairs had also written short reports to be included in the six monthly report to the Authority's Community Engagement Committee.

Cambridgeshire

- Pat Brown advised that over the last year 22 custody visitors had been recruited in Bedfordshire.
- In partnership with the Probation Service, Bedfordshire Police were working on an Integrated Offender Management programme reviewing the most prolific offenders with a view to making changes to custody processes for those individuals.

Norfolk

- Sarah Bryant confirmed that Norfolk and Suffolk were working closely together following the introduction of the joint Police Investigation Centres and the majority of the feedback from visitors had been positive.

NORTHERN IRELAND

Home Office Visit

Northern Ireland was visited by officials from the Home Office on 18 January 2012 to discuss TACT Custody Visits. This involved a visit to the TACT Suite at Antrim and a briefing on how ICVs currently carry out visits.

UKBA Visits After a successful 3-month pilot (where ICVs talked to 17 Immigration detainees), it was agreed that visits to Larne House STHF will continue to the end of the current financial year. Larne House was recently inspected by HMIP and any future visits are very much dependent upon UKBA's Management Response to the draft recommendations.

Conferences Northern Ireland's regional conference took place on 29 March 2012 in Belfast.

OPCAT NPM Events

The scheme has been represented as follows:

- NPM Business Meeting 21 February 2012
- Kevan Downer
- HRIC Bristol Workshop on Restraint 20 March 2012
- Rachael Forde (Belfast/Antrim ICV)

Training Three new ICVs were inducted on 2 February 2012 and on 8 & 9 February 2012 all ICVs are participating in mandatory Equality and Diversity Training.

Janet Humphries attended Volunteer Impact and Value Assessment (VIVA) Toolkit Training in March 2012. bularly on mental health issues and basic first aid.

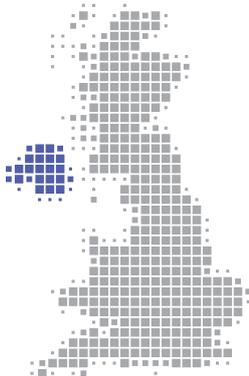
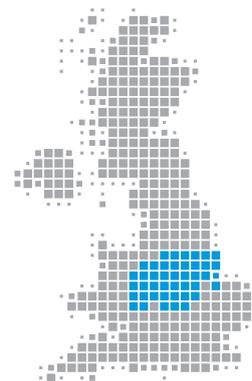
MIDLANDS

Following a report on the last executive meeting, all members were asked for their reaction and were unanimous that selection of directors should not be preferred but by size of population, number of detention centres and number of ICVs represented.

Both West Midlands, & Staffordshire are cooperating in a pilot scheme to have National Health Service as the provider of health care in custody. This will not exclude private companies; NHS will select, oversee and pay the providers.

The members for all regions who attended the National Conference in Belfast gave a positive reaction, especially the question and answer session and the talk by John Drew from the Youth Justice Board.

Staffordshire Police are making changes in custody by establishing an Investigation Team in each custody suite? (CITs). Their role will be to manage suspects in custody which it is hoped will result in swifter transition to charging decision and improve interview process and preparation of court papers; this should release on line police back on the street earlier.



SOUTH WEST

Avon and Somerset

Training Short sessions of training are now taking place during alternate quarterly team meetings. Subjects covered so far included mental health, complaints handling and the viewing of custody records.

Visitor Numbers Avon and Somerset currently have 79 volunteers conducting visits to 9 designated stations and have recently made a radio advert to assist in recruitment across the force area.

Volunteer Newsletter The monthly newsletter for volunteers includes an overview of issues raised at each custody unit plus any current issues.

Accommodation Programme Avon and Somerset Police Authority and Constabulary have been granted permission by the Home Office and HM Treasury to appoint Blue Light Partnership consortium as their PFI partner. Blue Light Partnership, led by Bilfinger Berger Project Investments, has been selected as the preferred bidder to build and operate: a Somerset operations base (incorporating CID, CSI, response, neighbourhood teams, administration, specialist operations, enquiry office and a custody and crime investigation centre) at Bridgwater; a custody and crime investigation centre and police station at Patchway; a custody and crime investigation centre at Keynsham; and a tri-force firearms training centre at Black Rock Quarry, Portishead. This will involve considerable reorganisation for the ICV scheme, including setting up a working group to help manage this process through to 2014 when new custody centres will become operational.

Spending Review Custody visitors and staff are seeing a number of changes in custody designed to reduce costs. The introduction of meal times and changes to the provision of consumables is being monitored to ensure that detainee welfare is not compromised. A limited refurbishment programme is near completion to ensure that the existing facilities are fit for purpose until they are closed in 2014.

Gloucestershire

Working arrangements for ICVs - Following several concerns from Gloucester ICVs, they have now gone back to the old system of arriving for visits through the reception entrance. They still use the main custody entrance on occasions when reception is closed. The Cheltenham team continue to find access through the main custody entrance preferable, so have continued with this procedure.

Both Cheltenham and Gloucester Custody Suites were refurbished before the end of the year.

Following the de-designation of Stroud Custody Suite on 31 March 2011, the suite was used on several occasions towards the end of 2011. Keeping abreast of when the suite would/would not be open proved difficult for the Police Authority and subsequently ICVs. At a meeting in

November, the Scheme Administrator, Custody Inspector and ICV Co-ordinators, agreed a policy for informing the Police Authority and the relevant ICV Co-ordinators via email and phone.

Custody staff shortages including the impact and potential risk to ICVs has been of concern recently. The number of Custody Sergeants is now at a critical level. A report has gone to senior officers regarding the force resilience, and the need to ideally double the number of trained staff. Following concerns reported by ICVs the Police Authority issued the following advice on 20 December 2011:

"ICVs are not obliged to visit every detainee in the custody suite; we promote this as a matter of good practice and because our suites in Gloucestershire are relatively small. ICVs must continue to record details of the visit properly and the reasons for any decisions made. ICVs must satisfy themselves they have fulfilled their duties."

As always it is important that ICVs stress any concerns they have on the visit report form, if this is related to staffing the custody sergeant may also wish to comment. If ICVs feel that their safety or that of others may be compromised they are perfectly entitled to modify their visit.

Training - NHS Gloucestershire is offering Mental Health First Aid Training to third sector workers who work with vulnerable people. The course is a 12 hour intensive course delivered over two days. Normally these courses cost £150 per person; however, the public health department of NHS Gloucestershire is providing this training free of charge to volunteers.

Meetings - The Gloucestershire Police Authority Independent Custody Visiting Annual General Meeting took place on Wednesday 21 March 2012.

Dorset

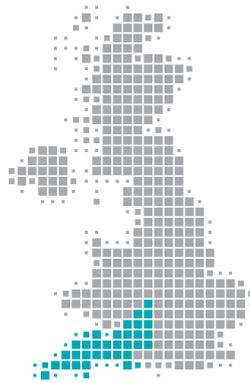
Training Dorset's last training session was held on 12 November and was delivered by the Scheme Administrator and Chairman. A total of 19 out of 27 visitors attended. The 1/2 day session focussed on a number of different scenarios and gave visitors the opportunity to discuss the type of issues that could be raised and how to deal with them.

Visitor Numbers Dorset now has 27 accredited volunteers conducting weekly visits to 2/3 designated stations and quarterly visits to a further 6 non-designated stations.

ICV Scheme No significant changes have been made following the first review of the scheme since its publication in Spring 2010.

Volunteer Reviews Spring annual reviews will be followed by reappointment reviews in the Autumn.

Website A new 'member's area' of the website will allow visitor access to information about the scheme online - a positive step forward in visitors being able to view feedback quickly on issues raised during visits.



Devon and Cornwall

Application Packs New application packs were introduced on the 1st January 2012. The updated version means that all information and forms that will be needed throughout the selection process are in one place, saving on time and cost.

Induction Training The last training session was held on 3rd December 2011, where 7 new volunteers were introduced to the role.

Visitor Numbers Devon and Cornwall now have 52 accredited volunteers who conduct weekly visits to 7 designated stations located throughout the two counties. A number of applications were received this year and more will be welcomed.

Targeted Recruitment Visitor numbers are particularly low in Cornwall and recruitment will be targeted primarily to those areas. It is hoped that the scheme's contact with colleges and universities in Cornwall will attract some interest.

Volunteer Reviews and Retirements Recommendations raised during the Value for Money review of the scheme are in the process of implementation. One was to limit the number of years an ICV could serve to 8 years in total.

Visits Report Forms There have been some issues with the effectiveness of information on report forms completed by ICVs. The main concern from Custody The IPCC has produced a special issue of 'Learning the Lessons Bulletin' with a series of case studies exploring issues contained in the new ACPO Guidance on the Safer Detention and Handling of Persons in Police Custody, launched on 01 March 2012. New working practices have been implemented to try and resolve this.

YORKSHIRE AND HUMBERSIDE

West Yorkshire

The scheme currently has 40 custody visitors. The total number of visits undertaken for the year April 2009 to March 2010 was 550 compared with 745 for the same period in 2010/2011. The total number of visits from April 2011 to October 2011 is 381.

A recruitment campaign is underway to appoint new ICVs wef 1 May 2012.

The scheme in West Yorkshire continues to receive strong support from senior officers in the Force. Exchange custody visits have been arranged with South Yorkshire Police Authority and will take place during January/February 2012.

A training seminar for ICVs was held on 24 January 2012.

South Yorkshire

A revised monitoring form, allowing more detailed analysis of visits, was introduced on 1 July 2011. There were 202

visits undertaken and 1295 detainees visited in the 9 month period from 1 January to 30 September 2011.

The self introduction by ICVs has continued to raise the acceptance rate by detainees. ICVs have raised concerns at the length of time some detainees were being held on behalf of the Immigration Service and a letter outlining those concerns was sent to UKBA's Regional Director. The reply received confirmed that there had been some delays in transferring immigration detainees since Reliance took over the escorting contract in May 2011 and that work was ongoing to ensure transfers take place as swiftly as possible.

Cross-border visits between West and South Yorkshire ICVs are being arranged.

Humberside

An unannounced HMI/P inspection took place during week commencing 3rd January 2012. A couple of our ICVs were interviewed as part of the inspection and we have received some very good feedback from HMI at the 'hot de-brief'. They cited the scheme as an excellent example of good partnership working between the Authority and the force.

Learning the Lessons

The IPCC has produced a special issue of 'Learning the Lessons Bulletin' with a series of case studies exploring issues contained in the new ACPO Guidance on the Safer Detention and Handling of Persons in Police Custody, launched on 01 March 2012.

Issues covered include:

- Dealing with people who are drunk and incapable
- Recognising when a person needs medical attention
- Protocols with the health and ambulance services
- Arresting and then dealing with young people in custody
- Access to appropriate adults
- Understanding the effects of Autism
- Carrying out constant monitoring and risk assessment
- Preventing self harm
- Provision of items to detainees whilst in cells

The bulletin can be downloaded from:

www.learningthelessons.org.uk/Pages/Bulletin16.aspx

ICVA endorses IPCC's efforts in encouraging forces to implement this guidance to improve the way people are treated in custody and ultimately reduce the number of deaths and serious injuries.



HMIP Corporate Plan



ICVA was recently requested to comment on HMIP's draft inspection programme and corporate plan by HM Chief Inspector of Prisons, Nick Hardwick CBE. The draft plan comprised HMIP's strategic ideas and proposals for the coming three years as well as a more detailed business plan for the year 2012-13.

In particular, the association was asked to note:

- strategic themes and key elements
- strategic tasks or deliverables in the Corporate Plan
- The programme of inspection set out in Objective 1 of the Business Plan
- commitment to work toward a more flexible unannounced programme of inspections
- development of inspection in new custodial settings
- thematic programme (Business Plan Objective 1, Section 5);
- work to develop the co-ordination of the National Preventive Mechanism as it relates to compliance] with the OPCAT requirements (Business Plan Objective 2, Section12).

The Inspectorate 2011-2012*

Staff and external stakeholders see our efficient, systematic, human rights-focused, evidence-based inspections with the detainee experience at their heart as a major strength. Inspection, thematic and corporate reports are regarded as credible and influential.

In 2011/12 HMI Prisons planned to inspect 105 establishments. Depending on its type, each establishment receives a full inspection every three to six years and a short or full follow-up, depending on risk, in the intervening period.

Inspections are carried out against published criteria or 'Expectations'. We revised our Expectations in 2010/11 to give greater focus on the outcomes for detainees. The judgments we make in inspections are informed by triangulating rigorous surveys of service recipients, interviews with service recipients and providers,

documentary analysis and observation. In prisons, these outcomes focus on safety, respect, purposeful activity and resettlement which are key to ensuring a 'healthy prison' with regimes that contribute to reducing crime and protecting society or achieving other required outcomes. These outcomes are adapted for different types of custodial establishment. Our assessments suggest outcomes have improved between 3% and 21% over the last six years. Outcomes are least good for purposeful activity and resettlement.

Feedback is given at the end of an inspection and a full report of each inspection and recommendations to improve outcomes is submitted to the relevant Secretary of State. All reports are published. The Inspectorate's target is to submit its full report within four months. In 2011/12 publication exceeded the target by an average of 14 days. Inspected bodies and other external stakeholders support the Inspectorate's plans to reduce the length of its reports and the number of recommendations they contain. In 2010/11 81% of recommendations were accepted, 13% partially accepted and 6% rejected. Follow-up inspections during the year recorded that 47% of recommendations were achieved, 21% partially achieved and 31% not achieved. New recommendations made at follow-up inspections are not followed up in turn when the cycle repeats.

In recent years we have increased the number of unannounced inspections we undertake and have sought to make our programme more responsive to risk. We will accelerate that process and aim to make our inspection programme more unpredictable and flexible. Our current team structure makes it difficult to match the size and expertise of inspection teams to the scale, complexity and risk of the inspected establishment. Quality control processes require strengthening. Feedback on short follow-up inspections is less positive than for other inspection types. Inspections of diversity issues require review primarily to meet the requirements of the Equalities Act 2010.

Priorities

The main document summarises HM Inspectorate of Prisons' (HMI Prisons') proposed strategic plan for the period 2012/13 to 2014/15 and the business plan for the first year of that period (2012/13).

The plan sets out the Inspectorate's mandate and values. It describes current work and organisation and sets out an analysis of current performance and assumptions about future changes in operating context. The future work of the Inspectorate is described under four themes:

An independent inspectorate

We will fulfil our statutory duty. Our primary task to report accurately, impartially and publicly concerning the treatment and conditions for detainees will continue. Confidence in our values-based approach, our independent expectations and methodology, as well as our findings will allow us the greatest impact and influence in ensuring human rights standards are maintained and improve across the different custodial settings we inspect.

An influential inspectorate

We will inspect and report in an open way, challenging constructively those responsible for the institutions we inspect. We will seek to ensure evidence from our inspections contributes to the improvement in outcomes for those held in custody and the public.

An accountable inspectorate

We will manage our resources efficiently and undertake our work in a professional manner. We will be able to account for our performance and will create an inspectorate that is fit to deliver its purpose.

A capable inspectorate

We will be a multidisciplinary, values-based organisation committed to equipping our staff with the skills they need to fulfil our purpose. We will use our resources efficiently to maximise our ability to inspect and improve treatment and conditions for detainees.

*Extracts from HMIP Draft Corporate Plan

ICVA valued the opportunity to contribute to this consultation and ensure that key priorities were addressed in relation to the custody visiting process. We will inform you when the final report is published and highlight areas of key relevance.



Scottish Reform Bill

A Reform Bill has been formally introduced in the Scottish Parliament and was published on 17 January 2012. It includes an outline of the role and requirements of independent custody visiting in Scotland, in accordance with OPCAT. An excerpt of the relevant section follows:

INDEPENDENT CUSTODY VISITING

90 Purpose of custody visiting

The provisions in this Chapter are in pursuance of the objective of OPCAT, that is, the objective of establishing a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

91 Independent custody visiting

- (1) The Authority must make arrangements to ensure that independent custody visitors may –
- visit detainees,
 - access information relevant to the treatment of detainees and the conditions in which they are detained, and
 - monitor the treatment of detainees and the conditions in which they are detained.
- (2) The arrangements must –
- provide for the appointment as independent custody visitors of suitable persons who are independent of both the Authority and the Police Service, 40 Police and Fire Reform (Scotland) Bill
 - authorise independent custody visitors to do anything which the Authority considers necessary to enable them to visit detainees and monitor the treatment of detainees and the conditions in which they are detained, and
 - provide for reporting on each visit.
- (3) The arrangements may, in particular, authorise independent custody visitors to –
- access, without prior notice, any place in which a detainee is held,
 - examine records relating to the detention of persons there,
 - meet any detainees there (in private) to discuss their treatment while detained and the conditions in which they are detained,
 - inspect the conditions in which persons are detained there (including cell accommodation, washing and toilet facilities and facilities for the provision of food), and
 - meet such other persons that the visitors think may have information relevant to the treatment of detainees and the conditions in which they are detained.
- (4) The arrangements may allow access to a detainee to be refused only where –
- the Scottish Ministers have determined grounds on which access to detainees (or to a category of detainee) can be so refused,
 - it appears to a constable of the rank of inspector (or above) that such a ground is satisfied in relation to the detainee, and
 - any other procedural requirements the Authority considers necessary have been met.
- (5) The Authority must –
- keep the arrangements under review and revise them as it thinks fit,
 - prepare and publish such reports on independent custody visiting as the Scottish Ministers may reasonably require.
- (6) The Authority and members of its staff, the Police Service and police staff and independent custody visitors must have regard to any guidance issued by the Scottish Ministers about independent custody visiting.
- (7) Before issuing guidance, or making a determination for the purposes of subsection (4)(a), the Scottish Ministers must consult –
- the Authority,
 - the chief constable,
 - independent custody visitors or such persons as appear to them to be representative of independent custody visitors, and
 - such other persons as they consider appropriate.
- (8) The Scottish Ministers must lay a copy of guidance issued or any determination made before the Scottish Parliament.

92 SPT visits

- (1) The Authority must make arrangements to ensure that members of the SPT may
- visit detainees,
 - access information relevant to the treatment of detainees and the conditions in which they are detained, and
 - monitor the treatment of detainees and the conditions in which they are detained.
- (2) The arrangements must authorise members of the SPT to do anything which the Authority considers necessary to enable them to visit detainees and monitor the treatment of detainees and the conditions in which they are detained.
- (3) The arrangements may, in particular, authorise members of the SPT to –
- access, without prior notice, any place in which a detainee is held (accompanied by such experts as the SPT members think fit),
 - examine records relating to the detention of persons there,
 - meet any detainees there (in private) to discuss their treatment while detained and the conditions in which they are detained,
 - inspect the conditions in which persons are detained there (including cell accommodation, washing and toilet facilities and facilities for the provision of food), and
 - meet such other persons as the SPT members think may have information relevant to the treatment of detainees and the conditions in which they are detained.
- (4) The arrangements may allow access to a detainee to be refused only –
- where there are urgent and compelling grounds of public safety, natural disaster or serious disorder in the place to be visited that temporarily prevent the carrying out of such a visit, and
 - the Scottish Ministers have notified the Authority that such grounds exist and that access should accordingly be refused.
- (5) The Authority must keep the arrangements under review and revise them as it thinks fit.
- (6) The Authority and members of its staff and the Police Service and police staff must have regard to any guidance issued by the Scottish Ministers about SPT visits.

The Bill may be read in full here <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/45701.aspx> and Independent Custody Visiting provisions are at Chapter 16 (sections 90 to 93).



Police



Inspecting policing
in the public interest



Custody

Round-up

Six new police custody reports have been published in recent months as part of the HMIP and HMIC national programme of joint inspections. Heathrow, Hounslow, Northumbria, Nottinghamshire, South Wales and Tower Hamlets were all included. The following summaries are formed from reports and comments by Nick Hardwick, Chief Inspector of Prisons, and Dru Sharpling, HM Inspector of Constabulary.

Heathrow

Police custody provision was described as “generally sound” in Heathrow airport’s 24-hour custody suite. Overall, there were some areas of good practice and a small number of areas for improvement.

Positives:

- there was clear commitment to custody provision by the operational command unit commander;
- the facilities were modern and well maintained;
- interactions with detainees were generally appropriate;
- health care provision was adequate and mental health diversion services were well developed.

Concerns:

- staffing was a mixture of permanent and temporary staff, and not everyone working in custody was adequately trained;
- the new prisoner escort service was causing delays and police facilities were being inappropriately used to hold remanded prisoners;
- the management of health and safety issues needed to be improved and some risk assessment and management system were inconsistent; and

Hounslow

Police custody provision in Hounslow was “a mixed picture”. The unannounced inspection covered the two 24-hour custody suites at Hounslow and Chiswick, as well as the overflow custody suite at Brentford.

Positives:

- interactions with detainees were generally appropriate, although some diversity issues warranted further attention;
- an appropriate balance was maintained between progressing cases and the rights of individuals, and the Police and Criminal Evidence Act (PACE) was adhered to;
- arrangements for managing DNA and forensic samples were good

Concerns:

- most staff were not working in custody on a permanent basis, although this was being reviewed;
- management data indicated a disproportionate use of strip-searching of detainees;
- the lack of a night-time appropriate adult service and local authority PACE beds led to some juveniles being detained unnecessarily overnight; and

- health care provision was variable, and the stock control of medicines bordered on being dangerous.

Northumbria

Police custody provision in Northumbria needed a greater focus on risk assessment, said Nick Hardwick, Chief Inspector of Prisons, and Dru Sharpling, HM Inspector of Constabulary, publishing the report of an inspection into custody suites in Northumbria.

The inspection was part of a national programme of joint inspections of police custody and covered eight 24-hour custody suites serving Newcastle, Sunderland, South Shields, Gateshead, Bedlington and Wallsend. The inspection also covered three standby suites used as overspill (Southwick, Whickham and North Shields) and three part-time suites (Hexham, Alnwick and Berwick).

Positives:

- good strategic leadership of the custody function;
- staffing of custody suites was adequate, as was the training provided;
- staff were respectful in their interactions with detainees;
- arrangements for managing DNA and forensic samples were good;
- health care provision was good and medications management was excellent;

Concerns:

- risk assessments of detainees received into custody were completed inconsistently;
- booking-in arrangements allowed only limited privacy;
- use of handcuffs was disproportionate with little consideration of risk;
- while newer suites provided generally good conditions, some older suites were dirty, had graffiti on the walls and were poorly ventilated;
- some elements of care and welfare relied too heavily on detainees making requests;

Nick Hardwick and Dru Sharpling said:

"Overall, police custody in Northumbria was adequate, but problems were evident in some important areas. Detainees were generally treated respectfully and their basic needs were provided for, but this was too often at the initiative of the detainee rather than custody staff. Conditions varied from good to poor, and the inconsistent application of risk assessment processes was a significant area of concern. We consider the routine use of handcuffing to be disproportionate, and more needs to be done to support those with mental health issues."

Nottinghamshire

Police custody provision in Nottinghamshire was poor overall, although staff interacted well with detainees, said Nick Hardwick, Chief Inspector of Prisons, and Dru Sharpling, HM Inspector of Constabulary, publishing the report of an inspection into custody suites in Nottinghamshire. The inspection covered three 24-hour custody suites, Nottingham Bridewell, Mansfield and Worksop.

Concerns:

- the suite at Nottingham was filthy and covered in unpleasant graffiti, with little evidence of a regular cleaning regime;
- the use of a padded cell at Nottingham was of concern, though this had been taken out of commission;
- the quality and consistency of risk assessments needed improvements to ensure the safety of detainees;
- health and safety procedures were inconsistent and the quality of CCTV needed improvement;
- clinical governance arrangements needed improvement and medical rooms were dirty; and
- police custody was too often being used to detain people under Section 136 of the Mental Health Act.

Positives:

- there was a positive relationship with the Police Authority and an active independent custody visitors scheme;
- interactions between staff and detainees were respectful and appropriate;
- an appropriate balance was maintained between progressing cases and the rights of individuals, and the Police and Criminal Evidence Act (PACE) was generally adhered to; and
- primary health care provision was generally good and drug misuse services were generally sound.

Nick Hardwick and Dru Sharpling said:

"Overall, police custody in Nottinghamshire was poor. The environment at Nottingham was unacceptable, and management, quality assurance and risk management arrangements needed urgent attention. We gave the force immediate feedback after our inspection and we are pleased to note they responded quickly and effectively to our concerns. We expect this progress to be sustained and this report provides a number of recommendations to assist the force and the Police Authority to improve the provision of custody in Nottinghamshire. 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."

South Wales

Police custody provision in South Wales was well managed, but some issues needed attention. The inspection covered seven custody suites, operating 24 hours a day, in Cardiff Bay, Swansea, Merthyr Tydfil, Neath, Pontypridd, Bridgend and Ton Pentre. Three further standby custody suites were visited. Overall there were some areas of excellent practice, but some areas which still needed to be addressed.

Positives:

- there was sound oversight at strategic level for custody provision, with a clear and robust management structure;
- staffing arrangements were good and staff were very well trained;
- staff interactions with detainees were professional, initial risk assessments were sound and health and safety procedures well established;
- appropriate adult provision for vulnerable adults was new, but among the best inspectors have seen;

Concerns:

- there was a well-advanced strategy to improve the custody estate but the physical environment of the suites was very mixed and Pontypridd needed urgent attention;
- some safety issues in the environment were not being effectively dealt with as a result of plans to close older suites;
- staff development was needed to raise awareness of the specific needs of vulnerable detainees;
- the number of Mental Health Act section 136 detainees held was high and needed to be reduced.

Nick Hardwick and Dru Sharpling said:

“Overall, police custody provision in South Wales was good. There was clear strategic direction and good management arrangements but some important issues concerning the estate and mental health provision needed urgent attention.”

Tower Hamlets

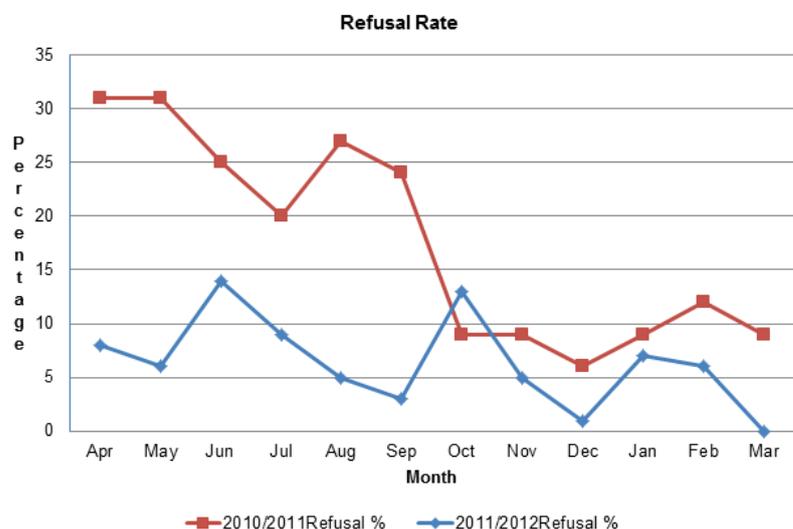
Police custody provision in Tower Hamlets was much improved, but there was still room for further improvement, said Nick Hardwick, Chief Inspector of Prisons, and Dru Sharpling, HM Inspector of Constabulary, publishing the report of a follow-up inspection.

The inspection was a follow-up to a previous critical inspection of police custody suites in Tower Hamlets in 2009, and part of a national programme of joint inspections of police custody. It covered two custody suites, operating 24 hours a day, in Bethnal Green and Limehouse. Overall there were some areas of good practice, but several areas which still needed to be addressed.

Copies of all joint inspection police custody reports can be read in full at www.hmic.gov.uk

Self Introduction. It works!

Thanks to Kevan Downer, Service Monitoring Manager for the NI Policing Board for sharing this simple illustration, which in his words: “irrefutably shows that self introduction should be implemented in every scheme.” Northern Ireland began self introduction in October 2010... where custody visitors personally establish whether a detainee wishes to speak to them rather than being introduced by a custody officer.



Are you convinced?!

Revised PACE Codes

The consultation on the proposed revision of the PACE Codes closed on 24 January 2012. In general, the majority of the responses either supported the draft codes as circulated or made constructive suggestions which were accepted.

The new safeguards in Code C (Detention) which are repeated in Code H (Detention-terrorism) raised most concerns. The paragraphs that apply when a suspect wants to change their mind about wanting to speak to a solicitor and what Inspectors were required to do caused most concern. However after further detailed consideration of both, changes were made to the relevant provisions to address these concerns.

The following revised codes of practice (PACE & terrorism related) were laid before Parliament on 10 May:

- Revised code of practice for the statutory power of arrest by police officers
- Revised code of practice in connection with the detention, treatment and questioning by police officers of persons in police detention under section 41 of, and schedule 8 to, the Terrorism Act 2000
- Draft code of practice for the video recording with sound of interviews of persons detained

under section 41 of, or schedule 7 to, the Terrorism Act 2000

- Code of practice (England, Wales and Scotland) for the exercise of stop and search powers under sections 43 and 43A of the Terrorism Act 2000
- Code of Practice (Northern Ireland) for the Exercise of Stop and Search Powers under Sections 43 and 43A of the Terrorism Act 2000, and the Authorisation and Exercise of Stop and Search Powers Relating to Section 47A of, and Schedule 6B to, the Terrorism Act 2000
- Revised code of practice for the detention, treatment and questioning of persons by police officers

The commencement date for PACE Codes C & H & the other terrorism codes depends on when the relevant Order comes into force. For Code G, the start date is 13 November 2012.

Please visit the ICVA website to view direct links to each amendment.



So Long, Farewell...

We have several goodbyes and welcomes to share in this issue...

Sarah Stanley

Sarah Stanley left her role as independent custody visiting scheme administrator at Gloucestershire Police Authority in March to begin a new job as a countywide volunteer/mentor facilitator for Independence Trust. Sarah expects to be working in Integrated Offender Management within the constabulary one day a week, so will not be cutting herself off from the police totally!

We would like to thank Sarah for all her help and assistance over the past few years. Her opinions have always been valued and appreciated and her commitment to the work of Gloucestershire Police Authority's independent custody visiting scheme has been commendable.

We welcome on board Sarah's ex colleague, Diane Dungey, who has taken over management of the ICV scheme - and look forward to working with her!

Jean Snowsill

Jean Snowsill has retired as scheme administrator of Hampshire and Isle of Wight. We would like to thank her for an incredible commitment to independent custody visiting over the years and extend a warm welcome to her replacement, Mike Hill.

Alan Fry OBE

Alan Fry OBE has also retired from his position as Chief Executive & Clerk to South Wales Police Authority. A huge thank you to Alan for all his help and assistance over the past few years. Alan's recent award was testament to his commitment to South Wales Police Authority and we wish him every happiness in his retirement.

On behalf of the executive committee and all at ICVA, we wish each of these friends and colleagues every future success and hope that our paths will cross again one day.



Ask ICVA

WELCOME TO VT'S Q&A COLUMN ON ISSUES OF IMPORTANCE TO YOU... PLEASE SEND YOUR QUERIES ON ANY ELEMENT OF CUSTODY VISITING VIA EMAIL: VISITINGTIMES@ICVA.ORG.UK OR POST: ICVA PO BOX 1053 COLNE BB9 4BL

IN THIS ISSUE... ACCESS DENIED... SELECTING WHO TO VISIT... MATCH DAY VISITS

CAN ICVS BE DENIED ACCESS?

Q I have just received a report from the ICVs saying that the solicitor of one of the detainees had given instructions that the detainee was to be visited by no one and that included custody visitors. Not come across this before, is this usual practice?

A Thank you for the email. Custody visiting is about the individual choice of each detainee who gives their consent to speak with the ICVs. The individual detainee should be asked in every case, even if they subsequently decline the offer of the visit. It is not for a solicitor or appropriate adult to make the decision or for the police to impose that decision - it is the detainee's wishes that must be respected in all cases not a third party.

The revised Codes of Practice paragraph 40 refers: Access to Detainees 40. Subject to the exceptions referred to in paragraph 43, independent custody visitors must be allowed access to any person detained at the police station.

However, detainees may only be spoken to with their consent, and the escorting officer is responsible for establishing whether they wish to speak to the independent custody visitors, which may be established by self-introduction by the independent custody visitors themselves (in the presence of the escorting officer) or by the escorting officer. Hope this is of assistance.

SELECTING DETAINEES TO VISIT?

Q I wonder if you can help me with a query please. One of our larger panels visits a 17 cell custody suite and is proposing to limit the number of detainees seen to a maximum of 9 for each visit. This means that if all 17 cells are occupied and all the detainees are available to be seen that the pair of ICVs would need to choose which 9 to visit leaving the remainder unvisited

but recorded as not being invited. This is because it can take up to two hours for a single pair of ICVs to carry out 9 visits etc and they feel that is enough. The Force feel that ICVs should offer visits to all detainees in custody at the time of the visit excepting those for which circumstances denote that a visit is not offered ie. not interrupting a period of 8 hours sleep/in interview etc. Their stance is that this presents a risk as one of the detainees not visited might have an issue(s) that an ICV is meant to address. They also want to know what the criteria would be for selecting which detainees to visit.

Do you have a position on this please?

A It isn't unusual for ICVs to 'dip sample' in this way, particularly when visiting large facilities.

In terms of which detainees are selected, this is entirely down to the pair of ICVs concerned, although when considering this ICVs should consider prioritising the more vulnerable detainees, ie age, non English speaking, alcohol/drugs, mental health or difficulties of understanding etc.

In terms of the force's concerns, the purpose of the visits is to provide transparency and confidence to the local community. The role of ICVs is to observe, comment and report on the rights and health & well being of individual detainees and the condition of facilities, to provide information to PAs, which enables the police authority to hold the force to account. Whilst ICVs also act as fresh eyes and ears within the custody setting, which can and does assist custody staff, the force are responsible for detaining people lawfully, safely and in line with HR's legislation, not ICVs.

I hope this helps.

MATCH DAY VISITS...

Q I think I remember reading somewhere that the custody areas at football grounds did not need to be visited on match days. Is this right or am I making it up?

A The question of whether it is appropriate to visit cells at the football ground on match days will to a large extent depend on how the police use these cells. If they are only used to hold people for very short times before transport to another custody suite, or released, there is probably little purpose in visiting these cells. However, if the cells are used to detain individuals for longer periods, say a couple of hours, then it may be worth the police authority looking at including this in a visit rota.

**ICVA NATIONAL CONFERENCE
BRISTOL - 20TH OCTOBER 2012**