

# The Independent Custody Visiting Association (ICVA)

Annual Report 2016/17



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## **Contents**

Chair's Report	3
The State of Custody	4
The Work of ICV Schemes	6
Vision	7
Mission	7
ICVA's Achievements	7
Leading Schemes	7
Supporting Schemes	9
Representing Schemes	10
Annual Reporting Requirements	12
Progress against action plan	14
Accounts available as separate document.	

## **Chair's Report**

I am privileged and proud to present the Independent Custody Visiting Association's (ICVA's) Annual Report for 2016/17. We have had an ambitious and successful year. ICVA has a unique UK-wide voice, sitting on the steering group of the National Preventive Mechanism, the Ministerial Board for Deaths In Custody, the PACE Strategy Group and the National Custody Forum. We support our members – Police and Crime Commissioners, the Scottish Police Authority and the Northern Ireland Policing Board and others such as the City of London and Jersey Police Authority - to deliver effective schemes and to promote their work. This position enables us to share guidance with local schemes and to represent and resolve the issues that they highlight, helping to create a safer custody environment.

I am delighted that, for the first time in many years, ICVA members comprise 100% of schemes across the United Kingdom. ICVA has completed a year of engagement and discussion with schemes in order to review their membership and training needs and develop a financially sustainable offer moving forward. We have asked our schemes to assess how they are performing, completing a health check, noting areas of strength and for improvement. We have created benchmarks for activity, enabling schemes to understand how they perform against others. Moreover, we have delivered a range of projects that support schemes: We have delivered training and launched a new members' website providing a library of resources and a forum for discussion. ICVA ran two successful conferences, briefing and training members with speakers including Dame Anne Owers, Chair of the IPCC and representatives of the Children's Commissioner. Finally, our new, weekly newsletter has been hugely successful in sharing information and galvanising work to improve custody. Our end of year survey returned a 95% satisfaction rate on ICVA's overall service to schemes.

ICVA has been at the forefront of national work, giving a voice to our schemes and increasing public awareness of the role. We have given evidence to Dame Elish Angiolini's Independent Review of Deaths and Serious Incidents in Police Custody. We have briefed all new PCCs on their duties and met with them to visit their suites and discuss their schemes. We have raised key issues such as lack of mental health beds with the Home Office. Furthermore, we have expanded our communications reach with our Twitter feed that has created more than half a million impressions, our new Chief Executive's blog and TV appearances.

We have made significant internal reforms, refreshing our Articles of Association, reforming our Board and restructuring staff. Our new governance provides a nimble and professional organisation that facilitates sharing of good practice and learning.

A wide range of people contributed to these achievements, and I will close by thanking our members and scheme managers, our excellent and active directors, our Honorary Treasurer, our training provider, our Chief Executive and our Project Officer. It has been an honour to work with you.

Martyn Underhill  
Chair of the Independent Custody Visiting Association

## **The state of custody**

ICVA works with all schemes across the United Kingdom. Local independent custody visiting schemes act within the Code of Practice, volunteers make unannounced visits to police custody and check on the rights, entitlements and wellbeing of detainees through discussion and checking custody records. Our schemes have conducted over 9,000 visits, interviewing over 26,000 detainees. This represents over 3% of detainees in custody<sup>1</sup>. Schemes share their volunteers' feedback with us and ICVA gathers similar information when visiting schemes and their custody suites. This information exchange paints a picture of custody across the UK.

Police constabularies manage their own custody and, as such, there is wide variation in the type and size of each suite as well as the practice and performance of staff. However, a number of themes and key issues have become apparent. This feedback will not apply to every force or area, but are either of importance or have been reported across a number of schemes to paint a picture of custody.

### Positive feedback

Independent Custody Visitors (ICVs) provide public oversight of police detention – a high pressure and often hidden area of policing. Their role is central to the proud tradition of policing by consent in the UK. In visiting custody, ICVs bring independence and ensure that standards are upheld and harm prevented. ICVs develop good, working relationships with the constabularies that they visit and contribute to making custody safe.

We are pleased to report that a key theme of ICV reports is that visitors are impressed with the humane and effective custody suites that they visit. We hear positive feedback from detainees and see, first hand, the care that they frequently receive from custody staff. The very fact that members of the public can access police custody, unannounced, at any time of the day or night, is testament to the legitimacy of policing and the democracy we live in.

Whilst we have received largely positive feedback, a number of further themes have emerged as areas of concern or for work ahead.

### Staffing levels

We have received numerous reports of concern over staffing levels in police custody. We have heard of many cases where ICVs have not been able to access custody suites and / or carry out their full duties because there have not been enough staff in place to escort ICVs in their visit.

Such shortages raise a number of alarms. They prevent proper monitoring of police custody and leave constabularies open to criticism or suspicion of poor transparency. Furthermore, when these shortages are during 'business as usual', they present a risk that constabularies will not be able to respond to additional detentions.

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<sup>1</sup> Data provided by schemes, data is not comprehensive.

### Cleanliness and physical custody

A further common theme of reports is concerns about the physical custody environment. These can range from small issues such as untidy kitchens to more endemic problems where custody suites are due to be replaced. However, it is a frequent problem and one that we encourage our schemes to tackle locally.

### Access to mental health beds

We have received feedback on access to mental health beds from a number of schemes and professionals. This issue results where a person is arrested of a substantive criminal offence is assessed under the Mental Health Act as needing hospital admission whilst in custody, but there is apparently no bed available in a psychiatric unit. This can lead to the Custody Sergeant having to decide between holding a detainee without power to do so, but able to keep them and / or the public relatively safe; or releasing the detainee with risk to themselves and / or the public. Furthermore, this can mean that distressed detainees are held in an inappropriate environment.

This issue has been widely reported and ICVA has discussed it at the PACE Strategy Board, alongside the NPCC and College of Policing (mental health lead, Inspector Michael Brown). These discussions have instigated a work stream between the Home Office and Department of Health to attempt to resolve the problem. This is a complex partnership issue and, with limited resources, is likely to take some time to resolve.

### Spitguards

ICVA and the UKNPM published letters and challenges regarding spitguards to the Home Secretary, and ICVA to the Home Affairs Select Committee. These challenges are available online ([http://icva.org.uk/uploads/publications/2017.03.14\\_-\\_Letter\\_to\\_Chair\\_of\\_HASC.PDF](http://icva.org.uk/uploads/publications/2017.03.14_-_Letter_to_Chair_of_HASC.PDF)). ICVA received significant media interest, appearing in a number of television interviews. ICVA's Chair and the UKNPM attended a meeting with the NPCC lead on Use of Force to further outline our concerns and will continue to raise concerns.

### Visiting TACT detention

In March 2017, a terrorist attack occurred in London where a terrorist struck a number of people with a vehicle on Westminster Bridge before attacking and killing a police officer at the palace of Westminster. The attacker was shot and killed at the scene, however the incident preceeded further attacks and a subsequent high increase in the number of arrests and detentions under terrorism legislation. ICVA has responded to this by surveying schemes for capacity, revising training manuals and offering a free conference to all schemes. ICVA's response will help to ensure that terrorism detention is effectively overseen by ICVs, working alongside the Independent Reviewer of Terrorism Legislation (IRTL), Max Hill, QC.

### **The work of ICV schemes**

Independent Custody Visiting Schemes are local volunteer schemes run by Police and Crime Commissioners in England and Wales as well as police authority bodies in Scotland, Northern Ireland and other areas such as the City of London and Jersey.

Local volunteers (ICVs) make unannounced visits to police custody in order to check on the rights, entitlements and wellbeing of detainees. ICVs may also check on the conditions of custody during the visit and, given consent, can access detainees' custody records.

ICVs will speak to detainees, where possible, asking them about their treatment and any concerns. Where allowed, they will check the feedback from detainees against custody records in order to ensure correct treatment. The visits will consider key legal rights – including whether detainees have access to legal advice – as well as entitlements such as being offered appropriate food and access to showers and reading materials.

ICVs will seek to resolve any problems or issues that they encounter. This may be relatively simple issues such as requesting a blanket or food. Such issues can be resolved with the custody staff during the visit. ICVs may also raise more strategic concerns including issues such as concern over the condition of custody, where physical improvements are required. They may also raise concerns about local issues such as delays in accessing legal advice or incorrect storage of religious texts. These issues will be included on report forms to the Police and Crime Commissioner or police authority body for resolution. ICVs may also encounter wider strategic issues that impact on national policy. These may be problems accessing Appropriate Adults for vulnerable adults, children staying in custody overnight or long waits for detainees to be moved to other services such as mental health care. ICVs will report these issues and send them to their PCCs. Scheme managers will also feed these issues back to ICVA who, in turn, will represent their feedback within national partnerships. This multi-layered governance enables effective change and transparency across local, regional and national levels.

ICVs have a role in providing public reassurance. The United Kingdom has a proud history of policing by consent. ICVs embody this ethos within the custody environment by delivering the eyes and ears of the local community. ICVs are able to demonstrate that custody meets the needs of its local area, or what challenges it must overcome, via annual reports. This is even more important when visiting terrorism detention, which is a more emotive area and under increased scrutiny.

We praise the work of our scheme managers over the past year that have delivered schemes that provide oversight of custody, resolve problems and who keep their ICVs trained and engaged. In doing so, they ensure that custody receives monitoring and oversight and that detainees' rights, entitlements and wellbeing are protected.

## **Vision**

ICV schemes prevent torture and ill treatment of detainees and deliver effective oversight of police custody in order to ensure a safe environment and deliver public reassurance.

## **Mission**

ICVA leads, supports and represents ICV schemes that are effective, protect vulnerable detainees and deliver effective oversight of police custody.

## **ICVA's Achievements**

ICVA set an ambitious Business Plan for 2016/17. This year was a watershed moment for the organisation, working on a reduced budget and under pressure to deliver value from the schemes. There was a national focus on custody with key stakeholders such as the Independent Police Complaints Commission and National Appropriate Adult Network releasing and implementing major studies on use of force and availability of Appropriate Adults. Furthermore, Dame Elish Angiolini, supported by Deborah Coles of INQUEST, conducted her Independent Review of Deaths and Serious Incidents in Police Custody. This review, yet to be released, is likely to shed a light on vulnerability and disproportionate harm to defined demographic groups in custody. Within this environment, ICVs are uniquely placed to monitor changes to the custody setting. In contrast to our UK National Preventive Mechanism colleagues, HMIC/P, ICVs are able to visit custody regularly, typically on a weekly basis. ICVA needed to lead and support ICV schemes to conduct effective oversight and represent their findings.

## **Leading schemes**

### Stakeholder engagement

Police custody is a complex landscape that encompasses many partner relationships. It is important that ICVA engages with our stakeholders in order to ensure that schemes are kept updated on national changes and to ensure that our stakeholders are aware of the themes and findings from local schemes. ICVA's stakeholder engagement has taken many forms over 2016/17:

- ICVA has worked alongside the Home Office to brief schemes on the forthcoming Concordat on Children in Custody. This has led to schemes ensuring that their local constabularies are prepared for the forthcoming changes and that ICVs are aware of the content of the Concordat and prepared to report on compliance.
- ICVA is a member of the national partnership group considering how to ensure that vulnerable adults are provided with an Appropriate Adult in custody. ICVA's engagement with these reforms has meant that local schemes, in areas such as Humberside and Merseyside, have worked with their partners to explore how they can commission this service in the future.
- ICVA has regular meetings with the IPCC. Together, we have developed a briefing for scheme managers to assist them in responding to any death in custody, contributing to effective investigations. ICVA and the IPCC proactively

work together when the IPCC publishes relevant reports and we have produced written briefings to schemes to highlight poor practice and seek to prevent recurrence.

- ICVA is an active member of the Home Office PACE Strategy Group. This partnership brings together key stakeholders from custody. We have raised important issues to be considered including extended waits for mental health beds and concern over safeguards for voluntary interviews. This has, in turn, instigated new national projects to respond to these challenges.
- ICVA collates national learning from a variety of sources including the IPCC, INQUEST, inspection results and news articles, and shares key findings with schemes. This enables local schemes to consider their practice and prevent repeat problems.
- ICVA represented local schemes in Dame Elish Angiolini's review into deaths and serious incidents in police custody, highlighting the value of schemes and their oversight as well as the need for these schemes to be appropriately resourced and funded. We await the results of this review.

#### Data collection

ICVA implemented data collection processes – recording data on the number of visits and key issues resulting from them over the year. This has enabled ICVA to discuss areas of concern in national partnerships. However, ICVA needs to further develop data collection methodology and analysis in order to make the most of this research and will work with the College of Policing to do so over 2017/18.

#### Health check

ICVA developed a healthcheck document, asking all schemes to complete this document and assess their compliance with the Code of Practice. The returns highlighted key themes, including a lack of quality assurance frameworks. Local schemes have used the document to improve their own performance; ICVA has used it to develop its Business Plan for 2017/18 where it will develop a quality assurance framework and support schemes to meet their duties.

#### Benchmark

The healthcheck returns and data returns also enabled ICVA to collate a national picture of key elements of the scheme. Scheme managers often work in isolation and had no national benchmark for how their scheme was performing. ICVA has used their data to create a benchmarking document, enabling schemes to compare their work to their most similar force areas, neighbours or other areas with similar demographics. ICVA will release this document in 2017/18 to help drive performance.



## **Supporting schemes**

### Training to schemes

ICVA has, historically, offered a free training session to each scheme as part of membership. Around half of all schemes took advantage of the offer each year, ICVA's training materials required an update and a cut to ICVA's grant instigated a review of training.

ICVA maintained the offer of a free training session across 2016/17, with ICVA's contractor, Anna Jarratt, delivering over 30 training sessions and achieving high satisfaction scores.

ICVA's Project Officer reviewed the training offer whilst this occurred. She found that, although the training offer was free, schemes had to pay for expenses and those who did not access the training did not benefit from the cost of running it. She also found schemes wanted new resources and an appetite for 'train the trainer' sessions, empowering scheme managers to have ownership of their schemes. ICVA's previous model of offering each scheme a free session was no longer financially sustainable.

ICVA developed new induction packages for members in late 2016/17, delivering them shortly thereafter at the start of 2017/18. These new packages were later complemented by train-the-trainer sessions early in the new financial year. This will continue and has the impact of creating informed, locally bespoke training with national principles and values as a foundation.

ICVA created a baseline survey, asking scheme managers for their views on how the training has been developed and rolled out, we will monitor this across 2017/18 to ensure high quality training continues.

### Newsletters and briefings

ICVA is positioned between national bodies and local schemes; this places it within an important policy position where it can share national policy with local schemes. One method was the introduction of a weekly newsletter. We have used this newsletter to share briefings on children in custody, IPCC cases and lessons learned, mental health work and Appropriate Adults. The outcome of this work is that schemes are aware of forthcoming changes and may influence their constabularies to prepare for them. ICVA regularly receives extremely positive feedback about its newsletter.

### Members' Website

ICVA was very excited to deliver a members' section in its website this year. This website provides a library of resources and a forum for discussion. The library of resources enables schemes to share their work and save resources at a local level. Furthermore, the forum for discussion gives scheme managers the ability to communicate with their peers, providing practical assistances and helping to prevent them from feeling isolated.

### Conferences

ICVA ran two conferences in 2016/17. The first, scheme managers' conference, brought together managers from across the UK. ICVA used the opportunity to consult members on their membership needs and to launch the members' web resources. Furthermore, key speakers and trainers attended to brief members on use of force (Dame Anne Owers, Chair of the IPCC), changes to Appropriate Adult provision (Chris Bath, Chief Executive of the National Appropriate Adult Network) and on children in custody (Tim Bateman, from the Children's Commissioner for England). The conference ensured that members directed changes to ICVA's membership offer and that scheme managers were informed on key policy changes to custody.

ICVA also ran a national conference, attended by scheme managers and ICVs across the UK. The conference aimed to both update ICVs on key policy changes, but primarily for ICVs to have insight to the detainees' point of view and to increase empathy. The conference included speakers on mental health and on reforming those who have been prosecuted.

### Ad hoc support

ICVA provides regular ad hoc support to scheme managers, engaging with schemes daily.

### **Representing schemes**

#### UKNPM

ICVA is a member of the United Kingdom National Preventive Mechanism (the UKNPM). The UKNPM brings together all partners who make unannounced visits to detention in order to prevent torture and ill-treatment. The schemes in Northern Ireland and Scotland are members of the UKNPM alongside ICVA and the police custody inspectorates. ICVA's Chief Executive is a member of the NPM steering group. ICVA has had a number of key achievements in 2016/17 including the recruitment of its first independent Chair, John Wadham. The NPM also published a census of people in detention. ICVA is taking part in key projects including an academic study in an exploration of lay members in preventing torture and a 'pathways and transitions' project from police custody to mental health facilities.

#### Quarterly Home Office meetings

The Home Office provides the majority of ICVA's funding. Furthermore, they are a key stakeholder and partner in responding to some of the key issues raised by volunteers. ICVA has represented schemes at quarterly meetings. We have used these meetings to raise issues of staffing, voluntary attendance, the health check and to demonstrate the impact of custody visiting.

#### Social media presence

ICVA has built a social media presence across the year. ICVA's main Twitter feed saw tweets viewed over half a million times, whilst the Project ICVA account continues to grow. ICVA now has a Linked In profile, with increasing engagement. Furthermore,

ICVA has developed a blog that has been viewed hundreds of times in its early stages. We will continue to develop these communications over 2017/18.

#### PCC election resources

Police and Crime Commissioner elections took place on 5 May 2016. ICVA provided a comprehensive briefing on the role of custody visiting and the responsibilities of PCCs. This briefing was uploaded to the Association of Police and Crime Commissioners' (APCC) website as well as candidate briefings across other England and Wales.

This communication was further reinforced by ICVA's presence at APCC events for newly elected PCCs and the APCC joint conference with the National Police Chiefs Council (NPCC). ICVA used these events to further discuss schemes with PCCs and Chief Executives as well as an opportunity for photographs celebrating custody visiting.

#### Review Communications Strategy

ICVA started to develop a Communications Strategy in 2016/17 including the growth of social media and TV appearances, notably on the use of spitguards. However, ICVA identified that it requires further professional advice for a professional strategy and will recruit a director with professional experience to take this forward in 2017/18.

#### **Internal reforms**

ICVA completed internal reviews in order to deliver the best possible governance and to work efficiently. ICVA comprehensively reviewed its governance in 2016/17 with a subgroup of directors conducting research and developing recommendations. ICVA adopted new Articles of Association in December 2016. This enabled the recruitment of external directors with specific skills and experience, whilst ensuring member directors still drove the direction of the organisation. We welcome the new directors and regional representatives.

The Articles of Association created a smaller Board of Directors to manage the legal, fiscal and strategic responsibilities of the organisation. It also created a National Expert Forum, comprised of member directors and regional representatives. This forum enables shared working and joint projects across the UK.

## **Annual reporting requirements**

### **Purposes and governing document**

The Company's objects are restricted specifically, in each case only for the public benefit to:

- The advancement of human rights among persons who are held in custody in the United Kingdom and elsewhere by developing and promoting the efficient and effective provision of custody visiting;
- The advancement of education in matters and issues concerning the rights, entitlements, health and wellbeing, and the conditions of facilities, of persons who are held in custody in the United Kingdom and elsewhere; and
- The promotion of ethical standards of conduct and compliance with the law across public and private sector organisations responsible for the welfare of persons held in custody in the United Kingdom and elsewhere.

### **Main activity in relation to these purposes**

#### Vision

ICV schemes prevent torture and ill treatment of detainees and deliver effective oversight of police custody in order to ensure a safe environment and deliver public reassurance.

#### Mission

ICVA leads, supports and represents ICV schemes that are effective, protect vulnerable detainees and deliver effective oversight of police custody.

The detail of ICVA's activities has been reported and is outlined in the attached table.

### **Contribution of volunteers**

ICVA's work supports scheme's local volunteers. These local ICVs report back on the findings of their visit to scheme managers who, in turn, report these to ICVA. ICV reports and findings are essential to ICVA's work and we send our acknowledgement and thanks to the volunteers who carry out these visits and the scheme managers that support them.

### **Structure, governance and management**

ICVA is governed by its Articles of Association, published on Companies House. ICVA is a not for profit organisation and is a Company Limited by Guarantee.

ICVA has a Board of Directors who manage the legal, fiscal and strategic responsibilities of the organisation. Martyn Underhill, PCC and Member Director for Dorset chairs the Board and acts as line manager for the Chief Executive who, in turn, manages further staff.

The National Expert Forum membership overlaps with the Board of Directors and brings together scheme managers to share practice, learning and carry out joint projects.

### **Directors and staff**

The following people have been directors for ICVA across 2016/17:

- Brian McFadyen
  - Joanne Nicholls
  - Hugh Pattrick
  - Natasha Plummer
  - Andrew Robinson
  - Martyn Underhill (Chair)
- 
- Peter Beaman (resigned December 2016)
  - Katie Beaumont (resigned December 2016)
  - Scott Duffy (resigned December 2016)
  - Nicola Hall (resigned December 2016)
  - David Hudson (resigned December 2016)
  - Jacqueline Nash (resigned December 2016)
  - Hannah Watson (resigned July 2016)
  - Stephen Wood (resigned December 2016)

The following people have worked for ICVA in 2016/17:

- Katie Kempen, Chief Executive
- Sherry Ralph, Project Officer
- Anna Jarratt, Executive Assistant (until May 2016) and contracted training provider.

John Eagles, CPFA, was ICVA's Honorary Treasurer across 2016/17.

### **Further information**

[www.icva.org.uk](http://www.icva.org.uk)

@custodyvisiting

@projectICVA

### Achievements vs objectives

Appendix one includes ICVA's Business Plan and progress against it.