

**The Independent Custody Visiting Association
(ICVA)**

Annual Report 2018/19.



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Message from the Chair

What a year it has been! We have seen independent custody visiting schemes reflect, reform and blossom as they have taken part in the ICVA Quality Assurance Framework. This framework has empowered scheme managers to understand what a good scheme looks like and to make improvements where needed. More than that, it has been a celebration of independent custody visiting and I have been delighted to see my PCC colleagues making visits to custody and making improvements to their custody suites. I commend all schemes that have taken part.

Moreover, I have been delighted to see ICV schemes make tangible improvements to police custody. We've seen ICVs continue to drive up standards in menstrual care for detainees. We've also seen them make a difference to vulnerable detainees – be this through work to safeguard detainee dignity or to improve Appropriate Adult provision, we've seen scheme after scheme report changes to custody for the better.

This change is only possible because ICVs, scheme managers and their offices have the heart, bravery and determination to visit custody, point out problems and work to make change. Where children sit alone in their cells, waiting for an Appropriate Adult, ICVs challenge staff and processes. Where custody suites are no longer comfortable or fit for purpose, ICVs provide a voice for change for all who are in these custody suites. Local, regular monitoring of police custody ensures that conditions are good and standards are high.

ICVA was delighted to celebrate the successes on independent custody visiting schemes in the House of Lords earlier this year. This event and venue were symbolic of the influence that ICVs have developed and are cementing. We reflected on our history at the event and on the distance that schemes have travelled. On a local level, it's crucial that volunteers 'nibble at the niggles' to ensure that detainees have a dignified stay where their basic needs are met. However, independent custody visiting is also now an important national force and influencer keen to challenge practices or policies that impact negatively on custody.

Independent custody visitors make a profound difference to detainees they see and to detention in the UK. Detainees in the UK do not have to be scared of how they will be treated in police cells. Independent custody visitors ensure that this area of policing is open to public view and detainees are treated with human decency and dignity, as we would expect our loved ones to be treated in the custody suite.

We will continue to press forward next year. Derbyshire OPCC has piloted changes to our methodology that promise a vision of more effective monitoring. We will work with schemes to see whether this success can be replicated elsewhere. Furthermore, we will spend 2019/10 focusing on detainee dignity and working for changes to ensure that dignity is protected in the custody environment.

Derbyshire have started a vision, we're going to press it forward, ensuring maximum value from schemes. Thank you to the schemes and ICVs that make independent custody visiting a success. We look forward to working with you in the year ahead.

Martyn Underhill
Chair
July 2019

The Independent Custody Visiting Association

The Independent Custody Visiting Association (ICVA) is in place to lead, support and represent local independent custody visiting schemes.

Vision

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

Mission

ICVA leads, supports and represents ICV schemes to be effective, ensure the welfare of detainees, protect the vulnerable and deliver oversight of police custody.

ICVA's priorities in 2018/19 were:

Leading ICV schemes

- Implement a Quality Assurance Framework to ensure a minimum quality standard across all schemes and to drive improved standards across independent custody visiting.
- Increase quality of data collected from schemes.
- Formalise a working agreement with HMICFRS and HMIP that outlines how the organisations will work in partnerships for schemes to prepare for inspection, take part in inspections and respond to them.
- Provide leadership and support on equality and diversity issues in custody in order to ensure that custody visiting plays a central role in redressing disproportionate or discriminatory practice.

Supporting ICV schemes

- Develop national 'template' documents that all schemes can use.
- Create four bitesize training modules.
- Provide masterclass training sessions for scheme managers.
- Use new mechanisms for training and communication.

Representing ICV Schemes

- Represent ICV schemes in the National Preventive Mechanism.
- Represent ICV schemes to national bodies such as the inspectorates and Home Office.
- Promote ICV schemes by running communication campaigns.
- Promote ICV schemes to stakeholders.
- Celebrate success for achievements under the Quality Assurance Framework.

Internal

ICVA will refresh its skills audit for the Board of Directors in order to use current members to best effect.

The UK National Preventive Mechanism

ICVA is a member of the [UKNPM](#). The UKNPM was established in March 2009 after the UK ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) in December 2003. It is made of 21 statutory bodies that independently monitor places of detention, those covering police custody include:

- ICVA
- Independent Custody Visitors Scotland
- Northern Ireland Policing Board Independent Custody Visiting Scheme
- Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services
- Her Majesty's Inspectorate of Constabulary in Scotland
- Her Majesty's Inspectorate of Prisons
- Her Majesty's Inspectorate of Prisons for Scotland
- Independent Reviewer of Terrorism Legislation

The NPM was set up to ensure regular visits to places of detention in order to prevent torture and other ill treatment, as required by OPCAT. OPCAT recognises that people in detention are particularly vulnerable and requires states to set up a national level body that can support efforts to prevent their ill treatment. The NPM must have, as a minimum, the powers to:

- Regularly examine the treatment of persons deprived of their liberty in all places of detention under the UK's jurisdiction and control;
- Make recommendations to relevant authorities with the aim of improving the treatment and conditions of persons deprived of their liberty; and
- Submit proposals and observations on existing or draft legislation.

ICVA regularly contributes to UKNPM thematic work. We are a member of the steering group and policing subgroup.

The Independent Custody Visiting Association's work

Achievements

ICVA has enjoyed a successful year, delivering huge benefits to schemes by leading them and supporting and representing their work.

Quality Assurance Framework

ICVA's flagship project has been the successful roll out of the Quality Assurance Framework (QAF). Schemes across the UK completed work and assessments to reach either code compliant, silver, gold or platinum levels. Scheme managers worked together to peer assess one another's practice and to learn and share ways of working.

Every scheme in the England, Scotland and Wales took part in the QAF with all schemes completing the assessment by their agreed deadline. Schemes took part in the framework with great enthusiasm and, nationally, achieved the following levels:

- 21 have self assessed as Code Compliant
- 10 have been peer assessed as Silver
- 10 have been peer assessed as Gold
- 2 have been ICVA assessed as Platinum

The Quality Assurance Framework brought a range of achievements.

- All schemes are aware of and state that they can evidence meeting the lowest required standard in the Code of Practice for Independent Custody Visiting. It should be noted that this is a challenging standard that requires significant volunteer management and work with the police to improve custody. This is an impressive achievement in itself.
- 22 schemes have been able to evidence to their peers or ICVA that they perform above and beyond the required standard.
- Two schemes have shown exceptional work and achieved platinum status.
- Scheme managers have supported each other, establishing useful and productive relationships where they have shared good practice and learned from one another.
- Schemes have shared their documentation and resources amongst one another through the ICVA members' library – cutting down duplication of work and sharing ideas.
- Schemes have increased the internal and external profile of independent custody visiting.

We were delighted to celebrate schemes' achievements at an award event in the House of Lords in May. The event thanked schemes for their work and demonstrated the impact and influence that they hold. ICVA will review the Quality Assurance Framework in the year ahead and seek to improve it before future assessments.

Leading schemes

Working with the inspectorates

ICVA is a member of the National Preventive Mechanism alongside [HMIP](#) and [HMICFRS](#) who also make unannounced visits to police custody under the UN Treaty OPCAT to prevent harm to detainees.

ICV schemes and the inspectorates have complementary, but differing roles monitoring custody. The inspectorates conduct professional and detailed inspections approximately once every six years whilst ICV schemes are volunteer based and visit police custody weekly.

ICVA has agreed a formal way of working with the inspectorates and ICV schemes where:

- ICVA has developed a national annual report template for schemes, which helps to deliver background information required by the inspectorates.
- The inspectorates will alert ICVA when they begin an inspection of police custody. ICVA will, in turn, contact the scheme manager to prepare them for their interview as part of the inspection.
- The inspectorates will share key learning from their scheme manager interview with ICVA.
- When the inspection is complete and report is published, ICVA will prepare a bespoke report for the scheme manager. This short report highlights key findings and areas of significance for the scheme. ICVA will offer and hold a meeting or phone call with the scheme manager to explain this report.

These new arrangements help to ensure that ICV schemes and the inspectorates complement their work and share strengths. ICVA helps schemes to prepare for inspection and supports them to respond to the inspection report, ensuring that OPCCs are equipped to hold their police force to account and support them to make change after an inspection.

Furthermore, ICVA will share an overview of key findings from every inspection report with all schemes. This ensures that learning is shared nationally so that, for example, inappropriate antirip clothing identified in an inspection in Merseyside was removed from custody in Surrey.

The Derbyshire Pilot

ICVA has supported Derbyshire OPCC to pilot changes to its custody visiting methodology to seek to improve the effectiveness of independent custody visiting.

Independent Custody Visiting methodology has remained constant since the 1980s whilst police custody has changed considerably. Custody is governed by PACE Codes and Authorised Professional Practice (APP). It includes safeguards such as Appropriate Adults, legal advice, healthcare and liaison and diversion services and CCTV records events.

Police custody faces new challenges. Whilst police must follow PACE and APP, they are now let down by public sector partners who do not perform their roles, leaving children in custody overnight and long waits for detainees in poor mental health.

Independent Custody Visiting has delivered value to detainees, police and stakeholders. However, the current methodology has limitations that make it difficult to identify and respond to current challenges in custody, namely:

- It centres on conversations with detainees who frequently do not know what their rights or how these are delivered, limiting its ability to identify systemic problems.
- The visits deliver a 'snapshot' of police custody during the visit and cannot monitor whether a detainee receives appropriate care after the visit.
- Around half of detainees cannot normally be visited as they may be asleep, in interviews or otherwise unable to speak to ICVs so do not receive oversight.
- There is very limited oversight of custody records, usually taking place in busy custody suites, so ICVs struggle to understand records and triangulate findings.
- ICVs only see a very small part of the process, focusing on detainees in cells. This makes it difficult to identifying cultural and environmental problems.

Derbyshire OPCC adapted its methodology to respond to these limitations:

Derbyshire started to hold one 'custody record review' session each week. ICVs use this session to read and scrutinise the entire custody record of a vulnerable detainee – either one in poor mental health or a child from entering to leaving custody. ICVs looked for key indicators on the form such as access to legal advice, Appropriate Adults and healthcare, giving commentary on each indicator. They also provided general observations on the report, as a local volunteer and member of the public. Their reports were collated into a spreadsheet and shared with the OPCC who used their findings to inform a monthly report, in addition to normal visits and reporting.

Derbyshire found that the pilot gave significant additional value to the scheme, improving processes and strengthening safeguards. The OPCC will continue to develop their pilot, changing their visits in 2019/20.

ICVA is working with further ICV schemes to roll out the pilot in order to see whether these improvements can be replicated elsewhere and possibly rolled out further.

Research on dignity and female detainees

ICVA has worked with the Universities of Warwick, Sheffield and Cardiff to research the impact of police custody on female detainees. Five ICV schemes ran research with ICVs asking additional questions of female detainees and gathering more data.

This initial scoping research has indicated some areas for future exploration and ICVA will continue to work with these universities to better understand this area in 2019/20.

Supporting schemes

Diversity and Equality

ICVA ran an annual theme of 'diversity and equality' in 2019, delivering support and training on this key area for police custody. ICVA provided schemes with support through:

- Publishing four 'bitesize' training modules for scheme managers to deliver to ICVs. The topics were specifically related to diversity and equality - transgender awareness, ethnicity, learning disabilities and religion in police custody
- Publishing a range of material to support schemes to recruit a diverse set of volunteers. This included publicity materials, interview forms and structures and recruitment guidance.
- Delivering training, guidance and a YouTube tutorial on the Public Sector Equality Duty.
- Consulting religious leaders to design and publish guidance on the storage of religious items in police custody.
- Developed resources to support ICVs to communicate with detainees who do not speak English or have communication challenges.

Conferences

ICVA runs two flagship conferences each year. These include the scheme managers' conference and the National Conference (aimed at ICVs). Both schemes were themed on 'diversity and equality' and covered:

- The Public Sector Equality Duty.
- Recruiting diverse groups of ICVs.
- Personal testimony from Tony Herbert, father of James Herbert who died following police custody. Tony assisted with the then IPCC's 'Six missed chances report'. Tony spoke regarding James' death in 2010 following police custody and on mental health and police custody.
- Personal testimony from a trans police officer who spoke on trans awareness and areas for ICVs to consider in their work.
- Personal testimony on the impact of autism in police custody and areas for ICVs to consider.
- Personal testimony from 'G' – a retired police officer who spoke of his experiences as a black and gay police officer. G spoke of unconscious bias, its impact on public services and how ICVs can be aware of this and respond to it.

Attendees reported overwhelming satisfaction with the conferences and have used them to change local processes and practices.

Masterclasses and scheme development

ICVA delivered further events to support scheme managers to run local schemes. These included:

- Running masterclasses on the Angiolini Report and Five Year Good Police Custody research and on Holding the Police to Account.

- Delivering a ‘train the trainer’ for induction training and for TACT training so that scheme managers are able to equip their ICVs to perform their roles.
- Delivering national themed presentations at regional events across the UK.
- Publishing guidance on key topics for custody such as drug stuffing.
- Running both a webinar for scheme managers and a YouTube tutorial for ICVs.

Representing schemes

Menstrual care in police custody

ICVA has continued its campaign to improve menstrual care in police custody. ICVA has worked with the College of Policing, NPCC and Home Office to develop new regulations for PACE Codes C and H.

The Home Office conducted and responded to a consultation on proposed changes to PACE, we expect changes to be laid before Parliament in July 2019. These changes are in response to issues highlighted by ICVs and will require that:

- All detainees have an opportunity to speak to someone of their same sex to discuss care needs whilst in police custody.
- If a female detainee declines this offer, she must be asked whether she requires menstrual products.
- Detainees must be informed that toilet areas in cells are covered by CCTV, but are pixelated out so they cannot be seen using the toilet. Detainees must be reassured of this by a demonstration of CCTV where requested.

The changes will also embed a requirement to safeguard the dignity of detainees during strip searches.

We are delighted that the findings of ICVs have led to these changes that make a significant contribution to the dignity of detainees.

Contributing to the National Preventive Mechanism

ICVA made considerable representations on behalf of ICV schemes to reports required by the National Preventive Mechanism (NPM).

ICVA supported the NPM Chair, John Wadham, to deliver evidence at the 66th Session of the Committee Against Torture, (CAT) in Geneva. The NPM Chair delivered a full report that responded to more than 40 points that the CAT had previously highlighted as areas of concern. ICVA assisted the NPM by collating and presenting responses for independent custody visiting. Moreover, ICVA led the drafting on the area of Terrorism detention in the absence of an IRTL, compiling the ICVA submission, and ensuring input into the policing sub group submission.

The final submission to the CAT review included areas of concern by ICVA and the inspectorates with the theme of detainee dignity being reported fully. The section includes concerns regarding the use of anti-rip suits without risk assessment, nudity and appropriate arrangements for women and girls. The full report also includes a

recommendation for the UK government to ensure that the IRTL role is filled and that steps are taken to mitigate it being vacant in future.

Transparency

ICVA has conducted significant work on the transparency of both the organisation and of independent custody visiting.

ICVA now has [a section on its website](#) that includes key policies, budgets and business plans. It also includes quarterly stakeholder updates on issues within police custody.

Police custody in 2018/19

Independent Custody Visiting

There are approximately 1,700 independent custody visitors (ICVs) in the UK. These volunteers make unannounced visits to their local police custody to speak to detainees and examine their custody records in order to ensure that their rights, entitlements and wellbeing are upheld. Furthermore, ICVs check on the conditions of custody that detainees are held in and check their general dignity and wellbeing.

Independent custody visiting is a crucial part of policing in the UK, opening the often unseen and high pressure area of custody to public scrutiny.

ICVs made over 9,700 visits across 2018/19; they spoke to over 29,000 detainees during these visits. This means that ICVs spoke to approximately 3.2% of all detainees in police custody in this period, with schemes typically visiting each custody suite around once each week.

ICVs report their main themes to ICVA, which are summarised below.

ICV findings on the state of police custody

ICV reports provide a mixed picture on the state of police custody. Whilst ICVs frequently report that staff treat detainees with dignity and respect, they also point to wider problems in custody. These include inadequate staffing, problems with custody estate and insufficient safeguards. These problems undermine the custody process and reflect a reality that does not meet required standards.

Dignity and respect

ICVs have often reported that they see the police treating detainees with dignity, respect and caring.

The police custody estate

The police custody estate varies across the UK, with some newer suites and some older ones. ICVs have frequently reported problems with the physical environment. This includes peeling paint, standing water and suites that require either refurbishment or to be closed down. ICVs report these findings to their PCC or police authority to respond to.

ICVs report further problems with facilities within custody. Some have reported on lack of washing facilities for detainees and lack of supplies such as blankets and menstrual products.

Appropriate Adult provision

We continue to receive reports of poor Appropriate Adult (AA) provision. ICVs report on delays in accessing AAs, concerns with provision of AAs and demand for the service outstripping the supply. This is a consistent area of concern for many of those concerned with custody. ICVA has reported this concern to the Home Office PACE Strategy Board and will continue to work with partners to highlight the issue.

Translation and interpretation services and diversity and equality

ICVA received reports of problems accessing translation and interpretation services this year. Some schemes reported poor or inaccessible services. ICVA researched this topic in depth and found that it was being resolved at a local level in response to ICV and other reports. We will monitor this issue over the next financial year.

Some schemes reported improvements in diversity and equality issues in police custody. This includes better storage of religious items and improved processes for enabling detainees to practice religious requirements.

Children's Concordat

We continue to hear instances of children being held in police custody overnight, contrary to the [Children's Concordat](#), due to lack of appropriate local authority provision.

Staffing and custody

A number of schemes have reported problems with staffing in the suites. ICVs in some areas have entered custody, but have not been able to conduct visits as staff have been too busy to escort them. Other volunteers have had access delayed or been turned away from conducting their visits due to inadequate staffing. Other schemes have reported problems in the recruitment of custody staff.

ICVs making a difference

ICV schemes report on areas where they have directly made a difference to police custody. ICVs are an important safeguard and we value the contribution that they make.

Menstrual care

ICV schemes have continued to monitor provision for menstruating detainees by checking on product stock and asking detainees whether they were offered products, that they know that the toilets are private and that they have access to showers. Whilst we do occasionally receive reports of problems, schemes also report real improvements and continue to keep up pressure to ensure that female detainees receive appropriate care.

Police estate

Whilst ICVs report problems with police estate, they have also received numerous reports where ICV feedback has led to improvements to suites and supplies. This includes the introduction of fridges, menstrual products, equipment for detainees with disabilities and appropriate food for diabetic detainees.

ICVs have also secured books for detainees to read whilst alone in their cells without anything else to occupy their time. ICVs have secured blankets during cold weather to ensure that detainees can sleep. These changes make a stay in custody dignified and decent and equip detainees to take part in the custody process

Healthcare

We are pleased to receive numerous reports where ICVs are overseeing healthcare and raising issues with local providers. High quality healthcare is essential for the safety of detainees.

Appropriate Adults

ICVs have reported problems with Appropriate Adult (AA) provision, but are also working to resolve the problem. Schemes report work to ensure that custody records accurately record AA provision and have presented detailed reports outlining their concerns.

These initiatives improve police compliance with their responsibilities under PACE Code C. Improvements in AA provision in these areas ensure that vulnerable detainees have access to an AA at the earliest possible time possibly impacting on time spent in custody.

Annual reporting requirements

Purposes and governance

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.

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's Board of Directors manages the legal, fiscal and strategic responsibilities of the organisation. Martyn Underhill, Member Director, chairs the Board and acts as line manager for the Chief Executive who, in turn, manages further staff.

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

ICVA's NEF nominate 'member directors' to sit on the Board of Directors. These members are complemented by 'external directors' who are recruited to deliver specialist knowledge and abilities to the organisation. Member directors must always comprise the majority of the Board of Directors. Members appoint the Chair and Vice Chair.

Directors and staff

The following people have acted as directors for ICVA across 2018/19:

- William Bach
- Martin Barsby
- Katie Beaumont
- Marc Jones (appointed July 2017, resigned June 2018)
- Joanne Nicholls (appointed Company Secretary in June 2018)
- Hugh Pattrick
- Natasha Plummer, Vice Chair
- Craig Spencer
- Martyn Underhill, Chair

The following people have worked for ICVA in 2018/19:

- Katie Kempen, Chief Executive
- Sherry Ralph, Chief Operating Officer
- John Eagles, CPFA, Honorary Treasurer

Further information

www.icva.org.uk

Twitter: @custodyvisiting
 @projectICVA

Financial Review

Please see the attached financial report, which outlines ICVA's financial position at the end of the financial year.

ICVA holds approximately six to nine months of reserve funding, which it deems appropriate due to its reliance on a single funder for the majority of its funds.

ICVA intends to continue as a going concern across 2019/20, whilst noting that it is reliant on the Home Office and its members' continued support.