**DECISION NUMBER: PCCG-2024-028**

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

**TITLE: Independent Custody Visiting Scheme Annual Review 2023/2024**

**DATE: January 2025**

**TIMING: Annual**

**PURPOSE:For Monitoring Purposes**

**RECOMMENDATION**

That the Police and Crime Commissioner considers the work of the Independent Custody Visiting Scheme during 2023/24.

**INTRODUCTION & BACKGROUND**

The Independent Custody Visiting Scheme (the Scheme) is the system whereby volunteers attend police stations to check on the treatment of detainees, the conditions in which they are held, and that their rights and entitlements are being observed. It offers protection to both detainees and the police and provides reassurance to the community at large. This report summarises the invaluable work undertaken by our volunteers.

The responsibility for organising and overseeing the delivery of the Scheme resides with the Police and Crime (Commissioner) in consultation with the Chief Constable.

The Commissioner has delegated the responsibility to the Chief Executive as referenced within the Manual of Corporate Governance. The Office of the Police and Crime Commissioner (OPCC) is a member of the Independent Custody Visiting Association (ICVA), a national organisation that works with OPCCs and the Home Office to support Schemes. Scheme arrangements within Gwent are based on Code C of the Police and Criminal Evidence Act 1984 (PACE), Code of Practice for the Detention, Treatment and Questioning of persons by Police Officers.

Responsibility for the running of the Scheme sits with the Governance Officer who is the Scheme Manager. This role includes oversight of the Scheme and the responsibility of ensuring that any issues raised are resolved. Low level complaints are managed by the Scheme Manager however, the Chief Executive is responsible for any serious complaints or grievances raised against any Scheme members or by Scheme members. The Assistant Scheme Administrator, a role held by the Administration Assistant, provides support to the Scheme Manager, arranging meetings, logging reports and providing a point of contact for Independent Custody Visitors (ICVs).

Custody staff work closely with the OPCC to consider ways of raising awareness of the custody visiting process. Both Custody and OPCC staff contribute to custody visiting training sessions and meetings.

Gwent Police has adopted a model of Child Centred Policing practice. Although children are sometimes detained in custody, steps have been taken to ensure the relevant agencies are involved from the outset to offer support to the child and that the cells used to detain children are located in a specific area which is segregated from the adult area. The Force also continues to work with other partner organisations to ensure appropriate safe and secure arrangements are put in place. Children are seen as a priority by ICVs during their visits.

ICVs cover visits across two custody units; Newport and Ystrad Mynach. They visit custody in pairs at any time during the day or evening and their visits are unannounced. A rota is provided by the ICV Chair, although the ICVs themselves decide which day of the week and time to visit. The Scheme Manager monitors the times of the visits to ensure they are undertaken sporadically.

**ISSUES FOR CONSIDERATION**

The Chair and Vice Chair were re-appointed to their roles in July 2023. The role of the Chair and Vice Chair includes creating the rotas, leading the quarterly panel meetings, assisting in the recruitment and selection of new volunteers and representing the scheme at training and conferences.

Since 2019/2020, the Vice Chair had been appointed as the voluntary Regional Representative on the National Expert Forum (NEF) and continued in the role during 2023/24 until the 2nd February 2024, one more year than the usual three years. The role involved attending NEF meetings, coordinating the collation of regional quarterly reports and statistical information from the regional Scheme Managers, sharing of good practice, the dissemination of NEF minutes to the Scheme Managers in the region and ensuring that any issues they would like discussed were brought to the ICVA’s attention. Two of our ICVs also participate in the Force Disproportionality Scrutiny Panel with other independent members. The panel meet once a quarter to review data in relation to detainees held in custody and any perceived disparity is discussed and further checks and audits recommended as appropriate.

A recruitment campaign was undertaken in September 2023 resulting in 5 ICVs joining the Scheme. In order to support this campaign, a recruitment strategy was developed and implemented to try and ensure a variety of communities were reached. The strategy also considered a number of ways to promote the recruitment campaign and assessed what had previously worked and what had not. The methods used included continued social media use to highlight the recruitment campaign, the OPCC Communication and Engagement Team distributing leaflets at all events, and the Scheme Manager liaising with the Force Positive Action Outreach Officer to disseminate the campaign within local communities. The ICV Chair also starred in our OPCC video to promote the Scheme and to explain why they had applied and why they had remained on the scheme since 2015.

The performance framework for the Scheme enables the capturing of data to map, amongst other things, visiting trends in custody and establish any issues that may need addressing such as custody records not being viewed, the number of detainees that require translators and whether female detainees were being offered menstrual products in accordance with the changes to PACE code C introduced on 21st August 2019. Updates on the performance framework are reported to each meeting by the Scheme Manager.

During the period 1st April 2023 to 31st March 2024, a total of 9,616 people were detained in Gwent compared to 9,511 in the previous year.

During visits made within this period:

* 403 people were detained in custody;
* The majority were white males between the age of 18 to 49;
* 18 refused a visit;
* 80 were incapacitated, asleep or at interview;
* Visitors observed those who were asleep or incapacitated through the hatch.
* 287 detainees accepted a visit; and
* ICVs gained entry to the Custody Suites within 15 minutes for the majority of the visits although there were some delays and one visit had to be aborted. The Scheme Manager contacted the Custody Inspector for an explanation and was advised that it related to staffing shortages and training issues which were subsequently addressed.

During the 2023/24 financial year, 44 visits took place to check on the welfare of the detainees, 29 fewer visits than in the previous year. This was a result of both custody units being closed at separate times throughout the year for various reasons including upgrades, a suspected gas leak and staffing issues. However, the number of visits accepted has increased to 71% this year compared to 66% in the previous year.

As evidenced in appendix 1, the frequency of planned and actual visits differed slightly; 52 were planned and 44 took place. A number of scheduled visits were unintentionally missed due to being overlooked or due to sickness and 1 visit was aborted due to waiting over 30 minutes to access the unit. ICVs were reminded to advise the OPCC if they were unable to find cover due to sickness so assistance could be provided.

Any action taken by the OPCC resulting from ICV feedback is relayed to ICVs at their quarterly meetings. Anything more serious is referred immediately to the Custody Inspector. In order to ensure clarity around this, a formal reporting process is included in the Scheme handbook.

There were 77 minor issues raised over the course of the year, with the majority being in relation to detainees requesting water or food, a blanket, to use the exercise yard, to see the nurse, to make a phone call or for a solicitor to be contacted. The issues raised were dealt with by the custody officers on duty immediately. There were two issues referred to the OPCC by ICVs and others raised within visit report forms which were followed up with the Custody Inspector by the Scheme Manager including:

* **Issue Raised** – A detainee alleged that they had been assaulted by officers.ICVs confirmed the detainee was seen by a custody nurse and made sure the Custody Sergeant aware.

**Force Response** - The alleged assault was followed up with the Custody Inspector who confirmed the CCTV footage was viewed and the allegations were unfounded. The complaints process was still open to the detainee should they wish to make a formal complaint. The footage was also viewed by a different department to confirm the outcome.

* **Issue Raised -** Delayed access to custody for ICVs.
* **Force Response** – It was agreed that ICVs could use the same phone as solicitors to gain entry into the custody unit which would prevent delays.
* **Issue Raised -** A detainee had not had their laces removed which could potentially be used as a ligature.

**Force response** – There had been a change in protocol from the College of Policing where detainees should be allowed their personal belongings whilst in Custody, dependent on the results of a risk assessment, any disclosures from detainee and intelligence held on the detainee.

* **Issue Raised -** A small number of detainees were not given access to make a call.

**Force response** - Detainees do not automatically have the right to a phone call but have the right to ensure someone is informed that they are in custody. In certain circumstances it was not appropriate for detainees to make a phone call e.g. the detainee could call the victim of the alleged offence.

* **Issue Raised -** Low staffing levels in custody were raised on a few occasions.

**Force response** - Officers and staff had access to Care First, an independent Employee Assistance Scheme to provide guidance on wellbeing and Sergeants had 1 to 1s with officers ensuring referrals were made when appropriate. This was escalated to the Chief Executive and subsequently raised by Police and Crime Commissioner with the Chief Constable to ensure the wellbeing of custody staff and that detainees received sufficient levels of care. Staffing numbers were subsequently increased.

* **Issue Raised -** Some custody staff were not aware of the statutory visiting scheme. The Scheme Manager provides briefings on the role of the ICVs at initial custody training and will continue to do so. A copy of the ICV handbook was forwarded to the Custody Inspector to assist with reiterating the role of ICVs.

**Force response** - The ICV handbook was circulated to all custody staff and the Inspector briefed staff on expectations when assisting ICVs with their visits. Awareness of ICVs is being monitored by the Scheme Manager due to high levels of staff movement within the department.

* **Issue Raised -** the strip searching on a juvenile in another force without an appropriate adult (AA) present was reported by the media. As there had been issues with out of hours attendance from Social Services for under 18s in Gwent, the Scheme Manager queried how checks were conducted if AAs were not in attendance for the under 18s or if they had to be detained until the daytime when there were no AA provision issues.

**Force Response** - In these cases, the juvenile would be bailed and remain in custody. There was an agency used for AA but only for adult detainees, they were looking at potentially training staff to attend for young people.

When an item of clothing was seized as evidence it was recorded with the same code as a strip search. Further work was being undertaken to ensure the number of actual searches was recorded accurately.

There were issues obtaining the number of near misses (a dangerous occurrence which did not result in an injury or damage to property, but clearly could have done) from the Force mainly due to a change in the recording process. When the numbers were received, they were much higher than in previous years. This was challenged by the Scheme Manager as it appeared the higher numbers were a result of adverse incidents being included with near misses. Following further analysis, there were 10 compared to 6 the previous year. There were no deaths in custody.

Operation Safeguard was implemented nationally. This involved using police custody cells as accommodation for prisoners when the number of prison cells available became critically low.



The ICVA has a Quality Assurance Framework (QAF) for ICV Schemes to benchmark progress and achievements and to further enhance engagement with the PCC and local community. Initial assessment by the ICVA in 2018 saw Gwent OPCC awarded ‘Code Compliant’ status. The ICVA have undertaken a further review and awarded the OPCC Silver Compliance in September 2023.

**NEXT STEPS**

Further recruitment processes may commence to increase the number of ICV volunteers at the end of March 2025 as 4 experienced volunteers will be leaving the scheme (3 early October 2026 and 1 early December 2026) having completed a full 9 year tenure. However, visits have previously been conducted with 8 ICVs so this timeframe may be revisited.

The majority of visits took place on weekdays, therefore, the Scheme Manager is monitoring the number of weekend visits to ensure a sufficient number are undertaken to provide a clear picture of events for all timeframes as requested by the ICVA.

As well as being more representative of our communities, we will look to try and ensure representation from all Local Authority areas in Gwent as part of the next recruitment campaign. Work will continue with the Communication and Engagement Team in order to attract more interest from these areas and to increase the awareness of our scheme so that the local community can better understand the incredible work of our volunteers.

**FINANCIAL CONSIDERATIONS**

ICVs are appointed on a voluntary basis, there is no facility for financial remuneration. However, all reasonable travelling expenses are reimbursed with mileage paid at 45p per mile. Additional costs may include conferences and training.

The annual budget allocated for the scheme for 2023/24 was £3,432 which includes the subscription to ICVA of £1040. The actual cost of running the scheme during 2023/24 was £2093.00, a breakdown of costs is included in the table below:

|  |  |
| --- | --- |
| **Account Description** | **Actual Spend YTD (£)** |
| Staff Course Fees                                      | 0 |
| ICVs Casual Mileage                                               | 1011 |
| Subscriptions - Organisational                               | 1000 |
| Catering | 62 |
| Hospitality Car Parking Costs/Train Costs | 20 |
| **Total:** | **2,093** |

**PERSONNEL CONSIDERATIONS**

The Scheme is administered within the OPCC. The running of the Scheme is the responsibility of the Governance Officer as Scheme Manager. All administration of the Scheme is conducted by the Scheme Administrator.

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

Training of our ICVs is very important to ensure that they are up to date with changing legislation, and they have the skills to do their work. ICVs received refresher training in February 2024 and continue to receive the ICVA bitesize online training material.

Over the course of the year, training has included:

Refresher training February 2024 covering the following areas:

Mental Health

Learning Disability & Autism

Race & Policing

Religion and Police Custody

Changes to PACE: Menstrual Care & Dignity

Transgender Awareness

Equalities & Bias

Vulnerability

Children’s Concordat

Use of Force

Assertiveness

Women in Police Custody

Neurodiversity

Gypsy Roma Traveller Awareness Training

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

Use of Force

Learning Disability and Autism

Physical Disability in custody

Neurodiversity

Gypsy Roma Traveller Awareness Training

* Observations, Reviews and Rousals
* The Role of the Solicitor in Police Custody
* Arrivals and Booking in Process
* The Detention Clock
* In the Cell – Rights Entitlements – A Police Perspective
* In the Cell – A solicitor’s Perspective
* Menopause Awareness Training
* Introductions of ICVs to Detainees
* Custody Staff Handovers
* Detainee Known to ICV

ICV Checklists were also circulated and a link to the ICVA resources website is provided to ICVs should they wish to watch the videos or access checklists to refresh.

Checklists provided:

* Acronym Sheet for Police Custody
* ICV Visits – Basic Checklist
* Talking to Detainees – Hints and Tips
* Anti -Rip Clothing Background and Checklist
* Complaints in Police Custody
* Advised not to see briefing
* Appropriate Adult Briefing and Checklist.

The Scheme Manager attended an online ICVA conference which included discussion on the detention of Immigrants and the Traveller community. Regular catch up meetings were held with other Scheme Managers as well as bi-monthly meetings to share best practice with the Regional Scheme Managers in Wales.

**LEGAL IMPLICATIONS**

The Police Reform and Social Responsibility Act 2011 Part 3 Section 299 confirms the statutory requirement for the Commissioner to run an ICV scheme.

**EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS**

This report has been considered against the general duty to promote equality, as stipulated under the Strategic Equality Plan (the Plan) and has been assessed not to discriminate against any particular group.

Whilst due cognisance is given to the requirements of the Plan in the recruitment, training and operation of Custody Visiting, the over-riding consideration must be the health and safety of ICVs whilst undertaking their role. ICVs sign a volunteer agreement agreeing to inform the OPCC to any changes to their wellbeing or circumstances which could affect their ability to carry out visits.

Consideration has been given to requirements of the Articles contained in the European Convention on Human Rights and the Human Rights Act 1998 in preparing this report. Human Rights matters and legislation are of vital importance when considering custody matters.

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

The demographics for the Scheme as of 31st March 2024 were as follows:

* 6 men and 6 women
* Ages range between mid 20s to 70s
* 12 white

Of the 12 members, 3 have been on the Scheme since 2015, 1 since 2017, 2 since 2021, 5 since 2023 and 1 since early January 2024. The 3 members who joined the Scheme in 2015 have completed an extra year to help support the scheme during the pandemic as their tenure of 6 years was extended. Therefore, their tenure will be 10 years overall.

|  |  |
| --- | --- |
| Local Authority | Number of ICVs |
| Caerphilly | 3 |
| Monmouthshire | 3 |
| Newport | 2 |
| Torfaen | 4 |
| Blaenau Gwent  | 0 |

 **RISK**

The risk of not providing a scheme is a breach of statutory duty and the failure to ensure that detainees are being treated appropriately could pose a reputational risk to both the OPCC and the Force.

**PUBLIC INTEREST**

This report will be made available to the public once it has been reviewed by the Police and Crime Commissioner.

**CONTACT OFFICER**

Nicola Warren, Scheme Manager

**ANNEXES**



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| **Police and Crime Commissioner for Gwent**I confirm that I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct.The above request has my approval. |
| **Signature:** |
| **Date:** |