

DECISION NUMBER: PCCG-2021-026

OFFICE OF POLICE AND CRIME COMMISSIONER

TITLE: Independent Custody Visiting Scheme Annual Review

DATE: 9th February 2022

TIMING: Annual

PURPOSE: For Monitoring Purposes

RECOMMENDATION

That the Police and Crime Commissioner considers the work of the Independent Custody Visiting Scheme during 2020/21.

INTRODUCTION & BACKGROUND

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

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 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.

Responsibility for the running of the Scheme sits with the Governance Officer who is the Scheme Administrator. This role includes oversight of the Scheme and the responsibility of ensuring that any issues raised are resolved. Low level complaints are managed by the Scheme Chair and Vice Chair, however, the Scheme Administrator is responsible for any serious complaints or grievances raised against any Scheme members or by Scheme members. The Assistant Scheme Administrator provides support to the Scheme Administrator, 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. Custody and OPCC staff contribute to custody visiting training sessions and meetings.

ICV 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.

ICVs cover visits across two custody units, Newport and Ystrad Mynach. All cells in Newport Custody Unit contain 'life sign' equipment to monitor detainees movement improving the safety of the detainee; life sign was to be introduced into Ystrad Mynach custody during 2020, however, this was delayed due to Covid19 and is expected to be implemented during 2021.

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

ICVs visit custody in pairs at any time throughout 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 Administrator monitors the times of the visits to ensure they are undertaken sporadically.

Due to the risk posed by Covid19, the decision was taken to suspend face to face visits by the ICV Scheme members to ensure their safety in March 17 2020.

ISSUES FOR CONSIDERATION

During this time the Scheme Administrator made alternative arrangements, in order to negate the risk and to meet my legal obligation under the section 51 of the Police Reform Act 2002, by obtaining detailed weekly updates on the checks and balances put in place to ensure the welfare of detainees from the Custody Chief Inspector.

The Scheme Administrator subsequently developed an alternative monitoring process which was piloted by the Chair and Vice Chair in June prior to its implementation in July, this will continue until face to face visits resume.

This process offers detainees the opportunity to speak privately with ICVs on the telephone in order that the volunteers can check on their welfare and ensure they have received their rights and entitlements under the Police and Criminal Evidence Act 1984 (PACE) Code C

It was agreed that the Chair and Vice Chair would continue in their role from June 2020 for another year during covid, to ensure the knowledge they had gained whilst undertaking those roles could be used to continue to support the scheme through the changes that needed to be made as they were already well versed with the role. 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.

In 2019/2020, the Vice Chair was appointed as the voluntary Regional Representative on the National Expert Forum (NEF) and has continued in the role this year. The role involves, attending NEF meetings, coordinating the collation of regional quarterly reports from the regional Scheme Managers, including statistical information, sharing of good practice, the dissemination of NEF minutes to the Scheme Managers in the region and ensuring that any issues they would like discussed are brought to the ICVA's attention.

The Scheme has a 2 term limit on ICVs' tenure. The length of each tenure is 3 years meaning that ICVs can do a maximum period of 6 years on the Scheme unless there are exceptional circumstances which could lead to an extension. Due to the onset of Covid19 in 2020, many of our ICVs agreed to extend their tenures by 1 year to support the scheme and ensure the rights of the detainees continued to be met due to the difficulty in appointing and training new members during this time. The extensions would also allow the Scheme Administrator time to recruit new members when it was appropriate to do so.

A recruitment campaign to appoint additional ICVs had commenced in early 2020. Shortlisting was undertaken and interviews were due to take place in March 2020 but these were delayed due to the impact of the Covid19 pandemic and were expected to take place in 2021.

The OPCC were provided with the Force Custody Business Continuity Plan following the onset of the pandemic and Scheme Managers received guidance from the ICVA to assist with scheme compliance with the new Government guidelines. The Scheme Administrator also corresponded with OPCC counterparts in England and Wales to review other methods of monitoring detainee welfare to ensure best practice was being followed.

The performance framework captures data that enables the Scheme 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 21st August 2019.

During the period 1st April 2020 to 31st March 2021, a total of 10,652 people were arrested into custody compared to 9,142 in the previous year.

During calls made within this period:

- 373 were in custody;
- 228 refused to take a call;
- 32 were incapacitated asleep or at interview etc. and
- 51 accepted calls from ICVs as face to face visits had ceased

During the 2020/21 financial year, 65 telephone calls were made to check on the welfare of the detainees as face to face visits ceased in March 2020. In total, this was 4 fewer than the total number of face to face visits made in the previous year. Although the number of calls accepted (15%) was less than the previous year at (64%) of face to face visits accepted, this was likely to be due to detainees not wishing to leave their cells to take the call from the ICV whilst some detainees were also asleep, incapacitated or in interview.

There were 7 minor issues raised over the course of the year, with no specific themes identified. The majority were in relation to detainees requesting water, to see the nurse or for family members or a solicitor to be contacted, the issues raised were dealt with by the custody officers on duty immediately.

The number of near misses appeared high during the beginning of year, however, following a review by the Force, it was identified that near misses were being recording inaccurately. Officers were recording detainees who presented to custody with existing injuries or who had been provided with or taken to medical assistance/treatment to avoid further harm as near misses as well as near miss incidents that had happened whilst in custody. The recording process was subsequently amended to reflect actual near misses.

There had been some initial communication issues in custody with the alternative monitoring process, which resulted in a delay to the calls being taken by detainees. The main custody phone lines had been busy, and some custody staff were not familiar with the new process. This was quickly resolved as the Inspector provided direct dial numbers for the units.

Some members did not initially participate in the alternative monitoring process but this was manageable as face to face visits required 2 ICVs and telephone calls required 1 ICV, so the required number of calls could still be conducted.

We were contacted by other ICV Scheme Managers about our alternative monitoring process as they were keen to implement a similar process for their ICVs. We shared our processes and received positive feedback.

Other ad-hoc estate matters such as a buzzer not working or peeling paint are reported to the OPCC and any action taken is fed back to volunteers at regular meetings. Anything more serious is referred immediately to the Custody Inspector and the Scheme Administrator is informed. In order to ensure clarity around this, a formal reporting process has been included as part of a revised Scheme handbook.

During 2017 the ICVA introduced a Quality Assurance Framework for the ICV Schemes. Following assessment by the ICVA, Gwent was awarded 'Code Compliant' status and this has been retained to date.

NEXT STEPS

Further recruitment processes will be conducted to appoint further volunteers and work will be undertaken with the communication and engagement team to highlight the roles further in those areas where the scheme needs to increase representation from harder to reach parts of local communities. It is hoped that work can commence during 2021/22 to enable face to face visits to resume in line with government guidelines.

FINANCIAL CONSIDERATIONS

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

There was a reduction in mileage and costs as ICVs ceased conducting face to face visits from 17th March 2020 and alternate telephone monitoring is being undertaken due to the potential risks posed by the Covid19 pandemic. Reimbursement for calls was offered but no claims were made.

Account Description	Actual Spend YTD (£)
Staff Course Fees	0
ICV's Casual Mileage	55
Subscriptions - Organisational	1000
Hospitality Costs/Car Parking Costs/Trains	0
Total:	1055.00

The annual budget allocated for the scheme for 2020/21 was £3050 which includes the subscription to ICVA of £1000 plus expenses and training costs. The actual cost of running the scheme during 2019/20 was £1055. The budget will need to be retained for 2021/22 as face to face visits are hoped to be restarted so it is expected that the cost of the scheme will increase in line with previous years costs.

PERSONNEL CONSIDERATIONS

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

In May 2017, ICVA changed their training structure meaning Scheme Managers and Chairs deliver training sessions to their ICVs as opposed to an ICVA provided trainer. The Scheme Chair, Scheme Administrator and Assistant Scheme Administrator received 'train the trainer' sessions on 9th July 2019 meaning they are equipped to deliver training to the rest of the Scheme. ICVA online resources have also been introduced by the ICVA to support ongoing training.

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. The implications of covid legislation/restrictions meant we needed to use alternative monitoring methods in order to run the 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. Consideration will be given to reaching as many minority communities as possible when recruitment next takes place to try and increase the diversity of scheme members to better reflect the population of Gwent.

The demographics for the Scheme as of 31 March 2021 was as follows:

- 4 men and 4 women
- Ages range between early 20s to mid-60s

Of the eight members, five have been on the Scheme since 2015, two since 2017, one since 2019.

Local Authority	Number of ICVs
Blaenau Gwent	0
Caerphilly	1
Monmouthshire	4
Newport	0
Torfaen	3

RISK

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

The risk of not delivering the scheme during the pandemic was mitigated by the telephone monitoring system being developed and implemented quickly.

There is a potential risk that some ICVs may not wish to resume their role following the pandemic due to health concerns and this could also impede the recruitment of new ICVs.

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 Administrator

ANNEXES



ICV Performance
Framework - Annual

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:

03/05/2022

