

MOPAC Independent Custody Visiting Scheme

Memorandum of Understanding

This Memorandum of Understanding describes the arrangement between the Mayor's Office for Policing & Crime (MOPAC) and you, as an independent custody visitor. Independent custody visitors are volunteers and are not under any contractual obligation to MOPAC.

We wish to assure you of our appreciation of your volunteering as an independent custody visitor and will do the best we can to make your experience positive and rewarding.

Part 1: Your role and the organisation

Your role as an independent custody visitor is to carry out unannounced visits to Police stations in order to check and report on the condition and treatment of people being held in Police custody.

This role is designed to enable MOPAC to carry out its statutory responsibility under the Police Reform Act 2002 s51 to ensure that an effective custody visiting scheme operates in London.

Custody visiting is governed by the Home Office Codes of Practice (2013), relating to independent custody visiting and a set of National Standards (2004). Independent custody visitors in London should also have regard to MOPAC guidelines, policies and operating practices.

MOPAC is a statutory body, established in 2000 to oversee and scrutinise the police and to ensure that the police are accountable to Londoners.

Independent custody visiting is an important part of the MOPAC's function in this respect – providing an important scrutiny and community reassurance function in relation to the welfare of detainees held in police custody in the capital.

Independence

Independent custody visitors are independent members of the community at the time of recruitment to the MOPAC Scheme. It is incumbent on independent custody visitors to maintain independence from the police in carrying out their duties.

MOPAC expects volunteers to be honest about any known conflicts of interests or immediately acknowledge any potential conflict if a situation arises in which a member is or could be perceived to be in a position to derive personal benefit from actions or decisions made in their official capacity.

MOPAC recognises and respects the independence of independent custody visitors whilst performing their duties, and at the same time acknowledges its statutory responsibility for managing the scheme effectively.

MOPAC is the body responsible for the management and oversight of the scheme in London and acts as a pan-London liaison between independent custody visitors and the police. Independent custody visitors volunteer for the scheme through MOPAC and as such, are required to observe MOPAC policies and guidance.

Part 2: What the MOPAC will provide

MOPAC commits to the following:

1. Induction, assessment, training and performance

- To provide induction and training on the purpose and role of independent custody visiting, your role as a visitor and the skills you need to meet the responsibilities of this role. The London independent custody visitor Handbook will provide more details on MOPAC's role and on independent custody visiting. Further information can also be found on the MOPAC website <https://www.london.gov.uk/what-we-do/mayors-office-policing-and-crime-mopac/community-safety/independent-custody-visitors> and the national Independent Custody Visiting Association's website www.icva.org.uk

- To provide refresher training and ongoing learning opportunities. We believe that ongoing training and development is crucial to the role of the independent custody visitor, as they are required to operate in a complex legal and regulatory context.
- To provide you, subject to successful vetting clearance, with a security pass which will enable you to gain access to custody suites in police stations¹.
- To facilitate an initial six-month assessment period, to monitor your performance at regular intervals and to review extensions of appointments².
- The first six months is considered to be an assessment period³. During this time initial training must be completed and a minimum of three shadow visits and three custody visits must have taken place – the Chair of the panel will provide support to members during their assessment period and further details can be found in the ICV Handbook. Once an independent custody visitor passes their assessment period, appointments will be made initially for a three-year period and are subject to review by MOPAC.

2. Supervision, support and structure

- To explain the standards we expect for our services and to encourage and support you to achieve and maintain them.
- To provide a local borough operational structure (called a panel) and a named member of the panel with whom you can meet to discuss and review your progress (usually the panel Chair or other member of the panel nominated by the Chair).
- To provide a named person (usually the ICV Panel Coordinator) in MOPAC with whom you can discuss your role and any successes or problems.
- To provide you with relevant policies and guidance to assist you in carrying out your role.

¹ Existing visitors who have already been through the central vetting process will **not** need to be re-vetted until their existing pass expires

² The six-month assessment period only applies to **new** visitors. Existing visitors will be reviewed every three years

³ This applies to **new** visitors only, as stated above in note 2

- To do our best to help you develop in your role as an independent custody visitor, throughout your time with us.
- To listen to your feedback and to acknowledge and value your contributions.
- To acknowledge and commend best practice and reward long service.

3. Expenses

- To repay your expenses in a timely manner, following procedures set out in detail in the Expenses policy (Appendix C of the ICV Handbook).
- Travel to and from your home or work to enable you to carry out visits to detainees and to attend ICV meetings: see the Expenses policy for rules on methods of travel and car mileage allowances.
- Other out of pocket expenses, such as Parking and Childcare costs will be reimbursed as detailed in the Expenses policy.
- All expense claims must be submitted at least quarterly using the online expenses independent custody visitor claim form and accompanied by valid receipts.
- MOPAC will not pay any claim that is over three months old at the time of submission for authorisation. Claims for expenses are submitted to MOPAC through the online system.

4. Health and safety

To take all reasonably practicable steps to ensure that you can perform your duties as an ICV safely, and to provide adequate information and training in support of our health and safety policy and risk assessment.

5. Data Protection

- We use a third-party database, Connect, to manage the information we hold about you. This system securely stores the information you submit. We only gather the information we need, which is your name, postal address, email address, a contact

telephone number, bank details for payment of expenses, information pertaining to the vetting of prospective independent custody visitors.

- We gather this information to facilitate the recruitment and retention of independent custody visitors and the management and delivery of the London Independent Custody Visiting Scheme, including for training and development purposes.
- We will send you updates with specific information about the London Scheme and custody visiting in general.
- We will be publishing Panel minutes and reports to our website. All minutes and reports will be anonymous with no identifiable information included to ensure the name of ICVs, Met Detention and MOPAC Staff does not appear online.
- We are legally required to share information on vetting applications and visit reports with the MPS.
- Any personal information we hold about you will be destroyed eight years after the last action in line with our retention policy.
- Where we process special categories of personal data, we will do so in accordance with the specific conditions of processing set out in the Data Protection Act 2018. It is likely that we will use special category data in the following circumstances:
 - where we have your explicit consent
 - where we are required to do so under Employment Laws
 - where it concerns a medical diagnosis, or the medical assessment of your working capacity
 - where it is for the purposes of the exercise of the Met's functions and it is in the substantial public interest.
- The full Privacy Notice is here: <https://www.met.police.uk/privacy-notice/>

I. Correcting erroneous data

ICVs will be able to update their own personal data directly via the Connect Profile page including postal address and bank details. ICVs are required to email changes

to MOPAC regarding changes to contact details including mobile phone and email which will then be amended on Umbraco simultaneous changing on Connect.

II. Technology and its security

- When ICVs visit the Connect website, Connect will collect certain information about the ICV user, including information about their device, web browser, internet protocol address, time zone and some of the cookies that are installed on their device. Additionally, as they browse the website, Connect will collect information about the pages that the user views, what websites or search terms referred them and information about how they interact with the site.
- Further information on the technology, cookies and its security can be found on the Privacy Notice below.

<https://www.connectinternetsolutions.com/privacy-and-cookie-policy/>

III. Privacy Notices

<http://mopac-intranet.gla.london.gov.uk/work/GDPR/MOPAC%20Privacy%20Notice%20-%20Employees.pdf>

<https://www.connectinternetsolutions.com/privacy-and-cookie-policy/>

<https://www.met.police.uk/privacy-notice/>

<http://www.sscl.com/privacy.aspx>

6. Insurance

To provide adequate insurance cover for independent custody visitors whilst undertaking voluntary work approved and authorised by the MOPAC.

7. Equality and Diversity

To ensure that all independent custody visitors are dealt with in accordance with our equality and diversity statement, which can be found on the MOPAC website:

<https://www.london.gov.uk/what-we-do/mayors-office-policing-and-crime-mopac/about-mayors-office-policing-and-crime-mopac/our-5> . A joint MOPAC/MPS

equalities statement is set out in Appendix H of the ICV Handbook.

8. Problems

- To try to resolve fairly and openly any problems, grievances or difficulties you may have while you are independent custody visitor.
- In the event of an unresolved problem, to offer you an opportunity to discuss the issues in accordance with the appropriate MOPAC procedures. Details of MOPAC procedures for poor performance, misconduct, complaints and grievances can be found within the Handbook.

Part 3: The Independent custody visitor

1. Roles and Responsibilities

The purpose of your role is to observe and report upon the conditions under which persons are detained in custody suites in London in accordance with to the Home Office Code of Practice on custody visiting (Appendix I in Handbook) and the National Standards (Appendix J) and to pay due regard to the Police and Criminal Evidence Act (PACE), Code C. Your concern is for the welfare of the person in custody and the operation in practice of the statutory and other rules governing their welfare.

2. Appointment

Your appointment is initially for a probationary period of six months. MOPAC alongside your Custody Visitor Panel Chair will consider the outcome of your probationary period and where appointments are confirmed they will be for a period of three years (including the probation period). You will be eligible for re-appointment every three years subject to the support of the appropriate Convenor and to the required vetting status.

3. Conduct

You must act professionally and responsibly with honesty and integrity when undertaking your role and to the highest professional standards. You will treat your fellow independent custody visitors, detainees, the police and MOPAC staff with due respect and courtesy and will observe MOPAC's operating practices, policies and guidelines, including health and safety and equality and diversity policy, and to abide by these policies, practices and guidelines when visiting detainees. There

should be no grounds for suspicion that a Custody Visitor is influenced in any way by improper motives. You are expected to carry out duties in such a way as to never discriminate against, harass, behave offensively or bully any individual. You must not be under the influence of alcohol or drugs and ensure appropriate dress is worn.

4. Identity Passes

Your identity pass will be valid for the period that you are appointed as a Custody Visitor. The identity card authorises you to visit the custody suite. The identity pass should only be used for the purpose of making visits. If it is used for any other purpose, it will be withdrawn and your appointment as a custody visitor may be terminated. Your identity pass will allow you direct access into the custody area, however, you should use the buzzer to request access into the custody area from reception. This is particularly important for health and safety reasons and as a courtesy to custody staff. The Scheme Coordinator must be advised immediately if your identity pass is lost or stolen. Your identity pass must be returned on termination of appointment as a Custody Visitor.

5. Undertaking Visits

You are required to make visits only when accompanied by another custody visitor from your Panel. There are no exceptions to this requirement, and custody staff are aware that they should not allow anyone who is unaccompanied to make a visit.

6. Additional duties

You are required to participate in panel elections.

If elected Chair/ Vice Chair you agree:

- To promote best practice and develop working relationships across their panels.
- To support new members during their assessment period.
- To attend all Chair meetings to which they are invited.
- To act as the point of contact for their panel for MOPAC and Met Detention.
- To circulate notices, events and invitation from MOPAC
- To monitor the operation of the panel;
- To encourage that all custody visitors are efficient and effective;

- To make recommendations to the MOPAC in respect of the general administration of the Scheme and in respect of its individual members.
- To represent ICVs and Custody Visiting at Local Safer Neighbourhood Boards

7. Minimum Requirements

You are expected to make a minimum of nine visits per year; if there are exceptional circumstances, which prevent you from fulfilling this requirement, you should ensure that the Scheme Coordinator is aware of these. If you miss three consecutive visits without giving any reason, the Panel Coordinator will contact you to ascertain the reason and seek an explanation. You will undertake to meet the time commitments and minimum standards required as an independent custody visitor and to give reasonable notice so other arrangements can be made when this is not possible

8. Documentation

You are required to complete an online Report Form for every custody visit made (even when there were no detainees in custody) and to submit reports promptly through the online system.

9. Change in Circumstances

You are expected to notify the Scheme Coordinator of any change in circumstances which may affect your position as a custody visitor, e.g. if you are arrested, charged with, convicted of, or cautioned for an offence subsequent to your original application and vetting process; appointed as a Magistrate, Special Constable, Police Officer or undertake any other work which may present you with a conflict of interest.

10. Attendance at Training Seminars and Panel Meetings

You will be expected to attend the Induction session and to participate in Bite Sized Training Seminars arranged by MOPAC. You will also have the opportunity to enter the ballot to attend the annual national ICV conference organised by the national association. You will be expected to attend the quarterly Panel meetings. If you have not attended at least two Panel meetings and at least nine Custody visits within a twelve-month period, the Panel Coordinator will contact you to

ascertain the reason and seek an explanation and may discuss the matter with the senior officer with responsibility for the Scheme.

11. Data Protection

ICV Volunteers will have access to other Volunteers emails and mobile phone numbers in order to contact each other as necessary. Members will not abuse this access, nor will they share any personal contact details without explicit consent to anyone outside of MOPAC staff and scheme members.

12. Impartiality and Confidentiality

- During the course of your duties, you may acquire considerable personal information about persons connected with police enquiries, the majority of whom will not at that time have appeared in Court. Some will never appear in Court. Other information about the operation of the Custody Suites should also be treated as confidential as should discussions at Panel meetings. That information must be protected against improper or unnecessary disclosure. You should be aware that improper disclosure of information acquired during the course of a visit may attract civil or criminal proceedings. Additionally, unauthorised disclosure of facts concerning police operations, or the security of police stations may constitute an offence under the Official Secrets Act 1989.
- You must undertake not to disclose any information related to persons connected with police enquiries or police operations that you may acquire as part of your duties as a Custody Visitor.
- During the course of your duties, you may acquire information which should be referred to our official complaints' procedure. More information can be found on our website. <https://www.london.gov.uk/what-we-do/mayors-office-policing-and-crime-mopac/about-mayors-office-policing-and-crime-mopac/mopac-complaints>

I understand and accept that due to the level of access I will have to police custody suites, I will be subject to security vetting for this role and will be required to complete a standard security vetting form.

This agreement is binding in honour only, is not intended to be a legally binding contract between us and may be cancelled at any time at the discretion of either party. Neither of us intends any employment relationship to be created either now or at any time in the future.

Sign:

Print name:

Panel:

Date: