

Appendix A – CUSTODY MAP LONDON

The MPS Custody Estate is comprised of 30 custody suites across London made up of 24 Suites open 24-hour/ 7 days a week and 6 used as contingencies to allow for repairs, maintenance or overflow.

The BTP estate is currently undergoing a restructure, as of June 2019 the estate has 1 24-hour suite open 7 days a week and 6 contingency suites.

The UKBF has 1 detention centre in Colnbrook.

The map below identifies the locations of each custody suite, colour coded to represent the various agencies. The MPS custody estate operates within a tri-borough model called Basis Command Units (BCUs), the map below has divided London’s 32 Boroughs into these 12 BCUs using colours.

Appendix A: Custody Estates for London (BCU Areas) – 12/06/2019



London Custody Suites: listed alongside ICV Panel			
ICV Panel	24/7 Custody Suite (s)	Contingency Suite	Agency
Barnet	Colindale		MPS
Brent & Harrow		Wembley Park	BTP
	Wembley Harrow		MPS
Bromley	Bromley		MPS
Camden	Holborn	Kentish Town	MPS
		Tottenham Court Road	BTP
Croydon	Croydon		MPS
Ealing	Action		MPS
Enfield		Edmonton	MPS
Greenwich	Plumstead		MPS
Hackney and Tower Hamlets	Stoke Newington Bethnal Green		MPS
Haringey	Wood Green		MPS
Havering & Redbridge	Romford Ilford		MPS
Hillingdon	Colnbrook		UKBF
	Heathrow		MPS
Hounslow	Hounslow		MPS
Islington	Islington		MPS
	Brewery Lane		BTP
Kingston	Kingston		MPS
Lambeth	Brixton		MPS
Lewisham	Lewisham		MPS
Merton	Sutton		MPS
Newham and Barking & Dagenham	Forest Gate Freshwharf (Barking)		MPS
		West Ham	BTP
Southwark	Walworth Road	Peckham	MPS
Waltham Forest & Redbridge	Leyton		MPS
Wandsworth	Wandsworth		MPS
Westminster	Belgravia Charing Cross	West End Central	MPS
		Ebury Bridge	BTP

Appendix B – ICV Handbook including Memorandum of Understanding

Custody Visiting Policy and Handbook

1. Introduction

This handbook sets out the Mayor's Office for Policing and Crime (MOPAC) policy and arrangements for the delivery of an effective custody visiting service. Independent custody visiting is the well-established 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.

2. The Mayor's Office for Policing and Crime (MOPAC)

MOPAC is the strategic oversight body which sets the direction and budget for the Metropolitan Police Service on behalf of the Mayor. It ensures the Metropolitan Police Service is run efficiently and effectively and holds it, and other criminal justice services, to account on behalf of Londoners.

3. Objectives of the Custody Visiting Scheme

The key objectives of the Scheme are to enable members of the community to:

- (a) observe, comment and report upon the conditions under which persons are detained at any police station, including the operation, in practice, of the statutory and other rules governing their welfare;
- (b) secure greater public understanding and confidence in these matters; and
- (c) provide an independent check on the way officers in custody facilities carry out their duties with regard to detainees.

4. Establishment and Administration

The Scheme has been established by MOPAC with the support of and in consultation with Met Detention to meet its statutory duty as set out under Police Reform Act 2002 s51. MOPAC follow the Home Office Codes of Practice (2013) governing custody visiting and the National Standards for custody visiting.

The scheme is administered by designated but not dedicated staff within MOPAC. This includes an ICV Scheme Manager, ICV Scheme Coordinators and ICV Panel Coordinators.

5. Recruitment

Custody visitors should be independent persons of good character with broadly based interests in the local community who can bring with them particular experience or knowledge and capable of making informed judgements in which the community can have confidence.

Appointments of custody visitors should seek to ensure that the panels reflect the balance of the local community in terms of age, gender and ethnic origin. The Scheme will lack credibility if custody visitors are drawn from only a narrow section of the community.

6. Disqualification from acting as a Custody Visitor

Custody visitors may not be:

- Justices of the Peace on the active list;
- an officer or ex-officer of a police force (including the Special Constabulary);
- an officer of the Probation Service;
- a member of MOPAC staff;
- under the age of 18 years.

Persons may not be considered suitable for appointment if they have been convicted of an offence punishable with imprisonment within the past five years; or served a term of imprisonment or detention.

All appointments are subject to security vetting accordance with the agreed MOPAC/MPS policy.

7. Training

MOPAC will provide custody visitors with appropriate introductory training within 6 months of being appointed. Custody visitors will be required to undertake refresher and additional training as appropriate.

8. Term of Appointment

MOPAC Chief Operating Officer has delegated responsibility for the appointment of custody visitors to the ICV coordinators. Once appointed, all custody visitors will be required to subscribe to a memorandum of understanding (MOU) as a condition of their appointment. Additionally, members who have volunteered for longer than five years will be asked to sign new MOUs if major changes have occurred. A copy of the MOU is attached as Appendix A.

Appointments will be for a maximum period of 3 years, including the successful completion of a three-month review and a six-month probationary period.

Individuals will have the opportunity to seek subsequent re-appointment for a further five-year period following reassessment of suitability.

MOPAC's ICV Scheme Coordinator and Panel Coordinators will undertake full reassessments of individual's custody visitor suitability at regular intervals not exceeding 3 years.

9. Identification cards

All custody visitors will be issued with an identification card by the Metropolitan Police Service (MPS). This identification card must only be used in connection with custody visitor duties and for no other purpose. The card will remain the property of the MPS and must be returned to the MPS should an individual leave the scheme. ICVs should return the pass to MOPAC as part of the resignation process and MOPAC will then ensure the pass is returned to the MPS.

10. Removal and Suspension from Office

Custody visitors must resign their appointment if a change to their personal situation which disqualifies them for appointment as a custody visitor.

Accreditation as a custody visitor may be withdrawn or suspended, as appropriate, by MOPAC in cases of:

- misconduct including non-compliance with the provisions of the Scheme or the procedures agreed by the local team; or
- where a custody visitor is summonsed and/or arrested.
- Where MOPAC suspends a custody visitor's accreditation, the custody visitor may be required to undertake an appropriate training course before reinstatement.

11. Misconduct

MOPAC's ICV coordinators may, at their discretion, informally alert individual custody visitors to relatively minor matters of misconduct and take no further action. Where such a course of action would be inappropriate, because of a serious or repeated misconduct, the ICV Scheme Manager or Panel Coordinator will follow the following process -

they will: -

- bring the matter to the attention of the individual custody visitor who will be offered an opportunity to explain any background to the matter,
- bring the matter to the attention of the Chair of the appropriate custody visitors' panel and give them an opportunity to provide any relevant information;
- having obtained any information outlined above, together with any other appropriate information considers the matter and take any appropriate action.

The ICV Scheme Manager or Panel Coordinator has, where necessary, the following options open to them, the custody visitor may: -

- be warned about their future conduct;
- be suspended until they have successfully undergone an appropriate training course;
- have their accreditation withdrawn and cease to be a custody visitor.

MOPAC may take any past warnings and suspensions into account when determining which option should be pursued. MOPAC's CEO or his/hers representative will undertake any appeals against decisions taken under this procedure.

12. Custody Visitor Panels

MOPAC shall determine the size of the custody visitor's panel appropriate to the number and size of the suites visited.

Each panel will meet quarterly as a panel to discuss the operation of the Scheme, any matters arising from visits and to receive updates from Detention Agencies and MOPAC.

MOPAC will ensure each panel has a lead representative from all relevant detention facilities who should attend all panel meetings and share updates on behalf of the agency.

MOPAC will ensure each panel has a coordinator who will complete the administrator tasks for the panel and share updates from MOPAC. One of these meetings must be an Annual General Meeting at which the Chair and Vice Chair of the panel shall be elected.

Elected Chairs/ Vice Chairs agree:

- To encourage best practice and develop working relationships across their panels.
- To support new members during their assessment period.
- To attend all Chairs meetings to which they are invited.
- To act as the point of contact for their panel for MOPAC and relevant detention service representatives.
- To circulate notices, events and invitations from MOPAC.
- To monitor the operation of the panel.
- To support all custody visitors on the panel to be efficient and effective.
- To make recommendations to MOPAC in respect of the general administration of the Scheme and in respect of its individual members.
- To represent the panel and custody visiting at Local Safer Neighbourhood Boards.

MOPAC will arrange for Chairs and Vice Chairs of the ICV panels to meet together at least twice a year to discuss the operation of the Scheme throughout London. These meetings are in addition to any meetings of all custody visitors that may be organised on an ad hoc basis by MOPAC.

If the number of visits undertaken by members of the panel is a cause for concern, the Panel coordinator will bring the matter to the attention of the Chair and all members of the panel - thus, allowing panel members an opportunity to address the problem.

13. Visiting Programme

MOPAC has determined that that each Custody Suite will be visited once a week MPS, BTP or UKBF will give as much notification as possible of closure (and reopening) of custody facilities to MOPAC, who will in turn inform the relevant panel of any changes to their visiting rota or location of visits.

14. Visiting Rota

MOPAC shall compile a rota designating which specified pairs of custody visitors (the "duty pair") will be responsible for visiting specified custody suites within a specified time period.

All custody visitors must participate and conform with the visiting rota or make alternative arrangement to ensure that visits are completed. The onus is on the ICV to inform MOPAC of any such changes to the rota for monitoring purposes. Where possible MOPAC will endeavour to ensure a custody visitor does not conduct a visit with the same partner on two successive visits.

Where a custody visitor wishes to undertake a visit in an area other than the one to which they are appointed, either on a short term or long-term basis, they must first contact their Panel coordinator.

15. Minimum Number of Visits

All custody visitors are obliged to undertake a minimum of 9 visits per year and attend the quarterly meeting of the panel.

MOPAC may revoke the custody visitor's accreditation if visits are not undertaken or they do not attend the quarterly panel meetings.

16. Leave of absence

ICVs can change or amend their scheduled visits to accommodate short term absences of under two weeks with their panel members at panel meetings or directly with the Panel coordinator.

For ICVs who have successfully passed the probationary period, MOPAC may grant individual ICVs a longer leave of absence, to accommodate planned periods of absence or temporarily changes to the ICV's availability for periods longer than two weeks. The maximum period for the leave of absence is one year.

17. Special Visits

Visits will normally be unscheduled and unannounced. There may be instances, however, when there is particular tension within the local community about the treatment or well-being of one or more persons detained at a custody suite. An invited visit might help to defuse and/or allay myth and rumour. If such a visit is required, the relevant agencies will contact the Panel coordinator and/ or the Chair /Vice Chair to make the appropriate arrangements.

The custody visitors should, in such circumstances, work closely with MOPAC and the relevant agencies to communicate their independent findings to appropriate representatives of the community at the conclusion of their visit.

The custody visitors should keep the situation under review, making additional visits and reports if they, or the officer in charge of the custody suite, consider it necessary.

When such a visit takes place the custody visitors may seek to see all persons detained at that particular time.

Nothing in these arrangements is intended; however, to preclude such informal arrangements for visits as may be made, from time to time, between the police and members of the community.

18. Visiting Procedures

All visits by custody visitors shall be in pairs except where a new custody visitor may accompany a pair of experienced custody visitors as part of their initial training.

19. Inspection of Accommodation

On arrival at a police station to conduct a custody visit, custody visitors must present themselves at the enquiry desk and produce their identification cards for inspection.

Custody visitors should be given immediate access to the custody suite, unless there is a threat to their or the Health and Safety of a detainee. ICVs should be allowed immediate access to the custody suite where they can wait for a member of Met Detention staff to escort them on their visit. Custody visitors should be told the reasons for delayed entry at the earliest opportunity and given regular updates.

On the custody visitors' arrival, the custody officer should report the current situation in the custody area. Custody visitors may, if they so wish, request to and inspect, in the company of an officer, those areas of the police station in which persons are normally detained, unless the custody officer is able to provide a satisfactory reason why an inspection of all or part of the appropriate areas is not possible. Should an inspection be restricted, the custody officer's reasons must be recorded in the custody visitors' report.

Custody visitors should have access to all parts of the police station in which persons may be detained pending interview, release or production in court including cells, detention rooms, charging areas and medical room. Custody visitors should satisfy themselves that these areas are clean, tidy and in reasonable state of repair and decoration, and that bedding in cells is clean and adequate. If interview rooms or medical rooms are currently in use the custody visitor may not interrupt but may wait to see the detainee afterwards.

Custody visitors should establish that suitable arrangements exist for adequate stocks of such items as clean bedding; blankets etc; and for the regular replacement of necessary furnishings and equipment.

Custody visitors may inspect empty cells and detention rooms to check, amongst other matters, heating/ventilation systems and that cells' bells and toilet flushing mechanisms are working properly. They may visit interview rooms in the custody area if unoccupied. Custody visitors may not visit other operational parts of the police station, otherwise than as may be necessary to gain access to the areas to be visited.

In the interests of security and the safety of custody visitors, the custody officer or another escorting officer etc. will accompany them during visits at all times.

20. Access to Detainees

Custody visitors shall have access to all persons detained at a police station, including: -

- persons remanded to police custody in accordance with Section 128 of the Magistrates' Court Act, 1980 (as amended);
- remand and sentenced prisoners held in police cells under Section 6 of the Imprisonment (Temporary Provisions) Act, 1980;
- persons detained under the powers of the Immigration Act, 1971;
- persons bailed with the condition of residence at the police station

(N.B. These persons are not held under the provisions of PACE) and; juveniles (but see Paragraph 27).

Custody visitors may not see detainees in the following instances: -

- where they have indicated that they do not wish to be subject to a visit;
- when a detainee is being interviewed, although custody visitors may wait for the interview to be terminated;
- persons in Magistrates' Courts cells awaiting their case being heard in court
- where a decision by the police (see rule 7 below) has been taken that a detainee should not be seen by custody visitors, or where detainees are not being held under the provisions of PACE and are the responsibility of a "private contractor".

The following rules apply to access to detainees:

1. A detained person is neither obliged to see custody visitors, to answer questions nor to agree to their custody record being seen.
2. Subject to the exceptions referred to in rule 7, ICVs must be allowed access to any person detained at the police station. However, only ICVs who have undergone the appropriate security vetting and training will be permitted access to TACT detainees, irrespective of where they are being held. Detainees may only be interviewed with their consent which will be established either by:
 - i) self-introduction – the ICVs will introduce themselves and their purpose and seek permission to speak to the detainee
 - ii) the escorting officer explaining the purpose of the ICV visit and asking the detainee whether they are willing to speak with the visitors.
3. If the detainee is for any reason incapable of deciding whether to be visited, the escorting officer should allow access if the custody visitors wish to satisfy themselves of the detainee's well-being unless it is considered that their safety could be at risk.
4. If the escorting officer judges it to be too dangerous for the custody visitors to enter the cell, they may wish to talk to the detainee through the wicket in the cell door.
5. Where a detainee is known to present a special risk, custody visitors will be given appropriate information to allow them to decide whether or not to conduct a visit or in what manner to do so if they decide to proceed.
6. If a detainee is asleep the custody visitors should decide whether or not they should be woken to establish whether (or not) they wish to be visited. Custody visitors should however bear in mind the provision in the Codes of Practice under PACE which allows a continuous period of eight hours rest.

In such circumstances, the escorting officer will advise that the detainee must not be disturbed.

7. In exceptional circumstances, the police may judge that it is necessary for
 - a;
 - i) detained person or a bailed person residing at a police station (resident informant) not to be seen by custody visitors in order to avoid any possible risk of prejudicing an important investigation.
 - ii) Any decision to deny access to a detained person should be taken only by the duty officer, or if that officer is not available, another senior officer, of Inspector rank or above.
 - iii) An explanation of the reasons for refusal should be given to the custody visitors on each occasion and recorded in the custody record and custody visitor's report.
 - iv) The decision to deny access should be taken in each case in the light of all relevant circumstances and recorded in the Custody Record by the detention agency and in the visit report by the ICVs.
 - v) There should be no presumption that access should be denied to any particular category of detainee or that because a decision has been made that a person should be held incommunicado.
8. Conversations between detainees and custody visitors should normally take place in sight, but out of hearing, of the escorting officer. If for some reason the police decide that the escorting officer should remain within hearing, this decision must be taken by the duty officer or some other senior officer at the police station and recorded in the custody record and custody visitors' report.
9. If a detainee indicates that they might harm themselves or any other person, this must immediately be brought to the attention of the custody officer.
10. Custody visitors should bear in mind that some detained persons may be violent and/or under the influence of drink or drugs and that the presence of the police officer may deter or frustrate assaults on the custody visitors.
11. The facilities provided to remand prisoners detained in police custody are the responsibility of MPS. Custody visitors will appreciate, however, that it will not be possible for the police to provide all of the facilities which a remand/sentenced prisoner might receive if detained in prison. There are a number of reasons for this, not the least being that police cells were designed to hold people for relatively short periods and do not therefore incorporate some of the facilities which would be normal in a prison.
12. Should the remand/sentenced prisoner(s) concerned consent to see custody visitors, for reasons of security, this will take place in the cell area and within the sight and hearing of the escorting officer. This is because some remand/sentenced prisoners may be charged with, or convicted of,

serious offences and the presence of a police officer will be necessary to ensure the custody visitors' safety.

13. Custody visitors must declare an interest as soon as they are aware that a detainee is known to them. In the interests of impartiality, custody visitors must not visit friends or relations who are in custody.
14. If the detainee is unable to understand due to a disability or language issue consideration should be given to utilising appropriate interpreters/Language Line. If this is not practical the presumption should be in favour of allowing visitors to examine the custody record.
15. Custody visitors at the conclusion of their visit should leave the premises and must not seek to gain access to other areas of the station or police premises.

21. Objectives of Visits

Custody visitors are concerned only with custodial welfare. Discussion must focus on checking detainees have been offered their rights and entitlements under PACE and that conditions are adequate. They are not concerned with any aspect of legal or evidential matters related to the circumstances of arrest and/or detention.

The objectives of individual custody visits to police stations are: -

- to obtain a proper picture of what is taking place within the custody suite;
- to examine custody documentation relating to detainees;
- to inspect accommodation and facilities to ensure that they are of an adequate standard;
- to monitor the welfare of all detainees;
- to ensure that all detainees have had their statutory rights explained to them and have been given written notice thereof;
- to ensure that all detainees have received all the facilities to which they are entitled under Code C of PACE; and
- to highlight and report any deficiencies and/ or problems.

If a detainee seeks to make admissions or otherwise discuss an alleged offence, the visitor must tell them that the relevant contents of the visit may be disclosed in legal proceedings (see paragraph 31: Giving Evidence in Criminal Proceedings).

In conducting their visit all reasonable care should be taken by custody visitors to ensure that they conduct themselves in an independent professional manner.

Special care should be taken that they are not perceived to be overly friendly with anybody with whom they come into contact. Not to do so may result in casual observers to call their independence into question.

22. Detainees' Rights

Detainees' rights are defined in the Police and Criminal Evidence Act, 1984. Under Section 66 of the Act, the Secretary of State has issued a Code of Practice covering such matters. All custody visitors should be familiar with these provisions, and the

Codes of Practice must be readily available at all police stations for consultation by police officers, custody visitors, detainees and members of the public.

All persons arrested in the MPS area are taken to 'Designated Police Stations'. That is, one designated by the MPS as being suitable for the reception and detention of prisoners. Each designated police station must have a "custody officer", who is at least the rank of Sergeant.

Custody visitors should note that the custody and welfare of all persons detained in a police station are the sole responsibility of the custody officer and all enquiries concerning detained persons should be directed to that officer.

23. Custody Records

It is important that accurate and up to date custody records are in place for every detainee. Custody visitors should, if granted access, satisfy themselves that the custody record fully and properly records the action taken in connection with detainees while in police custody.

Where a detainee agrees for custody visitors to have access to their custody record, they may see the whole of the record on a computer screen or on paper. However, that part of the record which details the chronology of the detainee's stay should usually be sufficient for custody visitors to conduct their responsibilities.

If a person is incapable of giving consent by virtue of mental illness or disability access to the custody record should be allowed if the independent custody visitors so desire.

Custody visitors may not see other police documents or medical records relating to detainees.

24. Medical Conditions

The custody record should include all relevant information about necessary medication for a detainee and the frequency of its administration. Custody officers are responsible for ensuring that medication is given at appropriate times.

Custody visitors should pay particular attention to detainees who are suffering from any form of illness, injury or disability. They should satisfy themselves that, if appropriate, a doctor has been called and establish from the custody officer what instructions for medical treatment have been given by consulting the custody record that these instructions have been carried out.

Custody visitors may visit detainees (but not persons released from custody) in hospital, whether or not under police guard, subject to the agreement of the hospital authorities. To prevent a wasted journey, it may be advisable to establish, via the hospital authorities, whether the detainee is willing to talk to custody visitors.

Access to the custody record can be permitted only if the detainee has given his consent at the police station in the normal way. If hospitalisation of a detainee

appears to the police to have caused tension in the local community, the appropriate panel coordinator should be notified.

25. Deaths in Custody

All deaths in custody are the subject of an inquest by one of HM Coroners to which the police report formally. The MPS/Met Detention should however make appropriate arrangements, out of courtesy, to notify MOPAC Scheme Manager or the Panel Coordinator of the appropriate panel of the death of a detainee in a police cell or where the death has occurred in hospital following transfer from a police station.

It is not necessary to notify a death which occurred after release from custody unless the detainee was transferred to hospital from a police station and died in hospital shortly following a formal release from custody.

Custody visitors are not allowed to view the body in the cell, or have access to the relevant custody record.

27. Juveniles

A juvenile may be visited with their consent, they may also give consent to custody visitors' access to their custody record.

Juveniles should not be placed in cells unless no other secure accommodation is available and the custody officer considers that it is not practicable to supervise them if they are not placed in cells or the custody officer considers that a cell provides more comfortable accommodation than other secure accommodation at the station.

A juvenile should not be placed in a cell with a detained adult. If a juvenile is kept in cell, custody visitors should seek an explanation from the custody officer and check that this has been recorded on the custody record and also record it in their report.

28. Appropriate Adults

Custody visitors may act as appropriate adults, but they must not switch between the roles during a visit.

29. Complaints by Detainees

Custody visitors must distinguish between complaints by detainees about their general treatment or conditions of detention and a complaint of misconduct by a police officer. The former will include such complaints as detainees have not been notified of their statutory rights or not receiving entitlements under the PACE Codes of Practice. Such complaints are for custody visitors to pursue with the custody officer or to discuss with the coordinator.

A complaint of misconduct by a police officer, which includes instances of allegations of assault, must be dealt with under the statutory complaints' procedures contained in Part IX of PACE. Custody visitors have no role to play in these procedures.

If a detainee complains to a custody visitor of misconduct by a police officer, they must be advised to make the complaint immediately to the duty officer. The custody visitor may advise the detainees to consider seeking legal advice about the

complaint, or if an allegation of assault has been made, to ask to see a doctor. In the interests of maintaining their impartiality, custody visitors should not take up individual cases or make representations on behalf of detained persons. There is no reason, however, why they should not notify the duty officer that a detainee wishes to make a formal complaint. It is hoped that the police would be willing to notify the custody visitors, in due course, of the outcome of any investigation into a complaint.

Remand and sentenced prisoners held in police stations may seek to complain about conditions in prisons or the treatment they have received there. Custody visitors must not involve themselves in such matters. There are recognised grievance procedures open to prisoners such as writing to or petitioning the Home Secretary; or writing to their solicitor or Member of Parliament.

30. Impartiality

Custody visitors must not involve themselves in individual cases to the extent of offering advice about whether or not detainees should make a statement or otherwise co-operate with police inquiries. Such advice would be inconsistent with the custody visitors' independence from the processes of investigation.

Custody visitors must decline therefore to discuss more than conditions in which persons are detained and their treatment, even though some persons will naturally wish to ask advice about their possible defence, particularly if they have not already received legal advice.

Custody visitors must not convey messages from detained persons however innocuous they may seem at first sight, they may have a pre-arranged meaning. In the interests of impartiality, custody visitors must not visit friends or relations who are in custody.

31. Custody Visitors Giving Evidence in Criminal Proceedings

Conversations between custody visitors and detainees are not privileged and it is open to a court to issue a witness summons requiring the attendance of a custody visitor to give oral evidence or to produce documents such as a report on a particular visit.

Custody visitors are under no obligation to give evidence or produce documents otherwise than in response to a court order, but are obliged to respond to such an order.

32. Confidentiality

Custody visitors will acquire considerable personal information relating to detainees and the security of police stations, this must be protected against improper and/or unnecessary disclosure. Custody visitors will therefore be required to give an undertaking not to release the identity of or information capable of identifying any detained person (except where a visit has been arranged exceptionally (see Paragraph 11)) in connection with the treatment of a particular person.

It is desirable, in the interest of the strict application of the principles of confidentiality, but subject to Paragraph 17, that custody visitors do not name or

otherwise identify persons in custody in reports to or in discussion with fellow custody visitors, their team or MOPAC.

Breach of this undertaking may make a visitor liable to civil proceedings by the detained person concerned. Custody visitors will also need to be aware that the unauthorised disclosure of the facts concerning police operations or the security of police stations may constitute an offence under Section 5 of the Official Secrets Act 1989.

33. Reports and Follow-up Actions

A report prompt form is kept in each police station in order that custody visitors may make a record of their findings. At the end of each visit the custody visitors should complete the online report form. A user guide for the online independent custody visitor reporting system is attached at Appendix K in the ICV guidance pack.

Any issues which are considered unsatisfactory during the visit must be included in the report, together with any other comments about the conduct of the visit.

All such comments must be drawn to the immediate attention of the appropriate Custody Inspector. This action should be taken, for example, if a detained person makes a complaint of assault or ill-treatment, or appears to have sustained an injury which is not recorded on their custody record or the custody visiting procedures etc have not been followed.

MOPAC's designated ICV Panel Coordinators shall monitor all reports submitted by custody visitors, together with any necessary action arising. MOPAC's ICV Scheme Coordinator and Manager shall also report to Met Detention, ICVA, or the Home Office any comments and/or matters of particular importance.

34. Expenses

A list of expenses available to custody visitors is attached at Appendix C. MOPAC will not pay any claim that is over 3- months old at the time of submission for authorisation. Claims for expenses are submitted to MOPAC through the online system.

35. Change of Address

Each custody visitor must inform MOPAC of any change of address/email/ and/or telephone number(s), or change in personal circumstances which would affect their appointment.

36. Insurance

MOPAC has arranged appropriate insurance cover in respect of custody visitors' voluntary work.

37. Review of Custody Visiting Policy and Handbook

MOPAC will regularly review this policy and handbook, at least every three years.

38. MOPAC logo

Independent custody visitors must not, under any circumstances, use MOPAC logo or MOPAC letterhead.

39. 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. We will anonymise the data ensuring your name 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 below.

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.

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.

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>

40. Confidentiality in relation to visitors

Independent custody visitor's names and contact details are given to ICV by MOPAC in the strictest confidence, purely for convenience in making contact to arrange visits. Such details must not be disclosed by ICVs to any other person, with the exception of the Chair/Vice Chairs contact details which should be given to the local police in the context of paragraph 39 above.

41. Other information

Additional information required by independent custody visitors is available through the other ICV policies and guidelines produced by MOPAC. If an ICV has a question not covered by any of these documents, they should contact the Designated Panel Coordinator or MOPAC's ICV Scheme Manager or Scheme Coordinator.

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 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 MOPAC will provide

MOPAC commits to the following:

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 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 via the MPS vetting and pass collection services.
- 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 – more information on the assessment period should be given to you by your panel chair and further details will 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.

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 the local detention facility/ facilities with an operational structure (called a panel) and a named member of the panel with whom individual ICVs 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 Coordinator) in MOPAC with whom you can discuss your role and any successes or problems.
- To work with the detention agencies to ensure attendance at Panel meetings and ensure detention agency responses to visit reports and any concerns raised are received ahead of panel meetings for further discussion.
- Draft, consult and finalise the weekly visit rota on a quarterly basis, ensure that detention agencies inform ICVs of any temporary or planned closure of the operational custody suites and opening of contingency suites.

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 provide you with relevant polices and guidance to assist you in carrying out your role.
- 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.

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, 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 3 months old at the time of submission for authorisation. Claims for expenses are submitted to MOPAC through the online system.

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.

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. We will anonymise the data ensuring your name 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 below.

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.

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.

Privacy Notices

- 1) <http://mopac-intranet.gla.london.gov.uk/work/GDPR/MOPAC%20Privacy%20Notice%20-%20Employees.pdf>
- 2) <https://www.connectinternetsolutions.com/privacy-and-cookie-policy/>
- 3) <https://www.met.police.uk/privacy-notice/>
- 4) <http://www.sscl.com/privacy.aspx>

Insurance

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

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 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](https://www.crime-mopac/about-mayors-office-policing-and-crime-mopac/our-5) . A joint MOPAC/MPS equalities statement is set out in Appendix D of the ICV Handbook.

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.

Reporting

- Highlight and resolve your concerns with detainee welfare, detention facilities and operational best practice via MOPAC governance and oversight framework. This includes briefings, bilateral meetings, Police and Crime Committee and Q&As regarding the ICV Scheme between the Mayor, Deputy Mayor for Policing and Crime, the MPS Commissioner and the Greater London Authority's Police and Crime Committee.
- Share and update ICVs in a timely manner on information and data on detainee welfare, detention facilities and operational best practice.
- Complete and publish an Annual Report on ICV visits and concerns

Part 3: The Independent custody visitor

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 and the National Standards 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.

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.

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.

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 confirms your right to access into and within the custody area, however, you should use the yellow phone to request access into the custody area from reception or call directly using your mobile and the contact number provided on your rota. This is particularly important for health and safety reasons and as a courtesy to custody staff. The Panel Coordinator or ICV 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.

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.

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 all custody visitors within the panel are efficient and effective;
- To make recommendations to MOPAC the 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

Minimum Requirements

You are expected to make a minimum of 12 visits per year; and attend two panel meetings per year, if there are exceptional circumstances, which prevent you from fulfilling this requirement, you should ensure that the Panel 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

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.

Change in Circumstances

You are expected to notify the Scheme Administrator 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.

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 or 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 MOPAC officer with responsibility for the Scheme.

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 and scheme members.

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 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 on the basis of this agreement.

Sign:

Print name:

Panel:

Date:

Signed on behalf of MOPAC:

Appendix C – Independent Custody Visiting Association Quality Assurance Framework Template

Purpose

ICVA's Quality Assurance Framework is for schemes to be recognised for the excellent work they are undertaking, to benchmark progress and achievements alongside other schemes, and to further enhance engagement with Police and Crime Commissioners and the local community.

Bronze	Self-Assessment
Silver	Assessed by Scheme in Region
Gold	Assessed by Scheme out of Region
Platinum	ICVA Assessed

Bronze

Heading	Requirements for Bronze Level
Recruitment and training	Application Form
	Role Description and Person Specification
	Interview Questions
	Mandatory Induction Training (with equalities element)
	Reference Checking
	Vetting at NPPV 2 attained
	Home Office Code of Practice provided
	Next of Kin/Emergency contact details
	Non-discriminatory recruitment
	Meets Code requirements on eligibility including conflict of interest
Managing Volunteers	Identity pass in place
	Ensure vetting is renewed every three years
	Co-coordinators in place
	Reassess volunteers every three years
	ICV handbook or equivalent
	Statement of Expectation/Memorandum of Understanding
	Expenses policy and adequate procedure

	Termination process
	Complaints process
Communications	Custody Visiting has a web presence on PCC page
	Publish annual report
Holding the Force to account	Has a mechanism for feeding back to the force in place (relate back to Code)
	Processes in place to deliver initial feedback and PCC feedback
Transparency and Public Reassurance	Provides regular feedback to ICVA including statistics
Detainee Welfare	ICVs understand the legislation underpinning Custody Visiting - Human Rights etc.
	Debriefs in place with scheme manager after incidents in custody
	Clear escalation process for reported issues
	Knowledge of local demographics and how representative your scheme is
	Collection of diversity information
	Some evidence of proactive work to counteract disparities

Silver

Heading	Requirements for Level
Recruitment and training	Application form available on PCC website
	Interview marking matrix
	Adverts placed on website
	Knowledge of local demographics and how representative your scheme is
	Collection of diversity information
	Some evidence of proactive work to counteract disparities
	Uses ICVA induction package for inducting volunteers
Managing Volunteers	Training process in place and implemented - bitesize or annual training
	Regular panel meetings in place for each custody suite at least twice a year
	Sufficient ICVs in place to meet agreed number of visits for financial year (link to benchmarking)

	ICVs rotate pairs at visits and pairings of visitors
Communications	Custody Visiting has own page on PCC site
	OPCC regularly mentions ICV scheme on social media
	Promotion of annual report
Holding the Force to account	Police representative attends panel meeting
	Police can demonstrate action following ICV feedback
Transparency and Public Reassurance	Scheme demonstrates work to make their findings and performance accessible to the public
	Scheme manager provides regular (quarterly) thematic reports to PCC
	Scheme publishes link to latest custody inspection report on ICV webpage
	Visits take place across different times and days throughout the week
Detainee Welfare	Training and forms prompt for ICVs to record detainee welfare issues
	A % of detainees accept visit
	Detainee welfare issues reported to ICVA in quarterly meetings
	ICVs regularly check custody visiting records for priority and vulnerable detainees
Invests in / supports scheme managers	Scheme manager attends training and development courses
	Scheme manager active in peer assessing QAF for other schemes
	Scheme manager is allocated sufficient resources and time to complete their role
	Actively contributes to ICVA members' library

Gold

Heading	Requirements for Level
Recruitment and Training	Press release when recruiting
	Evidence of successful diversification of scheme
	Adverts placed on website as well as local volunteer centres, custody, social media and local press
	Rolling waiting list

	Interview panel
	Welcome pack for ICVs - Glossary, Rank info, Key Contacts, Abbreviations
	Uses ICVA bitesize training to continuously invest in volunteers
Managing Volunteers	Effective training plan in place for ICVs that meets local requirements
	Cross panel visits in place
	Scheme has capability to deal with difficult volunteers
	Awards for good practice
	Local annual conference
Communications	Custody Visiting has own social media presence e.g. Twitter / Facebook
	Coverage of annual conference
	Scheme is active in members' forum
	Scheme shares annual report with key stakeholders (e.g. Police & Crime Panels / IAGs)
Holding the Force to account	Evidence of custody issues being discussed at internal boards/meetings
	Scheme has capability to deal with difficult police representatives
	Aborted visits are recorded with explanations and escalation where required
	Publishes quarterly report of issues raised
	Evidence of involving partners in problem solving - ICVA/other bodies
Transparency and Public Reassurance	Community engagement events attended and scheme promoted
	PCC visits custody to shadow an ICV visit
	Blog from ICV/Scheme Manager on website
	Include ICV content in newsletters
	Action plan from annual report with timescale
Detainee Welfare	Awareness of national custody issues
	Evidence of responding to national issues raised by ICVA
	Responds to relevant inspection recommendations
	X% of detainees in custody at time of visit see an ICV
Invests in / supports scheme managers	Regional scheme manager network in place
	Scheme manager attends ICVA led training
	Publishes evidence of gold standard documentation in members'

	library
	Actively engaged in ICVA consultations

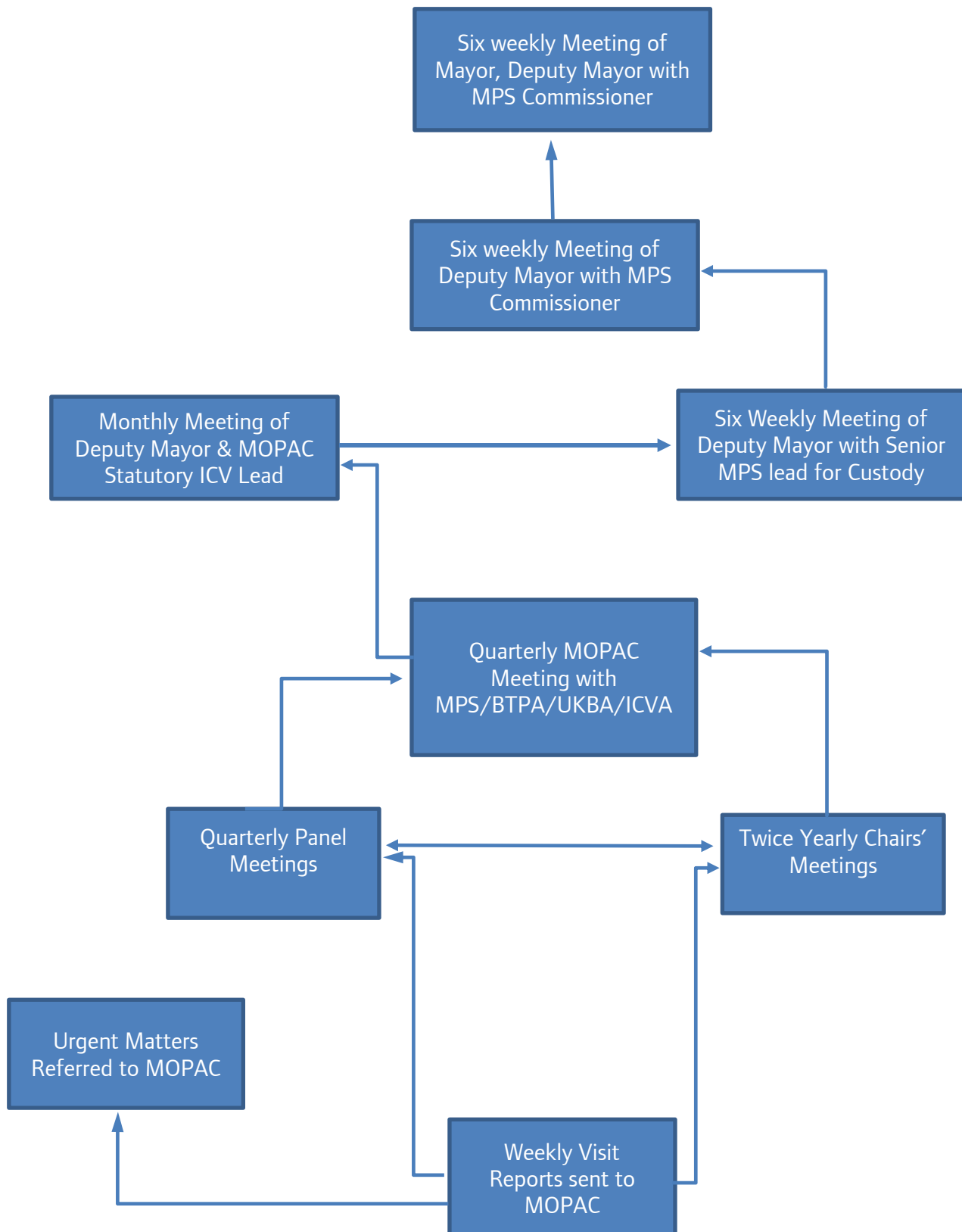
Platinum

Heading	Requirements for Level
Recruitment and training	Scheme is broadly representative of the community it serves
	Solid links with community groups, outreach and communications
	Interview questions reviewed every 2-3 years with ICV input
	Inductions contain a tour of custody
	All bitesize ICVA modules delivered on a rolling programme
	Involve ICV feedback in induction design
	Recruitment video in place
Managing Volunteers	Mechanism for thanking/volunteer awards
	Regional conference
	Targeted training in response to local issues
	External recognition of volunteering
Communications	Active social media account/s for scheme
	Proactive campaigns for public reassurance
	Scheme is open to public / stakeholder challenge
Holding the Force to account	Public Meetings
	ICVs / scheme take part in training custody staff
	HMICFRS Recommendations are cascaded and embedded in scheme
Transparency and Public Reassurance	PCC visits custody out of hours/at night/weekend as part of ICV visit
	Scheme attends drop ins with PCC to talk about ICV role
	Scheme publishes a response to HMICFRS recommendations on website
	Scheme managers/ICVs speak at conferences regarding custody issues
	Regular public meetings that are broadcast / fed back
Detainee Welfare	Engagement with wider groups - ICVA NEF etc.
	Understanding and promotion of NPM and OPCAT

	Working with the constabulary to champion change
Invests / support scheme managers	Actively involved in reviewing QAF
	Effective resourcing to support scheme
	Schemes open to discussion about resourcing

Appendix D – ICV Scheme Governance Structure

ICV Scheme Governance Structure



Appendix E - Home office Code of Practice for Custody Visiting

Introduction

1. This Code of Practice on independent custody visiting is issued in accordance with section 51 of the Police Reform Act 2002, as amended by section 117 of the Coroners and Justice Act 2009 and paragraph 299 of Schedule 16 to the Police Reform and Social Responsibility Act 2011. Local policing bodies and independent custody visitors (ICVs) shall have regard to the Code in carrying out their relevant functions. Throughout this Code, the term 'police and crime commissioners' includes the Mayor's Office for Policing and Crime (MOPAC) (in respect of the Metropolitan Police Service) and the Court of Common Council of the City of London Corporation (in respect of the City of London Police).
2. Independent custody visiting is the well-established 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 protections and confidentiality to detainees and the police and reassurance to the community at large.
3. The Coroners and Justice Act 2009 extends independent custody visitors' remit to terrorist suspects in detention. This Code of Practice has been amended to set out how this would operate in practice - given the differences between terrorist and non-terrorist investigations and statutory frameworks, there are differences in how independent custody visiting operates in relation to terrorist suspects in detention.
4. The Code is supported by more detailed National Standards, which expand on the relevant procedures and systems and set out established good practice.

Legislation

5. Section 51 of the Police Reform Act 2002 (as amended) requires Police and Crime Commissioners in England and Wales to make arrangements for detainees to be visited by ICVs. Such arrangements may make provision for access to detainees by ICVs, examination of records, inspection of detention facilities and provision of a Code of Practice.
6. Section 117 of the Coroners and Justice Act 2009 introduces two changes to legislation which are intended to strengthen the independent monitoring of the detention and treatment of suspected terrorist detainees.

These two changes amend:

(a) Section 51 of the Police Reform Act 2002 to ensure that the arrangements made by PCCs for ICVs include a requirement that reports about visits made to suspected terrorist detainees are submitted to the Independent Reviewer of Terrorism Legislation (IRTL) as well as to the PCC. The amendments also allow ICVs to listen and view audio and video recordings of interviews with

suspected terrorist detainees, subject to any restrictions on such access, which must be specified in this Code of Practice (please see paragraphs 66-72 for further information).

(b) Section 36 of the Terrorism Act 2006 (review of terrorism legislation) under which the IRTL is appointed and tasked with the annual review of the operation of the Terrorism Act 2000 (TACT) and the Terrorism Act 2006, Part 1. As amended, that provision states that the IRTL may in particular consider the treatment of terrorist suspects detained under a warrant of further detention under Schedule 8 to TACT.

7. While the provisions of the Police Reform Act 2002 cover only England and Wales, the remit of the IRTL covers the entire UK. Therefore, in this regard his remit to examine compliance with Schedule 8 and the relevant PACE (and PACE NI) Codes cover Great Britain and Northern Ireland and similarly to review the operation of equivalent terrorism legislation in Scotland. This Code of Practice applies to England and Wales only. However, in order for the IRTL to fulfil his duties under section 117, equivalent arrangements will be put in place in Northern Ireland and Scotland to ensure a consistent approach is taken throughout the UK.

Organisation and Infrastructure

8. Section 51(1) of the Police Reform Act 2002 places the responsibility for organising and overseeing the delivery of independent custody visiting with PCCs, in consultation with chief officers. PCCs must therefore ensure that they have in place robust and effective procedures for establishing and maintaining their independent custody visiting schemes, including the allocation of appropriate resources to this function.
9. Overall responsibility for the central administration of the scheme must be given to a nominated officer on the PCC staff, supported as necessary by other personnel and resources.
10. At police area level, groups or panels of volunteers must be organised to visit police stations in the area. Every group needs to have its own co-ordinator locally, supported by the PCC's staff. Paragraphs 23-24 below explain the arrangements for ICVs who are accredited to visit TACT detainees.

Recruitment and Conditions of Service

Organising Recruitment

11. PCCs are responsible for recruiting, selecting and appointing ICVs and must ensure these functions are adequately resourced.
12. Adequate numbers of suitably trained and accredited ICVs must be available at all times. Paragraphs 23-24 explain the arrangements for ICVs who are accredited to visit TACT detainees.

The Recruitment Process

13. Recruitment must be based on clear role descriptions, as well as person specifications setting out the qualities ICVs require to carry out their role effectively.
14. Recruitment must be open, non-discriminatory and well publicised.
15. All selections must be made on the basis of a standard application form with adjustments based on local circumstances.
16. No person shall be appointed as an ICV without an interview taking place. The selection panel must record the reasons for decisions about appointment or non-appointment. Any appointment must be made solely on merit. Any appointment is subject to vetting or security clearance for all custody visitors to an appropriate level as determined by the Home Office.

ICVs who visit TACT detainees must have Security Check (SC) level clearance and have undertaken the specific training provided for visiting TACT detainees (see paragraphs 37-38 for details of the training). Before renewing the appointment of an individual ICV, PCCs must ensure that appropriate vetting or security clearance remains valid until the end of the period of appointment (see paragraph 29 below).

17. All ICVs must be at least 18 years old and must be living or working within the police area, having been resident in the UK for at least 3 years prior to the date of application. ICVs accredited to visit TACT detainees will need to have completed the I training and is a condition of selection for this role. ICVs must have successfully completed 18 months of PACE custody visits before they can be considered for TACT detainee visits. Paragraphs 37-38 provide more detail on the training for these roles.

Who should be selected?

18. The PCC must seek to ensure that the overall panel of ICVs is representative of the local community and provides a suitable balance in terms of age, gender and ethnicity.
19. All reasonable adjustments, as defined in the Equality Act 2010, must be made to accommodate those with a disability. Where it is proposed to appoint as an ICV an individual who does not have English as their first language, but who is able to communicate effectively so as to be understood, and is otherwise considered to be a suitable candidate, he/she must be informed that visits with detainees are carried out in English as is all documentation relating to detainees.
20. Visitors must be independent persons who are able to make informed and justified judgements and unbiased observations in which the community can have confidence and which the police will accept as fair criticism.

21. Where an applicant has one or more convictions for criminal offences, or has received any formal caution, warning or reprimand, or has failed to disclose any such finding, the specific circumstances must be considered in assessing suitability to become an ICV. However, past offending is not an automatic barrier to acceptance. The chief officer should provide advice to enable the PCC to make a decision with regard to the suitability of each applicant. The PCC should be informed by the chief officer as to the reason(s) for recommending that a volunteer should not be appointed. Ultimately, the PCC is responsible for all appointments of ICVs – subject to meeting the requirements (for example vetting) set out in this guidance.
22. In appointing ICVs, care must be taken to avoid any potential conflict of interest. For example, serving police officers and other serving members of police or PCC staff will be unsuitable for that reason. The same will apply to special constables, justices of the peace, members of police and crime panels or PCCs. All applications must be considered on their merit.

ICVs visiting TACT detainees

23. The selection of ICVs for TACT detainee visits will draw on the existing structures whereby ICVs are associated with schemes administered by individual PCCs and carry out visits only in that police area.
24. ICVs for TACT detainee visits will be drawn from those areas where terrorism detention takes place.

Other Possible Roles for Custody Visitors

25. ICVs may also act as appropriate adults. However, individuals must not switch between those roles during the course of a visit to the same police station and must declare if they have previously carried out either role with the same detainee. An individual cannot perform both roles (i.e. acting as an appropriate adult and an ICV) simultaneously for the same detainee.
26. ICVs may also act as lay observers appointed under section 81 of the Criminal Justice Act 1991 to inspect the conditions under which prisoners are transported and held.

Basis of Service

27. The PCC must provide each ICV with a written memorandum of understanding summarising their agreed responsibilities and the legitimate expectations of both parties.
28. The PCC must provide each ICV with an identity pass as their authority to visit any police station in the force area that is holding detainees on a regular or temporary basis.

Tenure

29. Appointments as an ICV must initially be for three years and must not be confirmed until a six-month probationary period has been satisfactorily completed. Full re-assessments of suitability must take place at regular

intervals but no longer than three years apart. The key factors in renewing appointments for further periods must be the continuing ability and willingness of the individuals involved to do the job effectively. Any decision not to renew the appointment must follow the principles of natural justice and must be publicised in the scheme's memorandum of understanding or guidance. There are additional training and selection requirements for TACT ICVs as set out in paragraphs 37-38.

Removal

30. A PCC can terminate an ICV's appointment because of misconduct or poor performance.
31. Procedures for considering possible termination of appointment must follow the principles of natural justice and must be publicised.

Complaints Procedures

32. Procedures must be in place to deal with complaints against ICVs by detainees, police personnel or others. Equally, there must also be a clear mechanism for handling any complaints from visitors.

Payment

33. ICVs are entitled to be reimbursed for their legitimate expenses incurred in carrying out their role.

Insurance

34. The PCC must ensure adequate cover and provision for claims arising from an ICV's role.

Training

35. The basic responsibility for initial and ongoing training lies with the PCC and a structured plan with clear objectives must be developed in consultation with the police service and the local independent custody visiting community.
36. The PCC must evaluate the effectiveness of training and the extent to which it is achieving its objectives.

Training, selection and guidance for ICVs visiting TACT detainees

37. The Independent Custody Visiting Association (ICVA), with Home Office support, is responsible for developing and keeping under review an additional training package for ICVs visiting TACT detainees. Training will cover an explanation of the legal framework, review process, arrangements for visits, the role of the IRTL and how ICVs will work with the IRTL in carrying out their functions, and the conduct and reporting of visits.
38. Training for ICVs visiting suspected TACT detainees is part of the selection process, and successful completion of training is a condition of selection for this role. ICVs must have successfully completed eighteen months of PACE custody visits before they can be considered for TACT detainee visits. Selection, performance management and de-selection of ICVs is the responsibility of the relevant PCC.

Frequency and Coverage

39. The PCC should liaise with the chief officer about the frequency with which visits should be carried out.
40. Visits must be sufficiently regular to support the effectiveness of the system, but not so frequent as to interfere unreasonably with the work of the police.
41. The frequency of visits must be monitored against expectations and reported to the PCC at regular intervals. Where insufficient visits are taking place, the causes must be investigated and corrective action taken.
42. Consideration must be given to making visits to all police stations where detainees are held even where they are only accommodated for relatively short periods of time.

Visiting TACT detainees

43. In respect of PACE detention, ICVs regularly conduct unannounced visits to police stations. This element of “spot-checking” is an important tool in ensuring ICVs are able to provide an accurate “snapshot” account of detention conditions. Appropriately trained and security cleared ICVs may still undertake unannounced visits to terrorism detention suites, but given the low number of TACT arrests in comparison to PACE arrests, it is unlikely that a terrorist suspect will be in detention during visits which are conducted on an ad-hoc basis. For this reason, the relevant ICV scheme administrator will be notified when terrorist arrests take place and where those arrested are being detained.
44. This notification will be made by the police custody officer as soon as practicable after the detainee has arrived at the detention suite.
45. The ICV scheme administrator will inform appropriately trained and security cleared ICVs that an individual has been arrested under TACT and of the detention facility at which they are, or will be, held.
46. One of the nominated ICVs will make contact with the police custody detention suite to inform them of their intention to visit. The selected pair of ICVs may visit unannounced but a police officer of at least Inspector rank may delay access until such a time as is practicable (as set out in Section 51(4)(a) of the Police Reform Act 2002 and in paragraphs 49 and 55 of this Code). The police will accommodate an initial visit as early as possible, although visits may need to be delayed where multiple arrests take place simultaneously in order to allow suspects to be “booked in”. This ensures that suspects are able to receive notice of their statutory rights, and to exercise their right to inform someone of their arrest and receive legal advice. The process also ensures that the police are able to collect any necessary physical evidence from a person for analysis (e.g. forensic samples, DNA profiles, fingerprints etc).

However, ICVs should be able to conduct an initial visit as soon as is practicable after the detainee has arrived at the detention suite.

47. Pre-charge detention under TACT can continue up to a maximum of 14 days. Therefore, subsequent visits by appropriately trained ICVs may be appropriate but this will depend on the length of the detention. Subsequent visits may take place until the detainee is charged or released. As a matter of good practice, different pairs of ICVs should visit the same detainee in the same pre-charge detention period. The police cannot direct when ICVs should conduct their visits; ICVs can visit a detainee whenever they wish – subject to the detainee's consent (see paragraphs 64 and 72).

Working arrangements

Conducting visits

48. To ensure the safety and wellbeing of volunteers, visits must be undertaken by pairs of ICVs working together.

Visiting Procedures at Stations

49. ICVs must be admitted to the custody area immediately. Delay is only permitted when immediate access may place the visitors or another individual within the custody area in danger. A full explanation must be given to the visitors as to why access is being delayed and that explanation must be recorded by the visitors in their report.
50. ICVs must have access to all parts of the custody area and to associated facilities, such as cell accommodation, washing and toilet facilities, facilities for the provision of food and medical rooms (which in some cases, may only be accessible when the force's healthcare practitioner is present) for the purposes of inspection. However, it is not part of their role to attend police interviews with detainees. Custody visitors will be allowed access to CCTV cameras and systems (in PACE detention facilities) to ensure that they are operational.
51. Police staff must be alert to any specific health or safety risks ICVs might face and must advise them appropriately at the commencement of the visit.
52. The custody officer or a member of custody staff must accompany ICVs during visits (subject to paragraph 58).

Access to Detainees

53. Subject to the exceptions referred to in paragraph 55, ICVs must be allowed access to any person detained at the police station. However, only ICVs who have undergone the appropriate security vetting and training will be permitted access to TACT detainees, irrespective of where they are being held. Detainees may only be interviewed with their consent which will be established either by:
- i) self-introduction – the ICVs will introduce themselves and their purpose and seek permission to speak to the detainee

- ii) the escorting officer explaining the purpose of the ICV visit and asking the detainee whether they are willing to speak with the visitors.
54. Juveniles may be spoken to with their own consent. If, for whatever reason, a detainee is not in a position to give consent, the escorting officer must allow the visit unless any of the circumstances set out in paragraph 55 apply.
55. In accordance with section 51(4) of the Police Reform Act 2002, the custody officer may limit or deny ICVs access to a specific detainee only if authorised by an officer of, or above, the rank of Inspector and where either of the following specified grounds apply:
- i) after a risk assessment has been carried out the officer reasonably believes that to be necessary for the visitors' safety, or
 - ii) if the officer reasonably believes that such access could interfere with the process of justice.
56. Where any of the circumstances referred to in paragraph 55 apply, consideration should be given to allowing the visitors some limited form of access to the detainee, such as speaking through the cell hatch or seeking consent to view the custody record. Such a delay under the specified ground at paragraph 55 would not prevent the ICVs from inspecting the rest of the detention facility.
57. Any decision to deny or limit access must be recorded in the detainee's custody record (together with the relevant authorisation) and by the ICVs in their report of the visit.
- Discussions with Detainees**
58. Discussions between detainees and ICVs must, wherever practicable, take place in the sight, but out of the hearing, of the escorting police officer. Where this is not possible, the police officer will not take any active part in the conversation. Police officers should not actively listen to conversations between ICVs and detainees. For TACT detainees, discussions may take place in either the interview room, the solicitor's consulting room or some other convenient place.
59. Discussions must focus on checking whether detainees have been offered their rights and entitlements under PACE, their health and wellbeing, and the relevant safer detention guidelines and confirming whether the conditions of detention are adequate.
60. ICVs must remain impartial and must not seek to involve themselves in any way in the process of investigation. If a detainee seeks to make admissions or otherwise discuss an alleged offence, the visitor must tell them that the relevant contents of the visit will be made known to the custody officer and may be disclosed in legal proceedings.
61. If an ICV realises they know or are known by a detainee, they must declare this and consider whether to withdraw from the visit.

62. ICVs must not pass messages to or from detainees or offer to perform other tasks on their behalf. If they are asked to do so they must immediately inform the custody officer.
63. If a detainee indicates to an ICV that they may harm themselves or any other person, this must immediately be brought to the attention of custody staff.
64. Subject to obtaining the detainee's consent to examine their custody record, the ICVs should check its contents against what they have been told by the detainee. This will provide ICVs with an overview as to how the detention has been carried out. ICVs may also have access to other relevant documentation, which relates to a detainee e.g. risk assessment. All such information must be treated confidentially.
65. If a detainee is for any reason incapable of deciding whether to allow access to their custody record, the presumption must be in favour of allowing the ICVs to examine it.

Audio and video recording of TACT interviews

66. ICVs visiting TACT detainees may request that they are given access to audio or video recordings of interviews. ICVs may only request access to the whole or part of the audio or video recordings of any interview that has been conducted during the period of detention:
 - a) at the request of the detainee; or
 - b) where the ICVs have particular concerns about the conduct of an interview (the consent of the detainee will still be required).

Such a request will only be in order to:

- a) ensure that the detainee has been offered their rights and entitlements under TACT;
 - b) that their health and wellbeing has been ensured throughout; and
 - c) that the relevant statutory code of practice has been followed.
67. Given the interests of the detainee will be protected by their legal representative and, if relevant, an appropriate adult, during the interview, the ICV will not routinely need to access audio or video recordings of TACT interviews. Should the ICV continue to have concerns after viewing the recording, they should take this up as soon as possible with the custody officer in order to seek a resolution and follow the complaints procedures set out in the PCC arrangements.
 68. Access to the whole or part of an audio or video recording of an interview may only be denied to ICVs if:
 - (a) it appears to an officer of, or above, the rank of inspector that there are grounds for denying access (as set out in paragraph 69) at the time it is requested; and

(b) the procedural requirements imposed by the arrangements in relation to a denial of access to such recordings are complied with.

69. The only permitted grounds for denying access to the whole or part of an audio or video recording of an interview under paragraph 68 (a) above are:

- a) if the officer reasonably believes that it is not practicable to provide access at the time it is requested; or
- b) if the officer reasonably believes that such access could interfere with the process of justice.

70. In the case of access being denied to audio or video recordings, an explanation must be given to the ICVs and this must be recorded on both the visit report form and the custody record.

71. ICVs will not be permitted to watch or attend live interviews of terrorist suspects.

72. ICV access to audio or video recordings of interviews must always be subject to obtaining the consent of the detainee. Consent will need to be obtained at each separate visit.

Medical Issues

73. ICVs have no right to see the detainee's medical records, even where these are attached to the custody record. However, key points relevant to medical treatment required while in custody should be recorded in the custody record itself and may be viewed.

Dealing with Issues and Complaints

74. Where a detainee makes a complaint, or raises an issue about their general treatment or conditions, ICVs must (subject to the detainee's consent) take this up as soon as possible with the custody officer in order to seek a resolution. The same applies to similar issues identified by visitors in the course of their attendance.

75. If a detainee makes a complaint of misconduct by a specific police officer, they must be advised to address it to the duty officer in charge of the police station.

Effective Working Relationships

76. For independent custody visiting to be effective, it is essential that visitors and police staff develop and maintain professional working relationships based on mutual respect and understanding of each others' legitimate roles.

Reporting on a Visit

77. At the end of each visit, and while they are still at the police station, ICVs must complete a report of their findings to include conditions and facilities, rights and entitlements and health and well-being. One copy of the report must remain at the station for the attention of the officer in charge. Copies must go to the PCC and other parties as determined locally.

78. Report forms must include an undertaking not to reveal the names of persons visited or other confidential information obtained in the course of a visit.

TACT detainees

79. Reports of visits should be submitted to the IRTL and to the PCC for both the police station where the suspect was held and also the police area in which the arrest was made. Co-ordination of reports will be done via the PCC and the ICV Scheme Administrator.

Feedback

80. Systems must be in place to ensure that the output from visits is drawn rapidly to the attention of those in a position to make the appropriate response.

81. The PCC is responsible for drawing together issues and identifying trends emerging from visits in their area and addressing these with relevant police supervisors.

82. The PCC must have a regular and formal opportunity to raise concerns and issues with a designated senior officer with force-wide responsibilities. It will usually be appropriate for that officer to be of at least Assistant Chief Constable/Commander rank. Regular reports shall be provided by the administrator of the scheme to the PCC. These reports must be discussed at PCC meetings as appropriate and reflected in an entry about independent custody visiting in the PCC's own annual report.

83. In addition, for TACT detainees the IRTL may choose to follow up issues separately.

Sharing Experience

84. The PCC must ensure that ICVs have regular opportunities to meet together to discuss their work.

Reviewing Performance

85. PCCs must take steps to assess how effectively their independent custody visiting arrangements are working. Key aspects of that process will be having regard to the National Standards, including quality assurance in respect of reports, remedial actions taken by the police in response to issues raised, the frequency with which visits take place and the number of occasions on which detainees refuse to speak to visitors.



Appendix F - National Standards for Custody Visiting

A. INTRODUCTION

1. This document puts into context the Codes of Practice that underpin paragraph 51 of the Police Reform Act 2002 and identifies what are considered to be national standards to which all involved in the process aspire. These standards have been developed through the experience of operating visiting arrangements throughout England and Wales. It also encourages police authorities and independent custody visitors to establish their own local practises in line with the national standards.

2. The statutory provisions, the related codes of practice and this document replace Home Office Circular 15/2001, which has now been withdrawn. The standards have been produced following discussions with representatives from the Association of Chief Police Officers, the Association of Police Authorities, the Association of Police Authority Clerks, Her Majesty's Inspectorate of Constabulary, the Home Office, the Metropolitan Police Authority, the Independent Custody Visiting Association, the Police Complaints Authority, the Police Federation and the Police Superintendents' Association.

3. While the Home Office provides a Code of Practice on the key principles of independent custody visiting, responsibility for delivery lies with police authorities in consultation with forces. Within these National Standards there is an important role for the Independent Custody Visiting Association (ICVA), which supports and promotes the visiting process. The Home Office continues to be committed to working in partnership with ICVA as a repository of experience, advice and best practice.

4. The year 2000 saw the implementation of the Human Rights Act and the incorporation of the European Convention on Human Rights into our domestic law. The treatment of those in police custody is one key indicator of the extent to which we are embracing the culture of rights, which these legal changes were intended to reinforce. Independent custody visiting provides an important check on that treatment and police authorities should ensure that the visiting arrangements they apply are as effective as possible. These standards are intended to help in achieving that.

B. THE PROCESS

1. Volunteers from the community are recruited and approved by the police authority and following training suitably organised to visit local police stations. Unannounced visits are made at varying times of the day and night, with volunteers having immediate access to the custody area. The conditions of detention and the treatment of individual detainees are checked. As part of that process there will be discussion with custody staff and detainees who are required to give their consent before being spoken to. Independent custody visitors must raise issues needing immediate attention by the police. After every visit, they will produce a written report of their

findings. Arrangements must be in place for output from visits to be discussed by groups of visitors and communicated to the police at local, area and force level. There must also be regular feedback to the police authority and a commitment to publicising the work and, where appropriate, the findings of independent custody visitors.

Section 51(6) of the Police Reform Act 2002 and the Codes of Practice paras 1-3 set out the statutory requirements.

To explain the process ICVA has:

- ***Developed a website packed with relevant materials (www.icva.org.uk)***
- ***Produced a community awareness video***
- ***Designed a leaflet which has been translated into 19 languages***
- ***Created posters depicting a number of images to assist recruitment and heighten awareness***
- ***Produced a student workbook setting out the relevant legislative requirements and the significant implications from this legislation for all involved in the process***
- ***Developed 'An Introduction to Cultural Awareness' module for police authorities' independent custody visitors.***

C. ORGANISATION AND INFRASTRUCTURE

1. The responsibility for organising and overseeing the delivery of independent custody visiting lies with police authorities, in consultation with chief constables. Police authorities must therefore ensure that they have in place robust and effective procedures for establishing and maintaining their independent custody visiting schemes, including the allocation of sufficient resources to this function. This includes:

- Publicising the work of their schemes
- Developing policy/policies to maintain and enhance the effectiveness of schemes
- Ensuring the maintenance of appropriate organisational arrangements and visiting patterns
- Overseeing the recruitment, approval and training of independent custody visitors
- Establishing and maintaining effective systems for feeding back to the police authority on a regular basis the output from visits, and putting in place the necessary action to respond to issues as they arise
- Facilitating meetings of their independent custody visitors to discuss their work and issues arising from it
- Monitoring performance against the agreed frequency of visits.

2. Police authorities must consider locally what arrangements are needed in order to undertake these responsibilities efficiently and effectively, including the nomination of an officer for the central administration of the independent custody visiting scheme, supported as necessary by other staff and resources.

3. The key role of the 'central administrator(s)' should be to ensure that the scheme is running effectively on a day-to-day basis and to act as a source of advice and support for those organising independent custody visiting at a local level.

4. The central administration should not be undertaken by the police force or by individuals reporting to the chief constable.

5. Experience has shown that the most effective arrangements are normally based on groups or panels of volunteers organised to visit police stations within a prescribed area. It may be useful to base these areas on police organisational structures covering divisions or command units.

6. Every local group should have its own co-ordinator responsible for organising the work of its members. Key elements of the co-ordinator's duties will be:

- ensuring that a suitable pattern of visiting is established and applied
- acting as a conduit for feedback to local police commanders and the police authority
- facilitating meetings and discussions between group members
- forming the interface between individual independent custody visitors and those with central responsibility for the system at police authority level.

7. Local co-ordinators may face a considerable burden of administration (for example, in relation to developing rosters, writing reports and arranging meetings). Police authorities may wish to consider the provision of access to funded clerical or secretarial support.

8. There is no ideal size for local groups in terms of the number of police stations they cover or the number of individual independent custody visitors they involve. However, coverage should not be so extensive as to detract from the essentially local nature of the arrangements. Allowing for that, groups must include sufficient numbers of volunteers to ensure the agreed programme of visits can be maintained.

9. Effective organisation and administration is very important to retaining and boosting the commitment of those involved in independent custody visiting on a voluntary basis. Visitors who feel properly supported and valued are more likely to continue with the work and carry out their duties in a positive and enthusiastic manner. Independent custody visiting is essentially a community-based initiative and local groups should have some degree of autonomy to fit their approach and procedures to local conditions and needs. However, that should be within a clear organisational framework established by the police authority and taking account of the guidance set out in this circular.

Section 51(6) of the Police Reform Act 2002 and the Codes of Practice paras 4–6 set out the statutory requirements.

To assist police authorities and independent custody visitors ICVA has:

- ***Developed a website packed with relevant materials (www.icva.org.uk)***

- *Produced a community awareness video*
- *Designed a leaflet which has been translated into 19 languages*
- *Created posters depicting a number of images to assist recruitment and heighten awareness.*

D. RECRUITMENT AND CONDITIONS OF SERVICE

Organising recruitment

1. Police authorities, who are responsible for recruiting, selecting and appointing independent custody visitors, need to establish clear policies and procedures covering these processes. The work must be adequately resourced so that functions such as publicising opportunities for volunteers, processing applications and conducting interviews can be carried out effectively.

2. One key policy objective must be to ensure that adequate numbers of suitably accredited and trained independent custody visitors are available at all times throughout the police authority area to carry out the required programme of visits. This priority must be integrated with the equally important objective of ensuring that visitors are representative of the local community and provide a suitable balance in terms of factors such as age, gender and ethnicity.

3. Managing recruitment to balance these priorities requires forward planning which focuses on factors such as the size of local groups, the number of independent custody visitors required and the level of visitor retention. Such planning is much more likely to be successful where it is based on a rolling programme of recruitment rather than only when vacancies arise. A rolling programme can also help in linking recruitment to training and ensuring a flow of new visitors who are fully aware of their duties and equipped to carry them out.

4. Police authorities might find it helpful to form a small representative group to advise on and help oversee the recruitment and selection process. In addition to a central co-ordinator, members could include police authority members, local group co-ordinators and community representatives. It might be appropriate for selection panels to be drawn from members of this group.

Codes of Practice paras 7– 8 set out the statutory requirements.

The recruitment process

5. The independent custody visitor job description should list the relevant duties and emphasise the need to provide reports and feedback as well as the basic process of attending police stations. A 'person specification' - which sets out the qualities independent custody visitors require to carry out their role effectively - can guide recruitment and interviewing and help to provide a foundation for dealing with any appeals against unfairness in the selection process.

6. Once the basis for recruitment is established, consideration must be given to how to publicise opportunities and attract applicants. Advertising in the local media is recommended as the most obvious and open way to contact a broad section of the local community. However, the need to ensure independent custody visitors are representative of the community as a whole may argue for some targeting of recruitment at specific groups, perhaps through local community organisations, police/community consultative groups, local media or via the newsletters of voluntary organisations, churches and other religious groups. Word of mouth recommendations remain a legitimate source of potential independent custody visitors, but care must be taken to ensure this does not lead to an imbalance through existing visitors recommending people from similar backgrounds to themselves. Any appointment must ultimately be made solely on merit.

7. When people enquire about appointments they should be sent basic information covering the purpose of the system, the role of the independent custody visitor, the commitment required and the terms and conditions applicable to the local scheme. This material should accompany the basic job description and the application form.

8. All selection must be on the basis of a standard application form. The precise format is a matter for the discretion of the police authority, but ICVA has developed a suggested proforma based on extensive consultation. Details of all criminal convictions (other than those which are spent by reason of the Rehabilitation of Offenders Act 1974) cautions, reprimands and final warnings should always be sought. Asking applicants to state why they are seeking to become independent custody visitors can help in assessing motivation and relevant background knowledge and can be linked to questions about involvement in other voluntary or community work and their relevant skills. Seeking information about how they became aware of independent custody visiting can assist in reviewing recruitment strategy and it is good practice to ask for referees, who can then provide an insight into character and commitment. All application forms should include a statement that the recruitment process will be guided by equal opportunities principles.

9. Those responsible for recruitment should sift applications on the basis of the agreed person specification. In addition, a robust police vetting check should be carried out to verify information provided about criminal convictions. Application forms should request consent to such checks being carried out.

10. Suitable applicants should be asked to attend an interview and no one must be appointed as an independent custody visitor without an interview. The main purpose of this is to test suitability against the person specification referred to above, and to maintain consistency and objectivity in selecting from the field of potential independent custody visitors. The selection panel must record the reasons for decisions about appointment and non-appointment. This helps to demonstrate fairness and provides any necessary feedback to those who have been unsuccessful where requested.

11. Similar recruitment principles will generally be applicable to selecting central administrators and local co-ordinators. Certainly, there is a need for clear job

descriptions and person specifications. Consideration should also be given to active succession planning for these key posts, so that timely arrangements are always in hand to fill vacancies with suitably skilled and experienced people.

Codes of Practice paras 9–13 set out the statutory requirements.

ICVA has produced detailed practical guidance on recruitment procedures and is a good source of general advice in this area. To assist police authorities with their recruitment process ICVA has developed an administration section on its website, www.icva.org.uk that includes:

- ***A sample independent custody visitor application form***
- ***A sample independent custody visitor person specification***
- ***A sample co-ordinator visitor job description***
- ***A sample monitoring form for independent custody visitor decisions.***

Word of mouth recommendations remain a legitimate source of potential independent custody visitors but appointments must be made solely on merit.

The selection panel should agree the format of standard questions to test suitability against the person specification referred to above and to maintain consistency and objectivity

Who should be selected?

12. A key priority is for independent custody visitors to be recruited from and representative of the local community. Local groups must aim for balance in terms of age range, gender and ethnicity as the scheme will lack effectiveness and credibility if those participating are drawn from too narrow a section of the local community. This inclusive approach must extend to those with disabilities and those who do not have English as their first language. All reasonable efforts should be made to accommodate applicants in these categories as independent custody visitors where they are considered suitable candidates. However it must be emphasised that the most important criterion for selection is ability to fill the custody visiting role effectively.

13. Visitors must be independent persons of good character who are able to make informed judgements in which the community can have confidence and which the police will accept as fair criticism when it is justified.

14. Where applicants have unspent convictions for criminal offences, those responsible for selection must consider any bearing that this may have on their suitability as independent custody visitors. Relevant factors will include the nature and number of any offences and how long ago they were committed. Also, how the fact or nature of any past offending might impinge on effectiveness in the custody visiting role. However, such offending must not be an automatic barrier to acceptance as an independent custody visitor and each case needs to be considered individually. Any failure to disclose unspent convictions should be taken

very seriously and generally lead to exclusion unless there are exceptional circumstances.

15. In appointing independent custody visitors, care must be taken to avoid any potential conflict of interest. For example, serving police officers and other serving members of police or police authority staff will be unsuitable for this reason. The same will apply to special constables, justices of the peace and members of the police authority. Where persons in these categories have left or retired from relevant duties, they may be suitable for appointment, taking into consideration factors such as the geographical location where they would be carrying out visits and the length of time since they left the relevant employment. Applications from others involved with the criminal justice system should be considered individually. For example, solicitors and members of the probation service may find that the duties of an independent custody visitor conflicts with their professional responsibilities. However, there is no hard and fast rule in such cases and each application should be looked at on its individual merits, with regard to the public service principle of being seen to be independent and impartial.

16. There is no longer any barrier to independent custody visitors also acting as appropriate adults. However, the two roles are very different, particularly in terms of the relationships between those fulfilling them and the detainees and custody staff with whom they are dealing. For that reason, there should always be a clear separation between instances of acting as a custody visitor and as an appropriate adult. It is vital to avoid changing hats in ways, which might blur responsibilities and create confusion for all concerned. Other than in exceptional circumstances, it will not be appropriate to switch between the two roles during the same visit to a police station.

17. There is no reason why independent custody visitors should not also be able to act as lay observers who are appointed under the Criminal Justice Act 1991 to inspect the conditions under which prisoners are transported and held.

Codes of Practice paras 14 - 20 set out the statutory requirements.

Basis of service

18. It is vital that those recruited as independent custody visitors have a clear understanding of the expectations on them and of the support that the police authority should provide. Each visitor must be provided with a written memorandum of understanding, which summarises their agreed responsibilities and legitimate expectations. The content of this is a matter for individual authorities, but will need to include many of the issues covered elsewhere in this guidance.

19. The police authority will need to provide each independent custody visitor with a suitable pass (time-limited to their period of appointment)

which functions as their approval to visit any police station or other facility in the force area holding detainees on a regular or temporary basis.

Codes of Practice paras 21 – 22 set out the statutory requirements.

Tenure

20. Independent custody visitors should be at least 18 years of age, but the Home Office does not seek to recommend any upper age limit.

21. Appointments must initially be for three years and must not be confirmed until a probationary period of six months has been satisfactorily completed. Full reviews of suitability must take place at regular intervals but no longer than three years apart. The key factors in reviewing appointments for further periods must be the continuing ability and the willingness of individuals involved to do the job effectively.

Codes of Practice para 23 sets out the statutory requirements.

Removal

22. A police authority can remove an independent custody visitor's accreditation because of misconduct or poor performance.

23. Procedures for considering possible removal should follow the principles of natural justice and be publicised.

Codes of Practice paras 24–25 set out the statutory requirements

The central independent custody visiting administrator for the police authority area should notify the independent custody visitor concerned of the grounds on which removal is being considered and advise them that they can make oral or written representations or both. There should also be an avenue of appeal to the police authority itself. No one who heard the initial case for removal should be party to the appeal process.

Complaints procedures

24. Procedures must be in place to consider complaints against individual independent custody visitors by detainees, police personnel or others. There must also be a clear mechanism for handling complaints from visitors and issues of concern arising from their work.

Codes of Practice para 26 sets out the statutory requirements.

Payment

25. Independent custody visitors are entitled to be reimbursed for legitimate expenses incurred in carrying out their role.

Codes of Practice para 27 sets out the statutory requirements.

Insurance

26. The police authority must ensure adequate cover and provision for claims arising from independent custody visitors' role.

Codes of Practice para 28 sets out the statutory requirements.

E. TRAINING

Responsibility for training

1. The basic responsibility for training lies with the police authority and a structured plan with clear objectives should be developed in consultation with the police service and the independent custody visiting community.

Codes of Practice para 29 sets out the statutory requirements.

ICVA is a very useful source of training support and documentation. They may be in a position to contribute directly to meeting specific training needs and can provide advice on best practice derived from their extensive experience in training independent custody visitors across the whole range of knowledge and skills.

Structure and contents

The necessary training can be divided into three broad areas:

Initial training

2. This should cover the basic knowledge and skills required to effectively carry out independent custody visits. It is likely to require a minimum of one whole day, supported by appropriate pre-reading. Key contents should include:-

- The purpose of and background to independent custody visiting
- The relevant aspects of the Police and Criminal Evidence Act 1984 and of its associated Code C covering Detention, Treatment and Questioning

- Current Home Office statutory requirements
- National standards
- Local guidance, conditions of service and working practices
- The basic practicalities of conducting independent custody visits
- Communication skills to assist effective contact with detainees and custody staff
- Equal opportunities and race awareness issues
- Health and Safety issues
- Data protection considerations
- The Police Complaints System.

ICVA is a very useful source of training support and documentation. To assist police authorities and independent custody visitors ICVA has:

- ***Developed initial training materials available through its website (www.icva.org.uk)***
- ***Produced a training video and accompanying trainers guide***
- ***Designed a students workbook which includes all of the key contents***
- ***Created a checklist / aide-memoir to assist visitors when they are carrying their visits***

Central administrators and local co-ordinators are likely to have a substantial role in delivery. However, police personnel can also make a significant input to training, particularly those involved in the custody environment and who understand the issues and procedures independent custody visitors will be addressing. The same applies to medical and other specialist staff who contribute to custody care.

Induction training

3. It will be useful for the memorandum of understanding agreed between the police authority and new independent custody visitors to include references to training arrangements and to a six-month probationary period during which experience will be acquired in a supportive environment. Only once that initial period has been successfully completed should full independent custody visitor status be granted.

Codes of Practice para 23 sets out the statutory requirements with regard to probation of visitors.

To assist police authorities and independent custody visitors ICVA has developed a number of advanced scenarios which are available through its website (www.icva.org.uk) which will assist in induction training.

The probationary period should consist of induction training based around carrying out visits in tandem with experienced colleagues. This will involve developing and consolidating skills at the police station, as well as discussing practical issues and difficulties after visits have been completed. Again, there

should be some focus on the Health and Safety aspects of the visiting process.

Continuous training

4. There is always scope to refresh and enhance training and there may be specific issues to address in relation to changing legal, procedural and Health and Safety requirements, developing best practice or practical issues emerging from the visiting process.

Conferences and other gatherings organised by the ICVA are a further opportunity to benefit from others' knowledge and experience. To assist police authorities and independent custody visitors ICVA has developed a number of advanced scenarios which are available through its website (www.icva.org.uk)

Regular meetings between groups of independent custody visitors provide an opportunity to share information and experience. ICVA produces a quarterly magazine, Visiting Times, to keep visitors informed of related issues to the process and containing articles of interest.

Evaluating training

5. The police authority must evaluate the effectiveness of training and the extent to which it is achieving its objectives.

Codes of Practice para 30 sets out the statutory requirements.

The extent to which overall training objectives are being achieved should be tested by examining its impact on the visiting process at police stations. Those responsible for training should seek feedback from both recipients and those delivering it.

ICVA has a training evaluation sheet to assess feedback from students who attend its initial training sessions.

F. FREQUENCY AND COVERAGE

1. The police authority should liaise with the chief constable about the frequency with which visits should be carried out.

2. Visits must be sufficiently regular to support the effectiveness of the system, but not so frequent as to unreasonably interfere with the work of the police.

3. The frequency of visits must be monitored against expectations and reported to the police authority at regular intervals.

4. Where insufficient visits are taking place the causes should be investigated and corrective action taken.
5. Consideration must be given to making visits to all police stations where detainees are held, even where they are only accommodated for relatively short periods of time.
6. Visits will generally be less frequent in such cases, but that will depend on local circumstances.
7. There may be occasions when a special visit is justified in agreement with the police. For example, when there is particular tension within the local community about the treatment or well-being of someone in detention. Local groups should be ready to consider and respond to such requests from the police.
8. Where there has been a death in police custody, the police authority must be informed as soon as possible. Consideration will then need to be given to whether a visit would be helpful in terms of informing and reassuring the local community. If it is agreed that a visit should be made it should be on the basis of a clear understanding as to how that feedback to the community will be achieved. Any visit following a death in custody or some other major incident should not be allowed to interfere with any relevant investigation which may be taking place. There may be circumstances in which the senior investigating officer dealing with such an incident needs to refuse or restrict access to particular area.

Codes of Practice paras 31-34 set out the statutory requirements.

9. Establishing and maintaining a programme of frequent visits is fundamental to the effectiveness of the system. Infrequent visiting is unsatisfactory in terms of community reassurance, building appropriate relationships with police staff and developing independent custody visitors' relevant skills.
10. It is unlikely that visits less frequent than once a month can ever be justified where stations designated for detention purposes under section 35 of PACE are concerned. Busy stations with a steady throughput of detainees will generally warrant visits at least once a week. In the busiest areas or where there are special considerations in terms of police/community relations or other factors, there may be a case to visit more than weekly.
11. Visits should also be considered and allowed where, following mass arrests, detainees are held for some time, possibly in vehicles within the police station yard or temporarily in a holding centre, prior to being booked into a station and formally detained there.

G. WORKING ARRANGEMENTS

1. This section covers a series of issues linked to the process of carrying out visits at police stations. It focuses on general principles and more detailed practical guidance is available from ICVA - info@icva.org.uk

Conducting visits

2. Visits should normally be undertaken by pairs of independent custody visitors working together. Visits should only be undertaken by a single independent custody visitor working alone where the police authority has carried out a thorough and robust assessment of the risks this presents and has concluded that it is, in all circumstances, the best option. Some of the risks which may arise from solo visits are a reduction in visitor safety, the removal for one visitor to provide a check on the effectiveness and appropriateness of the other's behaviour, and the removal of the capacity for them to verify and support each other's findings.

Codes of Practice para 35 sets out the statutory requirements.

If one member of the team should not be able to attend for any reason the standard procedure should be to postpone the visit. No more than two visitors should normally attend at any one time as any more may place an excessive burden on custody staff.

Local co-ordinators should roster pairs of independent custody visitors to make an agreed minimum number of visits to an allocated station or stations within a fixed time period. Visits should be unannounced and should not develop a regular pattern.

H. VISITING PROCEDURES AT STATIONS

1. Independent custody visitors must be admitted to the custody area immediately. If access is delayed this will affect the credibility of the independent custody visiting scheme. Access should be delayed only when the visitors may be placed in danger, for example if there is a disturbance in progress in the custody area. A full explanation should be given to the visitors as to why access is being delayed, which must be recorded by the visitors in their report.

2. In the interests of security and the safety of independent custody visitors, the custody officer or a member of the custody staff must accompany them during visits. However, the escorting officer should normally remain out of hearing during discussions between visitors and detainees.

Codes of Practice paras 36 - 39 set out the statutory requirements.

3. It is inappropriate for access to be delayed because the custody officer is busy. In such circumstances, the visitors should be admitted to the custody area but invited to wait until the custody officer or another officer is available to escort them on the visit.

4. Independent custody visitors must have access to all parts of the custody area including cells, detention rooms, charging areas, washing facilities, kitchen or food preparation areas and medical room (but not the drugs cabinet).
5. Visitors will wish to satisfy themselves that these areas are clean, tidy and in a reasonable state of repair and decoration, and that bedding in cells is clean and adequate.
6. Relevant storage areas may also be seen and visitors should check that there are adequate stocks of bedding and other necessary items.
7. They should also verify that arrangements are established for the cleaning of blankets etc and for any necessary replacement of furnishings and equipment.
8. They should check that any CCTV systems installed to observe the custody area or individual cells are operating properly.
9. They may inspect empty cells and detention rooms to check heating/ventilation systems and that cell bells and toilet flushing mechanisms are working properly.
10. They may visit interview rooms in the custody area if unoccupied, but it is not part of their role to attend police interviews with detainees.
11. Visitors may not visit CID rooms or other operational parts of the station.
12. In addition to the risk of violence from detainees, police staff must also be aware of any specific health or safety risks independent custody visitors might face and should advise them as appropriate. For example, visitors must always be told if there is a possibility of them coming into contact with detainees or cells exposed to CS spray.

ICVA has developed a checklist to assist independent custody visitors to carry out their inspections

Access to detainees

13. Subject to the exceptions referred to below, independent custody visitors must be allowed access to any person detained at a police station. Detainees will fall into the following categories:

PACE prisoners

These will constitute the vast majority and are held under the provisions of the Police and Criminal Evidence Act 1984.

➤ **Home Office prisoners**

These are remanded or sentenced prisoners who would normally be held in prison.

➤ **Immigration detainees**

These are persons held under the Immigration Act 1971 and Immigration and Asylum Act 1999 who are subject to deportation proceedings or who are waiting to be removed from the UK as illegal entrants.

➤ ***People at risk***

These may be persons held under the Mental Health Act 1983 for their own protection or children taken into police protection under the Children Act 1989.

14. Persons detained under the provisions of PACE who need for whatever reason to be held in hospital may be visited there with the agreement of the hospital authorities.

15. Persons detained by non-Home Office police forces such as the British Transport Police are not covered by these arrangements. However, they may be visited with the consent of the force concerned and the spirit of these guidelines should be applied to any such visits.

16. Detainees can only be visited with their consent and the escorting officer is responsible for establishing whether or not they wish to see the independent custody visitors. This should be done within the hearing, but - where practical - out of sight of the visitors in order to preserve the privacy of detainees. The escorting officer's introduction is a very important factor bearing on the effectiveness of the whole system of independent custody visiting and he or she should introduce the visitors in a positive way which will encourage the detainee to see them. Whether or not the detainee agrees to see the visitors the escorting officer must seek permission for them to have access to the detainee's custody record.

17. If a detainee is not in a position to give consent, perhaps because of the effects of drink or drugs or by virtue of a mental illness, the escorting officer must allow access unless it is considered that the independent custody visitors' safety would be at risk. In such circumstances, the visitors may wish to speak to the detainee through the cell hatch. This may also apply where consent is given, but the escorting officer judges the visitors would be in danger from a violent or potentially violent detainee if they entered the cell.

18. Sleeping detainees can be woken at the discretion of the escorting officer to seek consent to a visit. However, where this would involve interrupting the continuous period of eight hours rest provided for under PACE, the normal procedure should be not to wake the person but to observe them through the cell hatch.

19. Police interviews with detainees should not be interrupted to facilitate visits. However, independent custody visitors may await the completion of the interview if they wish to see the person concerned.

20. Juveniles may be visited with their own consent. It is not necessary to obtain the additional consent of a parent or guardian. If an appropriate adult is in attendance to support a juvenile or vulnerable person, the detained person's wishes should be sought and respected as to whether the appropriate adult should attend any visit.

21. In exceptional circumstances the police may judge that it is necessary for a detained person not to be seen by independent custody visitors in order to avoid any possible risk of prejudicing an important investigation. Any decision to deny visitors' access to a detained person should be taken by an officer of or above the rank of inspector and recorded in the custody record. The decision to deny access should be taken in each case in the light of all relevant circumstances. There should be no presumption that access should be denied to any particular category of detainee or because a decision has been made that a person should be held incommunicado.

Codes of Practice paras 40-45 set out the statutory requirements.

ICVA has developed a checklist to assist independent custody visitors to carry out their visit / interviews with detainees

Police authorities and their visitors have developed cue cards that should either be read out or viewed by detainees to obtain their consent

Conversations with the detainee

22. Conversations between detainees and independent custody visitors must normally take place in sight but out of hearing of the escorting officer. If for some reason the police consider that the escorting officer should remain within hearing, the custody officer must take this decision. Visitors should bear in mind, however, that some detained persons may be violent or under the influence of drink or drugs and that the presence of a police officer may deter or prevent assaults on the visitor.

23. Visits should normally be conducted in English or, where applicable, Welsh. Translation support should be provided where necessary. On occasions, it may be more appropriate to conduct a visit in another language spoken by the detainee, if one of the independent custody visitors is fluent in that language. However, in such circumstances care must be taken to ensure that any other visitor present is kept informed about what is being said.

24. Conversations must focus on checking whether or not detainees have been offered their rights and entitlements under PACE (including receipt of the necessary paperwork) and on confirming whether the conditions of detention are adequate. Independent custody visitors should do all they can to encourage an open exchange with the detainee and may wish to use a checklist to ensure that they cover all the relevant issues.

25. Independent custody visitors must remain impartial and must not seek to involve themselves in any way in the process of investigation. If detainees press them for advice about co-operating with the police, making a statement or anything in relation to their defence, they should explain that it is not part of their role. If a detainee seeks to make admissions or otherwise discuss an alleged offence, the visitor must tell them that the relevant contents of the visit may be disclosed to the police and may be later used in legal proceedings. If the detainee's concerns are linked to not yet having received legal advice, that is something the visitors may wish to take up with the escorting or custody officer.

26. If an independent custody visitor realises they know or are known by a detainee, they must consider whether to withdraw from the visit. The decision will depend on the nature of the relationship and its likely effect on the visitor's impartiality.

27. Independent custody visitors must not pass messages for detainees or perform other tasks on their behalf and must inform the custody officer immediately if they are asked to do so.

28. Independent custody visitors are primarily concerned with overall conditions, standards and procedures at police stations. However, immediate concerns about the treatment of particular individuals must be passed on to those in a position to take corrective action. If a detainee indicates that they may harm themselves or any other person, this must immediately be brought to the attention of custody staff.

Codes of Practice paras 46 - 51 set out the statutory requirements.

Custody records

29. Subject to obtaining the detainee's consent to view their custody record, the independent custody visitors should check its contents against what they have been told by the detainee. In particular, visitors will wish to verify:

- whether entitlements under PACE have been given and signed for
- that medication, injuries, medical examinations, meals/diet are recorded that procedures to assess special risks/vulnerabilities presented by the detainee have been properly recorded
- the timing and frequency of cell inspections of inebriated or otherwise vulnerable detainees
- the timing of reviews of the continuing need for detention

If a detainee is for any reason incapable of deciding whether to allow access to their custody record, the presumption must be in favour of allowing the independent custody visitors to examine the record.

Codes of Practice paras 52 - 53 set out the statutory requirements.

CCTV footage

30. The introduction of CCTV into custody suites has raised the question of whether independent custody visitors should have access to footage. This is ultimately a matter for local discretion, but the Home Office view is that visitors should carry out their functions in person and not by viewing either live CCTV pictures or recorded footage. Their role is fundamentally interactive with both detainees and police staff and cannot be discharged remotely. There may also be issues about infringing the privacy of detainees who have not consented to visitors observing them using CCTV. However, where specific incidents or circumstances arise as issues and have been captured on CCTV, visitors might reasonably be allowed access where both the police and the detainee(s) concerned consent. Visitors should be able to ask the custody officer whether the CCTV is working and be given a demonstration if necessary.

Medical issues

31. Independent custody visitors have no right to see the detainee's medical records, even where these are attached to the custody record. However, key points relevant to medical treatment should be recorded in the custody record itself. Visitors will wish to pay particular attention to detained persons who are suffering from any form of illness, injury or disability. They should satisfy themselves that, if appropriate, medical advice has been obtained and establish from the custody officer what instructions for medical treatment have been given and confirm by consulting the custody record that these instructions have been carried out.

Codes of Practice para 54 sets out the statutory requirements.

Dealing with issues and complaints

32. Where a detainee makes a complaint or raises an issue about their general treatment or conditions at the police station, independent custody visitors must (subject to the detainee's consent) take this up as soon as possible with custody staff or other staff at the police station in order to seek a resolution. The same applies to similar issues identified by visitors in the course of their attendance.

33. If a detainee makes a complaint of misconduct by a police officer, he or she must be advised to address it to the duty officer in charge of the police station. With the detainee's consent, it may be appropriate for independent custody visitors to notify the duty officer that the detainee wishes to make a complaint. In addition, visitors may want to remind them that they can seek legal advice in relation to the complaint or ask to see a doctor if an alleged assault is involved. However, such complaints must be dealt with through the formal procedures which are laid down and there is no broader role for visitors. They must not involve themselves in individual cases or make representations on detainees' behalf.

34. Remand or sentenced prisoners held in police stations who seek to complain about their conditions or treatment in prison should be advised that independent custody visitors cannot involve themselves in such matters and that there are recognised procedures open to them such as writing to or petitioning the Home Secretary or writing to their solicitor or Member of Parliament.

Codes of Practice paras 55-56 set out the statutory requirements.

Effective working relationships

35. For independent custody visiting to be effective it is essential that independent custody visitors and police staff develop and maintain professional working relationships based on mutual respect and understanding of each other's' legitimate roles. Such relationships can only exist where there is politeness and consideration on both sides. On the other hand, there is a range of behaviour, which has the potential to create tension, and conflict and some examples are given below. Visitors may cause difficulties by:

- failing to appreciate police priorities
- engaging in excessive petty criticism
- criticising officers in reports without bringing that criticism directly to their notice
- adopting an overly adversarial approach
- concentrating on finding fault and trying to catch the police out becoming involved in an investigation or advising the detainee on that investigation
- criticising police action or questioning their judgement in areas outside the visitor's remit
- telling or suggesting to the police what they should do
- making promises to a detainee on behalf of the police
- breaching confidentiality.

36. On the police side, problems may arise from:

- failing to accept independent custody visitors' status and recognise their responsibilities
- demeaning or belittling visitors
- treating visitors with indifference or disrespect
- unreasonably delaying or limiting access to custody areas
- being insufficiently positive when introducing visitors to detainees.

37. All these issues must be seen against the background of the need to strike the right balance between establishing effective working arrangements and developing a relationship that is too close and cosy. Where the latter occurs, it becomes increasingly difficult for independent custody visitors to provide the objective and constructive review of procedures and conditions which is a key part of their role.

38. Allowing for the factors covered in this section and for other issues emerging locally, the police authority may wish to consider developing its own code of conduct for independent custody visiting.

Codes of Practice para 57 sets out the statutory requirements.

Reporting on a visit

39. Recording the contents of a visit is one of the most important aspects of the system. Independent custody visitors may wish to make notes in the course of the visit, but should explain to the detainee why they are doing so.

40. At the end of each visit, and while they are still at the police station, independent custody visitors must complete a report with their findings. Custody staff should not be present while visitors discuss and complete reports and wherever possible they should be able to use a private area for this purpose. Details must include both specific matters (which may already have been brought to the attention of police staff) and more general issues relating to custody conditions or procedures. All reports must be completed in English or, where applicable, Welsh, even if the visit has been conducted in another language.

41. One copy of the report should remain at the station for the attention of the officer in charge and it may also be helpful to keep one within the custody suite for reference purposes. Copies should also go to the police authority and to the co-ordinator of the local independent custody visiting group. There may be additional local requirements for copies to be passed to others involved in the process.

Codes of Practice para 58 sets out the statutory requirements.

ICVA has developed a national report form that is available to police authorities and complements the software package

Confidentiality and disclosure

42. Report forms must include an undertaking not to reveal the names of persons visited or other confidential information obtained in the course of a visit. Breach of this undertaking may make a visitor liable to civil proceedings by the detained person concerned. Independent custody visitors also need to be aware that the unauthorised disclosure of facts concerning police operations, or the security of police stations may constitute an offence under section 5 of the Official Secrets Act 1989.

43. Conversations between independent custody visitors and detainees are not privileged and it would be open to a court to issue a witness summons requiring the attendance of a visitor to give oral evidence or to produce documents such as a report of a particular visit. Visitors are under no obligation to give evidence or produce documents other than in response to a court order but would be obliged to respond to such an order.

Codes of Practice paras 58-59 set out the statutory requirements.

ICVA has developed a national report form that is available to police authorities and has the appropriate declaration

I. FEEDBACK AND MAKING A DIFFERENCE

1. If independent custody visiting is to be effective, systems must be in place to ensure that the output from visits is drawn to the attention of those who are in a position to respond. This reporting occurs at various levels and a quick and positive reaction from those receiving it is one of the surest ways to strengthen and consolidate the independent custody visiting system.
2. The first key relationship is between independent custody visitors and the custody staff who will be the immediate recipients of practical issues and observations emerging from visits. Second, there is the interface with the officer in charge of the police station. Effective dialogue and responsiveness at these levels is the foundation of the whole system.
3. The co-ordinator of the local independent custody visiting group is responsible for drawing together issues, identifying trends emerging from visits in their area and addressing these with relevant police supervisors. They should also collate regular reports for submission to the independent custody visiting administrator operating at the police authority level.
4. The central administrator should have a regular and formal opportunity to raise concerns and issues with a designated senior officer with force-wide responsibilities. It will usually be appropriate for that officer to be of Assistant Chief Constable rank. The central administrator should also produce regular reports for the police authority summarising the output from independent custody visiting and the way in which concerns have or have not been addressed. These reports should be discussed at police authority meetings as appropriate and reflected in an entry about independent custody visiting in the police authority's own annual report.
5. It cannot be emphasised strongly enough that the key to the effectiveness of these feedback arrangements at every level is a rapid and appropriate response by the police to concerns raised by the independent custody visitors. If that response is delayed or grudging, working relationships will deteriorate rapidly and the whole system may start to slip into disrepute.

Codes of Practice paras 60 - 62 set out the statutory requirements.

Sharing experience and concerns

6. The practice of independent custody visiting and the output from it will be greatly strengthened by providing regular opportunities for visitors to meet together to discuss their work. Such meetings can cover the practicalities of carrying out visits

as well as issues emerging from them. In addition, they can alleviate the feeling of isolation which can frequently accompany an activity that is often carried out with just a single colleague, often at unsociable hours.

7. Central administrators and local co-ordinators should take the lead responsibilities for arranging such meetings at the appropriate levels. Members of each local group should have the opportunity to meet together, as should the set of local co-ordinators working within the police authority area. An annual conference open to all independent custody visitors in the area can be a very positive way to strengthen bonds with colleagues and build a sense of common purpose.

8. The ICVA provides a number of opportunities for independent custody visitors to meet at regional and national level. These can be an excellent way to stay in touch with developments in independent custody visiting and to learn from practice in other police authority areas.

Codes of Practice para 63 sets out the statutory requirements.

Reviewing performance

9. It is important that police authorities take steps to assess how effectively their independent custody visiting arrangements are working. Some significant indications will emerge from the quality and coverage of reports they receive, although there are some more specific measures, which can usefully be taken account of.

10. All authorities should collect and regularly review the visiting statistics for the groups in their area. This will indicate whether expectations of frequency are being met and highlight any locations or groups where corrective action is necessary.

11. Authorities should also collect information on the proportion of occasions on which detainees refuse to see independent custody visitors. This can indicate something about the detainees' perception of the visiting system, as well as reflecting the effectiveness with which visitors are introduced at police stations.

12. Authorities should review performance in relation to specific aspects of independent custody visiting practice, for example report writing and training. The ICVA may be able to assist with such reviews, taking advantage of its broad experience in supporting independent custody visiting in a wide variety of areas. HMIC will also retain a significant role by monitoring independent custody visiting arrangements as part of the standard inspection of forces.

13. Very helpful information on the effectiveness with which visits are carried out can be obtained by inviting feedback from custody staff. This can be an important developmental resource for independent custody visitors and there is scope for it to be used more widely.

14. The section covering independent custody visiting in the police authority's annual report should include material about performance review, an explanation of the reasons for any shortfalls and an indication of the remedial action taken.

Codes of Practice para 64 sets out the statutory requirements.

ICVA has developed a computer software package which provides police authorities with statistical and management information about their schemes and their visitors. It has also produced a standard national report form that is available to police authorities.

Raising awareness

15. An essential purpose of independent custody visiting is to strengthen public confidence in procedures at police stations and that implies the need for publicity. Raising awareness is also vital to supporting effective recruitment. Internally, it is important to ensure that relevant police staff have a knowledge and understanding of independent custody visiting and that suitable information is provided to detainees.

16. Explanatory notices should be available for detainees, while posters and other publicity material at the police station and other public buildings will help to advertise the independent custody visiting system.

17. The regular newsletters produced by many administrators and co-ordinators can be circulated more widely both within and outside the force. In addition, there is often scope for those involved in independent custody visiting to give talks or presentations to local institutions and community groups. Sometimes, there may be opportunities to discuss or refer to independent custody visiting in contributions to the local press or other media.

18. These are just some suggestions and further advice can be obtained from the Home Office or from the ICVA, which has its own national newsletter, "Visiting Times".

19. It is important that those responsible for the administration of the independent custody visiting system at force and local levels should understand that publicity is an important aspect of their role and that they should develop an appropriate strategy. That should include making best use of entries in the police authority's annual report and other material produced by the authority.

20. Finally, systems should be in place to monitor the impact and effectiveness of publicity, for example in attracting new applicants to become independent custody visitors.

GLOSSARY OF KEY TERMS

A

AA = Appropriate Adult

B

BOCU = Borough Operational Command Unit

BCU = Basis Command Unit

C

CARB = Collision/Accident Report Book

CCTV = Closed Circuit Television

CID = Criminal Investigation Department

CJU = Criminal Justice Unit

CPS = Crown Prosecution Service

CPU = Case Progression Unit

CrimInt = Criminal Intelligence System

CSU = Community Safety Unit

D

DAT = Drug Action Team

DDO = Dedicated Detention Officer

DVU = Domestic Violence Unit

F

FLO = Family Liaison Officer

FoI = Freedom of Information

FoIA = Freedom of Information Act

FME = Forensic Medical Examiner

FPN = Fixed Penalty Notice

I

IAG = Independent Advisory Group

ICV = Independent Custody Visitor

ICVA = Independent Custody Visiting Association

M

MDT = Mobile Data Terminal

Merlin = Missing persons & Related Linked Indices (The Link Indices referred to being: Children Come to Notice, Youth non-recordables, Prostitute Cautions and Taken into Police Protection.)

Met Detention Command/Met Det = The command responsible for running and staffing the custody suites across London

MOPAC = Mayor's Office for Policing and Crime

MPS = Metropolitan Police Service

N

NSPIS = National Strategy for Police Information Systems (includes the computerised system for custody records)

NSY = New Scotland Yard

O

OCU = Operational Command Unit

OH = Occupational Health

OIC = Officer In Charge/Officer In Case

OPCAT = Optional Protocol to the Convention against Torture

OPS = Operations

P

PACE = Police and Criminal Evidence Act

PCSO = Police Community Support Officer

PCCG = Police Community Consultative Group

PNC = Police National Computer

PPO = Prolific and Persistent Offenders

PYO = Persistent Young Offender

R

ROTI = Record of Taped Interview

S

SC = Special Constable

SIO = Senior Information Officer/Senior Investigating Officer

SLO = Stores Liaison Officer

SMT = Senior Management Team

SNT = Safer Neighbourhood Team

SOP = Standard Operating Procedures

SRO = Station Reception Officer

T

TIC = Taken Into Consideration

V

VCC = Volunteer Cadet Corps

VDU = Visual Display Unit

VIW = Vulnerable and Intimidated Witness/Victim Informant Witness

VO = Violent Offender

VSS = Victim Support Scheme

W

WP = Witness Protection

WOW = Wanted on warrant

Y

YOT = Youth Offender Team
