

## [c] Independent Custody Visiting National Standards

### NATIONAL STANDARDS

#### Welcome

These national standards take into account the extensive consultation carried by ICVA. In addition to identifying local good practice these guidelines are also intended to reflect, the changes from police authority to police & crime commissioner, the new Codes of Practice issued in April 2013 and a number of other minor changes, which have been made in the interests of legal accuracy.



### NATIONAL STANDARDS

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## NATIONAL STANDARDS

### 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 contain additional detail to the Codes of Practice and have been developed through the experience of operating visiting arrangements throughout England and Wales. Police and crime commissioners (PCCs) and independent custody visitors are encouraged to meet the standards within this document however may be required to establish their own local practises subject to local practicalities.

2. This document has been produced following detailed consultation with PCCs and independent custody visitors. The final document will be published after discussions in a working group with representatives from the Association of Chief Police Officers, the Association of Police & Crime Commissioners, Her Majesty's Inspectorate of Constabulary, the Home Office, the Independent Custody Visiting Association, the Independent Police Complaints Commission, 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 PCCs 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 the ICVA as a repository of experience, advice and best practice.

#### 4. **European Convention on Human Rights**

2 October 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 are intended to reinforce. Independent custody visiting provides an important check on that treatment and PCCs should ensure that the visiting arrangements they apply are as effective as possible. This guidance is intended to help in achieving that.

#### 5. **The Optional Protocol to the UN Convention Against Torture (OPCAT)**

The UK ratified the OPCAT in December 2003 - and was one of the first states to do so: OPCAT requires the Government to establish a "national preventative mechanism (NPM)". The Government has decided that the domestic requirements of the Protocol are to be fulfilled by the collective action of existing inspection bodies that carry out unrestricted visits to places of detention, without need to give prior notice.

ICVA has been designated as one of the bodies that will form the UK national preventative mechanism to carry out the requirements of OPCAT in the UK. It intends to help prevent torture and other cruel, inhuman or degrading treatment or punishment - through the independent visiting process.

#### 6. **Guidance on the Safer Detention and Handling of Persons In Police Custody**

This guidance revised and updated the ACPO 2006 Guidance on the Safer Detention and Handling of Persons in Police Custody, which identified the standards expected in the handling of persons who come into police contact.

The document incorporates and applies a considerable wealth of learning taken from the implementation and practical use of original guidance since 2006. It has drawn together legislative changes, IPCC recommendations, HMIC report findings, and other ACPO Guidance that relates to and affects the way in which people may be detained and dealt with in police custody and during transportation. It also provides a level of flexibility needed to meet local requirements while providing an overarching framework under which standards in custodial care may continually improve.

### B - PROCESS

1. Volunteers from the community are recruited, vetted and then approved by the local PCC. Following training, the volunteers are suitably organised to visit local places of detention in pairs. Single visitors will not be admitted to the custody suite. Unannounced visits are made at varying times of the day and night, with independent custody visitors having immediate access to the custody area.
2. As part of that process there will usually be a discussion with custody staff and detainees who are required to give their consent before being spoken to. Consent may be obtained by either the custody staff introducing the visitors, or by the visitors delivering an introduction and seeking permission to speak to a detained person.

3. During the visits with individual detainees, independent custody visitors check:
  - That the detainees rights and entitlements are being granted
  - The detainees health and wellbeing is being safeguarded
  - That the conditions and facilities of detention are adequate.

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4. 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 teams/groups of visitors and communicated to the police at local, area and force level.

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5. There must also be regular feedback to the PCC and a commitment to publicising the work and, where appropriate, the findings of independent custody visitors. It is recommended that each team/group elects a representative e.g. Chair or Co-ordinator to facilitate communication from the team/group to the PCC.

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## C - ORGANISATION & INFRASTRUCTURE

1. The responsibility for organising and overseeing the delivery of independent custody visiting lies with PCCs, in consultation with chief constables. PCCs must therefore ensure that they have in place robust and effective procedures for establishing and maintaining their independent custody visiting schemes and the scheme itself is suitably resourced to deliver its statutory functions. Key aspects of that process will be having regard to these National Standards and the PCC is responsible for:
  - Publicising the work of their schemes.
  - Developing a policy/policies to maintain and enhance the effectiveness of schemes, including the frequency with which visits should be carried out.
  - Ensuring the maintenance of appropriate organisational arrangements and visiting patterns.
  - The recruitment, approval and training of independent custody visitors.
  - Establishing and maintaining effective systems for feeding back to the police and crime commissioner 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.
  - Quality assurance of ICV Report forms.
  - Monitoring performance against:
    - The agreed frequency of visits
    - The number of occasions on which detainees refuse to speak to visitors;
    - Remedial and rectification of actions taken by the police in response to issues raised by ICVs.
    - Quality assurance of ICV Report Forms

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2. PCCs must consider locally what arrangements are needed in order to undertake these responsibilities efficiently and effectively. The PCC should appoint a scheme administrator for the independent custody visiting scheme, supported as necessary by other staff and resources.

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3. The key role of the scheme administrator 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.

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4. The administration of the independent custody visiting scheme should not be undertaken by the police force or by individuals reporting to the chief constable.

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5. Experience has shown that the most effective arrangements are normally based on teams/groups of visitors organised to visit places of detention within a prescribed area. It may be useful to base these specifically around places of detention.

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6. Every local team/group should have its own co-ordinator who will assist the scheme administrator to organise the work of its visitors. Key elements of such responsibilities may be:
  - Ensuring that a suitable pattern of visiting is established and applied.
  - Acting as a conduit for feedback to local police and the PCC.
  - Facilitating meetings and discussions between group members.
  - Forming the interface between individual independent custody visitors and those with central responsibility for the system at PCC level.
  - Any other elements agreed with the PCC

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

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8. There is no ideal size for local teams/groups in terms of the number of places of detention 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, teams/groups must include sufficient numbers of visitors to ensure the agreed programme of visits can be maintained.

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9. Effective organisation and administration is vital 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. Receiving feedback from the police is a vital part of their efforts feeling valued. Independent custody visiting is essentially a community-based initiative and local teams/groups must 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 PCC and taking account of the guidance set out in the Home Office Codes of Practice.
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## D - RECRUITMENT & CONDITIONS OF SERVICE

1. PCCs, 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.

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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 PCC 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.

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3. Managing recruitment to balance these priorities requires forward planning which focuses on factors such as the size of local teams/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.

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4. PCCs might find it helpful to form a small representative group to advise on and help oversee the recruitment and selection process. In addition to the scheme administrator, members could include local team/group Chairs/Co-ordinators and community representatives.

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5. The independent custody visitor role description should list the relevant duties and emphasise the need to provide reports and feedback as well as the basic process of attending places of detention. 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.

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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.

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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 for the local scheme. This material should accompany the basic role description, the person specification, the memorandum of understanding and the application form. Some PCCs, as a matter of good practice collect equality monitoring information. Where this is gathered, applicants should be advised that this information will not be used as part of the selection criteria.

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8. All selection must be on the basis of a standard application form and the precise format is a matter for the discretion of the PCC. Details of all criminal convictions (whether or unspent) 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.

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

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10. Suitable applicants must attend an interview and no one will 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.

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11. The key priority is for independent custody visitors to be recruited from and representative of the local community.

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12. In appointing independent custody visitors, care must be taken to avoid any potential conflict of interest. For example, serving police officers, PCSOs and other serving members of police or PCC staff will be unsuitable for this reason. The same will apply to special constables, justices of the peace and police contractors' employees. 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.

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13. 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.

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14. Independent custody visitors are entitled to be reimbursed for legitimate out of pocket expenses incurred in carrying out their role and these should be paid promptly.

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15. The PCC must ensure adequate cover and provision for claims arising from independent custody visitors' role. Independent custody visitors who are using a motor vehicle to carry out their duties must have adequate insurance in place and are advised to discuss the matter with their insurance company.

## E - TRAINING

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

Structure and contents

The necessary training can be divided into three broad areas

### 1. Initial training

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.
- Safer Detention Guidance
- Current Home Office statutory requirements.
- National standards.
- Local guidance, conditions of service and working practice.
- The basic practicalities of conducting independent custody visits. Including how to complete ICV report form and review custody records
- Communication skills to assist effective contact with detainees and custody staff.
- Equal opportunities
- Health and Safety issues.
- Data protection considerations.
- The Police Complaints mechanism.

## 2. Induction training

It will be useful for the memorandum of understanding agreed between the PCC 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.

Scheme 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.

## 3. Continuous training

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 PCCs and independent custody visitors ICVA has developed a number of training modules which are available through its website ([www.icva.org.uk](http://www.icva.org.uk)).

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

## F - FREQUENCY & COVERAGE

1. Consideration must be given to making visits to all places of detention where detainees are held, even where they are only accommodated for relatively short periods of time.

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2. Visits will generally be less frequent in such cases, but that will depend on local circumstances.

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3. 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 teams / groups should be ready to consider and respond to such requests from the police.

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4. Where there has been a death in police custody, the PCC must be informed immediately. 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 areas.

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5. 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.

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6. It is unlikely that visits less frequent than once a month can ever be justified where places of detention are designated for detention purposes under section 35 of PACE are concerned. Busy places of detention 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.

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7. Visits should also be considered and allowed where, following mass arrests, detainees are held for some time, possibly in vehicles within the places of detention yard or temporarily in a holding centre, prior to being booked in and formally detained there.

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## G - WORKING ARRANGEMENTS

1. This section covers a series of issues linked to the process of carrying out visits at places of detention. It focuses on general principles and more detailed practical guidance is available from ICVA - [info@icva.org.uk](mailto:info@icva.org.uk)

**2. Conducting Visits**

Visits must be undertaken by pairs of independent custody visitors working together. 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.

Visits should be rostered so that pairs of independent custody visitors make an agreed minimum number of visits to places of detention within a fixed time period. Visits should be unannounced, should not develop a regular pattern and the pairings of visitors should be regularly rotated.

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**H - VISITING ARRANGEMENTS AT PLACES OF DETENTION**

1. Scheme administrators should have in place guidance regarding independent custody visitor access for out of hours visits or if the reception area at the place of detention is closed to the public.

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  2. 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 in the custody area to observe proceedings until the custody officer or another officer is available to escort them on the visit.

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  3. To ensure that the adequate provision has been made by the police for the health and wellbeing of detainees, independent custody visitors must have access to all parts of the custody area including cells, detention rooms, charging areas and washing facilities. They will also need to check on the preparedness for future detainees. Such checks should include, kitchen or food preparation areas and the medical room (but not the drugs cabinet).

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  4. 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.

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  5. Relevant storage areas may also be seen and visitors should check that there are adequate stocks of bedding, sanitary and other necessary items.

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  6. They should also verify that arrangements are established for the cleaning of blankets etc. and for any necessary replacement of furnishings and equipment.

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  7. They should check that any CCTV systems installed to observe the custody area or individual cells are operating properly.

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  8. They may inspect empty cells and detention rooms to check heating/ventilation systems and that cell bells and toilet flushing mechanisms are working properly.

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  9. 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.

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  10. Visitors may not visit CID rooms or other operational parts of the station.

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  11. 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/PAVA spray.

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  12. 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 at all times during visits. However, the escorting officer should normally remain out of hearing during discussions between visitors and detainees.
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**Access to detainees**

13. Subject to the exceptions referred to below, independent custody visitors must be allowed access to any person detained at a place of detention. 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.

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  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.
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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.
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16. 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.
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17. 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.
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18. 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.
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19. 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.
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### Conversations with detainees

20. 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 allow a visitor to communicate with a detainee 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.
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21. 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.
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22. 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.
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23. 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.
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24. Independent custody visitors are primarily concerned with the health and wellbeing of detainees as well as the overall conditions, standards and procedures at places of detention. Immediate concerns about the treatment of particular individuals must be passed on to those in a position to take corrective action e.g. if a detainee indicates that they may harm themselves or any other person, this must immediately be brought to the attention of custody staff
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### Custody Records

25. Subject to obtaining the detainee's consent to view their custody record (whether computerised or paper), 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.
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26. 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.
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### **CCTV Monitoring**

**27.** 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.

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### **Medical Issues**

**28.** 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.

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### **Dealing with issues and complaints**

**29.** Remand or sentenced prisoners held in places of detention 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, the Independent Monitoring Board or writing to their solicitor or Member of Parliament.

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### **Reporting on a Visit**

**30.** 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.

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**31.** At the end of each visit, and while they are still within the place of detention, 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.

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**32.** One copy of the report should remain at the place of detention 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 scheme administrator and to the co-ordinator of the local independent custody visiting team/group. There may be additional local requirements for copies to be passed to others involved in the process. Independent custody visitors should also be aware of the arrangements locally with regard to the safe keeping, retention and destruction of notes made at the time of the interview and any other documents, which may have personal information relating to detainees.

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### **Confidentiality and disclosure**

**33.** 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 place of detentions may constitute an offence under section 5 of the Official Secrets Act 1989.

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**34.** 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.

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## **I - FEEDBACK & MAKING A DIFFERENCE**

### **Feedback**

**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.

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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 place of detention. Effective dialogue and responsiveness at these levels is the foundation of the whole system.
3. 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.

### Sharing experience and concerns

4. 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:
  - Provide an opportunity for issues raised during visits to be discussed
  - Cover the practicalities of carrying out visits as well as issues emerging from them.
  - 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.
5. Scheme administrators and local co-ordinators should take the lead responsibilities for arranging such meetings at the appropriate levels. Independent custody visitors of each local group should have the opportunity to meet together, as should the set of local co-ordinators working within the PCC area. An annual conference open to all independent custody visitors in the area or region can be a very positive way to strengthen bonds with colleagues and build a sense of common purpose.
6. 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 PCC areas.

### Reviewing Performance

7. It is important that PCCs 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.
8. All PCCs should collect and regularly review the visiting statistics for the teams/groups in their area. This will indicate whether expectations of frequency are being met and highlight any locations or teams / groups where corrective action is necessary.
9. PCCs 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 (or introducing themselves!) at places of detention.
10. PCCs should review performance in relation to specific aspects of independent custody visiting practice, for example report writing and training. 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 / HMIP will also retain a significant role by monitoring independent custody visiting arrangements as part of the joint inspection of forces.
11. 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.
12. The section covering independent custody visiting in the PCCs annual report should include material about performance review, an explanation of the reasons for any shortfalls and an indication of the remedial action taken.
13. An essential purpose of independent custody visiting is to strengthen public confidence in procedures at places of detention 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.
14. Explanatory notices should be available for detainees, while posters and other publicity material at the places of detention and other public buildings will help to advertise the independent custody visiting system.
15. The regular newsletters produced by many scheme 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.

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- 16.** 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".

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- 17.** 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 PCCs annual report and other material produced.

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- 18.** 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.

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## J - GENERAL DEFINITIONS AND GLOSSARY OF TERMS

### National Standards

#### Definitions

ACC	Assistant Chief Constable
ACPC	Area Child Protection Committee
ACPO	Association of Chief Police Officers
ACPOS	Association of Chief Police Officers Scotland
A&E	Accident and Emergency
ASBO	Anti-Social Behaviour Order
BTP	British Transport Police
CCTV	Close Circuit Television
CDRP	Crime and Disorder Reduction Partnership
CJS	Criminal Justice System
CPS	Crown Prosecution Service
CRB	Criminal Records Bureau
CSO	Community Safety Order
DAAT	Drug and Alcohol Action Team
DP	Detained Person
DPA	Data Protection Act
DPP	Director of Public Prosecutions
DSPD	Dangerous and Severe Personality Disorder
ECHR	European Convention on Human Rights
EDL	Electronic Detention Log
E-FIT™	Electronic Facial Identification Technique
EHRR	European Human Rights Reports
EPO	Emergency Protection Order
FLO	Family Liaison Officer
FME	Forensic Medical Examiner
FOIA	Freedom of Information Act 2000
FSS	Forensic Science Service
HMIC	Her Majesty's Inspectorate of Constabulary
HMIP	Her Majesty's Inspectorate of Prisons
HMPS	Her Majesty's Prison Service
HMRC	Her Majesty's Revenue and Customs
HRA	Human Rights Act
HSE	Health and Safety Executive
IO	Investigating Officer
IPCC	Independent Police Complaints Commission
LCJB	Local Criminal Justice Board
NCRS	National Crime Recording Standards
NCS	National Crime Squad

NHS	National Health Service
NIM	National Intelligence Model
NO	Notification Order
NOMS	National Offender Management Service
NOS	National Occupational Standards
NPS	National Probation Service
NSPCC	National Society for the Prevention of Cruelty to Children
PACE	Police and Criminal Evidence Act 1984
PDF	Personal Descriptive Form
PDP	Potentially Dangerous Person
PER	Prisoner Escort Report Form
PIMS	Police Informant Management System
PNC	Police National Computer
PPU	Public Protection Unit
PRC	Policing and Reducing Crime
PRCU	Policing and Reducing Crime Unit
PSNI	Police Service of Northern Ireland
QC	Queen's Counsel
RSO	Registered Sex Offender
SFO	Serious Fraud Office
SIO	Senior Investigating Officer
SOA	Sex Offender Act
SOPO	Sexual Offences Prevention Order
SOTP	Sex Offender Treatment Programme
SPA	Scottish Police Authority

**Notes** Students are encouraged to add their own definitions

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## Glossary of Terms

### Independent Custody Visitors

Independent custody visitors are members of the local community who visit police stations unannounced to observe, comment and report on the conditions under which people are detained. They are appointed by their local Police & Crime Commissioner (PCC).

They must be impartial and not favour either the police or the detainee. Their purpose is to look, listen, challenge (where appropriate) and report. Following their training, independent custody visitors will know what to ask, what to look for and what may be done. Their visits are unannounced and are carried out only with the consent of the detainee and the custody officer.

### Police & Crime Commissioner (PCC)

Police and Crime Commissioners are elected representatives charged with securing efficient and effective policing of a police area in England and Wales. The first incumbents were elected on 15 November 2012. Commissioners replaced the now abolished police authorities.

### Home Office

The Home Office is a ministerial department of the Government of the United Kingdom, responsible for immigration, security, and law and order. As such it is responsible for the police, UK Border Agency, and the Security Service (MI5). It is also in charge of government policy on security-related issues such as drugs and counter-terrorism.

### ICVA

The Association is a Charitable Company Limited By Guarantee (08632556) whose membership is open to police and crime commissioners in England and Wales, the Policing Board of Northern Ireland and to the Scottish Police Authority and elsewhere. It was established in March 1993 as the National Association for Lay Visiting.

### APCC

The Association of Police & Crime Commissioners provides essential national support functions for elected PCCs and all policing governance bodies in England and Wales.

### MOPAC

The Mayor's Office for Policing And Crime (MOPAC) is the strategic oversight body which sets the direction and budget for the Metropolitan Police Service on behalf of the Mayor. It is responsible for the independent custody visiting scheme.

### ACPO

The Association of Chief Police Officers (ACPO) brings together the expertise and experience of chief police officers from the United Kingdom, providing a professional forum to share ideas and best practice, co-ordinate resources and help deliver effective policing.

### IPCC

The Independent Police Complaints Commission (IPCC) is a non-departmental public body in England and Wales responsible for overseeing the system for handling complaints made against police forces in England and Wales.

### OPCAT

OPCAT stands for the Optional Protocol to the Convention Against Torture. It is an international treaty that requires ratifying countries to set up "National Preventive Mechanisms" (NPMs) to ensure that torture does not occur in those countries.

### PCSOs

Police Community Support Officers (PCSOs) were originally intended to be support staff, employed to work alongside officers to be a visible, uniformed presence. They currently undertake some of their tasks, freeing the officers up to concentrate on more serious crimes and investigations.

### ICV Visit Report form

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.

### Spent/unspent convictions

The Rehabilitation of Offenders Act (ROA) 1974 is aimed at individuals who have previously being convicted of a criminal offence but have not convicted again during a specified period of time, this specified amount of time is referred to the "rehabilitation period."

### Custody record

The custody record is the most important document required to be maintained under the Police and Criminal Evidence Act 1984. It is essential that it provides an accurate and, as far as practicable, contemporaneous record of a person's detention. The Custody Officer is responsible for ensuring that all entries in a custody record are accurate, complete and legible.

### Medical record

The medical record is not part of the custody record and although it may be attached ICVs must not be given access to it. If a healthcare professional does not record their clinical findings in the custody record, the custody record must show where they are recorded. However, information, which is necessary to custody staff to ensure the effective ongoing care and well being of the detainee, must be recorded openly in the custody record.

### Detainees Capable of Consent

Para. 65 of the codes of practice refer to the term "Incapable": The ordinary meaning of the word applies - incapable concerns the person's capacity to make an informed decision as to whether they want to allow their custody record to be inspected by the ICVs at the point at which they would be asked for their consent. This will ensure that the welfare of persons who fall into the following categories can be monitored by ICVs; those who are drunk or under the influence of drugs, those who do not speak any English, and those who display mental health concerns.

A detainee who is simply sleeping therefore cannot/should not be presumed to be incapable of making that decision and if prior to, 'sleeping' they were considered to be incapable through drink or drugs, it does not necessarily mean that they would remain 'incapable. Subject to para. 55 restrictions, the options would be to either wake/rouse them and ask or wait until they are roused at an hourly visit as per Code C 9.3 and then asked. A detainee who is being interviewed would not be available to be asked until there is a break in the interview and the interviewer agrees or until the interview is complete but they would not be incapable of making the decision.

### Notes Students are encouraged to add their own terms

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