



NATIONAL STANDARDS FOR INDEPENDENT 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provisions, the related codes of practice and this document replace Home Office Circular 15/2001, which has now been withdrawn.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 a 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 behavior, and the removal of the capacity for them to verify and support each others' 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 others' 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.