**HMICFRS / HMIP joint inspections of police custody**

ICVA Guidance for scheme managers

**Background**

**Introduction**

Her Majesty’s Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) and Her Majesty’s Inspectorate of Prisons (HMIP) have an established programme to inspect police custody across England and Wales. These unannounced inspections of police custody will involve Independent Custody Visiting (ICV) schemes. This document provides guidance for scheme managers who are not familiar with the process, giving an overview of what to expect and how schemes can work with the inspectorates to improve custody.

**What is a joint inspection of custody?**

HMICFRS is an inspection body that regularly analyses the performance of the police service; HMIP do the same for prisons. They publish reports with recommendations, and sometimes grade, individual police forces.

These two bodies combine their experience to deliver inspections of police custody. These inspections last approximately two weeks and will inspect current practice through face-to-face discussions, case audits and data analysis. The inspectorates will analyse how each force area performs against their expectations for police custody. ‘The Expectations for Police Custody’ and previous inspection reports are publicly available [online here.](https://www.justiceinspectorates.gov.uk/hmicfrs/our-work/joint-inspections/joint-inspection-of-police-custody-facilities/)

**How do independent custody visiting and the inspections overlap?**

HMIC, HMIP and ICVA are all members of the [National Preventive Mechanism](https://www.nationalpreventivemechanism.org.uk) – a group of independent bodies who can make unannounced inspections of areas of detention. All three bodies work under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [(OPCAT)](https://www.nationalpreventivemechanism.org.uk/opcat/opcat/). This international human rights treaty is designed to strengthen the protection of people deprived of their liberty, where regular independent visits can safeguard against abuses and prevent torture and ill-treatment. The inspectorates provide an in-depth dive into case audits, inspect the environment and deliver a professional analysis of local performance every few years. In contrast, ICVs visit regularly as local community representatives, examining custody records and speaking to detainees.

In short, all three organisations have shared aims, but different perspectives and strengths. We can work together to complement each other and improve police custody.

**What does an inspection look like?**

The inspections are unannounced and, as such, the police force and OPCC will be notified either on the first day of inspection or a few days before the inspection begins.

The inspection will last approximately two weeks and will include the following methodologies:

* On site visits to inspect the estate and observe treatment of detainees.
* On site observations of critical points in the custody process e.g. arrival at the suite, risk assessments and leaving custody to court or elsewhere.
* An audit of the custody records of recent detainees.
* Interviews with key staff and stakeholders.
* Consultation with operational staff.
* An analysis of force policies and processes.
* An analysis on key issues of vulnerability in custody, including examination on use of force.

Representatives of HMICFRS and HMIP provide verbal feedback at the end of the inspections and will publish a full report a few months later.

**Independent Custody Visiting and the Inspection Process**

There are a number of ways in which good practice from independent custody visiting schemes can complement and support the work of the inspectorate. For ease of use, this section is split into three parts: before inspection, during inspection and after inspection. The first part is relevant to all schemes, the second and third are for those expecting or experiencing an inspection.

**Before an inspection takes place**

Your annual report

Each scheme has a responsibility to publish an annual report as part of the statutory Code of Practice.

Extract from ‘The Code of Practice on Independent Custody Visiting’

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

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

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

The Independent Custody Visiting Scheme section of the PCC’s annual report is an opportunity to report on police custody in your area. It provides the transparency, public information and reassurance that independent custody visiting aims to deliver. However, it can also be used as background information to inform when an inspection will take place and can provide valuable background information that can inform the work of the inspectorate.

ICVA will develop a suggested template for annual reports in 2018/19 and will share this with schemes and add it to this guidance. In the meantime, schemes should consider including the following information in your entry to the PCC Annual Report:

* Where your custody suites are located (rough area is suitable e.g. Loddon Valley) and how busy they are. Is this the main suite for your area? Is it regularly used or is it an overflow suite? Do you have data on the number of detainees using the suite? If so, you may wish to record this.
* How many independent custody visitors are members of your scheme and how often they visit your suites.
* Your top three positive findings from your ICV reports.
* Your top three areas to improve from your ICV reports.
* How you area is responding to key national work e.g. the Children’s Concordat, mental health in custody and use of force.
* How the police respond to feedback from your scheme and examples of how your ICVs have improved practice in the area. If this is not possible, consider expanding on why this has not taken place.

Quarterly reporting

Your regional representative requests quarterly reports that ICVA uses to collate national issues and data on visits. You should also consider publishing these reports on your independent custody visiting webpage so that you can report up-to-date successes and challenges and ongoing transparency.

**During an inspection**

What will the inspectorate want to know from you?

Excerpt from the Expectations of Police Custody

The Expectations document outlines the criteria that the inspectorates will be examining; one area focuses on independent custody visiting. Inspectors will look to you for information on this criterion:

**The force facilitates access as required for effective external scrutiny.**

Indicators

* The force responds to issues and complaints raised by independent custody visitors (ICV). This includes dealing with immediate complaints and issues raised during visits.
* ICV feedback is used appropriately by the force and there are regular and formal opportunities for the scheme to raise issues with senior officers.
* The Chief Officer Group reports routinely to the PCC on custody, including relevant management information and data. This includes the use of force and equality and diversity information.

The inspectors will look to you to understand how the force responds to external scrutiny from independent custody visiting schemes. They may also wish to discuss wider findings or themes with you.

Your interview as a stakeholder

The inspectorate, usually one of the lead inspectors, will ask you to meet with them to discuss your work and your views of custody in your area. Inspectors will normally request the interview in the first week of the inspection and meet with you in the second week. This gives you time to prepare for the meeting.

In order to prepare for the meeting, you should consider the following:

* Read through your recent ICV reports and minutes from Panel meetings to familiarise yourself with contemporary issues and the force response. This may be three months for smaller areas or a month to six weeks in larger areas with more custody suites. You can decide on an appropriate timeframe.
* What are the main challenges and successes in your local area? How is your scheme involved in these and what role does the OPCC play in resolving problems?
* Be prepared to explain the governance of your scheme – how do your volunteers raise immediate concerns, longer-term issues and national issues? How do your police contacts feedback to your volunteers?
* Does your area welcome external scrutiny? For example, do your ICVs get quick access to suites? Do staff welcome their reports? Are you aware of any other external scrutiny e.g. peer reviews?
* How responsive are your police contacts to your work? Do custody staff attend your Panel meetings? Does your custody contact respect your work? Do they resolve the issues that your scheme identifies and that you raise? Can you provide examples of issues that ICVs have raised and that the police have responded to?
* Is there effective leadership on custody in your area? Do you feed back to your PCC regularly on key themes? Do you have a nominated chief officer (usually ACC rank or above) responsible for police custody? Does the PCC hold the lead chief officer to account for issues that ICVs raise?
* You may also wish to read through the last inspection report to get historical context and benchmark performance.

Please note that the interview is part of efforts to inspect the police; it is not an inspection of your scheme. The report will not criticise your scheme.

The role of independent custody visitors

The inspectorates want to hear the views and feedback of detainees. Please do let your ICVs know if the inspectors are likely to be in the suites whilst they are visiting; inspectors will want to speak to them if they are able to do so. This will be an informal conversation, asking ICVs about local issues and their experiences of custody.

Please encourage your ICVs to complete their reports well, noting specific feedback from detainees. This can be used to inform inspectorate reports. Please bring any specific feedback to your interview.

The inspectorates are considering developing an additional detainee survey to increase the detainee voice in their reports. This will involve asking ICVs to conduct the survey with detainees. This is work in progress, but it may be that you consider running additional visits, where possible, in the second week of the inspection, asking ICVs to ask additional questions.

The verbal debrief

The inspectorate team develops a short briefing to deliver to key staff at the end of the inspection fieldwork. The inspectors read this at the debrief and may make additional comments or answer questions, but may also leave shortly after. You should consider attending this meeting, as it will highlight their initial thinking and topline findings.

**After the inspection**

**The published report**

Responding to the report

The inspectorates will write and publish a full report of their inspection, including recommendations for change. Your force will have an opportunity to correct any factual inaccuracies before the final report is published.

The inspectorates take a great deal of care over this report. Every finding will be thoroughly evidenced and robust to scrutiny, you can be confident in its findings.

You should consider reading the full report, discussing it with your custody lead and sharing the key findings with your ICVs. You may wish to put it as an agenda point on your panel meetings.

What does the report say about key areas for custody visiting? It will explore the rights, entitlements and wellbeing of detainees. Does this agree or disagree with the findings of your ICVs? Why is this? Inspectors and ICVs look for different things and have different methodologies so some disagreements may be expected, but others may indicate that you need to explore these areas further.

You should consider which recommendations apply to custody visiting. Should your ICVs be checking that change has occurred? For example, if the report notes that ICVs have not be offered free legal advice, ICVs can be encouraged to pay particular attention to this and ask detainees about their experiences. How will your office oversee progress against other recommendations?

You may wish to consider how you communicate the results of the inspection. You may wish to contact your ICVs directly and / or ask a police representative to explain the results of the inspection to them. What will your internal communications be? Should you be acknowledging and praising good work? Do you have serious concerns and, if so, how will you communicate that to your PCC and ICVs? Do you need to do any external communications, or send out press releases, to explain the report’s findings and the role of the OPCC?

ICVA involvement after publication

ICVA will always summarise key inspection findings in its newsletter to all members and some stakeholders.

Additionally, ICVA will contact you to arrange a phonecall with you and others in your office to discuss the report. The conversation will concentrate on key findings and anything out of the ordinary compared to other areas. This will help you to put your inspection into context. It also provides an opportunity for you to ask questions and get support from ICVA.

ICVA will write and send you an overview of the issues raised in the telephone call.

**Further information**

National Preventive Mechanism website: <https://www.nationalpreventivemechanism.org.uk>

HMICFRS custody website: <https://www.justiceinspectorates.gov.uk/hmicfrs/our-work/joint-inspections/joint-inspection-of-police-custody-facilities/>

HMIP custody website: <https://www.justiceinspectorates.gov.uk/hmiprisons/inspections/?s&prison-inspection-type=police-cell-inspections>

If you have any queries, please email info@icva.org.uk