**Independence**

**A Briefing for Scheme Managers**

**Scenarios for ICV Independence**

**Sept 18**

**Purpose**

The purpose of this briefing and scenarios is for schemes to consider the independence of their Custody Visitors from the force and custody staff that they are monitoring. Some schemes have expressed reservations in this regard therefore ICVA has put together the following briefing and some scenarios that can be used to explore the idea of independence with ICVs at training or panel meetings.

**What does the Code say?**

The Code of Practice does not deal with independence from the force as a distinct issue, however the following excerpts are relevant to independence and its necessity.

1. Visitors must be independent persons who are able to make informed and justified judgements and unbiased observations in which the community can have confidence and which the police will accept as fair criticism.
2. In appointing ICVs, care must be taken to avoid any potential conflict of interest. For example, serving police officers and other serving members of police or PCC staff will be unsuitable for that reason. The same will apply to special constables, justices of the peace, members of police and crime panels or PCCs.

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

The key points to note from the above are that ICVs must be able to make unbiased observations in which the community can have confidence. In order to have confidence in the process ICVs need to actively demonstrate independence from the force. Conflict of interest is a clear point relating to independence due to the likelihood that one cannot credibly inspect a system that they are part of. The third point from the Code of Practice deals with not only professional working relationships, but also mentions the legitimate roles of each, again pointing toward the independence required to be part of an independent monitoring body.

**What does the NPM/OPCAT say?**

The NPM states on independence:

*The independence of an NPM and its member bodies is fundamental principle that underpins their role and therefore their ability to prevent abuses. The closed nature of the institutions that are monitored by the NPM, the power imbalance between the authority that detains and the detainee, and the lack of credibility of the detainee all make the detainee particularly vulnerable to ill treatment or neglect. The credibility of the monitoring bodies, their perceived independence and the way in which they act are of similar importance.*

**Independence Scenarios**

Schemes have asked ICVA to develop some scenarios regarding independence from the custody staff some examples of which follow. You may wish to discuss these in the wider context of the information above in order to open the discussion with your ICVs.

**Scenario 1**

A custody visitor has been visiting the suite for a long time, they are often known to bring biscuits in for the staff when they come to do their visit.

This should not be the case, professional working relationships should not involve gifts, and it may call independence into question.

**Scenario 2**

A custody visitor has a good relationship with the custody staff and will stop for a chat with the custody sergeant generally on each visit.

This is fine, generally being friendly is perfectly ok as long as the conversations aren’t personal.

**Scenario 3**

A custody visitor received a friend request from a member of the custody staff on Facebook, they accept it as they know them well from their visits.

This should never happen and should be refused by the ICV if it does, professional boundaries should be adhered to.

**Scenario 4**

A custody visitor receives a new follower on their Twitter account that they use for personal use and custody visiting use from a member of the force.

If the account is one for the force and the ICV uses Twitter to promote their work as an ICV or the scheme, then this is fine. Point to note: If an ICV uses Twitter to do anything to do with the scheme, the scheme manager should check content and ensure that social media forms part of the initial MOU or IT policy signed by the ICV.

**Scenario 5**

A member of the custody staff speaks disrespectfully about a detainee’s sexuality, the custody visitor doesn’t bring this up with anyone as they know the staff member and they are usually really nice, thinking they must just be having an off day.

This is not ok, if an ICV hears anything that might constitute hate speech in regard to any of the protected characteristics this must be reported regardless of the general behaviour of the member of staff.

**Scenario 6**

The custody staff are having their Christmas get together at the station, everyone is due to bring some food along and the ICVs have been invited too, the get together is at lunchtime.

This is not ok, whilst the two roles are able to have good relationships, a degree of separation is necessary in order to ensure independence and community reassurance of such.