

Cumbria Police Authority
Personnel Committee
6th October 2005
Agenda Item No. 9

Report by the Clerk/Chief Executive

INDEPENDENT CUSTODY VISITING SCHEME

Background

Section 51(1) of the Police Reform Act 2002 states: *“Every police authority shall (a) make arrangements for detainees to be visited by persons appointed under the arrangements (“independent custody visitors”); and (b) keep those arrangements under review and from time to time revise them as they think fit”.*

The Personnel Committee was given overall responsibility for the recruitment of Independent Custody Visitors by the Police Authority in September 2004.

At their meeting on 7th July 2005, this Committee received a progress report on the Custody Visitor recruitment exercise, and this report informs the Committee of the final outcome, including the Induction Seminar held on Saturday 10th September.

In July, the Committee asked officers to work up a proposal for the introduction of a long service award for Independent Custody Visitors and further detail is included in this report.

In pursuit of its review function, the Committee is also asked to consider the introduction of an Anti-Discrimination Code of Conduct for Independent Custody Visitors and to consider some minor changes to the disciplinary and appeals process.

RECOMMENDED: That

- (1) the outcome of the recruitment process be noted; and
- (2) a long-service award be introduced for Independent Custody Visitors;
- (3) the Anti-Discrimination Code of Conduct for Independent Custody Visitors be adopted; and
- (4) the Independent Custody Visiting Scheme Appointment and Appeals Procedure be amended as set out in the report.

Detail

Recruitment

The Personnel Committee has overall responsibility for the recruitment of Independent Custody Visitors. Monitoring of the operation of the Scheme is undertaken by the Professional Standards Committee.

At the meeting of the Committee on 27th April 2005, a process and timetable for the recruitment of Independent Custody Visitors was agreed. In accordance with the timetable interviews were held as follows:-

7 th July	- North and West
14 th July	- Barrow
21 st July	- Kendal
10 th August	- 'sweeper' session

The interview panel consisted of the Authority's Lead Member for Custody Visiting (Mrs L L Shaw), a member of the Personnel Committee (Mrs L Slavin) and a representative from the relevant Panel.

Appointments were made as follows –

Panel	Applications Received	Applicants Appointed
Barrow	- 3	3
Kendal	- 5	4
North	- 3	3
West	- 2	2

An induction seminar, chaired by Mrs Shaw, was held for the newly-appointed Independent Custody Visitors on Saturday 10th September at Carleton Hall. All the newly-appointed Custody Visitors attended. Sessions at the seminar included the background to the Scheme and Scheme organization; race and diversity and the role of Custody Visitors; the police perspective of the Scheme; and a presentation by a Custody Visitor.

All the new Custody Visitors have now received their identity badges and they will start making visits over the next few weeks.

Despite the recruitment exercise, all four Panels have vacancies for new Custody Visitors as set out below:-

Barrow	-	6
Kendal	-	4

North	-	6
West	-	1

To address these vacancies; further, targeted advertising will be undertaken early in 2006.

Long Service Award

Independent Custody Visiting is an unpaid voluntary activity. At the last meeting of the Committee, it was agreed that the officers should undertake some work to develop a long service award for Custody Visitors.

As, under Home Office Guidelines, newly-appointed Custody Visitors may only serve a maximum of six years within the Scheme it is suggested that a long service award be introduced to acknowledge the contribution of Custody Visitors serving the maximum six years. This would also act as a gesture of thanks to Custody Visitors as they retire from the Scheme.

It is proposed that Custody Visitors are presented with a certificate by the Chairman of the Police Authority, or his representative, at an event specifically for Custody Visitors. This could take the form of a separate presentation afternoon or evening at Carleton Hall or some other appropriate venue, or possibly be incorporated within future annual seminars. It is not considered appropriate to include the presentations as part of a Chief Constable's presentation evening at Rheged. (A copy of a draft certificate is attached at **Appendix 1**).

There are currently a number of Custody Visitors in Cumbria who will qualify for a long service award as, until this year, Cumbria's Scheme did not include a limit on years of service. Should Members decide to proceed with a long service award, then officers would begin to make the necessary arrangements for a presentation event.

Anti-Discrimination Code of Conduct for Independent Custody Visitors

All Independent Custody Visitors are required to sign a Memorandum of Understanding which sets out their role and responsibilities; terms and length of appointment; how they must undertake visits and the number of visits to be made; attendance requirements at panel meetings and training sessions; and the need for impartiality and confidentiality.

However, this document does not necessarily deal explicitly with all areas of behaviour where the Authority is entitled to expect high standards from those who participate in its business and procedures.

The Committee is therefore asked to consider the introduction of an Anti-Discrimination Code of Conduct for Independent Custody Visitors modelled on that already signed by all Members and officers. (A draft is attached at **Appendix 2**).

Disciplinary and Appeals Procedure

The current disciplinary and appeals procedure, copy attached at **Appendix 3**, is primarily aimed at addressing appeals arising as a result of decisions about either initial appointment or the subsequent re-appointment of a visitor on expiry of their initial term. It does not, for instance, specifically address issues in relation to conduct occurring during the course of a term of appointment; such as incidents of bullying, harassment or other forms of inappropriate behaviour envisaged by the Code of Conduct. However, although most (but not all) of those events would be likely also to give rise to an external complaint, the procedure does not expressly contemplate concerns arising from that internal oversight of custody visitors which occurs as a normal part of the Authority keeping its arrangements under review, without a formal complaint actually being lodged.

Nevertheless, the final paragraph of the current procedure does state –

“(6) This process will also be used to deal with any complaints made against Visitors by detainees, custody staff or others.”

For the avoidance of doubt, it is proposed that the procedure be re-named as **“Independent Custody Visitor Appointments, Confirmations, Disciplinary and Appeals Procedures”** with an additional paragraph added, to the effect that –

“ The Police Authority reserves the right at any time to remove from the Scheme any Custody Visitor whose conduct or whose behaviour towards other Custody Visitors, detainees, police staff, officers of the Authority, members of the public or any other third party is reasonably considered inappropriate or unlawful or otherwise likely to bring the Authority or its Scheme into disrepute.”

C R Alcock
Clerk and Chief Executive.

27th September 2005.

Background papers: Reports to, and Minutes of, Cumbria Police Authority on 17th September 2004 and the Personnel Committee on 27th April and 7th July 2005.

Race and Diversity Implications: The Authority has a duty to ensure that the Scheme is representative of the community it serves.

Human Rights Implications: The Scheme plays an important role in ensuring that the rights of detainees in police custody are respected.

CUMBRIA POLICE AUTHORITY

This certificate is to acknowledge and thank

.....
for their hard work and commitment to the
Independent Custody Visiting Scheme

.....
Chairman, Cumbria Police Authority

Date.....

Cumbria Police Authority Office
Carleton Hall, Penrith
Cumbria CA10 2AU



CUMBRIA POLICE AUTHORITY

**ANTI-DISCRIMINATION CODE OF CONDUCT
FOR INDEPENDENT CUSTODY VISITORS:**

1. As an Independent Custody Visitor in Cumbria, I do not accept and am committed to prevent sexual, racial or any other form of discrimination, harassment or bullying.
2. I understand that a person can be subjected to discrimination on many grounds, including his or her:
 - Race;
 - Gender;
 - Religious or political beliefs;
 - Disability, sensory impairments or learning difficulties;
 - Age (or youth); and
 - Sexual orientation
3. I do not expect people to live or work in conditions where discrimination, harassment or bullying takes place.
4. I have a personal responsibility not to behave offensively to others either in work or deed. Offensive behaviour can manifest itself in many ways:
 - verbal remarks;
 - non-verbal suggestion;
 - physical bullying;
 - persistent criticism; and
 - other behaviour e.g. practical jokes and gossip.
5. As an Independent Custody Visitor, I undertake to treat everyone with whom I come into contact with dignity and respect and to carry out my duties with integrity and to the highest standards.
6. I will work within my remit as an Independent Custody Visitor to ensure that ethnic and other minority communities are treated fairly and without prejudice; and that they receive a policing service which is sensitive and appropriate to their needs.

Signed:

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Independent Custody Visitor



CUMBRIA POLICE AUTHORITY

INDEPENDENT CUSTODY VISITOR CONFIRMATION OF APPOINTMENT AND APPEALS PROCEDURE

- (1) On appointment each Independent Custody Visitor ("Visitor") is required to sign a Memorandum of Understanding which sets out the Police Authority's ("the Authority") expectations of Visitors and also what level of support, training and feedback will be provided for Visitors by the Authority.
- (2) All appointments are subject to a probationary period of six months and appointments will only be confirmed on the successful completion of the probationary period. The assessment will be made by the Custody Visitor Panel, subject to confirmation by the Authority's Audit and Performance Committee. In deciding what is successful the Panel will take into account the following:-
 - (a) Number of visits undertaken to comply with previously advised rotas;
 - (b) Feedback from follow Visitors;
 - (c) Any feedback from other involved agencies, eg custody staff, police staff;
 - (d) Views from the Scheme and Panel Administrators.
- (3) The probationary Visitor will receive notification in writing of the decision and have a right of appeal to the Authority. The appeals procedure is set out in paragraph 7 below

- (4) Following a satisfactory probationary period a Visitor will be appointed for a three year period (which includes the six month probationary period) during which they will be expected to carry out their duties in accordance with the terms of the Memorandum of Understanding.
- (5) At the end of the three year period, and subject to the Visitor wishing to continue, the following will be taken into account by the Authority:-
 - (a) Number of visits carried out to comply with previously advised rotas;
 - (b) Feedback from Visitors;
 - (c) Any feedback from other involved agencies, eg custody staff, police staff;
 - (d) Views from the Scheme and Panel Administrators;
 - (e) Attendance at training events;
 - (f) Attendance at Panel meetings.
- (6) Each Visitor will receive notification in writing of the decision of the Panel on whether or not to extend the appointment by a further three year period. There is a right of appeal to the Authority.
- (7) The appeals procedure in relation to all matters regarding the confirmation or termination of appointments will be carried out as follows:-
 - (a) The Visitor will be told in writing of any matters of concern regarding the confirmation of appointment or re-appointment as determined by the appropriate Custody Visitor Panel;
 - (b) The Visitor will be asked to respond in writing within 15 working days to the issues raised;
 - (c) The Clerk to the Police Authority will report to the Appeals Panel established by Authority's Personnel Committee including any written responses, or supportive documents from the Visitor;
 - (d) The Visitor will be invited to attend and hear any discussions and to answer any questions which the Members of the Appeals Panel may ask;

- (e) The Visitor will be asked to withdraw from the meeting while the Appeals Panel consider their decision, with the deliberations taking place immediately after the evidence has been heard;
 - (f) The Scheme Administrator will notify the Visitor in writing within seven working days of the final decision of the Appeals Panel.
- (8) This process will also be used to deal with any complaints made against Visitors by detainees, custody staff or others.