

Agenda Item No...10

Report by the Clerk and Chief Executive.

**INDEPENDENT CUSTODY VISITING SCHEME:
CODE OF CONDUCT**

Background

In September 2004 the Police Authority made a series of decisions about the operation of the Custody Visiting Scheme in Cumbria. The changes were intended to ensure that Cumbria's Scheme complied with guidance issued by the Home Office. As part of the changes responsibility for oversight of the Scheme was devolved to the Professional Standards Committee;

The Independent Custody Visiting Association (ICVA) has now issued a document entitled "Strategic Planning and Independent Custody Visiting" that is designed to further support the guidance issued by the Home Office. Included in the document is a model Code of Conduct for Independent Custody Visitors.

RECOMMENDED: That

- (1) the model Code of Conduct be adopted for use in Cumbria; and
- (2) all Independent Custody Visitors in Cumbria be required to sign the Code of Conduct.

Detail

At the present time all Independent Custody Visitors in Cumbria are required to sign a "Memorandum of Understanding" when they join the Scheme. A copy is attached at **Appendix 1**. A model of a similar document – referred to as a "Volunteer Contract" - is included in the ICVA publication. It is also the intention that all Independent Custody Visitors sign an "Anti-Discrimination Code of Conduct" similar to that signed by Members.

ICVA have recently issued a document, titled "Strategic Planning and Independent Custody Visiting", designed to further support the guidance on independent custody visiting issued by the Home Office and followed by Cumbria. The ICVA publication includes several useful model documents, including a model Code of Conduct for Independent Custody Visitors. A copy is attached at **Appendix 2**.

It is suggested that the model Code of Conduct produced by ICVA is adopted by the Police Authority and that all of Cumbria's Independent Custody Visitors are required to sign such a Code of Conduct.

C R Alcock
Clerk & Chief Executive.

21 April 2006.

Background papers: "Strategic Planning and Independent Custody Visting",
ICVA publication 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.

MEMORANDUM OF UNDERSTANDING

You will be issued with a copy of the full guidance for the Scheme, but you should particularly note the following points, which highlights the Police Authority's expectations of each Custody Visitor.

1. ROLE AND RESPONSIBILITIES

The purpose of your role is to observe and report upon the conditions under which persons are detained at Police Stations. Your concern is for the welfare of the person in custody and the operations in practice of the statutory and other rules governing their welfare.

2. APPOINTMENT

Your appointment is initially for a period of three years.

After three years you will be eligible for re-appointment for a further three years subject to the approval of the appropriate Panel and the Personnel Committee. Re-appointments beyond six years will require the confirmation of the Police Authority. The Clerk and Chief Executive will submit a report to the Personnel Committee seeking the necessary approvals.

3. IDENTITY CARDS

Your Custody Visitor identity card will be valid for the period that you are appointed as a Custody Visitor. The identity card authorises you to visit police stations within your Panel area. The identity card should only be used for the purpose of making visits. If it is used for any other purpose, it will be withdrawn and your appointment as a Custody Visitor may be terminated. Identity cards must be returned on termination of appointment as a Custody Visitor.

4. UNDERTAKING VISITING

You are required to make visits in pairs at all times. There are no exceptions to this requirement, and custody staff are aware that they should not allow anyone who is unaccompanied to make a visit. You can only make a visit when accompanied by another Custody Visitor from your Panel.

5. VISITS

You are expected to make a minimum of six visits per year; if there are exceptional circumstances, which prevent you from fulfilling this requirement, you should ensure that the Scheme Administrator is aware of these. If you have not made a visit within a four month period, the Chair of your Panel will advise the Clerk and Chief Executive to the Authority who will write to you to ascertain the reason and seek an explanation.

6. DOCUMENTATION

You are required to complete reports for every custody visit made (even when there were no detainees in custody) and submit them promptly to the Panel Administrator.

7. CHANGE IN CIRCUMSTANCES

You are expected to notify the Scheme Administrator of any change in circumstances which will affect your position as a Custody Visitor, e.g. if you are charged with a criminal offence or become a Magistrate, Special Constable, Police Officer or undertake any other work which may present you with a conflict of interest.

8. ATTENDANCE AT TRAINING SEMINARS

You will be expected to attend the training events arranged by the Police Authority and encouraged to attend regional or national conferences where appropriate.

9. ATTENDANCE AT PANEL MEETINGS

You will be expected to attend the periodic Panel meetings. If you have not attended any Panel meetings within a twelve month period, the Chair of your Panel will advise the Clerk and Chief Executive to the Authority who will write to you to ascertain the reason and seek an explanation.

10. IMPARTIALITY AND CONFIDENTIALITY

During the course of your duties, you may acquire considerable personal information about persons connected with police enquiries, the majority of whom will not at that time have appeared in Court. Some will never appear in Court. That information must be protected against improper or unnecessary disclosure. You should be aware that improper disclosure of information acquired during the course of a visit may attract civil or criminal proceedings. Additionally, unauthorised disclosure of facts concerning police operations or the security of police stations may constitute an offence under the Official Secrets Act 1989.

You must undertake not to disclose any information related to persons connected with police enquiries or police operations that you may acquire as part of your duties as a Custody Visitor.

11. QUERIES

Queries on any aspect of the scheme should be addressed to the Scheme Administrator, Stuart Edwards on 01768 217732, fax 01768 217738 or e-mail Stuart.edwards@cumbria.police.uk

You should sign below to indicate your agreement to be bound by the guidance for the Cumbria Custody Visiting Scheme. A copy of this agreement will be returned to you for your reference.

C R Alcock
Clerk and Chief Executive to the Police Authority

Name:
(BLOCK CAPITALS)

Signed:

Date:

**CUSTODY VISITOR
CODE OF CONDUCT**

1. 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 professional standards.

2. I understand that as an independent custody visitor I will be expected to carry out my duties on behalf of the ...Police Authority in such a way as to never discriminate against, harass or bully any person.

3. I understand that discrimination or harassment can be based on many grounds.

I understand that I have a responsibility not to behave offensively to others either in word or deed. Offensive behaviour can manifest itself in many ways.

5. I undertake to maintain strict confidentiality within the scheme regarding any information or personal details which I may learn whilst carrying out the duties of a custody visitor.

6. I understand that it is important to develop and maintain professional relationships with police

and police authority personnel, based on mutual respect and understanding of each others' legitimate roles.

Certain types of behaviour on the part of custody visitors have the potential to create tension and conflict and should be avoided.

The above must be set against the need to strike the right balance: establishing effective working arrangements without developing a relationship that is too close.

A relationship which is too close will seriously affect the ability of independent custody visitors to provide an objective and constructive report on conditions and procedures

Name:

Signed:

Date:

FOOTNOTE

Discrimination or harassment can be based on many grounds. Some examples are listed below:

- Race
- Gender
- Religious or political beliefs
- Disability, sensory impairments or learning difficulties
- Sexual orientation
- Age
- Alleged offences.

Offensive behaviour can manifest itself in many ways. Some examples are listed below:

- Verbal remarks
- Non-verbal suggestion
- Physical bullying
- Persistent criticism
- Other behaviour *e.g. practical jokes and gossip.*

Certain types of behaviour have the potential to create tension and conflict.

Some examples are listed below:

- Failing to appreciate police priorities
- Engaging in 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 judgements 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.