

PFCC Decision Report

Please ensure all sections below are completed

Report reference number: 087/19
Classification: Not protectively marked
Title of report: Independent Custody Visiting Scheme
Area of county / stakeholders affected: Countywide
Report by : Darren Horsman (AD Communications and Public Engagement) Date of report: 30 th May 2019 Enquiries to: Darren Horsman (AD Communications and Public Engagement)

1. Purpose of the report

To agree the revised Independent Custody Visiting Scheme

2. Recommendations

That the Commissioner agrees the revised Independent Custody Visiting Scheme

3. Benefits of the proposal

- 3.1. The scheme sets out how the Commissioner will deliver an effective and transparent Independent Custody Visiting Scheme in line with his obligations under the Police Reform Act 2002.
- 3.2. This will also support the Commissioner's effective scrutiny of Essex Police and help ensure that the people of Essex benefit from an effective and efficient police force.

4. Background and proposal

- 4.1. The Independent Custody Visiting Scheme was developed in 2012 and is based on the Home Office Code of Practice on Independent Custody Visiting published pursuant to section 51(6) of the Police Reform Act 2002. The scheme was

updated in 2013 following the issuing of the Code of Practice on Independent Custody Visiting by the Home Office dated March 2013.

- 4.2. The scheme is supported by more detailed national standards that expand the relevant procedures and set out established good practice. In 2018 the Independent Custody Visiting Association (ICVA) introduced a voluntary quality assurance framework which the scheme in Essex is participating in.
- 4.3. This version of the scheme includes minor amendments to reflect the change in title of the Police, Fire and Crime Commissioner; updated guidance from the ICVA, and changes to the way the scheme is supported within the Police, Fire and Crime Commissioner's office.

5. Alternative options considered and rejected

Schemes from other areas were considered and feedback was sought from the ICVA. It was possible that the scheme could not have taken on this feedback and avoided following best practice however, as this would have provided an inferior scheme, this option was not followed.

6. Police and Crime Plan

This is a legal responsibility and helps to ensure effective scrutiny of Essex Police as well as specifically protecting vulnerable people.

7. Police operational implications

Not applicable

8. Financial implications

The strengthening of national best practice and the introduction of ICVA's Quality Assurance Framework does increase the resources required to support the scheme effectively, however these relatively small increases and represent about 0.1 FTE. The benefit of this is that the scheme in Essex is a good quality scheme which follows national best practice.

9. Legal implications

Whilst there are no legal implications arising directly from this report, the scheme does set out how the Commissioner will deliver on a legal responsibility

10. Staffing implications

See above under "Financial implications"

11. Equality and Diversity implications

While there are no direct equality and diversity implications arising from this report, the recruitment of ICVs does provide an opportunity for the scheme to reflect the communities in Essex.

12. Risks

There are no key risks associated with this proposal

13. Governance Boards

This policy was presented to the PFCC Senior Management Team Meeting on 20th May 2019

14. Background papers

Appendix 1 – Independent Custody Visiting Scheme



2013-08-27-PFCC-IC
V-Scheme-Policy-and

Report Approval

The report will be signed off by the OPFCC Chief Executive and Treasurer prior to review and sign off by the PFCC / DPFCC.

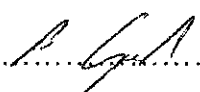
Chief Executive / M.O.

Sign: 

Print: P. Brent-Isheleson

Date: 12 August 2019

Chief Finance Officer / Treasurer

Sign: 

Print: Alison Griffin

Date: 20/09/19

Publication

Is the report for publication?

YES

NO

If 'NO', please give reasons for non-publication (Where relevant, cite the security classification of the document(s). State 'None' if applicable)

.....
..... N/A

If the report is not for publication, the Chief Executive will decide if and how the public can be informed of the decision.

Redaction

If the report is for publication, is redaction required:

1. Of Decision Sheet?	YES	<input type="checkbox"/>	2. Of Appendix?	YES	<input type="checkbox"/>
	NO	<input checked="" type="checkbox"/>		NO	<input checked="" type="checkbox"/>

If 'YES', please provide details of required redaction:

.....
N/A
.....

Date redaction carried out:

Treasurer / Chief Executive Sign Off – for Redactions only

If redaction is required, the Treasurer or Chief Executive is to sign off that redaction has been completed.

Sign:

Print:

Chief Executive/Treasurer

Date signed:

Decision and Final Sign Off

I agree the recommendations to this report:

Sign: *R. C. Hurst*

Print: *R. C. Hurst*

PFCC/Deputy PFCC

Date signed: *25/9/19*

I do not agree the recommendations to this report because:

.....

Sign:

Print:

PFCC/Deputy PFCC

Date signed:



Police, Fire and Crime Commissioner **for Essex**

Independent Custody Visiting Scheme

Version Control	Version 3.0	February 2019
Written By	J. Drewett	September 2013
Authorised By	P Pippa Brent-Isherwood	May 2019
Published		September 2013
Review Date		May 2021

Version history

Version Number	Date	Reason for review	Comments
1.0	November 2012		First publication
2.0	September 2013	Following issue of CoP issued by the Home Office in March 2013	Changes in relation to Terrorism Act 2000 detainees
3.0	February 2019	Review as part of general review of policies`	Small changes to reflect new office responsibilities and structure

1. **Introduction**

The Police, Fire and Crime Commissioner (PFCC) for Essex's Independent Custody Visiting Scheme (hereafter referred to as 'the scheme'), is a scheme where appointed volunteers from the public visit police custody suites to check on the treatment of detainees and the conditions in which they are held, that their rights and entitlements are being observed and their detention is compliant with PACE Code C 2018 and is in line with the Detention and Custody Authorised Professional Practice. It offers protection and confidentiality to both detainees and the police and reassurance to the community at large.

The scheme introduced by the PCC in 2012 replaces that introduced by Essex Police Authority on 1st April 2003 (*last revised April 2010*), which itself replaced the former custody visiting scheme (previously known as the Lay Visiting Scheme) and is based on the Home Office Code of Practice on Independent Custody Visiting published pursuant to Section 51(6) of the Police Reform Act 2002. The scheme was last updated in 2013 following the issue of the Code of Practice on Independent Custody Visiting by the Home Office dated March 2013. Police services, PCCs and independent custody visitors shall have regard to this code in carrying out their relevant functions.

The scheme is supported by more detailed national standards that expand the relevant procedures and set out established good practice. The national standards should be read in conjunction with this document. In 2018 the Independent Custody Visiting Association (ICVA) introduced a voluntary quality assurance framework which the scheme in Essex is participating in.

2. **Organisation and Infrastructure**

The responsibility for organising and overseeing the delivery of the scheme lies with the PFCC, in consultation with chief officers. The PFCC will ensure that appropriate resources are provided for the scheme.

Overall responsibility for the administration of the scheme is held by the Chief Executive of the Office of the Police, Fire and Crime Commissioner for Essex with day to day management of scheme undertaken by the scheme administrator.

Under the PFCC's scheme Independent Custody Visitors (hereafter referred to as 'visitors') are appointed to visit custody suites.

3. **Recruitment**

The PFCC is responsible for recruiting, selecting and appointing visitors and this responsibility is delegated to the scheme administrator. No person will be appointed as an independent custody visitor without an interview taking place. The selection panel must record the reasons for appointment or non-appointment.

Recruitment is based on clear role descriptions and person specifications (see Annex A). It is open, non-discriminatory and well publicised with selection made on the basis of a standard application form at the first stage and if successful, a subsequent interview. All appointments are made on merit and regard is paid to ensuring that overall, the visitors are representative of the local community and provide a suitable balance in terms of age, gender and ethnicity. Visitors must be over 18 years of age and resident in the UK for at least 3 years prior to application, living or working within the PFCC's police area.

The PFCC seeks to ensure that all visitors are persons whom the public would perceive to be independent. They will also take care to avoid the appointment of a visitor where there could be, or could be perceived to be, a conflict of interest. For example, serving police officers, police or PFCC staff, special constables, justices of the peace, members of police and crime panels and PFCCs would all be considered unsuitable as would those recently retired from those roles. All applications must be considered on their merit.

Visitors should be able to make informed judgements and unbiased observations in which the community will have confidence and the police will accept as fair criticism when justified.

Reasonable adjustments will be made to accommodate suitable candidates who have a disability as defined by the Equality Act 2010 including those who do not have English as their first language, but who are able to communicate effectively so as to be understood. All visits with detainees will be carried out in English as will all documentation.

Two references are requested from applicants and a police security check is carried out on applicants before appointments are confirmed.

Where an applicant has convictions for criminal offences or has received a formal caution, warning, or reprimand, or has failed to disclose such a finding, the specific circumstances must be considered when assessing the suitability of the applicant to become a visitor. A previous conviction is not a bar to appointment and although the PFCC is responsible for the appointment of visitors, the chief constable should provide advice on the suitability of an applicant. The PFCC should be informed by the chief constable of the reasons for recommending that an applicant should not be appointed.

4. Conditions of Service

The PFCC provides each visitor with a written memorandum of understanding summarising the agreed responsibilities and legitimate expectations of both parties. The PFCC provides visitors with an identity pass as their authority to visit any police station in the force area holding detainees on a regular or temporary basis.

Appointments are made by the PFCC and will, subject to a satisfactory review after the first six months probationary period, be for a period of three years with

the option of reappointment at the discretion of the Chief Executive and scheme administrator. At the successful conclusion of the probationary period full independent custody visitor status will be granted. Full re-assessments of suitability must take place at regular intervals not more than 3 years apart. The key factors for renewing a visitor's appointment for further periods will include their continuing ability and willingness to do the job effectively.

The scheme administrator in consultation with the Chief Executive also has power to terminate a visitor's appointment due to misconduct or poor performance. For example, where the visitor abuses their position whilst visiting, does not comply with the requirement to keep any acquired information confidential, or fails to meet the appropriate criteria (see Annex D which sets out the approved policy).

A visitor has the right to appeal against termination of their appointment and the procedure is set out in Annex D.

5. **Complaints Procedure**

Any complaints against visitors by detainees, police personnel or others will be handled in accordance with the approved procedure set out in Annex D.

Complaints by visitors against detainees or police officers and police staff must be made at the time to the custody officer with regard to the detainees and to the custody officer or duty officer as appropriate, with regard to police officers and police staff. Any complaint will be recorded by the independent custody visitor on the visiting form.

6. **Payment**

Visitors are appointed on a voluntary basis and as such there is no facility for financial remuneration. However, all reasonable expenses incurred on custody visitor business will be reimbursed by the PFCC.

7. **Local Group Co-ordinators**

Attached at Annex B is a document entitled the "Role of the Local Group Co-ordinator", as agreed by the PFCC. The local group co-ordinators are appointed by the Chief Executive and scheme administrator.

8. **Insurance**

The PFCC has arranged insurance to protect its visitors while carrying out their duties in respect of any legal liability for injury or damage to property. Visitors are expected to make their own arrangements with their vehicle insurers to ensure they are appropriately covered for volunteer work.

9. **Training**

Custody visitors need to have sound knowledge and understanding of detainees' rights and police responsibilities. Information and training in this area is provided by the OPFCC in consultation with the chief constable and the local independent custody visiting community. The PFCC is currently a member of the Independent Custody Visiting Association (ICVA) and therefore has access to their facilities. The PFCC will continually evaluate the effectiveness of the training and the extent to which it is achieving its objectives.

There is an additional training package for visitors who visit Terrorism Act 2000 (TACT) detainees. This training will cover an explanation of the legal framework, review process, arrangements for visits, the role of the Independent Reviewer of Terrorism Legislation (IRTL) and how visitors will work with the IRTL in carrying out their functions and the conduct and reporting of visits.

Training for visitors visiting TACT detainees is part of the selection process and successful completion of training is a condition for selection to this role. Visitors must have successfully completed eighteen months of PACE custody visiting before they can be considered for TACT detainee visits. Selection, performance management and de-selection of visitors is the responsibility of the PFCC.

10. **Frequency and Coverage of Visits**

The PFCC expects ICVs to visit all custody suites. Each suite should be visited three times per month at varying times and days. Visits must be undertaken by pairs of visitors working together. Visits may not be undertaken by a single visitor in any circumstances. To be effective and uphold the integrity of the scheme, they must be unannounced and must not develop a regular pattern.

11. **Working Arrangements**

It must be acknowledged that for the scheme 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 other's legitimate roles.

Annex C refers to the visiting procedures at stations.

12. **Feedback on Visits**

The scheme administrator is responsible for drawing together issues and identifying trends emerging from visits in their area and addressing these with relevant police supervisors, with whom there should be regular formal meetings.

The scheme administrator has the facility to raise concerns and issues with a designated senior officer who should be of assistant chief constable rank, with force-wide responsibilities. The scheme administrator also produces regular reports for the PFCC summarising the output from independent custody visiting and the way in which concerns have or have not been addressed. These reports will form the basis of an annual report on the scheme submitted to the PFCC.

13. **Liaison Meetings**

The PFCC will ensure that visitors have the opportunity to meet together to discuss their work. Visitors will meet at least once every six months either collectively or as individual groups. Group co-ordinators will meet with the scheme administrator at least twice yearly. The PFCC will hold an annual meeting of all visitors under the chairmanship of the scheme administrator.

14. **Reviewing Performance**

The PFCC will assess how effectively the scheme's arrangements are working. Key aspects of that process are reviewing the quality of reports, the frequency with which visits take place and the number of occasions on which detainees refuse to speak to visitors. Any major revisions to the scheme will be agreed with the Chief Executive and be reported to the PFCC.

Last Revised February 2019

POLICE, FIRE AND CRIME COMMISSIONER FOR ESSEX

INDEPENDENT CUSTODY VISITING
ROLE DESCRIPTION

1. To arrange custody visits with fellow custody visitors, in line with agreed rosters.
2. To keep the coordinator and fellow custody visitors informed of any problems with rostered custody visits.
3. To carry out custody visits to designated police stations in line with the scheme guidelines and training.
4. To check on the detainees, their health and wellbeing, their legal rights and entitlements, with reference to the Police and Criminal Evidence Act 1984, (PACE), Code C updated 2018 and compliance with the relevant Detention and Custody Authorised Professional Practice and confirming whether conditions of detention are adequate.
5. Where appropriate consult the detainee's custody record to clarify and check any concerns raised by the detainee.
6. To discuss with the custody officer any concerns and requests arising from the custody visit and bring to the custody officer's attention any issues that need to be dealt with.
7. To complete the independent custody visitor report form, ensuring that all relevant information is recorded correctly, clearly and concisely.
8. To distribute copies of the independent custody visitor report form to the appropriate people and leave the police station.
9. To complete and submit expense claims in line with the scheme guidelines.
10. To attend continuous training sessions as appropriate (minimum of one each year).
11. To attend as appropriate local group meetings of independent custody visitors.
12. To carry out the duties of an independent custody visitor with regard to the health and safety requirements of the custody visiting scheme.
13. To carry out the duties of an independent custody visitor as set out in scheme's guidelines.

INDEPENDENT CUSTODY VISITOR
PERSON SPECIFICATION

Essential Criteria

Measure By

- | | |
|---|-----------------------|
| 1. Must be at least 18 years of age | Application |
| 2. Must live or work in the police area of Essex | Application |
| 3. To demonstrate sufficient time and flexibility to carry out the role of custody visiting | Interview |
| 4. To work with colleagues as part of a team to meet the Police, Fire and Crime Commissioner's visiting programme | Interview |
| 5. To be able to communicate well both orally and in writing | Application/Interview |
| 6. To be able to communicate effectively with people from a variety of backgrounds in line with equal opportunities | Interview |
| 7. To demonstrate an independent and impartial view in relation to all parties involved in the custody visiting process | Interview |
| 8. To be able to maintain confidentiality | Interview |

Desirable Criteria

Measure By

- | | |
|--|----------------------|
| 1. Some knowledge of independent custody visiting | Interview |
| 2. To demonstrate an ability to complete forms clearly and concisely | Application/Training |
| 3. To demonstrate mobility in relation to undertaking visits | Interview |

INDEPENDENT CUSTODY VISITING
ROLE OF THE COORDINATOR

1. To arrange group meetings in line with scheme guidelines.
2. To keep a record of group discussions and communicate to all members of the group as necessary.
3. To devise in association with the scheme administrator a mutually agreed roster for custody visiting.
4. To bring to the attention of the scheme administrator any problems arising from the roster, including missed custody visits.
5. To discuss as necessary any issues arising from custody visits with the appropriate officer.
6. To bring to the attention of the scheme administrator issues arising from the meetings or the custody visitor reports.
7. To oversee the work of the custody visiting group and ensure its smooth running.
8. To identify any training needs arising and bring these to the attention of the scheme administrator.
9. To make introductory visits as appropriate for recruitment or training purposes.
10. To attend as necessary co-ordinator meetings.

The Co-ordinator will be provided with support from the PFCC's office.

INDEPENDENT CUSTODY VISITING

WORKING ARRANGEMENTS

Conducting Visits

1. Visits must be undertaken by pairs of independent custody visitors working together. Visits may not be undertaken by a single visitor under any circumstances. Visits must be unannounced and must not develop a regular pattern.

Visiting procedures at stations

2. Visitors must be immediately admitted to the custody area. Delay is only permitted when immediate access may place the visitors in danger. A full explanation must be given to the visitors as to why access is being delayed and that explanation must be recorded by the visitors in their report.
3. Visitors must have access to all parts of the custody area and to associated facilities such as food preparation areas, relevant storage areas and medical rooms. Custody visitors will be permitted access to CCTV cameras to ensure that they are operational. However, it is not part of their role to attend police interviews with detainees.
4. Police staff must be alert to any specific health or safety risks visitors might face and must advise them appropriately at the commencement of the visit. Visitors must also be alert to any actual or potential risks.
5. The custody officer or a member of custody staff must accompany visitors during visits (see 14 below).

Visiting Terrorism Act 2000 (TACT) detainees

6. Whilst Visitors make unannounced visits to custody suites, given the low number of TACT detainees it is highly unlikely that a suspect will be in detention during a spot-check. For this reason the ICV Scheme Administrator will be notified when terrorist arrests take place and where those arrested are being detained. The notification will be made by the custody officer as soon as practicable after the detainee has arrived at the detention suite.
7. The ICV scheme administrator will inform appropriately trained and security cleared visitors that an individual has been arrested under TACT and the detention facility at which they are or will be detained.

Access to detainees

8. Subject to the exceptions referred to in 9 below, visitors must be allowed access to any person detained at the police station. Only visitors who have undergone

the appropriate security vetting and training will be admitted to those detained under TACT, irrespective of where they are held. Detainees may only be spoken to with their consent and the escorting officer is responsible for establishing whether they wish to speak to the visitors. However, the process adopted is by self-introduction by the visitor in the presence of the escorting officer.

9. 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.
10. Children may be spoken to with their own consent.
11. If a detainee is not in a position to give consent, the escorting officer must allow the visit unless any of the exceptions set out in 14 below apply.
12. 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 through the cell hatch.
13. 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.
14. The custody officer may limit or deny visitors' access to a specific detainee if authorised by an officer of or above the rank of inspector and where either:
 - after a thorough risk assessment has been carried out the officer reasonably believes that to be necessary for the visitors' safety, or
 - if the officer reasonably believes that such access could interfere with process of justice.
15. 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.
16. Where any of the circumstances referred to in paragraph 14 above apply consideration should be given to allowing the visitors some limited form of access to the detainee, such as speaking to them through the cell hatch.
17. Any decision to deny or limit access must be recorded in the detainee's custody record (together with the relevant authorisation) and by the visitors in their report of the visit.

Discussion with detainees

18. Discussions between detainees and visitors must wherever practical, take place in sight but out of the hearing of the escorting officer. Where it is not possible the police officer or staff member should not take part in the conversation.

19. Discussions must focus on checking whether detainees have been offered their rights and entitlements under PACE, on their health and wellbeing and ensuring the relevant safer detention guidelines are being complied with.
20. Visitors must remain impartial and must not seek to involve themselves in any way in the process of investigation. 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 will be made known to the custody officer and may be disclosed in legal proceedings.
21. If a visitor realises they know or are known by a detainee, they must declare this and consider whether to withdraw from the visit.
22. Visitors must not pass messages to or from detainees or offer to perform other tasks on their behalf. If they are asked to do so they must immediately inform the custody officer and record it on the custody visiting form.
23. If a detainee indicates they may harm themselves or any other person, this must immediately be brought to the attention of custody staff.
24. Subject to obtaining the detainee's consent to examine their custody record, the visitors should check its contents against what they have been told by the detainee. Visitors may also have access to other relevant documentation that relates to a detainee e.g. risk assessment. Access to all such information must be treated as confidential. But see paragraph 25 below.
25. 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 visitors to examine it.

Audio and video recording of TACT interviews

26. Visitors who visit TACT detainees may request that they are given access to audio or video recordings of interviews. Visitors may only request access to the whole or part of the audio or video recording of the interview that has been conducted during the period of detention at the request of the detainee or where the visitors have particular concerns about the conduct of the interview (the consent of the detainee is still required).
27. Such a request will only be in order to ensure the detainee has been offered their rights and entitlements under TACT; that their health and wellbeing has been ensured and the relevant statutory code of practice has been followed.
26. Given the interests of the detainee will be protected by their legal representative and if relevant, an appropriate adult during the interview, the ICV will not routinely need to access audio or video recordings of TACT interviews. Should the ICV continue to have concerns after viewing the recording, they should take it this up as soon as possible with the custody officer in order to seek a resolution and follow the complaints procedure set out in these arrangements.

27. Access to the whole or part of the recording of an interview may only be denied if it appears to an officer of or above the rank of inspector that there are grounds for denying access at the time it is requested and procedural arrangements in relation to the denial of access to such recordings are complied with.
28. These are that the officer reasonable believes that it is not practicable to provide access at the time it is requested or the officer reasonable believes that such access could interfere with the process of justice. In such cases an explanation must be given to the visitors and recorded on the custody record and the visit report form.
29. Visitors may not be permitted to watch or attend live interviews of terrorist suspects.
30. Visitor access to recordings of interviews must always be subject to the consent of the detainee. Consent will need to be obtained at each separate visit.

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.

Dealing with issues and complaints

32. Where a detainee makes a complaint or raises an issue about their general treatment or conditions, visitors must subject to the detainee's consent, take this up as soon as possible with police staff 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 specific police officer, they must be advised to address it to the duty officer in charge of the police station.

Effective working relationships

34. For the scheme to be effective, it is essential that visitors and police staff develop and maintain professional and working relationships based on mutual respect and understanding of each other's legitimate roles.

Reporting on a visit

35. At the end of each visit and while they are still at the police station, visitors must complete a report of their findings to include conditions and facilities, rights and entitlements and health and well-being, using the standard report form. Reports are then completed online and sent to the PFCC scheme administrator.
36. 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.

Reports on visits to TACT detainees should be submitted to the Independent Reviewer of Terrorism Legislation and to the PFCC for both the police station where the suspect was held and also the police area in which the arrest was made. Co-ordination of reports will be carried out via the PFCC and ICV scheme administrator.

High Security Visits

37. Special arrangements exist in respect of visits to detainees requiring higher levels of security and restricted access whilst in custody. These will apply where there is a likelihood of the detention period exceeding forty eight hours. Arrangements will be made via the Force Custody Command. Visitors undertaking these visits will be subject to increased vetting procedures.

Special Visits

38. There may be occasions when a special visit is justified in agreement with the police. For example, when there is particular tension with 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.
39. Where there has been a death in police custody, the PFCC 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 police custody or some other major incident should not be allowed to interfere with any relevant investigation that 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 areas.

Other Possible Roles for Visitors 40. Independent Custody Visitors may also act as appropriate adults. However, individuals must not switch between those roles during the course of a visit to the same police station and must declare if they have previously carried out either role with the same detainee.

41. Visitors may also act as lay observers appointed under the Criminal Justice Act 1991 to inspect the conditions under which prisoners are transported and held.

POLICE, FIRE AND CRIME COMMISSIONER FOR ESSEX

INDEPENDENT CUSTODY VISITING SCHEME

Policy for termination of appointment, misconduct and appeal procedure

(Approved at February 2019)

1. *Termination of appointment of Independent Custody Visitors (Visitors)*

Although the work is entirely voluntary, the Police, Fire and Crime Commissioner (PFCC) has the right to terminate the appointment of any independent custody visitor whose conduct is not felt to be of the required standard. In the event of misconduct the Chief Executive will consider whether it is appropriate to terminate the appointment of the relevant visitor. Misconduct will encompass matters such as misuse of the identity card, conviction of a criminal offence, abusing ones position as a visitor, for example, by flouting the PFCC guidelines and Codes of Practice covering the conduct of visitors during visits.

Visitors must notify the PFCC if they are arrested, cautioned, charged or summonsed with a criminal offence, or involved in a crime or incident solved by way of neighbourhood resolution. In the case of any offences committed within the Essex Police area, Essex Police will upon request, notify details of the offence to the scheme administrator. In such circumstances, the Chief Executive will suspend the appointment of that visitor until the outcome of any criminal proceedings is known. If the visitor is subsequently found to be not guilty, they may be reinstated. In other cases the Chief Executive will review the appointment of the visitor with regard to the nature of the offence.

Where a visitor:

- has not made any visits within a six month period, or
- fails to meet their rostered custody visits during the year, or
- fails to attend either a training session, group meeting, or the annual visitors' meeting in a twelve month period,

and no good reason for this has been notified to the scheme administrator or group co-ordinator, the scheme administrator may notify the individual in writing that their appointment is to be referred to the Executive Director for consideration.

2. *Complaints of misconduct by an Independent Custody Visitor*

The coordinator will inform the scheme administrator of all complaints or issues of concern regarding a visitor. The scheme administrator will after consideration and discussion with the coordinator decide if the complaint should be dealt with locally by the co-ordinator. In these cases the coordinator will arrange to discuss the complaint or

issue with the individual concerned. The scheme administrator will be informed by the coordinator of the outcome of these discussions.

If a visitor is unhappy with the outcome of the discussion with the coordinator they must contact the scheme administrator who will decide how best to deal with the situation.

The scheme administrator will inform the co-ordinator, where appropriate, of any complaints or issues of concern regarding a visitor in their group.

Complaints of a more serious nature or repeated complaints must be made in writing to the Chief Executive. The Chief Executive will decide how best to deal with these complaints.

Where the scheme administrator receives a written complaint of misconduct, they will consider with the Chief Executive whether the visitor's appointment will be suspended until such time as the complaint is resolved.

Should it be considered appropriate to refer the complaint to the Chief Executive for consideration, the visitor will be notified in writing.

3. *Referral of complaints to the Chief Executive*

When complaints are referred to the Chief Executive for consideration, the individual visitor will be informed of the date and venue of the referral and invited to submit either a written statement, or to attend the Chief Executive's meeting at which their complaint is to be considered. A visitor may if preferred have a representative attend on their behalf. In this case the individual visitor must inform the scheme administrator of the name of the person attending on their behalf.

The decision of the Chief Executive will be notified to the visitor in writing within seven days of the meeting. If appropriate the suspension of their appointment will be cancelled.

In certain circumstances it may be necessary for the Chief Executive to identify a minimum of three Managers who have taken no part in the referral discussions or been present when these considerations took place, to consider the visitor's appointment in the event of an appeal.

4. *Appeal Process*

Where a visitors' appointment is terminated, the individual will have the right to appeal. The intention to appeal must be notified to the scheme administrator in writing, within 21 days following the notification of termination of appointment.

The appeal panel will consist of the PFCC and 2 managers not involved in the referral process nominated by the Chief Executive. The PFCC will chair the panel.

The appeal panel will meet to consider the termination of appointment within 30 days following the notification of appeal. The visitor will be notified in writing of the date and venue of the appeal, not less than seven working days prior to the appeal, and will be

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invited to submit a written statement or attend the appeal in person. A visitor may if preferred, have a representative attend the appeal on their behalf. In this case the visitor must inform the scheme administrator of the name of their representative at least seven days prior to the appeal.

The decision of the appeal panel will be notified in writing to the visitor within seven working days of the appeal hearing.

The decision of the appeal panel will be final. The PFCC will enter into no further discussions or correspondence concerning the termination of appointment.

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