



**Cheshire  
Police & Crime  
Commissioner**

# **Independent Custody Visiting Scheme**

**Guidance on the duties and  
responsibilities of the scheme**



## Objectives of the scheme

1. The former Cheshire Lay Visiting Scheme was one of the first custody visiting schemes to be established in the country, following the recommendations of Lord Scarman in 1983 because of the Brixton riots. In accordance with Section 51 of the Police Reform Act 2002, (as amended by Section 299 of the Police Reform and Social Responsibility Act 2011) all Police and Crime Commissioners are required to: -

- make arrangements for persons to be visited by persons appointed under the arrangements (known as 'custody visitors'); and
- keep those arrangements under review and from time to time revise them as they think fit.

2. The Scheme comprises of volunteers from the local community recruited as Independent Custody Visitors to visit designated custody suites. The Independent Custody Visitors concern is the welfare of persons in custody and the operation of the statutory and other rules governing their welfare. Independent Custody Visitors make unannounced visits at varying times of the day and night and are concerned with the conditions of detention and the treatment of individual detainees. Part of the visiting process entails discussions with custody staff and subject to their consent being obtained, detainees are visited and spoken to. Independent Custody Visitors may raise issues, which require immediate attention by the custody staff and following each visit, will complete a report on their findings. Independent Custody Visitors can discuss experiences from visits and raise issues at panel meetings. The work and the findings of the Independent Custody Visiting Scheme are publicised.

## Appointment of Custody Visitors

3. Any person over 18 residing in Cheshire can be appointed as an Independent Custody Visitor, with the exception of serving Magistrates, police officers (including Special Constables), police staff (including PCSOs), and staff of the Office of the Police & Crime Commissioner (the Commissioner). Special consideration will be given to the appointment of solicitors and employees of the probation service and persons closely working within the criminal justice system.

4. The Commissioner is responsible for establishing the Scheme. The Chief Executive has been authorised on behalf of the Commissioner to monitor the Scheme; appoint or re-appoint Custody Visitors; and terminate appointments if considered necessary.

5. The term of office for an Independent Custody Visitor is initially for a probationary period of six months. The experienced Independent Custody Visitors on the panel will consider an individual Independent Custody Visitor's conduct, performance, and attendance during the probationary period. Where appointments are confirmed they will be for a period of three years (including the probation period), with a full review of continuing suitability at the end of that period.

6. Independent Custody Visitors will be eligible for re-appointment every three years subject to support by the appropriate Scheme Coordinator and to the required vetting status. Whilst it is acknowledged that effective and committed Independent Custody Visitors are a precious resource and experience is valuable, however, this is balanced against the need to introduce fresh perspectives. The maximum tenure of an appointment will be nine years with a possibility of extension.

7. On appointment each Independent Custody Visitor is required to sign a Memorandum of Understanding, which details the expectations of the Independent Custody Visitor (copy attached as Appendix 1). The Memorandum includes issues such as undertaking a minimum number of visits per year, attendance at training seminars and panel meetings and the support which the Office of the Police & Crime Commissioner will provide.

8. Before appointment, applicants must declare any conviction for a criminal offence, and if they have ever served a term of imprisonment or detention (other than those which are spent by reason of Rehabilitation of Offenders Act 1974). Criminal record checks will be undertaken before appointment.

9. Three Independent Custody Visitor Panels operate visiting one of three dedicated custody suites serving the Cheshire police area. The Eastern and Northern Custody Suites both have 35 cells, and the Western Custody Suite has 20 cells. The Suites are located at: -

- Eastern Area Panel - Custody Suite in Middlewich
- Northern Area Panel - Custody Suite in Sandymoor, Runcorn
- Western Area Panel - Custody Suite in Blacon, Chester

## Termination of appointment

10. Although the work is voluntary, there may be occasions when the appointment of an Independent Custody Visitor must be terminated due to misconduct or poor performance. Misconduct encompasses matters such as disclosing confidential information obtained during a custody visit, misuse of the identity card, inappropriate behaviour or comments made during a visit or towards a fellow custody visitor, detainee, police officer or police staff, conviction of a criminal offence, abusing the position of Independent Custody Visitor, for example, by consistently flouting the guidelines covering the conduct of Independent Custody Visitors. Examples of poor performance are detailed in paragraphs 12 and 13.

11. Independent Custody Visitors **must** notify the Chief Executive if they are arrested, cautioned, or charged with a criminal offence as soon as practicably possible (criminal offence may include motoring convictions e.g., driving whilst under the influence of alcohol or drugs which may result in disqualification or the loss of a licence). In such circumstances, the Chief Executive will suspend the appointment of that Independent Custody Visitor until the outcome of any criminal proceedings is known. If the Independent Custody Visitor is subsequently found to be not guilty, they may be reinstated. In the case of a caution, the Chief Executive will review the appointment of the Independent Custody Visitor regarding the nature of the offence. If the Independent Custody Visitor is found guilty of a criminal offence, the Chief Executive will consider whether to terminate their appointment.

12. Where an Independent Custody Visitor fails to make a visit within a six-month period, the Chief Executive will write to the Independent Custody Visitor concerned to seek an explanation. If a satisfactory explanation is not provided, the Chief Executive after consultation with the Scheme Coordinator, will consider whether the appointment should be terminated.

13. Where an Independent Custody Visitor fails to make a minimum of 6 visits or fails to attend at least one panel meeting during the year or attend the annual training seminar and no explanation has been given to the Scheme Coordinator, the Chief Executive will consider whether the appointment should be terminated.

14. As outlined in paragraph 6, appointments will be renewable every three years subject to support from the Scheme Coordinator. Where the Scheme Coordinator does not support the re-appointment, the Independent Custody Visitor will be advised of the reasons and invited to comment. The Chief Executive, in consultation with then Scheme Coordinator will decide whether the appointment should be confirmed or terminated. An Appointment, Termination, Complaints and Appeals Procedure are attached as Appendix 2.

## Visiting Programme

15. The Scheme Coordinator is responsible for the co-ordination of visits and the day-to-day administration of the Panel. The Scheme Coordinator's role is to act as a contact point and offer advice and support to Independent Custody Visitors. The responsibilities include chairing panel meetings; preparing the agenda for meetings, and subsequently the notes; preparation of visiting rotas; the compilation of the visiting statistics; submission of their annual performance report to the Office of the Commissioner; and organisation of conferences and training seminars.

16. Each custody suite should be visited once per week. A visiting rota detailing when Independent Custody Visitors are programmed to visit will be circulated in advance of the visiting period to which it relates. The rota also lists the 'reserve' Independent Custody Visitors to contact in the event of an Independent Custody Visitor not being able to undertake a visit.

17. These suites are where persons are detained under arrest and are staffed 24 hours a day. Visits should be made without appointment; however, shift changeover periods should be avoided (7am and 7pm). Remember that your visit may not always be convenient, and you may experience a short delay in commencing a visit at busy times.

## Conduct of visits

18. Custody Visitors must carry their identity card, always within the custody suite. The identity card must be shown on arrival to the custody staff and on request.

19. Custody Visitors must visit in pairs and no more than two Custody Visitors can visit at any one time. Custody Visitors should not be accompanied by any unauthorised persons.

20. Custody Visitors will only have access to those parts of the custody suite where persons are detained which includes all parts of the custody area - cells, detention rooms, holding cells, charging areas, washing facilities, kitchen/food preparation area and medical room (but not the drugs cabinet). Custody Visitors should ensure that these areas are clean, tidy and in a reasonable state of repair and decoration, and that bedding in cells is clean and adequate. Empty cells should also be checked to ensure heating/ventilation systems, cell bells and toilet flushing mechanisms are working properly. Unoccupied interview rooms in the custody area may also be visited.

21. Custody Visitors must remember that visits will cause some disruption to the normal operational efficiency of a custody suite. Visits should therefore be business-like.

## Visiting Procedures

22. The following paragraphs detail the procedure for Independent Custody Visitors when visiting the custody suites:

- On arrival at the custody suite, Independent Custody Visitors should park in the visitor car park (or staff car park, using access card to gain entry) and proceed to the reception. Your access cards will allow you the same access rights within the custody suite as the custody staff. You should use the buzzer to request access into the custody area from reception. This is particularly important for health and safety reasons and as a courtesy to custody staff. Independent Custody Visitors should not enter the custody area unsupervised during a potentially volatile situation at the custody desk or elsewhere in the suite.
- On receiving a response, Independent Custody Visitors should introduce themselves by advising of their names and role – this information will be relayed to the Custody Desk. If there is a delay in your entry more than 10 minutes, Independent Custody Visitors should enquire with the Custody Sergeant how long entry will be and the reason for the delay. Any delays should be recorded on the CV/2 Report to enable the effective operation of the Scheme to be monitored. When Independent Custody Visitors are admitted through the gate, they will then gain access to the main reception area.
- On arrival at reception, Independent Custody Visitors may be asked to hand over any mobile telephones and bags and any other personal possessions to the officer. All mobile phones should be switched off or to silent mode. At times, Independent Custody Visitors will only be allowed to take a pen, 'CV/2 Report', Independent Custody Visiting Scheme Handbook and clipboard into the cell area. The Independent Custody Visitors will then proceed through a 'security lock' to the secure area.
- Whilst in the security lock, Independent Custody Visitors may be 'scanned' with a handheld metal detector prior to proceeding to the custody desk.
- At the custody desk, Custody Staff will outline the situation regarding the persons being detained in the custody suite at the time. The Custody Sergeant will allow Independent Custody Visitors to view a computer screen detailing the detainees being detained at the time of the visit. Whilst viewing the screen Independent Custody Visitors will observe information about the detainee's name and reason for detention, which should be disregarded.
- Independent Custody Visitors are recommended to identify a maximum of 10 detainees to visit, with particular focus on young people and vulnerable persons. If many of the selected detainees do not wish to receive a visit, Independent Custody Visitors may wish to return to the custody desk and select further detainees to visit or inspect the other facilities in the custody suite. During the visit, other areas as detailed in paragraph 20 may be inspected as deemed appropriate. CCTV surveillance equipment can also be checked to ensure that it is operational. This should result in a visit lasting a maximum of 1½ hours.
- Following the visit, Independent Custody Visitors will be required to complete a CV/2 Report. Independent Custody Visitors should ask the Custody Sergeant if they can use a quiet room to enable the report to be completed in private. Independent Custody Visitors are required to inform the Custody Sergeant of any issues, which require immediate action at the time of the visit and before leaving the secure area. The completed report should be handed to the Custody Sergeant at the custody desk.

- Independent Custody Visitors should ensure that if a copy of a custody record is printed out for information, that it is returned to the Custody Sergeant before leaving the secure area, and not taken outside the custody suite.

## General Visiting Procedures

23. Independent Custody Visitors should focus on whether detainees have been offered their rights and entitlements under the Police and Criminal Evidence Act (PACE) (including receipt of the necessary paperwork) and confirm whether the conditions of detention are adequate. Independent Custody Visitors should encourage an open exchange with the detainee.

24. Care must be taken to differentiate between the visit and the pursuing of individual cases. For instance, if called to the custody suite in a private capacity as counsellor or friend by a detainee, or if nominated by a detainee under the 'intimation of arrest' procedure, you cannot adopt or thereafter revert to the Independent Custody Visitor function and see other detainees.

25. In general, you may see anyone detained at the Custody Suite at the time, subject to the following qualifications:

- (a) no detained person is required to receive a visit and answer any questions. Independent Custody Visitors will introduce themselves to the detainee using the agreed introduction text. The accompanying Custody Sergeant/Detention Officer shall be within view but out of earshot during the visit. If the detainee is asleep at the time, they can be woken at the discretion of the Custody Sergeant/Detention Officer to seek consent to a visit. As a rule, to avoid interrupting the continuous period of eight hours rest provided for under the PACE, sleeping detainees should not normally be woken, but may be observed through the communicating hatch. If a detainee is not able to give consent, perhaps because of the effects of alcohol or drugs or by virtue of a mental illness, the Custody Sergeant should allow access unless it is considered that the Independent Custody Visitors' safety would be at risk. In such circumstances the Independent Custody Visitors may wish to speak to the detainee through the communicating hatch. That may also apply where consent is given, but the Custody Sergeant considers the Independent Custody Visitors would be in danger from a violent or potentially violent detainee if they entered the cell.
- (b) if a detainee is being interviewed the interview may not be interrupted; you will not be admitted to an interview in progress. Independent Custody Visitors may wish to wait until after the interview has finished.
- (c) the PACE Codes of Practice govern the way in which the police question suspects or witnesses. They also deal with the rights of the individual who is in custody, including their ability to communicate with people outside. The police can delay contact in exceptional circumstances by the Codes of Practice. The police may decide for similar reasons that a detained person should not be seen by the Independent Custody Visitors, to avoid any risk of prejudicing an important investigation. Any decision to deny Independent Custody Visitors access to a detained person can be taken only by the Custody Sergeant, who must explain his/her reasons on each occasion. Independent Custody Visitors should also record this fact, and the reasons given and whether they were satisfied with the explanation on the CV/2 Report.

(d) there may be very rare instances where, in view of prevailing circumstances, the Custody Sergeant is incapable of permitting access to the custody suite. On such occasions the Custody Sergeant shall explain the circumstances and the visit may be deferred. You must record this on the CV/2 report.

(e) young people (the age of 17 and below) in custody will normally be accompanied by a parent or guardian (or other persons known as an appropriate adult). A visit will be permitted if an appropriate adult is not present, subject to the young person's consent. If an appropriate adult is in attendance, the young person's wishes should be sought and respected as to whether the appropriate adult should be in attendance during the visit.

26. When visiting persons in custody, Independent Custody Visitors will at all time be accompanied by either the Custody Sergeant or Detention Officer. Any conversation with the detainee, which the Independent Custody Visitor instigates, must be confined to the welfare and custodial arrangements only. The reason for detention, evidential matters relating to the investigation, and the question of bail are not matters which fall within the remit of the Independent Custody Visiting Scheme.

27. Independent Custody Visitors must not involve themselves in individual cases to the extent of offering advice about whether a detainee should make a statement or otherwise co-operate with the Police's enquiries. Independent Custody Visitors must also decline to convey messages from detained persons, however innocuous they may seem. Independent Custody Visitors must take care, in conversation with the detainee, not to give their opinion or invite comments on matters relating to the circumstances of his/her arrest or other aspects of the investigation and should avoid any suggestion that you are soliciting complaints about such matters. All questions should relate to the detainee's welfare and the conditions in which they have been detained.

28. The detainee may wish to raise matters outside those governing his/her welfare and on those occasions, particularly if the matter is construed as a complaint against any police officer, reference should be made immediately to the Custody Sergeant, who will take the appropriate action.

29. Independent Custody Visitors should constantly be aware of the likelihood of their subsequent evidential involvement, should the detainee make spontaneous comment, which has evidential value, either for the prosecution or defence. Questions likely to elicit such comment should be avoided if possible. If an Independent Custody Visitor witnesses such evidential comment, they will be invited to make a statement on the matter for subsequent submission in evidence.

30. If an Independent Custody Visitor recognises or has knowledge of a detainee being held in custody, they must immediately declare that interest to the Custody Sergeant and abandon the visit to that specific detainee.

31. An Independent Custody Visitor may, with the consent of the detainee, be present during the formal charge process. On these occasions Independent Custody Visitors must not make any comment which might interrupt the procedure. Similar conditions will apply should Independent Custody Visitors wish to observe the documentation procedure of a recently arrived detainee. The presence of the Independent Custody Visitor will be recorded on the Custody Record.

## Custody Records

32. Subject to obtaining the detainee's consent to view their custody record, the Independent Custody Visitors may check its contents against what they have been told by the detainee. Independent Custody Visitors may wish to verify:

- whether entitlements under PACE have been given and signed for.
- that medication, injuries, medical examinations, meals/diets are recorded.
- that procedures to assess special risks/vulnerabilities presented by the detainee have been properly recorded.
- the timing and frequency of cell inspections of inebriated or otherwise vulnerable detainees; and
- the timing of reviews of the continuing need for detention.

33. If a detainee is for any reason incapable of deciding whether to allow access to their custody record, the presumption should be in favour of allowing the Independent Custody Visitors to examine the record.

## Complaints by detainees

34. As a rule, a complaint by a detainee will be recorded in the Custody Suite. Custody staff may decide not to record the complaint until they have been presented with the full circumstances of the arrest and detention, however, this would depend on the nature of the complaint and securing of any evidence required. Evidence at the scene of arrest would be preserved by the investigating officer to support any decision to charge and subsequent proceedings; and may also be used should a complaint be made. In some circumstances where the complaint does not relate to the period in custody or the arrest, the individual may be advised to submit the complaint in writing to the Constabulary's Professional Standards Department or to attend a police station to make the complaint.

35. If a detainee indicates that they wish to make a complaint, you should record the fact (but not the complaint) on the CV2 report form and bring the matter to the attention of the Custody Sergeant when you hand in the report form.

## CCTV footage

36. Independent Custody Visitors must carry out their functions in person and not by viewing either live CCTV pictures or recorded footage. The role is fundamentally interactive with both detainees and police staff and cannot be discharged remotely. There may also be issues about infringing the privacy of detainees who have not consented to Independent Custody Visitors observing them using CCTV. However, where specific incidents or circumstances arise and have been captured on CCTV, Independent Custody Visitors might reasonably be allowed access where both the police and the detainee(s) concerned, consent.

## Medical issues

37. Independent Custody Visitors have no right to see a detainee's medical records, even when attached to the custody record. However, key points relevant to medical treatment should be recorded in the custody record itself. Independent Custody Visitors should pay particular attention to detained persons who are suffering from any form of illness, injury or disability. They should satisfy themselves that, if appropriate, medical advice has been obtained and established from the Custody Sergeant what instructions for medical treatment have been given and confirm by consulting the custody record that these instructions have been carried out.

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## Police Initiated Visits

38. Independent Custody Visitors have no right to see a detainee's medical records, even when attached to the custody record. However, key points relevant to medical treatment should be recorded in the custody record itself. Independent Custody Visitors should pay particular attention to detained persons who are suffering from any form of illness, injury or disability. They should satisfy themselves that, if appropriate, medical advice has been obtained and established from the Custody Sergeant what instructions for medical treatment have been given and confirm by consulting the custody record that these instructions have been carried out.

## Confidentiality

39. During undertaking visits, an Independent Custody Visitor 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 and you will therefore be asked to sign an undertaking of confidentiality. That undertaking will be signed at the time of your appointment. Independent Custody Visitors should be aware that improper disclosure of information acquired during a visit or panel meeting may attract civil or criminal proceedings. Improper disclosure extends to discussion of individual cases and identities with other Independent Custody Visitors and to the system of written reporting to the Police & Crime Commissioner of the results of visits. Unlawful obtaining/disclosure of personal data also constitutes an offence under Section 55 of the Data Protection Act 1998, and improper disclosure of personal information may attract 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.

## Persons informally present at the custody suites

40. There may exceptionally be persons at the custody suite who, whilst not detained under the formal arrest procedure, are there having attended freely to offer evidence as a witness to some occurrence, to provide fingerprints, photographs, or 23.DNA or to be interviewed as a possible suspect for an offence. Such persons will not fall within the provision of the Independent Custody Visiting Scheme. However, should an Independent Custody Visitor wish to satisfy themselves as to the welfare of such persons, their consent should first be ascertained by the Custody Sergeant.

41. The following persons may also be present in a custody suite and may be visited by Independent Custody Visitors when they are under the control and responsibility of the police service: -

- **Home Office Prisoners**

On occasion remanded and sentenced prisoners are held in Custody Suites. They are known, in the police context, as Home Office prisoners. Home Office Circular 74/91, 'Remand and sentenced prisoners held in police cells', sets out the categories of prisoner who may be held and can be visited.

- **Prisoner Escort and Custody Service**

GEO Amey are responsible for escorting prisoners from custody suites to court and if sentenced, onward to prison. Lay Observers have been appointed by the Home Office to monitor performance and to inspect the conditions in which prisoners are transported and held. From time to time, it may be necessary for these detainees to be held in the custody suites.

- **Immigration Detainees**

These are persons held under the Immigration Act 1971 and Immigration and Asylum Act 1999 who are subject to deportation proceedings or who are waiting to be removed from the UK as illegal entrants.

- **People at Risk/Police Protection**

These may be persons held under the Mental Health Act 1983 for their own protection or children taken into police protection under the Children Act 1989.

- **Operation Safeguard**

Operation Safeguard refers to the temporary re-housing of prisoners from His Majesty's Prison Service into police cells nationwide. Since the statutory regulations relating to Independent Custody Visiting came into effect in the Police Reform Act 2002, section 51 of the Act and paragraph 2 of the Independent Custody Visiting Codes of Practice make no distinction as to the status of the detainee (i.e., whether they are being detained under PACE, terrorism powers, immigration powers, etc). On that basis Independent Custody Visitors should be given access to Operation Safeguard detainees in cells at custody suites or at police stations unless the standard exceptions apply.

As with all detainees, grievances or concerns should continue to be raised with the custody officer.

## Completion of CV/2 report and follow-up action

42. Recording the contents of a visit is one of the most important aspects of the scheme. Independent Custody Visitors may wish to make notes during the visit but should explain to the detainee why they are doing so. Independent Custody Visitors shall report on each detainee visited at the end of the visit. The CV/2 report should be completed in a private area, not in the presence of custody staff. Independent Custody Visitors should record all aspects of the visit – complimentary comments about the suite and the custody staff and any concerns, which may include delays in accessing the custody suite and whether you were satisfied with the reasons given; the reception by custody staff; the cleanliness of the custody suite; etc. Independent Custody Visitors should ensure that all issues raised by detainees are brought to the attention of the Custody Staff when handing over the CV/2 report. One copy should be given to the Custody Sergeant who will in turn forward it to the Custody Inspector responsible for custody services, one copy should be retained in the Independent Custody Visitors folder and the green copy forwarded to the Scheme Coordinator.

43. If a visit discloses any aspects of the treatment of persons detained at the suite or conditions there, which are unsatisfactory, **it must be recorded on the 'CV/2 Report'**. If a matter appears to require urgent attention, the Custody Sergeant should be informed immediately. This action must be taken if a detained person makes a complaint of assault or ill-treatment or appears to have sustained an injury which is not recorded on the Custody Record. If the Independent Custody Visitors are not satisfied with the response or actions of the Custody Sergeant regarding the welfare of a detainee, they must raise their concerns with the Custody Inspector at the time of the visit.

44. The following escalation procedure has been developed to ensure that out of normal office hours, serious concerns are effectively addressed:

- Where an incident occurs because of a visit and is of a routine nature, Independent Custody Visitors should note the issue on the CV/2 Report and forward to the Scheme Coordinator, in the usual manner.
- Where an incident occurs and immediate resolution is desirable, the Independent Custody Visitors should raise the issue with the Custody Inspector, if it cannot be resolved by the Custody Sergeant in the first instance.
- Where an incident occurs that requires urgent resolution, but no actual risk to an individual is suspected and the matter has been raised with the Custody Inspector but there is no satisfactory resolution, then this should be raised the next working day with the Custody Chief Inspector via the Scheme Coordinator.
- If the matter cannot be resolved with the Custody Inspector and the Independent Custody Visitors consider the matter as urgent and there is a serious risk to an individual, the Force Incident Manager should be contacted on 01606 362270 who may then refer the matter to the Duty Silver Chief Inspector/Superintendent (it should be noted that this officer is responsible for major incidents and may not be available at that time).
- Independent Custody Visitors should also advise the Scheme Coordinator of any unresolved issues to ensure that the most appropriate course of action is being taken.

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- Independent Custody Visitors should also advise the Scheme Coordinator of any unresolved issues to ensure that the most appropriate course of action is being taken.

45. References in reports to individual detainees must be made by their custody number to preserve their anonymity.

## General provisions

46. There is no barrier to Independent Custody Visitors also acting as Appropriate Adults in certain circumstances. Individuals must not switch between the role of Independent Custody Visitor and Appropriate Adult during a visit to a custody suite. Changing roles in that way can blur responsibilities and create confusion for all concerned. However, those fulfilling the role of Independent Custody Visitors are not prevented from acting as Appropriate Adults on separate and distinct occasions, preferably at completely different custody suites.

47. Independent Custody Visitors may also act as Lay Observers who are appointed under the Criminal Justice Act 1991 to inspect the conditions under which prisoners are transported and held.

48. Independent Custody Visitors must, before commencing duties, attend an Induction Seminar so that they are fully aware of their duties, relevant requirements of the law and local Force Orders regarding custodial arrangements.

49. A copy of the Custody Visiting Scheme Guidance and copies of associated documents such as the translation booklet for non-English speaking detainees and spare CV/2 Report are kept under the charge of the Custody Sergeant within the custody suite

## Complaints Procedures

50. The procedure the Scheme Coordinator will follow if a complaint is received about the misconduct of an Independent Custody Visitor is attached at Appendix 2.

## Panel Meetings

51. Independent Custody Visitors shall meet on a panel basis, four times a year, to receive updates on local and national policing developments and initiatives and review their work through the Office of the Police & Crime Commissioner.

## Expenses and Allowances

52. Travelling expenses are payable to all Independent Custody Visitors at the Inland Revenue rates and therefore payment is exempt from income tax.

53. Travelling expenses will also be payable to those Independent Custody Visitors to attend conferences/meetings subject to prior consent being given by the Scheme Coordinator.

54. Any Independent Custody Visitor who is required to pay a carer in order to undertake a visit or attend a panel meeting or training event may claim a carers' allowance. This allowance shall be paid upon the production of a valid signed receipt and shall be for actual expenditure incurred at the national minimum wage rate per hour. The allowance may be claimed for the time taken for an Independent Custody Visitor from leaving home, undertaking a visit, or attending the panel meeting/training and returning home. The allowance shall not be payable in respect of care provided by a member of the claimant's family. Payments may be claimed in respect of children aged 16 or under and in respect of other dependants where there is medical or social work evidence that care is required.

## Health and Safety

55. The Custody Sergeant should inform Independent Custody Visitors if a detainee has been subjected to Captor Incapacitant (CS spray). However, it would be in the Independent Custody Visitor's interests for them to acknowledge on each visit whether any of the detainees has been subject to Captor Incapacitant.

56. Independent Custody Visitors are responsible for their own personal safety whilst undertaking visits and if they feel unwell or have an illness prior to or during a visit they should contact the reserve to undertake the visit or cancel the visit.

57. Independent Custody Visitors who are pregnant should consider temporarily withdrawing from the Scheme. If a pregnant Independent Custody Visitor wishes to continue, they should advise the Scheme Coordinator and make the Custody Sergeant aware so they can risk assess against factors in custody e.g., breakdown of air conditioning, violent detainees, contagious diseases, availability of health staff etc. These issues would be considered for any Independent Custody Visitors, but the risk is more acute when pregnant

## Insurance

58. All Independent Custody Visitors are covered by the Police & Crime Commissioners' insurance against personal injury whilst undertaking visits on police premises. Independent Custody Visitors are responsible for advising their motor vehicle insurers that they are undertaking a volunteer role and to ensure that their vehicle is insured for such use.

## Publicity

59. It is helpful to use opportunities to raise public awareness about Independent Custody Visiting. Independent Custody Visitors should ensure that the purpose of the publicity is to inform about the Scheme and not to draw attention to individuals. In any article or presentation, Independent Custody Visitors must not discuss individual cases or specific events except in general anonymous terms. It is up to the Independent Custody Visitor to consider whether to reveal their own identity, however, anonymity can lead to misunderstanding in the media and where possible Independent Custody Visitors should be prepared to reveal their identities. There is no necessity to reveal full personal addresses. The inclusion of photographs in any such articles is a matter of personal discretion. The advice of the Scheme Coordinator must be sought not only prior to an interview/presentation being given, but before any articles are submitted for publication by individual Independent Custody Visitors.

60. Under no circumstances should Independent Custody Visitors make themselves available to respond to requests for specific information from the media or other organisations about individual cases or events in the custody suite.

61. A response to general enquiries from the media may be provided by the Scheme Coordinator and only if they are satisfied that the required information is of sufficiently general nature to enable a reply to be made. Advice should always be sought from the Scheme Coordinator before a response is given. Any enquiry concerning a particular case should be referred to the Chief Constable via the Constabulary's Corporate Communications Office on telephone number 01606 365942.

## For further information

For further information contact:

**Karolina Kardas - Research and Volunteer Support Officer**

**Email:** Karolina.Kardas@cheshire-pcc.gov.uk

**Address:** Cheshire Police and Crime Commissioner, Runcorn Town Hall, Heath Road, Runcorn, WA7 5TD



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## **Custody Visiting Scheme 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 highlight the Police & Crime Commissioner's expectations of an Independent 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 custody suites in Cheshire. Your concern is for the welfare of the person in custody and the operation in practice of the statutory and other rules governing their welfare.

### **2. Appointment**

Your appointment is initially for a probationary period of six months.

Your Independent Custody Visitor Panel will consider the outcome of your probationary period and where appointments are confirmed they will be for a period of three years (including the probation period). This review will be undertaken by the existing Independent Custody Visitors in your panel area, in the absence of the probationer Independent Custody Visitor(s).

You will be eligible for re-appointment every three years subject to the support of the Scheme Coordinator and to the required vetting status. The maximum period of appointment is nine years with a possibility of extension.

### **3. Conduct**

You must act professionally and responsibly with honesty and integrity when undertaking your role and to the highest professional standards. There should be no grounds for suspicion that an Independent Custody Visitor is influenced in any way by improper motives. You are expected to carry out duties in such a way as to never discriminate against, harass, behave offensively, or bully any individual. You must not be under the influence of alcohol or drugs and ensure appropriate dress is worn. Mobile phones and other electronic devices must be switched off or in silent mode.



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### **4. Identity Cards**

Your identity and access cards will be valid for the period that you are appointed as an Independent Custody Visitor. The identity card authorises you to visit the custody suite. 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. Your access cards will allow you the same access rights within the custody suite as the custody staff and direct access into the custody area, however, you should use the buzzer to request access into the custody area from reception. This is particularly important for health and safety reasons and as a courtesy to custody staff.

The Scheme Coordinator must be advised immediately if either of the above cards are lost or stolen. Identity and access cards must be returned on termination of appointment as an Independent Custody Visitor.

### **5. Undertaking visits**

You are required to make visits only when accompanied by another Independent Custody Visitor. 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.

### **6. Minimum requirements**

You are expected to make a minimum of 6 visits per year; if there are exceptional circumstances, which prevent you from fulfilling this requirement, you should ensure that the Scheme Coordinator is aware of these. If you have not made a visit within a six-month period, the Scheme Coordinator will advise the Chief Executive. The Scheme Coordinator will contact you to ascertain the reason and seek an explanation.

### **7. Documentation**

You are required to complete a CV/2 Report Form for every custody visit made (even when there were no detainees in custody) and submit copies promptly to your Scheme Coordinator.

### **8. Change in circumstances**

You are expected to notify the Scheme Coordinator of any change in circumstances which may affect your position as a custody visitor, e.g., if you are arrested, charged with, convicted of, or cautioned for an offence after their original application and vetting process; appointed as a Magistrate, Special Constable, Police Officer or undertake any other work which may present you with a conflict of interest.



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## **9. Attendance at training seminars and panel meetings**

You will be expected to attend the Induction and annual Training Seminars arranged by the Office of the Police & Crime Commissioner and encouraged to attend regional or national conferences where appropriate. You will be expected to attend the panel meetings. If you have not attended at least one panel meeting within a twelve-month period, the Scheme Coordinator will contact you to ascertain the reason and seek an explanation and discuss the matter with the Chief Executive

## **10. Impartiality and confidentiality**

During 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. Other information about the operation of the Custody Suites should also be treated as confidential as should discussions at panel meetings. That information must be protected against improper or unnecessary disclosure. You should be aware that improper disclosure of information acquired during 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 an Independent Custody Visitor.





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## 10. Queries

Queries on any aspect of the scheme should be addressed to:

Karolina Kardas, Research and Volunteer Support Officer  
Cheshire Police and Crime Commissioner  
Runcorn Town Hall  
Heath Road  
Runcorn  
WA7 5TD

or email: [Karolina.Kardas@cheshire-pcc.gov.uk](mailto:Karolina.Kardas@cheshire-pcc.gov.uk)

You must sign below to indicate your agreement to be bound by the Independent Custody Visiting Scheme and this Memorandum of Understanding. A copy of this agreement will be returned to you, for your future reference.

A copy of this agreement will be returned to you, for your future reference.

Please fill your name in BLOCK CAPITALS

**Name:**.....

**Signed:**..... **Date:**.....





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## **Custody Visiting Scheme**

### **Appointment, termination, complaints and appeals procedure**

The Office of the Police & Crime Commissioner operates a transparent and open system for appointments, re-appointments, managing conduct and complaints matters and appeal procedures. Managing these procedures quickly and effectively is vital in ensuring an efficient Independent Custody Visiting Scheme.

#### **Section 1: Confirmation of appointment / re-appointment**

1. On appointment each Independent Custody Visitor is required to sign a Memorandum of Understanding which sets out the Police & Crime Commissioner's (the Commissioner) expectations of the Independent Custody Visitors and what levels of support and training will be provided.
2. All appointments are subject to a probationary period and appointments will only be confirmed on successful completion of this period. In deciding what is successful, Scheme Coordinator will be consulted, and the following considered:
  - Number of visits undertaken.
  - Feedback from fellow Independent Custody Visitors.
  - Any feedback from other involved agencies e.g., custody staff, police staff.
  - Views from the Scheme Coordinator.
3. Following a satisfactory probationary period, an Independent Custody Visitor will be notified in writing by the Chief Executive of their appointment for a three-year period during which they will carry out their duties in accordance with the terms of the Memorandum of Understanding.
4. If, however, an Independent Custody Visitor's appointment is not confirmed, the Chief Executive will notify the Independent Custody Visitor in writing of the decision. The Custody Visitor has a right of appeal against the decision of the Chief Executive to the Commissioner. The appeals procedure is set out in Section 3 below.
5. At the end of each period of appointment and subject to the Independent Custody Visitor personally wishing to continue, the following will be considered by the Chief Executive when considering whether to extend the appointment:
  - Number of visits carried out to comply with rota.
  - Attendance at training events.
  - Attendance at panel meetings.
  - Feedback from fellow Independent Custody Visitors on the panel.
  - Feedback from other involved agencies e.g., custody staff, police staff.
  - Views from the Scheme Coordinator.



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6. Each Independent Custody Visitor will receive notification, in writing of the decision of the Chief Executive whether to extend the appointment for a further period. The maximum tenure of a Custody Visitor will be nine years with a possibility of extension. There is a right of appeal to the Commissioner as set out in Section 3 if an appointment is not extended.

### **Section 2: Conduct and complaints matters**

1. This section sets out the method by which conduct, and complaints matters will be considered and the stages of resolution. Complaints may be made by Independent Custody Visitors, detainees, police officers and staff or others who may encounter Independent Custody Visitors in the course of their duties.

2. Whilst all complaints which are received will be taken seriously and be treated as such, the Office of the Police and Crime Commissioner will be concerned to safeguard the rights of the Independent Custody Visitor who is subject to such a complaint.

3. The Chief Executive may, at their discretion, informally alert an individual Independent Custody Visitor to relatively minor matters of misconduct and take no further action. Any referrals of misconduct will be kept on the Independent Custody Visitor's personal record. The complainant will be informed the matter has been dealt with as an informal resolution and no further action taken. The complainant's identity will not be revealed or kept with the personal file.

4. If the misconduct matter is considered serious by the Chief Executive if there are repeated incidents, the Chief Executive will bring the matter to the attention of the Independent Custody Visitor as soon as possible and at the latest within 3 working days after a complaint is made.

#### Conduct

5. An Independent Custody Visitor's appointment may be terminated due to misconduct or poor performance. Examples of misconduct and poor performance are detailed in paragraphs 10-13 of the Scheme Guidance.

6. In the event of an Independent Custody Visitor being arrested, cautioned, or charged with a criminal offence, the Chief Executive will write to the Independent Custody Visitor to suspend their appointment until the outcome of any criminal proceedings is known.

7. If the Independent Custody Visitor is subsequently found to be not guilty, they may be reinstated. In the case of a caution, the Chief Executive will review the appointment of the Independent Custody Visitor considering the nature of the offence. If the Independent Custody Visitor is found guilty of a criminal offence, the Chief Executive will consider the termination of their appointment.

8. The appeals procedure against termination is set out in Section 3 below.



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### Complaints

9. If the complaint involves allegations against a police officer or police staff, the matter will be referred to the Constabulary's Professional Standards Department for determination under the appropriate Police Regulations and force policies.

10. All complaints concerning the Independent Custody Visiting Scheme including complaints against individual Independent Custody Visitors and the Scheme Coordinator should be made to the Chief Executive.

11. The complainant must provide in writing:

- (a) the names of any Independent Custody Visitors concerned.
- (b) details about the nature of the complaint and the date when the events occurred that have led to the complaint being made.
- (c) their own name, address, and contact details.

12. The Independent Custody Visitor will be advised of the nature of the complaint and will be offered the opportunity to provide any relevant information in writing within 7 working days.

13. The Chief Executive may contact any or all the following to seek their views on a complaint: the complainant, the Scheme Coordinator, fellow custody visitors, Custody Inspector, and any other person who is able to provide relevant information. Once the Chief Executive has received any submissions from the Independent Custody Visitor, he will consider the matter and determine how to proceed.

14. Wherever possible, the Chief Executive will seek to resolve the complaint quickly and informally to the satisfaction of all parties concerned. The aim is to resolve complaints wherever possible within two months. Dependent upon the nature of the complaint, during the investigation, the Independent Custody Visitors subject to the complaint may be suspended from undertaking visits.

15. Where informal resolution is not possible, or where the Chief Executive, after initial consideration, deems it to be appropriate, the complaint will be investigated, and a report prepared. The Chief Executive may undertake the investigation themselves or appoint a suitably experienced person to undertake the investigation on their behalf and produce the report for their consideration. The Chief Executive and the Scheme Coordinator will consider the report and determine the complaint.

16. The Chief Executive may reach any one or more of the following conclusions and the decision will be final: -

- (a) dismiss the complaint (in whole or in part).
- (b) uphold the complaint (in whole or in part).



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17. If the complaint is upheld (or upheld in part), the Chief Executive will determine the level of sanction dependent on the seriousness/nature of the complaint. The sanctions will range from:

- words of advice about an Independent Custody Visitor's future conduct.
- specific training/re-training.
- requirement to resign or immediate dismissal from the Scheme.

18. The Chief Executive will notify the complainant parties of the decision within 5 working days.

### **Section 3: Appeals procedure**

1. The appeals procedure in relation to all matters regarding the confirmation, extension and termination of Independent Custody Visitor appointments will be carried out as follows:

- The Independent Custody Visitor will be advised in writing of any matters of concern regarding the confirmation of appointment/re-appointment or termination as determined by the Chief Executive. An Independent Custody Visitor has a right to appeal to the Commissioner against the Chief Executive's decision not to appoint or re-appoint or to terminate an appointment.
- The Independent Custody Visitor must submit any grounds of appeal to the Commissioner in writing within 15 working days of the Chief Executive's letter.
- The Commissioner will consider the original paperwork, including any written responses, or supportive documents from the Independent Custody Visitor. The Independent Custody Visitor and Chief Executive may be invited to attend a meeting and answer any questions, which the Commissioner may ask. The Independent Custody Visitor may be asked to explain the basis of the appeal and the Chief Executive may be asked to explain rationale for their decision.
- The Independent Custody Visitor may be accompanied by another Independent Custody Visitor or a friend if they wish.
- The Independent Custody Visitor will be afforded the opportunity to ask any questions.
- The Commissioner may seek advice from a Human Resources professional to assist with the appeal.
- The Independent Custody Visitor and the Chief Executive will be excluded from the decision-making process which will be held immediately after the discussion.
- If the Commissioner deems that the appeal has no prospect to succeed, no meeting will be convened.
- The Commissioner will notify the Independent Custody Visitor within 10 working days of their final decision.



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- If the appeal is upheld, the Independent Custody Visitor will be appointed or reinstated immediately, and the matter removed from the Independent Custody Visitor's personal record.
- If the appeal is dismissed, the Independent Custody Visitor will be advised, and no further action will be taken. The Police & Crime Commissioner and their Office will not enter any further discussion or correspondence concerning the appeal.

#### 2. The appeals procedure in relation to the determination of complaints comprises: -

- Within 15 working days, on notification of the outcome of the complaint the Independent Custody Visitor must advise the Chief Executive in writing if they wish to appeal against the determination of the complaint. The Independent Custody Visitor must set out the reasons for the appeal and submit any supporting documents they wish to be considered as part of the appeal.
- The Commissioner will consider the original paperwork, including any written responses, or supportive documents from the Independent Custody Visitor. The Independent Custody Visitor and Chief Executive may be invited to attend a meeting and answer any questions, which the Commissioner may ask. The Custody Visitor may be asked to explain the basis of the appeal and the Chief Executive may be asked to explain rationale for their decision.
- The Independent Custody Visitor will be invited to attend and listen to the discussions and answer any questions, which the Commissioner may ask.
- The Independent Custody Visitor may be accompanied by another Independent Custody Visitor or a friend if they wish.
- The Commissioner may seek advice from a Human Resources professional to assist with the appeal.
- The Independent Custody Visitor and the Chief Executive will be excluded from the decision-making process which will be held immediately after the discussion.
- The Commissioner will notify the Independent Custody Visitor within 10 working days of their final decision.
- The Independent Custody Visitor will be advised of the decision and no further action will be taken. The Police & Crime Commissioner and/or their Office will not enter any further discussion or correspondence concerning the matter.



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