



Lincolnshire
POLICE & CRIME COMMISSIONER

SAFER TOGETHER

Police and Crime Commissioner for Lincolnshire

Handbook for Independent Custody Visitors

Version 4.0 - September 2023

SCHEME FOR INDEPENDENT CUSTODY VISITING TO POLICE CUSTODY SUITES IN LINCOLNSHIRE

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SECTION A - BACKGROUND

1. This Handbook sets out the arrangements for the appointment of Independent Custody Visitors (ICVs) and for the carrying out and performance of their role.

History of Independent Custody Visiting

2. Independent custody visiting to police custody suites owes its origins to Lord Scarman, whose report on the Brixton riots in 1981 recommended a system of independent, unannounced inspection of procedures and detention in police stations by local community members. The main reason for this was to counter growing mistrust of the police and to increase their accountability to the general public. Whilst Scarman advocated a statutory arrangement, Home Office ministers approved a Lay Visiting system, which was non-statutory.
3. In 1983 the Home Office produced provisional guidance and pilot Lay Visiting schemes were set up in Lambeth and six provincial police authority areas: Cheshire, Greater Manchester, Humberside, Leicestershire, South Yorkshire and West Midlands. Lay Visitors in Lambeth and Cheshire were recruited from members of the public, but in the other five areas they were appointed from the elected members of the former police authorities. These pilot schemes were reviewed during 1984 and more London groups, called 'Panels', were set up in 1985 in North Westminster and Hammersmith and Fulham, based on the Lambeth model.
4. Locally, the Lincolnshire Police Committee established a Lay Visiting Panel within the City of Lincoln in January 1988. By the beginning of 1989, further Panels had been established within the towns of Boston, Grantham, Skegness, and Gainsborough.
5. A Home Office report published in June 1990 concluded that the most effectively operated Lay Visiting schemes recruited volunteers directly from the general public.

The report recommended, amongst other things:

- revising guidance to provide clearer advice about recruitment and clarifying grey areas such as Lay Visiting procedures and access to detainees;
 - better communication between Lay Visiting schemes in London and the provinces;
 - that there should be regular conferences;
 - the creation of an independent national agency to promote good practice.
6. In the wake of this report and after extensive consultation with the Metropolitan Police, the Association of Chief Police Officers (now the National Police Chiefs Council), local authority associations and Lay Visitors, the Home Office issued detailed revised guidance to London Lay Visitors in July 1991. Subsequently Home Office Circular 4/92 was issued to provincial police committees in January 1992 advising Lay Visiting scheme revisions.
 7. The recommendation about creating a national agency resulted in the formation of the National Association for Lay Visiting (NALV), whose inaugural conference was held in May 1993.
 8. In 2001, a working party that consisted of all interested parties issued further detailed guidance on how to administer a Lay Visiting scheme and carry out a Lay Visit and

recommended the change of name from Lay Visiting to Independent Custody Visiting. The new guidance also led to the removal of police authority members as Independent Custody Visitors (ICVs) to maintain the independence of Schemes. The NALV also changed its name to the Independent Custody Visiting Association (ICVA).

9. As a result of extensive lobbying and the support of Home Office officials and Ministers, the Police Reform Act 2002 paragraph 51 placed a statutory obligation on police authorities to have in place an effective Independent Custody Visiting Scheme. The Act was supported by a Code of Practice and National Standards developed jointly by the Home Office and the ICVA.
10. In November 2012, police authorities were abolished and replaced by directly elected Police & Crime Commissioners (PCCs) under the Police Reform & Social Responsibility Act 2011. The responsibility for having in place an effective Scheme was transferred to Commissioners under Schedule 16, part 3, paragraph 299 (i) of the Act.
11. Today, Independent Custody Visiting has a number of connected purposes. First, and most obviously, it offers an extra level of protection to detained persons (DPs) by providing independent scrutiny of their treatment and the conditions in which they are held. By giving approved members of the local community an opportunity to observe, comment and report on these matters, it can reassure the community, improve citizens' understanding of procedures at police stations and strengthen their confidence that these are being properly applied. From a police perspective, it is a clear demonstration of their commitment to transparency and openness in relation to this critical aspect of their duties. Furthermore, it can improve police management of their own performance by pointing out areas where problems have occurred and which may have implications for policy, training, communications or the daily work of officers responsible for custody at police stations.

Police and Criminal Evidence Act

12. The Police and Criminal Evidence Act (PACE) is the reference point for inspections of police custody suites. PACE sets out how police officers carry out their roles, states codes of practice for procedures and outlines DP's rights. Code 'C' of PACE deals with the detention, treatment and questioning of persons by police officers. These guidelines and codes of practice provide a way of measuring actions taken by the police and a means of checking that people being detained are treated properly.

Management of the Lincolnshire Independent Custody Visiting Scheme (LICVS)

13. The PCC has overall responsibility for overseeing the maintenance and operation of an effective Independent Custody Visiting Scheme for Lincolnshire. However the day-to-day operation and management of the LICVS is the responsibility of the PCC's Corporate Administration Officer (Scheme Manager), Governance and Compliance Officer (Deputy Scheme Manager) and the Support Services Officer.

SECTION B – RECRUITMENT, SELECTION AND APPOINTMENT

Eligibility

14. Subject to the exceptions set out below, any person aged 18 or over who has had permanent residence within the UK for at least two years and who resides or is working within Lincolnshire may apply to become an ICV.
15. Persons who have unspent convictions for criminal offences may not be suitable for the role. Relevant factors will include the nature and number of any offences and how long ago they were committed. Having regard to the above, prospective candidates will be asked to declare any such convictions. Where an applicant has convictions for criminal offences, or has received any formal caution, warning or reprimand, or has failed to disclose any such finding, the specific circumstances will be considered in assessing the applicant's suitability to become an ICV. However it is important to note that past offending is not an automatic barrier, and each case will be considered on its merits. Applicants are advised of this and will be asked to consent to Police vetting checks being undertaken should they pass the interview stage.
16. Applicants will also be subject to the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975, and as such, will not be entitled to withhold information regarding convictions, which for other purposes will be 'spent' under the provisions of the Act.
17. The Lincolnshire Police (Force) Vetting department will provide advice to enable the OPCC to make an informed decision as to the suitability of an applicant. The OPCC should be informed by the Vetting department as to the reason(s) for recommending that a prospective candidate not be appointed.
18. In appointing ICVs, it is important to avoid any potential conflict of interest. Serving police officers and staff are unsuitable for this reason, as are Special Constables, Police Community Support Officers, Volunteer Police Community Support Officers and other Police related volunteers. In accordance with the stated policy of the Council of the Magistrates' Association, Justices of the Peace are not considered for participation in the LICVS. Persons in these categories who have left or been retired for at least 5 years may be considered for appointment.
19. Applications from others involved with the criminal justice system will be considered on an individual basis. For example, solicitors and members of the Probation Service may find the duties of an ICV conflict with their professional responsibilities. However, there is no hard and fast rule in such cases and each application will be looked at on its individual merits, having regard to the public service principle of being seen to be independent and impartial.
20. The PCC, his/her deputy and staff employed within the OPCC may not be appointed as ICVs. The essential feature of Independent Custody Visiting is that it draws its volunteers from the community at large and there is an obvious difficulty with the PCC/Deputy PCC and OPCC staff members carrying out visits, which should be conducted independently and form the basis of reports to them in their formal role.

Recruitment

21. The OPCC will ensure that adequate numbers of suitably accredited and trained ICVs are available at all times and throughout the County to carry out the required programme of custody visits. Each of the Force's four 24/7 designated police custody suites will be served by a local visiting Panel, each comprising of not less than six members. Should Panel membership fall below this threshold then additional volunteers will be recruited, with interim cover provided by ICVs drawn from other Panels until new appointees can commence their visiting duties.
22. The PCC recruits ICVs by inviting applications from the general public. Recruitment is managed through forward planning that focuses on factors such as the size of local panels, the frequency of visits and the level of retention. Vacancies will be advertised on the PCC and Force websites, volunteering websites, social media platforms and by any other suitable means that will attract interest and applications. Whilst word of mouth recommendations will remain a legitimate source for applicants, care will be taken to ensure that this does not lead to an imbalance through ICVs recommending people from similar backgrounds to themselves. The aim will be to provide a suitable balance in terms of factors such as age, gender and ethnicity. All reasonable adjustments will be made to accommodate suitable candidates with a disability, as defined in the Disability Discrimination Act 1995, and those who do not have English as their first language but who are able to communicate effectively so as to be understood.
23. Applicants must be independent persons of good character who are able to make informed judgements in which the community can have confidence and which the Police will accept as fair criticism when it is justified.
24. Individuals interested in applying to become an ICV will be sent an application pack comprising an application form, equal opportunities monitoring form, information on disqualifications, job description/person specification and the LICVS Handbook. The pack will be provided to applicants via email unless a hard copy is specifically requested.

Equality, Diversity and Human Rights

25. Promoting equality and diversity is an important element of the work of the Office of the PCC (OPCC). As representatives of the PCC, ICVs are expected to carry out their role in accordance with these principals. The PCC has a duty to monitor the performance of Lincolnshire Police in complying with duties imposed by the Human Rights Act. Independent Custody Visiting makes an important contribution to safeguarding the rights and welfare of people held in police detention, and checking the conditions in which they are held.

LICVS Equalities and Diversity Statement

26. The OPCC for Lincolnshire's Independent Custody Visiting Scheme is firmly committed to promoting equality of opportunity for all local people and communities. It aims to ensure that in its organisational structures, decision making processes, ways of working, communicating and managing, diversity is welcomed and embraced.

The OPCC shall treat all individuals, regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation with dignity and respect.

It shall provide a working environment which is free from harassment, bullying, victimisation or discrimination.

In all our contacts with members of the community the principles of respect, dignity and fairness will be upheld. Staff and volunteers of the OPCC will demonstrate their commitment to this statement by ensuring that all policies and procedures reflect these aims and by challenging any behaviour which fails to uphold these principles.

The OPCC for Lincolnshire extends this commitment to cover all aspects of diversity.

Selection and Appointment

27. An Appointment Panel will be responsible for shortlisting candidates, undertaking interviews, and making appointments. The Panel will comprise the Scheme Manager (or Deputy Scheme Manager) and the Chair of the relevant local visiting panel (or his/her nominated representative). In the absence of a Panel Chair, the Scheme Manager (or Deputy) will have discretion to appoint a second member to the Panel.
28. The Appointment Panel will review completed application forms and identify (by reference to the information on disqualification and the job specification) candidates to be shortlisted for interview.
29. Shortlisted candidates will be invited to attend a formal interview with the Appointment Panel. The Panel shall record the reasons for decisions about appointment and non-appointment. This will be used to provide feedback to those who have been unsuccessful, on request. A standardised set of interview questions will be used by the Panel for all candidate interviews.
30. Appointments will be subject to the provision of a suitable reference, the successful completion of police vetting checks, attendance at a familiarisation visit to a police custody suite and completing an Initial Training and Awareness Day.

Familiarisation Visit to Police Custody Suite

31. Candidates who have been successful at interview and provided a suitable reference, will be invited to undertake a familiarisation visit to one of the four designated police custody suites in the county to get some experience of the environment prior to their initial training. Visits will be arranged with the Custody Inspector and should include a tour of the cell block and other custody facilities such as the food preparation area, surgeon's room, exercise yard and interview rooms. They should also receive a briefing on the process for booking-in DPs.

Initial Training and Information Day

32. To ensure that candidates are sufficiently aware of the relevant requirements of the law in respect of the care and custody of DPs, and to enable them to carry out their functions in an efficient and credible manner, it is a pre-requisite of their appointment that they attend and successfully complete an Initial Training and Information Day. Events may be held in Lincolnshire (usually at Force Headquarters) or at other venues within the East Midlands region.
33. Training will cover the basic knowledge and skills required to carry out visits effectively and will be based on the ICVA's Training Manual for Students, including:

- Procedures at a Police Station
- Visit Process
- Professional Boundaries
- Communication Skills
- Equality and Bias
- Health and Safety
- Human Rights

Probation

34. Following successful completion of the Initial Training and Information Day, candidates will be appointed as Probationers for an initial six-month period during which experience will be acquired in a supportive environment. Only once the probationary period has been successfully completed will full accreditation to the LICVS be granted.
35. The probationary period will involve undertaking rostered visits in tandem with more experienced colleagues, who will initially take the lead in visits. This will allow Probationers to develop and consolidate their visiting skills and to discuss practical issues and difficulties after their visits have been completed.
36. ICVs rostered with a Probationer will be asked for written feedback on the conduct of their partner and performance in the role. If necessary, the OPCC shall arrange for any suitable advice and/or additional training to be provided to address areas of concern/gaps in knowledge that might be highlighted.

Accreditation

37. Upon completion of their probationary period, ICVs will be confirmed as fully accredited members of the LICVS for an initial three year renewable term. Newly accredited ICVs will be given the opportunity to comment upon their visiting experiences as a Probationer and to give their initial views on the operation of the LICVS in general.

Memorandum of Understanding

38. Newly appointed ICVs will require a clear understanding of the expectations on them and the support they shall receive from the OPCC. They will be required to sign a Memorandum of Understanding (Appendix 1) summarising the agreed responsibilities and legitimate expectations of both parties.

Code of Conduct

39. Newly appointed ICVs are obliged to sign a declaration that they will abide by the LICVS Code of Conduct. A copy of the declaration is provided at Appendix 2.

Supporting Materials

40. In addition to receiving a full copy of the LICVS Handbook, newly accredited ICVs will also be provided with a copy of the Statutory Code of Practice for Independent Custody Visiting. They may also be provided with various aide memoires, guidance and other materials to assist and support them in their role.

Re-Accreditation

41. After three years' service, ICVs will be subject to a formal re-assessment by the Scheme Manager (or Deputy) in conjunction with the relevant local Panel Chair. Re-accreditation will be dependent upon the continuing ability and willingness of the ICV to carry out the role effectively, as well as their general performance including completion of relevant training packages, and attendance at local panel meetings. Formal assessment of Panel Chairs will be undertaken by the Scheme Manager.
42. ICVs will receive written notification to confirm whether their membership of the LICVS has been renewed for a further three year term.

Personal Contact Details

43. To ensure compliance with the PCC's data protection obligations, newly appointed ICVs will be required to complete a 'Contact Details' form. By completing and signing this form, ICVs are giving their explicit permission for their personal contact details to be disclosed to their fellow panel members (for the purpose of arranging custody visits) and for them to be retained by the OPCC. These details will be deleted after the ICV leaves the Scheme.

Next of Kin Details

44. ICVs will be required to complete and sign a 'Next of Kin' contact form. The information provided will be used by the OPCC and by the Force (copies will be retained in the relevant custody suite) in the event of an incident/emergency occurring whilst a custody visit is in progress (such as an ICV suffering a serious accident, falling ill or being assaulted). Next of Kin details will be deleted by the OPCC and removed from the custody suite when the ICV leaves the Scheme.

Equal Opportunities Monitoring

45. Members of the LICVS will be invited periodically to complete and return an 'Equal Opportunities' monitoring form. The PCC is committed to equal opportunities and in order to assess how well he/she is doing in this area it will be necessary to update our data from time-to-time. Completion of the monitoring form is voluntary, but the information collected is extremely useful in helping us to make the LICVS fully inclusive and to ensuring that membership reflects the diverse communities of Lincolnshire.

Voluntary Suspension

46. Under certain circumstances, ICVs may request that their membership of the LICVS be suspended for a short period of time. This could be for a number of reasons, such as recovery from ill health or a personal issue. An initial period of absence will be agreed between the ICV and the OPCC, which will be reviewed periodically thereafter. A voluntary suspension cannot, however, be extended indefinitely and in any case will not normally be for any longer than 6 months in duration.

Change in Personal Circumstances

47. ICVs are obliged to notify the OPCC of any material change in their personal circumstances that might impact on their role. This could include, for example, being notified that they are the subject of a police investigation. The PCC's Chief Executive (or his/her nominated representative) has the power to suspend an ICV until any

allegations have been fully investigated and a decision made as to whether they will be charged with a criminal offence.

Criminal Proceedings

48. ICVs are obliged to notify the OPCC if they have been charged with a criminal offence. In such circumstances, the Chief Executive (or his/her nominated representative) shall automatically suspend the ICV until the outcome of any proceedings is known. If the ICV is subsequently found not guilty, or if charges are dropped, consideration will be given to reinstating him/her to the LICVS.

Other Voluntary Roles

49. ICVs may act as Appropriate Adults but must not switch between those roles during the course of a custody visit and must declare if they have previously carried out either role with the same DP. ICVs may also act as Lay Observers appointed under the Criminal Justice Act 1991 to inspect the conditions under which prisoners are transported and held.

Leavers

50. ICVs who step down from the LICVS will be invited to complete an 'Exit' form. Feedback from this form will help identify the reasons why they have decided to leave and inform any necessary action that might be needed to prevent others from leaving for similar reasons. Completed forms will also help the OPCC to conduct an effective role analysis and assess training needs for other ICVs. It will also help to secure the goodwill of the former ICV and maintain the PCC's reputation.

Identity Cards

51. ICVs are provided with an identification card, which they will need in order to gain entry to police custody suites. For security reasons, identity cards will not be sent through the post, but handed direct to the ICV with an OPCC Lanyard. Identity cards must be visibly worn whilst on police premises, except when visiting DPs, so as to maintain anonymity.
52. Whilst the Identity card authorises the holder to visit any designated police custody suite in Lincolnshire, in practice visits will normally be confined to the Panel area for which the ICV has been appointed.
53. Identity cards should be used only for the purpose of making custody visits. If anyone is found to be using their card for any other purpose, it will be removed and that person's appointment as an ICV immediately terminated.
54. When an individual ceases, for whatever reason, to be an ICV they must either surrender their identity card to the OPCC or confirm, in writing, that they have securely destroyed the card (usually by cutting or shredding it).

Long Service Certificate

55. ICVs will be presented with a framed certificate signed by the PCC to formally mark their service with the LICVS. Certificates will be presented after each 5 year period of service. Presentations will be made at local Panel meetings, with certificates presented by the Panel Chair. The Chair's certificate shall be presented by the Scheme Manager (or Deputy) or by the Custody Inspector.

Expenses

56. ICVs will be reimbursed their legitimate expenses incurred whilst carrying out custody visits, including standard class public transport fares, car parking and toll bridge charges.
57. Taxi fares will not be reimbursed except in exceptional circumstances (e.g. unavailability of public transport) at the discretion, and with prior approval, of the OPCC.
58. A travel allowance is payable for ICVs who use a motor vehicle, motorcycle or bicycle, as follows:

Authorised Mileage Allowance Payment rates:

Motor Vehicle	all vehicle sizes: up to 10,000 miles a year 45p per mile over 10,000 miles a year 25p per mile
Motor Cycle	24p per mile
Bicycles	20p per mile

59. A passenger allowance of 5p per passenger is payable when using a motor vehicle to carry out visits.
60. Claim forms will be completed and returned to the OPCC for processing after each round of visits. ICVs claiming travel expenses must ensure that they attach any relevant receipts to their claim form.

Note

61. ICVs using a private motor vehicle/cycle when travelling from home address to a police custody suite and return will be responsible for ensuring that they have adequate insurance cover for this type of voluntary activity.

SECTION C - TRAINING AND DEVELOPMENT

'Bitesize' Training Packages

62. The ICVA regularly produces 'bitesize' training packages on a broad range of topics relating to detainee care. These will usually take the form of PowerPoint style slides. The OPCC will publish an annual plan setting out what training packages will be delivered to ICVs throughout the year. A single training package will be circulated to all ICVs each month (maximum 12 packages per year), usually via email. ICVs will be required to confirm when they have completed a package so that training records can be updated accordingly.

Regional Advanced Training

63. Scheme Managers within the East Midlands region (i.e. Derbyshire, Leicestershire, Lincolnshire, Northamptonshire and Nottinghamshire) have formed a network that meets on a quarterly basis to share good practice, assess performance, identify areas where Schemes can be more aligned and where collaboration can take place in the interests of efficiency and cost saving. The network is also responsible for organising bi-annual Regional Advanced Training events, enabling ICVs from across the region to meet together for the purposes of training, networking and to discuss the wider aspects of their work. This event is usually held in May every other year at venues across the region.

ICVA National Conference

64. The ICVA organises an annual National Conference for ICVs from across the country. Panel Chairs will be expected to represent their local panels at the event, or they can nominate a colleague to attend in their place. Expressions of interest will also sought from the general membership for any additional places that might become available. Attendees will be expected to provide feedback to their respective panels on their experience of the conference.

SECTION D – COMPLAINTS, UNDER PERFORMANCE AND FITNESS FOR DUTY

Effective Working Relationships

65. For custody visiting to be effective it is essential that ICVs and police custody personnel develop and maintain professional working relationships based on mutual respect and understanding of each others' legitimate roles. Such relationships can only exist where there is politeness and consideration on both sides. On the other hand, there are a range of behaviours that have the potential to create tension and conflict and some examples are given below.

ICVs may cause difficulties by:

- failing to appreciate police priorities
- engaging in excessive petty criticism
- criticising custody personnel in reports without first bringing that criticism directly to their notice
- adopting an overly adversarial approach
- concentrating on finding fault and trying to catch custody personnel out
- becoming involved in an investigation or advising the DP on that investigation
- telling or suggesting to custody personnel what they should do
- making promises to a DP on behalf of the police
- breaching confidentiality

On the police side, problems may arise from:

- failing to accept ICVs' status and recognising their responsibilities
- demeaning or belittling ICVs
- treating ICVs with indifference or disrespect
- unreasonably delaying or limiting access to custody suites

66. All these issues must be seen against the background of the need to strike the right balance between establishing effective working arrangements and developing a relationship that is perceived as being too close or 'cosy'. Where the latter occurs it becomes increasingly difficult for ICVs to provide the objective and constructive review of procedures and conditions, which is a key part of their role.

Impartiality

67. In order to maintain their strict impartiality, ICVs must not take up individual cases or make representation either on behalf of DPs or custody personnel. Criticising police action or questioning their judgement in areas outside their remit may bring the LICVs into disrepute.

Media and Publicity

68. It is generally desirable that the role and aims of the LICVS should be promoted to the public. ICVs must, however, bear in mind that the purpose of publicity is to inform the public about the LICVS and not to draw attention to individual cases or to themselves.
69. ICVs must not discuss the cases of individuals with whom they come into contact during custody visits, and under no circumstances should individual contacts or specific events

be discussed except in general, anonymous terms that support any explanation of the purpose of the LICVS.

70. Any invitation to speak to the press, local groups or organisations about any aspect of custody visiting should be referred to the OPCC in the first instance. ICVs are reminded that they are accountable to the PCC and not to the media/members of the public.

Social Media

71. ICVs are expected to act with integrity and impartiality and the same standards of behaviour and conduct apply 'on-line' as would 'off-line'.
72. Information placed on the internet/social media sites could potentially end up in the worldwide public domain and be seen or used by someone it was not intended for, even if it were intended to be private or on a closed profile/group. It is likely that any information placed on the internet/social media will be considered to be a public disclosure.
73. ICVs have a duty not to disclose information obtained from third parties through the conduct of their duties. Such information must not therefore be posted on the internet or social media.

Raising Concerns/Dissatisfaction

74. The Scheme Manager (or Deputy) is available for private 'one-to-one' meetings to discuss general issues of concern/dissatisfaction. Counselling might also be offered to ICVs if they are affected by anything they have seen/heard in the custody environment.

Complaints Raised by ICVs

75. ICVs who wish to complain about their treatment by custody personnel will be provided with a copy of the relevant Force complaint procedure. Complaints about the general role and conditions of the LICVS or any other matters relevant to the work of ICVs must be directed to the Scheme Manager (or Deputy) in the first instance.

Complaints Made Against ICVs

76. Complaints made against individual ICVs may come from a number of sources including fellow ICVs, DPs and custody personnel. A copy of the complaints procedure is attached at Appendix 3 (section (a) refers).

Under Performance

77. Should it come to the notice of the Scheme Manager (or Deputy) that an ICV is failing to fulfil their agreed responsibilities and meet the legitimate expectations placed upon them, the underperformance procedure set out at Appendix 3 (section (b) refers) shall apply.

Fitness for Duty

78. Should it come to the notice of the Scheme Manager (or Deputy) that an ICV is no longer mentally and/or physically fit to perform his/her duties as a member of the LICVS, the fitness for duty procedure set out at Appendix 3 (section (c) refers) shall apply.

SECTION E - VISITING PANELS

Police Custody Suites

79. Independent custody visits are made to Police Stations designated under PACE as stations to be used for the detention of arrested persons.

In Lincolnshire, the following Police Stations have been designated:

- Boston Police Station
- Grantham Police Station
- Lincoln Police Station
- Skegness Police Station

Visiting Panels

80. The following custody visiting panels have been established to facilitate visits to designated custody suites:

- South East Panel visiting Boston custody suite
- South West Panel visiting Grantham custody suite
- West Panel visiting Lincoln custody suite
- East Panel visiting Skegness custody suite

81. Each panel will comprise a minimum of six volunteers to provide sufficient resilience to deliver the programme of rostered custody visits. Panels will be invited to elect a Chair and Vice Chair, who will serve for a term of three years. The Scheme Manager (or Deputy) will be responsible for overseeing the election in accordance with the process attached at Appendix 4.

82. The role profile for a Panel Chair is as follows:

- Provide leadership in their panel and have a pivotal role in team building
- Facilitate panel meetings and discussions between ICVs
- Form the interface between ICVs and the OPCC
- Serve on the Appointment Panel for appointing new ICVs to their panel
- Represent their panel at the ICVA National Conference
- Assist the Scheme Manager (or Deputy) in undertaking 3 yearly assessments of Panel members

83. The role profile for a Vice Chair is as follows:

- To support the Chair in his/her role within the Panel
- To Chair panel meetings, as required
- To provide additional support and continuity for the panel, particularly if/when the Chair is absent

84. To safeguard the integrity of panels, the PCC considers it to be good practice for the Chair and Vice Chair not to have any formal relationship to one another outside of the Panel e.g. are not related, married or domestic/business partners.

85. Panels will meet on a 6 monthly basis in February and October each year, whilst a joint meeting of all four panels will be held annually, usually in June. The function of panel meetings is to stimulate debate and provide a forum for:
- issues relating to custody conditions or the treatment of DPs that have not been resolved satisfactorily at local level;
 - problems arising from the operation of the LICVS;
 - matters that may have implications for other local panels or visiting practices generally;
 - facilitating a greater understanding of the legitimate roles and challenges facing ICVs and custody personnel;
 - identifying any future training and/or information needs;
 - receiving briefings, updates and presentations on relevant local, regional and national issues
86. The PCC will be represented at panel meetings by the Scheme Manager, Deputy Scheme Manager or Support Services Officer, whilst the Force will be represented by the Custody Inspector and/or Senior Custody Detention Officer (subject to availability).
87. The OPCC will be responsible for circulating panel meeting agenda, booking meeting rooms and notifying ICVs.
88. ICVs will be entitled to claim travel expenses for attending panel meetings.
89. Should an ICV be interested in attending a panel meeting held outside of their normal panel area they will need to seek prior permission from the relevant Panel Chair. Please note that travel expenses cannot normally be claimed for attending other panel meetings unless the ICV has been invited to attend (for example, to give a presentation).

SECTION F - WORKING ARRANGEMENTS

Programme of Visits

90. The OPCC is responsible for devising and circulating a quarterly visiting rota to each of the four visiting panels.
91. Rotas will randomly pair ICVs together to conduct unannounced custody visits. Each pair is responsible for visiting the relevant custody suite during a specified time frame (usually a 7 day period). Partners or close relatives serving on the same Panel will not normally be paired together. The PCC does not consider such pairings to be good practice as they could be seen to jeopardise the independence and integrity of the cross-checking function. ICVs cannot request who they are paired with and cannot refuse to be paired with another ICV.
92. Times and days that visits are made will be monitored by the OPCC and panels may be asked to try to vary these if there is insufficient variation or if visiting patterns start to emerge that could lead custody suites to expect visits at particular times/days of the week.
93. All custody visits are undertaken by pairs of ICVs working together. Visiting in pairs allows for mutual support and corroboration, a shared understanding of issues and problems that may be encountered and can also contribute to safety in the custody environment. Visits will only be conducted by accredited members of the LICVS and ICVs serving their probationary period. ICVs must not be accompanied by any unauthorised persons. Periodically ICVs may be accompanied by the PCC, Deputy PCC and/or member of the OPCC to observe how visits are conducted.
94. If a rostered visiting partner is unable to undertake a custody visit for any reason, then the visit will be postponed, unless sufficient notice is given for a substitute to be arranged. Under these circumstances, ICVs may arrange a substitute themselves by contacting other members of the same Panel or this can be arranged through the OPCC.

Frequency of Visits

95. Having regard to the need for visits to be sufficiently frequent to meet the objectives of the LICVS, the merit of broad uniformity in arrangements and also the effect that too frequent visiting may have on the operational efficiency of custody suites, a minimum of one visit per week will be rostered for each of the four custody suites.
96. ICVs will have the right to undertake their rostered visits at any time of day without giving the relevant custody suite any prior notice. It should however be noted that a small proportion of visits will be rostered at weekends/late at night.

Additional Visits

97. On occasion, ICVs might want to undertake an additional visit, for example, if they have an on-going concern about the welfare of a particular DP. Permission must be sought and received from the OPCC prior to undertaking a non-rostered visit. Outside office hours, contact will be made directly with the Chair of the relevant Panel who will assume this responsibility.

98. Visits will also be considered following mass arrests, where individuals are held for some time, possibly in vehicles within the police station yard or temporarily in a holding centre, prior to being formally detained under PACE.

Visits Requested by the Police

99. Exceptionally, circumstances might arise where the Force want to initiate a custody visit, particularly where there might be public concern about the treatment or well-being of a DP and a visit might help allay any public fears. The Force will be responsible for contacting the OPCC during office hours, to arrange such a visit. Outside office hours, contact should be made directly with the Scheme Manager or Deputy Scheme Manager who will assume this responsibility.

Deaths and Other Serious Incidents in Police Custody

100. Where a death or other serious incident in police custody occurs, the Force will inform the OPCC as soon as is practicable. Consideration will be given as to whether a custody visit would be helpful in terms of informing and reassuring the public. If it is agreed that a visit should be made it will be made on the basis of a clear understanding as to how that feedback to the public is to be achieved.
101. Any visit following a death in custody, or some other serious incident must not be allowed to interfere with any relevant investigation that might be taking place. There may be circumstances in which the Senior Investigating Officer dealing with the incident will need to refuse or restrict access to particular areas of the custody suite.

Access to Custody Suites

102. On arrival at the public enquiry counter at the police station, ICVs will identify themselves (using their identity card) and explain the purpose of their visit. ICVs must be admitted immediately to the custody area as any delay will affect the credibility of the LICVS. Access should be delayed only when ICVs might be placed in danger, for example if there is a disturbance in progress. It would be inappropriate for access to be delayed because custody personnel are busy. In such circumstances, ICVs should be admitted into the custody suite but invited to wait until a custodian is available to escort them on their visit. A full explanation must be given as to why access has been delayed, which should in turn be recorded on the visit report form.

Security and Safety

103. In the interests of security and safety, ICVs will be escorted by a custodian throughout their visit. Conversations between DPs and ICVs shall normally take place in sight but out of hearing of the escorting officer. ICVs should always bear in mind the potential for a DP to become abusive and/or violent. When seeking consent for a visit, ICVs should position themselves just inside the door way, so that they can exit the cell quickly and safely should the need arise.
104. In addition to the risk of violence from DPs, custody personnel should also be alert to any specific health or safety risks that ICVs might face and should advise them accordingly. For example, ICVs should always be told if there is a possibility that they may come into contact with DPs/cells that have been exposed to CS spray.
105. ICVs should also be mindful of the risk assessment (see Appendix 5) produced by the OPCC/Force for the LICVS.

Fire Alarm Activation

106. If the fire alarm is activated, ICVs, DPs and custody officers will need to evacuate the premises and assemble at the designated assembly point. Special provisions exist for the evacuation of DPs, which are the responsibility of custody personnel. In the event of an evacuation it is important that ICVs do not leave the assembly point until instructed to do so.
107. ICVs must only re-enter the building when advised that it is safe to do so. The first priority for custody personnel will be attending to the DPs and there may be some delay before a visit can continue.

Hepatitis C

108. It is highly unlikely that ICVs will become contaminated by Hepatitis C whilst undertaking custody visits, as it is usually transmitted by means of blood transfusion. Vaccination is not available for this form of Hepatitis.

The definition of contamination is as follows:

"Blood or body fluids that enter the mouth, nose, ears or eyes or via a human bite that breaks the skin and contact with the skin which has cuts of 3 days old and under."

109. ICVs are advised to cover all minor abrasions of the hands and wrists with waterproof plasters. Should ICVs become contaminated, it is recommended that they visit their GP, Practice Nurse or Hospital Accident Emergency Department within 36 hours.

Hepatitis B

110. It is not necessary for ICVs to be immunised against Hepatitis B as it is highly unlikely that they will come into direct contact with blood and/or body fluids.
111. ICVs may wish however to seek advice from their own doctor about this and other appropriate immunisation.

CS Spray

112. ICVs may, in the course of their visits, encounter DPs who have been sprayed with CS spray to facilitate their arrest. The escorting officer should advise ICVs when there is a possibility of cross contamination. ICVs should not enter the cells of contaminated DPs until decontamination has been carried out.
113. ICVs are encouraged to check the health and well-being of such persons. If the DP is suffering due to the aftereffects of CS spray, they should bring this to the notice of the escorting officer who has responsibility for seeking medical assistance.
114. If an ICV becomes cross-contaminated, they should be taken to a well-ventilated area to recover or if they feel unwell/are concerned regarding their well-being, they should seek medical advice.

Inspecting Custody Facilities

115. ICVs will have access to cells, toileting/washing/showering facilities, medical room (this does not include access to locked drug cabinets), exercise area, detention/interview rooms (if unoccupied), charging and kitchen/food preparation areas.
116. It is not necessary to inspect storage areas, but ICVs will want to be assured that suitable arrangements exist for maintaining adequate stocks of mattresses and blankets.

(a) Closed Circuit Television (CCTV)

Custody visits must be carried out in person and not by viewing either live or recorded CCTV footage. However, ICVs will want to satisfy themselves that any CCTV systems installed to observe the custody area/individual cells are working.

(b) Cells

Empty cells should be clean and in a reasonable state of repair and decoration. Room temperature and ventilation/lighting should be adequate. ICVs should satisfy themselves that cell alarm buttons work. There should be sufficient bedding and it must be clean, and the mattress should be the right size for the bed. Check for leaks or mould, unpleasant/pungent smells/fumes and inappropriate graffiti (such as homophobic or racist remarks) on walls and doors. Check for fixed points such as protruding cell hinges that could be used as a ligature point.

(c) Cell Block

ICVs should be satisfied that the fire alarm works and that there are procedures in place for evacuating the cell area. Check for any safety/security hazards e.g. obstructions in the corridor or any loose items left lying around that could be used as a weapon or to self-harm.

(d) Toilet Facilities

Toilets should be reasonably clean and hygienic. Check for any obvious leaks, and ensure that the flushing mechanisms work. Toilet paper should be available.

(e) Washing/Shower Facilities

Where washing/shower facilities exist, these should be reasonably clean and hygienic. Check whether there are any obvious leaks. Check for pools of water on the floor that might cause a slipping hazard. Towels/soap should be changed regularly.

(f) Kitchen/Food Preparation Area

The food preparation area should be reasonably clean, tidy and hygienic. Meals should be checked to ensure that they are not out-of-date and that there is sufficient choice to cater for religious/special dietary requirements (e.g. diabetics).

(g) Exercise Area

The exercise areas should be reasonably clean and tidy. Look out for loose items that could be used as a weapon (e.g. door mats) or to self-harm.

(h) First Aid

ICVs will want to satisfy themselves that first aid material and trained First Aiders are available in the custody suite.

(i) Medical/Surgeon Room

The Medical Room should be reasonably clean, tidy and hygienic. Check for any drugs/hazardous substances that might be left lying around and in easy reach. Ensure that the drugs cabinet is locked and that the lid of the sharp box is shut.

Notes:

- ICVs may not visit CID rooms or other operational parts of the police station or attend police interviews with DPs.
- Occasionally, forensic evidence will be collected from DPs for evidential purposes and kept in special sample containers, which are stored in cupboards, fridges, etc. As the collection and preservation of evidence, including equipment used to collect and store samples and any associated procedures are outside the remit of the Scheme (not being directly related to the welfare of DPs), ICVs will not involve themselves in this particular area of Police work.
- ICVs will not be required to sample DP meals. The Force is party to a national contract for the supply of meals and in-cup drinks developed specifically for the custody environment. Occasionally, a small Panel of ICVs will be brought together to assess the quality and flavour of such meals. "Tastings" will be organised by the OPCC in conjunction with the Force. Feedback points arising from such events will be passed to the Contract Manager.

Categories of DP

117. DPs usually fall into the following categories:

(a) PACE Prisoners

These will constitute the vast majority and are held under the provisions of the PACE.

(b) Home Office Prisoners

These are remanded or sentenced prisoners who would normally be held in prison.

(c) Immigration Detainees

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

(d) People at Risk

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

118. 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.

Consent to a Visit

119. ICVs will normally be allowed access to any person detained in custody. However, the privacy of the individual must be respected and only persons who consent to a visit may be seen. Conversations between DPs and ICVs should normally take place in sight but out of hearing of the escorting officer. ICVs will be responsible for establishing whether the DP wishes to speak with them. The escorting officer will open the cell door and inform the DP that there are two people who would like to see him/her. The escorting officer will withdraw from the cell to allow the ICVs to enter and introduce themselves, explain the purpose of their visit and seek consent for the visit to proceed (see Appendix 6 for a copy of the standard introduction). ICVs will also seek permission to review the DP's custody record.

DP Unable to Give Consent

120. If a DP cannot give consent for a custody visit, perhaps because of the effects of drink/drugs or by virtue of a mental health issue, the escorting officer must allow access unless it is considered that the ICVs' safety could be put at risk. In such circumstances the ICVs may wish to speak to the DP through the cell hatch. This may also apply where consent is given, but the escorting officer judges the ICVs would be exposed to an abusive and/or potentially violent DP.
121. If the DP is not suitable to be roused due to being incapacitated, for example, through drink/drugs, the escorting officer should allow access if the ICVs wish to satisfy themselves of the DP's wellbeing. If the ICVs have cause for concern over the wellbeing of the DP in these circumstances, they should request that the DP be roused.

DP Asleep/Resting

122. Sleeping DPs can be woken at the discretion of the escorting officer to seek consent for a visit. However, where that would involve interrupting the continuous period of eight hours rest provided for under PACE, the normal procedure will be not to wake the DP but to observe them through the cell hatch.
123. When custody personnel apply their discretion in relation to sleeping DPs not in a period of eight hours rest, they will take into account the potential for disturbed DPs to become abusive and/or violent.

Access to Vulnerable Persons

124. ICVs are expected to prioritise vulnerable DPs over other DPs when conducting their visits. Vulnerable persons can include:

(a) Children

125. A person is classified as a child if they are aged 17 or under, and may be visited with their own consent. It will not be necessary to obtain the additional consent of a parent, guardian or an Appropriate Adult. If an Appropriate Adult is in attendance to support the child/vulnerable person, the DP's wishes should be sought and respected as to whether the Appropriate Adult is to remain in attendance during the visit.

126. Children should not be detained in police cells post charge (excluding those who have been arrested on a warrant or are being held for a breach of bail). Nor should they be kept in police cells overnight if refused bail having been charged for an offence. Children who have been charged with an offence should be released on bail whenever this is possible. Children who are denied bail having been charged with an offence will be transferred to local authority accommodation whenever practicable, unless there are exceptional circumstances. Such circumstances might include the absence of suitable accommodation, no transport available, the child's behaviour or nature of the offence. It will be a matter for the Custody Sergeant to decide whether secure or non-secure local authority accommodation is requested. Factors for requesting secure accommodation include:
- Aged 12 or over
 - The child must pose a risk of serious harm to the public during the time between being charged and appearing at court
 - Serious harm has been defined as likely to cause death or serious injury (physical or psychological), and the risk has to be to the public not the child.
127. When undertaking visits, ICVs will want to ascertain whether there are any children in custody and prioritise them for a visit. During the visit, ICVs will want to ensure that the child understands their rights/entitlements, to check on their well-being and the conditions in which they are being held. They should also seek consent to view the child's custody record. ICVs should consider the following issues:
- how long has the child been in custody?
 - have they been charged?
 - if yes, have the police requested local authority accommodation?
 - if yes, will it be provided? What is the timescale?

(b) Female Children

128. Girls under the age of 18 must be under the care of a woman while being detained, conveyed to and from court, or waiting to be so conveyed. This is a requirement under section 31 of the Children and Young Persons Act 1933. 'Under the care of a woman' in this context refers to a female custodian, police officer or member of police staff.
129. Subject to the risk assessment, the carer need not be physically present and with the DP at all times, but must be readily available and assigned to the DP throughout the period of detention. Custody officers will treat each case individually and will always give consideration as to whether a carer needs to be physically present or not. The assigned responsibility can be shared by more than one female carer and may be transferred at shift handover.
130. Where two male ICVs wish to visit a female child and no female carer is available to accompany them, they will liaise with the escorting officer regarding the perceived risk of undertaking such a visit and/or whether the visit should be undertaken by way of a conversation through the hatch in the cell door.
131. When undertaking visits, ICVs will want to ascertain whether the female child is under the care of a female carer. If not, then ICVs will want to establish from the Custody Sergeant whether the child is being moved to another custody suite where a female carer is available or whether arrangements are being made for a female carer to be made available, as and when required. In both cases, ICVs will want to record the timescales for those arrangements (if known) on their visit report form.

132. In cases where no alternative arrangements are being made for a female child to come under the care of a female carer, ICVs should ask to speak to the Duty Inspector and request that such arrangements are put in place. The outcome of that discussion must be recorded on the visit report form.

(c) Vulnerable Adults

133. A vulnerable adult has been defined as “A person who is 18 years of age or over, and who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of him/herself, or unable to protect him/herself against significant harm or serious exploitation”. (Law Commission – ‘Who Decides? Making decisions on behalf of mentally incapacitated adults 1997’)
134. Vulnerable adults can include people with learning disabilities, mental health problems, older people and disabled people, particularly when their situation is complicated by additional factors such as:
- physical frailty
 - chronic illness
 - sensory impairment
 - challenging behaviour
 - social problems
 - emotional problems
 - poverty
 - homelessness
 - substance abuse

(d) DP detained under Section 136 of the Mental Health Act

135. Section 136 of the Mental Health Act 1983 provides a power for the police to remove a person believed to be suffering from a mental disorder and to be in need of immediate care and control, to a place of safety. This is a preserved power of arrest under Section 26 of PACE and reasonable force might be used under Section 117 of PACE. Under the Policing and Crime Act 2017, the power to detain someone under S136 has been extended to enable police personnel to act in most locations other than a private residence. The provisions state:

‘If a person appears to a constable to be suffering mental disorder and to be in immediate need of care or control, the constable may, if he thinks it necessary to do so in the interests of that person or for the protection of other persons:

- *remove that person to a place of safety*
 - *if the person is already at a place of safety, keep the person at that place or remove the person to another place of safety’*
136. Section 136 DPs should be transferred to a health based place of safety such as a hospital/designated unit. Only in exceptional circumstances shall Section 136 persons be detained in a police custody cells.

DP in Interview

137. Police interviews with DPs must not be interrupted to facilitate custody visits. However, ICVs may await the completion of an interview if they want to see the person concerned.

Access to Custody Record

138. All custody facilities within Lincolnshire currently operate the NSPIS Custody and Case Preparation system. To access the e-custody record it will be necessary for a custody officer to open a variety of files on the system before the various elements of the custody record can be viewed. Each part of the record is opened and scrolled on a viewing screen. In some custody suites, a satellite screen might be provided in another room to allow ICVs to view custody records in relative privacy.
139. Subject to obtaining the DP's consent to view their custody record, ICVs should check its contents against what they have been told by the DP. In particular, ICVs will wish to verify:
- whether entitlements under PACE have been given and signed for;;
 - that medication, injuries, medical examinations, meals/diet are recorded
 - that procedures to assess special risks/vulnerabilities presented by the DP have been properly recorded;
 - the timing and frequency of cell inspections of inebriated or otherwise vulnerable DPs;
 - the timing of reviews of the continuing need for detention.
140. If a DP is for any reason incapable of deciding whether to allow access to their custody record, the presumption will be in favour of allowing the ICVs to examine the record.

Medical Issues

141. ICVs have no right to see a DP'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. ICVs will wish to pay particular attention to DPs who are suffering from any form of illness, injury or disability. They should satisfy themselves that, if appropriate, medical advice has been obtained and establish from the custody officer and what instructions for medical treatment have been given and confirm by consulting the record that those instructions have been carried out.

Access to DP Denied

142. In exceptional circumstances an escorting officer may limit or deny ICVs access to a specific DP if authorised by a police 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 ICV's safety, or
 - if the officer reasonably believes that such access could interfere with the process of justice.
143. Any decision to deny or limit access must be recorded in the DP's custody record (together with the relevant authorisation) and on the visit report form.

144. There should be no presumption that access will be denied to any particular category of detainee or because a decision has been made that a person should be held incommunicado. Where any of the circumstances referred to in paragraph 142 apply, consideration should be given to allowing the ICVs some limited form of access to the DP, such as observing and speaking to them through the cell hatch.

Conversations with the DP

145. Conversations will focus on checking whether or not DPs have been offered their rights and entitlements under PACE and on confirming whether the conditions of detention are adequate. ICVs will satisfy themselves that DPs have had their statutory rights explained and that they have been given the written notice of those rights. They should also be satisfied that detainees have received those facilities to which they are entitled under Code C of PACE.
146. ICVs should be aware that the DP may be from a background where there may be cultural sensitivities concerning how they interact with someone of a different gender or who they perceive to be of a markedly different age or social standing to themselves. ICVs will treat all DPs cordially and with respect, in accordance with principles of equality during any interaction.
147. ICVs will be primarily concerned with the overall conditions, standards and procedures at police custody suites. However, immediate concerns about the treatment of a particular individual should be passed on to those in a position to take corrective action. If a DP indicates that they may self-harm or harm another person, this must be brought to the immediate attention of the escorting officer.

DP Complaints

148. Where a DP, during the course of a custody visit, makes a complaint against a member of custody/police personnel, they must be advised to address it to the duty officer in charge of the police station. ICVs should take no further action in respect of the complaint, other than to record the incident on the report form. However, where a DP makes a complaint or raises an issue about their general treatment/conditions, ICVs should raise this with the escorting officer and seek a resolution. The same applies to similar issues identified by ICVs during the course of a visit.

DP Access to Legal Advice

149. Whenever legal advice is requested by a DP, the custody Sergeant should act without delay to secure the provision of such advice. However there are some circumstances where access can be delayed, and these are set out in PACE Code C. In summary, access to a solicitor can be delayed if the authorising officer has reasonable grounds for believing it will:
- lead to interference with, or harm to, evidence connected with an indictable offence;
 - lead to interference with, or physical harm to, other people;
 - alert other people suspected of having committed an indictable offence but not yet arrested for it;
 - hinder the recovery of property obtained in consequence of the commission of an offence.

150. In addition, access may be delayed if the authorising officer reasonably believes that the DP has benefited from their criminal conduct and the recovery of the value of the property constituting that benefit would be hindered. Free legal advice will be limited to telephone advice provided by Criminal Defence Service Direct (CDS Direct) if a DP is:
- detained for a non-imprisonable offence;
 - arrested on a bench warrant for failing to appear and being held for production at court (except where the solicitor has clear documentary evidence available that would result in the client being released from custody);
 - arrested for drunk driving (driving/in charge with excess alcohol, failing to provide a specimen, driving/in charge whilst unfit through drink);
 - detained in relation to breach of police or court bail conditions.

Contact with People Outside the Police Station

151. ICVs must not agree to any request from a DP to make contact with anyone outside the custody suite/police station. Neither must they agree to pass on a message to any other DP within the police station. ICVs must immediately notify the escorting officer if any such requests are made.

Police Investigations

152. ICVs must remain impartial and should not seek to involve themselves in any way in the process of investigation. If DPs press them for advice about co-operating with the Police, making a statement or anything in relation to their defence, they should explain that it is not part of their role.

DP Admissions

153. If a DP seeks to make admissions or otherwise discuss an alleged offence, the ICVs must inform the DP that they cannot discuss the case and that they are required to report anything said to them about the case to the officer in charge. Should the DP not have had access to legal advice that is something the ICVs will want to raise with the escorting officer.

DP Known to ICVs

154. If an ICV realises they know or are known by a DP, they should consider whether to withdraw from the visit. The decision will depend on the nature of the relationship and its likely effect on the ICV's impartiality. If an ICV decides to voluntarily withdraw from a visit, their partner must also withdraw as visits can only be conducted in pairs.

Cells with Double Occupancy

155. On occasion, more than one DP might be detained in the same cell. The Force has issued guidelines to custody personnel to be followed when deciding whether or not to double-up DPs in a cell. If ICVs encounter two persons held in one cell, they may introduce themselves to the two DPs at the same time. If one or both individuals agree to receive a visit, each one must be held in private. The second person must, therefore, be removed temporarily from the cell by the escorting officer until the visit has been concluded or the discussions held in another part of the custody suite. This process will then be repeated if the second DP has also agreed to be visited.

Remand and Sentenced Prisoners

156. From time-to-time, due to operational constraints experienced by the Prison Service, ICVs may see remand and sentenced prisoners housed in police cells for short periods of time. Prisoners held in police cells have different rights to DPs subject to PACE, however, for visiting purposes ICVs should consider PACE sections relating to conditions of detention and care and treatment of DPs, as a minimum standard and seek to ensure that all detainees are treated with regard to those provisions.
157. If a prisoner requests something outside of the entitlements provided under PACE, ICVs should report their request to the escorting officer. Certain normal rights and entitlements for convicted or remand prisoners may not be feasible within a police setting, so ICVs should avoid promising anything, but should simply undertake to report the request.
158. Prisoners may seek to complain about conditions in prison or the treatment they have received whilst there. ICVs must not involve themselves in such matters. There are recognised grievance procedures that prisoners should be aware of such as writing to, or petitioning, the Home Secretary, or writing to their solicitor or Member of Parliament.

Non-English Speaking DPs

159. ICVs who need to converse with DPs who do not speak English will have access to an interpreter either in person or through the telephone interpreter service.
160. Sometimes it might be possible to conduct a custody visit in another language spoken by the DP, if one of the ICVs is fluent in that particular language. However, in such circumstances, care will be taken to ensure that the ICV's visiting partner is kept informed about what is being said.

Terrorism Act (TACT) 2000

161. ICVs selected and trained to visit TACT DPs are drawn from those hubs where terrorism detention takes place. The nearest TACT facilities to Lincolnshire are in Coventry and Nottingham. It is therefore unnecessary for Lincolnshire ICVs to receive TACT training at this time.

Reporting on a Visit

162. Recording the contents of a visit is one of the most important aspects of the LICVS. ICVs may wish to make notes in the course of their visit but should explain to the DP why they are doing so. When reporting on issues/concerns raised by a DP, ICVs must identify that individual by their custody number and not by their name.
163. At the end of each visit, and whilst still at the police station, ICVs will complete a custody visit report form in triplicate. Wherever possible they should be able to use a private area for this purpose. Details recorded on the form should include both specific matters (which may already have been brought to the attention of the escorting officer) and more general issues relating to custody conditions/procedures. All reports will be completed in English even if the visit has been conducted in another language.
164. ICVs will retain the top white copy of form, which they will forward to the OPCC using a pre-paid envelope.

Holding to Account

165. Completed custody visit report forms will be checked on receipt by the OPCC for any general issues or specific matters of concern that need to be drawn to the attention of those who are in a position to respond. This system of reporting will ensure that a quick and positive reaction is secured at various levels of the Force to any issues or concerns that might be highlighted from visits. In addition, the OPCC will be able to identify and draw together any emerging issues or trends that will be taken forward with the Force at an appropriate level. The flow chart at Appendix 7 shows the escalation process.
166. The PCC will escalate any significant concerns or issues directly with the Force Chief Officer Team (COT) through (monthly) meetings of the Police and Crime Strategic Board. The Scheme Manager will provide the PCC's Chief Executive with periodic (usually monthly) updates on the performance of the LICVS and associated matters.

LICVS Newsletter

167. The Scheme Manager (or Deputy) will prepare a newsletter for circulation to ICVs (usually via email) on a quarterly basis. The newsletter will include updates on local, regional and national developments within police custody and custody visiting in general. Sources of information will include the ICVA's website, training materials and newsletters.

LICVS Annual Report

168. The Scheme Manager will prepare an Annual Report on the operation of the LICVS for inclusion in the PCC's Annual Report. The Annual Report provides an opportunity to highlight the work of ICVs, celebrate successes and describe how the OPCC is working on difficult issues. It will document how the LICVs is delivering oversight and continuous improvement, and thereby increasing public reassurance.

HMICFRS Custody Inspection Reports

169. The Scheme Manager (or Deputy) will attend periodic (usually quarterly) meetings with the Force Head of Criminal Justice Unit and the Custody Inspector to discuss matters of mutual interest in relation to the operation of police custody suites/custody visiting. Meetings will also consider and discuss outcomes from HMICFRS inspection reports of Force custody. The Scheme Manager (or Deputy) will also identify any specific issue areas that require monitoring by ICVs and highlight these in the quarterly LICVS Newsletter.

Confidentiality and Disclosure

170. During the course of their duties, ICVs may acquire personal information about persons connected with police inquiries, the majority of whom will not at that time have appeared in court and some of whom may never appear at court. That information must be protected against improper or unnecessary disclosure.
171. Any breach of confidentiality may make ICVs liable to internal misconduct procedures and civil proceedings by the DP concerned. The unauthorised disclosure of facts concerning police operations, or the security of police stations may also constitute an offence under the Official Secrets Act.

172. Very occasionally, in exceptional circumstances only, it may be appropriate to disclose information on the treatment and welfare of a specific individual. This is a decision for the PCC and will only be considered in circumstances where a visit has been arranged in connection with the treatment of a particular DP and community reassurance is a major issue. It is in the interests of the strict application of confidentiality, that ICVs do not name or otherwise identify persons in visit reports.

Giving Evidence in Criminal Proceedings

173. Conversations between ICVs and DPs are not privileged, and it would be open to a court to issue a witness summons requiring the attendance of an ICV to give oral evidence or to produce documents such as a report of a particular visit. ICVs are under no obligation to give evidence or produce documents other than in response to a court order but would be obliged to respond to such an order.



**Lincolnshire
POLICE & CRIME COMMISSIONER**

SAFER TOGETHER

INDEPENDENT CUSTODY VISITING SCHEME

MEMORANDUM OF UNDERSTANDING

I (print name) _____ as a volunteer member of the Lincolnshire Independent Custody Visiting Scheme (LICVS) do undertake to:

1. maintain a high standard of personal conduct, integrity and appearance;
2. arrange custody visits with follow Independent Custody Visitors (ICVs), in line with the agreed quarterly roster;
3. keep the Office of the Police and Crime Commissioner (OPCC) and fellow Panel members informed of any problems with attending rostered visits;
4. carry out custody visits with my allotted partner and never on my own;
5. undertake custody visits in line with the LICVS Handbook and training;
6. check on the conditions in which detained persons are kept, their health and wellbeing and that they are receiving their legal rights and entitlements, with reference to the Police and Criminal Evidence Act (PACE);
7. consult, where appropriate, the detained person's custody record to clarify and check any concerns raised by the detainee;
8. discuss with the Escorting officer any concerns and/or requests arising from a custody visit and to bring to their attention any issues that need to be dealt with;
9. complete the ICV report form, ensuring that information is recorded correctly, clearly and concisely;
10. maintain confidentiality and impartiality in relation to all parties involved in the custody visiting process;
11. make informed judgements in which the community can have confidence and which the police will accept as fair criticism when it is justified;
12. complete and submit expense claims in line with the LICVS Handbook or as instructed by the OPCC;

Appendix 1

13. complete 'bite sized' training packages and attend local/regional refresher/advanced training sessions (where possible);
14. attend local/joint Panel meetings (where possible);
15. carry out the duties of an ICV with regard to the health and safety requirements of the LICVS;
16. maintain effective working relationships with police custody personnel as set out in the LICVS Handbook;
17. keep my identity card safe and only use it for custody visiting purposes;
18. participate fully in my periodic review/appraisal;
19. inform the Scheme Manager of any change in circumstance that may impact on my role as an ICV;
20. inform the OPCC when withdrawing from the role, returning my identity card and any other relevant documentation.

In return the OPCC shall:

1. ensure ICVs are fully supported in the performance of their role;
2. keep ICVs up to date with Home Office/Independent Custody Visiting Association (ICVA) guidance and best practice;
3. inform ICVs of developments in custody visiting, both locally, regionally and nationally;
4. ensure where necessary that any issues/concerns arising from custody visits are dealt with by Lincolnshire Police;
5. provide visiting rosters, updating contact details, as necessary;
6. provide 'bite sized' training packages and deliver local/regional refresher/advanced training sessions;
7. provide detailed guidance and materials in the form of a LICVS Handbook;
8. process expense claims submitted by ICVs in a timely and efficient manner;
9. take forward any complaints made by or against ICVs in accordance with the LICVS Handbook;
10. take forward the removal of any ICV in accordance with the LICVS Handbook;
11. provide newly appointed ICVs with identification cards and badges;

Appendix 1

12. provide an opportunity for ICVs to meet with each other and the Scheme Manager/Deputy Manager to discuss any issues they may wish to raise.

Signature: _____ Date: _____



**Lincolnshire
POLICE & CRIME COMMISSIONER**
SAFER TOGETHER

**LINCOLNSHIRE INDEPENDENT CUSTODY VISITING SCHEME
CUSTODY VISITOR CODE OF CONDUCT**

1. I undertake to carry out my duties as a custody visitor with honesty and integrity and treat everyone with dignity and respect in accordance with the Police and Crime Commissioner's procedures and the code of conduct and national standards for custody visiting.
2. I agree to carry out my custody visiting duties, on behalf of the Commissioner, in such a way as to never discriminate against, harass or bully a person on any grounds.
3. I understand that I have a responsibility not to behave offensively to others either in word or deed in any way.
4. I undertake to maintain strict confidentiality within the scheme regarding any information or personal details I may learn whilst carrying out the duties of a custody visitor.
5. I understand that it is important to develop and maintain professional relationships with Police officers and staff and with the Office of the Police and Crime Commissioner, based on mutual respect and understanding of each other's legitimate roles.

NAME.....
(Print)

SIGNATURE.....

DATE.....



**Lincolnshire
POLICE & CRIME COMMISSIONER**

SAFER TOGETHER

LINCOLNSHIRE INDEPENDENT CUSTODY VISITING SCHEME

(a) Complaint Procedure

Receipt of Complaint

1. Complaint allegations made against Independent Custody Visitors (ICVs) due to the performance of their duties should be notified to the Scheme Manager (or Deputy) as soon as possible.
2. The complaint will be acknowledged within 10 working days and the complainant advised what action will be taken.

Criminal Offences

3. If the commission of a criminal offence is alleged, the Scheme Manager or Deputy Scheme Manager (or Deputy) will immediately refer the allegation to Lincolnshire Police and this procedure will be held in abeyance pending the outcome of any subsequent criminal investigation/proceedings.
4. This procedure may be proceeded with in respect of any other related complaint allegation that does not allege the commission of a criminal offence.

Criminal Proceedings

5. ICVs are required to notify the Scheme Manager (or Deputy) if they are charged with a criminal offence. The Scheme Manager (or Deputy) will immediately suspend the ICV until the outcome of any criminal proceedings is known. If the ICV is subsequently found not guilty, or if charges are dropped, he/she will be considered for reinstatement to the Lincolnshire Independent Custody Visiting Scheme (LICVS).

Action upon Receipt of a Complaint

6. The Scheme Manager (or Deputy) will notify the ICV in writing that a complaint has been made against him/her. This will include the date, time (if known) and location of the incident. The ICV will be invited to respond in writing to the complaint within 10 calendar days.
7. The Scheme Manager (or Deputy) may decide that the gravity of the complaint allegations warrant the immediate suspension of the ICV until such time as the outcome of the complaint process is known. The ICV will be informed in writing of this decision and the rationale.

8. The Scheme Manager may dismiss a complaint if it appears vexatious, malicious or otherwise lacking in merit. Both the complainant and the ICV will be informed of this decision and the rationale in writing

Informal Resolution

9. Where the Scheme Manager (or Deputy) deems appropriate, he/she will seek to resolve the matter via informal mediation between the parties concerned.

Investigation of the Complaint

10. Where an informal resolution of the complaint cannot be agreed or the complaint is not deemed suitable for informal resolution, the Scheme Manager (or Deputy) will inform the parties concerned that a formal investigation is to be conducted.
11. The Scheme Manager (or Deputy) shall conduct the investigation and secure all available evidence, including eye witness accounts, relevant records, CCTV recordings and Body Worn Video.
12. The Scheme Manager (or Deputy) will formally interview the ICV and make a written record of his/her responses. The ICV may be accompanied by a friend, relative or colleague during the interview, but not by a legal representative.
13. The Scheme Manager (or Deputy) will aim to complete their investigation within 20 calendar days following the interview.

Decision on Complaint

14. The Scheme Manager (or Deputy) will consider, on the balance of probabilities, whether the complaint has been substantiated. If he/she decides to uphold the complaint, they will decide which of the following outcomes shall apply:
 - No further action required.
 - ICV to receive advice/guidance about their future conduct.
 - ICV is required to undergo further training.
 - ICV is to receive a formal written warning that if another complaint should be made against them within the following 12 month period and is upheld, his/her membership of the LICVS will be terminated.
 - Recommend to the OPCC Chief Executive that the ICV be dismissed from the LICVS.
15. The Scheme Manager (or Deputy) will inform the complainant and the ICV of his/her decision in writing. The decision will be final and there will be no right of appeal.
16. If the ICV's appointment is suspended and the complaint is not upheld or is upheld but termination of appointment is not recommended, the suspension shall be lifted.

Dismissal

17. If the complaint has been upheld and the gravity of the conduct warrants dismissal, the Scheme Manager (or Deputy) shall submit a written report to the OPCC Chief Executive, detailing the complaint, outcome of the investigation and rationale for dismissal. The Chief Executive shall determine whether dismissal is justified or whether an alternative sanction should be applied.
18. The Chief Executive will inform the complainant and the ICV of his/her decision in writing. The decision will be final and there will be no right of appeal.

Confidentiality

19. All persons involved in the complaint procedure will be advised to maintain confidentiality and not to discuss the complaint other than in the course of its investigation.

(b) Underperformance Procedure

20. When it comes to the notice of the Scheme Manager (or Deputy) that an ICV has failed to fulfil the agreed responsibilities and meet the legitimate expectations placed upon them as a member of the LICVS, he/she will raise the matter directly with the ICV. The Scheme Manager (or Deputy) will want to seek an assurance from the ICV that his or her performance will improve.
21. If no such assurance is forthcoming and/or the ICV continues to fail in the performance of their duties, the Scheme Manager (or Deputy) shall write to the ICV and inform them that their underperformance will be considered under this procedure.
22. The Scheme Manager (or Deputy) may decide, based on the severity of the performance issue(s), to suspend the ICV's membership until the outcome of this procedure is known.
23. The Scheme Manager (or Deputy) will consider the details of the underperformance and of the response thereto, make any further necessary inquiries, before deciding which of the outcomes detailed at paragraph 14 will apply.
24. The Scheme Manager (or Deputy) will inform the ICV in writing of the outcome and, if appropriate, what sanction will be imposed. There will be no right of appeal.
25. If the severity of the performance issue warrants dismissal, the Scheme Manager (or Deputy) shall submit a written report to the Chief Executive, detailing the complaint, outcome of the investigation and rationale for dismissal. The Chief Executive shall determine whether dismissal is justified or whether an alternative sanction should be applied.
26. The Chief Executive will inform the complainant and the ICV of his or her decision in writing. The decision will be final and there will be no right of appeal.

(c) Fitness for Duty Procedure

27. If it comes to the notice of the Scheme Manager (or Deputy) that an ICV is no longer mentally and/or physically fit to perform his/her duties as a member of the LICVS, the Scheme Manager (or Deputy) will notify the ICV in writing and invite him/her to make a written response within 10 calendar days.
28. The Scheme Manager (or Deputy) may decide to suspend the ICV's membership of LICVS whilst the matter is under consideration and will inform the ICV in writing of this decision and rationale.
29. The Scheme Manager (or Deputy) will submit a report and recommendation(s) to the Chief Executive who will determine whether the ICV is fit to continue in the role.
30. The Scheme Manager (or Deputy) will inform the ICV and the relevant Panel Chair of the outcome in writing. There is no right of Appeal.



Lincolnshire
POLICE & CRIME COMMISSIONER

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Lincolnshire Independent Custody Visiting Scheme

Election Procedure for Panel Chair and Vice Chair

1. Roles of Chair and Vice Chair

- 1.1 The Chair plays a significant role in the organisation and oversight of their local visiting panel. He/she will provide leadership and have a pivotal role in team building. They will facilitate meetings and discussions between panel members and form the interface between Independent Custody Visitors (ICVs) and the OPCC. The Chair will also be invited to sit on the Appointment Panel for appointing new ICVs and represent their panel at national events.
- 1.2 The Vice Chair will support the Chair in his/her role and stand in for the Chair as required during periods of absence.

Note

To safeguard the integrity of local Panels, the Police and Crime Commissioner considers it to be good practice for the Chair and Vice Chair not to have any formal relationship to each other outside of the Panel, for example, being married, related or business partners.

2. Election Procedure

- 2.1 The Scheme Manager (or Deputy) will write to panel members inviting them to put their names forward if they are willing to be appointed to the position of Chair and/or Vice Chair.
- 2.2 The Scheme Manager (or Deputy) will prepare and distribute to all members of the panel a ballot paper listing the names of candidates for election as Chair. A closing date for voting will be given and responses received after that date will not be counted. If for any reason a candidate withdraws from the election, the process will continue with the remaining candidates.
- 2.3 The Scheme Manager (or Deputy) will write to panel members to inform them of the name of the successful candidate who will be declared elected for a period of 3 years. In the event of a tied vote, the vote cast by the current Chair will be counted twice (as a casting vote) provided that person is not a candidate in the election. If the Chair is a candidate in the election or did not submit a vote, the Scheme Manager (or Deputy) will organise a re-election using the same procedure.

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- 2.4 When the Chair has been elected, the Scheme Manager (or Deputy) will prepare and distribute a second ballot paper containing the names of candidates for election as Vice Chair. A closing date for voting will be set and responses received after that date will not be counted. If, for any reason, a candidate withdraws from the election, the process will continue with the remaining candidates.
- 2.5 The Scheme Manager (or Deputy) will write to panel members to inform them of the name of the successful candidate who will be declared elected for a period of 3 years. In the event of a tied vote, the vote cast by the member elected as Chair will be counted twice (as a casting vote). If the member did not submit a vote, the Scheme Manager (or Deputy) will organise a re-election using the same procedure.

Note

If the number of candidates does not exceed the number of vacancies, then those individuals will be declared as elected without the need for a vote.

3. Vacancy

- 3.1 In the event of a Panel Chair position becoming vacant, the Vice Chair will act as Chair whilst the election procedure for the Chair is undertaken as set out in Section 2. However, should the Vice Chair put him/herself forward as a candidate for election as Chair, a member of the Panel who does not intend to stand for election will be selected by the Panel to act as Chair for the appointment of the new Chair only. (This is to avoid the Vice Chair being able to vote for him/herself in the event of a tied vote).
- 3.2 The Scheme Manager (or Deputy) will write to panel members inviting them to put their names forward if they are willing to be appointed to the position of Chair.
- 3.3 The Scheme Manager (or Deputy) will prepare and distribute to all members of the Panel a ballot paper containing the names of candidates for election as Chair. A closing date for voting will be given and responses received after that date will not be counted.
- 3.4 The Scheme Manager (or Deputy) will write to Panel members to inform them of the name of the successful candidate who shall be declared elected for a period of 3 years. In the event of a tied vote, the vote cast by the Vice Chair (or by the member selected by the panel to act as Chair) will be counted twice (as casting vote).
- 3.5 In the event that the Vice Chair is subsequently appointed as Chair, the Scheme Manager (or Deputy) shall arrange the election of a replacement Vice Chair in accordance with the election procedure set out in section 2.



LINCOLNSHIRE POLICE
General Risk Assessment Form

RISK ASSESSMENT RECORD SHEET – REFERENCE NO: 11001 **Previously:** n/a
DEPARTMENT: Office of Police & Crime Commissioner **STATION OR OFFICE:** All custody suites
SECTION: **SENIOR MANAGER RESPONSIBLE:** Corporate Administration Officer
PREMISES/WORK ACTIVITY (GROUP OR INDIVIDUAL POST) ASSESSED: Independent Custody Visits to Custody Suites
SPECIAL GROUPS OF PERSONS CONSIDERED: Independent Custody Visitor

COMPLETED BY: John King **DATE FIRST COMPLETED:** 21 Mar 2014 **DATE LAST REVIEWED:** 28 June 2021 **REVIEWED BY:** John King

SEEN BY SAFETY REP: _____ **SIGNED (PRINT NAME):** _____

REMEDIAL ACTION PRIORITY ORDER		
NUMBER	DATE	INITIALS

Ref. No.	WORK ACTIVITY Description	HAZARD (including description of potential severity)	LIKELIHOOD			RISK H M L	FURTHER ACTION REQUIRED ACTION (Who responsible and by when)	REVIEW ACTION AND DATE (including estimate of Residual Risk)
			H	M	L			
1.	Independent Custody Visitors entering cells in pairs to introduce themselves to detainees to ascertain if they wish to speak to them about their welfare whilst in police detention. Issues discussed will be recorded on a visit report form by the custody visitors at the time of the visit.	The detainee may physically attack custody visitors causing them injury or harm. Reasonably foreseeable injury – punch to face or punches and kicks to other parts of the body. Forcibly pushing custody visitor out of the way causing them to fall. Writing implement being snatched out of the hand of the custody visitor and used to cause injury. Reasonably foreseeable worse case injury – blindness caused by pen being stabbed into eye.	H M L	3	1	M 3		

Appendix 5

WORK ACTIVITY		HAZARD <i>(including description of potential severity)</i>		LIKELIHOOD		RISK		FURTHER ACTION REQUIRED	
Ref. No.	Description	H M L	Groups Exposed and Evidence of Previous Harm	Existing Controls in Place	H M L	H M L	ACTION <i>(Who responsible and by when)</i>	REVIEW ACTION AND DATE <i>(Including estimate of Residual Risk)</i>	
2.	Custody visits to persons in custody	H 3	Custody Visitors/ Custodians	Emergencies including fire, bomb threat or suspect devices leading to loss of life or serious injury.	L 1	M 3			
3.	Exposure to communicable diseases and infestations including exposure to blood or other bodily fluids	M 2	Custody Visitors/ Custodians	Risk of infection	L 1	L 2			
4.	Detainee exposed to Captor Spray	L 1	Custody visitors / Custodians	Risk of exposure	L 1	L 1			
5.	Custody visitors exposed to trip hazards causing slips/falls.	M 2	Custody visitors/ Custodians/ Detainees	Risk of personal injury	L 1	L 2			
6.	Custody visitor becoming unwell within a custody suite during a visit.	H 3	Custody Visitors	Risk of personal injury if results in unconsciousness	L 1	L 3			

Appendix 5

Ref. No.	WORK ACTIVITY Description	HAZARD <i>(including description of potential severity)</i>		LIKELIHOOD		RISK H M L	FURTHER ACTION REQUIRED	
		H M L	Groups Exposed and Evidence of Previous Harm	H M L	Existing Controls in Place		ACTION <i>(Who responsible and by when)</i>	REVIEW ACTION AND DATE <i>(Including estimate of Residual Risk)</i>
					<p>Existing Controls in Place</p> <p>to arrange a substitute. Custody visitors asked to provide details of next of kin who can be contacted in an emergency. Custody Suites to be provided with next of kin information.</p>			

LINCOLNSHIRE INDEPENDENT CUSTODY VISITING SCHEME

Self Introduction Cue Card

"Hello - we are Independent Custody Visitors"

"We are here to see how you are being treated by the Police and to have a look at the conditions in which you are being kept"

"May we speak with you for a couple of minutes?"

"May we also have a look at your Custody Record?"

Appendix 7



