



OFFICE OF THE POLICE AND CRIME COMMISSIONER NORTH WALES

**INDEPENDENT CUSTODY VISITING SCHEME
GUIDELINES**

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Content

1. SCHEME OBJECTIVES	2
2. ESTABLISHMENT OF THE SCHEME.....	2
3. INDEPENDENT CUSTODY VISITORS.....	2
4. INDEPENDENT CUSTODY VISITING ARRANGEMENTS	6
5. CUSTODY VISITING PROCEDURES AT CUSTODY SUITES	9
6. IMPARTIALITY AND CONFIDENTIALITY	19
7. CUSTODY VISITOR REPORTS AND FOLLOW-UP ACTION.....	20
8. MONITORING OF THE SCHEME	21
9. ADDITIONAL INFORMATION.....	21
10. PUBLICITY GUIDELINES	22

The Home Office produces a Code of Practice on Independent Custody Visiting, which this policy is based on. The Code is available on the internet, and should be read in conjunction with this policy.

1. SCHEME OBJECTIVES

The purpose of the Scheme is to enable people from the local community to observe and report upon the conditions under which people are detained at Custody Suites. The aim is to increase public confidence in the fair and proper treatment of detainees by the Police and offers protection to both detainees and the Police and reassurance to the community.

2. ESTABLISHMENT OF THE SCHEME

This Scheme has been established by the Office of the Police and Crime Commissioner North Wales in consultation with the Chief Constable of North Wales Police. The operation of the Scheme is the responsibility of the Office of the Police and Crime Commissioner.

2.1 Management of the Scheme

The day to day management of the Scheme is delegated to the Scheme Administrator by the Chief Executive of the Office of the Police and Crime Commissioner.

2.2 The Scheme Administrator

The role of the Scheme Administrator is to ensure that the Scheme is properly run and in particular to:

- Manage the recruitment, selection and arranging training of new Custody Visitors
- Take appropriate action to follow up any concerns or issues about conditions or procedures in custody suites raised by Custody Visitors in their reports
- Keep Custody Visitors up to date with developments in the North Wales Scheme
- Keep Custody Visitors up to date with national issues relating to custody visiting
- Carry out review meetings with all new recruits and every three years thereafter with all Custody Visitors
- Deal with any problems or issues that arise in the running of the Scheme, including any concerns about the conduct, performance or participation of individual Custody Visitors

3. INDEPENDENT CUSTODY VISITORS

3.1 Eligibility

Subject to the requirements set out below, any person over the age of 18 years (at the time of appointment) and residing or working within the six counties which comprise the North Wales policing area may be considered by the Office of the Police and Crime Commissioner for appointment as an Independent Custody Visitor. Independent Custody Visitors should be independent persons of good character. All applicants will be asked to include on their application forms details of any convictions, other than those which are spent by reason of the Rehabilitation of Offenders Act 1974, to consent to police vetting enquiries being made prior to initial appointment and prior to the renewal of existing contracts. Applicants will be expected to demonstrate good communication skills and the ability to work with others.

Applicants will also be required to complete a medical health questionnaire prior to appointment and prior to the renewal of existing contracts.

The Office of the Police and Crime Commissioner will not appoint serving or former magistrates, serving or former police officers, community support officers, police staff, special constables or appropriate adults as Independent Custody Visitors. Other people may be excluded, after discussion with the individual applicant, if they have a direct involvement in the criminal justice system such as solicitors or probation officers.

3.2 Recruitment

The Office of the Police and Crime Commissioner will recruit Independent Custody Visitors by inviting applications from, and representative of, the local community. This will be done by advertisements or other publicity via local media and any other means which the Office of the Police and Crime Commissioner may consider suitable.

The Office of the Police and Crime Commissioner will seek to recruit Visitors from all sections of the community to reflect its diversity in relation to race, disability, gender, sexual orientation, religion and belief, age and Welsh language in accordance with the Office of the Police and Crime Commissioner's policies. On the website of the Office of the Police and Crime Commissioner we ask people to contact us if they would be interested in becoming a Custody Visitor, with consent details are kept on a database by the Scheme Administrator and contact made when a vacancy arises.

3.3 Application Process

Interested parties will be sent an Application Pack containing background information about the Independent Custody Visiting Scheme, an Application Form, Job Description, Person Specification and an Equal Opportunities Monitoring Questionnaire. (Appendix A)

Each application will be treated on its merits, but the over-riding factor will be to prevent possible conflicts of interest for individuals, and to maintain the independence and integrity of the Scheme as a whole.

Where an applicant has convictions (whether spent or unspent) 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 suitability to become an Independent Custody Visitor. However, past offending is not an automatic barrier to acceptance.

The Chief Executive will have the final decision on suitability for appointment, see Appendix C – Confirmation of appointment, re-appointment and appeals procedure.

3.4 Selection

Applicants will be invited to a formal interview conducted by the Scheme Administrator and the Co-ordinator for the area to which the applicant may be appointed.

Following the interviews, a decision will be made by the interviewing panel as to whom should be appointed and this will be reported to the Independent Custody Panel at its next meeting. The Office of the Police and Crime Commissioner will not enter into discussions or correspondence concerning unsuccessful applications. No person shall be appointed as an Independent Custody Visitor without an interview taking place.

The Office of the Police and Crime Commissioner will endeavour to ensure that the overall team of Independent Custody Visitors is representative of the local community and provides a suitable balance in terms of age, gender and ethnicity.

All reasonable adjustments will be made to accommodate those with disabilities and those who do not have Welsh or English as their first language where they are considered suitable candidates.

3.5 Training

(i) One-day Training Course

All Independent Custody Visitors will be required to attend a one-day training course prior to taking up their custody visiting duties.

The Office of the Police and Crime Commissioner will provide training on the role and responsibilities of the Independent Custody Visitor. The training is designed to equip newly appointed Custody Visitors with the knowledge and skills to be effective in carrying out their role.

(ii) Training Visit to a Custody Suite

All Independent Custody Visitors are required to attend a training visit to a custody suite prior to taking up their duties.

(iii) Training Accompanied Visits

Custody Visitors are required to complete at least two custody visits in the company of experienced Custody Visitors as part of their training and prior to taking up their role. The “trainee” will be the third person in each of these training visits (see para 4.2 – Visiting in Pairs).

In addition to the initial training, Custody Visitors are required to attend training seminars arranged, as appropriate, during their period of appointment. These training seminars may be held as part of the quarterly panel meetings.

3.6 Appointment and Accreditation

Successful applicants will be invited to become an Independent Custody Visitor and asked to sign a Memorandum of Understanding (Appendix B) summarising their agreed responsibilities and the legitimate expectations of both parties.

The Office of the Police and Crime Commissioner will issue each Custody Visitor with an identity card stating their name, title, their photograph and expiry date. The identity card will authorise the holder to visit any “designated” or “non-designated” Custody Suite in North Wales. In practice, visits will normally be confined to the police area for which the Custody Visitor is appointed, or another previously agreed area. This will be confirmed to each individual on appointment. Custody visits outside these areas will only take place with prior approval of the Co-ordinators appointed by the Office of the Police and Crime Commissioner in the areas concerned and the Scheme Administrator.

Independent Custody Visitors’ identity cards must 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 withdrawn and that person’s appointment as an Independent Custody Visitor may be terminated.

3.7 Probationary Period

On appointment, Custody Visitors will serve a six-month probationary period. The number of visits made and any issues raised during the probationary period will be monitored by the Scheme Administrator and any areas of concern will be discussed with individual Custody Visitors at their six-month review meeting.

Successful completion of the six-month probationary period will be confirmed in writing to individual Custody Visitors. Appointments will subsequently be renewable after a period of three years, however the key factors in renewing appointments of further periods must be the continuing ability and willingness of the Custody Visitors to carry out the role effectively. Consideration will also be given to attendance at meetings, training and other events arranged.

Custody Visitors may only serve three terms of three years, a maximum of nine years to protect the independence of the scheme.

3.8 Termination of appointment of Custody Visitors

Although the work is entirely voluntary, the Office of the Police and Crime Commissioner has the right to terminate the appointment of any Custody Visitor whose participation, performance or conduct is not of the required standard. Poor performance can relate, for example, failure to arrange a visit with your colleague, failure to attend for visits or complete adequate reports. The Custody Visitor will have a right to appeal against the Chief Executive's decision as set out in the Appeals Procedure (Appendix C).

In the event of misconduct the Chief Executive of the Office of the Police and Crime Commissioner will consider whether it is appropriate to terminate the appointment of that Custody Visitor (Appendix F). Misconduct may include matters such as misuse of the identity card, conviction for a criminal offence or abusing one's position as a Custody Visitor.

Custody Visitors **MUST** notify the Office of the Police and Crime Commissioner if they are arrested and charged with a criminal offence. In such circumstances, the Office of the Police and Crime Commissioner will suspend the appointment of that Custody Visitor until the outcome of any criminal proceedings is known. If the Custody Visitor is subsequently found to be not guilty, or if charges are dropped, s/he will be reinstated.

Where a visitor fails to make a custody visit within a 4-month period the Scheme Administrator will write to the person concerned to establish whether this is simply an oversight (e.g. because report forms have not been submitted), or to seek an explanation.

Where an individual has not made any visits for a 12-month plus period, and no acceptable reason for this has been notified to the Scheme Administrator, the Office of the Police and Crime Commissioner will consider terminating that person's appointment.

Non-attendance at training sessions without good reason may result in the termination of the appointment contract.

Continuous non-attendance at panel meetings without good reason or notice may result in the termination of the appointment contract.

4. INDEPENDENT CUSTODY VISITING ARRANGEMENTS

4.1 Number of Custody Visitors

The Office of the Police and Crime Commissioner, in consultation with the Chief Constable, will appoint sufficient Custody Visitors to ensure that appropriate numbers of random visits are made to designated Custody Suites throughout North Wales.

4.2 Visiting in Pairs

Independent Custody Visitors are required to visit in pairs at all times (except for training purposes). Any Custody Visitor arriving at a Custody Suite on their own will not be granted access to the custody area to make a custody visit.

Custody Visitors must not be accompanied by any unauthorised persons. Custody visits can only be made when accompanied by another accredited Custody Visitor. The Scheme Administrator will at least once every three years accompany visiting pairs to ensure effective visits are carried out.

4.3 Area Co-ordinators

The Office of the Police and Crime Commissioner will appoint one Independent Custody Visitor in each of the three areas of North Wales (Eastern, Central and Western) to act as Co-ordinators for the scheme. (Appendix D). The Co-ordinator for each area will be responsible for making arrangements for visiting in pairs, ensuring the minimum number of visits is carried out both by Custody Visitors and to Custody Suites. The Co-ordinator will be provided with other Independent Custody Visitors' telephone numbers for this purpose.

Independent Custody Visitor Co-ordinators are responsible for ensuring that each Custody Suite within their division receives adequate numbers of custody visits. Co-ordinators will also carry out periodic visits with each of their custody visitors to monitor standards.

Appointment of Co-ordinators will be considered at each AGM.

4.4 Frequency and Timing of Independent Custody Visits

Frequency and timings of custody visits are agreed between the Area Co-ordinators and Custody Visitors and should reflect the minimum/maximum number of recommended visits per annum. However, Independent Custody Visitors will normally be expected to make at least 10 visits per year. Care will need to be taken that custody visits, whilst sufficiently frequent to meet the objectives of the scheme, do not take place so frequently that they impair the efficiency of the administration of the Custody Suites concerned or the operational work of the officers attached to it. Custody Visitors should bear in mind that visits impose an unexpected responsibility on custody officers, and they should also be aware of possible delays during custody officers' change-over periods.

Custody Visitors should arrive at the Custody Suite without prior notice, and should try to avoid making visits at regular or predictable times.

Custody Suite	Recommended minimum number of visits per annum	Recommended maximum number of visits per annum
Wrexham (Eastern)	40	45
St Asaph (Central)	40	45

Caernarfon (Western)	36	40
Mold (Eastern) (Mothballed 2011)	Fortnightly when activated	
Holyhead (Western) (Mothballed 2012)	Fortnightly when activated	
Dolgellau (Western) (Mothballed 2017)	Fortnightly when activated	

4.5 Attendance at the Custody Suite

Custody officers will only respond to Custody Visitors attending in person at a Custody Suite. Telephone enquiries as to the custodial situation at a Custody Suite will not be responded to.

To emphasise their impartiality, Custody Visitors should not combine the making of a visit with the conduct of any other business at a Custody Suite.

4.6 Visits at the Request of the Police

Whilst visits should normally be unscheduled, there may be instances when there is particular tension within the local community about the treatment or well-being of one or more persons being detained at a Custody Suite. In such circumstances, the duty officer at that Custody Suite may invite Custody Visitors to attend, to allay myth and rumour. The police officer requesting the visit will be responsible for contacting the Area Co-ordinator who will make arrangements for two Visitors to make the visit. Names and telephone numbers of Area Co-ordinators, and in fact all Custody Visitors, will therefore be kept in the appropriate custody suite, for this purpose. (Appendix E).

It is recommended that police officers inform the Scheme Administrator that a visit has been requested.

4.7 Effective Working Arrangements

For the Scheme to be effective, it is essential that Custody Visitors maintain a professional working relationship with police staff 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.

In addition to maintaining a professional working relationship with police staff, Custody Visitors must also have the same regard for their fellow Visitors. All Custody Visitors must therefore be supportive and have a mutual respect for each other; work as a team, and play an active and equal part during the visits.

North Wales Police Force has adopted a Code of Ethics which applies to everyone who works for and visits North Wales Police.

Issues relating to non-effective working arrangements will be referred to the Chief Executive for his consideration, (see Appendix F).

5. CUSTODY VISITING PROCEDURES AT CUSTODY SUITES

5.1 On arrival at a Custody Suite

On arrival at the Custody Suite Custody Visitors must present their identity cards to the Custody Officer or Detention Officer who should then admit them into the Custody Suite immediately. There should be no reason for a delay at this point.

Where a Custody Suite is not staffed the Custody Visitors will use the phone outside the Suite concerned to inform the Force Communication Centre on 0300 330 0101 or 101 who they are and the purpose of their visit to the Suite. They will request to speak to an officer in the custody area to gain access to carry out a visit. In the event that the phone call, once transferred, remains unanswered, the Custody Visitors will hang up and phone the Communication Centre again in 5 minutes to confirm with the phone operator that the custody area is presently un-resourced. The Custody Visitors are then able to complete a report form indicating this and abort the visit.

5.2 Immediate Access to Custody Area

Custody Visitors should be admitted **immediately** to the custody area. If access is delayed this may affect the credibility of the custody visiting scheme. It is inappropriate for access to be delayed because the custody officer is busy. In such circumstances the Custody Visitors should be admitted to the custody area and invited to wait until the custody officer, or another officer who has been authorised by the custody officer, is available to escort them on the custody visit. It is recommended that access should be delayed only where the Custody Visitors may be placed in danger, for example if there is a disturbance in progress in the custody area. A full explanation should be given to the Custody Visitors as to why access is being delayed. This explanation must be included by the Custody Visitors in their report and endorsed by the custody officer as appropriate.

5.3 Access to the Custody Area

Custody Visitors will be allowed to inspect all parts of the custody area where the detainee has access e.g. cells, detention rooms, charging areas, kitchens or food preparation areas and medical room (this does not however include access to locked drugs cabinets). Custody Visitors will wish to satisfy themselves that these areas are clean, tidy and in reasonable state of repair and decoration, and that bedding in cells, when appropriate, is clean and adequate. It is not necessary to inspect stores but Visitors should establish that suitable arrangements exist for adequate stocks of mattresses and blankets and for the cleaning of such items, and for regular

replacement of necessary furnishings and equipment. Visitors should also ensure that there are adequate supplies of appropriate food and drinks and religious material. Visitors are also asked to ensure that the Defibrillator checks have been carried out by Custody Staff. They may inspect empty cells and detention rooms to check heating/ventilation systems and that cell bells and toilet flushing mechanisms are working properly. They may visit interview rooms in the custody area if unoccupied. They should check that any CCTV systems installed to observe the custody area of individual cells are operating properly. Custody Visitors may not visit CID rooms or other operational parts of the Custody Suite.

5.4 CCTV Footage

Custody Visitors should carry out their functions in person and not by viewing either live CCTV pictures or recorded footage. Their role is fundamentally interactive with both detainees and custody officers and detention officers and cannot be discharged remotely.

5.5 Security and Safety

In the interests of security and the safety of Custody Visitors, the custody officer or detention officer will accompany Custody Visitors during visits.

In addition to any risk of violence from detainees, custody officers should also be alert to any specific health and safety risks Custody Visitors might face and should advise them as appropriate. For example Custody Visitors should always be told if there is a possibility of them coming into contact with detainees or cells exposed to Captor Incapacitant.

5.6 Access to Detainees

Subject to paragraphs 5.9 and 5.13 below, Custody Visitors may have access to any person detained at a Custody Suite.

Detainees will fall into the following categories:

PACE prisoners

These will constitute the vast majority and are held under the provisions of the Police and Criminal Evidence Act 1984.

Home Office prisoners

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

Immigration detainees

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

People at risk

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

Operation Safeguard

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

Clearly the rights and entitlements of Operation Safeguard detainees differ from other detainees and the Office of the Police and Crime Commissioner should ensure that Custody Visitors are aware of the rights and entitlements of Operation Safeguard detainees. As with all detainees, grievances or concerns should continue to be raised with the custody officer.

Custody Visitors may also have access to remand and sentenced prisoners held in magistrates' courts cells. They are not however, permitted to visit persons held in magistrates' courts cells awaiting their case being heard in court.

The custody officer should inform Custody Visitors if a detainee has been subjected to Captor Incapacitant (see para 5.28 for further details).

5.7 Persons detained under Section 136 of the Mental Health Act 1983

Custody Visitors should have access to persons detained under S. 136 of the Mental Health Act 1983.

Mental health revisions include that children cannot be held in police stations or custody suites as places of safety under the Mental Health Act 1983.

In exceptional circumstances vulnerable adults may be held in custody as a place of safety for 24 hours, extendable by up to 12 hours if the person cannot be assessed for clinical reasons.

Although under the Policing and Crime Act 2017 which prohibits the use of Section 136 detention in custody unless there are exceptional circumstances, this can be used if the individual has been charged under PACE. Once the PACE offence has been disposed of Section 136 can be applied.

5.8 Consent to Custody Visits by Detainees

Detained persons are not obliged to see Custody Visitors or to answer questions. The Scheme in North Wales operates a "self introduction" procedure. Before the

escorting officer opens the cell door he/she will check to ensure that the detainee is not agitated and is sitting down, etc.

The escorting officer will say **“There are a couple of independent people here to see you, they can explain who they are, are you happy to speak to them?”**

A standard form of words will be used by the Custody Visitors when the detainees are asked if they wish to be seen. It will usually take the following format:-

“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. Can we speak with you for a couple of minutes?”

Can we also have a look at your custody record for this occasion?”

NOTE: Although the standard form of wording is part of the Independent Custody Visiting Scheme, it is used only as a guide. Provided the Custody Visitors are satisfied that they have explained their role (with particular emphasis on the independence of the Custody Visitors) this is accepted as a reasonable approach.

Visitors must get a verbal acceptance for the visit and this must be noted on the relevant paperwork, ie the checklist. A verbal acceptance must also be noted if the detainee agrees that the custody record can be viewed. The visit can proceed if the detainee agrees.

If the detainee refuses the visit, the Custody Visitors must leave the cell. This is considered a refusal even though the Custody Visitors have made verbal contact with the detainee.

Custody Visitors must always follow the advice given by the escorting officer not to visit a detainee if there is a risk of aggress/violence.

The escorting officer may be out of hearing during the visit, but must remain in sight of Custody Visitors and detainees at all times.

5.9 Detainees who are unable to consent to a custody visit

If a detainee is under the influence of alcohol, drugs, or other substance, to such an extent that he or she is unable to give consent or otherwise, or is for some other reason unable to indicate willingness or otherwise to be seen, the escorting officer should, if the Custody Visitors so desire, allow them access unless it is considered that their safety could be at risk. If the escorting officer judges it to be too dangerous for the Custody Visitors to enter the cell they may wish to talk to the detainee through the hatch in the cell door. If the detainee is comatose the escorting officer should allow access if the Custody Visitors wish to satisfy themselves of the detainee’s well-being.

If a detainee for any reason is incapable of deciding whether to allow access to their custody record, the presumption must be in favour of allowing Custody Visitors to examine it. (Home Office Code of Practice).

5.10 Detainees who are Asleep

If detainees are asleep the Custody Visitors should decide whether or not to have them awakened to establish whether or not they wish to be visited. Custody Visitors should however bear in mind the provision in Code C of the Codes of Practice under the Police and Criminal Evidence Act 1984 that a detained person under investigation must be allowed a continuous period of eight hours rest. In such circumstances, or where the detainee may become violent, the escorting officer will advise that the detainee must not be disturbed, but can be observed through the cell hatch. If the Custody Visitors consider it necessary to wake the detainee, it is the responsibility of the escorting officer to do this.

5.11 Access to Young persons

A young person may be visited with his or her consent. It is not necessary to obtain the additional consent of a parent or guardian. If an Appropriate Adult is in attendance to support a young person or vulnerable person, the detained person's wishes should be sought and respected as to whether the Appropriate Adult should be present during the visit.

Young people should not be placed in cells unless no other secure accommodation is available and the custody officer considers that it is not practicable to supervise them if they are not placed in cells. If a young person is kept in a cell, Custody Visitors should seek an explanation from the custody officer and check that this has been recorded on the custody record.

5.12 Appropriate Adults

Custody Visitors may not act as appropriate adults except for their own child or vulnerable adult, if they are a relative, guardian or other person responsible for their care or custody.

5.13 Detainees who are being Interviewed

If a person is being interviewed, the interview will not be interrupted. If the Custody Visitors wish to see the person later in the visit after the interview had been completed they may do so but may, if necessary, have to wait for this purpose.

5.14 Restrictions on Access to Detainees

In exceptional circumstances the police may judge that it is necessary for a detained person not to be seen by Custody Visitors in order to avoid any possible risk of prejudicing an important investigation.

Any decision to deny Custody Visitors access to a detained person should be taken by an officer of or above the rank of inspector and recorded in the custody record. The decision to deny access should be taken in each case in the light of all relevant circumstances.

There should be no presumption that access should be denied to any particular category of detainee or because a decision has been made that a person should be held incommunicado.

An explanation of the reasons for refusal should be given to the Custody Visitors on each occasion and recorded in the custody record e.g. Terrorism Act (TACT prisoners).

5.15 Conversations between Detainees and Custody Visitors

Where practicable, the escorting officer will be out of hearing during the visit, but must remain in sight of both Custody Visitors and detainees. If for some reason the police decide that the escorting officer should remain within hearing, this decision must be taken by the duty Custody Officer or some other senior officer at the Custody Suite. Custody Visitors should bear in mind, however that some detained persons may be violent or under the influence of alcohol, drugs or other substances and that the presence of the escorting officer may deter assaults on the Custody Visitors.

Conversations must focus on checking whether or not detainees have been offered their rights and entitlements under PACE.

Custody Visitors should also be alert to the possibility of unwittingly relaying/repeating information from one detainee to another. Conversations between Custody Visitors and detainees are not privileged and Custody Visitors have a civic responsibility to report/disclose any information given. It is the Custody Visitors responsibility to make detainees aware that any disclosure they may make during their conversations will be reported to the custody officer.

Custody Visitors must remain impartial and must not seek to involve themselves in any way in the process of investigation. If a detainee seeks to make admissions or otherwise discuss an alleged offender, the Custody Visitor must tell them that the relevant contents of the visit may be disclosed in legal proceedings.

If a detainee indicates that they may harm themselves or any other person, this must immediately be brought to the attention of the custody officer.

5.16 Interpreter Service

North Wales Police subscribe to a contracted interpreter service. Interpreters are fully trained to have a good command of both English and the language from which they interpret.

If Custody Visitors encounter a detainee who is unable to speak English, they will use a translation booklet with a list of questions in the most used languages in North Wales.

If they have not been able to communicate using the translation booklet the Custody Visitors should explain to the escorting officer that they wish to use the Force's contracted interpreter service facility.

Having got the interpreter on the line, the Custody Visitor should explain his/her role and the questions s/he wishes to ask of the detainee. The Custody Visitor then passes the telephone handset back and forth between him/herself and the detainee.

5.17 Access to Custody Record

If any detainee, including a young person, refuses access to the custody record, Custody Visitors will not be allowed to see it. If a person is incapable of giving consent by virtue of mental illness, disability, being comatose or incapacitated through the influence of drugs, alcohol or other substance, the presumption must be in favour of allowing the Custody Visitors to examine it. Except where a detainee objects, the Custody Visitors will be shown the parts of the custody record relating to the provision of welfare, and those aspects covered by the Codes of Practice contained within the Police and Criminal Evidence Act 1984, whilst within police detention.

5.18 Documentation

The proper maintenance of contemporaneous records plays an important part in the application of the rules governing the treatment of detained persons and the process of supervision. Custody Visitors will therefore wish to satisfy themselves that the custody record fully and properly records the action taken in connection with detainees while in police custody. Custody Visitors may not see other police documents concerning the detainee or medical records. The custody record should include all relevant information about necessary medication for a detainee and the frequency of administering it. Custody officers are responsible for ensuring that medication is given at appropriate times.

Subject to obtaining the detainee's consent to view their custody record, Custody Visitors should check its contents against what they have been told by the detainee. In particular, Custody Visitors 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 detainee have been properly recorded
- the timing and frequency of cell inspections of inebriated or otherwise vulnerable detainees
- the timing of reviews of the continuing need for detention

5.19 Treatment of Detainees

Custody Visitors should satisfy themselves that the detainees have had their statutory rights explained and 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 the PACE Codes of Practice.

5.20 Medical Conditions

Custody Visitors will wish to pay particular attention to detained persons who are suffering from any form of illness, injury, physical or learning disability, or mental health condition. They should satisfy themselves that, if appropriate, a medical examiner has been called and establish from the custody officer what instructions for medical treatment have been given and confirm by consulting the custody record. If the necessary permission has been granted, that these instructions have been carried out Custody Visitors may visit detainees (but not persons released from custody) in hospital, whether or not under police guard, subject to the agreement of both the custody officer and the hospital authorities. To prevent a wasted journey it may be advisable to establish via the hospital whether the detainee is willing to talk to the Custody Visitors. Where a detainee in hospital is under police guard, the police officer will remain at all times with the detainee. Access to the custody record can be permitted only if the detainee has given consent in the normal way.

5.21 Deaths in Custody

All deaths in custody are the subject of a Coroner's inquest and investigation by the Independent Office for Police Conduct (IOPC) to which the police will report formally. Where a death in police custody occurs, the Chief Inspector Custody Lead or Custody Policy Inspector will notify the Scheme Administrator—with such information as they consider appropriate. The Scheme Administrator will notify the Custody Visitors for that area - out of courtesy and for information only.

5.22 Complaints by Detainees

It is important to distinguish between complaints by detainees about their general treatment or conditions of detention and a complaint of misconduct made by a detainee against a police officer or staff. The former may encompass complaints such as that detainees had not been notified of their statutory rights or had not received entitlements under the PACE Codes of Practice. Such complaints are clearly for Custody Visitors to pursue with the custody officer, or senior officers at the Custody Suite, at the time of the visit.

5.23 Complaints of Misconduct against a Police Officer

In order to maintain their strict impartiality, Custody Visitors should not take up individual cases or make representations on behalf of detainees.

However, where a detainee, during the course of a visit, complains about misconduct and/or assault by a police officer, the Custody Visitors need to establish if the detainee wishes the complaint to be pursued.

If a detainee wishes to make a complaint of misconduct and/or assault by a police officer, the Custody Visitors should initially advise the detainee to bring the matter to the attention of the duty inspector. The Custody Visitors should also suggest that the detainee may wish to consider seeking legal advice before making the complaint. Where a complaint of physical assault has been made, the Custody Visitors should suggest that the detainee asks to see a doctor. (N.B. upon receipt of a formal complaint, the duty inspector will, in any event, arrange for the detainee to be seen by a doctor).

The information should be recorded on the feedback report.

5.24 Complaints of Misconduct against an Independent Custody Visitor

For details of the procedure the Office of the Police and Crime Commissioner will follow if a complaint is received about the misconduct by a Custody Visitor see Appendix F.

5.25 Complaints against the Police

Where a Custody Visitor makes a complaint against the police which is recorded, whether in the role as a Custody Visitor or as a private individual, the Scheme Administrator must be informed. The full details will then be put before the Chief Executive who will decide whether the duties of the Custody Visitor should be suspended or curtailed in the interests of impartiality.

5.26 Prisoner Escort and Custody Services and Custody Observers

The Criminal Justice Act 1991 makes provision for the contracting out of the court escort and custody service. Section 81(1)(b) of the Act requires the appointment of a panel of custody observers who will inspect and report to the Secretary of State on the work of the contractor. Custody observers will be responsible for inspecting the conditions of both Crown Court and Magistrates Court cells within their areas. In addition, they will inspect conditions at police cells when those cells are being used to hold remand and sentenced prisoners in the contractors custody. They will also inspect conditions in which remand and sentenced prisoners are conveyed and will have access to prisons within the area solely to perform that inspection

In practice, Custody Visitors will continue to have access at all times to:-

- All PACE detainees
- Persons held under immigration regulations
- Persons held under S. 136 of the Mental Health Act 1983
- Remand and sentenced prisoners (NOT in the contractors custody)
- All areas of a Custody Suite in which detainees may be held (except interview rooms and medical rooms when in use)

- Additionally, Custody Visitors will be allowed access to remand and sentenced prisoners in the contractors' custody at Custody Suites when they have become the responsibility of the custody officer.

5.27 Remand and Sentenced Prisoners

These prisoners are held under the Prison Service Order 1801 (PSO 1801) and require a higher degree of confidentiality when undertaking visits with Custody Visitors under this order. Custody Visitors must give an undertaking not to disclose the names of the persons visited or information obtained in the course of the visit. There is no requirement for Custody Visitors to be made aware of the reason why the person is being detained at the Custody Suite. In such instances Custody Visitors are to ensure that the rights and entitlements granted by the Governor and the general requirements under PACE Code C, sections 8 and 9 are complied with.

However, there are categories of prisoners held under PSO 1810 who are assisting police with their inquiries and wish knowledge of their identity and engagement with the police to be confidential and limited. Therefore the Governor of Directors of Contracted Out Establishments will inform the prisoner of their entitlement to be visited by an Independent Custody Visitor. If the prisoner wishes such a visit to take place, the Chief Executive of the Office of the Police and Crime Commissioner will be notified and suitably vetted Custody Visitors will be appointed to conduct the visit. The content of the Custody Visitors' report will be treated as confidential and passed to the Chief Executive of the Office of the Police and Crime Commissioner.

Remand and sentenced prisoners held in Custody Suites or Police Stations who seek to complain about their conditions in or treatment in prison should be advised that Custody Visitors cannot involve themselves in such matters and that there are recognised procedures open to them such as writing to or petitioning the Home Secretary or writing to their solicitor or Member of Parliament.

The contractors for the court escort services also have their own procedures for recording complaints about their staff. Any complaint alleging a criminal offence will be reported to the police and the H.M. Prison Monitor Service immediately.

Any complaint made to the contractor which amounts to a police complaint will be referred to the police for investigation as at present.

5.28 Detainees who have been subjected to Captor Incapacitant

Custody Visitors may in the course of their visits encounter detainees who have been sprayed with Captor Incapacitant during their arrest. Custody Visitors may wish to assure themselves of the health and well being of such persons however, they should bear in mind the advice contained in Appendix G of these Guidelines. If Custody Visitors believe that the detained person is suffering due to the after effects of Captor Incapacitant they should bring this to the notice of the custody officer who has responsibility for seeking medical assistance.

6. IMPARTIALITY AND CONFIDENTIALITY

6.1 Advice

Custody Visitors must not involve themselves in individual cases to the extent of offering advice about whether or not detainees should make a statement or otherwise co-operate with police enquiries. Such advice would be inconsistent with the Custody Visitors' independence from the processes of investigation. Custody Visitors should therefore confine their discussions to the conditions in which persons are detained and their treatment, even though some persons will naturally wish to ask advice about their possible defence, particularly if they have not already received legal advice. In the interests of maintaining impartiality Custody Visitors must not visit friends or relations who are in custody.

If an Independent Custody Visitor encounters someone who is known to them, a decision must be taken whether to abort the visit.

6.2 Contact with Persons outside the Custody Suite

Custody Visitors must not agree to make contact with any person outside the Custody Suite at the request of a detainee. Neither must they agree to pass on a message to any other detainee within the Custody Suite or offer to perform other tasks on their behalf, and must immediately notify the custody officer of any such request.

6.3 Custody Visitors giving evidence in Criminal Proceedings

Conversations between Custody Visitors and detainees are not privileged and it would be open to a court to issue a witness summons requiring the attendance of Custody Visitors to give oral evidence or to produce documents such as a report on a particular custody visit. Custody Visitors are under no obligation to give evidence or produce documents otherwise than in response to a Court Order, but would be obliged to respond to such an Order.

6.4 Confidentiality

Custody Visitors will acquire considerable personal information about persons in police custody.

The great majority will not yet have appeared before a court, and many never will. Personal information relating to detainees must be protected against improper or unnecessary disclosure. Custody Visitors will therefore be asked to give an undertaking (included on the custody visit report form) not to release the identity of/or information capable of identifying any person in police custody (except where a visit has exceptionally been arranged in connection with the treatment of a particular person). It is desirable, in the interests of the strict application of the principles of confidentiality, that Custody Visitors do not name or otherwise identify persons in custody even in reports to or in discussion with fellow Custody Visitors or the Office of the Police and Crime Commissioner.

Custody Staff are not to disclose the details of the offence or any information on why a person is detained to the Custody Visitors.

6.5 Breach of Confidentiality

Breach of this undertaking may make Custody Visitors liable to civil proceedings by the detained person concerned. Custody Visitors will also need to be aware that the unauthorised disclosure of the facts concerning police operations or the security of Custody Suites may constitute an offence under Section 5 of the Official Secrets Act 1989.

7. **CUSTODY VISITOR REPORTS AND FOLLOW-UP ACTION**

7.1 Completion of Custody Reports

A combined report of the two Custody Visitors shall be made on the form provided. The top copy (white) of the Custody Visitor report should be sent to the Office of the Police and Crime Commissioner using the pre-paid envelope provided. Both Custody Visitors should sign the form along with the custody officer. The pink and yellow copies will be left at the custody suite, the pink copy will be retained there and can be inspected on following visits. The yellow copy of the report will be referred to the Policy Custody Inspector, St Asaph Custody for any necessary action relating to comments made by the Custody Visitors.

7.2 Reports on Unsatisfactory Treatment and Conditions

If Custody Visitors discover any aspect of the treatment of detainees or conditions at the Custody Suite which are unsatisfactory, they should be included in the report and raised with the custody officer at the time. All such comments must be drawn to the immediate attention of the appropriate Custody Inspector. This action should be taken, for example, if a detained person makes a complaint of assault or ill-treatment, or appears to have sustained an injury which is not recorded on their custody record. Any action which the custody officer takes at the time of the custody visit should also be recorded on the report form.

7.3 If the custody officer is not in agreement with the comments recorded on the report form of any unsatisfactory treatment and conditions the custody officer should raise the issue during the visit so that any misunderstanding can be immediately rectified. In the event of extreme pressure of business during the time of the visits any further comment must be made in writing and forwarded to the Custody Inspector and Scheme Administrator within **24 hours** of the visit.

7.3 Reports on Conduct during the Visit

Any issues relating to conduct of a member of the Custody Staff must be included on the report form and brought to the immediate attention of the appropriate Custody Inspector.

7.3 Reports on Issues Arising out of Custody Visits

The Scheme Administrator will call regular meetings of Custody Visitors which will allow the discussion of visiting arrangements within the area and any concerns to be brought to the attention of the Policy Custody Inspector. Issues arising out of visits will also be submitted to the Office of the Police and Crime Commissioner.

8 **MONITORING OF THE SCHEME**

The Chief Executive will be responsible for monitoring the scheme.

Should any difficulties arise during a custody visit, the problem should be brought to the attention of the Scheme Administrator by the Custody Visitors or the custody officer, as appropriate. See Appendix E for contact details.

9 **ADDITIONAL INFORMATION**

9.1 Expenses

The work is entirely voluntary, but expenses will be payable to all Custody Visitors as noted in the Scheme's Travel and Subsistence Expenses Policy (Appendix I). Only public transport fares or private car mileage at the agreed rate will be paid. Taxi fares are recoverable only when attending events approved by the Office of the Police and Crime Commissioner. Other reasonable expenses incurred could be payable at the discretion of the Chief Executive. Claims must be made via DutySheet. Custody Visitors using their own motor vehicles to and from their visits and associated meetings need to advise their insurers about the duties.

Car Sharing is encouraged for all journeys.

9.2 Insurance

The Office of the Police and Crime Commissioner has arranged appropriate insurance for Custody Visitors to cover them during a custody visit to a Custody Suite.

9.3 Vaccinations

Custody Visitors are advised to be immunised against Hepatitis B and Tetanus. The cost of immunisation will be paid for by the Office of the Police and Crime Commissioner upon receipt of a paid account.

9.4 Guidelines

A copy of these Guidelines will be placed within the custody area of every "designated" Custody Suite within North Wales for the information of custody staff, and so that they may be referred to by Custody Visitors and police officers alike.

9.5 Disposing of Documentation

At the termination of their agreement, Independent Custody Visitors must ensure that any documentation relating to their role is returned to the Scheme Administrator.

9.6 Equal Opportunities and Diversity

The Office of the Police and Crime Commissioner is firmly committed to equality and diversity in all areas of its work.

We believe that we have much to learn and profit from diverse cultures and perspectives, and that diversity will make our organisation more effective in meeting the needs of our stakeholders. We are committed to developing and maintaining a body in which differing ideas, abilities and backgrounds are fostered and valued, and where those diverse backgrounds and experiences are able to participate and contribute. The Office of the Police and Crime Commissioner will regularly evaluate and monitor its progress towards diversity.

10 PUBLICITY GUIDELINES

10.1 General

It is generally desirable that the role and aims of the scheme should be promoted to the public. Custody Visitors must, however, bear in mind that the purpose of publicity is to inform the public about the scheme and not draw attention to individual cases or to themselves. Custody Visitors should not discuss the cases of individuals with whom they come into contact during visits to Custody Suites and under no circumstances should individual contacts or specific events be discussed except in general, anonymous, terms which support any explanation of the purpose of the scheme. Any invitation to speak to the press, or local groups or organisations about any aspect of custody visiting should be referred to the Office of the Police and Crime Commissioner and should not be undertaken by individual Custody Visitors except at the request of the Office of the Police and Crime Commissioner, who will in normal circumstances have consulted with the Chief Constable.

Custody Visitors should remember that they are accountable to the Office of the Police and Crime Commissioner and not to the press or individual members of the public.

10.2 Confidentiality

Custody Visitors' names and telephone numbers are given by the Office of the Police and Crime Commissioner in strictest confidence, purely for convenience in making contact. Such details must not be disclosed to any other person.

Attention is also drawn to paragraphs 6.4 and 6.5 regarding confidentiality whilst undertaking the duties of a Custody Visitor.

OFFICE OF THE POLICE AND CRIME COMMISSIONER NORTH WALES

PERSON SPECIFICATION

Essential Criteria

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

Desirable Criteria

1. Some knowledge of Independent Custody Visiting
2. To demonstrate ability to complete forms clearly and concisely
3. To demonstrate mobility in relation to undertaking visits

OFFICE OF THE POLICE AND CRIME COMMISSIONER NORTH WALES**JOB DESCRIPTION**

Role: Independent Custody Visitor

Overall Purpose: Independent monitoring of the welfare of detainees and the conditions in which they are detained.

Duties and Responsibilities:

1. To undertake custody visits with fellow custody visitors, in line with Independent Custody Scheme Guidelines.
2. To keep the Scheme Administrator informed of any problems arising from custody visits.
3. To carry out custody visits to Custody Suites in line with the Independent Custody Scheme Guidelines and training.
4. To check on the conditions in which a detainee is kept, their health and wellbeing and their legal rights and entitlements, with reference to the Police and Criminal Evidence Act, Code C.
5. Where appropriate consult the detainee's custody record to clarify and check any concerns raised by the detainee.
6. To discuss with the Custody Officer any concerns and requests arising from the custody visit and bring to the custody officer's attention any issue that needs to be dealt with.
7. To complete the Independent Custody Visitor Report, ensuring that all relevant information is recorded correctly, clearly and concisely.
8. To distribute copies of the Independent Custody Visitor Report to the appropriate people.
9. To complete and submit expense claims in line with the Independent Custody Scheme Guidelines.
10. To attend continuous training sessions as appropriate.
11. To attend as appropriate meetings of Independent Custody Visitors.
12. To carry out the duties of an Independent Custody Visitor with regard to the Health and Safety requirements of the Independent Custody Visiting Scheme.
13. To carry out the duties of an Independent Custody Visitor as set out in the Independent Custody Visiting Scheme Guidelines.

OFFICE OF THE POLICE AND CRIME COMMISSIONER NORTH WALES**MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding, together with the Independent Custody Scheme Guidelines which will be issued to you, will form the basis of an agreement between yourself and the Office of the Police and Crime Commissioner. The document highlights what the Office of the Police and Crime Commissioner require from individual Independent Custody Visitors, and what Independent Custody Visitors can expect from the Office of the Police and Crime Commissioner.

1 IDENTITY CARDS

Your Custody Visitors identity card will be valid for the whole period of your appointment.

Although the identity card does, in theory, authorise you to visit any designated Custody Suite within North Wales, in practice your visits will be confined to your designated area, either Eastern, Central or Western Area. Visits to Custody Suites within any other Area should be made only through the Co-ordinator for that Area or only at the specific request of the Office of the Police and Crime Commissioner or North Wales Police.

The identity card should only be used for the purpose of making custody visits. If it used for any other purpose, it will be withdrawn and your appointment as a Custody Visitor may be terminated. The identity card must be used on all visits and your entry to a custody suite will be dependent upon production of it.

When you cease to be a Custody Visitor your identity card and all documentation relating to the scheme must be surrendered to the Scheme Administrator.

2 PROBATIONARY PERIOD

On appointment you will serve a six-month probationary period. The number of visits made and any issues raised during the probationary period will be monitored by the Scheme Administrator and any areas of concern will be discussed with you.

Successful completion of the six-month probationary period will be confirmed in writing to you.

3 VISITING IN PAIRS

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

No more than two people should make a custody visit together (other than for training purposes).

4 NUMBER OF VISITS

You are expected to make a minimum of 10 visits per year; if there are exceptional circumstances which prevent you from fulfilling this requirement, you should ensure that the Scheme Administrator is aware of these.

5 CHANGE IN CIRCUMSTANCES

You are expected to notify the Office of the Police and Crime Commissioner of any change in circumstances which will affect your position as a Custody Visitor, e.g.

Relevant changes include: - change of spouse or partner, change of co-habitee details, change of address, financial difficulties, i.e. bankruptcy, adverse County-Sheriff Court Judgement, entry into an Individual Voluntary Arrangement (IVA), are arrested, if you are summoned to appear before a Court as a defendant, charged or cautioned with a criminal offence, involvement or conviction in a criminal investigation, receipt of a fixed penalty notice, known or suspected criminal association, relevant changes in medical condition (to notify Occupational Health), or other relevant matters. You should also report any new employment or appointments, if you become a magistrate, appropriate adult, special constable, police officer, probation officer, or undertake any other work which may present you with a conflict of interests.

The Office of the Police and Crime Commissioner must report all changes of circumstances that raise concern to the Vetting Officer. A change in circumstances may result in the withdrawal of vetting clearance and termination of the appointment contract.

Failure to notify relevant changes may also result in the withdrawal of vetting clearance.

If you are successful in being appointed for a further term of appointment, the Office of the Police and Crime Commissioner will make additional police checks in connection with your appointment as a Custody Visitor.

6 TRAINING

In addition to your initial training you are required to undertake a training visit to a custody suite. You are also required to complete at least two custody visits with an experienced Custody Visitor as part of your training and prior to taking up your role as a Custody Visitor.

You will also be expected to attend further training sessions, conferences, etc as required by the Office of the Police and Crime Commissioner.

Non-attendance at training sessions without good reason may result in the termination of your appointment contract.

7 MEMBERSHIP OF CUSTODY VISITING PANEL/ATTENDANCE AT PANEL MEETINGS

You will be a member of the Custody Visitor Panel and will be expected to attend panel meetings where issues of concern resulting from visits can be raised and discussed.

Continuous non-attendance at panel meetings without good reason or notice may result in the termination of your appointment contract.

8 IMPARTIALITY AND CONFIDENTIALITY

You should not involve yourself in individual cases or give advice to detainees. You shall not, either during your service as a Custody Visitor, nor at any time after its termination, use for your own purposes (or for any purposes other than those of the Office of the Police and Crime Commissioner) or divulge to any person, corporation, company, or other organisation whatsoever, any confidential information which may come to your knowledge during your voluntary service.

Any breach of a detainee's confidentiality may make Custody Visitors liable to civil proceedings by the person concerned.

9 DATA PROTECTION

You are required to give confidential and loyal service to the Office of the Police and Crime Commissioner. This includes a requirement to exercise care in the use of information which you may acquire in the course of your official duties and to protect information which is held in confidence. You are subject to the Official Secrets Acts, 1911 and 1989, Data Protection Act 2018 or any amending legislation including the General Data Protection Regulation EU2016/67 and Computer Misuse Act 1990.

10 DOCUMENTATION

You are required to complete reports for every custody visit made (even when there was no one in custody) and submit them promptly to the Office of the Police and Crime Commissioner.

All documents should be returned to the Office of the Police and Crime Commissioner which will be processed in accordance with their Retention and Destruction Policy.

11 EXPENSES

The role of an Independent Custody Visitor is entirely voluntary, but Custody Visitors are reimbursed travelling expenses incurred whilst undertaking custody visiting duties. Travelling expenses incurred will be paid at the appropriate rate in operation at the time.

Custody Visitors using their own motor vehicles to and from their custody visits are advised to inform their motor vehicle insurers about their duties.

12 IMMUNISATION

You may wish to seek advice from your own Doctor about appropriate immunisation. The cost of immunisation will be paid for by the Office of the Police and Crime Commissioner upon receipt of a paid account.

13 INSURANCE

The Office of the Police and Crime Commissioner has a personal accident insurance policy to cover Custody Visitors whilst undertaking custody visiting duties.

14 PUBLICITY

Any requests you receive to comment publicly about your role as a Custody Visitor should be notified and cleared in the first instance by the Office of the Police and Crime Commissioner.

15 QUERIES

Queries on any aspect of the Scheme should be made to the Chief Executive, on 01492 805486.

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

Signed:	Signed:
Chief Executive:	Name:
Date:	Date:

The Office of the Police and Crime Commissioner reserve the right to terminate your membership of the Scheme should any of the guidelines or this agreement be contravened.

OFFICE OF THE POLICE AND CRIME COMMISSIONER NORTH WALES**CONFIRMATION OF APPOINTMENT, RE-APPOINTMENT
AND APPEALS PROCEDURE****Aim**

- **To provide guidance to Independent Custody Visitors and the Office of the Police and Crime Commissioner**
 - **To set out an achievable timeframe for completing the appointment, re-appointment and appeals procedure**
 - **To provide a fair and balanced process to all parties concerned**
1. On appointment each Independent Custody Visitor is required to sign a Memorandum of Understanding which set out the Police and Crime Commissioner's expectations of Independent Custody Visitors and also what levels of support, training and feedback will be provided.
 2. All appointments are subject to a probationary period and appointments will only be confirmed on successful completion of this period. In deciding what is successful the Office of the Police and Crime Commissioner will consider the number of visits undertaken, feedback from fellow Custody Visitors, Custody Staff and Police Staff and the views of the Scheme Administrator.
 3. Following a satisfactory probation period, a Custody Visitor will be appointed for a three year period during which they will carry out their duties in accordance with the terms of the Memorandum of Understanding. Appointments will subsequently be renewable after a period of three years; however the key factors in renewing appointments of further periods must be the continuing ability and willingness of the Custody Visitors to carry out the role effectively.
 4. At the end of the probationary period each Custody Visitor will receive notification, in writing of the decision of the Chief Executive whether or not to confirm the appointment. **If the appointment is not confirmed, the Custody Visitor has a right of appeal against the decision to the Police and Crime Commissioner (see appeals process below).**
 5. At the end of each three year period of appointment and subject to the Custody Visitor personally wishing to continue, the Chief Executive will decide on whether to extend the term of appointment for a further period of three years. The Chief Executive will take into consideration the number of visits undertaken, feedback from fellow Custody Visitors, Custody Staff and Police Staff and the views of the Scheme Administrator. **If the appointment is not confirmed, the Custody Visitor has a right of appeal against the decision to the Police and Crime Commissioner (see appeals process).**

6. Custody Visitors may only serve three terms of three years this is to protect the independence of the scheme. There is no right of appeal against re-appointment if a custody visitor has already served nine years.
7. Individuals may apply for a position as a Custody Visitor following a three year break from the visiting scheme.

Appeal Process

The appeals procedure in relation to all matters regarding the appointment or re-appointment of Custody Visitors will be carried out as follows:-

1. The Custody Visitors will be told in writing by the Chief Executive of any matters of concern regarding the appointment or re-appointment.
2. A Custody Visitor has a right to appeal to the Police and Crime Commissioner against the Chief Executive's decision to refuse appointment or re-appointment.
3. The full grounds to appeal must be sent to the Police and Crime Commissioner within **28 working days**.
4. The Police and Crime Commissioner will be provided with the Chief Executive's decision and rationale and the Custody Visitor's submission for consideration. The Police and Crime Commissioner may seek the advice from a Human Resources representative to assist him with the appeal.
5. The Police and Crime Commissioner may ask to meet with the Custody Visitor to discuss the appeal and the Custody Visitor will be afforded the opportunity to ask any questions. The Custody Visitor may be accompanied by a friend.
6. If the Police and Crime Commissioner deems that the appeal has no prospect to succeed no meeting will be convened.
7. The determination of the appeal will be sent to the Custody Visitor as soon as practicable. The Police and Crime Commissioner will enter into no further discussions or correspondence concerning any refusal to appoint or reappointment.
8. If the appeal is upheld the Custody Visitor will be appointed/reinstated immediately as a Custody Visitor and will be added to the visiting rota.

OFFICE OF THE POLICE AND CRIME COMMISSIONER NORTH WALES

JOB DESCRIPTION

Role: Custody Visiting Coordinator

Appointment: The Office of the Police and Crime Commissioner will appoint one Custody Visitor in each of the three areas to act as Coordinator for the scheme.

Overall Responsibilities:

1. To establish a rota to achieve the required minimum number of visits to each custody suite in the Area,
2. To ensure Custody Visitors carry out the minimum allocation of visits (10 per year) and inform the Office of the Police and Crime Commissioner of any changes in circumstances which may affect their ability to undertake visits e.g. long term sickness, etc,
3. Coordinators may ask custody visitors from another Area to assist with visits in certain circumstances. Coordinators may contact custody visitors direct to arrange these visits. Coordinators must update each other of additional visits that have been carried out by custody visitors from another Area,
4. To arrange regular Area meetings,
5. To keep records or minutes of the Area's proceedings,
6. To ensure that all relevant issues arising from the visits are brought to the attention of the Scheme Administrator and the Police Force,
7. To ensure effective feedback between Custody Visitors, the Scheme Administrator and the Police Force.

The Office of the Police and Crime Commissioner will support the Coordinator by providing help and advice, stationery, cost of meeting room hire and other incidental administrative costs such as telephone calls.

OFFICE OF THE POLICE AND CRIME COMMISSIONER NORTH WALES**COMPLAINTS OF MISCONDUCT AND APPEALS PROCEDURE****Aim**

- To provide guidance to Independent Custody Visitors, Office of the Police and Crime Commissioner and Police Force
- To set out an achievable timeframe for resolving complaints of misconduct and appeals procedure
- To provide a fair and balanced process to all parties concerned

Complaints of Misconduct

1. Whilst all complaints which are received will be taken seriously and be treated as such, the Office of the Police and Crime Commissioner will be concerned to safeguard the rights of the Custody Visitor who is subject to such a complaint.
2. The Chief Executive may, at their discretion, informally alert individual custody visitors to relatively **minor** matters of misconduct and take no further action. Any referrals of misconduct will be kept on the Custody Visitor's personal record. The complainant will be informed the matter has been dealt with as an informal resolution and no further action taken. The complainant's identity will not be revealed or kept with the personal file.
3. If the misconduct matter is considered **serious** by the Chief Executive or if there are **repeated** incidents, the Chief Executive will bring the matter to the attention of the Custody Visitor as soon as possible and at the latest within **3 working days** after a complaint is made.
4. The Custody Visitor will be offered the opportunity to provide any relevant information in writing within **7 working days**.
5. The Chief Executive once he/she has received the Custody Visitor's submission will make the necessary relevant enquiries to determine the substance of the complaint/allegation or issue of concern. In doing so, and depending on the nature of the complaint/allegation/issue of concern, the Chief Executive will contact any or all of the following parties:
 - The Complainant
 - Co-ordinator of the appropriate Custody Suite
 - Fellow Custody Visitors
 - Custody Inspector
 - Any other person who is able to provide relevant information

6. The Chief Executive will ask for the information from the above in writing within **24 hours** of receiving the Custody Visitor's submission and request that submissions are made in writing within **7 working days**.
7. The Chief Executive will inform the Co-ordinator to exclude the Custody Visitor from visiting until the matter is resolved.
8. Having obtained any information outlined above, together with any other appropriate information, the Chief Executive will consider the matter.
9. The Chief Executive will make an outcome decision. The outcomes will be either that the Custody Visitor:-
 - Be given words of advice regarding their future conduct,
 - Be suspended from visiting until they have completed a further training course,
 - Be removed or asked to resign from the Custody Scheme.
10. The Custody Visitor will receive notification from the Chief Executive as soon as practicable and has the right of appeal to the Police and Crime Commissioner. The full grounds to appeal must be notified to the Police and Crime Commissioner within **28 working days**, (see appeals process below).

Appeal Process

1. The appeals procedure in relation to all matters regarding decisions made by the Chief Executive will be carried out as follows:-
2. The Custody Visitor will receive notification in writing from the Chief Executive of his decision with regard to conduct.
3. A Custody Visitor has a right to appeal to the Police and Crime Commissioner against the Chief Executive's decision.
4. The full grounds to appeal must be sent to the Police and Crime Commissioner within 28 working days.
5. The Police and Crime Commissioner will be provided with the Chief Executive's decision and rationale and the Custody Visitor's submission for consideration. The Police and Crime Commissioner may seek the advice from a Human Resources representative to assist him with the appeal.
6. The Police and Crime Commissioner may ask to meet with the Custody Visitor to discuss the appeal and the Custody Visitor will be afforded the opportunity to ask any questions. The Custody Visitor may be accompanied by a friend.

7. If the Police and Crime Commissioner deems that the appeal has no prospect to succeed no meeting will be convened.
8. The determination of the appeal will be sent to the Custody Visitor as soon as practicable. The Police and Crime Commissioner will enter into no further discussions or correspondence concerning the appeal.
9. If the appeal is upheld the conduct will be removed from the Custody Visitor's personal record and if suspended will be reinstated immediately as a Custody Visitor and will be added to the visiting rota.

OFFICE OF THE POLICE AND CRIME COMMISSIONER NORTH WALES**INFORMATION SHEET FOR PERSONS SPRAYED WITH
CAPTOR INCAPACITANT**

You have been sprayed with:-

NONIVAMIDE – CAS No 244 – 46 – 4 at a concentration of 0.3% in a 50/50 solvent of Ethanol and Water with a Nitrogen propellant.

This may have the following effects:-

CAPTOR

This will cause discomfort to the eyes and a burning sensation to the skin. If you have swallowed any you should not experience any internal discomfort at all, although your mouth will feel as though you have eaten very spicy food such as curry.

Most symptoms will subside of their own accord within 35 minutes of being exposed. It may cause your skin to go red and feel hot and remain so for up to 1 hour, when normal colour will start to return. This is normal as Nonivamide stimulates blood circulation giving similar effects to the use of muscle pain relief cream.

If the symptoms continue, then washing/bathing the face and eyes in cool, clean running water should bring rapid relief. If Captor has got into the eyebrows, hair or beard it is possible that it could re-activate the first time that it comes into contact with water. For example; taking a shower the next day. The effect will not be as strong and can be avoided by keeping the eyes tightly closed and washing and rinsing the area thoroughly.

If symptoms persist you should consult your doctor. **Take this sheet with you.**

Captor may cause damage to certain types of contact lens. If you have problems with your lenses, you should consult an optician. **Take this sheet with you.**

Ethanol and Water Mix:

This is a 50/50 mixture. There should be no other reactions to your skin as a result of the solvent. If you are concerned for any reason you should consult your doctor. **Take this sheet with you.**

OFFICE OF THE POLICE AND CRIME COMMISSIONER NORTH WALES**TRAVEL AND SUBSISTENCE EXPENSES POLICY**

The role of an Independent Custody Visitor is completely voluntary. However, the Office of the Police and Crime Commissioner will pay for any of the following out of pocket expenses.

As from 1 September 2019 all claims for expenses will be made via DutySheet website, <https://psv.dutysheet.com/> - The Scheme Coordinator will provide you with log in details.

Mileage

The following mileage rates are payable with effect from 1st April 2017:

45pence per mile

Mileage is paid for any distance you travel in your car as a result of your visits. This includes:

- Distance from your house to custody suites
- Collecting your visiting partner on the way to the custody suite, if required
- Attendance at Panel meetings
- Attendance at training courses
- Attendance to other events and meetings at the request of the Scheme Administrator

Mileage allowances will be automatically adjusted in line with the HMRC recommended date and Custody Visitors will be informed when the rate increases.

Custody Visitors are encouraged, wherever possible, to travel to custody suites together. However, this may not always be a viable option.

Attendance at meetings and conferences outside North Wales will be reimbursed by way of a standard class rail ticket. When choosing a mode of transport to travel outside North Wales, value for money and economy should be a prior consideration. (Air travel may be arranged in liaison with the Office of the Police and Crime Commissioner where it is the most cost effective option for a particular journey.)

Parking

Should you require to park your car in a fee-paying car park while you are undertaking a visit to a custody suite, the Office of the Police and Crime Commissioner will refund the payment. The parking receipt must be attached to your expenses form as proof of your parking.

Other

Bus and rail journeys undertaken for **visits to custody suites** can also be claimed. As with the parking ticket, a receipt, or the ticket, is required.

Taxi fares are recoverable only when attending at regional conferences. A receipt for each journey is required and must be attached to your expenses claim form.

Hotel Accommodation

In most instances hotel accommodation (bed and breakfast) should be booked by the Office of the Police and Crime Commissioner and either:

- paid directly by the Office wherever possible; **or**
- Custody Visitors reimbursed for actual receipted expenditure

Miscellaneous/ancillary items such as newspapers, telephone calls, and bar drinks will not be reimbursed by the Office of the Police and Crime Commissioner and should be settled personally on departure by Custody Visitors.

Custody Visitors wishing to book their own hotel accommodation are advised to liaise with the Office of the Police and Crime Commissioner.

Subsistence

All meal and accommodation expenses should be receipted wherever possible. If, for whatever reason, a VAT receipt cannot be obtained, the claim should include a brief explanation of the circumstances.

Meal & accommodation expenses will be reimbursed, provided that they are:

- (1) Necessary
- (2) Reasonable
- (3) Additional to what the Custody Visitor would otherwise have incurred and
- (4) Backed by a VAT receipt, wherever possible

A claim cannot normally be made if meals are provided but the individual chooses not to take advantage of this provision, or where an individual's normal eating arrangements can be broadly matched at additional expense.

Expenses claims do not have to be submitted following every visit, but we would ask that you submit them regularly, ie monthly or quarterly to assist with budget monitoring.

Should further clarification be required on the payment of expenses, please contact the Scheme Administrator.

November 2019