



**David Keane**

Police & Crime  
Commissioner  
for Cheshire

## **Independent Custody Visiting Scheme for Cheshire**

### **Guidance on the Duties and Responsibilities of Independent Custody Visitors**

## **Objectives of the Scheme**

1. The former Cheshire Lay Visiting Scheme was one of the first custody visiting schemes to be established in the country, following the recommendations of Lord Scarman in 1983 as a result of the Brixton riots. In accordance with Section 51 of the Police Reform Act 2002, (as amended by Section 299 of the Police Reform and Social Responsibility Act 2011) all Police and Crime Commissioners are required to:-
  - (a) make arrangements for persons to be visited by persons appointed under the arrangements (known as 'custody visitors'); and
  - (b) keep those arrangements under review and from time to time revise them as they think fit.
2. The Scheme comprises of volunteers from the local community recruited as Custody Visitors to visit designated custody suites. The Custody Visitors concern is the welfare of persons in custody and the operation of the statutory and other rules governing their welfare. Custody Visitors make unannounced visits at varying times of the day and night, and are concerned with the conditions of detention and the treatment of individual detainees. Part of the visiting process entails discussions with custody staff and subject to their consent being obtained, detainees are visited. Custody Visitors may raise issues, which require immediate attention by the custody staff and following each visit, will complete a report of their findings. Custody Visitors have the opportunity to discuss experiences from visits and raise issues at Panel meetings. The work and the findings of the Custody Visiting Scheme are publicised.

## **Appointment of Custody Visitors**

3. Any person over 18 residing in Cheshire can be appointed as a Custody Visitor, with the exception of serving Magistrates, police officers (including Special Constables), police staff (including PCSOs), and staff of the Office of the Police & Crime Commissioner (the Commissioner). Special consideration will be given to the appointment of solicitors and employees of the probation service and persons closely working within the criminal justice system.
4. The Commissioner is responsible for establishing the Scheme. The Chief of Staff has been authorised on behalf of the Commissioner to monitor the Scheme; appoint or re-appoint Custody Visitors; and terminate appointments if considered necessary.
5. The term of office for a Custody Visitor is initially for a probationary period of six months. The experienced Custody Visitors on the Panel will consider an individual Custody Visitor's conduct, performance and attendance during the probationary period. Where appointments are confirmed they will be for a period of three years (including the probation period), with a full review of continuing suitability at the end of that period.
6. Custody Visitors will be eligible for re-appointment every three years subject to support by the appropriate Convenor and to the required vetting status. Whilst it is acknowledged that effective and committed Custody Visitors are a precious resource and experience is valuable, however, this is balanced against the need to introduce fresh perspectives. The maximum tenure of an appointment will be nine years.

7. On appointment each Custody Visitor is required to sign a Memorandum of Understanding, which details the expectations of the Custody Visitor (copy attached as Appendix 1). The Memorandum includes issues such as undertaking a minimum number of visits per year, attendance at training seminars and Panel meetings and the support which the Office of the Police & Crime Commissioner will provide.
8. Before appointment, applicants must declare any conviction for a criminal offence, and if they have ever served a term of imprisonment or detention (other than those which are spent by reason of Rehabilitation of Offenders Act 1974). Criminal record checks will be undertaken before appointment.
9. Three Custody Visitor Panels operate visiting one of three dedicated custody suites serving the Cheshire police area. The Eastern and Northern Custody Suites both have 35 cells and the Western Custody Suite has 20 cells. The Suites are located at:-
  - Eastern Area Panel - Custody Suite in Middlewich, Macclesfield
  - Northern Area Panel - Custody Suite in Sandymoor, Runcorn
  - Western Area Panel - Custody Suite in Blacon, Chester

### **Termination of appointment**

10. Although the work is voluntary, there may be occasions when the appointment of a Custody Visitor has to be terminated due to misconduct or poor performance. Misconduct encompasses matters such as disclosing confidential information obtained during a custody visit, misuse of the identity card, inappropriate behaviour or comments made during a visit or towards a fellow custody visitor, detainee, police officer or police staff, conviction of a criminal offence, abusing the position of Custody Visitor, for example, by consistently flouting the guidelines covering the conduct of Custody Visitors. Examples of poor performance are detailed in paragraphs 12 and 13.
11. Custody Visitors **must** notify the Chief of Staff if they are arrested, cautioned or charged with a criminal offence as soon as practicably possible. (A criminal offence may include motoring convictions eg. driving whilst under the influence of alcohol or drugs which may result in disqualification or the loss of a licence). In such circumstances, the Chief of Staff 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, they may be reinstated. In the case of a caution, the Chief of Staff will review the appointment of the Custody Visitor with regard to the nature of the offence. If the Custody Visitor is found guilty of a criminal offence, the Chief of Staff will consider whether to terminate their appointment.
12. Where a Custody Visitor fails to make a visit within a six month period, the Chief of Staff will write to the Custody Visitor concerned to seek an explanation. If a satisfactory explanation is not provided, the Chief of Staff after consultation with the Convenor, will consider whether the appointment should be terminated.
13. Where a Custody Visitor fails to make a minimum of 6 visits or fails to attend at least one Panel meeting during the year or attend the annual training seminar and no explanation has been given to the Scheme Administrator, the Chief of

Staff will consult with the Convenor and consider whether the appointment should be terminated.

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

### **Visiting Programme**

15. Each Custody Visitor Panel shall appoint a 'Convenor' to be responsible for the co-ordination of visits and the day-to-day administration of the Panel. The Convenor's role is to act as a contact point and offer advice and support to Custody Visitors. The responsibilities include chairing Panel meetings; preparing the agenda for meetings (in consultation with the Scheme Administrator) and subsequently the notes; the compilation of the visiting statistics; submission of their annual performance report to the Office of the Commissioner; and attendance at conferences and training seminars as requested by the Scheme Administrator.
16. Each custody suite should be visited once per week. A visiting rota detailing when Custody Visitors are programmed to visit will be circulated in advance of the visiting period to which it relates. The rota also lists the 'reserve' Custody Visitors to contact in the event of a Custody Visitor not being able to undertake a visit.
17. These suites are where persons are detained under arrest and are staffed 24 hours a day. Visits should be made without appointment, however, shift changeover periods should be avoided (7am and 7pm). Remember that your visit may not always be convenient and you may experience a short delay in commencing a visit at busy times.

### **Conduct of Visits**

18. Custody Visitors must carry their identity card, at all times within the custody suite. The identity card must be shown on arrival to the custody staff and on request.
19. Custody Visitors must visit in pairs and no more than two Custody Visitors can visit at any one time. Custody Visitors should not be accompanied by any unauthorised persons.
20. Custody Visitors will only have access to those parts of the custody suite where persons are detained which includes all parts of the custody area - cells, detention rooms, holding cells, charging areas, washing facilities, kitchen/food preparation area and medical room (but not the drugs cabinet). Custody Visitors should ensure that these areas are clean, tidy and in a reasonable state of repair and decoration, and that bedding in cells is clean and adequate. Empty cells should also be checked to ensure heating/ventilation systems, cell bells and toilet flushing mechanisms are working properly. Unoccupied interview rooms in the custody area may also be visited.

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

### **Visiting Procedures**

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

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

enable the report to be completed in private. Custody Visitors are required to inform the Custody Sergeant of any issues, which require immediate action at the time of the visit and before leaving the secure area. The completed report should be handed to the Custody Sergeant at the custody desk.

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

### **General Visiting Procedures**

23. Custody Visitors should focus on whether detainees have been offered their rights and entitlements under the Police and Criminal Evidence Act (PACE) (including receipt of the necessary paperwork) and confirm whether the conditions of detention are adequate. Custody Visitors should encourage an open exchange with the detainee.
24. Care must be taken to differentiate between the visit and the pursuing of individual cases. For instance, if called to the custody suite in a private capacity as counsellor or friend by a detainee, or if nominated by a detainee under the 'intimation of arrest' procedure, you cannot adopt or thereafter revert to the Custody Visitor function and see other detainees.
25. In general, you may see anyone detained at the Custody Suite at the time, subject to the following qualifications:-
  - (a) no detained person is required to receive a visit and answer any questions. Custody Visitors will introduce themselves to the detainee using the agreed introduction text. The accompanying Custody Sergeant/Detention Officer shall be within view but out of earshot during the visit. If the detainee is asleep at the time, they can be woken at the discretion of the Custody Sergeant/Detention Officer to seek consent to a visit. As a general rule, to avoid interrupting the continuous period of eight hours rest provided for under the PACE, sleeping detainees should not normally be woken, but may be observed through the communicating hatch. If a detainee is not in a position to give consent, perhaps because of the effects of alcohol or drugs or by virtue of a mental illness, the Custody Sergeant should allow access unless it is considered that the Custody Visitors' safety would be at risk. In such circumstances the Custody Visitors may wish to speak to the detainee through the communicating hatch. That may also apply where consent is given, but the Custody Sergeant considers the Custody Visitors would be in danger from a violent or potentially violent detainee if they entered the cell.
  - (b) if a detainee is being interviewed the interview may not be interrupted; you will not be admitted to an interview in progress. Custody Visitors may wish to wait until after the interview has finished.
  - (c) the PACE Codes of Practice govern the way in which the police question suspects or witnesses. They also deal with the rights of the individual who is in custody, including their ability to communicate with people outside. The police can delay contact in exceptional circumstances by the Codes of Practice. The police may decide for similar reasons that a detained person should not be seen by the Custody Visitors, to avoid any risk of prejudicing an important investigation. Any decision to deny

Custody Visitors access to a detained person can be taken only by the Custody Sergeant, who must explain his/her reasons on each occasion. Custody Visitors should also record this fact, and the reasons given and whether they were satisfied with the explanation on the 'CV/2 Report'.

- (d) there may be very rare instances where, in view of prevailing circumstances, the Custody Sergeant is incapable of permitting access to the custody suite. On such occasions the Custody Sergeant shall explain the circumstances and the visit may be deferred. You must record this on the 'CV/2 report'.
  - (e) juveniles (the age of 17 and below) in custody will normally be accompanied by a parent or guardian (or other persons known as an appropriate adult). A visit will be permitted if an appropriate adult is not present, subject to the juvenile's consent. If an appropriate adult is in attendance, the juvenile's wishes should be sought and respected as to whether the appropriate adult should be in attendance during the visit.
26. When visiting persons in custody, Custody Visitors will at all time be accompanied by either the Custody Sergeant or Detention Officer. Any conversation with the detainee, which the Custody Visitor instigates, must be confined to the welfare and custodial arrangements only. The reason for detention, evidential matters relating to the investigation, and the question of bail are **not** matters which fall within the remit of the Custody Visiting Scheme.
  27. Custody Visitors must **not** involve themselves in individual cases to the extent of offering advice about whether or not a detainee should make a statement or otherwise co-operate with the Police's enquiries. Custody Visitors must also decline to convey messages from detained persons, however innocuous they may seem. Custody Visitors must take care, in conversation with the detainee, not to give their personal opinion or invite comments on matters relating to the circumstances of his/her arrest or other aspects of the investigation and in particular should avoid any suggestion that you are soliciting complaints about such matters. All questions should relate to the detainee's welfare and the conditions in which they have been detained.
  28. The detainee may wish to raise matters outside those governing his/her welfare and on those occasions, particularly if the matter is construed as a complaint against any police officer, reference should be made immediately to the Custody Sergeant, who will take the appropriate action.
  29. Custody Visitors should constantly be aware of the likelihood of their subsequent evidential involvement, should the detainee make spontaneous comment, which has evidential value, either for the prosecution or defence. Questions likely to elicit such comment should be avoided if possible. If a Custody Visitor witnesses such evidential comment, they will be invited to make a statement on the matter for subsequent submission in evidence.
  30. If a Custody Visitor recognises or has knowledge of a detainee being held in custody, they must immediately declare that interest to the Custody Sergeant and abandon the visit to that specific detainee.
  31. A Custody Visitor may, with the consent of the detainee, be present during the formal charge process. On these occasions Custody Visitors must not make any comment which might interrupt the procedure. Similar conditions will apply

should Custody Visitors wish to observe the documentation procedure of a recently arrived detainee. The presence of the Custody Visitor will be recorded on the Custody Record.

### **Custody Records**

32. Subject to obtaining the detainee's consent to view their custody record, the Custody Visitors may check its contents against what they have been told by the detainee. In particular, Custody Visitors may wish to verify:-
- whether entitlements under PACE have been given and signed for;
  - that medication, injuries, medical examinations, meals/diets are recorded;
  - that procedures to assess special risks/vulnerabilities presented by the detainee have been properly recorded;
  - the timing and frequency of cell inspections of inebriated or otherwise vulnerable detainees; and
  - the timing of reviews of the continuing need for detention
33. If a detainee is for any reason incapable of deciding whether to allow access to their custody record, the presumption should be in favour of allowing the Custody Visitors to examine the record.

### **Complaints by detainees**

34. As a general rule, a complaint by a detainee will be recorded in the Custody Suite. Custody staff may decide not to record the complaint until they have been presented with the full circumstances of the arrest and detention, however, this would depend on the nature of the complaint and securing of any evidence required. Evidence at the scene of arrest would be preserved by the investigating officer to support any decision to charge and subsequent proceedings; and may also be used should a complaint be made. In some circumstances where the complaint does not relate to the period in custody or the arrest, the individual may be advised to submit the complaint in writing to the Constabulary's Professional Standards Department or to attend a police station to make the complaint.
35. If a detainee indicates that they wish to make a complaint, you should record the fact (but not the complaint) on the CV2 report form and bring the matter to the attention of the Custody Sergeant when you hand in the report form.

### **CCTV footage**

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

### **Medical Issues**

37. Custody Visitors have no right to see a detainee's medical records, even when attached to the custody record. However, key points relevant to medical treatment

should be recorded in the custody record itself. Custody Visitors should pay particular attention to detained persons who are suffering from any form of illness, injury or disability. They should satisfy themselves that, if appropriate, medical advice has been obtained and established from the Custody Sergeant what instructions for medical treatment have been given and confirm by consulting the custody record that these instructions have been carried out.

### **Police Initiated Visits**

38. Exceptionally, circumstances may arise where the Police will wish to initiate a visit, in particular where there may be serious local concern about the treatment or wellbeing of a person in custody and a special visit could help allay public fears. The senior officer in charge of the custody suite shall be responsible on those occasions for contacting the appropriate Convenor.

### **Confidentiality**

39. During the course of undertaking visits, a Custody Visitor may acquire considerable personal information about persons connected with police enquiries, the majority of whom will not at that time have appeared in Court. Some will never appear in Court. That information must be protected against improper or unnecessary disclosure and you will therefore be asked to sign an undertaking of confidentiality. That undertaking will be signed at the time of your appointment. Custody Visitors should be aware that improper disclosure of information acquired during the course of a visit or Panel meeting may attract civil or criminal proceedings. Improper disclosure extends to discussion of individual cases and identities with other Custody Visitors and to the system of written reporting to the Police & Crime Commissioner of the results of visits. Unlawful obtaining/disclosure of personal data also constitutes an offence under Section 55 of the Data Protection Act 1998, and improper disclosure of personal information may attract criminal proceedings. Additionally, unauthorised disclosure of facts concerning police operations or the security of police stations may constitute an offence under the Official Secrets Act 1989.

### **Persons informally present at the custody suites**

40. There may exceptionally be persons at the custody suite who, whilst not detained under the formal arrest procedure, are there having attended freely to offer evidence as a witness to some occurrence, to provide fingerprints, photographs or DNA or to be interviewed as a possible suspect for an offence. Such persons will not fall within the provision of the Custody Visiting Scheme. However, should a Custody Visitor wish to satisfy themselves as to the welfare of such persons, their consent should first be ascertained by the Custody Sergeant.
41. The following persons may also be present in a custody suite and may be visited by Custody Visitors when they are under the control and responsibility of the police service:-

- Home Office Prisoners

On occasion remanded and sentenced prisoners are held in Custody Suites. They are known, in the police context, as Home Office prisoners. Home

Office Circular 74/91, 'Remand and sentenced prisoners held in police cells', sets out the categories of prisoner who may be held and can be visited.

- Prisoner Escort and Custody Service

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

- Immigration Detainees

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

- People at Risk/Police Protection

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

- Operation Safeguard

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

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

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

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

42. If a visit discloses any aspects of the treatment of persons detained at the suite or conditions there, which are unsatisfactory, **it must be recorded on the 'CV/2 Report'**. If a matter appears to require urgent attention, the Custody Sergeant should be informed immediately. This action must be taken if a detained person makes a complaint of assault or ill-treatment, or appears to have sustained an injury which is not recorded on the Custody Record. If the Custody Visitors are not satisfied with the response or actions of the Custody Sergeant with regard to the welfare of a detainee they must raise their concerns with the Custody Inspector at the time of the visit.
43. The following escalation procedure has been developed to ensure that out of normal office hours, serious concerns are effectively addressed:-
- Where an incident occurs as a result of a visit and is of a routine nature, Custody Visitors should note the issue on the 'CV/2 Report' and forward to the Scheme Administrator via the Convenor, in the usual manner.
  - Where an incident occurs and immediate resolution is desirable, the Custody Visitors should raise the issue with the Custody Inspector, if it cannot be resolved by the Custody Sergeant in the first instance.
  - Where an incident occurs that requires urgent resolution, but no actual risk to an individual is suspected and the matter has been raised with the Custody Inspector but there is no satisfactory resolution, then this should be raised the next working day with the Custody Chief Inspector via the Scheme Administrator.
  - If the matter cannot be resolved with the Custody Inspector and the Custody Visitors consider the matter is urgent and there is a serious risk to an individual, the Force Incident Manager should be contacted on 01606 362270 who may then refer the matter to the locum Chief Inspector/ Superintendent. (It should be noted that this officer is responsible for major incidents and may not be available at that time).
  - Custody Visitors should also advise the Convenor of any unresolved issues to ensure that the most appropriate course of action is being taken.
44. References in reports to individual detainees must be made by their custody number in order to preserve their anonymity.

### **General Provisions**

45. There is no barrier to Custody Visitors also acting as Appropriate Adults in certain circumstances. Individuals must not switch between the role of Custody Visitor and Appropriate Adult during the course of a visit to a custody suite. Changing roles in that way can blur responsibilities and create confusion for all concerned. However, those fulfilling the role of Custody Visitors are not prevented from acting as Appropriate Adults on separate and distinct occasions, preferably at completely different custody suites.
46. Custody Visitors may also act as Lay Observers who are appointed under the Criminal Justice Act 1991 to inspect the conditions under which prisoners are transported and held.

47. Custody Visitors must before commencing duties, attend an Induction Seminar so that they are fully aware of their duties, relevant requirements of the law and local Force Orders with regard to custodial arrangements.
48. A copy of the Custody Visiting Scheme Guidance and copies of associated documents such as the translation booklet for non-English speaking detainees and spare 'CV/2 Report' are kept under the charge of the Custody Sergeant within the custody suite.

### **Complaints Procedures**

49. The procedure the Scheme Administrator will follow if a complaint is received about the misconduct of a Custody Visitor is attached at Appendix 2.

### **Panel Meetings**

50. Custody Visitors shall meet on a Panel basis, three times a year, to receive updates on local and national policing developments and initiatives and review their work through the Convenor to the Office of the Police & Crime Commissioner.

### **Expenses and Allowances**

51. Travelling expenses are payable to all Custody Visitors at the Inland Revenue rates and therefore payment is exempt from income tax.
52. Travelling expenses will also be payable to those Custody Visitors formally appointed by their Panels to attend conferences/meetings subject to prior consent being given by the Scheme Administrator or Chief of Staff. Reasonable out-of-pocket administrative expenses shall be payable to Convenors together with travelling expenses for attending meetings at the request of the Chief of Staff or Scheme Administrator.
53. Any Custody Visitor who is required to pay a carer in order to undertake a visit or attend a Panel meeting or training event may claim a carers' allowance. This allowance shall be paid upon the production of a valid signed receipt, and shall be for actual expenditure incurred at the national minimum wage rate per hour. The allowance may be claimed for the time taken for a Custody Visitor from leaving home, undertaking a visit or attending the Panel meeting/training and returning home. The allowance shall not be payable in respect of care provided by a member of the claimant's family. Payments may be claimed in respect of children aged 16 or under and in respect of other dependants where there is medical or social work evidence that care is required.

### **Health & Safety**

54. The Custody Sergeant should inform Custody Visitors if a detainee has been subjected to Captor Incapacitant (CS spray). However, it would be in the Custody Visitor's interests for them to acknowledge on each visit whether any of the detainees has been subject to Captor Incapacitant.
55. Custody Visitors are responsible for their own personal safety whilst undertaking visits and if they feel unwell or have an illness prior to or during a visit they should contact the reserve to undertake the visit or cancel the visit.

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

## **Insurance**

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

## **Publicity**

58. It is helpful to use opportunities to raise public awareness about Custody Visiting. Custody Visitors should ensure that the purpose of the publicity is to inform about the Scheme and not to draw attention to individuals. In any article or presentation, Custody Visitors must not discuss individual cases or specific events except in general anonymous terms. It is up to the Custody Visitor to consider whether or not to reveal their own identity, however, anonymity can lead to misunderstanding in the media and where possible Custody Visitors should be prepared to reveal their identities. There is no necessity to reveal full personal addresses. The inclusion of photographs in any such articles is a matter of personal discretion. The advice of the Scheme Administrator must be sought not only prior to an interview/presentation being given, but before any articles are submitted for publication by individual Custody Visitors.
59. Under no circumstances should Custody Visitors make themselves available to respond to requests for specific information from the media or other organisations about individual cases or events in the custody suite.
60. A response to general enquiries from the media may be provided by the Convenors, and only if they are satisfied that the required information is of sufficiently general nature to enable a reply to be made. Advice should always be sought from the Scheme Administrator before a response is given. Any enquiry concerning a particular case should be referred to the Chief Constable via the Constabulary's Corporate Communications Office on tel. no. 01606 365782.

For further information contact the Scheme Administrator:- Matt Walton at:

Office of the Police & Crime Commissioner  
Stockton Heath Police Station  
Grappenhall Road  
Stockton Heath  
Warrington WA4 2AF  
Email: [pcc@cheshire.pnn.police.uk](mailto:pcc@cheshire.pnn.police.uk)



## **CUSTODY VISITING SCHEME**

### **MEMORANDUM OF UNDERSTANDING**

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

#### **1. ROLE AND RESPONSIBILITIES**

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

#### **2. APPOINTMENT**

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

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

You will be eligible for re-appointment every three years subject to the support of the appropriate Convenor and to the required vetting status. The maximum period of appointment is nine years.

#### **3. CONDUCT**

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

#### **4. IDENTITY AND ACCESS CARDS**

Your identity and access cards will be valid for the period that you are appointed as a Custody Visitor. The identity card authorises you to visit the custody suite. The identity card should only be used for the purpose of making visits. If it is used for any other purpose, it will be withdrawn and your appointment as a custody visitor may be terminated. Your access cards will allow you the same access rights within the custody suite as the custody staff and direct access into the custody area, however, you should use the buzzer to request access into the custody area from reception. This is particularly important for health and safety reasons and as a courtesy to custody staff.

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

## 5 UNDERTAKING VISITS

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

## 6. MINIMUM REQUIREMENTS

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

## 7. DOCUMENTATION

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

## 8. CHANGE IN CIRCUMSTANCES

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

## 9. ATTENDANCE AT TRAINING SEMINARS AND PANEL MEETINGS

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

10. IMPARTIALITY AND CONFIDENTIALITY

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

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

11. QUERIES

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

Matt Walton  
Governance Officer  
Office of the Police & Crime Commissioner  
Stockton Heath Police Station  
Grappenhall Road  
Stockton Heath  
Warrington  
WA4 2AF

Tel: 01606 364017  
E-mail: [pcc@cheshire.pnn.police.uk](mailto:pcc@cheshire.pnn.police.uk)

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

Peter Astley  
Chief of Staff

Name: .....  
(BLOCK CAPITALS)

Signed: .....

Date: .....



## **CUSTODY VISITING SCHEME**

### **APPOINTMENT, TERMINATION, COMPLAINTS AND APPEALS PROCEDURE**

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

#### **SECTION 1: CONFIRMATION OF APPOINTMENT / RE-APPOINTMENT**

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

- Feedback from other involved agencies e.g. custody staff, police staff.
  - Views from the Scheme Administrator.
6. Each Custody Visitor will receive notification, in writing of the decision of the Chief of Staff whether or not to extend the appointment for a further period. The maximum tenure of a Custody Visitor will be nine years. There is a right of appeal to the Commissioner as set out in Section 3 if an appointment is not extended.

## **SECTION 2: CONDUCT AND COMPLAINTS MATTERS**

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

### Conduct

2. A Custody Visitor's appointment may be terminated due to misconduct or poor performance. Examples of misconduct and poor performance are detailed in paragraphs 10-13 of the Scheme Guidance.
3. In the event of a Custody Visitor being arrested, cautioned or charged with a criminal offence, the Chief of Staff will write to the Custody Visitor to suspend their appointment until the outcome of any criminal proceedings is known.
4. If the Custody Visitor is subsequently found to be not guilty, they may be reinstated. In the case of a caution, the Chief of Staff will review the appointment of the Custody Visitor taking in account the nature of the offence. If the Custody Visitor is found guilty of a criminal offence, the Chief of Staff will consider the termination of their appointment.
5. The appeals procedure against termination is set out in Section 3 below.

### Complaints

6. If the complaint involves allegations against a police officer or police staff, the matter will be referred to the Constabulary's Professional Standards Department for determination under the appropriate Police Regulations and force policies.
7. All complaints concerning the Custody Visiting Scheme including complaints against individual Custody Visitors should be made to the Chief of Staff.
8. The complainant must provide in writing:-
- (a) the names of any Custody Visitors concerned;
  - (b) details about the nature of the complaint and the date when the events occurred that have led to the complaint being made;
  - (c) their own name, address and contact details.
9. The Custody Visitor will be advised of the nature of the complaint and will be offered the opportunity to provide any relevant information in writing within 7 working days.
10. The Chief of Staff may contact any or all of the following to seek their views on a complaint:- the complainant, the Panel Convenor, fellow custody visitors, Custody

Inspector, and any other person who is able to provide relevant information. Once the Chief of Staff has received any submissions from the Custody Visitor, he will consider the matter and determine how to proceed.

11. Wherever possible, the Chief of Staff will seek to resolve the complaint quickly and informally to the satisfaction of all parties concerned. The aim is to resolve complaints wherever possible within two months. Dependent upon the nature of the complaint, during the investigation, the Custody Visitors subject to the complaint may be suspended from undertaking visits.
12. Where informal resolution is not possible, or where the Chief of Staff, after initial consideration, deems it to be appropriate, the complaint will be investigated and a report prepared. The Chief of Staff and the Scheme Administrator will consider the report and determine the complaint. The Convenor of the appropriate Panel may be consulted on the matter at this stage, subject to them not being the complainant or the subject of the complaint.
13. The Chief of Staff may reach any one or more of the following conclusions and the decision will be final:-
  - (a) dismiss the complaint (in whole or in part);
  - (b) uphold the complaint (in whole or in part).
14. If the complaint is upheld (or upheld in part), the Chief of Staff will determine the level of sanction dependent on the seriousness/nature of the complaint. The sanctions will range from:-
  - words of advice about a Custody Visitor's future conduct;
  - specific training/re-training;
  - requirement to resign or immediate dismissal from the Scheme.
15. The Chief of Staff will notify the complainant parties of the decision within 5 working days.

### **SECTION 3: APPEALS PROCEDURE**

1. The appeals procedure in relation to all matters regarding the confirmation, extension and termination of Custody Visitor appointments will be carried out as follows:-
  - The Custody Visitor will be advised in writing of any matters of concern regarding the confirmation of appointment/re-appointment or termination as determined by the Chief of Staff. A Custody Visitor has a right to appeal to the Commissioner against the Chief of Staff's decision not to appoint or re-appoint or to terminate an appointment.
  - The Custody Visitor must submit any grounds of appeal to the Commissioner in writing within 15 working days of the Chief of Staff's letter.
  - The Chief of Staff will meet with the Commissioner to consider the report, including any written responses, or supportive documents from the Custody Visitor. The Custody Visitor will be invited to attend the meeting and listen to the discussion and answer any questions, which the Commissioner may ask.
  - The Custody Visitor and the Chief of Staff will be excluded from the decision making process which will be held immediately after the discussion.

- The Scheme Administrator will notify the Custody Visitor within 5 working days of the Commissioner's final decision.
  - If the appeal is upheld, the Custody Visitor will be appointed or reinstated immediately.
  - If the appeal is dismissed, the Custody Visitor will be advised and no further action will be taken. The Police & Crime Commissioner's Office will not enter into any further discussion or correspondence concerning any termination of appointment.
2. The appeals procedure in relation to the determination of complaints comprises:-
- Within 10 working days, on notification of the outcome of the complaint the Custody Visitor must advise the Chief of Staff in writing if they wish to appeal against the determination of the complaint. The Custody Visitor must set out the reasons for the appeal and submit any supporting documents they wish to be considered as part of the appeal.
  - The Chief of Staff will submit the appeal letter and any supporting documents provided by the Custody Visitor to the Commissioner. The Commissioner will also receive the complaint decision letter and any report produced by the Chief of Staff on the determination.
  - The Custody Visitor will be invited to attend and listen to the discussions and answer any questions, which the Commissioner may ask.
  - The Custody Visitor and the Chief of Staff will be excluded from the decision making process which will be held immediately after the discussion.
  - The Scheme Administrator will notify the Custody Visitor within 5 working days of the final decision of the Commissioner.