

## **Independent Custody Visitors Policy**

### **1. Security protective marking**

1.1 Not protectively marked.

### **2. Summary of Changes**

2.1 This policy has been substantially re-written since the previous version to provide a more comprehensive explanation of custody visiting procedures and practice.

2.2 This policy was approved by the Professional Standards committee in March 2010. The policy is due for review in March 2013.

### **3. Introduction**

3.1 The Police Reform Act 2002 (para 51) places a statutory responsibility on police authorities to have an effective independent custody visiting scheme in place.

3.2 The Kent Police Authority has an established scheme of local community members, who check on the welfare of people in police custody by visiting police stations unannounced. Their role is to observe, comment and report on the rights & entitlements, the health & well-being and the conditions & facilities under which people are detained at police stations. These Independent Custody Visitors (ICVs) fulfill an important role in reassuring the public that the Police are fulfilling their duty to protect people detained in their custody from harm.

3.3 This policy has been developed jointly by Kent Police and Kent Police Authority, in consultation with ICVs. The policy has been agreed with the Independent Custody Visitors Association (ICVA).

### **4. Roles and responsibilities**

4.1 For the scheme to work effectively Kent Police, Kent Police Authority (KPA) and the ICVs must be aware of each others' roles and responsibilities, and co-operate fully with each other in the best interests of the Scheme. The main role of each of the three parties is summarized below. Further detail is provided throughout the policy.

#### Kent Police Authority

##### *Professional Standards Committee*

4.2 The members of the Professional Standards committee are responsible for overseeing the management of the scheme and scrutinizing the findings of the ICV visits. The committee will receive regular reports on the outcomes of visits and related issues.

4.3 The chair of the committee will also act as the lead member for the ICV scheme. Specific duties will include chairing the scheme's annual general meeting, and representing the scheme at national events.

*ICV Scheme Manager*

4.4 The day to day administration of the scheme will be carried out by the KPA office manager. His / her duties will involve undertaking the general arrangements for the recruitment, appointment and reaccreditation of ICVs; paying expenses; liaising with Kent Police; organizing the AGM; managing the scheme's budget; and ensuring ICVs' insurance cover is up to date.

*KPA Policy Research Officer*

4.5 The KPA policy officer will develop and review the scheme's policy arrangements to ensure they comply with statutory requirements and best practice. He / she will also be responsible for compiling the scheme's annual report and preparing other reports for the professional standards committee.

Independent Custody Visitor Scheme

*Independent Custody Visitors*

4.6 ICVs commit to make an agreed number of regular and unannounced visits to custody suites to observe, comment and report on the rights & entitlements, the health & well-being and the conditions and facilities under which people are detained at police stations. In carrying out this role they must abide by the conditions set out in this policy.

*ICV Panels & coordinators*

All ICVs will be assigned to one of six panels which are co-terminus with the Kent Police BCU areas.

4.7 At a local level each panel will have a nominated coordinator who shall be an ICV and is responsible for timetabling visits; carrying out recruitment interviews (in conjunction with the Police Authority) ; performance, training and reaccreditation of individual ICVs; providing routine reports on the findings from visits; liaison with the local BCU; and chairing panel meetings etc.

Kent Police

*Strategic Criminal Justice Department*

4.8 The team will be responsible for ensuring custody staff allow ICVs to perform their role; that the information from the ICV visits is used to monitor standards; and where appropriate to improve service delivery.

*Kent Police Custody Officers*

4.9 Custody officers and staff will be responsible for ensuring that ICVs have appropriate and safe access to the custody suite and detainees; and that local issues identified during visits are addressed and appropriate feedback given to ICVs and the police authority.

**5. Recruitment, appointment, re-accreditation and resignation of ICVs**

Advertising vacancies

5.1 The Scheme Manager will work closely with Panel Coordinators to ensure that each panel has sufficient visitors to fulfill their visiting schedule. Vacancies will be openly advertised, using means such as the KPA website, press releases and volunteer bureaux. Efforts will be made to attract under-represented groups, particularly younger volunteers.

5.2 The police authority is committed to the principles of equality and diversity as well as the elimination of discriminatory practices. Applications are welcome from all sections of the community. Where applicants have additional needs, the panel coordinator and scheme manager will assess whether these needs can be met through reasonable adjustments to the ICV role and / or custody environment.

5.3 All applicants must complete the standard application form. ICVs must be over 18. There is no upper age limit. ICVs need to have a good understanding of the English language as guidelines, procedures etc are only available in English (or Welsh). Home Office guidance states all reasonable adjustments should be made to accommodate those who do not have English as their first language, but who have an ability to communicate in English, when they are considered as suitable candidates to the Scheme.

5.4 In appointing independent custody visitors, care must be taken to avoid any potential conflict of interest. For example, serving police officers and other serving members of police or police authority staff will be ineligible. The same will apply to special constables, justices of the peace and members of the police authority. These factors are clearly detailed in the application pack. The specific circumstances in assessing suitability to becoming an ICV, will be considered by the Authority's Chief Executive, in consultation with the chair of the professional standards committee.

5.5 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 in assessing suitability to becoming an ICV, will be considered by the Authority's Chief Executive, in consultation with the chair of the professional standards committee. However, past offending is not an automatic barrier to acceptance.

Short-listing process

5.6 The Panel Coordinator and Scheme Manager will jointly consider the application forms. Candidates' suitability for the role will be based on the person specification. 5.7 Applicants

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that have been selected in the shortlist will then be invited to attend an interview.  
Unsuitable applicants will be notified in writing.

Interview

5.8 Interviews will be carried out by the relevant Panel Coordinator as well as either the Scheme Manager or KPA policy officer. The interview will assess the suitability of the candidate for the role, as well as explaining what will be expected of them.

Appointment

5.9 Appointment will be dependent upon successful interview and the provision of suitable references. All ICVs will be vetted in accordance with Kent Police policy DO5 Vetting procedures: Contractors and Attendees at Police Premises.

5.10 The Scheme Manager will notify successful candidates in writing and arrange for each visitor to be issued with a KPA identity card. This card must be carried at all times during visits. The Panel Coordinator will then make the necessary arrangements for their induction training to begin.

5.11 Once induction training has been completed, candidates will be formally appointed and asked to sign the Memorandum of Understanding which summarises their agreed responsibilities and legitimate duties.

Re-accreditation

5.12 After four years service, a formal re-assessment will be carried out by the Scheme Manager, in conjunction with the local Panel Coordinator. Formal re-accreditation will be dependent upon the continuing ability and willingness of the ICV to carry out the role effectively. ICVs will also be required to undergo refresher training. The Scheme Manager will write to ICVs to notify them that their appointment has been renewed for a further four years.

5.13 Panel coordinators will be appointed for a four-year period. If the panel coordinator wishes to continue beyond this period, their reappointment will be considered by the Scheme manager and Chair of the Professional Standards committee.

5.14 The appointment, re-accreditation and resignations of all ICVs will be reported to the Professional Standards committee.

ICV Resignation

5.15 Resignations should be tendered in writing to the Panel Coordinator (who must inform the Scheme Manager), ideally giving one month's notice.

5.16 Exit questionnaires will be provided to ICVs who step down from their roles. The information provided will solely be used by the Scheme Manager for monitoring the operation of the ICV Scheme and making the necessary changes to it.

## **6. Training**

### Initial training

6.1 All ICVs will receive the necessary level of training to properly equip them for their responsibilities. Induction training will cover the extent and limitations of their powers, the duties and functions of custody team members and the care, welfare and security demands within the Police and Criminal Evidence Act codes of practice and related policy. Information to alert ICVs to elementary rules of evidence and disclosure will also be imparted. The training will be a stand alone package to be delivered locally with the support of existing ICVs.

6.2 As part of this induction training, trainee ICVs will be required to accompany their Panel Coordinator on one visit as an observer, and a further two visits with an experienced ICV, in order to familiarize them with the work. The ICV panel coordinator should aim to train all new volunteers within six months. At this point the new ICV will receive a certificate of accreditation and can be added to the panel's visiting rota.

### Further training

6.3 A programme of ongoing training, including the compulsory four-year refresher training, will be delivered to all ICVs. A record of each ICV's training will be maintained by the Scheme Manager.

## **7. Frequency and coverage of visits**

7.1 For the scheme to run smoothly ICVs and the panels must deliver an agreed standard of service delivery. Each custody suite should be visited at least once a month, but no more than weekly. Each individual visitor should commit to carry out up to 12 visits a year. The coordinator should ensure that visits are carried out at different times of the day and night and on different days of the week, to ensure the truest picture of custody suite activity. Each panel should ensure that at least two visits a year should be carried out between 8 and 12pm on a Friday or Saturday night.

## **8. Visiting Procedures at Police Stations**

### Arrival

8.1 ICVs will only carry out visits in pairs and will wear an identity card issued by the Police Authority.

8.2 The Custody Sergeant or Detention Officer should note on the custody record that a visit was made or attempted.

8.3 Custody officers will admit the ICVs immediately to the custody area, unless this course of action would place the visitors in danger, or compromise the security of the detained persons. In such circumstances access should be delayed, and the reason for the delay should be explained to the visitors.

8.4 It will be inappropriate for access to be delayed simply because the custody officer is busy. If this is the case, visitors should be admitted to the custody area but invited to wait until the custody officer or another member of the custody suite is available to escort them on the visit.

8.5 In the interests of security and safety, the custody officer or another member of the custody staff will accompany visitors at all times during their visits. This person is known as the escorting officer. However the escorting officer should remain, where reasonably practicable, 'within sight but out of hearing' during discussions between visitors and detainees. The escorting officer must inform ICVs of any health or safety risks at the start of the visit and advise them as necessary.

#### Inspecting custody facilities

8.6 ICVs should have access to all parts of the custody area including cells, detention rooms, changing areas, washing facilities, kitchen or food preparation areas and medical room (but not the drugs cabinet). Visitors will wish to satisfy themselves that these areas are clean, tidy and in a reasonable state of repair and decoration, and that bedding in cells is clean and adequate. Relevant storage areas may also be seen and visitors should check that there are adequate stocks of bedding and other necessary items. They should also verify that arrangements are established for the cleaning of blankets etc, and for any necessary replacement of furnishings and equipment. They should check that any CCTV systems installed to observe the custody area or individual cells are operating properly. 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, but it is not part of their role to attend Police interviews with detainees. Visitors may not visit CID rooms or other operational parts of the station.

#### CCTV

8.7 The introduction of CCTV into custody has raised the question of whether ICVs should have access to footage. The Home Office view and the view of Kent Police is that visitors should carry out their functions in person and not by viewing either live CCTV pictures or recorded footage. Visitors should be able to ask the custody officer whether the CCTV is working and be given a demonstration if necessary.

#### Access to detainees

8.8 Visitors may normally have access to any person detained at a custody centre. Detainees usually fall into the following categories:

##### *i) PACE prisoners*

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

##### *ii) Home Office prisoners*

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

*iii) Immigration detainees*

These are persons held under the Immigration Act 1071 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.

*iv) People at risk*

These may be persons held under the Mental Health Act 1983 for their own protection.

8.9 Detainees can only be visited with their consent. ICVs have the option of:

- introducing themselves to the detainee; or
- asking the escorting officer to establish whether or not detainees wish to see them.

8.10 Experience of other ICV schemes suggests that detainees are more likely to accept a visit if the ICVs introduce themselves, but each ICV is free to choose whether to introduce themselves or ask the escorting officer to do it on their behalf. If there is a difference of opinion between two ICVs visiting together, then they should ask the escorting officer to introduce them.

*Self-introduction*

8.11 The escorting officer should open the cell door and check that all is safe for the ICVs. The custody visitors must ensure that they do not enter the cell and remain in the doorway whilst reading the cue card. While the visitors introduce themselves and the scheme, the Escorting Officer must be out of sight of the detainee, but within earshot.

*We are independent custody visitors. We are members of the general public who visit police cells as volunteers.*

*Our job is to: check on your welfare while you are in custody, and listen to any concerns or problems you have about your treatment.*

*We have not been told who you are or why you are in custody and we do not need to know that.*

*We cannot give you legal advice.*

*We do not need to discuss the circumstances surrounding your arrest or the commission of any offences in which you may have been involved.*

*However if you do so, we have a duty to report the matter to the police. Can we speak to you?'*

8.12 Once the detainee agrees to the visit the Escorting Officer must move out of earshot, but remain within sight of the visitors, as much as practically possible. Should the detainee refuse a visit, the visitors should immediately withdraw from the cell door. Whether or not the detainee agrees to see the visitors, the escorting officer should seek permission for them to have access to the detainee's custody record. A detainee's consent or refusal for a visit will be endorsed on the Custody Record

*Introduction by the escorting officer*

8.13 If the ICVs would prefer the escorting officer to introduce them, the escorting officer should read the following text from the cue card:

*Independent Custody Visitors are at the Police Station. They are members of the public not connected with the Police or Courts. They are here to check that you are being treated properly and that you have been told about your rights. They will not ask your name or discuss why you are here. Do you agree to talk to them?*

*When a detainee declines to talk to Custody Visitors: "Do you mind them looking at the notes on your treatment whilst at the Police Station?"*

8.14 If consent is obtained from the detained person, the ICV will be entitled to examine the custody record in addition to ensuring the detainee has been informed of their rights. If consent is not obtained for a visit, the detained person will be asked if they consent to the ICV viewing their custody record.

8.15 If a detainee is not in a position to give consent, perhaps due to the effects of drink, drugs or mental health disorders, the escorting officer must allow limited access such as observation through the cell hatch. This may also apply where consent is given, but the escorting officer judges the visitors would be in danger from a violent detainee if they entered the cell.

8.16 Where detainees are asleep, custody staff should decide whether or not they should be woken in order to ascertain if they wish to be visited. However the provisions in Code C of the Codes of Practice under the Police & Criminal Evidence Act should not be breached for this purpose.

8.17 If a detainee is for any reason incapable of deciding whether to allow access to their custody record, the presumption must be in favour of allowing the independent custody visitors to examine it.

8.18 Juveniles ( PACE Code C - 1.5 If anyone appears to be under 17, they shall be treated as a juvenile for the purposes of this Code in the absence of clear evidence that they are older) may be visited with their own 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 juvenile or vulnerable person, the detained person's wishes should be sought and respected as to whether the appropriate adult should attend any visit.

8.19 Persons detained in hospital may be visited, subject to the agreement of the hospital authorities.

8.20 To avoid any possible risk of prejudicing an important investigation, an officer of the rank of Inspector or above may deny ICVs access to a detained person. However, reasons for the refusal should be given and recorded on the ICV form. There should be no presumption that access should be denied merely on the grounds that a decision has previously been made by the Superintendent that the person should be held incommunicado.

#### Conversation with detainees

8.21 Once the detainee has consented to seeing the ICVs, the escorting officer will request that the detainee remains seated for the duration of the conversation. The ICVs will enter the cell, and the escorting officer will remain within sight but out of hearing, usually just outside the cell door. However due regard should be given to the safety of the visitors.

8.22 Conversations must focus on ascertaining whether or not detainees have been offered their rights and entitlements under PACE Code C (including receipt of the necessary paperwork), the detainees health & well being, and on confirming whether the conditions of detention are adequate. ICVs should encourage an open exchange with the detainee and may wish to refer to a checklist to ensure that they cover all the relevant issues.

8.23 ICVs must remain impartial and must not seek to involve themselves in any way in the process of investigation. Should detainees press them for advice about co-operating with the police, making a statement or anything in relation to their defence, ICVs should explain that it is not part of their role to be involved. If a detainee seeks to make admissions or otherwise discuss an alleged offence the visitor must tell them that the relevant contents of the visit may be disclosed to the police and may be later used in legal proceedings. If the detainee's concerns relate to their treatment in custody, or their rights and entitlements, the ICVs should raise these concerns with the escorting officer following their discussion.

8.24 Should an ICV know the detainee, they must withdraw from the visit, as impartiality may be affected.

8.25 Visits should normally be conducted in English. Translation support should be provided where necessary. On occasions it may be more appropriate to conduct a visit in another language spoken by the detainee, if one of the ICVs is fluent in that language. However, in such circumstances care must be taken to ensure that any other visitor present is kept informed about what is being said. It should be recorded on the ICV visit form that the conversation was conducted in another language.

8.26 ICVs are primarily concerned with overall conditions, standards and procedures at police stations. However immediate concerns about treatment of particular individuals must be passed on to those in a position to take corrective action. If a detainee indicates that they may harm themselves or any other person, this must immediately be brought to the attention of custody staff.

#### Examination of the custody record

8.27 If consent is obtained from the detained person, ICV's will be entitled to examine a custody record, other than to ensure the detained persons have been informed of their rights. If a person is incapable of giving consent by virtue of a mental disorder or incapacitation through influence of drink or drugs, the custody record should not be viewed as a matter of course by the ICVs. The Custody Sergeant will ensure that an explanation of events in this regard is written on the custody record.

8.28 In particular, visitors will wish to verify:

- Whether entitlements under PACE have been given and signed for;
- That medication, injuries, medical examinations, meals / diet are recorded on the custody record;

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- 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.

8.29 Access to custody records of detained persons who are, for the time being, in hospital, should be denied unless the detained person has consented.

8.30 Although a Prisoner Escort Record (PER) form will be completed using information wholly or mainly drawn from the custody record, it remains a separate document and as a consequence Independent Custody Visitors have no right of access unless consent is given. Where consent is given it must be recorded on the custody record.

Medical Issues

8.31 ICVs should not, under any circumstances, have access to the detainees medical records, even where these are attached to the custody record.

8.32 Visits should pay particular attention to detained persons who have any form of illness, injury, disability or mental disorder. They should satisfy themselves that, if appropriate, medical advice has been obtained and establish from the custody officer what instructions for medical treatment have been given. This information should be noted in the detainee's custody record.

Confidentiality and Disclosure

8.33 During the course of their duties, visitors will acquire considerable personal information about persons connected with police inquiries, and the majority of whom at that time will not have appeared at Court. That information must be protected against improper or unnecessary disclosure.

8.34 The custody visiting reporting forms include an undertaking not to reveal confidential information obtained in the course of a visit. A breach of this undertaking may make a visitor liable to civil proceedings by the detained person concerned. This extends to discussion of individual cases and identities with other custody visitors and to the system of written reporting to the Police Authority of the results of visits. The unauthorised disclosure of facts concerning police operations or the security of police stations may also constitute an offence under Section 5 of the Official Secrets Act 1989.

8.35 It must be explained clearly to the detainee in each case that any information which may have relevance to the interest of the investigating officer will be communicated back accordingly. ICVs must understand the seriousness with which their actions in withholding evidence will be viewed.

8.36 If during the course of a visit, information is passed to an ICV by a detained person, which may be of evidential value, the ICV will draw this matter to the attention of the custody officer. The custody officer will consider the information and, if appropriate, record it on the custody record with a view to offering it to the detained person for signature. The custody officer should also consider the need for the ICV to complete a witness statement for inclusion in a prosecution case file.

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

Dealing with complaints arising from visits

8.38 ICVs will draw to the custody officer's attention all complaints made by detained persons. If the complaint is one of misconduct by a police officer which would amount to an allegation recordable under the provisions of section 69 of the Police Act, 1996, then this fact should be endorsed on the custody record and drawn to the attention of the duty manager, Area Custody Inspector or other senior officer. Complaints relating to detainees' general treatment and conditions of detention, including the fact that they may not have received their entitlements under the Codes of Practice, will be pursued directly by the custody officer.

**9. The ICV Forms**

Completing the ICV Forms

9.1 The Form should be commenced prior to the visit of each detainee and completed at the conclusion of the visit to the Police station.

9.2 At the end of each visit, and while they are still at the Police station, ICVs should complete a report (ICV Visit form) of their findings. ICVs will be in possession of blank forms. The forms should be completed using capital letters to make it easier for others to read.

9.3 Custody staff should not be present while visitors discuss and complete reports and, wherever possible, they should be able to use a private area for this purpose. Details should include both specific matters (which may already have been brought to the attention of police staff) and more general issues relating to custody conditions or procedures. All reports must be completed in English, even if the visit has been conducted in another language.

9.4 The "details of the visit" section must be completed for every detainee visited.

Use, retention and disposal of forms

9.5 On conclusion of the visit a form will be completed in respect of all persons in custody at the time of the ICV visit. The custody sergeant will review the form and comment on any remedial action taken in light of the comments / concerns outlined by the ICVs.

The original form will be handed to the custody sergeant, a copy will be made and handed to the ICV. It is the ICV's responsibility to forward this form to the KPA scheme manager. The custody sergeant will retain the original and forward it to the Custody Inspector. Where appropriate comments may be required from the member of the BCU area's Strategic Management Team responsible for ICV issues for comments, but it remains the responsibility of the Inspector to ensure the ICV form is forwarded to Chief Inspector Strategic Criminal Justice Department (SCJD) upon completion.

9.7 The Scheme Manager will input the findings from visits into a spreadsheet and subsequent comments from the Force, as well as filing the paper forms. The spreadsheet will be accessible electronically to officers in Strategic Criminal Justice Unit.

9.8 The Scheme Manager will e-mail the findings from recent visits to the Panel Coordinator each month.  
The KPA policy officer will report a summary of findings from recent visits, as well as any significant concerns to each Professional Standards committee.

9.9 KPA will retain all records from the ICV visits for seven years, in line with data protection regulations. After this period all records will be disposed of securely.

## **10. ICV Scheme Administrative Arrangements**

### Expenses

10.1 ICVs will receive out of pocket expenses for:

- Public transport costs for travel to and from their place of service, or mileage at casual user rates if using private transport. It is the responsibility of the ICV, not KPA to declare to the Inland Revenue claims made where the rate exceeds the Revenue's approved rate per mile.
- Parking costs where free parking is not available at or within a reasonable distance of a police station or other place of business.
- Taxis can be used when and where public transport is not available. Prior agreement should be sought with the Scheme Manager.
- Miscellaneous costs such as telephone calls, postage, stationery etc.

10.2 Claims should be submitted using the expense form available from the Scheme Manager, with any receipts attached.

### Insurance

10.3 ICVs are covered by the KPA third party Liability Insurance. They are indemnified under the Third Party policy for any injury etc. they may personally sustain whilst performing duties on behalf of Kent Police, providing the Force is proven negligent and legally liable. Reasonable care must have been taken by the ICV to prevent against such accidents.

10.4 ICVs need to ensure that they have appropriate insurance cover when driving their cars to and from ICV business. ICVs will need to provide a copy of their insurance document to the

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Scheme Manager upon appointment, and upon annual insurance policy renewal thereafter, as evidence that they are covered.

Safety & Welfare

10.5 The safety and welfare of ICVs is paramount. This will be covered as part of the ICVs induction training, and guidance updates and further training will be provided as and when appropriate.

10.6 ICVs are responsible for reporting to the Scheme Manager any sustained injury or illness which has arisen as a consequence of serving as an ICV.

10.7 If an ICV has / or develops a disability or medical condition which may impact on their ability to carry out their duties as an ICV, then they must disclose this to the scheme manager. The scheme manager will consider the issue in the strictest confidence, and any advice / consultation will be carried out on an anonymous basis. Wherever practicable the Authority will seek to accommodate additional needs through means of reasonable adjustment to the ICV's role and / or custody environment.

Panel meetings

10.8 It will be necessary for the ICV panels to meet from time to time to discuss local issues, training developments etc. The frequency of these meetings is for the panel members to decide, but should be at least twice a year. These meetings will be arranged by the Panel coordinator. Kent Police will make a room available at each BCU for the meeting, and the BCU Custody Inspector with responsibility for custody, will be expected to attend. A representative from the Police Authority will attend each of the panel meetings at least once a year.

**11. Complaints and misconduct allegations against ICVs**

11.1 The police authority has the right to terminate the appointment of any ICV whose performance or conduct does not meet the required standard.

Misconduct

11.2 In the event of misconduct the KPA will consider whether it is appropriate to terminate the appointment of the ICV. Misconduct will encompass matters such as misuse of the identity card, conviction of a criminal offence (including formal cautions, warnings or reprimands), abusing one's position as an ICV, for example by consistently disregarding the requirements of this policy and ICV code of practice.

11.3 ICVs must notify the KPA if they are arrested, cautioned or charged with a criminal offence. In such circumstances, the KPA will suspend the appointment of that ICV until the outcome of any criminal proceedings is known. If the ICV is subsequently found not to be guilty, they may be reinstated. In the case of a caution the KPA will review the appointment of the ICV with regard to the nature of the offence.

Complaints

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11.4 Any serious complaint regarding an ICV must be passed to the Scheme Manager. The Scheme Manager will after discussion with the coordinator, decide if the complaint should be dealt with locally by the coordinator. In these cases the coordinator will arrange to discuss the complaint or issue with the individual concerned and will inform the Scheme Manager of the outcome of these discussions. A note of the discussion and outcome will be placed on the ICV's personal file.

11.5 If an ICV is unhappy with the outcome, they must contact the Scheme Manager who will decide how best to deal with the situation.

11.6 The Scheme Manager will inform the coordinator, where appropriate, of any complaints or issues of concern regarding a custody visitor in their group.

11.7 Complaints of a more serious nature or repeated complaints must be made in writing to the Authority's Chief Executive. He / she will decide how best to deal with these complaints.

11.8 Where the Scheme Manager receives a written complaint of misconduct, the ICV's appointment will be suspended until such time as the complaint is resolved. Should it be considered appropriate to refer the individual's appointment to the Police Authority for consideration, the ICV will be notified in writing.

11.9 When appointments need to be referred to the Police Authority, the Authority's Chief Executive will consider them. The ICV will be invited to submit a written statement.

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

### Appeal process

11.11 Where an ICV's appointment is terminated, the individual will have the right to appeal. The intention to appeal must be notified to the Scheme Manager in writing within 21 days following the notification of termination of appointment.

11.12 The appeal will be considered by the Authority's Conduct and Complaints sub-committee.

11.13 The sub-committee will meet to consider the termination of the appointment within 30 days following the notification of the appeal. The ICV will be notified in writing of the date and venue of the meeting, not less than seven working days prior to the appeal and invited to submit a written statement or attend the appeal in person. An ICV may if preferred, have a representative attend the appeal on their behalf. In this case the ICV must inform the Scheme Manager of the name of their representative at least seven days prior to the appeal.

11.14 The decision of the sub-committee will be notified in writing to the custody visitor within seven working days of the appeal hearing.

11.15 The decision of the sub-committee will be final. The Police Authority will not enter into any further discussions or correspondence concerning the termination of appointment.

## **12. Links with national scheme**

12.1 Representatives from the Police Authority will attend national and regional ICV Association meetings wherever possible to keep up to date with new developments and best practice. ICV representatives will be invited to attend the national annual conference.

**13. Equality Impact assessment**

13.1 This policy has been assessed with regard to its relevance to race and diversity equality. As a result it has .....

Policy Reference: KPA ICV policy / Kent Police IO7 Independent Custody Visitors  
Policy Owners: KPA Policy & Research Officer / Chief Superintendent Area Operations  
Contact Point: KPA Secretariat 01622 604487 / Strategic Planning & Policy Unit 01622 654662  
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