

## **WEST MERCIA POLICE AND CRIME PANEL**

### **15 June 2022**

# **HMICFRS & HMIP INSPECTION REPORT – “REPORT ON AN UNANNOUNCED INSPECTION VISIT TO POLICE CUSTODY SUITES IN WEST MERCIA POLICE”**

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## **Recommendation**

1. Members of the Panel are invited to consider this report.

## **Background**

2. In April 2022 Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) and Her Majesty's Inspectorate of Prisons (HMIP) published inspection findings following an unannounced joint inspection of West Mercia Police custody facilities. This is part of a programme of inspections covering every police custody suite in England and Wales. A copy of the West Mercia inspection report is attached at appendix 1.
3. The inspection assessed the effectiveness of custody services and outcomes for detained people throughout the different stages of detention. It examined the force's approach to custody provision in relation to detaining people safely and respectfully, with a particular focus on children and vulnerable adults. Whilst the report includes causes of concern, recommendations and areas for improvement (AFIs), the inspectorates do not provide an overall grading for custody.
4. The custody facilities in West Mercia were last inspected in 2014. Of the 29 recommendations made during the 2014 inspection, West Mercia Police had fully or partially achieved 19.

## **Summary of findings**

5. The 2022 inspection report identified good practice in relation to partnership working, understanding vulnerabilities and decisions for child detention. However the report also identified 5 causes of concern (with associated recommendations) and a further 11 AFIs. A number of these causes of concern relate to recommendations identified in the 2014 inspection which had not been achieved or had only partly been achieved.
6. Following the inspection, HMICFRS also referred 3 specific cases relating to the use of rip-proof clothing, risk assessment and inappropriate and offensive language.

## **Quick time activity and action plan development**

7. Quick time activity was undertaken during and immediately after the inspection to address the Inspectorates' feedback. This included the introduction of a new Temporary Superintendent (T/Supt) post in custody, the purchase of anti-ligature knives and updating and ordering new information posters. HMICFRS publically acknowledged the action taken by the force during the inspection and were confident that custody services and outcomes for detainees would improve as a result.
8. The force also utilised support from the Inspectorates, including a shadowing opportunity for the new custody T/Supt and provision of a bespoke auditing input to the custody management team. This best practice learning has informed the force's response to the inspection report and will form a key part of the roadmap to successfully improve custody provision.
9. The 3 referred cases referenced at para 6. were subject of an immediate review overseen by a Chief Officer. This resulted in a referral to the Independent Office for Police Conduct (IOPC) for 1 of the cases. The other 2 cases were dealt with by way of reflective practice.
10. The force has developed a detailed action plan to monitor ongoing progress to address each of the causes for concern, recommendations, and AFIs. This action plan includes 51 actions, each of which has been RAG rated, an improvement owner identified, relevant 'steps to green' agreed, and a completion date set.
11. The action plan is subject to scrutiny through a newly established monthly Custody Improvement Board (CIB) which feeds into the Deputy Chief Constable's (DCC) Service Improvement Board (SIB). The CIB is attended by key stakeholders including the PCC's Estates Team and Criminal Justice Manager.
12. Of the 51 point plan, 36 actions are assessed amber with significant activity taking place, 3 are green (completed), with the remaining 12 being assessed red indicating limited progress achieved. The red rated actions are generally associated with the longer term issues around the facilities, whilst others await delivery of training and subsequent audit assurance before the status is further reviewed.

## **Holding to account**

13. The PCC held an extraordinary Holding to Account (HTA) meeting on 29<sup>th</sup> May 2022 to focus on the findings of the custody inspection report. The primary aim of the meeting was to ensure the causes for concern, recommendations and AFIs set out in the report have (or were) being addressed and to seek reassurance that the force had the right resources and plans in place.
14. The Chief Constable was asked to submit a briefing document listing the causes for concern, recommendations and AFIs, and the measures being put in place (and progress of delivery where appropriate) against each. This document formed the basis of the HTA meeting. A copy of the notes from the HTA meeting is attached at appendix 2.

## **Causes of concern, recommendations and AFIs**

15. The inspection report identified 5 causes of concern (with associated recommendations) and a further 11 AFIs across 5 thematic areas. The sections below summarise the key findings across each thematic area, along with a brief summary of the work being done by the force and where appropriate, the PCC to address the findings. A full list of all causes for concern, recommendations and AFIs can be found in section 6 of appendix 1.

### **Leadership, accountability and partnerships**

16. There were 2 causes of concern (each with a single recommendation) identified in this area. One cause of concern related to governance and oversight of custody provision. 1 cause of concern related to compliance with legal requirements and guidance.

17. There has been significant progress in improving force governance and oversight of custody provision. This includes the appointment of the T/Supt and the establishment of robust governance structures as set out in paras 7 -11. CPD training for custody and detention officers took place in May 2022 and focused on addressing both causes of concern.

18. The impact of the new arrangements and training will be monitored on a monthly basis through a new audit regime. The audit process has been informed by the auditing input and best practice examples provided by HMICFRS.

19. The force is due to review the service provided by Bidvest Noonan (service provider for detention officers) and the interim leadership structure in quarter 2 to consider the longer term plan. The PCC was given reassurance that any future model of service delivery would continue to address the leadership and accountability concerns raised by HMICFRS, (including representation of the workforce in custody).

### **Pre-custody: first point of contact**

20. There was 1 AFI identified in this area. The AFI focused on ensuring frontline officers had access to quality information to inform decision-making when responding to an incident. This includes initial information from call handlers, as well as advice and assistance from mental health professionals.

21. Custody and OCC leads are working together to ensure sharing of key information. This is being supported by ongoing training and systems changes in the OCC. Work is also ongoing with Health partners to ensure effective arrangements are in place to support people in a mental health crisis, including plans for dedicated mental health ambulances.

22. The PCC's budget for 2022/23 includes investment in a 'vulnerability desk' which will ensure individuals with significant vulnerabilities are identified and supported by the police and partners at the earliest opportunity. This should assist the force in accessing and relaying information as set out in the AFI.

## **In the custody suite: booking in, individual needs and legal rights**

23. There was 1 cause of concern (and associated recommendation), and 3 AFIs identified in this area. The cause of concern related to risk management practices. The 3 AFIs related to detainee dignity and privacy, meeting individual and diverse needs, and access to the police complaints system.
24. Several quick time actions were undertaken by the force to address concerns in the custody suite. This included immediate direction to the workforce to ensure compliance with guidance; purchase and distribution of 120 anti-ligature knives and delivery of CPD to include effective risk assessments and the use of rip-proof clothing.
25. Stock checks are taking place across suites to ensure provision of resources to meet individual and diverse needs. In 2021/22 the PCC provided £2,000 funding to bulk buy reading materials and other distraction activities for the 5 custody suites. The monthly custody audits will ensure that this investment is utilised to improve the custody service.
26. Work is ongoing with the ATHENA Management Organisation (AMO) to make system changes to support the force in addressing the learning highlighted by HMICFRS. The impact of steps taken in para 25-27 will be monitored through robust monthly audits.
27. The PCC will need to invest significantly in the custody estate in the next 1-5 years to bring the facilities and infrastructure up to the standard required. All elements of the privacy provision and provisions for detainees with disabilities will be considered as part of the remedial estates work being managed by the PCC's Estates function. A survey of all custody blocks has been arranged for the week commencing 27/06. This will identify the scope, extent and cost of works required. In the meantime, any remedial repairs will be undertaken as and where required.
28. Alongside this, the force have already submitted estimated costs of £500k to replace aged, obsolete and damaged CCTV & recording equipment.
29. Whilst information on how to make a complaint is now displayed in custody suites, the PCC has asked for further reassurance that there is a fit for purpose process for recording and referring complaints to the Professional Standards Department. The DCC will review this through SIB.

## **In the custody cell, safeguarding and health care**

30. There were 2 causes of concern (each with a single recommendation), and 6 AFIs identified in this area. 1 cause of concern related to oversight and governance of use of force in custody. 1 cause of concern related to detainee care including the provision of food and drink.
31. The 6 AFIs covered a myriad of themes relating to safeguarding and health care including: the safety and environment in custody; use of force training; the approach to appropriate adults; and working with partners in relation to alternative accommodation, health care outcomes and transfers to hospital.
32. A programme of work is underway to ensure all custody and detention officers have up-to-date training on use of force, officer safety and first aid. A new recording system

for use of force is now in place, enabling more accurate recording and review of use of force as part of the monthly custody audits. In the medium to long term, the investment in CCTV will enable more effective scrutiny of use of force in custody.

33. The force are considering how best to enable independent scrutiny of use of force in custody. Discussions are ongoing to determine whether the PCC's Independent Custody Visitors (ICV) scheme could be utilised. The PCC is also working with the force to understand how the ICV scheme could be strengthened to provide more structured scrutiny of the areas highlighted by HMICFRS.
34. Provision of food and drink was covered in CPD in May and compliance is checked through the monthly custody audits. Concerns regarding quantity and variety of food stocks has been raised by the PCC's ICVs. The PCC will work with the force to ensure that these concerns are escalated and addressed through the appropriate governance forums.
35. The PCC's Estates team have procured a new cleaning contract and custody will form part of the monthly governance over the service delivered within this area. Estates have implemented a regime of custody block 'deep cleans' and are developing a mechanism for inspections with the cleaning contractor.
36. The PCC's Estates team are also working with Health and Safety for a physical safety audit of all custody suites to identify and remove any ligature points. Other maintenance issues will be addressed via the quarterly joint inspections by the force and Estates team which are already in place. Inspection reports will be reviewed at the CIB and the Estates Forum to ensure all actions arising are progressed.
37. More support is required from local authorities to improve the provision of alternative accommodation for children who are charged and refused bail. The inspection identified 36 cases where children were charged and remanded in custody. In 29 cases requests were made for alternative accommodation but only 1 child was moved. In 7 cases a request was not made as it was deemed impractical (e.g. because of the time at night, court attendance etc.)
38. The force's strategic leads have written to the Directors of Children's Services and are working with the Youth Justice Service (the service is hosted within the Office of the PCC) to seek a response to this issue. The PCC is also considering how his Local Criminal Justice Board can be used to hold partners to account to drive improvements in the provision of alternative accommodation for these vulnerable children.

### **Release and transfer from custody**

39. There was 1 AFI identified in this area. The AFI focused on the force's approach to releasing detainees safely.
40. The learning identified by HMICFRS was included in the CPD in May, and compliance will be monitored through the audit process.
41. The force are also part of a national pilot to provide Liaison & Diversion staff with access to digital escort records in a bid to improve the quality of medical and mental health information shared within the secure estate.

## **PCC oversight and next steps**

42. The PCC's oversight and scrutiny of the force response to the custody inspection findings is ongoing. An extraordinary holding to account meeting took place on 29<sup>th</sup> May and the themes from this meeting will be used to inform ongoing monitoring.
43. The PCC is engaged across the various levels of force governance set out in this report, with leads identified within the PCC's Governance Team, Estates Team and the hosted Youth Justice Service. These leads are engaged with the force in delivering the required service improvements. Progress of delivery will be monitored through the CIB, SIB and Estates Forum meetings.
44. The PCC has requested an immediate review of his ICV scheme in light of the inspection that will be completed by mid-June. The review will consider how the PCC's ICV scheme can most effectively provide support to ensure the improvement activity set out above is embedded and leading to improved outcomes for detainees.
45. The PCC has a statutory responsibility to write to the Home Secretary in response to any force inspection report published by HMICFRS. Once sent, this will be published on the PCC's website.

## **Risk Management Implications**

None.

## **Financial Implications**

None.

## **Legal Implications**

None

## **Equality Implications**

None.

## **Supporting Information**

Appendix 1 – HMICFRS & HMIP Report on an unannounced inspection visit to police custody suites in West Mercia Police

Appendix 2 – Custody Inspection Holding to Account meeting notes

## **Contact Points**

### **County Council Contact Points**

Worcestershire County Council 01905 763763

Worcestershire Hub: 01905 765765

### **Specific Contact Points for this report**

Gareth Boulton, Police and Crime Commissioner Deputy Chief Executive