

ACTION PLAN – Report on an inspection visit to court custody facilities

CLUSTER: Wales

TIMETABLE	DATE
Unannounced inspection	July 2015
Report published	February 2016
Action Plan Submitted	May 2016

ACTION PLAN - HMIP REPORT

CLUSTER(s): Wales

POSITION AS AT: May 2016

Rec. No.	Recommendation	Accepted/ Rejected	Response Action Taken/Planned	Function Responsible/ Policy Lead	Target Date/ Completion
6.1	HMCTS should ensure that interagency meetings include a focus on court custody operations, particularly on improving the care and safety of detainees in court custody. (2.41)	Accepted	<p>The structure of court stakeholder meetings has been fully reviewed since the inspection. HMCTS has worked with stakeholders from all agencies, to ensure local delivery need and environment is suitably reflected. Meetings have been extended to HM Prison Service, the police, and Lay Observers, as well as the Prisoner Escort and Custody Services (PECS) and GEOAmev, the PECS contractor for Wales.</p> <p>The frequency of these meetings has also been increased, and court custody operations and the care and safety of detainees in court custody is a standing agenda item.</p>	HMCTS	Completed
6.2	HMCTS, PECS and the escort and court custody contractor should investigate the reasons for the prolonged periods that detainees, including children, spend in court custody cells. Measures should be put in place to ensure detainees in custody have their cases prioritised where possible and are transferred and released without delay. (2.42)	Accepted	<p>HMCTS seeks to prioritise the listing of those held in custody wherever possible. Listing is a judicial function, and expedition is dependent on a number of factors and so may not always be possible in all circumstances. Interagency relationships continue to develop with the use of daily cross agency meetings. These meetings include escort contractors, HMCTS, Crown Prosecution Service, Probation Services, legal advisers and security staff with the primary focus on prioritisation of cases particularly of vulnerable children and adults. HMCTS and GEOAmev will introduce a system to ensure that any issues or lessons learnt which affected a detainee are reviewed and if required, escalated.</p> <p>HMCTS will continue to ensure that warrants are produced and provided to GEOAmev within the prescribed timeline of 30 minutes to ensure prompt release of detainees.</p>	HMCTS	Completed

6.3	Sufficient staff should be on duty at all times so that the safety and welfare of detainees and staff are maintained. (2.43)	Accepted	PECS Contractors have Standard Operating Procedures that set out the staffing arrangements that are required. GEOAmev is held to account for their compliance with these procedures by PECS Contract Delivery Managers, who continually monitor court custody staffing levels.	PECS	Completed
6.4	Staff should complete a standard risk assessment for each detainee, and receive training to do this. (2.44)	Rejected	<p>The recommendation is achieved through existing practices as follows: The Person Escort Record (PER) is the authoritative document that communicates risk from which the escort contractor's staff are able to manage detainees individually according to their needs. Accurate completion of the PER by the prison and the police will provide the escort contractor with the ability to make a thorough risk assessment.</p> <p>Escort contractor's reception procedures establish any needs detainees have before they are placed in a cell. When cell sharing is unavoidable, a documented cell sharing risk assessment (CSRA) is completed to mitigate and manage the perceived risk of individuals. A Cell Allocation Form is completed for any Young People whom they intend to place in a cell in the Custody Suite.</p> <p>Specific, dynamic risk assessments are completed where there is a perceived increased risk of harm or escape in relation to a prisoner's dock appearance and/or attendance at the witness box. Generic risk assessments are completed for all other activities.</p>	N/A	N/A
6.5	Handcuffs should only be used if necessary, justified and proportionate. (2.45)	Accepted	The PECS escort contractors have procedures in place that identify the level of handcuffing required, taking into account appropriateness and their contractual responsibility to prevent escapes, and control custody suites. These procedures are informed by National Offender Management Service (NOMS) National Security Framework policy and are tailored to reflect the physical design of each	PECS	Completed

			<p>custody suite.</p> <p>Handcuff use is based upon the risk of escape whether due to the levels of physical security at court and the extent of risk information that custody staff have of the specific individual.</p> <p>PECS will continue to monitor the use of cuffing procedures to ensure it remains compliant with wider NOMS security policies.</p>		
6.6	<p>HMCTS and PECS should establish agreed standards in staff training, detainee treatment and conditions, and detainees' rights during escort and in court custody. (2.46)</p>	Accepted	<p>The Ministry of Justice contract for Prisoner Escort Custody Services outlines the obligations that are required. Service providers are held to account for their performance and their compliance with these obligations.</p> <p>These contractual requirements are delivered through compliance with the contractor's standard operating procedures that are made available to all staff. These are complemented by NOMS policies and instructions, which set out the required standards for staff training, detainee treatment and conditions, including meeting their rights during custody. Escort contractors also carry out decency audits, Health and Safety assessments and Fire Risk Assessments. Any identified concerns are acted upon accordingly.</p> <p>HMCTS has a programme of cleaning in place. This includes daily cleaning, and a schedule of 'deep cleaning'. Cleaning standards are monitored closely, and any issues are escalated to the HMCTS Delivery Manager who ensures appropriate remedial action is taken.</p>	HMCTS & PECS	Completed
6.7	<p>HMCTS and PECS should clarify the responsibilities of each organisation for resolving problems that have an impact on outcomes for detainees. (2.47)</p>	Accepted	<p>There are clear instructions in place that outline the roles and responsibilities of all staff of all organisations. These include clear governance arrangements for resolving any issues that arise.</p>	HMCTS & PECS	Completed

			<p>These arrangements have been strengthened further through HMCTS working with partner organisations to ensure that all staff are aware of their responsibilities and the escalation routes available to resolve problems. Guidance and refresher training has also been provided.</p>		
6.8	<p>HMCTS should engage with all partner agencies to ensure there are no unnecessary delays causing detainees to be held in court custody for longer than necessary. (3.17)</p>	Accepted	<p>HMCTS seeks to prioritise the listing of those held in custody wherever possible. Listing is a judicial function, and expedition is dependent on a number of factors and so may not always be possible in all circumstances.</p> <p>Strengthened court stakeholder meetings, where court custody operations and the care and safety of detainees in court custody is a standing agenda item, are being used to establish any issues that have the potential to cause delays, and implement actions to address them.</p>	HMCTS	Completed
6.9	<p>Quality assurance processes should be more effective in addressing key elements of detainee care during escorts and court custody. (3.18)</p>	Accepted	<p>PECS monitor the contractual obligations of the court escort contractor whilst prisoners are in their care. The court escort contract is specific to the required standards of care provided by the escort contractor. The treatment and conditions are closely monitored by the PECS Contract Delivery Manager and court escort contractor management team.</p> <p>PECS conduct a Safe, Secure, Decent and Compliant (SSDC) audit programme and the contractors also have a programme of quality assurance audits.</p> <p>HMCTS have introduced detainee care and treatment as a standing agenda item for all court stakeholder meetings.</p>	PECS & HMCTS	Completed
6.10	<p>There should be a safeguarding policy and all staff should be made aware of safeguarding procedures for children and</p>	Rejected	<p>HMCTS is undertaking a review of its processes and procedures that relate to safeguarding, and whether a separate national safeguarding protocol is the most</p>	N/A	N/A

	adults at risk. (3.19)		<p>appropriate way forward. The review will include the safeguarding protocols the police and Prison Service have in place, and the remit and roll out of the NHS England's Liaison and Diversion scheme.</p> <p>The PECS escort contractor have their own standard operation procedures for safeguarding and court custody officers receive annual refresher training which includes safeguarding procedures and equality and diversity.</p> <p>Work is also underway with Welsh Government and other stakeholders around the remit, and continued rollout of Liaison and Diversion Services to establish how they might best assist court users.</p>		
6.11	HMCTS should ensure that compliant defendants apprehended by court and civil enforcement officers are not taken into court custody unless there are good reasons to do so. (4.17)	Accepted	Where a defendant is arrested under warrant by a Court Enforcement Officer, they will bring the arrested person to the court, a risk assessment is undertaken and if appropriate, the defendant will remain in the courtroom until their case has been called instead of taking them to the custody suite. However, if the risk assessment concludes that it would be inappropriate to leave the defendant in the courtroom (for example a high risk that they will abscond), court custody staff will escort the defendant to the custody suite where they will wait until their case is called.	HMCTS	Completed
6.12	There should be sufficient private consultation rooms at all courts and visitors to court cells should not be locked in with detainees. (4.18)	Accepted subject to resources	<p>The majority of court buildings used by HMCTS provide facilities that fully support the operation of the courts they contain. Wherever these facilities are unavailable due to refurbishment or the layout of the court house, HMCTS makes appropriate operational adjustments, such as varying security arrangements or offering alternative facilities.</p> <p>Locking visitors in with detainees should not take place, and guidance has been reissued to staff.</p>	HMCTS	Completed

6.13	All court custody staff should be made aware of the availability of a professional telephone interpreting service, which should be readily accessible in each custody suite and used as necessary. (4.19)	Accepted	<p>Court escort contractors are contracted to use Language Line. Their standard operating procedures inform their staff of the process to use this service.</p> <p>All escort contractor's staff have been reminded that the telephone interpreting service should be made available to defendants as required.</p>	GEOAmeY	Completed
6.14	All detainees should be informed of the complaints process. Complaints should be recorded on behalf of detainees who make verbal complaints about any aspect of their period in detention. There should be a process for monitoring complaints and analysing trends. (4.20)	Accepted	<p>As part of the reception process all prisoners are informed of the complaints process and additionally a printed copy of Prisoner Rights and Complaints Procedure to be placed in every cell prior to the arrival of prisoners at the beginning of the day and replenished if required for 'new' prisoners as they are received throughout the day either from custody or off bail. The PER must be annotated to confirm that each prisoner has received a copy of both notices.</p> <p>Where a prisoner wishes to complain to GEOAmeY, every effort must be made to resolve the issue informally in the first instance. The Senior Custody Officer or Officer In Charge must be informed of the complaint and ensure that it is managed with a view to resolving the complaint if possible.</p> <p>To further ensure that all detainees have information and the opportunity to submit a complaint PECS will ensure that information around the complaints process is included with the Prisoner Rights information in every cell.</p>	GEOAmeY	Completed
6.15	Cellular vehicles should always be clean and well maintained. (5.17)	Accepted	Escort contractor vehicles are subject to a maintenance and cleaning schedule and vehicles are inspected on a daily basis. Any cells with graffiti that is of a racist, sexual nature or homophobic would be taken out of commission until rectified. Both Lay Observers and PECS Contract Delivery Managers frequently check the contractor's vehicles for cleanliness. PECS Contract Delivery Managers also	GEOAmeY	Completed

			frequently check the contractor's vehicles for cleanliness and escalate any issues that need to be addressed.		
6.16	Men and women should not be transported in the same escort vehicle, and detainees should be transferred from cellular vehicles to court cells out of public view. Where this is not possible safeguards should be put in place to protect detainees from public view. (5.18)	Rejected	<p>The current PECS contract allows for male and female prisoners and young people to be transported on the same escort vehicle. This has been achieved by introducing a flexible fleet configuration allowing physical separation on board where, previously, separate vehicles would have been used.</p> <p>The use of such hybrid vehicles provides a more responsive and flexible fleet, reducing waiting times at courts for detainees to be collected, and the environmental impact of using two vans in place of one.</p> <p>Contractors will use secure vehicle docks where provided or position the vehicle as close to the custody suite entrance as is possible, to protect detainees from public view.</p>	N/A	N/A
6.17	The quality of PERs should be improved and should include more specific information about all risks posed by the detainee. (5.19)	Accepted subject to resources	<p>The quality and completeness of PERs produced by the police and prisons is reviewed on an ongoing basis. Where this falls short, meetings are held with the relevant prison or police force to work through requirements and follow up action taken where necessary.</p> <p>Further changes to the PER, including the introduction of an electronic format are currently being considered by the NOMS Security Group and piloted in some areas, with a view to a national rollout once an evaluation of the pilot has been completed.</p>	NOMS	Completed
6.18	Custody officers should receive sufficient training to meet the diverse needs of detainees held in court custody. (5.20)	Accepted	GEOAmey's initial training course for Prison Custody Officers includes a Diversity module, and all staff receive refresher training every three years on how to deal with individuals. This covers subjects such as mental health,	GEOAmey	Completed

			handcuffing, child protection, self-harm and searching.		
6.19	There should be a small stock of mattresses and blankets or warm clothing for detainees who are elderly, pregnant or disabled. (5.21)	Rejected	The court custody facilities are a short term holding facility, so mattresses are not required. The expectation is that all court cells should be maintained at a comfortable temperature, which negates the need for blankets or warm clothing.	N/A	N/A
6.20	All court custody suites should have a copy of the holy books of the main religions, a suitable prayer mat that is respectfully stored, and a reliable means of determining the direction of Mecca. (5.22)	Accepted	PECS have agreed the appropriate religious artefacts and the parameters that support 'private prayer' within the confines of a cell at Court Custody Suites for prisoners with NOMS Chaplaincy Department and their Faith Advisors. PECS Contractors have procured these artefacts and have made them available with instructions for their staff to facilitate 'private prayer' for prisoners in their care for all the religious faiths recognised by NOMS.	GEOAmeY	Completed
6.21	All courts should have a stock of appropriate reading material, including some suitable for children and non-English speakers. (5.23)	Rejected	GEOAmeY are not required to provide reading material under the terms of their contract. However, there is an expectation that reading material will be provided to detainees where possible.	N/A	N/A
6.22	Cell-sharing risk assessments should be completed for all detainees before they are required to share a cell. (5.42)	Accepted	Escort contractors complete a cell sharing risk assessment to mitigate and manage the perceived risk by individuals. They are required to complete this prior to placing any prisoner within their cell. PECS Contract Delivery Managers monitor this process and request immediate rectification where required.	GEOAmeY	Completed
6.23	Staff should complete observations at the required frequency, including for detainees identified as being at risk of self-harm or suicide, and there should be a formal	Accepted	The requirement of recording cell visits on the manual and electronic PER is a contractual requirement and contractors have been reminded of the need to maintain accurate records.	GEOAmeY	Completed

	process to amend levels of observation. The outcome of all cell visits should be recorded accurately in the detention log on GEOtrack. (5.43)		PECS contractors are responsible for the continuing care of all prisoners whilst in custody. The Senior Custody Officer or Officer In Charge must ensure that checks of all prisoners in their custody are carried out to ensure that their general welfare and wellbeing is being maintained.		
6.24	All staff undertaking observations and cell visits should carry anti-ligature knives at all times. (5.44)	Accepted	All designated cell officers carry ligature knives, which are signed for at the start and end of duty. Standard Operating Procedures were revised and formally published in June 2015 when staff were fully briefed. All staff were again reminded of procedures in March 2016.	GEOAmeey	Completed
6.25	Detainees handed over to court custody suites shared with the police should be able to keep their clothing and footwear. (5.45)	Rejected	Discussions have taken place with North Wales Police and the cells in Wrexham are managed under the provisions of the Police And Criminal Evidence Act 1984.	N/A	N/A
6.26	Custody staff should check whether detainees being released have any immediate needs or concerns that should be addressed before they leave and offer them a leaflet detailing local support agencies. (5.46)	Accepted	Where no agency will be supporting the defendant, the Senior Custody Officer or Officer In Charge will speak with them to see if there are persons in the community likely to be supportive, and whether the defendant is content for them to be contacted, for example, friends and family, GP, the Community Mental Health Team or the Community Drugs Service. The Senior Custody Officer or Officer In Charge will ensure that the conversation and any persons contacted are annotated on the prisoner's PER and recorded in the Daily Occurrence Book. In addition, we will distribute our Leaflet 'Onwards & Upwards' to those who have been released from custody.	GEOAmeey	Completed
6.27	Detainees should only be searched if necessary and justified by a thorough, dynamic risk assessment. (5.54)	Rejected	Standards and frequency of searching are defined within the contractor's operating procedures and custody staff are expected to comply. However NOMS PECS does not directly set the level of searching conducted by the court escort	N/A	N/A

			<p>contractor, this is assessed and managed by the contractor management team.</p> <p>The standard operating procedure was amended in September 2015, in line with HMIP recommendations, HMP Prisoners are no longer searched on arrival at court unless risk assessed otherwise.</p>		
6.28	Cell checking procedures should include identifying ligature points and inadequate cleaning, which should be recorded, reported and rectified immediately. (5.66)	Accepted	As part of an existing process, the Standard Operating Procedure identifies any inadequacies and ensures they are escalated. These processes are supported by audits undertaken by the Health and Safety Quality and Environmental department. Any cell reported to contain a ligature point are taken out of use until such time as it has been addressed.	GEOAmev	Completed
6.29	HMCTS should ensure that graffiti is removed from all cells immediately; cells should remain graffiti free. (5.67)	Accepted	All items of graffiti that are deemed to be offensive are reported immediately and action taken to address them. An annual inspection is also undertaken and work carried out to address any necessary works.	HMCTS	Completed
6.30	All detainees should have access to clean toilets, which they should be able to use in privacy. (5.68)	Accepted	<p>A regular schedule of clearing is in place and inspections undertaken to ensure standards of cleanliness are adhered to.</p> <p>Any issues identified through this process are escalated for appropriate action to be taken.</p>	HMCTS	Completed
6.31	Emergency evacuation drills should be conducted and recorded at all courts. All staff should be familiar with emergency evacuation procedures. (5.69)	Accepted	A Fire Evacuation Test takes place every 6 months. Usually the drill will be carried out during working hours and should be timed to take place when the maximum number of people are in the building. However, the timing may at times vary depending on local circumstances and the interests of justice.	HMCTS	Completed

			<p>Escort contractors and defendants are legally obliged to participate in the test to ensure that all fire evacuation procedures are tested.</p> <p>Test are required to be documented and recorded in the Local HMCTS Fire Evacuation Plan. All staff receive Health and Safety induction training that includes the local arrangements for emergency evacuation of their site.</p>		
6.32	GEOAmeY should routinely review the effectiveness and clinical performance of Taylormade Medical Services. (5.80)	Accepted	GEOAmeY carry out periodic performance reviews with the supplier but more transparency is required to ensure that service providers are held to account.	GEOAmeY	Completed
6.33	Custody staff should be appropriately trained and annually updated in emergency response skills, including basic life support and the use of automated external defibrillators. (5.81)	Partially Accepted	Contractor staff are trained in first aid at work and resuscitation. Training is refreshed in line with legislative requirements. This is monitored by both NOMS PECS, and the contractor, with internal processes in place to record this.	GEOAmeY	Completed
6.34	First aid equipment should include sufficient up-to-date kit, including basic equipment to maintain an airway and automated external defibrillators in custody areas. (5.82)	Partially Accepted	GEOAmeY provide the first aid kits within custody suites who manage and maintain their contents and maintain audits. Defibrillators are not currently available within custody suites.	GEOAmeY	Completed
6.35	PERs should clearly identify each detainee's health risks while ensuring confidentiality is appropriately maintained. All inadequately completed PERs that have the potential to affect the safe provision of health care should be captured on the incident reporting system and the information formally escalated to the sending establishment. (5.83)	Accepted	<p>All inadequately completed PERs that have the potential to affect the safe provision of healthcare are challenged at the point of handover via the senior Custody Officer and Area Business Manager. Concerns are discussed and reviewed in the Safer Custody & Security meetings and also escalated through other relevant stakeholder meetings.</p> <p>PERs that are not of the appropriate quality are routinely brought to the attention of the NOMS prison establishments or police force to drive up the quality of information communicated.</p>	GEOAmeY & NOMS	Completed

6.36	All detainees who require prescribed medication while in court custody should have access to it. (5.84)	Partially Accepted	Medication accompanying prisoners attending court from prisons will be permitted to be held by the prisoner. Prisoners who, following a medical risk assessment, cannot hold medication in their possession are expected to be provided with medication at either the police custody unit or by the prison before departure.	GEOAmeY	Completed
6.37	Custody staff should have regular training to enhance their mental health and drug and alcohol awareness. (5.85)	Accepted	Induction training is followed up with refresher training every three years. This training includes mental health, drug (including legal highs) and alcohol awareness, causes and triggers, and was developed with the mental wellness charity MIND UK. The training also provides information on how to relay concerns to the various agencies that will then be responsible for that person.	GEOAmeY	Completed
6.38	Staff should routinely inform female detainees of the availability of hygiene packs. (5.24)	Accepted	Posters are in place in all cell complexes advising of the availability of hygiene packs as of April 2016. All staff have been reminded of expectations.	GEOAmeY	Completed
6.39	Vulnerable detainees should be able to receive social visits in exceptional circumstances. (5.47)	Accepted	The Senior Custody Officer or Officer In Charge will allow prisoners to have access to their legal representatives and/or employees from other appropriate agencies before their court appearance. Social and domestic visits are only allowed at the direction of the Judiciary.	GEOAmeY	Completed
6.40	Support leaflets offered to detainees on release should be available in a range of languages. (5.48)	Rejected	The escort contractor provides the 'Onwards & Upwards' leaflets in both English & Welsh. Based on experience, there is insufficient demand for leaflets to be produced in any languages other than Welsh and English in Wales. However, HMCTS Wales and the contractor will make an assessment of local need for alternative languages at each custody facility and provide leaflets in languages where demand	N/A	N/A

			exists.		
6.41	Information about local prisons should be available in a range of languages and offered to all detainees who are remanded or sentenced to prison. (5.49)	Rejected	<p>NOMS in Wales work with establishments to provide local prison information in a variety of languages.</p> <p>Regional Equality Managers assess the information produced within the booklets to ensure that it is to an agreed level and provides appropriate information in respect of the establishment.</p>	N/A	N/A

Recommendations			Housekeeping Points	
Accepted		27	Accepted	2
Accepted Subject to Resources/Partially Accepted		5	Accepted Subject to Resources/Partially Accepted	0
Rejected		9	Rejected	2
Total		41	Total	4