

**ACTION PLAN - Report on an inspection visit to court custody facilities**

**CLUSTER(s): Staffordshire and West Mercia**

<b>TIMETABLE</b>	<b>DATE</b>
Unannounced inspection	March 2016
Report published	15 July 2016
Action Plan Submitted	September 2016

## ACTION PLAN - HMIP REPORT

CLUSTER(s): Staffordshire and West Mercia

POSITION AS AT: 28<sup>th</sup> July 2016

Rec. No.	Recommendation	Accepted/ Rejected	Response Action Taken/Planned	Function Responsible/ Policy Lead	Target Date/ Completion
6.1	HMCTS, PECS and the escort and court custody contractor should investigate the reasons for the prolonged detention of detainees, including children, 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.	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>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 GEOAmeY 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 GEOAmeY within the prescribed timeline of 30 minutes to ensure prompt release of detainees.</p>	HMCTS	Completed
6.2	Sufficient staff should be on duty at all times so that the safety and welfare of detainees and staff are maintained.	Accepted	PECS Contractors have Standard Operating Procedures that set out the staffing arrangements that are required. GEOAmeY is held to account for their compliance with these procedures by PECS Contract Delivery Managers, who continually monitor court custody staffing levels.	GEOAmeY	Completed
6.3	Staff should complete a standard risk assessment for each detainee and receive training to do this.	Rejected	The recommendation is achieved through existing practice as follows: The Person Escort Record (PER) is the authoritative document that communicates risk from which the escort contractors' staff are able to manage detainees individually according to their needs. Accurate completion of the PER by the prison and police will provide the escort contractor with the ability to make a thorough risk assessment.	N/A	N/A

			<p>Escort contractors undertake the following practice for completion of standard risk assessments:  Reception procedures establish any immediate needs of prisoners 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 is completed. 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 for all other activities.</p> <p>PECS Contractors also conduct a Cell Allocation Form for all Young People for whom they intend to place in a cell in the Custody Suite.</p>		
6.4	Handcuffs should only be used if necessary, justified and proportionate.	Accepted	<p>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 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>	PECS	Completed
6.5	There should be a Safeguarding policy and all staff should be made aware of safeguarding procedures for children and adults at risk	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 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 Operating Procedures for safeguarding and court</p>	N/A	N/A

			<p>custody officers receive annual refresher training which includes safeguarding procedures and equality and diversity.</p> <p>The HMCTS Midlands region is take steps to begin the development of a local safeguarding policy with support from NOMS.</p>		
6.6	<p>HMCTS should ensure that compliant defendants apprehended by court enforcement officers are not taken into court custody unless there are good reasons to do so.</p>	Accepted	<p>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.</p>	HMCTS	Completed
6.7	<p>There should be sufficient private consultation rooms at Hereford Crown Court.</p>	Partially accepted	<p>The large majority of court buildings used by HM Courts and Tribunals Service provide facilities, which fully support the operation of the courts they contain. The design and layout of a few of the older historic buildings, of which Hereford is one, present operational challenges. Whenever HMCTS raises a particular issue relating to courthouses, the Ministry of Justice Estates Directorate looks to address and resolve it. This is usually by means of refurbishing the building in question and providing remedial works. MoJ Estates have confirmed that Hereford Crown Court is a listed building, which means there is little or no scope to undertake refurbishment or building works. Whilst there is a room within the building that could be turned into a consultation room, it has been deemed as inadequate as it is a small room, in a different area of the building to the custody suite and has a window, which could pose an escape risk. All options to find a suitable room have been exhausted.</p>	HMCTS	Completed
6.8	<p>Telephone interpretation services should be readily accessible in each custody suite and used as necessary.</p>	Accepted	<p>Court escort contractors are able to access and use Language Line. Their Standard Operating Procedures set out the process to use this service. PECS recognises that telephones may not be located in</p>	GEOAmev	Completed

			ideal positions but the escort contractor is expected to manage any risks.		
6.9	All detainees should be informed of the complaints process.	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 GEOAmeey, 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>	GEOAmeey	Completed
6.10	Cellular vehicles should be clean and free of graffiti and men, women and children should be carried in separate escort vehicles, or the partition should be used.	Accepted	<p>The PECS contract commenced in August 2011 with the contractor's fleet of escort vehicles being either new or fully refurbished. Escort contractor vehicles are subject to maintenance and cleaning schedule carried out by the vehicle base. Any vehicles that are soiled during a journey will be cleaned that day and any damage and graffiti rectified. Any cells with graffiti that is of a racist, sexual nature or homophobic would be taken out of commission until rectified. All of the contractor's vehicles are subject to daily checks and further contractor management supervision. Both Lay Observers and PECS Contract Delivery Managers frequently check the contractor's vehicles for cleanliness.</p> <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,</p>	GEOAmeey	Completed

			<p>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>		
6.11	Information about detainees should not be displayed in public view.	Accepted	Whiteboards (prisoner information boards) are not expected to contain any confidential information. Confidential information must be controlled in a secure environment that cannot be accessed by prisoners.	GEOAmeY	Completed
6.12	Staff should receive guidance on how to use the 'reception sheet' and training to meet the diverse needs of detainees held in court custody.	Rejected	The Sheet will be taken out of commission and will be replaced with a visual reminder which will be relevant to all courts.	N/A	N/A
6.13	GEOAmeY should produce a policy, in line with Police and Prison Service guidance, setting out the correct approach to caring for transgender detainees, and ensure that staff implement it.	Accepted	<p>Court Escort contractors are required to comply with PSI 48/2010.</p> <p>There is process for caring for transgender detainees within the Standard Operating Procedures. A Policy is in place and will be reviewed in light of the recommendation.</p>	GEOAmeY & PECS	Completed
6.14	Staff should routinely provide detainees with access to religious items and all courts should have a stock of appropriate reading material, including some suitable for children and non-English speakers, which should also be offered to detainees routinely.	Partially Accepted	<p>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.</p> <p>Under the current contract GEOAmeY are not required to provide reading material. However, there is an expectation by PECS that reading material will be provided to detainees. There are informal arrangements in place for appropriate material to be provided.</p>	GEOAmeY	Completed

6.15	All custody staff should receive a briefing focused on risk management and the care of vulnerable detainees at the start of duty.	Accepted	This is a contractual requirement and PECS expect all staff to be briefed by the Senior Custody Officer of the day appropriately regarding vulnerability and risk of all prisoners this includes shift changes and vehicle crews being utilised at court.	GEOAmeey	Completed
6.16	Set levels of observations should always be adhered to.	Accepted	PECS' contractors are responsible for the continuing care of all prisoners whilst in the custody of GEOAmeey. 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.	GEOAmeey	Completed
6.17	Staff undertaking observations and cell visits should carry anti-ligature knives at all times.	Accepted	Designated cell officers carry ligature knives. The Standard Operating Procedures were revised and formally published in June 2015 and all custody staff fully briefed. Ligature knives are signed for at the start and end of duty.	GEOAmeey	Completed
6.18	Custody staff should check whether detainees being released have any immediate needs or concerns that should be addressed before they leave custody.	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
6.19	All incidents involving the use of force should be accurately reported and have appropriate documentation completed to justify its use.	Accepted	An incident reporting database is in operation that staff are required to report incidents on to. Through this system, managers are made aware of incidents immediately and respond accordingly. Use of force paperwork has also been adjusted to make it clearer to the staff what detail is required and what type of force used.  Contract Delivery Managers receive reports of all	GEOAmeey	Completed

			incidents for review including Use of Force incidents. These are reviewed in detail.		
6.20	Searching procedures should be reviewed to ensure that it is proportionate to the risks posed.	Rejected	<p>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 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>	N/A	N/A
6.21	All court cells should be clean and free of graffiti and all ligature points removed.	Accepted	<p>As part of the existing Standard Operating Procedure, daily opening and closing checks are conducted by the contractor to identify inadequacies within the custody area. All issues are escalated via internal reporting.</p> <p>As part of an existing process, the Standard Operating Procedures identify any inadequacies and are escalated via internal reporting systems using the Damage Log. This includes both cleaning and maintenance issues. This is supported by our HSQE department audits and any known ligature points are reported with that cell removed from use.</p> <p>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 work.</p>	HMCTS & GEOAmev	Completed
6.22	Custody staff should be appropriately trained and annually updated in emergency response skills, including basic life support and the use of AEDs.	Partially Accepted	<p>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.</p> <p>AEDs are not available within custody suites within the Staffordshire and West Mercia Cluster.</p>	GEOAmev	Completed

6.23	First aid equipment should include sufficient up-to-date kit, including basic equipment to maintain an airway and AEDs in custody areas.	Partially Accepted	<p>The court escort contractors provide the first aid kits 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.</p> <p>Defibrillators are not available within custody suites within the Staffordshire and West Mercia Cluster.</p>	GEOAmeY & HMCTS	Completed
6.24	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.	Partially 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 &amp; 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 Security Group	Completed
6.25	All detainees who require prescribed medication while in court custody should have access to it.	Accepted	<p>Medication accompanying prisoners attending court from prisons will be permitted to be held by the prisoner.</p> <p>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.</p>	GEOAmeY & Police	Completed
6.26	Mental health liaison and diversion schemes should be available at all courts.	Accepted	Where Mental Health Liaison and Diversion Schemes are available at courts the escort contractors will provide access to prisoners in custody for assessment. Work is underway to roll the scheme out to further courts.	HMCTS	Completed
6.27	Custody staff should have regular training to enhance their mental health and drug and alcohol awareness	Accepted	Induction training is follow 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	GEOAmeY	Completed

			concerns to the various agencies that will then be responsible for that person.		
--	--	--	---	--	--

Recommendations		Housekeeping Points	
Accepted	18	Accepted	
Accepted Subject to Resources/Partially Accepted	5	Accepted Subject to Resources/Partially Accepted	
Rejected	4	Rejected	
<b>Total</b>	<b>27</b>	<b>Total</b>	