

ACTION PLAN – HMIP INSPECTION REPORT

CLUSTER(s): Bedfordshire and Hertfordshire

TIMETABLE	DATE
Unannounced inspection	4-12 May 2016
Report published	13 September 2016
Action Plan Submitted	8 December 2016

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POSITION AS AT: December 2016

Rec. No.	Recommendation	Accepted/ Rejected	Response Action Taken/Planned	Function Responsible/ Policy Lead	Target Date/ Completion
6.1	HMCTS should accept direct responsibility for the care and welfare of detainees held in court custody.	Accepted	<p>The PECS escort contractor and HMCTS have a joint responsibility for the care and welfare of detainees held in court custody.</p> <p>PECS contractors are responsible for the continuing care of all detainees whilst in court custody. PECS monitor the contractual obligations of the court escort contractor whilst detainees 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 is closely monitored by the PECS Contract Delivery Manager and court escort contractor management team. Any concerns about the conditions are escalated to HMCTS.</p> <p>At all courts, HMCTS managers regularly visit the cells for which they are responsible so that any problems can be readily understood and resolved.</p>	HMCTS, PECS & SERCO	Closed
6.2	There should be a safeguarding policy and all staff should be made aware of safeguarding procedures for children and adults at risk.	Rejected	<p>The PECS escort contractor has Standard Operating Procedures for safeguarding, and court custody officers receive annual refresher training which includes safeguarding procedures.</p> <p>HMCTS is reviewing 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>	HMCTS	N/A
6.3	HMCTS, PECS and the escort and custody contractor should investigate the reasons for the prolonged periods that detainees, including children, spend in court (and police) custody cells. Measures should be put in place to ensure	Accepted	HMCTS prioritises 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 representatives from	HMCTS, PECS & SERCO	Closed – With the exception of Serco Sweeper vans.

	<p>detainees in custody have their cases prioritised where possible and are transferred and released without delay.</p>		<p>HMCTS, escort contractors, Crown Prosecution Service, Probation Services, Legal Advisers and security staff. The primary focus is given to the prioritisation of cases of vulnerable children and adults.</p> <p>HMCTS will continue to ensure that warrants are produced and provided to escort contractor within the prescribed timeline of 30 minutes, to continue to ensure prompt release of detainees.</p> <p>Serco, the escort contractor for this area, have introduced sweeper vehicles to transfer detainees in court custody back to prison from 10:45am and throughout the day.</p>		<p>This action is delayed due to a review of staffing resources across the contract area, which is ongoing and will be subject to NOMS agreement.</p>
6.4	<p>Staff should complete a standard risk assessment for each detainee and receive training to do this.</p>	<p>Rejected</p>	<p>The Prisoner Escort Record (PER) is the authoritative document that enables the escort contractors' staff to manage the identified risk of detainees from either the prison or police custody. Accurate completion of the PER by the prison or the police will provide the escort contractor with the ability to complete a thorough risk assessment.</p> <p>The escort contractors complete a Cell Sharing Risk Assessment (CSRA) to mitigate and manage the perceived risk by individuals. The CSRA is completed at court when detainees are required to share cells.</p>	<p>PECS & SERCO</p>	<p>N/A</p>
6.5	<p>Handcuffs should only be used if necessary, justified and proportionate.</p>	<p>Accepted</p>	<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 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, the levels of physical security at court and the extent of risk information that custody staff have of the specific individual. PECS will continue to monitor the use of cuffing procedures to ensure it remains compliant with wider NOMS security policies.</p>	<p>PECS & SERCO</p>	<p>Closed</p>
6.6	<p>HMCTS should ensure that compliant defendants apprehended by court enforcement officers are not</p>	<p>Accepted</p>	<p>Where a defendant is arrested under warrant by a Court Enforcement Officer (CEO), they will bring the</p>	<p>HMCTS</p>	<p>Closed</p>

	taken into court custody unless there are good reasons to do so.		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 heard.		
6.7	All detainees should be informed of the complaints process.	Accepted	All prisoners are informed of the complaints process as part of the reception process and a printed copy of the Prisoner Rights and Complaints Procedure is placed in every cell prior to the arrival of prisoners. Custody staff are required to annotate each detainees PER to confirm they have received a copy of both notices.	SERCO	Closed
6.8	Cellular vehicles should be free of graffiti and men and women should be transported in separate escort vehicles or the partition should be used.	Accepted	Escort contractor vehicles have a schedule for maintenance and cleaning. Any vehicles that are soiled during a journey will be cleaned the same day and any damage and graffiti rectified. Any cells with offensive graffiti will be taken out of commission until the graffiti is removed. 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. The current PECS contract allows for male and female detainees 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. 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.	SERCO	Closed
6.9	Serco Wincanton 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	Court Escort contractors are required to comply with PSI 48/2010. NOMS have released an updated PSI 17/2016 with a requirement to review and implement the reviewed procedures via Serco SOPs by 1 st January 2017.	PECS & SERCO	Open

			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.		
6.10	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 detainees 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 detainees in their care for all the religious faiths recognised by NOMS.</p> <p>Under the current contract Serco 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 that appropriate material is provided.</p>	PECS & SERCO	Closed
6.11	All custody staff should receive a briefing focused on risk management and the care of vulnerable detainees at the start of duty.	Accepted	<p>This is a contractual requirement and PECS expect all staff are briefed on the day by the Court Custody Manager, regarding vulnerability and risk of all detainees. The daily briefing will be provided at the start of the day prior to accepting to prisoners. Additional staff attending the custody suite after the daily briefing has taken place will be provided with the same update briefing prior to commencing their duties.</p> <p>A review was completed immediately after inspection and custody staff have received refreshed briefing to further ensure compliance with this obligation.</p>	PECS & SERCO	Closed
6.12	Set levels of observations should always be adhered to and accurately recorded.	Accepted	<p>PECS contractors are responsible for the continuing care of all detainees whilst in court custody. The Court Custody Manager or Officer In Charge must ensure that checks of all detainees in their custody are carried out to ensure that their general welfare and wellbeing is being maintained. A reminder was sent via the weekly briefing sheet immediately after inspection.</p> <p>Serco's initial training course for Prison Custody Officers includes a diversity module, and all staff receive refresher training every three years on how to</p>	PECS & SERCO	Closed

			deal with individuals. This covers subjects such as mental health, handcuffing, child protection, self-harm and conducting searches.		
6.13	Staff undertaking observations and cell visits should carry anti-ligature knives at all times.	Accepted	Designated Cell Officers carry ligature knives in line with Standard Operating Procedures. These knives are signed for at the start and at the end of duty.	PECS & SERCO	Closed
6.14	Custody staff should check whether detainees being released have any immediate needs or concerns that should be addressed before they leave custody.	Accepted	<p>Serco have developed a Pre-Release Assessment that identifies detainee needs at the point of release. The implementation date of this Pre-Release Assessment will be 31st January 2017 following a final review of the SOP and training to all custody staff.</p> <p>Where no agency will be supporting the detainee on release, the Court Custody Manager or Officer In Charge will speak with them to see if there are persons in the community likely to be supportive, and whether the detainee is content for them to be contacted. Persons they contact include: Friends and family, GPs, Community Mental Health Teams and the Community Drugs Service.</p> <p>The Court Custody Manager or Officer In Charge will ensure that the conversation and any persons contacted are annotated on the detainee's PER and recorded in the Daily Occurrence Book. In addition, they will be provided with the booklet 'Onwards & Upwards' which provides details of where they can obtain further help and advice around accessing supporting services. They are also issued with a travel warrant to cover their journey home.</p>	PECS & SERCO	Open
6.15	Staff should provide detainees with information about local support organisations and custodial establishments.	Accepted	Custodial establishment information is provided to the detainee by Serco, they also have a pack, which includes local information which they issue to released detainees. This is shared with HMCTS staff who make this material available in the court reception areas.	PECS, SERCO & HMCTS	Closed
6.16	Searching procedures should be reviewed to ensure they are proportionate to the risks posed.	Accepted	<p>Standards and frequency of searching are clearly defined within the contractor's operating procedures and custody staff are expected to comply with these.</p> <p>The standard operating procedure has been reviewed</p>	PECS	Closed

			and amended. Detainees are no longer searched on arrival at court from a prison establishment. All other detainees are searched.		
6.17	All court cells should be clean and free of graffiti and all ligature points removed.	Accepted	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 to HMCTS to remedy through their cleaning contractors. This includes cleaning and maintenance issues with any identified ligature points reported immediately and the cell removed from use until the ligature point has been removed.	HMCTS & SERCO	Closed
6.18	Custody staff should receive appropriate training in: emergency response skills, including the use of AEDs; mental health awareness and drug and alcohol awareness. Staff should also receive annual refresher training in emergency response skills.	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. There is not a legal requirement for AEDs. Where they are available in the court building the AED will be available to the custody suite.	PECS & HMCTS	Closed
6.19	First aid equipment should include sufficient up-to-date kit, including basic equipment to maintain an airway and AEDs in custody areas.	Partially accepted	Serco provide first aid kits within custody suites and are responsible for managing and maintaining the contents and audit of supplies. Defibrillators are not currently available within custody suites in Bedfordshire and Hertfordshire.	SERCO	Closed
6.20	All medications should be stored securely and detainees who require prescribed medication while in court custody should have access to it.	Accepted	Medication accompanying detainees attending court from prisons will be permitted to be held by the detainee providing this has been assessed by the discharging prison and is annotated on the PER. Detainees from a prison or police custody who have not been assessed to have medication in possession, the expectation is that these detainees are 'medicated' for the day. On occasions where medication is required to be stored, it is done so using secure storage facilities. Medication will be provided at the times stated on the PER.	SERCO	Closed

Recommendations		Housekeeping Points	
Accepted	15	Accepted	
Accepted Subject to Resources/Partially Accepted	3	Accepted Subject to Resources/Partially Accepted	
Rejected	2	Rejected	
Total	20	Total	