

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

CLUSTER(s): West Midlands and Warwickshire

TIMETABLE	DATE
Inspection	2-15 December 2016
Report published	21 April 2017
Action Plan Submitted	August 2017

ACTION PLAN - HMIP REPORT

CLUSTER(s): West Midlands and Warwickshire

POSITION AS AT: August 2017

Rec. No.	Recommendation	Accepted/ Rejected	Response Action Taken/Planned	Function Responsible/ Policy Lead	Target Date/ Completion
6.1	<p>HM Courts & Tribunals Service (HMCTS), Prisoner Escort and Custody Services (PECS), and the escort and custody contractor should investigate the reasons for the prolonged periods that some detainees spend in court custody cells. Measures should be put in place to ensure that detainees have their cases prioritised, where possible, and are transferred or released without delay.</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>Interagency relationships continue to develop with the use of daily cross agency meetings. These meetings include escort contractors, HMCTS, CPS, Probation, 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, PECS & GEOAmeY	September 2017
6.2	<p>Handcuffs should be used only if necessary, justified and proportionate.</p>	Accepted	<p>The PECS contract is specific in that escort contractors are required to use handcuffs when applicable. As such, the PECS escort contractors have standard operating procedures that identify the level of handcuffing, taking into account appropriateness of handcuffing and their contractual responsibility to prevent escapes and control of custody suites.</p> <p>GEOAmeY procedures are based on HMPPS policy, National Security Framework and are tailored to reflect the physical design of each custody suite.</p>	PECS	September 2017

			<p>The use of handcuffs is based upon the risk of escape whether due to the reduced levels of physical security at court (e.g. less secure court docks, non-secure loading/unloading areas, access arrangements to the custody suite etc.); the staff to prisoner ratio; and the extent of risk information that custody staff have of the specific individual (the magistrates' courts receive defendants directly from police stations on the same day with no custodial history on which to base a full assessment of risk of violence or escape).</p> <p>PECS will continue to monitor the use of handcuffing procedures to ensure it remains compliant with wider HMPPS security policies.</p>		
6.3	<p>The conditions in most custody suites should be improved. The cleaning regime should be significantly improved to ensure that all cells are cleaned and kept clean and tidy every day, to an acceptable standard. All offensive graffiti should be removed immediately.</p>	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 between HMCTS and GEOAmev.</p> <p>There is a programme of regular deep cleaning of court custody areas in place. Facilities Management contractors are required to carry out two deep cleans per year.</p> <p>Offensive graffiti and any failures in daily cleaning standards are reported to a regional HMCTS Facilities Manager for resolution and escalation where necessary.</p> <p>HMCTS Property Directorate are working with the relevant facilities management provider to prioritise outstanding remedial works.</p>	HMCTS	September 2017

6.4	All court custody cells should be examined to identify potential ligature points and action should be taken to eliminate or mitigate potential risks.	Accepted	<p>Court custody staff undertake daily cell opening checks to identify potential ligature points and report to HMCTS where necessary. Daily and periodic cell assessments form part of the annual Health and Safety audit.</p> <p>In response to this recommendation, GEOAmey Court Custody Managers will undertake a further assessment of cells to identify potential ligature points.</p> <p>Any potential ligature points will be reported to HMCTS and remedial work undertaken by the facilities management contractor.</p> <p>Following on from this inspection report, a process is to be implemented whereby any potential ligature points are highlighted at the daily team meetings and escalated to the Delivery Manager.</p> <p>Monthly cell checks by HMCTS will also include a check of the Damage Log to ensure that all known issues have been reported.</p>	GEOAmey & HMCTS	September 2017
6.5	There should be an HMCTS safeguarding policy, and all staff should be made aware of safeguarding procedures and referral mechanisms for children and vulnerable adults at risk.	Partially accepted	<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 Liaison and Diversion scheme.</p>	HMCTS	Ongoing

6.6	The treatment of detainees held in the Immigration Asylum Chamber, including the provision of suitable meals, activities to occupy them and support for their release, should be improved.	Partially accepted	<p>The current food and beverage options for immigration detainees at court is limited to what is carried on the escort vehicle. Tascor are currently in the process of introducing a new process whereby a dedicated 'Court Welfare Box' is available at all vehicle bases for employees to take when escorting detainees to court. The exact contents of the box is still to be decided, however the draft document states that the provisions for hot drinks will be included and consideration will be given to include some ambient meal options.</p> <p>Tascor are visitors to Court Custody Facilities and are dependent on the facility having the appliances on site to be able to provide hot drinks / food.</p>	Tascor	December 2017
6.7	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.	Partially 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.</p> <p>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), CEOs will escort the defendant to the custody suite where they will wait until their case is called.</p>	HMCTS	Complete
6.8	Professional telephone interpreting services should be readily accessible in each custody suite and used as necessary.	Accepted	<p>GEOAmev are contracted to use Language Line when telephone interpreting services are required. Standard Operating Procedures inform their staff of the process to use this service.</p> <p>PECS recognises that telephones may not be located in ideal positions but the escort contractor is expected to manage any risks.</p>	GEOAmev	September 2017

6.9	Rights documentation should be issued to detainees in their own language.	Accepted	<p>A printed copy of Prisoner Rights is 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.</p> <p>The Person Escort Record (PER) must be annotated to confirm that each prisoner has received a copy. Prisoners who do not understand English will be given a printed copy of their rights in their own language, the form is obtained via SharePoint on the GEOAmeY I.T system. Language Line is also to be used to aid understanding of the Prisoner Rights document.</p> <p>GEOAmeY officers must give as much assistance as possible to prisoners for them to understand their rights. This may include reading them their rights as required.</p>	GEOAmeY	September 2017
6.10	Up-to-date complaints documentation should be available and all detainees should be informed of the complaints process.	Accepted	<p>As part of the reception process all prisoners are informed of the complaints procedure. A printed copy of the complaints procedure is placed in every cell 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.</p> <p>The PER must be annotated to confirm that each prisoner has received a copy of the complaints process.</p>	GEOAmeY	Completed

6.11	Men, women and children should always be transported in separate escort vehicles.	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 had to have been used.</p> <p>In addition to saving costs, the use of such hybrid vehicles provide the contractor with the ability for a more responsive service by allowing young people and female prisoners to be carried on scheduled runs, so reducing waiting times at courts and also reducing the carbon footprint and the environmental impact.</p>	PECS	N/A
6.12	All court custody staff should receive regular training in equality and diversity.	Accepted	Initial training for Court Custody Officers includes an equality and diversity module, and all staff receive refresher training every three years on how to deal with individuals. This covers subjects such as mental health, handcuffing, child protection, self-harm and conducting searches.	GEOAmeY	September 2017
6.13	Detainees with disabilities should have access to custody suites and cells that meet their needs.	Partially accepted	<p>This is only achieved where buildings and resources allow. There are currently two courts in this cluster (Leamington Justice Centre and Birmingham Crown Court) that have facilities to accommodate wheelchair users.</p> <p>When a court without suitable facilities is notified of a detainee with disabilities, they contact Birmingham and/or Leamington to list the case(s) there.</p>	HMCTS	Ongoing
6.14	All courts should have a stock of appropriate reading material, including some suitable for children and non-English	Partially accepted	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.	GEOAmeY & PECS	Completed

	speakers, which should be routinely offered to detainees.		<p>GEOAmeY have put in place informal arrangements for appropriate reading material to be offered to detainees.</p> <p>Provision of appropriate age related reading material is in scope for next generation of PECS contracts.</p>		
6.15	All staff undertaking observations and cell visits should carry anti-ligature knives at all times.	Accepted	<p>Designated cell officers do carry ligature knives. Ligature knives are signed for at the start and end of duty.</p> <p>Following on from this inspection, a further briefing has been issued for all staff to read and acknowledge the importance of designated cell officers carrying anti-ligature knives when undertaking observations and cells visits.</p>	GEOAmeY	Completed
6.16	A standardised reception risk assessment process should be introduced.	Rejected	<p>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.</p> <p>Accurate completion of the PER by the prison and police will provide the escort contractor with the ability to make a thorough risk assessment.</p> <p>Escort contractors undertake the following practice for completion of standard risk assessments:</p> <p>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.</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.</p>	GEOAmeY	N/A

			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.		
6.17	Set levels of observation should always be adhered to.	Accepted	<p>GEOAmeY are responsible for the continuing care and safety of all prisoners whilst in court custody.</p> <p>The Court Custody Manager (CCM) or Officer In Charge (OIC) must ensure that checks of all prisoners in their custody are carried out to ensure that their general welfare and wellbeing is being maintained. Standard Operating Procedures detail the specific number of checks that are required on a detained person.</p>	GEOAmeY	Completed
6.18	The searching of detainees in secure areas should be based on a robust and individual risk assessment.	Rejected	<p>Following on from previous HMIP recommendations, prisoners received from a prison establishment are no longer searched on arrival at court unless risk assessed otherwise.</p> <p>Searching of other detainees whilst in court custody are dictated by Standard Operating Procedures.</p>	GEOAmeY	N/A
6.19	Cell call bells should be answered promptly and always within five minutes.	Accepted	GEOAmeY accept that cell call bells should be dealt with as a priority and all officers endeavour to respond as soon as is practical.	GEOAmeY	September 2017
6.20	Cell sharing risk assessments should take account of all available information and should always be completed before any detainees are required to share cells.	Accepted	<p>Cell sharing risk assessments (CSRAs) are completed when a prisoner is required to share a cell.</p> <p>Reception procedures establish any immediate needs of prisoners before they are placed in a cell. When cell sharing is unavoidable, a documented CSRA is completed to mitigate and manage the perceived risk of individuals is completed.</p>	PECS & GEOAmeY	September 2017

6.21	Staff should receive further training and guidance on the importance of completing cell sharing risk assessments correctly and for all detainees before they are required to share cells.	Accepted	<p>GEOAmeY are working with PECS to review the Standard Operating Procedure in relation to CSRAs and improved ways of working to manage the risks presented.</p> <p>GEOAmeY have reminded court custody staff to challenge incomplete or inadequate PERs at the point of handover so risk is effectively managed.</p>	PECS & GEOAmeY	September 2017
6.22	Person escort records should contain detailed and dated risk and health information, to ensure detainees' safety.	Accepted	<p>HMPPS acknowledge that there are quality issues relating to risk information on PERs that mirror HMIP findings and recommendations.</p> <p>PERs that are not of the appropriate quality are routinely brought to the attention of the sending prison establishments or police force to improve the quality of information shared.</p> <p>PERs are also discussed/reviewed in the Safer Custody & Security meetings within prison establishments.</p> <p>All inadequately completed PERs that have the potential to affect the safety of detainees and the security of the custody suite will be challenged at point of handover.</p> <p>A national PER review is currently ongoing.</p>	GEOAmeY & HMPPS Security Group	September 2017

6.23	Pre-release risk arrangements should be improved. Custody staff should check if detainees have any immediate needs or concerns that should be addressed before they leave custody.	Accepted	<p>Where no agency will be supporting the detainee upon release, the Senior Custody Officer (SCO) or Officer in Charge (OIC) must 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 (for example friends or family).</p> <p>Standard Operating Procedures state the SCO or OIC must ensure that the conversation and any persons contacted are annotated on the PER and recorded in the Daily Occurrence Book.</p> <p>In addition, GEOAmeY have a support leaflet – ‘Onwards & Upwards’ – which is issued to detainees when released from custody and GEOAmeY’s care.</p>	GEOAmeY	Complete
6.24	Staff should provide detainees with information about local support organisations on release from court custody, and with information about prisons when they are to be transferred to prison.	Accepted	<p>GEOAmeY have an ‘Onwards & Upwards’ leaflet which is issued to detainees when released from custody and GEOAmeY’s care.</p> <p>The leaflet contains details of the various national support groups that can assist prisoners. HMCTS also hold details of local groups / charities / organisations that can provide support on release.</p> <p>The ‘What Happens Next’ leaflet details the care that prisoners can expect and their rights whilst in custody.</p>	GEOAmeY	September 2017
6.25	Children remanded or sentenced to local authority secure accommodation should be transferred promptly on completion of their cases.	Accepted	Michael Seath (HMCTS) will review the Standard Operating Procedures and work with Youth Offending Teams to discuss this issue.	HMCTS	September 2017

6.26	Custody staff should be appropriately trained and annually updated in emergency response skills, including basic life support and the use of automated external defibrillators, and should also have regular training to enhance their mental health and drugs and alcohol awareness.	Partially accepted	<p>GEOAmeY staff are trained in first aid at work and resuscitation and attend refresher training as per current legislation, both GEOAmeY and PECS have internal processes in place to monitor this.</p> <p>Court custody facilities are short term holding centres that do not have medically trained staff on site that can use an automated external defibrillator.</p> <p>Drug & Alcohol (including Legal Highs) and Mental Health Awareness training is given to current staff within the 3 yearly security refresher training. It is also given to new employees on their ITC (Internal Training course).</p>	GEOAmeY	September 2017
6.27	First-aid equipment should include sufficient up-to-date kit, including basic equipment to maintain an airway and automated external defibrillators, in custody areas.	Partially accepted	<p>The court escort contractors provide the first aid kits within custody suites.</p> <p>The contents of these are assessed and managed by the contractor to ensure the contents are appropriate for the environment. GEOAmeY have processes in place to ensure first aid kits are audited.</p> <p>Court custody facilities are short term holding centres that do not have medically trained staff on site that can use an automated external defibrillator.</p> <p>First aid kits are provided and are accessible to staff. The contents of these are assessed and managed by the contractor for suitability.</p> <p>For more serious cases, the emergency services are used. The contractor must contact the Medical Services Provider (MSP) for all other medical advice.</p> <p>Defibrillators are not available in custody suites within the West Midlands and Warwickshire Cluster.</p>	GEOAmeY & HMCTS	Completed

6.28	'Medical-in-confidence' envelopes should be opened only in a medical emergency.	Accepted	<p>Standard Operating Procedures detail the process for dealing with Inmate Medical Records (IMR).</p> <p>GEOAmeY employees must ensure the confidentiality of an IMR at all times.</p> <p>These records must be kept in sealed envelopes that are clearly marked with the prisoner's name and identification numbers. They must be stored securely at all times in an area where they cannot be accessed by unauthorised persons, whilst the prisoner is being held in the custody of GEOAmeY.</p> <p>The Senior Custody Officer (SCO) or Officer in Charge (OIC) must ensure that a prisoners IMR is only opened by qualified medical personnel or nurses, or in exceptional circumstances, on the authorisation of a qualified healthcare professional.</p> <p>Where an IMR is opened on the authorisation of a qualified healthcare professional, the SCO or OIC must ensure that the name and agency of the person authorising the opening and their reasons is annotated in the PER.</p>	GEOAmeY	September 2017
6.29	All detainees who require prescribed medications while in court custody should have access to it.	Accepted	<p>Prisoners following a medical risk assessment who cannot hold medication in possession are expected to be provided with medication at either the police custody unit or prison before departure. It is expected that this medication will be prescribed to cover the medical needs of the prisoner during the court appearance and release or return to custody.</p> <p>Where medication is provided, detainees will have access to it when needed. GEOAmeY risk assess the prisoner. If the prisoner is assessed as safe to hold their own medication then they will be allowed to have it on their person to self administer. If not, GEOAmeY staff will prescribe the medication in accordance with the</p>	GEOAmeY	September 2017

			instructions on the medicine.		
6.30	Mental health liaison and diversion schemes should be available at all courts	Partially accepted	Mental Health Liaison and Diversion Schemes are available at Coventry, Leamington Spa, Walsall, Birmingham, Wolverhampton and Dudley magistrates' courts and the escort contractors provide access to prisoners in custody for assessment.	HMCTS	Completed

Recommendations		Housekeeping Points	
Accepted	19	Accepted	
Accepted Subject to Resources/Partially Accepted	8	Accepted Subject to Resources/Partially Accepted	
Rejected	3	Rejected	
Total	30	Total	