

INDEPENDENT CUSTODY VISITING PANEL – 17 OCTOBER 2016

INDEPENDENT CUSTODY VISITING ASSOCIATION (ICVA) – UPDATE

REPORT BY THE INTERIM SCHEME MANAGER

PURPOSE OF THE REPORT

To provide visitors with an update regarding ICVA.

1. QUARTERLY UPDATE

1.1 The last meeting of the Board happened on 28 Sept 2016. Most items discussed were concerning Governance of the ICVA.

1.2 **Capability definition – Proposed changes – No changes yet, awaits update from ICVA.**

Background:

The current National Standards allow ICVs access to custody records when a detainee has given them consent to do so or where the detainee is incapable of doing so. The current definition of incapable relates only to those under the influence of alcohol or drugs, who display mental health concerns or who do not speak English.

The proposal is to expand this definition of incapability to include all detainees who are unable or unavailable to give consent, such as detainees who are asleep or being interviewed. This change will enable improved scrutiny of custody. It will bring the National Standards in line with the primary legislation (Police Reform Act 2002), which states that ICVs may have powers to examine records relating to the detention of persons there. It will also bring the standards in line with the Code of Practice, which states that if a detainee is for any reason incapable of deciding whether to allow access to their custody record, the presumption must be in favour of allowing the ICVs to examine it. This is in line with the ethos of Schemes to ensure the welfare and rights and entitlements of those held in police custody.

The board voted in favour of creating a wider definition of capability. This now needs to be taken forward to get the wording amended by the Home Office. An update will be issued by ICVA in due course.

1.3 Themes for the upcoming scheme managers conference were agreed as:

Appropriate Adults
Use of Force
Children's Concordant

The ICVA will update Dorset on anything of note for our Independent Custody Visitors.

1.4 The annual ICV conference is likely to be held in March 2017, details will be confirmed by the ICVA shortly.

1.5 Visitors are asked to note the report. The ICVA newsletter will continue to be emailed out to Independent Custody Visitors and an update from the next quarterly meeting will be provided in our January meeting.

Adam Harrold
Interim Scheme Manager