

<b>Meeting</b>	<b>SPA Policing Performance Committee</b>
<b>Date</b>	<b>9 March 2021</b>
<b>Location</b>	<b>Video Conference</b>
<b>Title of Paper</b>	<b>PS Report on actions to address HMICS and SPA ICVS recommendations on Custody</b>
<b>Presented By</b>	<b>ACC Speirs, Professionalism and Assurance</b>
<b>Recommendation to Members</b>	<b>For Discussion</b>
<b>Appendix Attached</b>	<b>Yes - Appendix A</b>

**PURPOSE**

The purpose of this paper is to provide an updated progress report on all outstanding HMICS recommendations from 2018/ 2019 Inspections and key issues highlighted within the ICVS Annual report 2019/20.

Members are invited to discuss the contents of this paper.

## **1. BACKGROUND**

- 1.1 It is recognised that “Her Majesty’s Inspectorate of Constabulary in Scotland (HMICS) provides independent scrutiny of both Police Scotland and the Scottish Police Authority (SPA). Our approach is to support Police Scotland and the SPA to deliver services that are high quality, continually improving, effective and responsive to local needs”.
- 1.2 The SPA has a legislative responsibility to oversee the provision of independent custody visiting. Independent Custody Visiting Scotland (ICVS) conduct frequent visits to centres and highlight any urgent matters for escalation at the time and other less immediate concerns within their annual report.
- 1.3 Following any external scrutiny relating to Custody, Criminal Justice Services Division (CJSD) review the key findings of the report and determine a strategy to progress recommendations toward closure. Departmental Governance and oversight is provided by CJSD Senior Management Team (SMT) with the Continuous Improvement Unit (CIU) having responsibility for overseeing and managing the recommendations towards completion, in conjunction with the Audit Management Team.
- 1.4 Audit Management monitors all HMICS recommendations from external scrutiny activity via an Audit and Inspection Tracker and reports on the implementation of actions, in accordance with agreed timescales. Progress with the Tracker is reported monthly to Management Boards; quarterly at Police Scotland Audit and Risk Board; SPA Audit, Risk and Assurance and Policing Performance Committee meetings. When new recommendations are received, they are added for tracking and work commences with the business area to develop an action plan. Timescales are set and recommendations are continually monitored through the Police Scotland governance structure until completion.

## **2. FURTHER DETAIL ON THE REPORT TOPIC**

- 2.1 Over the past two years, despite the challenges presented by COVID 19, ongoing organisational change and remodelling of the custody target operating model, a great deal of progress has been made by Police Scotland in respect of HMICS and ICVS recommendations.
- 2.2 On 1<sup>st</sup> April 2019 there were 21 outstanding HMICS recommendations. Since then, an additional 17 recommendations

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resulted from further Inspection reports, which totalled 38. To date, that number has been reduced to 10. This will hopefully provide members with the confidence and reassurance that the care and welfare of custodies and staff remains a priority as CJSD continues trying to improve as a National Division.

- 2.3 The process for closure of HMICS recommendations is rightly a comprehensive one with CJSD requiring to submit an Evidence Submission Form to Audit Management Team and where HMICS consider that sufficiency of evidence has been provided, this will be discharged or returned for additional action.
- 2.4 The 10 outstanding recommendations are listed in Appendix A with a short explanation of progress toward closure and barriers for achieving this.
- 2.5 Within the ICVS Annual Report 2019/20 nine issues were raised by ICVs during custody centre visits throughout the reporting period.
- 2.6 These are broadly similar to HMICS observations, with eight being identified as ongoing - detainee transfers; inconsistencies in National stock/repairs and maintenance of the Custody Estate; Food provision; Care and welfare issues relating to shower/exercise facilities and remote supervision concerns. One new issue around accuracy of recorded information has similarly been raised by HMICS and is being addressed as part of an outstanding recommendation.

### 3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications in this report.

### 4. PERSONNEL IMPLICATIONS

- 4.1 There are no personnel implications associated with this paper.

### 5. LEGAL IMPLICATIONS

- 5.1 There are no further legal implications in this paper to those listed above.

### 6. REPUTATIONAL IMPLICATIONS

- 6.1 There are no reputational implications associated with this paper.

**7. SOCIAL IMPLICATIONS**

7.1 There are no social implications associated with this paper.

**8. COMMUNITY IMPACT**

8.1 There are no community implications associated with this paper.

**9. EQUALITIES IMPLICATIONS**

9.1 There are no equality implications associated with this paper.

**10. ENVIRONMENT IMPLICATIONS**

10.1 There are no environmental implications associated with this paper.

**RECOMMENDATIONS**

Members are invited to discuss the contents of the paper.

Appendix A

**Outstanding HMICS Recommendations**

**Inspection of custody centres across Scotland 2018**

**R1 2018** – Police Scotland should develop its custody estate strategy as a matter of urgency in order to address variations in provisions across the country and better meet demand.

Update – Significant work has been done by Estates to replace and upgrade some CCTV systems. Demand analysis review and adjustment of the National Custody Operating Model has allowed the Division to be more efficient and minimise the unnecessary transfer of detainees. Custody Estate Investment Plan is in the process of being finalised.

This recommendation is related to the ICVS issue regarding transfers and the concern around time spent in vehicles and longer distances travelled. In addition, ICVS observations around repairs/ maintenance and the variations in the quality of the fabric of the custody estate, inherited from legacy police forces.

**R2 2018** – Police Scotland should improve its systems to eliminate unnecessarily inconsistent processes and practice in custody

Update - Improvement Plan and actions from workshops to identify inconsistencies are progressing at a steady pace. Recently developed Quality Assurance Framework will provide assurance that governance, monitoring and internal audit and scrutiny arrangements are effective across CJSD.

ICVS observed lack of consistency and disparity of National stock/supplies and the standard and selection of meals. Also, observations regarding inconsistent practices for offering washing/shower/exercise.

**R5 2018** – Police Scotland should provide further guidance and training to staff on carrying out effective risk assessments and ensuring care plans manage the risks posed. Staff should also be reminded to record the rationale for risk assessments and care plans.

Update – This is linked to Glasgow. Combined closure report submitted to HMICS Oct '20, however HMICS are keen to keep this open meantime due to the theme of risk assessments across a number of Police Scotland business areas.

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### Inspection of the strategic arrangements for the delivery of police custody 2019

**R3 Strategic** – Police Scotland should ensure that Criminal Justice Services Division receives the necessary analytical support from the Analysis and Performance Unit

Update – Evidence Submission Form submitted to HMICS January '21. Not approved for discharge at this time, as a definitive outcome of analyst support is awaited. Audit Management Team advise that this links to the wider Analysis and Performance Unit redesign (HMICS 2018-19 Thematic Inspection into the development of the Annual Police Plan).

**R7 Strategic** – Police Scotland should ensure that Criminal Justice Police Custody and Security Officers receive appropriate training and support for any non-custody roles they may carry out. This is linked to R8 below.

Update - A combined Evidence Submission Form will be presented to CJSD SMT in March '21 seeking approval for closure progression to HMICS.

**R8 Strategic** – Police Scotland should ensure that any personnel being asked to book detainees into custody have received recent training and are appropriately supported and supervised.

Update – As per R7 above - A combined Evidence Submission Form will be presented to CJSD SMT in March '21 seeking approval for closure progression to HMICS.

**R12 Strategic** – Police Scotland should develop an ICT roadmap for custody.

Update – Progress is being made by ICT to deliver this product and the Department is awaiting internal feedback. CJSD should have sight of the results in the near future.

### Inspection of custody centres in Greater Glasgow Division 2019

**R1 Glasgow** – Police Scotland should reconsider how it can better manage custody queue levels and provide radios to large custody centres to improve communication inside the centre and with local policing.

Update – Awaiting review of the Custody Co-ordinator Pilot. This role may be considered in the Force Custody Inspector/ Custody Review Inspector and Quality Assurance Inspector review as part of a custody overview type provision combined with other roles.

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**R3 Glasgow** – Police Scotland should analyse risk assessment and care planning variances to check whether they are justified and to ensure a consistent approach across Scotland.

Update – This is linked to R5 2018 as above. Ongoing work and awaiting findings from Quality Assurance Inspector and Constant Observation SLWG's; Quality Assurance Framework completion.

**R5 Glasgow** – Police Scotland should improve the adequacy and quality of information being recorded in custody by providing guidance and training to staff and by using quality assurance and audit processes.

Update - This has a dependency on the Quality Assurance Framework (see update to R5 2018 and R3 Glasgow).

This recommendation is related to observations made by ICVS regarding information not always being accurately recorded correctly within the National Custody System.

Another observation made by ICVS during the reporting period which is no longer part of an open HMICS recommendation, relates to the remote supervision model. HMICS discharged a recommendation in February '21 relating to appropriate safeguards for constable- led custody centres.

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