

**Inspection of Court Custody Provision,
Selkirk Sheriff Court**

18 May 2023



CONTENTS

Introduction and Background

Overview by His Majesty's Chief Inspector of Prisons for Scotland

Inspection Team, Recommendations and Good Practice

Information about the Court Custody Unit

Standards, Commentary and Quality Indicators

Standard 1: Lawful and transparent use of custody

Standard 2: Decency, dignity, respect and equality

Standard 3: Personal safety

Standard 4: Effective, courteous and humane exercise of authority

Standard 5: Respect, autonomy and protection against mistreatment

Standard 6: Health, wellbeing and medical treatment

Annexes

Annex A Acronyms

Annex B Photographs

INTRODUCTION AND BACKGROUND

His Majesty's Chief Inspector of Prisons for Scotland (HMCIPS) is required to inspect the conditions in which prisoners are transported or held across Scotland in order to establish the treatment of, and the conditions for, prisoners and to report publicly on the findings. This includes prisoners, prisoner transport and Court Custody Units.

This report is part of the programme of inspections of Court Custody Units (CCUs) carried out by HM Inspectorate of Prisons for Scotland (HMIPS). These inspections also contribute to the UK's response to its international obligations under the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). OPCAT requires that all places of detention are visited regularly by independent bodies – known as the National Preventive Mechanism (NPM) – which monitor the treatment of and conditions for detention. HMIPS is one of 21 bodies making up the NPM in the UK.

The inspections of CCUs are informed by a set of Standards as set out in our document 'Standards for Inspecting Court Custody Provision in Scotland', published March 2017 which can be found at

[HMIPS Standards for Inspecting Court Custody Provision in Scotland](#)

These Standards contribute positively to the effective scrutiny of court custody provision in Scotland and will encourage continuous improvement in the quality of care and custody of people held in court cells.

The Standards provide assurance to Ministers and the public that inspections are conducted in line with a framework that is consistent, and that assessments are made against appropriate criteria. This report is set out to reflect the performance against these Standards.

HMIPS assimilates information resulting in evidence-based findings utilising a number of different techniques. These include:

- obtaining information and documents from the Scottish Courts and Tribunals Service (SCTS) and the court inspected;
- shadowing and observing staff as they perform their duties within the CCU;
- interviewing custodies and staff on a one-to-one basis;
- inspecting a wide range of facilities impacting on both custodies and staff; and
- reviewing policies, procedures and performance reports

The information gathered facilitates the compilation of a complete analysis of the CCU against the Standards used. A record of the evidence gathered is produced by those undertaking the inspection against each of the Standards inspected.

HMIPS takes a human rights-based approach to ensure that both the standards and the principles of human rights are integrated into policy as well as the day to day running of organisations under scrutiny.

This report has been created based around a human rights base approach known as the PANEL principles, set out as follows:

Participation: participation must be active, free, meaningful and give attention to issues of accessibility, including access to information in a form and a language which can be understood.

Accountability: accountability requires effective monitoring of human rights standards as well as effective remedies where human rights breaches occur. Is there evidence of issues raised previously now having been addressed?

Non-discrimination and equality: a human rights-based approach means that all forms of discrimination in the realisation of rights must be prohibited, prevented and eliminated. Are the most vulnerable and at risk identified and supported effectively?

Empowerment: a human rights-based approach means that individuals should know their rights or be made aware of them. Is information readily available and support provided so individuals know their rights and entitlements while in custody?

Legality: a human rights-based approach requires the recognition of rights as legally enforceable entitlements and is linked in to national and international human rights law. Are the processes and procedures adopted in the CCU in line with legal obligations and human rights standards?

These are known as the **PANEL** principles.

Overview by His Majesty's Chief Inspector of Prisons for Scotland (HMCIPS)

Selkirk Sheriff and Justice of the Peace Court in Ettrick Terrace was designed by David Rhind and opened in 1870. The Court has one resident Sheriff and deals with business from an area of the Scottish Borders covering 909 square miles.

The CCU was situated in the basement of the building with the main access from an insecure car park to the side of the building. It consisted of three cells, and all were operational at the time of the inspection. The cells were of similar size and were regularly used for accommodating three custodies in each giving a capacity of nine. It was the opinion of inspectors that each cell should ideally accommodate two custodies in each giving a capacity of six. The CCU had one interview room that was sometimes utilised as an overspill cell if required.

The CCU had two adult male custodies attend on the day of inspection and they had both come from Police Scotland custody. It was noted that the CCU staff placed both of these custodies in the same cell despite having two other cells available. Whilst this in itself naturally increased any risk it was compounded by the fact that staff had missed information that one of the custodies had information recorded pertaining to religious bias and sexual orientation. When this was discovered both custodies were placed in separate cells.

As the CCU was located in an old building there was no access for people with disabilities or for those of limited mobility to pass from the CCU into the court itself. This created some difficulties with disabled custodies who had to be accommodated in witness rooms next to public areas within the court building.

Inspectors found the CCU to be a generally clean and well-maintained facility with motivated staff, led by a strong, knowledgeable manager.

It was of concern to inspectors that the spiral staircase used to access the custody court from the CCU was very narrow and steep. It was a challenge for an individual to use these stairs generally, but it was clear that there was a significant risk of injury to those using it whilst handcuffed together. This must be a consideration for any future Handcuff Risk Assessment (HRA).

Inspectors highlighted to staff at the time of the inspection that the practice of processing new custodies to the CCU in the corridor outside the cells in full hearing of others was not appropriate, and this features as a recommendation in this report. It was however reassuring that the CCU manager took this matter in hand and had started to look at alternatives during the inspection. The possibility of using the interview room was one option that was being considered.

On the PANEL principles, we found that in all areas the human rights of custodies were being actively considered.

Inspection Team

Graeme Neill
Calum McCarthy

Recommendations

Standard	Quality Indicator	Quality Indicator Number	Recommendation	Relevant Agency
1	1	2	The identification, risk assessment, cell allocation and welfare questions for each custody is done in privacy and out with the hearing of other custodies.	GEOAmey
1	2	2	Staff must ensure that any questions to determine racism, homophobia, religious bias etc should be clearly asked of all custodies and recorded.	GEOAmey
1	2	3	Staff must act upon any information held or received that indicates an element of risk in respect of their time in the CCU.	GEOAmey
1	2	7	The digital camera designed for use with the GEOAmey computer system should be utilised to ensure accurate, secure recording of custody images.	GEOAmey
2	2	1	All cells require the walls to be painted and some repairs to the plasterwork and joints (See photos annex B).	SCTS
2	3	5	The sanitary bin should be removed from the custody toilet and provided on request.	GEOAmey
3	3	1	The CCU risk register requires to be reviewed and updated.	GEOAmey
3	7	1	The CCU contingency plans requires to be reviewed and updated.	GEOAmey
4	2	4	Any handcuff risk assessment (HRA) must take into account the movement of staff and custodies between the court and the CCU using the narrow spiral staircase.	GEOAmey
4	4	2	All CCTV cameras in the CCU should be checked and made fully operational.	SCTS

Advisories

Standard	Quality Indicator	Quality Indicator Number	Advisory	Relevant Agency
1	2	5	Staff must ensure that prisoners are made aware of their rights whilst in custody and not just offer them the opportunity to see them.	GEOAmey

Good practice

Standard	Quality Indicator	Quality Indicator Number	Good Practice	Relevant Agency
2	4	2	Custodies who arrive in the morning from Police custody and who have not received breakfast, are provided with tea or coffee and a sandwich.	GEOAmey

INFORMATION ABOUT THE CCU

Description	Name/Number
Name of CCU Manager on duty	Christine Webster
Number of core staff required for CCU	3 + 1
Number of staff working	4 + 1
Number of cells	3
Number of cells that are operational	3
Total custody capacity	9
Number of interview rooms	1
Number of non SPS custodies expected today	2
Number of SPS prisoners expected	0
Number of custody courts running	1
Number of virtual appearances expected	0
SCTS representative/contact	Suj Amarnath

DISTRIBUTION OF PRISONERS/CUSTODIES

Adult Males	<21 Males	<18 Males
2	0	0

Adult Females	<21 Females	<18 Females
0	0	0

STANDARDS, COMMENTARY AND QUALITY INDICATORS

STANDARD 1: LAWFUL AND TRANSPARENT USE OF CUSTODY

The custody service provider (“the provider”) complies with administrative and procedural requirements of the law and takes appropriate action in response to the findings and recommendations of official bodies that exercise supervisory jurisdiction over it.

Commentary

The provider ensures that all custodies are lawfully detained. Each custody’s time in the Court Custody Unit (CCU) is accurately calculated; they are properly classified and allocated to cells appropriately. The provider cooperates fully with agencies that have powers to investigate matters in the custody areas.

	QUALITY INDICATOR 1: Personal Escort Records (PERs)	Not observed	Yes	No
1.1.1	Is each custody positively identified at the time of arrival and are they named on the Personal Escort Record (PER) form?		X	
1.1.2	Does identification take place out of hearing of any other custody?			X
1.1.3	When names and dates of birth are obtained is confirmation made that the custody is due to appear before the court that day?			X
1.1.4	Is there a process in place to record the requirement and any subsequent provision for translation services?		X	
1.1.5	Do PERs include recording custody movements, any significant activities or events, timings including arrival and departure times, when case was concluded, any provision or offer of meals, drinks or healthcare?		X	
1.1.6	Are PERs accurately completed and fully updated?		X	
	In summary, are Personal Escort Record (PER) forms accurately populated and all relevant sections completed?			X
Free text				
	The questioning of custodies was carried out outside the cells in full hearing of other custodies present in the CCU. A date of birth was missing from one of the PER documents.			

	Recommendations/Advisories/Good Practice
1.1.2	RECOMMENDATION - The identification, risk assessment, cell allocation and welfare questions for each custody is done in privacy and out with the hearing of other custodies.

	QUALITY INDICATOR 2: Custody Procedures	Not observed	Yes	No
1.2.1	Is information given to custodies in a language (and format) that they understand?		X	
1.2.2	Was the custody asked questions regarding the following: <ul style="list-style-type: none"> ▪ Racism ▪ Homophobia ▪ Transgender discrimination ▪ Religious discrimination ▪ Bullying ▪ Any cell sharing issues ▪ Risk of suicide or self-harm ▪ Solicitor access, their own or one will be provided 			X
1.2.3	Are medical or special needs, including relevant risk factors identified through information provided from appropriate third parties and were they acted upon?			X
1.2.4	Are any interventions or interactions recorded including searches or risk factors in relation to the custody in the CCU or during transit?		X	
1.2.5	Are custodies given information on what to expect whilst in the CCU?			X
1.2.6	Are CCU staff proactive at taking into account changes of circumstances for new arrivals into custody?		X	
1.2.7	Where relevant, is the GEOAmeY IT system updated and maintained, including the most recent custody photograph?			X
1.2.8	If where a custody is admitted directly from court, do CCU staff enquire as to whether there are any urgent personal, domestic or legal concerns that require immediate attention and bring these to the attention of the court or prison where necessary?	X		
1.2.9	If a custody was committed to prison and required an interpreter; was the receiving prison notified to	X		

	enable arrangements to be made to assist in their admission?			
	In summary, are all procedures for identifying those in custody fully complied with, are staff proactive in assessing their understanding, needs and whether they require further support in order to understand basic essential information?			X
Free text				
	<p>A digital camera was operational and available but not connected to the GEOAmeey custody recording system. A handheld camera was used, and files uploaded manually onto the system by the duty manager.</p> <p>The important questions regarding risk were not asked or documented by the staff on the arrival of the custodies.</p> <p>Custodies were asked if they wanted to see their rights whilst in the CCU, but they were not read to them or ensured they were understood.</p> <p>In respect of one custody, information was available to the CCU staff that increased risk but was not acted upon, namely sexual orientation and religious bias.</p>			
Recommendations/Advisories/Good Practice				
1.2.2	RECOMMENDATION – Staff must ensure that any questions to determine racism, homophobia, religious bias etc should be clearly asked of all custodies and recorded.			
1.2.3	RECOMMENDATION – Staff must act upon any information held or received that indicates an element of risk in respect of their time in the CCU.			
1.2.5	ADVISORY – Staff must ensure that prisoners are made aware of their rights whilst in custody and not just offer them the opportunity to see them.			
1.2.7	RECOMMENDATION - The digital camera designed for use with the GEOAmeey computer system should be utilised to ensure accurate, secure recording of custody images.			

	QUALITY INDICATOR 3: Cell Sharing Risk Assessment (CSRA)	Not observed	Yes	No
1.3.1	Are custodies allocated a cell according to their legal status, classification, vulnerability, medical condition, sensory or physical impairment, risks and needs?		X	
1.3.2	Was the approach taken individualised and took into account the preference of the custody where possible?		X	
1.3.3	Are those under 21 years of age kept separate from adults?		X	
1.3.4	Are those under 18 years of age kept separate from all other custodies?		X	
1.3.5	Are females kept separate from males?		X	
1.3.6	Are remand or civil custodies held separately from convicted custodies so far as is reasonably practicable?		X	
1.3.7	Are custodies informed of their allocation courteously and able to communicate freely any needs or concerns they may have?		X	
	In summary, was a CSRA carried out on arrival, taking account of individual characteristic (including gender, vulnerability, security risk, state of mental health or personal medical condition) and then allocated to an appropriate cell?		X	
Free text				
Recommendations/Advisories/Good Practice				

STANDARD 2: DECENCY, DIGNITY, RESPECT AND EQUALITY

The custody areas should meet the basic requirements of decency and all custodies within the CCU are treated with dignity and respect, irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

Commentary

All custody areas should be of adequate size for the number of persons they are used to detain, well maintained, clean and hygienic and have adequate lighting. Each custody should have access to toilets, be provided with necessary toiletries, and offered a nutritious meal. These needs should be met in ways that promote each custody's sense of personal and cultural identity and self-respect.

NOTE: For the avoidance of doubt, the facilities management and the physical security aspects of the Criminal Appeal Courts, High Court of Justiciary, Sheriff and Justice of the Peace Courts throughout Scotland is the responsibility of SCTS. This includes the daily cleaning of court facilities, and the physical maintenance or repair of a court.

	QUALITY INDICATOR 1: Custody Area	Not observed	Yes	No
2.1.1	Are cells of an adequate size for occupancy?		X	
2.1.2	Do cells have appropriate furnishing, adequate lighting, heating and ventilation for fresh air and meet all requirements for Health & Safety?		X	
2.1.3	Are accessible and safer cells fit-for-purpose and of sufficient number to be available when required?		X	
2.1.4	Is the maintenance of the CCU achieved through a structured programme where faults or defects are logged and dealt with efficiently?		X	
	In summary, are the custody areas appropriately equipped and constructed for their intended use and maintained to an appropriate standard?		X	
	Free text			
	Recommendations/Advisories/Good Practice			

	QUALITY INDICATOR 2: Hygiene	Not observed	Yes	No
2.2.1	Are all parts of the CCU used by custodies kept clean at all times, well maintained and regularly painted?			X
2.2.2	Does the service provider ensure appropriate cleaning records are maintained, audited and made available to support any reported complaint(s) or defects, or for review of maintenance, cleaning or hygiene standards?		X	
2.2.3	Are custodies encouraged to keep the CCU clean and tidy?		X	
2.2.4	Is any graffiti or damage caused challenged, recorded and reported immediately to the appropriate authorities, i.e. SCTS or Police Scotland?		X	
2.2.5	If an SPS prisoner's behaviour requires them to be placed on report does the service provider do this?		X	
2.2.6	Are hygiene regulations and infection control standards observed and do SCTS have a process in place to deal with any incidents?		X	
	In summary, are good levels of cleanliness and hygiene observed throughout the custody areas ensuring procedures for the control of infection and biohazard incidents are followed?			X
Free text				
	All cells were in need of painting, graffiti was visible on the doors and paint and plaster were peeling from the walls and ceilings in places.			
Recommendations/Advisories/Good Practice				
2.2.1	RECOMMENDATION - All cells require the walls to be painted and some repairs to the plasterwork and joints (See photos at Annex B).			

	QUALITY INDICATOR 3: Toilets	Not observed	Yes	No
2.3.1	Does the service provider ensure that male and female custodies have access to toileting and washing facilities, offering adequate privacy, enabling them to maintain a reasonable standard of personal cleanliness and hygiene?		X	
2.3.2	Is there disabled access to toilets?			X
2.3.3	Are soap, toilet paper and hand towels available?		X	
2.3.4	Are personal hygiene products readily available, if not are signs providing information on how to access such products displayed?		X	
2.3.5	Are proper disposal arrangements for sanitary items available. Where possible is there a female CCU member of staff available to deal with such requests?			X
	In summary, do all custodies have access to suitable toileting facilities on request?			X
Free text				
	<p>There was no toilet access for people with disabilities or for those of limited mobility. The construction of the CCU in such an old building created some difficulties for disabled custodies who had to be accommodated in witness rooms next to public areas within the court building.</p> <p>HMIPS understands that there is no answer to providing access to the CCU for people with disabilities due to the age and configuration of the building, therefore no recommendation will be made as the alternative solution is acceptable.</p> <p>The sanitary bin was permanently located in the custody toilet cubicle. This should be removed and provided to custodies on request as being a biohazard it could be weaponised.</p>			
Recommendations/Advisories/Good Practice				
2.3.5	RECOMMENDATION - The sanitary bin should be removed from the custody toilet and provided on request.			

	QUALITY INDICATOR 4: Meals	Not observed	Yes	No
2.4.1	Is there a range of good quality nutritional food available that meets the needs of those with special dietary requirements, including those arising from cultural or religious beliefs?		X	
2.4.2	Are hot drinks (tea and coffee) provided on arrival at the CCU and at each mealtime whilst within the court custody suites?		X	
2.4.3	Do custodies have access to water at least every 2.5 hours or on request, and is this recorded on the PER or the IT system?		X	
2.4.4	Are meals provided to any custody in court or in transit during the afternoon who are considered likely to be returned to prison after 17:00?	X		
2.4.5	When the service provider requires to provide a lunch and an evening meal, is one of them hot?		X	
2.4.6	Is the provision for hand washing/sanitation provided immediately prior to mealtimes?		X	
2.4.7	Are food hygiene rules respected and observed?		X	
	In summary, are all meals provided to custodies well presented, nutritious, varied, conform to dietary, religious, cultural or medical requirements and are served at the appropriate temperature?		X	
Free text				
Recommendations/Advisories/Good Practice				
2.4.2	GOOD PRACTICE – Custodies who arrive in the morning from police custody and who have not received breakfast are provided with tea or coffee and a sandwich.			

STANDARD 3: PERSONAL SAFETY

All reasonable steps are taken to ensure the safety of custodies while in the CCU.

Commentary

All appropriate steps are taken to minimise the levels of harm to which custodies are exposed. Appropriate steps are taken to protect custodies from harm from others or themselves. Where violence or accidents do occur, the circumstances are thoroughly investigated, and appropriate management action taken.

	QUALITY INDICATOR 1: Safety	Not observed	Yes	No
3.1.1	Are any custodies being treated under the Scottish Prison Service (SPS) Suicide Prevention Strategy (Talk to Me) treated with care, compassion and understanding by staff?	X		
3.1.2	Are staff appropriately trained and proactive in recognising and responding to signs that indicate a custody may be at risk of suicide or self-harm?		X	
3.1.3	Are all staff aware of the SPS Suicide Prevention Strategy?		X	
3.1.4	Do staff deal with each custody on an individual basis?		X	
3.1.5	Are all computer systems, paperwork and PER forms kept up to date in respect of custody safety?		X	
3.1.6	Is information shared between the CCU, Police Scotland, Social Work, health provider and the receiving prison to ensure that the best care is provided for those who are in a risk category?	X		
	In summary, has the provider put in place thorough and compassionate practices to identify and care for those identified as being at risk of suicide or self-harm?		X	
	Free text			
	Recommendations/Advisories/Good Practice			

	QUALITY INDICATOR 2: Health and Safety	Not observed	Yes	No
3.2.1	Are checks (Alpha checks) carried out before custodies arrive and after the CCU is closed?		X	
3.2.2	Are Health and Safety roles allocated in the CCU and staff aware of what these roles are to ensure statutory compliance?		X	
3.2.3	Is all documentation kept up-to-date and do CCU staff meet regularly to discuss Health and Safety matters?		X	
3.2.4	Are regular Health and Safety inspections carried out with actions clearly identified and allocated?		X	
	In summary, are the requirements of Health and Safety legislation observed throughout the custody areas and security checks carried out regularly and thoroughly?		X	
Free text				
Recommendations/Advisories/Good Practice				

	QUALITY INDICATOR 3: Risk Assessments	Not observed	Yes	No
3.3.1	Does the CCU have a complete set of risk assessments that are regularly reviewed and updated?			X
3.3.2	Are the risk assessments accessible to all staff?		X	
3.3.3	Are the cell sharing risk assessment (CSRA) and Handcuff Risk Assessment (HRA) outcomes clearly recorded on the PER?		X	
3.3.4	Does the CCU have in place a system that ensures the appropriate separation of custodies at all times, including during transit for example, where two people are involved in the same domestic abuse case they should not travel in the same transport to court, from a police station or prison?	X		
	In summary, do all activities take place according to recorded safe systems of work which are easily accessible and based on appropriately completed risk assessments?			X

	Free text
	The CCU risk register requires an annual review as it was last reviewed on 01.11.18.
	Recommendations/Advisories/Good Practice
3.3.1	RECOMMENDATION - The CCU risk register requires to be reviewed and updated.

	QUALITY INDICATOR 4: Risk Management	Not observed	Yes	No
3.4.1	Do the CCU staff use their interpersonal skills to build and maintain relationships to ensure that any aggression or violence is minimised and do not encourage any escalation of such behaviour?		X	
3.4.2	Where risks are identified do staff react quickly to resolve any issues?		X	
	In summary, does the attitude, behaviour and approach of staff contribute to the lowering of risk of aggression and violence, and are reasonable steps taken to minimise situations that are known to increase such behaviour. Where such situations are unavoidable are appropriate levels of supervision maintained?		X	
	Free text			
	Recommendations/Advisories/Good Practice			

	QUALITY INDICATOR 5: Vulnerability	Not observed	Yes	No
3.5.1	Do CCU staff take an individualised, considered and compassionate approach when dealing with those identified as being vulnerable or having a heightened risk of harm or abuse from others?	X		
3.5.2	Are CCU staff sensitive to any change in a custody's circumstances and act accordingly to meet any identified risks, for example, when their status has changed from remand to convicted?	X		
3.5.3	Where additional needs are identified, is there a process in place for a custody to be provided with assistance, for example foreign language translation or other communication challenges?		X	

	In summary, is particular care taken of any custody whose appearance, behaviour, background or circumstances leave them at heightened risk of harm or abuse from others?		X	
Free text				
Recommendations/Advisories/Good Practice				

QUALITY INDICATOR 6: Investigations		Not observed	Yes	No
3.6.1	Is there is an understanding of what constitutes unacceptable behaviour by CCU staff and is it challenged and that those found responsible dealt with?		X	
3.6.2	Are custodies and staff both encouraged and supported to report incidents, and do they have confidence to do so?		X	
3.6.3	Are any investigations independent, fair and comprehensive with all associated documentation appropriately recorded?	X		
	In summary, are all allegations or incidents of mistreatment, intimidation, hate, bullying, harassment or violence recorded and investigated by a person of sufficient independence with any findings being acted upon by management?		X	
Free text				
Recommendations/Advisories/Good Practice				

QUALITY INDICATOR 7: Contingencies		Not observed	Yes	No
3.7.1	Is there an up-to-date suite of contingency plans that are readily available to all staff and are tested annually?			X
3.7.2	Do any plans include how to manage any major or minor incidents of disorder including plans for evacuation, high levels of sickness or absence amongst staff?		X	

3.7.3	Is there a back-up facility in place to ensure any data held on IT systems can be retrieved?	X		
	In summary, is there an appropriate set of readily available contingency plans for managing emergencies and unpredictable events and are staff adequately trained in the roles they adopt in implementing the plans?			X
Free text				
	The CCU contingency plans require an annual review as they were last reviewed in January 2022.			
Recommendations/Advisories/Good Practice				
3.7.1	RECOMMENDATION - The CCU contingency plans require to be reviewed and updated.			

STANDARD 4: EFFECTIVE, COURTEOUS AND HUMANE EXERCISE OF AUTHORITY

The implementation of security and supervisory duties is balanced by courteous and humane treatment of custodies in the CCU.

Commentary

Procedures relating to perimeter, entry and exit security, and the personal safety, searching, supervision and escorting of custodies are implemented effectively. The level of security and supervision is proportionate to the risks presented at any given time.

	QUALITY INDICATOR 1: Duties	Not observed	Yes	No
4.1.1	Do CCU staff discharge their duties courteously and in a respectful manner while maintaining an acceptable level of authority?		X	
4.1.2	Do CCU staff work as a team evidencing good communication?		X	
	In summary, do court custody staff discharge supervisory and security duties courteously and in doing so respect the individuals given circumstances?		X	
Free text				
Recommendations/Advisories/Good Practice				

	QUALITY INDICATOR 2: Movements and Transfers	Not observed	Yes	No
4.2.1	Are there clearly defined procedures in place for any movement within the CCU including to the courtroom or release and is such movement implemented effectively and courteously?		X	
4.2.2	Are all movements to and from escort vehicles carried out in a safe and controlled manner, with only one custody entering the CCU at a time?		X	
4.2.3	Are CCU staff seen to be carrying out assessments to manage those at risk or likely to be detrimental to the good running of the unit?			X
4.2.4	Are mechanical restraints such as handcuffs and escort chains only used where risk assessments deem them appropriate?			X

4.2.5	Do all custodies depart the CCU to a place of detention within two hours of receipt of the court documentation (excluding Glasgow Sheriff Court where a 90-minute timescale applies for a custody being escorted to HMP Barlinnie)?	X		
4.2.6	Was the CCU clear of all custodies within 30 minutes of the receipt of the final court documentation for that day?	X		
4.2.7	Do the CCU staff ensure the accurate recording of all discharge, bail or other disposals?		X	
4.2.8	Are instructions from the Court included within the custody or court records and the PER, and any additional release conditions confirmed before the custody is released?		X	
4.2.9	Do the CCU staff ensure that all custodies are liberated/released as soon as practicable and no later than one hour from the completed court documentation?		X	
4.2.10	Were all custodies adequately clothed and provided with food and a drink, fit to travel, have their property, cash and valuables returned to them and be supplied with sufficient funds to travel if required?		X	
	In summary, are the systems and procedures for the movement, transfer and release of custodies are implemented effectively and courteously?			X
Free text				
	<p>The stairwell leading from the CCU to the main custody court was a stone spiral staircase. It is very narrow and steep, and it was clear to inspectors that when two escorting members of CCU staff and a custody were handcuffed together it presented a significant health and safety issue.</p> <p>Should one lose their footing it would cause all to fall and likely cause serious injury.</p>			
Recommendations/Advisories/Good Practice				
4.2.3	See recommendations at 1.2.2 and 1.2.3			
4.2.4	RECOMMENDATION - Any HRA must take into account the movement of staff and custodies between the court and the CCU using the narrow spiral staircase.			

	QUALITY INDICATOR 3: Visitors	Not observed	Yes	No
4.3.1	Is there a structured and systematic approach to physical security that clearly identifies risk and responds to it effectively, including access for visitors to the CCU?		X	
4.3.2	Is there adequate accommodation to facilitate such visitors?		X	
4.3.3	When dealing with all people who visit the CCU do staff always behave in courteous and professional manner?		X	
4.3.4	Do staff understand their roles in terms of security?		X	
	In summary, are the systems and procedures for access and egress of visitors to the CCU implemented effectively and courteously. Is there adequate accommodation to facilitate such visitors?		X	
Free text				
Recommendations/Advisories/Good Practice				

	QUALITY INDICATOR 4: Security	Not observed	Yes	No
4.4.1	Is there a structured and systematic approach to physical security that clearly identifies risk and responds to it effectively, including the access of people, mail, goods and vehicles to the CCU?		X	
4.4.2	Where court-based CCTV cameras are fitted, are they used to supervise and monitor the movement of custodies, and are they in good working order?			X
4.4.3	Is recorded material made available for assessment and investigation and stored as per contract guidelines?		X	
	In summary, are the systems and procedures for monitoring the movement and activities of individuals inside the CCU implemented effectively, and accurately recorded on the appropriate system?			X

	Free text
	It was found that the CCTV camera that covered the rear entrance to the CCU was defective.
	Recommendations/Advisories/Good Practice
4.4.2	RECOMMENDATION – All CCTV cameras in the CCU should be checked and made fully operational.

	QUALITY INDICATOR 5: Searching & Property	Not observed	Yes	No
4.5.1	Are all searches carried out in strict conformity with the relevant legislation?		X	
4.5.2	Are all searches carried out with proper regard for the individual's privacy and dignity, for instance, the custody must never be fully naked at any time and any search must be carried out by staff of the same gender?		X	
4.5.3	Were custodies seen to be thoroughly rubbed down and searched when entering the CCU and any handheld detectors utilised where an Archway Metal Detector is not available?		X	
4.5.4	Is all property checked on entering the CCU?		X	
4.5.5	Do CCU staff ensure that any property, cash and valuables belonging to a custody correctly recorded and accounted for?		X	
4.5.6	Is there a process in place in the event of mishandling of property or loss.		X	
4.5.7	Are facilities lockfast and adequate for storing the amount of property required securely and not accessible other than by CCU staff?		X	
4.5.8	Are all custodies personal property, valuables and cash released appropriately?		X	
	In summary, is the law concerning the searching of a custody and their property in the custody areas implemented thoroughly?		X	
	Free text			
	Recommendations/Advisories/Good Practice			

	QUALITY INDICATOR 6: Use of Force	Not observed	Yes	No
4.6.1	Is the use of force or restraint proportionate to the risk posed and no more than was necessary for the situation?	X		
4.6.2	In the event of a planned or unplanned use of force or restraint, was the procedure followed meticulously, and all accompanying paperwork filled out to a high standard including the PER, was this supervised by a senior member of staff?	X		
4.6.3	If a planned removal took place was it video recorded?	X		
4.6.4	If physical force was applied, was the custody medically examined by a healthcare professional as soon as practicable, no later than within one hour?	X		
4.6.5	Are reviews of all cases involving use of force or restraint regularly undertaken to observe and analyse any trends that may be appearing?	X		
4.6.6	Are CCU management and staff able to talk through the process for the use of force or restraint and how it should be documented?	X		
	In summary, were physical force and restraints only used when necessary, and strictly in accordance with the law and the service provider's' control and restraint guidance?	X		
Free text				
	It was noted that there had not been a requirement for staff to use force for over 12 months prior to the inspection.			
Recommendations/Advisories/Good Practice				

STANDARD 5: RESPECT, AUTONOMY AND PROTECTION AGAINST MISTREATMENT

Staff treat all custodies respectfully. A custody’s right to statutory protections and the complaints processes are also respected.

Commentary

Staff engage with custodies respectfully, positively and constructively. Custodies are kept informed about the progress of their court case and are treated humanely and with understanding.

	QUALITY INDICATOR 1: Respect and Rights	Not observed	Yes	No
5.1.1	Do the CCU staff regularly keep the custodies informed of any progress of their court case and the process for liberation or transfer to a prison, including timescales?		X	
5.1.2	When asked at any time were custodies able to confirm that they are aware of the progress of their court case?		X	
5.1.3	Are solicitors meeting rooms adequate and provide confidentiality whilst being easily monitored by staff?		X	
5.1.4	Did all sensitive conversations take place in a location away from the hearing of others. This includes assessing risk at the point of admission to the CCU?			X
5.1.5	Do staff ensure all custodies rights to confidentiality are in place?			X
5.1.6	Do staff ensure all custodies rights to statutory protection are in place if required due to offence types or potential enemies?			X
	In summary, the use of disrespectful language or behaviour is not tolerated from staff or those in custody, are relationships between staff and custodies respectful?			X
Free text				
Recommendations/Advisories/Good Practice				
5.1.4	See recommendation 1.1.2			
5.1.6	See recommendation 1.2.3			

	QUALITY INDICATOR 2: – Complaints	Not observed	Yes	No
5.2.1	Are complaint forms readily available for custodies?		X	
5.2.2	Are notices visible explaining how to complain and to whom and is this information readily available to those where English is not their first language?		X	
5.2.3	Does the CCU ensure that there is an effective system to record in writing, respond to and address custody complaints?		X	
5.2.4	Have complaints from the previous 12 months been reviewed?	X		
	In summary, does the complaints process work well?		X	
Free text				
	It was noted that there had not been any complaints made for over 12 months prior to the inspection.			
Recommendations/Advisories/Good Practice				

STANDARD 6: HEALTH, WELLBEING AND MEDICAL TREATMENT

All reasonable steps are taken to ensure the health and wellbeing of custodies while in the CCU, and appropriate and timeous medical treatment is available when required.

Commentary

Where it is necessary to do so, custodies should receive treatment that takes account of all relevant NHS standards, guidelines and evidence-based treatments.

	QUALITY INDICATOR 1: – Health	Not observed	Yes	No
6.1.1	Do any custodies reporting illness, a medical complaint or injury have their concerns recorded on their PER (This includes where use of C&R techniques, restraint or physical force have been applied)?		X	
6.1.2	Do custodies have access to healthcare or medical treatment where required, within one hour?			X
6.1.3	If medical care cannot be provided within one hour, do the CCU staff ensure appropriate care is provided until the medical provider attends?		X	
6.1.4	Is there at least one staff member trained in emergency first aid on duty in the CCU at any given time?		X	
6.1.5	Has access to the nearest defibrillator been identified?		X	
6.1.6	Is all prescribed medication accurately documented on PER forms and are staff aware of procedures for dispensing?	X		
6.1.7	Is any prescribed medication in the possession of a custody available as per prescription instructions?	X		
6.1.8	Is the CCU appropriately equipped for the prevention and control of infection?		X	
	In summary, is any treatment provided in custody undertaken by an appropriately qualified professional and meets accepted standards and timescales?			X
	Free text			
	Inspectors were advised that it was not possible for Scot Nurse attendance within one hour of a request being made. A recent routine request took four			

	hours for a nurse to attend from Falkirk. Inspectors were satisfied that staff were aware of what to do should there be a medical emergency or need for urgent health advice.
	Recommendations/Advisories/Good Practice

Acronyms

CCTV	Closed Circuit Television
CCU	Court Custody Unit
CCV	Court Custody Van
CSRA	Cell Sharing Risk Assessment
HMIPS	HM Inspectorate of Prisons for Scotland
HRA	Handcuff Risk Assessment
NPM	National Preventive Mechanism
OPCAT	Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
PPE	Personal protective Equipment
PER	Prisoner Escort Record
SCTS	Scottish Courts and Tribunal Service
SPS	Scottish Prison Service



PEELING PLASTER AND PAINT IN CELL



GRAFFITI DAMAGED CELL DOOR



HM Inspectorate of Prisons for Scotland is a member of the UK's National Preventive Mechanism, a group of organisations that independently monitor all places of detention to meet the requirements of international human rights law.

<http://www.nationalpreventivemechanism.org.uk/>

© Crown copyright 2023

You may re-use this information (excluding logos and images) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or e-mail: psi@nationalarchives.gsi.gov.uk

This document is available on the HMIPS website

<https://www.prisonsscotland.gov.uk/>

First published by HMIPS, August 2023

HM Inspectorate of Prisons for Scotland
Room Y.1.4
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD
0131-244-8482