



HMIPS

HM Inspectorate of Prisons for Scotland
INSPECTING AND MONITORING

Standards for Inspecting Court Custody Provision in Scotland

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 indicators

- 1.1 Procedures for identifying those in custody are fully complied with, and staff are proactive in assessing their understanding, needs and whether they require further support in order to understand basic information.**
- 1.2 Personal Escort Record (PER) forms are accurately populated and all relevant sections are completed.**
- 1.3 A CSRA is carried out on arrival, taking account of individual characteristic (including gender, vulnerability, security risk, state of mental health or personal medical condition) and individuals are then allocated to an appropriate cell.**

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.

Quality indicators

- 2.1 The custody areas should be appropriately equipped and constructed for their intended use and be maintained to an appropriate standard.**
- 2.2 Good levels of cleanliness and hygiene are observed throughout the custody areas ensuring procedures for the control of infection and biohazard incidents are followed.**
- 2.3 All custodies have access to suitable toileting facilities on request.**
- 2.4 All meals provided to custodies are well presented, nutritious, varied, conform to dietary, religious, cultural or medical requirements and are served at the appropriate temperature.**

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 indicators

- 3.1 The provider has in place thorough and compassionate practices to identify and care for those identified as being at risk of suicide or self-harm.**
- 3.2 The requirements of Health and Safety legislation are observed throughout the custody areas and security checks are carried out regularly and thoroughly.**
- 3.3 All activities take place according to recorded safe systems of work, which are easily accessible and based on appropriately completed risk assessments.**
- 3.4 The attitude, behaviour and approach of staff contributes to the lowering of risk of aggression and violence, and reasonable steps are taken to minimise situations that are known to increase such behaviour. Where such situations are unavoidable, appropriate levels of supervision are maintained.**
- 3.5 Particular care is taken of any custody whose appearance, behaviour, background or circumstances leave them at heightened risk of harm or abuse from others.**
- 3.6 All allegations or incidents of mistreatment, intimidation, hate, bullying, harassment or violence must be recorded and investigated by a person of sufficient independence with any findings being acted upon by management.**
- 3.7 There is an appropriate set of readily available contingency plans for managing emergencies and unpredictable events and staff are adequately trained in the roles they adopt in implementing the plans.**

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 indicators

- 4.1 Court custody staff discharge supervisory and security duties courteously and in doing so respect the individuals given circumstances.**
- 4.2 The systems and procedures for the movement, transfer and release of custodies are implemented effectively and courteously**
- 4.3 The systems and procedures for access and egress of visitors to the CCU are implemented effectively and courteously. There is adequate accommodation to facilitate such visitors.**
- 4.4 Systems and procedures for monitoring the movement and activities of individuals inside the CCU are implemented effectively, and accurately recorded on the appropriate system.**
- 4.5 The law concerning the searching of a custody and their property in the custody areas is implemented thoroughly.**
- 4.6 Physical force and restraints are only used when necessary, and strictly in accordance with the law and the service provider's' control and restraint guidance.**
- 4.7 Any custody's personal property, valuables and cash are recorded, stored and released appropriately.**

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 indicators

- 5.1 Relationships between staff and custodies are respectful. The use of disrespectful language or behaviour is not tolerated from staff or those in custody.**
- 5.2 Staff ensure all custodies rights to confidentiality are in place.**
- 5.3 Staff ensure all custodies rights to statutory protection are in place.**
- 5.4 Those in custody are kept well informed about the progress of their court case.**
- 5.5 The complaints processes works well.**

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 indicators

- 6.1 Any treatment provided in custody must be undertaken by an appropriately qualified professional and meet accepted standards and timescales.**
- 6.2 There should be at least one staff member trained in emergency first aid on duty in the CCU at any given time.**
- 6.3 Prescribed medication is accurately documented on PER forms and staff are aware of procedures for dispensing.**



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