



# **Evaluation of the HMICFRS joint custody inspection programme**

**Research commissioned by HM  
Inspectorate of Constabulary and Fire  
& Rescue Services**

Conclusions in this report are those of the research authors, not HMICFRS.

# Contents

<b>Executive summary</b>	<b>1</b>
<b>Introduction and evaluation methodology</b>	<b>9</b>
About the custody inspection programme	9
About the evaluation	12
Evaluation methodology	12
Challenges and limitations	17
Structure of this report	18
<b>Logic model for the custody inspection programme</b>	<b>19</b>
<b>Local impact of the custody inspection programme</b>	<b>21</b>
Overview	21
Custody inspections lead to improvements in local custody provision	21
How the custody inspection programme brings about change	25
Inspection recommendations that weren't implemented	26
Barriers to implementation of recommendations	27
<b>National impact of the custody inspection programme</b>	<b>29</b>
Overview	29
National impact on legislation, training and guidance	31
How the custody inspection programme brings about change	36
<b>Discussion and recommendations</b>	<b>37</b>
Discussion of research questions	37
Recommendations for future development	42
<b>Appendix A: Bibliography</b>	<b>48</b>

# Executive summary

## Introduction and evaluation methodology

This report presents the findings of an independent evaluation of HM Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS)'s joint custody inspection programme, conducted by Cordis Bright. Details relating to the history and nature of the custody inspection programme are provided in the introductory section of the report.

A mixed methods evaluation approach was developed and agreed collaboratively with HMICFRS and the joint inspection team. The joint inspection team carries out the custody inspection programme and comprises colleagues from HMICFRS, HM Inspectorate of Prisons (HMI Prisons) and the Care Quality Commission (CQC). The evaluation took place between February and August 2022. The evaluation methodology is outlined below:

- Development of a robust logic model for the custody inspection programme. This sets out what activities and people are involved in the custody inspections and the intended outcomes. The creation of the logic model involved a review of relevant documentation, and a workshop and interviews with joint inspection team colleagues.
- A rapid literature review to establish any changes in legislation, guidance or training in relation to police custody over the past six years.
- Force-level case studies with five police forces, involving analysis of relevant local documentation and interviews with key local stakeholders responsible for custody provision. In total, 32 stakeholders were interviewed as part of the force-level case studies.
- Consultation with individuals from the joint inspection team through interviews and focus groups. Nine individuals were consulted.
- Wider consultation with national stakeholders and representatives from national interest groups through interviews. In total, 12 such stakeholders were consulted.

## Key findings

Key findings presented in this executive summary draw on the full range of evidence obtained and analysed as part of the evaluation.

### Impact of the custody inspection programme

The evaluation identified a range of areas where the custody inspection programme has an impact on custody provision in forces. These include the welfare and dignity of detainees, and outcomes for detainees.

Locally:

- The programme acts as an accountability mechanism which leads to forces seeking to improve the standard of their custody provision. This has led to improvements in the welfare and dignity of detainees.
- Local stakeholders were clear that the formal reporting of inspection findings by the joint inspection team provides those working in custody with a valuable, independent source of evidence for changes in custody provision. This often builds on areas which had already been identified internally as potential areas for improvement, and the external validation provided by the custody inspection programme has been used to strengthen cases for change with senior decision-makers within forces. The feedback from the custody inspection programme can provide useful solutions for issues that local police forces had previously identified but were unsure how to resolve. For example, inspections consistently raise a range of issues including ligature points, the recording of use of force and approaches to detainee dignity and privacy. Forces use evidence gathered by the custody inspection programme to secure additional funding for improvements to their custody estates.
- Forces use custody inspection reports from other forces, and thematic inspection reports, to identify good practice from elsewhere and to highlight areas where they may wish to direct greater focus and make changes to their custody provision.

Nationally:

- The programme focuses on vulnerable groups such as children and young people, individuals with mental health conditions, and individuals subject to use of force. It has influenced, for example, changes to legislation and [Police and Criminal Evidence \(PACE\) Codes of Practice](#), particularly [Code C](#), concerning children and young people in police custody, updated guidance regarding conflict management and use of force, and changes to legislation and healthcare models regarding the treatment of individuals with mental health conditions in police custody.
- These changes to legislation and PACE Codes of Practice haven't necessarily resulted in demonstrable improvements to outcomes for detainees themselves. However, the role of the custody inspection programme in supporting forces in implementing changes and holding them accountable for this is crucial. This role

helps ensure that national changes in legislation, training and guidance are translated into changes in practice locally, which may go on to result in improved outcomes for detainees.

- Stakeholders both locally and nationally often referred to custody as lacking profile nationally compared to other policing areas. There is therefore a risk that this area may be seen as a less important area of policing. Stakeholders reported that the custody inspection programme's engagement activity has helped somewhat to increase this profile, and to provide independent verification of where improvements are required. However, it is also clear that custody provision is still an area which is often overlooked by political actors, such as the Home Office and opposition parties, nationally.

### **How the custody inspection programme brings about change**

Locally, the evaluation found that the custody inspection programme's impact can be attributed to:

- the recognised expertise of the joint inspection team;
- the strong relationships HMICFRS has built with forces;
- the respect with which the joint inspection team is viewed by forces when they conduct inspections; and
- the value of inspection reports of other forces as a resource for highlighting potential areas of good practice and potential areas for review.

The impact of the inspections is somewhat limited by the lack of regulatory power of HMICFRS to require that recommendations are acted on. HMICFRS is an inspectorate, not a regulator, and holds limited regulatory power. While it has the power to obtain information and produce recommendations, these recommendations aren't orders and HMICFRS doesn't have enforcement powers. Instead, HMICFRS and the custody inspection programme rely on trust, reputation and strong positive working relationships to get buy-in from forces and encourage changes to be made in line with inspection findings. Evaluation evidence suggests that this can mean that senior leaders in forces don't always give sufficient attention to the issues custody inspections raise. Instead, they prioritise other areas of policing driven by individual force priorities and other external factors.

These individual force priorities of senior police leaders are also a key factor affecting the extent to which inspection recommendations are implemented and can act as a barrier to change (discussed below). This is compounded when the implementation of recommendations requires additional resources such as funding or staffing.

Nationally, the custody inspection programme provides a crucial function as an accountability mechanism and can draw together a range of evidence regarding the performance of police custody across England and Wales which isn't available elsewhere. HMICFRS has also built strong positive working relationships

with national stakeholders over the past six years and contributes to various national forums, including sharing the findings of its inspection work. As a result, the programme has contributed to changes in legislation, training and guidance nationally by highlighting potential areas of focus and contributing evidence to activities such as thematic reviews.

However, decisions about custody nationally involve multiple partner organisations. In order to translate inspection evidence into impact in this context, increased work with senior national decision-makers, for example in children's services and mental health provision, is required, as discussed below.

### **Barriers to change**

The evaluation identified several barriers to forces implementing changes recommended by the custody inspection programme:

- resources, such as funding or additional staffing, being required to implement changes;
- the individual force priorities of senior leaders, and changes of leadership, in forces;
- partner organisations, rather than the police, being responsible for implementing changes;
- staff attitudes, accepted practices and reluctance to change; and
- the joint inspection team not reflecting the diversity of those detained in, and those who work in, the custody suites, which is important to help ensure the legitimacy of, and trust in, the inspection findings.

The ability of HMICFRS to support forces to overcome these barriers is somewhat limited. However, by focusing on the following drivers HMICFRS may be able to further encourage forces to make changes:

- Increasing national influence. Continuing to work with partner organisations such as the College of Policing may increase HMICFRS's national influence to promote changes where issues in custody provision relate to non-police organisations.
- Improving local senior buy-in. Increasing local senior decision-maker buy-in at a chief constable, deputy chief constable or assistant chief constable level can raise the profile of custody and lead to more resources being allocated to custody provision within forces.
- Addressing forces' appetite for risk. Where forces don't implement recommendations due to a more risk-averse approach being taken (for example, forces continuing to remove ligatures such as shoelaces and drawstrings from all detainees, rather than assessing risk on an individual basis), it may be beneficial to provide forces with greater detail regarding the potential benefits of such changes and guidance regarding implementation.

## Recommendations

The evaluation team established a series of evidence-led recommendations. A summary of these recommendations and the evidence on which they are based is provided below.

### Make-up of the joint inspection team

- Stakeholders nationally and within the joint inspection team highlighted that the inspection team is relatively small. The joint inspection team needs to retain enough inspectors with the required breadth of expertise to ensure inspections can continue to be of the current standard. This is to ensure ongoing resilience for the future, particularly in light of the recent decision for HMI Prisons to no longer be part of the joint inspection team.
- Consider the diversity of the joint inspection team to help ensure it reflects the diversity of those who work in, and those detained in, the custody suites. Stakeholders locally, nationally and within the joint inspection team identified this as a potential area for improvement. This is important to help ensure the legitimacy of, and trust in, the inspection findings. Review any barriers that particular groups may face which would reduce their likelihood of applying to be part of the team to help achieve this. This process would involve all members of the ongoing joint inspection team (HMICFRS and the CQC).

### Inspection methodology

The following changes to the custody inspection programme's inspection methodology may increase its impact:

- Local stakeholders reported that the unannounced nature of inspection visits placed significant pressure on staff to meet reporting requirements. Senior staff were also often required to cancel other planned work and leave at short notice. Since restarting inspections following the pandemic, the joint inspection team now gives ten days' advance notice to forces, and it is understood that the team intends to continue this practice in future.

This change could help to reduce the pressure felt by custody staff during the first week of an inspection, as well as potentially improving the quality and timeliness of data being provided to the joint inspection team. Stakeholders in case study forces and the joint inspection team reported that they didn't anticipate any negative effects from this change.

The semi-announced approach to inspection visits should be continued, rather than reverting to the unannounced approach used before the pandemic.

- Locally, the impact of the custody inspection programme is largely centred around the inspection visits and the changes that take place immediately afterwards. This appears to be due to the increased awareness of custody provision that the inspection visits generate in forces.

Currently, inspection visits take place once every six or seven years. The impact of the custody inspection programme could be enhanced by increasing inspection frequencies, and we recommend exploring this possibility.

- Alongside the work of the custody inspection programme, the evaluation found that the role of independent custody visitors (ICVs) is another influence on custody provision both locally and nationally. At present, forces aren't clear how the work of ICVs is being used to inform custody inspections.

Review the way in which ICVs and the evidence and insights they collect are included in custody inspections, to support the custody inspection programme in ensuring as much value as possible is gained from their work.

- Disproportionality in custody provision was highlighted throughout the literature reviewed and by stakeholders locally and nationally as a key area in which the custody inspection programme could provide more insights. The term 'disproportionality' refers to a certain group of people being affected by the custody environment in a way that is substantially different from that of people outside that group. The joint inspection team could consider approaches to give disproportionality a more explicit focus in custody inspections and subsequent reporting.

### **Dissemination of findings**

HMICFRS could increase the impact of the custody inspection programme by implementing the following recommendations:

- Where areas of good and innovative practice are identified during local inspections, HMICFRS could clearly and directly communicate these more widely to other forces. Local stakeholders reported that at present they review custody inspection programme reports from other forces on an ad hoc basis. However, this is reliant on staff capacity in individual forces, and introduces the possibility of duplication of effort across forces.
- Nationally and locally, the evaluation found that a significant contributor to the custody inspection programme's impact is the programme's input into HMICFRS's thematic inspection reports. By drawing on the wide evidence offered by the custody inspection programme, which is unique in the level of insight it provides into a custody environment, these thematic reports are powerful resources which draw the attention of senior decision-makers.

In order to build on this impact, HMICFRS may wish to explore ways of disseminating nationally the custody inspection programme's reporting of key themes emerging from inspections.

- As well as increasing the profile of custody provision with strategic stakeholders and decision-makers, some stakeholders suggested that the custody inspection programme could do more to increase public confidence in police custody. The role of the custody inspection programme in relation to the general public isn't to provide reassurance to the public that custody provision is effective. Rather, it is



to provide reassurance that it is subject to effective scrutiny and that this scrutiny leads to positive change. To do this, HMICFRS could consider increased use of social media to disseminate specific inspection findings to the public, particularly regarding areas where improvements have been identified.

### **Raising the profile of custody locally and nationally**

Further raising the profile of custody could increase the likelihood of additional resources being allocated to custody provision, increase awareness of the need for national-level change to tackle systemic issues identified across force inspections, and contribute to an improved public and political understanding of the challenges present in the custody environment faced by partner organisations such as health and local authority services.

The evaluation found that the engagement work undertaken by HMICFRS has been increasingly noticed and welcomed by national stakeholders, and that the Inspectorate has developed solid relationships and foundations on which the custody inspection programme can continue to strengthen its impact. Locally, HMICFRS's latest [Expectations for police custody](#) included an increased focus on measuring the engagement and interest of senior leadership teams in custody provision.

The following recommendations build on the work done to date:

- Ensure senior leaders in forces (chief constables, deputy chief constables and assistant chief constables) are involved in the inspection process as much as practically possible. In particular, this involvement should focus on including senior leaders in the reporting of findings, recommendations and areas for improvement (AFIs).
- Continue HMICFRS's work with stakeholders to raise the profile of custody nationally. Raising the profile of custody nationally may contribute to custody becoming increasingly seen as a priority in individual forces. In turn, this should engage senior leaders, and increase the resources committed to forces' custody provision.
- Continue to work with partner organisations, including the College of Policing, to develop an accreditation programme for the training of custody officers. Stakeholders from across all areas were clear that this would improve the standards of performance and perception of custody work both locally and nationally, and increase HMICFRS's impact on raising the profile of custody.
- Nationally, HMICFRS may wish to explore the potential for future joint working with partner organisations such as the [Independent Office for Police Conduct \(IOPC\)](#), the [College of Policing](#), and the [Independent Custody Visiting Association \(ICVA\)](#) and other members of the National Preventive Mechanism to draw together common themes emerging from their work which may benefit from co-ordinated reporting.

This could build on the thematic reports already published by HMICFRS, which were reported by both local and national stakeholders as having been beneficial to driving improvements and highlighting areas of good practice.

### **Ongoing monitoring and evaluation**

Ongoing monitoring and evaluation of the impact of the custody inspection programme is important to ensure that it continues to have a positive impact in its intended areas, and that any barriers to its impact are identified and addressed. HMICFRS may wish to consider a regular process of both internal and external evaluation, including monitoring of its activities.

This monitoring could be complemented by regular consultation with police forces, joint inspection team members and national stakeholders, and identification of what support is requested by forces and provided by the joint inspection team.

# Introduction and evaluation methodology

Cordis Bright was commissioned by HMICFRS to conduct an independent evaluation of the joint custody inspection programme. This evaluation took place between February and August 2022.

## About the custody inspection programme

The custody inspection programme began in 2008. It ensures that custody facilities in all 43 police forces in England and Wales are inspected regularly, about once every six or seven years. It plays a key role in the National Preventive Mechanism. The mechanism brings together 21 statutory bodies that provide independent monitoring of places of detention to meet the UK's requirements under the [Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment \(OPCAT\)](#). The programme is now in the third cycle of inspections, with approximately seven to eight inspections each year.

HMICFRS also inspects the Border Force, British Transport Police and Terrorism Act custody facilities. It is important to note that the inspection of these facilities falls outside the remit of this evaluation.

The inspection assesses police force custody suites against criteria set out in the [Expectations for police custody](#). The Expectations describe the standards of treatment and conditions that each police custody suite must meet for people in custody. They are developed through consultation with a wide group of stakeholders, and are organised into five inspection areas:

- leadership, accountability and working with partners
- pre-custody: first point of contact
- in the custody suite: booking in, individual needs and legal rights
- in the custody cell, safeguarding and healthcare
- release and transfer from custody.

The programme has been carried out by a joint inspection team comprising colleagues from HMICFRS, HMI Prisons and the CQC.

Other organisations working in the field of police custody include:

- the ICVA, which co-ordinates ICVs, who visit custody suites to monitor detainee welfare and rights;
- the IOPC, which oversees the police complaints system in England and Wales;
- the Home Office, which is the lead government department for policing; and
- the College of Policing, which sets standards for policing (including custody) and shares knowledge and good practice nationally.

HMICFRS's role is distinct from these organisations in acting as an independent inspectorate of the efficiency and effectiveness of police custody provision.

### **Inspection methodology**

Police custody inspections focus on the experience of, and outcomes for, detainees from their first point of contact with the police, through their time in custody, to release. An inspection comprises the following:

- **Document review.** The force provides the inspection team with key documents to review, such as custody policy and/or supporting policies, joint protocols with local authorities, staff training information, minutes of any strategic and operational meetings for custody, complaints relating to custody in the six months before the inspection and performance management information. The inspection team also requests documents from those who either commission or provide healthcare in custody suites.
- **Data review.** The force completes a data collection form for the previous 36 months, which includes a range of information such as custody population and throughput, demographic information, average time in detention, number of detainees with mental ill health and number of children in custody. This information is analysed and used to provide contextual information and to help assess how the force is performing.
- **Custody record analysis.** The inspection team studies a representative sample of custody records opened in the week preceding the inspection across all police suites. The records are selected at random, and a statistical method is used to ensure that the inspection team's selection accurately reflects the force's custody suite throughput during that week.
- **Case audits.** The inspection team conducts in-depth audits of about 40 case records to see how well the force manages vulnerable detainees and other aspects of custody procedures. The records include those for children, vulnerable people, people with mental ill health and detainees who were subjected to force. The audits examine a variety of areas to determine how effectively detainees are treated and cared for while in custody.

- Observations in custody suites. Inspectors assess the physical conditions of custody suites and observe operational practices and detainee treatment. The inspectors speak with operational custody officers, staff and detainees directly. They also talk with non-custody police officers, solicitors and other visitors to custody to get their perspectives on how custody services work (as set out below).
- Interviews with key staff. The inspection team interviews key officers from the force. These include chief officers responsible for custody, custody inspectors and officers with lead responsibility for areas such as mental health or equality and diversity. The team also speaks to key individuals involved in the commissioning and provision of healthcare, as well as to substance misuse and mental health services in the suites, relevant community services and police and crime commissioners.
- Focus groups. During the inspection, focus groups are held with frontline response officers and response sergeants, to hear their experiences of the custody environment and understand efforts to divert people from custody.

A force has a primary inspection that lasts approximately two weeks. Inspections were previously unannounced until their day of commencement. However, more recently, due to the restrictions and impact of the pandemic, the programme moved to a semi-announced basis and a force was informed around two weeks in advance.

Once the primary inspection is complete, the inspection team provides an initial debrief to the force, including an outline assessment and a custody estates-focused report, which goes into further detail about the custody suites' physical conditions, such as identified ligature points. A full and final report is then published within four months giving detailed findings and recommendations for improvement. The force is expected to develop an action plan in response to the inspection team's findings.

There is a follow-up meeting approximately one year after the primary inspection, which lasts about three hours. HMICFRS, on behalf of the inspection team, assesses the force's progress against the inspection team's recommendations and the force's subsequent action plan.

The custody inspection team also provides ongoing support for the force. This includes sharing examples of good practice or allowing custody staff to shadow inspections of other forces to feed back learning to their force.

## About the evaluation

This evaluation was a mixed methods process and impact evaluation. It aimed to determine the impacts of the custody inspection and engagement work. The evaluation also aimed at determining the key activities or ways of bringing about change, to better understand how these impacts are achieved. It explored the following research questions:

1. Is there evidence of the custody inspections and engagement having impact over the past six years?
2. Where are the effects of custody inspections and engagement seen?
3. For which groups are these effects seen, in particular including individuals from the following vulnerable groups:
  - individuals with mental health conditions
  - children
  - individuals subject to use of force or restraint
  - individuals under the influence of drugs or alcohol.
4. To what extent does the joint custody inspection programme fill a gap in improving custody provision?
5. What stages or parts of inspection activities and engagement are associated with these effects?
6. Is there evidence of any unintended positive or negative effects of the custody inspection programme and engagement?
7. Is there evidence of any impacts the joint inspection team is trying to make that aren't being made? For example, does the inspection team make recommendations to forces or for changes in legislation that aren't followed?
8. Where changes aren't made based on recommendations, what are the key barriers to making changes?
9. What could be improved in the inspection methodology to improve the impact of the inspections?

## Evaluation methodology

The evaluation methodology was developed and agreed collaboratively with HMICFRS and joint inspection team colleagues during the first phase of the evaluation.

## **Development of a robust logic model**

This process involved developing a logic model for the custody inspection programme. The model sets out what activities and people are involved in the custody inspections and the intended outcomes. The model drew on the following sources of evidence:

- A review of relevant documentation relating to the custody inspection programme, its design and delivery, including recent inspection reports.
- A workshop held with 11 joint custody inspection team members, including colleagues from HMICFRS, HMI Prisons and the CQC. This workshop explored:
  - the purpose of the custody inspection programme;
  - colleagues' views on each aspect of the logic model; and
  - any secondary data the evaluation might be able to access.
- Additional interviews with two custody associates and a member of the HMICFRS media team to understand their views.

This logic model was then peer-reviewed by an independent academic with expertise in police custody to ensure its coherence and to identify any gaps.

A mixed methods evaluation approach was agreed, as outlined below. All research tools used were developed collaboratively with HMICFRS.

## **Rapid literature review**

A rapid literature review was undertaken to establish any changes in legislation, guidance or training in relation to police custody in England and Wales over the past six years and to determine if the custody inspections contributed to these changes. The six-year time frame was chosen to match the duration of the most recent inspection cycle, and to provide a sufficient time frame to track reasons for any changes identified.

The findings from this review have been incorporated into this report, and the bibliography is provided in [Appendix A](#).

## **Force-level case studies**

To explore the impact of the custody inspection programme at a force level, the evaluation team conducted five detailed case studies into individual force areas. The evaluation team selected five areas across England and Wales to provide a range of forces based on the timing of the most recent inspection, inspection outcome, size of force, involvement in wider HMICFRS activity, force region and involvement of private providers – either with responsibility for the custody suite or as an employer of civilian detention officers.

Having been selected, forces were first contacted by HMICFRS to introduce the evaluation. Following this, the evaluation team liaised directly with forces to arrange the receipt of information and scheduling of interviews.

The forces included have been treated anonymously. Table 1 summarises the reasoning for their inclusion.

**Table 1: Forces selected for case studies**

<b>Force</b>	<b>Post-pandemic inspection?</b>	<b>Positive inspection, as identified by custody inspection team?</b>	<b>Private providers?</b>	<b>Rural or urban?</b>	<b>Size</b>
Force A	Yes	No	No	Rural	Large
Force B	No	Yes	Yes	Urban	Medium
Force C	No	Yes	No	Rural	Small
Force D	No	No	Yes	Rural	Large
Force E	No	No	Yes	Urban	Medium

**Note: Small forces had fewer than three custody suites, medium forces had three or four custody suites and large forces had five or more custody suites.**

The case study research involved two main elements:

- Analysis of relevant local documentation, including custody inspection reports, post-inspection force debriefs by the joint inspection team, force action plans, revisit written summaries by the joint inspection team, data relating to media coverage of inspections, and other documentation on the HMICFRS monitoring portal. (The portal is an intranet site for monitoring force progress against recommendations made during custody inspections.)
- Interviews with local stakeholders responsible for custody provision in the case study force, exploring their perspective on the custody inspection process and relevant impact. Local stakeholders included assistant chief constables, custody leads and custody officers. This group is referred to as 'local stakeholders' throughout this report. The number of stakeholders consulted is given in Table 2.

### **Consultation with individuals from the joint inspection team**

The evaluation included interviews and focus groups with members of the joint inspection team. This helped the evaluation team better understand the activities and inputs in the custody inspections and the intended outcomes. Interviews or focus groups were conducted with nine members of the joint inspection team. These included five from HMICFRS, two from HMI Prisons and two from the CQC.



## Wider consultation with national stakeholders and representatives of national interest groups

As well as interviews with stakeholders in case study forces, the evaluation team conducted qualitative interviews with a range of other national stakeholders and representatives of interest groups that are active in the fields HMICFRS works in, such as children or mental health in custody, but don't regularly work directly with HMICFRS. Stakeholders were contacted initially by HMICFRS to introduce the evaluation, following which the evaluation team liaised with them directly to arrange interviews.

The number of individuals interviewed is given in Table 2.

### Summary of consultation conducted

Table 2 summarises the number of interviewees consulted.

**Table 2: Number of interviewees in each group**

Interviewee group	Number of interviewees
Force A	8
Force B	8
Force C	6
Force D	5
Force E	5
National stakeholders	8
Interest groups	4
<b>Total</b>	<b>44</b>

### Approach to consultation

The consultation conducted as part of the evaluation involved in-depth qualitative interviews and focus groups. Topic guides were shared with participants in advance of interviews. Interviewees were identified as follows:

- For case study forces, force liaison officers identified interviewees to ensure they had relevant knowledge of custody provision and, where possible, experience of the most recent custody inspection programme visit. Interviewees included assistant chief constables, chief inspectors/superintendents responsible for custody, and custody officers, as well as non-police personnel such as ICV leads and healthcare professionals.

- National stakeholders were primarily identified by HMICFRS. HMICFRS introduced stakeholders to the evaluation team by email, before the team liaised directly with them to arrange interviews. Where these stakeholders suggested other potentially valuable people to interview, these further contacts were agreed with HMICFRS and approached by the team. Interviewees included senior strategic and policy leads from public and voluntary sector organisations involved in the provision and scrutiny of police custody. These organisations haven't been named to protect the anonymity of the interviewees.
- Stakeholders from interest groups were identified from a combination of existing HMICFRS contacts and organisations identified as relevant by the literature review, in agreement with HMICFRS.
- Members of the joint inspection team were identified by HMICFRS and contacted by the evaluation team to invite them to participate in a focus group. Interviewees were also invited to share feedback by email or through individual interviews, where they were unable to attend the focus group. HMICFRS, HMI Prisons and the CQC were all represented in this consultation.

All interviews and focus groups were conducted by video call, taking approximately one hour for interviews and two hours for focus groups. Interviews and focus groups were conducted by three members of the evaluation team, and were anonymous and not recorded, and interviewers took detailed notes. The decision not to record and transcribe them was made to ensure interviewees felt comfortable speaking openly about the joint inspections and to maximise the evaluation resource available to conduct these sessions. Interviewees were reminded before the interview that the evaluation was independent from HMICFRS and the custody inspection programme.

### **Approach to qualitative analysis**

The qualitative evidence obtained from interviews and focus groups was recorded in a matrix, which maps responses to key questions. These responses were drawn together, exploring key themes, and commonalities and divergences in responses. All members of the evaluation team carried out this process collaboratively, and any differences in interpretation of the data were discussed and agreed on collectively.

This was an iterative process, using initial data collected to establish themes, and using these themes to continue to code further data. This allowed for constant comparison of the themes and ensured that any theories or judgments were closely linked to the data that they developed from. This is a thematic approach to analysing qualitative data. The key themes that emerged were used to structure the findings presented in this report, for example the bullet points presented in the [‘Local impact of the custody inspection programme’](#) section. This approach was taken collaboratively, both within the evaluation team and then as the themes were presented to key stakeholders in a sense-testing workshop. This collaboration mitigated any potential biases that individuals may have held when conducting the analysis and interpretation of results, through inbuilt internal and external challenge.

## Reporting

An interim evaluation report, highlighting key emerging themes from evaluation evidence, was submitted to HMICFRS in June 2022.

Following the delivery of a draft final evaluation report, a workshop was held with the joint inspection team in August 2022. The workshop provided an opportunity to sense-test the report's findings and recommendations to ensure they were a fair reflection of the joint inspection team's work and were as practically useful as possible.

The report was then sent to the same independent peer reviewer who had reviewed the logic model, to critically review the evaluation and its conclusions.

Feedback from this workshop and feedback on the draft report was incorporated into this final version of the evaluation report, produced in January 2023.

Although Cordis Bright collaborated with HMICFRS to ensure the research and evaluation were as practically useful as possible, during the evaluation interviewees were all reminded of Cordis Bright's independence, and we have reported all findings independently from HMICFRS.

## Challenges and limitations

There were two important challenges for the evaluation which should be taken into account when considering the findings presented in this report:

- **Attribution.** There are many factors which can influence police custody provision as well as the custody inspection programme. As a result, it is a challenge to demonstrate and attribute outcomes and impacts to the programme. The mixed methods approach taken by this evaluation seeks to address this by enabling triangulation of findings in order to make assessments regarding the likely impact of the programme.
- **Scale of case study consultation.** The evaluation conducted in-depth case studies into five of the 43 police forces in England and Wales. This presents a limitation as it is challenging to assess how generalisable and transferable the findings from these five forces may be to other police forces. This limitation has been partially mitigated by the approach taken to selecting case study areas (detailed above). The case study areas reflect a range of force contexts in terms of size, urban or rural setting, and involvement of private providers. This means that although the evaluation isn't representative of all forces, it has something meaningful to say for similar forces. However, if time and resource constraints aren't present in future evaluations, an increased scale of case study consultation may further support their findings.

## Structure of this report

This report is structured as follows:

- Logic model for the custody inspection programme. This section presents a logic model for the custody inspection programme, outlining the inputs, activities, outputs and outcomes for the programme.
- Local impact of the custody inspection programme. This section explores the impact of the custody inspection programme locally.
- National impact of the custody inspection programme. This section explores the impact of the custody inspection programme nationally.
- Discussion and recommendations. This section presents a summary and discussion of the key findings from this evaluation, as well as a set of evidence-led recommendations.

# Logic model for the custody inspection programme

This section presents a logic model for the custody inspection programme, outlining the inputs, activities, outputs and outcomes for the programme.

[Figure 1](#) shows the logic model, based on the initial logic model developed by HMICFRS before the evaluation. The purpose of this was to support HMICFRS in establishing the impacts that the custody inspection programme hopes to have, to map the activities through which it intends to achieve these impacts, and to provide a framework for the evaluation.

Having reviewed the evidence collated for this evaluation, the content of this logic model appears to accurately reflect the reality of the custody inspection programme.

The logic model for the programme outlines:

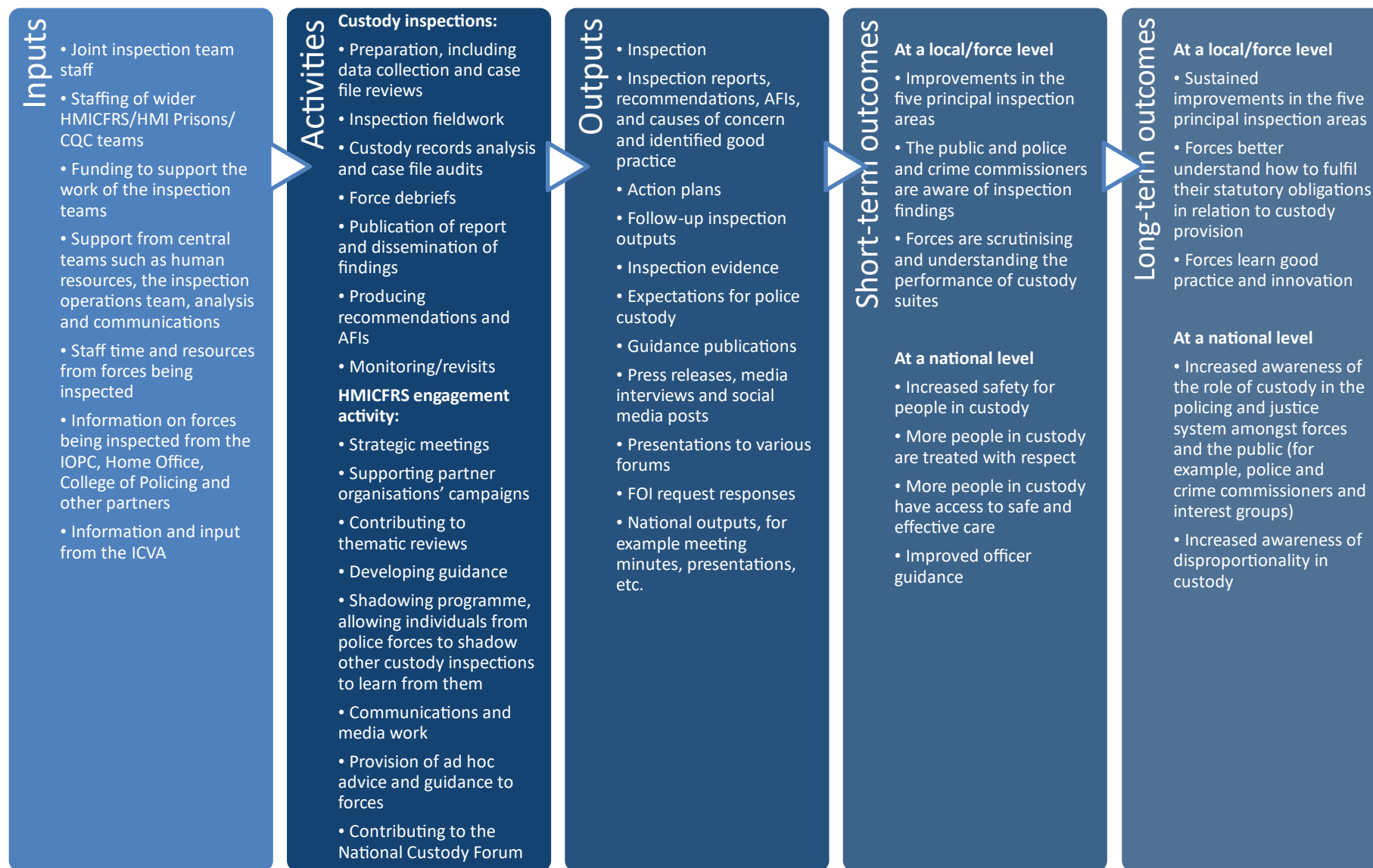
- inputs: the staffing and other resources that the programme can access;
- activities: the work of the custody inspection programme;
- outputs: the products that result from the programme;
- short-term outcomes: the immediate changes that you might expect to see as a result of the custody inspection programme; and
- long-term outcomes: the longer-term changes that will be achieved by the programme.

It is also important to consider the context and assumptions underpinning the logic model which may affect the success of the custody inspection programme.

These include:

- policing resources and priorities of custody provision, as well as non-police resources including local authorities and the National Appropriate Adult Network; and
- availability of third-sector support to the custody inspection programme, including ongoing ICVA visits.

**Figure 1: Custody inspection programme logic model**



# Local impact of the custody inspection programme

## Overview

This section explores the impact of the custody inspection programme locally. The section is primarily based on case studies undertaken with five police forces, involving reviews of relevant documentation and data, and in-depth consultation with a range of custody stakeholders. It looks at what impact the custody inspection programme may have had locally, and any barriers to addressing inspection findings and implementing inspection recommendations.

The analysis presented in this section focuses on findings from across the five case studies. Due to the small sample size, it hasn't been possible to determine the contribution of any differences in characteristics between case study forces to the impact of the custody inspection programme, such as their size or whether their most recent inspection was positive or negative.

## Custody inspections lead to improvements in local custody provision

The evaluation found evidence that changes in local custody provision take place following custody inspections. These changes are likely to be both directly and indirectly a result of the custody inspection programme.

The force-level case studies identified the following examples of areas of change following inspection. These areas of change were identified through both the review of force-level documentation and consultation with local stakeholders in each force area. They correspond to the intended short-term outcomes suggested in the logic model for the custody inspection programme:

- Meeting the individual and diverse needs of detainees and improving care for detainees (key outcome: more people in custody are treated with respect). Forces often responded well to inspection recommendations in this area as many changes could be addressed quickly. This would often involve buying or installing new facilities or amenities. For example, following an inspection, new reading materials were purchased including religious texts and easy-to-read material, and, for detainees with mobility issues, extra thick mattresses and wheelchairs were made available, and shower stalls fitted. One force considered the

workforce gender balance and as a result offered more part-time posts to attract more women. This successfully attracted more female sergeants who were able to provide support for female detainees.

- Approach to risk and safety (key outcome: increased safety for people in custody). This included focusing on specific issues identified as part of the inspection, such as the use of force and conducting observations of at-risk detainees. Additional monitoring and quality assurance measures were also put in place to ensure staff carried out custody tasks such as handover briefings. Most commonly, forces responded to these areas of inspection recommendation through communications with staff, advice, guidance and training.
- Approach to detainee dignity and privacy (key outcome: more people in custody are treated with respect). Forces responded to recommendations concerning detainee dignity and privacy by adapting custody arrangements to ensure that detainees were able to have private conversations with staff when booking in and by enabling detainees to make private phone calls. At the time of inspection, three of the case study forces didn't have private shower facilities and changes were made to allow this. For example, following inspection in one force, all shower facilities were reviewed, and changes were put in place to improve detainees' privacy. Staff training in speaking to detainees was also put in place to improve privacy for detainees being booked into custody.
- Infrastructure and estate conditions (key outcome: increased safety for people in custody). The inspection team identified several concerns related to the condition of the estate. These concerns were largely addressed by forces. For example, in some force suites, cells were identified as being too cold, and as a result thermometers were installed, and detainees were offered blankets and/or additional clothing.

There were also concerns raised in inspections across several forces about ligature points. Forces addressed these to varying extents. In one area, the force removed all identified ligature points, whereas in another area it was deemed that the work wasn't cost effective and mitigation activities took place instead, such as not using certain cells. This reflects a wider finding of the evaluation, regarding inspection recommendations not being acted on, either in whole or in part, as a result of resource constraints in forces.

- Data collection and performance management (key outcome: forces are scrutinising and understanding the performance of custody suites). Forces responded to recommendations related to data collection and performance management by providing training and briefings to officers carrying out custody reviews as well as putting up posters to encourage good recording of information by staff. In one force, a dedicated analyst was employed to assess the quality and accuracy of the data collected (although the effect of this on data collection itself and on actions taken as a result of the data wasn't clear).



- Detainees not spending longer than necessary in custody (key outcome: improvements in the five principal inspection areas). As part of their response to recommendations about ensuring that detainees don't spend longer in custody than necessary, forces enhanced data recording of detention times to ensure booking-in procedures weren't subject to delay. Forces also contacted partner organisations involved in taking detainees to court, to try to reduce delays. However, it is important to recognise that some of the factors leading to delays in this area are beyond the control of police forces, for example delays caused by court transport services, which are arranged by the court service.
- Supporting children and vulnerable groups (key outcome: more people in custody have access to safe and effective care). Following inspections, custody staff received training about the expectations of care for children and those from vulnerable groups, and were encouraged to access support from healthcare professionals to ensure sufficient oversight of safeguarding arrangements for children and vulnerable people in custody.

There was also work to improve timely access for children and vulnerable people to appropriate adults, and multiple forces attempted to improve working with relevant partner organisations. However, this also highlights an area of recommendations which doesn't sit solely in the remit of police forces to address, with appropriate adult provision being a duty of local authorities and third sector organisations. This theme of the multi-agency nature of custody provision presenting a barrier to the implementation of custody inspection programme recommendations is discussed further in the ['Discussion and recommendations'](#) section.

- Guidance and regulation (key outcome: improved officer guidance). Forces were supported to redress inspection concerns about their compliance with PACE regulations and guidance. The most common response was to address these concerns through additional training. For example, in one force area, following an inspection, officers were expected to complete an e-learning course for the 'Custody PACE S40 Inspector Review', and the force also provided mandatory training for all inspectors in relation to conducting Section 40 PACE reviews. Forces also used supervision and continuing professional development opportunities to address shortcomings.
- Staffing levels and deployment (key outcome: improvements in the five principal inspection areas). Some forces were able to increase staffing levels, though this was often aided by external factors such as a suite closing or wider changes in the force's workforce. There were also reviews of shift patterns and improved oversight of deployment schedules to address challenges.
- Governance and oversight (key outcome: forces are scrutinising and understanding the performance of custody suites). Following custody inspections, and across multiple forces, monitoring and oversight were improved in a large range of areas, such as use of force, strip searches and safeguarding

arrangements. New monitoring methods were introduced including dip sampling and reviewing custody records and scrutinising this information in related custody meetings. In response to many of the recommendations, new quality assurance measures were introduced or started taking place on a more regular basis.

Assessing the impact of changes implemented by police forces as a result of the custody inspections currently occurs both through internal monitoring processes and through custody inspection revisits. The custody inspection programme includes a revisit meeting to a force approximately one year after the inspection, where HMICFRS, on behalf of the joint inspection team, determines progress made against recommendations, areas for improvement and causes for concern.

The summary of progress made, which is written by HMICFRS, is for internal force use only. While forces reported this summary is valuable, it wasn't always clear to the evaluation team if actions implemented by forces have improved outcomes for detainees. Often forces have taken action that is monitored internally by the force. However, the result of this action hasn't been evaluated by the joint inspection team, so it is difficult to assess whether the action is having the intended outcome, meeting the recommendation and improving detainee outcomes. Due to the timescales involved, the effect of any action may not be able to be assessed until the next full inspection in six years' time.

Police force interviewees reported that they would benefit from a more formal custody inspection revisit procedure, with greater recognition of the changes that have been put in place. HMICFRS and the joint inspection team agreed, reporting that, internally, there are discussions about establishing and rolling out indicators that forces can measure themselves against to monitor their own improvement. This may help to assess and account for the impact of the changes forces implement in response to custody inspection recommendations.

Several local police force interviewees and national stakeholders highlighted that where the custody inspection identifies areas of concern regarding detainee welfare, these are then assessed and followed up by the ICVs during their twice monthly inspections of police custody. HMICFRS and the joint inspection team therefore play an important role in prompting important operational changes in local police custody provision.

As well as impacts in the areas intended by the custody inspection programme (as detailed in the logic model for the programme), the evaluation also identified the unintended impact of increased spending on custody provision by forces. This ranged from small-scale expenditure on improving facilities and addressing ligature points to large-scale expenditure on a new custom-built custody facility.

Local stakeholders were clear that the custody inspection programme provides an essential function in collecting evidence of custody conditions, driving improvements in custody provision and holding forces to account.

## How the custody inspection programme brings about change

As seen above, the custody inspection programme has had a clear impact on custody provision in forces following inspections. The evaluation found five main elements of the inspection process drove these changes:

1. Immediate feedback during the inspection process. Forces reported that the immediate feedback received, in some cases daily, during an inspection through hot debriefs was particularly valuable in supporting them to make rapid improvements in custody provision.
2. Positive relationship with forces. The immediate feedback was helped by the positive relationship that the joint inspection team has developed with forces, which was widely commented on by local and national stakeholders, and members of the joint inspection team. The expertise and approachability of the team were identified as key reasons for this positive relationship.
3. Formal reporting of inspection findings. Local stakeholders were clear that the formal reporting of inspection findings by the joint inspection team provides those working in custody with a valuable, independent source of evidence for changes in custody provision. This often builds on areas which had already been identified internally as potential areas for improvement, and the external validation provided by the custody inspection programme was used to strengthen cases for change with senior decision-makers in forces. The custody inspection programme reports can provide useful solutions for issues that local police forces had previously identified, but weren't sure how to correct.

For example, before inspection, one force had been considering the need for a new custody facility due to an ageing estate. Following inspection, which highlighted several AFIs relating to the condition of the estate, the decision was made to develop a new custom-built custody facility. Local stakeholders were clear that the custody inspection programme's inspection report had a significant contribution in this decision-making process.

4. Ongoing support from the joint inspection team. After the formal report has been published, the joint inspection team continues to communicate with forces and offers support and advice where appropriate.

Referring to the example in the previous point, stakeholders reported that since the decision to build a new custody facility was taken, they have engaged positively with the joint inspection team in discussions regarding the design of the new facility, and have welcomed the team's insights in this area.

5. Availability of other forces' inspection reports. Local stakeholders in all case study forces reported that they draw on HMICFRS custody inspection reports of other forces to identify potential areas of good practice to bring into their own custody provision, and use AFIs from these reports as a prompt to review their own practices in similar areas. Forces reported that this was particularly valuable for inspection reports of forces with similar characteristics to theirs (for example,

similar in size of custody provision, geographically close, similar urban/rural split, etc).

There was also some limited evidence regarding the benefit of the custody inspection programme's shadowing scheme, whereby officers from a police force are invited to shadow an inspection of another force to learn about the inspection process, and how custody provision is managed elsewhere. Force stakeholders from two of the case study forces mentioned having taken part in the shadowing scheme, and in one of these cases reported their involvement beneficial. This benefit was mainly associated with the force feeling better able to prepare for future inspections, for example by better understanding the reasoning behind inspectors' requests for data and other information.

Overall, inspections appear to be most effective when they can persuade senior leaders within forces of the importance of their findings. Local stakeholders suggested that this is done most effectively when senior leaders are directly involved in the inspection process, for example as part of debrief processes.

In addition to the work of the custody inspection programme, changes to police custody provision locally are also driven by wider legislative changes, and by forces responding to local incidents and near misses. Local stakeholders reported that this element of being keen to learn and to develop and improve their custody provision is partly driven by the inspection process and the culture of accountability and improvement that it fosters.

## **Inspection recommendations that weren't implemented**

The evaluation also found some areas where recommendations weren't implemented by forces or where difficulties with partner organisations made it difficult to do so:

- Liaising with HM Courts & Tribunals Service to ensure early court acceptance times. The associated recommendation was made in three of the case study forces, to avoid detainees staying in custody longer than necessary. Most often the effect of implementing this recommendation wasn't achieved due to difficulties with partner transport organisations not being available at all the times required.
- Strengthening the force's approach to securing appropriate adults for children and vulnerable adults. Response to the associated recommendation hadn't yet achieved the intended outcome in two forces. As above, the forces were unable to progress their response to this recommendation due to issues with partner organisations, such as the local authority, enabling access to appropriate adults.
- Identification and monitoring of delays in Mental Health Act assessments for detainees who needed them. Generally, there was very limited progress in monitoring of delays and forces were unable to work with the relevant organisations to improve outcomes for detainees. Stakeholders, both national and local, suggested that this may be due to an increase in demand from people in mental health crises, combined with funding cuts to community-based mental

health services. As there are increases in mental ill health in the population, for example due to the pandemic, there may be resource and capacity issues in partner organisations which affects how detainees are treated in custody.

- Data and oversight on use of force. Across forces, it was common for data concerning use of force in custody to be unreliable or not properly collected, despite this being raised in custody inspections for several forces. This made it difficult for forces to provide oversight for this area. Local stakeholders didn't comment on whether HMICFRS's regular collection of this data may drive improvement, but this may be an approach to explore in future.
- Children in custody overnight. Children charged and refused bail continue to be held overnight. Across multiple forces, very few children were moved to alternative accommodation, often due to a lack of capacity. In most cases, this in turn was due to the local authority not providing suitable accommodation.

## **Barriers to implementation of recommendations**

Reviewing force documentation and consulting with local stakeholders identified three common barriers to the implementation of the recommendations in the previous section:

1. Partner organisations. While recommendations and AFIs arising from inspections are reported directly to police forces, and while forces can raise issues with their partner organisations, some of the issues identified by inspections may not be within the remit of forces to fully address. The above examples of appropriate adult schemes, mental health provision and alternative secure accommodation for children taken into custody demonstrate this challenge.
2. Staff attitudes and accepted practices. Progress towards many of the recommendations depends on staff changing their practice, often through training or supervision. Stakeholders and case study documentation reported that, in many cases, long-standing staff don't always feel comfortable changing their approaches and ways of working in response to recommendations. This was emphasised in relation to balancing detainee dignity with assessing risk levels; for example, several case study forces reported that they aren't comfortable following HMICFRS's recommendations not to confiscate shoelaces and other ligatures from detainees by default, due to the risk they see this presenting. This contrasts with the finding, mentioned earlier, of forces' perceptions of the inspection team's expertise and approachability supporting the acceptance of inspection findings, which appears to be most relevant for those findings which don't involve a perceived increase in risk level.
3. Allocation of resources and priority given to custody at a strategic level. Many changes recommended by the inspection team require funds or additional staffing, and therefore resources can be a barrier. Funds often had to be authorised before a force could make large, costly changes. We found five occasions where recommendations were not fully implemented due to cost.

For example, although HMICFRS identified in one force that taps presented a possible ligature risk, the force decided that the remedial work wasn't cost effective, and instead increased observation to mitigate the risk. However, note that the custody inspection findings can also help forces prioritise custody, as in the example above of a force developing a custom-built custody facility, in the ['How the custody inspection programme brings about change'](#) section.

Stakeholders also stressed that custody provision isn't always seen as a priority in forces, and that this can vary depending on the individual or individual force priorities of senior leaders. When leadership changes, therefore, custody provision can be deprioritised.

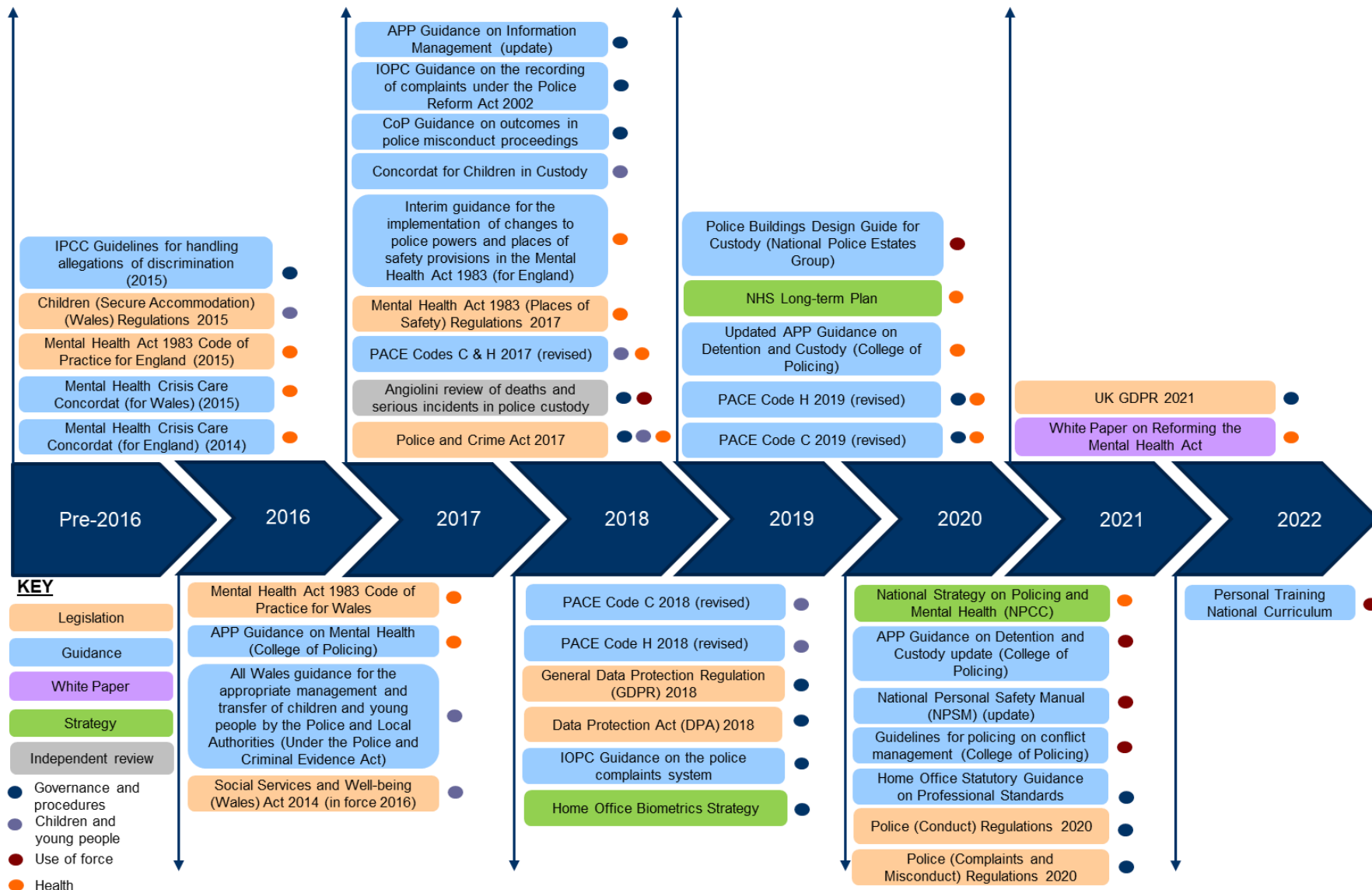
# National impact of the custody inspection programme

## Overview

This section explores the impact of the custody inspection programme nationally. It examines key changes in legislation, training and guidance on police custody since 2016, drawing on evidence from a review of the literature and interviews with local and national stakeholders (for a timeline of these changes, see [Figure 2](#)). It looks at what changes have been made, the role played by the custody inspection programme in driving these changes, and what other contributing factors may have been involved. The six-year time frame was chosen to match the duration of the most recent inspection cycle, and to provide a sufficient time frame to track reasons for any changes identified.

When analysing changes in police custody legislation, training and guidance, it is important to note that in Wales health and social care is devolved, whereas policing isn't.

Figure 2: Timeline of key changes in police custody training, legislation and guidance since 2016: a thematic analysis





## National impact on legislation, training and guidance

The evaluation of the national impact of the custody inspection programme focused on how the custody inspection programme supports changes in police custody legislation, training and guidance. The evaluation identified the following areas in which the custody inspection programme may (see the [discussion of question 5b](#) below) be having an impact, directly or indirectly, nationally:

- health and well-being;
- use of force;
- children and young people; and
- governance and procedures.

Within each area, the changes correspond to the intended short and long-term outcomes suggested in the logic model for the custody inspection programme. Nationally, the evaluation didn't uncover any unintended impacts and changes in police custody linked to the custody inspection programme.

### Health and well-being

Since 2016, most legislative changes and developments in training and guidance concerning police custody across England and Wales have been in relation to mental health provision, with fewer changes accounting for the physical health of detainees.

These changes have primarily occurred in the following areas:

- The designation of police custody as a place of safety (key outcome: more people in custody have access to safe and effective care). The custody inspection programme monitors the prevalence of police custody suites being used as designated places of safety. This forms a valuable source of evidence which has been drawn on in thematic reviews of police custody which HMICFRS has often led or directly contributed to. (For example, see [Report of the independent review of deaths and serious incidents in police custody](#), [The welfare of vulnerable people in police custody](#) and [Policing and mental health: picking up the pieces](#).)

Evidence from national stakeholders and from the literature suggests that these thematic reviews have been the driving force behind legislative changes concerning places of safety, for example the changes introduced by the [Policing and Crime Act 2017](#) to limit the use of police custody as a place of safety for those in a mental health crisis.

As well as this contribution to changes to national legislation, the custody inspection programme also acts as an accountability mechanism to establish local police force compliance with the new legislation and provides support locally where failure to comply is identified.

The literature suggests that this has had a positive impact on the experiences of detainees in custody. For example, the Home Office reported that since the Policing and Crime Act 2017 was introduced, there has been a general trend of reduction in the use of police cells as places of safety. In 2019/20, across England and Wales, police stations were used as a place of safety in 159 instances, a 98 percent reduction compared to 2012/13 ([Deaths in police custody: progress update 2021](#)).

- Safeguarding provisions for children and vulnerable adults (key outcomes: more people in custody are treated with respect; more people in custody have access to safe and effective care). Similarly, changes in the definition of vulnerability in police custody and the use of safeguarding and appropriate adults have occurred in response to HM Inspectorate of Constabulary's 2015 thematic inspection [The welfare of vulnerable people in police custody](#). This inspection drew on evidence from the custody inspection programme, and contributed to [revisions to PACE Codes C and H](#) on menstruating detainees.

This demonstrates the impact that the custody inspection programme can have nationally, by identifying areas for further scrutiny and contributing to wider HMICFRS thematic inspections. It also highlights the important role that HMICFRS can play in PACE 1984 Codes of Practice consultations. In this evaluation, national stakeholders and the joint inspection team also emphasised the role of the custody inspection programme locally in supporting forces to implement national legislative changes.

- Healthcare support in police custody (key outcome: more people in custody have access to safe and effective care). Models for healthcare practitioners and [liaison and diversion services](#) in police custody have developed rapidly in the past six years, specifically those practitioners and services supporting detainees in mental health crisis in custody. This development has been supported by the funding of a variety of healthcare models in police custody across England and Wales. Evidence from the literature and from local and national stakeholders suggests that the continued rollout of these healthcare response models is informed partly by the custody inspection programme's work, alongside wider influences from the NHS and local healthcare services.

In particular, the custody inspection programme plays an important role in supporting the effectiveness of healthcare models. This may be helped by the joint inspection team working closely with the CQC, ensuring that they have the right expertise to assess the functioning of healthcare response models in police custody. For example, HMICFRS has suggested that the success of healthcare models is dependent on the availability of community-based mental health services, based on their findings from the custody inspection programme ([Policing in the pandemic: The police response to the coronavirus pandemic during 2020](#)).

Despite this, both the literature and national and local stakeholders reported that there are growing concerns about the availability of approved mental health professionals to support custody officers and about the implications this may have for detainees and their potential prolonged detention in police custody. This emphasises the need for HMICFRS to continue to work with partner organisations such as the CQC to help to monitor the situation and provide additional reporting about the effectiveness of multi-agency partnership working within the custody environment both locally and nationally. This theme of the multi-agency nature of custody provision presenting a barrier to the implementation of custody inspection programme recommendations is discussed further in the [‘Discussion and recommendations’](#) section.

- Provision of menstrual products for detainees (key outcome: more people in custody are treated with respect). One of the clearest direct impacts of the custody inspection programme on custody provision nationally is seen in [revisions to PACE Codes C and H](#), which resulted in improvements in the safeguards available for menstruating detainees. Evidence from the literature and from national stakeholders shows that these changes were made as a result of findings contributed by the custody inspection programme, as well as advocacy efforts by the ICVA.

Since these changes took place, HMICFRS, along with HMI Prisons and the ICVA, has reported on improvements to managing the welfare needs of women in custody. This suggests that the custody inspection programme plays an important role locally in supporting forces to implement national legislative changes and to monitor compliance with these changes.

## **Use of force**

Findings in this area tend to support the key outcome of improved officer guidance.

Changes in police custody legislation, training and guidance in relation to the use of force have primarily concerned police custody officers’ de-escalation and negotiation skills, as well as their understanding and identification of risks to detainees during prolonged restraint. These changes relate to recommendations produced in thematic reports and independent commissions concerning the use of force and deaths in police custody. They may also be linked to findings from the custody inspection programme.

For example, Angiolini’s (2017) [Report of the independent review of deaths and serious incidents in police custody](#) highlights the inconsistency of training in approaches to the use of force across the 43 police forces in England and Wales, stressing the importance of national consistency. After this review, the College of Policing published national guidelines for policing on conflict management, including de-escalation and negotiation skills. More recently, the Home Office published a report which provides an update on actions taken as a result of this review ([Deaths in police custody: progress update 2021](#)). The review was in part responding to issues

highlighted by the custody inspection programme and drew on evidence and insights from custody inspections. This suggests that, in relation to the use of force and its recording, the custody inspection programme has contributed to changes in national guidance.

Despite these developments, there are still concerns about the use of force in police custody, especially regarding the governance of the use of force ([HM Chief Inspector of Prisons annual report: 2019 to 2020](#)). The intended changes in national guidance on the use of force and its recording don't yet appear to have resulted in national, systemic changes in custody provision. Such changes require time, as well as motivated and co-ordinated leadership at a senior level, which national stakeholders suggested hasn't consistently been in place. However, the custody inspection programme remains an important mechanism by which forces can be supported to implement changes and held accountable for making these changes.

### **Children and young people**

Findings in this area tend to support the key outcome of improved officer guidance.

Since 2016, there have been several developments in terms of legislation and guidance concerning children and young people in police custody. These are primarily concerned with the detention of children and young people overnight. They also ensure that 17-year-olds are treated as children by the police when in custody, thereby enabling access to an appropriate adult.

For example, guidance produced by the Welsh Government and the Home Office in 2016 and 2017, respectively, clarified the roles of different partner organisations in the management and transfer of children and young people by the police and local authorities. Although HMICFRS wasn't directly involved in producing either guidance, HM Inspectorate of Constabulary's (2015) [thematic inspection](#) is cited in the literature as an important contributor to their development. This again demonstrates how the work of the custody inspection programme shines a light on areas which require changes nationally and provides a valuable source of evidence to inform these changes.

As a result of these changes in guidance, there have been small improvements to the welfare of children in police custody in England and Wales, with a continuing focus on how quickly children are moved through custody ([UK National Preventive Mechanism annual report: 2020 to 2021](#)). Despite this, both the literature and national and local stakeholders reported there are still concerns that when children are charged and refused bail, they continue to remain in custody for too long and aren't always moved to local authority accommodation as they should be.

While the impact nationally of the custody inspection programme on the experience of children and young people in police custody appears to be limited, direct impacts were identified at a more local level. For example, the literature highlights the example of a joint inspection team inspection of Greater Manchester Police which highlighted problems in the transfer of children from police custody to local authority accommodation. This resulted in the development of the Greater Manchester Custody Inspectorate and the subsequent development of a local authorities' accommodation protocol ([Concordat on children in custody](#)). Further examples of the local impact of the programme in this area are provided in the '[Local impact of the custody inspection programme](#)' section.

## **Governance and procedures**

Since 2016, there have been several legislative changes and developments in training and guidance linked to the governance and procedures of police custody provision. These are concentrated on the following:

- Use of closed-circuit television (CCTV) (key outcome: more people in custody are treated with respect). [Revisions to PACE Codes C and H](#) in 2019 now ensure that CCTV placement in toilet and washing facilities doesn't diminish detainees' privacy and dignity. These revisions were made in response to statutory consultation which included input from HMICFRS and HMI Prisons, drawing on their findings from the custody inspection programme. Other organisations (such as the ICVA) also contributed to this consultation.
- Complaints system (key outcome: increased awareness of the role of custody in the policing and justice system amongst forces and the public). There have been significant changes to the police custody complaints system since 2016 due to a combination of legislative changes and guidance produced on these changes ([Deaths in police custody: progress update 2021](#)).

Changes to the Policing and Crime Act 2017, [Police \(Conduct\) Regulations 2020](#) and [Police \(Complaints and Misconduct\) Regulations 2020](#) have introduced a duty of co-operation for police officers, increased the threshold for misconduct and revised requirements for investigations in response to police complaints.

The evidence reviewed as part of this evaluation suggests that, in relation to developments in the complaints system, the custody inspection programme doesn't appear to have played a direct role in driving national systemic changes. However, these changes appear to have been made with the aim of increasing public confidence in police custody, highlighted as a key issue in two reviews which draw on evidence from the custody inspection programme ([Report of the independent review of deaths and serious incidents in police custody](#) and [The welfare of vulnerable people in police custody](#)). The custody inspection programme, by raising issues through inspection visits and reporting procedures, acts as an accountability measure, ensuring that detainees are aware of their rights regarding complaints.

- Data collection on disproportionality in police custody (key outcome: increased awareness of disproportionality in custody). National stakeholders also suggested that the custody inspection programme could do more to highlight the issue of disproportionality in custody provision. The term ‘disproportionality’ is used in this context to refer to a certain group of people being affected by the custody environment in a way that is substantially different from that of people outside that group. While accessing relevant data from forces during inspection may present a barrier to exploring this in detail, stakeholders reported that the custody inspection programme has already provided evidence of disproportionality in forces’ custody provision, and bringing this to the attention of national senior leaders may help to drive further change.

## **How the custody inspection programme brings about change**

A discussion of the national impact of the custody inspection programme on police custody provision must emphasise the challenge of attribution. Police custody is an area where multiple services are provided by multiple partner organisations, often informed by separate guidance and legislation and reporting to a combination of statutory and non-statutory organisations. National changes are made in response to learning from experience locally and vice versa. In this context, attributing any observed changes in police custody provision to a single factor, such as the custody inspection programme, is difficult.

However, the evaluation found evidence of areas in which the custody inspection programme is likely to have had an impact on the way in which police custody operates, as detailed in the previous section. These changes are also likely to have had a positive impact on the welfare and dignity of detainees, and the well-being of staff, and this view was supported by stakeholders both locally and nationally.

To make change nationally, HMICFRS needs to make sure the evidence it obtains locally is being heard in the right places by the right people. National stakeholders were clear that, over the course of the past inspection cycle, the engagement work of HMICFRS has been building solid foundations for doing this. HMICFRS is seen as open and approachable, and has built strong working relationships with national partner organisations. It has done this by providing useful insights and data (based on inspection findings), being flexible and willing to share these insights with other partner organisations, and having a trusted and expert team producing inspection findings.

# Discussion and recommendations

## Discussion of research questions

This section presents a summary and discussion of the key findings from the evaluation of the custody inspection programme in relation to each research question, in particular its impact, how it brings about change, and barriers to change, together with other key messages.

### **1. Is there evidence of the custody inspections and engagement having an impact over the past six years?**

This evaluation identified a range of areas where the custody inspection programme is having an impact on custody provision, to support the welfare and dignity of detainees and improve outcomes for them.

Police custody is by its nature a closed space with limited insight and information. The custody inspection programme shines a light on this closed area, and stakeholders both locally and nationally are clear that this is an essential function. The programme plays a key role in the National Preventive Mechanism, which brings together 21 statutory bodies that provide independent monitoring of places of detention to meet the UK's requirements under OPCAT.

The programme acts as an accountability mechanism, which leads to forces seeking to improve the standard of custody provision they provide. In particular, stakeholders both locally and nationally reported an increase in focus over the past inspection cycle on the dignity and welfare of detainees. This focus went above and beyond legislative responsibilities and has driven improvements. The literature review also reinforces this, highlighting the example of revisions to PACE Codes to ensure the provision of appropriate menstrual care to detainees. These revisions resulted partly from HMICFRS's inspection findings and recommendations (alongside contributions from other organisations such as the ICVA).

Locally, forces reported that recommendations from inspection directly inform many of the positive changes they make to custody provision. Forces also routinely draw on inspection reports from other forces, and thematic inspections, to highlight good practice from elsewhere and highlight areas where they may wish to direct increased focus. The independence and reputational strength of HMICFRS means that inspection findings help custody stakeholders to reinforce requests for increased resourcing and revised processes in their forces. This leads to renewed focus on

custody provision and its needs following inspection. However, stakeholders also suggested that the rolling nature of the custody inspection programme and the length of time between inspections results in custody being deprioritised over time, without the impetus provided by an imminent inspection.

Nationally, stakeholders reported that HMICFRS has built strong positive working relationships with national stakeholders over the past six years. There was a sense that this represented a welcome change in focus from solely force-level inspection activity. Stakeholders both locally and nationally often referred to custody as lacking profile nationally compared to other policing areas. This means there is a risk that this area may be seen as a less important area of policing. Stakeholders reported that the custody inspection programme's engagement activity has helped somewhat to increase this profile, and to provide independent verification of where improvements are required. However, it is also clear that custody provision is still an area which is often overlooked by political actors, such as the Home Office and opposition parties, nationally.

While there is limited evidence regarding the impact of these changes on outcomes for detainees, the role of the custody inspection programme in supporting forces in implementing changes and holding them accountable for this is crucial. This role helps ensure that national changes in legislation, training and guidance are translated into changes in practice locally, which may go on to result in improved outcomes for detainees.

## **2. Where are the effects of custody inspections and engagement seen?**

Overall, there is an emerging theme that the custody inspection programme's impact has been focused at a local, force level, having a positive impact on the ability of forces to provide custody provision in a way that meets legal requirements and prioritises detainee welfare. This includes forces that have recently been inspected and are responding to recommendations made, and forces that read other inspection reports to continually learn how to improve their custody provision.

Nationally, while HMICFRS's work with other stakeholders has been valued and is seen as having raised the profile of custody somewhat, the nature of the evaluation means that evidence was more limited regarding the impact of the custody inspection programme on changes to legislation, guidance and training to improve the safety, dignity and welfare of detainees.

## **3. For which groups are these effects seen?**

These groups include, in particular, individuals from the following vulnerable groups:

- individuals with mental health conditions;
- children; and
- individuals subject to use of force or restraint.



For example, the evaluation found evidence that the custody inspection programme's work has contributed to changes to legislation concerning children and young people in police custody, to updated guidance regarding conflict management and use of force, and to changes to legislation and healthcare models regarding the treatment of individuals with mental health conditions in police custody.

#### **4. To what extent does the joint custody inspection programme fill a gap in improving custody provision?**

Stakeholders both locally and nationally were clear that the custody inspection programme provides an essential function in collecting evidence of custody conditions, driving improvements in custody provision and holding forces to account. This function is unique to HMICFRS and complements the work of partner organisations, including other members of the National Preventive Mechanism.

#### **5. What stages or parts of inspection activities and engagement are associated with these effects?**

It is challenging to identify a particular stage or stages of the custody inspection programme's activities which can be directly associated with specific outcomes. Instead, the evaluation identified the following ways in which the custody inspection programme brings about change, both locally and nationally:

##### **a) Locally**

As detailed in the discussion of question 2, the evaluation found that the main effects of the custody inspection programme are focused locally. Change occurs locally by highlighting areas in need of improvement, and drawing the attention and individual force priorities of senior leaders to custody provision. The custody inspection programme is successful in doing this through:

- the recognised expertise of the joint inspection team;
- the strong relationships HMICFRS has built with forces;
- the respect with which the joint inspection team is viewed when it conducts inspections;
- the timeliness of reporting as part of the inspection process; and
- the value of inspection reports of other forces as a resource for highlighting potential areas of good practice and potential areas for review.

It is important to recognise that HMICFRS is an inspectorate, not a regulator, and holds limited regulatory power. While it has the power to secure information and produce recommendations, these recommendations aren't orders and HMICFRS doesn't have enforcement powers. Instead, HMICFRS and the custody inspection programme rely on trust, reputation and strong positive working relationships to secure buy-in from forces and encourage changes to be made in line with inspection findings. The evaluation found that HMICFRS's approach is largely

effective in raising areas for improvement in forces and supporting them to implement changes.

In addition to the work of the custody inspection programme, changes to police custody provision locally are also driven by wider legislative changes, and by forces responding to local incidents and near misses. Local stakeholders reported that this element of being keen to learn and to develop and improve their custody provision is partly driven by the inspection process and the culture of accountability and improvement that it fosters.

b) Nationally

Nationally, the impact of the programme appears to be less strong, and attribution of impact nationally is also more challenging than locally. However, it is clear that the programme provides a crucial function as an accountability mechanism for police forces, and has the ability to draw together a range of evidence regarding the performance of police custody across England and Wales which isn't available elsewhere.

Through this ability, the evaluation found evidence that the programme has contributed to changes in legislation, training and guidance nationally by highlighting potential areas of focus, and contributing evidence to activities such as thematic reviews.

**6. Is there evidence of any unintended positive or negative effects of the custody inspection programme and engagement?**

The evaluation identified increased spending on custody provision by forces, which ranged from small-scale expenditure on improving facilities and addressing ligature points to large-scale expenditure on a new custom-built custody facility.

**7. Is there evidence of any impacts the joint inspection team is trying to make that aren't being made?**

The evaluation found some areas where recommendations weren't implemented by forces. These were often in areas where change relied on work with partner organisations. Examples included: liaising with HM Courts & Tribunals Service to agree early court acceptance times to avoid detainees staying in police custody longer than necessary; strengthening a force's approach to securing appropriate adults for children and vulnerable adults; and identification and monitoring of delays in Mental Health Act assessments for detainees who needed them. There were also areas within the police force remit, including collection of use of force data and children being held in custody overnight, where changes weren't made.

## **8. Where changes aren't made based on recommendations, what are the key barriers to making changes?**

The evaluation identified several barriers to forces implementing changes recommended by the custody inspection programme:

- resources, such as funding or additional staffing, being required to implement changes;
- individual force priorities of senior leaders, and changes of leadership in forces;
- partner organisations, rather than the police, being responsible for implementing changes;
- staff attitudes, accepted practices and reluctance to change; and
- the joint inspection team not reflecting the diversity of those detained in, and those who work in, the custody suites, which is important to help ensure the legitimacy of, and trust in, the inspection findings.

The ability of HMICFRS to support forces in overcoming these barriers is somewhat limited. For example, HMICFRS can't directly influence the funding forces receive or allocate to custody provision, and it doesn't have formal systems to require partner organisations such as local authorities and health partners to make changes.

However, there are some areas where HMICFRS may be able to further encourage forces to make changes:

- Increasing national influence. Working with partner organisations may increase HMICFRS's national influence to promote changes where issues in custody provision relate to non-police organisations.
- Improving local senior buy-in. This area mirrors earlier findings about how best to increase the impact of the custody inspection programme. Increasing local senior decision-maker buy-in at a chief constable, deputy chief constable or assistant chief constable level can raise the profile of custody and lead to more resources being allocated to custody provision within forces.
- Addressing forces' appetite for risk. Where recommendations aren't implemented by forces due to a more risk-averse approach being taken (for example, forces continuing to remove ligatures such as shoelaces and drawstrings from all detainees, rather than assessing risk on an individual basis), it may be beneficial to provide forces with greater detail regarding the potential benefits of such changes and guidance regarding implementation.

## **9. What could be improved in the inspection methodology to improve the impact of the inspections?**

The evaluation makes several recommendations regarding how the custody inspection programme's inspection methodology may be improved to increase the impact of inspections. These are detailed in the following section and focus on

continuing the semi-announced approach to inspection visits, exploring the possibility of increasing inspection frequencies, reviewing the way in which the work of ICVs is included in inspections, and giving disproportionality a more explicit focus in custody inspections and subsequent reporting.

## **Recommendations for future development**

The evaluation team identified a series of evidence-led recommendations to support the development of the custody inspection programme. These are outlined below.

These recommendations were sense-tested with the joint inspection team at a workshop in August 2022 to ensure they reflect the reality of their work and are as practically useful as possible. Feedback from this workshop has been incorporated into this report.

### **Make-up of the joint inspection team**

The evaluation identified the experience and expertise of the joint inspection team as a key strength, and this is integral to the respect and trust with which the custody inspection programme's recommendations are viewed. To ensure that this strength is maintained and built on, the following recommendations should be considered:

- Stakeholders nationally and within the joint inspection team highlighted that the inspection team is relatively small. The joint inspection team needs to retain enough inspectors with the required breadth of expertise to ensure inspections can continue to be of the current standard. This is particularly important given the recent decision for HMI Prisons to no longer be part of the joint inspection team, which presents an opportunity for the make-up of the team to be reviewed. Part of this review could include ensuring that the expertise held by HMI Prisons colleagues regarding monitoring of conditions for detainees and treatment of detainees remains within the team, alongside HMICFRS's expertise regarding compliance with legislative requirements (while recognising that there is considerable overlap between these two areas).

This process could also include reviewing the terms by which associate inspectors are brought into the team. In particular, the duration of registrations on the associate register could be reviewed, to explore the possibility of a longer limit than the existing 24 months, and to consider the frequency and timings of associate recruitment campaigns. We understand that these terms are put in place by the Home Office, rather than HMICFRS. Consideration could also be given to other pathways for recruiting custody inspectors, such as providing training and shadowing opportunities to inspectors in other areas of HMICFRS and increasing the visibility of the custody inspection programme within HMICFRS.

The recruitment and training processes that any changes to the team will involve will need to be considered alongside the resourcing of the custody inspection programme.

- Consider the diversity of the joint inspection team to help ensure it reflects the diversity of those who work in, and those detained in, the custody suites. This was an area identified by stakeholders locally, nationally and within the joint inspection team as a potential area for improvement. This is important to help ensure the legitimacy of, and trust in, the inspection findings. Review any barriers that particular groups may face which would reduce their likelihood of applying to be part of the team to help achieve this. This process would involve all members of the ongoing joint inspection team (HMICFRS and the CQC). In particular, barriers relating to travel and overnight stays associated with inspection visits were emphasised by the inspection team. Options for reducing these barriers, for example by changing the scheduling of inspections and the size of inspection teams to support more inspectors, could be explored.

### **Inspection methodology**

The evaluation found that the custody inspection programme's inspection methodology is largely effective at supporting the programme to improve the welfare, dignity and safety of detainees, and the well-being of staff working in custody. However, the following areas were identified which may further increase the impact of the programme's inspections:

- Local stakeholders reported that the unannounced nature of inspection visits placed significant pressure on staff to meet reporting requirements. Senior staff were also often required to cancel other planned work and leave at short notice. Since restarting inspections following the pandemic, the joint inspection team now gives ten days' advance notice to forces, and it is understood that the team intends to continue this practice in future.

This change could help to reduce the pressure felt by custody staff during the first week of an inspection, as well as potentially improving the quality and timeliness of data being provided to the joint inspection team. Stakeholders in case study forces and the joint inspection team reported that they didn't anticipate any negative impacts from this change.

The semi-announced approach to inspection visits should be continued, rather than reverting to the unannounced approach used before the pandemic. HMICFRS may wish to review this approach following the next inspection cycle, particularly regarding any changes in the data reporting requirements of the inspection and the impact these may have on forces.

- Locally, the impact of the custody inspection programme is largely centred around the inspection visits and the changes that take place immediately afterwards. This appears to be due to the increased awareness of custody provision that the inspection visits generate in forces.

Currently, inspection visits take place once every six or seven years. The impact of the custody inspection programme could be enhanced by increasing inspection frequencies, and we recommend exploring this possibility. This may be only for

those forces where significant improvement is required, and an approach combining increased frequency of inspection with reduced length of each inspection may also be considered. Similarly, approaches which involve more frequent reporting of key performance indicators from forces, or more in-depth inspection revisits, may also help to maintain the momentum seen in forces following initial inspection.

Again, such a change would likely have resourcing implications for the custody inspection programme, which will need to be considered alongside the potential impacts of any change.

- Alongside the work of the custody inspection programme, the evaluation found that the role of ICVs is another influence on custody provision both locally and nationally. At present, forces aren't clear how the work of ICVs is being used to inform custody inspections.

Review the way in which ICVs and the evidence and insights they collect are included in custody inspections to support the custody inspection programme in ensuring as much value as possible is gained from their work. This process may also involve working with ICVs to support them in monitoring progress against the joint inspection team's recommendations following inspections, while appreciating the difference between the roles of ICVs and inspectors. The use of evidence collected by ICVs and its role in shaping inspection findings could also be clearly communicated to forces.

- Disproportionality in custody provision was highlighted throughout the literature reviewed and by stakeholders locally and nationally as a key area in which the custody inspection programme could provide more insights. The joint inspection team could consider approaches to give disproportionality a more explicit focus in custody inspections and subsequent reporting.

For example, consideration could be given to including specific sections on disproportionality in inspection reports or reporting on relevant key performance indicators for each force as standard practice in each inspection report.

Increased availability of relevant data will also be key to gaining further insights in this area, and recent changes to national custody key performance indicators could support this. This focus on data, particularly where it helps shed light on possible disproportionality, may need to be reflected in the *Expectations for police custody*.

### **Dissemination of findings**

The evaluation found that the custody inspection programme has an impact on improving detainee safety, dignity and welfare at an individual force level through the inspections and subsequent reporting activity. Nationally, there is scope for greater promotion and dissemination of key findings to support decision-makers and drive legislative and structural change.

To improve the dissemination of programme findings, the following recommendations should be considered:

- Where areas of good and innovative practice are identified during local inspections, these could be clearly and directly communicated more widely to other forces. Local stakeholders reported that at present they review custody inspection programme reports from other forces on an ad hoc basis. However, this is reliant on staff capacity in individual forces, and introduces the possibility of duplication of effort across forces.

If areas of good or innovative practice were communicated directly to forces, for example as a quarterly or twice-yearly communication, this would reduce duplication of effort and ensure consistency of message across England and Wales. Related to this recommendation is adding examples of good or innovative practice to HMICFRS's monitoring portal, which HMICFRS is looking to do when resources are available. Better sharing of good or innovative practice may be best conducted collaboratively with the College of Policing, which is responsible for producing operational guidance for forces.

Similarly, where an inspection raises an AFI in an area which is being addressed particularly effectively in another force, it may be beneficial for a named contact in the higher-performing force to be provided to the force with the AFI, to encourage the sharing of good practice.

- Nationally and locally, the evaluation found that a significant contributor to the custody inspection programme's impact is the programme's input into HMICFRS's thematic inspection reports. By drawing on the wide evidence offered by the custody inspection programme, which is unique in the level of insight it provides into a custody environment, these thematic reports are powerful resources which draw the attention of senior decision-makers.

In order to build on this impact, HMICFRS may wish to explore ways of disseminating nationally the custody inspection programme's reporting of key themes emerging from inspections. Suggestions for the format of this information include: an annual report similar to HMICFRS's *State of Policing* reports, focused on custody provision; regular email newsletters; an increased presence at national conferences, events and forums (building on existing HMICFRS work with other stakeholders); and use of social media. This work may also involve closer working with partner organisations such as the IOPC and the ICVA where key themes are also shared across their work.

This drawing together of key themes could also include highlighting the challenges faced by forces across England and Wales. These include, for example, the provision of accommodation and appropriate adults for children in custody, and mental healthcare and assessments.

However, it is important to note that this additional work would likely have resourcing implications for the custody inspection programme and wider Inspectorate.

- As well as increasing the profile of custody provision with strategic stakeholders and decision-makers, some stakeholders suggested that the custody inspection programme could do more to increase public confidence in police custody. The role of the custody inspection programme in relation to the general public isn't to provide reassurance to the public that custody provision is effective. Rather, it is to provide reassurance that it is subject to effective scrutiny and that this scrutiny leads to positive change. To do this, HMICFRS could consider increased use of social media to disseminate specific inspection findings to the public, particularly regarding areas where improvements have been identified.

This could build on existing activity to produce press releases for inspection reports. Any activity in this area could be closely monitored to examine the reach and impact of dissemination activities.

### **Raising the profile of custody locally and nationally**

Further raising the profile of custody could increase the likelihood of additional resources being allocated to custody provision, increase awareness of the need for national change to tackle systemic issues identified across force inspections, and contribute to an improved public and political understanding of the challenges present in the custody environment faced by organisations such as health and local authority partners.

The evaluation found that the engagement work undertaken by HMICFRS has been increasingly noticed and welcomed by national stakeholders, and that the Inspectorate has developed solid relationships and foundations on which the custody inspection programme can continue to strengthen its impact. At a local level, HMICFRS's latest *Expectations for police custody* included an increased focus on measuring the engagement and interest of senior leadership teams in custody provision.

The following recommendations build on the work done to date:

- Ensure senior leaders in forces (chief constables, deputy chief constables and assistant chief constables) are involved in the inspection process as much as practically possible. In particular, this involvement should focus on including senior leaders in the reporting of findings, recommendations and AFIs. The evaluation found that in those forces where senior leaders had less involvement in the inspection process, progress towards actioning recommendations and AFIs was lower than in forces where senior leaders had more involvement.
- Continue HMICFRS's work with stakeholders to raise the profile of custody nationally. Raising the profile of custody nationally may contribute to custody becoming increasingly seen as a priority in individual forces. In turn, this should engage senior leaders, and increase the resources committed to forces' custody provision.



- Continue to work with partner organisations, including the College of Policing, to develop an accreditation programme for the training of custody officers. Stakeholders from all areas were clear that this would improve the standards of performance and perception of custody work both locally and nationally and increase HMICFRS's impact on raising the profile of custody. To support this, it may be beneficial to explore through inspections in forces how the selection process for custody officers matches the specialist skills required for the role, the status given to the role of custody officers and where increased training may be required.
- Nationally, HMICFRS may wish to explore the potential for future joint working with partner organisations such as the IOPC, the College of Policing, and the ICVA and other members of the National Preventive Mechanism. This could increase awareness nationally of the importance of custody and build stronger evidence by drawing on the work of partner organisations alongside the findings of the programme.

The resulting co-ordinated reporting could draw together common themes emerging from their work to inform policy, legislation and guidance. Furthermore, it could build on the thematic reports already published by HMICFRS, which were reported by both local and national stakeholders as having been beneficial to driving improvements and highlighting areas of good practice.

However, it is important to note that this additional work would likely have resourcing implications for the custody inspection programme and wider Inspectorate.

### **Ongoing monitoring and evaluation of the custody inspection programme**

Ongoing monitoring and evaluation of the impact of the custody inspection programme is important to ensure that the programme continues to have an impact in its intended areas, and that any barriers to the programme's impact are identified and addressed. HMICFRS may wish to consider a regular process of both internal and external evaluation, including monitoring of:

- the proportion of recommendations and AFIs which are implemented by forces;
- engagement activities undertaken; and
- the number of report views and other media outputs, such as tweets and news coverage of the reports.

This monitoring could be complemented by regular consultation with police forces, joint inspection team members and national stakeholders, and identification of what support is requested by forces and provided by the joint inspection team.

# Appendix A: Bibliography

- Adebowale, V. (2013). [Independent Commission on Mental Health and Policing Report](#) (London: Association of Mental Health Providers).
- Angiolini, E. (2017). [Report of the independent review of deaths and serious incidents in police custody](#) (London: Home Office).
- Ashe, S. D. (2021). [SHF Race Report: 40 years of tackling racial inequality in Britain](#) (London: Stuart Hall Foundation).
- Brown, J. (2021). *Police Powers: Detention and Custody* (London: House of Commons Library).
- Bruce-Jones, E. (2021). 'Mental health and death in custody: the Angiolini Review'. *Race & Class*, 62/3, 7–17.
- College of Policing (2013). '[Custody management and planning](#)'.
- College of Policing (2016). '[Mental health](#)'.
- College of Policing (2017). [Guidance on outcomes in police misconduct proceedings](#) (London: College of Policing Limited).
- Dehaghani, R. (2022). 'Interpreting and Reframing the Appropriate Adult Safeguard'. *Oxford Journal of Legal Studies*, 42/1, 187–206.
- Department for Education (2011). [FOI release: Local safeguarding children boards](#).
- Department of Health and Social Care (2015). [Mental Health Act 1983: Code of Practice](#) (London: TSO).
- Gibbs, P. and Ratcliffe, F. (2020). [24 hours in police custody – is police detention overused?](#) (London: Transform Justice).
- GOV.UK (2022). '[Independent Police Complaints Commission](#)'.
- HMIC (2015). [The welfare of vulnerable people in custody](#) (London: HMIC).
- HMICFRS (2018). [Policing and mental health: Picking up the pieces](#) (London: HMICFRS).
- HMICFRS (2021a). [Custody services in a COVID-19 environment](#) (London: HMICFRS).
- HMICFRS (2021b). [Expectations for police custody: Criteria for assessing the treatment of and conditions for detainees in police custody](#) (London: HMICFRS).

- HMICFRS (2021c). [Policing in the pandemic: The police response to the coronavirus pandemic during 2020](#) (London: HMICFRS).
- HMICFRS (2021d). [Inspection of the performance of Home Office police forces: HMICFRS's approach to inspection, including monitoring, force insight, inspection design and fieldwork](#) (London: HMICFRS).
- HMICFRS (2022a). 'Police custody facilities – joint inspections'.
- HMICFRS (2022b). [State of Policing: The Annual Assessment of Policing in England and Wales 2021](#) (London: HMICFRS).
- HMICFRS, College of Policing and Independent Office for Police Conduct (2018). [Concordat between the College of Policing, Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services and the Independent Office for Police Conduct](#) (London: HMICFRS).
- HMI Prisons (2020). [HM Chief Inspector of Prisons: annual report 2019 to 2020](#) (London: House of Commons).
- HMI Prisons, HMIC and the Independent Police Complaints Commission (2015). [Memorandum of understanding between HM Inspectorates of Prisons & Constabulary and the Independent Police Complaints Commission \(IPCC\)](#).
- HMI Prisons and HMIC (2016). [Memorandum of Understanding between Her Majesty's Inspectorate of Constabulary \(HMIC\) and Her Majesty's Inspectorate of Prisons \(HMI Prisons\) for the joint inspection of police custody in England and Wales](#).
- HMI Prisons and HMICFRS (2019a). [Report on an unannounced inspection visit to police custody suites in Durham: 8–18 July 2019](#) (London: HMI Prisons).
- HMI Prisons and HMICFRS (2019b). [Report on an unannounced inspection visit to TACT custody suites in England and Wales 7 January – 22 February 2019](#) (London: HMI Prisons).
- Home Office (2013). [Code of practice on independent custody visiting](#) (London: Home Office).
- Home Office (2016). [Police and Criminal Evidence Act 1984 \('PACE'\) Codes of Practice Consultation. Response to Home Office consultation on PACE Codes C \(Detention\), D \(Identification\) and H \(Detention – terrorism\)](#) (London: Home Office).
- Home Office (2017). [Concordat on children in custody](#) (London: Home Office).
- Home Office (2018). [Police and Criminal Evidence Act 1984 \('PACE'\) Codes of Practice Consultation. Response to Home Office consultation on PACE Codes C \(Detention\), E \(Audio recording of interviews with suspects\), F \(Visual recording of interviews with suspects\) and H \(Detention – terrorism\)](#) (London: Home Office).
- Home Office (2019a). [Police and Criminal Evidence Act 1984 \('PACE'\) Codes of Practice Consultation. Response to Home Office consultation on PACE Codes C \(Detention\) and H \(Detention – terrorism\)](#) (London: Home Office).

- Home Office (2019b). [Guide to the 2019 revisions to the Police and Criminal Evidence Act 1984 \(PACE\) Codes of Practice C \(Detention\) and H \(Detention-Terrorism\)](#) (London: Home Office).
- Home Office (2020). [Home Office Guidance. Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing](#) (London: Home Office).
- Home Office (2021). [Deaths in police custody: progress update 2021](#) (London: Home Office).
- Home Office (2022). [User guide to operation of police powers under the Terrorism Act 2000 and subsequent legislation](#) (London: Home Office).
- Independent Advisory Panel on Deaths in Custody (2022). 'Policing'.
- Independent Custody Visiting Association (2017). 'Sanitary Custody'.
- Independent Office for Police Conduct (IOPC) (2017). [Guidance on the recording of complaints under the Police Reform Act 2002](#) (London: IOPC).
- Independent Office for Police Conduct (IOPC) (2018). [Statutory guidance on the police complaints system](#) (London: IOPC).
- Independent Police Complaints Commission (IPCC) (2015). [IPCC Guidelines for handling allegations of discrimination](#) (London: IPCC).
- Kendall, G. J. (2017). 'Regulating police detention: a case study of custody visiting', (Birmingham: University of Birmingham).
- Lammy, D. (2017). [The Lammy Review: An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the criminal justice system](#) (London: Home Office).
- Lindon, G. and Roe, S. (2017). [Deaths in police custody: A review of the international evidence](#) (London: Home Office).
- Ministry of Justice (2019). [Strengthening the Independent Scrutiny Bodies Through Legislation](#) (London: Ministry of Justice).
- National Assembly for Wales (2019). [Mental health in policing and police custody](#) (Cardiff: National Assembly for Wales).
- National Health Service (2022). 'About liaison and diversion'.
- National Preventive Mechanism (2018). [Monitoring places of detention: Eighth Annual Report of the United Kingdom's National Preventive Mechanism 1 April 2016 – 31 March 2017](#) (London: UK National Preventive Mechanism).
- National Preventive Mechanism (2019). [Monitoring places of detention: Ninth Annual Report of the United Kingdom's National Preventive Mechanism 1 April 2017 – 31 March 2018](#) (London: UK National Preventive Mechanism).
- National Preventive Mechanism (2020). [Monitoring places of detention: Tenth Annual Report of the United Kingdom's National Preventive Mechanism 1 April 2018 – 31 March 2019](#) (London: UK National Preventive Mechanism).

- National Preventive Mechanism (2021). [Monitoring places of detention during COVID-19: 12th Annual Report of the United Kingdom's National Preventive Mechanism 2020/2021](#) (London: UK National Preventive Mechanism).
- National Preventive Mechanism (2022). ['Members'](#).
- Pearce, L. A., Vaisey, A., Keen, C. et al. (2021). ['A rapid review of early guidance to prevent and control COVID-19 in custodial settings'](#). *Health Justice*, 9/27.
- Sharrock, S., Kerr, J. J., Pullerits, M., Roberts, E. and Sierpe, A. (2020). [Evaluation of the National Child Protection Inspection programme on policing](#) (London: NatCen Social Research).
- Skinnis, L., Wooff, A. and Sprawson, A. (2017) ['Preliminary findings on police custody delivery in the twenty-first century: Is it "good" enough?'](#), *Policing and Society*, 27/4, 358–371.
- UK Parliament (1984). [Police and Criminal Evidence Act 1984 c.60 \(s.38\)](#).
- UK Parliament (2017). [The Police and Criminal Evidence Act 1984 \(Codes of Practice\) \(Revision of Codes C, D and H\) Order 2017 No.103](#).
- Welsh Government (2016a). [Mental Health Act 1983. Code of Practice for Wales Review: Revised 2016](#) (Merthyr Tydfil: Welsh Government).
- Welsh Government (2016b). [All-Wales guidance for the appropriate management and transfer of children and young people by the Police and Local Authorities under the Police and Criminal Evidence Act 1984](#) (Merthyr Tydfil: Welsh Government).
- Welsh Government (2019a). [Mental Health Crisis Care Concordat](#) (Merthyr Tydfil: Welsh Government).
- Welsh Government (2019b). [Detentions under Section 135 and 136 of the Mental Health Act: Quality report](#) (Merthyr Tydfil: Welsh Government).

January 2023 | © HMICFRS 2023

[www.justiceinspectorates.gov.uk/hmicfrs](http://www.justiceinspectorates.gov.uk/hmicfrs)