

COVID-19 PANDEMIC EMERGENCY
LIAISON VISITS – PRISONS AND COURT CUSTODY UNITS



**REPORT ON A LIAISON VISIT TO COURT CUSTODY UNIT AT
PERTH SHERIFF COURT**

TUESDAY, 15 JUNE 2021

CONTENTS

	Page
Introduction and background	1
Standards, commentary and quality indicators that apply	4
Standard 1: Lawful and transparent use of custody	4
Standard 2: Decency, dignity, respect and equality	6
Standard 4: Health, wellbeing and medical treatment	8
Standard 6: Respect, autonomy and protection against mistreatment	9
<u>Annexes</u>	
Annex A Summary of Good Practice	10
Annex B Summary of Recommendations	11
Annex C Acronyms	12

Introduction and Background

This report is part of a programme of liaison visits to Court Custody Units (CCUs), carried out by Her Majesty's Inspectorate of Prisons for Scotland (HMIPS), during the COVID-19 pandemic emergency. These visits will contribute to the UK's response to its international obligations under the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). OPCAT requires that all places of detention are visited regularly by independent bodies – known as the National Preventive Mechanism (NPM) – which monitor the treatment of and conditions for detention. HMIPS is one of 21 bodies making up the NPM in the UK.

In these challenging times, Her Majesty's Chief Inspector of Prisons for Scotland (HMCIPS) acknowledges that there will be a need for amendments to the daily routines and regimes in Scotland's CCUs in order to keep people safe. HMCIPS has made it clear, however, that “protective measures must never result in inhuman or degrading treatment of persons deprived of their liberty”, and she will continue to report to the Cabinet Secretary for Justice on the treatment and conditions in which custodies are held, in line with HMIPS's [Standards for Inspecting and Monitoring Prisons in Scotland](#).

In recognition of the pressures imposed by COVID-19, HMIPS have developed an adapted methodology to their usual full inspection process; the [Liaison Visits Framework - Prison and Court Custody Units](#) that will be applied during this emergency.

HMIPS has developed an algorithm that is populated by weekly information sharing with the CCUs, which helps to provide intelligence to inform the scheduling of visits. More information can be found at [Liaison Visits Framework - Prison and Court Custody Units](#).

Process

Due to the COVID-19 pandemic, the number of Scottish courts operating at the time of this visit was 10. HMIPS will contact each of the 10 GEOAmeY Court Managers on a weekly basis to confirm numbers attending, with a focus on understanding the CCU response to COVID-19. A Log of those calls will be maintained. Where it is deemed appropriate, through telephone calls, information received from GEOAmeY, or results from the risk based HMIPS Liaison Data Algorithm, HMIPS will conduct a one day liaison visit to one of the CCUs.

Liaison visits to CCUs, will have the following functions:

- To ensure scrutiny of CCUs continue and are grounded in human rights, looking at the treatment and conditions of those held in detention.
- To offer support to the CCU management and staff.
- To provide assurance to the Cabinet Secretary for Justice on the SPS, NHS GEOAmeY and Scottish Court and Tribunals Service (SCTS) response to the COVID-19 pandemic for those in custody.

- To garner intelligence and information to make informed decisions on future HMIPS priorities.
- To identify Good Practice that can be shared.

HMIPS assimilates information prior to the liaison visits to select the CCU to be visited and to contribute to the focus of the visit, and consequently develop evidence-based findings utilising a number of different techniques. These include:

- calls to the CCU Manager prior to the visit;
- obtaining information and documents from the SCTS and the court inspected;
- shadowing and observing staff as they perform their duties within the CCU;
- interviewing custodies and staff on a one-to-one basis;
- inspecting a wide range of facilities impacting on both custodies and staff; and
- reviewing policies, procedures and performance reports.

The information gathered facilitates the compilation of a report into the CCU against the modified standards used. A written record of the evidence gathered is produced by those undertaking the visit consisting of a detailed narrative against each of the standard's inspected.

A log of recommendations and good practice arising from the liaison visit is completed and stored in our secure Electronic Records Document Management (eRDM) filing system.

Liaison visits will be undertaken in most cases by two HMIPS staff, the Inspector of Prisons and the Operations Manager who normally undertake CCU inspections, but may be accompanied by other members of staff from HMIPS.

The full inspections and our COVID-19 adapted liaison visit methodology are informed by a set of Standards as set out in our document [Standards for Inspecting Court Custody Provision in Scotland](#), published March 2017 and reviewed in January 2020. This report is set out to reflect the performance against these Standards.

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

Published CCU liaison visit reports provide assurance to Ministers, key stakeholders, and the wider public that inspections are conducted in line with a framework that is consistent, and that assessments are made against appropriate criteria.

This adapted inspection methodology developed in response to COVID-19 will be kept under continual review and as soon as it is safe and reasonable to do so, full CCU inspections will recommence.

Findings from any CCU Liaison Visit and issues that are highlighted from weekly CCU telephone calls, will be reported to:

1. the Cabinet Secretary for Justice; and
2. the Scottish Government Justice Directorate, GEOAmev, Police Scotland, the SPS and SCTS for information and action.

HMIPS will ensure all relevant parties are kept informed and any good practice or recommendations identified will be logged and progress monitored.

The visit team for this inspection was Calum McCarthy, and Graeme Neill.

Wendy Sinclair-Gieben

Wendy Sinclair-Gieben
HM Chief Inspector of Prisons for Scotland

October 2021

STANDARDS, COMMENTARY AND QUALITY INDICATORS

STANDARD 1 - LAWFUL AND TRANSPARENT USE OF CUSTODY

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

Commentary

The provider ensures that all prisoners are lawfully detained. Each prisoner’s time in custody is accurately calculated; they are properly classified and allocated to cells appropriately. The provider co-operates fully with agencies which have powers to investigate matters in the custody areas.

Quality Indicators inspected

1.2 Personal Escort Record (PER) forms are accurately populated and all relevant sections are completed.

No custodies were observed arriving or being processed by the inspectors during their visit. Statutory procedures were explained by staff and appeared compliant.

A PER form was examined by inspectors. It was found to have been completed correctly and accurately, documenting the custodies classification, vulnerabilities, medical issues, dependencies and if an interpreter was required.

It was noted that whilst custodies were in the CCU the GEOtrack computer system was utilised to document their stay, and included confirmation that custodies were offered hand sanitiser or the opportunity to wash their hands on arrival at the CCU. Custodies were also asked questions in respect of COVID-19 Scottish Government guidelines, such as general health, symptoms, or awareness of social distancing rules.

1.3 A Cell Sharing Risk Assessment (CSRA) is carried out on arrival, taking account of individual characteristics (including gender, vulnerability, security risk, state of mental health or personal medical condition) and individuals are then allocated to an appropriate cell.

At the time of the inspection, Perth CCU were not accepting custodies from anywhere else other than their own catchment area. The CCU appeared to have an effective process in place with Police Scotland to manage the movement of custodies from police stations to the CCU. Good communication between the two organisations had to date allowed the custody numbers to be staggered. This ensured that single cell allocation was maintained within the CCU and as such maintained physical distancing.

The CCU had five cells that were all operational on the day of inspection. There was only one custody appearing at court that day, an adult male from HMP Edinburgh for a long running sheriff and jury trial.

It was found that cell number one was the largest cell, and had floor markings two metres apart indicating three custodies could be accommodated whilst maintaining physical distancing. This cell was found to have a low ceiling and little ventilation with no through flow of fresh air.

Cell's number two and number five were smaller and floor markings showed they were deemed suitable for single occupancy.

Cell's number three and number four were bigger and floor markings indicated they were deemed suitable for double occupancy. It was noted, however, that cell number four's floor markings were under two metres apart.

Staff were aware that single occupancy cells were the priority and moved custodies as cells became available. Since reopening on 5 January 2021, there had not been any requirement to have more than one custody in a cell.

Inspectors were informed that the interview rooms would be utilised as additional accommodation to maintain single cell occupancy.

HMIPS recognise the effort Perth CCU make to try and maintain single cell occupancy but it was felt by the inspectors that all cells within the CCU that were used for double occupancy were too small to hold two custodies and still maintain physical distancing.

It was noted that cells were thoroughly cleaned between changes of occupants by CCU staff.

Recommendation 1: all cells should be single occupancy.

Good Practice 1: COVID-19 related issues such as the offer of hand sanitiser or physical distancing issues were recorded in the custody's personal record on the GEOAmev IT system.

Good Practice 2: Perth CCU is managing to maintain single cell occupancy despite floor markings indicating otherwise.

STANDARD 2 - DECENCY, DIGNITY, RESPECT AND EQUALITY

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

Commentary

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

Quality Indicators inspected

2.1 The custody areas should be appropriately equipped and constructed for their intended use and be maintained to an appropriate standard.

The CCU at Perth Sheriff Court forms part of a building that was built in 1819. As such it was not reasonable to expect a fully inclusive environment that could be accessed and used by everyone, irrespective of their age, ability or gender. There are currently five court rooms with three resident Sheriffs.

It was noted that the CCU did not have a dedicated observation cell, but when required the interview rooms were utilised. However, the seats had no backs to them so these rooms could not be used for prolonged periods, perhaps for only one hour.

There was no natural light within the CCU but artificial lighting was adequate throughout the facility. The ceilings in the CCU were very low and the floors uneven as they were the original bare stone construction. A number of the walls within the cells and the corridor were suffering from crumbling plaster due to age. It was very easy to pull bits out causing further damage. It was also seen that ceilings were covered in burn marks which also needs attention.

GEOAmev advice posters relating to COVID-19 were seen to be positioned on a wall in a recess area in the corner of the CCU office. Therefore not clearly displayed for all to see in the corridors of the CCU or the area of reception.

All staff were observed to be wearing gloves and masks and were observed to be physical distancing from each other, by keeping a minimum of two metres apart whenever possible.

There was adequate Personal Protective Equipment (PPE) within the CCU including hand sanitiser, masks, goggles, gloves and aprons.

Recommendation 2: the walls of some cells were badly damaged through crumbling plaster, the possibility of further damage to the walls being easily caused by custodies is an addition to concerns for the health of those held in the cells. Walls in this condition also prevent deep cleaning to help address COVID-19 safety and as such should be repaired, this recommendation should be addressed as a matter of urgency.

Recommendation 3: GEOAmev COVID-19 advice posters should be repositioned so custodies and staff entering the CCU can clearly see them.

2.2 Good levels of cleanliness and hygiene are observed throughout the custody areas ensuring procedures for the prevention and control of infection are followed.

The CCU was thoroughly cleaned each evening by contract cleaners from the SCTS. In addition, the CCU was visited hourly by a cleaner who cleaned touch points, door handles and locks, and this was recorded on a rota sheet displayed on the wall of the CCU. Cells were cleaned between use by CCU staff who also regularly cleaned keys and hand held metal detectors.

Good Practice 3: a cleaning record of hourly cleaning was kept in the CCU by SCTS cleaning staff.

STANDARD 4 - EFFECTIVE, COURTEOUS AND HUMANE EXERCISE OF AUTHORITY

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

Commentary

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

Quality Indicators inspected

4.2 The systems and procedures for the movement, transfer and release of custodies are implemented effectively and courteously.

Inspectors were informed that on arrival at the CCU, custodies were handcuffed to members of transport staff who wore gloves and masks. Search officers were required to wear full PPE to search custodies.

Custodies who were being taken from the CCU to appear in court were handcuffed to a member of staff and escorted by another, both members of staff wore gloves and masks to and from the court.

4.3 The systems and procedures for access and egress of visitors to the CCU are implemented effectively and courteously. There is adequate accommodation to facilitate such visitors.

A secure entry system with intercom allowed access to the CCU through a secure door from a public corridor into a sterile area. Legal representatives and agency workers no longer entered the CCU since the COVID-19 measures were put in place. Any contact they had with custodies was done through a glass partition in the interview rooms.

4.4 Systems and procedures for monitoring the movement and activities of individuals inside the CCU are implemented effectively, and accurately recorded on the appropriate system.

Staff were able to communicate the processes in place for a custody attending the CCU with COVID-19 symptoms, and for a custody developing such symptoms whilst in the CCU.

Staff knew to wear full PPE when dealing with any custody displaying or reporting COVID-19 symptoms.

STANDARD 6 - HEALTH, WELLBEING AND MEDICAL TREATMENT

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

Commentary

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

Quality Indicators inspected

At the time of the inspection there had been no requirement to contact ScotNurse.

Summary of Good Practice

QUALITY INDICATOR	GOOD PRACTICE	RELEVANT AGENCY
1.3	Good Practice 1: COVID-19 related issues such as the offer of hand sanitiser or social distancing issues are recorded in the custody's personal record on the GEOAmey IT system.	GEOAmey
1.3	Good Practice 2: Perth CCU is managing to maintain single cell occupancy despite floor markings indicating otherwise.	GEOAmey
2.2	Good Practice 3: a cleaning record of hourly cleaning was kept in the CCU by SCTS cleaning staff.	SCTS

Summary of Recommendations

QUALITY INDICATOR	RECOMMENDATION	RELEVANT AGENCY
1.3	Recommendation 1: all cells should be single occupancy.	SCTS/GEOAmey
2.1	Recommendation 2: the walls of some cells were badly damaged through crumbling plaster, the possibility of further damage to the walls being easily caused by custodies is an addition to concerns for the health of those held in the cells. Walls in this condition would also prevent deep cleaning to help address COVID-19 safety and as such should be repaired, this recommendation should be addressed as a matter of urgency.	SCTS
2.1	Recommendation 3: GEOAmey COVID-19 advice posters should be repositioned so custodies and staff entering the CCU can clearly see them.	GEOAmey

ACRONYMS

COVID-19	Coronavirus Disease 2019
CCU	Court Custody Unit
CSRA	Cell Sharing Risk Assessment
eRDM	electronic Records Document Management
HMCIPS	Her Majesty's Chief Inspector of Prisons for Scotland
HMIPS	Her Majesty's Inspectorate of Prisons for Scotland
NPM	National Preventive Mechanism
OPCAT	Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
PER	Personal Escort Record
PPE	Personal Protective Equipment
SCTS	Scottish Courts and Tribunals Service
SPS	Scottish Prison Service



HM Inspectorate of Prisons for Scotland is a member of the UK's National Preventive Mechanism, a group of organisations that independently monitor all places of detention to meet the requirements of international human rights law.
<http://www.nationalpreventivemechanism.org.uk/>

© Crown copyright 2021

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

This document is available on the HMIPS website
<https://www.prisonsofscotland.gov.uk/>

First published by HMIPS, October 2021

HM Inspectorate of Prisons for Scotland
Room Y1.4
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD

0131 244 8482