



HMIPS

HM INSPECTORATE OF
PRISONS FOR SCOTLAND

INSPECTING AND MONITORING

Standards for Inspecting Court Custody Provision in Scotland

INSPECTING AND MONITORING

CONTENTS

FOREWORD	2
STANDARD 1: Lawful and transparent use of custody	4
STANDARD 2: Decency, Dignity, Respect and Equality	5
STANDARD 3: Personal safety	6
STANDARD 4: Health, wellbeing and medical treatment	7
STANDARD 5: Effective, courteous and humane exercise of authority	8
STANDARD 6: Respect, autonomy and protection against mistreatment	9

FOREWORD

I am pleased to introduce these Standards for Inspecting Court Custody Provision in Scotland. They are derived from the Standards for Inspecting and Monitoring Prisons in Scotland but are specifically for use in Scotland's court buildings.

Appearing in court as an accused person can be a stressful experience. This is compounded when the person is particularly vulnerable or distressed. In Scotland, we expect everyone in the criminal justice system to be treated with dignity and respect and to have their basic rights upheld.

This can be encouraged by the regular oversight and scrutiny of places where people are detained, whether in police cells, court custody or in prison. Regular inspection of places of detention provides an important safeguard and a reassurance to the public. Such scrutiny needs to be effective, identifying both areas of good practice and where improvements should be made. The requirement to report these findings publicly contributes to public confidence in the criminal justice system.

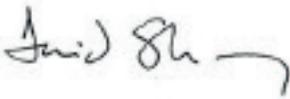
It is recognised internationally that people deprived of their liberty can be vulnerable to ill treatment. The United Kingdom is a signatory to the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), which requires the establishment of an independent National Preventive Mechanism (NPM) in each member state to provide oversight and scrutiny of all places of detention in order to prevent ill treatment. HM Inspectorate of Prisons for Scotland is a member of the United Kingdom's NPM.

These standards have been drawn up through a process of consultation and are based on international human rights. They are referenced against relevant law, international and professional guidance, policy and research findings. The standards articulate what is expected to

be found within court custody units and are intended to assist those who are running court custody units and to encourage openness and transparency in the scrutiny of places of detention.

I am grateful to those who have assisted in the development of these standards and the support received from the Scottish Courts and Tribunal Service, the Scottish Prison Service and the court custody provider at the time these standards were devised.

My hope is that these standards will contribute positively to the effective scrutiny of court custody provision in Scotland and will encourage continuous improvement in the quality of care and custody of people held in court cells.

A handwritten signature in black ink, appearing to read 'David Strang', with a long horizontal flourish extending to the right.

David Strang QPM
HM Chief Inspector of Prisons for Scotland

STANDARD 1

LAWFUL AND TRANSPARENT USE OF CUSTODY

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

COMMENTARY

The provider ensures that all 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

- 1.1 Statutory procedures for identification of prisoners are fully complied with.
- 1.2 All prisoners are classified and this is recorded on the Personal Escort Record (PER) form.
- 1.3 All prisoners are allocated to a custody location dependent on their classification, gender, vulnerability, security risk, state of mental health or personal medical condition.
- 1.4 A cell sharing risk assessment is carried out prior to each individual prisoner’s allocation to a cell.

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

- 2.1 The custody areas are appropriately equipped and constructed for their intended use and be maintained to an appropriate standard.
- 2.2 Good levels of cleanliness and hygiene are observed throughout the custody areas ensuring procedures for the prevention and control of infection are followed.
- 2.3 All prisoners have access to toileting facilities on request.
- 2.4 The meals provided to prisoners are nutritious, varied, served at the appropriate temperature and well presented.
- 2.5 Where an individual remains in custody beyond 17:30 they are provided with a nutritious evening meal.
- 2.6 The meals provided to each prisoner conform to any specific dietary or medical requirements and their cultural or religious needs.

STANDARD 3

PERSONAL SAFETY

All reasonable steps are taken to ensure the safety of prisoners while in the custody areas.

COMMENTARY

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

QUALITY INDICATORS

- 3.1 The provider has in place thorough and compassionate practices to identify and care for those at risk of suicide or self-harm.
- 3.2 The requirements of Health and Safety legislation are observed throughout the custody areas.
- 3.3 All activities take place according to recorded safe systems of work which are based on appropriately completed risk assessments.
- 3.4 The attitude, behaviour and approach of staff contributes to the lowering of the risks of aggression and violence.
- 3.5 All reasonable steps are taken to minimise situations that are known to increase the risk of aggressive or violent behaviour. Where such situations are unavoidable, appropriate levels of supervision are maintained.
- 3.6 Particular care is taken of prisoners whose appearance, behaviour, background or circumstances leave them at heightened risk of harm or abuse from others.

-
- 3.7 The management and supervision of prisoners, held in custody, takes into account the nature of any identified risks.
 - 3.8 All allegations or incidents of mistreatment, intimidation, hate, bullying, harassment or violence must be recorded and investigated by a person of sufficient independence with any findings being acted upon by management.
 - 3.9 There is an appropriate set of readily available contingency plans for managing emergencies and unpredictable events and staff are adequately trained in the roles they adopt in implementing the plans.

STANDARD 4

HEALTH, WELLBEING AND MEDICAL TREATMENT

All reasonable steps are taken to ensure the health and wellbeing of prisoners while in the custody areas and that appropriate and timeous medical treatment is available when required.

COMMENTARY

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

QUALITY INDICATORS

- 4.1 Any treatment provided in custody must be undertaken by an appropriately qualified professional and meet accepted standards.
- 4.2 There is at least one court custody staff trained in emergency first aid on shift at any given time.

STANDARD 5

EFFECTIVE, COURTEOUS AND HUMANE EXERCISE OF AUTHORITY

The implementation of security and supervisory duties is balanced by courteous and humane treatment of prisoners in custody.

COMMENTARY

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

QUALITY INDICATORS

- 5.1 Court custody staff discharge all supervisory and security duties courteously and in doing so respect the individuals given circumstances.
- 5.2 The systems and procedures for the movement, transfer and release of prisoners are implemented effectively and courteously.
- 5.3 The systems and procedures for access and egress of all other people are implemented effectively and courteously.
- 5.4 The systems and procedures for monitoring and supervising movements and activities of prisoners inside the custody areas are implemented effectively.
- 5.5 The law concerning the searching of prisoners and their property in the custody areas is implemented thoroughly.
- 5.6 All security checks are carried out regularly and thoroughly.
- 5.7 Physical force is used only when necessary and strictly in accordance with 'the provider's' control and restraint training guidance and the law.

-
- 5.8 Physical restraints are only used when necessary in accordance with any associated risk information provided on the PER and, in any case, strictly in accordance with the law.
 - 5.9 Prisoners' personal property and cash are recorded and, where appropriate, stored.

STANDARD 6

RESPECT, AUTONOMY AND PROTECTION AGAINST MISTREATMENT

Staff treat all prisoners in custody respectfully. Prisoners' rights to statutory protections and complaints processes are also respected.

COMMENTARY

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

QUALITY INDICATORS

- 6.1 Relationships between staff and prisoners are respectful. The use of disrespectful language or behaviour is not tolerated.
- 6.2 Staff respect prisoners' rights to confidentiality in their dealings with them.



© Crown copyright 2017

OGL

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit **nationalarchives.gov.uk/doc/open-government-licence/version/3** or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: **psi@nationalarchives.gsi.gov.uk**.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at
www.gov.scot/about/public-bodies/hmip

Any enquiries regarding this publication should be sent to us at
HM Inspectorate of Prisons for Scotland
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD

ISBN: 978-1-78652-872-8

Published by HMIPS, March 2017

Produced for HMIPS by APS Group Scotland
PPDAS263107 (03/17)