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**Metropolitan Police Authority**  
Chair of the Metropolitan Police Authority

30 May 2006

Dear Mr Farrant

### **Independent Custody Visiting in London**

I was glad to have the opportunity to talk with you and your colleagues, Rachel Harper, Samuel Wynter and Len Clark, last Friday. I hope I was able to reassure you that the MPA values the work and commitment of the volunteers who provide this service in London and intends to support their work with adequate resources and a proper framework of operations that complies with the Code of Practice and National Standards for Independent Custody Visiting.

As I told you, it is clear to me that the MPA must take action to secure compliance with the statutory scheme, and to develop its ownership of the London scheme in the same way as other police authorities have done. We have to address the shortcomings identified by the Report made by the Chief Executive of the ICVA, and give effect to his recommendations to strengthen the London Scheme. What I want to do is to take that work forward in dialogue with Visitors, and on a basis that gives you assurance that the scheme will be properly resourced and managed by the MPA. You and your colleagues feel that the proposal by the MPA to have a team of 8 Panel Administrators will not be sufficient; I will restate my personal commitment that if that number proves inadequate we will provide additional staff up to the required level.

In the rest of this letter I will, as promised, give you my immediate response on the various matters you raised, by reference to the notes of your meeting held on 16 May (which I did find very helpful).

It may be useful if I start by explaining how far the London Scheme differs from other schemes. Most Custody Visiting Scheme in the UK operate a model similar to this:

- Police Authority advertises for volunteers
- Police Authority holds open information evenings on ICV
- Interested members of the public attend & complete an application form
- Police Authority assesses the application form, arranges an interview & takes up references
- Police Authority Members or staff interview volunteers

- Police Authority organises basic training & interviewed volunteers attend – usually staff deliver training and/or attend to assess volunteers on the day
- Training forms part of the selection process
- Police Authority informs successful volunteers & starts vetting process
- Police Authority allocates volunteer to a 'Panel'
- Police Authority staff attend all 'Panel' meetings & play a role in liaising with the Police over local and scheme wide issues
- Police Authority staff in consultation with Chair/Co-ordinator of Panel meets with new ICVs at the end of 6 months to assess their performance & accredit them for 3 years if successful
- Police Authority staff involved in the 3 year accreditation review meeting

As you are aware, in the MPA scheme things operate somewhat differently with individual Panels currently performing many of the functions that Police Authorities are required to perform as part of their statutory responsibility for custody visiting. This is an unfair and unacceptable situation and one that puts both the Authority and ICVs in a vulnerable position.

The MPA review document pages 4-6 cover the main areas where the MPA is currently in breach of its statutory responsibilities. Perhaps the largest area of concern is recruitment, where the MPA is completely in breach of requirements, as the Authority has no meaningful involvement in recruitment, interview, selection or review of volunteers. This is a dangerous situation to be in and it is hard to justify an organisation assuming responsibility for 450+ volunteers whom it has had no hand in selecting.

While I can accept that the scale of the London Scheme may call for some different approaches compared with the rest of the UK, the basic ingredients of compliance have to be present. The experience of volunteers as visitors, and detainees who are visited, has to be similar across London. The MPA proposals for change are, as I see them, directed at producing this essential consistency effectively while still respecting the importance of localisation.

Turning now to your issues –

**Governance** – I agree this is important. The OFSTED model is interesting, though here of course we are in a situation where the MPA has the statutory responsibility for the scheme (we own the service in other words, and are not an inspectorate) and it has to ensure that it is delivered consistently across London. I think that the work being done by MPA officers since the Smith Report has started to put the framework for governance in place, and I certainly would want to map it out at the time we move forward with the planned changes. This is clearly an area where we can have some further discussion, and I will welcome any further ideas you have. In this connection, I think it is helpful if we look forward to the point where the new arrangements are in place and consider whether existing machinery is appropriate – for example do we need to review the terms of reference for the Programme

Board in the future; how should we build a basis for ongoing dialogue with all visitors?

**Panel Administration** – As I understand it there is substantial agreement on what the tasks are. What we differ on is how many people are needed. I am happy to have further exchanges on this, and in any event I have given you an assurance that if a team of 8 proves inadequate to the task we will enhance it.

**Borough Based Policing** - As you were informed at our meeting, we are reviewing the structure of the MPA staff at present. One change will be the brigading of all our staff who are borough facing – those working with CPCGs, those leading on partnership with CDRP's, those driving the MPA Stop and Search Programme, and those supporting MPA borough link members – into a single unit. Our plan is that the ICV Team will be part of that Unit. So there will be the basis for a much stronger integration of the ICV service with all other borough policing functions of the MPA.

**Independence** – I think that there may be a fundamental misunderstanding around what is meant by the term 'independent', in relation to custody visitors. I accept that it is the responsibility of the Authority to clarify this and ensure that all Visitors share the same understanding of this term. ICVs should be independent members of the community at the time of their recruitment to the MPA ICV scheme. All London ICVs are necessarily governed by the MPA, but need to retain independence from the Police and exercise independence in their observations on the condition in which detainees are held. As such, the independent status of ICVs is in no way threatened by the MPA proposal for central administration of the scheme.

**Timescale** – I accept that the timescale for consultation is tight but I do feel that it is in everyone's interest to get on and make the important decisions to secure the future of the scheme. There will then be a long period prior to implementation of new arrangements, during which there will be extensive consultation with panels and existing administrators with a view to achieving the smoothest possible transition in the course of 2007.

**TUPE** - As I understand it, there were new TUPE Regulations which came into effect earlier this year, and which include a new definition of what is a relevant transfer of an undertaking. The advice we have from our lawyers is that under these new regulations, some existing Administrators may come within the scope of transfer, whereas that was far from clear under the previous regulations. You will know that TUPE is very complex. What I can say is that we will consult very fully with existing administrators and their employers to establish the cases where TUPE will apply to transfer staff to the MPA.

And I stress that even in cases where TUPE does not apply, we are keen for experienced administrators to come and join the MPA team. We will be flexible so far as we can around starting salary to give keen people the opportunity.

**Recruitment** – I think we agree that this is an area where the MPA must raise its game. I am interested in your views about the numbers of ICVs required, and that is clearly a matter for a longer, harder look. I am also committed to developing arrangements for ICV Chairs to play a proper part in recruitment exercises, both for visitors and MPA ICV team members.

**Role Of Chairs** – In my view the MPA model requires that we should support and develop Chairs so that they can all provide effective leadership to their panel. A training programme for chairs should be an essential part of the new model.

**Impact of change** – I have asked for some work to be done to help us understand any wider impact of the proposed changes for example on CPCGs. This may not become totally clear until we start the second stage of detailed consultation.

**Other Costs** – I have given you my reassurance that if we have underestimated any ancillary costs, we will find the resources to meet what is needed – as it will represent a very small proportion of total costs.

**Location of Administrators** – In terms of the physical location of the new staff, we envisage that staff would be able to work flexibly and from home when necessary, to facilitate easier local coverage and requisite evening meetings. Staff would also have space here at the MPA and would make a contribution to key central tasks, in order to further develop the scheme as a whole across London.

I will ask David Riddle and John Roberts to find another date for us to meet fairly soon, to try and take these issues forward towards resolution.

Yours sincerely,

**Len Duvall AM, OBE**  
**Chair of the Metropolitan Police Authority**