



**Lancashire  
Constabulary**  
police and communities together

## JOINT MANAGEMENT BOARD

<b>ITEM 7</b>	<b>DATE: 2 APRIL 2015</b>
<b>HMIC INSPECTION REPORT - WELFARE OF VULNERABLE PEOPLE IN CUSTODY – 10 MARCH 2015</b>	
<b>REPORT BY: LEAH WATSON, CORPORATE DEVELOPMENT DEPARTMENT CHIEF INSP STEVE SANBURY, HQ OPERATIONS (CUSTODY)</b>	

### **Executive Summary:**

Under the Police Act 1996 (as amended) there is a requirement for the Commissioner to consider and comment on HMIC reports, send their comments to the Home Secretary and to publish their response within 30 working days of publication. This report provides the Police and Crime Commissioner with an update in relation to the following Inspection Reports.

1. HMIC Inspection Report – The Welfare of Vulnerable People in Custody

### **Recommendation**

The Commissioner is asked to comment on the HMIC Inspection Report – ‘The Welfare of Vulnerable People in Custody’, in line with the statutory requirement laid down in section 55 (5) of the Police Act 1996.

Signature	Signature
Police and Crime Commissioner	Chief Constable
Date	Date

## 1. Background and Advice

1.1. On Tuesday 10 March 2015, HMIC published a report on the welfare of vulnerable people in police custody, following a thematic inspection commissioned by the Home Secretary. HMIC was asked to look specifically at the treatment of children, people who were mentally unwell and people from black and minority ethnic (BAME) backgrounds (who can be vulnerable because of their minority status).

1.2. HMIC, assisted by HMI Prisons, the Care Quality Commission and the Healthcare Inspectorate Wales, inspected five forces and three boroughs in the Metropolitan Police Service. Inspectors took into account findings from the rolling programmes of custody and child protection inspections, and identified a number of themes with potentially national implications.

1.3. They found that custody could have been avoided for a number of vulnerable adults and children, had other action been taken by the police or had other services been available to support the individuals.

1.4. Inspectors found:

- the majority of people detained by the police were treated respectfully and were reasonably well cared for. Officers tried to meet the needs of vulnerable people but inconsistency of practices and procedures, both within and between forces, led on occasion to some poor treatment;
- poor data significantly hinders the ability of the police to identify how vulnerable people are treated in custody; more needs to be done to ensure that the use of force is effectively monitored;
- frontline police officers and custody officers are spending significant amounts of time on caring for people who are mentally unwell;
- children and mentally unwell people are being held in custody because no alternative provision from other care services can be identified;
- data from forces suggest that people from African-Caribbean groups were disproportionately represented in the number of detentions and strip-searches (compared to the general population);
- the measures of control the police have at their disposal are designed more for those who are violent through ill-will rather than for frightened children, or those who are agitated because of mental ill-health; and
- on too many occasions, police were the default response for vulnerable people in crisis.

1.5. HMI Dru Sharpling acknowledged that:

*“the protection of vulnerable people is not just the responsibility of the police. We ask a lot from the police; and generally, we found they respond to this challenge. It is clear, however, that police custody provision has to improve to ensure that vulnerable people are safeguarded effectively and, where appropriate, diverted from the criminal justice system. Each public service must fully discharge its responsibilities to ensure that police custody does not become the default option for vulnerable people in need of care.”*

**1.6.** Forces were informed of the additional HMIC inspection criteria around vulnerabilities in August 2014 and, as a result, Lancashire Constabulary reviewed its existing Custody Development Plan (appendix C) to incorporate these areas.

**1.7.** The Custody Development Plan has evolved from the findings of the HMIC Custody Inspection in Lancashire (2011), the additional vulnerability criteria notified in August 2014 (now part of these report findings), some actions raised by the Police Federation and from issues raised by the Constabulary's own Custody Policy Management Group. Issues are risk assessed and graded accordingly; of the 19 on-going actions, 12 are graded amber and seven are green; there are currently no red risks.

**1.8.** The findings from this thematic review will provide some clarity around the vulnerability criteria and the Constabulary will now consider in depth the recommendations and their implications, to identify any actions required to address them in Lancashire.

**1.9.** Progress will be reported as required, through the Strategic Scrutiny Meeting.

## **2. Links to the Police and Crime Plan**

**2.1.** HMIC Inspection Reports provide information of significant public interest to enable residents in Lancashire to assess the performance of the Chief Constable.

## **3. Consultation – N/A**

## **4. Implications**

### **a. Legal**

There is a statutory requirement on the Commissioner to provide and publish a response to the Home Secretary on all inspection findings, within 30 working days. Section 55 (5) of the Police Act 1996 (as amended).

### **b. Financial**

None

### **c. Equality considerations**

The inspection focuses on vulnerable people in custody, some of which relates to those in protected groups.

## **5. Background Papers**

HMIC Inspection Report  
Lancashire Constabulary Custody Development Plan

**6. Public access to information**

Information in this form is subject to the Freedom of Information Act 2000 and other legislation.

Part 1 of this form will be made available on the PCC website within 3 working days of approval. Any facts/advice/recommendations that should not be made available on request should not be included in Part 1 but instead on the separate Part 2 form.

<b>Officer declaration</b>	<b>Date</b>
<b>LEGAL IMPLICATIONS – As above</b>	
<b>FINANCIAL IMPLICATIONS – As above</b>	
<b>EQUALITIES IMPLICATIONS – As above</b>	
<b>CONSULTATION – As above</b>	
<p><b>Director to the Office of the Police and Crime Commissioner (Monitoring Officer)</b></p> <p>I have been informed about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner for Lancashire.</p> <p>Signature.....Date.....</p>	