

## CONSULTATION RESPONSE

<b>TO</b>	<b>Her Majesty's Inspectorate of Prisons (HMIP)</b>
<b>FROM</b>	<b>Independent Police Complaints Commission (IPCC)</b>
<b>REGARDING</b>	<b>New expectations for adult male prisons</b>

### The IPCC and its remit

1. One of the IPCC's primary statutory functions is to secure and maintain public confidence in the police complaints system in England and Wales. We are independent and make decisions independently of the police, government and interest groups. We investigate the most serious complaints and incidents involving the police across England and Wales, as well as handling certain appeals from people who are not satisfied with the way police have dealt with their complaint.
2. The IPCC was established by the Police Reform Act 2002 and became operational in April 2004. Since that time our remit has been extended to include:
  - Police and Crime Commissioners (PCCs) and their deputies
  - the London Mayor's Office for Policing and Crime and his deputy
  - certain specialist police forces (including the British Transport Police and the Ministry of Defence Police)
  - Her Majesty's Revenue and Customs (HMRC)
  - staff who carry out certain border and immigration functions who now work within the UK Border Force and the Home Office
  - the National Crime Agency (NCA)
3. The majority of complaints made against the police are dealt with by the relevant police force (or agency) without IPCC involvement. However, certain types of complaints and incidents must be referred by the police to the IPCC. These include where someone has died or been seriously injured following direct or indirect contact with police, as well as allegations of serious corruption, serious assault, and criminal offences or behaviour liable to lead to misconduct proceedings which are aggravated by discrimination. We then decide what level of involvement we should have in any investigation of the matter. We may choose to conduct our own independent investigation,

manage or supervise a police investigation, or decide that the matter can be dealt with locally by the police.

## Response to consultation

4. It is important that, when a prisoner is moved from a police station, court or prison to any other destination, those responsible for the prisoner are made aware of any known risks or vulnerabilities. If this vital information is not shared by escort staff at the point of hand-over, the receiving agency will be unable to conduct a full risk assessment, which could place prisoners at a heightened risk of harm.
5. The Person Escort Record (PER) form is the main vehicle for ensuring this key information is made available to those who need it. However, there is currently no mention of these handover forms in the *Expectations* document. While we appreciate the intention has been to produce a less prescriptive and more aspirational set of expectations, we think PER forms are too important to prisoner safety not to receive a specific mention in the document.
6. Over a number of years the IPCC has dealt with cases where problems have occurred with the use of PER forms. Although our experience has centred on instances involving the police, some of the issues we have identified have relevance to the prison service. It is noticeable, for example, that the incidence of suicide following police detention has risen considerably in recent years, and some of the instances we have identified have taken place in prison custody. It is therefore equally important that forms are correctly filled in by the sending agency, and that the information in them is properly considered by the receiving agency.
7. For example, in case six of our [Learning the Lessons bulletin 16](#), a man suffering from alcohol withdrawal self-harmed whilst in police custody. Although the self-harm was noted on the PER form, little information was given to provide any context and the form failed to mention the man's alcohol and drug issues. Neither of the two custody sergeants who were responsible for the man during his time in custody had any input into or supervision over the completion of the PER form. Our investigation found a lack of officer knowledge and training about the completion of the PER form.
8. The relevance of this case to the prison service is clear. When prisoners move outside of prison or within the criminal justice system, it is important that staff charged with their safety are trained to both recognise and pass on important information. We therefore think that the expectations document should emphasise that custody staff should have up to date training on the use of PER forms.
9. Following the investigation into the death of Christopher Shapley the IPCC highlighted the adequacy of the PER form to the (then) Association of Chief Police Officers (ACPO) lead on custody. In this case, an officer identified a risk of self-harm but did not have sufficient space on the PER form to include all the information he felt was relevant. He included this information on a separate sheet, which he attached to the PER form. However, the attachment

was not received by the prison service, which meant that those responsible for Mr Shapley's safety did not have the necessary information to fully assess his risk of self-harm and put suitable measures in place. Some changes have since been made to the PER form to ensure lack of space on the form is no longer a problem. However, this case still highlights the importance of making sure all relevant details are passed on to the receiving agency at the point of handover.

10. We suggest adding content to emphasise the importance of recording and considering all relevant details on the PER form, especially any issues relating to risk or self-harm. This is particularly relevant to expectation 1 (prisoners travel in safe, decent conditions, are treated with respect and attention is paid to their individual needs), expectation 54 (prisoners' immediate health, substance use and social care needs are recognised on reception and responded to promptly and effectively) and expectation 58 (prisoners with mental health problems are identified promptly and supported by community-equivalent services to optimise their mental wellbeing during their stay and on transfer or release).

Independent Police Complaints Commission

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