



INDEPENDENT CUSTODY VISITING SCHEME 2017/18

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Introduction

A main function of the local Police and Crime Commissioner is to monitor the effectiveness of the police in its area. One of the ways Police and Crime Commissioners do this is by the appointment of Independent Custody Visitors (ICVs). ICVs are members of the public authorised by the local Police and Crime Commissioner (PCC), to visit police stations to check on the welfare of people arrested and detained there, and report to the Police and Crime Commissioner on what they have found. This is a unique role as ICVs have random and unfettered access to detainees.

Custody Visiting came about as a result of Lord Scarman's inquiry into the Brixton disorders in 1981 (Scarman 1981). It was seen to be important to promote public confidence in policing by ensuring that policing activity was more publicly accessible, easily scrutinised and subject to greater questioning and comment. Custody Visiting was the result. Schemes began to be set up in England and Wales from 1983, the first in Cleveland was established in 1985 and completely reviewed in 1999. Further reviews of the scheme have been undertaken as new Home Office Guidelines were issued. Independent Custody Visiting was made a statutory duty for all Police Authorities in 2001. A code of practice was issued by the Home Office in 2010 in accordance with section 51(6) of the Police Reform Act 2002. The responsibility for managing the scheme passed to the Police and Crime Commissioners in the Police Reform and Social Responsibility Act 2011.

This scheme has been established by the Police and Crime Commissioner in consultation with the Chief Constable in accordance with the Police and Criminal Justice Act 2001 and Police Reform and Social Responsibility Act 2011. The operation of the scheme is the responsibility of the Police and Crime Commissioner. The Police and Crime Commissioner has the final responsibility in all matters relating to the operation of the scheme.

Whilst ICVs are independent in that they are volunteers and have no allegiance to any group or agency they do nevertheless have to operate within the framework set down by the Police and Crime Commissioner.

Custody Visiting is linked to the Police and Criminal Evidence Act 1984 (PACE), and in particular, Code C which deals with the detention, treatment and questioning of persons by police officers. PACE sets out the rights and entitlements of people detained in Custody. In addition to the benefits for the detainee, Custody Visiting can also be a protection for the police in that it provides, from a police perspective, a clear demonstration of their commitment to openness and transparency in relation to this critical aspect of their duties. In addition the implementation and development of the Safer Detention Doctrine has been integrated into the Scheme.

Objectives

The purpose of these visiting arrangements is to enable members of the local community, appointed as Custody Visitors, to observe, comment and report on the conditions under which persons are detained at police stations and the operation in practice of the statutory and other rules governing their welfare, with a view to securing greater understanding and confidence in these matters. These arrangements also provide an independent check on the way police officers carry out their duties with regard to detained persons.

Managing the Scheme

To achieve these objectives, the Police and Crime Commissioner sets a visiting frequency across the Cleveland Force's area, against which performance is monitored, measured and published quarterly. Currently that frequency is weekly.

The force area is divided into four Local Policing Areas (LPA) however there are only two main designated custody suites,

- Central Custody at Middlesbrough
- Hartlepool Custody

Stockton Custody suite is not open on a regular, normal operational basis. Independent Custody Visitors are allocated to visit the two main custody suites, however, to allow for greater flexibility, visitors are, if they so wish, able to visit any designated station within the force area.

The agreed visit frequency sets the minimum number of visits deemed appropriate to individual designated stations, but is not intended to stop additional visits in response to local activity, Independent Custody Visitor concerns and special visits requested by the police.

The Independent Custody Visitors are organised into two panels coterminous with the two main Custody suites. Each panel has a designated Panel Coordinator. Each panel has a rota which allocates a pair of Visitors to carry out a visit within a set period of time and the Panel Co-ordinators endeavour to arrange for the organisations of their panels' members to carry out these visits. The Panel Co-ordinators may call on other panel members to maintain the visit frequency if necessary. It is, however, recognised by the Police and Crime Commissioner that on some occasions, due to illness or holidays, it may not be possible to arrange cover. These occasions are kept to a minimum.

Police and Crime Commissioner - Monitoring the Scheme

The Police and Crime Commissioner will receive quarterly reports from the Scheme Administrator. These reports will provide monitoring information as required but include such information as the number of visits made, number of detainees seen in comparison with the number detained and any issues raised.

Scheme Administrator

The Police and Crime Commissioner has appointed a Scheme Administrator, responsible to the Chief Executive, to oversee the operation of the scheme on a day to day basis. The Scheme Administrator is responsible for keeping the Chief Executive updated on the operation of the scheme, the recruitment and training of ICVs and any issues arising from visits as well as preparing regular updates for the Police and Crime Commissioner. The Scheme Administrator will be a point of contact for the Panel Co-ordinators. (Job Description attached at Appendix 'A')

Panel Co-ordinators

Each Panel has appointed a Co-ordinator to chair its meetings and to liaise with the Scheme Administrator if issues arise. The Panel Co-ordinators also liaise with panel members to ensure that visits are undertaken in accordance with the rota.

Independent Custody Visitors

Eligibility

Subject to the exceptions set out below, any person over 18 and living or working within the Cleveland Force area may be appointed by the Police and Crime Commissioner as an Independent Custody Visitor. ICVs should be persons of good character who are able to make unbiased observations, in which the community can have confidence, and which the police will accept as fair criticism when it is justified. Anyone who has been convicted of a criminal offence may not be suitable for this reason. Applicants will therefore be asked to include on their application form details of any such convictions and to consent to police vetting enquiries being made. Wherever information provided from the police differs from that provided by the applicant, the Police and Crime Commissioner will discuss the discrepancy with the person concerned before deciding whether or not to appoint.

The Police and Crime Commissioner will not appoint staff of the Police and Crime Commissioner, magistrates, serving police officers, and serving special constables as

Independent Custody Visitors. Other people may be excluded, after discussion with the individual applicant, if they, or a partner or relative, have a direct involvement in the criminal justice system such as solicitors or probation officers.

Each application will be treated on its merits, but the over-riding factor will be to prevent possible conflicts of interest for individuals, and to maintain the independence and integrity of the scheme as a whole. (For further details on eligibility please refer to Appendix 'B' Person Specification)

Recruitment

The Police and Crime Commissioner will recruit Independent Custody Visitors by inviting applications from the general public. This will be done by means of advertisements or other publicity in local newspapers, University of Teesside, volunteer bureau and Councils for Voluntary Service, and any other means, which the Police and Crime Commissioner may consider suitable.

Application Process

Interested parties will be sent an application pack containing;

- Person Specification Form (Appendix B)
- Independent Custody Visitor Job Description (Appendix C)
- Background Information on Custody Visiting (Appendix D)
- An Application Form (Appendix E)
- Equal Opportunities Monitoring Form (Appendix F)

Selection

Applicants will be invited to a formal interview. Applicants cannot be appointed without being formally interviewed.

Selection will be based on an applicant's suitability as detailed in the person specification, and in line with equal opportunities.

Following the interviews, the final decision as to who shall be appointed will be made by the interviewing panel.

An unsuccessful applicant may not re-apply (except with the Police and Crime Commissioner's permission) to become an ICV within two years of their last application.

Information/Training Day

Following appointment as an Independent Custody Visitor, an information/training session will be organised by the Police and Crime Commissioner to provide the basic knowledge and skills needed to make visits. All ICVs will be required to attend an annual refresher training session.

Appointment and Accreditation

Successful applicants will be invited to become Independent Custody Visitors and asked to sign and return to the Scheme Administrator a copy of the Custody Visiting Agreement (Appendix G)

This agreement outlines the main criteria of the Independent Custody Visiting scheme and what the Police and Crime Commissioner expects from ICVs and what they can expect from the Police and Crime Commissioner, in terms of training and support.

The appointment shall be for an initial period of three years and shall be renewable thereafter, for further periods of three years, subject to review. Each Independent Custody Visitor will be required to undergo a Police Vetting inquiry before their appointment can be renewed.

Following notification of their appointment, the Police and Crime Commissioner will issue each Independent Custody Visitors with an identity card signed by the Chief Executive to the Police and Crime Commissioner which will also show the holders photograph.

The identity card will authorise the holder to visit any 'designated' police station. Custody visits outside these areas will only take place with prior approval of the Scheme Administrator, or when a special visit is requested by Cleveland Police.

Independent Custody Visitors identity cards must be used only for the purpose of making custody visits, attending panel meetings, briefing or training. If anyone is found to be using their card for any other purpose, it will be withdrawn and that persons' appointment as an Independent Custody Visitor may be terminated.

Probation Period

On appointment Independent Custody Visitors will serve a six-month probation period. During the probation period the Independent Custody Visitor will be expected to complete a minimum of three custody visits with experienced visitors.

The Scheme Administrator will assist the Panel Coordinator with the arrangements for the first custody visit and to include the new visitor in the visiting rota, thus enabling the individual to complete their probationary visits.

Probation Review Meeting

At the end of the probation period the Scheme Administrator will arrange a probation review meeting. This meeting will involve the individual Independent Custody Visitor, the Scheme Administrator and the appropriate Panel Co-ordinator.

The purpose of this meeting is to review the performance of the probationer, and in doing so identify any specific training needs. Following the meeting the appointment will be confirmed in writing where appropriate.

Monitoring & Review of Custody Visitor Performance

It is important that the performance of all Independent Custody Visitors is reviewed on a regular basis following the successful completion of the probation period, and that the key factor in maintaining an appointment be the continuing ability and willingness of an individual to carry out the role effectively. Therefore at 18 months and 34 months the Scheme Administrator will arrange an opportunity for all individual ICVs to review their performance by completion of a self assessment form. The Scheme Administrator will also discuss with the coordinator any relevant issues. The Independent Custody Visitor can request a meeting with the Scheme Administrator.

The Scheme Administrator will also consider the number of visits undertaken, attendance at panel meetings and at training/briefing sessions and determine if a review meeting is required (if not requested by the ICV on completion of the review form). Notes will be taken of any such meeting.

A meeting will automatically be held at the 34 month stage as this will be a review of eligibility for further appointment. Further appointments of three years may be made by the Police and Crime Commissioner and the monitoring and review assessments will be carried out as above during any further periods of appointment.

Termination of Appointment of Independent Custody Visitor

Although the work is entirely voluntary, the Police and Crime Commissioner has the right to terminate the appointment of any Independent Custody Visitor whose conduct is not felt to be of the required standard. In the event of misconduct the Police and Crime Commissioner will consider whether it is appropriate to terminate the appointment of that Independent Custody Visitor. Misconduct will encompass matters such as misuse of the identity card, conviction of a criminal offence, abusing ones position as an Independent Custody Visitor, for example, by consistently flouting the guidelines covering the conduct of Independent Custody Visitors during visits.

Independent Custody Visitors should notify the Police and Crime Commissioner if they are arrested, cautioned or charged with a criminal offence. In such circumstances, the Police and Crime Commissioner may suspend the appointment of that ICV until the outcome of any criminal proceedings is known. If the ICV is subsequently found to be not guilty, or if charges are dropped he/she will be reinstated. Completion of a new vetting procedure may be required at this stage. In the case of a caution the Police and Crime Commissioner will review the appointment of the ICV with regard to the nature of the offence. Where a visitor fails to make a visit within a six-month period the Scheme Administrator will write to the person concerned to establish the reasons, in discussion with the Chief Executive a period of leave may be granted.

There is an expectation that Independent Custody Visitors will undertake a minimum of 6 visits per year. However where an individual is unable to undertake any visits within a nine month period, the Scheme Administrator will invite the ICV to discuss the position and consider whether they wish to remain in office. In appropriate cases, the matter may need to be reported to the Police and Crime Commissioner. An ICV may apply to the scheme administrator, who will consult with the Chief Executive, for a period of absence if s/he is unable to carry out visits through work or illness related issues. If an individual fails to attend one training session in each twelve-month period, the Scheme Administrator may invite the Independent Custody Visitor to discuss the position and consider whether they wish to remain in office. In appropriate cases, the matter may need to be reported to the Police and Crime Commissioner.

In the event that a serving Independent Custody Visitor's circumstance change which may result in a conflict of interest e.g. a change in employment, they must immediately inform the Scheme Administrator who will make an assessment on whether or not the ICV should be disqualified from the scheme.

Complaints of Misconduct by an Independent Custody Visitor

All complaints or issues of concern regarding an Independent Custody Visitor must be made in writing to the Scheme Administrator or the Chief Executive to the Police and Crime Commissioner. The Scheme Administrator/Chief Executive to the Police and

Crime Commissioner will decide how best to deal with these complaints in accordance with Police and Crime Commissioner's complaints procedure set out in its Scheme of Corporate Governance.

Where a written complaint is received about the conduct of an Independent Custody Visitor, that ICV's appointment may be suspended until such time as the complaint is resolved. The decision whether to suspend will be taken by the Chief Executive to the Police and Crime Commissioner following a preliminary assessment of the evidence and having regard to the seriousness of the allegation.

Appeal Process

Where an Independent Custody Visitors' appointment is terminated, the individual will have the right to appeal. The intention to appeal must be notified to the Scheme Administrator in writing, within 21 days following the notification of termination of appointment.

An appeal panel will meet to consider the termination of appointment within 30 days following the notification of appeal. The Independent Custody Visitor will be notified in writing of the date and venue of the appeal, not less than seven working days prior to the appeal, and will be invited to submit a written statement or (if invited by the Chairman of the Panel) to attend the appeal in person. An Independent Custody Visitor may if preferred have a representative attend the appeal on their behalf. In this case the Independent Custody Visitor must inform the Scheme Administrator of the name of their representative at least seven days prior to the appeal.

The decision of the appeal panel will be notified in writing to the ICV within seven working days of the appeal hearing. The decision of the appeal panel will be final.

Independent Custody Visiting Arrangements

Number of Independent Custody Visitors

The Police and Crime Commissioner will endeavour to appoint sufficient Independent Custody Visitors to ensure that visits in accordance with agreed rotas and in line with the laid down visiting frequency are made. Currently there are 15 custody visitors who spread their visits across Middlesbrough Central Custody and Hartlepool Custody

This allows for weekly visits, in pairs and each pair undertaking a visit approximately every 5/6 weeks.

Visiting Roters

The Panel Co-ordinators together with the Scheme Administrator are responsible for drawing up visiting roters.

Visit roters will show the pairs of visitors allocated to a particular time period. The pair allocated to a time period is responsible for making the arrangements to undertake a visit during that time. If for some reason it is not possible to arrange a visit then one of the pair should contact the other visitors to find a substitute, if this is not possible then the panel co-ordinator should be informed who will then try to arrange for another visitor to substitute for that period. If there is still difficulty the Scheme Administrator should be notified that it has not been possible to carry out a visit for that period. Visitors from other panels can be called upon to substitute.

The Scheme Administrator will be responsible for monitoring performance against the roster and reporting performance to the Police and Crime Commissioner on an annual basis.

Visiting in Pairs

Independent Custody Visitors are required to visit in pairs at all times. Any ICV arriving at a police station on their own will not be granted access to the custody area to make a custody visit. It is considered that no more than two ICVs should visit together, as larger parties could constitute an additional burden on the staff at the police station.

Independent Custody Visitors must not be accompanied by any unauthorised persons. Custody visits can only be made when accompanied by another accredited Cleveland ICV.

Scheme Administrator Meetings/Panel Meetings

The Scheme Administrator will meet regularly with the panel co-ordinators to discuss issues and other relevant matters. Panel Co-ordinators are responsible for raising issues with the Scheme Administrator between these meetings if urgent. These meetings will also provide an opportunity to draw up roters and facilitate local training. Meetings of each panel will be held on a quarterly basis and a representative of the Police Custody Unit and Reliance will be invited to attend. This will provide an opportunity for feedback to action taken as a result of custody visits, and a chance to discuss matters of mutual concern.

Frequency and Timing of Visits.

The frequency and timing of a custody visit is a matter for the individuals, within the framework of their roster. However, Independent Custody Visitors are expected to make a minimum of six custody visits per year. Care will need to be taken that custody visits, whilst sufficiently frequent to meet the agreed visiting frequency, do not take place so frequently that they impair the efficiency of the administration of the police station concerned, or the operational work of the officers attached to it. Independent Custody Visitors should arrive at the police station without prior notice, and should try to avoid making custody visits at regular or predictable times.

Attendance at the Police Station

Custody officers will only respond to Independent Custody Visitors attending in person at a police station. Telephone enquiries as to the custodial situation at a police station will not be responded to. To emphasise their impartiality, Independent Custody Visitors should not combine the making of a custody visit with the conduct of any other business at a police station.

Custody Visits at the Request of the Police

While custody visits should normally be unscheduled, there may be instances when there is particular tension within the local community about the treatment or well-being of one or more persons being detained at a police station. In such circumstances, the duty officer at the police station may invite Independent Custody Visitors to attend, to allay myth and rumour. The police officer requesting the custody visit will be responsible for contacting the relevant Panel Coordinator who will arrange for a visit to be undertaken. If this is not possible then the Police Officer should contact the Scheme Administrator. A list of contact numbers should be kept in the custody area.

Effective Working Relationships.

For the Independent Custody Visiting Scheme to be effective it is essential that ICVs and police staff develop and maintain professional working relationships based on mutual respect and understanding of each other's legitimate roles. Such relationships can only exist where there is politeness and consideration on both sides. Certain types of behaviour have the potential to create tension and conflict. Some examples of how custody visitors may cause difficulties are given below:

- Failing to appreciate police priorities
- Engaging in excessive petty criticism

- Criticising officers in reports without bringing that criticism directly to their notice
- Adopting an overly adversarial approach.
- Concentrating on finding fault and trying to catch the police out
- Becoming involved in an investigation or advising the detainees on that investigation
- Criticising police action or questioning their judgement in areas outside the visitor's remit
- Telling or suggesting to the police what they should do
- Making promises to a detainee on behalf of the police
- Breaching confidentiality

Equally Police/Reliance personnel may cause difficulties if they:

- Fail to accept Independent Custody Visitors' status and recognise their responsibilities
- Demean or belittle visitors
- Treat visitors with indifference or disrespect
- Unreasonably delaying or limit access to custody areas
- Are insufficiently positive when introducing visitors to detainees

All these issues must be set against the need to strike the right balance between establishing effective working arrangements and developing a relationship that is too close.

Independent Custody Visiting Procedures at Police Stations

Immediate Access to the Custody Area

Independent Custody Visitors should be admitted immediately to the custody area. If access is delayed this will affect the credibility of the ICV scheme. Immediate access to the custody area may not mean immediate attention by the custody officer. However, the Independent Custody Visitors should be admitted to the custody area and invited to wait until the custody officer, or another officer who has been authorised by the custody officer, is available to escort them on the custody visit. It is recommended that access should be delayed only where the ICV may be placed in danger, for example if there is a disturbance in progress in the custody area. A full explanation should be included by the ICVs in their report.

Access to the Custody Area

Independent Custody Visitors will be allowed to inspect all parts of the custody area where the detainee has access e.g., cells, detention rooms, charging areas and medical room (this does not include access to locked drug cabinets). ICVs will need to check

that any CCTV systems installed to observe the custody area or individual cells are operating properly (See 6.15). ICVs will wish to satisfy themselves that these areas are clean, tidy and in reasonable state of repair and decoration, and that bedding in cells, when appropriate, is clean and adequate. It is not always necessary to inspect stores, but ICVs should establish that suitable arrangements exist for adequate stocks of mattresses and blankets, and for the cleaning of such items, and for regular replacement of necessary furnishings and equipment. They may inspect empty cells and detention rooms to check heating/ventilation systems, and that cell alarms and toilet flushing mechanisms are working properly. They may visit interview rooms in the custody area if unoccupied. ICVs may not visit CID rooms or other operational parts of the station.

Security and Safety

In the interests of security and the safety of Independent Custody Visitors, police staff will accompany them from the public enquiry counter to the custody office at all times during custody visits. The custody officer, or another officer authorised by the custody officer should ensure at the onset of a visit that both Independent Custody Visitors are familiar with emergency alarms, routes and exits, and how accidents should be reported and recorded, in accordance with the appropriate risk assessment for any particular station.

Access to Detainees

Subject to criteria set out below, Independent Custody Visitors may have access to any person detained at a police station under the provisions of the Police and Criminal Evidence Act 1984, remand and sentenced prisoners held in police cells under section 6 of the Imprisonment (Temporary Provisions) Act 1980, and persons detained under the powers of the Immigration Act 1971, or the Immigration and Asylum Act 1999, persons held under the Mental Health Act 1983 for their own protection and children taken into police protection under the Children Act 1989. Where a person is held in custody in relation to the Prevention of Terrorism Act then a visit by Independent Custody Visitors can only take place by prior arrangement, this is different to the rules governing visits to the routine detainees. It has been agreed with the Chief Constable and the Police and Crime Commissioner that the Panel Coordinators will be the only ICVs eligible to carry out visits in these circumstances and they will be briefed prior to any visit being made.

Consent to Custody Visits by Detainees

Detained persons are not obliged to see Independent Custody Visitors or to answer questions. The officer who is escorting the ICVs is responsible for establishing whether or not each detainee wishes to see the ICVs, and may present to each detainee the

printed cards explaining the purpose of the ICV scheme. Where detainees are unable to read, the custody officer will read out what is printed on the card. Where practical in order to preserve the privacy of detainees who may not wish to be visited, detainees will be asked by the custody officer within earshot, but out of sight of ICVs, whether or not they wish to receive a visit.

Whether or not the detainee agrees to see the Independent Custody Visitors, the escorting officer should seek permission from each detainee for the ICVs to have access to their custody record. The Custody record should then be updated to say if a visit has been accepted or refused. The escorting officer should be out of hearing during the visit, but must remain in sight of independent custody visitors. (In cases where this is not practical then the safety of the Visitors must be paramount).

Detainees who are Unable to Consent to a Custody Visit

If a detainee is under the influence of drink or drugs to such an extent that they are unable to give consent or otherwise, or is for some other reason unable to indicate willingness or otherwise to be seen, the escorting officer should, if the Independent Custody Visitors so desire, allow them access unless it is considered that their safety could be at risk. If the detainee is comatose the escorting officer should allow access if the ICVs wish to satisfy themselves of the detainee's well-being.

Detainees who are Asleep or Resting

Sleeping detainees can be woken at the discretion of the escorting officer to seek consent to a visit. However, where this would involve interrupting the continuous period of eight hours rest provided for under PACE, the normal procedure should be not to wake the detainee but to observe them through the cell hatch and to then view the Custody record.

Access to Vulnerable Persons

Juveniles may be visited with their own consent. It is not necessary to obtain the additional consent of a parent or guardian. If an appropriate adult is in attendance to support a juvenile or vulnerable person, the detained person's wishes should be sought and respected as to whether the appropriate adult should attend any custody visit.

Access to Custody Record

If any detainee, including a juvenile, refuses access to the custody record, independent Custody Visitors will not be allowed to see it. If a detainee is for any reason incapable of deciding whether to allow access to their custody record, the presumption must be

made in favour of allowing the ICVs to examine the record. Except where a detainee objects, the ICVs will be shown the parts of the custody record relating to the provision of welfare while within police detention.

Detainees who are being Interviewed

If a person is being interviewed, the interview will not be interrupted. If the Independent Custody Visitors wish to see the person later in the visit after the interview has been completed they may do so, but may, if necessary, have to wait for this purpose.

Restrictions on Access to Detainees

In exceptional circumstances the police may judge that it is not in the public interest for a detained person to be seen by Independent Custody Visitors. Any decision to deny ICVs access to a detained person should be taken only by an officer of or above the rank of Inspector. An explanation of the reason for refusal should be given to the ICVs on each occasion and recorded in the custody record. The decision to deny access should be taken in each case in the light of all relevant circumstances. Access by ICVs should not necessarily be denied to any particular category of detainee, or where a decision has been made that a person should be held incommunicado.

Conversations between Detainee and Independent Custody Visitors

Where practical, escorting officers will be out of hearing of the visit, but must remain within sight of both Independent Custody Visitors and detainees. If for some reason the police decide that the escorting officer should remain within hearing, this decision must be taken by the duty officer, or some other senior officer at the police station. ICVs should bear in mind, however, that some detained persons may be violent or under the influence of drink or drugs and that the presence of the escorting officer may deter or frustrate assaults on the ICVs.

Documentation

The proper maintenance of contemporaneous records plays an important part in the application of rules governing the treatment of detained persons, and the process of supervision. Independent Custody Visitors will therefore wish to satisfy themselves that the custody record fully and properly records the action taken in connection with detainees while in police custody. ICVs may not see other police documents concerning the detainee or medical records. The custody record should include all relevant information about necessary medication for a detainee and the frequency of administering it. Custody officers are responsible for ensuring that medication is given at appropriate times.

Medical Conditions

Independent Custody Visitors will wish to pay particular attention to detained persons who are suffering from any form of illness, injury or disability. They should satisfy themselves that, if appropriate, a medical examiner has been called and establish from the custody officer what instructions for medical treatment have been given, and confirm by consulting the custody record that these instructions have been carried out. ICVs may visit *detainees* (but not persons released from custody) in hospital, whether or not under police guard, subject to the agreement of both the custody officer and the hospital authorities. To prevent a wasted journey it may be advisable to establish via the hospital whether the detainee is willing to talk to the ICVs. Where a detainee in hospital is under police guard, the police officer will remain at all times with the detainee. Access to the custody record can be permitted only if the detainee has given consent in the normal way.

CCTV

Custody visits must be carried out in person and not by viewing either live CCTV footage or recorded footage. However Independent Custody Visitors may ask the custody officer whether the CCTV is working and be given a demonstration if necessary.

Deaths in Custody

Where there has been a death in custody, the Police and Crime Commissioner must be informed as soon as possible. Consideration will then need to be given to whether a visit would be helpful in terms of informing and reassuring the local community. If it is agreed that a visit should be made it should be on the basis of a clear understanding as to how that feedback to the community will be achieved. Any visit following a death in custody or some other major incident should not be allowed to interfere with any relevant investigation which may be taking place. There may be circumstances in which the senior investigating officer dealing with such an incident needs to refuse or restrict access to particular areas.

Juveniles

All cells within Cleveland Custody suites are deemed suitable for male/female/juvenile detainees. The occasions when a juvenile is kept in custody are kept to a minimum and it is usually due to unavailability of an appropriate adult. If a juvenile is to be held in custody then, after charge, a Section 38 PACE form is completed. All cases are risk assessed and all alternatives are considered before detention is approved.

Appropriate Adults

Persons appointed as Independent Custody Visitors may act as an appropriate adult for juveniles in detention. However, ICVs must not switch between the role of custody visitor and appropriate adult during the course of a single visit to a police station. Appropriate Adults are managed by the Social Services department of the local authority and anyone wishing to act as an appropriate adult within this scheme should be on the list maintained by that department. If a custody visitor acts as an appropriate adult for family or friends or as part of the appropriate adult scheme operated by the local authority, they must not make an Independent Custody Visit to the same individuals at any time.

Treatment of Detainees

Independent Custody Visitors should satisfy themselves that their statutory rights have been explained to detainees and they have been given the written notice of those rights. They should also be satisfied that detainees have received those facilities to which they are entitled under Code C of PACE Codes of Practice.

Complaints by Detainees

It is important to distinguish between complaints by detainees about their general treatment or conditions of detention, and a complaint of misconduct made by a detainee against a police officer. The former may encompass such complaints as that detainees had not been notified of their statutory rights or had not received entitlements under the PACE Codes of Practice. Such complaints are clearly for Independent Custody Visitors to pursue with the custody officer, or senior officers at the station, at the time of the visit.

Complaints of Misconduct against a Police Officer

In order to maintain their strict impartiality, Independent Custody Visitors should not take up individual cases or make representation on behalf of detainees. However, where a detainee, during the course of a visit, complains about misconduct and/or assault by a police officer, the Independent Custody Visitors need to establish if the detainee wishes the complaint to be pursued.

The Independent Custody Visitors should initially advise the detainee to bring the matter to the attention of the duty inspector and, with the consent of the detainee, may themselves notify the duty inspector that the detainee wishes to make a complaint. The ICVs may wish to remind the detainee that they can seek legal advice before making the complaint. Where a complaint of physical assault has been made, the ICVs may wish to remind the detainee that they can ask to see a doctor. (NB: upon receipt of a

formal complaint, the duty inspector will, in any event, arrange for the detainee to receive medical attention.) In cases where the detainee wishes to pursue a complaint, but does not wish the staff at the police station to be aware, Independent Custody Visitors should advise that it is in the best interests of the detainee to make the complaint to the duty inspector at the time; otherwise there will be a delay in the complaint being investigated. If the detainee wishes to make a complaint but does not want to complain to the Custody staff then they should be advised that leaflets on how to make a complaint are held at all Police stations and can be collected at the front desk.

Remand and Sentenced Prisoners

Remand and sentenced prisoners held in police stations may seek to complain about conditions in prisons or the treatment they have received there. Independent Custody Visitors must not involve themselves in such matters. There are recognised grievance procedures open to prisoners such as writing to, or petitioning, the Home Secretary, or writing to their solicitor or Member of Parliament. The contractors for the court escort services also have their own procedures for recording complaints about their staff. Any complaint alleging a criminal offence will be reported to the police and the HM Prison Monitor Service immediately. Any complaint made to the contractor which amounts to a police complaint will be referred to the police for investigation as at present.

Detainees who have been Subjected to CS Spray

Independent Custody Visitors may in the course of their visits encounter detainees who have been sprayed with CS spray during their arrest. ICVs may wish to assure themselves of the health and well being of such persons, however, they should bear in mind the advice contained in appendix 'H' of this scheme. If ICVs believe that the detained person is suffering due to the after effects of CS spray they should bring this to the notice of the custody officer who has responsibility for seeking medical assistance.

Impartiality and Confidentiality

Advice

Independent Custody Visitors must not involve themselves in individual cases to the extent of offering advice about whether or not detainees should make a statement or otherwise co-operate with police inquiries. Such advice would be inconsistent with the ICVs independence from the processes of investigation. ICVs should therefore decline to discuss more than the conditions in which persons are detained and their treatment,

even though some persons will naturally wish to ask advice about their possible defence, particularly if they have not already received legal advice. In the interests of impartiality, ICVs should not visit friends or relations who are in custody.

Contact with Persons outside the Police Station

Independent Custody Visitors must not agree to make contact with any person outside the police station at the request of a detainee, neither must they agree to pass on a message to any other detainee within the police station, and must immediately notify the custody officer of such a request.

Independent Custody Visitors giving Evidence in Criminal Proceedings

Conversations between Independent Custody Visitors and detainees are not privileged and it would be open to a court to issue a witness summons requiring the attendance of ICVs to give oral evidence or to produce documents such as a report on a particular custody visit. ICVs are under no obligation to give evidence or produce documents otherwise than in response to a court order, but would be obliged to respond to such an order.

Confidentiality

Independent Custody Visitors will acquire considerable personal information about persons in police custody. The great majority will not yet have appeared before a court, and many never will. Personal information relating to detainees must be protected against improper or unnecessary disclosure. ICVs will therefore be asked to give an undertaking (included on the custody visit report form) not to release the identity of/or information capable of identifying any person in police custody (except where a visit has exceptionally been arranged in connection with the treatment of a particular person). It is desirable, in the interests of the strict application of the principles of confidentiality, that ICVs do not name or otherwise identify persons in custody even in reports to or in discussion with fellow ICVs or the Police and Crime Commissioner.

Breach of Confidentiality

Breach of this undertaking may make Independent Custody Visitors liable to civil proceedings by the detained person concerned. ICVs will also need to be aware that the unauthorised disclosure of the facts concerning police operations or the security of police stations may constitute an offence under section 5 of the Official Secrets Act 1989.

Independent Custody Visitor Reports and Follow-Up Action

Completion of Independent Custody Visitor Reports

The top (white) copy of the ICV report should be kept at the relevant station, the yellow copy should be retained by the visitor and the pink copy sent to the Scheme Administrator at the Police and Crime Commissioner, Police HQ as soon as practical after the visit takes place. The white copies will be forwarded, by the Custody staff, to the Custody Management Unit, periodically, for retention and storage.

Reports on Unsatisfactory Treatment and Conditions

If Independent Custody Visitors discover any aspect of the treatment of detainees or conditions at the station which are unsatisfactory, they should be included on the report and raised with the custody officer at the time. Any action which the custody officer takes should also be recorded.

Reports on Issues Arising out of Custody Visits

Independent Custody Visitors should raise any issues of immediate concern with the duty sergeant and if not satisfied with the action or explanation then they should ask to see the duty inspector. This should be recorded in the visit report form. If the matter remains unresolved then the ICVs should contact the Panel Coordinator and the Scheme Administrator. The Scheme Administrator will make every effort to amicably resolve the issue but if this is not possible then the matter must be raised with the Chief Executive and relevant Assistant Chief Constable. Such matters may be reported to the Police and Crime Commissioner through the Professional Standards Panel. Independent Custody Visitors and the Scheme Administrator should also have an awareness of issues that have been resolved at the time but are then repeated. The Scheme Administrator will attend the Panel meetings, the agenda will include a standing item to allow the discussion of visiting arrangements and any concerns to be brought to the attention of the Police/Reliance representative.

Expenses

The work is entirely voluntary, but travelling expenses will be payable to all Independent Custody Visitors on the same basis as staff of the Police and Crime Commissioner Support Staff when travelling on business. Only public transport fares, or private car mileage at the agreed rate will be paid. ICVs using their own motor vehicles to and from their visits need to advise their insurers about their duties. Expenses can also be claimed for attending training sessions, conferences and Panel meetings. Claims must be made on the appropriate form.

Any travel and accommodation in respect of attendance at annual conference will be booked and paid directly by the Police and Crime Commissioner. An annual payment will be made to the panel co-ordinators to cover expenses such as telephone calls, photocopying, postage and items of stationery.

Insurance

The Police and Crime Commissioner has arranged appropriate insurance for Independent Custody Visitors to protect them against violent or criminal assault during a custody visit to a police station. The Independent Custody Visitors are also insured against any civil claim arising from their role as Independent Custody Visitors.

Guidelines

A copy of these guidelines will be placed within the custody area of every 'designated' police station within Cleveland, for the information of custody staff, and so that they may be referred to by Independent Custody Visitors, Police Officers and Reliance staff.

Publicity Guidelines

Publicity

It is generally desirable that the role and aims of the scheme should be promoted to the public. Independent Custody Visitors must, however, bear in mind that the purpose of publicity is to inform the public about the scheme and not to draw attention to individual cases or to themselves. ICVs should not discuss the cases of individuals with whom they come into contact during visits to police station and under no circumstance should individual contacts or specific events be discussed except in general, anonymous, terms which support any explanation of the purpose of the scheme. Any invitation to speak to the press, or local groups or organisations about any aspect of independent custody visiting must be referred to the Police and Crime Commissioner and should not be undertaken by ICVs except at the request of the Police and Crime Commissioner, Independent Custody Visitors should remember that they are accountable to the Police and Crime Commissioner and not to the press or individual members of the public.

Confidentiality

Independent Custody Visitors names and telephone numbers are given by the Police and Crime Commissioner in the strictest confidence, purely for convenience in making contact. Such details must not be disclosed to any other person.

Legislation and Independent Custody Visitors

Police and Criminal Justice Act 2001

This Act sets out the statutory responsibility of all Police and Crime Commissioners to maintain an Independent Custody Visiting Scheme.

Human Rights Act (HRA)

The Human Rights Act 1998 came into force on 2nd October 2000. It incorporates into UK law the rights and freedoms from the European Convention on Human Rights which means that the Convention Rights can now be enforced in UK courts. Under the HRA public authorities have a duty not to infringe human rights and an obligation to protect those rights in certain circumstances. The Police Force and the Police and Crime Commissioner and its ICV scheme all count as public Authorities under the Human Rights Act. When people are held in police custody they are in a very vulnerable situation and extreme care needs to be taken to ensure that their rights are respected and upheld. The PACE Codes of Practise comply with human rights principles. When the police look after people in custody in accordance with the PACE Codes of Practice, they are acting correctly, ethically and lawfully. Therefore custody visiting provides an important independent check on the treatment of people held in custody. It is a key indicator of the extent to which the culture of human rights is being embraced.

Equality Act

Applications are invited from anyone who meets the criteria as set out in the person specification. Subject to appropriate risk assessment and in consultation with the Head of Custody all reasonable adjustments must be made to accommodate those with a disability as defined in the Equality Act 2010. Those who do not have English as their first language but who are able to communicate effectively so as to be understood will not be precluded providing they are otherwise suitable candidates.

Police and Criminal Evidence Act (PACE)

PACE is the legislation which determines the conditions in which detainees are kept in Custody, as such ICVs should ensure they are familiar with the Codes of Practise in particularly PACE code C.

Appendices

Appendix A	Job Description of Scheme Administrator
Appendix B	Independent Custody Visitor Person Specification
Appendix C	Independent Custody Visitor Job Description
Appendix D	Background Information on Custody Visiting
Appendix E	ICV Application Form
Appendix F	Equal Opportunities Monitoring Form
Appendix G	Volunteer Agreement for Independent Custody Visitors
Appendix H	CS Spray Advice

Job Purpose:

- Manage the Police & Crime Commissioner's statutory duty to operate an Independent Custody Visitor Scheme.

Principal Duties & Responsibilities:

- Manage the Police and Crime Commissioners statutory duty to operate an Independent Custody Visitor scheme in accordance with legislative requirements, codes of practice and recognised good practice.
- In respect of Independent Custody Visitors (ICVs) and in consultation with the Chief Executive as appropriate:
 - Ensure that there are sufficient ICVs
 - Advertise, shortlist, interview and appoint ICVs
 - Deal with vetting requirements
 - Lead the induction training and ongoing training
 - Manage any disciplinary issues, including suspension
- Oversee the work of ICV panels and provide support to the Panel Coordinators
- Coordinate the work and practices of each of the panels to ensure consistency across the Force area
- Approve/process expenses claims from ICVs
- Collate ICV reports, follow up issues as necessary and prepare regular reports to the Police and Crime Commissioner on the operation of the ICV scheme and any issues.

Essential Criteria	Measure
Must be at least 18 years of age	Application Form
Must live or work in Cleveland Police area	Application form
Demonstrate sufficient time and flexibility to carry out the role of a custody visitor	Interview
Communicate well both orally and in writing	Application form and interview
Demonstrate an independent and impartial view in relation to all parties involved in the custody visiting process	Interview and training
To be able to maintain confidentiality	Interview and training
Desirable Criteria	
Some knowledge of Custody Visiting	Interview
Demonstrate ability to complete forms and reports clearly and concisely	Application and training

Appendix C Independent Custody Visitor Job Description

To carry out the duties of an Independent Custody Visitor as set out in the scheme's guidelines including:

- To arrange Custody Visits with fellow Custody Visitors, in line with agreed rotas
- To keep the coordinator and fellow custody visitors informed of any problems with rotered custody visits
- To carry out custody visits to designated police stations in line with the scheme guidelines and training
- To check on the conditions in which a detainees is kept, their health and wellbeing and their legal rights and entitlements, with reference to PACE Code C.
- Where appropriate consult the detainee's custody record to clarify and check any concerns raised by the detainee.
- To discuss with the custody officer any concerns and requests arising from the custody visit and bring to the custody officer's attention any issue that needs to be dealt with.
- To complete the Independent Custody Visitor report form, ensuring that all relevant information is recorded correctly, clearly and concisely.
- To distribute copies of the Independent Custody Visitor report form to the appropriate people and leave the police station.
- To complete and submit expense claims in line with the scheme guidelines
- To attend continuous training sessions as appropriate (minimum of one a year)
- To attend Panel meetings of Independent Custody Visitors
- To carry out the duties of an Independent Custody Visitor with regard to the Health and Safety requirements of the Custody Visiting Scheme.

Appendix D Background Information on Custody Visiting

Key points when carrying out a visit:

- All visits must be carried out in pairs – single visitors will not be allowed access to the Custody Office.
- When arrive at front desk inform the staff who you are and what you are doing there and ask them to ring custody to inform the duty officer of your presence and that you require to carry out a Custody visit..
- When you arrive in the custody office decide if you wish to ask for all detainees to be asked if they want a visit or if you are going to limit the numbers

Please complete in BLOCK CAPITALS		
Surname:		Title: Choose
Forenames (In full) :		
Another other names by which you have been known:		
Place of Birth:		Nationality:
National Insurance Number:		
Date of Birth:		Age:
Contact Telephone Numbers:		
Home:	Mobile:	Work:
Permanent Address:		
Postcode:	How long have you lived at this address:	
Email Address:		
If less than five years at current address please give details of former address:		
Postcode:		
Do you have any medical condition or disability which may affect your ability to carry out the duties of an Independent Custody Visitor? (This will not necessarily affect your application) Choose (If yes, please give details)		
Name and address of employer (if applicable):		
Postcode:		
Are you currently a Police Officer or serving in the Special Constabulary? Choose		
Are you currently a magistrate? Choose		
Why do you wish to become an Independent Custody Visitor?		
How did you learn about the Independent Custody Visitor Scheme?		

Have you previously been an Independent Custody Visitor (if so please give details):	
What skill, experience and qualities do you feel you would bring to the role if appointed? (please give detail of any other voluntary work you have been involved with):	
Information provided under this section will not necessarily disqualify an individual from becoming an Independent Custody Visitor. All information will be treated in strict confidence.	
Have you ever been convicted of an offence punishable with imprisonment within the last five years, or have any criminal convictions? Choose	
If yes, please give details:	
Please give detail, including initials and correct form of address, of two referees, not related to you, who have agreed to support your application:	
a) Name: Address:	b) Name: Address:
Postcode:	Postcode:
Occupation:	Occupation:
Contact Telephone:	Contact Telephone:
Contact Email:	Contact Email:

Declaration:	
I agree to the Office of the Police and Crime Commissioner making an enquiry in connection with my application as a volunteer. I have read the information supplied to me concerning the duties and responsibilities of an Independent Custody Visitor and would be prepared if my application is accepted to attend training sessions as necessary and complete the appropriate undertaking in respect of confidentiality.	
I declare that the information I have provided is accurate to the best of my knowledge and belief.	
Signed:	Date:

When completed please return this form to: <p style="text-align: center;">Elise Pout Standards and Scrutiny Manager Office of the Police and Crime Commissioner Police Headquarters Ladgate Lane Middlesbrough TS8 9EH</p> <p>Email: elise.pout@cleveland.pnn.police.uk</p>
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The Police and Crime Commissioner for Cleveland is firmly committed to promoting equality of opportunity for all local people and communities, irrespective of gender, ethnic origin, disability, religious belief, sexual orientation, age, or any other irrelevant factor. We therefore ask you to complete this questionnaire to enable us to monitor the effectiveness and fairness of our policy and processes.

This information is for statistical monitoring purposes only. IT WILL NOT FORM PART OF THE SELECTION PROCESS.

Ref No	
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A. GENDER (tick one box)

Male	<input type="checkbox"/>	Female	<input type="checkbox"/>
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B. ETHNIC GROUP – National Census Categories for England & Wales (tick one box)

Asian or Asian British	Indian	<input type="checkbox"/>
	Pakistani	<input type="checkbox"/>
	Bangladeshi	<input type="checkbox"/>
	Any other Asian background	<input type="checkbox"/>
Black or Black British	Caribbean	<input type="checkbox"/>
	African	<input type="checkbox"/>
	Any other Black background	<input type="checkbox"/>
Chinese or other Ethnic Group	Chinese	<input type="checkbox"/>
	Any other background	<input type="checkbox"/>
Mixed	White and Black Caribbean	<input type="checkbox"/>
	White and Black African	<input type="checkbox"/>
	White and Asian	<input type="checkbox"/>
	Any other Mixed background	<input type="checkbox"/>
White	British	<input type="checkbox"/>
	Irish	<input type="checkbox"/>
	Any other White background	<input type="checkbox"/>
Any Other	Please state:	

C. DISABILITY

Do you consider yourself to have a disability?	YES	<input type="checkbox"/>
NO	<input type="checkbox"/>	Prefer not to say <input type="checkbox"/>
Please describe your disability so that the Police and Crime Commissioner can make appropriate provision.		

D. SEXUAL ORIENTATION

Bi-sexual	<input type="checkbox"/>	Gay/Lesbian	<input type="checkbox"/>
Heterosexual	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>

E. RELIGION AND BELIEF (National census categories for England & Wales)

Buddhist	<input type="checkbox"/>	Christian	<input type="checkbox"/>	Hindu	<input type="checkbox"/>
Jewish	<input type="checkbox"/>	Muslim	<input type="checkbox"/>	Sikh	<input type="checkbox"/>
No Religion	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>	Other (please state):	

F. LANGUAGE REQUIREMENTS

Do you have any language requirements you would like to tell us about?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, please tell us what these are:			

This Volunteer Agreement sets out key expectations and responsibilities for both the Police and Crime Commissioner and you as a Custody Visitor. Please read the Agreement carefully as you will be asked to sign that you understand and accept the requirements. Please do not hesitate to contact the Scheme Administrator if you have any questions. *Please note, this is not a formal contract.*

Term of Appointment

The initial appointment is subject to the successful completion of a six-month probationary period. All visits during this time will be completed with an experienced Independent Custody Visitor. The appointment will be reviewed at the end of three years with a possibility of extending for further periods of three years, subject to satisfactory review. Each review will include the vetting process being carried out again. You must notify the Police and Crime Commissioner of any change in circumstances which may affect your position as an Independent Custody Visitor (e.g. if you are summoned to appear before a Court as a defendant, are arrested, charged or cautioned with a criminal offence). In such circumstances, the Police and Crime Commissioner will suspend the appointment of the Independent Custody Visitor until the outcome of any criminal proceedings is known.

You must also notify the Police and Crime Commissioner if you undertake any work which may present you with a conflict of interests (e.g. magistrate, special constable, police officer, probation officer).

Expectations of the Police and Crime Commissioner and Responsibilities of the Independent Custody Visitor

Impartiality and Confidentiality

- It has been explained to you that impartiality and confidentiality are key requirements for Independent Custody Visitors. As an Independent Custody Visitor you will seek to be impartial and maintain confidentiality at all times.

Visits and Panel Meetings

- You understand the time and travel commitments expected of you as an Independent Custody Visitor and you will seek to fulfil these requirements. You will carry out visits in accordance with the Independent Custody Visitor's Code of Practice and Panel rotas. These visits must always be in pairs. You will not be admitted to any custody area on your own.

- You will seek to regularly attend your Independent Custody Visiting Panel Meetings unless there are exceptional circumstances which prevent this. If this happens you will inform your Panel Co-ordinator as soon as possible.

You will inform your Panel Co-ordinator immediately of any change in your circumstances which could affect your position as an Independent Custody Visitor, your ability to carry out the duties of an Independent Custody Visitor, or which might result in a conflict of interests.

Working relationships with Independent Custody Visitors, Police and Custody Staff.

- You will recognise that it is important that Independent Custody Visitors work as a team. You will treat your fellow team members with courtesy, respect and consideration. You will work to develop and maintain professional working relationships with the police and Custody Staff, but in a manner that does not prejudice your independence as an Independent Custody Visitor or the independence of the Police and Crime Commissioner.
- During training the Police and Crime Commissioner's policies in relation to equal opportunities and health and safety were explained to you and you will seek to adhere to these policies.

Identity Card

- On appointment you will be issued with an identity card. You undertake to look after this carefully and use it only for making your allocated custody visits, attending Panel meetings and training/briefings. If it is lost or stolen you will report this to your Panel Co-ordinator or Scheme Administrator as soon as possible. Identity Cards remain the property of Police and Crime Commissioner's office and must be returned when an Independent Custody Visitor leaves.

Expectations of the Independent Custody Visitor and responsibilities of the Police and Crime Commissioner

Help and Support

- The Police and Crime Commissioner will employ a Scheme Administrator to run the Independent Custody Visiting Scheme and provide as much help and support to you as possible on its behalf. You may contact the Scheme Administrator at any time if you have a problem or query. The Scheme Administrator will be based in the Office of the Police & Crime Commissioner at Cleveland Police Headquarters.

Training

- The Police and Crime Commissioner recognises the importance of training for volunteers and undertakes to provide you with the induction and further training which you may need in order to be an effective Independent Custody Visitor.

Insurance

- The Police and Crime Commissioner will provide Public Liability Insurance for you.

Reimbursement of Expenses

- The Police and Crime Commissioner will reimburse your mileage and reasonable out of pocket expenses in connection with your allocated visits to custody suites and attendance at Panel meetings and Training sessions. Mileage rates are paid in accordance with the Police Staff rates, the details of which can be obtained from the Scheme Administrator upon request.

Agreement

I understand and accept the expectations and responsibilities set out in the Independent Custody Visitors Volunteer agreement.

Independent Custody Visitor

Signed

Date

Scheme Administrator

Signed

Date

.....

1. The police service has advised that you do not enter the cells of contaminated detainees until such time as decontamination has been carried out.
2. You should be advised by the custody officer if a detainee has been in contact with CS spray and that there is a possibility of cross contamination. If you wear contact lenses, suffer from asthma or a heart condition you may be more susceptible.
3. If you do become cross-contaminated you should go to an outside area and await the process of natural ventilation.
4. If you feel unwell or are concerned regarding your well being you should seek medical advice