

Development of the Framework to Inspect healthcare provision within police custody centres

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Introduction

Healthcare Improvement Scotland (HIS) is responsible for supporting healthcare providers to deliver high quality care and scrutinising those services to provide public assurance about the quality and safety of that care. HIS provides quality assurance of the healthcare provided to people in prisons alongside His Majesty's Inspectorate for Prisons Scotland (HMIPS). Since 2022, we have also been working with His Majesty's Inspectorate of Constabulary in Scotland (HMICS) to take forward a framework to inspect healthcare provision within police custody centres across Scotland.

In September 2022 we published an interim framework to inspect which had been developed in collaboration with a short life working group, for use on two joint inspections in November 2022 and March 2023 in order to evaluate its effectiveness.

This report summarises the work undertaken to finalise the framework to inspect. It explains to stakeholders such as police custody staff, NHS boards, Health and Social Care Partnerships (HSCPs) and people with lived experience of police custody how we have tested and updated our interim framework in order to produce the final version. We did this to ensure that the framework reflected the needs of all of our stakeholders, particularly people in police custody.

We would like to thank members of our Short Life Working Group; NHS boards and HSCPs that we engaged with during inspection activities; third sector agencies Scottish Drugs Forum and Families Outside; and those with lived experience, for helping us to develop and evaluate the framework to inspect. We would also further like to acknowledge and thank the Scottish Government for supporting our work.

Context

HMICS provides independent scrutiny of both Police Scotland and the Scottish Police Authority (SPA). They support Police Scotland and the SPA to deliver services that are high quality, continually improving, effective and responsive to local needs.

Places of detention, including police custody centres within the UK, are monitored as part of the human rights treaty entitled 'Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment' (OPCAT). The right to healthcare in places of detention is described in several international human rights standards.

Within the UK, police custody centres, along with other places of detention, are monitored by members of the National Preventive Mechanism (NPM) as part of OPCAT. The NPM is an organisation, or group of organisations, that is independent of the state and of the inspected institutions. Its visits must focus on the conditions and treatment of detainees. The healthcare provided to detainees is considered to be an essential element of detainees' treatment and

conditions. OPCAT requires that NPM personnel must have the required capabilities and professional knowledge to carry out their role.

Comprehensive inspection of healthcare is vital to provide assurance that workforce skills and capacity, and the interface with existing community services, are meeting the complex health needs of people in custody. The need for robust scrutiny is reinforced by evidence that people in contact with the criminal justice system are far more likely to experience health inequalities than the general population.¹²³ Evidence also suggests that people who have offended, or who are at risk of offending, frequently experience multiple and complex health issues such as mental and physical health problems, learning disabilities and substance use, and are at increased risk of premature morbidity.⁴⁵

Drug deaths in Scotland are the highest in Europe with Scotland's drug misuse rate currently 3.7 times that of the UK as a whole and higher than any European country.⁶ People with psychiatric illness, psychotic disorders, severe depression and personality disorder run a higher risk of police arrests compared to the general population.⁷⁸⁹ It is therefore important that healthcare teams in custody centres maximise opportunities to provide timely interventions to help improve health outcomes for people in their care.

Inspection of healthcare

Responsibility for the provision of healthcare in custody centres transferred from Police Scotland to NHS Scotland in April 2014, along with the corresponding funding from Scottish Government. Governance and oversight of healthcare provision to police custody centres is retained by individual NHS boards and HSCPs across Scotland.

Up to 2022, HIS did not have a role in inspecting healthcare in police custody centres. HMICS carries out inspections of police custody centres with a focus on the welfare and treatment of detainees and the effective operation of the custody centre. Whilst HMICS would consider healthcare arrangements as part of its inspection processes, including access to healthcare for detainees, it was previously unable to examine the quality and standard of healthcare provision as it does not have the clinical expertise required to do so. HMICS also does not have the appropriate expertise and contacts to communicate healthcare concerns to the relevant healthcare provider. HMICS was therefore unable to fully comply with OPCAT prior

¹ [Rebalancing Act](#), Revolving Doors, the Home Office, Public Health England and NHS England, January 2017

² [NICE guideline \[NG66\] Mental Health of Adults in Contact with the Criminal Justice System](#), March 2017

³ [Understanding childhood adversity, resilience and crime](#), Scottish Government Children and Families Directorate, May 2018.

⁴ [Reducing Offending - Getting it Right for Children and Young People](#), Scottish Government Justice Directorate, June 2015.

⁵ [The Vision for Justice in Scotland](#), Scottish Government Justice Directorate, February 2022.

⁶ [National Records of Scotland](#), July 2022

⁷ [Rebalancing Act](#), Revolving Doors, the Home Office, Public Health England and NHS England, January 2017

⁸ [NICE guideline \[NG66\] Mental Health of Adults in Contact with the Criminal Justice System](#), March 2017

⁹ [Understanding childhood adversity, resilience and crime](#), Scottish Government Children and Families Directorate, May 2018

to 2022. This led to the establishment of joint inspection arrangements between HMICS and HIS to ensure that this aspect of custody centre operations is scrutinised appropriately by suitably qualified professionals. This enables the inspections to benefit from HIS's extensive knowledge and experience of NHS Scotland's services, and the additional experience HIS has gained in the inspection of healthcare services in the wider custodial context of prisons.

In 2022, HIS began to carry out joint inspections of healthcare in police custody centres, working alongside HMICS. As well as examining the quality and arrangements for healthcare provided to detainees, our joint inspection approach considers the challenging circumstances and health inequalities often experienced by people in custody. We work to ensure that individuals in custody receive equitable healthcare and support compared to the general population, within the constraints of the custody environment.

National baseline review exercise

In spring/summer 2022 HIS and HMICS carried out a baseline review of existing healthcare provision within police custody centres across Scotland to establish a benchmark and to inform our joint inspection methodology and priority areas of focus.

A self-assessment tool was sent to NHS board contacts and interviews and focus groups were held to understand current healthcare provision within police custody centres including challenges and potential areas of good practice. Our findings from the baseline review are summarised in the [national baseline review of healthcare provision within police custody centres in Scotland](#) report published in January 2023. This report contained recommendations for improvement as well as areas of good practice.

Framework to inspect interim version

HIS and HMICS jointly developed a framework to inspect healthcare provision within police custody centres. This framework takes a human rights-based approach and was developed in collaboration with partners through a short life working group. The working group included representatives with expertise of healthcare or inspection within the justice system, including HMICS, HMIPS, the Mental Welfare Commission for Scotland, NHS boards, Police Scotland, Public Health Scotland, Families Outside, Scottish Drugs Forum and the Scottish Human Rights Commission. The framework to inspect has also been aligned with HIS's Quality Assurance System (QAS) Quality Framework and the Scottish Government's Health and Social Care Standards. The framework is supported by detailed inspection tools, checklists and guidance documents which reflect the components of OPCAT.

The working group considered the findings of the baseline review and agreed an initial joint interim framework to inspect healthcare in police custody at its September 2022 meeting for testing on joint inspections.

Joint inspections

HIS and HMICS undertook two joint inspections to assess the appropriateness of the interim framework to inspect and the inspection methodology. The first inspection, in November 2022, visited primary police custody centres at Motherwell and Coatbridge, which are part of NHS Lanarkshire. The [Lanarkshire report](#) was published on the HMICS website in April 2023 and made a number of recommendations. The second inspection took place in March 2023, and involved a primary custody centre in Dundee, within NHS Tayside. The [Tayside report](#) was published in July 2023.

After each inspection, feedback forms were sent to staff at the NHS board/HSCP as well as the inspection team. This feedback was presented to the short life working group and was used to evaluate and refine the inspection process. It allowed us to assess the appropriateness of our methodology and gather learning points to inform future inspections.

As a result of feedback, we strengthened references to human rights, OPCAT compliance, and access to healthcare. This included harm reduction and healthcare for people with physical health needs. We also reworded some sections to make them clearer.

Engagement with people with lived experience

We wanted to provide a meaningful mechanism for people to participate in decisions that would affect them. In December 2022 HIS commissioned two third sector organisations to collect feedback from people with lived experience of police custody, their families and carers. We asked Families Outside and the Scottish Drugs Forum to carry out engagement on the interim framework to inspect and to gather feedback on wider experiences of healthcare within custody. These findings were presented to the short life working group, and we used the information to help shape our inspection methodology and priorities, including the final version of the framework. More information about this can be found in our summary stakeholder engagement report, published alongside this document.

Framework to inspect final version

This paper summarises the work which has been undertaken in 2022-2023 to finalise the framework which has been shaped through testing on inspection and in response to feedback from the external short life working group and people with lived experience.

The April 2023 meeting of the short life working group considered the evaluation feedback and engagement outputs before agreeing the final version of the framework with minor amendments.

The finalised framework will now be used as part of the rolling programme of joint inspections, within the existing arrangements for HMICS's inspection of police custody centres.

We will continue to seek feedback from services we inspect and from inspection teams following each inspection in order to evaluate the appropriateness of our joint inspection methodology going forward.

Further Information

You can find further information about joint inspections of police custody on our [webpage](#) or by emailing his.jcpi@nhs.scot.

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Healthcare Improvement Scotland

Edinburgh Office
Gyle Square
1 South Gyle Crescent
Edinburgh
EH12 9EB

Glasgow Office
Delta House
50 West Nile Street
Glasgow
G1 2NP

0131 623 4300

0141 225 6999

www.healthcareimprovementscotland.org