

Lay Observers (Escort and Court Custody)

Basics	Web site	http://www.layobservers.org.uk
	Geographical coverage	England and Wales.
Constitutional Aspects	Legal Framework/Basis	<p>Section 81(1)(b) of the Criminal Justice Act 1991 requires the appointment of an independent panel of Lay Observers to inspect the conditions in which detained individuals are transported or held by escort and custody contractors, and report to the Secretary of State.</p> <p>(Note: The 1991 Criminal Justice Act permitted the private sector to escort prisoners and prescribed that Lay Observers should be appointed to provide an independent check on the conditions for prisoners while in the care and custody of the contractors).</p>
	Independence	Composed of unpaid volunteers, but report to the Secretary of State. Volunteers are appointed by the Secretary of State, who can also terminate the appointment.
	Financial Independence	Receive funding from the Ministry of Justice, but is a voluntary organisation. Therefore, only mileage is paid at Civil Service rates for journeys made in the Lay Observer's own vehicle between a home address and the court or prison being inspected. Expenses for journeys made on public transport are reimbursed. If the inspection made qualifies the Lay Observer for a subsistence allowance it will be paid at the prevailing Civil Service rate.
Membership	Composition of body	<p>Composed of volunteers.</p> <p>Lay Observers are organised through a Chairman, a National Council and a number of Area Co-ordinators.</p> <p>There are 4 Regional Contract Regions covering the country. Each Region is managed by a National Council Representative who also acts as a representative of the National Council of Lay Observers. Regions are sub-divided into local area Groups; these groups carry out the regular duties of visiting and inspection on a rota basis.</p>
	Appointment	<p>From web site: Those recommended after interview for consideration for appointment by the Secretary of State will be subject to a Criminal Records Bureau Enhanced Security Check and Prison Service security checks. After appointment all Lay Observers are issued with a Home Office pass, without which they cannot gain access to Courts, Prisons or Police Stations. The Secretary of State may terminate the appointment of any Lay Observer at any time, if they are satisfied that the Observer is no longer a fit person to perform his or her duties. An individual can only be appointed to serve as a Lay Observer for a maximum period of 10 years.</p> <p>2016/17 Annual report: the number of active members is currently 70, which falls short of the target of 150. Delays in security vetting delayed probationary appointments until the latter part of 2016/17, with some candidates losing interest in the role. It was also not possible to run another recruitment campaign.</p>

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Expertise	<p>Varies given the body is composed of volunteers. However, all Lay Observers are trained by the Area Officers and by the Contract Delivery Managers team. There is a period of probation before the appointment is confirmed. Regular appraisals and assessments are carried out in line with the Office of the Commissioner for Public Appointments Code of Practice.</p> <p>2016/17 Annual report: training and mentoring of new Lay Observers has recently been challenging due to limited resources, however a full one-day training programme, and materials, are provided to new recruits. Each new member is mentored by an experienced Lay Observer during their probationary period of 6 months.</p>
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Visiting Mandate	Places of deprivation of liberty to be visited	<p>From web site:</p> <ul style="list-style-type: none"> • Visiting all Crown and Magistrates Courts in England and Wales • Visiting prisons to monitor prisoner handover to and from the courts • visit police stations to observe the handover of prisoners from the police to the contractors • Monitoring of Inter-Prison Transfers • Inspection of contractor's cellular vehicles
	Frequency of visits	<p>Frequent- minimum of 2 visits per month.</p> <p>There is an expectation for all Crown & Magistrates courts and local or receiving prisons to be visited each month. All cells available are visited when possible. Vehicles are fully inspected when found at courts and prisons.</p> <p>From web site: Visits to courts are usually made between 0900 hrs and 1500 hrs. Visits to prisons are usually made between 1600 hrs and 1900 hrs.</p> <p>Lay Observers meet prisoners in the custody area of courts and at the reception area of prisons, and discuss with their treatment and conditions of custody and transportation with them. Lay Observers are normally expected to make two or three visit's per month and a visit may take from one to two hours depending on the number of prisoners in custody.</p>
	Types of visits	<p>Mixed: inspection type visits, but also at all times have direct access to the Contract Delivery Manager to report on urgent matters revealed at inspections.</p> <p>From web site: Prisoners appearing in court and those remanded or given a custodial sentence are at a particularly stressful time. A time when they are at their most vulnerable and most at risk of self-harm. It is therefore important that they are treated decently and with respect. Lay Observers play a vital role in ensuring standards of decency are maintained.</p>

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	Private interviews	Yes- report having conducted private interviews in Annual Reports.
	Access to information	Unclear but appear to have free access to all what concerns their inspections.
	Publication of findings after visits	No public reports after individual visits. 2016/17 Annual report: introduction of a secured document system called STOWED in 2015 which stores lay Observers' visit reports. Also further developed to allow a national consolidation of all reports each month. National Annual Reports are public.
	Coordination of visits	In 2012 Annual Report note the commencement of HMIP inspections of the same facilities and that 'Lay Observers have been able to take advantage of some of the early findings from the pilots and have sought to modify a number of reporting standards within their remit. It
		is hoped that further development in this area and the building of effective working relationships will provide benefit to all stakeholders'.
Other Aspects of Mandate	Recommendations and suggestions for amendments to legislation	Make recommendations to the Secretary of State in annual reports, however these recommendations are not binding and have no legal effect; it is the decision of the Secretary of State as to whether they want to pursue these recommendations or not.
	Preventive activities	There does not appear to be anything beyond visits and reports.
Standards	Legal standards applied	Not clear but on web site state that: 'Lay Observers play a vital role in ensuring standards of decency are maintained'. 2016/17 Annual report: Lay Observers expectations for detained persons; duty of care is properly exercised; held in suitable accommodation; access to justice; transported promptly in suitable vehicles, treated with respect as an individual, and risks to wellbeing are minimised. Also recent changes to the assessment standards and therefore report template.
Reports	Annual reports	Yearly national annual reports produced. Reports from 2015 are online. These national reports are submitted to the Ministry of Justice, Secretary of State for a response. Reports contain sections on, <i>inter alia</i> , good practices and concerns.