



Expectations

for UK Armed Forces Service Custody Facilities

**Criteria for assessing the treatment of and conditions for detainees
in Service Custody Facilities**

Version 2, 2021

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Introduction by Charlie Taylor, HM Chief Inspector of Prisons

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Introduction

Since 2004, HM Inspectorate of Prisons, by invitation and under an agreed protocol with the Provost Marshal (Army), has conducted regular independent inspection of the Military Corrective Training Centre (MCTC), the Ministry of Defence's single central custodial facility. From 2013, that invitation was extended to include the independent inspection of licensed Service Custody Facilities (SCFs) throughout the United Kingdom. SCFs are the Armed Forces' short-term custodial facilities where service men, women and children can be held pending charge or conviction for a service or criminal offence. (We define children as those under 18, in line with the Children Act 1989.) SCFs may also hold those convicted of a crime or service offence for up to 14 days.

Our Expectations for SCFs – the criteria we use to inspect outcomes for detainees in service custody and their transfer to and from those facilities – were previously incorporated into a set of Expectations that covered both the MCTC and SCFs. This is the first separate edition of what we are now calling *Expectations for UK Armed Forces Service Custody Facilities*. This edition builds on our *Expectations for police custody suites* while recognising the distinct experience of detainees held in SCFs. The Expectations are independent and informed by relevant international and regional human rights standards, as well as relevant legislation and guidelines. They also draw on the cumulative learning of our SCF inspections to date and the results of a consultation with stakeholders.

The Expectations will be used to assess the treatment and conditions of those detained in SCFs. They are grouped into five inspection areas:

- Leadership and accountability
- Transfer to the Service Custody Facility
- In the custody facility: booking in, individual needs and legal rights
- In the custody accommodation, safeguarding and health care
- Release and transfer from the Service Custody Facility

Each section begins with an overall expected outcome. Numbered expectations set out the outcome we expect UK Armed Forces' to achieve and a list of indicators suggest evidence that may demonstrate whether the outcomes have been met. It is not essential to meet each indicator; equally the list is not exhaustive and does not exclude other means of achieving the outcome.

I hope that these latest *Expectations* will support Service Custody Facilities in providing good outcomes for detainees.

Charlie Taylor
HM Chief Inspector of Prisons

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Section 1: Leadership and accountability

There is a strategic focus on custody, including the care and treatment of all those detained, during escort and at the service custody facilities, to ensure the well-being of detainees.

Expectations

Leadership

- 1. There is effective leadership by the License Holder of the Service Custody Facilities which promotes the safe and respectful delivery of service custody.** (See Appendix II, note i.)

The following indicators describe evidence that may show this expectation being met, but do not exclude other ways of achieving it.

- *There is an effective management structure that ensures appropriate governance and oversight of service custody.*
- *Policies and procedures for the whole custody process are in place, fully implemented and reviewed regularly to ensure appropriate care and treatment of detainees and compliance with legislation and relevant human rights standards. Policies and procedures are accessible, and staff understand them.*
- *There is a strong strategic focus on safeguarding children (for definition of children see Appendix II, note ii) and vulnerable adults. Custody staff are trained to recognise safeguarding issues. They understand the need to safeguard and promote the welfare of children and vulnerable adults (see Appendix II, note iii) and are supported to do so.*
- *There are sufficient resources and adequate staffing levels to ensure the safety and well-being of detainees. Custody facilities are staffed with personnel who have the right knowledge and skills to meet the needs of detainees.*
- *There is a clear whistleblowing procedure in place and all staff know how to raise concerns.*

Accountability

- 2. Performance management data supports the safe delivery of service custody. There is effective external scrutiny to protect the well-being of detainees.**

The following indicators describe evidence that may show this expectation being met, but do not exclude other ways of achieving it.

- *Accurate data (for example custody throughput, demographics, adverse incidents, use of force and complaints) are routinely collated and analysed*

to identify issues. They are used to inform organisational learning and to improve outcomes for detainees.

- *Quality assurance processes promote the safe and respectful treatment of detainees and continued professional development of staff.*
- *There are effective processes in place to learn from adverse incidents and to identify and share good practice within and across Service Custody Facilities.*
- *Issues and complaints raised by independent visitors are responded to promptly. This includes dealing with immediate concerns and issues raised during visits.*
- *Feedback from independent visitors is used to improve outcomes for detainees and there are regular and formal opportunities for the visitors to raise issues with the License Holder and Provost Marshal.*
- *The License Holder reports routinely to the Inspector of Service Custody Premises and Service Custody Licensing Authority. Reports include relevant management information and data including the use of force and equality and diversity information.*

In relation to expectations 1 and 2, human rights standards require that all places of detention are managed to ensure the well-being of detainees and that detention is prescribed by law. Vulnerable detainees must be identified and safeguarded and managers must make sure that all staff have the requisite knowledge, aptitude and skills to perform their duties and to meet the needs of different individuals. Policy and practice should ensure that staff and detainees are able and encouraged to raise concerns about safety or care at any time. A child (any person under the age of 18 years) must be treated as vulnerable by reason of age and their best interests must be a primary consideration. See ECHR 2, 3, 5; ICCPR 9, 10; ICESCR 12(1); CERD 2, 5; CAT 11; CEDAW 2, 4; CRPD 14; OPCAT 19–22; CRC 3, 19, 33–37, 40; BOP 1, 2–9, 29; SMR 1, 75–77, 83–85; EPR 76, 81, 83; HR 17, 18, 72, 75, 82, 84, 85, 87; ERJO 108, 109, 121, 125, 126, 129, 130; BR 30, 33. See also CM/Rec(2010)4 20.

Section 2: Transfer to the Service Custody Facility

Escort staff are aware of detainees' individual needs, and these needs are met during escort.

Expectations

Transfer to service custody

3. Detainees are transported to service custody facilities safely and in accordance with their needs.

The following indicators describe evidence that may show this expectation being met, but do not exclude other ways of achieving it.

- *Detainees know where they are going and what to expect when they arrive.*
- *Escorting staff are aware of detainees' individual needs. All necessary information identifying any issues relating to risk or self-harm is recorded in the detainee escort record. This is completed thoroughly and accompanies the detainee on their journey.*
- *Confidential information that travels with the detainee is securely sealed and is only accessed in an emergency (see expectation 20).*
- *Detainees are escorted in suitable vehicles which are safe, secure, clean and comfortable and are fully equipped to cater for their different needs.*
- *Escorting staff can easily observe detainees and detainees are always able to communicate with staff. Escorting staff regularly check on detainees' welfare.*
- *Women, children and adult men are transported in separate vehicles.*
- *Women and girls are transported in vehicles with a female escorting staff member.*
- *Detainees are given adequate comfort breaks and refreshments during transfer, according to their specific needs.*
- *Detainees arrive wearing suitable clothing for their transfer and continued detention.*
- *Detainees' personal belongings accompany them during their transfer to and from the service custody facilities.*

In relation to expectation 3, human rights standards require detainees to be transported safely and in conditions which maintain their dignity and take into account their individual needs. Detainees must always know where they are going. See ECHR 2, 3, 8, 14; ICCPR 10(1); ICESCR 12; CRC 3, 37; CRPD 14; EPR 1, 15, 22, 32, 34.1, 35.4; SMR 1, 2, 7, 9, 11, 73; BOP 16, and HR 21, 22, 26, 29; ERJO 99. See also CPT/Inf(2018)24, Transport of detainees.

Section 3: In the custody facility: booking in, individual needs and legal rights

Detainees are treated respectfully in the service custody facility and their individual needs are reflected in their risk assessment and care plan. Detainees are informed of their legal rights and can freely exercise those rights while in custody. All risks are identified at the earliest opportunity.

Expectations

Respect

4. Detainees are treated respectfully while in custody.

The following indicators describe evidence that may show this expectation being met, but do not exclude other ways of achieving it.

- *Custody staff interact with detainees courteously and all detainees are treated with dignity throughout their detention.*
- *Detainees can disclose any confidential information or vulnerability in private.*
- *Detainees with caring responsibilities can make a telephone call to organise care for dependants (see Appendix II, note iv) if this is not yet in place.*
- *Custody staff proactively support detainees during their detention and are alert to and understand the impact of detention, particularly for those detainees identified as vulnerable and/or high risk.*
- *Where custody staff come across unfair or discriminatory treatment, they challenge, eliminate and report it.*
- *Custody staff explain to detainees that CCTV operates in the facilities and, if CCTV operates in the cells, how detainee privacy is ensured.*

Meeting individual and diverse needs

5. Staff understand how to meet the individual needs of detainees with protected and minority characteristics. All detainees are treated according to their individual needs.

The following indicators describe evidence that may show this expectation being met, but do not exclude other ways of achieving it.

- *Staff have a good understanding of and can identify and meet the specific needs of detainees with protected and minority characteristics, including children, older people, women (including women who are pregnant or breastfeeding), detainees from all racial and ethnic groups, detainees with disabilities (including non-physical disabilities), detainees of all religions and beliefs, detainees of all sexual orientations, and trans and intersex detainees. Staff understand that individuals may have multiple needs.*

- *There are enough female custody staff and appropriate provision and facilities to respond to the welfare needs of detained women and girls. Women and girls are routinely provided (without having to ask) with menstrual care products suitable for their needs.*
- *Women and girl detainees only share accommodation with each other.*
- *Reasonable adjustments are made for detainees with disabilities, including non-physical disabilities.*
- *Detainees are allowed to practice their religion fully and can speak to a chaplain of their faith in private on request. There is a range of religious observance materials, and detainees are searched in a religious and culturally sensitive way.*
- *Custody staff understand that young adults may have specific needs and respond appropriately to differing levels of maturity.*
- *Custody staff identify and appropriately address the specific needs of trans detainees.*
- *Staff have access to accredited translation and interpreting services to help detainees understand their rights and other custody processes, and whenever accuracy and confidentiality is important.*
- *Legal rights and other documents are provided for detainees to access information in a language and format they can easily understand.*

Risk assessments

6. All detainees are held safely and any risk they pose to themselves and/or others is competently assessed and kept under review.

The following indicators describe evidence that may show this expectation being met, but do not exclude other ways of achieving it.

- *Detainees are received into custody directly and without delay. There is an ongoing risk assessment of all detainees where there is a delay in booking in.*
- *Custody staff effectively assess and respond to any risk detainees pose to themselves and/or others.*
- *Escort staff communicate all relevant information about detainees to custody staff to contribute to the risk assessment process.*
- *Staff demonstrate awareness and understanding of the different ways in which detainees may present mental health problems and other vulnerabilities and respond appropriately.*
- *Staff have access to appropriate medical services and make referrals as appropriate.*
- *Any contact with a doctor or other health care practitioner is recorded in the custody record and/or detainee escort record, with relevant information shared with custody staff, including any medication provided or required.*
- *Care plans and observation levels reflect risks identified on arrival, and assessments are ongoing and reviewed throughout the period of detention.*

- *Staff explain to detainees how to use the emergency call bells and they respond promptly when a call bell is activated.*
- *Staff provide suitable care to support detainees at risk of harming themselves or others.*
- *The removal of clothing to manage self-harm is based on an individual risk assessment, as a last resort, and when other options have been considered.*
- *Staff understand the purpose and importance of regular monitoring and rousing, particularly for detainees under the influence of drugs or alcohol.*
- *Where there is a need for detainees to share accommodation, decisions are based on a systematic risk assessment which is undertaken before they share.*
- *Detainees not yet sentenced only share accommodation with each other.*
- *Staff checking detainees always carry anti-ligature knives.*
- *Handovers involve all custody staff where possible. They are recorded and conducted in private and result in the accurate sharing of relevant information.*

Individual legal rights

7. Detention is appropriate, authorised and lasts no longer than is necessary.

The following indicators describe evidence that may show this expectation being met, but do not exclude other ways of achieving it.

- *Detention in custody is appropriately authorised by a commanding officer and fully recorded (see Appendix II, note v).*
- *Information on vulnerability and associated risk factors is communicated between custody staff and investigating officers to inform decisions on the prioritisation and progression of cases.*
- *Cases are progressed to allow detainees to be released or transferred at the earliest opportunity.*
- *Reviews are conducted on time every 12 hours to make sure that cases are being progressed and that ongoing detention in custody is necessary. Following reviews, detainees are reminded of the reasons for their continued detention in custody and this is clearly recorded.*
- *Reviews of detention of a person who is vulnerable, including children, are conducted in person unless exceptional circumstances mean this is not possible. Custody staff inform the commanding or delegated officer of any circumstances that may indicate that ongoing detention is inappropriate.*

8. Detainees understand and receive their rights while in service custody.

The following indicators describe evidence that may show this expectation being met, but do not exclude other ways of achieving it.

- *Detainees are provided with information as soon as possible so that they understand the reason(s) and necessity for their arrest. Custody staff clearly explain these in the presence of the detainee, taking into account any learning needs, and a written record is maintained.*
- *All detainees receive their rights and entitlements. Any delay in issuing them is recorded in writing and appropriately authorised.*
- *Detainees are helped to understand their rights, including rights of appeal and, where applicable, their right to elect to be heard by court martial.*
- *Information about the service justice system is available in a format that detainees can understand.*
- *Detainees are told that they can ask staff to inform someone of their whereabouts, and staff contact this person as soon as possible.*
- *Detainees are told that they are entitled to free legal representation in private and as soon as possible. Detainees understand they may choose military or civilian legal representation. Detainees' reasons for declining representation are recorded.*
- *Detainees or their legal representatives can obtain a copy of their custody record.*
- *Written translations of documents such as the authorisation and extension of detention are readily available and used when required.*
- *Detainees have access to the materials they need to prepare their defence.*
- *Foreign national detainees can consult with their relevant Consulate, Embassy or High Commission on request.*
- *Detainees are not interviewed while under the influence of alcohol or drugs, or if medically unfit, unless exceptional circumstances prevail. In this case a record is made of those circumstances.*

Complaints

9. Detainees know how to make a complaint and are able to do so before they leave service custody.

The following indicators describe evidence that may show this expectation being met, but do not exclude other ways of achieving it.

- *Complaints procedures are well promoted. Detainees know how to complain and are provided with relevant information in a format they understand.*
- *Complaints can be made confidentially and outside of the chain of command, and detainees are able to have someone make a complaint on their behalf.*

- *Detainees are asked if they would like to make a complaint prior to release or transfer from the facility. Complaints are taken and recorded before detainees leave custody.*
- *Detainees' complaints are investigated fairly, answered promptly and are monitored, with any significant concerns addressed and outcomes recorded.*
- *Detainees are not discouraged or deterred in any way from complaining. They are not subjected to any form of intimidation or disadvantage because they have made a complaint.*
- *Detainees are not discouraged from speaking to inspectors or other independent visitors to custody or disadvantaged in any way if they have done so.*

In relation to Expectations 4 to 9, human rights standards prescribe a range of measures which apply to safeguard the rights of detainees as they arrive in custody and in the early stages of detention. These measures aim to ensure that detainees are treated in a manner that respects and meets their individual needs, that their vulnerabilities (including from detention itself) are identified and met and that they are safe from harm (whether self-harm or from others) from the outset of detention. They also require that detainees should be provided with and helped to understand their rights, including to: contact those concerned for their welfare; seek legal representation of their choice and speak with their legal representative in private; speak with other independent persons such as lay visitors; receive medical care; and complain without fear of adverse consequences. Nothing should be done which might infringe a detainee's right to a fair trial. See ECHR 2, 3, 5, 6, 9, 14; ICCPR 6(1), 7, 9, 10, 14, 18, 26; CAT 2, 10–13, 16; OPCAT 19–22; CERD 2, 5; CEDAW 2–4; CRPD 5–7, 10, 13–15, 21, 22; CRC 3, 37, 40; SMR 56, 57, 61, 62; EPR 23, 70; BR 5, 25; BOP 1, 2, 5–14, 16–18, 29, 33, 36–39; BPRL 1–3, 5–8; BeiR 7.1, 15; HR 2, 17, 18(a), 72–78. See also CM/Rec(2010)4 7, 8, 10–12, 20–31, 33, 34, 40, 77, 78, 85.

Section 4: In the custody accommodation, safeguarding and health care

Detainees are held in a safe and clean environment in which their safety is protected at all points during custody. Custody staff understand the obligations and duties arising from safeguarding (protection of children and adults at risk). Detainees have access to competent health care practitioners who meet their physical health, mental health and substance misuse needs in a timely way.

Expectations

Physical environment

10. Detainees are held in a custody facility that feels and is safe and is in a good state of repair.

The following indicators describe evidence that may show this expectation being met, but do not exclude other ways of achieving it.

- *Custody accommodation and communal areas are clean, free from potential ligature points and graffiti, of a suitable temperature and well ventilated, with access to natural light. Staff carry out daily checks and records are maintained and monitored.*
- *All custody accommodation is equipped with working emergency call bell systems that cannot be permanently muted. Staff explain to detainees how to use the call bell and activations are responded to promptly.*
- *There are working fire alarms throughout the custody area and staff can safely evacuate the custody area in the event of an emergency. Evacuations are regularly practised and recorded.*

Use of force

11. Force is only used against detainees as a last resort and never as a punishment. When used, force is legitimate, necessary, proportionate and subject to rigorous governance.

The following indicators describe evidence that may show this expectation being met, but do not exclude other ways of achieving it.

- *All staff are trained in and use effective de-escalation techniques.*
- *Where force is used, staff only use approved techniques in line with their training.*
- *Staff demonstrate awareness of risks associated with particular forms of restraint and how these risks can be minimised.*
- *When force is used, detainees are examined afterwards by an appropriately qualified health care professional.*

- *Detainees in need of mental health care who are restrained for their own or others' safety are treated as a medical emergency.*
- *All staff involved in the use of force against a detainee complete individual use of force statements promptly, which clearly explain what happened and why force was used.*
- *Use of force documentation and associated CCTV footage is retained appropriately. It is subject to robust quality assurance to make sure any force used is necessary and proportionate, and to identify and address any learning.*
- *Detainees are only subject to proportionate searching which is sensitively and properly conducted.*
- *Strip-searching is appropriately authorised and a written record is maintained. It is monitored at a senior level to ensure appropriate use. Searches are carried out in private by staff members of the same sex as the detainee (in the presence of an appropriate adult if required).*

Detainee care

12. Detainees are well looked after.

The following indicators describe evidence that may show this expectation being met, but do not exclude other ways of achieving it.

- *Detainees are offered sufficient and varied nutritious food and drink in accordance with their dietary, cultural and religious requirements.*
- *Detainees can shower every day and suitable clean clothing, including underwear, is available to them.*
- *Detainees are provided with a clean mattress, pillow and blankets or duvet.*
- *Detainees can use the toilet with respect for their privacy. Toilet paper and handwashing facilities are readily available.*
- *Detainees have daily opportunities to participate in activities that benefit them and improve their well-being, including access to reading and writing materials.*
- *Detainees are offered daily outside exercise.*
- *Detainees, particularly children and other vulnerable detainees, are given the opportunity for visits by family members and/or appropriate agencies that can provide support.*

Safeguarding

13. Detainees are protected from harm and neglect. They receive effective care and support.

The following indicators describe evidence that may show this expectation being met, but do not exclude other ways of achieving it.

- *Custody staff are trained in safeguarding and have the knowledge required to protect vulnerable groups in their care, including arrangements*

for contacting appropriate adults and making suitable referrals to partner agencies.

- *Current government and local guidance about safeguarding children and adults is accessible, and safeguarding procedures are known and used by all staff.*
- *There are no delays in securing an appropriate adult and they are available 24 hours a day.*
- *There are facilities for appropriate adults to speak to children and vulnerable adults in private and to remain with them if the appropriate adult considers this is necessary to ensure their welfare.*

Children

- 14. Children are kept safe in custody and treated according to their needs. They are only detained as a last resort and are held for the shortest time possible.**

The following indicators describe evidence that may show this expectation being met, but do not exclude other ways of achieving it.

- *Parents/guardians are informed of a child's detention in custody and the grounds for detention at the earliest opportunity, unless it is not in the best interests of the child.*
- *Children are kept safe in custody and separate from those who might pose a risk to them. Where it is appropriate to do so, children are held in accommodation other than cells.*
- *Staff understand and respond to the distinct needs of children, recognising levels of maturity.*
- *Girls are cared for by a named female officer who is responsible for meeting their welfare needs while detained.*
- *Only age-appropriate and approved restraint techniques are used on children. When force is used, children are always examined promptly by an appropriately qualified health care professional.*
- *No child is subjected to a strip search unless it is intelligence-led, authorised by a senior officer and conducted in the presence of an appropriate adult.*

Governance of health care

- 15. Detainees are cared for by health care practitioners who have the appropriate skills and training, in a safe, professional and caring manner that respects detainees' privacy and dignity.**

The following indicators describe evidence that may show this expectation being met, but do not exclude other ways of achieving it.

- *The requirement for health services for detainees in service custody facilities is assessed and the services provided are appropriate for the need.*

- *Clinical governance arrangements include robust incident management, a confidential complaints process, monitoring of response times for all health services and monitoring of patient outcomes, with processes established to learn lessons from complaints and incidents.*
- *Detainees are treated promptly by health care practitioners who have the skills, knowledge and competencies to meet their health care needs.*
- *Health care practitioners are sensitive to detainees' situations and diverse needs and treat them with respect and compassion.*
- *Information sharing protocols exist with appropriate agencies to ensure efficient and confidential sharing of relevant health and social care information.*
- *Clinical consultations are conducted confidentially unless a risk assessment suggests otherwise.*
- *Clinical rooms are fit for purpose and comply with current infection control standards.*
- *Detainees can see a health care practitioner of the sex of their choice on request. There are arrangements for a chaperone to be present if required.*
- *Staff are first aid-trained and have access to first aid and suitable resuscitation equipment that is regularly checked, maintained, and ready to use.*
- *A written protocol is in place for obtaining emergency health care services and all staff know what to do in a health emergency.*

Patient care

- 16. Detainees are asked if they wish to see a health care practitioner, are able to request to see one at any time for both physical and mental health needs and are treated appropriately in a timely manner.**

The following indicators describe evidence that may show this expectation being met, but do not exclude other ways of achieving it.

- *All detainees are seen promptly by a health care practitioner, including on arrival and before release.*
- *Arrangements to gain and review patient consent are appropriate. When patients lack mental capacity to decide, health care practitioners make 'best interests' decisions in accordance with legislation.*
- *Treatments are appropriate to the clinical needs of the detainee and are in line with national guidance.*
- *Detainees receive health services that are not restricted by security or regimental procedures.*
- *Each detainee has a single clinical record containing an up-to-date assessment, and any care plan conforms to national guidance.*
- *The use and storage of clinical records complies with good practice.*
- *The results of any clinical examination are made available to the detainee and, with the detainee's consent, his or her legal representative.*
- *Health care practitioners liaise with other agencies, as necessary, to ensure continuity of care.*

- *Detainees carry out work or training only after they have been examined by a health care practitioner and certified as fit to undertake it.*
- *Any detainee held in cellular confinement, or subject to any form of mechanical or physical restraint, is seen at the point of restraint or confinement or as soon as possible thereafter. Detainees subject to such controls are seen by a health care practitioner at least once every day.*

17. Detainees receive prescribed medication if needed and, subject to validation, detainees can continue with previously prescribed medication.

The following indicators describe evidence that may show this expectation being met, but do not exclude other ways of achieving it.

- *Detainees are prescribed, or have access to, existing medication to treat any clinical signs, symptoms or existing medical conditions.*
- *Detainees receive medication to provide relief for drug and alcohol withdrawal symptoms if clinically indicated and can continue community prescribed opiate substitution treatment in custody, subject to validation.*
- *Medication is administered at clinically appropriate times by competent staff, and appropriate records made.*
- *All medication on site is stored safely and securely and is disposed of safely if not consumed. There is safe pharmaceutical stock management and use in custody.*
- *Patients being released receive adequate supplies of medication or a community prescription to meet their needs.*

Substance misuse

18. All detainees have access to timely drug and alcohol services that meet their needs.

The following indicators describe evidence that may show this expectation being met, but do not exclude other ways of achieving it.

- *An effective service is provided to detainees with drug and alcohol problems.*
- *Detainees can access specialist substance misuse services to ensure an appropriate range of care support.*
- *Any contact with a drug or alcohol worker is recorded in the custody record.*
- *Where appropriate, detainees are provided with harm minimisation supplies and advice on release, such as the provision of clean needles and a supply of naloxone (an opiate overdose antagonist).*

Mental health

19. Detainees have prompt access to mental health practitioners who can assess their clinical needs, divert or refer to mental health services and/or advise on treatment as necessary.

The following indicators describe evidence that may show this expectation being met, but do not exclude other ways of achieving it.

- *Custody staff and health care practitioners receive regular training on mental health and learning disability issues, to help them identify and support detainees who have related needs.*
- *Anyone detained who is identified as having mental health concerns is immediately considered for diversion away from custody to enable an assessment of their condition.*
- *Local arrangements with the relevant Defence Medical Services support access to a clear mental health referral pathway. This ensures detainees are promptly assessed, given appropriate support and provided with continuity of care during detention and on release, particularly where detainees are believed to be experiencing severe and acute mental health issues after arrival in custody.*
- *Health care practitioners signpost detainees to and liaise with other relevant agencies to ensure continuity of care, including community mental health services if required.*
- *Patients who require assessment or treatment under the Mental Health Act are assessed and transferred promptly.*

In relation to expectations 10 to 19, human rights standards require detainees to be held in safe and sanitary conditions that respect their dignity. Detainees' individual health and care needs must be met. There is a positive obligation to protect detainees from harm, including self-harm, while also giving due weight to the detainee's other rights, such as the right to privacy and personal autonomy. Any use of force or searching must be strictly necessary and proportionate to the achievement of a legitimate aim. Children must only ever be detained as a last resort and for the shortest time possible. See ECHR 2, 3, 8; CAT 2,16; ICCPR 6, 7, 9, 10; ICESCR 12(1); CRPD 3, 5–7, 13–17, 22; CEDAW 2, 12; CRC 3, 6, 24(1), 31, 33–37, 40; SMR 13–27, 30, 31, 42, 47–50; EPR 18.2, 19–22, 39, 42, 43, 52, 54, 64–66, 68.1–68.3; BR 5–8, 10, 11, 13, 19, 20, 26, 28; BOP 1, 5, 19, 24, 26, 28; BeiR 1.1, 8.1, 10–13; HR 1, 2, 17, 18, 22, 34, 37, 41, 49–53, 59; ERJO 1, 51, 70–73, 122, 129. See also CM/Rec(2010)4 23, 62, 70, 75, 76, 80, 81.

Section 5: Release and transfer from the Service Custody Facility

Arrangements to transfer detainees back to their unit or onwards to the Military Corrective Training Centre reflect any risks identified during their stay at the Service Custody Facility. Detainees receive advice, information and referral to other agencies as necessary to support their safety and well-being on release or transfer.

Expectations

Pre-release or transfer arrangements

20. There are arrangements to ensure detainees are released or transferred safely.

The following indicators describe evidence that may show this expectation being met, but do not exclude other ways of achieving it.

- *Staff conduct good quality pre-release risk assessments in the presence of the detainee. These are documented and identify and mitigate any risks and vulnerability throughout a detainee's period of detention. Action is taken to reduce any risks and welfare concerns before release from the Service Custody Facility.*
- *Appropriate relevant information about risk, vulnerability, health or safeguarding is communicated confidentially to relevant agencies and support organisations.*
- *Detainees who lack the means to return home or to their unit receive appropriate assistance.*
- *On release, detainees are given up-to-date information about sources of help and support in the community in a format and language they can easily understand.*
- *Particular attention is given to the safe release of vulnerable detainees and children.*
- *The release of detainees to their units is not delayed unnecessarily.*
- *Detainees being transferred to the Military Corrective Training Centre are given information about the centre in a format they can understand.*
- *Detainees who are being transferred to the Military Corrective Training Centre, summary hearing or court martial are escorted safely and with consideration of their individual needs. Detainee escort records are completed clearly and accurately and include all relevant details, especially any issues relating to risk or self-harm. Any health information is shared confidentially. Detainees appearing for a summary hearing or court martial are suitably dressed.*

In relation to expectation 20, human rights standards require consideration be given to a detainee's need for assistance on release, including health needs. Release must occur without undue delay to ensure that detention is for the shortest possible duration. Detainees being transferred must be told where they are going. See ECHR

2, 5, 8; ICCPR 9, 10(1), 14; ICESCR 12(1); CRC 3, 24(1), 37, 40(1); EPR 14, 33, 39; BOP 1, 13, 16, 31, 36–39; HR 17, 20. See also CM/Rec(2010)4 25 and standards relating to the transfer of prisoners (expectation 3).

Appendix I: List of abbreviations

Human rights treaties

CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ECHR	European Convention on Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights

Human rights standards and guidance

BOP	Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
BR	United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the 'Bangkok Rules')
CM/Rec(2010)4	Recommendation CM/Rec(2010)4 of the Committee of Ministers to member states on human rights of members of the armed forces
EPR	Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules (revised 2020)
ERJO	Recommendation CM/Rec(2008)11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures
HR	United Nations Rules for the Protection of Juveniles Deprived of their Liberty ('Havana Rules')
SMR	United Nations Standard Minimum Rules for the Treatment of Prisoners ('Mandela Rules')

Appendix II: Notes and references

- i. Service Custody Facilities are licensed by the Inspector of Service Custody Premises (IoSCP) to confine detainees.
- ii. We define a child as a person under the age of 18 years, in line with the Children Act 1989.
- iii. Safeguarding duties apply to vulnerable adults at risk who:
 - have needs for care and support (whether or not the local authority is meeting any of those needs
 - are experiencing, or are at risk of, abuse or neglect
 - as a result of those care and support needs are unable to protect themselves from either the risk of, or the experience of, abuse and neglect (Care Act 2014).
- iv. Dependants refers to a person who relies on another, especially a family member, for financial support.
- v. An officer, appropriately delegated by the commanding officer, can in their absence authorise detention up to 48 hours from the time of arrest and that time may be extended to up to 96 hours if a judge advocate decides this is necessary.