



Lay Observers Annual Report 2023-2024

March 2025



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Introduction from the Lay Observer National Chair

The humane delivery of court custody and transport is a key element of the justice system in England and Wales. Those in court custody are often in a highly vulnerable state, facing uncertainty over their future and potential loss of freedom. This underscores the importance of ensuring that individuals held in custody or being moved to and from prison are treated with dignity and consideration, with their welfare given proper attention.

Although this is my first report as National Chair, this annual report contains many of the same issues that have been consistently raised in previous annual reports. While some improvements could be made within custody suites, there is rarely any meaningful or consistent improvement seen on a national scale.

This report primarily focuses on areas that impact the wider management of court custody and transportation services. While many court staff work diligently to ensure detained people are well cared for, in many custody suites there are not the numbers of staff, or staff with sufficient experience, available to fulfil even the basic needs of those detained. Lay Observers (LOs) regularly see escort staff allocated to custody suites to mitigate staffing shortfalls and as a result LOs see longer waits and more multi stop journeys that adversely impact on the welfare of detained people.

While LOs have seen some improvements in custody suite staffing levels since the critical state reported in our 2022-2023 annual report, this is still some way off suitable levels for both custody suites and transportation services.

Furthermore, LOs again call attention to the need for additional resources to be allocated to improve the experience of detained people in court custody. Many improvements, such as the introduction of cushions or padded benches in cells, would be considered basic, and some, while more complex, are perhaps even more vital, such as specific cells and support for children, especially in suites where children are commonly detained.

In the ministerial response to the 2022-2023 LO annual report, we were informed that Prisoner Escort and Custody Services (PECS) and contractors were due to carry out a review of the food provided in court custody suites in the latter half of 2024, with input from LOs. Although there has been no change in the quality or provision of food from our previous report, as this review is currently ongoing we have chosen not to focus on food in this report. However, we will closely monitor the results of this review on food provision, which is still in dire need of improvement.

David Whalley

06 March 2025

Lay Observers National Chair

About Lay Observers and this report

Lay Observers are unpaid public appointees who monitor the treatment of those held in court custody, providing independent oversight of all areas of the court custody and transfer process. They regularly visit and report on custody suites in England and Wales.

LOs are part of the UK's [National Preventive Mechanism](#) (NPM).

Our remit

Our remit is set out in the Criminal Justice Act 1991 and has been agreed with the Ministry of Justice in our [Protocol with the MoJ](#).

Our monitoring approach

Monitoring focuses on the outcomes for people being brought to and from court and held in court custody.

LOs report on whether the individuals held are being treated with decency and respect and whether their welfare is being looked after.

This report

This report is based on LO findings from 1 November 2023 to 31 October 2024.

LOs made 927 visits to court custody suites over this period, submitting a report to relevant stakeholders after each visit. In May 2024 LOs updated their monitoring guidance and introduced a new set of standards for members to report against. An overview of our findings and the two sets of monitoring standards can be found in Annex A.

Recommendations

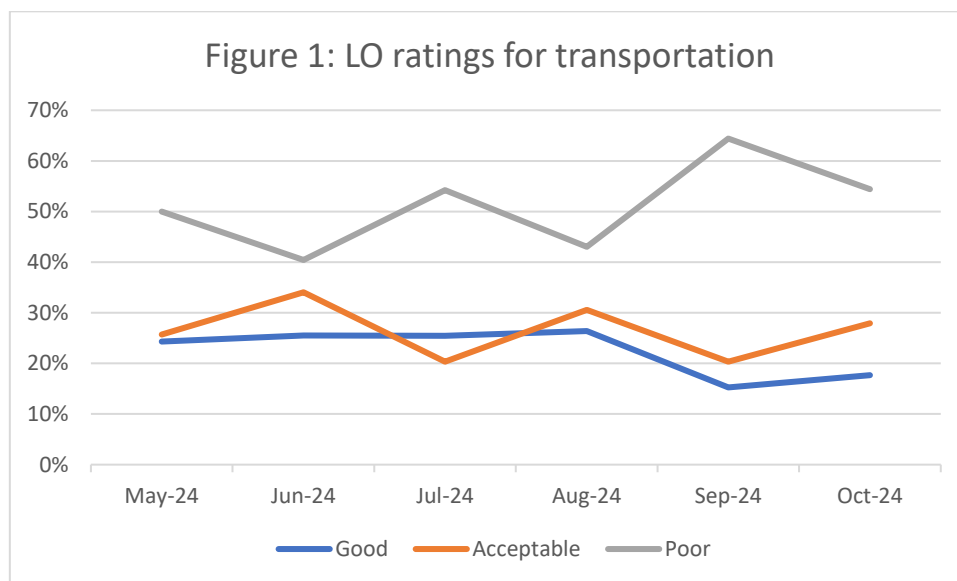
Based on LO visits throughout the year to courts of varying sizes and locations, the following recommendations are made to provide the greatest improvement in levels of decency and respect:

1. Contractors should continue their efforts to increase staffing levels until there is suitable staffing for both custody suites and transportation services.
2. All children should be accompanied by appropriately trained staff, both in the custody suite and while being transported, and should be transported separately from adults.
3. All children should be housed in non-cellular accommodation unless there are exceptional circumstances.
4. The quality and comfort of the seating in custody suites should be improved.
5. The telephone interpreting service should be used for all detained people who lack the ability to communicate well in English.
6. Additional clothing or blankets, or an alternative method of keeping people warm, should be provided to all detained people who feel cold while they are in cells.

1. Transport

Lay Observers consistently report issues with the transportation of detained people both to and from court, with over 50% of LO reports since May 2024 grading this as poor (see figure 1). LOs often observe long waits for vehicles after detained people have finished in court, excessively long journeys with additional stops at other courts, prisons and police stations, and the regular transportation of men, women and children together. LOs have observed two common causes of these issues: the lack of vehicle and escort staff availability, and the consequences of prison overcrowding.

The only area where LOs consistently report good practice is the vans themselves. They are generally clean, in good condition and carrying the requisite items, such as first aid kits.



1.1 Long waits for transportation services

Detained people should not be held in custody suites for longer than is necessary. PECS' target is for detained children and women to start their journey within two hours of their last legal visit or court appearance, and within three hours for detained men. However, LOs see no justification for delaying men any longer than women and maintain that the two-hour target should apply to all detained people, with shorter waits for transport encouraged. LOs regularly observe delays longer than this, with one instance of a detained person waiting seven and a half hours after finishing at Ashton Tameside Magistrates' Court (MC).

Detained people destined for the same prison are often transported together. This is entirely appropriate for those who finish at a similar time, but this is often not the case. For example, an LO at Southampton MC reported one woman having to wait six hours as a vehicle would not be sent until others were also ready to be transported. One other notable example is the transfer of detained people from Woolwich Crown Court (CC) to HMP Belmarsh. In this case the custody suite is directly connected to the prison, so staff are able to walk detained people back to prison when they are finished. As there is no need for a transport vehicle there is

often no good reason why this cannot be done as soon as a detained person is finished in court. However, LOs were told that the prison prefers detained people to be returned in groups, which resulted in one man waiting for over four hours.

Additionally, LOs have reported that delays in transporting remanded individuals to prison are greater during Saturday and bank holiday remand courts, primarily due to fewer staff working on these days.

Detained people regularly inform LOs of the consequences of arriving late back to prison. The most common of these being that the person may not be given a hot meal or have the ability to shower. One LO observed two detained people on long trials at the Central Criminal Court (the Old Bailey) who would often be transported back to prison too late and leave too early in the morning to be able to shower. Given the length of trials at the Old Bailey, this meant they were unable to shower from Monday to Friday for a considerable period. This inability to manage personal hygiene is entirely unacceptable, especially at a time when detained people may be feeling acutely aware of their appearance and how others perceive them.

1.2 Long journeys with multiple stops

LOs have increasingly reported on excessively long journeys as a result of transport vehicles stopping at multiple prisons, courts, and police stations to pick up and drop off detained people. This can result in significant increases to journey length. For example, a 45 minute journey from HMP Bronzefield to Willesden MC instead took four hours after taking a significant detour via two other locations, resulting in detained people spending far longer in the van than necessary. Despite the general good condition of these vehicles, they are not comfortable enough for extended journeys such as this.

While picking up and dropping off detained people who are enroute makes logistical sense, this needs to be balanced against the length of time that even small detours add to a journey. For example, an LO reported on a vehicle travelling from HMP Lewes to Winchester CC that stopped at three other courts on the way, all of which were only short detours, but the additional time it took to offload people at each court increased the overall journey from two to three and a half hours.

Aside from the discomfort involved, these long journeys can impact detained people in other ways. The most common of these is arriving later in the day which can affect a person's readiness for court. One LO observed a vulnerable person who was identified as being at risk of self-harm or suicide arriving at Merthyr Tydfil Combined Court late; as there was no court availability later in the day, they were remanded in custody for an additional three weeks.

1.3 Delays caused by prison overcrowding

LOs have seen transportation issues stemming from prison overcrowding throughout the reporting period. This was particularly problematic during periods where space was most limited, such as during Operation Safeguard where those remanded into custody had to be taken to police cells until local prison spaces became available. During this time some detained people spent extended periods in custody suites

while available spaces were searched for, which had an impact on detained people's wellbeing, as well as that of staff.

In one example, staff at Norwich MC had to stay until after midnight waiting for a transfer to take place, some of whom had been on duty since 7am that morning. Working such long hours significantly impacts staff's ability to manage custody suites safely and effectively. LOs have been told this can be a regular occurrence.

Furthermore, when local remand prisons are full, detained people have to travel to remand prisons further afield. For example, an LO at Highbury MC reported that one detained person's journey was extended by two hours as the local prison was full. These extended journeys have a knock-on effect on the availability of transportation vehicles.

1.4 Transportation of men, women and children

LOs maintain that men, women and children should be transported separately given that there may be individuals charged with sexual offences or those with a history of gender-based violence on board. It could be distressing for any detained person, particularly those who have been the victim of sexual offences or gender-based violence, to be in proximity to such individuals. LOs have, however, observed such situations, for example an LO at Southampton MC reported that two women were transported alongside a man charged with sexual offending.

Children have an additional vulnerability and are often new to the system, so are more likely to be adversely affected if they are treated as part of the adult system. As such, LOs maintain that children should be transported in non-cellular vehicles and accompanied by an appropriately trained specialist team.

Although separation screens are usually utilised when different cohorts are transported together, screens do not block sound and therefore do not negate the need to transport defendants separately.

In some areas transporting all three cohorts together seems to have become normalised. For example, almost 40% of all children transported from police stations to court between September 2023 and August 2024 were transported in the same vehicle as adults. The Ministry of Justice does not hold data on transporting men and women together when coming from police stations, but LOs have reported that this is a regular occurrence.

Transportation from prisons is better, with only 3% of children transported with adults and 8% of women moved with men over the same period. A key reason for this difference is that men, women and children are primarily held in different prisons, making it less likely to make logistical sense to transport them together, whereas all three cohorts could be held at the same police station.

2. Court Reception

The reception of a detained person into the custody suite is one of the most important parts of the court custody process. It provides court staff with their first opportunity to assess the mental state of the person and to establish the need for any additional support or care, as well as reassure them if they have any concerns.

LOs regularly report that the receptions they witness are inadequate. Often this involves parts of the process being rushed or even omitted entirely. One example of this was observed by an LO at Croydon MC when reception staff failed to identify the medical needs of a detained person, despite these needs having been flagged on the escort record that is issued for all detained people. As such, failing to conduct the reception process adequately can increase the risk posed to detained people during their time in custody.

2.1 The use of interpreting services

One of the most common and potentially impactful concerns LOs raise is the poor use of translation services. When non-English speaking people are detained in a custody suite, staff can use a telephone interpreting service, The BigWord, which covers most languages.

While LOs have observed The BigWord regularly and consistently being used in some courts, such as Westminster MC, it is rarely seen used in the majority of courts. In one of the busiest courts, Manchester MC, LOs reported that there was no working phone for a significant period of time, rendering it impossible to use this service even if staff wanted to.

Staff in many courts appear to assess a detained person sufficiently able to understand what is being said to them through their ability to respond to questions with yes or no answers. One LO even reported that they observed staff in Isleworth CC trying to communicate with a detained person who spoke no English using hand gestures, instead of The BigWord. As the needs of detained people cannot be adequately identified in these ways, failure to utilise The BigWord increases the risk within custody suites.

Westminster MC, which is the sole UK court for European arrest warrants and consequently receives significant numbers of foreign nationals, is able to regularly use The BigWord despite often being short staffed, which shows that there is no reason why all courts cannot consistently make use of this service.

2.2 The use of distraction materials

Another neglected area that LOs often report on is the provision of distraction materials to help detained people pass the time. Many courts do not proactively offer these and staff's response to LOs on this issue is that these items are available if detained people ask for them. This is an unsatisfactory response as many detained people are unaware these items exist so do not know to ask. Even when distraction materials are offered, many detained people do not understand what they are. There

have been many instances of detained people declining distraction packs, only to change their mind once an LO has explained what they actually are.

Additionally, the materials on offer are often unsuitable. There is little variety and what is available is primarily aimed at those who can read English, and to a good level. As such, this excludes many detained people.

Some courts, however, have made efforts to improve the options available. Some cells have had blackboard paint applied to one of the walls so it can be used as a chalkboard, and in others LOs have observed custody staff bringing in old newspapers for detained people to read. While both of these initiatives have been well received by detained people, it is common for chalk not to be offered to those in cells where chalkboards have been installed, or for the boards not to be useable due to damage or a failure to clean them.

The lack of easy access to suitable distraction materials is of concern, as when these materials are provided LOs have observed that they tend to reduce levels of agitation in detained people, supporting their wellbeing and making them easier to manage within the custody suite.

3. Staffing in the custody suite

Staffing is a consistently recurring issue across court custody suites. Although the overall staffing situation has improved since the last annual report, it still has some way to go, with significant variation across the country.

Where there are staffing shortages, LOs report that this has a significant impact on staff's ability to treat detained people with respect and decency and to effectively manage their welfare. There is still a heavy reliance on the use of escort staff in custody suites, with many courts relying on this as a method of meeting their business-as-usual functions. Even when additional support is required it may not be available. One LO at Manchester MC reported observing 12 PECS Custody Officers (PCOs) present for 50 detained people. Seven additional staff were requested but this was initially declined until the Court Custody Manager (CCM) informed central control that LOs were present, then two vehicle staff were sent.

One issue is that staffing complements are often based on the assumption that the detained people present have no additional requirements. This is rarely the case in the busier courts. LOs have seen an increase in the number of detained people with mobility issues, or significant mental health issues, all of which requires a greater proportion of staff time. Consequently, even 'fully staffed' custody suites are often not adequately staffed.

Furthermore, where there has been an increase in staffing levels, while this is of course welcome, it has resulted in a greater proportion of inexperienced staff in custody suites, and more out on training. It takes some time for new staff to build the experience necessary to operate without enhanced guidance from others. LOs have also seen many new CCMs recruited who appear to be trained 'on the job' rather than prior to starting.

3.1 Unsafe staffing levels

Even with improved staffing levels, LOs are still reporting too many instances where the number of staff present in a custody suite is considered unsafe, both by LOs and CCMs, or becomes low enough to be unable to operate effectively.

Seeing only one PCO present in a custody suite is a regular occurrence. However, should an emergency arise, it may not be possible for a single PCO to safely and effectively deal with it, while continuing to safely manage the rest of the custody suite.

In Portsmouth MC it took three PCOs to prevent a woman who was consistently banging her head against a wall from harming herself. They then needed to stay with her for the duration of her time in custody, leaving only one other PCO to manage the rest of the custody suite. If there had been fewer staff on duty a choice would have had to be made between effectively protecting this woman from harm and completing their duties to other detained people, such as providing food, water, and toilet breaks.

Extreme staff shortages occur most at certain pinch points throughout the day, particularly during lunch. At these times even the more basic processes of the custody suite may be delayed. For example, a van arrived during a lunch period at Highbury Corner MC but the detained people had to remain in the vehicle as there was only one PCO present in the custody suite. Given how cramped and uncomfortable cells are in these vans, detained people should not be kept in vehicles for any longer than is necessary. Delays like this also reduce the time available for detained people to meet with their solicitors and eat before they go up to court, all of which impacts on their readiness for hearings.

3.2 Over reliance on escort staff

Escort staff are regularly used in the custody suite when there is a need for additional staffing. This can be an efficient and effective use of resources given the need for transport is reduced during the day. However, there often appears to be an over reliance on escort staff, with some courts using them on a near permanent basis.

There are limitations to the usefulness of escort staff working in custody suites, such as their lack of familiarity with the specificities of the suites. For example, at a Saturday remand court in Southampton MC the court was exclusively staffed by escort and non-local court staff. Here the non-local staff could not find urgently needed sick bags, as they did not know where they were kept. Thus, the lack of local knowledge reduces the efficiency of staff.

Additionally, as their primary role is transportation, escort staff often do not arrive until later in the day. At courts like Yeovil MC where they only have a small number of permanent staff, this can leave custody suites short staffed during the busy reception period, resulting in rushed reception processes and unsafe staffing levels when detained people are being taken up to court.

This regular reliance on escort staff effectively only shifts staffing problems from the custody suite to transport services, as it takes staff away from their primary role of transportation.

3.3 Lack of specialist trained staff for children

LOs regularly see children not being accompanied by appropriately trained staff, both while being transported and when in the custody suite. While non-specialist staff have been observed trying their best to support children, there appears to be a difference in the quality of care received between those who are accompanied by appropriately trained staff and those who are not.

One key difference is that those who are specialists have been trained on safe methods of restraint that account for children's specific needs. Both children and restraining staff are put at risk when those who have not had the necessary training carry out restraints.

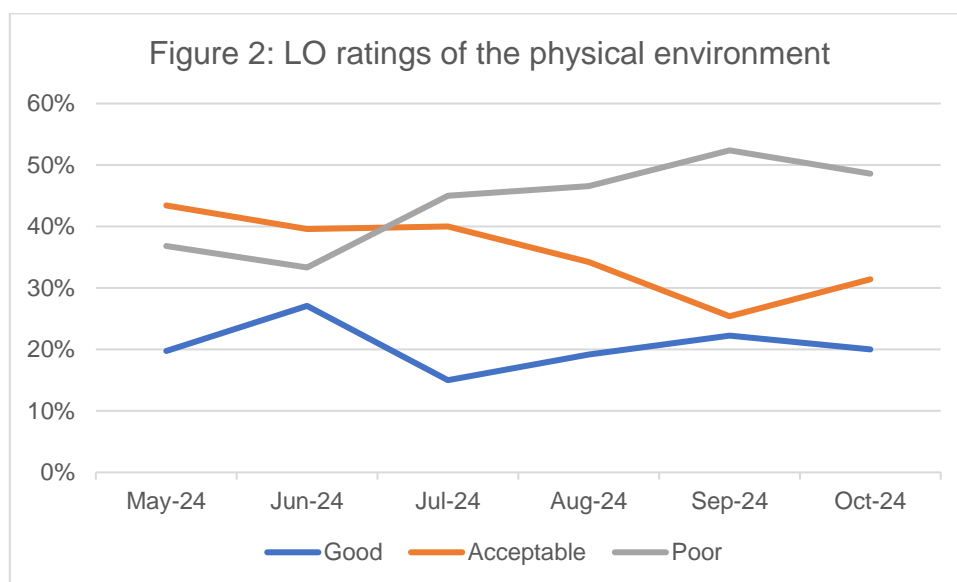
Additionally, child-specific teams usually have more child-friendly entertainment available and where there are no specific child-suitable cells, teams often sit with the

child with the cell door open. LOs often observe excellent care of children when specialist teams are present. However, when a child is unaccompanied they are usually offered the regular distraction materials and are likely to be placed in a locked cell. Given the particular vulnerabilities of children and the likely higher levels of stress and fear they experience, it is not appropriate to treat detained children in the same way as adults.

LOs have observed differences in the availability of specialist trained staff between Magistrates' and Crown Courts. In Crown Courts trial dates are known in advance and those appearing will be coming from a secure children's unit instead of police custody which is the primary feeder for Magistrates' Courts. As such, it is far more common for specialist teams to accompany children throughout the whole process in Crown Courts. However, it is common for there to be no specialist trained staff available in Magistrates' Courts and, if they are present, they often arrive sometime after the child.

4. Physical custody suites

Many court custody suites are in a poor physical state (see figure 2). LOs regularly report issues with the cleanliness, maintenance, or general environment of custody suites. However, there are also custody suites which are in a good condition, and LOs have seen improvements when work has been carried out, such as at Peterborough MC.



One common issue is that custody suites are not clean. This can be extreme, for example an LO at Uxbridge MC reported that the toilets were filthy, with evidence of faeces or food having been smeared on the panelling. More commonly there is a general build-up of grime which provides an unpleasant environment for detained people. For example, a detained person at Birmingham CC did not feel comfortable putting their prayer mat on the floor due to the amount of ingrained dirt.

There is also graffiti present in custody suites and whilst the majority of this is not offensive, it still creates an unpleasant environment for detained people. Ten to twenty percent of LO reports between November 2023 and April 2024 reported unacceptable levels of graffiti in custody suites (LOs stopped grading graffiti as a separate category in May 2024).

However, LOs have seen a reduction in the buildup of graffiti in cells in courts that provide chalkboards, keep these boards well maintained and regularly provide chalk.

4.1 Out of action cells

When cells are assessed to be in a poor state they are taken out of action. This may be because they are particularly dirty, contain broken items, or have high levels of offensive graffiti. However, LOs have reported on cells which take too long to return to service or are being taken out of action on too regular a basis. This limits capacity and can therefore impact on the functioning of the custody suite.

In one particularly extreme example, in Lancaster MC half the cells were out of action during an LO visit. As Blackpool MC was closed due to the presence of

unsafe building materials (reinforced autoclaved aerated concrete - RAAC), Lancaster MC, being the nearest alternative, was very busy. As such, even with the functioning cells being used as multiple occupancy, some detained people had to remain in police custody until others had left the custody suite.

4.2 Cell discomfort

Cells are not designed to hold detained people for long periods of time and as such are not comfortable for lengthy stays. However, detained people can often be held in cells for significant periods, such as one detained person who spent 11 hours essentially sitting on a hard wooden bench at Basingstoke MC. This is particularly problematic for detained people with back issues or other physical disabilities. For example, at Taunton MC a detained person with spinal issues was forced to stand while in the cell due to the discomfort they experienced when sitting on the bench, and a woman who was 22 weeks pregnant complained about the hardness of the bench and how uncomfortable it was for her.

LOs maintain that court custody cells should have padded benches or cushions available as a default, but at a minimum for those with additional health needs, such as those provided in police cells. While these are provided in police cells because, unlike court cells, they are occupied overnight, people are increasingly being detained in court cells for significant periods of time. Given the extended periods being spent in court custody suites and being transported, detained people are often not spending a sufficient amount of time in prison to obtain an adequate night's sleep while they are on trial. As such, there is a need for many to sleep while in court cells so they should arguably be of the same comfort as police cells.



A further source of discomfort is the temperature of cells, which are often too hot in the summer and too cold in the winter. While there are upper and lower temperature limits that would force a custody suite to close if they were breached, LOs have reported that cells can be very uncomfortable when temperatures approach either limit.

LOs have observed custody staff attempting to adjust the temperature to more comfortable levels where they can. But this is not always possible given the age and layout of custody suites, and the limits local staff have over heating controls. For example, at Croydon MC staff were keeping the corridors hot in an attempt to heat the cells, but the cells remained very cold. One detained person chose to sit on the floor by the door to keep warm, while another wrapped toilet paper around their ankles as they didn't have any socks on. Despite repeated LO recommendations on this, no spare clothing or blankets are routinely provided in custody suites that can be used to help detained people keep warm.

4.3 Accommodation for children

LOs maintain that where possible and sensible, children should be kept in non-cellular accommodation while they are in custody suites. However, there is only one custody suite in England and Wales that has child-specific accommodation, Sheffield MC, which has warmer colours, fitted carpets, comfortable seating, pictures, and a TV.



Credit: HM Inspectorate of Prisons

In most custody suites children are instead placed in regular cells. While LOs have observed attempts to improve children's experiences when there is no specialist accommodation available, such as the use of more open environments like legal rooms, this is no substitute for child-specific accommodation.

While PECS and HMCTS have informed LOs that they are looking at providing child-appropriate accommodation in a few more courts, LOs maintain that all courts that regularly receive children should create comparable child-specific areas.

Annex A

After each court visit LOs submit a report of their findings. Reports are split into sections covering all areas of the court custody process. In May 2024, LOs updated their monitoring guidance and introduced a new set of standards for members to report against.

LO expectations 1 November 2023 to 30 April 2024

Reports were split into eight primary expectations, with three sub-categories, covering areas of particular concern. Each expectation was scored, ranging from level one (unacceptable) to level four (very good). The table below shows the percentage of visits (out of a total of 544) scoring at each level under each expectation for visits that occurred between 1 November 2023 and 30 April 2024.

LO expectations	LO reports from 1 Nov 2023 to 30 April 2024 (544)			
	Level 1 - Unacceptable	Level 2 - Not good	Level 3 - Good	Level 4 - Very good
Expectation 1 - Detainees are transported decently in accordance with their needs	1%	22%	39%	38%
Expectation 2 - Detainees are treated with respect and decency while in custody	1%	9%	37%	53%
Expectation 3 - The welfare and safety of other detainees is protected with risk assessments and safeguarding procedures	0%	5%	49%	46%
Expectation 3.1 - Person Escort Records have accompanied detainees on their journey, have sufficient information to enable custody staff to make risk assessments on detainees	1%	14%	47%	38%
Expectation 4 - Detainees' legal rights are respected to ensure decent access to justice	0%	8%	37%	55%
Expectation 5 - The welfare and safety of detainees is ensured by being held in a clean environment in which their safety is protected	3%	13%	43%	42%
Expectation 5.1 - The custody suite is clean and free from serious defects that impact adversely on the decency for detainees	4%	22%	44%	30%

Expectation 5.2 - The custody suite and cells are free from offensive graffiti	1%	11%	40%	49%
Expectation 6 - The welfare and safety of detainees is ensured by the effective management of their healthcare needs	0%	6%	37%	57%
Expectation 7 - Arrangements are in place for ensuring detainees are safely released or transferred, without delay	3%	31%	33%	34%
Expectation 8 - Children, women and vulnerable detainees are treated with respect and decency in accordance with their age and vulnerabilities	2%	18%	31%	48%

LO standards 1 May 2024 to 31 October 2024

Reports are split into eight categories covering all areas of the custody process. Each standard is scored against one of three grades: poor, acceptable or good. The table below shows the percentage of visits (out of a total of 383) scoring at each level under each standard for visits that occurred between 1 May 2024 and 30 October 2024.

LO standards	LO reports from 1 May 2024 to 30 Oct 2024 (383)		
	Poor	Acceptable	Good
Section A: Leadership and management	13%	30%	57%
Section B: Reception	18%	37%	46%
Section C: Needs of detained people	15%	29%	56%
Section D: Safeguarding	22%	37%	41%
Section E: Access to justice	19%	31%	50%
Section F: The physical environment	44%	36%	20%
Section G: Transportation	51%	26%	22%
Section H: Release	19%	20%	61%