

Independent Advisory Panel on Deaths in Custody  
Minutes of IAPDC meeting: 28 April 2023

**Attendees:**

Lynn Emslie - Chair  
Seena Fazel  
Deborah Coles  
Jenny Talbot  
Jenny Shaw  
Raj Desai  
Kish Hyde  
Lana Ghafoor  
Piers Barber  
Sam Johnston Hawke

*For item 3:*  
Rosanna Ellul

**Apologies:**

None

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**Item 1: Panel only meeting**

**Item 2: Feedback from Panel only session, minutes and actions**

1. Lynn welcomed Raj to his first panel meeting and noted that this was her first Panel meeting with all members attending and in-person.
2. Lynn updated on the Panel's discussion. The Panel had discussed how the proposed IAPDC workplan should be seen as a rolling programme of work and the legacy that departing Panel members wanted to leave. The group discussed how to put items on the agenda for the Ministerial Board on Deaths in Custody (MBDC) and how workplan items could be influenced. The Secretariat explained the process and reminded the Panel that the next meeting on 17 May would be chaired by Maria Caulfield MP, the Minister for Mental Health at the Department of Health and Social Care, and would feature substantive agenda items on DHSC's proposed suicide prevention plan, the DHSC mental health services data rapid review and an update from the IAPDC.
3. The minutes were approved by the Panel. Lynn noted the following actions for comment:
  - Action 1 – Lynn would like to receive a simple chart of all regular and repeat meetings.
  - Action 9 – Deborah fed back on the CPS symposium on prison deaths and bereaved families as it related to item 3 of the proposed IAPDC workplan. While a body of work already exists which outlines gaps in how services interact with families, she felt the issue of family liaison had dropped off the agenda. There has always been variation in focus on this issue and there is a lack of central guidance for families on what

happens and how to get advice. Deborah suggested an IAPDC-led roundtable on what is needed, applying a cross agency focus. The Panel discussed ideas for this, including how a cross-agency version of the policing leaflet could be hosted on the Panel's website.

### **Item 3: Discussion of INQUEST's proposal for a National Oversight Mechanism**

4. Deborah outlined INQUEST's proposal for a National Oversight Mechanism (NOM). The NOM aims to enhance the preventative potential of investigations into state-related deaths, which INQUEST believe is undermined by the lack of a framework to monitor compliance. The same issues are repeatedly identified as contributing to a death and there are no sanctions for departments or agencies who fail to act. This is partly because of a legal gap: coroners can make PFDs but the recipient is not sanctioned if they do not properly respond, there is no legal mechanism to require action in response to statutory inquiries, and there is no mechanism to ensure reporting of progress. The NOM would have a duty to collate, analyse and follow-up on inquests, public inquiries, investigations and official reviews. This would produce better accountability for families and reduce costs.
5. Rosanna further outlined the justification for a NOM. These include a current accountability gap for bereaved families; a lack of transparency around implementation; a lack of central responsibility to monitor progress; and varying levels of public trust in bodies which carry out investigations. INQUEST argue that there is a strong human rights justification for a NOM and that such a body would reduce the number of inquests required, therefore bringing cost benefits. The NOM would be operationally independent and accountable to Parliament and bereaved families.
6. The NOM's key functions would be to:
  - Collate all recommendations and impose a requirement for departments and agencies to set out responses to recommendations;
  - Analyse this material, including through publishing analysis on thematic concerns; and
  - Follow-up on action, including by setting out who is enacting recommendations. The NOM would also have robust powers to follow-up and escalate concerns.
7. In the discussion:
  - Seena argued that the proposal assumes reports are always informative. He instead proposed looking forwards, for example through monitoring those entering women's prisons to track any adverse outcomes. He asked whether the IAPDC could consider performing many of the duties proposed by the NOM. In response, Raj argued that the thorough process and expertise which inform key inquiries such as that on Grenfell makes their findings robust, while Deborah warned not to underestimate the rigour of most inquests.
  - Jenny S raised the issue of how to identify whether organisations had done anything in response to findings.
  - The Secretariat questioned the degree to which there was a direct link between compliance and implementation, as recommendations often cover complex issues that do not have straightforward fixes. He offered to work with INQUEST on how to frame their proposal to ministers, who already have concerns around the cost and number of independent bodies. He urged the Panel to think about the implications of the NOM for the IAPDC, as it seemed unlikely that making a case for the existence of both bodies would be simple.
  - Jenny T asked what pushback INQUEST are expecting, and Jenny S suggested using the Panel to test out some of the NOM's proposed functions.

- Lynn outlined that she had spoken about the issue of repeat recommendations with the minister and instinctively preferred the option of making greater use of existing bodies, such as the PPO, and forums, such as the MBDC. She questioned how the wide scope of the NOM would operate.
  - Jenny T and Raj agreed that the NOM had different focus to the IAPDC. The NOM would be muscular, independent, and drive implementation forward.
  - The Secretariat suggested it was important to be clear on why recommendations have not been implemented. He asked what organisation the NOM would be accountable to, how it would interact with parliamentary select committees and the extent to which INQUEST have engaged with other key stakeholders so far, for example with the investigatory bodies whose recommendations the NOM would monitor.
8. Deborah outlined that INQUEST had a parliamentary launch for an initial briefing planned for 26 June which would in turn set further engagement in motion, and to which the Panel would be invited. She suggested that Rosanna and the secretariat continue conversations about the framing of the NOM outside of the meeting.

**Action 1 – INQUEST and Secretariat to continue discussions about the scope, theory and framing of the National Oversight Mechanism ahead of INQUEST’s planned parliamentary launch for their initial briefing in June.**

**Item 4: Six-month interim Panel workplan and budget**

9. The Secretariat introduced the draft interim Panel workplan. The last workplan was published in 2021 and should have been renewed in 2022, though this was not possible due to public appointments delays. Following new Panel appointments and the extensions of current members, the Panel now need to define a clear plan for the next five or six months. The paper outlines a proposal for what is included in this plan.
10. The Secretariat asked for the Panel’s thoughts on the proposed items, decisions on which Panel members will lead which projects, and steers on timelines and whether any budget spend would be required.
11. The Panel discussed each of the proposed items in turn:
1. **Statistical analysis report.** Seena will supervise the completion of this project by the end of September. It will be a report of what data is available: it will flag gaps but it is not for this piece of work to attempt to solve them.
  2. **Information sharing statement.** The Panel agreed there are other ways of doing this, and suggested removing this item and returning to it in September. Raj raised the importance of information transfer into custody. For example, there are challenges accessing/obtaining community mental health records.
  3. **Family engagement.** The Panel agreed to replace this item with an alternative item on family liaison (see para 3, action 9). Raj suggested also scoping out work that could be done on pre-death family engagement, such as in relation to the facilitation of family involvement in ACCT reviews. Deborah raised the ACCT animation that INQUEST had produced with HMPPS for use during staff training.
  4. **PFDs report.** The Secretariat updated that the full report will be drafted in May and the secretariat will continue to think about launch and implementation. Deborah updated that she is speaking at upcoming coroner training where she would make reference to the IAPDC’s ongoing PFD work.
  5. **DHSC suicide prevention plan work.** The Secretariat updated on this project. Raj requested that the secretariat seek formal agreement from DHSC for the Panel to view and feed into the final draft. The Secretariat updated that an update would be

provided at the upcoming MBDC meeting and that the Panel could ask formally for sight of the report at this point.

6. **IAPDC handbook.** The Panel outlined the importance of progressing work on this product over the summer to ensure the knowledge of outgoing Panel members can be incorporated. Lynn raised questions about how the stakeholder group can best be made use of. She asked that this item be covered at the next meeting.
7. **COVID inquiry.** The Secretariat updated on the inquiry, which is still at very early stages, and outlined that the secretariat has already established good links with the inquiry team. Raj highlighted the importance of putting evidence in as early as possible to shape the scope of the inquiry. Raj welcomed the opportunity to speak to Juliet on his experiences.
8. **Event on policing deaths.** The Secretariat provided an update on the Panel's proposed event on deaths involving the police. Planning for this event has been constrained by difficulties securing ministerial attendance and an upcoming NPCC event on mental health which the Panel had not been made aware of. The Secretariat proposed suggestions for next steps: (i) the Panel pursue the original planned event; or (ii) the Panel curate a 'deep dive' on policing deaths on the first day of the upcoming July APCC general meeting. The Panel discussed ongoing debates around local models to respond to mental health callouts. Raj raised the importance of ensuring the police are equipped to appropriately respond to mental health incidents despite the Panel's overall call for increased responsibility to be taken by healthcare. The Panel expressed disappointment that the Mental Health Minister had not made time to attend the initially proposed event. The Panel agreed that the APCC deep dive proposal should be taken forward and that the idea of a separate IAPDC and Home Office event should be paused until they hear back from the APCC.
9. **MHA rapid review on data.** The Secretariat updated that the Mental Health Minister will update on progress against this review at the MBDC, after which the Panel will need to follow-up on next steps, including through the option of publishing a response. Deborah updated that DHSC are due to make a decision on whether the Essex Mental Health Independent Inquiry will be converted to a statutory enquiry.
10. **MHA co-morbidity risk factors research.** Seena confirmed that this will be complete before September. Seena will confirm cost arrangements shortly.
12. On the proposed ideas for the next full year plan, Raj outlined support for the ideas on scoping out an independent body to investigate deaths that occur in MHA detention and the collation of cross-custody data on near misses. He raised the importance of also looking at disproportionality and asked the secretariat to carry out preparatory work or future focus on this issue by gathering prior Panel work and summarising known data gaps.
13. The Panel agreed to the interim workplan subject to these changes. A finalised workplan will be updated shortly after this meeting and circulated with the MBDC papers midway through next week (w/c 1 May).

**Action 2 – Secretariat to recirculate the HMPPS and INQUEST video on ACCT to the Panel and request an update from HMPPS on the extent to which it is being used in training.**

**Action 3 – All Panel members to provide written comment on latest PFD draft. recommendations and update on May availability by Friday 5 May.**

**Action 4 – Secretariat to complete first draft of PFD report and prepare a launch plan for Panel signoff in May.**

**Action 5 – Secretariat to draft a letter to the DHSC Mental Health Minister outlining concerns around policing deaths and requesting a meeting.**

**Action 6 – Secretariat to draft a proposal to put to the APCC board outlining a potential 'deep dive' day on policing deaths at their July general meeting.**

**Action 7 – Secretariat to request material from NPCC event on mental health and policing and consider attendance.**

**Action 8 – Secretariat to finalise IAPDC workplan draft for Panel clearance and distribution with MBDC Board papers by Wednesday 3 May.**

**Action 9 – Secretariat to produce discussion paper on previous Panel work on disproportionality and existing data gaps.**

#### **Item 5: Ministerial Board on Deaths in Custody (MBDC) draft workplan**

14. The Secretariat introduced the draft MBDC workplan. This plan outlines work that departments, agencies and investigatory bodies have committed to completing in 2023/24. The plan has been grouped by the secretariat into three priority areas to shape the Board's focus. These are (i) Treatment and care; (ii) Investigations and learning; and (iii) Risk and forward planning. The Panel were invited to give views on these priority areas and on any specific items in the plan.

15. In the discussion:

- The Panel agreed with the proposed priority areas.
- Raj asked about the extent to which Panel members could shape the scope and wording of individual workplan items. The Secretariat explained the process though reminded the Panel that a version of the workplan had been circulated for discussion in February and that there was no guarantee that items could be amended at this stage. Raj requested that Panel members be permitted to continue to propose edits throughout the duration of the plan.
- Deborah raised that NGOs would prefer greater influence over MBDC agenda items and that she would raise this on behalf of INQUEST at the next MBDC.

**Action 10 – Panel members to feed into wording of proposed MBDC workplan items by noon on Tuesday 2 May.**

#### **Item 6: Managing conflict of interest**

16. Raj outlined the emerging position on managing conflicts of interest that he had established through discussions with the secretariat and Chair, specifically about how to properly communicate to people about his role. The Panel discussed individual experiences of this issue and agreed with the proposed approach.

#### **Item 7: AOB**

17. Deborah updated on the CPS symposium, and reflected that its structure had been effective at bringing people together from different organisations and should be considered as a format for future IAPDC events.

18. The Secretariat updated the Panel on budget spend, including that around £800 has already been spent on expenses so far this financial year. She outlined that all budget spend requires clearance by the Panel's principal Deputy Director sponsor in the Ministry of Justice. Following today's discussion on the Panel's workplan the Secretariat will put together a paper requesting permission for relevant spend for Panel then MoJ sign-off. Lynn confirmed that she was content with the spending rules document which had circulated. The Secretariat confirmed Panel payment arrangements and Deborah raised an issue with National Insurance overpayments.

**Action 11 – Secretariat to draft proposed budget spend paper for clearance by the Panel Chair then Deputy Director sponsor in MoJ.**

**Action 12 – Secretariat to circulate spending rules document to the Panel.**

19. The Secretariat updated the Panel on recruitment. Pauline McCabe and Jake Hard have been appointed and will join the Panel on 1 July. The secretariat has approached both to join the Panel meeting on 27 June. A campaign to recruit the remaining Panel members is ongoing with interviews due to take place in June and the campaign due to be completed by October.
20. The Secretariat updated on Juliet Lyon's appearance at the Justice Committee on 18 April. Juliet had raised a number of issues – including cluster deaths, capacity challenges and Operation Safeguard, workforce pressures, and repeat recommendations from investigations – to the Committee. The secretariat and Juliet are working on a follow-up letter to highlight further issues that could not be raised in the allotted time for submission on Wednesday 3 May.

**Action 13 – Secretariat to share with Lynn Juliet Lyon's additional written evidence to the Justice Committee ahead of submission on Wednesday 3 May.**

Date of next meeting:  
**27 June – 102 Petty France**

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**List of actions:**

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2. **Secretariat to recirculate the HMPPS and INQUEST video on ACCT to the Panel and request an update from HMPPS on the extent to which it is being used in training.**
3. **All Panel members to provide written comment on latest PFD draft recommendations and update on May availability by Friday 5 May.**
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