

**Independent Advisory Panel on Deaths in Custody
Minutes of IAPDC meeting: 12 December 2022**

Attendees:

Juliet Lyon - Chair
Jenny Shaw
Seena Fazel
Deborah Coles
Kish Hyde
Piers Barber
Sam Johnston Hawke
Lana Ghafoor

Apologies:

Jenny Talbot

For item 6:

Phil Copple

Item 1: Panel only meeting

Item 2: Feedback from panel only session, minutes and actions

1. The panel discussed issues which Juliet could raise with Bob Neill, chair of the Justice Committee, when she meets him this week. These included the continued effects of lockdown on the mental health of people in prison and progress on the recommendations from the committee's inquiry on the Coroner Service. Juliet will also invite him to meet the panel.
2. The University of Oxford policy impact filming would now take place in January.
3. Juliet had met Prisons Minister, Damian Hinds, who had highlighted the comparatively small size of the prison estate (when compared to schools and colleges) and stated that small things, such as having good staff to talk to and decent regimes/something to do, would make a big difference for prisoners.
4. Seena noted that prisons are also having problems with recruiting healthcare staff. In January a prison nursing specialism is being introduced. The Panel recommended that prison nursing is recognised as a clinical specialism. Juliet will write to the Chief Nurse and Royal College of Nursing to suggest this.

Action 1: Juliet to write to the NHS Chief Nurse and Royal College of Nursing to rebuild previous momentum towards establishing prison nursing as a recognised clinical specialism.

Finance

5. The panel had discussed projects on which to spend their budget. Kish advised that to date the panel had spent approximately £2,000, with £38,000 remaining. Seena was

meeting colleagues the following day to discuss updating the panel's statistical bulletin on deaths in custody. They would cost out the work and Seena will feedback.

6. Deborah suggested convening an INQUEST Family Listening Day. Juliet noted the strong relationship with Inside time and suggested making a payment for consultation/call-outs to readers since Inside Time is a charity. The panel discussed whether an equivalent newspaper was available in mental health units and scope for consultation with patients.
7. The panel suggested a possible event on staffing, particularly for mental health units, and the possibility of paying for designed, IAPDC branded reports/publications. Seena suggested an evidence pack of curated panel papers bringing together the most important recommendations, fully referenced, in one place. This could potentially be sent to people like prison governors. Kish advised that all options for spend would need to be confirmed at the January panel meeting. The Secretariat will scope options to share with the panel.

Action 2: Seena to feedback on details, including costings, for colleagues to undertake IAPDC statistical bulletin.

Action 3: Secretariat to scope options for budget spend to share with the panel ahead of the panel meeting in January.

Action 4: Secretariat to explore scope for consultation/communication with people detained under the MHA and their families.

Recruitment:

8. The Panel was highly critical of the slow progress of panel recruitment and supported Juliet making a formal complaint.
9. There were no comments on the minutes and actions.

Item 3: Engaging with bereaved families

10. The secretariat is arranging a meeting with the INQUEST team in January to discuss ways of working, including future work on family engagement. Deborah stated that the panel need to be clear about the purpose of any event with families; many of them have been involved in consultations for reviews and are now feeling 'review fatigue' and despondency over a lack of perceived action.
11. Deborah suggested the panel's work on post-death family liaison processes in custodial sectors and on coroners' Prevention of Future Deaths reports could benefit from input from bereaved families.
12. Costs for this would include travel expenses and any loss of earnings for the families.
13. Deborah advised that INQUEST will be publishing a report in February on deaths in Mental Health Act detention, examining engagement with families from before the death to the investigation and the inquest. Deborah will feedback to the panel and she suggested the panel should then follow-up on its findings.

Action 5: Deborah to feedback on INQUEST report on deaths in Mental Health Act detention after publication. Panel to then discuss how to follow-up with families.

14. Juliet referenced a new PACT project and roundtable event on 18 January in conjunction with the Nuffield Trust and the King's Fund to give prisoners' families more of a say in how prison healthcare is delivered across England. Both PACT and the Kings Fund are keen to work with the panel to take this work forward.

15. Deborah asked about the ACCT video, which INQUEST produced with HMPPS, and whether it would be shown at the next Ministerial Board meeting. Piers advised that it would ideally be part of an item on family engagement at the next Board in April which could include the panel report on family liaison with custodial sectors.
16. Deborah stated that the policing family liaison leaflet, which was co-produced with the Home Office, IOPC, INQUEST and others and is intended to provide information for families after a death, is not being given to families, nor are they verbally advised. Early engagement is important to gain their trust and confidence.
17. The panel discussed the paper prepared by the Secretariat on how custodial sectors engage with families and whether a meeting with families or a written survey would be best to understand their experiences of these engagements. The Secretariat will consider this with the INQUEST team and draft questions to put to families to test the findings from engagement with services on this question last year. These could include whether good momentum on progress being made before COVID has continued, the impact of Family Liaison Officers in prisons and the impact of limited liaison with health trusts and of counselling offered by the same health trust where the death occurred.

Action 6: Secretariat to draft questions to put to bereaved families about service liaison with families after a death and discuss the best method of engagement with the INQUEST team.

18. Jenny S referenced NICE guidelines for supporting bereaved people. The National Confidential Inquiry has also done some work on this; Jenny will email her contact for more information. Deborah referenced the prison postvention service where there is good engagement with prisoners and staff but not families; learning and good engagement help in prevention and support families to recover.

Item 4: DHSC suicide prevention strategy

19. Lana summarised the background and work to date on the project. Evidence gathered so far included responses to the call for evidence, the expert roundtable with over 60 participants and letters from prisoners. A paper summarising the emerging themes from this work will be submitted to DHSC this week.
20. Panel members suggested adding references to the extra vulnerability of people in custody; the importance of leadership and how it influences staff culture; and how the paper summarises 'themes taken from the evidence' not 'findings'.
21. A full report will be sent to DHSC and published in early 2023. Lana asked for the panel's advice on turning the paper into a report. Juliet said she thought the paper was close to being a full report but that the panel and secretariat needed to decide specific recommendations for inclusion.
22. Deborah suggested an amendment to the title as families do not associate "custody" as applying for those in mental health hospitals and suggested using "detention" instead. Panel members also suggested reflecting on findings from the Keeping Safe report. Jenny S will also ask a colleague from the National Confidential Inquiry to summarise the evidence base on risk factors for suicides in mental health detention.

Action 7: Jenny S to feedback on summary of the evidence base on risk factors for mental health detention.

Item 5: Progress update on projects
Preventing Future Deaths reports

23. Sam explained he had previously sent the draft recommendations to the panel but he will share again in case any of the recommendations need to be edited following the meeting with the Chief Coroner. The wider objective was to ensure the Chief Coroner is brought into this work, particularly while Juliet is still in post. A High Court judgement relating to a death in prison, referenced at the Ministerial Board on Deaths in Custody in November, is still awaited and may impact on recommendations in the report. Deborah will provide Sam with some comments on the report and the judgement when it is released.
24. Deborah suggested holding the family event in February with invitations to go out in January.
25. Panel members discussed coroners' powers and that recipients must respond to PFD reports within 56 days. Seena suggested publication of responses might help to improve transparency; Deborah explained that they often do get published, but organisations are rarely chased if a response has not been provided. At times coroners make specific recommendations, for example relating to medicine, that have been questioned by Panel members. Deborah advised that such issues should be addressed by responding bodies, but it is important they give context rather than simply stating they do not agree.
26. Deborah noted the panel had previously supported INQUEST's proposal for a National Oversight Mechanism, and asked for formal endorsement. Sam mentioned the proposed questionnaire to seek the views of services and agencies on some of the key themes emerging from the roundtable and said the secretariat will take this forward. He also said the secretariat will seek to secure a meeting between Juliet and the Chief Coroner in January 2023. Deborah suggested that she would also attend. Deborah and the secretariat agreed to work together to plan and deliver a private family roundtable in February 2023, with plans to contact potential attendees in January 2023.

Action 8: Deborah to provide Sam with comments on the PFD report and the High Court judgement relating to a prison death when it is released.

Action 9: Secretariat to set up meeting between Juliet, Deborah and Chief Coroner in January to discuss PFD's report.

Action 10: Secretariat and panel to plan family roundtable for PFDs project during January for delivery in February 2023.

Policing

27. Piers explained that the policing report was published on 2 December. There was considerable trade press coverage and the Association of Police and Crime Commissioners (APCC) released a statement in support and want to work with the panel to take forward recommendations. The next step is to involve the Policing Minister, Chris Philp MP. A meeting between him and Maria Caulfield MP, the Mental Health Minister, is being arranged following the panel's letter. The secretariat will discuss with Home Office colleagues how best to make this a priority for Chris Philp MP.
28. Juliet noted that it had been helpful to send the near final draft of the report to key organisations for their input prior to publication. Piers asked for the panel's view on how to take the offer to work with the APCC forward. Deborah suggested engaging them at their annual conference. She had mentioned the panel's policing work in a meeting she had with the Mayor of London and the Deputy Mayor and will share the report with them.
29. Piers noted that the IOPC and secretariat are taking forward work on 'other' deaths ahead of the next Ministerial Board meeting. This could involve focusing on some of the more problematic deaths which fall within this category. Deborah said INQUEST would be able to assist with this.

End of term report

30. Piers gave an update on the end of term report. A draft will be shared with the panel ahead of publication in January.
31. Juliet asked for an update on the letters sent to the Home Office regarding Rwanda and Manston. Piers said the secretariat has chased on both.

Item 6: Prisons update by Phil Cople and discussion

32. Juliet asked Phil Cople for his main concerns. She noted that she was due to meet with Bob Neill MP and asked Phil for anything she might usefully discuss with him.
33. Phil noted the significant staffing challenge in HMPPS which was impacting on all areas of the service, including capacity. It was also relevant to the pace of COVID recovery as many establishments would like to move forward on regime recovery and other safety-enhancing work but are impaired due to staffing shortfalls. Work is being conducted to determine what can be done within current budgets.
34. Phil had previously mentioned three macro-level trends – staffing, capacity, and post-covid recovery. He now added a fourth – financial uncertainty, following a changed context to the public finances following the impact of the mini-budget and increased inflation. Prison population numbers had eased a little in December but this was expected to be a short-term respite rather than a new trend. The rapid population increases in October and November may have been as a result in part of courts listing cases which did not necessarily require trials causing the swift disposal of a lot of cases, and also because of new sentencing powers for Magistrates. Courts were now dealing with cases more slowly and Phil was more positive about the position to Christmas. The adult male population had reduced slightly, which was the area of pressure.
35. HMPPS are stopping maintenance projects other than key statutory critical projects, such as fire safety. There was an unforeseen spike in the prison population which meant using police cells to greater extent from November 2022. HMPPS are still within the 30-day notice period for launching Operation Safeguard with the police which would see police cells made available for overnight holding of prisoners. They anticipate further population growth in the new year and the likely need to use Operation Safeguard places by February or March.
36. The net number of prison officers in post increased in October (i.e. more joiners than leavers) after falling month on month for much of 2022. Attrition may be stabilising following the pay award and efforts implemented to support staff. There was evidence of a significant increase in officer applications. However, four prisons have below 80% of their target staffing meaning there are severe impacts on delivery, and they have required support diverted from elsewhere in the system. Phil noted that there are more widespread staffing pressures across the southeast and east of England. This was linked to capacity pressures as well, with some units closing because prisoners could not safely be staffed, losing 400 prison places. Phil was trying to encourage staff from the Midlands and the North to other parts of the country. Policy colleagues are exploring options to reduce demand. Phil identified a long-term upward trend due to longer sentences, which is not likely to stop.
37. On Foreign National Offenders, HMPPS are working with the Home Office to help reduce the population.

38. Seena asked about efforts to reduce reoffending one or two years after release, where there are still high rates. He asked if there was any gain to be made with limited resources. Phil stated there was a considerable time lag on getting significant data, so it was difficult to get current information. He agreed in principle that reduced reoffending could help lower the population, but it was dependent on many different services and factors, such as the lifestyle of the offender. He noted that police have to make choices on how to prioritise resources, and only detect a small amount of crime and an even smaller amount leads to convictions. So even if there were large reductions in reoffending, the police could focus on other areas instead, so whether these efforts would reduce demand is difficult to know.
39. Deborah asked about prison regimes overall, and how information was being shared as part of Operation Safeguard to reduce the risk of using police cells. Phil stated that more than a third of prisons are on restricted regime; while this is better than pandemic-era lockdowns, situations vary. Some prisoners are only out of cell between one and two hours a day, though this is not the same for all prisons and will depend on attendance at work/education. However, the quality of education and training is not always high. Key work was decimated during the pandemic, and building back has been slow. HMPPS are doing a big piece of work on this. On police cells, people are held in police custody for one night and picked up the next morning. Regarding information sharing, everyone should be using standard police custody processes.
40. Jenny Shaw asked about the compassionate release risk assessment, and whether anything has changed since the Panel looked at it previously. The basis on which officials look at decisions has not changed, although the DPM has asked to approve cases personally. The relevant team are now providing data to the panel on the number of cases monthly.
41. Juliet asked about the process for advising families of a death in custody. HMPPS now have trained family liaison officers and are also training more people to have ongoing liaison with families. Phil offered to share guidance on this with the Panel. There may also be some circumstances where the police or prison staff from another prison are asked to advise families of a death, usually where the prison is a long way from the next of kin and there would be excessive delay in deploying FLOs from the establishment where the death has taken place.
42. In closing, Juliet stated that the panel really appreciated the working relationship with Phil. Phil stated that he was happy to share management information in a timely fashion on the understanding that it could not be made public (until data was published), in support of the important and independent role of the Panel and he wanted to continue to ensure that the Panel is advising Ministers in the best-informed way.

Action 11: Secretariat to circulate PSIs relevant to prisons providing news of a death in custody to family members to the panel (*secretary's note: complete*).

Item 7: AOB

43. There were no AOB items.

Date of next meeting:
26 January, 2-4.30pm
Location tbc

Actions:

- Juliet to write to the NHS Chief Nurse and Royal College of Nursing to re-build previous momentum towards establishing prison nursing as a recognised clinical specialism.
- Seena to feedback on details, including costings, for colleagues to undertake IAPDC statistical bulletin *(complete)*.
- Secretariat to explore scope for consultation/communication with people detained under the MHA and their families.
- Secretariat to scope options for budget spend to share with the panel ahead of the panel meeting in January.
- Deborah to feedback on INQUEST report on deaths in Mental Health Act detention after publication. Panel to then discuss how to follow-up with families.
- Secretariat to draft questions to put to bereaved families about service liaison with families after a death and discuss the best method of engagement with the INQUEST team.
- Jenny S to feedback on summary of the evidence base on risk factors for mental health detention.
- Deborah to provide Sam with comments on the PFD report and the High Court judgement relating to a prison death when it is released.
- Secretariat to set up meeting between Juliet, Deborah and Chief Coroner in January to discuss PFD's report.
- Secretariat and panel to plan family roundtable for PFDs project during January for delivery in February 2023.
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