



Ministry
of Justice



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Department
of Health &
Social Care

Independent Advisory Panel on Deaths in Custody

Minutes of the Independent Advisory Panel meeting 18 October 2019

Attendees:

Juliet Lyon - Chair (JL)

Seena Fazel (SF)

Jenny Shaw (JS)

John Wadham (JW)

Jenny Talbot (JT)

Andrew Fraser, Head of Secretariat (AF)

Alison Bernard, Secretariat (AB)

Apologies:

Deborah Coles (DC)

Kish Hyde, Secretariat (KH)

Adrian Blake, Secretariat (AB)

Item 1: Minutes and matters arising from previous meeting

- 1.1 JL noted that DC would like to write a paper on the investigation process used following deaths under the MHA. AF explained that DHSC are bringing a paper on the issue to the November Board which might help inform this paper.
- 1.2 JL noted that the PPO, Sue McAllister, is attending the 4 December IAP meeting, and asked if there are specific areas members would like her to cover. JW noted that the issues concerning the Brook House investigation prompt the question of whether the PPO have sufficient powers.
ACTION 1: JW to draft an email for JL to send to the PPO regarding the issue of powers for the PPO.
- 1.3 JL asked the Secretariat to provide fuller explanations of work undertaken in response to actions on the action log.
ACTION 2: Secretariat to ensure that full explanations are provided on the action log.

- 1.4 The Panel discussed the issue of its remit with regard to locked wards and DOLs. AF explained that he has raised it with Caroline Allnutt, and DHSC is considering its response.
ACTION 3: Secretariat to liaise with Caroline Allnutt regarding the IAP's remit, and find out the current status of DOLs.
- 1.5 The Panel discussed the current state of the new website. Members agreed that it looks good and it should go live by the time of the Ministerial Board on 12 November in accordance with the following schedule:
- Final comments from IAP members to be sent by 25 October
 - Website should go live at the start of November (but without publicity)
 - Website should be formally launched in time for the MBDC on 12 November.
- 1.6 JL asked about the action to send round the families' spreadsheet to the Panel.
ACTION 4: Secretariat to ensure that the spreadsheet has been circulated.
- 1.7 JL confirmed that she would write a letter supporting the PACT report on families phoning prisons, and would write a letter to Dr Farrar, CEO of HMPPS.
ACTION 5: JL to write a letter regarding the PACT report, and write to Dr Farrar.
- 1.8 JL said that she would invite Kate Davies (NHS England) to an IAP meeting in January or March 2020.
ACTION 6: JL to invite Kate Davies to the January or March IAP meeting.

Item 2 – Natural Causes meeting

- 2.1 The Panel discussed the agenda and attendee list. Drafting changes were discussed. The Panel agreed that the agenda and delegate list should be sent out to encourage speakers to confirm their presence.

Item 3 - Keeping safe

- 3.1 JL asked about the status of the agenda for the Keeping Safe event. AF confirmed that KH had circulated the agenda for 23 September IAP meeting which contained all the arrangements confirmed by the planning group. AF noted that attendees were being targeted and c.45 had already signed up. JL asked for details on who had signed up to date.
ACTION 7: Planning group to confirm the agenda and speakers.
ACTION 8: Secretariat to update JL on who has signed up for the Keeping Safe event. [Completed.]

Item 4 – Updates on workstreams

Immigration

- 4.1 JW explained that the immigration work with the HO is progressing, with a date currently being arranged with the HO for JW to go into an IRC to hold a focus group on learning. He noted that the HO are also due to invite JW to a meeting to discuss the most recent death in immigration custody.

Policing

- 4.2 JT explained that a series of meetings are being organised including the custody forum and a meeting with ACC Nev Kemp. JW noted that he will be attending a meeting with the HO co-sponsors on 30 October. JT said that she and JW have a list concerning police priorities which they will circulate.

ACTION 9: JT to circulate the list of police priorities/potential work to the wider IAP.

Health

- 4.3 See discussion in 'Matters arising'.

Prisons

- 4.4 JL said that two relevant resolutions were agreed at the recent PGA conference – one on the principle of a safety assessment and one on people still serving an IPP sentence. JL noted that the PGA are also keen to undertake a joint survey with the IAP on court use of prisons as places of safety.

Probation

- 4.5 JL reminded the IAP of their next meeting with Amy Rees (HMPPS DG – Probation) on 5 December, 10.30am.

CPS

- 4.6 AF reminded the IAP of the CPS meeting.

Item 5 - Co-sponsors

- 5.1 JL invited each co-sponsor to explain how all recommendations received in their departments/agencies are taken forward, and monitored to ensure that it happens.
- 5.2 Frances Hardy noted that in **immigration**, there are not many deaths. She explained that the Audit Team hold the database of all 3rd party recommendations and work with the suppliers to ensure they are carried out. Frances reported that the team feel confident with the more recent ones, but less confident with some of the older ones. Frances also noted that they are undertaking some work on near-misses but noted that is complicated by the difficulty to clarify the definition of a near-miss among all concerned.

- 5.3 Steven Toal explained that in **policing**, HMCIP and HMIC carry out joint inspections of each police force every six years. Stephen noted that the PFDs received generally concern the police use of restraint, and noted that the NPCC and Policing College have a joint group to look at such PFDs. Stephen noted that, ideally, greater coordination with coroners would be helpful to ensure that PFDs go to the right places. Frances said that the new HO software development might help track recommendations, and offered to put Stephen in touch with the appropriate contact in the HO. The IAP asked about post-custody deaths – Stephen confirmed that there is insufficient resources for any work on this currently.
- 5.4 Angela Hawley explained that the health system receives PFDs in different ways including:
- Directly to the Trust
 - To the Trust and/or NHS England
 - To NHS England and/or DHSC
 - To the CQC alongside the above, although it is not clear if they currently receive all such PFDs.
- 5.5 Angela noted that the complexity of the system outlined above means that it is hard to get a full picture as there is limited consistency on where the PFDs go. She noted that it would be good to get a more consistent approach with coroners.
JL will write to the Chief Coroner re distribution of PFD's and also invite him to attend an IAP meeting in Spring 2020.
- 5.6 Angela explained that, for those PFDs entering the department, they are tracked as they go to the relevant policy team. She noted that, for those entering NHS, the NHS has a record of all of them, and a team in each region who report to central team on quarterly basis on their progress. Angela said that, for those which go directly to trusts, the CQC have a role in monitoring their action plans.
- 5.7 Angela explained that the NHS has an overall system - STICE - for all incidents. She also noted the revised SUI framework which is starting to be piloted for 2020.
- 5.8 JW asked about the other deaths where there are recommendations from investigations beyond those from PFDs. Angela explained that there are several new processes which are involved in such deaths including the new SUI framework, the introduction of medical examiners and the Healthcare Safety Investigation Branch (HSIB). Angela explained that the HSIB is not designed to look at all deaths. She said that the aim is for greater coordination between NHS England/CQC/DHSC, and to ensure better dissemination of learning among them.

- 5.9 Nick Poyntz explained that in **Prisons** there are two levels of internal assurance – at prison group level there are about 6 prisons under each director, with a safety teams in each one. He explained that they will review the PPO reports and recommendations and hold individual prison governors to account.
- 5.10 Nick said that at the national level Chris Barnett-Page, and his team produce learning bulletins based on the reports and recommendations received from the scrutiny bodies. Nick also noted the existence of a new software tool to analyse specific issues in all reports, which he briefly demonstrated. There was a discussion over whether this technology could be used in other sectors, although SF advised against solely relying on it to identify key causes of deaths.
- 5.11 Nick explained that audit teams undertake audits to analyse all the work the prison has done and should do in response to external scrutiny. All of this work operates alongside the preventative work the department undertakes including the new POELT training, and ACCT pilots as well as the wider issue of trying to change and improve culture.

**Date of next meeting: 4 December 2019, 10.30am - 4.30pm
room 7.29b, 102 Petty France**