



Ministry
of Justice



Home Office



Department
of Health &
Social Care

Independent Advisory Panel on Deaths in Custody

Minutes of the Independent Advisory Panel meeting 15 January 2020

Attendees:

Juliet Lyon - Chair

Seena Fazel

John Wadham

Jenny Talbot

Deborah Coles

Kish Hyde, Secretariat

Adrian Blake, Secretariat

Alison Bernard, Secretariat

Nick Poyntz, Ministry of Justice

Steven Toal, Home office

Frances Hardy, Home Office

Rachael Whittaker, Department of Health and Social Care

Apologies:

Jenny Shaw (JS)

Item 1: Minutes, action log (for info) and matters arising from previous meeting and pre-meeting

The minutes of the previous meeting were agreed.

The next meeting on March 9th would focus on mental health. Kate Davies to attend.

Juliet drew attention to the following actions from the last meeting:

- i. Action: panel to discuss the IAP's remit in relation to DOLs at a future meeting.*

Deborah remained concerned about people with disabilities. Juliet said that indications were that DOLS falls within the remit of the IAP. The panel agreed to look at this in more detail in April.

Action 1: panel to discuss the IAP's remit in relation to DOLs in April

- ii. *Action: panel to look at policies regarding engagement with bereaved families as part of revisions to 2020 work programme.*

Juliet advised that the panel had looked through the draft work programme in the morning and she would be amending it in the near future.

Action 2: Juliet to update 2020 work programme for circulation before April meeting

The IAP Family Liaison protocol needs reviewing as it is likely to be out of date. Deborah stated that she will draft a short note.

Action 3: Deborah to write note on review of the IAP Family Liaison protocol.

Deborah would raise the issue of engaging with bereaved families at the next Ministerial Board and would like to have a Family Liaison day for the IAP and stakeholders in the near future in order to gain in-depth learning from them. Juliet suggested involving members of the Board in a family liaison event.

Phil Copple, the Director General of prisons in HMPPS, had replied to the PACT report and was holding a roundtable on 28 January to discuss in more detail; both Deborah and Juliet were attending.

- iii. *Action: JL and KH to finalise agenda and list of invitees for the Keeping Safe conference*

A draft agenda was circulated prior to the meeting. Juliet had spoken to the Secretary of State about the event and he had confirmed his availability for 25 February 2020, between 12 and 3pm.

- iv. *Action: JL and JT to follow up recommendations made by IAP and Magistrates' Association (MA) following survey. Both to liaise with PGA re governors' place of safety sentencing survey*

The meeting with the PGA had yet to take place. The MA survey had been published and circulated prior to the meeting. There was an action plan in place and the IAP and the MA had met with Amy Rees yesterday. A task group was being set up on which Jenny would have a seat. Jenny would circulate the actions from the meeting.

Action 4: JT to circulate actions from meeting with Amy Rees

- v. *JL and AB to discuss which documents needed to be moved across to new website.*

Juliet and Adrian met in December to have a look at the old website but need to have a further look and decide what needs to be transferred. The old website has a link to the new site but will eventually be discarded when the new one is up-to-date. The panel had a brief discussion about which reports were deemed necessary to be moved across.

The conference would be a good opportunity to publicise the new site and any relevant articles that panel members write for journals should carry the

website address. Juliet asked Adrian to draft a communication strategy to incorporate these elements in one place.

Action 5: AB to draft a communication strategy for Panel to consider.

Alison gave a quick update on the Deaths from Natural Causes paper: it was set out under five themes, each split into recommendations. It was in draft stage at the moment; Alison would update it and circulate it to the panel before it went out to stakeholders.

Item 2: Feedback on custodial sectors, visits, any follow-up work and questions for co-sponsors:

Immigration workstream

The work was primarily being driven by the Shaw report recommendations. Currently the work was looking back at previous deaths and reports written by the PPO and HMIC etc. to help the Home Office with meeting the recommendations made and if the Home Office have effective ways of learning from near deaths. The paper will be presented to the IAP at the next meeting.

Action 6: JW to circulate paper on Immigration workstream for next meeting

Policing workstream

Jenny T had visited Birmingham custody suite and court and also spoken to Nev Kemp about s136. The police were developing a national training programme of mental health awareness. Going forward there was the need to think about strategy to cover the 43 police areas.

Health workstream

This will be prioritised at the next meeting. A new task force has been set up to look at children and mental health and where they intersect. The Mental Health Act white paper will be published soon and will be circulated when available.

Prisons workstream

The Inquest 'Deaths in Prison' briefing is published next Wednesday. Deborah will circulate when available

Action 7: DC to circulate Inquest briefing on deaths in custody when available.

Juliet explained that she was updating/drafting an IAP supplement for Inside Time for a new four page spread on Keeping Safe in the February issue. She asked for panel members' comments by end of the week.

Probation workstream

Following the recent meeting, there will be a follow up with Amy Rees in the near future.

Item 3: Update from Co-sponsors

Juliet thanked the co-sponsors for attending the meeting and explained that they would be informing the panel about Ministerial priorities following the election.

Home Office - Steven Toal

- Kit Malthouse, MP, has returned as the Minister of State for Crime, Policing and the Fire Service. His priority is Policing and has promised 20,000 more officers. This is welcome news but also brings challenges as more officers mean more arrests and more pressure on custodial suites. The Home Office is looking at finding ways of minimising any negative impacts on the suites.
- Other areas of focus are vulnerability and wellbeing
- More broadly, outside policing, the Queen's speech announced the establishment of a new Royal Commission to review and improve the efficiency and effectiveness of the criminal justice process. This is in the very early stages and is being led by the MOJ.
- Work continues on the Angiolini review and a Year 2 update paper will be presented to the next Ministerial Board.

Immigration – Frances Hardy

- Kevin Foster, MP, is the new Minister and is leading on the Shaw implementation. Co-sponsors may want to think about inviting him to the next Ministerial Board. The IAP are interested in meeting him in the near future.
- A challenging historic inquest case, from 2012, is being held next week
- The Home Office use of force policy is being reviewed and Frances will forward a copy of the timeline.

Action 8: Frances to forward a copy of the timeline for Home Office Use of Force review.

Ministry of Justice – Nick Poyntz (on conference call)

- Lucy Frazer MP and Robert Buckland MP have both returned in their former roles. Lucy Frazer has now also taken on the lead for women prisoners. Other Ministers with relevant portfolios are Wendy Morton MP who now has Legal Aid, and Chris Philp MP has Criminal Law.
- Robert Buckland is keen to do more on mental health issues and is also interested in supporting staff who have undergone traumatic incidents
- Lucy Frazer's focus is on regime and purposeful activity in prisons.
- The new version of ACCT is greatly improved from the previous iteration and better quality training is also being developed.

- Violence rates are down and self-harm rates have stabilised at a very high level.
- Nick asked what would the IAP recommend next for the MOJ. Panel members suggested that it was useful to think about what senior officials can do, for instance, reduce numbers of short sentences, focus on diversion or transfer of most vulnerable people in custody?
- Deborah stated that Inquest were releasing a briefing next week and wondered what was being considered on learning and families being involved following a death. There was also a need to improve contact with families when opening an ACCT; Nick said that he would introduce Deborah to colleagues who were dealing with this.

Action 9: Nick to put Deborah in contact with MOJ colleagues working on ACCT - now complete.

- Juliet asked if the Royal Commission on Criminal Justice had in scope preventing deaths in custody and the duty to take active steps to protect life.

Action 10: Nick to discuss Commission terms of reference with MoJ colleague Matthew Gould and let IAP know.

Department of Health and Social Care – Rachael Whittaker

- Nadine Dorries MP has returned as Minister for Mental Health, Suicide Prevention and Patient Safety. She has already had several meetings with officials on suicide prevention and is moving forward with work started on mental health before the General Election. Nadine is also keen to be involved in the Ministerial Board.
- The NHSE and NH Patient Safety are working on learning from deaths in mental health settings and how to disseminate it.
- The panel asked for an introductory meeting with the Minister to discuss natural deaths as well as suicides. Juliet will also be writing to her to ask her to speak at the Keeping Safe conference
- The panel also wanted to speak to Rachael/Angela in more detail about learning and the Incident Framework. Rachel would forward papers that DHSC prepared for the last Ministerial Board and then arrange a meeting with the IAP

Action 10: DHSC to forward paper prepared for the last Ministerial Board

Juliet advised the co-sponsors that the IAP work programme for 2020 was being updated and she will forward to them when ready.

Item 4: Update on specific IAP work to date:

The Keeping Safe Conference confirmed date is 25 February 2020. The SoS will deliver keynote speech.

The panel briefly discussed the draft agenda. Juliet asked Deborah and Jenny T to firm up the agenda and list of invitees by next week when the Eventbrite invitation would go live.

Action 10: DC and JT to finalise agenda and list of invitees for KS conference by 22 January.

AOB

- Deborah invited co-sponsors and panel members to attend inquests to increase their knowledge - she would circulate a short note
Action 11: DC to send a note to panel and co-sponsors about attending inquests
- Frances advised that Immigration Enforcement were awaiting three more inquest dates this year. She would also be putting up advice to the new Minister about collecting data

Date of next meeting:

9 March 2020

Room PG61, ground floor, Peel Building

Home Office, 2 Marsham Street

Kate Davies attending at 1.30pm (now 12.45-1.45pm)