



Ministry  
of Justice



Home Office



Department  
of Health &  
Social Care

**Independent Advisory Panel on Deaths in Custody  
Minutes of IAP meeting – 3 November 2020**

**Attendees:**

**Juliet Lyon - Chair**

John Wadham

Jenny Shaw

Jenny Talbot

Adrian Blake

Graham Randall

Junior Johnson

Sally Grocott

Frances Hardy

Samantha Newsham

Craig Spencer

Kathy Smethurst

Piers Barber

**Apologies:**

Deborah Coles

Seena Fazel

Kish Hyde

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**Item 1: Secretariat update**

Piers and Graham updated the panel on recent work, including:

- John and Juliet's presentation to the Home Office Immigration Detention Reform Board and next steps, which will include the IAP playing a role in formalising links with HMPPS.
- Scoping of a project to track PFDs, a proposal for which will be shared with Deborah and Juliet and then discussed with the wider Panel.
- Follow-up plans following the publication of the natural deaths report with RCN.
- On the deaths in custody statistical bulletin project, Seena has reviewed statistics received from agencies and highlighted outstanding discrepancies.
- The latest IAP Communications Report, which showed the IAP had a record media reach in October since we began monitoring.
- The Ministerial Board in November, which will focus on PFDs and make reference to future plans for restructuring the Board.
- Resourcing, including how the secretariat will be joined by an Unlocked graduate for two weeks in April.

## **Item 2: 'Dirty protest' terminology**

Juliet invited the panel to discuss the term 'dirty protest'. Jenny Shaw remarked that she was not sure how the term came about but recalled that the phrase was not used when patients in mental health settings acted in that way.

## **Item 3: Co-sponsors – briefing on COVID-19 in custody and relevant departmental updates**

### Prison

Junior provided an update on COVID-19 in prisons:

- The current population is 79,830, equating to 97% of capacity. This data is relevant as courts will still be operating over the next month during the England lockdown. Staff have been deemed as keyworkers meaning they will be tested for COVID-19.
- There are currently around 40 outbreak control teams, with some managing outbreaks of up to up to 50 to 80 cases. The National Framework will be retained in this period to provide flexibility for governors (this approach differs to that of March, which was managed centrally).
- Prison visits will be suspended, apart from compassionate visits (this includes those from children).
- The Spending Review was going to be a multi-year settlement but will now be one year. The multi-year capital deal negotiations are still ongoing. Resourcing is a one-year settlement and is mostly focused on COVID-19 recovery.
- Jenny asked about the COVID-19 early release schemes. Junior answered that the scheme has been paused through is still available if required.
- Both HMPPS and MoJ staff are providing contingency resource for sick staff. Key work and chaplaincy continue to play a key role.

### Secure health

Kathy provided an update from DHSC on secure health settings.

- Data on COVID-19 deaths is now published regularly by Public Health England and the Care Quality Commission.
- It has been accepted that mental health settings should have equitable access to PPE and testing, and the supply is now more secure. DHSC are working with NHS on bed pressure issues.
- All guidance and policy is being reviewed and updated in context of second wave. Learning has been shared and communicated through the Adult Secure Clinical Reference Group.
- There is now increased emphasis on ensuring more measured resource allocation during the second wave to ensure progress can be made on priority non-COVID-19 work, such as the Mental Health Act review and statutory guidance on Seni's law.
- The Mental Health Act review will be out by Christmas for consultation for 14 weeks. This will be followed by the government response and then pre-

legislative scrutiny. Legislation is likely to be introduced in Spring 2022. DHSC are conscious that non-legislative aspects of this work do not require legislation – e.g. ongoing work on the patient and care risk quality framework.

**Action 1: Secretariat to circulate invite to meeting with NHS on patient consultation on Monday 9 November.**

Immigration

Frances provided an update on the immigration estate.

- There are still low numbers in detention – approximately 460 in IRCs, with only four positive test results since start of COVID-19. Approaches have been re-evaluated in light of the second wave of coronavirus. These include single occupancy, reverse cohorting, and mandatory wearing of face coverings for visitors and staff. Testing is being done on arrival; around 50% have consented to being swabbed.
- There have been very small numbers for charter flight removals, as the majority of countries request COVID rests prior to return, which people are typically not consenting to.
- The latest IRC data publication, which has been revised following IAP advice last year, will be published on 26 November.
- John asked about channel crossings. Frances suggested someone from the relevant team can talk the IAP through the process.
- Frances' team appreciated the IAP's recent presentation to the Immigration Detention Reform Board. Outcomes included that training recommendations will be drawn across Home Office including to work on Windrush, and links with prisons will be formalised.

**Action 2: Frances and secretariat to arrange meeting with Border Force colleagues.**

Police

Samantha provided an update on police custody suites.

- The team are not aware of any transmission within custody suites. They are continuing to engage with operational partners to understand the issues – there are some concerns about social distancing guidelines; conversations are ongoing with NPCC on this. Remote solicitors do have access to prisoners.
- Jenny asked about the virtual attendance of defence lawyers. Samantha said that forces have been told to record attendances both in person and remotely and that there is no evidence to suggest that the demand for appropriate adults has changed.
- During the second wave, steps have been taken to ensure Home Office staffing will no longer be structured on just COVID-19 response.
- A range of meetings about the Angiolini Review have taken place with the policing minister, including with Juliet and Dame Angiolini. The IAP will be meeting the minister before Christmas.

Next meeting:

17 November 11am-midday (Panel only)

Summary of actions:

**Action 1: Secretariat to circulate invite to meeting with NHS on patient consultation on Monday 9 November.**

**Action 2: Frances and secretariat to arrange meeting with Border Force colleagues.**