



Ministry  
of Justice



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Department  
of Health &  
Social Care

**Independent Advisory Panel on Deaths in Custody  
Minutes of IAP meeting – 21 September 2020**

**Attendees:**

**Juliet Lyon - Chair**

John Wadham

Jenny Talbot

Deborah Coles

Jenny Shaw

Seena Fazel

Adrian Blake

Kish Hyde

Piers Barber

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**Item 1: DHSC update**

*With Caroline Allnutt and Rachael Whittaker (DHSC co-sponsors)*

1. Caroline updated on Community Sentence Treatment Requirements and liaison and diversion services:
  - a. MoJ recently published white paper on sentencing reform which included a section on community and treatment solutions. MoJ has allocated additional funding for this year alongside funding in the NHS long term plan.
  - b. Take-up of CSTRs has continued during the lockdown period, despite expectations that they may have dropped off.
  - c. DHSC are working to better understand the effectiveness of digital delivery – initial findings suggest that it works better for some people but not everybody – patient choice is important
  - d. NHS England mostly fund the CSTRs programme (DHSC route their funding through NHS). Programme infrastructure funding is in place to 2023/24. Partnerships also contribute their own funding.
  - e. Bids will be made for further funding as part of the Spending Review currently in process. MoJ ministers are fully in support of the programme. DHSC ministers would benefit from more information/IAP advocacy.
  - f. RAND Europe's evaluation of the liaison and diversion programme will be finalised in the coming months which should provide a strong evidence base to work from.

2. Jenny T asked what could be done to progress take-up in a way that did not involve funding. Caroline mentioned preliminary discussions on join-up with MoJ and DHSC and suggested it could be something that the IAP explore further.
3. Juliet referred to the latest statistics which show that take-up remains extremely low. She outlined how the IAP has been working closely with the Magistrates Association to promote wider use and will continue to do so. The IAP supports CSTRs and liaison and diversion service and will write to relevant ministers to inform and hopefully influence, funding decisions as part of the Spending Review. Caroline explained that DHSC Secretary of State is fully involved in all SR decisions, though this also falls into Nadine Dorries' portfolio; Jo Churchill, minister for public health, is also responsible for substance misuse treatment. At HM Treasury it is the responsibility of the Chief Secretary to the Treasury, Stephen Barclay, previously a health minister. Caroline suggested that correspondence links to importance of preventative measures and ways to stem demand.

**Action 1 – Juliet to draft letters to ministers encouraging the prioritisation of funding for CSTRs and liaison and diversion services as part of the Spending Review.**

4. Deborah raised waiting lists to access treatment. Caroline explained that DHSC are working with NHS England to continue to monitor this. Between March and June there had been a drop-in referrals, though there were expectations that this could now lead to built-up of demand.
5. Seena raised issues around the quality of recent sex offender treatment evaluations, including concerns about conflicts of interest, and wondered if learning had been put in place to ensure the quality and independence of evaluations. He highlighted that alcohol is the most common factor linked to crime, and that focus on drug prevention had increased at the expense of this. He suggested that alcohol treatment should be prioritised in any discussions about resourcing priorities.

**Action 2 – Secretariat to explore whether a lessons learned exercise was conducted and learning applied to commissioning following the sex offender treatment evaluation.**

6. Caroline updated on the Mental Health Act reforms:
  - a. Has been paused due to COVID-19 and cannot guarantee a publication date, largely due to resource and timing questions caused by the pandemic.
  - b. A reform bill will be introduced when parliamentary time allows and is expected to attract significant parliamentary attention.
  - c. As well as legislative changes, the review also covered non-legislative proposals (interaction between staff and patients; culture). Altogether Sir Simon Wessely made 154 recommendations.

- d. Govt will publish a response then there will be a thorough-going consultation, during which DHSC will engage key external bodies.
  - e. Where the IAP could help:
    - i. A session with the IAP prior to publication of the MHA White Paper.
    - ii. Non-legislative work around improving quality of interaction between patient and professional and culture change.
7. Deborah raised the review's recommendations around disproportionality. Caroline explained this is a cross-service issue and that non-legislative solutions, including the quality of advocacy and whether it is 'culturally appropriate', are being explored.
8. Seena raised how the area of data and digital delivery has become increasingly prominent in medical literature since the initial review was carried out. Evidence suggests that increased use could help with bias around decision making, for example. Caroline agreed and said it was also relevant in the context of the pandemic, during which good work has been done around the use of forms.

**Action 3 – Seena to share any relevant literature on the link between data and digital delivery with DHSC.**

9. How can the IAP help?
- a. Meeting with relevant NHS England colleagues on secure mental health services. While DHSC SoS has specific responsibilities which link the department to high secure, DHSC is less closely involved in low and medium secure establishments.
  - b. Patient experience, including whether anything can be learned from the prison service consultation. DHSC do not have first-hand evidence from patients in a way that matches the insight provided through the IAP prisoner review and this would be valuable.

**Action 4 – Secretariat to arrange meeting with Claire Murdoch, national director for mental health, NHS to identify areas for IAP support including consulting on service user experience.**

10. Deborah raised the matter of investigations. Rachael confirmed that the new investigations framework had been delayed by COVID-19 and that services are still working to the 2015 framework.
11. Caroline updated on Seni's Law (Use of Force Act). This has also been paused due to COVID-19 but is a priority for future work. Rachael said they aimed to consult soon, including with key stakeholders before the main consultation. She said securing parliamentary time would be a challenge.

**Item 2: Minutes, actions and updates since the last meeting**

## Updates

12. Piers informed the panel of updates since the last meeting:

- The joint-RCN paper on natural deaths is near complete; now just waiting for RCN sign-off.
- Second briefing paper using NPR material is now ready for final Panel comments before publication.
- The prevention of deaths strategy for the immigration estate has been finalised, has already informed changes to publication of data and will be presented by John and Juliet to the Home Office's DG-chaired Detention Reform Board in October.
- Submitted evidence to Select Committees (JCHR and JSC x2) and the Centre for Mental Health.
- Stats bulletin - CQC have advised they have identified data quality issues but will resolve and aim to send their return by end of the week.
- The Prison Policy team have restarted work on ACCT and are considering how the Panel can lend expertise.
- Safety Impact Assessment – John had met the team and shared some thoughts; the IAP will check on progress with them in a few weeks. Piers explained that the team has been working on the steer given to them by Phil Copple; they have undertaken a large mapping exercise to understand decision making at all stages of the system.
- Graham Randall, new Band B, will be starting with the Secretariat on 19 October.
- The Secretariat have also arranged cover for Adrian's absence on paternity leave.

13. Juliet asked if all the recent consultation responses could be circulated to the whole panel (*Secretary's note – done following the meeting*).

14. Juliet fed back from the panel-only time at the start of the meeting. The panel had spent some time considering what they wanted to achieve in their third year and how to play to their strengths. That conversation will be carried on in the coming weeks in one-to-one's between Juliet and each of the panel members.

15. Deborah referenced the recent Kevin Clarke inquest and suggested that the inquest and its outcome be discussed at future panel meeting. She will circulate information to the panel.

**Action 5: Deborah to forward information about the Kevin Clarke inquest ahead of future IAP discussion on its implications for the IAP and wider Angiolini priorities.**

Actions from last meeting:

➤ *Samantha and Craig to follow-up on extent to which bereavement support has reached bereaved families following a death in custody.*  
Deborah suggested that the IAP can join up this work with its work on Family Liaison Principles; she will discuss with the Secretariat ahead of the next meeting.

**Action 6: Deborah and Secretariat to discuss next steps for the IAP family liaison principles and its link with the learning from bereaved families workstream**

➤ *Samantha and Craig to consider how progress against Angiolini recommendations can be confidentially presented to the IAP.*  
Juliet had received a progress paper from Craig which she will circulate.

➤ *Piers and Juliet to discuss the best way to review progress made against the IAP's women's report presented to the Advisory Forum on Female Offenders.*

This will happen this week.

➤ *All panel members to provide further comments on the IAP monitoring tools created by the Secretariat.*  
Juliet asked all panel members to let the secretariat have their comments before the next meeting.

➤ *Secretariat to ensure previous IAP work is more readily available and searchable on the new website.*

Adrian has been updating the website and will continue to do so.

**Item 3: National oversight mechanism roundtable next steps**

16. Deborah referenced the JUSTICE report "*When Things Go Wrong*" which concluded that an independent body was needed to monitor implementation of inquest and inquiry recommendations, and explained that INQUEST will be taking forward work on this over the next year. All agreed that the INQUEST work and IAP work on this should not impede but should complement each other.

17. John suggested that the IAP can play a convening role and should focus on recommendations on the prevention of deaths. He suggested a conversation about objectives for the session and how to achieve them. John, Deborah, Juliet and Secretariat will discuss further. Juliet will be writing to Alexia Durran, Deputy Chief Coroner, about discussion points before she attends the October meeting and this will form a part of that conversation.

18. Deborah asked to see PFD reports to discuss at a future meeting. Piers explained that this is also likely to be a substantive item on the agenda at the next Ministerial Board. Juliet referenced "near miss" reports which are

published on the website and wanted to make more use of them in ongoing IAP work.

**Action 7: Secretariat to circulate examples of PFDs and Article 2 near miss cases prior to a discussion at future IAP meeting.**

**Action 8: Secretariat to set up meeting with Juliet, Deborah and John on next steps for the recommendations roundtable.**

#### **Item 4: IAP Comms**

19. Adrian explained recent progress. The website is developing as an information hub, he is reporting each month on reach and a range of products have been produced to support development.
20. He talked through secretariat commitments in the following areas and outlined where Panel input was required:
- Information hub
  - Website and social media
  - Press coverage
  - Twitter
  - Press contacts
  - Stakeholder group
21. Deborah suggested a greater focus on non-prison settings on Twitter; Seena questioned when panel output should refer to their membership. Juliet asked for a short summary of the overall strategy of achieving targeted visibility to be added to the paper. She looked forward to future development, asking for future media appearances and broadcasts to be uploaded as well.
22. A short conversation took place about handling development of the Practitioner and Stakeholder Group. Reinstating a network newsletter may be a way of re-engaging the group. Deborah said that she would look at sharing INQUEST media contacts with the Secretariat.
- Action 9: Secretariat to draft email to be cleared by Juliet to IAP stakeholder group announcing new publications and flagging ‘opt out’ option.**
- Action 10: Secretariat to set out short summary of IAP’s overall communications strategy.**
23. Adrian advised that he has developed some working documents on the website:
- **Social media policy:** guidance on IAP approach to social media, namely Twitter. This will also document appropriate conduct.
  - **Press release policy:** guidance on approach to releasing articles and information to the press.

- **Stakeholder network:** a reference group representing practitioners and stakeholders.
- **Press coverage:** a list detailing instances of appearances in the media.
- **Press contacts:** a list of journalists et al, of which IAP can coordinate press releases/appearances.
- **Resource hub:** a working list of voluntary and government organisations where friends and families can get help and information, as required.

24. Adrian asked panel members to consider the following questions about the working documents and get back to him:

- Do you agree with these six priorities for IAP comms development?
- Do you agree with the proposed commitments to be made by the secretariat and panel members?

#### **Item 5: AOB**

25. Kish asked whether the IAP wanted to respond to the Justice Select Committee's Legal Aid inquiry, and if so, what are the specific issues to raise. Family representation is within scope so a short submission could be made on the importance of non-means tested legal aid for bereaved families. Secretariat will share the email about the consultation (*Secretary's note – done following meeting*).

26. Piers asked the panel to feedback comments about the MoJ consultation on scrutiny bodies; the deadline for responses is 30 Sept.

**Action 11: Panel members to send comments on draft response to the MoJ's consultation on the future of the scrutiny body landscape.**

**Action 12: Deborah to consider how INQUEST media contacts can be shared with Adrian.**

**Action 13: Panel to confirm whether the IAP should submit evidence to JSC inquiry on legal aid.**

Date of next meeting: October 6<sup>th</sup>, 11am-12.30pm

#### **Summary of actions**

1. **Juliet to draft letters to ministers encouraging the prioritisation of funding for CSTRs and liaison and diversion services as part of the Spending Review**
2. **Secretariat to explore whether a lessons learned exercise was conducted and learning applied to commissioning following the sex offender treatment evaluation.**

3. **Seena** to share any relevant literature on the link between data and digital delivery with DHSC.
4. **Secretariat** to arrange meeting with Claire Murdoch, national director for mental health, NHS, to identify areas for IAP support including consulting on service user experience
5. **Deborah** to forward information about the Kevin Clarke inquest ahead of future IAP discussion on its implications for the IAP and wider Angiolini priorities.
6. **Deborah and Secretariat** to discuss next steps for the IAP family liaison principles and its link with the learning from bereaved families workstream.
7. **Secretariat** to circulate examples of PFDs and Article 2 near miss cases prior to a discussion at future IAP meeting.
8. **Secretariat** to set up meeting with Juliet, Deborah and John on next steps for the recommendations roundtable.
9. **Secretariat** to draft email to be cleared by **Juliet** to IAP stakeholder group announcing new publications and flagging 'opt out' option.
10. **Secretariat** to set out short summary of IAP's overall communications strategy.
11. **Panel members** to send comments on draft response to the MoJ's consultation on the future of the scrutiny body landscape.
12. **Deborah** to consider how INQUEST media contacts can be shared with Adrian.
13. **Panel** to confirm whether the IAP should submit evidence to JSC inquiry on legal aid.