



Ministry
of Justice



Home Office



Department
of Health &
Social Care

Independent Advisory Panel on Deaths in Custody

Minutes of the Independent Advisory Panel meeting 04 December 2019

Attendees:

Juliet Lyon - Chair (JL)

Seena Fazel (SF)

Jenny Shaw (JS)

John Wadham (JW)

Jenny Talbot (JT)

Deborah Coles (DC)

Nick Poyntz, (NP)

Alison Bernard, Secretariat (AB)

Kish Hyde, Secretariat (KH)

Apologies:

Adrian Blake, Secretariat

Item 1: Minutes, Action log and matters arising from previous meeting

1. Nick gave an update on recruiting a new Head of Secretariat to replace Andrew Fraser, who had left in mid-November. He confirmed that the job description was ready to go live and that he would be looking for Juliet and one other person, ideally a co-sponsor, to form a selection panel.

Action Log

2. All actions were complete; Juliet wanted to raise the following:

Action: JW to draft an email for JL to send to the PPO regarding the issue of powers for the PPO.

John confirmed that he had completed this action and sent it on to Juliet on 18 October 2019.

Action: Secretariat to liaise with Caroline Allnutt regarding the IAP's remit, and find out the current status of DOLs.

Andrew had circulated a summary of his conversation with Caroline to panel members but Deborah felt there was still a lack of clarity. The panel discussed whether there was a need to scope out further work on this and decided that it should be discussed at next meeting.

Action 1: panel to discuss the IAP's remit in relation to DOLs at next meeting.

Action: Secretariat to ensure that the spreadsheet about departments liaising with bereaved families has been circulated.

The spreadsheet was circulated. Deborah stated that she was worried that although custodial sectors had policies in place this did not always translate into practice. She suggested it should be taken forward as a thematic workstream in the IAP work programme 2020.

Action 2: panel to look at policies regarding engagement with bereaved families as part of revisions to 2020 work programme.

Action: JL to write a letter regarding the PACT report, and write to Dr Farrar.

Juliet stated that although she had thanked the authors of the report, she had not yet written to them. The report itself was very useful and gave a very damning view of the telephony helpline service for families. Deborah was meeting Jo Farrar on 28 January to discuss the report. Panel agreed that the report should be loaded onto the website along with the response from Phil Copple, Director General of Prisons. The panel wondered what follow up there would be in response to the letter to governors; Nick said that he would find out from colleagues.

Action 3: NP to find out what follow up would be done in response to Phil's letter to governors (completed 4 December)

Action: JT to circulate the list of police priorities/potential work to the wider IAP
Jenny stated that she would circulate when it was ready.

3. Juliet advised that the Prison Governors' Association are also keen to undertake a joint survey with the IAP on court use of prisons as places of safety. She thought this would be a good opportunity to cross reference the work with the Magistrates Association survey.

Action 4: JL and JT to discuss with PGA

4. Juliet explained that her meeting with Amy Rees (HMPPS Director General of Probation) would now be held on 14 January at 2pm. The Magistrates Association would be attending as well. (note time change to 3pm)

Item 2 Work in Progress

Natural Causes meeting

5. Jenny Talbot stated that the symposium had been a positive day. The planning committee met on 3rd December with all the notes of the discussions from each of the tables which they would pull together thematically and with recommendations. The next meeting would take

place on 16 December in Manchester. The draft report from this latter meeting would go to the panel for comment before circulation to the wider stakeholder group. The panel agreed that the report should be kept short and succinct, setting out the background, context, themes and recommendations.

Keeping safe

6. Three dates in February 2020 were being held for this – 11th, 13th and 25th. Juliet would check availability with the Abbey Centre.
7. Deborah explained that the planning committee met the day before and thought that the agenda was currently too heavily weighted towards the Service. They had restructured it more towards learning from bereaved families and knowledgeable experts, including prisoners. A decision still needed to be made on what the workshops would comprise. There was a short discussion about other considerations for the day. Juliet and Kish would pull together an agenda as well as a targeted list of invitees to circulate to panel members.

Action 5: JL and KH to finalise agenda and list of invitees

Item 4 – Updates on workstreams

8. There was not sufficient time to discuss this and Panel members will update on this at the next meeting.

Website

9. Kish explained that the website was now live and that panel members had been sent a link to the site for them to comment on. The old website was also still live until such time as the essential documents were transferred over. Juliet said she would take time to look over the documents on the old website with Adrian.

Action 6: JL and AB to discuss which documents needed to be moved across to new website.

Prison and Probation Ombudsman (PPO)

10. Juliet introduced Sue McAllister, PPO, and explained that she had been sent some questions by the panel prior to the meeting which she would answer here:

Q: What are PPO priorities for the coming year and what challenges do you face? What can the IAP do to help?

A: a big challenge was the lack of staff, but there was a possibility of getting some additional funding next year. The PPO was reviewing their Terms of Reference, looking at possibly expanding their remit; the recent death of a baby in prison had raised this issue. HMPPS had also approached the PPO to

cover near misses but this raised several questions, the main one being 'what comprises a near miss'?

Sue was attending a meeting on 19 December about post release deaths. These were more complex than other deaths as they strayed into housing etc. The PPO was exercising discretion on what it investigates but it could broaden this, which would then have resourcing implications.

Sue advised that the PPO was taking forward a pilot on foreseeable future deaths which was due to complete in February 2020.

Q: What has happened to the family liaison function within the PPO? What information are families given after a death?

A: Problems with the Family Liaison Officer (FLO) function were now being resolved and should be complete within a few weeks. Deborah was concerned that the FLO role in signposting people to advice was happening in only an ad hoc way.

Q: How does the PPO respond to evidence arising from inquests that contradicts evidence gathered as part of the investigations?

A: Sue explained that there had been long discussions on this issue and she would welcome some help from the IAP.

Q: What follow up work do the PPO do in response to their recommendations and any arising from the inquest?

A: The PPO wants to have greater impact but is not resourced to follow-up on its recommendations. There was a review being conducted at the moment about how to write reports differently to be more effective and perhaps the PPO should be more intelligent about how it investigates deaths. On the complaints' side, the PPO had changed its way of working and this might be something to replicate on the investigations. The PPO was also looking at identifying and sharing good practice.

Q: The litigation on the investigation into Brook House following the BBC programme has established that the PPO, without additional powers, cannot deliver an Article 3 compliant investigation. That raises real issues for the PPO as the primary investigator for the purposes of Article 2 following deaths in prisons. What do you need to avoid more parallel litigation based on Article 2 and how can the IAP help?

A: Brook House was a separate inquiry and the team was only just being assembled and would take one year to deliver a result. Sue suggested that the enquiry leader, Kate Eves, should attend a future IAP meeting. Sue would forward Kate's contact details.

Action 7: Secretariat to invite Kate Eves to a future IAP meeting (complete – Kate has agreed to attend a future meeting)

Date of next meeting: 15 January 2020, 10.30am - 4.30pm
INQUEST, 3RD Floor, 89-93 Fontill Rd, London N4 3JH