

**Independent Advisory Panel on Deaths in Custody
Minutes of monthly meeting – 16 June 2021**

Attendees:

Juliet Lyon - Chair

Jenny Shaw
Jenny Talbot
Deborah Coles
John Wadham
Piers Barber
Kish Hyde
Graham Randall
Adrian Blake

Guest attendees:

Chris Barnett-Page
Nicola Waterman
Barbara Stow
Rob Allen

Apologies:

Seena Fazel

Item 1: Article 2 investigations

1. Chris provided context to the Article 2 cases, which date back 15 years. The original intention was for these cases to be carried out by the PPO but this has not been the case for some time and the current arrangements, set out in PSI15/2014 are for HMPPS to commission independent investigators. Since 2008, just over twenty cases have been found to meet the high threshold for investigation (where injuries are serious enough). Chris expressed his gratitude to the IAPDC for publishing the reports and subsequent action plans on their website.
2. In the discussion:
 - a) John raised independence issues if the institution that is being investigated is appointing those that do the investigation. He supported the process of investigating near-miss deaths but questioned whether allegations of assault by staff on prisoners should also be investigated independently. Chris understood concerns about the role of HMPPS in commissioning investigations and acknowledged this to be an ongoing issue.
 - b) John also commented that the European Committee for the Prevention of Torture, looked at the internal investigations process and found a range of issues which may be systemic.

- c) Deborah commented that other than from the IAPDC, there does not appear to be much thematic overview of investigations publicly available and that the evidence base could be put to better use. She was also interested to hear more about family engagement. Chris commented that although the low number of cases meant drawing thematic conclusions was a challenge, he agreed more could be done with the reports externally and would welcome ideas.
- d) Juliet asked if there are figures for cases that fall just below the threshold and also questioned if the cost of these investigations is being quantified. Chris explained the process for monitoring cases which appear likely to reach the threshold and the role that his team play in encouraging the completion of internal investigations in these cases. He said that there is a broad understanding of the investigation costs but noted that some costs, such as the prison resources required to facilitate the investigation, are less quantifiable.

Action 1: Chris to share information about the costs of conducting Article 2 investigations.

- 3. Barbara discussed her experience of working on the reports. She felt it was problematic having to wait for a response to recommendations before investigations can be published. She commented on the scope of the Terms of Reference and highlighted issues raised in her investigations, which included communication between prison staff and families, risk assessment, and support for prisoners identified as vulnerable. Overall, the investigations showed that the prevention of suicide and self-harm is about culture, relationships and regime, including appropriate healthcare. She felt the findings of the panel's *Keeping Safe* research reflects her own research and experiences, particularly how small acts of consideration are valued and influential.
- 4. Rob welcomed the panel's interest in the reports commented that there has only been a small amount of press coverage concerning his investigations. Out of four cases completed, there have been a total of 80 recommendations, with only eight being rejected. He was unaware if they have been implemented as there is no mechanism to monitor them. He has raised concerns regarding staffing levels with no adequate supervision and a weakness in healthcare. He noted that race has also been an issue.
- 5. He reflected that when conducting these investigations, the response by the prison service had been prompt. Regarding two assault cases, issues raised included access to the medical records of the perpetrators, assessment and management of risk, and insufficient attention given to intelligence provided by families. He felt that the fact that legal representation for families is funded by HMPPS went some way to ensuring the independence of the reports.
- 6. Jenny Shaw briefly spoke about the Quartz case and the investigation process. Prison staff had responded well to the individual's self-harm in prison but had no detailed history of his care, although he had been seen by psychiatrists and nurses. This unfortunately is common within this group of people who have yet to have psychological formulation. Family members, chaplains and others have relevant information that could contribute to the assessment of risk, but there is no place for their comments to be recorded. She also commented that the process is good and provided vital learning, and that it would be useful to try and pull the learning together with an epidemiological approach.

7. In the discussion:

- a) Deborah commented that the implementation of recommendations is the heart of the issue and that the findings of these reports should be integrated with the work of other scrutiny organisations and findings shared beyond individual prisons. Chris agreed and noted his team does a lot of work following up with prisons and healthcare providers to ensure that the response addresses the recommendations. He said that one consequence of the unfortunate delays in publication to which Barbara had referred was that it often allowed the HMPPS response to outline what has actually been done, rather than what was planned, in their response.
- b) John asked the investigators to consider what else could improve the way they perform their jobs and how the IAPDC could help. Barbara commented that she would like the investigation to have a wider circulation, namely with the PPO and HMIP. She also mentioned early publication, with the response to the recommendations to be added later. Rob suggested meeting annually with other investigators to discuss the process, learning and content. Chris commented that HMPPS looks to work closely with healthcare providers to capture learning, but this is not always possible, particularly where there is outstanding litigation in which the organisations are taking different positions.
- c) Jenny Talbot welcomed the idea of an event where common concerns and ideas for solutions could be shared. This could also be used to look at implementation – i.e. what has changed and how it has worked. Jenny Shaw commented that this would have to involve healthcare partners.
- d) Juliet said that the panel and secretariat would discuss ideas to take forward. There was scope for cross-departmental learning. She welcomed plans to make greater use of these thoughtful and detailed recommendations and thanked Chris and colleagues for their presentation.

Action 2: Panel and Secretariat to discuss ideas regarding the distribution of – and learning from – Article 2 investigations and take them forward, including through gathering further views from the investigators.

Item 2: Minutes of last meeting, actions and updates on workplan, including meeting with Ministers and the Ministerial Board

8. Juliet provided an update on the panel-only time. The panel had discussed:
 - Work to engage and involve families – including a roundtable about Acute Behavioural Disturbance (ABD), meeting Kevin Clarke’s family, and a potential Family Listening Day. This will be discussed further at a future meeting.
 - Panel reappointments – the MoJ have not yet announced panel member extensions. John confirmed he is happy for his appointment to be announced although he is not able to contribute for the full term. The importance of prompt recruitment to feel his post was noted.
 - Policing – suggestion of a meeting with the National Police Chiefs’ Council (NPCC) to follow-up on outcomes from the recent Custody Forum and wider panel work.

Action 3: Secretariat to arrange meeting with NPCC and relevant panel members on policing work.

9. Kish provided an update on the actions, with one outstanding. Juliet will consider content to be sent to the Practitioner and Stakeholder list and will remind the panel to

suggest names of people to be invited to join/re-join. Adrian confirmed over 100 now in membership.

10. John queried whether other sectors had a similar process to the Article 2 investigations discussed earlier. He also suggested that the panel should ensure secure healthcare receives due attention in future workplans. Piers and Juliet committed to considering what work can be taken forward.

Action 4: Focus on secure hospitals to be discussed on the July agenda. Secretariat to scope work on secure healthcare settings, including relevant NHS and DHSC contacts.

11. Juliet updated on her meeting with Alex Chalk, where he commented that he was pleased with the outcomes of the recent Board meeting. AC identified improving compassionate release and the roll out of community sentences with treatment requirements as priorities. They also discussed Covid recovery and response to prisoners with Long Covid.

Item 4: Workplan next steps

12. Preventing drug and alcohol-related deaths: Graham has circulated the report ahead of a presentation to the RCGP SEG this week – the feedback will be integrated into the report. Participants in the roundtable will also be sent the report.
13. Community sentences with treatment requirements: Jenny T has progressed conversations with ADASS about reducing use of prison as a place of safety, with a potential roundtable event in the Autumn.
14. Coroner PFDs: the Secretariat is finalising the research and planning a possible roundtable event with Deborah. Piers stated that the Secretariat have started centrally collating all new PFD reports and sharing them with interested parties. The central database will be shared for discussion soon. The secretariat is also working with the Chief Coroner's office on the accessibility of the PFDs section of their website. Juliet noted new Birkbeck research on inquests and family engagement.
15. Statistics: Seena has sent a draft report to the secretariat. Adrian and Seena will meet to discuss how to present key conclusions and to finalise formatting and presentation.

Action 5: Adrian to meet with Seena and further format the statistics paper.

16. Immigration: John suggested a conversation with Immigration Enforcement about the panel's role in lessons learned reviews.
17. COVID-19 recovery: the panel will be publishing a paper drafted by the Prison Reform Trust on safe emergence from lockdown restrictions. The 'Safe' series has started on National Prison Radio with programmes to be broadcast every Friday in June.
18. Vaccinations: Juliet continues to pursue surge vaccinations and testing. Juliet spoke with the minister yesterday.

Item 7: AOB

19. Anne Fox is on compassionate leave. Juliet will pick up next steps on how to improve the panel's engagement with race and diversity with Junior Johnson's contacts.
20. The JSC have invited Juliet to give oral evidence to their inquiry on prisoner mental health on Tuesday 22 June. The evidence on women in prison was submitted last week. Juliet has written to the minister about women and a response has been received and will be circulated with the panel (*complete*).

Date of next meeting

14 July 2021, 14:00 – 16:30

Actions

1. **Chris to share any indicative costs of conducting Article 2 investigations.**
2. **Panel and Secretariat to discuss ideas regarding the distribution of – and learning from – Article 2 investigations and take them forward, including through gathering further views from the investigators.**
3. **Secretariat to arrange meeting with NPCC and relevant panel members on policing work.**
4. **Focus on secure hospitals to be discussed on the July agenda. Secretariat to scope work on secure healthcare settings, including relevant NHS and DHSC contacts.**
5. **Adrian to meet with Seena and further format the statistics paper.**