

**Independent Advisory Panel on Deaths in Custody
Minutes of IAPDC meeting: 7 March 2022**

Attendees:

Juliet Lyon - Chair

Jenny Talbot
Deborah Coles
Jenny Shaw
Kish Hyde
Adrian Blake
Piers Barber
Phil Copple (HMPPS) – for item 3
Hindpal Singh-Bhui (HMIP) - for item 4
Junior Johnson (MoJ) - for item 5
Frances Hardy (HO) - for item 5
Caroline Allnutt (DSHC) - for item 5
Richard Jolley (HO) - for item 5
Samantha Newsham (HO) - for item 5
Anwar Islam (HO) - for item 5

Apologies:

Seena Fazel

Item 1: Feedback and actions

Panel only session:

1. Juliet fed back the discussion from the panel-only session. The panel agreed:
 - The importance of trying to get together in person whenever possible.
 - To agree dates for meetings for rest of the year (see AOB).
 - The importance of undertaking visits and liaising with families.
 - To revisit recommendations from earlier reports, including the natural deaths report, to monitor progress.
 - To work closely with and monitor public appointments team to make sure that revised timelines for panel member and chair recruitment are met.

Outstanding actions

2. Juliet and the panel gave an update on the outstanding actions and agreed some further actions.

Action 1: Secretariat to update and circulate database of IAPDC report recommendations to the panel.

Action 2: Secretariat to recirculate comms plan for deaths in custody statistical report to the panel.

Action 3: Secretariat to recirculate immigration learning lessons note

Police leadership initiative

3. Juliet and Kit Malthouse MP, Policing Minister, met last month to discuss the police leadership initiative to prevent deaths in custody and following contact with the police. They agreed to develop an event hosted by the Home Office to highlight good practice being carried out across police forces drawing on the 28 submissions from police and crime commissioners and three representative bodies. The report on the project is being finalised. The Panel discussed the purpose of the event – to communicate the minister's zero tolerance approach to deaths in custody, share good practice, launch the panel's report – and that speakers should include bereaved families. The event will also be an opportunity to re-present the families liaison leaflet. The Secretariat will circulate the draft report and event proposal.

Action 4: Secretariat to circulate policing report and event proposal, and set up meeting with panel leads.

Preventing Future Deaths – next steps

4. Piers explained the team are still waiting for the Chief Coroner's office to respond on suggested attendees for the roundtable events. The Secretariat have finalised the first draft of the sampling exercise report. The Secretariat will share the report draft with relevant panel members. Juliet will send the note to the Chief Coroner to request support with roundtable events.

Action 5: Secretariat to share initial PFD report draft with relevant panel members, and Juliet to write to Chief Coroner to ask for support on roundtables.

Item 2: Letters from people in custody to the IAPDC

5. Juliet and the panel had a short discussion about letters from prisoners in the panel-only session. The panel welcomed increased flow of Freepost letters from people in prison in response to IAPDC articles in Inside Time.

Item 3: Phil Copple, DG Prisons, HMPPS

6. Phil outlined three key issues for HMPPS which he suggested should be focal points for the panel:
 - The projected increase in the prison population
 - Recruitment and retention of staff
 - Recovery from the pandemic
7. The White Paper says much about expansion but also has significant ambitions for – and money being input into – education, training, better employment and continuation of substance misuse treatment. Expansion at a significant pace and scale puts strains on the system, for instance, if the population increase is faster than new accommodation or if there are major disturbances. The service is planning ahead to mitigate such risks.
8. Staff attrition is increasing so a great deal of work is being done on retaining staff and, where possible, experience. This included both pay and non-pay interventions. Some of these issues were caused by wider economical dynamics. Recruitment will need to increase later in 2023/24 to support the expansion of the prison population.
9. On recovery from COVID-19, HMPPS has always taken account of public health advice and had to balance it against the physical and mental health risks for individuals. More prisons are moving to a Stage 2 framework and some are ready to progress to Stage 1. There are opportunities for innovative and creative design to regimes and improving education which are evident across some of the estate.

10. In response to questions from panel members Phil covered how:
- For the first time pay was being cited on exit interviews as the lead reason for staff leaving; issues around safety, well-being and leadership continued to be prominent. However, new staff may also have different expectations of the job.
 - Prisons did not completely lock down during the last wave, though there were record levels of staff illness which was now improving. There has been a rapid reduction in the number of outbreaks and responses are now more targeted.
 - There were some issues with the reliability of time out of cell data, though this will be captured more reliably as part of the new Performance Framework.
 - Additional funding has been provided to support restored key work. As regimes recover, more management data on numbers of key workers will be available. Phil wants key work to be factored into everyday work and guidance and rules established to enable it to continue to be prioritised even if other pressures on the system emerge.
 - HMPPS only has indirect relationships over healthcare staffing via partnership arrangements.
 - The White Paper has a very clear commitment to safety. Phil emphasised that there would continue to be management information on safety indicators and that all staff were aware of the need for prisons to be safe and stable environments. Data is published quarterly on safety and staff numbers. He recognised that the new safety impact assessment processes should be a helpful focus in the system.
 - The main themes from the responses to the White Paper will be published in due course.
 - There has been an increase in numbers of remand prisoners, as well as those who have been convicted but are still awaiting sentence. However, there are signs that these numbers are going down. Remand prisoners are among those whom HMPPS are prioritising, including in prisons where there are clusters of deaths.

Action 6: Secretariat to circulate quarterly HMPPS workforce stats to enable panel to monitor recruitment and retention pressures and safety risks.

Action 7: Phil to share HMPPS guidance to prison staff on prioritisation of keywork

Action 8: Secretariat to circulate information about new Justice Committee inquiry into remand.

Item 4: Deaths in immigration detention: Dr Hindpal Singh Bhui OBE

11. Hindpal explained that there had been no deaths in Immigration Removal Centres recently, though there have been two deaths following release and two deaths of people in prison held under immigration powers.
12. In terms of immigration detainees in prisons:
- HMIP are undertaking a thematic review of immigration detainees in prisons with a view to publish in the spring. The Home Office has an ongoing prison parity project aimed at providing the same support for those held under immigration powers in prisons as those in IRCs.
 - Investigation into the two deaths in custody found a lack of interpreters and mental health assessments leading to isolation for the individuals.
 - Obtaining information about cases is a problem for detainees, there is often little time out of cell, detainees are less likely to be in employment and there are issues with accessing legal advice.
13. Relating to IRCs:
- The numbers of those held has reduced significantly over the pandemic although there are still too many adults at risk who have not been released.
 - A significant number of detainees are still being held for a long time.

- The assessment of risk which leads to continued detention lacks the sophistication of risk assessment in the criminal justice system. Case progression panels often recommend release but are ignored.
 - There are continued issues with the prison-like built environment of IRCs.
 - Overall the IRC estate has improved over the last three to four years. Mental healthcare in IRCs is largely good and training has improved.
 - Self-harm and self-inflicted deaths are more likely to occur in the long-term estate.
14. Relating to short-term holding facilities:
- The inspectorate is concerned about the treatment of many children in these facilities.
 - It was difficult to say how many people were being held in short term centres, though numbers could reach into the thousands at the south coast.
 - The healthcare picture is mixed, with some mental health call out resource.
 - These facilities have independent oversight but other temporary accommodation to which children are transferred (e.g. hotels) has had less focus
15. Juliet referenced guidelines produced by the IAPDC in their report [*Priorities for a prevention of deaths strategy in Immigration Removal Centres*](#) and accepted by Home Office which she will share. Deborah asked about wrap-around support for young people in temporary hotel settings. Hindpal responded that the Independent Chief Inspector of Borders and Immigration is planning some work in this area.
16. Hindpal explained that, with the aim of increasing their impact, HMIP are considering replacing the process of making Recommendations to one which identifies a limited number of Key Concerns. Deborah argued that recommendations were important for accountability purposes. Hindpal said that the proposed change would still ensure that problems which must be fixed are identified and it would not remove the need for establishments to establish action plans in response to inspections, but it would give more responsibility to inspected bodies to take ownership of how they fix the problems, and that HMIP would welcome thoughts on this through the current consultation process.

Action 9: Secretariat to share IAPDC immigration report guidelines with Hindpal, HMIP.

Item 5: MBDC co-sponsors

17. Caroline updated on DHSC work related to deaths under the Mental Health Act:
- DHSC are waiting for parliamentary time to take forward legislation on the reform of the MHA and considering future implementation. This includes taking forward work on the removal of prison as a place of safety and to introduce a 28-day transfer limit.
 - Culturally appropriate advocacy is being trialled.
 - DHSC were keen to explore and resolve data issues as part of a wider change programme, which will also aim to find out more about the experiences of people who are detained.
18. In the discussion:
- Deborah raised the deaths of voluntary patients and children who are de facto detained on locked wards, as well as the self-inflicted deaths of women. She also highlighted the need for close monitoring of the implementation of new use of force guidelines.
 - Jenny T encouraged robust steps around ending the use of prison as a place of safety.
 - Jenny S asked about outcome measurements in secure services and welcomed the offer of further discussions on this.

Action 10: Caroline to follow up with DHSC suicide prevention team to ask if their work can incorporate a focus on suicides in inpatient care, including for voluntary patients.

Action 11: Caroline to consider how IAP can support work on improving Mental Health Act data, including patient outcome measures.

19. Junior updated on relevant MoJ work:

- Victoria Atkins is hoping to establish a new women and criminal justice expert group.
- Ministers are focused on the delivery of the Prisons Strategy White Paper. A consultation response and ministerial roundtables will take place before the end of March. The department is keen to gather thoughts on how measures can be implemented.
- A new Performance Framework for prisons will be introduced as part of this.
- The JSC have announced an inquiry into the use of remand.

20. In the discussion:

- Juliet raised the need for greater specificity and traction around steps to improve safety in the Prisons Strategy White Paper.

Action 12: Secretariat to find out about the new HMPPS women's group and whether it will be taking into account the work of the women's healthcare review, chaired by Jenny T.

21. Richard and Samantha updated on relevant Home Office work on policing deaths:

- The team are supporting the progression of the Policing Minister's police leadership project in collaboration with the IAPDC.
- Work is ongoing around data on restraint, responses to PFDs, scrutiny of the use of custody, and emerging from the pandemic.

22. In the discussion:

- Deborah outlined the need for commitments from health and police to stop the inappropriate use of restraint.
- Juliet welcomed the need for healthcare to be involved and held to account in this area and said bereaved families should be involved in the launch event.

23. Frances updated on relevant Home Office work relating to deaths in immigration detention:

- The Nationality and Borders Bill was now at Committee Stage in the Lords.
- There is a new short-term holding facility at Manston that has replaced Tug Haven which the IAPDC might want to visit.
- Steps are being taken in response to the IAPDC's report, and an independent panel member will be invited to the lessons learned meeting relating to a death following release from detention.
- The current published Detention Services Order on deaths in detention has been updated and will be shared with the panel for input.
- ACDT V6 will be rolled out in the summer to align with the HMPPS ACCT V6, work is underway to scope independent mental capacity advocates, and there is ongoing work around the risk assessment of people held in prison under immigration powers.

24. In the discussion:

- Frances said data on vaccinations was patchy and take-up was understood to have been disappointing.

- Juliet outlined plans to write to Tom Pursglove, Minister for Justice and Tackling Illegal Migration, shortly.

Action 13: Frances to send update to panel on recommendations from the IAPDC immigration report, data on vaccinations in IRCs, and the updated Detention Services Order on deaths in detention.

Action 14: Secretariat to plan with Frances panel members' visit to Manston, the new short-term holding facility, and arrange meeting with Tom Pursglove, JTIM Minister, with Juliet.

Action 15: Panel to discuss visits to places of detention and plan with Secretariat.

Item 6: Summary of actions and March/April forward look

25. Piers summarised the actions arising from the meeting:

- Action 1: Secretariat to update and circulate database of IAPDC report recommendations to the panel.
- Action 2: Secretariat to recirculate comms plan for deaths in custody statistical report to the panel.
- Action 3: Secretariat to recirculate immigration learning lessons note (*complete*)
- Action 4: Secretariat to circulate policing report and event proposal, and set up meeting with panel leads.
- Action 5: Secretariat to share initial PFD report draft with relevant panel members, and Juliet to write to Chief Coroner to ask for support on roundtables. (*complete*)
- Action 6: Secretariat to circulate quarterly HMPPS workforce stats to enable panel to monitor recruitment and retention pressures and safety risks.
- Action 7: Phil to share HMPPS guidance to prison staff on prioritisation of keywork
- Action 8: Secretariat to circulate information about new Justice Committee inquiry into remand. (*complete*)
- Action 9: Secretariat to share IAPDC immigration report guidelines with Hindpal, HMIP. (*complete*)
- Action 10: Caroline to follow up with DHSC suicide prevention team to ask if their work can incorporate a focus on suicides in inpatient care, including for voluntary patients.
- Action 11: Caroline to consider how IAP can support work on improving Mental Health Act data, including patient outcome measures.
- Action 12: Secretariat to find out about the new HMPPS women's group and whether it will be taking into account the work of the women's healthcare review, chaired by Jenny T.
- Action 13: Frances to send update to panel on recommendations from the IAPDC immigration report, data on vaccinations in IRCs, and the updated Detention Services Order on deaths in detention.
- Action 14: Secretariat to plan with Frances panel members' visit to Manston, the new short-term holding facility, and arrange meeting with Tom Pursglove, JTIM Minister, with Juliet.
- Action 15: Panel to discuss visits to places of detention and plan with secretariat.

26. Some key dates to note in March were:

- 8 March – IAPDC/RCGP/NHSE meeting on drug related deaths.
- 10 March – MCDC co-sponsors meeting.
- 17 March – Panel meeting with NHS and DHSC on deaths in secure settings.
- 23 March – National Suicide Prevention Strategy meeting.
- 24 March – Managing Drug and Alcohol Problems in Primary Care Conference.

Item 7: AOB

27. The Panel discussed and agreed dates for meetings from September – December 2022:

- 29th September - full day (possibly to be held at INQUEST offices)
- 10th November – half day, morning
- 12th December - full day

Date of next meeting: 28th April, 2-4.30pm