

Independent Advisory Panel on Deaths in Custody
Minutes of IAPDC meeting: 4 July 2022

Attendees:

Juliet Lyon - Chair
Jenny Shaw
Deborah Coles
Kish Hyde
Piers Barber
Sam Johnston Hawke

Apologies:

Seena Fazel

For item 4:

Jece Shunmugam
Jenny Talbot

For item 5:

Chris Barnett-Page, HMPPS
Polly Wright, PACT

For item 7:

David Lee, IOPC
Rachael Toon, IOPC

Item 1: Panel only meeting

Item 2: Feedback from panel only session, and introduction to Sam

1. The panel welcomed Sam Johnston-Hawke to the secretariat.
2. In the panel-only time, members discussed:
 - a. Panel member recruitment - five out of the six candidates interviewed in May were appointable. Juliet was concerned about the continuing delay in the appointment process and will be writing to the Permanent Secretary.
 - b. Coroner roundtables – full preparation for the roundtables will take place at a meeting later in the month. Currently there are four coroners who have confirmed attendance for each of the two dates. Kish will send an e-mail to those who have not yet responded.
 - c. Substance misuse-related deaths meeting with MBDC co-chair ministers - an update on the report recommendations should be requested before the meeting.
 - d. Self-inflicted deaths in prisons - Jenny suggested applying a confidential enquiry approach to looking at prison suicides, triangulating information alongside PPO investigation findings and other data to look at similarities and gaps and monitor follow-up. This could involve bringing in a researcher to manage the project. This would be discussed in further detail over the summer, including potentially with HMPPS.

- e. Joint letter to ministers requesting a thorough review of the impact of COVID 19 - Juliet to follow up with a letter to the Health Secretary.

Action 1: Secretariat to update existing letter to the Permanent Secretary about the delays in appointing a new panel member.

Action 2: Kish to e-mail coroners who have not yet responded to the invitation to attend a roundtable.

Action 3: Secretariat to get an update on the *Protecting lives: a cross-system approach to addressing alcohol and drug-related deaths within the criminal justice system* report recommendations ahead of the meeting with Ministers. [note: delayed by ministerial changes]

Action 4: Secretariat, Juliet and Jenny to consider confidential enquiry approach to examining suicides in prisons, potentially through discussion with Chris Barnett-Page.

Action 5: Juliet to write to the Health Secretary following up on the panel's joint letter on the impact of prolonged lock-up on people in custody during COVID-19. (note: delayed by ministerial changes)

Item 3: Minutes and actions

3. There were no comments on the minutes and actions.

Item 4: Policing project update and next steps

4. Jece advised the first event was taking place on Monday 11 July. This would be chaired by Kit Malthouse MP and both Juliet and Gillian Keegan MP would be speaking. This would be the first part a wider engagement plan to engage Police and Crime Commissioners, with a larger event with other policing stakeholders taking place in September.
5. There was discussion of how to encourage attendance and the important, potential role of members of a bereaved family at the event.
6. The panel discussed Juliet's introductory remarks. They reflected on the absence of responses from PCCs on the issue of disproportionality or on involving bereaved families in learning processes following a death. Juliet wanted to acknowledge the improvements that had been made in custody suites. Deborah raised the continued issue with deaths in the IOPC's 'other deaths following contact with the police' category being neglected in conversations about policing deaths.
7. It was agreed that an agenda and the draft report would be sent to attendees, with the report being published before the September event. Juliet also suggested attendees could be invited to watch the January 2021 BBC Panorama episode, 'I Can't Breathe: Black and Dead in Custody', which covered Kevin Clarke's death, since it underlines some of the key concerns for discussion such as mental health response, need for de-escalation and decision-making around restraint.
8. Consideration was given to whether it would be possible to arrange an early meeting between the panel and the CEO of the College of Policing Andy Marsh, with Mr Marsh and the Chair of the College Nick Herbert to also be invited to the upcoming events.

Action 6: Jece to update the panel on attendance numbers for the first PCC event by Wednesday 6 July.

Action 7: Secretariat to set up a meeting between the panel and the CEO of the College of Policing, Andy Marsh.

Item 5: PACT family project

9. Chris Barnett-Page and Polly Wright gave an overview of the grant-funded Developing Family Engagement in Gateway Communication project.
10. The project arose as a result of persistent criticism about prison staff failing to communicate with families. HMPPS set up a '*Strengthening Family Ties*' policy framework in January 2019 requiring prisons to put in place processes to enable family members and/or other people with concerns about a prisoner's safety to contact an identified member of staff without delay. However, the '*Keeping People Safe in Prison*' report published in October 2019 found that over a third of prisons still had no functioning safer custody hotline for families to share concerns. Following a HMPPS Director General roundtable with stakeholders in January 2020 a grant was awarded to Pact to facilitate further practical work on the issues raised.
11. The aim of the project is to develop effective gateway communication between prisons and prisoners' families and/or significant others to ensure families can share concerns to inform the wellbeing and safety of prisoners. The project runs between May 2020 and October 2022. The two key strands of work are:
 - a) Redevelopment of the Prisoners' Families Helpline website to ensure greater accessibility and functionality for families, with the inclusion of a 'safer custody portal' to guide families with concerns to the right source of support. Visits to the website have doubled in last 12 months (to May 2022). A 'Worried about a prisoner' portal (around 1200 visitors a month) has been developed jointly with prisons and is used as a "triaging" page at the pilot sites.
 - b) The development of a Safer Custody Toolkit, with guidance, tools and resources to support consistent and effective family engagement in Safer Custody processes.
12. Pact have been checking up weekly to ensure that prisons have responded to contacts. They have sought feedback on the site over the last month and all pilot sites and families agree that contact forms should be rolled out across the remainder of the estate. Pact have also encouraged sites to log all safer custody concerns, which had not necessarily been done previously. This requires sites to demonstrate that the majority of concerns are logged and actioned within an hour of receipt.
13. Next steps on the project will include the consideration of a national roll-out; publication of a final report incorporating key learning from the pilot and a review of data gathered via safer custody logs and contact forms; and development of the toolkit including guidance for responding to safer custody contact and guidance for supporting family engagement in ACCT processes.
14. In the discussion:
 - Deborah suggested Pact might be interested to see the video outlining the importance of involving bereaved families in the ACCT process, which INQUEST had produced with HMPPS.
 - She asked whether HMIP or the IMBs could play a greater role in monitoring the use of family helplines.
 - Chris said that Safety Instructions were currently being redrafted and would include more mandatory actions on family interaction. This is a priority area but will require sequencing with other important issues.
 - He was hopeful Pact would continue to be involved in this work.
 - An internal meeting would be taking place in the coming weeks to discuss family involvement in the ACCT process.

15. Juliet said that the panel would like to be allies for this work. Deborah explained there were plans to show the families video at the next Ministerial Board on Deaths in Custody and that the topic of family engagement should be on the next panel agenda for discussion.

Item 6: National Suicide Prevention Plan

16. The consultation on the 10-year Mental Health Plan, which includes development of a new Suicide Prevention Plan, closes on 7th July. Juliet would like to discuss further with panel members, including Seena, and provide feedback, including through the National Suicide Prevention Strategy Action Group meeting on 20th July. The panel agreed to contact the team to outline the importance of including custodial settings in the work and to suggest that the IAPDC would be prepared to lead this area of work.

Action 8: Juliet and/or Jenny S to contact Professor Louis Appleby to discuss the IAPDC's input into the DHSC mental health strategy.

Item 7: Independent Office for Police Conduct data on police deaths

17. David Lee and Rachael Toon provided background on data on restraint-related deaths following police contact broken down by ethnicity. The IOPC has collected data on deaths during or following police contact since 2004/05. This data is grouped into five categories. Restraint is recorded for two of the five categories: 'deaths in or following police custody' and 'other deaths following police contact (independent investigations)'. All use of restraint has been recorded since 2010/11, not just that which may be 'relevant' to the death.

18. The IOPC outlined that:

- a. The definition of restraint refers to physical holds and pressure compliance as well as the use of specialist equipment used to restrict movement. The definition does not include the routine use of handcuffs or other uses of force, such as Taser or batons.
- b. The number of deaths during or following police contact each financial year that involves restraint is small and so comparison between years or ethnicities is unlikely to be statistically reliable.
- c. Deaths during or following police contact refers to a wide range of circumstances and only incidents subject to independent investigation are included in the data.
- d. It is difficult to compare the number of deaths involving restraint to the total number of deaths in a period due to the wide range of circumstances in which these deaths will have occurred.

19. Deborah asked whether it was possible to attain more informed analysis about disproportionality and its link to restraint-related deaths. Rachael stated *that while it is difficult to make any statistically reliable conclusions from the data, learning from investigations reports*, learning from investigation reports is taken and similarities noted as part of the IOPC's process, and when compiling data the narrative draws on information from post-mortems, though she acknowledged there was more work to be done in pulling together data from different sources. David stated that the IOPC were conscious of the need to focus on this issue further and that this data work was an initial step in that process.

20. Jenny S asked how the deaths data could be linked to wider use of restraint figures, and asked how we can be confident that all deaths following contact are known and recorded. She queried whether this reflects a gap in the statistics and if so asked how this might be resolved. Rachael mentioned the statistical difficulties in aligning IOPC and Home Office data more closely (differences in definitions, how the data is collected, etc.). They have met with Home Office researchers and discussed the possibility of exploring this further.

Rachael and David reflected that in reaching their statistics they start with a larger number of all referred cases and that this raw data often includes deaths where the connection or contact with the police is more tentative or coincidental. The cases in this pool then go through a validation process to reach the final figures. They stated that they would be happy to continue discussing how this data can be improved.

21. Juliet asked whether the figures can be disaggregated for those who are seeking asylum. Rachael stated that while this is not a category they expressly capture in their data (unlike ethnicity, for example), details such as an individual's status as an asylum-seeker may be included in the free text accompanying individual entries in their database.

Action 9: Secretariat to share restraint-related IOPC deaths data with Professor Seena Fazel to get his views in advance of writing to IOPC.

Action 10: The panel to write to IOPC to follow up on the questions raised during the discussion on restraint-related policing deaths.

Item 8: Ministerial Board on Deaths in Custody – planning for new workplan and next steps

22. Piers provided a brief background on the reforms to the Board made last year and outlined that ideally it was now time for a new Board workplan to be developed and agreed. However, the new panel chair would now not be in post until the end of the year, and there was a question whether scoping the plan should be delayed until January 2023, when the new panel chair is in post, to ensure it aligns with the panel's workplan. The panel agreed that as family engagement and deaths under the Mental Health Act are both substantive items at the next Board and already resulting in ongoing work, the development of a new workplan would best be done early in the new year.

23. Piers explained the next steps will be to advise the co-sponsors and submit advice to the ministerial chairs recommending this plan.

Item 9: Forward Look and AOB

24. Juliet said that the Prison Reform Trust were concerned about the wording in the new Mental Health Act draft bill concerning the removal of prison 'as a place of safety'. Juliet will forward all the information she has received for the secretariat to collate and circulate to the panel for consideration. IAPDC to prepare its consultation response.

25. Piers gave a brief update on the secretariat staffing:

- Sam Johnston Hawke had joined the team.
- Adrian left in mid-June. The vacancy for his post closed on 4th July and applications will be sifted in the coming days.
- Jece continues to work for the team one day a week.
- Piers currently is undertaking two roles, so there will be less resource over the next few weeks.

Action 11: Juliet to send Secretariat all information from PRT relating to the MHA description of a place of safety; Secretariat to collate into a paper and circulate to panel for comments. Secretariat to begin preparing consultation response.

Date of next meeting:

29 September 2022, 10.15am-4pm
102 Petty France
London

Actions:

- Secretariat to update existing letter to the Permanent Secretary about the delays in appointing a new panel member.
- Kish to e-mail coroners who have not yet responded to the invitation to attend a roundtable.
- Secretariat to get an update on the *Protecting lives: a cross-system approach to addressing alcohol and drug-related deaths within the criminal justice system* report recommendations ahead of the meeting with Ministers. *[note: delayed by ministerial changes]*
- Secretariat, Juliet and Jenny to consider confidential enquiry approach to examining suicides in prisons, potentially through discussion with Chris Barnett-Page.
- Juliet to write to the Health Secretary following up on the panel's joint letter on the impact of prolonged lock-up on people in custody during COVID-19. *(note: delayed by ministerial changes)*
- Jece to update the panel on attendance numbers for the first PCC event by Wednesday 6 July.
- Secretariat to set up a meeting between the panel and the CEO of the College of Policing, Andy Marsh.
- Secretariat to share restraint-related IOPC deaths data with Professor Seena Fazel to get his views in advance of writing to IOPC.
- The panel to write to IOPC to follow up on the questions raised during the discussion on restraint-related policing deaths.
- Juliet to send Secretariat all information from PRT relating to the MHA description of a place of safety; Secretariat to collate into a paper and circulate to panel for comments. Secretariat to begin preparing consultation response.