



**Minutes of the twenty-seventh meeting of the Ministerial Board on
Deaths in Custody
10 October 2018
MOJ, London**

Attendees:

- Rory Stewart OBE MP - Minister of State for Prisons and Probation, MoJ (Chair)
Rt Hon Nick Hurd MP - Minister for Policing and the Fire Service, Home Office
Jonathan Marron - Director General of Community and Social Care
Nick Poyntz - Deputy Director, Prison Safety and Security, Ministry of Justice
Frances Hardy - Head of Risk and Assurance, Immigration Enforcement
Heidi Pearson - Deputy Head of Police Powers Unit, Home Office
Elizabeth Moody - Prisons and Probation Ombudsman
Deborah Coles - Director, INQUEST
Juliet Lyon - Chair, Independent Advisory Panel on Deaths in Custody
Nev Kemp - ACC, NPCC Custody Portfolio
Dame Anne Owers - National Chair of Independent Monitoring Boards
Jonathan Tickner - Safety Lead, HM Inspectorate of Prisons
Katie Kempen - Chief Executive, Independent Custody Visiting Association
Frances Crook - Chief Executive, Howard League for Penal Reform
Charlie Taylor - Chair, Youth Justice Board
Ivan Trethewey - NHS England
Fiona Grossick - NHS England
Britte Van Tiem - Samaritans
Phil Cople - Executive Director, Prisons
Andy Herd - Mental Health Policy, Department of Health
Richard Mason - Deputy Director, Civil Law and Justice, Ministry of Justice
Linda Robinson -
HHJ Mark Lucraft QC - Chief Coroner
Andrew Fraser - Head of Secretariat to Ministerial Council,
Kishwar Hyde - Deputy Head of Secretariat to Ministerial Council (minutes),
Adrian Blake - Policy Officer, Ministerial Council

Apologies

- Peter Clarke - HM Chief Inspector of Prisons
Peter Dawson - Director, Prison Reform Trust
Dru Sharpling - HM Inspectorate of Constabulary and Fire and Rescue Services
Michael Lockwood - Director General, Independent Office for Police Conduct
Kate Davies - Director of Health & Justice, Armed Forces and Sexual Assault Services Commissioning, NHS England

Item 1: Welcome, apologies and minutes

Welcome

1.1 The Chair welcomed members the Ministerial Board. Apologies were noted from

- **Michael Spurr**, CEO- HMPPS
- **Peter Dawson**, Director - Prison Reform Trust
- **Peter Clarke**, HM Chief Inspector of Prisons
- **Michael Lockwood**, Director General - IOPC
- **Kate Davies**, Director of Health & Justice, Armed Forces and Sexual Assault Services Commissioning, NHS England

1.2 The Chair explained that the main purpose of the meeting was to discuss the four papers which had been circulated to panel members:

- Making inquests more sympathetic to the needs of families
- Healthcare in police custody
- Alternatives to the police use of restraint
- Embedding recommendations

Minutes of the last meeting

1.3 The minutes of the twenty-sixth meeting in June 2018 had been approved by the departmental co-sponsors and circulated prior to this meeting. The Chair noted that the minutes have been agreed, but invited members to raise any issues of accuracy with the Secretariat.

Item 2: Workstreams requiring discussion from the Board

Making inquests more sympathetic to families

2.1 Richard Mason, MOJ, referred to the paper circulated prior to the meeting, and outlined the measures the team are taking forward including a protocol for public bodies to sign up to, a revised Guide to Coroner Services, training for Coroners and a revitalised coroners' stakeholder group. There was a discussion about the difficulty in reducing the number of lawyers at inquests, and potentially greater chance of affecting the behaviour of those attending them.

2.2 The Board was pleased with the range of options outlined in the paper. Board members were pleased to see that mandatory coroner training was going forward and the Chief Coroner noted that the training extended to Coroner's officers as well who have the majority of contact with bereaved families. The Board agreed that there was more work to be done on the protocol and the Chair noted that in some situations early apologies to families can be important. Richard Mason agreed to take on Board their comments,

and invited Juliet Lyon and Dame Anne Owers to the coroners' stakeholder forum on 29th October.

Action 1: Richard Mason, MOJ, to proceed with the inquests work as outlined in the paper

Healthcare in police custody

2.3 Linda Robinson introduced the Home Office paper on healthcare methodology and explained that the aim is to improve the quality and consistency of custody healthcare across the country, both through commissioning and ongoing monitoring processes, and particularly, by bolstering clinical expertise input. She explained that the paper set out four options for doing so:

- *Status quo*
- *Transfer custody healthcare commissioning to NHS England*
- *Mixed approach*
- *Enhanced NHS support to Police Commissioning*

2.4 Linda Robinson explained that the Home Office have decided that Option 2 - transferring commissioning responsibility to NHS England - appeared to offer greater overall advantage and long-term benefits. However, she cautioned that it would not solve every current problem, and some issues still needed to be resolved, including whether NHS England would be able to meet the additional demands on its services and resources. Linda Robinson also noted that, as the most complex option, it is likely that implementation would take at least two years.

2.5 The Board welcomed the paper, and there was general support for the recommendations outlined in the paper. Dame Anne Owers noted that the NHS commissioning of prison healthcare has generally worked well and provides a link to the wider health economy.

2.6 There was a discussion of how police and NHS IT systems work together. Johnathan Marron noted that he is closely involved in this work, and is aware of the importance of ensuring that the IT systems work together appropriately.

Action 2: Linda Robinson, Home Office, to proceed with the recommendations as outlined in her paper.

Alternatives to police use of restraint

2.7 Heidi Pearson introduced the paper and explained that there had now been two workshops with practitioners and partners since the Ministerial Board approved this workstream in November 2017. The most recent workshop in August concluded that:

- Conducted Energy Devices (CEDs) should be explored further as they were rated as effective at managing a variety of detainees and assessed as being potentially safer than physical restraint for several groups of detainees and,

- further exploring the option of physical restraint with chemical sedation because it was judged to be more effective at safely managing cases of Acute Behavioural Disturbance (ABD) than physical restraint.

2.8 Some Board members expressed concern about the use of CEDs as a potentially safer option. ACC Kemp explained that training in this area has improved greatly and that de-escalation techniques did not always work.

2.9 Others commented on the variable recording of use of force by police forces and the use of force on those with learning disabilities. ACC Kemp said that the recording of use of CEDs is rigorous, but there may be improvements to be made to more general uses of force.

2.10 The Chair thanked everyone for all their hard work and asked the Home Office to proceed with the recommendations outlined in the paper, but also to consider the option of 'CED with sedation'. He also asked the Home Office to consider the issue of training for de-escalation, and the evidence supporting the use of CEDs when taking this work forward.

Action 3: Heidi Pearson, Home Office, to proceed with the recommendations of the restraints workstream (with the added option of TASER + sedation)

Successfully embedding recommendations

2.11 Juliet Lyon referred to the paper circulated to the Board which set out the work that the IAP had done in this area, building on the work that had been presented to the Ministerial Board in June. She ran briefly through the what the IAP – in collaboration with the external scrutiny bodies – consider to be the key recommendations for preventing deaths. She also outlined what the IAP believe to be some of the key barriers to preventing the successful implementation of such recommendations. The Board had a general discussion on the issue of implementing recommendations where the Board noted that the recommendations outlined by the IAP were all familiar but there is still a gap in turning them into prescriptive actions. The Board noted that it may be useful to take some learning from establishments with lower rates of deaths to consider what works and why

2.12 Elizabeth Moody noted that it is important for establishments to keep track of the recommendations they are responsible for to ensure they are carried out even when senior staff move on. She offered to compile a list of establishments where the PPO had repeatedly issued the same recommendations.

2.13 The Samaritans reported that they have been taking forward a Postvention Project which aims to reduce the number of self-inflicted deaths in prison. They offered to feed back on their progress at the next meeting.

2.14 The Board agreed that open conversations about what had gone wrong were the best learning opportunity. The Board commented on how bereaved families could play a valuable role in such discussions, and that senior leaders meeting bereaved families after a death provides a measure of respect and an opportunity to cement learning. There was general support for the Board to take this idea further.

Action 4: The Secretariat to ensure that the idea to involve bereaved families is taken forward through the Board's continuing work programme.

Item 3: Summarising the work achieved in 2017/18, and work to continue in 2018/19
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3.1 Minister Stewart left the meeting to attend a prior engagement, and Minister Hurd took the Chair's role for the remainder of the meeting.

3.2 Minister Hurd thanked the Board for their work over the last year and explained that a significant amount of work had been undertaken – although there are still many workstreams that will continue. He summarised the work achieved in each of the six thematic areas of the Board's work programme and then asked ACC Kemp and Heidi Pearson to update the Board on two particular areas.

Police workstreams post-Angiolini

3.3 ACC Kemp updated the Board with the police's progress in the following areas:

- The police custody early warning system (CEWS) was being trialled with feedback suggesting that it was simple and easy to use.
- The College of Policing is aiming to widen its syllabus for custody training. A virtual reality custody scenario had been built, and the College would be considering how to take this forward.
- The work had slowed on developing a new risk assessment process, but the police are hoping to revitalise this soon.
- The police are currently considering whether CCTV cameras in vans are necessary due to the widespread use of body-worn video technology.
- The video *60 seconds to save a life* was the most-watched training video and the NPCC will continue to promote its use.

Post-incident support for families

3.4 Heidi Pearson referred to the leaflet *Deaths in Police Custody: a leaflet for family members* which had been circulated to Board members. The leaflet had been through the consultation stage and was now in the final stages. There were still a few tweaks to make and it would be published in the Autumn.

Item 4: Custodial services updates

4.1 Each of the custodial services had forwarded their updates to the Board prior to the meeting and the Board members were asked to raise any queries directly with the department or the Secretariat.

Item 5: AOB

5.1 Legal Aid Funding: Referring to the paper on Legal Aid funding which had been circulated, some Board members asked if the team's timescales for progress had changed. The Chair asked the team to provide clarification about their timescales.

Action 5: Legal Aid team to provide clarification on whether their timescales have changed since the June Board

5.2 Awaiting further information (AFI) deaths: several Board members expressed concern about the number of deaths (76) that were still awaiting further information. The Minister asked for further information before the next Board.

Action 6: HMPPS to provide further information (before the next Board) on the unclassified deaths in the latest statistics

5.3 Year two work programme: the Chair acknowledged all the work that had taken place and said that some workstreams would continue into the next year. He asked for a programme of work to be presented at the next Board.

Action 7: Secretariat to prepare a year two work programme.

Item 6: Date of next meeting and close

The next meeting will be chaired by the Minister for Policing on 27 February 2019 at the Home Office, 2 Marsham Street, London from 10.30am to 12.30pm.