

**Independent Advisory Panel on Deaths in Custody
Minutes of IAPDC meeting
11 October 2021**

Attendees:

Juliet Lyon - Chair

John Wadham
Deborah Coles
Jenny Talbot
Seena Fazel
Piers Barber
Kish Hyde
Adrian Blake
Jecentha Shunmugam

Apologies:

Jenny Shaw

Item 1: Sue McAllister, PPO

1. Juliet welcomed Sue McAllister, the Prisons and Probation Ombudsman, to discuss the PPO investigation into the death of Baby A at HMP Bronzefield, the PPO annual report and her priorities for the future:
 - The report into the death of Baby A reflected collaborative working with input from a number of agencies, including local authorities and social services.
 - The PPO said that the midwifery model was not fit for purpose.
 - All recommendations but one have been accepted. Sue felt the case had wider ramifications and that the system needed a root and branch review. She reflected on how the PPO do not have resources to follow-up on implementation.
 - PPO are also investigating a stillbirth death in Styal. The case was different but was relevant to the wider consideration of stillbirths and deaths of babies.
 - Jenny Talbot agreed to speak with Sue on the Women's Health and Social Care Review that she chairs on behalf of HMPPS and NHS.
 - Deborah was concerned that the prison's apparent view of the mother as 'difficult' may have impacted her treatment, that cell bell calls appear to have been cancelled, and no bereavement counselling was given to the mother.
 - PPO have started escalating issues to the Prison Group Director but felt the responses have largely been about process rather than trying to understand barriers to stop staff performing as they should. PPO receive no reports of disciplinary action against staff and it would be useful to know that concerns have been taken seriously. John Wadham asked whether this was compliant with Article 2. Sue will raise it with Phil Copple.
 - The PPO's annual report has just been published. Sue had tried to make the latest publication much more accessible following feedback.

- Sue said MoJ was still awaiting a vehicle for legislation to put the PPO in statute, though suggested it would not provide any further powers to enforce recommendations.
- John mentioned new caseworker guidance by Immigration Enforcement on the removal of witnesses to deaths in detention. Sue asked the Secretariat to send her a copy (*secretary's note: sent immediately following the meeting*).
- Post-release deaths: PPO have started investigations into post-release deaths as a 12-month pilot from September. They have not been notified of many so far.
- Compassionate release: Juliet and Sue agreed that MoJ could have engaged with them earlier as the policy is now nearly complete. Sue agreed that the policy is too narrow currently, and it needed to move away from focus on terminable diagnosis. She felt decisions were delegated to too junior staff, and that it would be interesting to see if any work had been undertaken on how successful the policy had been – whether it was the right thing for people who had been released and their families.
- Priorities for the future: Sue's top priority is strengthening impact. A new deputy PPO will be looking at fatal incidents from the end of next year.
- Juliet raised the misuse of prison as a place of safety. Sue said the PPO were busy investigating individual circumstances of death, though she would like the time to do more thematic work.
- Brook House Inquiry – PPO have no operational input.
- Deborah mentioned low response rates to PPO's bereaved family survey; Sue said PPO family liaison function was limited because the HMPPS family liaison takes the key role.
- COVID-19 – the PPO's second learning lessons review will be published before the end of the calendar year. Sue was interested in the implications of vaccine rates and what regimes will look like for people who have refused vaccinations.

Item 2: Priorities for new ministers

2. Piers gave an update on the new ministers and their portfolios. Juliet suggested writing to each:

- Kit Malthouse MP, crime and policing, HO and MoJ – the panel agreed it was important to continue with the work currently being undertaken. Deborah stated that Kit was also responsible for ongoing work on the Angiolini Review; Juliet asked Deborah to set out any key issues to highlight

Action 1: Deborah to set out particular issues from the Angiolini review for inclusion in correspondence with the crime and policing minister.

- Tom Pursglove, Parliamentary Under Secretary of State, MoJ and HO – panel agreed to promote recent work on immigration detention and raise issues with short-term holding facilities as they relate to deaths in custody.
- James Cartlidge, Parliamentary Under Secretary of State, MoJ – Juliet said the minister was pushing hard on community sentencing; the panel could show their support, send him a copy of the letter to the Treasury and let him know about the work with coroners on PFDs.
- Victoria Atkins, Minister of State, MoJ - Juliet was meeting the minister and would report back. Points to raise at the meeting were COVID vaccinations, the Safety Impact Assessment, the use of prison as a place of safety, drug-related deaths and compassionate release. Deborah also wanted to raise self-inflicted deaths and the expansion of the female estate. Seena raised importance of properly funded healthcare and contracting arrangements.
- Gillian Keegan, Minister of State for Care, DHSC - the panel agreed to write to the new chair of the Ministerial Board to raise ongoing issues causing the deaths of those

detained under the Mental Health Act after further panel discussions have taken place. Juliet also discussed writing to Sajid Javid, Secretary of State for Health and Social Care, about mental health and the absence rates of healthcare staff in prisons due to vacancies and illness.

- Juliet will also be writing to the First Minister of Wales, Mark Drakeford, and to Laila Moran who was leading the All-Party Parliamentary Group on COVID-19.

Action 2: Secretariat to prepare first draft letters to Ministers.

Item 3: Feedback from panel-only session, minutes and actions from previous meeting

3. Piers introduced Jece who has joined the Secretariat for six months.
4. Kish gave an update on the actions from the previous meeting.
5. Juliet explained that the panel had discussed:
 - The next meeting in November, to take place in person at the Abbey Centre. The Secretariat will look into making arrangements.
 - The panel might also like to meet in person for their meeting in December.
 - Place of safety – Jenny suggested that Juliet meets with the MoJ team doing a “deep dive” into the use of the Bail Act.

Action 3: Secretariat to arrange meeting space at the Abbey Centre for November and December panel meetings.

Item 4: AOB

6. Juliet had contacted Jeremy Crook, Chief Executive at the Black Training and Enterprise Group, to talk to the panel about race. Deborah will also put forward names.

Action 4: Deborah to put forward names of people who the panel can approach to discuss looking at their work through the lens of race and ethnicity.

Action 5: Secretariat to arrange a time for panel to discuss Mental Health Act deaths work.

Action 6: Secretariat to send stats bulletin to panel before publication.

Date of next meeting:

8 November 2021, 1.30pm to 4.30pm

Location: Ashley Cooper room, Abbey Centre, Westminster.

Actions:

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