

**Independent Advisory Panel on Deaths in Custody
Minutes of IAPDC meeting: 26 January 2023**

Attendees:

Juliet Lyon - Chair
Jenny Shaw
Seena Fazel
Deborah Coles
Jenny Talbot
Kish Hyde
Piers Barber
Sam Johnston Hawke
Lana Ghafoor

For item 5:

Nick Poyntz
Richard Barnes

For item 7:

Enver Solomon
Jonathan Featonby

Item 1: Panel only meeting

Item 2: Feedback from Panel only session

1. The Panel discussed public appointments. The Panel were comfortable with Juliet's letter to the Permanent Secretary and expressed continued concerns about the public appointment process which has restricted the panel's ability input to important work.
2. Juliet outlined the interim chairing arrangements agreed by other panel members. Jenny S will lead on secretariat and panel liaison and Jenny T will lead on key meetings and presentations. As the interregnum should not last long the panel would largely be asked to clear reports and letters. The Secretariat will provide a briefing for Jenny T's APCC Custody Portfolio meeting.

Action 1: Secretariat to provide briefing for panel presentation at the APCC Custody Portfolio meeting (complete).

3. The Secretariat updated that firm dates for remaining meetings in 2023 had yet to be confirmed as only some panel members can do each of the suggested dates.

Action 2: Secretariat and Panel to agree IAPDC meeting dates for the remainder of the current panel's term.

Item 3: Minutes and actions

4. Juliet outlined the importance of continuing to work with the Justice Select Committee and reiterated her belief that the panel should ultimately look to report to a parliamentary select committee. She welcomed the secretariat's increased parliamentary work and suggested this should continue to be built on in the months ahead.
5. Juliet had spoken to Caroline Allnutt about the DHSC rapid review of healthcare which will be independently chaired by Geraldine Strathdee. The review will focus on data and early indicators of warning signs. Deborah had met with Geraldine, who also chairs the independent inquiry into the deaths of mental health inpatients in Essex which had been stymied by a lack of staff engagement. The panel agreed that the review will be a good opportunity to emphasise the need for independent investigation of deaths of people detained under the Mental Health Act, gaps in the research, and issues surrounding data.

Action 3: Secretariat to draft letter for Juliet to send Geraldine Strathdee about IAPDC input into the rapid review of mental health inpatients (complete).

6. Juliet noted the outstanding actions from the previous meeting:

- *Juliet to write to the NHS Chief Nurse and Royal College of Nursing to re-build previous momentum towards establishing prison nursing as a recognised clinical specialism.*

Juliet will write before the end of her tenure.

- *Secretariat to explore scope for consultation/communication with people detained under the MHA and their families.*

This had not been progressed. Panel members were unsure of what provision was available.

- *Deborah to feedback on INQUEST report on deaths in Mental Health Act detention after publication. Panel to then discuss how to follow-up with families.*

To be carried over to when the report is published in March.

- *Secretariat to draft questions to put to bereaved families about service liaison with families after a death and discuss the best method of engagement with the INQUEST team.*

The Secretariat met INQUEST and had an initial discussion. This will be followed up with a short scoping paper by the Secretariat to be sent to INQUEST.

Action 4: Secretariat to send an outline of the family roundtable on the interaction with families project to INQUEST.

- *Secretariat to set up meeting between Juliet, Deborah and Chief Coroner in January to discuss PFD's report*

Complete – Juliet had spoken to the Chief Coroner at the CPS event the previous week. From May onwards Deborah will be speaking about PFDs at training events as part of coroner training. The panel noted the positive progress made in engaging with the Chief Coroner over the last year.

- *Secretariat and Panel to plan family roundtable for PFDs project during January for delivery in February 2023.*

In progress. INQUEST will ask families at a meeting on 2nd February. Secretariat will send an agenda/outline of the project to Rosanna.

Action 5: Secretariat to send an agenda/outline of the family roundtable on the PFD project to INQUEST (complete).

Item 4: Discussion on budget spend items

7. The panel discussed the paper circulated prior to the meeting:
- Deborah said that it would be good practice for new panel members to participate in an INQUEST family listening day. The new Chair will have to sign off on costs which Deborah will share. This will be considered for the 2023/24 budget.
 - Panel members endorsed the idea of a handbook outlining IAPDC reports and recommendations. This should be designed to help improve organisational memory and retain focus on the importance of highlighting older Panel work, such as the Harris Review and previous Panel member Philip Leech's work on mental health. A handbook could focus on repeat recommendations and their outcomes. Seena suggested a collation of evidence in one place for others to interpret rather than the IAPDC providing an analysis. The audience would be government departments, partners and NGOs. IAPDC reports should be cross-referenced with those of other organisations.
 - Panel members agreed that the two proposed roundtables with families were important and needed to be fully costed.
 - Seena has identified research assistants to carry out work on the IAPDC statistical report. This would focus on further unpacking assumptions and methodologies used to calculate rates, including by better understanding average length of stay and comparison groups, particularly in police custody. The panel agreed that race must be a defining characteristic. This project will be taken forward this financial year.
 - Juliet stated that the panel should use, and pay for, Inside Time for consultations and callouts to prisoners.
 - Lana explained that the current IAPDC website has several security issues and that the panel have the option of either spending money on another external provider or waiting for the relevant MoJ team to have capacity to develop it for free, which would take longer. The panel agreed to the latter.
 - Lana explained the options for report designs; the MoJ can produce a template which can be used on an ongoing basis or create bespoke designs for individual reports. The latter would require significant cost and lead time. The secretariat will explore the less expensive option.

Action 6: Deborah to share costs of an INQUEST Family Listening Day.

Action 7: Secretariat to scope out a fuller proposal for a handbook outlining IAPDC reports and recommendations.

Action 8: Secretariat to draft a paper on panel projects and their related costs for approval by lead co-sponsor/budget holder.

Item 5: Nick Poyntz and Richard Barnes – Pre-sentence reports (PSR)

8. Juliet explained that she wanted to understand the interventions the panel can make to support the increased use of treatment requirements and PSRs, which had fallen in use and were important to identifying suicide risk.

Community Sentence Treatment Requirements

9. Nick and Richard advised that there has been a lot of focus on improving the number and availability of Treatment Requirements recommended to courts. These have increased by around a third since 2021/22. There has been progress in the uptake of mental health treatment requirements and the drugs strategy across government gave funding for

increased drug requirements, which ministers are particularly interested in. From next month probation will have a single national drug testing contract and additional staff to support in-house monitoring of Drug Rehabilitation Requirements (DRR).

10. Juliet asked for the actual figures for the increase in the use of Community Service Treatment Requirements, as a percentage increase alone did not illustrate scale. Deborah asked about how the programme was being evaluated; Nick stated that an outcomes evaluation was in process and had not reported yet.
11. Jenny T asked about alcohol treatment orders. Nick stated that HMPPS's current focus was currently more on the other two treatment requirements. Twelve percent of disposals from court were for treatment requirements, and only two percent for Mental Health Treatment Requirements (MHTR). The intention was to raise the number of MHTRs and DRRs. The full MHTR rollout would be complete in 2024.
12. Seena asked about co-morbidity in health and suggested that separate orders are unlikely to help the many people who have combinations of issues. He pointed out that addiction services have suffered in the last few years and that combined orders would be difficult to implement if services were not combined. Nick stated that combined requirements do exist although did not necessarily mean services are combined. Richard explained that 20% of MHTRs made were part of combined requirements.

Pre-Sentence Reports

13. Richard explained that there has been a decrease in courts' willingness to ask for reports and that there has been a loss of confidence by the judiciary in requesting reports. There were 90,000 PSRs produced in the last year, 52% of the caseload, and they were aiming to reach 150,000 reports, 75% of the target, this year. Measures are being taken to increase confidence in PSRs, such as reviewing format and the content, so that they serve the needs of the judiciary. Staff are being re-trained to ensure reports more effectively target those who reports are written on and what interventions are proposed. One of the biggest risk groups is those at risk of short-term custody sentences.
14. The Effective Proposal Framework provides routine guidance for staff on proposals made to court by staff and should enable a cultural shift towards community sentences. Analysis which suggests high levels of drug use does not necessarily mean that the person is suitable for a DRR. In view of the current high prison population, HMPPS is looking at measures that can be applied to reduce short and medium-term capacity need.
15. Deborah asked whether training is given to probation officers to promote knowledge of what community treatments are available. There is training but a package of measures is needed as PSRs should not be the only source of information. Jenny S asked about the relationship with psychiatric reports. It is expected that information is exchanged between Liaison and Diversion and probation staff, though information sharing across the country is variable and the picture on psychiatric liaison is particularly patchy. The fast pace of cases proceeding through courts is also making this especially challenging.

Item 6: Update on workstreams

Policing work

16. The report was published last year and Juliet met the policing minister earlier in the week. He was keen to take forward an event with wider policing stakeholders and the panel has been invited to speak at the APCC Forum in mid-February to present findings to police and crime commissioners. Deborah wondered whether input from families was

possible either at the forum event or a future one. The secretariat will find out which other portfolio leads are attending and explore whether to invite them to the future event.

Prevention of Future Deaths (PFD) reports

17. The panel are collaborating with INQUEST to hold a private roundtable with bereaved family members in February to receive their views on PFD reports. A survey has also been sent to services for their feedback. Juliet met the Chief Coroner and agreed to move ahead with plans. Deborah said she had written to the Chief Coroner on the issue of when coroners can write reports; she will share the letter with the panel.

Action 9: Deborah to share letter to Chief Coroner about the timing of writing PFD reports.

Suicide prevention plan

18. The panel are now working to finalise the report on suicide prevention across detention settings and will publish the report early this year. DHSC are still unsure about timings for the publication of the Suicide Prevention Strategy. The panel will continue to engage with them.

Compassionate release

19. The Secretariat has drafted a further letter to Phil Copple to ask for additional data, including breakdowns for reasons for the acceptance and refusal of individual applications. There are fewer releases taking place and the panel would like to know why this is.

Item 7: Enver Solomon and Jonathan Featonby, Refugee Council

20. Jonathan advised that new residential holding facility rules mean that detainees can now be held for up to 96 hours at Manston; the change seems to result from the Home Office not being able to process arrivals within 24 hours. The Refugee Council are concerned about detainees' access to legal advice and healthcare during processing. Manston is both a holding room for 24 hours and a residential holding room under the new rules, though it is unclear how this split at one site will work.
21. Enver stated that there was a wider issue around capacity, particularly regarding individuals and unaccompanied children, who can simply be moved into the other side of the facility if they are needed to be held for longer. There is no trauma-informed or mental health practice on arrival when formally held. Young people are fearful of engaging with projects for risk of deportation.
22. On Rwanda, the Refugee Council works across a number of hotels where people in the asylum system are being held, including unaccompanied children. The situation has increased mental health issues and self-harm. In December the High Court ruled that the Home Office Rwanda deportation policy was legal but that 19 decisions made in the cases of eight individual asylum seekers – due to be sent to Rwanda earlier in the year – were unlawful and would have to be reconsidered. This has shown the significant shortcomings in the way the decisions in identifying individuals to be removed to Rwanda were made. Casework on removal cases is poor. The Refugee Council has serious concerns about the collection of data and information relating to vulnerabilities when people first arrive in the UK and flaws in how that data is being shared between different parts of the Home Office to enable informed decisions to be made. There are young people whose age is under dispute who are identified as potentially being suitable for removal to Rwanda.

23. Deborah referenced children who had been moved to hotels who had gone missing which raises the issue of treatment more generally, and that nobody is taking responsibility for highly vulnerable children. They are not seen as children in need and lack of good treatment flows from that.
24. Juliet referenced her experience of visiting Manston last year where staff at the frontline were doing their best to help. Questions were raised about deaths immediately after detention as well as one in detention from diphtheria. The Prisons and Probation Ombudsman's remit has been extended to include deaths post custody. The panel has been advised that screening does take place and that there is a monitoring committee to look at the treatment of detainees.
25. Enver explained that two additional detention facilities have been opened. New legislation coming soon will result in large numbers of arrivals who will not be allowed to make asylum claims but will be held for removal to Rwanda or elsewhere instead. Detention numbers will expand significantly. Health screening is provided by private contractors and in the experience of the Refugee Council, it is variable and not robust enough to provide care for vulnerable young people.
26. Juliet hoped this would be the start of a relationship with the Refugee Council. Deborah said that if there were emerging concerns about risk and safety, they should let the panel know so that they could issue a rapid response. The panel decided that a further letter escalating concerns about future expansion of the estate, asking about the standards for health screening and the nature of the new monitoring body. In response to the offer from the Home Secretary about visits, the panel should suggest a visit to the new detention sites. The letter will be shared with Ministers, Joint Committee for Human Rights and with the press.

Action 10: Secretariat to draft a follow-up letter on concerns about immigration estate and Rwanda for Juliet sign-off.

Item 7: AOB

COVID-19 inquiry

27. The secretariat updated on the process behind the COVID-19 inquiry. INQUEST is applying to be a core participant in the criminal justice module for the COVID-19 inquiry, which may not take place until 2024. Juliet said that it was important that the IAPDC input evidence, especially on the process to secure vaccinations for all people in detention.

Action 11: Secretariat to draft letter to Baroness Hallett, the Chair of COVID inquiry, outlining IAPDC's intention to submit evidence (complete).

Date of next meeting:

TBC

Actions:

- **Secretariat to provide briefing for panel presentation at the APCC Custody Portfolio meeting (complete).**
- **Secretariat and Panel to agree IAPDC meeting dates for the remainder of the current panel's term**

- **Secretariat to draft letter for Juliet to send Geraldine Strathdee about IAPDC input into the rapid review of mental health inpatients (complete).**
- **Secretariat to send an outline of the family roundtable on the interaction with families project to INQUEST.**
- **Secretariat to send an agenda/outline of the family roundtable on the PFD project to INQUEST (complete).**
- **Deborah to share costs of an INQUEST Family Listening Day.**
- **Secretariat to scope out a fuller proposal for a handbook outlining IAPDC reports and recommendations.**
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