



Ministry
of Justice



Home Office



Department
of Health &
Social Care

**Independent Advisory Panel on Deaths in Custody
Minutes of IAPDC meeting: 29 September 2022**

Attendees:

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

For item 5:

Khyati Parmar, MoJ Safety Team
Hope Fenton, MoJ Safety Team

For item 6:

Richard Jolley, HO
Samantha Newsham, HO
Steven Malcolm, DHSC
Frances Hardy, HO
Sally Grocott, MoJ

For item 7:

Kate Davies, NHSE

Apologies:

Deborah Coles

Item 1: Panel only meeting

Item 2: Feedback from panel only session

1. Panel members had discussed their IAPDC areas of focus at the panel only session:
 - Jenny Shaw - consolidating work on natural deaths and substance misuse, helping to finalise the coroner Preventing Future Death (PFD) reports project, and taking steps to ensure that data on deaths of people detained under the Mental Health Act is fit for purpose.
 - Jenny Talbot – finalising the policing report and progressing related work with Police and Crime Commissioners, contributing substantively to the DHSC suicide prevention plan, and defining how to include the stakeholder group and those with lived experience.
 - Seena Fazel – addressing data on deaths of those detained under the Mental Health Act.
 - On behalf of Deborah Coles – progressing the PFDs project, engaging IAPDC with bereaved families and using the ACCT training video to engage Ministers. Jenny T would like to work with Deborah in taking the families work forward.
2. Juliet outlined her priority to raise the profile of the panel with new Ministers, underlining the work of the Ministerial Board. The suicide prevention plan is a priority and the panel should involve different groups, including the Practitioner and Stakeholder Group. Sam

advised that there had been a good response from prisoners to a call for evidence sent via Inside Time; Piers raised the need to consult with people in other places of detention. The event will be taking place in the autumn, and next steps were to send invitations, check attendances and structure the event appropriately. Recommendations should be kept practical and focussed.

3. In the discussion:

- The panel agreed to submit their recommendations in November and publish them ahead of the DHSC publication of the strategy – which will be in 2023, although there was some uncertainty over timetables given recent ministerial changes.
- The panel considered whether to invite unions, such as Prison Officers' Association, Police Federation and Association of Black Police Officers.
- Juliet also raised the possibility of holding a separate, smaller event at HMP Wormwood Scrubs, inviting Listeners at the prison and seeking attendance of the Prisons and Health Ministers. She would speak with Governor Amy Frost to see if feasible.
- Sam will draft some documentation to aid the event discussion and send to the Panel for their views.

Action 1: Sam to draft documentation to aid the discussion at the DHSC suicide prevention event and send to the Panel for their views.

Action 2: Juliet to speak to Governor Amy Frost about holding a suicide prevention event with Listeners at HMP Wormwood Scrubs.

Item 3: Minutes and actions

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

Item 4: Workplan priorities for 2022

5. Juliet explained that she and the Secretariat had held an exercise to plot her priorities to the end of her tenure.

6. Piers ran through some highlights:

- Some other work to take forward was with IPP prisoners (following the Justice Select Committee report in which the Panel's evidence was cited a number of times) and those on remand.
- The secretariat had agreed with Phil Cople for the panel to receive monthly data from October to inform activity.
- The next Ministerial Board meeting is in November and a panel update will be needed.
- New secretariat member, Lana Ghafoor, will be taking up post in October and will be taking forward some work which is currently paused, such as the regular parliamentary updates.

7. Other things to add to the list were the CPS symposium (with the first event taking place on 9 November) and natural deaths, although some of this had been covered in the letter to Phil about compassionate release. Juliet asked all panel members to look at the workplan and to feedback their own objectives to the end of their tenure.

Action 3: All panel members to feed back to Juliet on their objectives and priorities to the end of their tenure.

Item 5: Prisoner debt

8. Khyati Parmar and Hope Fenton gave a short presentation on the MoJ Prisoner Debt Study.

- Prisoner debt is classified as that which is between prisoners and can have repercussions inside and outside of prison. The MoJ Safety Team have secured £880,000 for two-year research; the initial stocktake to bring together current knowledge on debt has taken place and the study will commence in October 2022. Sources of information for the stocktake are policy teams, analytical services, scrutiny bodies, research and consultations with prisons.
- The key findings so far are that debt is being driven by the illicit economy but windows for it are created by prison processes. Debts between prisoners are destabilising most areas of prison life - there is evidence of this across the whole estate. The outcomes of debt are varied from serious violence to homicide and self-inflicted deaths. Debt has been a related factor in multiple Prison and Probation Ombudsman investigations into prison deaths. It is far more wide-ranging than initially realised. Hope reflected that when the death concerned debt, both prisoners and staff sometimes appeared to have less sympathy for the deceased.
- Serious and organised crime networks impact on many parts of prison life for both staff and prisoners. These networks use prisons as places for huge financial gain with highly inflated prices from everyday items to drugs and alcohol and use illicit items as forms of payment from the holding of mobile phones to the brewing of alcohol.
- The illicit economy in prisons plays a major part in the problem of debt but there are also prison processes that contribute to it and enable the problem, including early days and induction, canteen, prisoner pay and the cost of living. Staffing pressures add to the problem and often staff themselves do not know what to do.
- The study will be looking at mapping the scale of debt across the estate, including geographically and how this is spread across different categories of prison; quantifying the harm; investigating the various levels of debt and how they interact with each other; understanding the impact on different cohorts; and understanding debt pinch points and emerging threats.
- The research team is currently being recruited with two members of the team now in place, and a leading academic in the area has been engaged. The study will last for two years with an interim report at the end of year one.
- The team are also providing support visits to establishments, sharing good practise, encouraging establishments to review local systems induction and pinch points, holding focus groups with prisoners, speaking with Senior Management Teams, reviewing guidance and toolkit, and instigating a National Offender Management Information System online marker for debt so that they can start to track the perpetrators and victims.

9. In the discussion:

- Seena suggested that the focus should be on modifiable change, such as controlling the illicit sale of prescribed medication.
- Juliet referenced the panel's Keeping Safe report which refers to drugs and their relationship with debt. The Secretariat will forward a copy of the report.
- Juliet suggested that they should link in with colleagues in policing with this work.
- Panel agreed that staff who care, gather intelligence and know what to do make a huge difference.
- The panel would like to be kept updated on the work.

Item 6: Co-sponsor updates and discussion

Richard Jolley, Home Office Police Powers Unit

10. The new Policing Minister, Jeremy Quin MP, has a background in firearms and public order from his time in the Ministry of Defence. The new Home Secretary has written an open letter to all chief constables setting out her vision for policing, based around getting the basics right, rebuilding trust and confidence, reducing homicide and tackling serious

violence, all of which are relevant to police custody. The Minister is interested in mental health, particularly in driving down demand. The team will be briefing the Minister on the Ministerial Board on Deaths in Custody soon and think he will be very supportive; he has already shown interest in disproportionality and vulnerability issues.

11. The Home Office are keen to build on the panel's policing project to share and drive effective good practice. Recently published Independent Office for Police Conduct data shows a positive reduction in deaths in the last year, down to 11 from 17. There were 56 deaths post-release and 109 "other" deaths.
12. In the discussion:
 - Juliet was concerned about a lack of clarity concerning definitions between custody deaths, suicides after discharge, and other deaths. Samantha stated that the latter may relate to cases where persons are being arrested or where they disappeared after police contact which had arisen after a welfare concern being raised about them.
 - Juliet stated the policing report should be published after party conferences. Richard agreed and committed to briefing the new Ministers quickly so that they can look for opportunities to take it forward and arrange an event with police chiefs. Juliet and Jenny T would like to meet the Minister to discuss the event.
 - Richard advised that HO are arranging for the Minister to visit a custody suite. The HO custody Annual Data Requirement data will be published shortly and will contain much richer data.

Frances Hardy, Home Office Immigration Enforcement

13. Tom Pursglove is the new minister for both immigration and asylum. He has been to an Immigration Removal Centre (IRC) and understands the complexity of the work. The Home Secretary has stated that immigration and managing small boats is a priority.
14. There have been no deaths in IRCs in the last 12 months, but two deaths following release – people who died after leaving detention as a result of an incident during detention. A Lessons Learned event is taking place in the near future which Juliet will be attending. There is an ongoing fatal accident inquiry and two inquests due to be heard, which Frances will provide information on when complete.
15. HO have completed nearly half of the deliverables on the action plan in response to the IAPDC's guidance for preventing deaths in detention; Frances will forward an update. Other updates included: new guidance and a training pack for staff are ready for the new ACDT; guidance has been published on interpretation services; a review of Adults at Risk processes found criticism around interpreters so HO are commissioning work on how to use interpreters properly; the Home Office Analysis and Insight Unit have conducted research on cultural differences, trauma and self-harm with a next steps discussion soon; HO have engaged Samaritans to see what they can do to help in immigration detention.
16. Two new IRCs will open soon, providing an additional 1,000 male detention beds. Factsheets on these will be shared as soon as they have been cleared by Ministers.
17. Juliet advised that she will be sending a response to the Home Secretary's letter on Rwanda and will reference the Chief Inspector of Prisons' report on Brook House, which raised questions including on suitability and interpreters. Frances noted that their improvement plan published online sets out what they are doing in response to this report, and suggested that the report itself showed a lack of understanding from HMIP about safeguards in place – e.g. what the rule 35 team does – and so they will be doing a few shadowing days with HMIP.

18. Juliet asked to meet the Minister; Frances thought that a joint meeting with Minister Quin may be better and will pick up with private office to get in the diary after conference. Juliet confirmed this would be principally about implementation of action plan and guidelines on suicide prevention.

Action 4: Frances to update on the recommendations from the IAPDC report on deaths in detention and share factsheets on new IRCs.

Action 5: Frances/Secretariat to arrange meeting between panel and ministers Pursglove and Quin about implementation of the IAPDC's guidelines on suicide prevention.

Steven Malcolm, Department of Health and Social Care

19. Steven referred to the recent Panorama programme on Edenfield Centre. He reassured the panel that they were working with NHS England to find out what went wrong and ensure it does not happen again. It was also the subject of an open police investigation.

20. Jenny S asked what led to the undercover investigation and would be interested to see the results of any independent investigation. Steven will find out what led to the investigation and feedback.

21. The new Mental Health Minister, Dr Caroline Johnson, has a clinical background. She has shown interest in secure mental health due to reporting on the Edenfield centre. She has been given a few lines about the Ministerial Board and will get more detail in slower time.

22. Juliet advised that she had been planning a joint visit with Gillian Keegan and the prisons minister to a women's prison; she was still keen on it given the crossover and mental health concerns. Steven will mention it to the Minister's private office. Juliet would also like an update on IAPDC natural deaths and the drug and alcohol work and will send a letter on this.

Action 6: DHSC to provide background to the Panorama investigation of the Edenfield Centre and next steps.

Action 7: Secretariat to consider joint ministerial (Health and Justice) with IAPDC (Chair and Jenny T) to women's prison.

Sally Grocott, Ministry of Justice

23. Brandon Lewis CBE is the new Secretary of State; he has previously been Immigration Minister as well as Policing Minister. Rob Butler MP is the new Minister for Prisons and Probation. He has a lot of relevant experience, has stated that he specifically asked for this portfolio and is highly engaged in the work.

24. HMPPS are undergoing a restructure, which involves a move from a DG Prisons and DG Probation to a CEO and DG Operations split. Amy Rees has taken on the CEO role and Phil Copple the Operations role. This is part of the OneHMPPS programme which aims to get prisons and probation to work more effectively together by bringing them under a unified regional structure.

25. On public appointments, advice for the panel member recruitment is currently with the new ministerial team and will go to co-sponsors in late October. The IAPDC chair campaign is still on track to be completed before the end of the year. The team are hoping that a merit list from the first campaign can be applied to the campaign for appointments in 2023.

26. On ongoing work, recruitment and retention remains the key challenge, particularly prison officer grades. HMPPS is planning to spend an additional £12 million on specific workforce measures in 2022-23 to improve the experience of new joiners and increase levels of experience on our prison landings. This has been a key area of attention for new ministers. Relevant work on the Prisons Strategy White Paper includes setting up of the Innovations Taskforce, development of a Peer Support Scheme, and a major Debt Study, which was discussed earlier.

27. Although cases of COVID-19 in prisoners are increasing, the main concern is amongst staff. Large concentrations of cases are still limited to a few establishments and there have been no reports of staff or prisoners in hospital due to COVID-19. The Mental Health Act is of interest to the MoJ from the perspective of mental health transfers and the use of prison as a place of safety. Sally thanked the panel for contributing evidence to the joint committee scrutinising the bill. The next deaths in custody statistics will be published in the last week of October.

28. The Justice Select Committee published their report into the imprisonment of IPP prisoners, which drew on the panel's evidence. MoJ is currently considering the recommendations from the report.

29. In the discussion:

- Juliet stated that prison recruitment and lack of experience is a big concern and was one of the main factors when suicides numbers rose in the 2010s. Staff did not know their prisoners or the signs to look out for. Juliet asked if there were any plans to bring back more experienced people. Sally suggested that Juliet raise this in her next meeting with Phil.
- Jenny T asked about the peer support project in the Safety Team. Sally will get information and feedback.
- Juliet asked about payments for people with lived experience who presented at conferences and joint committees etc. Kish is making enquiries with the MoJ on the process. Richard stated that the Home Office has a specific person that does this engagement.

Action 8: Secretariat to get information on peer support and feed back to panel.

Action 9: Kish to pursue MoJ on process for payments to people with lived experience.

Item 7: Kate Davies CBE, NHS England

30. Kate stated there were two current main pressures on healthcare in prisons:

- a) Workforce - HMPPS problems have a direct impact on NHS healthcare services and Kate had written to ministers about the risks. NHS have similar problems with staffing levels. Workforce issues are worst in the South, the SE and in London.
- b) The uncertainty of direction of prison strategy. There needs to be certainty about the long-term plan for expansion of the estate and for that of reducing remand levels.

31. Kate said that reset and recovery are a priority. She was pleased that the spending review had targeted health and justice and includes work on neurodiversity and the women's review, all of which are positive. There are two new IRC sites opening soon which will be under NHS remit.

32. Liaison and Diversion services are on target and an evaluation of the programme will follow. Secondary care pathways are also on track. Mental health and information continue to be priority.
33. There are a small number of COVID-19 cases - 38 prisons are on the watch list and this reflects the numbers in the community. Booster vaccinations are now rolling out following agreement with the Joint Committee on Vaccination and Immunisation.
34. In the discussion:
- Panel members asked about measuring the usage of Mental Health Treatment Requirements. Kate replied that the aim was to have 70% court coverage by 2023, currently it was 48%. The plan aimed for consistency and availability of orders and treatment providers. Combined order requirements need to be better understood as well as made more available. Agreement had been reached on options to fund sites as pathfinders - three have signed up already. Secondary mental health treatment funding is being provided by provider collaborations.
 - Seena asked if mental health and drug services were separate and whether they were being brought together. Kate said that all services should be working as partnerships.
 - Juliet advised that the panel are running consultations on suicide prevention and asked to discuss it with Kate. She mentioned the Covid-19 Inquiry and that the panel will write in response. Kate stated that the majority of healthcare providers have a positive attitude that they simply have to learn to live with infection control and are good at maintaining movement across the estate. She stated that HMPPS should not let small numbers of outbreaks influence what happens in the rest of the estate.
 - On healthcare commissioning, under new legislation new and renewed contracts are now being given for a minimum of seven years.

Item 8: AOB

Budget update

34. Kish advised that the panel have £40k this year to spend. So far, the spend has been £1,470.78, mainly on travel and expenses but also other payments such as subscriptions to Inquest Law magazine, IMB newsletters, Freepost (for prisoner letters), and a handbook on inquests.
35. On research spending, if the award to be made is for less than £1,000, a direct procurement can be made. For awards less than £10,000, the panel will need to obtain three quotes.
36. Paying people with lived experience: Kish had contacted Mahala (who was looking into this for the Women's Taskforce) and was waiting for a response.

Date of next meeting:

10 November 2022, 2-4.30pm, virtual.

Actions:

Action 1: Sam to draft documentation to aid the discussion at the DHSC suicide prevention event and send to the Panel for their views.

Action 2: Juliet to speak to Governor Amy Frost about holding a suicide prevention event at HMP Wormwood Scrubs.

Action 3: All panel members to feed back to Juliet on their objectives and priorities to the end of their tenure.

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