



Ministry  
of Justice



Home Office



Department  
of Health &  
Social Care

## Independent Advisory Panel on Deaths in Custody

### Minutes of the Independent Advisory Panel meeting 1 June 2020

#### **Attendees:**

**Juliet Lyon - Chair**

Seena Fazel

John Wadham

Jenny Talbot

Deborah Coles

Jenny Shaw

Piers Barber, Head of Secretariat

Kish Hyde, Secretariat

Adrian Blake, Secretariat

Alison Bernard, Secretariat

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#### **Item 1: Feedback from panel-only session, minutes and actions from previous meeting**

##### Feedback from panel-only session

1. The panel discussed an inquiry into deaths in custody during Covid-19. Juliet explained that the panel had discussed how sectors were starting reviews into their handling of COVID which the IAP ought to contribute to. The Joint Committee on Human Rights had already launched an inquiry and other select committees are following. IAP to provide evidence. The question of whether there should be a specific inquiry to examine the case of those detained by the state should be kept under review.
2. In July 2020, it will be five years since the Harris Review into self-inflicted deaths of young people in prison custody was published and the panel considered whether there should be an audit of the lasting impact of the Review.

##### Minutes of previous meeting

3. Minutes of the previous meeting were agreed

## Action log

4. Most of the actions from the previous meeting had been completed or were on the agenda for substantive discussion. Juliet drew attention to the following actions:

- *Juliet to prepare letter and Adrian to arrange mailshot to Keeping Safe delegates about conference follow-up actions.*

Juliet said that she would action this within the next couple of days when the website hub was up-to-date. The letters would also contain a link to today's IAP/NPR rapid review report. Deborah drew attention to the high level of self-inflicted deaths during the Covid-19 period which reinforced the importance of Keeping Safe and suicide prevention.

- *Juliet to circulate follow-up action list from Keeping Safe conference to panel for information.*

Juliet was keen to follow up action on the commitments that the Lord Chancellor had made at the conference. She asked the secretariat to check on what these were with the view to potentially writing to him.

**Action 1: Alison/Adrian to check what commitments the Lord Chancellor made in his speech at the KS conference.**

- *Jenny T to prepare second article for the Magistrates Association journal*

Jenny explained that she, Juliet and Piers met the Magistrates Association recently and all agreed to continue with the article; deadline is 15th June. The panel agreed that a meeting with Kit Malthouse, the Home Office and MoJ Minister, on this issue would be useful and to send him the previous article as well as the next one.

**Action 2: Secretariat to arrange a meeting with Home Office Minister Kit Malthouse.**

Deborah had read a recent note about issues with Community programmes which she will circulate.

- *Nick to speak to Chris Barnett-Page about publication of numbers of deaths from COVID-19 and family liaison and feedback to panel.*

Piers had spoken to Chris who confirmed that the numbers are held centrally but at the moment they are only announced when requested. His team are putting together a proposal to the Minister to allow their publication. Juliet stated that the panel will continue to pursue their release.

- *Immigration actions*

John referred to the conversation with Frances Hardy during which the panel asked for the papers she had presented to the Detention Action hearing; Frances had forwarded the witness statement but not the attachments. John was adamant that these should be released to the panel for perusal as well. Piers will be speaking to Frances and will ask her again.

- *Steven to find out if there have been any additional police callouts to mental health settings.*

Steven had left the Home Office recently and the panel asked for a meeting with his replacement to discuss this issue and for a review of the current status in response to COVID.

**Action 3: Secretariat to arrange a meeting with new Home Office co-sponsor.**

Deborah mentioned that there was a lot happening in police custody, particularly regarding the introduction of Tasers; there was anecdotal evidence of an individual who had been left paralysed. Recently, following another case, the coroner recommended that there should be review of Taser use. The IAP should continue to monitor.

- *Angela to find out if data on deaths is published and share if available.*

Juliet explained that there was no response yet, and she would follow-up. However, Juliet did receive a letter from Nadine Dorries which recognised the need to record and publish data on deaths. The letter also offers a meeting which Juliet will accept. The panel will raise with CQC next week.

**Action 4: JL to follow up with Angela on whether data on deaths is published and to share if available.**

- *Secretariat to ensure that up to date information, including helplines and contacts for intelligence gathering are available on IAP Covid-19 information hub*

The website continues to be progressively updated. Juliet asked panel members to forward any relevant material to Adrian to upload. This would be a standing item.

**Action 5: standing item: panel members to forward any relevant material to Adrian to upload to website**

- *Piers and Seena to discuss IAP statistics project and progress.*

Piers will speak with Seena to identify exactly what sources required to begin analysis. Deborah suggested the 2019 figures should now be included so that the report would be up-to-date.

**Action carried over as Action 6.**

**Item 2: Secure health and detentions under MHA – discussion re IAP work and prep for CQC meeting on 9 June**

5. Deborah had raised this at previous meetings and circulated a note prior to the meeting. She summarised the main issues:
  - lack of access to qualitative data. This is a long-standing problem; it is difficult to know from available evidence who has died, how they died

and what they died of. There also remains tension between those detained and those who are defacto detained – e.g. children.

- lack of independent investigative body and disparity between this and other settings. This undermines the integrity of the inquest process which relies on the findings from the investigation. Trust investigations are of varying quality and some involve families while others do not. Both IOPC and PPO issue Learning Bulletins which highlight issues in their respective areas but this does not happen in mental health settings.
6. The panel agreed that it was difficult to understand what is happening with investigations; the only mandatory investigations are into homicides of persons in Mental Health hospitals. This raises questions about the remit/adequacy of CQC and their role in monitoring investigations. Seena reminded the panel that there is some national learning via the National Confidential Inquiry which also produces an annual report and a related conference for suicides, although there is no such work for natural deaths. Jenny S agreed that there was a lack of consistency and agreed process of independent investigations; she wondered whether a round-table event would be useful, possibly with a partner like the Royal College of Psychiatrists or RCGP, or maybe with both.
  7. Deborah agreed with the comments and suggested that some scoping work was needed on considering what the panel needs to do, with input from families and from co-sponsors for some context-setting.

**Action 7: Panel to decide next steps for secure health workstream following meeting with CQC, beginning with scoping work.**

CQC next week meeting:

8. Juliet explained that the IAP met the CQC after publication of their 2016 *Learning, Candour and Accountability* report but not met since then. The panel would like to hear if the report recommendations have been implemented and their interest in prisoner health. It was agreed that a paper was needed in advance of next week's meeting prioritising the points from Deborah's paper.

**Action 8: Secretariat to draft a note for CQC**

Item 3: 2019 overall workplan review

9. Piers explained the background to, and format of, the tracker which had been circulated prior to the meeting. The panel discussed each item in turn, looking at the history, action taken, and next steps. A decision was taken to take forward all outstanding workstreams. The Secretariat will update the tracker and circulate.

**Action 9: Secretariat to update 2019 workplan tracker and circulate.**

Item 4: Short term Covid schedule

10. A discussion took place about the draft schedule and the short term workstreams contained. The Secretariat will update the schedule and circulate.

**Action 10: Secretariat to update Covid schedule and circulate.**

National Prison Radio:

11. The initial review was published today (1 June). It has been shared with the members of the Ministerial Board, and Chairs of the Health and Social Care Committee, the Justice Committee and the Joint Committee on Human Rights. Juliet explained that NPR were planning a further session of listening to prisoner voices and transcribing their experiences for the next part of the report. It would be interesting to see if there was different feedback. In addition, Inside Time will be providing quotes from prisoner letters they have received which will also be incorporated into the final report. Juliet was still considering the framing of her question to put to prisoners via Prison Radio. Juliet had advised the Minister that the second report will be completed by the end of June 2020.

Item 5: 2020 workplan focus

12. The panel discussed the workplan for the forthcoming year which was grouped under specific elements of the Panel's terms of reference. John recommended that advice given by the IAP is labelled as such. Panel members also gave some thought and suggestions on how to capture deliverable items listed in the workplan. The Secretariat will update the workplan and circulate.

**Action 11: Secretariat to update 2020 workplan and circulate.**

**Action 12: standing item - Advice given by the IAP to be labelled as such**

Prison - no place of safety

13. Jenny T explained that this issue was picked up in the Magistrates Association survey. The Prison Governor's Association (PGA) have also expressed their concern about magistrates using prison for this purpose and passed a resolution on it at their last conference. The PGA have been invited to speak to the panel and are looking for a convenient time. Deborah had been involved with "prison as a place of safety" related cases which she would forward to Jenny.

**Action 13: Secretariat to arrange meeting with PGA**

**Action 14: Deborah to forward "prison as a place of safety" related cases to Jenny T.**

**Future "weekly" panel meetings**

IAP will meet at 11am on:

- Tuesday June 9<sup>th</sup> June
- Tuesday 16<sup>th</sup> June
- Tuesday 30<sup>th</sup> June

The panel will then meet fortnightly, but will keep this under review.

**Next full panel meeting:**

**10.30am – 4.30am, 17 July 2020, now rescheduled for Tuesday 28 July to allow time for Ministerial Board sub-groups on 7<sup>th</sup> and 21<sup>st</sup> July.**