



Ministry of  
**JUSTICE**



## **Ministerial Board on Deaths in Custody**

This is a summary of the ninth meeting of the Ministerial Board on Deaths in Custody held on Tuesday 7 February 2012. It was chaired by Paul Burstow MP, Minister of State for Care Services at the Department of Health (DH).

### **1. National Offender Management Service (NOMS) analysis of prisoner deaths in 2010 – a review of unclassified deaths update**

1.1. At the Ministerial Board in October 2011, NOMS reported that in 2010, there had been an increase in the number of deaths in prison where the cause of death was initially unknown. NOMS had commissioned a review to provide a fuller analysis and a report of the review would be presented to the Ministerial Board in June 2012.

### **2. Section 136 of the Mental Health Act (MHA) – compliance with the Association of Chief Police Officers (ACPO) and DH memorandum of understanding**

2.1. ACPO and DH presented a joint paper to the Board about the level of compliance with the ACPO / DH memorandum of understanding on Section 136 of the MHA, as well as information on the disbursement of extra resources for the provision of health based places of safety. The paper, which included feedback from 37 police forces, showed that the use of health based places of safety is increasing but there is a mixed picture – with some very effective police and health trust partnerships and low usage of police custody, compared to areas where police custody is used more frequently and partnerships are functioning less well.

2.2. They recommended that the future NHS Commissioning Board (subject to the passage of the Health and Social Care Bill) should commission health based places of safety alongside offender health services.

### **3. Ministerial Council on Deaths in Custody continuation**

3.1. The Minister confirmed that he had, along with Nick Herbert MP, the Minister of State for Policing and Criminal Justice and Crispin Blunt MP, the Parliamentary Under-Secretary of State for Justice, agreed to the continuation of the Ministerial Council on Deaths in Custody for a further three years from 1 April 2012.

3.2. Ministers had re-appointed Lord Harris as Chair of the IAP for three years and the six Panel members would serve terms of either two or three years. Three Panel positions would become vacant in April 2014, and these would be filled by a process of open competition. This would ensure the Panel had continuity to complete important pieces of work whilst affording them an opportunity to update the mix of expertise and interests.

### **4. Coronial reform**

4.1. The Ministry of Justice (MoJ) provided an update to the Board on coronial reform. On 23 November 2011 the Government announced its decision to amend the Public

Bodies Bill so that the office of Chief Coroner could be implemented. However, the appeals function in the Coroners and Justice Act (CJA) 2009 would be repealed.

- 4.2. The Chief Coroner would be able to direct a coroner to conduct an investigation and to issue training regulations. The Chief Coroner would also keep a register of all investigations lasting more than 12 months; and issue statutory guidance about how coroners operate in relation to bereaved families and regulations about the procedure for carrying out investigations. An annual report would be laid before Parliament including details of investigations lasting more than 12 months, including the reason for delays and any measures the Chief Coroner is taking to tackle them.
- 4.3. MoJ would issue a Written Ministerial Statement once an appointment had been made and it was confirmed that the appointee would be invited to sit on the Ministerial Board.

## **5. Update on the work of the Independent Advisory Panel (IAP) on Deaths in Custody**

- 5.1. Lord Toby Harris presented a report on the IAP's second family listening day for families whose relatives had died whilst detained under the MHA. The report contained three recommendations, which are being taken forward by DH<sup>1</sup>. An update was also provided on the work being undertaken by Mendas, who were commissioned by the IAP, to research the impact of Rule 43 reports on the custodial sectors' organisational learning. The Panel will receive the results of the research in May.
- 5.2. Lord Harris reported that Her Majesty's Inspectorate (HMI) of Prisons and HMI Constabulary had completed the initial phase of analysing 181 Person Escort Record (PER) forms in police custody suites to determine the extent to which information about the risk of self-harm obtained during detention in police custody was accurately recorded and likely to be useful in subsequent care planning. HMIP and HMIC agreed to conduct follow up work to track the flow of PER form information from police to prison custody and would present emerging findings in June, with a final report presented to the Board in October 2012.
- 5.3. The Panel's recommendation that the Prisons and Probation Ombudsman (PPO) remit should be extended to cover investigations of deaths of children in Secure Children's Homes (SCH) to ensure compliance with Article 2 of the European Convention on Human Rights was also discussed. A paper submitted to the Board by the Department for Education (DfE) disagreed that a PPO investigation of deaths in SCHs was required for compliance with Article 2. However, DfE would be willing to consider whether such arrangements could be put in place to ensure consistency across the secure youth estate. Officials from MoJ and DfE would be invited to the Board in June 2012 to discuss this recommendation further.
- 5.4. The Panel met on 31 January 2012 to review their achievements from the first term, plan priorities for its next term, considered areas in which they had not achieved their objectives and discussed wider issues such as their role, purpose and relationship with stakeholders. The draft work programme for 2012/13 would be submitted to co-sponsors of the Ministerial Council for sign off in April 2012.

## **6. NOMS Cell Sharing Risk Assessment (CSRA)**

- 6.1. NOMS reported that the CSRA was implemented in 2002, following the murder of Christopher Edwards by his cell mate in Chelmsford Prison in 1995. CSRA provided a risk assessment for cell sharing and other occasions when a locked space may be

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<sup>1</sup> To read the recommendations and the report, please click here: <http://iapdeathsincustody.independent.gov.uk/wp-content/uploads/2012/02/IAP-Listening-Day-Report.pdf>

shared by two prisoners. CSRA allows the identification of prisoners at risk of seriously assaulting or killing a cell mate in unsupervised locked spaces. In-cell homicides were rare events, with nine recorded between 2000 and 2011.

6.2. The CSRA would be undertaken when a prisoner first comes into prison and is based on known risk factors which reception staff can find from documents such as the Court Warrant, PER, Police National Computer record and P-NOMIS. Prison Service Order 2750 'Violence Reduction' was reviewed in 2009, during which the CSRA was also revised to introduce an evidence based process to reduce the likelihood of in-cell homicides. Prison Service Instruction 09/2011 had been published on 1 March 2011 which included the new CSRA process and contained two risk categories: high and standard risk the CSRA.

**7. Independent Police Complaints Commission (IPCC) review of work in relation to cases where Article 2 of the European Convention of Human Rights is engaged**

7.1. The IPCC reported that they would be reviewing its function in relation to investigations in which Article 2 of the ECHR was engaged. This would include looking at the IPCC's powers, resources and approach to dealing with such cases. The work would formally commence in April 2012, with a final report due to be published in February 2013.

**8. INQUEST – Her Majesty's Inspectorate of Prisons inspection of HMP Styal and deaths of young people in prison**

8.1. INQUEST discussed the HMIP inspection of HMP Styal in July 2011 and the recent deaths of two young males in custody in January 2012. The minutes from the discussion at the Board meeting were sent separately to Ministers at MoJ, Home Office and DH to inform them of Board member's serious concerns on these topics.

**9. Date and Time of the Next Meeting Ministerial Board**

9.1. Tuesday 12 June 2012.