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of Justice



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Department
of Health

Independent Advisory Panel on Deaths in Custody

Minutes of the Independent Advisory Panel meeting Tuesday 9 June 2015 102 Petty France, London

Attendees: Lord Toby Harris (TH) - Chair,
Professor Philip Leach (PL)
Professor Richard Shepherd (RS)
Dinesh Maganty (DM)
Matilda MacAttram (MM)
Professor Graham Towl (GT)
George Barrow (GB), Secretariat
Kishwar Hyde (KH), Secretariat

Apologies: Deborah Coles
Dr Meng Aw-Yong
Alice Balaquidan
Stephen Cragg QC (SC)

1. Welcome and Minutes from last meeting

1.1 TH welcomed everyone to the meeting. Apologies had been received from Deborah Coles, Stephen Cragg and Meng Aw-Yong. He advised that Laura McCaughan had now left the Secretariat but that George Barrow was filling her post temporarily.

1.2 Minutes of the previous meeting were agreed.

2. Update on actions

2.1 Actions were either complete or underway. GB noted the following actions which were still ongoing:

Action point 11.3.15/2: DC to check with INQUEST Lawyers Group about release of Dr Lipsedge's report on excited delirium.

The report had not yet been received. However, as DC was unable to attend, this item would be rolled-over to the next meeting.

Action point 11.3.15/6: Secretariat to include reference to additional reports in equalities statement and re-circulate to Panel members for drafting changes in advance of publication on the IAP website.

The paper was circulated to Panel ahead of the meeting and the item would be discussed later under agenda item 8.

Action point 11.3.15/7: Panel members to advise Secretariat of meetings they would like to attend from the forward look.

This was ongoing although currently there were no relevant meetings in the forward look.

Action point 11.3.15/8: Secretariat to arrange bilateral meetings with IAP members on a monthly basis to enable delivery of their workstreams.

Action had been delayed as a result of Laura leaving the Secretariat. This action would be re-instated after the Panel meeting.

Action point 11.3.15/9: MA-Y to present draft of Clinical Forensic & Legal Medicine Section Conference at next meeting.

This was on the agenda for the meeting today but MA-Y was unable to attend. He would provide papers to the secretariat which would then be dealt with out-of-committee.

3. Triennial Review and IAP appointments

3.1 TH introduced Jo Mundie from the Arms Length Body Governance Division. Jo confirmed that the Triennial Review of the IAP had been scheduled to start in the first quarter of 2015/16 and would take approximately 5-6 months to complete. Cabinet Office had proposed that all ALBs with related functions, regardless of department, would be clustered and reviewed together. The IAP, therefore, would be grouped and reviewed with other bodies such as the Inspectorates, PPO and IMBs.

3.2 An announcement would be made before the summer recess. The Review would be drawing on Panel views and those of their stakeholders. Consultations would last until September with a view to publishing the final report in January 2016.

3.3 TH noted that this was a longer time frame than the Panel had originally been advised and there was now the added complexity of clustering. Panel members commented that true clustering would involve bodies from other government departments to take account of the cross-departmental nature of the Panel. TH noted that an exclusive criminal justice focus was not ideal.

3.4 Further complications were added by the end of appointment for the Chair and three Panel members in September 2015. Jo advised that the public appointments team were looking at starting in July for appointments by October. There would be a clause in the recruitment papers stating that all public bodies may be subject to a review and that the appointment could be terminated before the full term.

3.5 Discussion took place about replacement of the Chair. Jo summarised the options as:

- a) Advertising for a replacement Chair alongside the planned recruitment/ appointment of the three panel members,
- b) Extension of the current Chair's appointment for a year (if he was willing to do so). While this would not be highly satisfactory given that the work of the Panel was long-term, this would take the Panel through the uncertainty of the Triennial Review.
- c) Appointment of an Interim Chair. The Panel considered this option to be the least satisfactory option.

3.6 Jo advised the Panel that once she had the timetables for the review and the recruitment process for the Panel members she would communicate this back to the Panel.

4. Co-sponsors meeting

4.1 TH fed back from the co-sponsors meeting which had taken place on 2 June 2015 and was chaired by Mark Taylor, the new Head of the Equality Rights and Decency Group. The co-sponsors had heard from the ALB Governance team about the Triennial Review and IAP appointments who had given them the same information as the Panel – see above.

4.2 Other items that had been discussed were the budget for the Ministerial Council; the Council had again been given £300k and the co-sponsors had confirmed that they agreed to the Panel spending on the proposed projects. Some projects, such as the equalities literature review and research into best practice on learning, would need procurement of research analysts. GB wondered whether it would be possible to employ MOJ analytical services to carry out the annual statistical report.
Action 1: GB to enquire with MOJ analytical services if they can carry out the annual statistical report.

5. Mental Health roundtable

5.1 The Panel had hosted a round table event on 23 March with custodial organisations, academics and charities to discuss

- i) What should be done to equip staff to better understand those in their care with mental health issues, and
- ii) What support was in place for staff to confront their own mental health issues.

5.2 The Panel had presented their findings from a literature review they commissioned on the role of mental health and deaths in custody. The review had shown that although there was undoubtedly a link between detainee mental health and wellbeing, and deaths in custody, this relationship was complex. The IAP developed the roundtable in order to explore the relationship between improving staff attitudes towards mental health and reducing stigma, and how this could have a positive effect on the care they provided for vulnerable detainees.

5.3 The roundtable showed there were a range of initiatives aimed at supporting staff to work effectively with detainees who were vulnerable due to their mental health (e.g. Five Minute Intervention and the Vulnerability Assessment Framework). Those with managerial responsibilities seemed to be aware that a range of mental health issues existed. The mental health charity MIND was working with the blue-light services to overcome the stigma of. There had been a lengthy discussion about the need to prevent people from entering the justice system.

5.4 The Panel discussed what useful contribution they could make going forward including looking at prevention and pulling together evidence of what had been successful in the area. TH suggested that the Panel might wish to produce a publication highlighting some of the successful initiatives as a means of promoting them. It was agreed that GT and MM would lead on this workstream and that they would bring a workplan to the next meeting.

Action 2: Secretariat to liaise with GT and MM to produce a paper on initiatives on staff support interventions (such as Five-Minute Intervention).

6. Taser - issues and future work

6.1 TH explained that this was the Panel's opportunity to take stock of developments in this area. Panel members agreed that formalising links with the Reference Group was important. MM had attended the first meeting of the Group and volunteered to continue representing the Panel on a permanent basis if possible.

6.2 RS explained that although there had been deaths following contact with a Taser, there were not yet any deaths recorded as a direct result of Taser use. However the Panel needed to have established relationships with relevant organisations if and when a death occurred.

6.3 Tasers were initially used as an alternative to firearm deployment but were now commonly carried by police officers and used as a compliance tool rather than de-escalating the situation through verbal communication. All frequency of use of Tasers was recorded and showed that its deployment at all levels (drawing weapon, red-dotting and discharge) had increased dramatically. Additionally there was evidence of usage against children and in enclosed spaces and mental health wards. TH stated that this was not necessarily a strand of work at the moment but that the Panel would keep a watching brief on it to see what was emerging.

7. Learning Lessons workshop

7.1 TH explained that the workshop arose from IAP discussions on learning that needs to take place in organisations and sharing information. He had hosted a working group meeting on 13 May with those responsible for leading on learning lessons in each of the services. The meeting was attended by a range of stakeholders. Delegates were asked to explore questions such as:

- Is there a mechanism to pick up cross-sectoral issues
- What are the practical barriers to learning
- What is understood about any arrangements that currently work well, and
- Are there any existing models that enable complex organisations to learn lessons?

7.2 All attendees felt that there should be mechanisms for disseminating information, as simply putting out policy papers and sending emails was not working. Several organisations had local arrangements but all felt that nobody had yet "cracked" the issue. A note of the meeting was taken and circulated.

7.3 After some discussion the panel agreed they would facilitate further cross sector talks and would work up a proposal for the literature review for the IAP meeting in September and TH would report back to the next Ministerial Board the following week.

Action 3: Panel to work up proposal to specify reference terms for a literature review on learning lessons.

8. Update on workplans (Paper 09.6.15-3)

TH gave a quick update on the panel workstreams:

Use of physical restraint

8.1 TH had met with DCC Nick Ephgrave who confirmed that the Approved Professional Practice draft was now imminent and that it would incorporate the

Panel's principles on restraint. The previous draft had specified that all forces should record data on the use of force but another meeting would be needed to work through what this data ought to be.

Person Escort Records

8.2 Following a meeting between the Chair and Nick Hardwick, GB had written to Digby Griffith about NOMS leading on the panel's recommendations on PER, chasing the other organisations (Department of Health and the police) on action they had taken and reporting back to the next Ministerial Board meeting in October. Digby had acknowledged receipt of the letter and was following up.

Article 2: Serious Incidents Framework

8.3 PL urged the panel to keep up pressure on NHS England and keep a watch on the quality of investigations and reports. There was reference in the Framework to DH revising their 2005 guidance; the panel would need to follow this up. NHS England should also monitor compliance and TH stated that he would press Mike Durkin at the Ministerial Board the following week on saying more about this. TH would then follow up with a letter to Mike Durkin on what needed to happen.

Action 4: TH to write to Mike Durkin about next steps on the serious Incidents Framework.

Equalities

8.4 A draft equalities statement had been circulated to the Panel. GB explained that this needed more work before it could be published. He asked the Panel to discuss whether it covered enough ground, whether it needed sense checking by an external party and what action the Panel needed to take following its publication. DC had informed GB of some information she wanted included. DM felt that the statement should reference the disproportionate rate of natural cause deaths of black men. DM would provide a paragraph for the statement.

Action 5: DM to forward wording regarding xxx for the equalities statement.

8.5 The next step would be to begin designing expert workshops to which academics would be invited to explore the literature on disproportionality and use of force. The panel would propose delegate lists at the meeting in September.

Taser Expert Workshops

8.6 MM and MA-Y had attended the Taser Experts' workshop in March 2015 and fed back to the panel at the time.

8.7 MM had also attended a meeting of the Mental Health & Restraint Reference Group which was mainly concerned with the presence of police in mental health wards.

8.8 TH had met with Healthwatch for a general discussion about the work of their respective groups and any cross-over. One specific issue they discussed was whether Healthwatch should have a seat on the Ministerial Board.

8.9 GT explained that indeterminate public protection (IPP) prisoners were more vulnerable than others in a variety of ways. He had spoken to MOJ analysts about

conducting some work for the panel on IPP prisoners; they had indicated they could do the work but would need an official commission from the IAP Chair.

Action 6: TH to write to MOJ analysts about providing rates of deaths of IPP prisoners.

9. New IAP workstreams

Thematic review of SI reviews of all Deaths of detained patients in hospitals (IAP paper 9.6.15 – 4)

9.1 DM proposed a new workstream to conduct a thematic review of Serious Incident reports of all deaths of detained patients in hospitals to identify themes and trends from a regional and national level and recommendations be made and implemented based on the results obtained. This preliminary piece of work could fit alongside the indicator being developed by the CQC in collaboration with NHS England. The review would be conducted in collaboration with the University of Warwick at no cost to the IAP.

9.2 The proposed governance arrangements were that the researchers (DM and the University of Warwick) would obtain anonymised SI reports from Trusts on behalf of the IAP. The review would use the SUI standards set in March by NHS England. DM had approached five Trusts who were all prepared to disclose information once they had a formal request from the IAP. The proposal was to initially analyse twenty percent of reports followed by an analysis of all reports into all natural cause deaths of detained patients held under the mental health Act between 2010 and 2012. However, after discussion it was agreed that a smaller sampling would be adequate.

9.3 TH noted that this analysis would highlight the quality of the review process and provide the panel with some much-needed data. He was worried that although money was not an issue, the Secretariat time given over to obtaining and anonymising reports could be significant. He also wanted assurance that taking up this opportunity in this way did not fall foul of any procurement rules.

Action 7: secretariat to check with procurement team whether this procurement would cause any problems.

9.4 DM advised that interest in this research from student researchers was high and that the data would be very valuable. Panel members agreed that hard data would improve treatment for patients.

Older prisoners

9.5 GT explained that research had shown there was an inflated risk of self-inflicted deaths among prisoners as they got older. They were generally an “at-risk” group with high numbers of deaths from natural causes as well as self-inflicted. GT wanted additional work and projection rates for the group so that risk could be mapped for the future. It was suggested that the MOJ analysts could also provide some statistics here – GB and GT would discuss the framing of the request.

9.6 TH stated that this information should be available at the next panel meeting in September and the panel could then have a further discussion about end-of-life issues.

Action 8: GB and GT to liaise and write to MOJ analysts about providing rates of SIDs among older prisoners.

10. Date, Time and Venue of Next Meetings:

Thursday 2 July 2015, 2pm – 4pm. *This was a special meeting that Panel members had requested with Heather Hurford to discuss the HMIC thematic paper*

Wednesday 9 September 2015 10am – 1.30pm

Tuesday 8 December 2015 10am – 1.30pm