

House of Lords Oral Question – 6th February 2014

Prisons: Deaths of Young People

Question

11.21 am

Asked by Lord Ramsbotham

To ask Her Majesty's Government whether they intend to hold an independent review into deaths of young people in custody as recommended in the report by Inquest and the Prison Reform Trust *Fatally Flawed*; and, if so, when.

The Minister of State, Ministry of Justice (Lord Faulks) (Con): My Lords, we have decided to hold an independent review to learn lessons from self-inflicted deaths of young adults in custody aged between 18 and 24 and to identify actions to prevent further deaths. The review will be led by the noble Lord, Lord Harris of Haringey, who I see is in his place. He is the chair of the Independent Advisory Panel of the Ministerial Council on Deaths in Custody. The review will report by spring 2015.

Lord Ramsbotham (CB): My Lords, I am grateful to the Minister for that positive response, but I am sorry that the review's remit does not include children aged under 18. Since January 2011, 16 young adults aged between 18 and 21 have taken their own lives in custody and, worryingly, eight of those deaths have occurred in the last four months. All of them took place in adult prisons, to which it is currently the policy to send young adults rather than to young offender institutions.

In a thematic review, *Suicide is Everyone's Concern*, in 1999, I made specific recommendations regarding the safety of young people, yet year after year the same old failings following young suicides are recorded in inspection and inquest reports, such as the lack of institutional understanding of, or attention paid to, the particular needs of that vulnerable age group. Now the Ministry of Justice plans to create secure colleges—fortified schools—for under-18s and, as I have mentioned already, to put all those aged over 18 into adult prisons, both of which could exacerbate existing flaws and create significant risk to young lives. Does the Minister accept that a degree of urgency exists and will he consider advancing the time by which the noble Lord, Lord Harris, is required to complete his review so that necessary improvements to current practice, based on the mass of existing evidence, can be considered in time to be built into the new proposals?

Lord Faulks: My Lords, the review will start as soon as resources are in place, and we are anxious that it should report back by the spring of 2015. That does not mean that lessons are not continuously learnt from all the other sources that provide information. The review will focus on key themes, including vulnerability information sharing and the safety of young people.

The noble Lord referred to the secure colleges which are shortly to be established, the announcement of which is contained in the Criminal Justice and Courts Bill. The

secure colleges will put education at the heart of youth custody and are intended to provide an innovative and holistic approach to the education and rehabilitation of young offenders so that fewer go on to reoffend.

Those aged under 18 are currently held in secure children's homes, secure training centres and young offender institutions. No under-18s are mixed with over-18s. As to 18 to 20 year-olds, they are currently in young offender institutions, and the Government consultation on whether this age group should be in prisons with older adults closed in December. We are putting on hold the Government response to the consultation pending the result of this particular review.

Lord Patel of Bradford (Lab): My Lords, what inquiries are the Government making and, better still, what action are they taking with respect to what appears to be the disproportionate number of young black men dying in a range of custodial settings?

Lord Faulks: My Lords, every single death in custody is investigated by means of an inquest by the Prisons and Probation Ombudsman and all lessons are shared. One of the purposes of the review is to go beyond the focus on individual circumstances, important though they are, to see whether lessons can be learnt from putting together all the individual facts which are derived from those investigations. I accept what the noble Lord says and, if there are specific aspects deriving from ethnic origins, I am sure that those will be taken into consideration.

Baroness Linklater of Butterstone (LD): My Lords, for a child to commit suicide at all is a tragedy, but for a child to commit suicide while in custody is a catastrophe. Will the Minister ensure that professionals inside and outside the prison are required to share information and to look at the underlying issues as part of sentence planning for these children? This is not routine practice today. Will the Minister also ensure that much more specialist training is given to prison staff? These children are very disturbed, damaged and difficult, but also in deep distress. The Government must act on this intolerable situation instantly.

Lord Faulks: My Lords, the noble Baroness identifies a matter of great concern to the Government. Under-18s are considered in various ways, through the work of the Youth Justice Board and the NOMS review of the assessment, care in custody and teamwork process—the acronym ACCT will be familiar to the noble Baroness and to the House. However, we intend to learn from this review as applied to this age group.

I entirely accept that suicide in any circumstances is a tragedy. We are concerned to focus on the early days in custody, when young offenders are particularly vulnerable. All prisoners will receive an initial health screening within 24 hours of reception and there will be an initial assessment of their risk of self-harm. If the prisoner is identified as being at particular risk, the assessment will take place within 24 hours and governors

must ensure that arrangements are in place for staff to monitor prisoner safety and well-being throughout the first night in the prison. It is right to say that there is a disproportionate occurrence of suicide during the early stages of custody, so the suicide prevention strategy will be specifically targeted at that stage.

Lord Beecham (Lab): My Lords, the Government have drawn attention to the problem of the deaths of young people in custody. I welcome the Minister's announcement today, although I continue to share some of the concerns expressed by the noble Lord, Lord Ramsbotham. There is continuing concern about the incidence of self-harm and suicide among women prisoners, who form 5% of the prison population but account for one-third of the incidence of self-harm and four times the number of suicides as men. They are 36 times more likely to commit suicide or die of an accidental overdose of drugs in the first two weeks after release. It is time for a radical change of policy in relation to the imprisonment of women and especially in the practice of segregation.

Lord Faulks: My Lords, we have been working hard to improve support for women in prison. We have issued gender-specific standards in all areas of prison regimes, including training for staff working with female offenders in prisons, which has now been extended to service providers in the community. New search arrangements ending routine full searching for women prisoners have also been introduced. The House will know that there are six mother and baby units in England and Wales which provide an overall capacity of 64 places.

I am slightly surprised at the noble Lord's statistics. He is right that my research into this matter shows that women are disproportionately more likely to self-harm than men, relative to their occupation of prisons. Fortunately, the self-harm, compared with men's self-harm, does not tend to be as serious, and does not usually require hospitalisation, although I do not suggest for a moment that any self-harm is not a significant factor. The statistics that I have been given do not indicate that women form a large part of those who have been responsible for self-inflicted deaths. I will write to the noble Lord with statistics. I hesitate to bandy them across the Dispatch Box but I do not think he is quite right.

Earl Cathcart (Con): My Lords, will legal aid be available following a death in custody if there is an inquiry?

Lord Faulks: My noble friend identifies a statutory source of inquiry that is of great importance to the inquest, which very much expanded following the application of Article 2 of the European convention. The House will know of the establishment of the post of chief coroner, who gives directions as to how these inquests should be carried out. Although the Government, because of the restricted financial circumstances, have had to make various cutbacks in legal aid, I am glad to say that the scope of exceptional funding under Section 10 of the LASPO Act allows the Director of Legal Aid

Casework to provide legal aid in circumstances where Article 2 is engaged and there is a convention right. The Lord Chancellor's guidance to the director makes it clear that,

“It is ... likely that an arguable breach of the substantive obligation will occur where the individual has died in State custody other than from natural causes: for example, killings or suicides in prison”,

so it is highly likely that legal aid will be available.

Baroness Howarth of Breckland (CB): My Lords, the Minister will be quite aware that it is the build-up of stress throughout the system that leads to these young people self-harming. He will also be aware that, at the very beginning of the process, many of them are being held inappropriately in police cells because of the lack of facilities in the rest of the system. Would he ensure that that is included in the inquiry? I am absolutely sure that, if it is not, there will be a tragedy and we will have another inquiry.

Lord Faulks: We have the good fortune of having the noble Lord, Lord Harris, present in the Chamber. I am sure he will have heard that question and taken it into account. I am unable to give the House actual statistics on the situation that the noble Baroness describes, but clearly the duty on the state to look after young people arises just as acutely whether they are in police cells or in prison.

Lord Shutt of Greetland (LD): My Lords—

Baroness McIntosh of Hudnall (Lab): My Lords—

The Chancellor of the Duchy of Lancaster (Lord Hill of Oareford) (Con): My Lords, we will hear from the Labour Benches first. I am sure we can get both questions in if we are quick, and if the questions are short and the answers brief.

Baroness McIntosh of Hudnall: My Lords, briefly, could the Minister confirm that the health assessment at the very beginning of custody includes assessment of mental health? If it does—which I hope it does—can the Minister say who conducts those mental health assessments and whether they are fully competent to do so?

Lord Faulks: The noble Baroness makes a very good point. Prisoners are screened on arrival in prison by a trained nurse to find out their health needs, and people with mental health problems who might be vulnerable to suicide are referred for a mental health assessment. All prisoners have access to an on-site healthcare team which deals with most problems. If a prisoner is suffering from a severe mental health illness, they may be transferred to a secure hospital. Approximately 1,200 prisoners with a severe mental illness are transferred to NHS secure services. We recognise that prison may not be the most appropriate place and we are developing liaison and diversion services, together with the Department of Health and the Home Office, to ensure that people who are vulnerable are identified and can be diverted, if necessary, away from the criminal justice system.

Lord Shutt of Greetland: My Lords, I have a simple but important question. Is the inquiry of the noble Lord, Lord Harris, to be an inquiry under the Inquiries Act 2005?

Lord Faulks: I am unable to give a precise answer, but it is certainly not within the scope of those terms specifically. I will write to the noble Lord to confirm that.