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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 7 December 2016 102 PF, London

Attendees: Juliet Lyon (JL) - Chair,
Dinesh Maganty (DM)
Matilda MacAttram (MM) (by telephone)
Dr Meng Aw-Yong (MAY)
Stephen Cragg QC (SC)
Professor Graham Towl (GT)

Andrew Fraser (AF), Head of Secretariat
Kishwar Hyde (KH), Secretariat
Angie Hinksman
Paul Holland, NOMS – for item 3
Chris Barnett-Page, NOMS - for item 3
George Barrow – for item 7

Welcome and Minutes from last meeting

1 JL welcomed everyone to the meeting. She was pleased that so many panel members were able to attend in person. No apologies had been received.

2. She welcomed Paul Holland and Chris Barnett-Page from NOMS who had been invited to give an update on the Suicide and Self-Harm project and suggested that the item should be taken first.

NOMS suicide and self-harm (SASH) project

3. Paul Holland gave an update to his previous presentation to the panel in October. He explained that prison reform was now located in the MOJ and there was a push to accelerate the Safety and Reform agenda which was also bringing together the violence and self-harm work strands. There would be a re-scoping of the SASH project to reflect these changes. DDC Luke Serjeant had identified someone to lead the work on women's self-harm and this should now provide the impetus to drive this forward.

4. GT asked if there was an intention to review *PSI 64/2011 Management of prisoners at risk of harm to self, to others and from others*. Chris Barnett-Page replied that although no revision had taken place, the Violence Reduction project had sent further guidance to prisons.

5. Training on preventing suicide and self-harm had been piloted in the North-East which Paul Holland and others had attended and helped to modify; Paul now hoped governors would support their staff to attend. Paul would forward copies of the training package for interested panel members. The intention is to deliver the training to new prison officers but it could also be modified and delivered as a refresher to those already in service. Panel members noted that the only mandatory training prisons were delivering was on Control and Restraint, and wondered whether a ministerial push was needed to encourage uptake of SASH training. An extensive discussion took place about how the IAP could potentially help with this and other aspects of the project.

6. Paul Holland added that he was meeting the Samaritans that afternoon, that SASH was drafting a prisoner resilience programme and local authorities had started master-classes in suicide prevention. He hoped the latter could be reproduced across the country.

7. JL and AF would be meeting with Paul the following week as a follow-up to this meeting.

Action log

8. All actions had been completed or were on the agenda for further discussion. JL noted the following:

Action 1: JL to write to Dame Elish to emphasise the IAP's interest in the review.

9. JL explained that she had spoken to Dame Elish about her review. The report was currently with the Home Secretary for approval.

Action 2: Secretariat to organise a meeting to discuss DoLS between Anne McDonald and Stephen Cragg.

10. SC and AF had met Anne McDonald in November. They had discussed the Chief Coroner potentially removing DOLS from within the definition of deaths in custody; a consequence of this would be that coroners would no longer record deaths under DOLS which would leave a discernible gap. SC had also raised the question of GPs reporting deaths in custody and the fact that there were no guidelines for them to follow. Anne had forwarded Stephen's concerns to her colleagues in NHS England.

11. There were plans for the IAP to meet the CQC for further discussions about DOLS in the new year.

Action 3: Sec to write to DM's colleague to confirm approval to undertake the work

12. An email had been sent by the Secretariat in November to confirm approval for the work to start. DM explained that the work had now been commissioned and he would be drafting a letter to the consultant from IAP authorising them to request the clinical reports. DM would send a draft of the report for other panel members to see and comment on in early 2017.

Action 1/7 Dec: DM to draft letter to consultant and to forward copies of anonymised report for next meeting in February.

Update from Chair

13. JL advised the panel that she had recently met MOJ Ministers Sam Gyimah, the Prisons and Probation Minister, and Dr Philip Lee, Victims, Youth and Family

Minister. She had also met the Chief Inspector of Prisons Peter Clarke, Chief Coroner Mark Lucraft and Justice Secretary Liz Truss.

14. She had visited HMP Eastwood Park and HMP Woodhill, and had arranged to visit a female prison with Dr Lee.

15. The Ministerial Board took place in November and JL was pleased that Ministers from all three departments had been present.

16. She had recently spoken on BBC South News, Channel 4 News and Women's Hour regarding deaths in prison custody and had an interview with Inside Time that afternoon. JL had also asked INQUEST for assistance in arranging a Family Learning Day in the new year.

IAP Appointments

17. The Public Appointments Team were currently awaiting approval from co-sponsors and Ministers to commence recruitment of new panel members. It was now looking unlikely that new members would be in post by April 2017. PAT had suggested that any gap should be filled by extending existing members' terms. This was the intention, pending approval from Ministers, and there was a requirement for members' to have satisfactory appraisals to enable this. JL intended to carry out appraisals in January 2017 and she would be in touch with individual members in due course.

18. JL said that it had been agreed that new panel members would work 3 days per month with an annual honorarium of circa £9,000.

2015 statistical analysis report

19. A copy of the report was received from the external statistician that morning and circulated at the meeting. GT explained that the statistician had input several new sets of graphs but there were no surprises in the data. He asked panel members to send their comments on the report to AF but the deadline for return would be tight as the report should be published in 2016.

Action 2/7 Dec: panel members to send comments on statistical report to AF by the following week.

20. GT advised that the panel needed to start planning for the cycle of commissioning for next year's report. JL asked the panel to consider what the purpose of the report was. Members noted that CQC and coroners used this data as the most accurate and that coroners had previously stated that many deaths were simply not reported to them. DM asked the panel to consider putting together a paper in early 2017 on the CQC and coroners data with IAP commentary on the discrepancies. MAY suggested that publishing the article in a journal would gain more coverage for the statistics. DM stated that he would draft a paper for review before the next meeting.

Action 3/7Dec: DM to draft a paper on CQC data inconsistencies for review before next IAP meeting.

Workstream tracker

21. MAY reported that he had written to Nick Ephgrave for information on summary care records and Acute Behavioural Disorder without response. He asked for support in getting a response. Panel members asked whether they could also represent the IAP on

working groups on which they sat as part of their main jobs. JL said she would consider this and discuss it at the next meeting.

Transgender Review

22. JL welcomed George Barrow. A short presentation on the review of the care and management of transgender offenders was circulated prior to the meeting and George Barrow explained that:

- The review had now been published.
- The previous PSI, while fundamentally sound, had needed updating to reflect the transgender system and to reflect wider developments relating to transgender equality; the updated PSI would go live on 1 January 2017.
- A key decision of the first national Transgender Advisory Board was a commitment to report to the Minister every year on transgender issues.
- A recent audit of transgender offender numbers found an apparent under-count; only those undergoing a live transgender process were recorded.
- The review concluded that there should be a shift towards self-identification.
- Transgender Case Boards would be convened at the pre-sentence stage to take account of evidence and risks and the offender's choice (subject to evidence tests and assessments) of prison location.
- The review had spoken to the Home Office and the police so that they were clear on the channels for ensuring fair treatment of transgender individuals in police custody. However, biological gender was entered on the warrant and this was often the basis of gender treatment to follow.
- The Advisory Board would be looking at rates of movement of transgender offenders between prisons.
- The focus had now shifted to the transgender offender as the person at risk.

Quarterly Death in Custody statistics

23. The quarterly statistics were circulated prior to the meeting.

Date, Time and Venue of Future Meetings:

24. The next meeting of the panel was on **9 February 2017 at 2.00pm-4.00pm.**