



Ministry
of Justice



Home Office



Department
of Health

Independent Advisory Panel on Deaths in Custody

Minutes of the Independent Advisory Panel meeting 5 October 2017, Church House, London

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

Chris Barnett-Page, HMPPS, for item 5

Andrew Fraser (AF), Head of Secretariat
Kishwar Hyde (KH), Deputy Head, Secretariat

Welcome and minutes of the last meeting

1. The Chair was pleased to welcome all panel members to the meeting. One amendment was noted to the minutes but they were otherwise agreed.

Action Log

2. All actions were either complete or on the agenda for full discussion.

Action: SC to draft a letter to NHS medical directors about IAP concerns over NHSE paper: *National Guidance on Learning from deaths*

SC explained that this work was still relevant he would liaise with DM before drafting the letter. **Action held over to next meeting.**

Action: Secretariat to clarify remit of IAP with regard to EHRC report

AF had circulated a paper to the panel drawing on the wording in IPCC guidance and linked legislation¹, and reiterated that the IAP's remit includes *deaths in or following police custody* which are those that occur:

- “During or following police custody where injuries that contributed to the death were sustained during the period of detention.
- In or on the way to hospital (or other medical premises) following or during transfer from scene of arrest or police custody.

¹ Police Reform Act 2002

- From injuries or other medical problems that are identified or that develop while a person is in custody.
- While a person is in police custody having been detained under Section 136 of the Mental Health Act 1983 or other legislation.

This does **not include**:

- Suicides that occur after a person is released from police custody.
- Deaths that happen where the police are called to assist medical staff to restrain individuals who are at no point under arrest.
- Deaths of individuals who have been transferred to the care of another agency and subsequently die while in their care, of injuries or illness not identified or sustained while in police custody.”

AF would circulate a note clarifying this. (*Secretary’s note: this was circulated on 9 October*)

Cross Departmental updates

IAP Appointments

3. AF explained that the submission was with the Secretary of State for approval. Once agreed, the advert will be placed on the Cabinet Office website for three weeks. It would also be uploaded to the IAP website and an email shot sent out to all relevant stakeholders.

Action 1: Panel members should let AF have names of potential interested parties to forward to the Public Appointment Team.

Strategy

4. AF circulated a slide-pack prior to the meeting and the panel discussed a range of issues concerning the paper. They agreed
 - To develop three year strategic objectives with annual objectives underpinning them,
 - To accept the guiding principle that the IAP will consult people held in state custody and their families,
 - Link the strategy to the top ten recommendations workstream,
 - IAP members should be liaising with a particular department or custodial service,
 - The IAP should seek greater visibility with those helpful in fulfilling objectives, such as the departments and Ministerial Board members,
 - Representation: where appropriate, panel members should attend external meetings in their role as IAP members.
5. AF introduced the workstream proforma, a form which should be completed at the start of every project to set out its purpose and link to the IAP objectives. Panel members agreed to trial its use.

Action 2: AF to develop the next iteration of the IAP's strategy

Top 10 recommendations

6. AF explained that the project had the support of the Prisons Minister. AF noted that the paper had been developed on panel members' views of the recommendations best placed to reduce deaths in each sector. The paper demonstrated the type of recommendations chosen, assigned each to a category and analysed their frequency. A series of questions at the end of the paper were designed to prompt further discussion and further development by panel members.
7. Panel members noted a need to be able to prioritise among the recommendations. They agreed that the recommendations in the paper focussed on many of the key issues in each sector, and agreed that providing some evidence for each recommendation would be helpful. The Panel agreed that the next step should be to discuss the IAP's early thinking on this topic with investigatory and regulatory bodies.
Action 3: Secretariat to develop a discussion with investigatory and regulatory bodies to take this work forward.

2016 IAP Statistical Report

8. GT explained that in the currently resource constrained environment the Panel should consider whether completing the usual annual statistical report would represent good value for money. The Panel discussed the likely cost of the work, the use of the data and availability of the statistics elsewhere. The Panel agreed to remove this from its current workplan, and revisit it if there are significant requests for the work to be resumed.

Website analysis

9. This had been circulated prior to the meeting for information. The Panel noted the findings and expressed interest in further updates of this nature.
10. The Chair introduced Chris Barnett-Page for item 5 on the Safety Programme.

Prison updates

Suicide and Self- Harm

11. Chris Barnett-Page gave an update to his previous presentation. He advised that there was now a Safety Programme. The latest Safety in Custody figures were positive regarding deaths (down by 10 from the same time last year) although disappointing for self-harm figures, which had risen. The trend was consistent across both the male and female estate.
12. Although the drivers for the increase in self-harm were complex, there was good evidence for three key factors for the rise; the rise in psychoactive substances, the reduction in staff numbers and the reduction in staff experience. Going forward there were three levels of priority;

- **driving immediate operational improvements;** by making better use of data to target improvements, prioritising safer custody training with improved entry level and refresher training, and extending regional capability,
- **focused reforms to key policies and processes** to drive system-wide impacts, and
- **transforming staffing levels and staff capability;** HMPPS had secured additional funds to recruit an additional 2,500 prison officers and hoped to be up to capacity by December 2018. The additional staff would enable a new offender management model which would include a Key Worker role that had been recommended in the Harris Report.

Keeping Safe

13. JL explained that the four-page supplement was published in the September issue of Inside Time and covered on the Radio 4 Today Programme and the Huffington Post. A more detailed report was being drafted and would be available soon. JL was confident that some of the solutions offered by people in prison would be taken up across the justice and health sectors.

Working paper on women

14. HMPPS had compiled a grid regarding implementation of the IAP's recommendations in the women's briefing and showed promising progress across the women's estate.

Health updates,

Acute Behavioural Disorder

15. MAY was doing a presentation on this the following week and hoped that the recommendations of the paper he had produced with the Royal Society of Medicine would be taken up by police forces. He would circulate the paper to panel members.

Action 4: MAY to circulate paper on Acute Behavioural Disorder to panel members.

Deaths of Detained Patients

16. DM stated that he would put forward a paper on the status of mental health patients for the next meeting.

Action 5: DM to produce a paper on status of Mental Health patients.

Home Office updates

Dame Elish's review

17. AF reported that the Government is keen to publish the report and are currently trying to finalise the publication date for it.

Immigration

18. JL reported that she was setting up a meeting with the Immigration co-sponsor to discuss the estate in general and vulnerable detainees in particular.

Date of Next Meeting:

19. JL suggested more regular meetings of the panel, with every alternate one held by telecon. Panel members agreed they would try this in November, with a full panel meeting in December.