



Ministry  
of Justice



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## **Independent Advisory Panel on Deaths in Custody**

### **Minutes of the Independent Advisory Panel meeting 7 December 2017**

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

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

**Apologies:** Professor Graham Towl (GT)

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#### **Welcome and minutes of the last meeting**

1. The Chair welcomed SC and MAY to the meeting. Apologies were received from GT.
2. Minutes of the previous meeting were accepted.
3. The Chair gave an update on the IAP appointments process: 48 applications had been received, the sift had taken place and they were finalising the shortlist to interview. JL noted how impressed the selection panel was with both the number and quality of the applications received. She would continue to report back on progress.

#### **Action log**

4. All actions were either complete or on the agenda for substantive discussion. The Chair noted the following actions:

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

SC stated that discussions with DM had revealed that this is outside of National Institute for Health and Care Excellence (NICE)'s remit. He would liaise with DM and draft a letter, which panel members could comment on, in the new year.

#### **Secretariat to develop a discussion with investigatory and regulatory bodies to take forward work on top 10 recommendations.**

An IAP workshop had been arranged for 17 January 2018 (and a separate meeting with HMCIP Peter Clarke had been organised for 13 December). SC would be attending; MAY would confirm later whether he could also attend. There would be more discussion on this later in the meeting.

**MAY to circulate paper on Acute Behavioural Disorder (ABD) to panel members**

MAY had circulated a powerpoint to panel members on ABD. He noted that this work fits well with the priorities of Dame Angiolini's recent review on Deaths and Serious Incidents in Police Custody.

**DM to produce a paper on status of mental health patients**

This action will be held over to the next meeting.

**Chair's update**

5. The Chair had prepared a comprehensive update for the Ministerial Board which she summarised for the panel. The Secretariat would circulate the paper to panel members.

**Action 1: Secretariat to circulate copy of Chair's update for the Ministerial Board.**

6. JL said that she had informed the Ministerial Board that the IAP had recently worked on:

- Updating and spreading the messages of the 'Deaths of Women in Prison report'
- Finalising the final Keeping Safe report,
- learning lessons and cross-departmental work, and
- the panel would be working with the Board to take forward recommendations made by Dame Elish Angiolini in her report.

7. She had also talked about developing the role of the IAP through a variety of means:

- IAP is now sponsored by MOJ rather than HMPPS, giving it institutional parity with the arrangements at DH and Home Office
- The terms of reference have been reviewed and reconfirmed
- The panel has now adopted a guiding principle of direct consultation with people detained by the State
- The IAP's function is enhanced by changes to panel members' days
- The IAP is steadily increasing stakeholder engagement although there remains more work to do on building relationships with the departments and services
- Regular meetings with Secretary of State for Justice and Ministerial colleagues, and Public Health and Policing Ministers have been instituted and are ongoing
- Article 2 observance remains a central focus of the IAP
- Focus on implementation of Harris Review recommendations. The Chair would be writing to the Secretary of State to follow up on recent meetings. SC volunteered to help with the draft letter.

**Action 2: JL and SC to draft letter to SoS to outline administrative measures that will help to strengthen ministerial accountability and ensure Article 2 compliance.**

8. AF gave feedback on the women's summit, at which GT had presented for the IAP:

- A wide range of people had attended;
- The summit key priorities were preventing deaths and looking at safety issues in the female estate.
- Graham Towl gave an update on the IAP's deaths of women report and spoke about how the prison environment was more toxic for women than for men. The talk was well received.
- The HMPPS facilitators gave an update since the February meeting.
- MoJ had given an update on the current refresh of ACCT and the attendees had discussed if women needed something different.
- There was a discussion on trauma informed care and how Widespread the training now is.
- The afternoon discussion was on next steps in 2018 and the issues to be covered included the links between self-harm and violence, ACCT and triage, peer support and options for minimising self-harm.

9. The panel raised concerns about prisoners who had been charged with arson and sent to prison. They noted that many of these people are high risk and should be in mental health hospitals. The panel noted that some arson behaviour is closely linked to self-harm but it is not currently clear how many people at risk are in custody.

**Action 3: Secretariat to undertake some baseline data collection regarding this issue.**

**Keeping Safe**

10. The full report had been circulated to the panel. Several redacted prisoners' letters had been added at the end to give insight and add weight to the report. Some amendment and addition was still needed, for instance, on the cumulative effect of lack of sleep and the effect of moving individuals around prisons. The IAP was keen to send the report to the Minister before Christmas so that action on recommendations could start.

*[Secretariat note: the report was sent to the Prisons Minister].*

**November MBDC and DE report**

11. The Ministerial Board on Deaths in Custody met on 1 November and primarily discussed Dame Elish's review on Deaths and Serious Incidents in Police Custody. Dame Elish had been commissioned in 2016 by the then Home Secretary, Theresa May, to undertake the review. The report was released on 30 October 2017, with the Government response being published on the same day. The response was a thematic response, not recommendation by recommendation as some Board members had hoped.

The key point for the Board and the IAP was that the Home Secretary had asked Board to take forward action in a number of areas over the following year. This work is going to be split into several thematic areas:

- Healthcare in police custody - *Reduce the risk of a death in police custody occurring*
- Support for families - *If a death in custody occurs, ensure better support for families*
- Inquests and Legal Aid - *If a death in custody occurs, ensure families are supported through the inquest process*
- Accountability - *Ensure organisations are held to account*
- Investigations - *Ensure investigations and inquests are expedient*
- Levers to improve performance - *Ensure lessons are learnt and improve accountability*

12. There are multiple workstreams within each area; some work is already being carried out, some will be brand new and the Board had been asked to think about how to take this forward. The next Ministerial Board is scheduled for 28 February and an update on progress against the work programme will be the main part of the meeting. The panel noted that it was disappointing that they not been asked for comments prior to Government response being published. AF noted this and agreed to report this back to the co-sponsors.

13. AF said that, as a next step, he had been working with the co-sponsors to produce an action plan and timeline for the workstreams. A submission would be sent to Ministers before Christmas recess for sign-off on the work. This will then be circulated to Board members. Ministers will report back to Parliament by the end of October 2018.

14. The Chair noted that the IAP could have real influence in the work programme going forward. The panel discussed some of the work that the IAP could undertake such as collating research on alternatives to restraint and analysing the police approach to bereaved families compared to the other custodial services. The Panel agreed that the Secretariat and MAY would build on the previous paper by IAP in 2013 on Principles of Restraint. The panel will also take forward the “top 10 recommendations” which is a central part of the work programme.

**Action 4: MAY and Secretariat to review the IAP’s previous work on restraint**

### **Top 10 recommendations**

15. A workshop has been arranged for 17 January 2018 with the investigatory and regulatory bodies to discuss their ideas. The panel discussed the draft agenda for the IAP workshop and what work the IAP needed to do in preparation. JL is meeting Peter Clark the following week to discuss the same issues and it would prove useful as preparation for the main workshop.

### **AOB**

Private members Bill

16. AF explained that Steve Reed MP's Private Members' Bill on *Mental Health Units (Use of Force)* is currently going through Parliament. It has had two readings and enjoys cross-party support in the House. The Bill concerns the management of the appropriate use of force in relation to people in mental health units and similar institutions and mandates measures to minimise and record the use of force. AF would send link to panel members.

**Action 5: AF to send link to Private Members' Bill on *Mental Health Units (Use of Force)*.**

**Next meeting**

End of January.

*(Secretariat note: the panel subsequently agreed to meet straight after the workshop on 17 January.)*