



**Minutes of the twenty-fourth meeting of the Ministerial Board on Deaths
in Custody
1 November 2017
102 Petty France, MOJ**

Attendees:

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| Sam Gyimah | - Minister for Prisons and Probation, Ministry of Justice (Chair) |
| Nick Hurd | - Minister for Policing and the Fire Service, Home Office |
| Nick Poyntz | - Deputy Director, Prison Safety and Security, Ministry of Justice |
| Clare Checksfield | - Director, Immigration Enforcement, Home Office |
| Heidi Pearson | - Deputy Head of Police Powers Unit, Home Office |
| Andy Herd | - Mental Health Policy, Department of Health |
| Antonia Williams | - Director, Department of Health |
| Michael Spurr | - Chief Executive, National Offender Management Service |
| Elizabeth Moody | - Acting Prisons and Probation Ombudsman |
| Deborah Coles | - Director, INQUEST |
| Peter Dawson | - Director, Prison Reform Trust |
| Juliet Lyon | - Chair, Independent Advisory Panel on Deaths in Custody |
| Lesley Longstone | - Chief Executive, Independent Police Complaints Commission (IPCC) |
| Nick Ephgrave | - Chief Constable – Surrey, National Policing Lead - Custody |
| Lauren Moseley | - Head of Patient Safety Implementation, NHS England |
| Kate Davies | - Director of Health & Justice, Armed Forces and Sexual Assault Services Commissioning, NHS England |
| Fiona Grossick | - NHS England |
| Peter Clarke | - HM Chief Inspector of Prisons |
| Andrew Tweddle | - Senior Coroner, County Durham and Darlington |
| Britte Van Tiem | - Programme Manager, Samaritans |
| Sherry Ralph | - Chief Operating Officer, Independent Custody Visiting Association |
| Frances Crook | - Chief Executive, Howard League for Penal Reform |
| Nick Goodwin | - Director, Access to Justice, Ministry of Justice |
| Andrew Fraser | - Head of Secretariat to Ministerial Council, |
| Kishwar Hyde | - Deputy Head of Secretariat to Ministerial Council (minutes), |

Apologies

- Jackie Doyle-Price MP, Minister for Care and Mental Health
 HHJ Mark Lucraft QC, Chief Coroner
 Dame Anne Owers, National Chair of Independent Monitoring Boards
 Charlie Taylor, Chair, Youth Justice Board
 Fiona Malcolm, Deputy Chief Executive, Samaritans
 Kim Forrester, CQC

Item 1: Welcome, apologies and minutes

- 1.1 The Chair welcomed all members to the meeting and noted the apologies.
- 1.2 The Chair asked members to let the Secretariat have any comments on the minutes and the actions from the last meeting. Deborah Coles was keen that the actions from previous meetings should not be lost or forgotten.
- 1.3 The Chair and Minister Hurd explained to members that they wished the Board to drive delivery of important issue, and focus on tangible actions. The Chair welcomed Dame Elish who was attending for Item 2 to discuss her report on Deaths and Serious Incidents in Police Custody.

Item 2: Report on Deaths and Serious Incidents in Police Custody

2.1 Dame Elish's report was published on 30 October 2017. It includes 110 recommendations which cover a wide range of issues and departments including:

- All police officers to be trained in using emotional intelligence when dealing with mental health issues.
- Diversion away from police custody
- Use of CCTV and body cameras
- Fairness of representation for bereaved families at inquests
- Recognising the necessity for speed in completing investigations
- Coroners to have more power
- Setting up of a National Coroners' Service.

2.2 Nick Ephgrave explained that, as he had been a member of Dame Elish's reference group, he had developed a National Strategy for Police Custody, with the assistance of police and relevant partner agencies, in anticipation of the report. The work would be driven through the National Custody Forum. The strategy set out six principles for police custody:

- Detention in police custody is safe and used only when necessary, not punitively;
- Custody supports effective investigation of crime and adds value to the criminal justice system;
- The custody experience is non-discriminatory and transparent for all that have engagement with the process;
- Custody practitioners are professionals in their field, trained to a national minimum standard and accountable for their actions;

- Custody practice is ethical and evolves, reflective of changing demands, identified best practice and learning from previous failings;
- Engagement with partners is effective and efficient in the support of the investigation of crime.

2.3 The College of Policing had also started an awareness campaign, “60 seconds to save a life” which was also launched on 30 October. This campaign focusses on two key time periods – at the point of initial arrest and once the individual enters custody. Nick Ephgrave reported that it had received good feedback from the Police Federation and NPCC, although some front-line officers were not engaged with it.

2.4 Kate Davies reported that partnership work on street triage and Liaison and Diversion had been rolled out to 80% of the country; extra resources were needed to cover the remaining 20%.

2.5 Deborah Coles said that the families welcomed the review. It was important for them to see that the recommendations were being taken seriously. She noted her main reflections on the report:

- NHS commissioning of services within police stations needed to be revisited
- Restraint related deaths of black men needed investigating
- It was disappointing that the Government had rejected setting up a central body on Article 2 investigations.
- Supports an annual update to Parliament on the progress of the recommendations.

2.6 Minister Hurd stressed the importance of accountability and said it would be discussed between the Home Office and MOJ. He noted that the Prime Minister was keen that work on the recommendations was taken forward quickly and effectively, and has asked for a full report by the end of 2018.

Item 3: Board Priorities for 2017/18

3.1 Heidi Pearson introduced the Government response to Dame Elish’s report. She drew the Board’s attention to Annex A which was a suggested *Work Programme for the Ministerial Council on Deaths in Custody*. The suggested areas of work were:

- Healthcare in Police Custody
- Inquests and Support for Families

3.2 The healthcare in police custody strand is planned to include:

- Consideration of good practice in police forces across England and Wales

- A focus on safer restraint, and alternatives to restraint (including work to support Steven Reed MP's Private Member's Bill)
- Considering police powers in the Independent Review of the Mental Health Act

3.3 Nick Goodwin explained the work his teams would be taking forward regarding Legal Aid:

- Revising the Exceptional Case Funding so that it is clear that the starting presumption is that legal aid should be awarded for representation of the bereaved at an inquest following the non-natural death or suicide of a person detained by police or in prison, subject to the overarching discretion of the Director of Legal Aid Casework.
 - As part of this, it will also be made clear that in exercising the discretion to disregard the means test, consideration should be given to the distress and anxiety caused to families of the bereaved in having to fill out complex forms to establish financial means following the death of a loved one.
- Over 2018, publicly-funded legal advice would be considered as part of the post-implementation review of the Legal Aid changes.

3.4 Nick Goodwin also explained forthcoming work on inquests:

- Working with the Chief Coroner to develop training to control lawyers and keep questions relevant.
- Considering how best to 'de-lawyer' inquests – including consideration of the MoD's example and the use of position statements.

3.4 The Board welcomed these ideas. Nick Goodwin would report back to the Board on how his team would engage Board members and progress work in these areas.

3.5 The Board discussed the support to families workstream. Deborah Coles questioned whether an established working group is needed for this. She offered to draw up a list of relevant stakeholders who could meet and start implementing the required actions. The Board welcomed this offer.

3.6 Ministers asked how the Board could maximise levers to drive leadership and compliance with recommendations in custodial organisations. There was consensus that this should form a separate workstream. Elizabeth Moody, Peter Clarke and Andrew Tweddle all noted the need for greater responsiveness to recommendations made by investigatory, inspection and coronial authorities. Juliet Lyon noted the work the IAP is doing to collate the most impactful recommendations in each sector, and the Board agreed this could play a part in this workstream.

3.7 The Board made several suggestions for how these could be progressed, including formalising the work into four themes:

- Healthcare in Police custody
- Inquests and Legal Aid
- Support for families
- Levers to support organisational compliance and performance

3.8 Ministers stressed that it is important to be clear about what activities will take place in the next few months and asked for a dashboard of agreed actions and timelines in time for the next meeting. The ideas would be discussed at a meeting of the departmental co-sponsors who would report back to Board members in advance of the next meeting on the workstreams to be involved, and the ways members could input into each area.

Action 1: Report back to Board activities on the details of each workstream

Item 4: IAP updates

Item 5: Update from PPO

Item 6: Update from custodial departments

4.1 The Chair suggested that, due to time, these items should be held over to the next Board.

Item 7: Any Other Business and date of next Ministerial Board on Deaths in Custody

7.1 The Chair thanked everybody for attending and noted the progress that had been made in the areas discussed. The next meeting will be chaired by Minister Hurd and will be scheduled for the first few months in 2018.