



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

**Strategic principles and work programme – 2018/19**

## About the Independent Advisory Panel on Deaths in Custody

The Ministerial Council on Deaths in Custody formally commenced operation on 1 April 2009 and is jointly sponsored by the Ministry of Justice, the Department of Health and the Home Office. The Council consists of three tiers:

- Ministerial Board on Deaths in Custody
- Independent Advisory Panel (IAP)
- Practitioner and Stakeholder Group

The remit of the IAP (and overall of the Council) covers deaths which occur in prisons, in or following police custody, immigration detention, the deaths of residents of approved premises and the deaths of those detained under the Mental Health Act (MHA) in hospital. The principles and lessons learned as part of this work also apply to the deaths of those detained under the Mental Capacity Act in hospital.

The role of the IAP, an arms-length body, is to provide independent advice and expertise to the Ministerial Board. It provides guidance on policy and best practice across sectors and makes recommendations to Ministers and operational services. It assists Ministers to meet their human rights obligations to protect life. The IAP's aim is to bring about a continuing and sustained reduction in the number and rate of deaths in all forms of state custody in England and Wales.

Juliet Lyon CBE was appointed Chair of the IAP in September 2016. Further information on the IAP can be found on the website:

<http://iapdeathsincustody.independent.gov.uk/>

For more information on this paper – or on the IAP more generally - please contact:

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## **Terms of reference**

The Independent Advisory Panel (IAP) on Deaths in Custody will:

- Act as the primary source of independent advice to Ministers and service leaders (both through the Ministerial Board and where appropriate directly) on measures to reduce the number and rate of deaths in custody
- Consult and engage with stakeholders in order to collect, analyse and disseminate relevant information about deaths in custody and the lessons that can be learned from them
- Commission relevant research
- Carry out thematic enquiries into areas of concern, in co-operation as appropriate with the relevant oversight and investigative bodies
- Issue formal guidance (and where appropriate set common standards) on best practice for reducing deaths in custody and state detention, both on its own authority and where appropriate under the authority of the Ministerial Board
- Monitor compliance with such guidance and standards
- Where appropriate, make recommendations to Ministers for changes in policy or operational practice, which would help to reduce the incidence of death in custody.

## **Strategic principles for the IAP's work programme**

In order to prevent deaths in custody and those detained in hospital, the IAP will:

### Approach to advice

- seek to enable Ministers to meet their human rights obligations to protect life
- provide specific, tangible advice that can be considered and implemented by those receiving it
- promote the adoption and implementation of its advice

### Working practices

- draw on sound research evidence to underpin its work, and identify gaps in knowledge
- build on prior work and avoid duplicating work being undertaken elsewhere
- recognise that – as a small independent arms-length body with limited resources – it should work strategically

### Guiding principles

- consult people in custody and detention and where possible their families/significant others, and bereaved families when developing recommendations and advice.
- pay due regard to equality and diversity in its work
- work within and draw upon a human rights framework

### Relationship to co-sponsoring departments and wider stakeholders

- embrace the cross-departmental nature of its remit and seek involvement at an early stage with departmental initiatives
- use representation on other Boards/groups to further influence/advise
- develop strategic partnerships and work with stakeholders to share information and knowledge, work collaboratively and appoint a lead panel member for each department/service.

## **IAP's work programme for 2018/19**

The programme set out below outlines the major work that the IAP is doing from September 2018 to September 2019. The work is grouped – for ease of reference – under specific elements of the Panel's terms of reference. However, this should not be read too narrowly – much of the work will cut across several aspects of the terms of reference.

### **Act as the primary source of independent advice to Ministers and service leaders (both through the Ministerial Board and where appropriate directly) on measures to reduce the number and rate of deaths in custody**

- Drawing on the knowledge and experience of its members, the IAP will meet on a regular basis and advise Ministers and officials across the three departments: Ministry of Justice, Dept for Health and Social Care and the Home Office. Current examples of this work includes:
  - Providing advice to the Home Office on specific recommendations in Stephen Shaw's 'Welfare in detention of vulnerable persons review: progress report'<sup>1</sup>
  - Providing advice to the Ministry of Justice on the department's work on reviewing the ACCT process
  - Providing advice to the Home Office on alternatives to restraint following the Angiolini review
- Provide advice to Parliamentary, governmental and related inquiries where relevant to deaths in custody and detention.

### **Consult and engage with stakeholders in order to collect, analyse and disseminate relevant information about deaths in custody and detention, and the lessons that can be learned from them**

- Consider wider use of international data and research evidence
- Revise IAP website to develop as an information hub
- Convene 'Keeping Safe' event for stakeholders on suicide prevention

### **Commission relevant research**

- Survey magistrate mental health champions regarding liaison and diversion and use of Community Sentence Treatment Requirements (CSTRs)
- Collect information from prisoners serving IPP sentences on the impact this sentence has on physical and mental health
- Collate and analyse statistics on deaths in all forms of state custody and detention

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<sup>1</sup> <https://www.gov.uk/government/publications/welfare-in-detention-of-vulnerable-persons-review-progress-report>

**Carry out thematic enquiries into areas of concern, in co-operation as appropriate with the relevant oversight and investigative bodies**

- Conduct work on learning lessons and embedding recommendations after a death in custody or detention
- Consider the rising number of natural and drug-related deaths in state custody and detention
- Explore unexpected/unnatural deaths of those detained/defacto detained under the MHA
- Review how deaths in custody and detention are recorded and collated.
- Seek to secure independent investigation of all such deaths

**Issue formal guidance (and where appropriate set common standards) on best practice for reducing deaths in custody, both on its own authority and where appropriate under the authority of the Ministerial Board**

- Develop a Safety Impact Assessment to be undertaken before any major decisions affecting prisons and probation
- In order to prevent future deaths, develop new principles to allow for feedback from custodial and detention services to bereaved families on action taken in response to following recommendations by investigations and the Coroner

**Monitor compliance with guidance**

- Monitor commitment given in Female Offenders Strategy to implement recommendations made by IAP in its report on preventing the deaths of women in custody

## IAP members

- **Juliet Lyon CBE** is Chair of the Panel and took up post on 1 September 2016. She is a visiting Professor in the School of Law at Birkbeck, University of London and a member of the Commission on Justice in Wales. Previously Juliet was Director of the Prison Reform Trust, Secretary General of Penal Reform International and a Women's National Commissioner.
- **Deborah Coles** is director of INQUEST. She is an experienced thinker and lobbyist for social justice with particular expertise on the investigation of deaths in custody and detention and the treatment of bereaved people in the UK and internationally. She joined the IAP on 1 July 2018.
- **John Wadham** is a human rights lawyer and currently chair of the National Preventative Mechanism set up the United Nations Optional Protocol to the Convention against Torture, which brings together 21 statutory bodies monitoring detention in all forms of state custody in the UK. He joined the IAP on 1 July 2018.
- **Jenny Talbot OBE** has undertaken significant research on people with learning disabilities in the criminal justice system in the UK and overseas.; She works for the Prison Reform Trust. She joined the IAP on 1 July 2018.
- **Professor Jenny Shaw** is a professor of Forensic Psychiatry, University of Manchester Health NHS Foundation Trust. Her research interests include suicide primarily within the criminal justice system, homicide and the mental health of prisoners. She has over thirty years' experience working clinically in the NHS. She joined the IAP on 1 July 2018.
- **Professor Seena Fazel** is a professor of Forensic Psychiatry at the University of Oxford, a Wellcome Trust Senior Research Fellow in Clinical Science, and honorary consultant forensic psychiatrist for Oxford Health NHS Foundation Trust. He works clinically in a local prison. His main research interests are on suicidal behaviour in prisoners, mental health of prisoners, and risk assessment in criminal justice and mental health. He joined the IAP on 1 July 2018

The IAP has appointed members with lead responsibility for liaison with specific custodial sectors:

- Prisons – Professor Jenny Shaw and Jenny Talbot
- Mental Health Act – Deborah Coles and Professor Seena Fazel
- Immigration - Professor Seena Fazel and John Wadham
- Policing – John Wadham and Jenny Talbot
- Probation - Deborah Coles and Professor Jenny Shaw