



Ministry
of Justice



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Department
of Health &
Social Care

Independent Advisory Panel on Deaths in Custody

Minutes of the Independent Advisory Panel meeting 30 January 2019

Attendees: Juliet Lyon (JL) - Chair

Seena Fazel (SF)
Jenny Shaw (JS)
Jenny Talbot (JT)
John Wadham (JW)
Deborah Coles (DC)

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

Apologies:

Adrian Blake, Policy Advisor, Secretariat (AB)

Item 1: Minutes and matters arising from previous meeting and pre-meeting

1. Minutes were agreed prior to the meeting.

Matters Arising:

2. The following meeting dates were agreed at the pre-meeting:
 - 26 March 2019 instead of 20 March – to be held at Inquest offices [Confirmation required]
 - 2 May 2019
 - 3 June 2019
 - 10 July 2019
 - 4 September 2019
 - 18 October 2019
 - 4 December 2019

Action log

3. All actions were complete or on the agenda for substantive discussion. The Chair drew attention to the following actions:

Action 2: AF to chase Private Office for a response to the PAVA letter.

A response had now been received with two attachments. The panel raised some concerns over the evaluation report (e.g. lack of reference to human rights). SF questioned if PAVA is directly relevant to deaths in custody. Panel members thought that risk of misuse and impact on people with respiratory problems were both relevant here. JW also expressed some concerns about the lack of substance of the equality impact assessment and noted that the IAP's safety assessment would need to take this into account. The Chair deemed that a short response to the letter, highlighting some of the concerns, would be appropriate. The Chair would draft the response and circulate.

Action 1: Juliet to draft a response to the PAVA letter and circulate to panel

Action 9: SF and Secretariat to continue discussions on planning for the new IAP statistical release.

AF and SF had discussed collection of statistics with SF having a clear idea about what to focus on. There was a short discussion on whether to collect the same data as before, whether to do more in-depth analysis and in which areas. The next step was to contact the sectors for their data for 2016-18.

Action 2: Secretariat and SF to progress with IAP statistics

Item 2: Work programme

4. Panel members agreed that the latest version was close to being final. There were a couple of minor amendments which the Chair would make and then circulate. The paper could then be published on the IAP website and reviewed in six months' time.
5. DC noted that the Panel TOR refers to the Mental Capacity Act. The panel were unclear what implications this might have for their remit, and agreed that the Secretariat should pick this up with the DHSC co-sponsor.

Action 3: Secretariat to pick up data on Mental Capacity Act with Richard Kelly (co-sponsor).

Item 3: Feedback on custodial sectors, visits and any follow-up work:

6. Immigration workstream – The Chair has agreed with Phil Riley that the IAP will in principle undertake a piece of work on the Stephen Shaw report on vulnerable people in the Immigration system. The panel had a short discussion on the draft Terms of Reference and agreed that the next step was to arrange a meeting with Frances Hardy to look at the work in more detail.

Action 4: Secretariat to set up meeting with Frances Hardy (Immigration)

7. Policing workstream - JT and JW had discussed the work needed and issues raised were:
 - Restraint and ABD, MBDC also doing some work on this, report back to Board in Spring.
 - Healthcare in custody

- Mental health in detention;
 - how custody officers make risk assessments (consistency, between staff and nationally);
 - transfer of information – e.g. those arrested on warrants and taken straight to court
 - creating a safe space to disclose near-misses - IPCC published a report which is very informative
 - More meetings with NPCC, IOPC etc
 - Disproportionality
 - How do the police collect lessons which are learnt?
 - Should police have de-brief with families?
 - Potential cultural issue about police using restraint as a default as they feel their job is to be in control
 - Will look at College of Policing assessment framework on street triage.
8. JT and JW will identify the top two/three priorities and advise the panel at the next meeting.
9. Health workstream - DC and SF have been scoping work taking place:
- Strengthening of Serious Incidents Framework - NHSE.
 - Health service investigation branch thematic investigation into failings - announced one recently on prison healthcare. IAP should input.
 - CQC restraint review.
10. DC and SF will report back on further work after their meeting.
11. Prisons workstream – JT and JS. There is already much on the agenda about prisons but they drew attention to:
- ACCT review - draft guidance now published.
 - Natural cause deaths – the panel needs to think about. The panel discussed hearing from Dr Mary Piper.
12. JT and JS will report back on their items of focus.
13. Probation – the Chair and panel members met Dame Glenys Stacey, HM Chief Inspector of Probation, yesterday and discussed:
- Lack of any PFD reports relating to deaths in approved premises being shared with the Inspectorate.
 - IAP can facilitate better communication between probation and other organisations.
 - Dame Glenys unclear if figures are collected on self-harm in approved premises.
14. The Chair would next like to meet Amy Rees with a view to further discussion re preventing deaths in approved premises.
- Action 5: Secretariat to arrange meeting between Juliet and Amy Rees.**

Item 4: Learning from bereaved families

15. AF explained that the purpose of this item was to start a discussion which would inform a paper for the Ministerial Board. This issue was raised in both the Angiolini review and the panel's top 10 recommendations. There was discussion at the previous MBDC about formalising communications with families after inquests and the panel had been asked to write a paper for the next Board. The first draft was done and AF wanted to collect panel views and ideas which he would add to it. He would then circulate the paper for more thoughts before preparing it for the Board.

16. Panel comments were:

- The IAP family listening day resulted in some examples of good practice as well as what could be done better.
- Any proposals need to be tested with families.
- Reflective learning process should take place
- Want this to be a driver for change
- Take time to consult families and get it right

Action 6 - Andrew to update Learning from Families paper and circulate to panel

Item 5: Update on IAP work to date:

17. Magistrates Association survey – JT's paper on results from the survey was circulated. She would be speaking to the Magistrates Association and asked for panel member comments ahead of her conversation. She would then prepare an update for the next meeting.

Action 7: Panel members to feedback to Jenny T on the Magistrates Survey

18. Safety Impact Assessment – the Chair was pleased with the attendance and level of discussion at the recent MoJ workshop. The plan is for the assessment to be trialled in the near future AF would further develop the paper after speaking to the lead co-sponsor, Nick Poyntz.

Action 8: Secretariat to move forward with Safety Assessment

19. IPP briefing – the Chair asked for early feedback on the tone and content of the briefing and still had further information to input including more extracts from prisoner letters. She was committed to presenting the paper to Ministers soon. Panel comments were:

- Are the panel recommending reviews for all IPP prisoners?

- The statistics relating to deaths and self-harm are not clear. Self-harm figures for women were higher; this was represented by a separate recommendation about women prisoners.
- Comments from prisoners were illuminating and should be included.

Action 9: Panel members to feedback on IPP letter by end of first week in February

20. Keeping Safe conference – a planning team had met on 10 January for initial talks and their comments had been circulated to the panel. Panel feedback:

- We would not be able to accommodate all the intended speakers in one day
- Think about the range of stakeholders attending

Action 10: Secretariat to submit business case

Item 6: Communications and support

21. Following a note from the Chair, the Secretariat had discussed and agreed to send out a weekly mailshot on Mondays of relevant Parliamentary business, press and research articles and links. Initially for panel members, this mailing would be carried on the IAB website as part of its development as an information hub. The list could be collated throughout the week which panel members could add to at any time.

Action 11: Secretariat to begin Monday mailings

Item 7: IAP website and communications

22. AB was unable to attend so this item will be held over to the March meeting. In the meantime, AB would forward screen shots of the potential new website to the panel for comments. There appear to be some difficulties in negotiating contract for new/exiting old site.

Action 12: AB to circulate screenshots from the website work, collate further comments and prepare presentation for March Panel meeting.

Item 8: AOB

23. There was no other business

Date of next meeting

26 March 2019, location tba.