

Independent Advisory Panel on Deaths in Custody

**Minutes of the Independent Advisory Panel meeting
2 May 2019**

Attendees: Juliet Lyon - Chair

Seena Fazel
Jenny Shaw
Jenny Talbot
John Wadham
Deborah Coles

Andrew Fraser, Head of Secretariat
Kish Hyde, Deputy Head of Secretariat

For item 6:

Nick Poyntz, MOJ
Heidi Pearson, HO
Chloe Jenkins, HO
Frances Hardy, HOIE
Bhags Silva, HOIE
Richard Kelly, DHSC – by phone

Apologies:

Adrian Blake, Policy Advisor, Secretariat

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

1. Minutes were agreed prior to the meeting.
2. Panel members agreed at the pre-meeting that the meeting on 10 July 2019 would be used as an awayday. The meeting on 4 September would need to be changed as several panel members were now not available.

Action log

3. All actions were complete or on the agenda for substantive discussion. The Chair drew attention to the following actions:
 - *Juliet to draft a response to the PAVA letter and circulate to panel:*The Chair explained that she would write in due course (ie not first IAP letter) to the new Minister about this issue and will cover the need to monitor the governance and evaluation of its use.

- *Secretariat to discuss reference to Mental Capacity Act (MCA) in IAP remit with Richard Kelly (co-sponsor).*

Andrew explained that he had discussed in some length with Andy Herd at DHSC who agreed that the IAP should continue to consider the MCA in relation to their wider findings. Andrew would also raise this with Richard Kelly, the new DHSC co-sponsor.

Item 2: Learning from Coroners' prevention of future deaths reports and Learning from bereaved families paper – next steps

4. Deborah circulated a paper concerning PFDs prior to the meeting which she summarised. Her frustration, which was shared by others, was about the desire of families to see change in practice following a very protracted process. DC raised a number of concerns including: outcomes too often disappeared without trace, families are not being consulted/used as a resource properly, current systems are not working and are failing families. Questions and comments raised by the Panel included:
 - Recommendations should be tracked and co-ordinated - who should do this?
 - While work is being done by different bodies about repeated recommendations, it is not co-ordinated and not reported back to families who would like to know.
 - The IAP should convene a further meeting with regulators – PPO, IOPC, NHS England
 - The IAP should arrange further meeting with Chief Coroner
 - Mapping exercise – Andrew to meet Deborah and John to discuss further by the end of June – in preparation for the away day meeting in July.

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

5. Immigration workstream: John and Seena explained that they had useful conversation with Home Office who have started providing data on deaths in immigration detention:
 - IAP approach - try to get the HO reporting process in line with other sectors (particularly HMPPS).
 - Connection with detention and death post release – IAP will explore this issue further.
 - Disparity in data - people who are in Immigration detention but die in prison are not currently included in either prison or immigration figures – this should be rectified.
6. Policing workstream – John and Jenny T had identified a range of issues:
 - Acute Behavioural Disturbance and restraint
 - Healthcare and mental health
 - Risk assessments

- Court cells and direct transfer
 - Custody officer accreditation
 - Police numbers
 - Length of time in police custody does not appear to have an ethnic dimension
 - But what about the restraint in the street?
7. Health workstream – Deborah and Seena
- Deborah, Seena and Jenny S plan to meet to discuss possible areas of work for the next meeting
 - Transparency and lack of reporting is an issue
8. Prisons workstream – Jenny S and Jenny T
- ‘Natural deaths:
- Bring people together at a round table to look at characteristics, main causes and what can be done.
 - Plan to hold event in September
 - Hold in conjunction with the RCN at their offices and invite specific stakeholders.
 - Andrew will seek to obtain further statistics on compassionate release, if possible
9. Probation workstream – Jenny S and Deborah
- Discrepancy between numbers of people
 - Jenny to share information about Project Rosie
 - Meet with Amy Rees to talk about both issues. HMPPS doing some work on this - IAP will provide input
 - Letter to HMCIP needed about follow-up to earlier meeting with Dame Glenys

Item 4: Update on IAP work to date:

10. Magistrates Association (MA) survey:
- MA are happy with survey. Recommendations are being developed. Aim is to complete by June, discuss with Ministers and officials and publish in MA journal.
11. IPP briefing:
- Deborah will update the circulated paper. Panel members to give further feedback to the Chair.
12. Keeping Safe Conference:
- Business case for funding the event has been sent to the central business office for approval
13. Publication of deaths in custody statistics:
- Requests for data have been sent to the custodial sectors. Late returns are being followed up.

Item 5: IAP website

14. This item will be held over to the next meeting.

Item 6: Co-sponsors discussion

15. The Chair thanked everyone for attending. She said that she wanted to discuss how the IAP can be of value and the most useful ways of working together.

Prisons – Nick Poyntz (NP)

- Awaiting a new Prisons Minister [now confirmed as Minister Buckland]. Keen to ensure that IAP are on the new Minister's radar early – NP happy to facilitate a meeting through private office.
- HMPPS are only now achieving a stable prison environment following the recruitment exercise in terms of new staff and embedding new ways of working, especially the key worker role. Will start to see better relationships with prisoners and more challenging conversations with “at risk” prisoners. IAP to think about how else can provide support to new staff grappling with such challenges.
- Reforming ACCT - 10 prisons have been piloting it with good feedback. Pilot ends in June; NP will think about a meeting between the ten prisons so the IAP to review progress of the pilot and offer further advice.
- Prolific self-harm continues to increase. NP asked for help with data to analyse what is happening.
- Self-inflicted deaths are increasing. The 2018 death reports showed no obvious issues or causal patterns. Would welcome advice on what establishments can do to improve matters
- Natural deaths – IAP explained their idea to hold a day event to discuss this issue with experts. Will be lots of willing attendees in HMPPS.
- Two-year anniversary of Keeping Safe in September:
 - designing a pull-out to go in Inside Time which could be of help to new staff.
 - Idea for bereaved families to attend prison event – Deborah would facilitate

Health – Richard Kelly

MHA review - DHSC are looking to respond by the end of the year. DHSC interested in IAP views on the below:

- Keen to hear about the IAP view on family liaison role
 - Who should commission it / what should it consist of?
- Legal aid
- Should a death under DOLS be counted as a death in custody?

Immigration – Frances Hardy

The Stephen Shaw review resulted in significant changes for the estate; data is published annually now. IAP could help with taking forward some of the recommendations:

- Interested in looking into near-misses and how staff have prevented deaths
- Working on academic input into the estate - what would the IAP like to see?
- Digital ACCT - how does this relate to ACCT in HMPPS?
- Contact with/Support for bereaved families – IAP/INQUEST to help?

Self-harm

- IAP could circulate summary of literature
- SF noted that:
 - Psycho-social assessment can be quite therapeutic in itself
 - Evidence base is quite thin - shows any intervention helps initially

Policing – Heidi Pearson and Chloe Jenkins

Custody staffing - how best to value the profession? IAP would be interested in work in this area.

- Heidi and John/Jenny T to meet and talk about ways to value custody staff

Rise in deaths in custody

- IAP/IOPC/HMCIFRS/HO to talk about the issue of how best to ensure recommendations get passed and undertaken

Restraint workstream

- Taser with pre-hospital tranquilisation
 - Only for a very specific cohort – those with ABD
 - Medically led response
- Physical restraint with pre-hospital tranquilisation
 - London Metropolitan Police and London Ambulance Service are taking this forward with an MOU
 - It is also being reviewed nationally, with results due in the summer.

Item 7: AOB

16. There was no other business

Date of next meeting

3 June 2019.

**10.30am-5pm, Conference Room 4,
Lower Ground, MOJ, 102 Petty France**