

## Message from the Chair of the IAP



Welcome to the first quarterly e-bulletin from the Independent Advisory Panel (IAP) on Deaths in Custody. I am pleased that you have taken the time to register for this e-bulletin

and I hope that it will provide an interesting and valuable insight into the work of the IAP.

The IAP forms one tier of the three tier Ministerial Council on Deaths in Custody, the creation of which was announced by the Ministry of Justice in July 2008 following the publication of the Fulton Review. The Council formally commenced operation on the 1st April 2009 and is jointly sponsored by the Ministry of Justice, Department of Health and the Home Office.

The role of the IAP is to provide independent advice and expertise to the first of the three tiers, the Ministerial Board on Deaths in Custody. It will provide guidance on policy and best practice across sectors and make recommendations to Ministers and heads of key agencies. The shared purpose of the Ministerial Board and the IAP 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. This 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 government has a special duty of care towards an individual in state custody and when a death occurs, it can have a devastating effect not only upon the family and friends of the individual concerned, but also upon the staff that have cared for that person. The Ministerial Council on Deaths in Custody incorporates senior decision-makers, experts and practitioners in the field. I believe this extended, cross-sector approach to deaths in custody will allow for better learning and sharing of lessons across the custodial sectors and ensure that the issue of deaths in custody is kept prominently in the mind of government Ministers.

The IAP's website was formally launched on the 3rd February 2010 and can be accessed at [www.independent.gov.uk/iapdeathsincustody](http://www.independent.gov.uk/iapdeathsincustody). The website will be an essential tool for communicating the work of the IAP and the aim is that as it develops, it will be used as a resource for those working within the different custodial sectors to share good practice and learning on preventing and reducing the number of deaths in custody.

I hope you enjoy our e-bulletin, and I look forward to hearing your thoughts on the issues raised within this and future bulletins. Please feel free to contact the Secretariat team who will answer any questions and ensure that comments are passed onto myself and the other members of the Panel.

A handwritten signature in black ink that reads "Toby Harris". The signature is written in a cursive style with a small flourish at the end.

## Contents

Message from the Chair of the IAP	1	Secretariat Staffing	5
Members of the IAP	2	Contributing to the IAP Website	5
Update on the IAP's Initial Work Plan	3	News	5
Family Listening Event	4	Next Issue	5
Panel Member Visits	4		

## Members of the IAP

Lord Toby Harris was appointed as the inaugural Chair of the IAP in December 2008, followed by the six panel members in April 2009 who were selected for their expertise in matters connected with deaths in custody. The work of the IAP will primarily be taken forward via working groups led by a member of the Panel. The full terms of reference for each of the working groups are available on the IAP website. The panel members are:



Simon Armson is currently a clinical psychotherapist, a Mental Health Act Commissioner and a Member of the Mental Health Review Tribunal. He chaired the Mental Health Act Commission for a period in 2008/09. From 1989 to 2004, he was Chief Executive of the Samaritans, having worked as a Samaritan volunteer for 31 years, and was instrumental in developing that organisation's work in prisons. He has a particular interest in mental health and suicide prevention. Simon is leading the working group considering the issue of the deaths of patients detained under the Mental Health Act (MHA)



Deborah Coles is Co-director of INQUEST. She has experience of individual casework on deaths in custody across the criminal justice system with particular emphasis on the interests of bereaved families. She has a long-standing interest in cross-sector learning. Deborah undertakes policy, research and campaigning work on the strategic issues raised by contentious deaths, their investigation, the treatment of bereaved people and state accountability. Deborah is leading the working group considering how different custodial sectors capture and share learning in relation to deaths and near deaths in custody. A key focus for this group will be to ascertain the reasons for delays in inquests into deaths in state custody.



Peter Dean is an experienced coroner in Suffolk and Essex and is a Forensic Medical Examiner with the Metropolitan Police Service (MPS) with a background in general practice. He has knowledge and experience of deaths in police and prison custody and has provided advice, guidance and training to police custody staff for some years. Peter is leading the working group considering the risks relating to the transfer and escorting of detainees.



Philip Leach is a Professor of Human Rights at London Metropolitan University and a former Legal Director of Liberty having originally trained as a solicitor. He has undertaken training in human rights for prosecutors, police and judges and been involved in casework with prisoners both in the UK and abroad. Philip is leading the working group, which is examining whether current arrangements for investigating deaths in custody comply with Article 2 of the European Convention on Human Rights (ECHR).



Richard Shepherd is Consultant Forensic Pathologist at St George's Hospital London and the Royal Liverpool Hospital. He is a registered Home Office Forensic Pathologist and a leading forensic pathologist in the field of deaths during restraint, with experience of deaths in all forms of custody, including natural, suicidal and homicidal causes. He is also a member of the Criminal Injuries Compensation Appeals Panel. Richard is leading the working group looking into the use of physical restraint across the different custodial settings.



Stephen Shute is Head of the School of Law, Politics and Sociology at the University of Sussex. He is a leading academic in the field of criminal law and criminal justice, in particular on prison issues, but also undertaking recent research into ethnic minorities in the criminal courts. He is currently a member of the Advisory Board on Joint Inspection in the Criminal Justice System and the

Management Board of the Crown Prosecution Service (CPS) Inspectorate. Stephen is leading the working group considering how information relating to an individual's health needs and their risk of suicide/self harm could be more effectively shared during their journey through the Criminal Justice System.

---

## Update on the IAP's Initial Work Plan

The IAP has met five times since the Panel members were officially appointed in April 2009. Key pieces of work taken forward by the IAP since the last meeting of the Ministerial Board in October 2009 include:

- The Fulton Report identified an urgent need to improve the database on deaths in custody so that subsequent work could be based on an evidence led assessment of where action was most needed and would be most effective. In order to improve the range and quality of statistical information available to the Council, the Secretariat has undertaken a series of meetings with the National Offender Management Service (NOMS), the Independent Police Complaints Commission (IPCC) and the Care Quality Commission (CQC), in order to identify the data that currently exist in relation to deaths in custody. The Secretariat is using the information obtained from these meetings, to feed into the development of a standardised statistical 10 year summary of deaths in state custody.
- The Secretariat have established a Practitioner and Stakeholder Group, which will support the work of the IAP. The majority of the time, this will be a 'virtual group', but the intention will be for all its members to be brought together at an annual deaths in custody conference, to which members of the Ministerial Board and other interested parties will also be invited. There are now over 80 confirmed participants. A series of meetings have been held with members to inform the work being taken forward by the working groups, which has been helpful in bringing together organisations that had not been previously engaged in discussions despite having a shared interest in preventing deaths in custody. The IAP are planning to hold a one-day consultation event in the summer to give more members of this group the opportunity to feed into the working groups and the development of the IAP's longer term work programme.
- As part of the Secretariat's review of research into deaths in custody, a questionnaire has been sent to members of the Practitioner & Stakeholder Group, which requests details of any research or studies in this area. This

# DEATHS IN CUSTODY

questionnaire has also been distributed on a wider basis by the Offender Health Research Network (OHRN) via their regional research centres. It is available on our website, so please feel free to print off a copy for completion or forward it onto others who might be aware of research in this area. The information obtained from completed questionnaires will feed into the development of a research directory, which will be included on the IAP's website. This work will be completed by the end of April 2010.

- The Secretariat is also developing a Communications & Stakeholder Management Strategy, which was discussed at the IAP meeting held on the 3rd March. Once agreed, this document will be available on the IAP's website and will allow for a more effective and efficient communications approach for the IAP.
- The terms of reference for the IAP's six working groups (available on the IAP website) were approved at the Ministerial Board meeting held in October 2009 and the initial scoping work for all of the groups has started under the Secretariat's co-ordination. The initial findings and recommendations from these working groups will feed into the development of the IAP's longer term work programme.
- Over the last six months, the Secretariat has been working with the Central Office of Information (COI) to develop an independent website for practitioners and other interested parties. The website was officially launched on the 3rd February and can be accessed at [www.independent.gov.uk/iapdeathsincustody](http://www.independent.gov.uk/iapdeathsincustody). It includes details about the Panel members, minutes of IAP meetings, a 'news' section, relevant research and good practice documents from across the custody sectors and links to relevant external websites. The site also includes copies of reports of independent investigations into deaths and near deaths in state custody.

## Family Listening Event

In February, the IAP invited tenders from third sector organisations to organise a one day 'Family Listening Event' for family members who have been directly affected by the death of a relative whilst detained within state custody. Following an independent evaluation exercise managed by the Procurement Unit within NOMS, INQUEST was awarded the contract for this work.

The event will be held in London on the 30th March 2010. It will provide an opportunity for the IAP to hear about the personal experiences of these families and give them the chance to provide their views on where the IAP's focus could be most effective in terms of meeting the needs of bereaved families. One of the key deliverables from this event will be a final report, which will provide a summary of the discussions on the day including key recommendations for the IAP to consider and take forward as part of their longer term work programme.

.....

## Panel Member Visits

On the 23rd November 2009, the Chair and members of the IAP visited Broadmoor Hospital to observe the workings of a high secure hospital first hand and discuss with staff appropriate measures for the prevention of suicide and other deaths. The Panel also met with senior clinical members of staff and learnt about some of the practical problems associated with the identification and reduction of risk for patients detained under the Mental Health Act (MHA).

A second visit to Ealing Approved Premises was undertaken on the 8th December 2009, which allowed Panel members to see how learning had been identified and used to inform practice and policy following the death of a resident. The Panel are grateful to the staff at Broadmoor and Ealing for facilitating these interesting and informative visits.

## Secretariat Staffing

The capacity of the Secretariat was limited last year whilst further appointments were made to the team. Matthew Leng and Alicia Balaquidan started in December 2009 and the full team is now in place. It is the responsibility of the Secretariat to ensure that the Ministerial Council functions effectively, by fostering good co-ordination between the Ministerial Board, the IAP and the Practitioner and Stakeholder Group. The Secretariat will act as the central hub for sharing information and learning about deaths in custody, as well as sharing instances of good practice.

## Contributing to the IAP Website

One of our key aims for the new website is that it will become a valuable resource for sharing learning and information about preventing deaths in custody. If you have a relevant news story or research article that you feel may be of particular interest to stakeholders, please feel free to contact the Secretariat at [iapdeathsincustody@noms.gsi.gov.uk](mailto:iapdeathsincustody@noms.gsi.gov.uk).

## News

### MoJ Publishes Coroners' Reports to Prevent Future Deaths

In March, the Ministry of Justice (MoJ) published its second summary of recommendations made by coroners between 1st April to 30th September 2009, to organisations following a death in order to prevent similar deaths in the future:

<http://www.justice.gov.uk/latest-updates/summary-coroners-reports-april-sept-09.htm>

### The PPO Publishes its Review of Fatal Incident Reports for 2008/09

In March, the Prisons and Probation Ombudsman (PPO) launched its review into its fatal incident reports for 2008/09

[http://www.ppo.gov.uk/docs/PPO-FII-Report\\_March\\_2010.pdf](http://www.ppo.gov.uk/docs/PPO-FII-Report_March_2010.pdf)

### The Government Response to the Bernard Lodge Inquiry

In March, the Government response to the report of an independent inquiry into the death of Bernard Lodge was laid before Parliament:

<http://www.official-documents.gov.uk/document/cm78/7813/7813.asp>

### The PPO Publishes Results of its 'Bereaved Families' Survey

In March, the PPO (PPO) published the results of a survey conducted with families who have been involved in PPO investigations:

[http://www.ppo.gov.uk/docs/Bereaved\\_families\\_report\\_2009.pdf](http://www.ppo.gov.uk/docs/Bereaved_families_report_2009.pdf)

### HMIP Publish their Annual Report for 2008/09

In February, Her Majesty's Inspectorate of Prisons published its annual report of inspections carried out on prisons, young offender institutions and immigration detention facilities:

<http://www.justice.gov.uk/inspectors/hmi-prisons/annual-reports.htm>

### Safer in Custody Statistics Bulletin Published

In February, the Ministry of Justice released its annual statistical bulletin on deaths, self-harm and violence in prison custody:

<http://www.justice.gov.uk/publications/safer-custody.htm>

### NPSA 'Patient Safety in Prisons' Project Launched

In January, the National Patient Safety Agency launched a project investigating prison safety, led by a working group comprising of experts with experience in developing policy and regulating standards concerning prison healthcare:

<http://www.npsa.nhs.uk/>

### Deaths in Prison Custody 2009 Figures Published

In January, the Ministry of Justice announced that there were 60 self-inflicted deaths among prisoners in England and Wales in 2009:

<http://www.justice.gov.uk/news/newsrelease010110a.htm>

## Next Issue

The next issue of the e-bulletin will be published in June 2010.