

**PROTOCOL FOR THE INVESTIGATION OF DEATHS IN
GUERNSEY PRISON BETWEEN THE STATES OF GUERNSEY
COMMITTEE FOR HOME AFFAIRS AND THE PRISONS AND
PROBATION OMBUDSMAN****Introduction**

1. This protocol between the States of Guernsey Committee for Home Affairs and the Prisons and Probation Ombudsman (PPO) for England and Wales sets out the arrangements for the investigation of deaths of prisoners in Guernsey Prison.
2. Investigations will take place at the invitation of the Minister for the Committee of Home Affairs.
3. The PPO's fatal incident investigations will support Guernsey's compliance with the requirements of Article 2 (read with Article 1) of the European Convention on Human Rights, which ensures the right to life, specifically the need for independent investigation of all deaths in custody.
4. The protocol has been agreed and signed by the Prison Governor of Guernsey Prison, a representative of the States for Guernsey Committee for Home Affairs and the Prisons and Probation Ombudsman.

Guernsey Prison Service

5. The Guernsey Prison Service (GPS) forms part of the States of Guernsey Committee for Home Affairs. The Committee for Home Affairs is headed by a President, who is supported by a Board comprised of Deputies. The GPS is headed by the Prison Governor.
6. The prison is located at St Sampson and holds male, female and juvenile prisoners, both convicted and on remand. The prison also holds individuals detained under immigration powers.
7. Prison healthcare is provided by the States of Guernsey Committee for Health & Social Care.
8. The Prison Administration (Guernsey) Law, 1949, as amended, is the legislation governing Guernsey Prison. It addresses the purposes of imprisonment, the Committee for Home Affairs's duties in respect of the prison, and the power to make rules on prison matters by way of Ordinance. The Prison (Guernsey) Ordinance, 2013, and subsequent amendments, have been approved by the States. Amendments have been made to respond to changes in prison best practice and the nature and size of Guernsey Prison. The Ordinance details how the prison operates on a day-to-day basis, but says little about how this is to be put into practice. Instead, the prison has its own Prison Orders, which are approved by the Prison Governor.

The Prisons and Probation Ombudsman:

9. The Prisons and Probation Ombudsman is appointed by the Secretary of State for Justice (in the Government of the United Kingdom), following a pre-appointment scrutiny hearing by the House of Commons Justice Select Committee. The Ombudsman is an administrative appointment.
10. The Ombudsman is wholly independent. This enables the Ombudsman to execute fair and impartial investigations, making recommendations for change where necessary, without fear or favour. The Ombudsman's ability to act entirely independently from the authorities in remit is an absolute and necessary function of the role.
11. The Ombudsman's office is operationally independent of, though it is sponsored by, the Ministry of Justice (MoJ). The perceived and visible independence of the Ombudsman from the sponsorship body is fundamental to the work of the Ombudsman.

Investigations

Matters subject to investigation

12. The Ombudsman can investigate decisions and actions (including failures or refusals to act) relating to the management, supervision, care and treatment of prisoners, remanded individuals, detained individuals, or young people in Guernsey Prison. The Ombudsman's remit does not depend on the authority in remit or their staff, acting or failing to act, or taking decisions, themselves. The Ombudsman will therefore also look at the decisions and actions of contractors and subcontractors and of the servants and agents of the services in remit, and the Independent Monitoring Panel or other volunteers, where these are relevant to the matter under investigation.
13. Upon the invitation of the Minister for the Committee of Home Affairs, the Ombudsman will investigate the circumstances of:
 - i. the deaths, from any cause, of prisoners and young people. This generally includes people temporarily absent from the establishment but still subject to detention (for example, under escort, at court or in hospital);
 - ii. neonatal deaths and stillbirths that occur within the prison, under prison transfer to hospital, or in hospital following transfer from prison, where the PPO considers it necessary to exercise their discretion to investigate.
14. Upon the invitation of the Minister for the Committee of Home Affairs, the Ombudsman will have discretion to investigate, to the extent appropriate, other fatal incidents that raise issues about the care provided by the relevant authorities in respect of paragraph 12.

Aims of the PPO's investigations

15. The aims of the PPO's investigations are to:

- establish the circumstances and events surrounding the death, in particular the management of the individual by the relevant authority or authorities within remit, but also including any relevant external factors;
- examine whether any change in operational methods, policy, practice or management arrangements would help prevent a recurrence;
- in conjunction with the clinical reviewer, where appropriate, examine relevant health issues and assess clinical care;
- provide explanations and insight for the bereaved relatives; and
- help fulfil the investigative obligation arising under Article 2 of the European Convention on Human Rights ('the right to life') by working together with HM Procureur/Comptroller for Guernsey to ensure as far as possible that the full facts are brought to light and any relevant failing is exposed, any commendable action or practice is identified, and any lessons from the death are made clear.

Notification of a death

16. In the event of a death at Guernsey Prison, or in the circumstances set out in paragraph 12 above, the GPS will notify the PPO by contacting the mailbox PPOFIIAdmin@ppo.gov.uk and providing a completed DIC Notice (Annex A). The 'summary of event' section should be kept succinct, focusing only on the key timeline of events leading up to the death.

17. The PPO will call the GPS to confirm who the current or acting Prison Governor is, and their phone number and email address.

18. Following the initial phone call, the PPO will send an email to the Prison Governor providing relevant notices, confirming the details of the PPO's investigation. The Notice to Staff, Notice to Prisoners, and Translation Accompanying Notice should be displayed in a prominent location in the prison.

19. The assigned PPO investigator will call the Prison Governor (or Deputy) to make arrangements to open the investigation.

Family liaison

20. The PPO will appoint a Family Contact Officer (FCO) at the start of each investigation.

21. The FCO will contact the deceased's family or next of kin in the early stages of the investigation to explain the role of the PPO and advise them of the investigation. Should the family or next of kin wish to remain involved, the FCO will remain in contact until the final report has been issued. They will be the family or next of kin's main point of contact with the PPO.

The PPO's investigation

22. The PPO investigation will, as far as possible, follow the same process as for investigations in England and Wales.
23. The GPS should appoint a Liaison Officer at the prison to facilitate the PPO's investigation. The Liaison Officer should act as a point of contact for the investigation and enable the investigator to contact relevant parties in Guernsey where necessary, both within the prison and also other authorities within remit.
24. Notices will be issued by the PPO informing staff and prisoners of the investigation and asking anyone with any relevant information to contact the investigator.
25. The PPO will decide how they wish to conduct the investigation. They may decide that it is necessary to visit the prison to open the investigation. This decision will be based on the known circumstances of the death. Where a visit is deemed necessary, it will take place as soon as practicably possible and normally within seven days of notification of the death.
26. If a visit to Guernsey Prison is required to open the investigation, the PPO investigator will contact the Liaison Officer to request a list of documentation (including medical records) that will be considered as part of the investigation. This documentation should be available for collection by the investigator at the conclusion of the opening visit. The investigator will not take original documents away from the prison. Where the PPO decide not to visit the prison, the investigator will ask for copies of the relevant documentation to be sent to their office rather than collected during the opening visit. Any CCTV or Body Worn Video Camera footage relating to the incident should be preserved and made available to the investigator.
27. A member of the Independent Monitoring Panel and a local trade union representative should be made aware of the opening visit by GPS and be invited to meet the investigator should they wish to do so.
28. As part of the investigation, the investigator will decide who needs to be interviewed according to the circumstances of the case. These interviews may take place in person, by video link (including using video conferencing software) or by telephone. Members of staff may be accompanied by a colleague or Trade Union representative if they wish. The PPO expects the Prison Governor to provide authority for the investigator to record the interview (including by video). The PPO may provide a transcript to the interviewee.

Right of access

29. The 'Head' of the relevant authority will ensure that the PPO has unfettered access to all relevant material, held in hard copy and electronically, that is required for the purposes of their investigation. This includes classified material, physical and mental health information, and information originating from or held

by other organisations e.g. contractors (or their sub-contractors) providing services to or on behalf of the relevant authority. The PPO will consider representations as to the necessity of particular material being provided, the means by which provision is achieved and any sensitivity with future publication, but the final decision rests with the PPO who will define the material required based on the context of the investigation.

30. At the invitation of the Minister for the Committee of Home Affairs, the PPO will have access to the premises of the authorities in remit for the purpose of conducting interviews with employees, prisoners, detained individuals and other individuals, for examining source materials (including those held electronically such as CCTV), and for pursuing other relevant enquiries in connection with the investigation.
31. The PPO has the right to interview all employees, prisoners and other individuals as required for the purpose of an investigation and will be granted unfettered access to all such individuals. This includes the staff of contractors and sub-contractors.

Information sharing agreement

32. Both the PPO and the GPS must ensure that personal data is handled and processed in accordance with data protection legislation. Additionally, they must process the data being shared in compliance with HM Government's Security Policy Framework guidance issued by the Cabinet Office. In particular, this includes:
- Preserving the integrity, confidentiality, and availability of shared data and preventing the corruption or loss of such data;
 - Processing the data only to the extent, and in such a manner, as is necessary for the effective functioning of the justice system or as required by law or any regulatory body;
 - Conducting, if necessary, a Data Protection Impact Assessment (DPIA) when changes are made to the processing of data.
33. Both the PPO and the GPS will also ensure effective measures are in place to protect the data in their care and manage potential or actual incidents of loss of data. Such measures will include:
- ensuring any IT system is assessed as secure to the appropriate level;
 - not transferring or storing data on any type of removable media storage unless necessary, and if so, it must be encrypted and password protected to an appropriate standard;
 - at all times maintaining the 'need to know' principle, and limiting access to the information on a legitimate need to know basis;
 - complying with the Government Security Classifications Policy where applicable;
 - once physical documents and electronic data are no longer required, they must be disposed of in accordance with the internal procedures of the parties involved;

- ensuring that all data users who handle personal information are aware of the sensitivity of the data, the handling requirements, and undertake appropriate information assurance training; and
- notifying the other party immediately if at any time it is suspected or there is reason to believe that shared data has or may become corrupted or lost.

Clinical issues

34. The PPO's investigation includes an examination of the clinical issues relevant to each death.
35. The PPO will commission a clinical reviewer to review the clinical care provided, including whether referrals to secondary healthcare were made appropriately. The clinical reviewer will have unfettered access to healthcare information. Where appropriate, the reviewer will conduct joint interviews with the PPO investigator.
36. There are three levels of review:
- Level 1:** Single clinical reviewer – desk-based review of records and report.
 - Level 2:** Single clinical reviewer – review of records, interviews with healthcare staff at the establishment and report.
 - Level 3:** Panel review with lead reviewer – review of records, interviews with healthcare staff and others as appropriate. Complex case with multi-disciplinary input.
37. The PPO and clinical reviewer will recommend to the GPS the level of clinical review that is required. A Level 1 review must not be considered a default position. The level of review must be documented with the reasons for that level. On occasion, evidence may come to light that requires the level of review to be reconsidered – in such cases the PPO investigator, the GPS and clinical reviewer should agree the revised level, and document accordingly.

Relationship with other investigations

38. The PPO may defer all or part of an investigation when Guernsey Police are conducting a criminal investigation in parallel. If at any time the PPO forms the view that a criminal investigation should be undertaken, the PPO will alert Guernsey Police.
39. The PPO will liaise with Guernsey Police to ensure that the PPO investigation can proceed. Guernsey Police will have primacy for all investigations into deaths in custody in Guernsey.

40. If at any time, or following an investigation, the PPO forms the view that a relevant authority in remit should undertake a disciplinary investigation, the PPO will inform that authority.
41. If at any time findings emerge from the PPO's investigation that the PPO considers require immediate action by the relevant authority, the PPO will alert the relevant authority to those findings at the earliest opportunity.

Output from the PPO's investigations

42. The PPO has the discretion to choose the manner in which the findings of investigations are reported but all investigations will result in a written report.
43. If the initial report contains criticism of named staff or recommends that disciplinary action be considered against an identified individual, the PPO will normally disclose an advance copy, in whole or part, to the relevant authority in order that they, and the staff member(s) subject to criticism, can make representations (unless that requirement has been discharged by other means during the course of the investigation).
44. The PPO will send the initial report and any related documents to the Prison Governor, the bereaved family, the HM Procurer/Comptroller for Guernsey, and the States of Guernsey Committee for Health & Social Care. Additional circulation of initial reports will be at the PPO's discretion.
45. The recipients will have one month to draw attention to any factual inaccuracies.
46. The PPO may make recommendations to the authority within remit, or to any other body or individual that the PPO considers appropriate given their role, duties and powers.
47. The Liaison Officer at Guernsey Prison should confirm where departmental responsibilities lie to facilitate the initial response to, and implementation of, recommendations.
48. The authority within remit will provide the PPO with a response, within the specified timeframe, of receiving the initial report, indicating whether a recommendation is accepted or not (in which case reasons will be provided) and the steps taken by that authority within set timeframes to address the PPO's recommendations¹. An action plan setting out how recommendations will be addressed should be included in the response to the report. Where that response has not been included in the PPO's report, the PPO may, after consulting the authority as to its suitability, append it to the report at any stage.

¹ The Prison Governor is responsible for ensuring that lessons are learnt with the aim of preventing further deaths when the authority in remit. How this will be achieved and the timetable for doing so should be set out within one month of being given the report. *The Prison (Guernsey) Ordinance, 2013, Schedule 5, Paragraph 4.*

49. The PPO will consider any feedback on the initial report, but will exercise their own discretion on what, if any, changes to make, and issue a final report.
50. Final reports will be issued to the Prison Governor, the bereaved family, HM Procureur/Comptroller for Guernsey, and the States of Guernsey Committee for Health & Social Care. Additional circulation of final reports will be at the PPO's discretion.
51. Having considered any views of the recipients of the report and having complied with the legal obligations in relation to data protection and privacy, the PPO will publish the final report on the PPO's website. All references to individuals other than the deceased will be anonymised. All references to individuals under 18 years old will be anonymised.
52. The PPO will consult the HM Procureur/Comptroller for Guernsey or relevant authority if the report is to be published before the inquest.

Costs

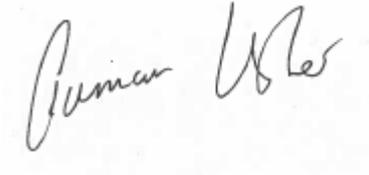
53. The costs of the PPO investigation and clinical reviewer shall be paid by the States of Guernsey Committee for Home Affairs. Responsibility for ensuring payment of the necessary costs within the required timeframe lies with the Prison Governor.
54. The PPO will provide a costs summary in advance which will outline the costs for the investigation. This will include:
 - i. the time of the investigator, family contact officer, support worker, transcriber and Assistant Ombudsman.
55. The PPO will commission and pay the clinical reviewer direct and invoice the States of Guernsey Committee for Home Affairs for these costs. The cost for the clinical review will include the time of the clinical reviewer, manager and any travel and subsistence incurred during the investigation. Payment should be made by the States of Guernsey Committee for Home Affairs within 28 days of the PPO sending the invoice for the clinical review costs.
56. The costs for any travel and subsistence incurred by the PPO during the investigation will be added to the invoice at the end of the investigation.
57. The PPO will issue the invoice for the investigation after the final report has been issued. Payment should be made within 28 days of receipt of the invoice.
58. Travel and subsistence will be paid in line with the rates in force for investigators and FCOs under the PPO's policy.

Review

59. The protocol will be reviewed every three years. Lead contacts will include:
 - i. Deputy Ombudsman – Fatal Incident Investigations, PPO

- ii. Deputy Ombudsman – Learning, Analysis and Business Services
- iii. Deputy Governor, Guernsey Prison

Signed



Adrian Usher
Prisons and Probation Ombudsman
Date: 27 February 2026

Signed



John De Carteret
Prison Governor of Guernsey Prison
Date: 05 March 2026

Signed



Dave Le Ray
Director of Operations – Home Affairs
Representative of Committee for Home Affairs
Date: 04 March 2026

Annex A

Official Sensitive when complete

RECORD OF NOTIFICATION OF A FATAL INCIDENT TO PPO

FOR COMPLETION BY PPO	
Case number	
Investigator	
Investigation Manager	
FLO	
SO	

Title	
Forename	
Surname	
Date of birth	
Age at death	
Prison number	
Category	
Nationality	
Ethnic origin	
Offence	
Sentence	
Establishment type and name	
Date of reception to current prison	
Date of reception to custody	
On open ACCT?	
Date and time incident discovered	
Location of death	
Type of death	
Previous recorded SI deaths at this establishment (past 12 mths)	
Date and time of death	
Has an FLO been appointed?	
Has the NOK been informed?	

Summary of event

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OFFICIAL

OFFICIAL