



22 SEPTEMBER 2021 – FOR IMMEDIATE USE

07880 787452

PRISONS AND PROBATION OMBUDSMAN RELEASES ANNUAL REPORT COVERING YEAR OF COVID-19

Sue McAllister, the Prisons and Probation Ombudsman (PPO), has published her annual report for 2020/21, a year which saw a number of deaths related to COVID-19.

The PPO investigates deaths in prisons, young offender institutions (YOIs) and places of State detention, and complaints made by prisoners, those on probation and detained individuals.

Natural cause deaths, including COVID-19 related deaths, in 2020/21

The PPO started 425 investigations into deaths in the year, an increase of 37% compared to the previous year. Of those, 298 were classed as natural cause deaths and 132 of those were related to COVID-19¹.

¹ COVID-19 related fatal incident investigation: A death in a person where COVID-19 is mentioned on the death certificate or post-mortem report as either a cause of death or as a contributory factor to the death. Deaths are recorded as COVID-19 from the outset of the investigation if there appears to have a COVID-19 element. If information provided later shows the death does not fit our definition, it will be re-categorised. It is important to note, death certificates are not always consistently filled in.

The report notes: “Deaths related to COVID-19 occurred in two waves. In the first wave, between 18 March 2020 and 27 May 2020², we were notified of and started 26 COVID-19 related fatal incident investigations. In the second wave, between 8 October 2020 and 31 March 2021, we were notified of and started 110 COVID-19 related fatal incident investigations. After this the deaths fell to very low numbers.”

PPO investigations found that not all the prisoners who died of COVID-19 contracted the virus in prison. Some appear to have contracted it in hospital, where they had been inpatients for some time for another reason. In some cases, it was impossible to say where the prisoner was likely to have contracted the virus.

“Where it appears that prisoners have contracted the virus in prison, it is seldom possible to say how this has happened, although we know that HM Inspectorate of Prisons has sometimes found that prison staff have not always observed social distancing themselves or enforced it among prisoners.” In some cases, though, prisoners chose not to follow advice to shield.

The report acknowledges the care and compassion prisoners and family members have received from prison and healthcare staff, though some cases showed care or procedures could be improved.

Self-inflicted deaths

In 2020-21 there were 85 self-inflicted deaths, one more than in 2019/20. The report noted: “At the beginning of the pandemic, many observers thought there might be an increase in self-inflicted deaths as prisoners struggled to cope with the very restricted COVID-19 regime and the long periods locked in their cells.

“This did not happen initially, and, in fact, self-inflicted deaths dropped to unprecedentedly low levels in September 2020 and October 2020. However, the number of self-inflicted deaths began to rise in November 2020 and remained high for the last four months of 2020/21.”

² One case was notified to us in June 2020, but the date of death was April 2020.

There was evidence of failings seen in previous years, particularly relating to failures to assess risk and vulnerability correctly in prisoners' early days in prison. The impact of the lack of contact with staff during COVID-19 was also evident.

Complaints

The PPO received 4,010 complaints in 2020-21, 14% fewer than in the previous year. As in other years, the largest single group of complaints related to property.

Sue McAllister said: "We had expected that with far fewer transfers between prisons and less opportunity for prisoners to move around and mix with others within establishments, we would see proportionally fewer complaints about property.

"However, property remained the issue on which we completed more complaints than any other, and our uphold rate (where we find in favour of the complainant) was also higher than most other complaint categories."

Overall, Sue McAllister said: "We maintained our focus on the impact of our work. This remains a key challenge for us as repeat failings, and the associated need to make the same recommendations in response to what we find, continue to frustrate our work.

"Of course, there are also cases where our findings and recommendations result in change for the better. For example, we were pleased to learn that, following our criticism of the care for people with dementia in one prison, a specialist dementia care nurse had been employed.

"We continued to work with a wide range of stakeholders and academic partners to consider how our reports could have more impact. We also had conversations with the services in remit and our sponsors in the Ministry of Justice about how the services could deliver the changes we all agree are needed to make prisons safer and more decent."

- End -

Notes to editors

1. The report is available at www.ppo.gov.uk
2. Sue McAllister was appointed as Prisons and Probation Ombudsman (PPO) in October 2018.
3. The PPO is appointed by and reports directly to the Secretary of State for Justice. The Ombudsman's office is wholly independent of the services in remit, which include those provided by Her Majesty's Prison and Probation Service (HMPPS), the National Probation Service for England and Wales, the Community Rehabilitation Companies for England and Wales, Prisoner Escort and Custody Service, the Home Office (Immigration Enforcement), the Youth Custody Service, and those local authorities with secure children's homes. It is also operationally independent of, but sponsored by, the Ministry of Justice (MoJ).
4. The roles and responsibilities of the PPO are set out in the Terms of Reference (ToR), the latest version of which can be found in the appendices.
5. The PPO has three main investigative duties:
 - complaints made by prisoners, young people in detention, offenders under probation supervision and individuals detained under immigration powers (detained individuals)
 - deaths of prisoners, young people in detention, approved premises' residents and detained individuals due to any cause
 - using the PPO's discretionary powers, the investigation of deaths of recently released prisoners
6. Please contact John Steele on 07880 787452, or at john.steele@justice.gov.uk if you would like more information