

**Prisons &  
Probation**

**Ombudsman**  
Independent Investigations

# **Independent investigation into the death of Mr Andrew Flanagan on 16 July 2023, following his release from HMP Wormwood Scrubs**

**A report by the Prisons and Probation Ombudsman**

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## OUR VISION

To deliver high quality and timely independent investigations and work closely with partners to achieve tangible benefits for the safety and confidence of those in custody and under community supervision.

## WHAT WE DO



## WHAT WE VALUE



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## Summary

1. The Prisons and Probation Ombudsman aims to make a significant contribution to safer, fairer custody and community supervision. One of the most important ways in which we work towards that aim is by carrying out independent investigations into deaths, due to any cause, of prisoners, young people in detention, residents of approved premises and detainees in immigration centres.
2. Since 6 September 2021, the PPO has been investigating post-release deaths that occur within 14 days of the person's release from prison.
3. If my office is to best assist His Majesty's Prison and Probation Service (HMPPS) in ensuring the standard of care received by those within service remit is appropriate, our recommendations should be focused, evidenced and viable. This is especially the case if there is evidence of systemic failure.
4. Mr Andrew Flanagan died of heroin and cocaine toxicity on 16 July 2023 following his release from HMP Wormwood Scrubs on 7 July. He was 39 years old. We offer our condolences to those who knew him.
5. We found that Mr Flanagan received good support with his substance misuse issues at Wormwood Scrubs. As Mr Flanagan was unexpectedly released from court due to serving the custodial part of his sentence while on remand, he did not have an allocated community offender manager until after his release. As a result, no release planning was completed.
6. We found no issues of concern. We make no recommendations.

## The Investigation Process

7. HMPPS notified us of Mr Flanagan's death on 20 September 2023.
8. The PPO investigator obtained copies of relevant extracts from Mr Flanagan's prison and probation records.
9. We informed HM Coroner for West London of the investigation. They gave us the results of the post-mortem examination. We have sent the Coroner a copy of this report.
10. The Ombudsman's family liaison officer contacted Mr Flanagan's next of kin, his father, to explain the investigation and to ask if he had any matters he wanted us to consider. He had no questions but asked for a copy of our report.
11. We shared our initial report with HMPPS. They found no factual inaccuracies.
12. We sent a copy of our initial report to Mr Flanagan's father. He did not notify us of any factual inaccuracies.

## Background Information

### HMP Wormwood Scrubs

13. HMP Wormwood Scrubs is a category B local male prison, with an operational capacity of 1,273. The prison accepts sentenced and remand prisoners over the age of 21 as well as young adults (18-21 years old) on remand only. Practice Plus Group (PPG) provides primary healthcare services, the Forward Trust provides substance misuse services, and Barnet, Enfield and Haringey NHS Mental Health Trust provides mental health services.

### HM Inspectorate of Prisons

14. The most recent inspection of HMP Wormwood Scrubs was in June 2021. Inspectors reported that the drug strategy group was pursuing a refreshed and coherent whole-prison approach to tackle substance misuse, with the Forward Trust and PPG providing psychosocial and clinical treatment, respectively, for prisoners with drug or alcohol problems. Working relationships between the Forward Trust and PPG were good, and joint reviews of the current caseload of 180 prisoners in receipt of opiate substitution treatment took place at appropriate milestones. Individualised discharge planning and support were provided, with overdose training and a supply of naloxone (an opiate reversal agent) provided where appropriate. Links were made with community providers and arrangements to maintain treatment post-release were delivered consistently.

### Probation Service

15. The Probation Service work with all individuals subject to custodial and community sentences. During a person's imprisonment, they oversee their sentence plan to assist in rehabilitation, as well as prepare reports to advise the Parole Board and have links with local partnerships to whom, where appropriate, they refer people for resettlement services. Post-release, the Probation Service supervise people throughout their licence period and post-sentence supervision.

## Key Events

16. On 13 February 2023, Mr Andrew Flanagan was remanded to HMP Wormwood Scrubs.
17. On 7 July, Mr Flanagan attended court and was convicted of criminal damage and was sentenced to six weeks in prison. As he had already served the custodial part of his sentence while on remand, he was released from court the same day.

### Substance misuse services

18. Mr Flanagan was a drug user. When he arrived at Wormwood Scrubs, a GP diagnosed him as having multiple drug dependencies and prescribed him a methadone detoxification programme (opioid medication used to treat the symptoms of heroin withdrawal). The GP referred him to the prison substance misuse service, the Forward Trust.
19. On 14 February, a Forward Trust recovery worker completed an initial assessment with Mr Flanagan. They warned Mr Flanagan about the risks associated with taking drugs and he agreed to work with them. The recovery worker told Mr Flanagan about the importance of complying with his treatment plan and advised him of the benefits of engaging with the Forward Trust and community drug teams. Later that day, Mr Flanagan was allocated a Forward Trust keyworker.
20. On 24 February, Mr Flanagan's keyworker saw him, and they agreed on a treatment recovery plan. They discussed the risks associated with taking illegal drugs and discussed tolerance levels and the risks of overdosing. The keyworker told Mr Flanagan about naloxone (a medication that can rapidly reverse the effects of an overdose of heroin or other opioids), and Mr Flanagan said he would like to be released with a supply of this. Although Mr Flanagan was not yet sentenced and therefore had no release date, the keyworker sent an alert to the local community substance misuse service.
21. As Mr Flanagan's keyworker knew that he was due to go to court on 13 March and that he might be released, she arranged an appointment for him at a local substance misuse service, Ealing RISE, for 14 March. Mr Flanagan did not get released on this date, so the appointment did not go ahead.
22. Over the next two months, Mr Flanagan engaged with the Forward Trust, completed recovery workbooks around relapse prevention and was compliant with his methadone detoxification programme.
23. On 7 July, Mr Flanagan was summoned to court, sentenced, and released the same day. The investigator could not find any evidence that he was issued with a take-home naloxone kit.

### Release from Wormwood Scrubs

24. On 7 July, Mr Flanagan attended Harrow Probation office. As he was released straight from court, he had not yet been allocated a community offender manager (COM). The probation practitioner on duty completed his induction and explained

the conditions on his licence. Mr Flanagan signed to say that he understood and gave the probation practitioner his updated address and telephone number. They told Mr Flanagan that once he was allocated a COM, they would contact him to give him his next appointment.

25. On 12 July, Mr Flanagan was allocated a COM. She sent him a letter with the details of his next appointment which was scheduled for 14 July.
26. On 14 July, Mr Flanagan did not attend his appointment with his COM. She sent him a breach letter and issued him another appointment. (Mr Flanagan did not attend this appointment as he had already died.)

### **Circumstances of Mr Flanagan's death**

27. On 16 July, a member of the public rang the police to say that they had seen a body lying unresponsive in a bush near an underpass in Northolt. Paramedics attended and declared Mr Flanagan deceased at approximately 3.20pm.
28. On 11 September, a friend of Mr Flanagan's family informed HMPPS that he had died.

### **Post-mortem report**

29. The post-mortem report concluded that Mr Flanagan died of heroin and cocaine toxicity.

## Findings

30. Mr Flanagan had a history of substance misuse. While he was in prison, he was seen regularly by the Forward Trust and warned about the risks and dangers of taking drugs. He was also trained in the use of naloxone. As Mr Flanagan was unexpectedly released straight from court, it is not known if he was given a naloxone kit. There is currently no process in place to ensure that those at risk of opiate overdose are released from court with naloxone. HMPPS and HM Courts and Tribunal Service (who are responsible for the management of courts, and who have been sent a copy of this report) will wish to consider this further.
31. We are satisfied that both the prison and probation services did all they could to manage the risks associated with Mr Flanagan's substance misuse.
32. We make no recommendations.

### Corrections:

**Following the inquest, HMPPS notified us that Mr Flanagan appeared in court by video link, not in person, and was therefore released from the prison, not the court. They told us that HM Courts and Tribunals Service (HMCTS) are not responsible for the welfare of a defendant whilst in custody or at the point of their release. Therefore, HMCTS would not have been responsible for making sure Mr Flanagan had access to naloxone even if he had attended court for his sentencing.**

**They also notified us that Mr Flanagan attended his probation appointment on 10 July, not 7 July.**

**Adrian Usher  
Prisons and Probation Ombudsman**

**March 2024**

### Inquest

The inquest, held on 18 June 2024, concluded that Mr Flanagan's death was drug related.

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