

Independent Advisory Panel on Deaths in Custody
Minutes of IAPDC meeting: 31 July 2023

Attendees:

Lynn Emslie - Chair
Deborah Coles
Jenny Talbot
Jenny Shaw
Raj Desai
Jake Hard
Pauline McCabe
Piers Barber
Kish Hyde
Lana Ghafoor

For item 4:

Paul Norris, Scrutiny, Performance & Engagement, MoJ
Karen Johnson, Prison Safety and Security Policy, MoJ
Esther Horner, Serious Mental Illness and Offender Health, DHSC
Rosa Lynch, Immigration Enforcement, Home Office
Bethany Farr, Migration and Borders Group, Home Office
Richard Jolley, Police Powers Unit, Home Office
David Hull, Police Powers Unit, Home Office
Anwar Islam, Police Powers Unit, Home Office

Apologies:

Seena Fazel
Sam Johnston Hawke

Item 1: Panel only meeting

Item 2: Feedback from panel only session, minutes and actions, conflicts of interest and proposal for of future panel meeting structure

1. Lynn explained that the panel discussed:

- Conflicts of interest – the panel agreed to discuss at the start of every meeting and members would sit out of a meeting if there was a conflict.
- Format and structure of future meetings – members agreed to test the virtual format meeting today and consider the structure for further comment.
- Awareness of the workload – the panel were keen not to overload the Secretariat. The Secretariat responded that the team were on top of the work. They were conscious that they had committed to deliver many of the products and publications in September and will be mapping this out soon. Deborah asked about the PFD report which had been pushed back. The Secretariat confirmed this would be published in August or September.

2. The minutes were approved with one amendment to paragraph 31. Lynn noted the following actions for comment:

- *Deborah to share costs of an INQUEST Family Listening Day*

Deborah advised that she will send these.

- *Secretariat to draft proposed budget spend paper for clearance by the Panel Chair then Deputy Director sponsor in MoJ*

The Secretariat are waiting for Seena to send details of project proposals, costs and timings.

- *Jenny Shaw to share her colleague's paper on good practice in using social media*

Jenny will chase a response.

- *Panel members to send comments on the Communications and PSG strategies to Secretariat*

The Secretariat confirmed that comments on the PSG blurb had been received, and there was a helpful discussion and decisions made at the last meeting.

3. Lynn commented that the panel had discussed the format and structure of future panel meetings and asked the Secretariat for their considerations. The Secretariat stated that these are for the panel to agree and suggested that panel members may wish to meet before the day of the full meeting for their panel-only session, so that the Secretariat have time to respond to their questions. Lynn noted the current six-weekly rhythm and that this was the first virtual meeting she and new panel members have attended. She will discuss further with panel members and feedback.

Action 1 – Lynn to discuss meeting structure and rhythm with panel members and feedback.

Item 3: IAPDC workplan

4. The Secretariat provided updates on workplan projects:

5. Suicide prevention: the Secretariat circulated an update on the publication of the national suicide prevention strategy and agreed that the panel will publish their report at the same time following recess. The Secretariat will share proposed comms with panel members on this in the next few weeks.

6. Rapid review: Deborah asked about next steps on this, what happens next with the Essex Inquiry into deaths of mental health inpatients, which has now been made statutory, and if there will be a consultation on its terms of reference or scope. Raj mentioned that disproportionality is included in recommendation 4 of the review on mapping the full range of data on deaths. Next steps will be for the Panel to decide how to publish a response. The Secretariat advised that the Healthcare Safety Investigations Branch report, announcing changes to its operation was published in June.

7. Family liaison project: the Secretariat sent a proposal paper to Panel members explaining the products and options for taking the project forward. Raj considered the Family Liaison Common Principles were still valid though high level, and wondered if they could be more user friendly with some examples of good practice on the ground. He was in favour of the roundtable option if there was capacity. He had listed some obvious weaknesses in policies in his email, for instance, Family Liaison Officers (FLOs) are advised to do their own research in some organisations. He proposed a series of focused presentations from officials responsible for the process in each sector to hear from what they are doing following the roundtable discussion. The Resources for Families page on the website could be linked with the handbook and to other information to make it a hub for families.

8. Deborah stated she would review the paper by the end of the week and warned against duplicating work. In her INQUEST role she met the new Prisons and Probation Ombudsman last week who stated that his staff found the FLO role very difficult. Deborah referenced the family information leaflet following policing deaths which INQUEST had contributed to but has not been used – this requires commitment and proactivity on behalf of services. The panel should also be mindful that they do not want to take away responsibility from agencies to provide the information. Jake was in favour of a roundtable event. He felt that the duty of candour was missing. Pauline explained that in Northern Ireland families' questions drive the investigation and that she had not encountered a case where the questions were not answered.

Action 2 – Secretariat to set up a discussion on next steps on Family liaison project.

9. PFD report: the Secretariat have received responses to the panel's draft report and are reviewing the comments. Publication will take place in August or early September. Raj and Deborah asked about timings for the launch event. The Secretariat explained that they will be discussing timings for this and other projects as a team. Lynn asked for a chart with the proposed dates and timelines for projects in the coming months.

Action 3 – Secretariat to set up a discussion on the PFD report and reshare the launch paper.

Action 4 – Secretariat to set out a chart with timelines for launch of projects over the next three months and share with panel.

10. Handbook: The Secretariat will ensure that they talk to the outgoing panel members before their tenures end.
11. COVID Inquiry: Raj had discussed this with Juliet Lyon. Raj advised that the Secretariat are currently preparing a report on the Panel's involvement – a witness statement – which needs to happen soon. In due course, the Panel may want to put in a submission – the evidence – though this will not be until next year.
12. Police leadership: Two pieces of work are currently being undertaken: (i) an event with the Association of Police and Crime Commissioners (APCCs); and (ii) a post-custody suicides roundtable. Next steps are to consolidate material from the recent meeting with the National Police Chiefs' Council. The National Partnership Agreement had been launched and a statement from the Panel published in response. The latest statistics on deaths in police custody were published last week and the figures have increased significantly since last year.
13. IAPDC statistics report: the Secretariat are waiting for details from Seena.
14. Jenny S stated that she had meetings with Lynn and the Secretariat about the possibility of looking more closely at deaths in MHA detention. She had considered a study to look at CQC and Confidential Inquiry data to identify discrepancies in numbers and characteristics of those who are dying, as well as to look thematically at recommendations from serious untoward investigation (SUI) reports. Jenny has sent a detailed email to the inquiry to ask about practicalities, resources, process and cost. Although she could set the project in motion, it would have to be completed after her tenure.
15. Disproportionality: Deborah will share INQUEST's work on this with Raj.

Action 5 – Jenny Shaw to chase Pauline at confidential inquiry for resource, process and cost information on project looking at deaths in MHA detention.

Item 4: Updates from departmental co-sponsors

Police detention

16. The latest annual statistics show a significant rise in custody deaths. Richard will be suggesting that the policing minister meets with the Director General at the Independent Office for Police Conduct, whom the Home Office Director General will also be meeting in early August. Right Care Right Person launched in July. The APCC have been given a grant to look at pre-release risk assessment processes and follow-up support. The Home Office are looking to publish more data on overnight detention of children.
17. Raj asked about training of frontline officers on restraint-related issues and disproportionality related to mental health concerns. The College of Policing are developing de-escalation training and rolled out vulnerability training a while ago. There is also the Hydra training package. Richard will talk to the College of Policing on the extent of rollout. Deborah asked about Hydra training; this was in-person and immersive. Deborah also raised the need to involve bereaved people in the training. Richard will find out and feedback.
18. Deborah also raised the issue of use of force on 11 of the 23 people who died. Jenny Talbot asked about support for take-up of Right Care, Right Person. Timetables will be set by local areas who will be asked over the summer to provide timescales and information about barriers to implementation. The Home Office is leading on monitoring and evaluation and will be checking on progress in the Autumn.

Mental Health Act detention

19. Government will be responding to the Rapid Review after recess and will then monitor its implementation. The Essex Inquiry, which was converted to a statutory inquiry, is currently looking to recruit a new chair. Esther will find out timings for this. The Suicide Prevention Strategy will be published this year.
20. Deborah asked if there will be a consultation on the terms of reference under the Essex Inquiry's new statutory status. Esther stated that this will be confirmed once the new chair is in place. Deborah also asked when the next sections of Seni's Law will be enacted; Esther will send further information. Raj referenced recommendation 4 of the Rapid Review about data on deaths, and asked to discuss this element further. Esther will connect him with colleagues.
21. Pauline asked about delivery of mental health services in prison. Esther stated that improvements had been made but acknowledged that workforce is a big challenge. She referenced RECONNECT which is important to ensure continuity of care following release from custody, and the Centre for Mental Health report on prison mental health services in England which gives a good update on status. She made comparisons with the community whereby prevalence continues to rise leading to treatment gaps.

Prisons

22. Paul acknowledged that capacity challenges are acute in the adult male estate, as is staffing, with a lot of staff currently on detached duty. This impacts on the regime, as noted by HM Chief Inspector of Prisons. The annual prison performance ratings show that purposeful activity scores are consistently low and some areas are not yet back to pre-COVID-19 levels. A second Urgent Notification (UN) has been raised at HMP Bristol and this is the second site subject to a second UN within 8 or 9 months. The initial action

plan is currently being developed. Chapter by chapter monitoring of the Prisons Strategy White Paper continues.

23. The latest safety statistics show a 26% increase in self-inflicted deaths over the past 12 months, although there has been a 35% decrease in the most recent quarter. This is against a backdrop of an increase in self-harm and assaults. Karen shared the panel's disappointment at the recent update on funding of the Prisons Strategy White Paper commitments; these came out of a complex funding pressure though some key safety priorities are being delivered, including postvention and peer support pilots. They are continuing to explore the use of ligature-resistant cells and in-cell monitoring as part of the safety programme delivery.
24. Pauline asked how the Panel can help with current challenges. She also asked about the performance ratings reporting against groups and not targets and whether there are targets against each commitment in the Prisons Strategy White Paper. Paul explained that monitoring KPIs was the previous Lord Chancellor's priority. They do not have a purposeful activity target but work is underway to develop a new set of standards for purposeful activity. Pauline stated that purposeful activity is important and governors need to have a clear understanding of expectations. Paul cited the Chief Inspector's annual report which emphasises the importance of flexibility in the system to enable creativity and autonomy to governors.
25. Deborah referenced the recent HMP Cookham Wood inspection, the outcome of the investigation into the death of Baby Aisha Cleary, and what happens to learning from investigations, such as those around response to cell bells. Paul acknowledged the Cookham Wood inspection demonstrates that issues exist even in prisons which have adequate staffing but indicated there were some early signs of improvement. Karen advised that they were working with the new PPO and harnessing learning.

Immigration detention

26. The Home Office has restarted its review of the adults at risk policy, which was introduced in 2016 in response to the Stephen Shaw review into the welfare in detention of vulnerable persons. Although the work was previously halted to allow for the wider review of the immigration system, it has now restarted. The focus so far has included engagement internally and with healthcare professionals working in immigration removal centres. The next step is for Home Office officials to put proposals to ministers. Rule 35 will be included in the scope of the review.
27. Raj asked for an assessment of the likely increase in the detention estate as a result of the Illegal Migration Act and what steps were being taken to ensure robust safety processes. Bethany advised that the adults at risk policy will continue to apply but will be updated to reflect provisions in the Act. Plans for expansion of the estate are progressing, with two new immigration removal centres in Campsfield and Haslar, and the Home Office are working through the impact of the Act on these. Raj raised the importance of staff trained in the systems and ensuring senior leadership on the ground, which is particularly important in the context of the expansion of the estate.
28. Jake asked about the Brook House inquiry; Bethany advised they will be carefully reviewing the findings once the report is published. Rosa advised that publication of the report will likely take place in the weeks/months after the current Parliamentary recess and that the chair is expected to inform key participants of the publication date in advance.
29. In closing, Paul advised that the panel can help by identifying risk factors and the evidence base, and identifying gaps in cross-agency working.

Action 6 - Richard to find out the extent of rollout of training for frontline staff on restraint related issues and to feedback to panel on the involvement of bereaved people in Hydra training.

Action 7 - Esther to send updates to the panel on Seni's Law, to link them up with colleagues on the Rapid Review recommendation on data on deaths and to find out timings for recruitment of the new chair for the Essex Inquiry, and consultation on its terms of reference.

Item 5: Enhancing the impact of the IAPDC

30. Panel members discussed how to enhance the impact and effectiveness of the IAPDC.

31. Pauline stated that the panel needed to start with Ministers who need to be invested in the work. Ministers are concerned with the return on their investment whereas alternatives can produce better outcomes for prisoners. A more strategic oversight would enable fewer people going to prison, this would reduce the demand on resources.

32. Jenny Shaw stated that the public health message – that improving health while people are in prison – is an important way of flagging this. Lynn warned that the prison population will increase as a result of longer sentencing and court backlogs. Jake wondered if there was a way of modelling deaths in custody numbers based on population numbers.

33. Pauline stated that the Panel know which policies are causing and exacerbating the issues. Raj suggested changing the tone of panel messages but that this needs to be linked to a clearly defined request/action. Deborah suggested a hybrid approach and raising some issues less publicly through meetings. She mentioned the importance of changing minds that personal stories and the impact on victims can help with. Lynn reiterated that meeting ministers is key.

34. The Secretariat explained that a meeting with Minister Caulfield is being arranged for September. Panel members discussed the need to engage with the opposition.

35. Raj and Lynn raised panel involvement in setting Ministerial Board on Deaths in Custody agendas and raising concerns at meetings where they may have more impact. The Secretariat advised that agendas are discussed and agreed at co-sponsor meetings, which Lynn attends, and she may want to discuss with panel members ahead of co-sponsor meetings.

36. Jenny Shaw reiterated the need for extrapolating future numbers and scenarios; this may be something to discuss with Seena.

37. Jenny Talbot mentioned the variation in ministers' interest and priorities, so if the panel want to engage them, they should focus on specific issues.

38. Lynn commented on communication and engaging the Practitioner and Stakeholder Group (PSG). The Secretariat advised that at the last meeting panel members had agreed a sign off process for communications, the Secretariat had shared the blurb and consulted on what the PSG wanted, and had contacted organisations about engaging with people with lived experience. Deborah mentioned the importance of identifying gaps in the PSG. Raj had held back from sending the blurb to his contacts as there was still discussion to be had about what the Panel are asking from them. Jenny Talbot suggested an amendment to clarify the request for experts in mental health detention.

39. The Secretariat suggested a review and monitoring of previous panel work. Raj raised the importance of understanding the status of the MBDC workplan, and picking up strands of work to inform discussions with ministers and officials during the year. The Secretariat advised that the next version of the workplan will feature measurable timelines and outcomes.

Action 8 – Secretariat to ask HMPPS about modelling deaths against capacity projections, and to speak to Seena about modelling deaths in custody figures.

Item 7: AOB

40. The Secretariat updated the panel on recruitment. The panel are recruiting for two more panel members to start in October 2023. A submission and draft letters to co-sponsoring ministers (requesting approval for the appointments) would be with the prisons' minister at the end of July. The policing minister is not available until after recess, but the Public Appointments Team are confident the appointments can be made on time. Lynn raised the issue of outgoing panel members' handover of work. Raj asked about the possibility of extending existing members' tenures in case of a delay; the Secretariat will raise that with the Public Appointments Team.
41. The Secretariat updated the Panel on budget spend. To date the panel had spent £2002.15 on expenses, so have just under £38,000 still to spend before the end of the financial year.
42. Lynn noted that this was Piers' final panel meeting. She thanked him for all his remarkable contribution to the work of the panel. The advert for his replacement went live that morning and Lynn said she would ask Paul Norris about cover for his position.

Date of next meeting:

11 September 2023, in person at 102 Petty France

List of actions:

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- **Action 2 – Secretariat to set up a discussion on next steps on Family liaison project.**
- **Action 3 – Secretariat to set up a discussion on the PFD report and reshare the launch paper.**
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