

## **Independent Advisory Panel on Deaths in Custody**

### **Minutes of the Independent Advisory Panel meeting 5 September 2018**

**Attendees: Juliet Lyon (JL) - Chair**

Seena Fazel (SF)  
Jenny Shaw (JS)  
Jenny Talbot (JT)  
John Wadham (JW)

Andrew Fraser, Head of Secretariat (AF)  
Kishwar Hyde, Deputy Head, Secretariat (KH)  
Adrian Blake, Policy Advisor, Secretariat (AB)

Nick Poyntz, Deputy Director, Prison Safety & Security, Ministry of Justice –  
lead co-sponsor

**Apologies:**

Deborah Coles

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#### **Item 1: Welcome, introductions and minutes**

1. The chair welcomed everyone to the meeting. Apologies had been received from Deborah. The chair introduced Nick Poyntz, lead co-sponsor of the IAP, who had been unable to meet the panel in person at the previous meeting.
2. Nick gave a brief summary of his work history, his sponsorship role and the relationship with the IAP. He offered members the opportunity to visit and shadow his team.
3. Minutes of the previous meeting were agreed.

Action log:

4. All actions were either completed or on the agenda for substantive discussion. However, the chair noted the following:

*Prison Population Inquiry* – panel members were asked to let the Secretariat have their comments. AF would recirculate after the meeting.

*Panel members to read the Angiolini Review and the Government response:* Deborah had been at the forefront of the review and the chair would ask her if there was anything further that she wanted to raise in relation to preventing deaths in custody.

*Chief Coroner's website:* the panel would discuss how they could use the website as a resource as part of discussion on ensuring full use is made of preventing future deaths (pfd) reports.

**Action 1: AF to recirculate the PP Inquiry and panel members to send him their comments.**

**Action 2: Chair to ask Deborah about issues arising from the Angiolini Review.**

**Action 3: Panel to discuss pfd reports and use of the Chief Coroner's website at a future meeting.**

## **Item 2: Update on IAP work to date**

### Angiolini review

5. The chair gave a brief background to the review, the Ministerial Board response to the review and the work which had resulted from it for the IAP, some of which were listed below.

### Top 10 recommendations

6. The recommendations workstream had been a long time in development with scrutiny bodies and forms part of the Ministerial Board programme. The next phase is to turn the proposal model into a final paper for the next Board in mid-October. Work was still needed on rephrasing the recommendations and making them more substantial. Panel member comments were:

- Practical advice on implementation is key
- Helpful to include some 'quick wins'
- Leadership and accountability needs to be centre-stage with organisational learning
- Necessary to have a theory of change
- Need to include range from high to low level accountability
- Make the recommendations relevant to people on the ground
- Use examples alongside the recommendations
- Adding more recommendations could be counter-productive; better to add to existing ones with tangible examples.

7. AF would take panel comments forward and produce a draft for the panel to see before the Ministerial Board.

**Action 4: AF to redraft paper on top ten recommendations and recirculate to panel members. The chair then to submit for discussion at Board.**

### Restraint

8. This piece of work also resulted from the Angiolini Review. JW advised that he contributed to the last Alternatives to Restraint workshop in

August. A paper will be drafted by Home Office officials for the Board in October on next steps and it is envisaged that this will be an ongoing piece of work. The next restraint event will take place after the next Board. JS and SF expressed interest in being involved.

#### Legal Aid call for evidence

9. The chair asked if the panel wanted to respond to the call for evidence. The panel were keen to do so. AF explained that the deadline for submissions had now passed but said that he thought it would still be fine for the chair to submit a response on behalf of the IAP.

**Action 5: Chair to submit a response to the Legal Aid call for evidence.**

#### Safety impact assessment

10. AB thanked everyone for their responses to the draft paper. He explained that the driver behind the assessment is accountability and assuring that all future prison service policies have considered and, where necessary, addressed both prisoner and staff safety. The panel wanted to see examples of completed assessments to see how they would be completed and would need further discussion on what would happen once the assessments were received. They also noted that some work was required on formatting and wording to bring the paper in line with other IAP publications.
11. AB had spoken to co-sponsors about whether the assessment could be applied to other sectors, although it would need greater thought as other sectors are organised differently. AF advised that the next substantive phase is to introduce this to senior officials to try to build consensus on its adoption. The chair advised that she would be discussing the assessment with the HMPPS Chief Executive and colleagues to encourage its use by the Prison Service and to hear any queries regarding it.

**Action 6: Progress on safety impact assessment to be discussed at next meeting.**

#### Magistrates Survey

12. AB confirmed that the panel had commented on this and it was now with the Magistrates Association (MA). The Secretariat would continue to stay in touch with the MA to encourage them to clear it ready for distribution.

**Action 7: IAP/MA survey to be launched before next meeting.**

#### Keeping Safe (IPP)

13. The chair noted that there were still some elements of the original Keeping Safe report the panel was focussing on. Recently the IAP was told that some IPP prisoners stated that they wanted a “do not resuscitate” note placed on their files. This is a matter for concern and has thrown up operational and procedural, as well as clinical and ethical, issues for the staff involved. JW confirmed that there were legal implications to such actions, and the panel agreed to consider this matter further.

14. The Chair noted that she had written an article for Inside Time on the broader subject of the situation for people serving an IPP sentence. As a result, the IAP had received a few letters from prisoners to which the Chair would respond.

**Action 8: Chair to discuss with JW and clinical staff before consideration of action to take at next meeting.**

### **Item 3: IAP in 2018/19**

#### IAP work 2009-16

15. KH had prepared and circulated a paper detailing the work of the IAP from its inception to 2016. The Chair asked for this to be updated with the outcomes from the Harris Review and the most recent work by the IAP in time for the next meeting.

**Action 9: IAP work paper to be updated with Harris Review and the recent workstreams.**

#### IAP strategy and work programme

16. The panel had a brief discussion about the strategy and particularly on what was meant by “advice”. They agreed that if the panel wanted to make things happen they needed to be more directive about what action was needed as a result of their advice. Other suggestions included changing the order of the items. AF would input the panel suggestions and resend to panel.

The programme currently has a heavy emphasis on prisons. The chair and panel felt that a pathway approach could be better, with specific items relating to the separate custodial sectors, although it would be possible to have some cross-cutting work as well.

**Action 10: AF to redraft IAP strategy and work programme and recirculate to panel.**

17. Panel members agreed the following partnerships to work with the different custodial services:

- Prisons – Professor Jenny Shaw and Jenny Talbot
- Mental Health Act – Deborah Coles and Professor Seena Fazel
- Immigration - Professor Seena Fazel and John Wadham
- Policing – John Wadham and Jenny Talbot
- Probation - Deborah Coles and Professor Jenny Shaw

18. AF had recently met Frances Hardy, Head of Risk and Assurance, Immigration Enforcement, and had discussions including IAP visits to Immigration Centres and Immigration-relevant work that the panel could be involved in. The panel were asked to consider which sites they wanted to visit and convenient times and Frances would make the arrangements.

**Action 11: Panel members to inform the Secretariat of the Immigration sites they would like to visit**

IAP communications/website

19. This would be discussed at the next meeting. The panel agreed that changes to the IAP's website were needed but they would first need to consider who the website was for and perhaps also link it to the IAP strategy. In the meantime, the secretariat would establish the possible options and their costs.

**Action 12: Secretariat to establish the options for the website to be discussed at the next meeting**

IAP statistics

20. AF explained that the National Preventative Mechanism had decided not to continue their statistics collation and report due to resource issues. Panel members felt that the IAP annual statistics report should be restarted but they would need to have a conversation about methodology and timely publication. AF and SF would discuss before the next meeting.

**Action 13: AF and SF to discuss the collation and publication of IAP annual statistics.**

21. There remained concern among panel members that many deaths in mental health hospitals, and also in Immigration, were not recorded due to patients being transferred to hospital following incidents. AF advised that this was captured in the draft work programme as part of a wider workstream on the collation, recording and publication of death in custody statistics.

**Item 4: Preparing for Ministerial meetings**

- Minister Hurd, Home Office 12 September at 3pm. The panel would have a pre-meeting ahead at 2.30pm. JT, JS and SF to accompany the chair.
- Minister Doyle-Price, Department of Health and Social Care, 25 October (note re-scheduled for 26 November).
- Minister Stewart, Ministry of Justice, 26 November.

The Panel agreed to discuss this by email due to time pressures on the agenda.

**Date of next meeting:**

24 October 2018 at 12pm at 102 Petty France. (note re-timed to start at 10am at Home Office on 24 October)