



Ministry
of Justice



Home Office



Department
of Health &
Social Care

Independent Advisory Panel on Deaths in Custody
Minutes of IAPDC meeting: 19 February 2024

Attendees:

Lynn Emslie - Chair

Raj Desai

Seena Fazel

Jake Hard

Pauline McCabe

Kish Hyde

Lana Ghafoor

Phoebe Proctor

Sam Johnston Hawke

Declaration of Interests:

1. None declared. Jake updated the panel on his new role.

Item 1: Minutes and actions from last Panel meeting

2. Minutes of the previous meeting were agreed.

3. Lynn noted that all actions were either complete or in progress.

Item 2: MHA deaths investigations

4. The Secretariat summarised the stakeholder engagement paper circulated earlier. The outcome for this workplan item will be an advisory paper detailing the need for the new investigation body, what it might look like and how it may be established. The intention is to undertake two forms of strategic stakeholder engagement covering the current healthcare landscape and other independent investigative bodies.
5. Next steps are an evidence-gathering exercise to look at the scale of the issue, then to provide a proposal on how the body could be set up. Raj asked to ensure that INQUEST and bereaved families are on the engagement list.

Action 1: Secretariat to set up meetings between the Panel and stakeholders in accordance with the engagement plan (with the inclusion of bereaved families and INQUEST).

Item 3: MHA deaths data

6. The Secretariat circulated the Panel's briefing to the rapid review into data on mental health inpatient settings and an update will follow once the government response is published. The Secretariat noted Lynn's invitation to join the implementation steering group that has been set up by DHSC and that deaths data will be a likely focus. Panel members noted that the paper identifies all the problems and agreed that they would like to publish a summary of their briefing with additional comments following the government's response.

Action 2: Secretariat to circulate to Panel the draft summary of the Panel's briefing to the DHSC's rapid review into data on mental health inpatient settings with additional comments following the government's response, for publication in the coming weeks.

Item 4: Prison capacity

7. Pauline advised that the Panel's response to the Director General of Prisons letter about Operational Priorities for Prisons 2024/2025 had been sent and a response to the update on 18-Year-Olds in Youth Custody Estate letter was being prepared. Live issues in this area of work were foreign transfers, use of segregation, and mental health transfers. The Panel wanted to be able to react quickly when issues occurred and to continue identifying opportunities for public engagement off the back of key items of correspondence.
8. Pauline had raised the issue of capacity modelling at the last Ministerial Board on Deaths in Custody (MBDC); she stressed the key was to use modelling more effectively to inform government decisions impacting prison numbers and related mitigation requirements. Other Panel members suggested undertaking a piece of work on this, stating concerns that the impact of decisions on health and other service delivery requirements is not always clear. The Secretariat suggested building on the previous work by the Panel on Safety Impact Assessments. The Secretariat would approach relevant members of the capacity team to speak to the Panel at a future meeting about the work they do in this area.

Action 3: Secretariat to engage relevant members of capacity team to attend a future Panel meeting or an ad hoc meeting with Panel members.

Item 5: Reducing ligature points

9. The Secretariat had informally spoken with co-sponsors who agreed that hosting a small event on this issue would be useful. However, the project was currently in the early stages of evidence gathering alongside a literature review. Seena stated that the HMPPS process for deciding where ligature-free cells would be located was not clear. Jake suggested a change of emphasis; that while the Panel may not be able to reduce ligature points, they may be able to reduce deaths by ligature.
10. Raj explained that there were separate issues here, such as eliminating ligatures in new buildings, in refurbished properties, and the management approach to prioritising resources. Next steps will be to finalise a paper to assess the need for a literature review, and possibly to host an event.

Action 4: Secretariat to work with Panel members to finalise paper on reducing ligature points, to assess the need for a literature review and to continue scoping possibility of a closed event with officials across custody sectors.

Item 6: Addressing safety risks in the women's estate

11. Lynn explained that at a recent meeting with Alan Scott, Area Executive Director HMPPS, he had suggested that the Panel visit HMP Styal, which has been funded for use as a pilot site for innovative work in their Psychology department and healthcare centres, among others. This would be a first step to look at the work they are doing, and understand how they measure and evaluate the impact of the new departments, which could then potentially be rolled out across the whole female estate. Alan was also interested in diverting women from custody and for more women's centres in the community, and this could connect to the Panel's workplan. Seena was happy to advise on research. Raj referenced PFD reports around the failure to learn and the need for diversion from custody. The Secretariat will arrange a visit to Styal for panel members.

Action 5: Secretariat to arrange Panel visit to HMP Styal.**Item 7: Learning the lessons of Covid 19**

12. The Secretariat had a useful meeting with Juliet Lyon the previous week and would also be meeting with the Inquiry team. Raj clarified that Juliet will be providing a written statement, with the potential to provide other evidence. The deadline to submit the draft written statement is tight, by 28th March. Juliet is also keen to engage former Panel members. The Secretariat will continue to work with Juliet on her evidence.

Item 8: Addressing risks associated with IPP prisoners

13. The Secretariat explained that the Victims and Prisoners Bill report stage had yet to be scheduled and the Panel agreed to send a briefing to Peers in support of the proposed amendment, with a focus on vulnerability. The Panel agreed there was a link with their immigration work with the potential for shared insight of best practice.

Action 6: Secretariat to prepare a briefing on IPP prisoners for Peers ahead of report stage of Victims and Prisoners Bill.**Item 9: Post-custody suicides**

14. The Secretariat gave a brief summary of the event held last month and the subsequent digest which had been circulated to attendees and stakeholders. They were now working with the College of Policing and National Police Chiefs' Council on their follow-up work to put together a 'good practice' guidance and to develop local arrangements for providing appropriate support for offenders vulnerable to self-harm, at the time of release from a custody suite. A working group will take this forward. There will be an update for the next Ministerial Board meeting. Pauline wondered whether there could be press engagement at future Panel events.

15. The Secretariat also provided an update on the draft guidance for PCCs on the prevention of deaths in custody. The APCC will share the latest draft for the Panel to review.

Action 7: Secretariat to forward next version of APCC guidance to Panel members to review.**Item 10: Disproportionality in police custody deaths**

16. The Secretariat circulated a short paper looking at the Independent Office for Police Conduct's (IOPC) available data on deaths in custody and some questions to consider about the data and how the Panel may want to use what is available. The paper identified the considerable complexities in this area. Possible next steps were that the panel may want to ask an academic to carry out a thematic literature review of the reports in this field.

17. Raj suggested a meeting to have a more detailed discussion. Data sample sizes were an issue, and the Panel should also be looking at previous years for evidence. He suggested that it may be helpful to have an academic to look into this from a statistical perspective; the review would not be limited to race, but would also look into other protected characteristics, such as mental health, and should be data-focussed. He would also want to meet with the IOPC to discuss fairly soon. The Secretariat had met with IOPC recently who would be updating soon on their work on race and restraint, and learning from their "other" deaths category.

18. Seena would be interested to join the meeting with the IOPC to provide a data perspective.

Action 8: Secretariat, Raj and Seena to meet to discuss methodology and next steps on disproportionality project.

Item 11: Ensuring safety within IRCs

19. The Panel met with Detention Services who are revising the Rule 35 guidelines and there may be an opportunity for the Panel to input. Jake was concerned about safeguards in the Brook House Inquiry and thought the Panel need to know what was happening and to see in detail what it had set out.
20. Raj reflected on the Learning Lesson Review (LLR) process, with issues related to translation and interpretation highlighted at the most recent LLR where the Panel may be able to helpfully advise on. The Panel will continue to feed into these meetings. The Panel suggested that training was needed on the Rule 35 process, particularly as GPs are not trained in torture examination and investigators do not understand the process very well. Jake advised that Rule 35 training has not made significant difference. Raj suggested some further thinking on what the Panel need from the Home Office ahead of the next meeting.

Item 12: Updates on current panel workstreams

Improving engagement with bereaved families

21. The Secretariat gave a summary of the responses received to the Panel's questionnaire which was sent to all custodial sectors about their engagement with families following a death in custody. A response from NHSE was still outstanding. The Secretariat also noted that the Home Office want to hear from the Panel on best practice in engaging with families on their work.
22. Raj raised questions about the data provided and whether the Panel have enough information to test the information. He suggested continuing to engage with private healthcare providers to obtain their information. Next steps may then be to take the leaflets to the INQUEST Family Reference Group to see what they would find useful, then provide advice to sectors on best practice and to keep data on when leaflets given out. The leaflets can then form part of the Family Hub on the Panel's new website.

Action 9: Secretariat to complete evidence gathering on liaising with bereaved families then set up meeting with Raj to discuss next steps.

Improving the impact of coroners' PFD reports

23. The Panel and Secretariat discussed the current stage of planning around the event and engagement with stakeholders thus far.
24. Raj and Lynn were meeting the Chief Coroner the following day in which they planned to raise the Panel's plans for an event.

Action 10: Raj and Lynn to discuss the Panel's plans for a PFD project event at the meeting with the Chief Coroner.

Action 11: Secretariat to update PFD event plan.

Expanding reach of previous Panel recommendations

25. The Secretariat gave a brief demonstration of the new website which will have better and more sophisticated system for displaying the Panel's reports.

Panel statistical report

26. Seena explained that there were five main points he wanted to raise about the statistical report, which included information from 2017 to 2021.

- Including averages was useful. The report also had absolute numbers and rates. In terms of absolute numbers, the highest numbers of deaths were in prisons, followed by secure mental health. However, rates show a different picture – secure mental health have substantially higher rates of deaths. Some assumptions have also been made, for instance, that everyone was detained for one month.
- Deaths by sex – deaths were higher in men across all settings; this is a similar pattern to that in the community.
- There was no clear pattern in rates of death over time – rates were fairly stable.
- Cause of death – across the different settings, around three-quarters were deaths from natural causes. This did fluctuate a little though this was likely as a result of COVID-19.
- Age and ethnicity – most people who died of external causes were under the age of 50. The proportion of deaths of people from an ethnic minority background was slightly smaller than the proportion of people from ethnic minority background in those detention settings. There was no clear trend here.

27. Seena also described his other paper, the review of MHA detention risk factors. Key headlines include that treatment of dual diagnosis was important as was improving the quality and environment of wards.

Action 12: Secretariat to finalise the IAPDC statistical report, including foreword and executive summary, and circulate to the Panel for feedback prior to sending to designers before publication.**Item 13: Panel ways of working**

28. Raj summarised the Panel's discussion on their preferred ways of working. The Panel discussed and agreed email and correspondence protocols, they asked to be shared into all the Chair's meetings, and stated that having deadlines and proactive proposals was helpful.

Item 14: AOB**MBDC agenda and workplan**

29. The Secretariat were starting to pull together an agenda for the next Ministerial Board on Deaths in Custody in May and asked for Panel members' views and ideas on both the agenda and the new Board workplan.

Action 13: Secretariat to engage Panel members to gather their feedback on ideas for the MBDC agenda and the workplan.**MBDC policy forum on near misses**

30. The Secretariat will be organising an event prior to the Ministerial Board to explore how the different custody sectors identify, report on, and learn from near miss events. The Secretariat will circulate more information in due course and hope that Panel members will be involved and/or help to facilitate.

Action 14: Secretariat to invite panel members to the near-misses forum and circulate information about the event.**Update on Panel recruitment**

31. The advert was live with a closing date of 4 March. The sift and interview dates were confirmed for April and May respectively.

Update on secretariat recruitment

32. Recruitment to the vacant post was well under way and the Secretariat will update in due course.

Update on Panel budget

33. To date the Panel had spent a total of £15,908, with another potential £9,000 earmarked to spend on further projects before the end of the financial year. The Secretariat will update the co-sponsors next week and also start the process for obtaining next year's funding contributions.

Date of next meeting

22 April 2024

Summary of actions:

- Secretariat to set up meetings between the Panel and stakeholders in accordance with the MHA deaths investigations engagement plan (with the inclusion of bereaved families and INQUEST).
- Secretariat to circulate to Panel the draft summary of the Panel's briefing to the DHSC's rapid review into data on mental health inpatient settings with additional comments following the government's response, for publication in the coming weeks.
- Secretariat to engage relevant members of capacity team to attend a future Panel meeting or an ad hoc meeting with Panel members.
- Secretariat to work with Panel members to finalise paper on reducing ligature points, to assess the need for a literature review and to continue scoping possibility of a closed event with officials across custody sectors.
- Secretariat to arrange Panel visit to HMP Styal.
- Secretariat to prepare a briefing on IPP prisoners for Peers ahead of report stage of Victims and Prisoners Bill.
- Secretariat to forward next version of APCC guidance to Panel members to review.
- Secretariat, Raj and Seena to meet to discuss methodology and next steps on disproportionality project.
- Secretariat to complete evidence gathering on liaising with bereaved families then set up meeting with Raj to discuss next steps.
- Raj and Lynn to discuss the Panel's plans for a PFD project event at the meeting with the Chief Coroner.
- Secretariat to update PFD event plan.
- Secretariat to finalise the IAPDC statistical report, including foreword and executive summary, and circulate to the Panel for feedback prior to sending to designers before publication.
- Secretariat to engage Panel members to gather their feedback on ideas for the MBDC agenda and the workplan.
- Secretariat to invite panel members to the near-misses forum and circulate information about the event.