



HM Prison & Probation Service

Ian Blakeman
Executive Director,
Strategy, Planning and Performance
Directorate
HM Prison and Probation Service
8th Floor Ministry of Justice
102 Petty France
London SW1H 9AJ

Dale Simon CBE

21 May 2020

Dear Dale

INDEPENDENT ASSESSMENT OF ALLEGATIONS OF UNPROFESSIONAL CONDUCT: REVIEW OF HMPPS INTERNAL INVESTIGATION

Thank you for your final report in relation to the above matter. I am grateful to you for the very thorough approach that you have adopted in reviewing the evidence and engaging with those involved. Her Majesty's Prison and Probation Service (HMPPS) has given careful consideration to the matters that you have explored during your independent assessment and your findings in order to learn lessons.

You recommended that HMPPS consider issuing guidance to all staff undertaking the role of commissioning authority on how to address legitimate concerns about the content/quality of investigation reports.

In December 2019, in response to the draft version of your report, HMPPS issued guidance in our Senior Leaders' Bulletin (SLB) to remind those taking on the role of commissioning authority that they should not accept investigation reports until satisfied that the incident has been fully and thoroughly investigated. The guidance is clear that where a report does not satisfactorily address a relevant issue, the commissioning authority must take action, either by requesting further work from the lead investigator or, if this is not possible, by appointing a replacement investigator.

This guidance builds on PSO 1300 Investigations, which sets out the commissioning authority's responsibility for quality assurance and provides a checklist (Annex E) against which they should review the final report. If working through the questions on this checklist reveals deficiencies in the report, the lead investigator must be asked to remedy them, but the lead investigator may reject any requested changes that fall outside the scope of the checklist. The questions on the checklist include, but are not limited to:

- Has the investigation met the objectives set in its terms of reference?
- Have all relevant lines of enquiry been pursued?
- Is the account of what happened, its causes and how the incident was resolved supported by the evidence?
- Has the report failed to draw conclusions about any significant events?

Additionally, you may be aware that on receipt of your report AD's family invited HMPPS to consider issuing guidance requiring that any communications between the commissioning authority and lead investigator be documented. HMPPS considers that this is a helpful suggestion that will assist in preventing future problems of the kind that occurred in this case, and we have decided to amend the December 2019 guidance to reflect it. The updated guidance will advise commissioning authorities that it is best practice to document any communication with the lead investigator, particularly with regard to the process of quality assuring the report. This will be issued in the SLB before the end of July 2020.

Finally, HMPPS policies are in the process of being converted into policy framework documents. We have shared your concerns and the suggestion from AD's family with the Ministry of Justice policy team so that these matters can be considered further when the policy framework replacing PSO 1300 is developed.

I trust that the above provides assurance that HMPPS has taken appropriate action following receipt of your independent report.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ian Blakeman', with a long, sweeping horizontal line extending to the right.

Ian Blakeman