



**Independent Advisory Panel on Deaths in Custody
Minutes of IAPDC meeting: 22 April 2024**

Attendees:

Lynn Emslie – Chair

Raj Desai

Seena Fazel

Jake Hard

Pauline McCabe

Sam Johnston Hawke

Phoebe Proctor

Lana Ghafoor

For item 9:

Anna Mullaney

Apologies:

Kish Hyde

Declaration of interests:

1. Jake was recently involved in an inquest which led to a PFD report. He also updated the Panel on his new role as Associate Clinical Director for Oxleas NHS Foundation Trust.

Item 1: Minutes and actions from last Panel meeting:

2. Raj noted that he had sent suggested edits to the minutes prior to the meeting. Pauline suggested a number of edits, including to ensure that discussion about action taken by the Panel and related outcomes, areas of concern, and new actions agreed are captured in sufficient detail to fully inform stakeholders reading the minutes. Pauline said she would send the Secretariat the minutes with her suggested edits.
3. With regard to action 3, the Panel discussed its plans to raise issues and concerns around the impact of capacity challenges on detainee safety in their planned letter to the Prisons Minister and at the upcoming discussion at the MBDC meeting.
4. The Secretariat provided an update on the APCC guidance on preventing deaths following Raj and Lynn's meeting with PCC Emily Spurrell. Raj expressed that he would like to have the opportunity to review the guidance again ahead of publication.
5. The Secretariat updated on their outreach to NHS England and the NHS Federation as part of the Panel's work on guidance around bereaved families, and recent discussion on this with the Home Office.
6. The Secretariat updated on the Panel's statistical analysis report, which is due to be published on 23 April. An advance copy of the report has been shared with Ministers and media contacts.

7. The Secretariat updated on the MBDC 'near-misses'/serious incidents in custody policy forum and advised that they were trying to fix a date in July.

Action 1: Pauline to send the Secretariat minutes from the previous meeting with her suggested edits.

Action 2: The Secretariat to check whether the Panel will be given a further opportunity to review the APPC guidance on preventing deaths ahead of publication.

Action 3: Raj to send the Secretariat his availability in July for the MBDC 'near misses'/serious incidents in custody policy forum.

Item 2: Update on Panel workplan items:

8. The Secretariat will seek to arrange meetings with the IOPC, PPO, and PHSO over the next four weeks to progress the Panel's workplan item on Mental Health Act (MHA) investigations. The meeting with the IOPC will have the dual objective of meeting the new Director General and discussing this workstream. They will also lead on a literature review and skeleton outline of key issues. They will book a two-hour workshop in June to discuss progress and next steps.
9. The Secretariat updated on the first meeting of a working group to discuss mortality data as part of DHSC's response to the rapid review into patient safety. The meeting will be an opportunity to raise the core issues made in the Panel's submission to the review and to better understand the scope of CQC's work to improve data – in particular equalities data – and what other sources of data are available and can be made public. Seena will review the questionnaire about gaps in deaths data. The Panel agreed to publish its paper on MHA deaths data following the working group meeting.
10. Pauline and Raj agreed to work together to finalise the letter to the Prisons Minister. To assist with this, the Secretariat will seek to obtain further information on the way in which the SIA framework has been adopted by the MoJ/HMPPS and its application to ministerial decision making. The Panel discussed the adequacy of existing impact assessment and mitigation processes and the need to address the significant gaps within these to ensure Ministers are able to make informed decisions.
11. The Secretariat gave an update on the Sentencing Bill which is awaiting Committee Stage and the Criminal Justice Bill which is awaiting Report Stage.
12. Lynn updated on her meeting with Alan Scott. Many of the areas that were highlighted in the NHSE review of health and social care in women's prisons are being piloted at HMP Styal, including individualised and psychologically informed care and support. She expressed the need to monitor this work and ensure it is being evaluated. Seena pointed to the importance of robust, independent evaluation. The Panel agreed to think about raising these concerns in writing.

13. The Secretariat updated on the submission to the Covid-19 inquiry. The Panel is now awaiting further information from the inquiry regarding future modules for which they may want evidence and agreed to publicise its submission at the appropriate time.
14. The Panel received a response from the Prisons Minister to its letter in support of Lord Moylan's amendment to the Victims and Prisoners Bill, stating that the Government does not support it. The Secretariat will provide an update on the amendment's progress following Report Stage.
15. The Secretariat updated on the post-custody suicide work. They will continue to engage with the NPCC and College of Policing to establish a working group and produce good practice guidance. Lynn stated that she is keen to progress this work.
16. The Secretariat updated on their meeting with the Home Office team around disparities in data. The team expressed interest in further discussions with the Panel. Raj stressed that at this stage the Panel's work is focused on identifying gaps in data. The Panel and Secretariat are meeting on 29 April to discuss this work. Raj suggested meeting with the new Director General at the IOPC to discuss this work.
17. Raj and Jake are meeting with Home Office Detention Services safeguarding leads on 2 May and will feedback to the Panel thereafter.
18. The Panel discussed the Safety of Rwanda (Asylum and Migration) Bill – which is due to be passed in legislation imminently – and what this might mean for the detention estate. Raj linked this to the role that the SIA framework might have as measures from the Bill and the Illegal Migration Act come into force. Raj suggested preparing questions in writing ahead of the MBDC meeting.
19. The Panel agreed to conclude the workstream related to engagement with bereaved families. Raj suggested doing this by writing to service leads to set out concerns that leaflets are not routinely being given to bereaved families. The Secretariat agreed to set out a plan for contacting service leads. Jake suggested involving the PSG and/or INQUEST in this work.
20. The Secretariat said it is looking to organise the PFD report event in July or September and will update the Panel via email.
21. The Secretariat updated on the website migration which has encountered some delays.
22. The Secretariat suggested sharing the Panel's MHA risk factors review report as part of the MBDC meeting papers as well as with mental health practitioners and others who would benefit from seeing the report's findings.

Action 4: The Secretariat to arrange meetings with the IOPC, PPO, and PHSO, and any other relevant stakeholders, to progress work on MHA investigations and to arrange a

workshop in June to discuss progress and next steps. Secretariat to also prepare a literature review and skeleton outline of key issues.

Action 5: Seena to review DHSC questionnaire on mortality data.

Action 6: The Secretariat to obtain further information on the SIA framework to share with the Panel.

Action 7: Pauline and Raj to finalise letter to Prisons Minister and share with the Secretariat for final edits.

Action 8: The Secretariat to update the Panel on Lord Moylan's amendment to the Victims and Prisoners Bill.

Action 9: The Secretariat to share a plan with the Panel on how to contact service leads about their engagement with bereaved families.

Action 10: The Secretariat to update the Panel on the PFD report event by email.

Item 3: Panel update for MBDC

23. Raj stated that the Panel's letter to the Prisons Minister will form the basis of the update at the MBDC meeting. The update will include key issues around prison capacity, modelling and safety mitigation across the custody landscape, and prison drugs deaths if time allows. Raj and Pauline will work together to finalise their speaking notes, with other Panel members to speak to these issues on the day as necessary. The Panel and Secretariat agreed to share the Panel's letter to the Prisons Minister with the PSG and key Parliamentarians.

Item 4: Ligature points

24. Jake stated that ligature points remain a modifiable risk factor but that it does not appear to be a focus in places outside of secure health settings. Seena stated that it remains unclear how prisons prioritise their budgets for refurbishments, with what appears to be a lack of strategic oversight and decision making at local level. Lynn stated that her engagement with Governors has shown that contracts are inconsistent. Raj suggested looking more closely at contracts to try to establish best practice to help ensure consistency across the estate.

25. Seena stated that research has shown that suicidal intent is often short term which is why limiting access to means is vital – and has proven successful in the community. Pauline noted that prisons have to balance creating a physically safe environment avoiding making prisoners more vulnerable to self-harm. Key issues in this area are whether there is evidence to suggest that new prisons are seeing fewer self-inflicted deaths, if there is an existing regulation or standard relating to building and refurbishment works, and whether this is an area HMIP could look at as part of its inspections.

26. The Panel suggested visiting new prisons such as HMP Fosse Way or HMP Berywn and discussed the idea of producing a position statement. The Secretariat said they will engage with colleagues in the safety team to help inform this work.

Action 11: The Secretariat to engage with the safety team on ligature risk reduction.

Item 5: Planning for the next year

27. The Panel and Secretariat discussed planning for the next year, how best to engage with new Ministers following any future change in government and a new Parliament. They agreed to send 'day one letters' to Ministers to set out the key challenges, and the Panel's advice in each of the custody areas. Similarly, the Panel will send letters to newly elected Select Committee Chairs. The Secretariat will prepare a planning document setting out options for engaging with Parliamentarians on key Panel priorities over the coming months.

Action 12: The Secretariat to prepare a planning document setting out options for engaging with Parliamentarians on key Panel priorities over the coming months.

Item 6: IAPDC Information Sharing Statement

28. The Secretariat provided a summary of previous discussion and work relating to the statement. The current statement is outdated, and the Panel provided valuable feedback to update the statement. HMPPS want to use the statement to engage staff on the importance of information sharing. Jake suggested working with the National Data Guardian on this. The Panel agreed that if it is to proceed with the statement, it should be simple, avoid reference to data law, and include broad principles relating to good practice. Raj is able to assist with re-drafting but raised concerns about the Panel's resource and priority in this area (and the risk of any statement, if not prioritised, potentially conflicting with existing policies on this important issue). Lynn suggested a further discussion is needed on whether to take this work forward.

Action 13: The Panel to discuss and agree next steps on its Information Sharing Statement.

Item 7: Chair's update on visits and explore options for future visits

29. Lynn provided a summary of the various visits she has done across policing, prison, and immigration detention. She added that these visits are open to all Panel members to help inform workplan priorities. The Secretariat stated that they are in the process of trying to set up a visit to a secure health facility.

Item 8: AOB

30. The Secretariat updated on capacity in the team over the next four weeks, with Sally Grocott to provide cover as necessary. The Panel updated on their suggestion of organising an away day in the summer. The Secretariat asked for more detail on the format and objectives to enable them to plan accordingly.

31. The Secretariat updated on the Panel's budget, and it was agreed that it would be maximised to further the Panel's work – including by commissioning work. Lynn updated on Panel recruitment. The Panel and Secretariat discussed the best approach to arrange Panel meetings in 2025.

Action 14: The Secretariat to arrange Panel meeting dates for 2025.

Item 9: MoJ women's team update

32. Anna gave an overview of the review of health and social care in women's prisons which was informed by lived experience. Women make up 4% of the total prison population which often means that policies are designed with male prisoners in mind. Women are disproportionately more likely to be given short sentences and be remanded. They are less likely to have positive resettlement outcomes relating to housing and employment. Women prisoners have a significantly higher rate of self-harm.
33. The Female Offender Strategy Delivery Plan, published in 2023, sets out four key commitments. These are (i) fewer women entering the criminal justice system and reoffending, (ii) fewer women serving short custodial sentences, (iii) better outcomes for women in custody, and (iv) better outcomes for women on release. The MoJ will be publishing a report later this year to reflect on the progress made against these commitments.
34. Anna stated that this work should be viewed within a strategic and operational context, longer-term changes over the next year, and increase in focus on violence against women and girls, the targeting of prolific offenders, courts backlog, and prison population pressures.
35. Seena noted the importance of better assessing the needs of prisoners who are at risk of repeated self-harm. He offered to share the RAPPD study paper he has been involved in. Pauline asked for a current assessment on the quality of pre-sentencing reports and the availability of CSTRs. Anna stated that the MoJ offender team is likely able to assist with this and would follow up with more information.
36. Jake asked whether there will be any legislation to address non-police prosecutions and short sentences given to women for non-payment of fines. Anna responded that she is not aware of any legislative changes to address this. Jake also asked whether considerations have been given to bringing Wales in line with the recommendations of the review – which was an NHSE product – and the subsequent strategy. Anna stated that there has been significant engagement with NHS Wales. She pointed to the blueprint for Wales which incorporates a whole-system approach.
37. Seena stated that much of the focus of risk assessments has been at pre-sentencing. However, it is important to also focus on risk assessment approaches to ensure better planned decarceration. He said he would send Anna any international examples. Anna noted challenges faced by the probation service in terms of capacity and resourcing. Raj asked about issues around disproportionality and whether these can be carried to the

male estate. Anna invited Raj to attend a future Female Offender Minority Ethnic Working Group (FOME) meeting.

Action 15: Seena to share RAPPs study and international examples of risk assessment to ensure better planned decarceration with Anna Mullaney.

Date of next Panel meeting:

27 June 2024

List of actions:

Action 1: Pauline to send the Secretariat minutes from the previous meeting with her suggested edits.

Action 2: The Secretariat to check whether the Panel will be given a further opportunity to review the APPC guidance on preventing deaths ahead of publication.

Action 3: Raj to send the Secretariat his availability in July for the MBDC 'near misses'/serious incidents in custody policy forum.

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Action 8: The Secretariat to update the Panel on Lord Moylan's amendment to the Victims and Prisoners Bill.

Action 9: The Secretariat to share a plan with the Panel on how to contact service leads about their engagement with bereaved families.

Action 10: The Secretariat to update the Panel on the PFD report event by email.

Action 11: The Secretariat to engage with the safety team on ligature risk reduction.

Action 12: The Secretariat to prepare a document setting out current Shadow Ministers' areas of interest and contributions relating to the Panel's remit.

Action 13: The Panel to discuss and agree next steps on its Information Sharing Statement.

Action 14: The Secretariat to arrange Panel meeting dates for 2025.

Action 15: Seena to share RAPPS study and international examples of risk assessment to promote decarceration with Anna Mullaney.