



Ministry
of Justice



Home Office



Department
of Health &
Social Care

Independent Advisory Panel on Deaths in Custody

Minutes of IAPDC meeting: 27 June 2024

Attendees:

Lynn Emslie – Chair	Sam Johnston Hawke
Raj Desai	Phoebe Proctor
Jake Hard	Lana Ghafoor
Pauline McCabe	Elise Cumberland
Kish Hyde	

Apologies:

Seena Fazel

Declaration of interests:

1. No declarations of interest were reported.

Item 1: Minutes and actions from last Panel meeting:

2. Panel members had provided edits to the previous minutes over email prior to the meeting.
3. With regard to the action on the log relating to the MHA deaths investigations work, the Panel noted that a meeting with the IOPC and PHSO had yet to be arranged, which the Secretariat was seeking to do.
4. Regarding the action on the log relating to the information-sharing statement, the Panel agreed for the Secretariat to engage co-sponsors around their and custody sectors' use of the now-defunct IAPDC information-sharing statement to request that it be removed from their external communications.
5. The Panel and Secretariat agreed to finalise the dates for all in-person and Panel-only meetings for 2025.
6. Pauline also requested that the Secretariat send her and Lynn the RAPPS studies which Seena had shared with Anna Mullaney following the last Panel meeting (*Secretariat note: this was actioned following the meeting*).

Action 1: Secretariat to arrange dates for all Panel meetings in 2025.

Action 2: Secretariat to arrange meeting with IOPC and PHSO as part of the MHA deaths investigations project.

Action 3: Secretariat to check in with co-sponsors about removing the now-defunct IAPDC information-sharing statement from their external comms.

Item 2: Building relationships with a new Government, and discussion of Ministerial Board

7. The Panel discussed their approach to engaging with Government following the upcoming General Election. They agreed to write to each new co-sponsoring Minister immediately following the General Election to establish a relationship, set out the Panel's key priorities, and request meetings. The priority was the Prisons Minister and the Mental Health Minister, ahead of 17 July King's Speech.
8. The Panel agreed to use the letters to set out the Panel's role as the go-to adviser for each Minister on deaths in custody, separate from other scrutiny bodies, and to annex the speech presented to the recent meeting of the Ministerial Board on Deaths in Custody for the Prisons Minister (and potentially also the Mental Health Minister).
9. The Panel also discussed their reflections from the Ministerial Board meeting and the IAPDC's role within it, its relationships with co-sponsors, and its role more widely. Overall, the Panel reflected on the importance of ensuring the Panel's role as an independent, critical friend but very much 'inside the tent' assisting with direct advice into the policy process. The Panel described it as important to make completely clear the Panel's role as the primary point of advice on deaths in custody.
10. It was suggested that having a full discussion with co-sponsors going forward, using the opportunity of the new Government, would be sensible to ensure this function is valued and underlined. While recent engagement with DHSC and the Home Office were models of good engagement with co-sponsors, the Panel expressed concern around recent responses to letters to Ministers.
11. On the Board as a whole, the Panel felt it important to identify what enabled the last Ministerial Board meeting to work well. It was considered helpful that the meeting was focused on the theme of mental health transfers in prison, tackling a big current topic. It was also felt that the Panel presentation on prison capacity had encouraged a very frank and open discussion about current challenges. The Panel expressed keenness to play a stronger role in shaping MBDC meetings, including via proactively proposing topics for discussion as well as identifying key people to make specific contributions. The Chair suggested that reviewing the membership of the Board, in line with the recommendations from Kate Lampard in 2016, may be worth considering to ensure the Board functions more like a traditional board in driving accountability.
12. On the Board's workplan, the Panel reflected their hope that it play more of a role in providing advice and influencing planning, to reduce deaths in custody. Members suggested changes to the Ministerial Board preparation arrangements to support this, such as a six-month process by which the Panel sets out its priorities to co-sponsors and they work with the Panel to identify shared priorities and work items, to be included on the MBDC workplan as a result. The MBDC workplan could potentially last for longer than 12 months, although it would need to have flexibility to be revisited and revised as needed.

13. Further, in light of new Panel members being appointed in the coming months, the Panel agreed to meet with new members to discuss these reflections and agree ways of working going forward.

Action 4: The Panel to write to each co-sponsoring Minister once in post. Secretariat to draft letters for Panel review the week of 8 July for sending by 12 July, prioritising Prisons and Mental Health Ministers.

Action 5: Secretariat to book a meeting with new Panel members when in post to discuss ways of working with the MBDC and co-sponsors.

Item 3: Update on panel workplan items

14. MHA deaths investigations: the Panel were planning for their workshop meeting on 28 June with the Secretariat. They discussed their plans for the work, including their hope to present their findings to a meeting of the MBDC in 2025. The Panel also discussed how this might feed into the meeting with the Chief Coroner on 17 July, including asking for her views on her coroners' experience of inquests involving MHA deaths and the quality of evidence provided via investigations conducted by NHS trusts and private providers.
15. Connection between safety and capacity: Pauline stated that she would contact the Secretariat after the meeting with her next steps as well as on diversion from custody next steps.
16. Addressing safety risks in the women's estate: the Panel did not have specific action points but stressed that resettlement should be something to explore further in view of the importance of early releases.
17. Ligature points: the Secretariat updated that it is awaiting information from HMPPS that it hopes to share with the Panel, and the Panel agreed that it is at an evidence-gathering stage in what will be a fairly long-term piece of work.
18. On Juliet Lyon's evidence submission to the COVID Inquiry, the Panel agreed for the Secretariat to monitor (and ask the Inquiry) when Juliet may be asked to give evidence, and to consider the potential for the Panel to provide a shorter submission, rather than full evidence, for relevant future modules. Jake mentioned that the UK Health and Security Agency (UKHSA) is looking at influenza risk across England and that he, being on the steering group, is keen to ensure COVID inquiry learning is fed into this.
19. IPP prisoners: the Panel agreed to engage Parliamentarians after the election to talk about partnering (including Lord Blunkett and new members of Justice Committee) on seeking legislative change on IPP sentences.
20. Post-police custody suicides: the Panel and Secretariat raised concerns about delays to taking forward agreed actions and challenges in keeping momentum going, with the next action being the establishment of the Working Group for producing Custody Suite Guidance, which is in hand. The Panel will also be issuing a statement in support of recent deaths in custody guidance published by the Association of Police and Crime Commissioners (APCC) after the General Election.

21. Disproportionality: the Panel will be meeting with the Home Office and IOPC to discuss data, including what data they hold, how they are using it, and what initiatives they have to explore disproportionality. Raj noted that this will extend beyond his term as Panel member and it will be for the next Panel to decide how to take this forward.
22. As a new item of work, the Panel agreed for the Secretariat to scope how to build relationships between the Panel and private providers on MHA care.
23. Immigration: the Panel reflected on productive and collaborative meetings with the Director of Detention Services with a future planned meeting for 4 July, on the basis of the paper Raj and Jake shared before the Panel meeting.
24. Family liaison: the Panel will be meeting with the Secretariat to talk about next steps on 10 July.
25. PFD projects report: the Panel agreed that they will not proceed with the plan for an event but instead pivot to a consultation exercise to assess improvements and barriers one year on following the Panel's report, which the Secretariat is now taking forward. Jake suggested the Secretariat consider using Microsoft Forms for this purpose. The Panel felt this could form part of the Panel's standard way of working following a report. As part of Action 10 below, the Panel discussed challenges in engaging the MHA sector – particularly private providers.
26. The Secretariat also updated on the website launch date of the week commencing 8 July.

Action 6: Secretariat to chase HMPPS on information it can share with Panel on work relating to ligature points.

Action 7: Secretariat to monitor (and ask the COVID Inquiry) when Juliet may be asked to give evidence, and to consider the potential for the Panel to give a shorter submission, rather than full evidence, for relevant future modules.

Action 8: Secretariat to check in with Jake about how to feed in COVID inquiry learning into UKHSA steering group on influenza.

Action 9: Secretariat to work with Panel on Parliamentary engagement on IPP following the General Election.

Action 10: Secretariat to arrange discussion of how to expand Panel's engagement with private healthcare providers in MHA detention.

Action 11: Secretariat to consider using Microsoft Forms for its PFD project consultation exercise.

Item 4: Forward planning from September

27. The Panel discussed how to plan for Raj and Pauline leaving at the end of August, and how to ensure greater shared monitoring and tracking of Panel actions in the next months, in light of the vacancies that the Panel will have and the resultant need to streamline delivery of the workplan. Various options were discussed, including the use of GANTT charts, the AGILE system, and shared Google documents, and increasing

communication between Panel meetings and Panel-only meetings around specific action points and deadlines.

Action 12: Secretariat to scope out options for shared document/project management approaches to ensure Panel and Secretariat share actions and next steps more regularly outside of Panel meetings and Panel-only meetings.

Item 4: AOB

28. The Chair gave an update on the recent round of Panel recruitment. On Panel funding, the balance is around £20,000, and the Panel again reflected on the potential to outsource research and other functions using these funds to expand Panel effectiveness.
29. Pauline requested statistics on recall under the early release scheme, and understood from the last meeting with Michelle Jarman-Howe that there should now be summary information available of the prison National Regime Plan (NRM) individual plans. She asked whether this could be shared in advance of their next meeting.

Action 13: Secretariat to engage HMPPS as to what information may be shareable in advance of the next meeting with Michelle Jarman-Howe on any analysis done of regime plans under the NRM.

Actions:

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- Action 2: Secretariat to arrange meeting with IOPC and PHSO as part of the MHA deaths investigations project.
- Action 3: Secretariat to check in with co-sponsors about removing the now-defunct IAPDC information-sharing statement from their external comms.
- Action 4: The Panel to write to each co-sponsoring Minister once in post. Secretariat to draft letters for Panel review the week of 8 July for sending by 12 July, prioritising Prisons and Mental Health Ministers.
- Action 5: Secretariat to book a meeting with new Panel members when in post to discuss ways of working with the MBDC and co-sponsors.
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- Action 13: Secretariat to engage HMPSS as to what information may be shareable in advance of the next meeting with Michelle Jarman-Howe on any analysis done of regime plans under the NRM.