

**Investigation into the circumstances surrounding the
death of a resident at an Approved Premises in the
Warwickshire Probation Area, on 14 November 2007**

**Report by the Prisons and Probation Ombudsman
for England and Wales**

July 2009

This is the report of an investigation into the death of a man. He was a resident at Kenilworth Road Approved Premises in Leamington Spa when he died after an accidental drugs overdose on 14 November 2007. He had been at the hostel for a month, and two days before his death had been sentenced to a community order with a residency order to stay at the Approved Premises for six months. He had told hostel staff that he saw this as an opportunity to turn his life around. However, whilst visiting a friend in his home town, he took heroin and collapsed. The friend called an ambulance but the paramedics were unable to resuscitate him. He was 28 years old. I extend my sympathy to his friends and family and those who worked with him.

In spite of the man's untimely death, many of the lessons that emerged from the investigation were positive. He was assisted by many people and the support that he was given was impressive. A number of agencies worked with him to make sure that he transferred seamlessly from prison to an Approved Premises. He was told on more than one occasion about the dangers associated with the reduced tolerance to drugs which is common after a period of abstinence. Sadly, despite the best efforts of many members of staff, and a range of specialist services, the lure of drugs was too strong for the man to resist.

The investigation was carried out by one of my investigators. I am grateful to the Chief Officer of Warwickshire Probation Area and her staff for their assistance during the investigation. I apologise for the length of time it has taken to issue this report and for any additional distress which has been caused.

I have commended the care and support that the man received and am pleased to say that no recommendations are necessary.

Stephen Shaw CBE
Prisons and Probation Ombudsman

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SUMMARY

The man was born on 22 January 1979 and died on 14 November 2007. He began using drugs at the age of 18 and moved on to heroin two years later. Until February 2007, he was in full time employment. However he was then made redundant and shortly thereafter lost his flat. He turned to crime to fund his drug use.

In July 2007, the man appeared in court charged with theft. He pleaded guilty and was released on bail for pre-sentence reports to be prepared. One of his bail conditions was to reside at an Approved Premises in Nuneaton and for a bail assessment to be carried out. However, the Approved Premises was close to his home town and the man continued to associate with friends who used drugs.

His use of drugs contravened the Approved Premises rules and staff began proceedings in respect of this breach of his bail conditions. The man then absconded. He voluntarily reported to the police five weeks later and was remanded into custody at HMP Blakenhurst. Whilst in prison he completed a detoxification programme and worked with the drugs team to prepare for his release.

On 16 October 2007, the man appeared in court and was released on bail on condition that he reside at the Kenilworth Road Approved Premises in Leamington Spa. This hostel is further away from his home town and probation staff hoped that it would assist the man to remain drug-free. He settled well into the regime, attending sessions with his keyworker and attending education classes. However, he frequently used alcohol and tested positive for heroin on two occasions.

The man returned to court on 12 November and was sentenced to a 12 month community order with a six-month residency order to live at Kenilworth Road. He told his keyworker that he was "ecstatic" at the sentence as it "was a chance to turn his life around".

Two days later, he left the Approved Premises, telling staff he was attending a hospital appointment. It is not known if he did so, but what is clear is he returned to his home town and visited his grandmother. He then went to a friend's flat where he injected heroin. He collapsed and his friend called an ambulance before trying to resuscitate him. Sadly, neither he nor the paramedics were successful.

Police informed the family of the man's death and also notified the Approved Premises staff. Staff informed the residents and offered them support. Senior managers attended Kenilworth Road to support both staff and residents.

THE INVESTIGATION PROCESS

1. The man died on 14 November 2007 and staff informed my office the following day. My investigator opened the investigation four days later when she visited Kenilworth Road Approved Premises. She met the manager as well as other hostel staff, and was shown round the premises. Staff also provided a copy of the man's records.
2. The investigator returned to the Approved Premises on 23 November to interview a member of staff and the resident with whom the man had shared a room. In January 2008, she interviewed the drugs worker who worked with him at HMP Blakenhurst and the probation officer who prepared the reports for court. I regret that workload pressures have delayed the writing and issuing of this report.
3. One of my family liaison officers wrote to the man's family to ask if they had any matters they wanted my investigation to address. The family did not wish to raise any issues.
4. The inquest was held on 22 February 2008 when HM Coroner for Warwickshire's verdict was death due to misuse of drugs.

5. KENILWORTH ROAD APPROVED PREMISES

6. Approved Premises (formerly known as probation and bail hostels) are approved by the Secretary of State to accommodate sentenced offenders and those directed to live there by the courts as a condition of bail. Their purpose is to provide an enhanced level of residential supervision in the community, as well as a supportive and structured environment. They operate on each day of the year with 24-hour staff cover.
7. The Warwickshire Area of the National Probation Service has two Approved Premises. McIntyre House is in Nuneaton and mainly serves the north of the county while Kenilworth Road is in Leamington Spa.
8. Kenilworth Road is a large and imposing building in a residential street. It has accommodation for up to 19 men and extensive public rooms on the ground floor. Kenilworth Road has ten members of staff. The manager is also the Area Manager for Approved Premises in the Warwickshire area, with responsibility for the other hostel too. There is a full time administrator, five assistant wardens and two night waking permanent staff. There is also a pool of relief staff who cover periods of sickness, annual leave, and training. In addition, a cleaner and a cook are employed.
9. The manager and deputy manager are qualified Probation Officers. The Assistant Wardens and night waking staff are not professionally qualified, but they all have had a formal induction into the Approved Premises. When appropriate, they have linked into Probation Service Officer modular training, but there is no specific training programme for Approved Premises staff. Staff have attended a suicide awareness course and training events on raising awareness about mental health issues. They also have had the opportunity to attend joint Prison Service training events. All Approved Premises permanent staff have a minimum of the basic first aid training.
10. The Approved Premises has an admissions policy based on assessment of risk. In recent years, the resident profile has changed significantly with prolific lower risk offenders being superseded by individuals convicted of more serious violent or dangerous offences. The hostel now takes fewer people coming straight from court. The majority of residents are required to stay at the Approved Premises as conditions of a court order or of a licence on release from prison.
11. Each resident is allocated a keyworker soon after his arrival and this member of staff acts as their primary point of contact for dealing with practical issues. Regular keywork sessions give residents the opportunity to discuss their difficulties in depth. Although these sessions are not governed by a set agenda, issues such as benefits, health and accommodation are routinely discussed.
12. Residents are required to pay rent and abide by the rules and regulations of the Approved Premises, including observing a strict overnight curfew between 11.00pm and 6.00am. When residents are subject to statutory supervision, pertinent information is shared regularly with field probation officers who act as case managers.

13. The Approved Premises has a Closed Circuit Television (CCTV) system to maintain the security of the premises and help ensure the safety of residents and staff.
14. A previous death at Kenilworth Road occurred 15 months before the death of the man. The cause of death was also a drugs overdose. However, the circumstances surrounding the two deaths are different in all other respects.

KEY FINDINGS

15. On 4 July 2007, the man was arrested on suspicion of theft and appeared in court. A week later, he met with a probation officer at Nuneaton Justice Centre, who was preparing a pre-sentence report (PSR) for the court. At this meeting, the man said that he had committed the theft in order to obtain money for drugs. At interview, the probation officer told my investigator that the man had said that he was “rubbish at crime” as he always got caught.
16. On 19 July, the man had a second meeting with the probation officer in which he told her that he had also been charged with burglary. He told the probation officer that he had been feeling low over the past few months and that his life had spiralled out of control. However, he said that he had never self-harmed or attempted to end his life. He said that he had used drugs from the age of 18, starting with cannabis, then acid (LSD), speed (amphetamines) and ecstasy. He said that he started to use heroin at 20 years of age, firstly smoking and then injecting it.
17. The probation officer told my investigator that the man had been homeless when she met him, and her first step was to find him a place that had a stable environment in which he could settle. She decided to look for a bed in an Approved Premises where he could undergo a bail assessment. This is usually a four week period where somebody who has pleaded guilty to an offence in court is assessed for their suitability for a community order. If they do not have a permanent residence or a suitable address, the Approved Premises staff decide if they are suitable for a six month condition of residence whilst completing their community order. The aim is then to move the resident on to stable accommodation after the six month period.
18. The probation officer explained that in these four weeks the intention was that the man would be assessed by the community drug team or the criminal justice drug team staff as to his suitability for a Drug Rehabilitation Requirement (DRR) as part of a community order. She told my investigator that she thought this was “a brilliant idea” as the man would have a base, somewhere to sleep and regular meals. She told my investigator that managers at McIntyre House Approved Premises in Nuneaton had agreed to give him a bed.
19. On 3 August 2007, the man moved into McIntyre House for a four week period of bail assessment which was due to finish on 21 August. The probation officer visited him at McIntyre House. When asked how he seemed at that point, she told my investigator:

“... He was doing really well and had settled in ... at the point that I met him he was homeless. So it was good to see that he was there at the hostel. He appeared to be doing really well ... he was clean, he had a room and he was being fed. And I think he was quite happy there because he was able to settle. I think he was seeing the drug community team at that point and it was all well and good ... I went in with the purpose of seeing him to just say keep up the good work ... ”

20. However, on 10 August, the man was given a formal warning after staff found drug paraphernalia in his room. Three days later, an entry in the computerised record system said that a detective constable from the man's home town had come to the hostel to tell staff that the man might have been going back there during the day. He felt this might be detrimental to his efforts to stay drug-free. He asked staff to communicate this to the man and wanted to make it clear that he had brought this up in the interests of the man's welfare. The staff later discussed the officer's concerns with the man and he admitted he had visited his home town a couple of times. Later that day, he was prescribed methadone and told staff he was feeling more positive.
21. Five days later, the man had an appointment to meet the probation officer at the Justice Centre. However, he read "appointment at the JC" as being at the Job Centre and went there instead. Staff accepted that it was a genuine mistake and rescheduled the meeting.
22. The following week, staff again found drug paraphernalia in the man's room. Managers withdrew his bed space and started breach of bail proceedings. He then absconded from McIntyre House.
23. On 1 October, the man telephoned the probation officer who persuaded him to surrender himself to the police at the Justice Centre. She worked in the same building and so went to see the warrant officer to arrange the time that the man could come in and be processed. He handed himself in to the police the following day, appeared in court and was remanded in custody to HMP Blakenhurst. His next court appearance was set for 16 October.
24. On 10 October, a Counselling, Assessment, Referral, Advice and Throughcare (CARATs) worker at Blakenhurst went to see the man to go through his Drug Intervention Record (DIR) (the initial assessment) with him. (CARATs workers can run programmes, offer counselling, support and referral to rehabilitation centres to prisoners and on release.) The drugs worker told my investigator that in the DIR, the man said that he had never attempted self-harm or suffered previous overdoses but disclosed that accommodation was an issue. He told her that for two weeks prior to coming into custody he had been prescribed a standard methadone maintenance programme with Nuneaton Community Drug Team. She added that, as the man had been on the run for two months, he would not have had any legal methadone in that period. She said that he had also disclosed that before he came to Nuneaton he had been using two to three bags of heroin a day, injecting the drug into his arms and his feet. In prison, the healthcare staff put him on a methadone detoxification programme.
25. The same day, the probation officer visited the man at Blakenhurst. She told my investigator that he looked fine and he told her that he had not used heroin for six weeks at that point. She said that she had no evidence of this but that he certainly looked "reasonable" and did not appear to be suffering from withdrawal symptoms. She discussed with him the possibility of going to Kenilworth Road Approved Premises for bail assessment. The probation officer explained to my investigator that it was at this point she realised the problem with McIntyre House. The hostel was within easy reach of the man's home area where he

26. Two days later, the drugs worker had another one-to-one session with the man when they discussed drug awareness. She told my investigator that in this session they looked at the drugs the man had been using and the affect they had on his body. She also drew up a release plan for him that included an appointment for him on 16 October at 2.30pm with Nuneaton Drug Team. This was to ensure that, if he was released from court, he would have somewhere to go and get some support. She said that every release plan contains an assessment of the prisoner's drug awareness and his harm minimisation:

“ ... That is basically looking at his tolerance levels, looking at if he is an injector how to minimise the harm he's doing to himself, i.e. don't share any equipment, go and get clean needles from the needles exchange, make sure you are with somebody ... when you use, smoke if you can, don't inject ... ”

27. My investigator asked her if she had spoken to the man about the dangers of using needles, about reduced tolerance and about taking drugs in the presence of someone else. In response, she replied that the topics included steps to take when someone has taken an overdose such as calling an ambulance. The discussion also dealt with common myths such as walking the person around and slapping their face. Other areas covered were how quickly tolerance levels drop and the relative benefits of smoking rather than injecting heroin.

28. On 16 October, the man was bailed by Nuneaton Magistrates Court to Kenilworth Road Approved Premises. On arrival, he underwent an induction which was carried out by an assistant warden. She discussed the rules and regulations with the man, and he signed a copy of the rules to say that he understood what was expected of him. During the induction, the assistant warden gave him a leaflet for residents who used drugs. It explained the Approved Premises' rules and procedures about drugs and drugs paraphernalia. It also warned of the dangers of reduced tolerance.

29. The assistant warden said that the man had been put on a curfew under his bail conditions which involved him being in the Approved Premises from 8.00pm to 8.00am. This was specifically because his offending had happened in the evening. The man fully complied with the additional curfew requirements. My investigator asked her how he seemed and how he handled the induction process. She said that he had appeared very positive and motivated and, as the induction process was very similar to that of McIntyre House, he had coped with it very well. He was also tested for drugs and alcohol and proved negative for opiates and crack/cocaine.

30. The man settled quickly into the Approved Premises regime and was assessed as being very compliant and a well mannered resident. At Kenilworth Road, he shared a room with another resident. The resident told my investigator that he and the man got on well together, although, as he is a quiet person, they did not

31. When asked how the man got on with other residents and staff at the Approved Premises, the resident said:

“Well I’ve never heard any bad reports about him, everybody seems to like him ... he was friendly and everybody used to get on with him ... he seemed quieter on some days ... but he wouldn’t say anything about what it was ... he was fairly open about himself generally speaking, apart from his private life and I didn’t really want to know that anyway so he was fairly open in his attitude and everything.”

32. Whilst at Kenilworth Road, the man attended regular keywork sessions with his allocated key worker. When asked by my investigator what these sessions involved, the key worker replied:

“Keywork sessions take place normally within the first three days...I normally do them when management has gone home because then we have a room to interview on our own without any interruptions. They normally last about an hour depending on the needs and it’s normally motivational work to get them through their bail assessment. So it’s trying to find out which areas of the man’s life needs assistance and help with. That’s what the bail assessment is about and then me liaising with different agencies ... obviously he had drug issues so I’m not qualified to do that so I then contact services that could enable him.”

33. The key worker told my investigator that her first session with the man involved a general discussion about his background and how he began using drugs. She said that he mentioned alcohol initially and then drugs as the main issue. He was trying to convince staff that this time he was going to succeed in staying opiate free and was not going to “mess up like he did at McIntyre House”. She told my investigator that he sounded genuine when he said this. He was always polite to staff and other residents, displaying a good sense of humour.

34. The man’s basic literacy skills were also assessed at these keywork sessions. The key worker told my investigator that the man’s education was not to the standard it should have been. She said that his initial assessment showed that, although he was able to get through life, he wanted to improve his education. She therefore put him forward for education classes.

35. He fully complied with regular testing for alcohol and illicit drugs. Although his alcohol tests were positive, he was always within the legal limit. The key worker told my investigator that one day the man had told her that he had been drinking in the park with the local alcoholics. She then said that, at first, he did extremely well as all of his drug tests produced negative results.

36. However, on 2 November the man tested positive for opiates (although negative for cocaine). The key worker said that she had been on duty that day and the man had been out all day. When he returned, she decided to inspect his appearance closely and noticed that he had pin pupils and was scratching, both of which she thought were signs of opiate use. She called him into the office to give him a drug test, which proved to be positive. When asked if she had questioned him about why he had started using again, she replied:

“... He said it's because he's out of his comfort zone, which is Nuneaton area, his home town, and over here he wasn't familiar with the local users ... but this one day he went to sign on at the Job Centre, runs into an ex-resident's sister who was a known user and they got talking ... and she invited him back to hers and she was the one that gave it to him ... ”

37. The key worker then wrote the bail assessment report on the man and discussed it with him. Her recommendation was that he was suitable to be a resident at the Approved Premises if the court agreed that part of a community sentence was a “condition of residence”. That report was then sent to the probation officer to include in her report to the court.

38. However, on 8 November, the man had another positive drugs test and he admitted to the key worker that he had injected heroin. As a result of this second lapse, managers decided to amend the recommendation to one that asked the court for a two week adjournment. This was in order to fully test his motivation to remain drug-free and to ensure that he had access to appropriate prescribed medication. The key worker told my investigator that this was not a refusal, but it was to enable the man to be prescribed the correct medication given that he was again using heroin.

39. When the man appeared at Nuneaton Magistrates Court on Monday 12 November this amended report was not shown and the court acted on the advice in the original report. He was sentenced to a 12-month community order that included a six month residence order at Kenilworth Road.

40. Staff at Kenilworth Road Approved Premises assumed that the recommendation for an adjournment with the same bail conditions had been granted, and therefore alerted the on call manager and local police that he was in breach of bail as he had not returned to the Approved Premises by 8.00pm. He returned to the Approved Premises at 8.55pm and explained that he had had problems with the trains. Staff accepted his explanation. He also showed staff a reporting instruction form issued by probation staff at the court. This confirmed the sentence details and told him to report to the deputy manager of the hostel, at 5.30pm.

41. The key worker told my investigator that she had been on duty when the man came back from court and she tested him for drugs. He was negative for both opiates and crack cocaine but he had been drinking. She said that he was “ecstatic” with his sentence and told her that he saw this as a chance to turn his life around.

42. However, the resident said that the man seemed a bit agitated the following day, finding it difficult to settle to anything. Nevertheless, he did not say or do anything to cause the resident to be concerned about him. On Wednesday, 14 November, the man left the Approved Premises at 10.35am saying he was attending a hospital appointment. He told the resident that after that he was going to see someone, but did not say who.
43. The man did not return to the hostel and it is not known if he attended the hospital. At 8.45pm, Warwickshire Police informed staff that he had died in a friend's flat in his home town. The evidence suggested that he had taken an accidental drug overdose. Their enquiries later revealed that the man had gone to visit his grandmother. He then spent time in a friend's home. During the afternoon, the friend left to buy provisions. On his return, he found the man collapsed on the floor with a syringe beside him. The friend called an ambulance and began cardio pulmonary resuscitation. Sadly, the paramedics were unable to resuscitate the man and he was certified dead.
44. The staff and residents who had known the man were extremely shocked by his death. Senior managers arrived at Kenilworth Road to support them. The key worker told my investigator that staff were given a long debrief session and she had all the support she needed. The resident said that he too was offered support, as were all residents. Managers sent a letter of condolence to the family and spoke to the man's father by telephone. The probation officer learned the news the following morning. She and a colleague later attended the man's funeral.

ISSUES

Drug treatment

45. The probation officer identified the man's needs and organised a place in an Approved Premises on two separate occasions. She visited him at McIntyre House and in prison. The Approved Premises staff also worked to meet the man's needs and referred him to other agencies where necessary. When it was clear that he was using drugs again, staff adapted the plans to meet these additional needs. The prison drugs worker ensured that the man knew of the dangers of injecting heroin and reduced tolerance after a period of being drug-free. The key worker also stressed these dangers.
46. The man received help and advice from a number of sources that was focussed on helping him to stop using drugs. Too often in my reports, I have to highlight lack of communication between agencies. However, the care the man received was seamless and I am pleased to commend those staff who worked so well together to ensure he received the opportunity and support to break free of drugs.

Conclusion

47. For most of his adult life the man was able to finance his drug use through his earnings. However, being made redundant started a downward spiral into homelessness and crime. In all his dealings with staff in the criminal justice system, he said that he wanted to stop using drugs and put his life back on track. However, the probation officer who wrote the pre-sentence report assessed him as being at an early stage of the recovery process. This was borne out by his reverting to drugs while at Kenilworth Road.
48. The man was a friendly and engaging person, and police, probation and drugs professionals all worked very closely with him. In spite of this, and despite his best intentions, he continued to use drugs. Sadly, on 16 November 2007, he took a quantity of drugs that led, apparently unintentionally, to his untimely death.

ANNEXES

1. Documents considered during the investigation

Probation records
Pre-sentence reports
Prison drugs team records