

A Report by the
Prisons and
Probation
Ombudsman
Nigel Newcomen CBE

Investigation into the death of a man in September 2013, while a resident at Elliott House Approved Premises, Birmingham.

Our Vision

*'To be a leading, independent investigatory body,
a model to others, that makes a significant contribution to
safer, fairer custody and offender supervision'*

This is the report of the investigation into the death of a man, a resident at Elliott House Approved Premises in Birmingham, which is managed by the Staffordshire and West Midlands Probation Trust. He died of a heroin overdose in September 2013, while visiting a friend. He was 37 years old. I offer my condolences to his family and friends.

The man had lived at Elliott House since 23 July 2013, after he had been released on licence from a prison sentence. He had a history of substance misuse, and arrangements had been made to continue his drug treatment in the community before he was released from prison. He was supported by a local drug service team and frequent tests at Elliott House showed no indication of illicit drug use.

On the morning of 17 September 2013, the man left Elliott House and told a member of staff that he was going to visit a friend who was a recovering drug user but would not stay with him if he was using drugs again. That evening, he failed to return to Elliott House in time for his curfew at 9.00pm. Sadly, he was found dead at a flat in Birmingham the next day.

I am satisfied that the man was properly managed by the probation staff responsible for his supervision in the community. They took appropriate action to help him remain drug-free throughout the time that he was resident at Elliott House, including regular drug and alcohol testing. I do not consider that his death could have been foreseen or prevented.

This version of my report, published on my website, has been amended to remove the names of the man who died and those of staff and residents involved in my investigation.

Nigel Newcomen CBE
Prisons and Probation Ombudsman

January 2014

CONTENTS

Summary

The investigation process

Elliott House Approved Premises

Key events

Issues

SUMMARY

1. The man was sentenced to 30 months imprisonment in November 2012. On 23 July 2013, he was released on conditional licence from HMP Oakwood and was required to live at Elliott House Approved Premises in Birmingham. He had completed a methadone drug detoxification programme in prison and, in preparation for his release, he started taking subutex to help prevent cravings for illicit drugs. At Oakwood, he had been diagnosed with bi-polar disorder (manic depression) and was under the care of the prison mental health team.
2. The man settled well at Elliott House and complied with the rules and his licence conditions. He engaged with the community mental health and drug treatment teams as part of his licence requirements. Drug and alcohol screening tests at Elliott House were negative.
3. On 17 September, the man told a member of staff at Elliott House that he was going to meet an old friend, who had previously been a drug user. He said that he would leave if he found that his friend was using drugs again. He did not return to Elliott House by the time of his curfew at 9.00pm. While he was out, his partner telephoned several times trying to establish his whereabouts as they had been due to meet that day. After they were unable to contact him on his mobile telephone, staff notified the local police that he had not returned and began the process of recalling him to prison for failing to comply with his licence conditions.
4. The man did not turn up the next day and, at 10.30pm on 18 September, his partner telephoned Elliott House to say that the police had notified her that, earlier that morning, they had been called to a flat where they had found him dead. Residents at the flat had called the police when they were unable to wake him. There were indications of drug use. A post-mortem and toxicology tests later confirmed he had died from a heroin overdose.
5. The investigation has found that staff at Elliott House made suitable arrangements for the man's stay and acted appropriately in their management of him. We conclude that staff at the approved premises could not have foreseen or prevented his death.

THE INVESTIGATION PROCESS

6. Notices were issued at Elliott House informing staff and residents of the investigation, asking anyone who had information relevant to the investigation to contact the investigator. No responses were received.
7. The investigator visited Elliott House on 24 September 2013 and spoke to the manager and the deputy manager about the man's time there. He obtained documents about him and his contact with other agencies, including his prison medical record.
8. One of our family liaison officers contacted the man's partner to explain the purpose of our investigation and to enable her to identify any issues she wished the investigation to consider. She had no concerns about his treatment at Elliott House and said that she had been treated well by the staff after her partner's death.
9. The man's partner received a copy of the draft report. They pointed out some factual inaccuracies. This report has been amended accordingly. She also raised a number of questions that do not impact on the factual accuracy of this report and have been addressed through separate correspondence.

ELLIOTT HOUSE APPROVED PREMISES

10. Approved premises (formerly known as probation and bail hostels) accommodate offenders released from prison on licence 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.
11. Elliott House Approved Premises is managed by Staffordshire and West Midlands Probation Trust and provides accommodation for male offenders with mental health disorders. It benefits from regular input from forensic psychiatric mental health professionals based at Reaside Clinic, which is part of Birmingham and Solihull Mental Health Trust and there is a formal service level agreement.
12. Elliott House has 20 single rooms, two lounges, a games room, kitchen, dining room and residents' laundry. Staffing includes a manager, deputy manager and support staff. All approved premises have strict rules prohibiting alcohol and illegal drugs in the buildings. This is reinforced by random room searches. Residents are responsible for their own health and are expected to register at a local GP surgery. While residents have to comply with their individual licence or bail conditions, curfews and the approved premises' rules, they are essentially free to go in and out of the building when they wish. They are required to sign out and hand in their room key when they leave and sign in on their return.
13. A key worker is assigned to each resident and works closely with them. They offer support and guidance to help the resident to comply with their licence conditions and prepare them for leaving the hostel by finding accommodation, employment, education and arranging benefits. In addition, they encourage the resident to address their offending behaviour and, where necessary, refer them to alcohol or drugs agencies. Key worker sessions with residents are held weekly. All contact is recorded and communicated with a resident's offender manager.

Previous deaths

14. There have been three previous deaths of residents of Elliott House, the last in 2008. A previous recommendation was that a formal service level agreement should be produced between Elliott House and Reaside Clinic. This is now in place.

KEY EVENTS

Background

15. The man was sentenced to 30 months imprisonment in November 2011. He was released from HMP Oakwood, on 23 July 2013, on conditional licence to reside at Elliott House Approved Premises in Birmingham.
16. The man had a history of heroin, crack cocaine and alcohol misuse. He was monitored by the drug service team in prison and received methadone treatment. During this time, he appeared to remain drug-free. Before his release from prison, he asked to begin subutex treatment to help subdue cravings for illicit drugs after his release. (Subutex is the brand name for buprenorphine, a heroin substitute prescribed to help keep people off heroin.) He began subutex treatment on 11 July and his ongoing treatment was to be overseen and managed by South Birmingham Arch drug services team, a local NHS drug service providing drug intervention services to residents at Elliott House.
17. While in prison, the man had been diagnosed with bipolar disorder and was under the care of with the prison's mental health team. He was allocated to Elliott House primarily due to his mental health, as it is one of only a few approved premises that provide accommodation for offenders with ongoing mental health needs. The aim was for his mental health and behaviour to be monitored in the community by the mental health teams, before moving him on from Elliott House to a more independent environment.
18. The man's licence conditions required him to liaise regularly with his supervising probation officer, abide by any requirements set by them and comply with the rules of the approved premises. He was required to attend appointments with the mental health team from the Reaside Clinic at Elliott House, the South Birmingham Arch drug team and his key worker, as well as daily residents' meetings. He also had to provide oral samples for drug testing, as directed by approved premises staff. He was aware that failure to comply with these conditions, or reoffending, could result in him being recalled to prison. His licence was due to expire on 21 October 2014.

The man's time at Elliott House Approved Premises

19. Although he had been in prison before, this was the first time that the man had been released to an approved premises. When he arrived at Elliott House, he had an induction with his allocated key worker and signed to indicate that he agreed to abide by the rules. He said that he was happy to be there. Arrangements were made for him to be registered with a local GP practice, which was a standard requirement.
20. The deputy manager had completed a risk management plan, which detailed actions to assist the man to address his offending behaviour and safely manage his return to the community. The management plan indicated that he would be subject to an initial curfew between 7.00pm and 7.00am, to be

reviewed weekly. He was required to have alcohol tests every time he returned to the premises and drug tests twice each week.

21. The man had been assessed as a medium risk to the public, but high risk to his partner, who had been the victim of his offences. However, throughout his time in custody she had remained supportive of him and continued to be seen as his sole supportive factor after release. The day after he arrived at Elliott House, his partner took him to pre-planned appointments with the local GP and drug services team.
22. On 25 July, managers at Elliott House and staff from Reaside Clinic held a case discussion on the man's previous offending, risk and mental health. A doctor from Reaside assessed him and recorded that he appeared very anxious. As a sex offender, he was required to register with the police later that day. He said he wanted to start offending behaviour work. He reported that he had been free from illicit drug use for two years and had registered with the local drug services team. The team noted some concerns about the potential risk to his partner and agreed that this should be monitored.
23. Soon after he arrived at Elliott House, staff had to remind the man of the need for appropriate behaviour, but he then seemed to settle well and attended daily resident meetings. On 29 July, at a meeting with his supervising probation officer and the deputy manager, he said that he felt mentally stable and was happy with his treatment plan. He had registered for benefits and knew that he had to pay weekly rent. He said he had no immediate plans to live with his partner when he moved on from Elliott House and was keen to engage in some form of relationship counselling. The probation officer said that part of his offending behaviour work would focus on domestic violence.
24. The deputy manager recorded that the man was receiving 8mg of subutex daily as part of his drug treatment and he reported no alcohol or illicit drug use. He had mentioned areas of Birmingham that he had previously frequented as possible risks and was reminded of the possible consequences if he used alcohol or illicit substances. He wanted to study for a qualification in art and had spoken to staff about running art courses at Elliott House. The deputy manager encouraged this. He told him that he would refer him to the occupational therapist at Reaside clinic, who would be able to help him apply to local colleges.
25. The probation officer said that she would review his curfew arrangements every 4 weeks. The deputy manager told the man that, in the absence of his appointed key worker, he would hold weekly sessions with him.
26. After the meeting, the probation officer and the man discussed his sentence plan and objectives. He was happy with those listed and did not wish to add anything. She recorded that his only support, apart from professional services, was his partner, which was a concern, particularly if the relationship should break down. Staff at Elliott House had noted that he and his partner spent a great deal of time together and she visited him at the premises in the evenings.

27. Over the next seven weeks, the man continued to attend daily resident meetings as well as meetings with the deputy manager and his probation officer and completed his course work on understanding his offending behaviour and domestic violence. He asked for his curfew to be extended and his probation officer told him it would be kept under review. He was also reviewed by staff from the Reaside clinic. The drug services team reported that he had decided to reduce his subutex dose to 4mg. There were no suspicions that he had returned to using illicit drugs or alcohol and his drug and alcohol tests were negative.
28. As part of his drug rehabilitation programme the man attended a course at the drugs centre designed to teach anyone to recognise and manage opiate overdose and to use a naloxone injection to prevent death. He received a certificate as part of the course and a sealed injection of naloxone to carry with him and use in the event of an overdose. This was then taken off him by the probation staff as it was considered a sharp on his return to Elliot House, and stored in a locked cabinet with his medication. It was confirmed by the investigator that the injection pen was available to him if he required it each time he left the premises. It could be used by someone else on him if he overdosed, or by him on another, but he would be unable to use it on himself as if he overdosed he would not be in a position to do so. This would also require the other person to have knowledge of how to use the injection. He did not have this with him when he left the premises on 17 September.
29. As the man was enthusiastic about art, the manager asked him to produce a poster for a garden party they were holding in August. He took this task very seriously and continued to run an art group. Although he complied with the rules and had progressed with offending behaviour work, staff noted that he could be resistant and anxious about participating in group work with the drug support team. He spent much of his free time with his partner, attending car boot fairs and other social activities.
30. The man's behaviour was generally good but, on 6 August, the deputy manager counselled him after he had been verbally abusive when collecting his medication. He reminded him that the drugs service had a zero tolerance approach towards clients who were abusive towards staff, which could lead to him being prevented from accessing their services. He said he was willing to apologise. This was the only negative entry about his behaviour at Elliott House.
31. On 16 September, the man attended a meeting with another probation officer, who was covering his probation officer's absence. He had brought her his offending behaviour course homework and told her that he had just had another negative drug test. She informed him that his curfew had been extended to 9.00pm.
32. On the morning of 17 September, the man left Elliott House at 7.35am and told a supervisor that he was going to visit a former friend who he had not seen for two years. He told him that his friend was a recovering drug user and if he was using again, he would not stay around him. The supervisor recalled that the

last thing he said to him was that he needed to help himself before he could help others.

33. The manager told the investigator that ideally the man should have been warned about the risks of associating with people linked to his previous drug problems, but there were no licence restrictions preventing him from doing so. She added that the supervisor had appropriately questioned him about where he was going and who he was meeting. Most of his previous offending had been linked to alcohol, so staff viewed this as a higher risk area than his use of drugs.
34. The man's partner telephoned Elliott House that afternoon to ask if he was there, as she had been trying to contact him all day. Staff told her that he had not returned since leaving that morning. His partner called again at around 8.15pm, as she had still not heard from him.
35. The man did not return to Elliott House before his curfew at 9.00pm. His partner rang again at 9.50pm and said they had arranged to meet at 10.30am that morning but he had failed to show up. She was asked to tell him to telephone Elliott House if he contacted her. The supervisor tried to ring him on his mobile telephone until 11.00pm, but there was no reply. He then reported him to the local police as a missing person.
36. The manager, who was on leave at this time, told the investigator that the probation service officer who was on duty at the time should have notified the on-call senior manager about the man's failure to return, as he was on a standard 24 hour recall which would have been activated the next day, unless there were concerns that he presented a serious risk of harm to warrant an emergency two hour recall. This had been a learning point for the probation service officer.
37. At 9.00am on 18 September, the deputy manager contacted Staffordshire and West Midlands Probation Trust to notify the man's offender manager that he had not returned the previous evening and to ask for recall procedures to be initiated. Although he had been identified as a risk towards his partner, the manager explained that, as his partner had been in contact with staff at Elliott House asking about him, it was clear that there was no immediate risk to her.
38. The man did not return to Elliott House that day. His probation officer confirmed at 4.45pm that the recall had been activated, although his whereabouts remained unknown. At 10.30pm on 18 September, his partner spoke to a probation service officer, and told him that the police had notified her that they had found him dead at a flat in the city in the early hours of the morning. Residents at the flat had contacted the police when they became concerned that they were unable to wake him. The police indicated that there were visible 'track' marks on his arms, but that the cause of death was still to be established.
39. Probation staff at Elliott House then telephoned West Midlands Police, who confirmed the information given to the man's partner and said that an

ambulance had attended but he had been pronounced dead at the scene. The deputy manager was informed who, in turn, contacted the duty senior manager. In the manager's absence, the Head of Approved Premises for Staffordshire and West Midlands Probation Trust contacted the man's partner and his mother to offer condolences and support. His mother agreed that his partner would act as the main family contact.

40. When she returned to work on 20 September, the manager contacted the man's partner to offer support and invited her to visit Elliott House. She offered help with arranging the funeral, which Elliott House staff and residents attended. The Probation Trust contributed to funeral costs, in line with national guidance.

ISSUES

The man's management at Elliott House

41. The man had received treatment for drug addiction in prison. As his release date approached, he was given a place at Elliott House Approved Premises and appropriate arrangements were made for him to be supported by a community drug team in the community after his release. He was prescribed Subutex to reduce the risk of him craving and buying illicit drugs and the prescription continued at Elliott House.
42. A risk management plan was drawn up before the man's arrival at Elliott House, with specific strategies to manage his risk of substance misuse. He was informed of his licence conditions. Approved premises staff carried out an induction programme and, throughout his stay, his offender manager and probation staff met him regularly at specified intervals to support him. He attended meetings with local mental health and drug services teams. In the main, he was compliant with his licence conditions, curfew and other approved premises rules.
43. We are satisfied that the arrangements for the man's release to Elliott House were appropriate and that he was effectively supervised by probation staff after his release. A member of staff appropriately enquired about where he was going as he left the premises and promptly reported him missing when he failed to return within his curfew period. We do not consider that probation staff could have predicted, or done anything to prevent, his death.