

**Independent investigation report by the  
Prisons and Probation Ombudsman  
Nigel Newcomen CBE  
into the death of a man,  
a resident at Bowling Green Approved Premises,  
in February 2015**

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## ***Our Vision***

*To carry out independent investigations to make custody  
and community supervision safer and fairer.*

The Prisons and Probation Ombudsman aims to make a significant contribution to safer, fairer custody and community supervision. One of the most important ways in which we work towards that aim is by carrying out **independent** investigations into deaths, due to any cause, of prisoners, young people in detention, residents of approved premises and detainees in immigration centres.

My office carries out investigations to understand what happened and identify how the organisations whose actions we oversee can improve their work in the future.

The man was found dead in woods near Penrith, after being missing from Bowling Green Approved Premises, Carlisle, for 25 days. The indications are that his death was by hanging. He was 43 years old. I offer my condolences to his family and friends.

The man received a two year Community Order on 19 December 2014, with a condition that he lived at an address approved by his probation officer. His probation officer arranged a short-term placement at Bowling Green to ensure he was not homeless. He was not required to live at Bowling Green if he found suitable alternative accommodation and he was not subject to any licence conditions. Staff at the approved premises therefore had only limited responsibility for his supervision. He was reported missing the day after leaving the approved premises. Sadly, he was found dead some time later. I am satisfied that staff at Bowling Green could not have predicted or prevented his death, but I am concerned that the Probation Service did not follow national instructions about payment of reasonable funeral expenses and this needs to be rectified.

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 & Probation Ombudsman**

**September 2015**

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## **SUMMARY**

### **Events**

1. On 19 December 2014, the man appeared at Magistrates' Court and received a two year Community Order. He was required to live at accommodation approved by the National Probation Service. He had temporary accommodation at Bowling Green Approved Premises in Carlisle, until he found more permanent housing.
2. The man arrived at Bowling Green on 23 December. He told staff he had not drunk alcohol for four months, was taking prescribed pregabalin and was not using any other drugs. He agreed to comply with the residents' curfew and other restrictions, but was not subject to any licence conditions. Staff at Bowling Green were not concerned about his state of mind while he lived there although, on 10 January 2015, police returned him to Bowling Green after finding him drunk by the roadside.
3. On 14 January 2015, the man went to an appointment with a housing provider in Penrith. He did not return to Bowling Green that night, and staff reported him missing the next day. On 7 February, members of local mountain rescue teams searched a wood near Penrith, under the direction of the police. They found his body. An initial post-mortem found that he had died from hanging.

### **Findings**

4. We consider that there was little staff at Bowling Green could have done to predict or prevent the man's death. We are satisfied that staff at Bowling Green took appropriate action when he did not return. However, we have found that the National Probation Service did not contribute towards funeral costs, in line with national instructions.

### **Recommendation**

- The National Probation Service, North West Area, should ensure that, in line with the Approved Premises Manual, they offer to pay a contribution towards reasonable funeral costs of up to £3000.

## THE INVESTIGATION PROCESS

5. The investigator issued notices to staff and residents at Bowling Green Approved Premises, informing them of the investigation and asking anyone who had relevant information to contact him. No one responded. The investigator examined the man's probation records. He visited Bowling Green on 18 and 19 March to interview staff.
6. The investigator contacted HM Coroner for Cumbria to inform him of the investigation. The coroner shared the initial post-mortem findings with him. We have sent the coroner a copy of this report.
7. One of our family liaison officers contacted the man's family. She outlined the purpose of our investigation and gave them the opportunity to raise any questions that they wanted to be addressed. They asked how he was able to obtain medication from the internet and get it sent to Bowling Green.
8. The man's family received a copy of the draft report. They pointed out some factual inaccuracies and omissions. This report has been amended accordingly.
9. The National Probation Service responded to the draft report. They identified no factual inaccuracies and provided a copy of the action plan in respect of the recommendation. This is attached in the report.

## **BACKGROUND INFORMATION**

### **Bowling Green Approved Premises**

10. Approved premises (formerly known as probation and bail hostels) provide an enhanced level of residential supervision in the community. The National Probation Service, North West Area, manages Bowling Green Approved Premises in Carlisle. Residents must be aged over 18. Most residents are required to stay as a condition of a court order or prison licence.
  
11. Bowling Green accommodates up to 24 men. Residents are required to sign in and out of the building and follow agreed curfews. During induction, staff tell residents about the premises' rules and allocate them a key worker who is their primary contact and who holds one-to-one sessions about the issues in the offender's sentence plan. Residents are responsible for their own health and are required to register at a local doctors' surgery. As part of the conditions of residence, staff hold all prescribed medicines and issue them as prescribed.

## KEY EVENTS

12. The man appeared before Crown Court on 23 August 2013, charged with possession of a bladed article, affray, and a public order offence. He was made subject to a Community Order, with requirements for 36 months probation supervision, a six-month curfew and to attend alcohol awareness intervention. This was his first contact with the Probation Service.
13. The man had a long history of mental health problems and was involved with a community mental health team. He frequently used new psychoactive substances (sometimes known as “legal highs”, which he bought on the internet) and had alcohol misuse problems. His offences were usually while he was under the influence of alcohol. He told probation staff a number of times that he felt suicidal.
14. The police arrested the man several times between August 2013 and June 2014. They also took him to hospital when they found him drunk. The mental health crisis team at hospital assessed him, but he was often unwilling to engage with them and did not attend appointments.
15. On 3 June 2014, a pub landlord found the man inside his pub after it had closed. The police arrested him and, on 18 June, he was remanded to HMP Preston, charged with burglary. In late July 2014, he was released and went to live with his parents. He began counselling with the mental health charity MIND. His offender manager said that he appeared positive and less agitated during probation sessions and began to show some insight into his behaviour. His family doctor referred him to North Cumbria Mental Health Team, and prescribed him pregabalin (a painkiller) and quetiapine (an antipsychotic).
16. On 4 September 2014, the man was admitted to hospital after taking an overdose of benzodiazepines (sedative drugs) that he had bought over the internet and taken with alcohol. He was in the hospital’s intensive care unit but discharged himself against medical advice two days later.
17. On 6 September 2014, the man was drunk while travelling on a train between Carlisle and Penrith. He was verbally aggressive towards the train conductor and exposed himself. The police arrested him and he was again remanded to HMP Durham.
18. On 19 December, the man appeared at Crown Court and was given a two year Community Order. A District Judge required the National Probation Service to help him find appropriate accommodation. After he was released from court, his parents paid for him to stay at a local hotel.
19. A senior probation officer told the investigator that he first became aware of the man and the court’s order directed towards the Probation Service on 19 December, when court staff contacted him. There were no places available at Bowling Green at the time, but the court had not required him to live in approved premises. In the short term, his parents had been paying for him to stay at a hotel. On 22 December, when the senior probation officer met him at the probation office, a place at Bowling Green was available, which he thought would be suitable for him. He moved to Bowling Green the next day.

## Bowling Green

20. On 23 December, the senior probation officer took the man to Bowling Green and introduced him to the manager. The manager told the investigator that the judge dealing with the man wanted to provide some rehabilitation and wanted somewhere where he could have some structure to his life and support to address his alcohol problems, which largely caused his offending.
21. The manager said that the man's offender manager had asked if he could be accommodated at Bowling Green for a short period over Christmas, to give him support and allow the Probation Service time to look for alternative accommodation. He was not subject to any licence conditions and the only requirement was for him to live somewhere approved by the Probation Service. If he had found suitable alternative accommodation, he could have left Bowling Green.
22. Staff explained to the man that he needed to abide by the rules of the premises, while he was at Bowling Green. The main rule was that residents had to be in between 11.00pm and 6.00am. He also agreed to sign in at 12.00pm, 4.00pm and 8.00pm, so that staff could check whether he was drinking too much. He took 900mg pregabalin each day, which staff held for him and gave to him, as required. (He had stopped taking quetiapine in prison.) He also registered with a local GP practice.
23. The man's offender manager allowed him to spend Christmas with his parents between 24 December and 26 December.
24. The man's keyworker at Bowling Green told the investigator that he felt he had a good rapport with him. He said that the man was a very gentle sort of man and seemed like a fish out of water. On 30 December, he told the keyworker that he felt threatened and intimidated by another resident, who had gone to his room the previous evening and demanded that he hand over medication. The keyworker arranged for him to move to another room. A few days later, the other resident was recalled to prison for other reasons.
25. The man's family were concerned that he had been able to buy medication over the internet and showed us a receipt from 4 January 2015, indicating that he had bought 25 flubromazolam blotters, which were delivered to Bowling Green. (Flubromazolam is a potent benzodiazepine derivative.) There were no restrictions on him using the internet and the manager said that staff could only search a resident if they have a valid reason. There was no information or suspicion that he was bringing in illicit items, and staff did not find any drugs during routine room inspections.
26. On 5 January, the man told his keyworker that he was concerned that he would have to leave Bowling Green soon as he had been told it was only a short-term option. The keyworker spoke to the manager, who agreed that he could stay until at least 23 January, and possibly 28 January depending on bed spaces. The keyworker said that he had been pleased about this. He informed the local Public Protection Unit (PPU) that the man's stay at Bowling Green had been extended and was asked to remind him that he needed to register under the Sex Offender Act at a police station (because he had exposed himself on the train.) He told the keyworker that he was planning to do so later that week.

The keyworker told the investigator that it is the responsibility of the individual to register with the police.

27. The man's offender manager was based in Kendal and a colleague agreed to act as his temporary offender manager while he was in Carlisle. They met on 6 January and discussed his housing needs and what the Probation Service would consider appropriate. He said that he had not drunk alcohol for four months and no longer used illicit drugs.
28. On Saturday 10 January, police officers took the man back to Bowling Green after finding him drunk on the roadside. Staff helped him to his room and advised him to get out of his wet and muddy clothes. The manager asked staff to check him through the night. The next morning, he was very apologetic and emotional. He said that he felt that he had let everybody down.
29. The police updated staff at Bowling Green about the incident the previous evening. They said that someone had reported a man exposing himself outside a local supermarket. They found the man nearby in a drunken state, but as they could not trace the person who made the call, they took no further action.
30. On Monday 12 January, the manager spoke to the man about the events of the weekend. He admitted drinking a bottle of spirits after a disagreement with his parents about his previous drinking. He again said that he felt that he had let everyone down. The manager advised him to speak to his offender manager and his key worker about anything that was worrying him. The man's family that he had not wanted to see them that weekend and they had not discussed his previous drinking with him or had a disagreement.
31. On 13 January, the temporary offender manager met the man for a pre-arranged meeting and spoke about the weekend. He told the man he was concerned that he might be repeating a previous pattern of behaviour. The man said that he had been feeling stressed about potentially being homeless and he was having problems claiming benefits. He said that he had gone into Carlisle and bought a bottle of vodka and had then got a bus to Brampton, intending to go to some woods he used to visit with his parents. However, he drank more vodka and could not recall much of what happened. He said that he remembered walking along the road towards Carlisle, and visiting a shop for food. The offender manager said that he asked him whether he had exposed himself but he said he had no recollection of doing so. The offender manager said that he appeared quite shocked that he might have done this.
32. The temporary offender manager told the investigator that Probation Service options for managing the man were limited, as the police had taken no action. He said that all he could do was talk to him to try to prevent a similar event. He had not breached any conditions of his Community Order. Although he had possibly breached Bowling Green's rules, by drinking to excess, he did not have any formal residency requirements or licence conditions, which would have been the case for someone released from a prison sentence.
33. The temporary offender manager said he discussed strategies with the man to help him avoid drinking. He agreed to refer himself to Unity, a drug and alcohol recovery service, and they spoke about attending Alcoholics Anonymous. The offender manager told him that he would be required to provide daily

breathalyzer tests at Bowling Green and warned him that excessive alcohol use would put him in breach of the premises rules. The man told him that he had an appointment the next day with Eden Housing Project in Penrith, to discuss some possible housing options. The offender manager gave him a travel warrant to attend the appointment.

34. Later on 13 January, the keyworker tested the man's urine and breath for drugs and alcohol. Both tests were negative.
35. On the morning of 14 January, the man left Bowling Green to attend his housing appointment in Penrith. He did not sign in at 12.00pm, but staff had not expected this, as he was travelling from Penrith. He also did not sign in at 4.00pm and 8.00pm. When he did not return for the 11.00pm curfew, staff notified the duty senior probation officer.
36. On 15 January, one of the man's supervising probation officers discussed his failure to return to Bowling Green with a senior probation officer. They agreed to request an emergency arrest warrant, as they thought that he was a risk to himself and the public. The Crown Court issued an emergency arrest warrant later that day.
37. The supervising probation officer phoned the man's parents to ask whether they had heard from their son. His father said that he had been trying to contact him without success and they were becoming increasingly worried. A worker at Eden Housing told the supervising probation officer that the man had initially appeared low at their meeting, but had engaged well and the meeting was positive. He did not say that he did not intend to go back to Bowling Green and he gave her no reason to be concerned.
38. On 16 January, staff decided to report the man formally to the police as a missing person. The man's father told the supervising probation officer that his son had previously said that hypothermia was a good way to commit suicide and that he had spoken about going to Scotland or the North East. He shared this information with the Public Protection Unit.
39. Cumbria Police set up a team of officers to look for the man. They visited Bowling Green and searched his room and the grounds. Missing person posters were displayed around the area that he had last been seen and police followed up potential sightings, but did not find him.
40. The police established that the man had withdrawn money from his bank account on 14 January, while he was in Penrith. He had visited the local library and used the computer. The police checked his internet search history and found that he had been researching hanging.
41. On Saturday 7 February, a mountain rescue team, coordinated by the police, found the man's body in Beacon Edge Woods near Penrith. They confirmed his identity through fingerprint checks. Police reports indicate that he was found face down in woodland and appeared to have been there for sometime. The police found a rope tied to a tree, although his body was twenty metres away. He had a receipt confirming that he had bought the rope from a DIY store in Penrith. There was an empty bottle of spirits and several empty blister

packs of unidentified medication close by. The police also found a piece of paper with a drawing of a rope in the shape of a noose.

42. The police notified the man's family, but did not notify Bowling Green or the Probation Service that they had found him. Instead, on 9 February, they learnt indirectly from other sources, who had seen newspaper reports that he had been found near Penrith. A probation officer said he was surprised that the police had not notified the Probation Service, as the man was supervised under Multi-Agency Public Protection Arrangements and both agencies had joint responsibility for him.

### **Events after the man's death**

43. After they confirmed with the police that reports of the man's death were correct, staff at Bowling Green informed all the required agencies. The staff told other residents of his death and offered support.
44. The approved premises manager was on annual leave when the man's body was found. He said that he contacted the man's family when he returned from leave. They visited Bowling Green and collected his personal belongings as they had been unable to contact the premises. The manager said that the Probation Service offered financial assistance with funeral costs in line with national guidance. However, we note that the National Probation Service paid £249.48 against an invoice for £748.

### **Post-mortem**

45. At the time of this report, the final post-mortem and toxicology reports were not available. An initial post-mortem report gave the cause of the man's death as hanging.

## **FINDINGS**

### **Risk of suicide and self-harm**

46. We understand that the man had longstanding mental health problems, which increased his risk of suicide and self-harm. However, the healthcare of residents is not the responsibility of staff at approved premises, who might not have been fully aware of his risks. No one had identified him to them as a person who was at risk of suicide. They would have been reliant on signs from him to identify any risk. As he was not subject to any licence conditions, staff at Bowling Green had limited opportunities to engage with him.
47. We consider that within these constraints, the staff at Bowling Green engaged well with the man. Drinking had evidently been identified as a risk and they monitored him by requiring him to sign regularly throughout the day. After his lapse on 10 January, they gave him appropriate advice and drug and alcohol tests on 13 January were negative. During the short time he lived at Bowling Green, he gave staff no indication that he was considering taking his own life. On 14 January, he attended a housing appointment in Penrith. The housing worker thought this had gone well and she did not identify any concerns about him, although noted he had initially appeared low. We consider that there was little staff at Bowling Green could have done to have predicted or prevented his death.

### **Medication**

48. The man continued to receive pregabalin while he was at Bowling Green. This was kept by premises staff and given to him as prescribed. This was in line with the instruction in the Approved Premises manual.
49. When police found the man, they found blister packages of an unidentified medication. His family sent us a copy of a receipt they found in his possessions from Bowling Green, which suggested that he had bought flubromazolam, a benzodiazepine derivative, over the internet. Buying flubromazolam can be legal, although it is usually labelled as not for public consumption. The package was delivered to Bowling Green.
50. The Approved Premises manual states that, if there is an individual risk management plan in place, premises staff can open resident's mail and record the contents. The man was not subject to a risk management plan, and therefore there was no reason for staff to monitor his mail and they would not have had the authority to do this. We are satisfied that staff could not have been expected to know that he had ordered this medication.

### **Funeral costs**

51. The man's family submitted an invoice to Bowling Green following his funeral. The invoice was for £748, which was just for the cost of his cremation. The National Probation Service contributed £249.48, only one third of the cost.
52. The Approved Premises Manual states that Probation Trusts (now subsumed within the National Probation Service) are required to offer to pay reasonable funeral costs of up to £3,000, with the money paid direct to the funeral director

upon receipt of an invoice. This did not happen in this case. We consider there is a responsibility on the Service to reimburse the family, in line with Probation Service policy. We make the following recommendation:

**The National Probation Service, North West Area, should ensure that, in line with the Approved Premises Manual, they offer to pay a contribution towards reasonable funeral costs of up to £3000.**

## ACTION PLAN

No	Recommendation	Accepted / Not accepted	Response	Target date for completion and function responsible	Progress (to be updated after 6 months)
1	The National Probation Service, North West Area, should ensure that, in line with the Approved Premises Manual, they offer to pay a contribution towards reasonable funeral costs of up to £3000.	Accepted	The lower offer was made following a misunderstanding over whether “reasonable costs” meant “a reasonable contribution towards overall costs”. This has now been clarified with the AP policy lead. NPS North West is making arrangements to offer the outstanding balance.	Immediate	n/a

In addition, although no recommendation is made, NPS North West has noted the observation at paragraph 40 about police liaison. Their Public Protection Lead will discuss with police colleagues whether any change to working practices is needed.