

**Prisons &  
Probation**

**Ombudsman**  
Independent Investigations

# Independent investigation into the death of Mr Paul Forster a resident at Cuthbert House Approved Premises on 20 September 2015

**A report by the Prisons and Probation Ombudsman  
Nigel Newcomen CBE**

## Our Vision

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

## Our Values

**We are:**

**Impartial:** *we do not take sides*

**Respectful:** *we are considerate and courteous*

**Inclusive:** *we value diversity*

**Dedicated:** *we are determined and focused*

**Fair:** *we are honest and act with integrity*



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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.

Mr Paul Forster was found dead at a private address on 20 September 2015, while a resident of Cuthbert House Approved Premises, Gateshead. He had overdosed on drugs. Mr Forster was 23 years old. I offer my condolences to Mr Forster's family and friends.

On 17 September, Mr Forster was released from HMP Northumberland, where he had undertaken a methadone detoxification programme to treat his dependency on opiate drugs. People leaving prison after a period of abstinence from drugs are susceptible to overdose if they use again. I am satisfied that Mr Forster was warned of the risks both at the prison and at Cuthbert House and I do not consider that staff at Cuthbert House could have prevented Mr Forster's actions. However, I am concerned that the Probation Service did not contact and support Mr Forster's family appropriately after his death.

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

**Nigel Newcomen CBE**  
**Prisons and Probation Ombudsman**

**April 2016**

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# Summary

## Events

1. In November 2014, Mr Paul Forster was sentenced to 20 months in prison. He had been at HMP Northumberland since April 2015. Mr Forster had a history of substance misuse and had completed a methadone detoxification programme in prison. He said he was pleased to be drug-free but there is some evidence that he used drugs again, shortly before he was released from prison on 17 September. Mr Forster was given information that because of reduced tolerance levels, he was at increased risk of overdose if he used drugs after his release.
2. As part of his licence conditions, Mr Forster was required to live at Cuthbert House Approved Premises, Gateshead. He told his offender manager and a member of staff at the approved premises, who inducted him, that he was no longer using drugs. There was no sign during his short time at the Cuthbert House that he was under the influence of drugs and he was again warned about the risk of overdose.
3. Mr Forster was required to be at Cuthbert House by 9.00pm each evening, but on Sunday 20 September he went out and did not come back. The next day, the police notified Cuthbert House that Mr Forster had been found dead at a private house in Gateshead. A post-mortem examination found that Mr Forster had died from the effects of diazepam, heroin and morphine.

## Findings

4. We found that Mr Forster had been given appropriate information about the risk of overdose after release from prison. He received an appropriate induction when he arrived at Cuthbert House, which reminded him of those risks. We do not consider that staff at Cuthbert House could have prevented his actions.
5. The police informed Mr Forster's family of his death, as they lived next to the house where he was found dead. While this was appropriate, we are concerned that no one from Cuthbert House or the Probation Service contacted his family directly to offer support and a contribution towards funeral expenses, until some weeks after his death.

## Recommendation

- **The manager of Cuthbert House Approved Premises should ensure that after the death of a resident, a member of staff contacts the resident's family promptly to offer support and a contribution towards funeral expenses in line with national instructions.**

## The Investigation Process

6. The investigator issued notices to staff and residents at Cuthbert House informing them of the investigation and asking anyone with relevant information to contact him. No one responded.
7. Another investigator visited Cuthbert House on 30 September 2015. She obtained copies of relevant extracts from Mr Forster's probation and medical records, and spoke to two members of staff.
8. The investigator interviewed Mr Forster's offender manager by telephone on 1 December 2015, and obtained further information from HMP Northumberland about Mr Forster's time there.
9. We informed HM Coroner for Tyne and Wear Gateshead and South Tyneside of the investigation who gave us the results of the post-mortem examination. We have sent the coroner a copy of this report.
10. One of the Ombudsman's family liaison officers contacted Mr Forster's grandmother, to explain the investigation and to ask if she had any matters she wanted the investigation to consider. Mr Forster's grandmother wanted to know what had happened to Mr Forster in prison, whether he was tested for drugs at Cuthbert House, what the process was for recalling a resident when they did not comply with a curfew and why he had been required to live in an approved premises. At the time, Mr Forster's family had not been offered a contribution towards funeral expenses.
11. Mr Forster's grandparents received a copy of the initial report. They indicated they were satisfied with the findings.

# Background Information

## Cuthbert House Approved Premises

12. Approved premises (formerly known as probation and bail hostels) provide an enhanced level of residential supervision in the community. The National Probation Service, North East Area, manages Cuthbert House Approved Premises in Gateshead. Residents must be aged over 18. Most residents are required to stay as a condition of a court order or prison licence.
13. Cuthbert House 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 resident'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.

## Previous deaths at Cuthbert House

14. We have investigated one previous death at Cuthbert House, in 2010. Although that resident also died from a drug overdose, there were no other similar issues relevant to the circumstances of Mr Forster's death.

## Key Events

15. On 4 November 2014, Mr Paul Forster was sentenced to 20 months in prison for robbery and assault with intent to rob. This was not his first time in prison. In a pre-sentence report, a probation officer noted that Mr Forster took cocaine most days and was prescribed methadone as treatment for opiate (heroin) dependency. Although Mr Forster linked his offending behaviour to his use of drugs, he did not acknowledge that he had a problem with drugs.
16. Mr Forster started his prison sentence at HMP Durham and moved briefly to HMP Holme House before transferring to HMP Northumberland on 30 April 2015. He was initially eligible for release on 2 September 2015, but extra days were added to his sentence after he was found with a mobile phone in prison. Prison staff frequently warned Mr Forster about his poor behaviour and he often lost privileges as a result.
17. Mr Forster completed a methadone detoxification programme in prison. He engaged with the Drug and Alcohol Rehabilitation Team at Durham and Northumberland but, in June 2015, decided he no longer wanted one-to-one support from them. He was interested in moving to the prison's drug-free resettlement unit, but he did not have enough time left to serve. He said that he wanted to stay free of drugs when he left prison.
18. On 12 August, a drug test found that Mr Forster had used buprenorphine (an opiate substitute also known as Subutex), which he must have obtained illicitly in the prison. He was placed on a basic regime level because of this and other negative behaviour. On 3 September, he tested positive for benzodiazepines, which he had not been prescribed, and was found with an herbal substance. At a disciplinary hearing, he said that he had bought the herbs for cooking and the hearing was adjourned for further investigations. Mr Forster was released before these were completed.
19. On 16 September, Nurse A saw Mr Forster in preparation for his release the next day. The nurse recorded that Mr Forster was fit and well, and that he had given him information about 'harm minimisation.' Mr Forster signed a form to say that he understood the information, which explained that he would have reduced tolerance to drugs and would be at greater risk of overdose if he used drugs when he was released.
20. Mr Forster was released on Thursday 17 September. His discharge form completed by an officer that day, indicated that he had declined to take a copy of the harm minimization leaflet, usually given to prisoners when they are released from Northumberland, but had seen a member of the healthcare team.
21. Mr Forster's offender manager (probation officer) told the investigator that she had met Mr Forster twice while he was at Northumberland in April and June 2015. They spoke on the phone a week before his release, and discussed the conditions of his release licence, which required him to live at Cuthbert House Approved Premises in Gateshead and to work with CRI, a local drug and alcohol rehabilitation service to help prevent any relapse. The probation officer said that Mr Forster was proud that he had stopped taking methadone in prison and had told her that he had been drug-free for several months.

22. The probation officer met Mr Forster when he arrived at Cuthbert House. She explained the conditions of his licence and recorded that he was fully aware of his licence conditions. Mr Forster said he intended to visit his grandmother and would remain drug-free. He was interested in working with a solar panel company. The probation officer arranged to see Mr Forster again on Monday 21 September.
23. A member of staff at Cuthbert House explained the rules to Mr Foster and what was expected of him as a resident, as part of his induction. He said that Mr Forster was nervous at first, but then settled. Mr Forster said that he had not used drugs before he left prison, and had got clean. The member of staff did not think that he appeared to be under the influence of any substances and did not ask him to take a drug test. As part of the standard induction, he warned Mr Forster about the risk of overdose if he used drugs. Mr Forster said that he wanted to make a new start in life, and had already made an appointment at the job centre the next day. He showed Mr Forster to his room and left him to settle in. Mr Forster later went out with another resident.
24. The next day, the member of staff saw Mr Forster before he went to his appointment at the job centre. He said that he looked fresh, alert and bright-eyed. There was no further information recorded about Mr Forster on 18 or 19 September.
25. Mr Forster's licence conditions required him to be at Cuthbert House between 9.00pm and 7.00am. CCTV footage shows that Mr Forster went out at 10.51am on Sunday 20 September. There is no evidence that he returned to Cuthbert House. At 9.00pm on 20 September, Mr Forster was not present and he had still not returned by 10.10pm. Because Mr Forster had not complied with his licence conditions, a second member of staff who was on duty that night, began procedures to initiate Mr Forster's recall to prison. Senior probation managers agreed that they should request his recall.
26. At 9.00am on 21 September, the probation officer went to Cuthbert House to see Mr Forster and learnt that he had not come back the night before. At 11.00am, the police telephoned and said that Mr Forster had been found dead at a house in Gateshead, the night before. The police suspected that he had died of an overdose of drugs.
27. The manager of Cuthbert House, informed residents of Mr Forster's death, and offered them support.

### **Contact with Mr Forster's family**

28. Mr Forster's grandparents lived directly behind the house where he had been declared dead by paramedics, who had then alerted the police. Mr Forster's grandmother said that a family member had left a message the next day, saying that Mr Forster was missing. She had asked the police who were at the nearby house, whether Mr Forster was involved and a police officer then told her that Mr Forster had died. The first member of staff told us that Mr Forster's grandmother's husband visited Cuthbert House on the afternoon of 21 September, hoping to get further information about what had happened to Mr

Forster. He explained that all they knew was that the police had told them that Mr Forster had died, and showed him Mr Forster's room.

29. On 17 October, our family liaison officer spoke to Mr Forster's grandmother, who said that she had received no further contact from Cuthbert House. She said that the only contact had been with the police, who had returned Mr Forster's property. (The manager of Cuthbert House told us that Mr Forster's grandmother's husband had collected Mr Forster's property a couple of days after his death.) It was not until 3 November, that the manager met Mr Forster's family and offered a contribution towards the cost of his funeral, as required by National Probation Service instructions.

### **Post-mortem report**

30. The record of a post-mortem examination on 23 September 2015, noted that the ambulance service had been called to an address in Gateshead on the evening of 20 September, and had found Mr Forster not breathing. At 10.07pm, a paramedic recorded that Mr Forster had died. There were fresh needle marks in Mr Forster's groin and elbow pit and no signs of external injury.
31. Toxicology tests found traces of morphine, heroin, diazepam and cocaine. The pathologist gave the probable cause of death as the effects of diazepam, heroin and morphine.

# Findings

## Substance misuse

32. Mr Forster had a history of drug misuse. While he was in prison, he had completed a methadone detoxification programme because of his dependency on opiate drugs. He said he wanted to remain drug-free, but before his release from prison, there were some indications that he was using drugs. However, he told his offender manager, the probation officer, and the first member of staff when he arrived at Cuthbert House, that he was not using drugs, was proud that he had turned his life around and that he did not intend to take drugs.
33. Opioid dependence is a chronic disorder with high relapse rate, even after prolonged periods of abstinence. The risk of fatal overdose is also high, as opiate users are particularly vulnerable due to diminished tolerance, especially in the immediate period after release from prison. The day before he left Northumberland, a nurse gave Mr Forster information about the risk of overdose in the community after leaving prison and Mr Forster signed to say he had understood this. The next day, when he was released from prison, he declined to take a leaflet with similar information. No one who saw Mr Forster at Cuthbert House considered that he was under the influence of any substances. As part of his induction, he was again reminded of the risks of using drugs.
34. We are satisfied that Mr Forster was given appropriate information about the risk of overdose. Mr Forster had been released from prison and was free to leave Cuthbert House on Sunday 20 September. He had been referred to a substance misuse service to help prevent the possibility of relapse and we consider that there is nothing more that staff at Cuthbert House could have done to prevent his actions.

## Family liaison

35. Mr Forster's family had learnt of his death from the police, who had been alerted to his death by paramedics. Although there was some indirect contact with Mr Forster's family when his grandmother's husband visited Cuthbert House on 21 September, no one from Cuthbert House contacted his family directly until after our family liaison officer spoke to Mr Forster's grandmother. It was not until 3 November, that the Probation Service offered a contribution towards the cost of Mr Forster's funeral.
36. Although the police had informed his family of his death, someone from the approved premises should have contacted his next of kin at an earlier stage, to offer condolences and support and to offer a contribution to the funeral costs. We make the following recommendation:

**The manager of Cuthbert House Approved Premises should ensure that after the death of a resident, a member of staff contacts the resident's family promptly to offer support and a contribution towards funeral expenses in line with national instructions.**

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