

**Prisons &
Probation**

Ombudsman
Independent Investigations

Independent investigation into the death of Mr Stephen Ayre a prisoner at HMP Full Sutton on 15 September 2018

A report by the Prisons and Probation Ombudsman

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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Summary

1. 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.
2. We carry out investigations to understand what happened and identify how the organisations whose actions we oversee can improve their work in the future.
3. Mr Stephen Ayre, who was 56 years old, died of an acute chest infection caused by advanced lung cancer on 15 September 2018 at HMP Full Sutton. He also had pulmonary fibrosis (a lung disease) and ischaemic heart disease which contributed to but did not cause his death. We offer our condolences to Mr Ayre's family and friends.
4. The clinical reviewer concluded that the clinical care that Mr Ayre received after his cancer diagnosis was of a good standard and equivalent to that which he could have expected to receive in the community. She has not made any recommendations about clinical issues.
5. We did not find any non-clinical issues of concern and make no recommendations.

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

Investigation Process

6. NHS England commissioned an independent clinical reviewer, to review Mr Ayre's clinical care at HMP Full Sutton. The clinical review is attached to this report as Annex 1.
7. The PPO has investigated the non-clinical issues in Mr Ayre's care, including his location, the security arrangements for his hospital escorts, liaison with his family and whether compassionate release was considered.
8. Our investigator spoke to Mr Ayre's next of kin, his sister, to explain the investigation. She did not have any specific questions for us to consider. Mr Ayre's sister received a copy of the initial report. She did not make any comments.
9. The initial report was shared with HM Prison and Probation Service (HMPPS). HMPPS did not find any factual inaccuracies.

Previous deaths at Full Sutton

10. There have been two deaths from natural causes and one self-inflicted death at HMP Full Sutton in the two years before Mr Ayre's death. Since his death, there have been two deaths from natural causes. There are no similarities between our findings in the investigation of Mr Ayre's death and the other deaths.

Key Events

11. Mr Stephen Ayre was serving time in prison for sexual offences and was transferred to HMP Full Sutton on 12 June 2015.
12. He was diagnosed with lung cancer in August 2018. Treatment was not considered appropriate because he also had heart problems so he received palliative care instead.
13. In September, prison staff discussed the possibility of compassionate release with Mr Ayre. He said that he did not want treatment but wanted pain relief to feel comfortable and wanted to die in the prison healthcare unit, if he could not be released. Although Mr Ayre's cancer was terminal, he did not have a specific prognosis before he died and Mr Ayre did not want his family to be told about his illness until after his death. In these circumstances, we consider that it was reasonable that staff did not apply for him to be considered for early release on compassionate grounds.
14. At 7.00am on 15 September 2018, healthcare staff noted Mr Ayre appeared distressed and confused. They made him comfortable in his bed and a nurse stayed with him to offer constant reassurance as his breathing slowed down and stopped. At 7.21am, a prison GP, confirmed that Mr Ayre had died.
15. The investigation was suspended from 28 November 2018 until 17 June 2019 as we waited for the post-mortem results. A post-mortem examination established that the cause of Mr Ayre's death was an acute chest infection caused by advanced lung cancer. He also had pulmonary fibrosis and ischaemic heart disease which contributed to but did not cause his death.

Sue McAllister CB

October 2019

Prisons and Probation Ombudsman

