

**Prisons &  
Probation**

**Ombudsman**  
Independent Investigations

# Independent investigation into the death of Mr Dennis Grain a prisoner at HMP Oakwood on 15 February 2019

**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. This office carries out investigations to understand what happened and identify how the organisations whose actions we oversee can improve their work in the future.
3. Mr Dennis Grain, who was 84 years old, died of skin cancer on 15 February 2019 at HMP Oakwood. We offer our condolences to Mr Grain's family and friends.
4. The clinical reviewer concluded that the clinical care that Mr Grain received after his cancer diagnosis was of a high standard and equivalent to that which he could have expected to receive in the community. She has made three recommendations about clinical issues in her review, which is annexed to this report.
5. We did not find any non-clinical issues of concern.

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

## Recommendations

- **The Head of Healthcare should ensure that waiting times for GP diagnostics at Oakwood are monitored in line with NHS standards and tracked so action can be taken to fast track cases when they are breached.**
- **The Head of Healthcare should ensure that waiting times for referrals to the Tissue Viability Service are monitored in line with NHS waiting times standards and cases fast-tracked when these are breached.**
- **The Governor and Head of Healthcare should ensure that discussion continues to take place between the prison and the healthcare team about the management of orders not to resuscitate a prisoner under the Dying Well in Custody charter.**

## Investigation Process

6. NHS England commissioned an independent clinical reviewer, to review Mr Grain's clinical care at HMP Oakwood. The clinical review is attached to this report as Appendix 1.
7. The PPO has investigated the non-clinical issues in Mr Grain'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 wrote to Mr Grain's next of kin, a friend, to explain the investigation. He did not have any specific questions for us to consider.
9. Mr Grain's next of kin received a copy of the draft report and indicated that he was satisfied with the findings.
10. The initial report was shared with HM Prison and Probation Service (HMPPS). HMPPS did not find any factual inaccuracies and their action plan is annexed to this report.

## **Previous deaths at Oakwood**

9. There have been 13 deaths from natural causes and one non-natural death at HMP Oakwood in the last two years. There are no similarities between our findings in the investigation of Mr Grain's death and the other deaths.

## **Key Events**

10. Mr Dennis Grain was serving time in prison for sexual offences and was transferred to HMP Oakwood on 28 July 2016.
11. He was diagnosed with skin cancer in July 2018. Treatment was not considered appropriate because he also had heart problems, so he received palliative care instead. In November, Mr Grain was told that his skin cancer was terminal and that he had approximately six months to live.
12. Mr Grain did not want to be released from prison on compassionate grounds as he was not in contact with any family members and did not have anywhere to go. He wanted to die in prison among his friends. Oakwood did not therefore apply for Mr Grain to be released early on compassionate grounds.
13. At 1.25pm on 15 February 2019, healthcare staff found Mr Grain unresponsive in his cell. In line with his wishes, healthcare staff did not try to resuscitate him. At 2.45pm, a prison GP confirmed that Mr Grain had died.
14. There was no post-mortem examination but the Coroner established that the provisional cause of Mr Grain's death was metastatic malignant melanoma (skin cancer that had spread).

**Sue McAllister, CB**  
**Prisons and Probation Ombudsman**

**January 2020**