

**Prisons &
Probation**

Ombudsman
Independent Investigations

Independent investigation into the death of Mr Kenneth Potter a prisoner at HMP Stafford on 14 September 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. 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 Kenneth Potter, who was 67 years old, died in hospital of cancer on 14 September 2019, while a prisoner at HMP Stafford. We offer our condolences to Mr Potter's family and friends.
4. The clinical reviewer concluded that the clinical care Mr Potter received was of a good standard and equivalent to that which he could have expected to receive in the community. She made one recommendation but we have not repeated it here as we do not consider that it is directly linked to his death.
5. We did not find any non-clinical issues of concern. We make no recommendations.

Investigation Process

6. NHS England commissioned an independent clinical reviewer to review Mr Potter's clinical care at HMP Stafford. The clinical review is attached to this report as Annex 1.
7. The PPO has investigated the non-clinical issues in Mr Potter's care, including his location, the security arrangements for his hospital escorts, liaison with his family and whether compassionate release was considered.
8. One of our family liaison officers wrote to Mr Potter's next of kin to explain the investigation. He did not raise any issues but asked for a copy of our report.
9. Mr Potter's family received a copy of the initial report. They raised a number of questions that do not impact on the factual accuracy of this report and have been addressed through separate correspondence.
10. The initial report was shared with the Prison Service. The Prison Service did not find any factual inaccuracies.

Previous deaths at Stafford

11. Mr Potter was the 11th prisoner to die at Stafford since September 2017. All the previous deaths were from natural causes.

Key Events

12. In May 2009, Mr Kenneth Potter was sentenced to 22 years in prison for sexual offences.
13. In November 2017, while at HMP Dartmoor, Mr Potter was diagnosed with kidney, bone, brain and lung cancer. He had surgery to remove his kidney and had chemotherapy treatment.
14. Over the next year, Mr Potter's cancer spread further. On 12 April 2018, healthcare staff discussed a Do Not Attempt Cardiopulmonary Resuscitation (DNACPR) order with Mr Potter who agreed that if his heart or breathing stopped he did not want to be resuscitated.
15. On 17 January 2019, Mr Potter was moved to HMP Stafford to be nearer to his family.
16. On 31 May, prison staff discussed early release on compassionate grounds with Mr Potter. However, Mr Potter said that he did not want to be considered for early release and would prefer to die in prison.
17. In July, a nurse noted that Mr Potter was losing weight and struggling to swallow. He was referred for a scan and the results showed that the cancer had spread further. He was told that there was nothing more the hospital could do and he was referred for palliative care.
18. On 25 August, Mr Potter fell over in his cell. Two prison officers escorted him to hospital, where he was admitted. No restraints were used.
19. Over the next two weeks, Mr Potter's condition deteriorated rapidly and on 14 September at 8.16am, he died in hospital.
20. There was no post-mortem examination as the coroner accepted the cause of death provided by the hospital doctor. The doctor gave the cause of death as metastatic disease (cancer that had spread throughout the body).

Louise Richards
Assistant Ombudsman

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