

**Prisons &
Probation**

Ombudsman
Independent Investigations

Independent investigation into the death of Mr Russell Gainford a prisoner at HMP Frankland on 12 October 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 Russell Gainford, who was 71 years old, died of bronchopneumonia on 12 October 2019, at HMP Frankland. I offer my condolences to those who knew him.
4. The clinical reviewer concluded that the clinical care Mr Gainford 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 as it was not directly related to his death, we have not included it in our report.
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 Gainford's clinical care at HMP Frankland. The clinical review is attached to this report as Annex 1.
7. The PPO investigator has investigated the non-clinical issues in Mr Gainford's care, including his location, the security arrangements for his hospital escorts, liaison with his family and whether compassionate release was considered.
8. The initial report was shared with the Prison Service. The Prison Service found a factual inaccuracy in the clinical review which has now been amended.

Previous deaths at Frankland

9. Mr Gainford was the seventh prisoner to die at HMP Frankland since October 2017. Of the previous deaths, five were from natural causes, and one was self-inflicted.

Key Events

10. In May 2007, Mr Russell Gainford was sentenced to a minimum of six years in prison for murder, burglary and sexual assault. He was moved to HMP Frankland on 1 May 2008.
11. On 27 August 2019, Mr Gainford was sent to hospital because he had a persistent chesty cough and deteriorating blood test results. The hospital said that Mr Gainford had pneumonia. He was treated with antibiotics, but there was no improvement. The doctor said that Mr Gainford's illness was due to infection and old age, and all treatment options had been exhausted. The doctor decided to stop treatment and treat the symptoms only.
12. On 13 September, hospital staff discussed a Do Not Attempt Cardiopulmonary Resuscitation (DNACPR) order with Mr Gainford who agreed that if he stopped breathing he did not want to be resuscitated.
13. On 17 September, Mr Gainford was sent back to prison for end of life care. He was placed in the palliative care suite at Frankland.
14. On 20 September, prison staff discussed early release on compassionate grounds with Mr Gainford. However, Mr Gainford said that he did not wish to be considered for early release and would prefer to die in prison.
15. Over the next month Mr Gainford's health deteriorated. On 12 October at 5.30am, healthcare staff found that Mr Gainford had stopped breathing. A prison nurse confirmed that Mr Gainford had died.
16. The post-mortem report concluded that Mr Gainford died from bronchopneumonia, caused by chronic obstructive pulmonary disease (COPD - the term for a collection of serious lung diseases including chronic bronchitis and emphysema).

Sue McAllister, CB
Prisons and Probation Ombudsman

May 2020