

**Prisons &
Probation**

Ombudsman
Independent Investigations

Independent investigation into the death of Mr John Garbutt a prisoner at HMP Leeds on 10 November 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

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 John Garbutt died in hospital on 10 November 2019 of metastatic oesophageal cancer (cancer that began in the food pipe that spread to another part of the body). Mr Garbutt was 60 years old. I offer my condolences to Mr Garbutt's family and friends.

The clinical reviewer concluded that the clinical care that Mr Garbutt received at HMP Leeds was of a good standard and equivalent to that which he could have expected to receive in the community. She made one recommendation about routine screenings for alcohol misuse, which is outlined in more detail in the clinical review.

We did not find any non-clinical issues of concern.

Recommendations

- The Head of Healthcare at HMP Leeds should ensure that all prisoners entering prison are routinely screened for alcohol misuse to ensure that, where necessary, prisoners are referred for further assessment or treatment.

The Investigation Process

1. NHS England commissioned an independent clinical reviewer to review Mr Garbutt's clinical care at HMP Leeds. The clinical reviewer's clinical review is annexed to this report.
2. A PPO investigator has investigated non-clinical matters, including Mr Garbutt's location, the security arrangements for his hospital escorts, liaison with his family and whether compassionate release was considered.
3. Our family liaison officer wrote to Mr Garbutt's next of kin to explain the investigation and to ask whether they had any matters they wanted to be considered during the investigation. They did not respond to our letter.
4. 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 HMP Leeds

5. Mr Garbutt's death was the 22nd death at Leeds since November 2017. Of those deaths, nine were from natural causes. Since Mr Garbutt died, there has been one more death at Leeds from natural causes.

Key Events

6. On 13 September 2019, Mr Garbutt was sentenced to five months in prison for breaching a Sexual Offences Prevention Order, and sent to HMP Leeds.
7. Mr Garbutt had a history of alcohol misuse and mild short-term memory loss, but he did not have any outstanding health needs.
8. On 1 November, Mr Garbutt was reviewed by a nurse as he was pale and short of breath. He told her that he had been short of breath for three days. She completed a set of observations, and found that his temperature was slightly raised.
9. On 2 November, a nurse reviewed Mr Garbutt as he was still short of breath and had pain in his right shoulder, back and right side. He was transferred to hospital for further assessment, but discharged himself the next day, against medical advice.
10. On 4 November, Mr Garbutt was reviewed by a nurse, as his symptoms continued. He was transferred to hospital for further assessment.
11. On 6 November, the prison was told that Mr Garbutt had been diagnosed with metastatic oesophageal cancer, and his prognosis was very poor. He was told that he was likely to have a limited time to live.
12. That day, an application for Mr Garbutt's early release on compassionate grounds was started, but Mr Garbutt died before the application was completed and submitted.
13. Mr Garbutt died on the 10 November 2019, at 12.20pm.

Post-mortem report

14. The Coroner accepted the cause of death as metastatic oesophageal cancer (cancer that began in the food pipe gullet that spread to another part of the body).

Sue McAllister CB
Prisons and Probation Ombudsman

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