

**Prisons &
Probation**

Ombudsman
Independent Investigations

Independent investigation into the death of Mr Anthony Newman a prisoner at HMP Exeter on 31 March 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. Our 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 Anthony Newman, who was 64 years old, died of bronchopneumonia and stroke, caused by Parkinson's Disease, on 31 March 2019 at HMP Exeter. We offer our condolences to Mr Newman's family and friends.
4. The clinical reviewer concluded that the clinical care Mr Newman received was equivalent to that which he could have expected to receive in the community. He has made four recommendations relating to Mr Newman's clinical care. One of these relates to communication between the prison and the prisoner's next of kin in relation to clinical matters only, some time before Mr Newman became seriously ill.
5. We did not find any non-clinical issues of concern. In the summer of 2018, an application was submitted for Mr Newman to be released early on compassionate grounds. The Parole Board scheduled a hearing early in 2019 to discuss early release on parole due to his health. In February, when Mr Newman's health deteriorated, the prison submitted a renewed compassionate release application without delay. Unfortunately, he died before this could be completed but we are satisfied that the prison conducted Mr Newman's compassionate release application appropriately.

Recommendations

- Following a transfer from another prison, an assessment and medication review should be documented clearly in the medical records in a timely manner, so that all new staff providing care for the prisoner are fully aware of the patient's medical history, medication and other key medical information.
- Nurses administering medication should be alerted to the possibilities for prescribing "as required" medication. This might usefully be mentioned at the hand over meeting.
- When the next of kin telephones asking for an update on their relative, this should be organised as soon as is convenient. If for some reason contact cannot be made at the appointed time, a fresh appointment should be made as soon as possible.
- Commissioners should consider whether contracts for community services, such as those of the dieticians, should be extended to ensure that they cover visits to the prison

Investigation Process

6. NHS England commissioned an independent clinical reviewer to review Mr Newman's clinical care at HMP Exeter. The clinical review is annexed to this report as Annex 1.
7. The PPO has investigated the non-clinical issues of Mr Newman's care, including his location, the security arrangements for his hospital escorts, liaison with his family, and whether compassionate release was considered.
8. We wrote to Mr Newman's wife to explain the investigation and to ask whether she had any matters she wanted the investigation to consider. She did not respond to our letter.
9. We shared our initial report with HM Prison and Probation Service (HMPPS). They did not identify any factual inaccuracies. They provided an action plan which is annexed to this report.

Previous deaths at HMP Exeter

10. There have been 18 deaths from natural causes at HMP Exeter over the last two years. We recognise that this figure is high but note that Exeter houses a great many elderly and seriously ill prisoners. There were no significant similarities between the circumstances of Mr Newman's death and these previous ones.

Key Events

11. Mr Newman was serving a term of 14 years imprisonment for sexual offences. He arrived at HMP Exeter in January 2014.
12. In 2012, Mr Newman was diagnosed with Parkinson's Disease. In 2017, he signed a form to indicate that he did not wish to be resuscitated in the event of cardiac or respiratory arrest. On 20 March 2019, Mr Newman was admitted to hospital after his health deteriorated. The hospital consultant informed the prison that Mr Newman had had a stroke, had pneumonia and was terminally ill.
13. Mr Newman was discharged back to Exeter for palliative care only. The hospital had given a prognosis for a life expectancy of only days. Mr Newman's condition deteriorated and his treatment was managed in accordance with his family's wishes.
14. On 31 March 2019, Mr Newman died in his cell. The post-mortem concluded that he died from bronchopneumonia and stroke, caused by Parkinson's Disease.

Simon Stanley
Assistant Ombudsman

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