

**Prisons &
Probation**

Ombudsman
Independent Investigations

Independent investigation into the death of Mr Alan Graham a prisoner at HMP Frankland on 20 May 2020

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 Alan Graham died on 20 May 2020 of metastatic adenocarcinoma of the lung (lung cancer) at HMP Frankland. He was 82 years old. I offer my condolences to Mr Graham's family and friends.
4. The clinical reviewer concluded that the clinical care Mr Graham received at Frankland was equivalent to that he could have expected to receive in the community. She made one recommendation.
5. We found no non-clinical issues of concern.

Recommendation

- The Head of Healthcare to ensure NICE guidelines are followed in relation to suspected cancers to ensure appropriate timely referrals to secondary services

The Investigation Process

6. NHS England commissioned an independent clinical reviewer, to review Mr Graham's clinical care at Frankland. The clinical reviewer's report is attached as Annex 1.
7. The PPO investigator has investigated non-clinical issues, including Mr Graham's location, the security arrangements for his hospital escorts, liaison with his family and whether compassionate release was considered.
8. The PPO family liaison officer wrote to Mr Graham's next of kin, his son, to explain the investigation. He did not respond to our letter.
9. 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.
10. This version of my report, published on my website, has been amended to remove the names of staff and prisoners involved in my investigation.

Previous deaths at HMP Frankland

11. Mr Graham was the 13th prisoner to die at Frankland since May 2017. Of these deaths, 11 were from natural causes and one was self-inflicted. There are no similarities between our findings in the investigation into Mr Graham's death and our investigation findings for the previous deaths. There have been two natural causes deaths since, which are under investigation at the time of writing.

Key Events

12. Mr Alan Graham was convicted of sexual offences in 2012 and sentenced to 16 years in prison. On 4 December 2013, he was transferred to HMP Frankland.
13. On 29 December 2017, Mr Graham told a prison GP, that he was coughing up blood streaked sputum. The prison GP arranged blood tests, a course of antibiotics and an urgent chest x-ray. The chest x-ray showed Mr Graham had a chest infection.
14. Arrangements were made to repeat the x-ray after the course of antibiotics. This was done on 25 January 2018 and referrals to a respiratory specialist and for a CT scan were made. Mr Graham attended University Hospital of North Durham on 9 March 2018, and the respiratory consultant told him that his test results suggested he had lung cancer but further tests were required. After further tests, on 25 May, the respiratory consultant diagnosed aggressive and progressive lung cancer with a prognosis of six months.
15. Mr Graham had one cycle of palliative radiotherapy to try to slow the growth of the cancer and was transferred to the Palliative Care team. A Macmillan nurse was appointed to support Mr Graham.
16. On 19 November 2018, an application for Mr Graham's early release on compassionate grounds was submitted to the Public Protection Casework Section (PPCS) of Her Majesty's Prison and Probation Service (HMPPS). The application was refused on the grounds of there was still a risk of reoffending, there were no care plans in place and no suitable accommodation had been arranged.
17. Another early release application was started on 13 May 2020 but was not completed before Mr Graham died.
18. On 29 May 2018, Mr Graham said he did not wish anyone to resuscitate him if his heart or breathing stopped and signed an order to that effect.
19. Mr Graham continued to receive palliative care in prison and died on 20 May 2020 in the inpatients unit at Frankland.

Post-mortem report

20. The Coroner concluded that Mr Graham died of metastatic adenocarcinoma of the lung (lung cancer) and no post-mortem was carried out.

Sue McAllister, CB
Prisons and Probation Ombudsman

November 2020

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Annex 1 Clinical review Mr Graham

Annex 2 HMPPS action plan