

**Prisons &
Probation**

Ombudsman
Independent Investigations

Independent investigation into the death of Mr Joseph Courtney a prisoner at HMP Holme House on 7 August 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 Joseph Courtney, who was 40 years old, died of liver cancer on 7 August 2019 at Teesside Hospice, while a prisoner at HMP Holme House. We offer our condolences to Mr Courtney's family and friends.
4. The clinical reviewer concluded that the clinical care Mr Courtney received was of a good standard and equivalent to that which he could have expected to receive in the community. However, she made five recommendations.
5. Mr Courtney was moved to Holme House from HMP Kirklevington Grange when his health deteriorated rapidly and it was decided that he needed to be at a prison with 24-hour healthcare. We are concerned that no one at Kirklevington Grange contacted Mr Courtney's next of kin to tell them about his deterioration or the proposed move.

Recommendations

- The Governor at HMP Kirklevington Grange should ensure, in line with PSI 64/2011, that staff engage with the next of kin of seriously ill prisoners and keep them informed of any changes in their condition.

Investigation Process

6. NHS England commissioned an independent clinical reviewer to review Mr Courtney's clinical care at Holme House. The clinical review is attached to this report as Annex 1.
7. The PPO has investigated the non-clinical issues in Mr Courtney'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 Courtney's next of kin to explain the investigation. The concerns they raised have been addressed in the clinical review.
9. Mr Courtney's family received a copy of the initial report. They wrote to us raising concerns about factual inaccuracies in the clinical review and other concerns that they had. The clinical review has now been amended and reissued and the investigator has written to Mr Courtney's next of kin about other issues raised.
10. The initial report was shared with the Prison Service. The Prison Service did not find any factual inaccuracies and their action plan is annexed to this report.

Previous deaths at HMP Holme House

11. Mr Courtney was the 13th prisoner to die at Holme House since August 2017. Of the previous deaths, nine were from natural causes, one was self-inflicted, one was drug-related and one awaits classification.

Key Events

12. In July 2015, Mr Joseph Courtney was sentenced to 10 years in prison for drug offences.
13. Mr Courtney had been diagnosed with pancreatic cancer with liver metastases (tumours that have spread to the liver) in 2011. He had chemotherapy and underwent a major operation to remove part of his pancreas.
14. In May 2017, Mr Courtney was told that a scan had showed that his liver tumours had increased in size and he needed chemotherapy. Over the next two years, Mr Courtney regularly attended hospital appointments and was closely monitored by prison healthcare staff.
15. On 27 June 2019, Mr Courtney was moved to HMP Kirklevington Grange. On 1 August, following a rapid deterioration in Mr Courtney's health, staff decided that he needed to move to a prison with 24-hour healthcare. On 2 August, he was moved to HMP Holme House.
16. On 5 August, staff discussed a Do Not Attempt Cardiopulmonary Resuscitation (DNACPR) order with Mr Courtney who agreed that if he stopped breathing he did not want to be resuscitated. The same day, he was moved to Teesside Hospice.
17. Mr Courtney's health deteriorated so rapidly that there was not time for the prison to apply for compassionate release. However, Holme House quickly arranged for Mr Courtney to be released on temporary licence so that he could spend time alone with his family before he died. He died on 7 August, with his next of kin at his bedside.
18. There was no post-mortem examination as the coroner accepted the cause of death provided by the hospice doctor. The doctor gave the cause of death as liver cancer.

Non-Clinical Findings

Engaging with Mr Courtney's next of kin

19. Prison Service Instruction 64/2011, about safer custody, says that where prisoners have a terminal illness or suffer an unpredicted or rapid deterioration in their physical health, prisons must have in place procedures for supporting the prisoner and engaging with their next of kin.
20. In August 2019, Mr Courtney's health deteriorated rapidly and it was decided he should be moved to Holme House so that he had access to 24-hour healthcare. A family liaison officer had been appointed at Kirklevington Grange, but they did not tell Mr Courtney's next of kin that his health had deteriorated or that he was about to be moved. Mr Courtney's next of kin did not find out he had been moved until Mr Courtney contacted them the day after he had arrived at Holme House.

21. We make the following recommendation:

The Governor at HMP Kirklevington Grange should ensure, in line with PSI 64/2011, that staff engage with the next of kin of seriously ill prisoners and keep them informed of any changes in their condition.

**Louise Richards
Assistant Ombudsman**

January 2020