

**Prisons &  
Probation**

**Ombudsman**  
Independent Investigations

# Independent investigation into the death of Mr Alan Fox, a prisoner at HMP Winchester, on 19 October 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*



© Crown copyright 2022

This report is licensed under the terms of the Open Government Licence v3.0. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3)

Where we have identified any third-party copyright information you will need to obtain permission from the copyright holders concerned.

## 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 Fox died in Countess Brecknock Hospice on 19 October 2020 of lymphoma, (a type of cancer affecting the lymphatic system), while a prisoner at HMP Winchester. Mr Fox was 80 years old. I offer my condolences to Mr Fox's family and friends.
4. Mr Fox's lymphoma had been successfully treated before he came to prison. It was discovered that his lymphoma had come back after a biopsy following a leg amputation in July 2018. He had chemotherapy which appeared to be successful, but further investigations in July 2020 showed that his lymphoma had spread to his lungs and was terminal.
5. The clinical reviewer concluded that the clinical care Mr Fox received at Winchester was equivalent to that he could have expected to receive in the community. She made three recommendations that we do not repeat in this report because they do not relate directly to the circumstances of Mr Fox's death, but that the prison and healthcare providers will want to address. We had no non-clinical issues of concern.

## The Investigation Process

6. NHS England commissioned an independent clinical reviewer to review Mr Fox's clinical care at Winchester.
7. The PPO investigator has investigated non-clinical issues, including Mr Fox's location, the security arrangements for his hospital escort/s, liaison with his family and whether compassionate release was considered.
8. The PPO family liaison officer wrote to Mr Fox's next of kin, his wife, to explain the investigation. She 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.

### Previous deaths at HMP Winchester

10. Mr Fox was the 13th prisoner to die at Winchester since October 2018. Of these deaths, nine were from natural causes and four were self-inflicted. Mr Fox was the fifth person to die from a cancer-related condition.

## Key Events

11. On 27 April 2017, Mr Alan Fox was remanded into the custody of HMP Winchester, charged with indecent assault and gross indecency with a child.
12. Mr Fox was diagnosed with ischaemic heart disease, atrial fibrillation, and fitted with a pacemaker before coming to prison. He also had a history of lymphoma (cancer of the lymphatic system), which was then in remission following radiotherapy.
13. During a new patient consultation, Mr Fox told a prison GP that he was EBV positive (Epstein-Barr Virus) and had two cancerous lesions; one on the inner left thigh and another on the right ankle, which had been treated with radiotherapy, but needed daily dressing. The GP admitted Mr Fox to the prison's inpatient healthcare unit and referred him to the haematology department at Royal Hampshire County Hospital. On 25 May 2017, Mr Fox was sentenced to 10 years in custody.
14. Mr Fox had a below the knee amputation on his right leg in July 2018. Mr Fox met his hospital consultant in August, who explained that biopsy results from the amputation site suggested his lymphoma had returned.
15. Further investigations in February 2019, showed that the lymphoma had spread throughout his body and Mr Fox had palliative chemotherapy between March and July. A PET scan on 19 August showed that he had responded well to chemotherapy.
16. After Mr Fox developed nodules on his forearms and cellulitis in his right leg stump, he had a CT scan in July 2020. The results showed his lymphoma was spreading and he had secondary lung cancer. Mr Fox's consultant confirmed that there were no further treatment options, his prognosis was poor and recommended symptom control. Mr Fox signed an order to confirm that he did not want anyone to resuscitate him if his heart or breathing stopped.
17. Mr Fox was transferred to hospital on 6 September, because his health had deteriorated. He was accompanied by two prison officers and was not restrained during his escort to hospital. The hospital arranged for Mr Fox to go to Countess Brecknock Hospice three days later, on 10 September. On 25 September, it was agreed at a multidisciplinary review that Mr Fox needed palliative care, but he was not at the end of his life, so hospice care was not appropriate. They explained that he should be transferred to a nursing home or a prison with palliative care facilities.
18. Mr Fox remained at the hospice while the prison tried to find suitable accommodation. On 17 October, a hospice doctor advised that Mr Fox was in the last days of his life. Mr Fox's family visited him in the hospice and stayed with him overnight. Mr Fox continued to deteriorate and died at 5.24am on 19 October.
19. An application for early release on compassionate grounds was started by the prison on 9 July 2020. A second application for release, a special purpose licence due to COVID-19 was submitted to the COVID-19 Offender Management

Unit Support Hub on 27 July 2020. Neither application was completed before Mr Fox died, as the prison could not find a release address suitable to meet his complex medical needs. The clinical reviewer concluded that Mr Fox's end of life care was appropriately delivered in the hospice.

#### **Post-mortem report**

20. The coroner accepted the cause of death provided by a hospice doctor and no post-mortem examination was carried out. The doctor gave Mr Fox's cause of death as progressive cutaneous diffuse large B cell lymphoma.

**Karen Johnson**  
**Assistant Ombudsman**

**January 2022**

**Prisons &  
Probation**

**Ombudsman**  
Independent Investigations