

**Prisons &  
Probation**

**Ombudsman**  
Independent Investigations

# Independent investigation into the death of Mr Anthony Hall, a prisoner at HMP Hewell, on 8 July 2021

**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 Hall, who was 58 years old, died from throat cancer on 8 July 2021, while a prisoner at HMP Hewell. We offer our condolences to Mr Hall's family and friends.
4. The clinical reviewer concluded that the clinical care Mr Hall received at Hewell was equivalent to that he could have expected to receive in the community. She made no recommendations.
5. We are concerned that the prison decided that Mr Hall was unsuitable to apply for early release on compassionate grounds (ERCG). We conclude that Mr Hall met the criteria for an ERCG application, and he should have been given the opportunity to apply. The decision to grant or deny the ERCG application should have been made by the Public Protection Casework Section (PPCS).

## Recommendations

- The Governor and Head of Healthcare should ensure that all prisoners who meet the criteria are given the opportunity to apply for compassionate release.

## The Investigation Process

6. NHS England commissioned an independent clinical reviewer to review Mr Hall's clinical care at Hewell.
7. The PPO investigator has investigated the non-clinical issues in Mr Hall's care, including his location, the security arrangements for his hospital escorts, liaison with his family and whether compassionate release was considered.
8. The PPO's family liaison officer wrote to Mr Hall's next of kin, his sister, to explain the investigation. She did not respond.
9. The initial report was shared with HM Prison and Probation Service (HMPPS). HMPPS did not find any factual inaccuracies.

## Previous deaths at HMP Hewell

10. Mr Hall was the ninth prisoner to die at Hewell since July 2019. Five of the previous deaths were from natural causes, and three were self-inflicted. There are no significant similarities between those cases and the circumstances of Mr Hall's death.

## Key Events

11. On 17 March 2021, Mr Anthony Hall was remanded to HMP Hewell. On 14 April, he was sentenced to two years imprisonment for breaching a sexual harm prevention order. Mr Hall had been diagnosed with and treated for tongue cancer in 2016. He had had his voice box removed and was fitted with a permanent tracheostomy (an opening in the neck which allowed him to breathe).
12. On 29 April 2021, the prison arranged for Mr Hall to go to hospital in an emergency ambulance because of discomfort around the site of his tracheostomy. He stayed in hospital and on 4 May, Mr Hall was told his cancer had returned.
13. On 14 May, at a multi-disciplinary team meeting involving prison and hospital staff, it was determined that Mr Hall had six to eight weeks to live. Those present agreed that he would not be suitable to apply for early release on compassionate grounds because there would not be appropriate accommodation for someone with his offending history that could provide suitable end of life care.
14. Mr Hall was taken to a local hospice on 2 June and died on 7 July at 9.45am. The prison offered to contribute to the funeral costs in line with national policy.

### Post-mortem report

15. There were no post-mortem examinations after Mr Hall's death. The coroner accepted the cause of death provided by the hospice, which was that Mr Hall had died from laryngeal cancer (throat) cancer.

## Non-Clinical Findings

### Compassionate Release

16. Release on compassionate grounds is a means by which prisoners who are seriously ill, usually with a life expectancy of less than three months can be permanently released from custody before their sentence has expired. A clear medical opinion of life expectancy is required. The criteria for early release for determinate sentenced prisoners are set out in Prison Service Order (PSO) 6000. Among the criteria is that the risk of re-offending is expected to be minimal, further imprisonment would reduce life expectancy, there are adequate arrangements for the prisoner's care and treatment outside prison, and release would benefit the prisoner and his family. An application for early release on compassionate grounds must be submitted to the Public Protection Casework Section (PPCS) of the Her Majesty's Prisons and Probation Service (HMPPS).
17. At the time of the multi-agency meeting on 14 May, Mr Hall had a life expectancy of less than three months and an adequate arrangement had been made for Mr Hall's care outside of the prison. Where the criteria for medical release are met, but the Governor does not support release, the application must be referred to the PPCS for consideration and a decision.

18. We consider that Mr Hall met the criteria and should have been given the opportunity to apply for early release on compassionate grounds. The decision to grant or deny early release should have been made by the PPCS. We make the following recommendation:

**The Governor and Head of Healthcare should ensure that all prisoners who meet the criteria are given the opportunity to apply for compassionate release.**

**Sarah Stolworthy  
Acting Assistant Ombudsman**

**March 2022**

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