

**Prisons &  
Probation**

**Ombudsman**  
Independent Investigations

# **Independent investigation into the death of Mr Noel Flood, a prisoner at HMP Whatton, on 13 February 2022**

**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 Noel Flood, who was 72 years old, died of frailty syndrome (increased vulnerability resulting from ageing-associated decline) and Parkinson's disease on 13 February 2022, while a prisoner at HMP Whatton. We offer our condolences to Mr Flood's family and friends.
4. The clinical reviewer concluded that the care Mr Flood received at HMP Whatton was equivalent to that which he could have expected to receive in the community. She was pleased to note that healthcare staff supported Mr Flood's wish to spend his final days at HMP Whatton.
5. We did not find any non-clinical issues of concern.

## **The Investigation Process**

6. NHS England commissioned an independent clinical reviewer to review Mr Flood's clinical care at HMP Whatton.
7. The PPO investigator has investigated non-clinical issues, including Mr Flood's location, the security arrangements for his hospital escorts, liaison with his family and whether compassionate release was considered.
8. One of the PPO's family liaison officers wrote to Mr Flood's next of kin, his sister, 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 pointed out some factual inaccuracies and this report has been amended accordingly. The action plan has been annexed to this report.

## **Previous deaths at HMP Whatton**

10. Mr Flood was the fifteenth prisoner to die at Whatton since 13 February 2020. Of the previous deaths, thirteen were from natural causes and one was from non-natural causes. There has been one further death from natural causes since Mr Flood's death.
11. There are no similarities between our findings in the investigation of Mr Flood's death and the previous deaths.

## Key Events

12. On 27 March 1979, Mr Noel Flood was sentenced to life imprisonment charged with the murder and rape of an elderly woman. He was sent to HMP Birmingham.
13. At an initial healthscreen, a prison nurse noted he had arrived into custody with a long history of alcohol abuse, which he claimed had contributed towards his offending behaviour.
14. Over the years that followed, Mr Flood transferred to HMP Shepton Mallet and HMP Erlestoke, finally transferring to HMP Whatton on 22 March 2013.
15. At an initial healthscreen, it was noted that he was in remission from colorectal cancer, and that he had been diagnosed with Parkinson's disease in 2011. Care plans were created to manage his care, and he was assigned social carers to assist him with his daily tasks.
16. Over the years that followed, Mr Flood was subject to regular reviews by both healthcare, and mental health in-reach team (MHIRT) staff, at the prison. Care plans were devised to manage his care, and he was regularly discussed at multi-disciplinary team meetings attended by staff in the various areas of the prison involved in his care.
17. On 3 July 2019, Mr Flood was subject to an ACE-R test (Addenbrookes Cognitive Examination is an evaluation of six cognitive domains orientation, attention, memory, verbal fluency, language and visuospatial ability it is used to detect dementia and mild cognitive impairment) to assess the severity of his Parkinson's disease. He scored 84/100, which indicated a mild level of impairment.
18. Over the months that followed, he continued to receive regular reviews and support from healthcare, MHIRT and social care staff.
19. On 10 September 2020, Mr Flood was moved to HMP Leyhill as part of his sentence progression. However, healthcare staff were concerned that they were not equipped to meet his care needs. He returned to Whatton later the same day.
20. Following his return to Whatton, he continued to receive a high level of support from both healthcare and social care staff. His care plans were regularly reviewed and updated, and multi-disciplinary team meetings were regularly held to discuss his care needs.
21. On 8 March 2021, a prison GP reviewed Mr Flood. He considered that his condition had deteriorated since his last review. The GP discussed the issue of resuscitation with Mr Flood. Mr Flood told the GP that he did not wish to be resuscitated. Following his review, the GP signed a DNACPR (do not attempt resuscitation in the event of cardiopulmonary arrest) on Mr Flood's behalf.
22. On 2 September, Mr Flood told prison staff that since his return from Leyhill, he felt his condition had worsened and that he was unable to carry out the simplest of tasks without assistance. He was issued with a personal alarm should he require assistance.

23. He continued to receive regular reviews by healthcare staff and in addition, daily assistance from social care staff.
24. His condition continued to deteriorate and on 2 February 2022, an open-door policy was implemented to ensure healthcare staff could provide Mr Flood with twenty-four hour a day palliative care.
25. Later the same day, an application was made on Mr Flood's behalf for early release on compassionate grounds. However, the application was refused due to his continued level of risk towards both prison staff and members of the public, having repeatedly made inappropriate sexual comments towards a female healthcare assistant. Following the refusal of the application for compassionate release, Mr Flood told staff he wished to die at Whatton where he felt supported by healthcare staff.
26. His condition continued to deteriorate, and at 8.50am on 13 February, Mr Flood died. At 11.10am, his death was confirmed by a prison GP.

### **Cause of death**

27. A prison GP gave Mr Flood's cause of death, which was accepted by the coroner, as frailty syndrome and Parkinson's disease.

**Lisa Burrell**  
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**July 2022**

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