

**Prisons &
Probation**

Ombudsman
Independent Investigations

Independent investigation into the death of Mr Alan Griffiths, on 9 June 2022, following his release from HMP Leyhill

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

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. Since 6 September 2021, the PPO has investigated post-release deaths that occur within 14 days of a prisoner's release.
3. We carry out investigations to understand what happened and identify how the organisations whose actions we oversee can improve their work in the future.
4. Mr Alan Griffiths died of pulmonary fibrosis (a lung disease) in a care home on 9 June 2022, the day after his conditional release from HMP Leyhill. He was 73 years old. We offer our condolences to his family and friends.
5. We found no issues of concern.

The Investigation Process

6. The PPO investigator obtained copies of relevant extracts from Mr Griffiths' prison and probation records.
7. We informed HM Coroner for Avon of the investigation.
8. The PPO family liaison officer wrote to Mr Griffiths' daughter to explain the investigation and to ask if she had any matters she wanted us to consider. She did not respond.
9. We shared the initial report with the Prison Service. There was one factual inaccuracy, and this report has been amended accordingly.

Background Information

HMP Leyhill

9. HMP Leyhill is an open prison in South Gloucestershire, holding up to 515 prisoners who require minimum security. Some are life sentence prisoners preparing for release.
10. Inspire Better Health, a partnership of eight health care providers led by Avon & Wilshire Mental Health NHS Partnership Trust, provides all health and substance misuse services. Primary care services are available on weekdays from 8.00am to 4.00pm. Hanham Secure Health provides GP and out-of-hours services.

Probation Service

11. The Probation Service work with all individuals subject to custodial and community sentences. During a person's imprisonment, they oversee their sentence plan to assist in rehabilitation as well as prepare reports to advise the Parole Board and have links with local partnerships to which, where appropriate, they refer people for resettlement services. Post-release, the probation service supervises people throughout their licence period and post-sentence supervision.

HM Inspectorate of Prisons

12. Inspectors carried out a short scrutiny visit of HMP Leyhill in March 2021. They reported that there were not enough probation or prison offender supervisors in post. They reported that it was unlikely that the prison would be ready to move to the new Offender Management in Custody model at the end of March 2021, as planned, as there was a shortage of probation staff in the region. Inspectors reported that there had been good efforts to hold three-way meetings with prisoners and community offender managers, but caseloads were high and recorded contact with prisoners was inconsistent. Prisoners were frustrated that Release on Temporary Licence (ROTL) had been suspended for most of the pandemic.
13. Inspectors reported that a small minority of prisoners had no accommodation on the day of their release but that about half went to Approved Premises due to concerns about their risk level.

HM Inspectorate of Probation

14. The most recent inspection of probation work in Gloucestershire was in August 2017. Inspectors reported that the National Probation Service in Gloucestershire was performing reasonably well. However, efforts to rehabilitate offenders often came to little or nothing, either because the offender disengaged or because in those cases where specific interventions were planned to help the offender turn away from crime, the interventions were not delivered.

Key Events

15. In December 2015, Mr Alan Griffiths was sentenced to 15 years in prison for sex offences. On 23 September 2020, he was transferred to HMP Leyhill.
16. Mr Griffiths had pulmonary fibrosis (a lung disease) and used oxygen to help his breathing when required. Later in his life, Mr Griffiths received palliative care to control his symptoms and manage his care.
17. In July 2021, prison staff started an application for release on temporary licence (ROTL). (ROTL can be granted for precisely defined and specific activities which cannot be provided in prison, including on medical grounds. A risk assessment is completed to ensure that a prisoner's temporary release does not present unacceptable risks. The Governor of the prison can grant the temporary licence and will decide on whether the prisoner is to be accompanied by staff. The application must also be supported by the Probation Service.) Mr Griffiths' community offender manager (COM) consulted two senior probation officers, and found that the proposed release address (the home of Mr Griffiths' ex-wife) was unsuitable. The Probation Service did not therefore support Mr Griffiths' application.
18. Over the following months, prison staff reviewed the ROTL to consider whether an application might now be suitable.
19. In summer 2021, staff at Leyhill applied for Mr Griffiths to be released early on compassionate grounds, as he had now received a prognosis of between three and six months to live. (Prisoners can be released from custody for medical reasons before their sentence has expired. Criteria for early release include a terminal illness and that death is likely to occur soon. Prison Service Order (PSO) 6000, which at the time instructed prisons on early release on compassionate grounds, stated that there were no set limits on life expectancy, but that three months may be considered an appropriate period to support an application. In May 2022, a policy framework on early release on compassionate grounds replaced PSO 6000, which now stated that early release may be considered for prisoners who were terminally ill and "in the last few months of life".)
20. On 22 September, a case manager from the Ministry of Justice's Public Protection Casework Section, which makes decisions on compassionate release applications, wrote to the Governor and told him that Mr Griffiths' application had been refused by the Secretary of State because his prognosis was over three months.
21. In February 2022, a ROTL Board authorised that Mr Griffiths could be released on temporary licence to a care home when a suitable home was identified, and a place became available. He was later accepted for a bed at Stanshawes Care Home, near to the prison.
22. In April, prison staff started another application for release on compassionate grounds. On 14 April 2022, the Deputy Governor supported and signed the application for Mr Griffiths' early release on compassionate grounds. She noted that Mr Griffiths had not completed any work to address his offending behaviour and continued to maintain his innocence in relation to the offences for which he was

convicted. However, she noted that Mr Griffiths' health had significantly deteriorated, and his prognosis had been reduced to one month. She noted that Mr Griffiths was bed-bound and that his risk of re-offending was low. That day, the Head of Residence and Safety sent the application to the case manager at the Public Protection Casework Section.

23. On 20 April, a bed became available at Stanshawes Care Home and arrangements were made for Mr Griffiths to take up the bed the following day.
24. On 21 April, Mr Griffiths was released unaccompanied on temporary licence to the care home.
25. On 17 May, the COM emailed the case manager and told her that early release on compassionate grounds was no longer being considered for Mr Griffiths as he had been transferred to a care home. The plan was for him to stay there until funding was approved for him to move to a care home near his family in Essex.
26. On 8 June, Mr Griffiths was conditionally released from HMP Leyhill because he had served half his sentence. A Custodial Manager (CM) explained the terms of his licence.
27. On 9 June, Mr Griffiths died at the care home.

Post-mortem report

28. There was no post-mortem examination. A community GP recorded that Mr Griffiths died of pulmonary fibrosis.

Support for staff

29. The Head of Public Protection posted notices informing staff of the death of Mr Griffiths and offering support.

Contact with Mr Griffiths' family

30. On 26 March 2022, the prison appointed a CM as the family liaison officer (FLO) and another CM as the deputy family liaison officer. The family liaison officers remained in contact with Mr Griffiths' family as his health deteriorated. On 9 June, the FLO telephoned Mr Griffiths' son and daughter and offered her condolences. Mr Griffiths' funeral took place on 4 July, and the prison contributed to its costs.

Findings

31. Mr Griffiths had a lung disease for which he was receiving palliative care. When his health deteriorated, prison staff considered both compassionate release and release on temporary licence for Mr Griffiths. Their first application for compassionate release was refused by the Secretary of State and their first application for release on temporary licence was deemed unsuitable by the Probation Service.
32. Healthcare staff explored moving Mr Griffiths to a care home, and a bed became available in April 2022. When he moved there, Mr Griffiths was released on temporary licence and was not accompanied by prison staff.
33. We are pleased that prison and probation staff were responsive when Mr Griffiths' health deteriorated and pursued both compassionate release and release on temporary licence and made these applications more than once to secure an effective outcome to meet his needs.
34. Mr Griffiths died the day after his conditional release from Leyhill. By this time, the prison had appointed two family liaison officers who had been in contact with Mr Griffiths' family. After his release from Leyhill, the officers remained in contact with Mr Griffiths' son and daughter to arrange his funeral. The prison contributed to its cost, even though there was no requirement for them to do so.
35. We make no recommendations.

Kimberley Bingham
Acting Prisons and Probation Ombudsman

October 2022

**Prisons &
Probation**

Ombudsman
Independent Investigations

Third Floor, 10 South Colonnade
Canary Wharf, London E14 4PU

Email: mail@ppo.gov.uk
Web: www.ppo.gov.uk

T | 020 7633 4100