Prisons & Probation Ombudsman
Independent Investigations

Independent investigation into the death of Mr David Flynn, a prisoner at HMP Frankland, on 29 August 2022

A report by the Prisons and Probation Ombudsman

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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

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 David Flynn died in a hospice from lung cancer on 29 August 2022, while a prisoner at HMP Frankland. He was 55 years old. We offer our condolences to Mr Flynn's family and friends.

4. The clinical reviewer concluded that the clinical care Mr Flynn received at Frankland was equivalent to that which he could have expected to receive in the community.

5. We found no non-clinical issues of concern. We make no recommendations.

The Investigation Process

6. NHS England commissioned an independent clinical reviewer to review Mr Flynn's clinical care at Frankland.

7. The PPO investigator investigated the non-clinical issues relating to Mr Flynn's care, including Mr Flynn's location, the security arrangements for his hospital escorts, liaison with his family and whether compassionate release was considered.

8. The PPO family liaison officer wrote to Mr Flynn's next of kin, his brother and sister, to explain the investigation and to ask if they had any matters they wanted us to consider. They did not respond to our letter.

9. We shared our initial report with HM Prison and Probation Service (HMPPS). They found no factual inaccuracies

Previous deaths at HMP Frankland

10. Mr Flynn was the fifteenth prisoner to die at Frankland since August 2020. Of the previous deaths, 13 were from natural causes, and one was self-inflicted.

Key Events

11. On 16 December 2005, Mr David Flynn was sentenced to life imprisonment for murder. On 30 January 2020, he was moved to HMP Frankland.

12. On 1 June 2022, Mr Flynn told a nurse that he had intermittent pain in his right shoulder blade which was aggravated by playing badminton. The nurse prescribed pain relief.

13. On 30 June, a prison GP saw Mr Flynn as he said his abdomen felt hard and tender. The GP examined him and found nothing of concern. The GP diagnosed costochondritis (inflammation of the tissue between the ribs and breastbone). The GP arranged blood tests and an electrocardiogram (ECG – a test to check the heart's rhythm). Both were normal.

14. On 20 July, a prison GP reviewed Mr Flynn. Mr Flynn said his ribs still felt bruised. The GP arranged further blood tests and a chest X-ray.

15. On 28 July, a prison GP reviewed Mr Flynn. He noted that the latest blood test results were abnormal and requested further blood tests and an ultrasound scan of Mr Flynn's abdomen.

16. Over the next few days, Mr Flynn continued to complain of feeling generally unwell. On 2 August, a nurse saw Mr Flynn, who was short of breath and had chest pain. The nurse completed observations and an ECG. A prison GP reviewed the ECG and found this to be abnormal. He sent Mr Flynn to hospital, where he was treated for a chest infection and admitted for further scans.

17. On 10 August, a hospital consultant told Mr Flynn he had lung cancer which had spread to his bones.

18. On 16 August, a hospital consultant told Mr Flynn that he was too weak for treatment. The same day, Mr Flynn was moved to a hospice.

19. On 19 August, a prison nurse spoke with a hospice nurse for an update on his condition. The hospice nurse explained Mr Flynn was weak and due to start a syringe driver (a device that supplies constant pain relief) to manage his pain.

20. Over the next few days, Mr Flynn's health deteriorated and, on 26 August, a hospice consultant diagnosed Mr Flynn with bronchopneumonia (lung infection).

21. On 29 August at 3.30pm, Mr Flynn died in the hospice.

Post-mortem report

22. The post-mortem report concluded that Mr Flynn died of bronchopneumonia caused by metastatic adeno-squamous cell carcinoma of the lung (lung cancer that has spread to other parts of the body).

Louise Richards **March 2023**
Assistant Ombudsman

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