

**Prisons &
Probation**

Ombudsman
Independent Investigations

Independent investigation into the death of Mr Donald Ross, a prisoner at HMP Manchester, on 31 December 2021

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

OGL

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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 Donald Ross, who was 71 years old, died from liver cancer on 31 December 2021, while a prisoner at HMP Manchester. We offer our condolences to Mr Ross's family and friends.
4. The clinical reviewer concluded that the clinical care Mr Ross received in prison was equivalent to that which he could have expected to receive in the community.
5. We did not find any non-clinical issues of concern. We make no recommendations.

The Investigation Process

6. NHS England commissioned an independent clinical reviewer to review Mr Ross's clinical care in prison.
7. The PPO investigator investigated the non-clinical issues in Mr Ross's care, including his location, the security arrangements for his hospital escorts and whether compassionate release was considered.
8. Mr Ross had no next of kin so there was no family involvement in this investigation.
9. We shared our initial report with HM Prison and Probation Service (HMPPS). They pointed out a factual inaccuracy which has been amended in this report.

Previous deaths at HMP Manchester

10. Mr Ross was the fourteenth prisoner to die at Manchester since December 2019. Of the previous deaths, seven were from natural causes, two were self-inflicted, three were drug related and in one, the cause of death was unascertained.

Key Events

11. In September 2020, Mr Donald Ross was recalled to prison for breaching his licence conditions. He was sent to HMP Wymott.
12. On 19 May 2021, Mr Ross complained of abdominal pain. A nurse saw him and noted that he had been prescribed co-codamol for pain relief earlier in the week. The nurse arranged for Mr Ross to have blood tests.
13. On 21 May, Mr Ross's blood test result was recorded as abnormal. On 25 May, Mr Ross saw the prison GP. Mr Ross told the GP that he had had upper abdominal pain for the past ten days and had lost 5kg in weight. The GP referred him for a hospital appointment using the two-week wait referral process for suspected cancer.
14. Mr Ross had multiple tests and scans and on 8 October, he was diagnosed with liver cancer. The hospital consultant told him that the cancer was terminal and because of the size of the tumour, surgery was not an option. The consultant said that Mr Ross could have palliative chemotherapy only (which would improve the quality of his life but would not be a cure).
15. On 12 October, the prison applied for Mr Ross's early release on compassionate grounds. On 5 November, the Public Protection Casework Section (within HM Prison and Probation Service) refused the application because they considered that Mr Ross's case did not meet the criteria, namely that he did not have a prognosis of less than three months.
16. On 30 November, Mr Ross's health deteriorated. He was taken to hospital where he was admitted for further tests and medication. On 2 December, Mr Ross told hospital staff that he did not want anyone to resuscitate him if his heart or breathing stopped and signed a Do Not Attempt Cardiopulmonary Resuscitation (DNACPR) order to that effect.
17. On 15 December, the hospital said that Mr Ross could be discharged from hospital and return to prison. Wymott said that they would not be able to meet Mr Ross's care needs so arranged for him to go to HMP Manchester, where they had inpatient facilities. On the same day, the prison submitted another application for compassionate release.
18. On 23 December, Mr Ross was discharged from hospital and taken to Manchester.
19. On 30 December, a nurse went to check on Mr Ross. When she got to his cell and called his name, he did not respond. She examined him and found that he was not breathing and had no pulse. On 31 December at 1.05am, the prison GP confirmed that Mr Ross had died.
20. The post-mortem report concluded that Mr Ross died from hepatocellular carcinoma (liver cancer).

Inquest

At the inquest, held on 2 May 2023, Mr Ross's cause of death was recorded as hepatocellular carcinoma, caused by liver cirrhosis and hepatitis C infection, which had been caused by intravenous drug use. The inquest concluded that Mr Ross's death was drug related.

Louise Richards
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January 2023

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