

**Prisons &  
Probation**

**Ombudsman**  
Independent Investigations

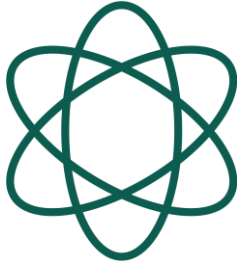
# **Independent investigation into the death of Mr Graham Smith, a prisoner at HMP Rye Hill, on 14 January 2023**

**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

**OGI**

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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 Graham Smith died in the palliative care cell at HMP Rye Hill of liver cancer on 14 January 2023, while a prisoner at Rye Hill. He was 56 years old. We offer our condolences to Mr Smith's family and friends.
4. The clinical reviewer concluded that Mr Smith received a good standard of clinical care at Rye Hill which 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 Smith's clinical care at Rye Hill.
7. The PPO investigator investigated the non-clinical issues relating to Mr Smith's care, including Mr Smith'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 Smith's next of kin, his sister, to explain the investigation and to ask if she had any matters she wanted us to consider. She did not respond.
9. The initial report was shared with HM Prison and Probation Service (HMPPS). HMPPS found a factual inaccuracy regarding the location of Mr Smith's death which has been corrected in this report.

## **Previous deaths at HMP Rye Hill**

10. Mr Smith was the thirteenth prisoner to die at Rye Hill since January 2021. All the previous deaths were from natural causes.

## Key Events

11. On 2 February 2018, Mr Graham Smith was sentenced to 13 years in prison for sexual offences. On 1 July 2022, Mr Smith was moved to HMP Rye Hill.
12. When Mr Smith arrived at Rye Hill he had several health issues, including asthma, heart problems (in March surgeons implanted a pacemaker, a device which can track and adjust an irregular heart rate), and cirrhosis of the liver (scarring of the liver due to long term damage) with a background of alcoholism and hepatitis C infection.
13. Mr Smith told healthcare staff when he arrived at Rye Hill that he had recent unwanted weight loss. A prison GP saw Mr Smith on 6 July, to discuss this with him. Reviews of his weight over the next three months, showed that his weight was stable.
14. On 31 August, Mr Smith complained of abdominal tenderness. A prison GP referred him for an urgent hospital appointment and, two weeks later, Mr Smith had a gastroscopy (a camera is inserted down the throat to check for abnormalities in the throat, oesophagus and stomach). This showed that Mr Smith had changes to his throat and stomach lining that were consistent with his history of cirrhosis. The hospital arranged a follow up appointment for Mr Smith for January 2023.
15. On 2 November, Mr Smith had to return from his activities to the wing because he was unwell. He did not see healthcare staff at that point, but by 7 November he was described by a wing officer as being very unwell, and a prison GP saw him. The GP added Mr Smith to the prison's chronic disease register to ensure that his condition was monitored and made a new referral to a hospital specialist for further investigation. The GP also prescribed nutritional supplements to Mr Smith. Healthcare staff asked wing officers to keep an eye on Mr Smith.
16. Apart from collecting his medications from healthcare staff, Mr Smith had no further interactions with them until 24 November, when he complained of abdominal pain, loss of appetite and flu-like symptoms. Healthcare staff gave him antibiotics.
17. On 25 November, Mr Smith was noticeably jaundiced (a yellow colouring to the skin) and still had abdominal tenderness. A prison GP saw him and arranged follow ups to the previous hospital referrals, for blood tests to be carried out to check liver function, and for healthcare staff to check on Mr Smith daily.
18. There had been no improvement in Mr Smith's condition by 28 November, and a prison GP arranged for him to go to hospital for further assessment. Mr Smith was admitted to hospital and underwent tests over the next few days.
19. On 7 December, hospital doctors told Mr Smith that it was likely that he had liver cancer and that it would be untreatable. They confirmed that a week later and told him that palliative treatment (care with the focus on optimising the quality of life and reducing suffering) was the only option available. Mr Smith's preference was to return to the prison, and the Head of Healthcare liaised closely with the hospital staff to enable this to happen.

20. On 29 December, Mr Smith returned to Rye Hill and moved into a palliative care cell. He was supported over the next two weeks by staff and a few prisoners who attended to him. He died on 14 January 2023.

### **Cause of death**

21. The coroner accepted the cause of death provided by a prison GP and no post-mortem examination was carried out. The GP gave Mr Smith's cause of death as hepatocellular carcinoma (the most common form of primary liver cancer).

### **Inquest**

22. The inquest held on 20 July 2023, concluded that Mr Smith died from natural causes.

**Louise Richards**  
**Assistant Ombudsman**

**May 2023**

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