

**Prisons &  
Probation**

**Ombudsman**  
Independent Investigations

# **Independent investigation into the death of Mr Andrew Nugent, a prisoner at HMP Garth, on 26 March 2023**

**A report by the Prisons and Probation Ombudsman**

## OUR VISION

To deliver high quality and timely independent investigations and work closely with partners to achieve tangible benefits for the safety and confidence of those in custody and under community supervision.

## WHAT WE DO



## WHAT WE VALUE



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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. If my office is to best assist His Majesty's Prison and Probation Service (HMPPS) in ensuring the standard of care received by those within service remit is appropriate, our recommendations should be focused, evidenced and viable. This is especially the case if there is evidence of systemic failure.
3. Mr Andrew Nugent died in hospital of cancer on 26 March 2023, while a prisoner at HMP Garth. He was 75 years old. We offer our condolences to Mr Nugent's family and friends.
4. The clinical reviewer concluded that the clinical care Mr Nugent received at Garth was of a good standard and 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. HMPPS notified us of Mr Nugent's death on 26 March 2023.
7. NHS England commissioned an independent clinical reviewer, to review Mr Nugent's clinical care at HMP Garth. The clinical reviewer's report is attached as Annex 1.
8. The PPO investigator investigated the non-clinical issues relating to Mr Nugent's care at Garth.
9. The PPO family liaison officer wrote to Mr Nugent's next of kin, his daughter, to explain the investigation and to ask if she had any matters she wanted us to consider. She did not respond to our letter.
10. The initial report was shared with HMPPS. There were no factual inaccuracies.

## **Previous deaths at HMP Garth**

11. Mr Nugent was the fourteenth prisoner to die at Garth since March 2020. Of the previous deaths, nine were from natural causes, two were self-inflicted, one was drug related and one was from unknown causes.

## Key Events

12. In July 2004, Mr Andrew Nugent was sentenced to life imprisonment for murder and was subsequently moved to HMP Garth. On 24 March 2021, Mr Nugent was temporarily moved to HMP Preston for rehabilitation after hip surgery. He returned to Garth on 16 April.
13. While in prison, Mr Nugent was diagnosed with chronic kidney disease (CKD – where the kidneys no longer work properly), chronic obstructive pulmonary disease (COPD - a lung condition that causes breathing difficulties) diabetes and high blood pressure. He attended hospital three times a week for kidney dialysis. However, Mr Nugent frequently refused to attend healthcare appointments, including for dialysis, and frequently refused his medications.
14. On 28 February 2023, Mr Nugent told an officer that he had pain in his groin, thigh and knee, and was unable to bear weight on his leg. The officer spoke to healthcare staff at Garth, who were concerned that Mr Nugent might be having a stroke. The officer radioed a code blue (a medical emergency code which indicates that a prisoner is unresponsive or having breathing difficulties) and the control room called an ambulance.
15. Healthcare staff arrived at Mr Nugent's cell and a nurse took Mr Nugent's clinical observations, which were normal. However, the GP at Garth advised that Mr Nugent should still attend hospital as he was in severe pain and was unable to weight bear. Mr Nugent was taken to hospital and admitted.
16. On 2 March, Mr Nugent had a CT scan which showed that he might have metastatic cancer (cancer that has spread from where it started to another part of the body). Doctors told Mr Nugent that he would need further tests to confirm this.
17. On 17 March, doctors diagnosed Mr Nugent with gastro oesophageal junction (where the food pipe meets the stomach) cancer, which had spread to his bones, liver and lungs. The doctors told Mr Nugent that his cancer was terminal and they started him on palliative care.
18. On 8 March, following a multi-disciplinary team discussion, hospital doctors put a Do Not Attempt Resuscitation (DNAR) order in place for Mr Nugent. This meant that he would not be resuscitated if his heart or breathing stopped.
19. On 20 March, the healthcare team at Garth visited Mr Nugent in hospital. They told him that he had been given a prognosis of weeks to live and that his dialysis treatment would be stopped. Due to his care needs, Mr Nugent was unable to be discharged back to Garth. He had not been accepted into a hospice, so the prison arranged for him to be transferred to HMP Preston for specialist palliative care once he was fit for discharge from hospital.
20. Mr Nugent's health deteriorated rapidly over the next few days. On 26 March, at approximately 2.10am, Mr Nugent died in hospital.

## **Cause of death**

21. The coroner accepted the cause of death provided by a hospital doctor and no post-mortem examination was carried out. The doctor gave Mr Nugent's cause of death as advanced metastatic gastric neuroendocrine tumour (stomach tumour). Chronic kidney disease, high blood pressure, diabetes and smoking were listed as contributory factors.
22. At the inquest held on 20 October 2023, the coroner concluded that Mr Nugent died from natural causes.

**Adrian Usher**  
**Prisons and Probation Ombudsman**

**November 2023**

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