

**Prisons &
Probation**

Ombudsman
Independent Investigations

Independent investigation into the death of Mr Craig Uden, a resident at Nelson House Approved Premises, on 11 June 2022

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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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.

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.

Mr Craig Uden was found unresponsive in his room while a resident at Nelson House Approved Premises. He was 33 years old. I offer my condolences to Mr Uden's family and friends.

Staff suspected that Mr Uden was under the influence of drugs and conducted drug tests on him and the results were negative. The toxicology report confirmed that there was a large volume of a prescription drugs in his system, some of which were not prescribed to him, and which likely caused his death.

At the time of Mr Uden's death, drug testing which would detect prescription drugs was planned to be rolled out but had not been. Mandatory drug testing is now in effect at Nelson House Approved Premises.

This version of my report, published on my website, has been amended to remove the names of staff and residents involved in my investigation.

Adrian Usher
Prisons and Probation Ombudsman

August 2023

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Summary

Events

1. On 9 May 2022, Mr Craig Uden was released on licence from HMP Humber and went to live at Nelson House Approved Premises (AP). His licence supervision was due to expire on 7 January 2023.
2. On arrival, Mr Uden received an induction and signed a declaration to comply with the rules of the AP. Mr Uden had a history of substance misuse. During the induction, AP staff explained the benefits of naloxone (a drug to prevent opiate overdose) to Mr Uden and he said that he would like training on it, which he received.
3. Mr Uden had several licence conditions, including drug testing for Class A and Class B drugs. Mr Uden was registered with the local community drug support service 'We Are With You'.
4. On 9 June, AP staff raised concerns that Mr Uden was struggling with his mental health and that he was presenting as being under the influence of drugs. They arranged a GP appointment that day for him and said that his presentation was normal by the evening.
5. The next day, Mr Uden apologised to AP staff for his behaviour the previous day. AP staff drug tested him and sent the test off for analysis.
6. At 6.00am on 11 June, AP staff checked Mr Uden and he was alive and well. At 11.00am, when staff conducted the next check, he was unresponsive. AP staff phoned for an ambulance and followed the instructions of the emergency services until paramedics arrived. Shortly after, the paramedics confirmed that Mr Uden had died.
7. The post-mortem examination concluded that the cause of Mr Uden's death was mixed drug toxicity.

Findings

8. From 3 October 2022, compulsory drug testing began to be rolled out across all Approved Premises. Nelson House started to conduct drug testing, but the drug testing kits were of poor quality. New drug testing kits were not available at the time of Mr Uden's death.
9. On 10 June, staff appropriately tested Mr Uden for drugs when they considered he was under the influence of substances and regularly searched his room. Nelson House did everything that they were allowed to do to monitor and manage Mr Uden and ensure that he complied with the terms of his licence.

The Investigation Process

10. The investigator issued notices to staff and residents at Nelson House Approved Premises informing them of the investigation and asking anyone with relevant information to contact him. No one responded.
11. The investigator obtained copies of relevant extracts from Mr Uden's prison probation and medical records.
12. The investigator interviewed six members of staff remotely between 14 July and 8 August 2022.
13. We informed HM Coroner for Teesside of the investigation. The coroner gave us the results of the post-mortem examination. We have sent the coroner a copy of this report.
14. The Ombudsman's family liaison officer contacted Mr Uden's mother to explain the investigation and to ask if she had any matters she wanted us to consider. She raised no specific points but asked for a copy of the investigation report.
15. We shared our initial report with HM Prison and Probation Service (HMPPS). They confirmed that there were no factual inaccuracies to report.
16. We sent a copy of our initial report to Mr Uden's mother. She did not notify us of any factual inaccuracies.

Background Information

Nelson House Approved Premises (AP)

17. Approved Premises (or APs, formerly known as probation and bail hostels) accommodate offenders released from prison on licence and those directed to live there by the courts as a condition of bail. Their purpose is to provide an enhanced level of residential supervision in the community, as well as a supportive and structured environment. Residents are responsible for their own healthcare and are expected to register with a GP.
18. Nelson House, in Middlesbrough, is managed by the National Probation Service. It can accommodate up to 23 residents. Nelson House is staffed by Probation Service employees who are on duty 24 hours a day. Sodexo provides security staff and cleaners. AP staff keep each resident's medication locked away and administer it as required. Nelson House staff are not clinically trained other than to distribute medication.
19. Residents are subject to AP rules in addition to any licence conditions they have been given. They are subject to a curfew between 11.00pm and 6.00am.

Previous deaths at Nelson House AP

20. Since 2019, there have been four deaths at Nelson House, including this one, one of which was drug-related. There are no significant similarities between our findings in the investigation into Mr Uden's death and the findings of the previous deaths.

Key Events

21. On 9 May 2022, Mr Craig Uden was released on licence from HMP Humber and arrived at Nelson House Approved Premises. Mr Uden had a history of substance misuse and had completed a methadone detoxification programme while in prison.
22. On arrival at the AP, Mr Uden received an induction and signed a declaration to comply with the rules of the AP. During the induction, AP staff explained to Mr Uden the benefits of naloxone, and he said that he would like training on it, which he later received.
23. Mr Uden had several conditions to his release licence, including complying with drug testing for Class A and Class B drugs. Mr Uden was registered with the local community drug support service 'We Are With You'. (His licence supervision was due to expire on 7 January 2023.)
24. On 1 June, Mr Uden told AP staff that he was engaging with the community drug support programme and was finding it easier to stay away from drugs. He also said that he was prescribed mirtazapine (an antidepressant) for his mental health.
25. On 9 June, the AP manager spoke to Mr Uden at length as he seemed unwell. AP staff were concerned for his mental health as he appeared very anxious. Mr Uden believed that staff had changed his GP, as he had forgotten that he had registered with a local one when he arrived at the AP. This issue was resolved by the AP staff, and he was re-registered with his previous GP.
26. A probation officer recorded that Mr Uden had told her that his head had 'gone' and he was hearing voices. Probation staff checked whether Mr Uden had any recent history of suicidal thoughts or self-harm and found that his most recent history of self-harm had been in 2014. The AP manager advised Mr Uden to contact the community crisis team if he was struggling, but he said that he was fine and had no intention of harming himself.
27. A probation officer managed to get Mr Uden a GP appointment that day. Mr Uden attended the appointment.
28. The AP manager said that staff suspected a few residents, including Mr Uden, of using drugs. By 10 June, Mr Uden had been subject to three drug tests, and the results were negative.
29. At 9.55am on 10 June, Mr Uden asked to speak with the AP manager. He was grateful for the support AP staff had given him the previous day. She noted that Mr Uden appeared to be under the influence of drugs. She noted that she asked him whether more frequent drug testing would help him to stay away from drugs. Mr Uden agreed to be drug tested that day. The test result was again negative.
30. That day, a residential support worker administered the drug test on Mr Uden. He said that Mr Uden denied any drug use but appeared under the influence. He said that Mr Uden's presentation had improved by the evening.
31. The AP manager said that the drug tests in use at Nelson House at the time only detected illegal drugs and could not detect any other substances (such as

prescribed medication). She said that staff encouraged residents to attend the drop-in session hosted by 'We Are With You' to encourage abstinence. The residential support worker said that Mr Uden was one of a group of residents who was subject to more regular room searches to deter drug use.

Events of 11 June

32. At 6.15am on 11 June, a security guard, employed by Sodexo, noted that he had checked Mr Uden. He recorded that Mr Uden was responsive when checked. We contacted him for an interview, but he did not respond.
33. At 11.08am, a residential support worker checked on Mr Uden in his room. He said when he knocked on the door, went into the room and announced himself, there was no response from Mr Uden, which was not uncommon for him at weekends. He tried to get a response by speaking to Mr Uden and, when that failed, he radioed a colleague and told her that Mr Uden was not responding. He continued to try to rouse Mr Uden without success.
34. The other residential support worker called the emergency services before making her way to Mr Uden's room. She noticed that Mr Uden's legs were mottled and purple, and she thought something was wrong. She then went back to the office, rang the emergency services and asked them to call her on her mobile, which they did.
35. She returned to Mr Uden's room, and she and the other residential support worker followed the instructions the emergency service staff gave over the phone. They both moved Mr Uden to the ground and started chest compressions.
36. The first residential support worker said that he and his colleague considered using naloxone, but they prioritised chest compressions to try and find a pulse first. The other told us that if they had had any indication it was an overdose, they would have used naloxone.
37. The first residential support worker said they were advised to use the defibrillator and connected it to Mr Uden, but it did not advise a shock. He said he was doing chest compressions before paramedics arrived.
38. At 11.28am, paramedics arrived at Mr Uden's room and continued efforts to resuscitate him. They pronounced Mr Uden's death shortly after.

Contact with Mr Uden's family

39. In line with guidance, the police broke the news of Mr Uden's death to his next of kin.
40. On 14 June, the AP manager contacted Mr Uden's mother and expressed her condolences. The Probation Service contributed to the cost of Mr Uden's funeral in line with national policy.

Support for residents and staff

41. After Mr Uden's death, staff were offered support by the Probation Service area managers and were directed to support from the Employee Assistance Programme.

Post-mortem report

42. The post-mortem report gave Mr Uden's cause of death as mixed drug toxicity. The report found that Mr Uden had zopiclone present in his body, which he was not prescribed, at a level which could be potentially fatal. The effects of zopiclone could have been exacerbated by the medication he was prescribed.

Findings

Substance Misuse

43. Our Learning Lessons Bulletin, *Approved Premises – Substance Misuse*, published in 2017, highlights the importance of effective drug testing of AP residents.
44. The Approved Premises (Substance Testing) Bill received Royal Assent in April 2022. It addressed the danger of AP residents abusing prescription medication by widening the substances detected by testing. From 3 October 2022, compulsory drug testing began to be rolled out across Approved Premises in England and Wales. Nelson House had begun this. However, the drug test kits used at Nelson House had not been updated to allow for the wider testing of prescribed medication and could only test for illicit substances.
45. Mr Uden had a history of substance misuse and was referred to the community drugs service on his release from prison. He had been given information on the risk of overdose and training on the use of naloxone.
46. The decision to drug test Mr Uden on 10 June, when he was suspected of being under the influence, was appropriate. He had been drug tested on three previous occasions when suspected of being under the influence and the results were negative. The decision to search his room regularly was appropriate in the circumstances too. Nelson House staff did everything that they were allowed to do to monitor and manage Mr Uden's risk of substance misuse and ensure that he complied with the terms of his licence.
47. It was clear from what staff told the investigator that the quality of drug testing was not suitable. The contracts for drug testing had been reviewed and were changing. In this case, it is unfortunate that this change did not benefit Mr Uden in time. Nelson House is now using more sophisticated testing and they urine test all residents. They can also test for a wide range of substances including prescription drugs and psychoactive substances.

AP manager to note

48. The investigator requested a copy of the CCTV from Nelson House. The AP manager said that due to the age and working state of the system they were unable to provide this evidence. The AP area manager will wish to consider whether the CCTV system at Nelson House is fit for purpose.

Inquest

49. The inquest, held on 14 November 2023, concluded that Mr Uden's death was drug related.

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