

**Prisons &  
Probation**

**Ombudsman**  
Independent Investigations

# **Independent investigation into the death of Mr Robert Cunningham, a prisoner at HMP Holme House, on 16 December 2022**

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

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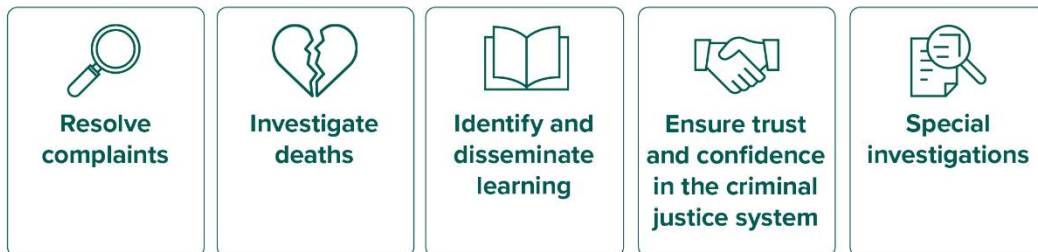
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## OUR VISION

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 Robert Cunningham died of lung cancer on 16 December 2022 at HMP Holme House. He was 65 years old. We offer our condolences to Mr Cunningham's family and friends.
4. The clinical reviewer concluded that the clinical care Mr Cunningham received at Holme House was equivalent to that which he could have expected to receive in the community. The clinical reviewer was satisfied that Mr Cunningham was managed with compassion and cared for by confident, competent staff.
5. We found no non-clinical issues of concern. We make no recommendations.

## **The Investigation Process**

6. HMPPS notified us of Mr Cunningham's death on 16 December 2022.
7. NHS England commissioned an independent clinical reviewer to review Mr Cunningham's clinical care at Holme House.
8. The PPO investigator investigated the non-clinical issues relating to Mr Cunningham's care.
9. The PPO family liaison officer wrote to Mr Cunningham'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 to our letter.
10. The initial report was shared with HMPPS. There were no factual inaccuracies.

## **Previous deaths at HMP Holme House**

11. Mr Cunningham was the twenty-first prisoner to die at Holme House since December 2019. Of the previous deaths, 15 were from natural causes, four were self-inflicted and one was drug related.

## Key Events

12. In March 1991, Mr Robert Cunningham was sentenced to life imprisonment for murder. He was released and then recalled several times. His last release date was on 6 September 2021.
13. In October, Mr Cunningham was diagnosed with lung cancer. He received radiotherapy treatment.
14. On 16 June 2022, Mr Cunningham was recalled to prison due to his heavy alcohol use, which was in breach of his licence conditions. He was sent to HMP Northumberland.
15. On 27 September, Mr Cunningham was taken to hospital after he fell and hit his head. He was admitted to hospital for further tests.
16. While in hospital, Mr Cunningham had a CT scan which showed that his cancer had spread to his brain. On 30 September, hospital doctors told Mr Cunningham that his cancer was terminal, and that he had a likely prognosis of three months or less.
17. On 14 October, Mr Cunningham was discharged from hospital and sent to the palliative care suite at HMP Holme House.
18. While Mr Cunningham was still in hospital, prison staff started an application for his early release on compassionate grounds. However, staff were unable to secure a hospice bed for Mr Cunningham due to concerns about managing his risk. As accommodation could not be arranged for Mr Cunningham's release, the application was not submitted before he died.
19. On the morning of 16 December, Mr Cunningham's health deteriorated rapidly. He died at 11.00am with two nurses and a GP present. He had a Do Not Attempt Cardiopulmonary Resuscitation (DNACPR) order in place, so staff did not try to resuscitate him when he stopped breathing.

## Cause of death

20. The coroner accepted the cause of death provided by the GP at Holme House and no post-mortem examination was carried out. The GP gave Mr Cunningham's cause of death as metastatic lung cancer. Chronic obstructive pulmonary disease (COPD - a lung condition that causes breathing difficulties), heart disease, high blood pressure and asthma were listed as contributory factors.

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

**October 2023**

## **Inquest**

21. At the inquest held on 20 April 2023, the coroner concluded that Mr Cunningham died from natural causes

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