

**Prisons &
Probation**

Ombudsman
Independent Investigations

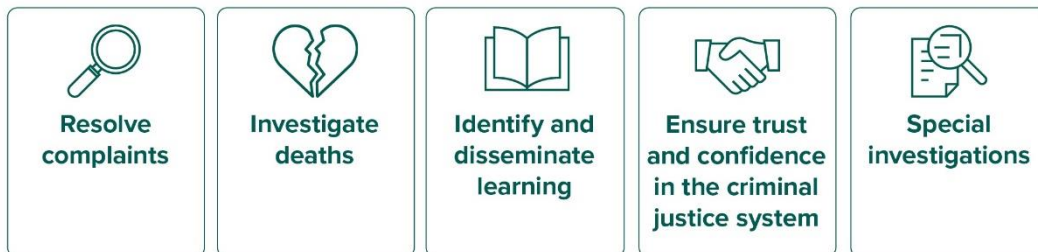
Independent investigation into the death of Mr Robert Cain, a prisoner at HMP Leyhill, on 28 December 2022

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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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 HM Prison and Probation Service (HMPPS) in ensuring the standard of care received by those within service remit is appropriate then our recommendations should be focused, evidenced and viable. This is especially the case if there is evidence of systemic failure.
3. Mr Robert Cain died in hospital on 28 December 2022, of metastatic rectal cancer (cancer of the rectum which had spread to other parts of his body), while a prisoner at HMP Leyhill. He was 43 years old. We offer our condolences to his family and friends.
4. The clinical reviewer concluded that the clinical care that Mr Cain received at Leyhill was equivalent to, if not better than, that which he could have expected to receive in the community. The clinical reviewer made no recommendations.
5. We found no non-clinical issues of concern.

The Investigation Process

6. On 28 December 2022, the PPO was notified of Mr Cain's death.
7. NHS England commissioned an independent clinical reviewer to review Mr Cain's clinical care at Leyhill.
8. The PPO investigator investigated the non-clinical issues relating to Mr Cain's care.
9. The PPO family liaison officer wrote to Mr Cain's mother to explain the investigation and to ask if she had any matters she wanted us to consider. She did not respond.
10. We shared the initial report with the Prison Service. There were no factual inaccuracies.

Previous deaths at HMP Leyhill

11. In the three years before Mr Cain's death, eleven prisoners died from natural causes at Leyhill. There have been two deaths from natural causes at Leyhill since Mr Cain's death. There are no significant similarities between our findings in this investigation and those of the other deaths.

Key Events

12. On 19 September 2014, Mr Robert Cain was sentenced to 17 years in prison for sex offences and was sent to HMP Forest Bank. Mr Cain spent time in several prisons, and, on 27 April 2017, he was transferred to HMP Moorland.
13. On 1 August, Mr Cain saw a GP at Moorland because for two months he had been frequently and urgently defecating with mucus, wind and some blood. The GP found a rectal mass and referred Mr Cain for scans and a biopsy (an examination of a small sample of body tissue) under the two-week suspected cancer pathway (which requires patients with suspected cancer to be seen by a specialist within two weeks).
14. On 4 September, Mr Cain went to hospital for a colonoscopy (a fibre-optic examination of the large intestine). On 5 October, hospital staff told him that he had rectal cancer which had spread to other part of his body.
15. On 11 October, Mr Cain went to hospital where he had a colostomy (a surgical procedure to divert one end of the large intestine (colon) through an opening in the abdominal wall).
16. Hospital staff offered Mr Cain chemotherapy and radiotherapy, which he accepted. On 7 March 2018, Mr Cain had another operation to remove his rectum. In July 2019, Mr Cain had a follow-up CT scan which showed that he was stable.
17. On 30 January 2020, after Mr Cain was experiencing back pain, he had an appointment in hospital where hospital staff said that the cancer had returned and that it had spread to his right lung.
18. On 3 September, Mr Cain was transferred to HMP Leyhill. Healthcare staff transferred his secondary care to Southmead Hospital, Bristol.
19. On 2 October, Mr Cain began a further course of chemotherapy. He had further chemotherapy throughout 2021.
20. Following a risk assessment, prison staff arranged release on temporary licence (ROTL) for Mr Cain. This meant that he was able to attend hospital appointments by himself without a prison officer supervising him.
21. On 25 October 2022, a hospital nurse told Mr Cain that the cancer was growing, and that further treatment would not have any effect.
22. On 16 December, after Mr Cain's condition worsened hospital staff sent him to hospital where, on 28 December, he died.

Post-mortem report

23. There was no post-mortem examination. A hospital doctor gave the cause of death as metastatic rectal cancer.
24. At an inquest held on 4 January 2024, the Coroner concluded that Mr Cain died from natural causes.

Findings

Clinical care

25. The clinical reviewer concluded that the care that Mr Cain received at both Moorland and Leyhill was equivalent if not better to that which he could expect to receive in the community.
26. The clinical reviewer found that there was evidence of planned and coordinated holistic care provided to Mr Cain throughout his illness.

Good practice

27. Staff at Leyhill arranged for Mr Cain to attend hospital on ROTL. This meant that he could attend his appointments by himself without the security requirement of officers in uniform accompanying him.

Adrian Usher
Prisons and Probation Ombudsman

November 2023

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