

**Prisons &  
Probation**

**Ombudsman**  
Independent Investigations

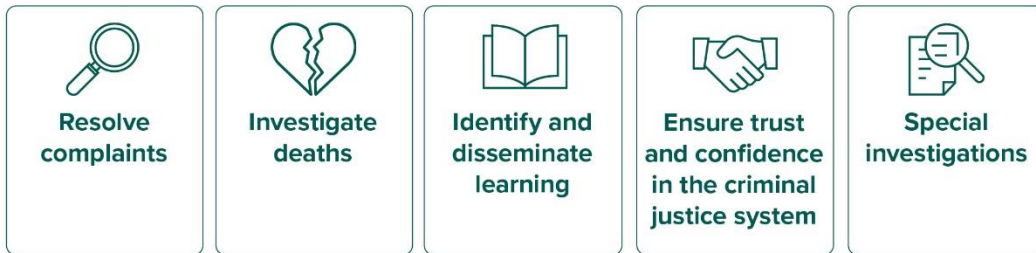
# **Independent investigation into the death of Mr Marc Harmer, a prisoner at HMP Forest Bank, on 15 June 2023**

**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 Marc Harmer died in hospital of bowel cancer on 15 June 2023, while a prisoner at HMP Forest Bank. He was 56 years old. We offer our condolences to Mr Harmer's family and friends.
4. The clinical reviewer concluded that the clinical care Mr Harmer received at Forest Bank was equivalent to 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. We make no recommendations.

## The Investigation Process

6. HMPPS notified us of Mr Harmer's death on 19 June 2023.
7. NHS England commissioned an independent clinical reviewer to review Mr Harmer's clinical care at Forest Bank.
8. The PPO investigator investigated the non-clinical issues relating to Mr Harmer's care.
9. The PPO family liaison officer wrote to Mr Harmer's mother to explain the investigation and to ask if she had any matters she wanted us to consider. She was concerned that Mr Harmer had been left alone in his cell for 12 hours a day with no access to a telephone and nothing to do. She also said that prison staff had told her that her son had three to six months left to live, when the hospital had told her he only had a few weeks. We have covered these issues in the report.
10. We shared our initial report with HMPPS. They found no factual inaccuracies.
11. We sent a copy of our initial report to Mr Harmer's mother. She did not notify us of any factual inaccuracies.

## Previous deaths at HMP Forest Bank

12. Mr Harmer was the fourteenth prisoner to die at Forest Bank since June 2020. Of the previous deaths, nine were from natural causes, two were self-inflicted and two were drug related.

## Key Events

13. On 17 August 2021, Mr Marc Harmer was convicted of sexual offences. On 21 October, he was sentenced to five years imprisonment and sent to Forest Bank.
14. Mr Harmer had been diagnosed with colorectal (bowel) cancer in 2020, and had been receiving treatment from the oncology team at The Christie Hospital in Manchester. Mr Harmer had a stoma to allow waste from his bowel to leave his body in a colostomy bag. He managed it himself at Forest Bank. He continued chemotherapy treatment at The Christie Hospital throughout 2021 and 2022, spending nights there during the chemotherapy cycles.
15. Mr Harmer resided in Forest Bank's healthcare department from 29 October 2021. He sometimes shared a cell, but as his cancer progressed, he moved to a single cell. Mr Harmer spent up to 18 hours a day sleeping.
16. On 25 August 2022, Mr Harmer agreed that he did not want to be resuscitated if his heart or breathing stopped and signed a Do Not Attempt CPR(DNACPR) order to that effect.
17. On 17 November, a hospital doctor told Mr Harmer that his cancer had spread to his lymph nodes and was incurable. All treatment from then on would be palliative to manage his symptoms. Mr Harmer was tearful on his return to Forest Bank and asked for staff to arrange a visit by his mother so he could break the news to her in person. Staff arranged this. Mr Harmer's chemotherapy treatment stopped in January 2023.
18. Due to the progression of his cancer, Mr Harmer was admitted to hospital on 2 February, to have a catheter fitted and was discharged and returned to Forest Bank on 17 February. Mr Harmer was able to manage the catheter himself.
19. On 9 May, Mr Harmer fell in his cell and was taken to Salford Royal Hospital. Two officers escorted him and applied an escort chain (a long chain with a handcuff at each end, one of which is attached to the prisoner's wrist and the other to an officer's wrist). Mr Harmer felt weak and disorientated and his health had clearly deteriorated. Mr Harmer was admitted to hospital.
20. Mr Harmer was no longer receiving active cancer treatment as the cancer had spread to his bones. He was now receiving palliative care. While in hospital a palliative care nurse told the prison he likely had less than six months to live. Mr Harmer remained in hospital until he was well enough to return to Forest Bank on 20 May. Mr Harmer was unhappy about returning to prison and said he wanted to go into a hospice near his mother's home.
21. Mr Harmer applied for Release on Temporary Licence (ROTL) on 21 May. The Deputy Director refused his application due to his level of risk and his offence, and because prison staff had been told by the hospital that Mr Harmer had more than three months to live (the prognosis must be three months or less to progress an application for release on compassionate grounds).
22. The prison's family liaison officer (FLO) saw Mr Harmer on 22 May. Mr Harmer said he had no access to the telephone and could not reach the in-cell buzzer. His bed

was moved to allow him to reach the buzzer, and telephone records showed he used the telephone. The FLO liaised with Mr Harmer's mother and arranged additional visits, initially in the healthcare department.

23. Mr Harmer's mother contacted the prison on 24 May. She said that Mr Harmer had only a few weeks to live and enquired about compassionate release, but the prison said the hospital had given him a prognosis of three to six months.
24. On the same day, a doctor from St Anne's Hospice visited Mr Harmer. They said he was not yet at the stage to be admitted to the hospice, and said they would review him again in a month.
25. On 7 June, Mr Harmer felt unwell and was taken to Salford Royal Hospital. Staff used an escort chain. Mr Harmer was unable to stand, felt dizzy and sick, and was losing blood from his stoma. He was admitted to hospital. Staff removed the escort chain.
26. On 12 June, Mr Harmer had only a few days or weeks to live and was receiving end of life care. There was no bed available in a hospice at that time.
27. Mr Harmer's ROTL was agreed on 13 June. He was granted a Special Purpose Licence, which meant one member of staff kept oversight of Mr Harmer. This was because of his offence and risk to children.
28. Mr Harmer died in hospital at 9.10pm on 15 June.

### **Post-mortem report**

29. The post-mortem report concluded that Mr Harmer died from disseminated colorectal carcinoma (bowel cancer that has spread to other parts of the body).

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

**December 2023**

### **Inquest**

The inquest, held on 9 January 2024, concluded that Mr Harmer died from natural causes.

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