Prisons & Probation Ombudsman
Independent Investigations

Independent investigation into the death of Mr Barry Tinsley on 1 October 2021, following his release from HMP Altcourse

A report by the Prisons and Probation Ombudsman

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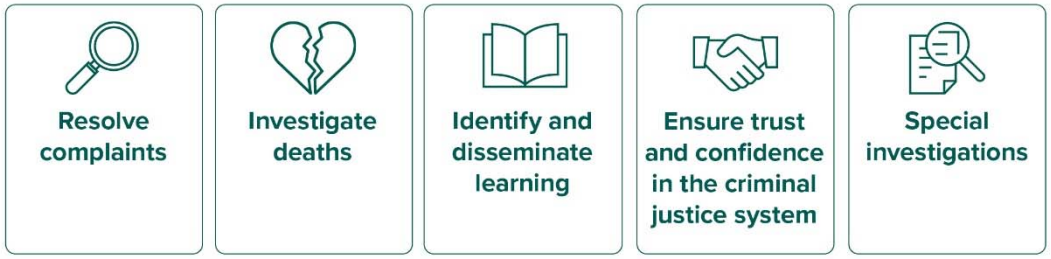
OUR VISION

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

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, then our recommendations should be focussed, evidenced and viable. This is especially the case if there is evidence of systemic failure.

3. Since 6 September 2021, the PPO investigates post-release deaths that occur within 14 days of the prisoner's release.

4. Mr Barry Tinsley died of mixed drug toxicity on the 1 October 2021 following his release from HMP Altcourse on 24 September. He was 34 years old. I offer my condolences to those who knew him.

5. We did not find any issues of concern relating to Mr Tinsley's death.

The Investigation Process

6. HMPPS informed us of Mr Tinsley's death on 16 February 2022. The PPO investigator obtained copies of relevant extracts from Mr Tinsley's prison and probation records. The investigation was then transferred to the investigator's colleague.

7. We informed HM Coroner for Liverpool of the investigation. She gave us the results of the post-mortem examination. We have sent the Coroner a copy of this report.

8. The Ombudsman's family liaison officer wrote to Mr Tinsley's brother to explain the investigation and to ask if he had any matters he wanted us to consider. He had no specific questions for us to address.

9. The initial report was shared with HM Prison and Probation Service (HMPPS). HMPPS pointed out some factual inaccuracies, and this report has been amended accordingly.

Background Information

HMP Altcourse

10. HMP Altcourse is a Category B, local prison, which holds up to 1,164 male remanded and convicted prisoners. It is managed by G4S, who were the previous substance misuse treatment provider at the prison. Since April 2023, Phoenix Futures (providing residential, community, prison and specialist services, offering psychosocial support to aid people on their journey of recovery) provides substance misuse services at the prison. The non-clinical substance misuse service was previously provided by Stay Out and Recover (SOAR).

Probation Service

11. The Probation Service work with all individuals subject to custodial and community sentences. During a person's imprisonment, they oversee their sentence plan to assist in rehabilitation, as well as prepare reports to advise the Parole Board and have links with local partnerships to whom, where appropriate, they refer people for resettlement services. Post-release, the Probation Service supervises people throughout their licence period and post-sentence supervision.

Key Events

12. On 22 May 2021, Mr Barry Tinsley was convicted of breaching a restraining order and was sentenced to 18 weeks in prison. He was sent to HMP Altcourse.

13. Mr Tinsley had some pre-existing medical conditions, including epilepsy, hepatitis C, anxiety and depression. He also had a history of substance misuse.

HMP Altcourse

14. On 24 May, a substance misuse practitioner completed naloxone (a medication used to reverse or reduce the effects of opioids) training with Mr Tinsley. Mr Tinsley began a methadone detoxification programme.

15. On 27 May, a medical technical officer completed an assessment. She recorded Mr Tinsley's Clinical Opiate Withdrawal Score (COWS) which was zero. Mr Tinsley said that he felt stable on his current dose of methadone. He was prescribed 10ml of methadone when he arrived at Altcourse. It was then reduced by 2ml each time and on 14 June, he requested to stop his methadone prescription.

16. On 23 July, Mr Tinsley was released from Altcourse. There is no evidence that he was given naloxone on release as he should have been.

17. Mr Tinsley was recalled that day because he did not go to his initial appointment with the Probation Service and for failing to attend his accommodation at an Approved Premises. He was sent back to Altcourse.

18. On 27 July, a nurse carried out an initial health screen, Mr Tinsley told her that he did not need to detox from drugs, and he declined support for his alcohol use. She did not refer Mr Tinsley to the Integrated Drug Treatment Service (IDTS) and he was not prescribed methadone. During this time, the substance misuse team had been operating limited services due to the restricted regime caused by the COVID-19 pandemic. They only completed referrals for those prisoners who were on an opiate prescription, and for those residing on Furlong wing which is the substance induction unit at Altcourse. Mr Tinsley was not located on this wing. Therefore, he was not allocated a case worker, been offered naloxone refresher training or completed any pre-release planning with the team.

Pre-release planning

19. On 10 September, Mr Tinsley's Community Offender Manager (COM) referred Mr Tinsley to accommodation services through the Commissioned Rehabilitative Services (CRS- a partnership agency working with the probation service to support and enable successful rehabilitation).

20. A resettlement officer emailed a case officer at Seetec Group (a service that offers different types of support to those most vulnerable) and asked for advice because Mr Tinsley was at risk of being released homeless. She then made a referral to the Seetec Group that day. The purpose of the referral was so that a member of the Seetec Group would visit Mr Tinsley prior to his release, to discuss his housing options, but this did not happen.

21. That day, the resettlement officer emailed Stay Out and Recover (SOAR), the substance misuse team at Altcourse at that time, and asked if Mr Tinsley had been engaging with their service. A worker responded and said Mr Tinsley was linked in with the service but had not completed any work and was given an alcohol in-cell pack. She also said that he was not prescribed any medication so they would not be arranging any further support for his release.

22. Mr Tinsley asked if he could be referred to the community support services for his alcohol and substance misuse issues. The resettlement officer asked the SOAR worker if this was something the SOAR team could facilitate. She said she would speak to the drug team and see if they were now seeing people who were not currently being prescribed medication, but she needed to know where Mr Tinsley was going to be released. The resettlement officer said that he was currently of no fixed abode (NFA) but would keep her updated with an address. Mr Tinsley was released homeless. Therefore, she could not update the SOAR worker, and no progress was made.

23. On 13 September, the COM referred Mr Tinsley to Adullam Homes (a specialist provider of housing and support services, working with local authorities and private sectors). He did not receive an appointment after the referral was made.

24. On 17 September, the COM completed a Duty to Refer (DTR- The Homelessness Reduction Act 2017 requires prisons and probation services to refer anyone who is homeless or at risk of becoming homeless within 56 days to a local housing authority) to St Helens Borough Council. That day, she telephoned a worker at Housing Options to check that the DTR had been received. The worker confirmed that she had received it but said that there were no appointments available before Mr Tinsley's release date so he would have to present to them as homeless on the day of his release.

25. That day, the resettlement officer's manager also chased the DTR with another member of the team at Housing Options to determine whether Mr Tinsley was a priority need. There is no evidence that she received a response. The manager then emailed the Seetec Group chasing the referral sent by the resettlement officer, to ask if Mr Tinsley had been allocated to a Seetec officer. There is no evidence that she received a response. However, on 23 September, a keyworker from Interventions Alliance, part of the Seetec Group, met with Mr Tinsley to discuss his accommodation options. He gave Mr Tinsley a closure letter, which contained the contact details for Housing Options, and he advised him to telephone them on the day of his release.

Post-release

26. On 24 September, Mr Tinsley was released from Altcourse.

27. Mr Tinsley left the prison with a month's worth of medication, which included cholecalciferol (a medication that treats and prevents lack of vitamin D), lamotrigine 50mg and 100mg (a medication that treats epilepsy and bipolar disorder), calcium carbonate (a medication that treats heart burn and indigestion), duloxetine (a medication that treats anxiety and depression), and Tegretol (an anticonvulsant or antiepileptic drug). He was aware that he needed to register with a GP as soon as possible.

28. Mr Tinsley did not attend his initial appointment with his COM. She decided, that was an acceptable absence because she was aware that Mr Tinsley struggled with anxiety in the community. She telephoned him and asked him to come to the Probation Office on 27 September.

29. Later that day, Mr Tinsley telephoned his COM. She noted that he sounded under the influence of a substance and that he was abusive and swearing. Mr Tinsley had not telephoned Housing Options and did not attend their office to report himself homeless. Mr Tinsley told her that he had no money to get there and no money on his phone to telephone them. He said that he did not want help with accommodation and would rather be in prison, and that he could not live alone because he was afraid that he would have seizures. Mr Tinsley told her that he would rather take an overdose and end it all. He refused to tell her where he was, so she told him to go to A&E.

30. On 27 September, Mr Tinsley went to the appointment with his COM, as arranged. He had temporary accommodation for a few days, living with a friend, until 1 October. He would not give her the address. They agreed that he would call Housing Options or attend their local office on the 1 October. She told Mr Tinsley that she would refer him to CGL (Change, Grow, Live) who support people with drug and alcohol addiction. She said that she would refer him to the community mental health team and would follow up the referral she had already made to Adullam Homes.

31. On 29 September, the COM completed a referral to CGL. There is no evidence that CGL actioned the referral or gave Mr Tinsley an appointment to see them. The next day, she telephoned Mr Tinsley. He told her that he was aware that he needed to go to St Helens Borough Council early the next morning and tell them that he was homeless.

Circumstances of Mr Tinsley's death

32. Mr Tinsley's mother found Mr Tinsley unresponsive on the bathroom floor in the foetal position, at an unknown address and she called an ambulance. When the paramedics arrived, she told them that Mr Tinsley had recently been released from prison and that he had injected heroin and smoked crack cocaine through the night and that he had had an epileptic seizure earlier in the evening of 30 September. Mr Tinsley's mother said that he had then gone into the bathroom after having a seizure and she continued to check on him throughout the night. She last saw him alive between 8am and 9am, on the morning of the 1 October. At 12.43pm on 1 October, the paramedics confirmed that Mr Tinsley had died.

33. The police believed that the property where Mr Tinsley had been found, was being used as a drug den, given the amount of drug paraphernalia found in the property. The police were satisfied there was no third-party involvement in Mr Tinsley's death.

Post-mortem report

34. The post-mortem report gave Mr Tinsley's cause of death as mixed drug toxicity. Mr Tinsley also had hepatitis C, which contributed to but did not cause his death.

Toxicology tests found that fatal heroin toxicity was a possibility, along with the potential cardiotoxic (a toxic effect on the heart) contribution of cocaine.

35. At the inquest held on the 20 January 2022, the Coroner concluded that Mr Tinsley died of drug relate causes.

Findings

Substance misuse services

36. SOAR was the substance misuse provider during Mr Tinsley's time at Altcourse. They worked with Mr Tinsley frequently to address his substance misuse.

37. Mr Tinsley was in prison during the COVID-19 pandemic in 2021, and this affected the work carried out by the substance misuse team. Prior to the pandemic, naloxone training and overdose awareness groups were given to everyone engaging with the service within their first 28 days in prison. However, during the pandemic these could not take place and the naloxone training was incorporated into the induction process provided by the substance misuse team. There was no case management during this time and work was prioritised for any new arrivals and those on any opiate prescriptions, ensuring they had appointments with community teams on release and their prescriptions continued.

38. Mr Tinsley's referral to SOAR had remained active on SystmOne (prisoners electronic medical record) after he was released because he had been recalled to prison on the same day. Although it remained active on the system, Mr Tinsley was not located on the furlong substance misuse wing when he was recalled to prison. The referral remained opened in the hope that case management work would start again. Had it been re-started it would have Mr Tinsley's case worker's responsibility to ensure he had naloxone refresher training prior to his release. However, this did not happen, because case management was not re-started at that time.

39. When Mr Tinsley was recalled to prison in July, he was not placed on a methadone detoxification programme, and he declined support from the IDTS team. Therefore, he was never inducted by the substance misuse team and was not offered naloxone training or naloxone upon release.

Homelessness

40. Homelessness on release from prison is a significant and complex challenge. This was particularly the case for Mr Tinsley who was released from prison, with no fixed abode.

41. Mr Tinsley was referred to the local council before his release, under the duty to refer. However, he was told there was no availability for an appointment prior to his release and he would have to attend their office on the day of release and present as homeless. Mr Tinsley did not present himself to the council as homeless as instructed by his probation practitioner, and therefore was not seen by a housing officer.

42. Mr Tinsley's COM referred him to CRS to help him with securing accommodation, and an appointment took place while he was in prison. However, no follow up appointment was made for him in the community, to provide ongoing support.

43. While prison and probation staff appropriately referred Mr Tinsley for accommodation in a timely manner, he was released homeless. The provision of suitable accommodation for people leaving prison, particularly for those with

complex risks and needs, is an issue that extends beyond the remit of HMP Altcourse or the local probation services. Housing, accommodation services and the local authority may want to be aware of the significant issues raised in this case.

Adrian Usher
Prisons and Probation Ombudsman **December 2023**

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