

**Prisons &
Probation**

Ombudsman
Independent Investigations

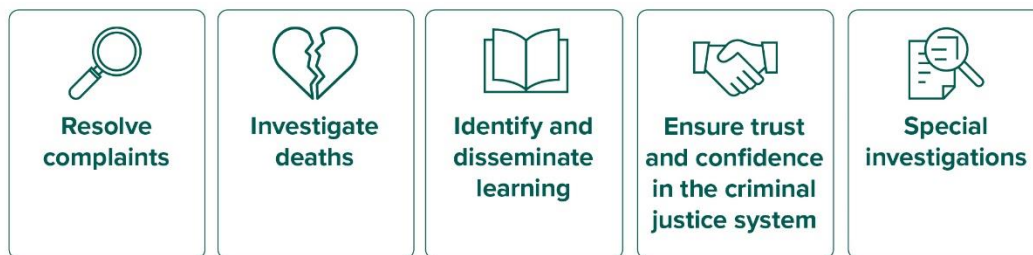
Independent investigation into the death of Ms Margaret Kelly, following her release from HMP Eastwood Park, on 16 April 2022

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. Since 6 September 2021, the PPO has been investigating post-release deaths that occur within 14 days of the person's release from prison.
3. 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.
4. Ms Margaret Kelly died of combined drug and alcohol toxicity on 16 April 2022, following her release from HMP Eastwood Park on 14 April. She was 32 years old. We offer our condolences to Ms Kelly's family and friends.
5. We found that Ms Kelly received appropriate support from substance misuse services while in prison and was warned that her tolerance to alcohol would be reduced upon release. She was given advice on how to access alcohol support in the community and was referred to a community substance misuse service.
6. Ms Kelly was released homeless. We are satisfied that Ms Kelly's community offender manager made the appropriate referrals to the council for emergency housing to try to avoid Ms Kelly being released homeless, however Ms Kelly declined to engage with the support available.
7. We make no recommendations.

The Investigation Process

8. HMPPS notified us of Ms Kelly's death on 21 April 2022.
9. The PPO investigator obtained copies of relevant extracts from Ms Kelly's prison and probation records.
10. Our investigation was suspended for 14 months while we awaited the results of the post-mortem examination.
11. We informed HM Coroner for Swansea and Neath Port Talbot of the investigation. He gave us the results of the post-mortem examination. We have sent the Coroner a copy of this report.
12. The Ombudsman's family liaison officer contacted Ms Kelly's sister to explain the investigation and to ask if she had any matters she wanted us to consider. She had no questions but asked for a copy of our report.
13. We shared our initial report with HMPPS. They pointed out some factual inaccuracies which have been amended in this report.
14. We sent a copy of our initial report to Ms Kelly's sister. She did not notify us of any factual inaccuracies.

Background Information

HMP Eastwood Park

15. HMP Eastwood Park is a closed prison which holds up to 377 female prisoners who have either been convicted or are on remand. Practice Plus Group (PPG) has provided health care at the prison since October 2022. Avon and Wiltshire Mental Health Partnership NHS Trust provides both mental health services and substance misuse services (SMS).

HM Inspectorate of Prisons

16. The most recent inspection of HMP Eastwood Park was in October 2022. Inspectors reported that women arriving at the prison with a substance misuse concern were assessed promptly by the psychosocial substance misuse team, and prisoners could refer themselves to the team at any time. However, there was no therapeutic space available in which to deliver one-to-one assessments and interventions. Mutual aid groups for those with alcohol, narcotics and cocaine problems were available at the prison, and women could link up with a sponsor ahead of their release.

Probation Service

17. 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 supervise people throughout their licence period and post-sentence supervision.

HM Inspectorate of Probation

18. The most recent inspection of the effectiveness of probation work in Swansea Neath Port Talbot was in January 2022. Inspectors found that across all elements of case supervision there were shortfalls, particularly in relation to work designed to manage the potential risks to others posed by people on probation. However, overall, high and very-high risk of harm cases were managed reasonably well, and cases on post-release licence were managed better than those on community orders.

Key Events

19. On 6 October 2021, Ms Margaret Kelly was sentenced to eight weeks imprisonment for shoplifting. Following her release, she was subject to licence conditions until 30 November and then post-sentence supervision (PSS) until 2 November 2022. (PSS is applied to the end of the licence period so that people serving shorter sentences are under supervision for 12 months following release.)
20. On 25 March 2022, Ms Kelly's community offender manager (COM) started the breach of PSS process as Ms Kelly had failed to attend her probation supervision for two weeks and her whereabouts were unknown.
21. On 4 April, Ms Kelly was sentenced to 14 days imprisonment for breaching her PSS. She was taken to HMP Eastwood Park.

Substance misuse services

22. Ms Kelly told a nurse during her reception screening that she was alcohol dependent and drank daily. She also had a history of heroin use. She told the nurse that she last took heroin three years ago and this was not an issue for her. The nurse arranged for her to be prescribed alcohol detoxification medication and referred her to the Substance Misuse Service (SMS). The healthcare team monitored her daily for signs of withdrawal.
23. On 6 April, a healthcare worker spoke to Ms Kelly about the risks of drinking after her release from prison. She warned Ms Kelly that her tolerance may be reduced and the risks of taking alcohol with drugs. She told Ms Kelly that as she had tested positive for hepatitis C, she was at increased risk of liver damage when drinking alcohol. She completed a release preparation pack with advice on how to safely reduce alcohol intake and gave her leaflets on Alcoholics Anonymous (AA) meetings in the community. She also made a referral to a local substance misuse service, which Ms Kelly was familiar with.
24. On 13 April, Ms Kelly was prescribed with two weeks of alcohol detoxification medication for her release. A nurse gave Ms Kelly the medication to take away with her on the day of her release.
25. Ms Kelly's COM referred her to a local substance misuse service prior to her return to prison. At the time of her release, she was still registered with the substance misuse service.

Accommodation

26. Before she was sent back to prison, Ms Kelly told her COM that she had been staying with her ex-partner, and then her friend, but had not provided her with a full address for either contact. At the time of the PSS breach, Ms Kelly's COM was unable to find her at either address.
27. On 6 April, an officer from the pre-release resettlement team offered Ms Kelly an appointment to discuss housing as she was going to be homeless upon release. Ms

Kelly did not attend the appointment. The resettlement officer sent a paper form to Ms Kelly to complete instead and told her COM that she had not engaged.

28. Prior to her release from prison, Ms Kelly's COM made a referral to Neath Port Talbot Council for housing as she was due to be released homeless. She had an ongoing referral to the women's commissioned rehabilitative services (CRS) provided by Nelson Trust, in which the COM asked for support for Ms Kelly to find accommodation.

Release from Eastwood Park

29. On Thursday 14 April (both 15 and 18 April were bank holidays), Ms Kelly was released from prison. She was released homeless. She was not given naloxone (a medication that rapidly reverses the effects of opioid overdose) because she had not taken heroin for several years.
30. On the day of her release, Ms Kelly saw a probation officer on Swansea High Street. Ms Kelly told the probation officer that she would attend the office later that afternoon, but she did not do so.
31. The probation officer had been told by Eastwood Park that Ms Kelly had tested positive for COVID-19 on 10 April, which meant that she would not be able to attend the probation office in person. She planned to speak to Ms Kelly through the intercom if she arrived.
32. The probation officer agreed with her manager that as she had seen Ms Kelly on the High Street that day, she would not treat it as a non-attendance, to avoid Ms Kelly being recalled. They agreed that if Ms Kelly did not attend her next appointment on 22 April, they would start the breach process.

Circumstances of Ms Kelly's death

33. On 15 April, Ms Kelly spent the evening drinking with a friend in his car, where they both slept. (A bottle of methadone (an opiate medication prescribed to help with heroin withdrawal) was later found in the car.)
34. The next morning, Ms Kelly's friend found Ms Kelly unresponsive and called an ambulance. The paramedics arrived and started CPR. They managed to restart her heart, however, she went into further cardiac arrests in the ambulance. Despite continued CPR attempts, Ms Kelly died later that day in hospital.

Post-mortem report and inquest

35. The post-mortem report noted that alcohol and methadone were detected in Ms Kelly's system. Ms Kelly was not prescribed methadone.
36. At the inquest, held on 12 October 2022, the Coroner recorded that Ms Kelly died of multiple organ dysfunction caused by mixed drug and alcohol toxicity.

Findings

Accommodation

37. Homelessness on release from prison is a significant and complex challenge. While prison and probation staff can submit referrals to local authorities and charities, there are occasions when beds are not available, or the individual does not meet the eligibility criteria for housing. This means that these individuals are released homeless and are expected to report to the local authority on the day of their release in the hope of receiving emergency housing. If an individual is homeless, it can increase the likelihood that they will commit further crimes or seek shelter and support in harmful places.
38. Ms Kelly was released from prison without any suitable accommodation. However, we consider that her COM suitably prepared for her release by promptly completing accommodation referrals to the local authorities and homelessness charities. Despite the referrals in place, Ms Kelly declined to engage with the support available which meant she was unable to be housed.

Substance misuse

39. Ms Kelly had a history of alcohol and substance misuse. While she was in prison, she was warned about the risks and dangers of taking drugs. We are satisfied that both the prison and probation services did all they could to manage the risks associated with Ms Kelly's substance misuse.
40. Ms Kelly's COM referred her to a local substance misuse service prior to her release. We are satisfied that Ms Kelly's COM put appropriate measures in place to address her substance misuse issues when she was released from prison. This included adding licence conditions to comply with any requirements relating to addressing her substance misuse issues.

Adrian Usher
Prisons and Probation Ombudsman

February 2024

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