

**Prisons &
Probation**

Ombudsman
Independent Investigations

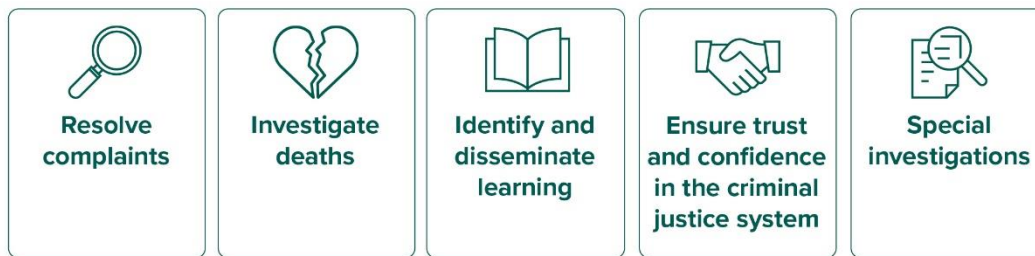
Independent investigation into the death of Mr John Richardson, following his release from HMP Rye Hill on 23 August 2023

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. 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. Mr John Richardson died in a hospice of bronchopneumonia and kidney failure on 23 August 2023, following his release from HMP Rye Hill on 16 August. He was 84 years old. We offer our condolences to Mr Richardson's family and friends.
5. Staff at Rye Hill acted promptly when Mr Richardson's kidney dialysis was stopped and secured early release on compassionate grounds for him. This meant that Mr Richardson was released from prison and spent the last week of his life in a hospice, which we consider good practice.
6. We found no issues of concern and make no recommendations.

The Investigation Process

7. HMPPS notified us of Mr Richardson's death on 23 August 2023.
8. The PPO investigator obtained copies of relevant extracts from Mr Richardson's prison records.
9. We informed HM Coroner for Warwickshire of the investigation. He gave us the results of the post-mortem examination. We have sent the Coroner a copy of this report.
10. The Ombudsman's family liaison officer contacted Mr Richardson's grandson to explain the investigation and to ask if he had any matters he wanted us to consider. He did not respond to our letter.
11. We shared a copy of our initial report with HMPPS. They found no factual inaccuracies.

Background Information

HMP Rye Hill

12. HMP Rye Hill is a category B training prison which holds up to 664 male prisoners who have been convicted of a sexual offence. It is managed by G4S Custodial and Detention Services. G4S provides physical and mental health, and substance misuse services.

HM Inspectorate of Prisons

13. The most recent inspection of HMP Rye Hill was in September 2019. Inspectors reported that the outcomes for prisoners were good in the areas of safety and rehabilitation and release planning, while respect and purposeful activity were reasonably good. They found the service monitoring prisoners with long-term conditions was managed reasonably well. The healthcare team had established links with local Macmillan nurses who could support prisoners if required. Few prisoners were released from HMP Rye Hill, however, those who were received good support from healthcare staff.

Key Events

14. On 1 March 2018, Mr John Richardson was sentenced to 12 years imprisonment for sexual offences. He was moved to HMP Rye Hill on 27 December.
15. Mr Richardson was diagnosed with chronic kidney disease, ischemic heart disease and heart failure.
16. On 15 May 2021, Mr Richardson started dialysis (procedure to filter waste and water from the blood) as his kidneys were no longer working properly.
17. On 31 January 2023, officers found Mr Richardson on the floor of his cell with a head injury. He was taken to hospital for a CT scan. The results of the scan were normal, and Mr Richardson returned to Rye Hill the next day.
18. On 25 March, Mr Richardson's carers found he was unable to move his right arm and leg. A nurse suspected Mr Richardson was having a stroke and he was taken to hospital. Mr Richardson was diagnosed with a brain haemorrhage (bleed on the brain) and had surgery to treat this.
19. On 4 May, Mr Richardson was medically fit for discharge but remained in hospital as the healthcare team at Rye Hill felt his risk of falls could not be managed at the prison. They contacted several nursing homes to try find a suitable bed for Mr Richardson but none were able to take him due to him being a prisoner.

Early release on compassionate grounds

20. On 26 May, prison staff submitted an application for Mr Richardson's early release on compassionate grounds to the Public Protection Casework Section (PPCS) of HMPPS. PPCS refused the application as Mr Richardson's life expectancy was not less than three months, and there were concerns about managing his risk in the community as a consultant reported that he had been inappropriate towards the nursing staff at the hospital.
21. On 9 August, the Head of Healthcare spoke to Mr Richardson's consultant. The consultant told him that Mr Richardson's dialysis had been stopped and he had a new prognosis of 10-14 days. The doctors had decided to stop Mr Richardson's dialysis as he was in pain and was no longer tolerating the treatment. The Head of Healthcare planned to find a hospice for Mr Richardson, or failing this, he would be discharged to the palliative care suite at Rye Hill.
22. On 11 August, a nurse at Rye Hill spoke to the nursing team at the hospital to find out more information about the inappropriate comments that the consultant reported. The nursing team were unable to find any evidence of Mr Richardson making inappropriate comments and agreed that this may have been a misunderstanding (the healthcare team at Rye Hill considered that his comments had been wrongly judged as sexual due to his offence). The prison staff submitted an updated ERCG application to PPCS the same day.
23. On 15 August, PPCS approved Mr Richardson's release.

Release from Rye Hill

24. On 16 August, Mr Richardson was discharged from hospital and was taken to a local hospice for end-of-life care.

Circumstances of Mr Richardson's death

25. On 23 August, at 8.03am, Mr Richardson died at the hospice.
26. At approximately 10.00am, the hospice phoned the healthcare team at Rye Hill to tell them that Mr Richardson had died.

Post-mortem report

27. The post-mortem report concluded that Mr Richardson died of bronchopneumonia and end stage kidney failure.

Findings

Early release on compassionate grounds

28. Release on compassionate grounds is a means by which prisoners who are seriously ill, usually with a life expectancy of less than three months, can be permanently released from custody before their sentence has expired. A clear medical opinion of life expectancy is required. The criteria for early release are set out in the Early Release on Compassionate Grounds Policy Framework. Among the criteria is that the risk of reoffending is expected to be minimal, further imprisonment would reduce life expectancy, there are adequate arrangements for the prisoner's care and treatment outside prison, and release would benefit the prisoner and his family. An application for early release on compassionate grounds must be submitted to the Public Protection Casework Section (PPCS) of HM Prison and Probation Service (HMPPS).
29. We found that the prison reacted quickly to Mr Richardson's change in prognosis to submit a new ERCG application to ensure he was able to die with dignity in a hospice. Both healthcare and prison staff at Rye Hill made significant efforts to ensure that PPCS had an accurate understanding of Mr Richardson's risk to support the decision for his early release. We consider this good practice.

Adrian Usher
Prisons and Probation Ombudsman

January 2024

Inquest

The inquest, held on 16 February 2024, concluded that Mr Richardson died from natural causes.

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