Welcome to the third E-bulletin from the Independent Advisory Panel (IAP) on Deaths in Custody. This e-bulletin provides an overview of the work that has been taken forward since the summer.

The IAP held a family listening event on the 30th March 2010 and a full report containing an overview of the key discussions from the day, as well as the families’ suggestions for change is now available on our website. The IAP has commenced work with the Co-sponsors of the Ministerial Council and a range of other agencies to explore taking forward these recommendations and this E-bulletin contains an update on the progress made to date. Furthermore, the IAP’s report of the cross sector workshop on the use of physical restraint held earlier this year has also been produced. The report summarises the key discussions from the day along with a series of resulting recommendations and was presented to the Ministerial Board in October 2010.

The IAP is committed to consulting and engaging with a wide range of stakeholders in order to collect, analyse and disseminate relevant information about deaths in custody and the lessons that can be learned from these. With this in mind, the IAP will be holding its first consultation workshop with members of the Practitioner and Stakeholder Group on the 1st March 2011. This event will provide the IAP with a valuable opportunity to gauge stakeholders’ thoughts and opinions on the direction of its six working groups.

The IAP is also intending to produce a report on the first 18 months of our tenure, which will detail the progress made so far. This report will be available on our website in due course.

The IAP working groups exploring the use of restraint and cross sector learning are taking forward the recommendations supported at the Ministerial Board in March 2010. The four remaining working groups, which are exploring the issues of information flow through the Criminal Justice System (CJS), the deaths of patients detained under the Mental Health Act (MHA), Article 2 compliant investigations and the risks relating to the transfer and escorting of detainees will present their findings and recommendations to the Board in 2011.

I hope that you find the issues covered within this E-bulletin interesting. As always, should you wish to comment on any of the issues raised or have any questions, please feel free to contact the Secretariat who will ensure that any comments are passed onto myself and other members of the Panel.

Thank you,

Message from the Chair of the IAP

Contents

| Message from the Chair of the IAP | 1 |
| Meeting to Discuss Taking Forward the Recommendations from the IAP’s Family Listening Event | 2 |
| Cross Sector Restraint Workshop Report | 2 |
| IAP Panel Member Appointed to the Restraint Accreditation Board | 2 |
| IAP Stakeholder Consultation Event | 3 |
| Update on the IAP Working Groups | 3-5 |
| Contributing to the IAP Website | 5 |
| News | 5-6 |
| Next Issue | 6 |
Meeting to Discuss Taking Forward the Recommendations from the IAP’s Family Listening Event

In the last E-bulletin, the IAP provided an update on the key issues that were highlighted at the IAP’s family listening event held in March 2010. A comprehensive report, which contains a summary of the key discussions from the day and the families’ suggestions for change is now available on the IAP’s website. In September 2010, Deborah Coles, the IAP member leading this work met with representatives from the UK Border Agency (UKBA), National Offender Management Service (NOMS), Independent Police Complaints Commission (IPCC), Prisons and Probation Ombudsman (PPO), the Care Quality Commission (CQC), the Coroners Society, INQUEST and the Department of Health to discuss taking forward the recommendations from this listening event.

Attendees at the meeting agreed that there would be value in developing a set of common cross sector principles covering the process for notifying families following a death in custody, the key information sources shared with families and the importance of having procedures in place to ensure that families are informed of any changes to policy/practice as a result of the death. There was also broad agreement that it would be helpful to develop a specific leaflet around deaths in custody, which informed families about the post mortem and inquest processes and signposted them to further guidance to ensure that all families received consistent information in the first instance. The IAP has prioritised this work within its work programme for 2010/11 and hopes to progress this work over the next six months.

Cross Sector Restraint Workshop Report

The IAP has produced a report of the cross sector restraint workshop that it held in May 2010. The workshop brought together representatives from across the custodial sectors and the purpose of the day was to discuss a range of issues including the content, delivery and accreditation of training on the use of restraint and any gaps in the policies and guidance covering its use. In order to provide some context around the issue of restraint, the report provides statistics on the number of restraint related deaths within state custody between 1999 and 2009 and an overview of each custodial sector’s policy and guidance on the use of restraint.

It also includes a summary of the key discussions from the day along with a number of resulting recommendations, which the IAP hope will lead to safer approaches to the use of restraint. Discussions from the workshop followed three broad themes: training and restraint techniques, the collation and analysis of statistics on the use of restraint and sharing the learning from restraint related deaths. The report was presented to the Ministerial Board on Deaths in Custody in October 2010 and will be available on the IAP’s website in due course.

IAP Panel Member Appointed to the Restraint Accreditation Board

In August 2010, Professor Richard Shepherd was appointed as a member of the Restraint Accreditation Board (RAB), which was established by the Ministry of Justice in July 2010. The RAB is made up of leading medical and behaviour management experts and its primary role is to make recommendations to Ministers regarding the safety and appropriateness of restraint techniques for use in the secure youth estate. Of his appointment, Professor Richard Shepherd said “I am delighted to have been selected to contribute to the valuable work the RAB are undertaking to ensure restraint techniques in the youth estate are as safe as possible. I am very optimistic that a positive working relationship between the RAB and IAP can be fostered, given their shared interests in reducing restraint related deaths in custody”.

www.independent.gov.uk/iapdeathsincustody
IAP Stakeholder Consultation Event

The IAP will be holding its first consultation event with members of the Practitioner and Stakeholder Group on the 1st March 2011. This event will present stakeholders with an excellent opportunity to influence the direction of the IAP’s six working groups and provide a forum for attendee’s to share best practice and any lessons, which may have cross sector applicability. The workshop will also provide the IAP with an opportunity to discuss and explore potential recommendations with stakeholders to ensure they are grounded in operational reality and identify additional areas where the IAP’s focus could be effective. The Secretariat is currently developing an agenda for the day and invitations will be issued shortly.

Update on the IAP Working Groups

Below is a summary of the progress made by each of the IAP’s six working groups over the summer:

Cross Sector Learning

The Secretariat are in the process of collating and analysing the recommendations from all available Rule 43 Reports and narrative verdicts in order to identify key learning points for cross sector dissemination. The results of this analysis will be presented to the Board in early 2011. The IAP recognises that delays to inquests not only have an enormous impact upon the family and staff involved, but can also diminish the relevance of any learning. In August 2010, the Secretariat in conjunction with the Coroners Society of England and Wales issued a questionnaire to individual coroners requesting data on the number of outstanding inquests into deaths in custody and details on the reasons for any particular delays. To date, responses have been received from 96 of the 108 coroners and the Secretariat are in the process of analysing the returns with a view to developing a series of recommendations to address these delays.

Deaths of Patients Detained under the Mental Health Act (MHA)

Given the increasing body of evidence in relation to the poor physical health and morbidity of mental health patients, in the first instance this working group is considering the deaths that occur as a result of natural causes particularly those that could be considered as premature. The IAP has been working with the Department of Health to analyse diagnostic information held by the Care Quality Commission (CQC) in relation to the natural cause deaths of those detained under the Mental Health Act between 2004 and 2009.

A focus group meeting was held in June with key stakeholders in order to gauge their opinions on the priorities for the work of this group. At this meeting, the reception and discharge processes for those detained under the Mental Health Act were discussed and it was agreed that further work to review these processes in order to ensure that physical health issues are being sufficiently covered as part of these would be beneficial. Early discussions undertaken with the CQC have indicated that they are supportive of this proposal and they have agreed in principle that an audit could be undertaken by the Mental Health Act Commissioners, who visit places of detention to ensure that the powers of the Act are properly used. Discussions are continuing with the CQC to agree the format and timescales for this work.

In terms of more general work in this area, the IAP will also initiate discussions with the Department of Health to discuss the new Public Health White Paper, which is due to be developed later this year to ensure that there is sufficient focus upon physical health services including access to prevention and screening programmes for all those detained within state custody including those detained under the MHA. The CQC is considering a review entitled ‘Meeting the physical health needs of people with mental illnesses’. Further details will be available in December 2010. Should this work proceed it has been agreed that the IAP will feed into the methodology for this review and be represented on the steering group, which will oversee this work. The findings and recommendations will be presented to the Board in 2011.
Independent Advisory Panel on Deaths in Custody

Article 2 Compliant Investigations

This working group is proposing to focus upon two areas in the first instance. Firstly, recommending the revision of the National Patient Safety Agency (NPSA) good practice guidance on the ‘Independent Investigation of Serious Patient Safety Incidents in Mental Health’ in order to strengthen its focus around Article 2 investigations. The IAP is aware that the Department of Health (DH) are proposing to abolish the NPSA, as a result of the arm’s length body review published in July 2010 and will initiate discussions about the viability of this proposal with the DH.

Secondly, this group will undertake further work to consider whether the quality, timescales for completion and level of independence of clinical reviews into deaths in custody are adequate. The IAP is aware that the PPO are undertaking work with Offender Health to assess the clinical quality of a sample of reviews. A meeting is being held with the PPO and Offender Health in October 2010 to discuss opportunities for future joint work and the implications that the proposed NHS reforms will have upon the commissioning of these reviews. This group will also undertake consultative work with stakeholders in order to determine whether the production of cross sector guidance on the principles of Article 2 would be helpful. The findings and recommendations from this group will be presented to the Board in 2011.

Use of Physical Restraint

The Secretariat has been liaising with HM Coroners, the Care Quality Commission (CQC), Prisons and Probation Ombudsman (PPO), Youth Justice Board and the Independent Police Complaints Commission (IPCC) to collate recommendations from Rule 43 Reports, narrative verdicts and investigative reports relating to those deaths where restraint was identified as either a direct cause or a contributory factor. The Secretariat has begun work on the analysis of these responses to identify trends, particularly in relation to mental health and ethnicity. The aim is that a report of the initial findings from this review will be presented to the Board in February 2011.

As referenced earlier, the report of the cross sector restraint workshop, which was held in May 2010 has been produced and was presented to the Ministerial Board in October 2010. In September 2010, the Secretariat submitted a business case to Ministers seeking approval to commission a review into the medical theories and research relating to restraint deaths in state custody. In November 2010, the IAP received approval to commission this research and will present the findings from this study to the Ministerial Board in October 2011.

The Risks Relating to the Transfer and Escorting of Detainees

In July 2010, Dr Peter Dean met with officials from the UK Border Agency (UKBA) to discuss the specific challenges faced by officials during the deportation process. One of the concerns raised at the meeting were difficulties encountered by UKBA in acquiring information from some prison establishments during the handover process for time served foreign national prisoners.

The Secretariat has also identified relevant work being completed by the Prisoner Escort and Custody Service (PECS) within NOMS who are undertaking a series of local reviews across England and Wales with prisoner escort contractors, court staff and police custody suites to identify any issues in terms of the accurate completion of the Person Escort Record (PER) form. The Secretariat will seek to extrapolate the learning from this work. Further meetings will be held with the police and Department of Health to gain an understanding of the specific issues faced when transporting individuals subject to section 136 of the Mental Health Act. The findings and recommendations from this group will be presented to the Board in 2011.
Information Flow through the Criminal Justice System (CJS)

In April 2010, the Secretariat issued a questionnaire to stakeholders to identify which of the gaps highlighted by the IAP in relation to information flow should be key priorities for this working group. Nearly sixty responses have been received to date and one of the key themes to emerge from the consultation was a perceived gap in relation to national guidance and training on the principles of information sharing. Local variations in information sharing practices and concerns that appropriate information sharing was being hindered because of a misunderstanding of the principles of data protection were also highlighted. The Secretariat is conducting further scoping work to identify each custodial sector’s guidance and training around the principles of information sharing. This will highlight any gaps and identify whether the development of further guidance on the type of information that can be shared and with whom, as individuals move through the criminal justice system would be beneficial.

A roundtable meeting was held at a prison establishment in October 2010 involving members of the IAP, the National Safer Custody Managers within NOMS, prison reception officers and escort staff to explore the effectiveness and reliability of the information sharing mechanisms currently used for transferring information about an individual’s health needs and risk of self harm/suicide between the police, courts and prisons.

The emerging findings and recommendations from this working group will be presented to the Board in February 2011.

Contributing to the IAP’s Website

The IAP’s intention is that everyone with an interest in preventing deaths in custody should have the opportunity to contribute to the IAP’s work. If you have a relevant news story or research article that you feel may be of particular interest to stakeholders, please feel free to contact the Secretariat at: iapdeathsincustody@noms.gsi.gov.uk

News

MoJ Announces Results of the Reform of the Coroner System
The Ministry of Justice (MoJ) have announced the findings of the consultation launched in March this year seeking views on the reform of the coroner system in England and Wales:

MoJ Publishes Updated Action Plans for Gareth Myatt and Adam Rickwood
The Ministry of Justice (MoJ) have published an updated version of the action plan outlining the government’s response to coroners’ recommendations in the inquests into the deaths of two teenagers in secure training centres:

NOMS Publishes Guidance on Physical Control in Care
The National Offender Management Service (NOMS) has updated the Physical Control in Care manual, which provides guidance to staff on safe methods of restraint in the secure youth estate:
http://www.justice.gov.uk/publications/13721.htm

Medical Justice Publish Report on Children in Immigration Detention
Medical Justice have published their report, which presents key findings from their study into the detention of children for immigration purposes:
MoJ Publishes Reports made under Rule 43 of the Coroners Rules

IAP Meeting
The seventh meeting of the IAP took place on the 8th September 2010. At this meeting, the IAP discussed the summary of recommendations from Rule 43 Reports, the usage and future development of the IAP’s website, the consultation event being held in 2011 and reviewed the progress of each of the Panel’s six working groups. The minutes from this meeting will be published on the website in due course.

New Chair of the JCHR Appointed
Dr Hywel Francis MP became the new Chair of the Joint Committee on Human Rights: http://www.parliament.uk/business/committees/committees-a-z/joint-select/human-rights-committee/news/election-of-chair/

IAP Publishes Report of the Family Listening Day
The IAP published its report into the family listening day held in March 2010. The report is now available for download on the IAP website: http://iapdeathsincustody.independent.gov.uk/news/iap-publishes-its-report-on-the-family-listening-day/

Independent Investigation into the Case of Ana Attia Published

IAP Seek Views on Creation of a Cross Sector Restraint Group
The IAP sought views on whether the establishment of a high level cross sector restraint group would allow for a more coherent approach between government departments on restraint.

Safer In Custody Statistics Published

New Chief Inspector of Prisons

Dame Anne Owers Delivers Farewell Speech
Dame Anne Owers reflects on the nine years she spent as Her Majesty’s Chief Inspector of Prisons: http://iapdeathsincustody.independent.gov.uk/news/dame-anne-owers-makes-farewell-speech/

The NCI Publish Report into Suicide and Homicide Rates
The National Confidential Inquiry (NCI) have launched their annual report for 2010 investigating suicide and homicide rates amongst people with mental health issues: http://www.medicine.manchester.ac.uk/psychiatry/research/suicide/prevention/nci/inquiryannualreports/AnnualReportJuly2010.pdf

CQC Publishes Report into West London Mental Health Trust
The Care Quality Commission (CQC) published its report into progress made in West London Mental Health Trust initiated by concerns over the trust’s response to suicides and serious incidents: http://www.cqc.org.uk/_db/_documents/20100706_WLMHT_follow_up_inspection_report_FINAL_PDF.pdf

PPO Launch their Annual Report for 2009/10
The Prisons and Probation Ombudsman (PPO) published their annual report for 2009/10. During this time period, the PPO received 4,641 complaints and opened 193 investigations into deaths: http://www.ppo.gov.uk/docs/14276_301425-PPO-Annual-Report.pdf

Next Issue
The next issue of the e-Bulletin will be published in February/March 2011.