



## Reduction and prevention of deaths in prison

### Agreement between:

- (1) His Majesty's Prison and Probation Service (HMPPS); and
  - (2) The Independent Advisory Panel on Deaths in Custody (IAPDC)
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1. This agreement has been drawn up at the request of the Director General of Operations, HMPPS and the Chair of the IAPDC to formalise the Service's relationship with the IAPDC.

### A. About the parties

#### HMPPS

2. HMPPS is an Agency of the Ministry of Justice (MoJ), with responsibility for delivering the orders and sentences of the courts within England and Wales, in custody and the community. It directly manages public sector prisons and contract manages private sector prisons and prisoner escort services in England and Wales. Probation services include the management of Approved Premises in England and Wales.
3. Safety is a priority for HMPPS and responsibility for prison safety policies and processes sits with the Safety Group. In 2017, HMPPS launched its National Safety Programme and National Safety Framework, part of a series of steps taken to make prisons places of safety and rehabilitation. Under the Next Generation Safety Programme, launched in March 2022, the Safety Group continues to work jointly with the Safety, Security and Operational Policy Team (MoJ) to develop initiatives and activities to reduce the risks of suicide, self-harm, violence, the drivers of harm, and to improve safety outcomes. The Safety Group promotes an open, safety learning culture across HMPPS, and shares learning and promising practice to help shape policy and guidance and support staff. The group also supports the operational line to deliver products and activities under safety strategies at regional and local levels. A central safer custody casework team co-ordinates the HMPPS response to independent investigations and inquests into deaths and the learning from these is fed back into policy and practice.

#### The IAPDC

4. The Ministerial Council on Deaths in Custody (MCDC) formally commenced operation on 1 April 2009 and is jointly sponsored by the Ministry of Justice, the Department of Health and Social Care and the Home Office. The Council consists of three tiers:
  - a. Ministerial Board on Deaths in Custody (MBDC)
  - b. The IAPDC
  - c. A Practitioner and Stakeholder Group (PSG)
5. The role of the IAPDC, an advisory non-departmental public body, is to provide independent advice and expertise to Ministers, senior officials and the MBDC. It provides guidance on policy and best practice across sectors and makes recommendations to Ministers and operational services. It assists Ministers to meet their human rights obligations to protect life. The IAPDC's aim is to bring about a continuing and sustained reduction in the number and rate of deaths in all forms of state custody in England and Wales.

6. The remit of the IAPDC (and overall of the Council) covers deaths due to any cause (e.g. natural causes, self-inflicted) which occur in prisons, in or following police custody, immigration detention, the deaths of residents of approved premises and the deaths of those detained in hospital under the Mental Health Act 1983. The principles and lessons learned as part of this work also apply to the deaths of those detained in hospital under the Mental Capacity Act 2005.

## **B. The relationship**

7. HMPPS and the IAPDC commit to an open and transparent relationship and will continue to develop a positive working relationship in pursuance of the shared ambition to reduce and prevent deaths in custody. The IAPDC plays an important role in ensuring that the Service:
  - a. places the necessary emphasis on the safety of people in prison in the development of all operational policy, and
  - b. incorporates expert insight into the development of work related to deaths in custody, especially as they relate to self-inflicted deaths.
8. The relationship dates back to the origins of the Council when HMPPS served as the host organisation for the panel and MCDC secretariat until 2017.
9. HMPPS has continued to work closely with the Panel, now provided with secretariat support by the Policy and Strategy Group in MoJ. This has included collaboration with the Safety Group in HMPPS and the Safety, Security and Operational Policy Team in MoJ. The panel has made consistently valuable inputs into HMPPS safety work at both senior and working levels, as well as through the MBDC.

## **C. The agreement**

10. This agreement covers work related to prisons (and approved premises) and is especially relevant to the remit of the Safety Group.

### 11. HMPPS will:

- a. Consult the IAPDC on operational policies that will impact on the safety of people in prison prior to submitting advice for ministerial approval, and provide updates on any outcomes of such advice (ministers reserve the right to make decisions that go against such advice);
- b. Seek input from the IAPDC on specific areas of work that involve engaging with prisoners and their families, such as peer support programmes and family liaison work;
- c. Ensure the IAPDC is involved in relevant closed consultation events on self-harm and suicide.
- d. Provide the IAPDC with information on deaths in custody in real time and in advance of the quarterly data publication;
- e. Consult the IAPDC on significant changes to data collection as they relate to deaths in custody or self-harm;
- f. Facilitate regular meetings between the Director General of Operations, the Chair of the IAPDC and other senior figures where relevant to the panel's remit of deaths in custody;
- g. Provide senior representation at MCDC meetings and working groups;
- h. Respond to any safeguarding concerns raised by the IAPDC regarding the immediate safety of a person in custody;
- i. Take steps to ensure that other HMPPS directorates whose remits have a potential impact on deaths in custody are sighted on relevant IAPDC work;
- j. Provide regular updates to the Chair of the IAPDC and panel members on key developments linked to self-harm and suicide; and
- k. Keep the internal Safety Impact Assessment procedure under review and provide transparent dialogue with the IAPDC on its use in governance procedures within HMPPS.

12. The IAPDC will:

- a. Serve as a trusted advisor to HMPPS on issues pertaining to deaths in custody;
- b. Respond promptly to requests for input, or provide clear early indication if it will not be possible to provide expertise within the required time period;
- c. Understand the sensitivity of any disclosed information, including confidentially around unpublished data, and handle appropriately. In particular, unless told that any information disclosed is published, the IAPDC will not share it further or use it publicly;
- d. Alert HMPPS to any safeguarding issues that emerge through the panel's work with people in custody;
- e. Highlight relevant panel work to HMPPS, including new research and findings from consultations with people in prison; and
- f. Continue to promptly publish reports into independent investigations into incidents of serious self-harm and serious assaults in prison custody ("Article 2 investigations") on the IAPDC website.<sup>1</sup>

**D. Reviewing this agreement and points of contact**

13. This agreement will be reviewed annually upon the setting of the IAPDC's annual workplan to ensure that it is being followed, is working effectively, and is fit for the purposes of both parties.

14. Relevant points of contact:

- a. Jenny Rees, Head of Prison Safety, Transforming Delivery Directorate, HMPPS ([Jenny.Rees@justice.gov.uk](mailto:Jenny.Rees@justice.gov.uk))
- b. Piers Barber, Head of Secretariat, Ministerial Council on Deaths in Custody, Ministry of Justice ([Piers.Barber1@justice.gov.uk](mailto:Piers.Barber1@justice.gov.uk))

**E. Signed**



**Phil Cottle**

Director General of Operations, HMPPS



**Lynn Emslie**

Chair, Independent Advisory Panel on Deaths in Custody

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<sup>1</sup> [Article 2 — Independent Advisory Panel on Deaths in Custody \(iapondeathsincustody.org\)](https://www.ipondeathsincustody.org)