



Independent Advisory Panel on Deaths in Custody

Work priorities for 2024/25

About the Independent Advisory Panel on Deaths in Custody

The Ministerial Council on Deaths in Custody 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:

- Ministerial Board on Deaths in Custody
- Independent Advisory Panel (IAPDC)
- Practitioner and Stakeholder Group

The remit of the IAPDC (and overall of the Council) covers deaths, natural and 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 under the Mental Health Act (MHA) in hospital. The principles and lessons learned as part of this work also apply to the deaths of those detained under the Mental Capacity Act in hospital.

The role of the IAPDC, a non-departmental public body, is to provide independent advice and expertise to Ministers, senior officials and the Ministerial Board. 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.

Lynn Emslie chairs the IAPDC. The other members are:

- Pauline McCabe, international criminal justice advisor and former Prisoner Ombudsman for Northern Ireland
- Raj Desai, barrister
- Dr Jake Hard, Associate Clinical Director for the South West Prisons, Oxleas NHS Foundation Trust
- Professor Seena Fazel, Professor of Forensic Psychiatry at the University of Oxford

Further information on the IAPDC can be found on its website:

<https://www.iapondeathsincustody.org/>

Terms of reference for IAPDC

The IAPDC will:

- Act as the primary source of independent advice to Ministers and service leaders (both through the Ministerial Board and where appropriate directly) on measures to reduce the number and rate of deaths in custody;
- Consult and engage with partners in order to collect, analyse and disseminate relevant information about deaths in custody and the lessons that can be learned from them;
- Commission relevant research;
- Carry out thematic enquiries into areas of concern, in co-operation as appropriate with the relevant oversight and investigative bodies;
- Issue formal guidance (and where appropriate set standards) on best practice for reducing deaths in custody and state detention, both on its own authority and where appropriate under the authority of the Ministerial Board;
- Monitor compliance with such guidance and standards;
- Where appropriate, make recommendations to Ministers for changes in policy or operational practice, which would help to reduce the incidence of death in custody.

Strategic principles

In order to prevent deaths within our remit, the IAPDC will:

Approach to advice

- seek to enable Ministers to meet their human rights obligations to protect life;
- provide advice that is strategic and implementable by those receiving it;
- promote the adoption and implementation of its advice;

Working practices

- draw on the Panel's knowledge and experience of relevant issues;
- draw on research evidence to underpin its work and identify gaps in knowledge;
- build on prior work and avoid duplicating work being undertaken elsewhere;
- recognise that – as a small independent non-departmental public body with limited resources – it should work strategically;

Guiding principles

- wherever possible in developing recommendations and advice, consult people in custody, their families or significant others, and bereaved families;
- place equality and diversity at the heart of its work;
- work within and draw upon the UK's domestic and international human rights framework;

Relationship to co-sponsoring departments and wider stakeholders

- embrace the cross-departmental nature of its remit and seek involvement at an early stage with departmental initiatives;
- develop strategic partnerships and work collaboratively with stakeholders to share information and knowledge.

IAPDC's work priorities for 2024/25

Objectives and projects

The Panel's priority areas over the course of 2024/25 will be the following:

Mental Health Act (MHA) detention

Putting the investigations of deaths under the MHA on an independent footing

1. Conduct a scoping exercise to identify the characteristics and structure required of an independent body to investigate deaths in MHA detention.

Lead Panel members: Pauline McCabe and Dr Jake Hard

Improving data on deaths within MHA detention

2. Advise on adequacy of gathering and use of data on deaths in MHA detention, including on self-inflicted and natural deaths, in response to the Rapid Review recommendations and beyond.

Lead Panel members: Lynn Emslie and Professor Seena Fazel

Prison

Addressing challenges of prison system capacity impacting on deaths in custody

3. Provide advice and recommendations to address capacity-related risks impacting on deaths in custody, with a particular focus on the following key areas:
 - a. Leadership and staffing;
 - b. Mental health service delivery, including transfers of prisoners under the MHA;
 - c. Early days in custody;
 - d. Regime, purposeful activity, and time out of cell;
 - e. Operation of the key worker scheme;
 - f. Remand prisoners; and
 - g. Youth custody.

Lead Panel member: Pauline McCabe

4. Provide advice to support the diversion away from custody of those most at risk, including through the abolition of the use of prison as a place of safety and the increased use of community sentences.

Lead Panel members: Pauline McCabe and Dr Jake Hard

Reducing deaths by ligature points

5. Review current barriers to reducing deaths by ligature points across the prison estate, and consider and share best practice and learning from, and between, other custody areas.

Lead Panel members: Dr Jake Hard and Professor Seena Fazel

Addressing safety risks in the women's estate

6. Advise and support implementation of learning and recommendations to improve safety within the women's estate, including those arising out of the National Women's Prisons Health and Social Care Review and related work.

Lead Panel member: Lynn Emslie and Professor Seena Fazel

Learning the lessons from the experience of COVID-19 in prisons

7. Submit IAPDC witness evidence to the COVID-19 public inquiry, in particular addressing the lessons of the response to the pandemic in prisons.

Lead Panel member: Raj Desai

Addressing safety risks associated with IPP prisoners

8. Continue to advise on risks facing those subject to IPP sentences and steps to mitigate risks.

Lead Panel members: Lynn Emslie and Raj Desai

Police custody

Taking forward and building on the recommendations of the Angiolini review into Deaths and Serious Incidents in Police Custody

9. Provide advice and support to help improve data, risk assessment processes, and support for vulnerable individuals to prevent post-custody deaths.

Lead Panel members: Lynn Emslie, Raj Desai, and Pauline McCabe

10. Gather and examine data to better understand issues of disproportionality in deaths in and following police custody

Lead Panel member: Raj Desai

Immigration detention

Improving the operation of safeguards within immigration detention

11. Advise and support action to improve the operation of key safeguards for preventing deaths in immigration detention, in particular Rules 34 and 35 of the Detention Centre Rules 2001 (and equivalent provision in short-term holding centre rules), the Adults at Risk policy, and the Assessment Care in Detention and Teamwork (ACDT) process, with a focus on:

- a. How the safeguards are operating and interacting in practice;
- b. The role of independent medical advice;
- c. The role of effective interpretation services and translation of key information;
- d. Staff training; and
- e. Home Office auditing and quality assurance.

Lead Panel members: Dr Jake Hard and Raj Desai

12. Advise on and support implementation of the Panel's Safety Impact Assessment framework within the immigration detention estate.

Lead Panel members: Dr Jake Hard and Raj Desai

Cross-cutting

Improving agencies and services' engagement with bereaved families

13. Ensure adequacy and implementation of processes to provide information to bereaved family members after a death across custodial and detention services.

Lead Panel member: Raj Desai

Improving the impact of Coroner's Prevention of Future Death (PFD) reports

14. Engage with a wide range of stakeholders to take forward and embed the recommendations of the IAPDC's report, including through a launch event in 2024.

Lead Panel members: Lynn Emslie, Raj Desai, and Dr Jake Hard

Expand the reach of the Panel's previous recommendations

15. Enhance the form and content of the IAPDC website to clearly and accessibly communicate the Panel's key findings and recommendations, including in order to ensure that they are better embedded in ongoing work of co-sponsors, agencies and services.

Lead Panel member: Lynn Emslie

Ongoing work from 2023/24 work programme

The Panel will continue the following projects from its previous work programme:

Providing original research on risk within custody

1. Design and publish an updated IAPDC statistical analysis report, including by exploring and clarifying assumptions and methodologies used to calculate rates, average length of stay, and comparison groups.

Lead Panel member: Professor Seena Fazel

2. Commission, and consider the implications of, research to build a clearer understanding of risk factors relating to physical co-morbidities of individuals detained under the MHA.

Lead Panel member: Professor Seena Fazel