

Keeping Safe

Compassionate release

Minister to overhaul system so that people don't die waiting



Juliet Lyon CBE

The Prisons Minister, Alex Chalk MP, has written to the Independent Advisory Panel on Deaths in Custody (IAP) to say that he appreciates our engagement on the important issue of early release on compassionate grounds. He wrote: 'I have been particularly struck by your concern that otherwise eligible prisoners are dying waiting for the outcome of an application' ... and continued: 'I am pleased to confirm that we are developing a new policy framework that will simplify the application process to ensure an application can be made and, where the relevant criteria are met, approved as quickly as possible'.

The Minister made this commitment in response to our report, 'Avoidable natural deaths in prison custody: putting things right', produced with the Royal College of Nursing (RCN). Published in 2020, the report set out how best to avoid people dying in custody and, where that is not possible, how to care for people with dignity and respect.

The most common disease in compassionate release applications is cancer, usually lung cancer. Applications can be made if someone is bedridden or similarly incapacitated, for example, those paralysed or suffering from a severe stroke; there have been applications for compassionate release in relation to prisoners who suffer from diseases such as Parkinson's, Alzheimer's and Dementia where death is not

necessarily imminent but there is concern about whether prison is the most appropriate, or even suitable, place for the prisoner.

The most common reason for refusal is an unclear prognosis, or that death is unlikely to occur within three months. Doctors have long pointed out the medical difficulties of making such a precise prognosis. Other reasons for rejection include risk of reoffending or having a release management plan that lacks the care, support or safeguarding checks required. Information is not available on the time taken to process applications.

To make the case for reform of the system for compassionate release, it was important to gather the evidence. Before the pandemic, the IAP and the RCN held an expert roundtable on how best to prevent or reduce natural deaths in custody. Health and justice professionals, bereaved family members and former prisoners, inspectors and regulators gathered from across the country to share good practice where it exists, examine chronic disease management in prison, and look at how to respond to social care needs and improve compassionate release.

Facts and figures available were grim. Figures provided to the Ministry of Justice by the NHS show that between 2016 and 2019, only 23% of applications resulted in someone being released on compassionate grounds. An earlier thematic study by the Prisons and Probation Ombudsman found that

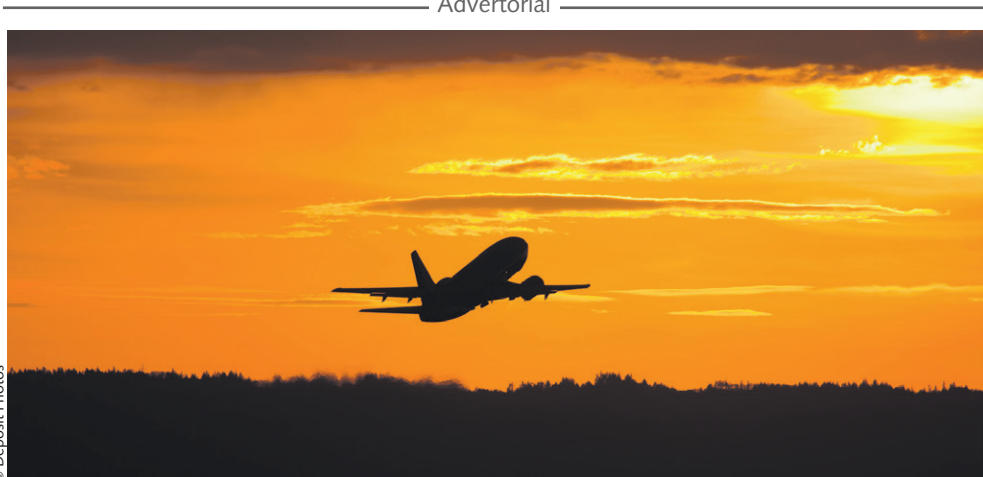
compassionate release was considered in just 36% of the 314 natural deaths examined. In 43% of these cases an application was still under consideration at the time of death. Latest data for 2020 show that, of the 60 applications received, 11 were accepted, 22 were rejected, and 13 people died while their application was still under review.

We asked Inside Time readers about ways to prevent or reduce so-called natural deaths in custody. A prisoner wrote: 'My cellmate was a much-loved family man. I know this because he was illiterate so I had the job of reading his post to him. He was 67 when I met him - a retired farm labourer. He was suffering from terminal lung cancer and had a painful hernia. He was bedridden on the bottom bunk with a plastic bowl as a toilet...I helped my cellmate apply for early release on compassionate grounds. His request was (eventually) turned down. He was never told why - at least in terms he could understand.'

The IAP welcomes the Minister's decision to overhaul the system and introduce clear guidance for compassionate release. I believe your Inside Time letters tipped the balance for reform.

Juliet Lyon CBE is Chair of the Independent Panel on Deaths in Custody (IAP)

Write in with confidential access to 'Freepost IAP'. Write and tell us how best to keep people in prison safe. We look forward to hearing from you!



Homeward bound

Help for Foreign Nationals returning to their country of origin

Since 2006, the Home Office have offered Foreign National Offenders (FNOs) from non-EEA Countries financial assistance to return to their country of origin through the Facilitated Return Scheme, more commonly known as FRS. Working in partnership with the International Organization of Migration (IOM), we strive to help non-EEA FNOs and their family members resettle and make a new life for themselves.

The remuneration package is offered to those who have served or are serving a custodial sentence in the UK. FRS also offers an opportunity to claim up to 9 months off your sentence under the Early Removal Scheme.

How much can I get?

How much you get depends on where you are when you sign the FRS Disclaimer. Those serving a custodial

sentence who meet the criteria will get £1,500. If you are IS Detained or released on licence, you can still get £750. Therefore, it makes sense to apply at the earliest opportunity to gain the maximum benefit from the scheme.

So, how do I apply?

Simple - speak to your IO/personal officer or call the FRS Hotline on 0300 071 3550 and we will send you an FRS Disclaimer to sign to start the ball rolling.

Hotline is open Monday - Friday 9am-5pm or email us on ERUFaxes@homeoffice.gov.uk

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