

Independent Advisory Panel on Deaths in Custody

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Alex Chalk MP
Parliamentary Under Secretary of State,
Ministry of Justice

6 September 2021

Dear Alex,

Safety impact assessment

I am writing on behalf of the Independent Advisory Panel on Deaths in Custody to give you our formal advice in advance of the forthcoming Prisons White Paper. Our advice is that the Government should introduce a statutory safety impact assessment. This requirement would be designed to ensure that all policy proposals affecting custodial institutions would include assessment of their likely impact on the health and safety of prisoners and the staff charged with their care. If risks to life are identified, steps in mitigation should be set out before final approval is given.

We consider this is necessary and beneficial both to policy making and to the safety of people in custody for the following reasons:

- A wide range of policies and actions can severally and together impact on the safety of an institution. Responsibility for such consideration cannot reasonably be left to any one group within the prison and probation service but needs to be addressed from the earliest stages in policy development. A universal requirement for a safety impact assessment would ensure that these essential assessments were included in all new policies or major operational changes.
- Such an assessment would obviously require a degree of consultation of affected or interested parties. This can only be consistently achieved within a managed structure which a safety impact assessment would provide.
- During the pandemic, safety has necessarily been maintained as a top priority by way of a process of risk assessment and mitigation. As learning from

COVID-19 is extrapolated, the advantages of embedding this approach are becoming clear.

- A structured process will help to assure Ministers, Parliament and the public that new policies have been properly assessed against the Government's obligation to protect the lives of those in its care and that appropriate actions are being taken to prevent deaths in custody and so help to reduce the distressing and persistently high level of such deaths in recent years.
- The Government will then be able to demonstrate that it has taken realistic and manageable steps to comply with its obligations for the safety of people in custody under article 2 of the European Convention on Human Rights.

The case for statutory safety impact assessments has been discussed and approved for development by Ministers, senior leaders and members of the Ministerial Board on Deaths in Custody. It is also supported by staff associations, including the Prison Governors Association (PGA) and the Prison Officers Association (POA). I recognise and appreciate that officials have already undertaken preliminary work on how best such a requirement could be integrated in a straightforward way into existing processes in HMPPS and the department. Ministerial leadership is now needed to move on to the next stage.

The Panel is convinced that a Ministerial commitment in the forthcoming White Paper to introducing safety impact assessments would make a significant contribution to increasing the levels of safety in our prisons in the years to come. We very much hope therefore that you and Ministerial colleagues will support this proposal.

As ever,

A handwritten signature in black ink, appearing to read 'Juliet', written in a cursive style.

Juliet Lyon CBE, Chair of the Independent Advisory Panel on Deaths in Custody
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