



Ministry
of Justice



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Department
of Health &
Social Care

Independent Advisory Panel on Deaths on Custody

**Work programme
April – October 2023**

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 (MoJ), the Department of Health and Social Care (DHSC) and the Home Office (HO). The Council consists of three tiers:

- Ministerial Board on Deaths in Custody (MBDC)
- Independent Advisory Panel on Deaths in Custody (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 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.

Lynn Emslie chairs the IAPDC. The other members are:

- Jenny Talbot OBE, Prison Reform Trust
- Professor Jenny Shaw, professor of Forensic Psychiatry, University of Manchester
- Professor Seena Fazel, professor of Forensic Psychiatry, University of Oxford
- Deborah Coles, Executive Director, INQUEST
- Raj Desai, barrister, Matrix Chambers

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

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

For more information on this paper – or on the IAPDC more generally – please contact the secretariat using **iap@justice.gov.uk**.

Terms of reference

The Terms of the Reference for the Independent Advisory Panel on Deaths in Custody (IAPDC) are set out in Robert Fulton's *Review of the Forum for Preventing Deaths in Custody*.¹ It stated that 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 common 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 for the IAPDC's work programme

The IAPDC follow the following strategic principles in its work:

Approach to advice

- Seek to enable Ministers to meet their human rights obligations to protect life.
- Provide specific, tangible advice that can be considered and implemented by recipients.
- Promote the adoption and implementation of its advice.

Working practices

- Draw on sound 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

- Consult people in custody and detention, and where possible their families/significant others, and bereaved families when developing recommendations and advice.
- Pay due regard to equality and diversity in its work.
- Work within and draw upon a 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.
- Use representation on other boards/groups to further influence/advise.
- Develop strategic partnerships and work with stakeholders to share information and knowledge, work collaboratively and appoint a lead panel member for each department/service.

¹ Robert Fulton, *Review of the Forum for Preventing Deaths in Custody*, 2008. Link: <https://static1.squarespace.com/static/5c5ae65ed86cc93b6c1e19a3/t/5fc7d6fe98e12849e074b762/1606932228855/The-Fulton-Report-2008.pdf>.

IAPDC's work programme: April to October 2023

The programme below is an interim workplan outlining key IAPDC work to be delivered between April 2023 and October 2023, when all of the new full Panel will have been appointed. It includes some work ongoing from the 2021/2022 [workplan](#) and some scoping for work that will continue under the auspices of the subsequent 2023/24 plan. It should therefore be viewed as a rolling programme.

In order to provide challenge and expert advice, the Panel aligns its workplan with the three priority areas agreed for the MBDC. The three proposed priority areas for 2023/24, which was agreed at the May 2023 MBDC meeting, are:

- i. Treatment and care;
- ii. Investigations and learning; and
- iii. Risk and forward planning.

The interim workplan contains ten projects. Seven are cross-cutting across multiple places of detention, one is related specifically to police custody and two are related to detention under the Mental Health Act (MHA).

Progress against this workplan will be monitored regularly by the secretariat.

Treatment and care

1. Drawing on consultation with people in custody, research evidence and independent investigations and landmark reports, publish a report on suicide prevention in detention to feed into the new DHSC Suicide Prevention Strategy. Work with DHSC and other stakeholders to ensure people in detention are featured as a key focus area in the strategy and that ambitious next steps are put in place to reduce such deaths. **[CROSS-CUSTODY]**
2. Drawing on cross-custody good practice, contribute to DHSC's rapid review on safety indicators and data on deaths of people detained under the MHA. Respond to the review upon publication and help drive forward relevant recommendations as they relate to deaths in detention. **[MHA DETENTION]**

Investigations and learning

3. Develop central guidance on family liaison to ensure consistency of good practice across custodial and detention services, including regarding on-going engagement with families about embedding learning following a tragedy. Improve available information for families on (i) what happens following a death in custody and (ii) where relevant sources of advice can be accessed. **[CROSS-CUSTODY]**
4. Following a sampling exercise and engagement with coroners, bereaved families and detention services, assess trends and make recommendations for departments, services, coroners and wider partners on how coroners' Prevention of Future Deaths (PFDs) reports should be produced, collated and responded to in order to prevent deaths. Launch and embed findings with partners. **[CROSS-CUSTODY]**
5. Scope the design of an IAPDC 'handbook' summarising the Panel's key work, findings and recommendations to aid organisational memory and retain focus on the full range of Panel work. **[CROSS-CUSTODY]**

6. Scope the IAPDC's contribution to, and monitor progression of, the COVID-19 inquiry from the perspective of deaths in detention, especially concerning the response to the pandemic in prisons. Monitor the ongoing impact of COVID-19 on service provision, for example the delivery of purposeful regimes in prisons. **[CROSS-CUSTODY]**
7. As part of a police leadership initiative, work in collaboration with key police and health partners to disseminate recommendations and best practice from the Panel's *Preventing Deaths at Point of Arrest, During and After Police Custody* report² to ensure that learning after a death takes place both within and across individual police forces and wider policing organisations, particularly in relation to people in mental health crisis. **[POLICE]**

Risk and forward planning

8. Design and publish an updated IAPDC statistical analysis report³, including by exploring and clarifying assumptions and methodologies used to calculate rates, average length of stay and comparison groups. **[CROSS-CUSTODY]**
9. 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. **[MHA DETENTION]**
10. Collate summaries of previous Panel work and known data gaps to understand disproportionality in deaths that occur in detention. **[CROSS CUSTODY]**

² IAPDC, *Preventing deaths at point of arrest, during and after police custody: a review of police practice submitted to the Independent Advisory Panel on Deaths in Custody by Police and Crime Commissioners and associated bodies*, December 2022. Link:

<https://static1.squarespace.com/static/5c5ae65ed86cc93b6c1e19a3/t/6388b91b75841a78d6f60a5d/1669904667925/IAPDC+-+Police+prevention+of+deaths+report+December+-+final+draft+as+published+EMBARGOED.pdf>.

³ IAPDC, *Statistical analysis of recorded deaths in custody between 2016 and 2019*, November 2021.

Link:

<https://static1.squarespace.com/static/5c5ae65ed86cc93b6c1e19a3/t/61a10d3c3b53df1223948194/1637944636899/IAPDC+statistical+analysis+report+-+November+2021.pdf>.

Annex A: IAPDC members

- **Lynn Emslie, Chair**, holds several non-executive director, advisor and trustee roles across the charitable, research and regulatory sector. Focusing on mental health and people with complex needs, Lynn has championed the requirement to improve access to services, based on a person-centred approach, and reduce health inequalities. Since 2017, Lynn has held the role of Trustee at Nacro, a social justice charity. She is Chair of Arc, a homeless charity local to Somerset.
- **Deborah Coles** is the Executive Director of the influential human rights charity INQUEST that works on state related deaths. Deborah undertakes policy, research, media and consultancy work on the strategic issues raised by contentious deaths, in particular those in state care or raising concerns about state or corporate accountability. She is an advisor to Women in Prison and a trustee of Clean Break Theatre Company.
- **Jenny Talbot OBE** has worked extensively to improve outcomes for people with learning disabilities and neurodiversity within the criminal justice system, including with the Prison Reform Trust, where she directed the innovative 'Care not Custody' programme. Under the auspices of the Open Society Foundations, Jenny coordinates a small international group of disability advocates working to promote fair access to justice for people with disabilities. In January 2021 she was appointed Independent Chair of the National Women's Prison Health and Social Care Review, a partnership between HMPPS and NHSE/I.
- **Professor Jennifer Shaw** is a Professor of Forensic Psychiatry, University of Manchester and Honorary Consultant Psychiatrist Greater Manchester Mental Health NHS Foundation Trust. Her research interests include suicide primarily within the criminal justice system, homicide and the mental health of prisoners. She has over thirty years' experience working clinically in the NHS.
- **Professor Seena Fazel** is a Professor of Forensic Psychiatry at the University of Oxford, a Wellcome Trust Senior Research Fellow in Clinical Science, and honorary consultant forensic psychiatrist for Oxford Health NHS Foundation Trust. He works clinically in a local prison. His main research interests are on suicidal behaviour in prisoners, mental health of prisoners, and risk assessment in criminal justice and mental health.
- **Raj Desai** is a barrister at Matrix Chambers specialising in human rights and public law. He has significant experience representing bereaved family members following deaths in custody, including in prison, police detention and mental health settings. He has conducted research in his fields of specialism, is a co-author of textbooks on human rights law, public law and prison law, and has taught as a college lecturer at the University of Oxford. Raj advises the Equality and Human Rights Commission (EHRC) and other public bodies, and is on both the EHRC Panel of Preferred Counsel and the Attorney General's Panel of Counsel.