

25 September 2023

Reference: FOI 494 Freedom of Information request

Thank you for your email, which we received on 4 August 2023. Your request has been handled under the Freedom of Information Act 2000.

You asked us:

To provide the investigation process/protocol that the Prisons and Probation Ombudsman follows when advised of a death in custody, including:

- a) At what point following notice of a death in custody (or within 14 days of release from it) is an Investigation Officer appointed.
- b) When is the family/ next of kin (NOK) of the deceased identified.
- c) At what point is the family/ NOK informed of the death and by whom.
- d) At what point in the process are the family/ NOK personally visited by a representative of the PPO.
- e) When are the family/ NOK given the direct contact details of the investigation officer or family liaison officer.
- f) What written information in the form of leaflet(s) are the family/ NOK given by the PPO setting out their rights and explaining the death in custody investigation process.

Our response:

We have searched our records and hold some of the requested information on the above questions.

Some information cannot be disclosed as exemptions apply.

A copy of some of the information that you requested is enclosed with our response.

Where information has been withheld because exemptions apply, the exemptions and reasons are described below.

The exemptions applied, under the Freedom of Information Act, are Section 21(1) 'Information accessible by other means' and Section 40(2) 'Personal information'.

The 'information accessible by other means' exemption applies because part of the information you have requested, for questions b) and c) is available at www.gov.uk, in

Prison Service Instruction 64/2011 'Management of prisoners at risk of harm to self, to others and from others (Safer Custody)'.

The 'personal information' exemption applies because some of our staff would be identifiable if their names were provided. We consider that disclosing this information would constitute a breach of one or more principles in the Data Protection Act 1998 referred to in FOIA 2000.

In applying these exemptions, we do not have to apply a public interest test to the disclosure of this information.

You asked us:

To provide a copy of the PPO leaflet given to the family/next of kin

Our response:

We have searched our records and we hold the requested information on the above question.

A copy of the information that you requested is enclosed with our response.

You asked us:

When does the PPO provide the family/next of kin with a copy of the post mortem report?

Our response:

Following a search of our records, the information you requested is not held by us. We suggest you contact the Coroners' Society of England and Wales, as they may be able to provide this data, and their details are as follows:

HM Coroner's Court
Gerard Majella Courthouse
Boundary Street
Liverpool
L5 2QD

You have the right to appeal against our response if you think it is incorrect. Details can be found in the 'How to Appeal' section attached at the end of this letter.

The Prisons and Probation Ombudsman (PPO) carries out **independent investigations** into complaints and deaths in custody. The detailed role and responsibilities of the PPO are set out in our office's Terms of Reference. The PPO has three main duties:

- to **investigate complaints** made by prisoners, young people in detention (prisons and secure training centres), offenders under probation supervision and individuals detained under immigration powers (detained individuals)
- to **investigate deaths** of prisoners, young people in detention, approved premises' residents and detained individuals due to any cause, including any apparent suicides and natural causes
- to **investigate deaths** of **recently released prisoners** that occur within 14 days of release from prison (except homicide)

The purpose of these investigations is **to understand what happened, to correct injustices** and **to identify learning** for the organisations whose actions we oversee so that the PPO makes a significant contribution to safer, fairer custody and offender supervision.

We may use or share your data only to the necessary extent when conducting our independent investigations in the exercise of our official authority. We will share your data with third parties (e.g. the prison) in order to make sure the information is accurate; to prevent or detect failings; and to identify lessons learnt. We may sometimes need to share your data with third parties if required by law. We only keep your personal data for as long as it is needed, as set out in our data retention policy. If you need any further information about how your data is used, please contact us.

How to Appeal

Internal Review

If you are not satisfied with this response, you have the right to an internal review. The handling of your request will be looked at by someone who was not responsible for the original case, and they will make a decision as to whether we answered your request correctly.

If you would like to request a review, please write or send an email to the Prisons and Probation Ombudsman's office **within two months of the date of this letter**, at the following address:

Prisons and Probation Ombudsman
Third Floor
10 South Colonnade
Canary Wharf
London
E14 4PU
E-mail: Mail@ppo.gov.uk

Information Commissioner's Office (ICO)

If you remain dissatisfied after an internal review decision, you have the right to apply to the Information Commissioner's Office. The Commissioner is an independent regulator who has the power to direct us to respond to your request differently, if he considers that we have handled it incorrectly.

You can contact the ICO at the following address:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Internet address: <https://ico.org.uk/>

[Name]
[Address]

[Date]

Dear [Title] [Surname]

Investigation into the death of [Title] [Deceased's Full Name]

I am sorry to be writing to you under these circumstances and please accept my condolences. I am writing to tell you about the Prisons and Probation Ombudsman's investigation into the death of [Title] [Deceased's Surname].

What does the Prisons and Probation Ombudsman (PPO) do?

The Prisons and Probation Ombudsman aims to make a significant contribution to safer, fairer custody and community supervision. One of the most important ways in which we work towards that aim is by carrying out **independent** investigations into deaths, due to any cause, of prisoners, young people in detention, residents of approved premises and detainees in immigration centres.

What is the purpose of the investigation?

The purpose of the investigation is to understand what happened leading up to [Title] [Deceased's Surname]'s death and identify how His Majesty's Prison and Probation Service (HMPPS) can improve their work in the future. We will write a report when we have finished our investigation and make recommendations for improvement, if necessary.

Please be aware that we are unable to share our findings before we issue the initial report. The reason is that findings can change if new information comes to light and we do not want to share inaccurate information.

What happens next?

Please contact me by **[date]**, to let me know if you would like a copy of our report. Also, please let me know if you have any questions that relate to [Title] [Deceased's Surname]'s death that you would like us to investigate. We send our reports by email but please let me know if you would prefer the report to be posted.

You can email me at **[email]** (preferred method of contact) or call me on [telephone number]. If I am not available, please leave a message so I can return your call.

What can we investigate?

We can investigate prison issues that relate to [Title] [Deceased's Surname]'s death, as we oversee the work of the Prison Service. This may include prison healthcare, the suitability of his/her location within the prison, family liaison, the security arrangements for hospital escorts and whether compassionate release was considered (if applicable).

What can't we investigate?

We cannot investigate anything that is not linked to [Title] [Deceased's Surname]'s death, as it is not within the scope of the investigation. For example, other health issues, property issues or parole decisions.

We also cannot investigate action taken by the police, courts, hospital staff or Coroner, as we do not oversee their work. For example, his/her offence/arrest, remand/sentencing decisions, decisions made by hospital staff and the content of the post-mortem report.

What are the stages of the investigation?

1. **Investigation:** The investigator will consider the evidence. They may interview key prison staff / healthcare staff / prisoners with relevant information.
2. **Initial report:** We will send you a copy of the initial report, if you request a copy. We will aim to complete the report by the end of [date]. If there is a delay, we will let you know. The report will include our findings and any recommendations we have made. This is a draft report and you will be asked to point out any incorrect facts. We will also send a copy to others involved in the investigation, including the Coroner.
3. **Final report:** Once we have considered any responses to the initial report, we will produce a final report and send you a copy. If we have made any recommendations, we will attach HMPPS' response to our report so that you can see what action the prison has agreed to take.
4. **Publication of the report:** After the Coroner's inquest, we will publish an anonymised version of the report on our website at www.ppo.gov.uk. Please note that [Title] [Deceased's Surname] and [prison] will be named in the report. We do this because The Human Rights Act 1998 (Article 2) states that our investigations should be open to public scrutiny. In all our fatal incident investigations, including our investigation into [Title] [Deceased's Surname]'s death, the PPO aims to meet this requirement by being transparent and consistent. Please be aware that inquests are open to the public and media and therefore, this information will already be public.

Please let me know if your contact details are incorrect or change.

Yours sincerely

[Name]
PPO Family Liaison Officer

Where can you get support?

There are a number of organisations offering both practical and emotional support for bereaved families and friends. Some of these are listed below:

Practical Support:

Inquest

Inquest is a charity which provides expertise on state-related deaths and their investigation, including deaths in prison custody, immigration detention and those involving multi-agency failings.

Website: www.inquest.org.uk
 Helpline: 020 7263 1111
 Email: inquest@inquest.org.uk
 There is also a contact form available online.

The Bereavement Register

The Bereavement Register is a free service which can help reduce the amount of direct mail sent to those who have died.

Website: www.thebereavementregister.org.uk
 Email: help@thebereavementregister.org.uk
 Tel: 020 7089 6403

National Prisoners' Families Helpline

The National Prisoners' Families Helpline provides support, advice and information if a family member is in contact with the criminal justice system.

Website: www.prisonersfamilies.org
 Helpline: 0808 808 2003
 Email: info@prisonersfamilies.org

Prison Advice and Care Trust (PACT)

PACT is a national charity that provides support to prisoners, people with convictions, and their families.

Website: www.prisonadvice.org.uk
 Helpline: 0808 808 2003
 Email: info@prisonadvice.org.uk

Partners of Prisoners (POPS)

POPS provide support and information to prisoners' families.

Website: www.partnersofprisoners.co.uk

Helpline: 0161 702 1000
 Email: mail@partnersofprisoners.co.uk

Prison Reform Trust

The Prison Reform Trust is a national charity which aims to create a just, humane and effective penal system by inquiring into the workings of the system, informing prisoners, staff and the public, and by influencing Parliament and the government towards reform.

Website: www.prisonreformtrust.org.uk
 Helpline: 0808 802 0060
 Email: advice@prisonreformtrust.org.uk

Civil Legal Advice

Civil Legal Advice (CLA) is a free and confidential advice service paid for by legal aid. For information about your eligibility for legal aid contact:

Helpline: 0345 345 4 345
 Website: <https://www.gov.uk/civil-legal-advice>

Gov.uk

Information about public services, including practical advice about what to do following a bereavement.

Website: www.gov.uk

Emotional Support:

Cruse Bereavement Care

Cruse Bereavement Care is a national charity committed to breaking the stigma around grief and ensuring that everyone, no matter how old or young, can access the highest quality support following a bereavement. Services are free.

Helpline: 0808 808 1677
 Email: helpline@cruse.org.uk
 Website: www.cruse.org.uk

The Compassionate Friends

The Compassionate Friends (TCF) is an organisation of bereaved parents and their families offering understanding, support, advice and information to relatives, friends and professionals after the death of a child.

Helpline: 0345 123 2304
 Email: helpline@tcf.org.uk
 Website: www.tcf.org.uk

Samaritans

The Samaritans offer 24-hour confidential and emotional support.

Helpline: 116 123
 Email: jo@samaritans.org
 Website: www.samaritans.org

Emotional Support for Children:

Winston's Wish

Winston's Wish is a bereavement charity providing practical support and guidance for bereaved children, young people and their families.

Helpline: 0808 802 0021
 Email: ask@winstonswish.org
 Website: www.winstonswish.org

Child Bereavement Charity

The Child Bereavement Charity exists for all families to have the support they need to rebuild their lives, when a child grieves or when a child dies.

Helpline: 0800 02 888 40
 Email: helpline@childbereavementuk.org
 Website: www.childbereavementuk.org

Child Bereavement Network

The Childhood Bereavement Network (CBN) is a national on-line network of local and national service providers working with bereaved children and young people.

Website: www.childhoodbereavementnetwork.org.uk
 Local support contact details available online.

General Data Protection Regulation (GDPR) statement: We may use or share your data only to the necessary extent when conducting our independent investigations in the exercise of our official authority. We will share your data with third parties (e.g. the prison) in order to make sure the information is accurate; to prevent or detect failings; and to identify lessons learnt. We may sometimes need to share your data with third parties if required by law. We only keep your personal data for as long as it is needed, as set out in our data retention policy. If you need any further information about how your data is used, please contact us.

[Name]
[Address]

[Date]

Dear [Title] [Surname]

Investigation into the death of [Title] [Deceased's Full Name]

I am sorry to be writing to you under these circumstances and I would like to offer my condolences. I am writing to tell you about the Prisons and Probation Ombudsman's (PPO) investigation into the death of [Title] [Deceased's Surname].

What does the Prisons and Probation Ombudsman (PPO) do?

The Prisons and Probation Ombudsman aims to make a significant contribution to safer, fairer custody and community supervision. One of the most important ways in which we work towards that aim is by carrying out **independent** investigations into deaths, due to any cause, of prisoners, young people in detention, residents of approved premises and detainees in immigration centres.

What is the purpose of the investigation?

The purpose of the investigation is to understand what happened leading up to [Title] [Deceased's Surname]'s death and identify how the organisations whose actions we oversee can improve their work in the future. We will write a report when we have finished our investigation and make recommendations for improvement, if necessary.

Please be aware that we are unable to share our findings before we issue the initial report. The reason is that findings can change if new information comes to light and we do not want to share inaccurate information.

What happens next?

In the week beginning **[date]** I will contact you on [telephone number]. I will ask if you would like a copy of our report and if you have any questions about the circumstances of [Title] [Deceased's Surname]'s death that you would like the investigator to look into.

If you would like to contact me, you can email me at **[email address]** (preferred method of contact) or call me on [telephone number]. If I am not available, please leave a message so I can return your telephone call.

Below is information about what we can and cannot investigate. Please be aware that we will only send you the report if you tell us you want a copy.

What can we investigate?

We can investigate prison and probation issues, as we oversee their work. We can only investigate issues that we consider to be relevant to the circumstances of an individual's death. Where relevant, this may include the management of an individual's risk of suicide and self-harm, their mental health care in prison and other matters that may have impacted on their death.

What can't we investigate?

We cannot investigate action taken by the police, courts, hospital staff or Coroner, as we do not oversee their work. For example, the offence/arrest, remand/sentencing decisions, decisions made by hospital staff and the content of the post-mortem report.

The stages of the investigation are:

1. **Investigation:** The investigator will consider the evidence. They may interview key prison staff, medical staff and prisoners.
2. **Initial report:** We will send you a copy of the initial report. We aim to complete the report by [date]. If there is a delay, we will let you know. This is a draft report. It will include our findings and any recommendations we have made. You will be asked to point out any incorrect facts. We will also send a copy to others involved in the investigation, including the Coroner.
3. **Final report:** Once we have considered any responses about the initial report, we will send you a copy of the final report. If we have made recommendations, we will let you know what action the prison has agreed to take.
4. **Publication of the report** – After the Coroner's inquest, we will publish an anonymised version of the report on our website at www.ppo.gov.uk. Please note that [Title] [Deceased's Surname] and [prison] will be named in the report. We do this because The Human Rights Act 1998 (Article 2) states that our investigations should be open to public scrutiny. In all our fatal incident investigations, including our investigation into [Title] [Deceased's Surname]'s death, the PPO aims to meet this requirement by being transparent and consistent. Please be aware that inquests are open to the public and media and therefore, this information will already be public.

Please let me know as soon as possible if your contact details are incorrect or change.

Yours sincerely

[Name]
PPO Family Liaison Officer

General Data Protection Regulation (GDPR) statement: We may use or share your data only to the necessary extent when conducting our independent investigations in the exercise of our official authority. We will share your data with third parties (e.g. the prison) in order to make sure the information is accurate; to prevent or detect failings; and to identify lessons learnt. We may sometimes need to share your data with third parties if required by law. We only keep your personal data for as long as it is needed, as set out in our data retention policy. If you need any further information about how your data is used, please contact us.

Where can you get support?

There are a number of organisations offering both practical and emotional support for bereaved families and friends. Some of these are listed below:

Practical Support:

Inquest

Inquest is a charity which provides expertise on state-related deaths and their investigation, including deaths in prison custody, immigration detention and those involving multi-agency failings.

Website: www.inquest.org.uk
 Helpline: 020 7263 1111
 Email: inquest@inquest.org.uk
 There is also a contact form available online.

The Bereavement Register

The Bereavement Register is a free service which can help reduce the amount of direct mail sent to those who have died.

Website: www.thebereavementregister.org.uk
 Email: help@thebereavementregister.org.uk
 Tel: 020 7089 6403

National Prisoners' Families Helpline

The National Prisoners' Families Helpline provides support, advice and information if a family member is in contact with the criminal justice system.

Website: www.prisonersfamilies.org
 Helpline: 0808 808 2003
 Email: info@prisonersfamilies.org

Prison Advice and Care Trust (PACT)

PACT is a national charity that provides support to prisoners, people with convictions, and their families.

Website: www.prisonadvice.org.uk
 Helpline: 0808 808 2003
 Email: info@prisonadvice.org.uk

Partners of Prisoners (POPS)

POPS provide support and information to prisoners' families.

Website: www.partnersofprisoners.co.uk

Helpline: 0161 702 1000
 Email: mail@partnersofprisoners.co.uk

Prison Reform Trust

The Prison Reform Trust is a national charity which aims to create a just, humane and effective penal system by inquiring into the workings of the system, informing prisoners, staff and the public, and by influencing Parliament and the government towards reform.

Website: www.prisonreformtrust.org.uk
 Helpline: 0808 802 0060
 Email: advice@prisonreformtrust.org.uk

Civil Legal Advice

Civil Legal Advice (CLA) is a free and confidential advice service paid for by legal aid. For information about your eligibility for legal aid contact:

Helpline: 0345 345 4 345
 Website: <https://www.gov.uk/civil-legal-advice>

Gov.uk

Information about public services, including practical advice about what to do following a bereavement.

Website: www.gov.uk

Emotional Support:

Cruse Bereavement Care

Cruse Bereavement Care is a national charity committed to breaking the stigma around grief and ensuring that everyone, no matter how old or young, can access the highest quality support following a bereavement. Services are free.

Helpline: 0808 808 1677
 Email: helpline@cruse.org.uk
 Website: www.cruse.org.uk

The Compassionate Friends

The Compassionate Friends (TCF) is an organisation of bereaved parents and their families offering understanding, support, advice and information to relatives, friends and professionals after the death of a child.

Helpline: 0345 123 2304
 Email: helpline@tcf.org.uk
 Website: www.tcf.org.uk

Samaritans

The Samaritans offer 24-hour confidential and emotional support.

Helpline: 116 123
 Email: jo@samaritans.org
 Website: www.samaritans.org

Emotional Support Following Suicide:

Survivors of Bereavement by Suicide

Survivors of Bereavement by Suicide exists to meet the needs and break the isolation of those bereaved by the suicide of a close relative or friend. Survivors of Bereavement by Suicide are a self-help organisation. Many of their volunteers have themselves been bereaved by suicide.

Helpline: 0300 111 5065
 Website: www.uksobs.org
 Email: email.support@uksobs.org

Emotional Support for Children:

Winston's Wish

Winston's Wish is a bereavement charity providing practical support and guidance for bereaved children, young people and their families.

Helpline: 0808 802 0021
 Email: ask@winstonswish.org
 Website: www.winstonswish.org

Child Bereavement Charity

The Child Bereavement Charity exists for all families to have the support they need to rebuild their lives, when a child grieves or when a child dies.

Helpline: 0800 02 888 40
 Email: helpline@childbereavementuk.org
 Website: www.childbereavementuk.org

Child Bereavement Network

The Childhood Bereavement Network (CBN) is a national on-line network of local and national service providers working with bereaved children and young people.

Website: www.childhoodbereavementnetwork.org.uk
 Local support contact details available online