



HM Prison & Probation Service

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Sir Peter Thornton QC
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Dear Sir Peter

Inquest into the death of Sarah Reed

Thank you for your Regulation 28 Report of 27 June 2017 following the conclusion of the inquest into the death of Sarah Reed. I am responding to the matters of concern that you have raised for the Ministry of Justice, including Her Majesty's Prison and Probation Service (HMPPS) and Her Majesty's Courts and Tribunals Service (HMCTS). I understand that the Central and North West London (CNWL) NHS Foundation Trust are responding separately to your concerns about Care Programme Approach (CPA) meetings, notifying the care coordinator of a prisoner's release, and the recording of ACCT observations on SystemOne by healthcare staff.

I know that you will be sharing a copy of this response with Sarah's mother, [REDACTED], and I would like first to express my sincere condolences for her loss. Every death in custody is a tragedy and the safety of those in our care is my absolute priority.

I am grateful to you for bringing these matters of concern to my attention. I will address the issues that you have raised in the order that they appear in your report.

Fitness to Plead Reports

Your first concern is about the procedures for obtaining and providing fitness to plead psychiatric reports.

Work to review the procedures for obtaining and providing psychiatric reports is already underway, recognising the particular gap in relation to provision of reports for the purposes of fitness to plead. Following your letter to [REDACTED], Chief Executive HMCTS, I can confirm that in July 2017 HMCTS and the Judicial Office re-issued existing guidance from 2010 on this process, with the caveat that it is recognised that some information may be out of date. The Senior Presiding Judge has asked the Criminal Procedure Rule Committee to look at this issue with a view to providing greater certainty and clarity for the judiciary and court staff when dealing with psychiatric reports. A working group under the Committee, involving a number of agencies, including representatives from HMPPS and operational staff from HMCTS, has been set up to consider the issues further and is scheduled to meet for the first time in October.

The working group will consider new practice directions, and in view of your concerns, it may decide to suggest new rules to govern the procedure on obtaining assessments of fitness to plead, and psychiatric reports for sentencing purposes. Even though listing is a judicial function, the working group may also recommend that new practice directions, or rules, should prescribe default time limits for steps to be taken and progress reviewed, subject to judicial adjustment in individual cases.

I should add that the Criminal Procedure Rule Committee is an independent statutory body chaired by the Lord Chief Justice, and that the issue of practice directions is a matter for the Lord Chief Justice himself (who, with the Senior Presiding Judge, has convened the working group to assist and advise them). Therefore, nothing I say should be interpreted as prejudging what the Rule Committee or the Lord Chief Justice may decide; but I am confident that they will act with your report firmly in mind.

ACCT Reviews and Observations

Your next concerns are about ACCT reviews and observations. You have first suggested that HMPPS may wish to look afresh at improving the ACCT process by introducing a single sheet listing ongoing risk and assessment; by considering whether all those attending a review should be required to read the ACCT document in full; and by considering whether ACCT reviews should always be multidisciplinary and more consistently attended by the same personnel.

The ACCT document is currently being redesigned with a view to its nationwide re-introduction in early 2018. As part of this redesign, we will consider your suggestion that a summary sheet of ACCT observations and conversations be included.

Whilst national policy acknowledges that in certain circumstances it may be preferable to hold a review and make any necessary decisions promptly, rather than

delaying simply to allow a specific person to attend or contribute, it makes clear that there must be continuity of membership of the ACCT multidisciplinary team. The basis for this is that team members can make a meaningful contribution only if they are fully briefed and familiar with the prisoner's situation. In order to reinforce this message, a learning bulletin (ACCT - Case Reviews, CAREMAPs and Levels of Conversations and Observations) was issued to all prisons in July this year. The bulletin reminded staff that ACCT review meetings must be multidisciplinary and must take place within the specified timescales. It further stated that where any individual involved in the prisoner's management cannot attend the review, they must submit written contributions.

You have also raised the issue of access to the non-confidential information in the healthcare records on SystmOne, and I understand that the CWNL NHS Foundation Trust response to your report explains how their staff are expected to share this information with prison staff.

You ask whether it is acceptable that a prison should be permitted to develop a local policy which is at variance with national policy. I can confirm that it is not. As you rightly state, under national policy, observations should be recorded immediately, or as soon as possible thereafter. I can confirm that this was reiterated in a learning bulletin (ACCT - Conversations and Observations) published in July this year, to which you refer in your report.

Care Programme Approach (CPA) Meetings

Your next concern is about the scheduling of CPA meetings and attendance at them. Whilst you have directed this concern to HMPPS, CPA meetings are controlled by healthcare providers, and whilst we stand ready to assist where appropriate, we would not necessarily expect to be involved in these meetings. I am aware that the CNWL NHS Foundation Trust has responded to you separately on this point.

Prison visits

You have also raised some concerns about visits. Specifically, you have asked whether the decision to cancel visits should be made at Duty Governor level; whether there should be better recording of cancelled visits and the reason for the cancellation; whether better information should be given to prospective visitors when a visit is cancelled; and whether special visiting arrangements could be made more often for prisoners who have exhibited problem behaviour.

The national policy on visits, Prison Service Instruction (PSI) 16/2011 Providing Visits and Services to Visitors, and its annexes, provides guidance on the cancellation of visits, stating that visitors must be informed at the earliest opportunity if a visit cannot be facilitated.

The PSI also states that unconvicted prisoners, such as Sarah Reed, must be allowed more frequent visits, and that establishments with a large number of unconvicted prisoners will require a more flexible system to enable rebooking of cancelled visits.

Our current policies on visits do not provide specific guidance on the issues that you have raised. They are being reviewed and the issues raised will be considered when the new policy framework, due to be launched in the summer of 2018, is being developed. In accordance with our general approach the framework will include less detailed prescription than the current policy, but it will provide guidance on how best to support families and friends with prison visits, including in relation to the points that you have raised.

We are also working to ensure that the recommendations arising from the Farmer Report, The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime, published in August 2017, are implemented. Work has already commenced on the development of a strategy, which will take forward the recommendations, and arrangements have been put in place to discuss progress with Lord Farmer on a regular basis.

Notification of Prisoner's Release.

Your final concern is that external agencies with responsibility for the provision of care and support are not routinely informed of a prisoner's release. I understand that the CNWL NHS Foundation Trust has also responded to you on this point.

Our service specification 'Manage the Custodial and Post Release Periods' is clear that all individuals in custody must have a resettlement plan and that the offender manager must ensure that external agencies are notified of a prisoner's release. All prisons are expected to adhere to this specification, but I know that it is not fully in place across the estate, and we are currently implementing a new model of offender management in custody. This includes making available additional resources to ensure that there are dedicated staff in each establishment who can provide support to prisoners, including by facilitating their engagement with services prior to release. This is scheduled to be in place in all prisons by March 2019.

Thank you again for bringing these matters of concern to my attention. I trust that this letter has provided you with assurance that they are being addressed.

Yours sincerely

A handwritten signature in blue ink that reads "Michael Spurr". The signature is written in a cursive, slightly slanted style.

Michael Spurr