



Ministry
of Justice

Tailored Review of the Independent Advisory Panel on Deaths in Custody



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Executive Summary

- 1.1 Tailored Reviews (TRs) provide assurance to Ministers and the relevant Principle Accounting Officer about the ongoing need for the functions provided by an Arm's Length Body (ALB). Reviews are conducted in line with Cabinet Office guidance to ensure that an ALB's delivery contributes to departmental strategic priorities and to examine the body's efficiency, effectiveness, accountability and governance arrangements in a fair and transparent way.
- 1.2 The Independent Advisory Panel of Deaths in Custody (IAP) is an Advisory Non-Departmental Public Body (ANDPB) which forms part of the Ministerial Council on Deaths in Custody. The shared purpose of the Ministerial Council 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.

- 1.3 To assess the IAP, the review team consulted with key stakeholders (see Annex C) and considered a range of evidence including reports and advice published by the IAP. The review was supported by a critical friend, the Head of the Office of the Sentencing Council, who provided input throughout the review and challenge to the assumptions and recommendations.
- 1.4 The review found that that the IAP's functions are still required, the current delivery model as an ANDPB is still appropriate, and that the IAP is effective in the delivery of its functions.

- 1.5 Key recommendations from this review are as follows:

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1. The IAP should continue to carry out the functions set out in its Terms of Reference.	p7
2. The IAP should continue to operate as an Advisory Non-Departmental Public Body.	p7
3. The IAP should consider seeking views from the families of those in custody as part of its research, while continuing to seek views from those in custody.	p8
4. The IAP should develop a stakeholder evaluation process for its advice to the Ministerial Board, where appropriate.	p8
5. IAP and IAP Secretariat should lead work to consider how it could draw on available academic research and expertise, and investigate the merits of the Research Excellence Framework as an option for commissioning research.	p9
6. With a view to improving the quality and efficiency of its engagement, the IAP should consider the following suggestions from stakeholders and determine how best to amend and improve their stakeholder engagement strategy: <ul style="list-style-type: none"> a. hold large thematic engagement events, with custody organisations as well as wider stakeholders, to gather a range of views and raise the profile of IAP; b. have greater engagement on the IAP's advice with relevant members of the Ministerial Board outside of Ministerial Board meetings, with a view to resolving more simple questions and issues before the Ministerial Board, thereby freeing up time at the meetings, and c. lead focussed roundtable discussions to bring specialist stakeholders from the same sectors together to deliver deep dives on specific sectoral issues to help inform its recommendations. 	p9

Recommendation for the IAP and Sponsoring Departments	Page
7. The IAP should engage with departmental co-sponsors and the Ministerial Board for their views and comment when developing its annual workplan. The workplans should be published on the IAP's website.	p10
8. Once the new IAP panel members are operating effectively and the IAP has begun to implement the recommendations of this review, the IAP should evaluate the allocation of its resources as part of its annual work plan.	p10
9. The IAP and departmental Private Offices should arrange regular six-monthly meetings between relevant Ministers and the IAP.	p11
10. The IAP should track compliance with IAP recommendations made to and agreed by the Ministerial Board.	p11
11. The Government should continue to work with the IAP on how best to embed learning and best practice arising from inspectorate and external recommendations	p12
12. The IAP, IAP Secretariat and Ministry of Justice Corporate Finance should review and revise current financial governance arrangements to ensure that clearer information on the scope of any delegated budget is provided to the IAP.	p13
13. The IAP should update its corporate documentation (such as the Code of Practice and Register of Interests) following the appointment of new panel members, and publish these on its website.	p13
14. The IAP website should be updated and improved, or replaced by a "gov.uk" website or alternative provider.	p13

Purpose and Scope of Review

- 2.1 The Public Bodies Transformation Programme guidance 2016-20 notes that the government will review its Arm's Length Bodies (ALB) at least once during the lifetime of Parliament. These assessments are carried out via Tailored Reviews (TRs). TRs provide assurance to Government and the public on the continued need for a public body. Where appropriate, reviews make recommendations to improve the efficiency, effectiveness, and governance arrangements of the bodies under review.
- 2.2 Evidence for the TR of the Independent Advisory Panel of Deaths in Custody (IAP) was gathered via desk research and a series of interviews with key stakeholders. The review was supported by a critical friend – Steve Wade, Head of the Office of the Sentencing Council – who provided input to the initial terms of reference and provided challenge to the assumptions and recommendations in the final report.
- 2.3 Further detail on what TRs are, the Terms of Reference (ToR) for this review and a full list of stakeholders can be found at Annexes A-C.

Context

Historical Context

- 3.1 The Ministerial Council on Deaths in Custody (including the IAP and other tiers listed in para 4.1) was established in 2008 in response to the Fulton Report¹, which recommended the creation of a new structure to replace the Ministerial Roundtable on Suicide and the Forum for Preventing Deaths in Custody.

- 3.2 Following the end of the first Chair of the IAP's tenure in November 2015, Kate Lampard was appointed interim Chair for six months and led an internal review into the form and function of the Ministerial Council. Kate Lampard made several recommendations to Ministers to improve the effectiveness of the IAP, including:
 - enhancing the stature of the IAP, with members attending Ministerial Board meetings; and
 - realigning the work of the IAP to the key priorities of the custody services and their departments.
- 3.3 Following the appointment of Juliet Lyon as Chair of the IAP in September 2016, further changes to the IAP were considered alongside Kate Lampard's recommendations. In March 2017, Ministers agreed to the following:
 - maintaining the existing ToR, with an additional term to reflect closer working with the Ministerial Board and operational services; and
 - appointing an additional member, so five members, plus a Chair, with each member working 3 days a month and receiving an increased honorarium of £10,000 per annum.

Current Context

- 3.4 The IAP published its Mid-Term Report in May 2018, which summarises the work it has undertaken since Juliet Lyon was appointed chair of the IAP. This review has coincided with the appointment of five new IAP panel members, who started in post on 1st July 2018.
- 3.5 The recommendations from this review are intended to complement the new IAP panel's distinct strengths and increased time commitment to increase the IAP's overall effectiveness, outcomes and impact.

¹ <http://iapdeathsincustody.independent.gov.uk/wp-content/uploads/2010/02/The-Fulton-Report-2008.pdf>

Purpose and Structure of the IAP

4.1 The IAP is an ANDPB which forms part of the Ministerial Council on Deaths in Custody. The shared purpose of the Ministerial Council 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. The Ministerial Council was established in 2008 in response to the Fulton report, and consists of three tiers:

- the Ministerial Board on Deaths in Custody (MBDC);
- the Independent Advisory Panel (IAP) on Deaths in Custody; and
- a Practitioner and Stakeholder Group (PSG).

4.2 The focus of this report is on the IAP only. Within this structure, the role of the IAP is to provide independent advice and expertise to the Ministerial Board. The IAP is not established by statute and exists at the discretion of Ministers.

4.3 The IAP is a small body consisting of the Chair and five panel members. The IAP is funded through the Ministerial Council's budget, and the bodies share three civil servant secretariat staff. The Ministerial Council's total expenditure for 2017/2018, which includes the IAP and staffing budgets, was approximately £200,000. It is jointly funded and sponsored by the Ministry of Justice (MoJ), the Department of Health and Social Care (DHSC) and the Home Office (HO).

Functions

4.4 The IAP is a non-statutory ALB, and its functions, listed below, are set out in its ToR:²

- 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 relevant stakeholders 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, both on its own authority and where appropriate under the authority of the Ministerial Board;
- monitor compliance with such guidance and standards; and
- where appropriate, make recommendations to Ministers for changes in policy or operational practice, which would help to reduce the incidence of death in custody.

4.5 The IAP's ToR were revised and agreed in March 2017 by the IAP Chair and MoJ Ministers.

Potential extension of the IAP's remit

4.6 During stakeholder engagement, a range of views were provided questioning whether the IAP's remit should be expanded. Suggested additional areas for the IAP to consider included; "near misses" (i.e. near deaths or serious injuries), and deaths in children's homes and immigration centres. Both of which are possible, should the IAP deem it appropriate, under the existing remit.

4.7 While the Ministerial Board is out of scope for this review, we consider that the membership of the Ministerial Board may benefit from representatives from other bodies such as the UK Border Force and Department for Education. This would enable the Ministerial Board to consider deaths in wider custodial settings with the relevant responsible bodies, where appropriate.

² <http://iapdeathsincustody.independent.gov.uk/wp-content/uploads/2010/01/IAP-Terms-of-Reference.pdf>

Are these Functions Still Required by Government?

- 5.1 There remains an ongoing public interest in ensuring a sustained and continued reduction in deaths in custody. This view is shared across Whitehall, the third sector stakeholders consulted as part of the review, and the Justice Committee who stated:

“...This independent advice is essential to ensure that Ministers are able to act decisively and in a well-informed manner to address the grave matter of deaths in prison custody.”

- 5.2 All stakeholders consulted as part of the review agreed that this function is still required in some format, with one stakeholder saying:

“At this moment in time, there is no more urgent time to ensure there’s more work on deaths in custody”

- 5.3 In addition, the IAP helps enable Ministers to meet human rights obligations to protect life under Article 2 of the European Convention on Human Rights.

Recommendation

The IAP should continue to carry out the functions set out in its Terms of Reference.

Classification

- 6.1 The IAP is an ANDPB whose functions are to provide expert independent advice on a sensitive and high-profile subject. Their advice therefore needs to be, and be seen to be, independent of Government to maintain public confidence.
- 6.2 This review has assessed the IAP against Cabinet Office Guidance³ on whether an existing advisory body should remain as an ANDPB or be reclassified as an Expert Committee. The IAP has several identifying factors which suggest that reclassification be appropriate. However, the main considerations are whether the risk of reclassification to an Expert Committee could be perceived as a loss of independence for the IAP, and whether the subject matter (deaths in custody) is too high-risk and specialist.
- 6.3 External stakeholder engagement suggested that such a reclassification would be interpreted as a loss of independence for the IAP, and would be perceived as the Government deprioritizing the issue of deaths in custody. In addition, it was suggested that future recruitment campaigns for the IAP would receive less interest and potentially a weaker quality of candidates to appoint from.

Recommendation

The IAP should continue to operate as an Advisory Non-Departmental Public Body.

³ <https://www.gov.uk/government/publications/functional-review-of-bodies-providing-expert-advice-to-government>

Effectiveness and Efficiency

- 7.1 As the IAP is an advisory body, a key measure of their effectiveness is the quality of the advice they produce for the Ministerial Board and stakeholder views have been essential in assessing this. The review has also considered:
- how effectively the IAP engages with stakeholders to formulate their research;
 - the IAP's planning processes; and
 - the tracking/implementation of recommendations.

Advice and Research

- 7.2 Stakeholder feedback on the IAP's research was complimentary; suggesting it is of a high quality, well structured, well thought out, and uses good evidence bases. Stakeholders were impressed with the IAP's recent "Keeping Safe" report⁴ and the way in which it canvassed and reflected prisoner voices. Following this, the IAP have adopted a new guiding principle of consultation with people in custody in order to provide relevant advice. Further detail on the IAP's recent research and their methodology can be found in their Mid-Term Report⁵.
- 7.3 Stakeholders further reflected that the IAP's consultation could be extended to also include the views and voices of the families of those in custody.

Recommendation

The IAP should consider seeking views from the families of those in custody as part of its research, while continuing to seek views from those in custody.

- 7.4 The Justice Committee also noted in its contribution to this review that the recommendations of a recent IAP report, "Preventing the Deaths of Women in Prison"⁶, had been implemented, illustrating the effectiveness of the IAP's research and the quality of their advice.
- 7.5 The IAP does not seek formal feedback on its advice, other than through Ministerial Board meetings, and stakeholders suggested the IAP could develop a proportionate evaluation process for their advice. By seeking more formal feedback, the IAP would be better able to evaluate the effectiveness of their advice and how it is received by stakeholders, leading to further improvements over time.

Recommendation

The IAP should develop a stakeholder evaluation process for its advice to the Ministerial Board, where appropriate.

⁴ <http://iapdeathsincustody.independent.gov.uk/wp-content/uploads/2017/12/Keeping-Safe-FINAL-Dec-2017.pdf>

⁵ <http://iapdeathsincustody.independent.gov.uk/wp-content/uploads/2018/05/IAP-Mid-term-report-May-2018.pdf>

⁶ <http://iapdeathsincustody.independent.gov.uk/wp-content/uploads/2017/09/IAP-rapid-evidence-collection-v0.3-preventing-the-death-of-women.pdf>

- 7.6 Some stakeholders suggested that the IAP could be making better use of academia and universities to provide research and analysis. It was suggested this could be through the sharing of government data or the commissioning of specific reports. While commissioned research may have resource implications, it was suggested that the Research Excellence Framework⁷ could be utilised as a mechanism for providing academic research at substantially reduced costs.
- 7.7 With a newly constituted panel in place, the IAP should be better able to draw on existing academic research to become an information hub for relevant national and international research.

Recommendation

The IAP and IAP Secretariat should lead work to consider how it could draw on available academic research and expertise, and investigate the merits of the Research Excellence Framework as an option for commissioning research.

Stakeholder Engagement

- 7.8 Stakeholders suggested a variety of ways in which the IAP could improve its stakeholder engagement strategy. However, most stakeholders also recognised that the IAP's resources are finite, and that IAP member time is limited.

Recommendation

With a view to improving the quality and efficiency of its engagement, the IAP should consider the following suggestions from stakeholders and determine how best to amend and improve the stakeholder engagement strategy:

- hold large thematic engagement events, with custody organisations as well as wider stakeholders, to gather a range of views and raise the profile of IAP;
- have greater engagement on the IAP's advice with relevant members of the Ministerial Board outside of Ministerial Board meetings, with a view to resolving more simple questions and issues before the Ministerial Board, thereby freeing up time at the meetings, and
- lead focussed roundtable discussions to bring specialist stakeholders from the same sectors together to deliver deep dives on specific sectoral issues to help inform its recommendations.

IAP Workplan

- 7.9 The IAP Chair and members meet annually to determine an internal workplan for the year ahead. This workplan is for internal use and is not publicly available. The review considers it would be beneficial for the IAP to publish this workplan to aid public understanding of its work and increase transparency.
- 7.10 Stakeholders suggested that the IAP could benefit from engaging with departmental co-sponsors, Ministers and the Ministerial Board when setting its workplan. The review recognises the benefit of this

⁷ The Research Excellence Framework is the UK's system for assessing the excellence of research in higher education institutions and can be used to provide funding for research. For more information see: <http://www.ref.ac.uk/>

approach; ensuring research aligns more closely with departmental strategies and so is more likely to be implemented. However, it acknowledges there is a difficult balance to be struck between the IAP's independence, and Departmental strategic alignment. The IAP's independence and ability to produce advice on matters it considers of greatest importance is an asset which should be protected.

- 7.11 On balance, the review considers that there could be real benefits from the IAP engaging with co-sponsors and the Ministerial Board to review and comment on their workplan. Approaching co-sponsors will build stronger links between the IAP and sponsoring departments, and ensure greater "buy-in" from departments, increasing the prominence and impact of the IAP's research. By approaching the Ministerial Board, the IAP can build greater credibility and closer working relationships with Ministers, and raise its profile further with custody organisations that sit on the board. This would enable closer working and easier access to the data and information required for research.
- 7.12 While the review recommends that the IAP engages and seeks comment on its workplan, it is important to ensure that the Panel has ownership and final sign-off on the workplan. This will ensure that the independence of the IAP is maintained and that it has the freedom to conduct research on areas it, rather than the sponsoring departments, consider essential, where appropriate. In addition, it should be emphasised that the proposed workplan should be sufficiently flexible to allow the IAP to respond to changes and pressures which may emerge during the year.
- 7.13 Stakeholders also raise a risk of the IAP's work being led and directed by individual IAP member's specific areas of expertise, rather than by a wider strategic narrative. The review considers that the proposed engagement on the IAP's workplan and its publication would assist in mitigating this.

Recommendation

The IAP should engage with departmental co-sponsors and the Ministerial Board for their views and comment when developing its annual workplan. The workplans should be published on their website.

- 7.14 Recommendations from this review suggest changes to the way the IAP operates. Stakeholder feedback emphasised that the IAP's time and resources are limited, and that any proposed changes to the IAP's operating model must consider resource issues. However, the IAP's newly appointed panel provides some additional time and resource to the IAP, which might alleviate or mitigate additional workload pressures. In addition, the proposed annual workplan should help ensure that the IAP adapts a strategic focus in allocating its resources.

Recommendation

Once the new IAP panel members are operating effectively and the IAP has begun to implement the recommendations of this review, the IAP should evaluate the allocation of its resources as part of its annual work plan.

- 7.15 The Chair of the IAP meets the MoJ's Minister of State for Prisons regularly, outside of Ministerial Board meetings. The review considers there would be a benefit to formalising this arrangement, and extending it to relevant Ministers in the DHSC and the HO. This will help promote the IAP's work, enable detailed discussions on the IAP's work and research, and help ensure deaths in custody remain

on the Ministerial agenda following any future Ministerial turnover. It would also provide an opportunity for the IAP to discuss their annual workplan with Ministers to seek their views. The IAP and Minister's Private Offices should determine whether these meetings should be with the IAP Chair or the whole IAP panel.

Recommendation

The IAP and departmental Private Offices should arrange regular six-monthly meetings between relevant Ministers and the IAP.

Implementation of Guidance and Recommendations

- 7.16 The IAP's ToR includes monitoring compliance with its guidance. This has been interpreted to mean guidance to the Ministerial Board, not monitoring the implementation of its specific recommendations at individual custodial bodies (such as at each individual prison). The IAP has been monitoring compliance with only some of its guidance in recent years and has instead focussed its resources on producing detailed and wide-ranging advice to the Ministerial Board. Now the IAP has a larger complement of members and slightly increased resources, there is the opportunity to revisit formally monitoring guidance to the Ministerial Board and consider expanding this monitoring to individual custodial bodies.
- 7.17 When the IAP was first established it tracked the implementation of broad recommendations made to, and agreed by, the Ministerial Board. The review considers that the IAP would have the influence with and access to the Ministerial Board required to track these

recommendations, and that there would be benefits to restarting this.

- 7.18 However, the review recognises that tracking the implementation of each of the IAP's specific recommendations at individual custodial settings (e.g. each individual prison) would be highly resource intensive. This may not be the best use of IAP member time and expertise. In addition, the IAP may struggle to obtain the required information from individual custodial bodies, who may have limited awareness of the IAP's work and remit.

Recommendation

The IAP should track compliance with IAP recommendations made to and agreed by the Ministerial Board.

- 7.19 In addition to the implementation of the IAP's recommendations, stakeholders also raised that recommendations from inspectorates and external organisations often are not effectively implemented. Several stakeholders suggested the IAP should monitor compliance with these recommendations, provided they were suitably resourced for this additional work. However, others suggested it would be inappropriate for the IAP to track implementation and responsibility for this should sit with the Ministerial Board or elsewhere.
- 7.20 The issue of implementing recommendations was recognised and highlighted in the Angiolini review⁸, which recommended that a new ALB be created to formally monitor this. The Governments'

⁸ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/655401/Report_of_Angiolini_Review_ISBN_Accessible.pdf

response⁹ to the Angiolini review rejected the creation of a new ALB and stated that:

“Coroners, inspectorates, watchdogs (such as the IPCC) and the Ministerial Council on Deaths in Custody should work towards strengthening their collaboration in this regard, and the Government will lead conversations as to how this is best achieved.”

- 7.21 Considering the IAP’s size, structure and core advisory function, the review team is of the view that the IAP is not suited to start tracking the implementation of all inspectorate and external recommendations provided to individual custodial bodies.
- 7.22 However, the IAP has recently commenced work to identify and draw together the recommendations from regulatory and investigative bodies which would make the most difference in reducing deaths in custody. It is exploring how best to embed this learning in different custodial sectors. Due to this work, and its recognised expertise in this area, the IAP may be able to provide valuable insight and contribution to the ongoing government-led discussions on implementing recommendations.

Recommendation

The Government should continue to work with the IAP on how best to embed learning and best practice arising from inspectorate and external recommendations.

Governance

- 8.1 The IAP forms part of the Ministerial Council on Deaths in Custody, and is jointly sponsored by the MoJ, the HO and the DHSC, with the MoJ acting as lead sponsor.
- 8.2 Due to the relatively small size and expenditure (c. £250k) of the IAP, the review agrees that the reporting and governance structures are proportionate. Standard corporate governance documents are hosted on the IAP’s website, the Chair has regular meetings with Ministers and lead sponsors, and the IAP’s financial reporting is included within the Ministerial Council and MoJ’s annual accounts.

Financial Governance

- 8.3 The funding provided by the three co-sponsor departments covers the combined costs of the IAP and wider Council, but are not specifically split out in this manner in the budget lines. This is primarily due to the small size of the IAP (and limited expenditure it incurs), convenience and proportionality of accounting. Most of the costs incurred relate to staff – either Secretariat salaries or IAP honorariums and expenses. Secretariat costs cannot easily be split between and allocated to the IAP or wider Council tasks. Additionally, most non-staff costs relate to the IAP. Given this, the budget for the Council acts as a useful proxy for the budget for the IAP – although it does not map across directly, as there are additional costs solely incurred by the Council.
- 8.4 When the IAP wish to incur non-staff costs, the Secretariat facilitates payments from within the wider Council budget and seeks approval from the lead co-sponsor for relevant payments. The Secretariat tracks expenditure, and provides advice to both the IAP and the lead co-sponsor so both can anticipate the impact of any requests for spending from the IAP. This approach has provided assurance for the departments and convenience for the IAP, as

⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/660978/Gov_Response_to_Angiolini_Report.pdf

there are limited financial approvals processes. IAP member feedback appreciates that the current financial governance arrangements mean that they are required to spend very little time involved in finance processes, enabling them to spend more time on their core work. However, they consider that more could be done to provide the IAP with appropriate oversight of the parts of the Ministerial Council's budget available to them, and greater clarity on how they could utilise it.

Recommendation

The IAP, IAP Secretariat and Ministry of Justice Corporate Finance should review and revise current financial governance arrangements to ensure that clearer information on the scope of any delegated budget is provided to the IAP.

Does the IAP comply with Principles of Good Governance?

8.5 In assessing the IAP's governance arrangements, the review has assessed the Cabinet Office's recent Good Practice Indicators published alongside the Functional Review of Bodies Providing Expert Advice to Government. Annex D sets out the review's assessment of whether the IAP meets each of the good practice indicators. The IAP and sponsoring departments meet most of these indicators, but key corporate documents, such as the Code of Practice & Register of Interests, are out of date.

Recommendation

The IAP should update its corporate documentation (such as the Code of Practice and Register of Interests) following the appointment of new panel members, and publish these on its website.

Diversity

8.6 The small number of IAP panel members and secretariat staff makes it difficult to assess diversity and any potential gender pay gap fairly. The secretariat staff are civil servants recruited through the MoJ's recruitment process, and so any issues related to diversity or the gender pay gap are more appropriately managed through the MoJ.

8.7 IAP Chair and members are appointed in accordance with the Cabinet Office's Governance Code on Public Appointments. The MoJ's Public Appointments Team has developed improved tools and processes to provide Ministers with a strong and diverse pool of candidates from which to appoint.

Transparency

8.8 The IAP publishes its reports, research and minutes from meetings on its website, which acts as the main communication tool with the public. However, the IAP's website is not considered to be well designed and it is difficult for members of the public to easily access this useful information.

Recommendation

The IAP website should be updated and improved, or replaced by a "gov.uk" website or alternative provider.

- 8.9 The review recognises that Juliet Lyon, in her role as Chair, has undertaken more public facing engagement to increase understanding of the IAP and its independent work and research. This has included articles in national newspapers and professional journals, an online blog and radio appearances. The review recognises that there is a balance to be struck on the amount of public engagement and transparency the IAP should undertake, as it could risk compromising the IAP's close advisory relationship with Ministers and could inappropriately develop into a more public lobbying role.
- 8.10 The IAP has recently engaged directly with prisoners in a research project (see para 7.2). This review recognises the value this has added to that research and how it drives greater transparency in the development of their advice.

Location

- 9.1 To encourage the movement and creation of jobs outside London and in pursuit of the Government's Industrial Strategy, the Cabinet Office has established the Places for Growth Programme. In line with this strategy, the review team has explored whether London is the most appropriate location for the IAP.
- 9.2 The IAP is nominally located in London in 102 Petty France. The IAP Chair and panel members are not full time, and often work remotely, meaning they usually only utilise government office space in London when attending IAP and Ministerial Board meetings or engaging with government stakeholders. In addition, the IAP's core function is to provide advice to senior officials, Ministers and the Ministerial Board, all of which are in London. For these reasons, the review considers there to be a business need for the IAP to be in London and, in any event, there would be negligible savings or benefits to a relocation from London.

Devolution

- 10.1 The IAP provides advice to the Ministerial Board on Deaths in Custody which does not include representatives from the devolved administrations. The IAP's work is therefore limited with respect to the devolved administrations, and no specific devolved issues or projects have been raised during this review.

EU Exit

- 11.1 The review has identified no direct impact on the IAP resulting from the UK's exit from the European Union.

Annexes

Annex A - Scope and Purpose of Tailored Reviews

A Non-Departmental Public Body (NDPB) should only exist where there is clear evidence that this model is the most efficient and cost-effective way for the organisation to fulfil its statutory functions and only where these functions are still required. In February 2016, the Cabinet Office announced the Government's ALB Review Strategy 2016-2020 which states that all Arm's Length Bodies (ALBs) will undergo a substantive review during the lifetime of each Parliament.

Tailored Reviews have two parts;

1. to provide a robust challenge to, and assurance of, the continuing need for individual organisations as well as assessing their function and form, and;
2. where it is agreed that an organisation is required, it is then necessary to consider its capacity for delivering more effectively and efficiently, and to evaluate the control and governance arrangements in place to ensure compliance with recognised principles of good corporate governance.

As the name suggests, the reviews are tailored to the organisation being looked at. The review team will consider how best to structure and carry out these reviews following discussions with sponsors, investigative work to understand the organisation's operating environment and mapping of the organisation's key stakeholders. The Review requires early engagement with senior leaders in the relevant organisation to facilitate a collegiate approach and to agree the process the review will follow.

These reviews are carried out in line with the Cabinet Office principles outlined in "Tailored Reviews: Guidance on Reviews of Public Bodies":

- I. **Proportionality:** Reviews should not be overly bureaucratic and should be appropriate for the size and nature of the organisation being reviewed.
- II. **Challenge:** Reviews should be challenging and take a first principles approach to whether each function is required, is being delivered effectively and still contributes to the core business of the organisation.
- III. **Being Strategic:** All NDPBs must be subject to a tailored review at least once in the lifetime of a Parliament. Departments should define the scope of the review depending on any wider policy or strategic reviews that are being conducted, and also consider combining the requirements of a tailored review within the scope of any other planned review or evaluation of the department's public bodies.

- IV. **Pace:** Reviews should be completed quickly to minimise the disruption to the organisation's business and should normally take no longer than 6 months, keeping in mind the principle of proportionality.
- V. **Inclusivity:** Reviews should be open and inclusive. The organisation under review should be engaged and consulted throughout the review and have the opportunity to comment on emerging conclusions and recommendations.
- VI. **Transparency:** The final report should set out any recommendations, including any that address areas of non-compliance with corporate governance. Any such issues of non-compliance should be considered by the sponsor. An implementation plan for the agreed recommendations should be agreed between the public body and the sponsor.

Process and Methodologies:

Cabinet Office guidance states that the Review should first identify the main functions of the NDPB. It should evaluate how these functions contribute to the core business of both the NDPB and the sponsor department and consider whether these functions are still required. Where the Review finds clear evidence that a particular function is needed, it should then explore how best to deliver this function.

When considering potential delivery models, the Review should explore a wide range of options, including;

- Whether the function can be better delivered by local Government or the voluntary sector;
- Whether the function should move to the private sector;
- If it would be beneficial to merge with another existing body;
- Whether the function can be delivered by the sponsoring department;
- If a less formal structure would deliver better results, or;
- Whether the function should transfer to a new Executive Agency or Government body.

Part Two looks to identify efficiencies, evaluate control and governance arrangements and assess the overall performance of the organisation under review.

Annex B - Terms of Reference

2018 Tailored Review of the Independent Advisory Panel on Deaths in Custody – Terms of Reference

OBJECTIVES

The Independent Advisory Panel on Deaths in Custody (the IAP) forms part of the Ministerial Council on Deaths in Custody (MCDC). The MCDC has a shared purpose 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, and the IAP's role is to provide it with independent advice and expertise.

In line with Cabinet Office requirements the Tailored Review (TR) of the IAP will provide robust challenge to and assurance on the continuing need for the organisation. The review will be "light touch" being shorter than a full review and more proportionate to the size and budget of the IAP.

The TR will assess & challenge whether each function:

- is still needed;
- is still being delivered effectively; and
- contributes to the core business of the ALB, the MoJ & the government as a whole.

If the function/s are still required, the review will consider whether the existing model of delivery is still appropriate and test it against alternative delivery options.

The Review will also analyse the delivery model of the organisation by considering the 'three tests':

1. Does the ALB perform a technical function?
2. Does it need to be delivered with political impartiality?
3. Does it need to be delivered independently of Ministers?

SCOPE

As a light touch review the scope will cover:

- **Functions:** the review will examine all current functions, including opportunities for streamlining;
- **Efficiency and effectiveness**
 - Explore the capacity of the IAP to deliver more effectively and efficiently
 - Assess the performance of the IAP and make sure that processes are in place for such assessments;
- **Form:** assess the current form of the IAP
- **Governance:** evaluate the control and governance arrangements in place to ensure the IAP and its sponsors are complying with recognised principles of good corporate governance as per Cabinet Office guidance (see Annex A);
- Evaluate the diversity of the IAP, including action to be taken in response to Gender Pay Gap Reporting
- **Transparency:** assess the transparency of the IAP, its decision making and information/data in the public domain;
- **Location:** assess the extent to which the current London location of the IAP is appropriate.
- **EU:** consider the impact on the IAP, if any, of the UK leaving the EU.
- **Devolution:** understand the impact, if any, of the devolved context.

The review **will not** consider how the IAP's functions may develop in the future, wider custody policy or recommendations, the Ministerial Council on deaths in custody or the IAP's impact on the rates of deaths in custody (as the role of the IAP is only to provide independent advice & expertise to the Ministerial Board).

METHODOLOGY

- Conduct desk research of key documents.
- Roundtable event and interviews with stakeholders, including panel members of the IAP and Ministerial Board, to gain an understanding of the body and the challenges it faces.
- Consult with private office and Partnership Leads to inform and support the TR and align with the departmental transformation and reform agenda.
- Work with MoJ experts to provide advice on analytical, financial, legal and policy aspects to make sure any recommendations are robust and achievable.

SIGNIFICANT DELIVERABLES

- Publication of IAP TR report (summer 2018).
- Internal lessons learned exercise completed and report delivered (autumn 2018).
- Deliver and put in place an Action Plan for implementation of the recommendations.

ROLE OF THE SENIOR RESPONSIBLE OFFICER

- Provide leadership and direction.
- Monitor delivery of the review.
- Scrutinise weekly updates from the TR Team.
- Empowered to authorise changes to the scope of the review.

ROLE OF THE CRITICAL FRIEND
(Steve Wade, Head of the Office of the Sentencing Council)

- Oversight of the reviews.
- Provide assurance on the quality of sponsorship and governance.
- Provide a robust challenge to the assumptions and recommendations of the review.

MINISTERIAL SIGN-OFF
(Rory Stewart and Secretary of State)

The MoJ's Minister will have the opportunity to comment on the scope of the review and will sign off the final report and recommendations. Ministers in the Home Office and Department of Health will be informed of the review, offered the opportunity to feed in views, and will be informed of the final report and recommendations. The Minister for the Cabinet Office will sign off the terms of reference. As a Tier 3 review the final report will be cleared by the Cabinet Office at official level and emerging findings will be shared with them.

STAKEHOLDERS

- IAP Chair and Board members
- IAP Secretariat
- Departmental sponsors from MoJ, Department of Health and Home Office
- Members of the Ministerial Board
- Ministers at MoJ, Department of Health and Home Office

ANNEX

Annex A:

Cabinet Office Tailored Review Guidance, 2016.
<https://www.gov.uk/government/publications/tailored-reviews-of-public-bodies-guidance>

Annex C - Stakeholder List

Of the stakeholders approached, we benefited from the considered input of the following organisations and we are extremely grateful to all those who contributed:

IAP Chair & members

IAP Secretariat

Policy Sponsors from Ministry of Justice, Department for Health and Social Care, and the Home Office

The Justice Committee

Prisons and Probation Ombudsman

Her Majesty's Chief Inspector of Prisons

Samaritans

Independent Monitoring Boards

NHS England

Public Health England

Annex D - Assessment of Good Practice Indicators

Good Practice Indicator	Assessment	Evidence
There is a clear, agreed remit for the body, including scope and coverage of advice and the priority work programme.	Green	<ul style="list-style-type: none"> Agreed and published Terms of Reference clearly states the remit and scope of the IAP. A recommendation from this review is for the IAP to consult with the department on their annual workplan and publish it on their website.
Resources are available to support the body in fulfilling its remit.	Green	<ul style="list-style-type: none"> Stakeholder feedback suggests the IAP are operating effectively with their current resources. The recruitment of new IAP members will provide more resources in terms of increased IAP member time.
Advice and recommendations are based on objective analysis of the evidence available.	Green	<ul style="list-style-type: none"> Stakeholders were highly positive about the research conducted by the IAP. As part of this review, some small recommendations have been made to deliver further improvements.
Chairs and members of bodies visibly uphold high standards of personal and professional conduct	Green	<ul style="list-style-type: none"> The IAP's website lists a Code of Practice for the IAP Chair and members, which sets out an undertaking to act in accordance with the Public Service Values.
There are clear rules and procedures in place for managing conflicts of interest.	Amber	<ul style="list-style-type: none"> The IAP Code of Practice sets out clear procedures in relation to conflicts of interest There is a published register of interests on the IAP website, however this has not been updated to reflect the IAP's new membership. The register of interests needs to be refreshed and published.
There are clear liaison, reporting and escalation routes.	Green	<ul style="list-style-type: none"> The IAP Chair has regular meetings with Ministers and departmental co-sponsors. Recommendations from this review seek to strengthen liaison and reporting through formalising Ministerial meetings and ensuring engagement with co-sponsors on the IAP's annual workplan.
Department-level assurance processes are clear and proportionate.	Green	<ul style="list-style-type: none"> The sponsoring department's assurance procedures proportionate to the IAP's size and budget.
Key supporting documents should be in place and up to date.	Amber	<ul style="list-style-type: none"> Key governance documents are provided on the IAP's website, but some (such as register of interests and gifts register) require updating.
There is a proportionate approach to capturing impact, value and cost-effectiveness.	Green	<ul style="list-style-type: none"> The IAP does not provide an annual report but the review considers this appropriate due to its size, budget and regular contact with Ministers through the Ministerial Board.
There is a commitment to feedback and continuous improvement on both sides.	Green	<ul style="list-style-type: none"> The IAP presents its research to the Ministerial Board, providing the opportunity to seek feedback regularly. This review recommends that the IAP develop a stakeholder evaluation process for its advice.
The body collaborates proactively to add value.	Green	<ul style="list-style-type: none"> The IAP's research is designed to help departments and their agencies reduce deaths in custody, and therefore adds value to these departments and agencies Through the Ministerial Board, the sponsoring departments enables the IAP to share research and collaborate.

Good Practice Indicator	Assessment	Evidence
There is a recruitment and appointment strategy that promotes diversity and maintains the skills and capacity of the committee in both the immediate and longer term.	Green	<ul style="list-style-type: none"> A recruitment strategy for the IAP Secretariat would not be appropriate due to its small size The MoJ is responsible for leading the appointment process for the IAP Chair and members. It has developed a diversity and talent acquisition strategy to build the skills, diversity and capability of all its public appointees.
Recruitment and appointment procedures are clear, transparent, robust and timely and designed to ensure that the best people, from the widest possible pool of candidates, are appointed.	Green	<ul style="list-style-type: none"> IAP members are appointed in accordance with the Office of the Commissioner for Public Appointments Code of Practice. Co-sponsors are reviewing timeliness of recent appointments process to avoid similar severe delays in future.
There should be a presumption of openness and transparency.	Green	<ul style="list-style-type: none"> Minutes of IAP meetings and Ministerial Board meetings are published on the IAP's website. The IAP's research is also published on its website.