

Ministerial Board on Deaths in Custody

Terms of Reference

Purpose

The purpose of the Ministerial Board on Deaths in Custody 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. This covers deaths, 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 will also apply to the deaths of those detained under the Mental Capacity Act in hospital.

Core objectives

The MBDC's core objectives originated from Robert Fulton's Review of the Forum for Preventing Deaths in Custody (2008).

The Ministerial Board will:

- Ensure that ministers and service leaders continue to give deaths in custody priority attention.
- Receive high-quality reports on trends and incidents, and commission action where the evidence indicates that this is necessary.
- Scrutinise progress against – and receive input into – a defined work plan linked to three priority areas, to be initially scoped by the Independent Advisory Panel on Deaths in Custody, across each 12-month cycle.
- Consider recommendations from the Independent Advisory Panel on Deaths in Custody for changes in practice, and endorse them for implementation where appropriate.
- Maximise collective responsibility to enable sharing of learning and good practice (particularly that flowing from Panel guidance and recommendations) to be followed consistently within the respective services.
- Ensure that adequate arrangements are in place for deaths and related incidents to be properly investigated, lessons learned and applied, and bereaved families meaningfully involved at relevant stages where appropriate.
- Monitor the Corporate Manslaughter Act as it relates to relevant services.

Structure

Ministerial co-chairs:

- Minister of State, Ministry of Justice
- Minister for Health and Social Care, Department of Health and Social Care
- Crime and Policing Minister, Home Office

Department co-sponsors:

- Deputy Director, Prison Policy, Ministry of Justice
- Deputy Director, Mental Health and Offender Health, Department of Health and Social Care
- Deputy Head, Police Powers Unit, Home Office
- Head of Detention and Escorting Services, Home Office

Member organisations:

- HM Prison and Probation Service
- Health and Justice, NHS England
- Youth Justice Board
- National Police Chiefs' Council
- Independent Advisory Panel on Deaths in Custody (IAPDC)
- HM Inspectorate of Prisons

- Prisons and Probation Ombudsman
- Independent Monitoring Boards
- Care Quality Commission
- Independent Office for Police Conduct
- HM Inspectorate of Probation
- HM Inspectorate of Constabulary and Fire and Rescue Services
- Chief Coroner of England and Wales
- Independent Custody Visitors Association
- Lay Observers
- Prison Reform Trust
- Howard League for Penal Reform
- INQUEST
- Samaritans

Meetings

Full meetings will be held twice a year with an alternating Ministerial chair. Each 12-month cycle Ministerial co-chairs, co-sponsors and IAPDC will scope priority focus areas for 12-month period for agreement by the full Board at the first meeting every year.

Smaller evidence gathering forums or working groups may be scheduled as directed by the co-chairs. These groups will invite the involvement of Board members in appropriate workstreams where relevant. This structure will be reviewed after the first year.

Papers, minutes and updates

Meeting agendas will be agreed by departmental co-sponsors and papers circulated at least seven days before the meeting.

Minutes of meetings will be published on the IAPDC website and gov.uk, with annual Board workplan progress updates published on gov.uk.

Confidentiality

The sensitivity of discussions at the Board must be respected. Confidential papers and information disclosed in Board deliberations, including data, should not be discussed with other organisations, with the media or shared on social media.

Secretariat

Secretariat responsibilities include:

- Arranging full MBDC meetings and additional meetings as required;
- Tracking and monitoring progress against the workplan;
- Compiling and circulating agendas and papers; and
- Taking notes, updating and circulating minutes.