Ministry of Justice | Home Office | Department of Health & Social Care | IAPDD

Terms of Reference for the Ministerial Board on Deaths in Detention and the Independent Advisory Panel on Deaths in Detention

Purpose

The purpose of the Ministerial Board on Deaths in Detention is to bring about a continuing and sustained reduction in the number and rate of deaths in all forms of state detention in England and Wales. This covers deaths which occur in prisons (including Youth Offender Institutions) and Approved Premises, during arrest or in or following police custody, in immigration detention, and in detention in hospital under the Mental Health Act (MHA). 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 MBDD's core objectives originate from Robert Fulton's Review of the Forum for Preventing Deaths in Custody (2008) and the Terms of Reference of previous Ministerial Board on Deaths in Custody (MBDC).

The Ministerial Board will:

- Ensure that ministers and service leaders continue to give deaths in detention priority attention;
- Commission advice and other work as needed from the Independent Advisory Panel on Deaths in Detention (IAPDD) to be included in the workplan;
- Scrutinise progress against a defined work plan across each 12 to 18-month cycle;
- Receive high-quality reports on trends and incidents, and commission action where the evidence indicates that this is necessary, based on advice provided by the IAPDD;
- Consider recommendations from the IAPDD 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 guidance and recommendations of the IAPDD;
- 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

The standing members of the Board will be as follows:

- Minister of State for Prisons, Probation and Reducing Reoffending, Ministry of Justice;
- Parliamentary Under-Secretary of State for Patient Safety, Women's Health and Mental Health, Department of Health and Social Care;
- Minister for Policing and Crime, Home Office;
- Deputy Director of Prison Safety, Security, Behaviour Management and National Security, Prisons Directorate, Ministry of Justice;
- Deputy Director Scrutiny and Prisoner Outcomes, Prisons Directorate, Ministry of Justice;
- Deputy Director, Mental Health and Offender Health, Department of Health and Social Care;
- Deputy Head, Police Powers Unit, Home Office;
- Deputy Director, Detention Services, Home Office;
- Detention leads;
- Independent Advisory Panel on Deaths in Detention (IAPDD).

In addition to the Standing Members of the Board, key stakeholders from the MBDD Expert Stakeholder Group will be invited to MBDD meetings to feed into the work of the Board as part of individual agenda and workplan items, as necessary.

Meetings

Full meetings will be held twice a year with an alternating Ministerial chair. Each 12-month cycle Ministerial co-chairs, co-sponsors and the IAPDD will scope priority focus areas for 12-month period for agreement by the full Board at the first meeting. The Board will commission advice and other work to be completed by the IAPDD and other members at each meeting. The progress of this work will be monitored at subsequent meetings and at smaller group meetings between full meetings, as necessary.

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 and key stakeholders in appropriate workstreams, where relevant.

IAPDD

The primary role of the IAPDD will be to develop and submit advice as directed by the MBDD. The IAPDD will:

- Act as the primary source of independent advice to ministers and service leaders via the MBDD on measures to reduce the number and rate of deaths in detention;

- Aid the co-sponsor departments in fulfilling their duties under Article 2 of the European Convention on Human Rights – the right to life – in Schedule 1 of the Human Rights Act 1998, as well as the Equality Act 2010.
- Consult and engage with relevant stakeholders – chiefly through, but not limited to, the MBDD Expert Stakeholder Group – in order to collect, analyse and disseminate relevant information about deaths in detention and the lessons that can 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, as directed by the MBDD;
- Issue formal guidance (and where appropriate set common standards) on best practice for reducing deaths in detention, under the authority of the MBDD;
- Monitor compliance with such guidance and standards;
- Develop research and other work as needed to support its advice to Ministers, officials, and the MBDC as a whole;
- Where appropriate, make recommendations to ministers for changes in policy or operational practice, which would help to reduce the incidence of death in detention.

MBDD Expert Stakeholder Group

Across each year, the Secretariat will arrange meetings of the MBDD Expert Stakeholder Group (ESG), a group of external stakeholders working across the detention settings. The purpose of this Group will be to:

- Identify and discuss shared learning across detention.
- Share information about developments across the detention landscape relevant to preventing deaths, including alerting officials to systemic issues requiring attention.
- Identify issues to be considered for inclusion in the agenda of each MBDD meeting and shape the work commissioned at each Board meeting.
- Hear from those with lived experience of deaths in detention, including bereaved families as well as those who have experienced detention.
- Discuss individual members' attendance at each MBDD meeting according to the specific agenda items to be discussed.

Those invited to these meetings will include all former members of the MBDC along with any other key stakeholders whose attendance would help achieve the Group's objectives.

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 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, including the media, or shared on social media. Meetings of the Expert Stakeholder Group will be conducted according to the Chatham House rule and confidential papers, when circulated to members, should not be discussed with other organisations, including the media, or shared on social media.

Secretariat

Secretariat responsibilities include:

- Arranging full MBDD meetings and additional meetings as required;
- Creating, tracking, and monitoring progress against the Board's workplan;
- Leading governance and funding for the IAPDD;
- Compiling and circulating agendas and papers;
- Taking notes, updating and circulating minutes;
- Arranging meetings and governance of MBDD Expert Stakeholder Group;
- Oversight and management of recruitment of IAPDD members.