



National Offender
Management Service

[REDACTED]
**Equality, Rights and Decency
Group**
National Offender Management Service
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[REDACTED]

Ms Patricia Harding
Senior Coroner, Mid Kent & Medway
Kent Register Office
The Archbishop's Palace, Mill Street
Maidstone
Kent
ME15 6YE

9 September 2015

Dear Ms Harding,

RE: Regulation 28 report concerning the inquest into the death of Douglas Birch on 15 May 2013 at HMP Swaleside.

Thank you for your report addressed to the Governor of HMP Swaleside, dated 13 July 2015, concerning the inquest into the death of Douglas Birch. Your report has been passed to Equality, Rights and Decency Group in the National Offender Management Service (NOMS) for a response, as we have responsibility for sharing learning from all deaths in prison custody in England and Wales.

The two concerns you raise in your report are as follows:

(i) Prison officers were either not aware of PSI 75/2011 requiring that officers should elicit a response from the prisoner upon unlocking a cell or were aware but did not act in accordance with the order especially where they assumed the prisoner was asleep.

(ii) Prison officers were either not receiving Prison Service Orders or Instructions or if they did receive them, did not read them.

It is not reasonable to expect all prison staff to read all Prison Service Orders and Instructions. Rather, it is the responsibility of the Governor of each prison establishment to bring relevant instructions to the attention of staff and to ensure that they are reflected in local policies and procedures.


In response to your concerns, the attached notice to staff was issued at HMP Swaleside on 10 August 2015. It sets out the local procedure for ensuring compliance with the mandatory requirement in PSI 75/2011 to which you refer, and requires staff and a supervising officer to sign to confirm that the welfare checks have taken place on each occasion.

In order to ensure that the importance of welfare checks is better understood across the prison estate, NOMS is compiling a learning bulletin that will be published for the attention of all staff on our intranet by the end of September.

I hope this provides assurance that your concerns have been addressed locally and that action has been taken to ensure that the requirement to undertake welfare checks is better understood in all prisons in England and Wales.

Yours sincerely




NOMS Equality, Rights and Decency Group