



Senior Coroner Harris,
London Inner London South Coroner's Court.
1 Tennis Street,
London
SE1 1YD

3 February 2022

Dear Mr Harris,

Subject: HMCTS review of risk management in respect of defendant self-poisoning

I am writing, as the senior Civil Servant with overall responsibility for court and tribunal operations, to update you on the actions we have taken following the Inquest into the death of Mr Mark Castley (aka Mark Marshall).

Our initial response was to conduct a thorough review of our standards and procedures aimed at managing the risk of a defendant appearing at court (having been on bail) who has secreted something on their person with the intent of self-harm/poisoning (as happened in this sad case).

The review and its conclusions and recommendations (a copy of which is attached to this letter) have been endorsed by the HMCTS Senior Management Team and has followed engagement with all stakeholders, including input from the Judicial Security Committee. The Chief Magistrate is also being made aware. As part of the review, HMPPS (through its Prisoner Escort & Custody Services (PECS) team) also reviewed relevant PECS supplier standard operating procedures to ensure they align.

Methodology

The defendant's journey through court was broken down into eight stages (from arriving at the front entrance, passing through security screening, public areas, into the courtroom and surrender into custody).

Each stage was individually reviewed, risk assessed, and conclusions recorded. The broad approach followed was as follows:

- The starting point was the identification of known potential risks and threats present at each stage.
- The current baseline safety controls in place to manage the risk were then identified; this included present security policy and arrangements.
- The remaining or 'residual' risk at each stage for self/harm the adulteration of drinking bottle (if any) was then explored.

- This enabled consideration of whether additional, practical and proportionate, security controls could be identified so as to manage the risk further.

You will note that there are significantly different operational arrangements and significantly lower risks in the magistrates' courts which has led to our conclusion that some of the mitigations that might be applied in the Crown Court (such as enhanced dock controls) are not necessary or reasonably practicable in the lower courts. Full details of operational and legal reasons for that position are provided in the reviewed risk assessment.

That said, the review identified two additional controls which have been approved for implementation within the next few months:

1. On arrival at the front entrance

Aim: To enhance HMCTS security procedures and provide a more reliable, effective level of deterrent and detection of prohibited items on the person; and to manage the risk of non-metallic prohibited items being brought into court, that could then be used as a weapon or to self-harm.

Control Measure: *Implementation of a random manual search requirement at the front entrance so as to (i) enhance HMCTS security procedures and provide a more reliable/effective level of deterrent and detection of prohibited items on the person; and (ii) to further reduce the risk of **non-metallic** prohibited items being brought into court, that could then be used as a weapon or to self-harm*

Random searches will be publicised on HMCTS web pages and at the court to maximise the deterrent effect. This procedure would not apply to those court users exempt from a search, such as those registered on the Professional Court User Access Scheme.

We are aiming to fully implement an updated Security and Safety Operating Procedure 4b across all crime courts by the end of May. While this seems some way away, this is based on our assessment of the time we will need to undertake a number of essential enabling activities (including local site risk assessments/surveys, development and dissemination of new operating instructions, potential court security officer redeployment, and communications/engagement with court users to alert them to the changes).

2. Public Areas

Aim: To enhance safety arrangements in the precincts of court buildings.

Control Measure: *To further enhance safety arrangements, HMCTS is currently implementing a new Safeguarding policy. This will include training, to be developed and delivered within the next few months, for front line court staff dealing with the public, such as ushers and clerks on how to identify court user safeguarding concerns more generally and how to ensure they are dealt with or escalated/communicated more effectively and consistently.*

We have developed the HMCTS Safeguarding policy, with PECS input, who have their own safeguarding policy/training programme for court custody staff, which is independently reviewed by Her Majesty's Inspectorate of Prisons (HMIP). These arrangements will embed the need for effective co-ordination and co-operation between all those discharging safeguarding responsibilities at court.

I hope this is of assistance but we stand by to provide further information should this be required.

Yours sincerely,

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Acting Courts and Tribunals Director