

Ms L Bower
Area Coroner
The Council House
Old Market Square
Nottingham
NG1 2DT

Date 26th September 2022

Dear Ms Bower,

Inquest into the death of Nigel Saunders

Thank you for your Prevention of Future Deaths report received on 3 August 2022. You will recall that Mr Saunders sadly passed away on 18 November 2018.

I am responding to matters of concern that you have raised relating to HMP Lowdham Grange ('the Prison') which is operated by Serco Limited, where Mr Saunders was detained at the time of his death.

I am aware that you will share a copy of this response with Mr Saunders' family, and I would like to express my sincere condolences for their loss. Every death in custody is a tragedy, and the safety of those detained by the Prison is my absolute priority.

I am grateful to you for bringing the following matters of concern to my attention:

- (1) *The Prison failed to comply with its obligations pursuant to National Prison policy to retain and preserve evidence likely to assist all agencies to learn from deaths in custody; and*
- (2) *The local system in place for the retention and preservation of material likely to be relevant to the circumstances of death is not as robust as it ought to be.*

The Prison is aware of its obligation to retain and preserve evidence following a death in custody ("DIC") as set out in National Prison Policy, PSI 64/2011 Management of Offenders at Risk of Harm to self and others (Safer Custody) ('the PSI') and takes its responsibilities in this regard very seriously.

Policy at time of Mr Saunders' Death

Document retention provisions following DICs were in place at the Prison at the time of Mr Saunders' death, pursuant to the National Prison Policy, specifically the PSI, and were implemented at the Prison in the form of the Serco Divisional Operating Procedure – Investigation and Management of Death in Custody Incidents ("DSOP"). The DSOP was, and still is, applicable nationally to all deaths that occurred in Serco's custody.

The DSOP included: -

- A DIC checklist which set out all of the documents that were required to be retained and available to the Police, the PPO and HM Coroner when required.
- a Death in Custody Response Plan

However, it is acknowledged that there were some shortcomings in the retention and production of some documentation in relation to Mr Saunders' death.

Policy Updates Prior to Inquest

In January 2021 the DSOP was updated. The DSOP is reviewed and updated regularly as appropriate and in any event every two years.

Policy Changes Post Inquest

Following this inquest, the DSOP, including the DIC checklist has been reviewed further and an updated version is to be rolled out to the English Serco prison estate by the end of October 2022. The updated version of the DSOP will include a statement that the DIC Checklist is not an exhaustive list, and the Prison should retain any other document that it considers could be of relevance.

The updated DSOP will be rolled out across the prison estate and guidance will be given to all staff responsible for collating relevant documentation following a death in custody.

I understand that a copy of the DIC checklist that was in place at the time of Mr Saunders death and a copy of the DIC checklist, as amended in January 2021 were provided to you during the course of the Inquest. The most recent version of the checklist is currently being finalised prior to its roll out at the end of October 2022.

Documents of Specific Concern

During the Inquest I became aware of specific concerns you had in respect of disclosure, and I would like to offer the following reassurances, by way of example:

ACCT Tick Sheets

At the time of Mr Saunders' death, it was standard practice for observation 'tick sheets' to be completed for those prisoners subject to an ACCT. Despite the requirement to retain the tick sheets in accordance with the DIC Checklist in place at the time, it was accepted during evidence that the tick sheets in relation to Mr Saunders could not be located.

Following the introduction of Version 6 of 'ACCT – Policy Guidance – Annex', which was rolled out nationally in 2021 the use of these 'tick sheets' has been discontinued across all prisons in the UK. All records relating to the ACCT process are now contained within the ACCT book itself.

Oscar Journal

You may recall that the Oscar is the senior member of prison staff, who has overall operational responsibility for the Prison e.g., incident management etc. The Oscar Journal (*'the Journal'*), is a large leather-bound folder where relevant material from each shift was recorded by the Oscar, for example details of anyone who is self-harming and incidents of violence to aid information sharing.

Over the years the Journal has been replaced by incident reports, which are completed and then reported to and discussed by the Director and the Senior Management Team on a daily basis.

It is accepted that Journal entries may have contained relevant information following a DIC and consequently should have been included on the DIC checklist to ensure their preservation following a death. The Journal is now listed in the checklist, to ensure it is produced in Serco prisons that use an Oscars journal.

Yours sincerely


Contract Director
HMP Lowdham Grange