



HM Coroner Peter Nieto  
Senior Coroner for Derby and Derbyshire  
The Coroner's Court  
Town Hall  
Rose Hill  
Chesterfield  
S40 1LP

Dear Sir,

**Inquests touching upon the deaths of Terri Harris, John-Paul Bennett, Lacey Bennett and Connie Gent  
Capita Business Services Limited response to the Regulation 28 Report to Prevent Future Deaths**

I am providing this response to the Regulation 28 Report to Prevent Future Deaths ("PFD Report") on behalf of Capita Business Services Limited ("Capita", referred to hereinafter as "EMS").

I set out below for ease of reference those matters of concern that relate to EMS as they appear in your PFD Report together with EMS's responses.

**EMS has stated that it has introduced relevant training but the inquest heard evidence from the field operative that comments made by offenders which can be interpreted as potentially posing risk are currently routinely not being reported back by EMS field operatives.**

Having reflected carefully on the evidence heard by the Inquests, EMS took immediate steps to reinforce safeguarding requirements and ensure that field operatives ("Field Monitoring Officers" or "FMOs", and "Monitoring Support Officers" or "MSOs") report back comments made by offenders which could be interpreted as potentially posing risk.

These steps were put in place after and as a result of the evidence given by the FMO (which was necessarily limited to her own experience of reporting comments), as well as other evidence heard by the Inquest. The changes made therefore post-date the FMO's account of her (then current) experience.

EMS set out the planned changes for the Coroner in a letter dated 16 October 2023 and we expand upon this letter below.

- 1. FMO/MSO Briefing** - All Field Service colleagues were briefed in October 2023 on the importance of reporting any information they are made aware of, or observations made whilst on-site that could pose a risk to EMS staff, members of the public or other services. The briefing emphasised the requirement to report everything via the established reporting process and if colleagues have any doubt as to whether something is reportable or not, they must always discuss it with the Duty Shift Manager who will assess and make a decision on what action to take. All staff available received the briefing (there were a small number of staff who were long term absent who are and will be being briefed immediately on their return to work).
- 2. New E-Learning Module** - A new training module was designed and uploaded to the EMS Learning Management System, reinforcing the Incident Reporting section of the Field Manual, the Safeguarding Policy and Safeguarding Procedure, and reporting obligations in line with the briefing already given. All field employees were required to complete the course and confirm their understanding at the end of the module. 530 colleagues (95%) have successfully completed the course to date. A small number of staff who are currently absent from work are yet to complete the training but will be required to do so as a priority on their return.

3. **Further Training for Duty Shift Managers** – After reinforcing requirements for FMOs, we have also provided additional training and support to the Duty Shift Managers with responsibility for actioning incident reports, to enable them to recognise matters of concern to other agencies. 15 managers with responsibility for incident reporting within the EMS Contact Centre were enrolled onto the next level Safeguarding course provided by EMS, “Safeguarding – Level 2 Extended”, to provide them with a greater depth of understanding to inform onward reporting. All 15 managers have subsequently completed the course.
4. **Wider Process Review** – We have agreed contractual changes with the Ministry of Justice (“MOJ”), as set out below.

**The inquests examined the relevant contract terms between the MOJ and Capita (EMS) relating to reporting concerns and there did appear to be lack of clarity on reporting mechanisms and issues to report.**

On Thursday 14 December 2023 EMS and the MOJ agreed a Change Control Note (“CCN”) to make changes to the Contract for Bridge Electronic Monitoring Services between the Secretary of State for Justice and EMS (dated 01 August 2014) (the “Bridge Services Contract”). The CCN is currently with the MOJ for signature. We expect it to be fully executed by both parties immediately after the upcoming Christmas break. Once signed, a copy of the CCN can be made available to the Coroner on request.

The contractual changes address the above matter of concern by formalising the instruction previously provided by the Operational Policy Sub-board of the Probation Service entitled “Information Sharing and the Effective Management of the Electronic Monitoring Requirement (Community Sentences)” (“Information Sharing Requirement”).

The CCN formally incorporates the following reporting requirements from the Information Sharing Requirement into the Bridge Services Contract:

*“3.9 The EM Contractor must notify the Responsible Officer of any relevant risk of harm information within one business day, or immediately if necessary to manage the risk. Relevant risk of harm information may include risk of harm information that has been previously provided by the NPS or CRC Responsible Officer.*

*3.10 The EM Contractor must provide any information, including relevant risk of harm information, relating to an offender, or the monitoring of an offender, that is requested by the NPS or CRC Responsible Officer to inform the management of the sentence and/or ongoing risk of harm assessment.”*

EMS and the MOJ have also agreed the following in the CCN:

- a) ‘relevant risk of harm information’ covers not just ‘safeguarding’ of children and vulnerable adults, but also any members of the public, as well as EMS staff and contractors.
- b) where the offender does not have a Supervising Probation Officer (for example, where an offender is subject to a stand-alone curfew requirement), such risk of harm information should be reported to other agencies (such as the courts, prison and/or police) as appropriate.

The consequence of the CCN is that should EMS fail to comply with the above reporting requirements, this will amount to an actionable breach of the Bridge Services Contract.

HM Coroner should be aware that EMS’ contract with the MOJ for the Electronic Tagging Service will end on 30 April 2024. Following this, Serco is set to initiate a new contract with the MOJ, effective from 1 May 2024. This transition will involve a Transfer of Undertakings (Protection of Employment) - TUPE transfer, which means that current EMS employees will become Serco EMS employees.

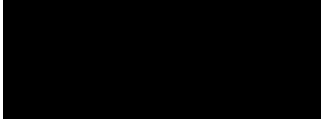
It will clearly be crucial for the MOJ to oversee the seamless integration of changes to processes and procedures outlined above into the new agreement with Serco. This is essential to ensuring a smooth transition and the



continued provision of high-quality services. EMS will duly notify the MOJ of any pertinent details or considerations during this transition period.

I trust that the information contained in this response to your PFD Report provides adequate assurance to you that EMS has taken steps to understand and address your matters of concern, both internally and in partnership with the MOJ.

Yours faithfully



Divisional Legal Director  
Capita Public Service