

Miss Laurinda Bower  
HM Area Coroner, for the coroner area of Nottingham City and Nottinghamshire  
The Council House  
Old Market Square  
Nottingham  
NG1 2DT

13 March 2024

Dear Miss Bower

**Inquest into the death of Kane Christopher Boyce**

Thank you for your Regulation 28 Report, issued following the inquest into the death of Mr Kane Christopher Boyce at HMP Lowdham Grange. At the time of Mr Boyce's death the prison was operated by Serco. Sodexo were not involved in the substantive inquest proceedings, but did appear for the conclusion in the hope of providing you, and the family of Mr Boyce, with assurance that we are committed to the learnings from Mr Boyce's death.

Sodexo Limited took over the operational management of HMP Lowdham Grange on 16 February 2023. We took the opportunity to welcome your thoughts on issues at HMP Lowdham Grange with reference to the evidence you had heard regarding the death of Mr Boyce and expressed our content that you should issue any such PFD report that you considered appropriate from the evidence that you had heard. It is in that vein that, we wrote to the HM Senior Coroner for Nottinghamshire, in October 2021, noting that Sodexo would be taking over the operation of the prison and explaining that we were very keen to hear any issues that might have been noted, or areas of concern, so that we could be mindful of these as operations commenced.

You will be aware that the Ministry of Justice (MOJ) has stepped in to HMP Lowdham Grange for an interim period, in doing so the prison is now under the operational control of a MOJ Governor. Sodexo continues to work closely with the MOJ and remains the employer of the staff and responsible for overall delivery of our contract with the MOJ. A copy of this letter has been shared with the MOJ and, as you will see from the below, they are committed, alongside us, to implement learnings to address your concerns.

You raised the following concerns in respect of HMP Lowdham Grange:

1. Ignoring Cell Bells
2. Isolating power to cells
3. Failure to follow the local Under the Influence Policy
4. Lack of understanding of Prison Service Instruction 64/2011, and possible discord between local policy and the PSI
5. A failure to implement learning from the investigations that follow deaths in custody

Each of the above is listed below, alongside Sodexo's response to each concern.

### **1. Ignoring Cell Bells**

Your Regulation 28 Report notes that there was evidence that staff were engaging in the deliberate ignoring of prisoner cell bells. You noted that you had not seen a local policy which either prohibits such activity, or, if such activity is permitted, supports staff to make risk-based considerations about how and when to ignore cell bells.

Sodexo agrees that wilfully ignoring cell bells is a wholly dangerous practice and one that is not permitted by Sodexo in any circumstances. Sodexo requires all cell bells at HMP Lowdham Grange to be answered within 5 minutes.

The HMPPS Governor has issued a Governor's Order to address this, a copy of which is attached as Appendix 1.

Sodexo has produced a policy in reference to this, and when the operational management of the prison returns to Sodexo Appendix 2 will apply.

### **2. Isolating power to cells**

The Governor's Order, already attached as Appendix 1, makes clear that power should not be isolated to a cell unless approved by the Duty Director (which would be either Director or Deputy Director within Sodexo) on the grounds of health and safety. The circumstances where power might be isolated would be for example if a prisoner was actively damaging the cell fabric, including the electrics – power would be isolated for a short period whilst arrangements were made to relocate the prisoner.

### **3. Failure to follow the local Under the Influence Policy**

Sodexo have concerns about the practices of the staff that transferred to Sodexo with HMP Lowdham Grange. These include failures of staff to conduct observations and follow the Under the Influence Policy. This is part of an ongoing culture change that we are trying to address but one that takes time and has to date involved changes to Senior Managers and Officers at the prison.

The Governor's Order, Appendix 1, makes it clear that staff are to open an under the influence log and inform healthcare if they suspect a prisoner is under the influence of drugs or alcohol.

#### **4. Lack of understanding of Prison Service Instruction 64/2011, and possible discord between local policy and the PSI**

When the HMP Lowdham Grange members of staff transferred to Sodexo, Serco provided a list of officers and dates that they had undertaken training, or when that training expired. They did not provide copies of the training or details of the content, despite requests.

Sodexo follow the national Prison Service Instruction 64/2011 which provides the framework underpinning any local policy. Sodexo deliver to staff the national training package issued by HMPPS for ACCT, version 6 and ACCT Assessor. To enable this Sodexo facilitators complete the national ACCT Train the Trainer course delivered by HMPPS facilitators. Relevant Sodexo staff also receive the national training package delivered directly by HMPPS facilitators on ACCT Case Coordinators.

The MOJ have confirmed that all managers, including the Senior Leadership Team, are to undergo the national ACCT training as a matter of urgency, this will include ACCT Assessor training and case manager training.

When the operational management of the prison returns to Sodexo all staff will undergo ACCT refresher training, if not done before.

#### **5. A failure to implement learning from the investigations that follow deaths in custody**

Sodexo is committed to continuous learning and improvement.

Following a death in custody at a Sodexo prison (whilst under Sodexo operational management) an Early Learning Review is required – this should be completed within 7 days. The Early Learning Review notes areas of good practice and recommendations, the Director is expected to ensure that any recommendations are complied with – alongside any recommendations made by the PPO.

The level of Sodexo investigation required following the Early Learning Review will depend on the circumstances, for example a natural causes death in a hospital may not require anything further however a suicide will result in a substantial fact find investigation, on some occasions by a senior manager of another Sodexo prison. The Director is responsible for ensuring that any recommendations and learning are implemented.

The above processes only apply when the prison is under Sodexo's operational management.

We know that you will share a copy of this response with Mr Boyce's family, and we would like to express our sincere condolences for their loss. The implementation of learning from this sad death is a priority.

Yours sincerely

**Sodexo Limited**