

FAO: [REDACTED] on behalf of HM Assistant Coroner Dr Karen Henderson  
HM Coroners Service  
West Sussex Brighton and Hove  
Parkside Chart Way  
Horsham  
RH12 1XH

Sent by email to: [REDACTED]

4 October 2024

Dear Madam,

### Reg 28 PFD Report following the Inquest touching the death of Miles Ethan Hurley

Further to your letter dated 9<sup>th</sup> August 2024 enclosing a copy of the Regulation 28 Report to Prevent Future Deaths in this matter (the “PFD Report”), we set our response below.

#### PFD Concerns

We note that the Coroner has identified the following concerns, namely:

- 1) Lack of effective Communication between police officers
- 2) Lack of relevant Documentation by the Police
- 3) Lack of effective documentation and communication between the Liaison Diversion Service (LDS) and the police within the custody suite.
- 4) Memorandum of Understanding between Midlands Partnership University NHS Foundation Trust, Sussex Police **and Mitie**, and specifically in relation to this point -

*“The MOU does not adequately address the practical issues facing an LDS and the police services to ensure appropriate management of mental health assessment and ongoing care whilst an individual is in Custody. There is an absence of local or national ‘Standard Operating Procedures’ or guidelines as to when to obtain a mental health assessment if an individual is intoxicated, a lack of formal documentation procedures, or steps to be taken to encourage further sharing of available information between the LDS service and the police (the LDS practitioner was not fully informed of Miles’s presentation at arrest, was not informed of the concerns raised by the family regarding Miles’s acute deterioration in his mental health and had no access to police records to be better informed). Nor are there any appropriate templates available with regard to liaison between LDS and the police to ensure consistency and accuracy of available evidence.”*

#### The Mitie Care & Custody Service

For context, and by way of assistance to the Coroner in these matters, we confirm that Mitie Care & Custody Limited (“C&C”) is the current forensic medical healthcare partner to Sussex Police, through which C&C provides 24/7 365 days a year physical healthcare services to persons detained in police custody, but not mental health services, and at the request of the police will

perform forensic medical examinations for the purpose of gathering evidence, and will also conduct various assessments such as 'fit to detain' and 'fit to release'.

During our assessments, if we become concerned for an individual's mental health, we can refer them to A&E for a non-Mental Health Act assessment, or to AMHP (the approved mental health practitioners) for a Mental Health Act assessment. We can also refer an individual to the on-site Midlands Partnership University NHS Foundation Trust Liaison Diversion Service (the "L&D Trust") for further vulnerability screening but note that their service is not a 24/7 service and is not a mental health assessment service. We also have access to the Blue Light Line for mental health advice.

At all times we are reliant on the information provided to us by the Police, by the L&D Trust where applicable, and by the individual themselves. We do not have access to the individual's full medical/GP record. Instead, we have access to the individual's summary care record (via the National Care Records System), which contains a limited amount of clinical information - usually current medication, GP details and known allergies. We also have access to any previous custody clinical records. We also have information sharing agreements in place with the police and other named partners (including the L&D Trust) in accordance with the Data Protection Act.

### **Response to the PFD Report**

From our careful review of the PFD Report we note that the matters referred to therein, particularly with regards to 'concern number 4' as set out above, seek to address specific concerns as to the management and availability of mental health assessments in police custody, to which C&C are not involved. In this instance, we humbly consider that this concern would be most appropriately addressed by the Police, NHS England and its local mental health and liaison and diversion services teams.

That being said, we take the matters raised within the PFD Report very seriously and have been liaising collaboratively with Sussex Police (our client) and the L&D Trust to understand our role in any formal process or procedure that they may wish to put in place that addresses these concerns, and in accordance with their responsibilities under PACE and the APP.

We remain firmly committed to working with these parties in respect of the development of any standard operating procedures and/or the clarification of the mental health referral pathways, as may be required, in order to ensure that we abate any concerns you may have on this point.

We hope that the above is of assistance to HM Coroner.

Yours Sincerely,



Medical Director and Caldicott Guardian for Mitie Care & Custody Limited