



HM Prison & Probation Service

[REDACTED]
Director General of Operations
HM Prison and Probation Service
8th Floor Ministry of Justice
102 Petty France
London
SW1H 9AJ

Michael James Pemberton
Area Coroner for West Manchester
Coroner's Office
Greater Manchester West
Paderborn House
Howell Croft North
Bolton
BL1 1QY

16 July 2026

Dear Mr Pemberton,

REGULATION 28 REPORT TO PREVENT FUTURE DEATHS: MR JAKE O'BRIEN

Thank you for your Regulation 28 report dated 6 March 2026, addressed to the Ministry of Justice and others following the inquest into the death of Jake O'Brien at HMP Forest Bank on 12 November 2024. I am responding on behalf of His Majesty's Prison and Probation Service (HMPPS) and the Ministry of Justice.

I understand that you will share this response with Mr O'Brien's family. I would like to begin by expressing my sincere condolences for their loss. Every death in custody is a tragedy, and ensuring the safety of those in our care remains our highest priority.

Your report raises concerns regarding First Aid training in public sector prisons and the policy regarding medical holds for prisoners. I will address each of these concerns in turn.

All new prison officers receive Emergency First Aid training as part of their initial foundation programme, which includes instruction in cardiopulmonary resuscitation (CPR). This training is mandatory, remains valid for three years, and is subject to local requalification to ensure staff maintain the necessary level of competence. The HMPPS First Aid Policy Framework, reissued nationally in August 2023, sets out requirements for both Emergency First Aid at Work (EFAW) and First Aid at Work (FAW). It places responsibility on Governors to ensure that sufficient first aid provision is always available within the establishment. This is achieved through a comprehensive local First Aid Needs Assessment, conducted in line with the First Aid at Work Regulations, which determines the number of trained staff required to provide an effective emergency response within each establishment.

To support ongoing staff capability, HMPPS provides a range of refresher materials and learning resources designed to maintain and enhance first aid knowledge and skills. This includes bespoke “first-on-scene” video content developed in partnership with St John Ambulance, which offers practical guidance for prison officers and frontline staff responding to emergencies prior to the arrival of healthcare professionals. Also, we have issued a learning bulletin about CPR that provides guidance for staff on action to take when someone is found unresponsive, not breathing and/or has no pulse in accordance with guidance from Resuscitation Council UK.

Turning to your concern regarding PSO 3050, which governs clinical holds and continuity of healthcare, we acknowledge that this policy is outdated and does not adequately reflect the needs of individuals with mental health conditions or neurodiverse needs. We recognise that this may result in an overemphasis on physical health considerations when decisions are made regarding transfers and clinical holds.

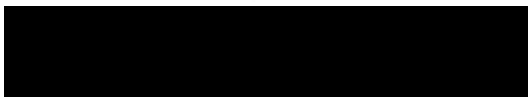
HMPPS is currently revising PSO 3050. The updated policy will be expanded to cover both custody and community settings and will strengthen requirements at key transition points, including movement between court, community, and custody, as well as transfers between establishments and the application of medical holds. The revised framework will place greater emphasis on the identification and management of mental health conditions and neurodiverse needs and will also improve information sharing between prison and healthcare services and set clear expectations for joint working with NHS partners before, during, and after transfer or release.

Learning from Mr O’Brien’s tragic death has been incorporated into the development of the revised policy to ensure that decision-making around clinical holds appropriately reflects the full range of an individual’s health needs.

The timeline for completion of this work has been extended to take account of wider legislative and operational changes arising from the Sentencing Act. The revised Continuity of Care Policy Framework is now expected to be published by June 2027.

Thank you again for bringing these important matters to my attention. I hope this response provides assurance that appropriate action is being taken to address the issues raised.

Yours sincerely,

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Interim Director General of Operations