

Proposed Recommendation from the Inspector of Prisons investigation report on
Death in Custody of prisoner “O” 30th October 2018

The Recommendations submitted by the IOP have been review and considered. The table below is a summary of proposed actions based on the investigation of the IOP in respect of the Irish Prison Service. The table also suggest timelines and action owners for completing the necessary actions.

No	IOP Recommendations	Irish Prison Service Response	Action Required	Action Owner	Timeline
1.	When it is known that death is imminent, the IPS should clarify with a prisoner’s Next-of-Kin that they accept that status and fully understand the implications.[section 1.7]	Not accepted	There are no implications of being nominated as “next-of-kin” as there is no legal definition within Irish Law for a next of kin. There is no obligation on a person designated as next of kin to pay funeral expenses. As a general rule, whomever arranges the funeral, usually covers the cost. I should highlight that in this case the next of kin did arrange the funeral however, the Irish Prison Service covered in full the cost relating to the funeral.	Operations	N/A



IOP Proposed Recommendations Action Plan

2.	Clarification in relation to Referral letters from Registered Medical Practitioners to the Operations Directorate requesting Compassionate Temporary Release for a prisoner on the grounds of health should be sought from the Registered Medical Practitioner who authored the letter, or, if unavailable, by another Registered Medical Practitioner following examination of the prisoner concerned. [section 2.26]	Accepted	An agreement is now in place between Operations Directorate, the Care and Rehabilitation Directorate and the Irish Prison Service Clinical Lead whereby any queries of a medical nature which Operations may have, will be referred to the Clinical Lead and they will guide the decision making process.	Operations/Care and Rehabilitation	Closed
3.	End of Life Care for prisoners is not a frequent occurrence. It is recommended that the decision-maker in each case should visit and speak directly with the prisoner concerned, relevant medical, nursing and other healthcare personnel providing care and treatment in the prison and also prison management and chaplaincy.[section 2.31]	Not accepted	It is the role of local prison management to speak and engage directly with the prisoner. All relevant information is made available to the decision maker in relation to an individual case. It is not considered a necessary or appropriate role for the decision maker to meet the prisoner in respect to whom they are required to make the decision. Such decisions are made in accordance with the relevant protocol and legislation. Irish Prison Service policy is that the identity of decision makers is not disclosed to any prisoner for security and operational reasons.	N/A	N/A



IOP Proposed Recommendations Action Plan

4.	In situations where the decision-maker is in receipt of conflicting healthcare advices the medical view should take precedence as s/he is the clinician with ultimate responsibility for the healthcare and treatment of the prisoner concerned.[section 2.30/2.31]	Not accepted	The Irish Prison Service do not believe that there were conflicting healthcare advices in this case. Both Dr A and National Nurse Manager A confirmed that the prisoner's illness was terminal and that the prisoner would pass within 4 weeks. Irish Prison Service policies and procedures confirm that the prison doctor is the lead clinician in the primary care team.	N/A	N/A
5.	Prisoner information in relation to external and internal movements should be contemporaneously entered into the PIMS. [section 2.39]	Accepted	The Irish Prison Service will remind all prisons of their obligations to record all incidents and of the importance of recording incidents promptly and accurately on both the paper and electronic systems.	Corporate Services	Sept 2020



IOP Proposed Recommendations Action Plan

6	As the IPS operates on a 24 hour 365 day of the year basis, it should ensure that decisions required from senior management in IPS HQ are available in a timely manner and are addressed with an appropriate level of urgency.[section 2.43]	Not accepted	The working hours of the Irish Prison Service HQ administrative staff are set out in DPER Circular 11/2013 Title: “Revision of Working Hours and Flexible Working Arrangements for Civil Servants” and are remunerated accordingly. Prisons operate on a 24/7, 365 basis and prison staff are remunerated accordingly. Operations Directorate provide a 24/7 service for emergencies only, such as hospital transfers, death in custody, major disturbances etc. The Irish Prison Service is currently conducting a review of the out of hour’s on-call system and will inform the Inspector of the outcome of that review. It is intended to have this review complete by end May 2020. As any amendments may impact on the terms and conditions of employment of HQ staff the Irish Prison Service is not in a position to commit to accepting the recommendation at this stage.	N/A	N/A (Please note the review of the out of hours call system which was originally due for completion by end May 2020 has been delayed due to Covid-19)
7.	The IPS should ensure that internal communication is at all times respectful and appropriate action taken when this standard is not reached. The development of a Code of Ethics for all IPS personnel (senior management and staff in HQ and prisons) should be expedited for completion and subsequent implementation at the earliest opportunity.	Accepted	The new Code of Ethics will be circulated to all staff by 10 January 2020 with a notice from the Director General advising staff of the implementation of same. An accompanying awareness programme is currently being developed and will be delivered to all staff, commencing February 2020.	Corporate Services	Feb 2020 (Please note the new Code of Ethics which was originally due for completion by Feb 2020 has been delayed due to Covid-19. But is expected to be complete by year end)



IOP Proposed Recommendations Action Plan

8.	Requests for a meeting with a representative of the Minister in accordance with Rule 57 should be addressed in a timely manner. The recipient of the request should make immediate contact with the prison concerned to assess the urgency of the matter.[section 2.43]	Part accepted	Rule 57 (2) states that “An officer of the Minister, designated by the Director General, shall, as soon as is practicable, visit the prisoner and hear any request or complaint which the prisoner may wish to make” . The Irish Prison Service is committed to operating in accordance with this Rule. However, this does not mean that immediate contact will be made in every case. The working hours of the Irish Prison Service HQ administrative staff are set out in DPER Circular 11/2013 Title: Revision of Working Hours and Flexible Working Arrangements for Civil Servants and are remunerated accordingly. Prisons operate on a 24/7, 365 basis and prison staff are remunerated accordingly. Operations Directorate provide a 24/7 service for emergencies only, such as hospital transfers, death in custody, major disturbances etc. In this instance, the request was received by email at 19.09 on the Friday evening of a Bank Holiday weekend. Unfortunately the prisoner passed away on the Tuesday after the Bank Holiday.	Operations	Closed
9.	The representative of the Minister that meets with a prisoner under Rule 57 should not be the original decision-maker in a decision that that prisoner may wish to discuss/raise with the representative. The representative should be of sufficient seniority to make appropriate recommendation for decision. [section 2.43]	Not accepted	Operations currently have an Assistant Principal Officer assigned to each prison as the designated official for rule 57 requests and as decision maker. It is not proposed to alter this arrangement as the Officer will be the most familiar with the individual’s case and best placed to address any issues raised by an individual prisoner.	N/A	N/A



IOP Proposed Recommendations Action Plan

10.	A Critical Incident meeting should take place as soon as possible after a death in custody. [section 3.3/3.4]	Accepted	The Operations Directorate have a draft Critical Incident Management Booklet which is currently being developed. This booklet will address the recommendation of the Inspector.	Operations	Q3 2020
11.	The IPS Critical Incident Policy should be reviewed and consideration given to the inclusion of a cold debrief within 14 days of an incident to provide further opportunity for everyone involved, including prisoners where relevant. The purpose should be to identify learning, support everyone involved and assess progress in relation to actions that were identified at the hot debrief, i.e. the debrief as soon as possible after the incident occurred. [section 3.3/3.4]	Accepted	The Operations Directorate have a draft Critical Incident Management Booklet which is currently being developed. This booklet will address the recommendation of the Inspector.	Operations	Q3 2020