

Mr David Scott
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data.access@justice.gsi.gov.uk

2 February 2017

Dear Mr Scott

Freedom of Information Act (FOIA) Request – 109461

Thank you for your requests dated 5 January in which you asked for the following information from the Ministry of Justice (MoJ):

1. **Can you please give me details of the number of ACCT (suicide assessment and care in custody) files opened in prisons in England and Wales in 2016?**
2. **Can you please tell me the number of recorded attempted drug overdoses by prisoners in prisons in England and Wales in 2016?**
3. **Can you please tell me the number of recorded attempted hangings by prisoners in prisons in England and Wales in 2016?**
4. **Can you please give me details of the number of resuscitations of prisoners following an attempted suicide / self-inflicted death in prisons in England and Wales in 2016?**
5. **Can you please tell me the number of prisoners who took their own lives in 2016 were being monitored under the ACCT at the time of their death?**
6. **Conversely, can you also tell me the number of prisoner self-inflicted deaths in 2016 that were not being monitored under the ACCT when they died?**

Your request has been handled under the FOIA.

Where more than one request is received for the same or similar information, section 5(2) of the FOI and Data Protection (Appropriate Limit and Fees) Regulations 2004 allows public authorities to aggregate requests and respond to them together. I have therefore aggregated your requests.

I can confirm the MoJ holds some of the information that you have requested.

Question 1

There were 48,108 Assessment, Care in Custody and Teamwork (ACCT) documents opened in 2016. Although care is taken when processing and analysing the returns, the information collected is subject to the inaccuracies inherent in any large-scale recording system. While the figures shown have been checked as far as practicable, they should be regarded as approximate and not necessarily accurate to the last whole number shown in the tables.

Question 2, 3 and 4

This information is not held by the department. You ask for information on a prisoner's intent. The MoJ does not attribute or measure the intent of individuals involved in such incidents. For example, records of incidents of drug use do not include information about whether or not the individual involved was attempting to overdose. Also, we do not hold information on the

number of resuscitations following attempted suicide / self-inflicted death. The FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. The duty is to only provide the recorded information that is held.

Questions 5 and 6

I can confirm that the MoJ holds the information that you have requested.

At the time of your request, figures for questions 5 and 6 for the period January to September 2016 are exempt from disclosure under section 21 of the FOIA, because this information is reasonably accessible to you. It was released recently in response to a Parliamentary Question (PQ) reference 52460, which asked the Secretary of State for Justice, *how many and what proportion of suicides took place in prisons were by people who were not on the Assessment, Care in Custody and Teamwork programme in prison in each year since 2010?*

The information can be accessed via the following link:

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-11-08/52460/>

The information relating to the remainder of 2016 (October – December) is exempt from disclosure, under section 22(1) of the FOIA, because it is intended for future publication.

The information you have requested is a subset of the death in custody data held in its final form which we routinely publish. It is intended for publication in the Safety in Custody bulletin which is due to be published at the end of January 2017. Safety in custody statistics are published quarterly and cover deaths, self-harm and assaults in prison custody in England and Wales. The last bulletin was published on 27 October 2016, and includes statistics covering 12-month periods to end of September 2016 for deaths in prison custody, and 12-month periods to end of June 2016, for self-harm and assaults.

When published, the information will be accessible via this link:

www.gov.uk/government/collections/safety-in-custody-statistics

In line with the terms of this exemption in the FOIA, we have also considered whether it would be in the public interest for us to provide you with the information ahead of publication, despite the exemption being applicable.

When assessing whether or not it was in the public interest to disclose the information to you, we took into account the following factors:

Public interest considerations favouring disclosure

- Disclosure would improve transparency in the operations of Government, and of the justice system in particular.

Public interest considerations favouring withholding the information

- It is in the public interest to adhere to the existing publication process for official statistics, which includes time for the data to be collated and properly verified.
- It is also in the public interest to ensure that data used in the compilation of official statistics comply with the Code of Practice for Official Statistics and that resulting outputs are produced to the highest quality. Statistics of high quality are produced to sound methods, with all users having easy and equal access that is fair and open, and are managed impartially and objectively in the public interest. Premature publication

could undermine the principle of making the information available to all at the same time through the official publication process.

We reached the view that, on balance, the public interest is better served by withholding this information under section 22 of the FOIA at this time.

We are also not obliged to provide information if there are prohibitions on disclosure 'by or under any enactment' (Section 44(1) (a) of the FOIA). Disclosure of the information that you are seeking is prohibited by the Statistics and Registration Services Act 2007 and the Pre-release Access to Official Statistics Order 2008.

As such we are required to consider your request in a manner compliant with the Pre-release Access to Official Statistics Order 2008 further to Sections 11 and 13 of the Statistics and Registration Service (SRS) Act 2007.

The MoJ is obliged under Section 13 of the SRS Act to continue to comply with the Code of Practice for Official Statistics (the Code) for National Statistics designated statistics. Section 11(3) of the SRS Act regards the Pre-Release Access to Official Statistics Order as being included in the Code. Protocol 2 of the Code reflects the requirements of the Pre-Release Access to Statistics Order. Specifically, it requires producers of official statistics to ensure that no indication of the substance of a statistical report is made public, or given to the media or any other party not recorded as eligible for access prior to publication. I can confirm that the MoJ does publish information on self-inflicted deaths as part of National Statistics. Therefore, to now disclose as part of your FOI request, will violate the provisions of Section 13 of the SRS Act and the Pre-Release Access Order to Official Statistics 2008 and as such engages the exemption under Section 44(1) (a).

I can, however, provide the figures for question 5 for the period January to September 2016. 34 of the apparent self-inflicted deaths during this period were of prisoners who were on an ACCT.

Appeal Rights

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gsi.gov.uk

Data Access and Compliance Unit, Ministry of Justice, 10.38, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner Office's (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

Karen Galloway
Safer Custody Policy and Learning Team
Safer Custody and Public Protection Group