

Citizen Participation and Public Petitions Committee

3rd Meeting, 2023 (Session 6), Wednesday
22 February 2023

PE1948: Improve the way that unexplained deaths are dealt with

Petitioner	Alex O’Kane
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to encourage Police Scotland to review their practices for dealing with unexplained deaths from initial recovery through to the support that is offered to family members.
Webpage	https://petitions.parliament.scot/petitions/PE1948

Introduction

1. The Committee last considered this petition at its meeting on 26 October 2022. At that meeting, the Committee agreed to write to Victim Support Scotland and Police Scotland. The Committee also agreed to take evidence from Stephanie Bonner.
2. At this meeting, the Committee will take evidence from Stephanie Bonner.
3. The petition summary is included in **Annexe A** and the Official Report of the Committee’s last consideration of this petition is at **Annexe B**.
4. The Committee has received new responses from Police Scotland and Victim Support Scotland which are set out at **Annexe C**.
5. Written submissions received prior to the Committee’s last consideration can be found on the [petition’s webpage](#).
6. Further background information about this petition can be found in the [SPICe briefing](#) for this petition.

7. The Scottish Government's initial position on this petition can be found on the [petition's webpage](#).

Action

8. The Committee is invited to consider what action it wishes to take on this petition.

Clerk to the Committee

Annexe A

PE1948: Improve the way that unexplained deaths are dealt with

Petitioner

Alex O’Kane

Date lodged

8 August 2022

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to encourage Police Scotland to review their practices for dealing with unexplained deaths from initial recovery through to the support that is offered to family members.

Previous action

I have written to the Chief Constable of Police Scotland and MSPs raising concerns about the current approach to unexplained deaths and the lack of support for those impacted. I have arranged a number of TV interviews and newspaper articles to highlight the way that families who have lost a loved one to an unexplained death are treated. I have gathered over 20,500 signatures from members of the public asking for changes to the way that Police Scotland approach and deal with unexplained deaths.

Background information

Unexplained deaths are far too common in Scotland and whilst I accept that in some cases the medical conclusion cannot be determined, I would urge Police Scotland to improve its policy when a body is initially discovered. This is a vital window of time when decisions are made and evidence can either be secured or lost forever.

Whilst representing a family who had lost a loved one to an unexplained death, I discovered that Police Scotland did not conduct door to door enquiries at relevant locations nor did they formally appeal for witnesses after a body was discovered. I believe this should be good practice and become policy when a body is discovered with no clear cause of death.

As an unexplained death case is not considered as a crime - the same level of resources are not invested to support the person's family, nor is victim support involved.

Unexplained deaths leave many families without answers and in some cases without justice, so it's vital for the Police to have a good line of communication open with the families and to be as transparent, helpful and empathetic as possible.

Annexe B

Extract from the Official Report of last consideration of PE1948 on 26th October 2022

The Convener: PE1948, which was also lodged by Alex O’Kane, is on improving the way in which unexplained deaths are dealt with. The petition calls on the Scottish Parliament to urge the Scottish Government to encourage Police Scotland to review its practices for dealing with unexplained deaths, from initial recovery through to the support that is offered to family members.

Alex O’Kane stresses that, when a body is discovered with no clear cause of death, there is a vital window of time when decisions are made and evidence can be secured or lost. He says that, because an unexplained death is not considered to be a crime, the same level of resources are not invested to support the person’s family, and victim support is not involved. He also stresses the need for good and supportive police communication with families in such situations.

The Scottish Government’s submission sets out the process that is followed by both Police Scotland and the Crown Office and Procurator Fiscal Service when managing unexplained, reportable deaths. Police officers are expected to undertake a range of actions during an initial assessment to determine the response. If at any stage circumstances indicate a “police reportable death”, the assessment must be halted and officers must notify supervisors and the criminal investigation department.

In dealing with unexplained deaths, one of the key principles highlighted by the Scottish Government is that the deceased and any family or friends are treated with respect, dignity and compassion. Guidance states that consideration should also be given to the appointment of a family liaison officer for bereaved relatives.

Do members have any comments or suggestions?

Paul Sweeney: I have engaged with the petitioner on the petition, which I believe is known as Stephanie’s petition. Stephanie Bonner is a constituent who lost her son three years ago in what was recorded as an unexplained death. The family has had no answers, has been let down by the authorities and is awaiting the outcome of a review by the Police Investigations and Review Commissioner into the handling of the case. Nothing that I say today will do justice to the importance of the petition.

I am of the opinion that the committee should invite Stephanie Bonner to give evidence on her experience since the tragic passing of her son three years ago. I gave a commitment to the petitioner that I would encourage the committee to invite Stephanie to the committee at the earliest opportunity. Today’s meeting is the first opportunity that I have had to stand by that commitment.

Fundamentally, the petition is about improving the way in which unexplained deaths are dealt with. In order to do that, it is vital that the committee hears at first hand from

those with experience of the current system and its flaws, and about the impact that that can have on families who are grieving and seeking answers and closure.

The Convener: We have a proposal to hear from the petitioner. It might be useful to seek further information from a variety of other organisations ahead of that. Do members have any suggestions in that respect?

David Torrance: I agree with Paul Sweeney's comments. Can we also write to Police Scotland for information on how a family liaison officer is deployed and on their role, training and accountability in such situations?

The Convener: We can. We might also want to write to Victim Support Scotland to ask for its views.

I apologise for my earlier mistake—the petitioner is Alex O'Kane. The clerks can liaise with Mr Sweeney in relation to the individual affected who would like to give evidence to the committee.

At this stage, are we prepared to keep the petition open and to explore how we take forward the suggestions that have been made?

Members *indicated agreement.*

Annexe C

Police Scotland submission of 21 November PE1948/B: Improve the way that unexplained deaths are dealt with

There is a national process for the selection, training and deployment of Family Liaison Officers within all territorial divisions in Police Scotland.

The primary function of a Family Liaison Officer (FLO) is that of an investigator therefore they are not generally used or deployed to unexpected deaths.

Training

FLO's are experienced police officers who have applied for the role (which is undertaken in addition to their normal duties) and undergone an interview process prior to selection.

They attend a 5 day national training course at the Scottish Police College whereby they receive training/inputs on their role within an investigation, dealing with bereaved families, support available for families and personal welfare. They are also provided with case studies which highlight difficulties that can be encountered as well as best practice learned from previous investigations. Officers are assessed during practical exercises where they are given scenarios and have to show competence and professionalism in dealing with them. Officers must pass the course in order to be deployed as a FLO.

Duties

The FLO's role is to gather evidence and information from the family to contribute to the investigation and preserve its integrity.

The FLO also provides support and information, in a sensitive and compassionate manner. They secure the trust and confidence of families, ensuring they are given timely information in accordance with the needs of the investigation.

FLOs are the single point of contact between the family and the Senior Investigating Officer (SIO). FLOs will identify who the main contact(s) will be for a deployment, in most cases this will be the next of kin however in certain circumstances, it may be another family member.

The FLO will then maintain regular face to face and telephone contact with this person(s) until such time as the police enquiry concludes and, in the event of a crime being established, an accused being reported to COPFS. At this point, the FLO will exit and complete a handover to the Victim Information and Advice service (VIA).

During the course of their deployment, FLOs are also responsible for obtaining statements from the family relating to identification of the deceased, lifestyle, victimology and behavioural characteristics of the victim, obtaining relevant background details of the victim and family members and advising the family in respect of police investigative procedures and criminal justice process.

If the incident is determined to be a homicide, FLOs will speak to families about the assistance and support which is available from the Victim Support service, Supporting Families Bereaved by Crime (SFBC). If the families consent, the FLO will submit a referral to SFBC who will in turn arrange a meeting with the family via the FLO.

If the death is suspicious however not yet established to be a homicide, FLOs can provide families with details of other support organisations/charities which the family can contact if they wish.

Accountability

FLO's are accountable to the Senior Investigating Officer in the investigation.

Deployment

Family Liaison Officers should be deployed in the following cases:

- Murder
- Suspicious Deaths where there is obvious or apparent criminality
- Missing person enquiry where there is reason to suspect foul play
- Any other serious criminal enquiry where deployment of a FLO would be significantly beneficial to the progress of the enquiry

Family Liaison Officers should be considered in the following cases:

- The investigation of every road collision, involving a fatality, potential fatality or life changing injury;

- Death which is likely to be subject of a Fatal Accident Inquiry (FAI);
- Multiple deaths due to a public transport accident;
- A critical incident;
- Any death which is likely to raise serious public concern, and generate significant and sustained media interest.

The deployment of FLOs may also be considered in other types of non-criminal deaths where communication has to be maintained between the police and family of the deceased for an extended period. As the availability of trained FLOs will inevitably be limited, careful consideration should be given to their use in non-criminal deaths. There must be an investigative function to any deployment and they should never be deployed solely to act as a support function. That is not their role.

In relation to the cases where deployment of a FLO should be considered, this is done on a case by case basis at the discretion of the SIO who will make an informed decision as to whether there is an investigative need to deploy a FLO or whether a single point of contact would be more suitable.

If an SIO wishes to deploy a FLO, he/she will consult with the divisional Family Liaison Coordinator (FLC) who manages the FLO cadre in their respective divisions. They will assist in identifying suitable FLOs for deployment, taking into account the experience/skills of the FLO, welfare, current workload and availability for deployment.

Frequency of FLO deployments

From 1st January 2022 to date, there have been 76 FLO deployments to incidents which fall under the above criteria.

Given the specialist investigatory role of Family Liaison Officers, the protracted manner of their deployments and the limited number of trained FLOs within the force, it would not be feasible or appropriate to deploy to every unexplained/unexpected death as a matter of course.

Victim Support Scotland submission of 22 November 2022

PE1948/C: Improve the way that unexplained deaths are dealt with

Victim Support Scotland (VSS) is the largest organisation in Scotland supporting people affected by crime. We provide practical help, emotional support and essential information to victims, witnesses and other people affected by crime within each local authority and every Sheriff and High Court in Scotland. The service is free, confidential and is provided by volunteers.

VSS welcomes the invitation by the Petitions Committee to comment on this petition.

In 2019, VSS established its Support for Families Bereaved by Crime service which supports families who have been bereaved through murder or culpable homicide. We support families who have been referred to us by:

1. Family Liaison Officers (FLOs)
2. Victim Information and Advice who are based in courts
3. Self-referrals where criminality has been identified.

The service recently received funding to extend this service to where the death has occurred abroad. Our current funding model for this service does not incorporate cases outwith the scope of murder or culpable homicide.

In terms of support provided by VSS for all other crime types, the provision of a service relies on there being some form of criminality having been identified, or a suggestion of criminality being present. Each request for support requires to be assessed against these criteria, as per our current funding model requirements. Where a family member considers that criminality has taken place, then VSS would assess that request carefully and compassionately. In circumstances where criminality is identified at a later date, for example where an unexplained death transpires to have been as a result of murder or culpable homicide, then the SFBC service would be available to support the family from that point.

In cases of self-referral where no criminality has been identified and when someone has died, for example by suicide or road traffic deaths, we would signpost to a more relevant support organisation.