



GUIDANCE

Providing a quality service to victims of bereaved families in terrorist incidents, disasters and multi-fatality cases

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Introduction

Under Article 2 of the European Convention on Human Rights, the right to life, there is a duty on the state to carry out a proper investigation where a death occurs and to involve the families to the extent necessary to safeguard their legitimate interests. The Crown Prosecution Service (CPS) has policies to support victims and bereaved families¹ and the duty to provide an enhanced level of service is required under the Victim's Code.² Nothing within this guidance affects these rights and responsibilities.

This is a guidance document that outlines CPS processes for engagement with victims and bereaved families. In doing so, it recognises that every case different and there is no set approach to providing this service. Flexibility is important and what is offered to victims and bereaved families will depend on the circumstances and be considered on a case by case basis.

The CPS recognises that those who have been affected by terrorist atrocities, disasters and incidents where there are multiple fatalities often have additional needs and concerns, not least because such cases take a considerable amount of time to investigate, but also because there are additional logistical challenges to any case involving a large number of parties and often there are multiple public agencies involved. Victims and bereaved families therefore face a more complex set of factors when dealing with the criminal justice system and other public authorities. Prosecutors will need to be flexible in the way they provide support, while ensuring that victims and bereaved

¹ [CPS Bereaved Families Guidance](#) and [Deaths in Custody](#)

² [Victim's Code](#)

families receive a consistent service across a range of cases.

In creating this guidance, we have consulted with some families and organisations which have experience of these cases and we are grateful to them for sharing their views. Key points that they emphasised were:

- Ensure that investigations and decisions are independent, and seen to be so, so that victims and families can have confidence in the process; public authorities need to provide reassurance that the reality matches the written policy and responsibilities;³
- Provide as much information as possible to help those affected to understand how the process works, know who is responsible for what, provide broad timeframes and explain what assistance may be available to them and from whom.⁴ Information leaflets or flowcharts can be useful so that people have these to look at as things progress;
- Give consideration to *how* information is shared and, in particular, whilst the process is likely to be distressing for everyone involved, give additional thought to how to handle the needs of particularly vulnerable victims and/or bereaved family members; remember that each person is an individual and they may have differing needs;
- Remember that people who are traumatised may find it difficult to understand or absorb information so it will need to be presented in a clear, easy to follow manner and may need reinforcing or repeating.

The following considerations do not create rights and responsibilities but suggest best practice⁵ to ensure that victims and bereaved families are properly supported and informed.

Who does this apply to?

This guidance applies where there is a criminal investigation into the death of multiple victims,⁶ particularly where it is suspected that there may be potential evidence of:

- Terrorism

³ Reassurance is essential to ensure that those affected can have confidence in the system, and demonstration of independence is the only way in which some people will feel reassured. Explaining the independent role of the CPS and being open and transparent about our work advising investigators will help.

⁴ This will include early provision of flowcharts, information leaflets, website links and telephone numbers for Victim Support, Inquest, Citizens Advice agencies, reference to other Departments for them to answer questions on legal aid or financial support.

⁵ Other best practice and policy documents on supporting victims of terrorism during criminal proceedings include [Good Practices in Supporting Victims of Terrorism within the Criminal Justice Framework](#), United Nations Office on Drugs and Crime, 2015; [Madrid Memorandum on Good Practices for Assistance to Victims of Terrorism Immediately after the Attack and in Criminal Proceedings](#), Global Counter-Terrorism Forum, 2012; [How Can the EU and Member States better help victims of Terrorism? Study for the LIBE Committee](#), Policy Department of Citizens' Rights and Constitutional Affairs, European Parliament, 2017; [The Rabat Memorandum on Good Practices for Effective Counter-Terrorism Practice in the Criminal Justice Sector](#). See also the report into the experiences of the Hillsborough families '[The patronising disposition of unaccountable power' – A report to ensure the pain and suffering of the Hillsborough families is not repeated](#)'.

⁶ Applies where there are three or more victims.

- War crimes or crimes against humanity
- Corporate or gross negligence manslaughter
- Other crimes with a corporate or state element

Most cases to which this applies are dealt with by the Special Crime and Counter Terrorism Division (SCCTD).

These cases are usually complex and resource intensive, so it is essential to ensure:

- In appropriate cases, early identification of a senior manager to provide support to the lead prosecutor and prosecution team throughout the process
- A lead prosecutor (or prosecutors depending on the case) to carry out the review and lead on liaison and communication with the family
- A caseworker will be appointed who will also be a point of contact for communication
- A Paralegal Business Manager coordinator is appointed to assist with logistics and support the prosecution team (for example, in arranging meetings and coordinating timeliness of communications)
- That roles are clearly defined
- A Memorandum of Understanding (MOU) or joint strategy may be considered and put in place where required

SCCTD will ensure that the prosecution team appointed to these cases are given appropriate support. The purpose of providing support is to ensure that prosecutors are able to manage the case, supporting victims and bereaved families professionally and with empathy. SCCTD will, as required, discuss the impact of such casework on their wellbeing with an appropriate professional and in accordance with the CPS policies on Occupational Health and Workplace Wellness.

Timing

In any case, it is essential that engagement with victims and bereaved families is considered at an early stage and discussed with the investigators.⁷ It is at this point that consideration should be given to a strategy or MoU. Earlier engagement may be appropriate to ensure that victims and bereaved families understand the various roles and responsibilities, to avoid confusion and, in appropriate cases, to build confidence in the criminal justice process. It is important to have early contact to explain timescales and why these cases can take a significant amount of time to progress as even short periods of time can seem lengthy for those who have been deeply affected by tragic events. Being open and explaining realistic challenges from the outset helps victims and family members understand what is happening and when to expect progress.

Often there will be other agencies involved (coroners, inquiries, Health and Safety Executive); it is important to factor in parallel engagement to ensure consistency and prevent victims and

⁷ Existing guidance provides for the stages at which engagement should take place.

bereaved families from being overwhelmed with separate contact and information. It is essential that there is good communication between the agencies to ensure there is no duplication and that messages are consistent. Guidance for engaging with these other agencies already exists.⁸ In a complex or multi-agency case, a joint engagement strategy or MOU may be helpful. Alternatively, engagement issues could be incorporated into the Joint Investigative Strategy (JIS).

It is important that families are kept appropriately updated so that victims and families do not hear or read about key messages in the media. There may be times when others need to know at the same time or shortly afterwards (for example, charging announcements), but it will be rare that information needs to be shared with anyone other than parties directly involved before it is shared with families.

Making contact

Family Liaison Officers (FLO) will be able to assist in making initial contact and advising on what families may need or want in a particular case. The College of Policing guidance outlines that the senior investigating officer is responsible for setting the family liaison strategy. Their initial priorities will be to establish the needs, requirements and communication channels with the family, to allow information to be gathered and to provide the family with any information or help they require, taking the needs of the investigation into account. FLOs work to the family liaison strategy's aims and objectives.

Victims are defined in the Victim's Code and whilst there is a definition of 'family members' in the CPS Bereaved Family guidance,⁹ prosecutors should use their common sense and discuss with those involved who needs to be consulted or informed. Families may be fractured and need to be consulted separately or a more dominant family member may 'self-appoint' themselves as spokesperson to the detriment of others. This is not easy and may present challenges.

Alternatively, victims and families may have organised themselves into groups and the CPS may be able to liaise with the group leaders or they may be represented so initial contact can be made with solicitors. There needs to be a clear understanding on which issues you can liaise with group leaders or solicitors and those which may need a more personal approach requiring engagement and communication extended to every victim and/or family member. Not everyone will be a member of the group, so it is important to ensure those people are included in any plans going forward. In cases with larger numbers, it may be helpful to sign up to a written agreement about how communication, consultation and information giving will be handled and agree it with everyone involved. This will also allow the CPS to explain any logistical issues and get agreement to a compromise where it may be necessary.

⁸ See [Agreement with the CPS, NPCC, Chief Coroner and Coroners' Society](#) and [Work-Related Death Protocol](#)

⁹ 'Family' is defined as including relatives and partners.

Method

The appropriate method of communication will differ in each case and at each stage. When considering engagement beyond the existing policies, it is important to consult victims and families about their preferred approach and needs before deciding how to engage. In the early stages, a written introduction with information about who is dealing with the case and an explanation about the CPS role may suffice. It is important to ensure that victims and families are informed about how they should and can communicate directly with the CPS.

There may be existing methods of communication in place with investigators; the CPS could use these jointly with the investigators to ensure that the right information and messages are getting through at each stage of the case. Alternatively, the CPS team may wish to set up additional mechanisms. Some examples of methods of communications that could be considered in these types of cases include:

- Closed social media sites, such as Yammer.
- Newsletters: these can be emailed on a regular basis to provide updates and information on court facilities, court processes, details of future hearings or family meetings or explanations of legal terms or offences.
- Setting up an inbox for victims and bereaved families to submit questions.
- Preparing and updating where needed a list of FAQs that is made available to bereaved families and victims.
- Live links and satellite courts.¹⁰
- Sending alerts by text message (for example, the verdict).

It is important, however, to ensure that those affected are comfortable with the method of communication. There may also be cultural sensitivities or other needs that must be considered. For example, a case might involve people with disabilities who need additional assistance, a different method of communication or communication through an intermediary; communications need to be age appropriate for young victims, and older children may wish to communicate directly rather than through a carer. Whilst most people now use digital communication, not everyone will be comfortable with it so that needs to be factored in and different methods may be needed.

Confidentiality is key. Prosecutors must consider how communications are delivered, who to or through, and when it is appropriate to share information with others. For example, consider where written communications are sent and how they are marked or how much to say if a telephone call is answered by someone else; victims may not want others to know their business.

Information leaflets and flow charts can also assist greatly.¹¹ Some useful resources that victims and bereaved families may find helpful in explaining the criminal justice system include:

¹⁰ This will require engagement with HMCTS. See section on 'Making arrangements for large numbers of victims and witnesses to attend court' below for more information.

¹¹ [The Deaths in Custody leaflet](#) might be useful or parts of it can be used in other case types

- [Going to Court](#)
- [The Inquest Handbook](#)

Meetings

Once the CPS has an established role, meetings may be appropriate. It will be important to ensure that all victims and families who want to engage are able to and that it is done in such a way that the CPS is able to handle the resource implications. It is a fine balance and will inevitably mean group meetings in cases with multiple victims.

It is essential, however, that the integrity of the investigations and potential prosecutions are always protected. It may be appropriate to agree early terms of reference to ensure that everyone understands the clear parameters of what can be shared and what can't be. Notes should be kept and, if possible, agreed with all attendees. It is important to remember that any such notes may be disclosable, particularly where those attending a meeting are also possible witnesses of fact. If questions are asked which cannot be answered, it is essential to explain why and where no further information is available, to say so. Even if an explanation is likely to be unpopular, it is important to be straightforward, open, and transparent. Where decisions are for other agencies, it is important to explain that and distinguish between roles. That does not mean, however, that the CPS cannot assist families by making enquiries of other agencies, providing contact details, and sharing information through our mechanisms. More information on the practicalities of holding meetings with bereaved families can be found in the [CPS Service to Bereaved Families in Homicide cases legal guidance](#).

Logistics

Issues to consider include:

- Where to hold meetings, particularly if victims and families live in different places.
- Is there more than one group? Are there different issues? How many meetings are needed?
- Which organisations should attend? Who from CPS? Who should chair any meetings?
- Arranging the meetings – do not underestimate what is needed to make the arrangements. Are there existing mechanisms that could be used?
- Do you need help from a communications officer?
- Who may need to attend to support victims and families?
- How will victims and families travel to a venue if that is required? Are there any expenses available for travel? If so, who should pay? (see further advice below)
- If some parties are overseas, how will the CPS keep them up to date?
- What if the relationship with the victim or bereaved families breaks down or simply doesn't work? Should someone else in the prosecution team take on the liaison role?

For victims and witnesses located outside the UK, additional factors to consider are outlined in

Annex A.

Funding arrangements for victims and bereaved families

The CPS legal guidance on [Witness Expenses and Allowances](#) sets out the costs the CPS will cover in relation to expenses, allowances, and fees incurred by attendance at court or elsewhere in connection with giving evidence. These costs would be covered for the victim or bereaved family member who is also a witness, or who attends court in order to read a Victim Personal Statement. In these circumstances, if the victim or bereaved family member requires a support person, for example, a carer to assist with mobility, the CPS would also cover the costs of the support person.

The CPS will also arrange and pay for interpreters for witnesses who attend court to give evidence. This includes the interpreter's travelling expenses but not subsistence allowance unless an overnight stay is necessary. Witnesses can also be assisted by an interpreter for other pre-court meetings if necessary, for example, court familiarisation visits. The need for an interpreter in these circumstances should be assessed on a case by case basis.

The Witness Expenses and Allowances guidance outlines that the police or other appropriate investigating agency is responsible for arranging an interpreter when interviewing a suspect or witness in the course of their enquiries. The defence is responsible for the interpreting and translating needs of all defence witnesses both during the preparation of the case and whilst giving evidence in court.

Where a witness feels intimidated, the CPS can arrange special measures. For further information, please see the legal guidance on [Special Measures](#).

Making arrangements for large numbers of victims and witnesses to attend court

Arranging for large numbers of victims and bereaved families to attend court can be challenging both in terms of logistics and the need to liaise across a range of different organisations. The Ministry of Justice and HMCTS can assist in coordinating this process and in making practical arrangements at court. Early engagement and collaborative working are essential in ensuring the CPS is involved in decision-making so that victims and bereaved families are given consistent messages and have realistic expectations about available options. Prosecutors should speak to the police FLO about making contact with the Ministry of Justice and HMCTS at the earliest opportunity.

For witnesses that may need to give evidence remotely, please see [Witnesses giving their evidence from their home, workplace or abroad \(away from the court estate or a nominated remote link site\) using CVP or AVMI Kinly](#). For further information, please see [Remote Link Sites – responsibilities and detailed process](#).

Media interest

Cases of this type inevitably have wide media interest. It is therefore important that a media strategy is in place. This can form part of the engagement plan. Information provided to families may be passed onto the media or find its way onto social media quickly. CPS press office need to be aware so that they can deal with any questions and a Media Handling Plan will usually be appropriate in such cases.

Political interest

Political interest is also a common feature. There may be an All-Party Parliamentary Group or interest from the Home Office, No. 10, or other Departments. Almost always, local MPs and/or Mayors will have an interest. It is important to ensure that these parties are appropriately briefed at key stages, although level of involvement will vary from case to case. This engagement and any briefings should be discussed with senior management.

Other parties

Contact with [coroners](#) and engagement with [public inquiries](#) is already covered by existing policies. If there are other interested parties, they need to be included in any engagement or handling plans.

Sharing best practice

There is a formal process in place for capturing and sharing best practice across SCCTD to ensure that the experience and insights of prosecutors working on individual cases is embedded into the work of the Division, and that we continually improve the service we provide to victims and bereaved families.

Annex A - Victims and witnesses located outside the UK

There are a number of challenges and complexities that may arise in providing services to victims and witnesses located outside the UK. These considerations are especially relevant to victims and witnesses in war crimes cases but could also apply to other victims and witnesses that fall under this guidance.

When working with victims and witnesses located outside the UK, some factors to consider include:

- **Point of contact in country:** Some victims/witnesses may not have access to phones or email. The point of contact should ideally speak the same language as the victim/witness to avoid the need for additional interpreters. All communication with the victim/witness should

be documented and staff involved should sign an MoU detailing what is expected of them. New interviewers should always be introduced to victims/witnesses by someone they have an existing relationship or awareness of as many will not trust someone they have never met before.

- **Language:** It is important that the right language is identified, and interpreters should be same-sex if possible, particularly for cases involving sexual violence. Sometimes whilst similar, some languages do have differences, for example, Mandinka and Konyaka. Interpreters should be met and briefed beforehand and checked for any political or tribal affiliations. Remember that the interpreters/translators used for the witness interviews cannot be the court interpreters/translators, so don't use good interpreters on the list with basic 'checking' work. At an early stage it needs to be decided whose responsibility it is to obtain interpreters. Be aware of the [National Register of Public Service Interpreters](#). Accreditation is required and this can take time so should be factored in if limited numbers of interpreters are available for court purposes.
- **Culture:** Building rapport and a degree of trust with witnesses is very important. There may be cultural differences in communication methods, mourning, and dealing with practical issues or emotional reactions. It is often instilled in war crimes victims not to talk about what happened during the war. Culturally there is a feeling that nothing good comes of talking about the past, and there is also a lot of stigma associated with what victims have been through. There may be good reasons why a victim/witness may not have talked about events previously and some may not be encouraged to show emotion. This can be hard for a jury and time is required to convey this to a court room, if appropriate. Prayer times and facilities are important considerations at court.
- **Familiarity with context:** Victims and witnesses may not have the same rights or entitlements in their home country, and you may need to become familiar with the rules, legal frameworks, rights, and customs in providing victim support in their home country. Victims and witnesses may receive little support from their community as they often decide not to tell their family or friends that they are participating in criminal proceedings due to stigma or fear of being ostracised by their community. Victims and witnesses may have little understanding of courts and the legal system and preparing them for trial will require planning and careful consideration. While picture and diagrams are useful, showing victims and witnesses materials designed for children can also be considered patronising/offensive. Some concepts may be difficult to explain to victims and witnesses, for example, explaining a live link when an individual may not have seen a television before. See Table 1 for more information on court familiarisation.
- **Infrastructure:** Transport and communication challenges may arise due to a lack of infrastructure, for example, where witnesses are not able to afford telephones or live in areas without phone reception or accessible roads.¹² Travel time will need to be factored in

¹² [International crimes, Local Justice: A Handbook for Rule-of-Law Policymakers, Donors, and Implementers – Open Society Justice Initiative](#)

where road networks are poor and several days may need to be allocated to get witnesses/victims to an airport. Special consideration should be given to witness running times to allow for a witness finishing early where the next witness needs to be available, while ensuring that witnesses are kept separated.

- Women and children: Special consideration should be given to victims of rape or sexual violence and prosecutors should be familiar with cultural norms relevant to the particular context. There may be cultural and societal barriers that prevent victims disclosing sensitive information, particularly where prosecutors are not of the same gender, age, or ethnicity. Prosecution teams should be diversely staffed, where possible.
- Travel and logistics: Victims/witnesses may not have passports and in some countries, it may be common that individuals do not know their date of birth or have a birth certificate. It may be a safety risk for certain stamps to appear in passports so consideration should be given to working out alternatives (for example, stamping a separate piece of paper that can be inserted in a passport). Passport issuing authorities may impose conditions on visas, for example, that witnesses/victims are always chaperoned by a police officer. Practical aspects need to be considered about accompanying children, clothing needs, places of worship, escorts through the airport and accommodation & food options. A study of victims and witnesses who gave evidence at the International Criminal Court (ICC) found that some of the most negative comments from witnesses related to their experiences with travel, in particular, last minute changes to schedules, limited food choices and flight delays.¹³ See Table 1 for further considerations on travel.
- Balancing the right of the accused with the need for witness protection: Witness protection is usually not available for witnesses abroad. It is important to agree a strategy at the earliest opportunity as to how witnesses requiring some form of protection, be it anonymity, special measures, etc. can be protected in the court process. The witness/victim will need to know the process for reporting concerns and what to do if they need help. In many cases, witnesses may not understand the dangers, for example, the impact of their name being in the media and the public domain. They are likely to want to reintegrate into their community without stigma and shame but press restrictions do not bind foreign media and consideration needs to be given to how this can be managed in the court process. The prosecutor, along with the police investigators, may need to take a degree of responsibility for victims/witnesses and make some decisions in their best interest.

¹³ [Bearing Witness at the International Criminal Court: An Interview Survey of 109 Witnesses](#)

Table 1 - Considerations for victims and witnesses located outside the UK

Stage of process	Considerations
Initial contact and Assessment of Needs	<ul style="list-style-type: none"> • Will they need support for a medical condition or disability? • Will they need travel documentation? (passports/visas) • Will they need a translator? • Do they have dependents? • What financial losses might they incur by participating in the trial? (e.g. missed work)
Pre-Court Familiarisation	<ul style="list-style-type: none"> • Do they have any experience of the UK justice system? What can they expect at the trial? • Have they travelled before? What can they expect on the plane? • What can they expect about the location of the trial? What is the city and weather like? • Are there any risks in travelling? (for example, health risks) • What materials will you be providing and in what format? (written, DVDs etc.) • How will you get materials translated?
Travel	<ul style="list-style-type: none"> • Do they have appropriate clothing for the weather in the UK? Will they need any incidentals? (for example, toiletries) • Have they travelled aboard before? Will they need someone to accompany them? • Are any dependents travelling with them? Will they need childcare arrangements in the UK? • Do they (and their dependents) have a passport/visa? • How will meals and incidentals be provided?
Trial	<ul style="list-style-type: none"> • How will their identity be protected in the courtroom? • Will they have a waiting room? • Who will care for dependents while witnesses are giving evidence? • Has a debrief session been planned? • If a High Commission or Embassy is to be used as a live link location, the court will need to consider it as an extension of the court. Will the High Commission or Embassy provide an usher to undertake the oath? Who will be in the room whilst evidence is being given? Who will support the witness? Will cameras be required to cover entrance/exit points so the judge can maintain awareness of what is going on in both locations?
Post-Trial	<ul style="list-style-type: none"> • How will they be kept informed about the case? • What support systems are in place for their return home?