

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

Guidance



Crown Prosecution Service  
[cps.gov.uk](https://cps.gov.uk)

## 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 there is an obligation on those carrying out such investigations 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 families<sup>1</sup> and the duty to provide an enhanced level of service required under the Code of Practice for Victims of Crime.<sup>2</sup> Nothing within this guidance affects these rights and responsibilities.

This guidance applies where there is a criminal investigation into the death of multiple victims,<sup>3</sup> particularly where it is suspected that there may be potential evidence of:

- Terrorism
- Corporate or gross negligence manslaughter
- Other crimes with a corporate or state element

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

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. There are additional considerations that might assist the CPS to support victims and bereaved families appropriately. When establishing who to engage with often the police can assist with appropriate contacts. Victims are defined in the Victims Code and whilst there is a definition of 'family members' in the CPS Bereaved Family guidance, 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.

Every case will differ so it is important when considering engagement beyond the existing policies to consult victims and families about their preferred approach and needs before deciding how to engage in each case. There may also be cultural sensitivities or other needs that need to 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.

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<sup>1</sup> [CPS Bereaved Families Guidance](#) and [Deaths in Custody](#)

<sup>2</sup> [Code of Practice for Victims of Crime](#)

<sup>3</sup> Applies where there are three or more victims

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 were emphasised were:

- Ensuring 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;<sup>4</sup>
- Providing 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.<sup>5</sup> 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, giving 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.

Bishop James Jones' recent report into the experiences of the Hillsborough families<sup>6</sup> sets out points of learning for public organisations and this policy corresponds closely with those principles.

### Who does this apply to

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

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

- Early identification of a senior manager to have responsibility for victim/family liaison and support for the CPS team,
- A lead prosecutor (or prosecutors depending on the case) to carry out the review
- Sufficient other resources identified to support the work that will need doing
- That roles are clearly defined
- A Memorandum of Understanding (MOU) or joint strategy is in place

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<sup>4</sup> 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.

<sup>5</sup> 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

<sup>6</sup> [The patronising disposition of unaccountable power' – A report to ensure the pain and suffering of the Hillsborough families is not repeated](#)

SCCTD will ensure that prosecutors appointed to these cases are given appropriate training and support in order to ensure they have the skills needed to deal with this type of case both in terms of case handling and supporting victims and bereaved families professionally and with empathy.

### Timing

Each case will depend on its own circumstances but it will be useful to discuss engagement with the investigators at an early stage however the CPS intends to make initial contact. Existing guidance provides for the stages at which engagement should take place. In these cases though, 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; 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 bereaved families from being overwhelmed with separate contact and information. Guidance for engaging with these other agencies already exists.<sup>7</sup> 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 a 'family first' policy is adopted 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

In the early stages, the Family Liaison Officers (FLO) will be able to assist in making initial contact and advising on what families may need or want in the particular case. 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. It is important however to ensure that all those affected agree to the method of communication and consultation going forward. 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. Also, 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

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<sup>7</sup> See [Agreement with the CPS, NPCC, Chief Coroner and Coroners' Society](#) and [Work-Related Death Protocol](#)

involved. This will also allow the CPS to explain any logistical issues and get agreement to a compromise where it may be necessary.

## Method

The appropriate method of communication will differ in each case and at each stage. This may be in writing or face to face or a combination of both. It may be appropriate to do it jointly with the investigators to avoid multiple contact and meetings.

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. Information leaflets and flow charts can also assist greatly.<sup>8</sup> However, some cases, depending on the background and circumstances, may benefit from an early meeting with families, solicitors who are acting for families and/or, where they exist, groups representing families in order to provide information, build rapport and answer immediate questions.

There may be existing methods of communication in place with investigators including closed social media sites such as Yammer, regular newsletters, or FLO contact; 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 such as a shared email address, an inbox to communicate directly with victims and families, regular newsletters or using the CPS website in appropriate circumstances. It is important however to ensure that those affected are comfortable with the method of communication. 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. It is essential that there is good communication between the agencies to ensure there is no duplication and that messages are consistent.

It is also important to ensure that victims and families are informed how they should and can communicate directly with the CPS and provide timescales for update; even short periods of time can seem lengthy for those who have been deeply affected by tragic events. Confidentiality is key and prosecutors must consider how communications are delivered, who to or through, and consider 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.

## Meetings

Once the CPS has an established role, meetings may be appropriate and 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.

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<sup>8</sup> [The Deaths in Custody leaflet](#) might be useful or parts of it can be used in other case types

It is essential however that the integrity of the investigations and potential prosecutions is protected at all times. 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. If questions are asked which cannot be answered, it is essential to explain why and where no further information is available, 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.

## **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 the venue? Are there any expenses available for travel? If so, who should pay?
- 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?

## **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 proactive lines will be appropriate at some stages on the process.

## **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.

## **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.

## **About the Crown Prosecution Service**

The CPS is responsible for prosecuting most cases heard in the criminal courts in England and Wales. It is led by the Director of Public Prosecutions and acts independently on criminal cases investigated by the police and other agencies. The CPS is responsible for deciding the appropriate charge in more serious or complex cases and provides information, assistance and support to victims and witnesses.

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