



CROWN OFFICE  
& PROCURATOR  
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

# THE FAMILY LIAISON CHARTER

CHARTER TO BEREAVED FAMILIES: ACCESS TO INFORMATION  
AND LIAISON WITH THE PROCURATOR FISCAL

Laid before the Scottish Parliament by the Lord Advocate under Section 8 of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016

September 2016. SG/2016/136



## Contents

Introduction	Page 5
The Investigation:	
1. The Initial Report	Page 7
2. The Initial Post Mortem Examination Result	Page 9
3. The Final Post Mortem Examination Result	Page 10
4. Further Investigations	Page 11
5. Criminal Proceedings	Page 13
6. Fatal Accident Inquiry	Page 14
7. Conclusion of Court Proceedings	Page 17
Summary of our commitments	Page 18
Further information	Page 20
Complaints and Feedback	Page 21
APPENDIX A – Frequently Asked Questions	Page 22



## Introduction

The sudden death of a loved one can be a traumatic event for the deceased's family. At a time when members of the family may be feeling distressed because of the death, they also have to deal with official agencies and make important decisions.

It is in the public interest that the cause of a sudden and unexpected death should be established and that, insofar as the public interest may require it, the circumstances investigated. In some cases, an investigation is required by law. Depending on the circumstances, the investigation may result in a Fatal Accident Inquiry (FAI) before a sheriff, at which evidence can be led in public about the circumstances of the death.

In Scotland, investigations are undertaken by staff within the Scottish Fatalities Investigation Unit ([SFIU](#)) of the Crown Office and Procurator Fiscal Service ([COPFS](#)) under the direction of the [Lord Advocate](#). Bereaved families are entitled to expect staff of the COPFS who are involved in the process of investigation to respond appropriately to their needs, to answer questions which they may have, and to keep them informed of the progress of the investigation. Investigations are undertaken by the Crown in the public interest, but, where possible, the views of members of the deceased's family should be taken into account.

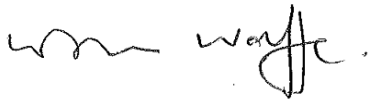
This Charter sets out how staff of the Crown Office and Procurator Fiscal Service will liaise with the family of a person in relation to whose death a Fatal Accident Inquiry may be or is to be held. It sets out the different stages of the investigation process, the information which will be provided to bereaved families and the timescales for giving information. Insofar as it is possible to do so, additional information will be provided at any stage of the investigation upon request.

This Charter will apply to any death reported to COPFS on or after 1<sup>st</sup> September 2016 and to any FAI applied for on or after 1<sup>st</sup> September 2016. It will also apply to deaths reported earlier than 1<sup>st</sup> September 2016 if the bereaved family specifically ask COPFS for the Charter to apply.

I am grateful to the following organisations for their contributions during the consultation process that led to the promulgation of this Charter:

- The Scottish Government
- Police Scotland
- Victim Support Scotland
- Mental Welfare Commission for Scotland
- Scotland's Campaign against Irresponsible Drivers (SCID)
- Scottish Cot Death Trust (SCDT)
- People Experiencing Trauma and Loss (PETAL)
- Families Against Corporate Killers (FACK)
- The Scottish Association for Mental Health (SAMH)

On 18<sup>th</sup> August 2016 the independent Inspector of the Prosecution Service in Scotland published her report on Fatal Accident Inquiries. COPFS welcomes and accepts all the recommendations which the Inspector has made. COPFS will ensure those who have been previously consulted in the preparation of this Charter are further consulted on revisions that may be required to the Charter in light of those recommendations and will thereafter lay a revised Charter before the Scottish Parliament.

A handwritten signature in black ink, appearing to read 'James Wolffe'.

James Wolffe QC  
The Lord Advocate  
31 August 2016

## The Investigation

### 1. THE INITIAL REPORT

- 1.1 The extent of the investigation that is required depends on the facts and circumstances of each death. When a person dies in Scotland, a burial or cremation cannot take place until a medical certificate giving the cause of death has been issued. This certificate must be completed by a doctor, and must show the time, place and cause of death. Most sudden and unexplained deaths are reported to the [Procurator Fiscal](#) because a doctor is unable to confirm the cause of the death and is therefore unable to issue a death certificate. Other cases may require further investigation into the circumstances leading up to the death.
- 1.2 In any investigation the police will submit a report to the Procurator Fiscal for consideration. This report should be received as soon as possible after the police are aware of the death. It will contain background information of the deceased, including their medical history, and a summary of the events leading up to the death. On receiving this information the Procurator Fiscal will decide what investigation is necessary, which may include instructing a [post mortem examination](#) to determine the cause of death.
- 1.3 The Procurator Fiscal will be advised either by the police or by the Doctor involved who the nearest family are and the Procurator Fiscal will provide the family with the necessary information. If at any time during the investigation, further family members are identified, the Procurator Fiscal will also consider providing them with the relevant information. The Procurator Fiscal will normally provide information to a nominated point of contact within a family. However, family dynamics may mean that it is appropriate to provide the information to more than one person. COPFS will apply a flexible approach in deciding who is a family member and who to communicate with.
- 1.4 If a Family Liaison Officer has been appointed by the Police, the Procurator Fiscal will communicate with them when appropriate. (For further information on the role of the Family Liaison Officer, please see 'Section 4 – Further Investigations'.)
- 1.5 We will ensure that family are kept informed of the decision to hold a post mortem examination and are provided with information on when this is likely to take place. However, it may be that it is more appropriate that this information is provided to the family by either the police or Doctor, depending on who has already had direct contact with the family at this stage.

**OUR COMMITMENT:**

We will ensure that bereaved family are informed as to whether or not a post mortem examination is necessary and when this is likely to take place.



## 2. THE INITIAL POST MORTEM EXAMINATION RESULT

- 2.1 After the post mortem examination, the [medical certificate](#) giving the cause of death will be written by the pathologist and will then be made available to the nearest relative.
- 2.2 In some cases the pathologist may wish to consider the findings of their examination and to receive the results of [blood/tissue/organ analysis](#) or any other tests which were carried out before giving a final cause of death. Where such examinations take place the pathologist may issue a provisional cause of death which will enable the family to proceed with [funeral arrangements](#). Once the results of the examination are received the pathologist may amend the final cause of death.
- 2.3 In a small number of cases it may be necessary for the Procurator Fiscal to keep responsibility for the body for a longer period of time, to allow for further investigations to be carried out into the circumstances to establish, or exclude any possible criminality. This is more likely to happen if the death is thought to be suspicious. In cases of potential murder, homicide or in road traffic deaths it may not be possible to allow release of the body until the defence have had the opportunity of conducting their own post mortem or have confirmed this is not required. If it is necessary to keep responsibility for the body for a longer period of time the family will be advised by the police or the Procurator Fiscal.

### **OUR COMMITMENT:**

We will contact the bereaved family on receiving confirmation of the initial cause of death and confirm that they can now proceed with funeral arrangements.

### **OUR COMMITMENT:**

If we are unable to release a body for burial or cremation following a post mortem examination, we will ensure that this is communicated to the bereaved family as soon as possible and provide reasons for this.

### 3. THE FINAL POST MORTEM EXAMINATION RESULT

- 3.1 As referred to above, the pathologist may have to consider the results of additional tests before they are able to give a final cause of death. These should normally be completed within twelve weeks, at which point they will issue a [Final Post Mortem Report](#). If this is delayed for any reason, we will ensure that the family are informed about this and told when the final report may be expected. It is recognised that a delay in establishing the final cause of death can be distressing for a family, but it is essential that all the necessary enquiries are completed.

#### **OUR COMMITMENT:**

We will contact the bereaved family to inform them if the Final Post Mortem Report is not going to be available within twelve weeks and provide an update on the expected timescales.

- 3.2 If the final cause of death is different from that which is written on the original death certificate, the Procurator Fiscal will inform the family of this as soon as possible and answer any questions the family have as a result of this change. The family do not need to take any action in relation to this change – the Procurator Fiscal will thereafter inform the National Records of Scotland, who will in turn advise the local registrar of births, deaths and marriages of the required amendment. The local registrar will be able to advise the family as to how they may obtain a revised death certificate.

#### **OUR COMMITMENT:**

We will contact the bereaved family within 14 days of the receipt of the Final Post Mortem Report if there is any change to the cause of death of the deceased and answer any questions the family may have as a result of this change.

## 4. FURTHER INVESTIGATIONS

- 4.1 In the majority of cases reported to the Procurator Fiscal, no further enquiries are required beyond a post mortem examination. This is because there are no suspicious circumstances or no further investigation is required to explain why the death occurred.
- 4.2 However, in some cases the Procurator Fiscal may instruct additional enquiries to be carried out in relation to the circumstances of the death. These enquiries may include:
- instructing the police to take statements from witnesses and to submit these to the Procurator Fiscal for consideration;
  - instructing the police to pursue additional lines of enquiry;
  - instructing experts to review certain aspects of the case to establish whether there were any failings.
- 4.3 The Procurator Fiscal may also require to liaise with other [regulatory authorities](#) or organisations who may be carrying out their own enquiries into certain aspects of the death. These enquiries can sometimes take some time to complete and often a decision cannot be made as to whether there should be any criminal proceedings or whether it is possible that a Fatal Accident Inquiry may need to be held until they are completed.
- 4.4 During this process, the police may appoint a Family Liaison Officer (FLO) to keep the family informed about the progress of the police investigation. A FLO is an experienced police officer who has been specially trained to provide information to bereaved family members. At an appropriate stage in the investigation, this role will be transferred to COPFS staff.
- 4.5 It is appreciated that the family may wish to be kept updated about how these enquiries are progressing and whether it is likely that there will be any criminal proceedings or that a Fatal Accident Inquiry will be held. In these cases the Procurator Fiscal will contact the family no later than twelve weeks after the death has been reported, to inform them of progress made in the investigation and whether additional enquiries need to be undertaken and the expected timescales in relation to these. In some cases where a criminal prosecution may be a possibility, it may be that only very general information can be given at this stage so as not to prejudice any future proceedings. At this stage the family will also be offered the opportunity to attend a meeting with the Procurator Fiscal to discuss this information. This meeting will take place within 14 days unless the family indicate they do not wish a personal meeting

in which case we will communicate with the family according to their needs and wishes.

**OUR COMMITMENT:**

We will contact the bereaved family no later than twelve weeks after the date the death has been reported to inform them of the progress of the investigation. A personal meeting will be offered at this time which will take place within 14 days unless the family indicate they do not wish a personal meeting, in which case we will communicate according to the needs and wishes of the family.

- 4.6 Thereafter, contact will be made every six weeks, to allow the family to be updated on the progress of the investigation and if the family members wish a personal meeting this will be arranged. This will continue throughout the duration of the Procurator Fiscal's investigation. If at any stage during the period of the investigation there is any significant development, contact will be made immediately with the family to advise them, unless this would be likely to prejudice any potential prosecution. The family will also be offered a personal meeting unless they have already indicated they do not wish to attend personal meetings.

**OUR COMMITMENT:**

Thereafter, we will contact the family every six weeks to advise of the progress of the investigation and if they wish a personal meeting, this will be arranged. This will continue throughout the investigation.

**OUR COMMITMENT:**

At any stage where there is a significant development in the investigation, we will contact the family immediately, unless this would be likely to prejudice any potential prosecution. A personal meeting will be offered unless the family have already indicated they do not wish to attend personal meetings.

## 5. CRIMINAL PROCEEDINGS

- 5.1 Where there are circumstances surrounding the death which suggest that criminal conduct may have caused or contributed towards the death, the Procurator Fiscal will instruct the Police to investigate the circumstances and consider whether criminal charges should be brought which may lead to a prosecution. Other Regulatory Authorities may also be involved in these investigations. Such investigations can be complex and time consuming which may delay a decision being taken on whether there should be any criminal proceedings.
- 5.2 The final decision on whether or not a person should be prosecuted for causing the death of another rests with senior lawyers employed by COPFS, known as [Crown Counsel](#).
- 5.3 If the Procurator Fiscal is going to ask for Crown Counsel's instructions on whether or not someone should be prosecuted we will ensure that once the decision is made it is communicated to the family in the way they wish to be communicated with, whether this is by telephone, letter or at a meeting. However, where Crown Counsel decide there will be no prosecution a personal meeting should take place unless the family have indicated they do not wish one.
- 5.4 Once Crown Counsel's instructions have been received, the family will be informed of the decision within fourteen days, along with the reasons for that decision.

### **OUR COMMITMENT:**

We will inform the bereaved family within fourteen days of Crown Counsel's decision on whether or not there should be criminal proceedings in relation to the death.

- 5.5 If there is to be a criminal prosecution, [Victim Information and Advice](#) (VIA) will continue to provide updates to the family.
- 5.6 If the family are unhappy about any decision not to prosecute, they have the right to review that decision and should refer to the COPFS [Right to Review policy](#) available on the COPFS website.

## 6. FATAL ACCIDENT INQUIRY

6.1 A Fatal Accident Inquiry (FAI) is a type of court hearing which inquires into the circumstances of a death. It will be presided over by a Sheriff and will normally be held in the Sheriff Court.

6.2 The purpose of an FAI is to establish the following:

- where and when the death occurred;
- the cause of the death;
- any precautions by which the death might have been avoided;
- any defect in systems that caused or contributed to the death; and
- any other facts which are relevant to the circumstances of the death

An FAI cannot make any findings of fault or blame against individuals.

6.3 If a death has happened as a result of an accident while at work or if the death happened while in legal custody, for example in prison or police custody, a Fatal Accident Inquiry will be held, unless the circumstances of the death have been sufficiently established in the course of a criminal prosecution.

6.4 FAIs can be held in other circumstances, at the discretion of the Lord Advocate, if it is thought to be in the public interest to do so. COPFS seeks to hold FAIs as soon as practicable after investigations are complete.

6.5 The final decision on whether or not there should be a discretionary FAI or whether the circumstances have been sufficiently established in criminal proceedings so that an FAI is no longer required rests with the Lord Advocate although this decision is taken on the Lord Advocate's behalf by senior lawyers employed by COPFS, known as Crown Counsel. If the Procurator Fiscal is going to ask for Crown Counsel's instructions on whether or not there should be an FAI, the family will be informed of this in advance and will be given an opportunity to say whether they wish an FAI to take place. These views will be taken into account in reaching a decision. It will be established how the family would wish to receive intimation of Crown Counsel's decision, whether this is by telephone, letter or at a meeting.

6.6 Once Crown Counsel's instructions have been received, the family will be informed of the decision within fourteen days. If the decision is that an FAI should not be held, a meeting will be offered with the family members to explain the reasons for this decision. These reasons will also be confirmed in writing unless the family have indicated they do not wish to be given written

reasons, in which case we will only communicate the decision to the family. The written reasons can be made available to the family if they decide they want access to them at a later date.

- 6.7 Where Crown Counsel decide that an FAI should be held the Procurator Fiscal will explain to the family what happens next and will meet with the family to discuss this process if the family wishes. The Procurator Fiscal will also make an application to the court within two months of that decision being made in order that the FAI will take place as soon as possible.

**OUR COMMITMENT:**

When a report is to be submitted for Crown Counsel's instructions on whether or not there should be a Fatal Accident Inquiry the family will be given an opportunity to say whether they wish an Inquiry to take place and the family's views will be taken into account in reaching a decision and in how we communicate that decision.

**OUR COMMITMENT:**

We will inform the bereaved family of Crown Counsel's decision on whether or not there should be a Fatal Accident Inquiry in relation to the death within fourteen days of this decision being made.

**OUR COMMITMENT:**

If Crown Counsel decide that there should not be a Fatal Accident Inquiry, a meeting will be offered with the family within fourteen days of notifying them of that decision, to explain the reasons. These reasons will also be confirmed in writing unless the family have indicated they do not wish to be provided with these.

**OUR COMMITMENT:**

Where Crown Counsel decide that an FAI should be held the Procurator Fiscal will explain to the family about what happens next and will meet with the family to discuss this process if the family wishes. The Procurator Fiscal will also make an application to the court within two months of that decision being made in order that the FAI will take place as soon as possible.

6.8 If the family are unhappy about the decision made either to hold or not to hold a Fatal Accident Inquiry, they may ask for this decision to be reviewed. This review will be carried out by a senior member of Crown Counsel, who was not involved in the original decision making process.



## 7. CONCLUSION OF COURT PROCEEDINGS

- 7.1 Throughout the court process, COPFS staff will do their best to ensure that family members understand what is happening in court and will consider asking the Judge or Sheriff to make special allowances such as permitting the family to sit closer to the lawyers involved and witnesses giving evidence to ensure that family members can follow the proceedings.
- 7.2 A meeting will also be offered to the family at the conclusion of any criminal proceedings to explain the outcome and to discuss any issues arising.

### **OUR COMMITMENT:**

We will offer to meet with the bereaved family at the conclusion of any criminal proceedings to explain the outcome and to discuss any issues arising.

- 7.3 A meeting will also be offered to the family after the conclusion of a Fatal Accident Inquiry to discuss the evidence that was heard. A further meeting will also be offered after the Sheriff has issued their [determination](#), to explain this to the family in more detail.

### **OUR COMMITMENT:**

We will offer to meet with the bereaved family at the conclusion of a Fatal Accident Inquiry and again after the determination has been issued, to explain the outcome and discuss any issues arising.

## Summary of our commitments

### THE INITIAL REPORT

1. We will ensure that the bereaved family are informed as to whether or not a post mortem examination is necessary and when this is likely to take place.

### THE INITIAL POST MORTEM EXAMINATION RESULT

2. We will contact the bereaved family on receiving confirmation of the initial cause of death and confirm that they can now proceed with funeral arrangements.
3. If we are unable to release a body for burial or cremation following a post mortem examination, we will ensure that this is communicated to the bereaved family as soon as possible and provide reasons for this.

### THE FINAL POST MORTEM EXAMINATION RESULT

4. We will contact the bereaved family to inform them if the Final Post Mortem Report is not going to be available within twelve weeks and provide an update on the expected timescales
5. We will contact the bereaved family within fourteen days of the receipt of the Final Post Mortem Report if there is any change to the cause of death of the deceased and answer any questions the family may have as a result of this change

### FURTHER INVESTIGATIONS

6. We will contact the bereaved family no later than twelve weeks after the date the death has been reported to inform them of the progress of the investigation. A personal meeting will be offered at this time which will take place within fourteen days unless the family indicate they do not wish a personal meeting, in which case we will communicate according to the needs and wishes of the family.
7. Thereafter, we will contact the family every six weeks to advise of the progress of the investigation and if they wish a personal meeting, this will be arranged. This will continue throughout the investigation.
8. At any stage where there is a significant development in the investigation, we will contact the family immediately, unless this would be likely to prejudice any

potential prosecution. A personal meeting will be offered unless the family have already indicated they do not wish to attend personal meetings.

### **CRIMINAL PROCEEDINGS**

9. We will inform the bereaved family within fourteen days of Crown Counsel's decision on whether or not there should be criminal proceedings in relation to the death.

### **FATAL ACCIDENT INQUIRY**

10. We will inform the bereaved family when a report is to be submitted for Crown Counsel's instructions on whether or not there should be a Fatal Accident Inquiry and will take into account their views in reaching a decision and in how we communicate that decision.
11. We will inform the bereaved family of Crown Counsel's decision on whether or not there should be a Fatal Accident Inquiry in relation to the death within fourteen days of this decision being made.
12. If Crown Counsel decide that there should not be a Fatal Accident Inquiry, a meeting will be offered with the family within fourteen days of notifying them of that decision, to explain the reasons for this decision. These reasons will also be confirmed in writing unless the family have indicated they do not wish to be provided with these.
13. Where Crown Counsel decide that an FAI should be held the Procurator Fiscal will explain to the family about what happens next and will meet with the family to discuss this process if the family wishes. The Procurator Fiscal will also make an application to the court within two months of that decision being made in order that the FAI will take place as soon as possible.

### **CONCLUSION OF COURT PROCEEDINGS**

14. We will offer to meet with the bereaved family at the conclusion of any criminal proceedings to explain the outcome and to discuss any issues arising
15. We will offer to meet with the bereaved family at the conclusion of a Fatal Accident Inquiry and again after the determination has been issued, to explain the outcome and to discuss any issues arising

## Further information

The Crown Office and Procurator Fiscal Service has produced a leaflet, 'Information for Bereaved Relatives: The Role of the Procurator Fiscal in the Investigation of Deaths' \*. This explains in more detail who we are and why we are responsible for the investigation of deaths in Scotland.

If someone close to you has been murdered or killed as a result of culpable homicide, you may find it helpful to read the information contained within the Scottish Government publication: 'Information for bereaved family and friends following murder or culpable homicide.' If your loved one is believed to have died in these circumstances, a copy of this publication should be given to you by your Police Family Liaison Officer at the beginning of the police investigation.

Similarly, following the death of someone close to you on the road, a copy of the Scottish Government publication 'Information and advice for bereaved families and friends following a death on the road in Scotland' \*\* should be given to you by your Police Family Liaison Officer at the beginning of the police investigation.

For further information about the location of a court where a Fatal Accident Inquiry or criminal prosecution may be held, please see the Scottish Courts Website - [www.scotcourts.gov.uk](http://www.scotcourts.gov.uk)

*\*/\*\* - Please note these publications are currently under review*

[COPFS - Information following a death](#)

## Complaints and Feedback

There are various ways to get in touch with COPFS. You can contact us in person at your local Procurator Fiscal's office, by telephoning our National Enquiry Point on 01389 739 557, or in writing by emailing us at [RIU@copfs.gsi.gov.uk](mailto:RIU@copfs.gsi.gov.uk) or by writing to Response and Information Unit, Crown Office, 25 Chambers Street, Edinburgh, EH1 1LA.

For further information about the COPFS Complaints and Feedback procedure, please see the COPFS website: [www.copfs.gov.uk](http://www.copfs.gov.uk)

## **APPENDIX A – Frequently Asked Questions**

### **Q: What is the role of the Crown Office and Procurator Fiscal Service in the investigation of a death?**

The Crown Office and Procurator Fiscal Service (COPFS) is responsible for the investigation of any death that requires a further explanation. This includes any sudden, unexpected or unexplained death and any death that may be the result of homicide or other criminal conduct. In other parts of the United Kingdom the Coroner may investigate such deaths.

### **Q: What is the role of the Lord Advocate?**

The Lord Advocate is the head of the Crown Office and Procurator Fiscal Service and leads the investigation of deaths. The Lord Advocate acts independently in this role and is committed to the effective, impartial and prompt investigation of deaths and to engaging with the family of a deceased person during this process.

### **Q: Who is the Procurator Fiscal and why have they contacted me regarding the death of my relative?**

Procurators Fiscal are qualified lawyers who are employed by COPFS and who act on the instructions of the Lord Advocate.

### **Q: Who are Crown Counsel?**

Crown Counsel are senior lawyers based at Crown Office who make decisions in serious cases and also advise Procurators Fiscal on complex or sensitive issues.

### **Q: What is the Scottish Fatalities Investigation Unit?**

The Scottish Fatalities Investigation Unit (SFIU) is a specialist unit within COPFS, staffed by dedicated and specially trained Procurators Fiscal. There is a designated SFIU team based across each area of the country, in the North, East and West. The Procurators Fiscal must ensure that all appropriate enquiries are carried out in relation to a death reported to them within their area and that all relevant issues are fully explored.

### **Q: Who are Victim Information and Advice?**

VIA (Victim Information and Advice) operates as part of COPFS, providing a dedicated service to certain victims, witnesses and bereaved family. Its principal

aims are to provide information about key aspects of the criminal justice system in general, keep service users informed about the progress of the case that affects them in particular and advise on and facilitate contact with other agencies, who can provide practical and emotional support as required.

The service is designed to support and guide victims, witnesses and bereaved family through the criminal justice process and to attempt to increase their understanding of, and satisfaction with that experience. However, all service users are encouraged by VIA staff to make their own informed choices about the information they wish to receive and the level of support, if any, they require.

### **Q: What is the Health and Safety Division?**

The Health and Safety Division (HSD) is part of COPFS and they lead the investigation and prosecution of all potential cases under the Corporate Manslaughter and Corporate Homicide Act 2007 and all health and safety cases across Scotland. They provide advice, support and direction to investigators from Police Scotland, the Health and Safety Executive (HSE), Local Authorities and other regulatory agencies from the very earliest stages of an investigation.

### **Q: What role do regulatory authorities have in investigating deaths and which ones would COPFS be involved in liaising with?**

Many regulatory authorities exist covering a wide range of areas. Some have a specific duty by law to investigate matters of safety or standards of care which may result in them having a role in investigating aspects of a death that has occurred. A list is provided below of some of the regulatory authorities and other organisations that COPFS may liaise with. Much will depend on the facts and circumstances of the particular death and there may be other authorities that are not mentioned here.

List of regulatory authorities and other organisations:

[Air Accident Investigation Branch \(AAIB\)](#)

[Civil Aviation Authority \(CAA\)](#)

[Health and Safety Executive \(HSE\)](#)

[Healthcare Improvement Scotland \(HIS\)](#)

[Local Authorities](#)

[Marine and Coastguard Agency \(MCA\)](#)

[Marine Accident Investigation Branch \(MAIB\)](#)

[Mental Welfare Commission for Scotland \(MWCS\)](#)

[Military Aviation Authority \(MAA\)](#)

[NHS Scotland](#)

[Office for Nuclear Regulation \(ONR\)](#)

[Office of Rail and Road \(ORR\)](#)

[Rail Accident Investigation Branch \(RAIB\)](#)  
[Scottish Ambulance Service \(SAS\)](#)  
[Scottish Prison Service \(SPS\)](#)  
[The Care Inspectorate](#)

**Q: Why is a Post Mortem Examination being held?**

A post mortem examination (also known as an 'autopsy') may be carried out to help establish the cause of a sudden, unexplained or suspicious death. The examination is carried out at a mortuary by qualified pathologists, who are doctors who specialise in determining causes of deaths. This should take place as soon as possible after the report of a death to the Procurator Fiscal. It is a matter for the Procurator Fiscal as to whether or not a post mortem examination is required and the consent of family members is not required. However, the Procurator Fiscal will take in to account the views of the family where these are known. Unfortunately it is not always possible to comply with these wishes and a post mortem examination will sometimes still be required, for instance where the circumstances appear to be suspicious or where there has been a sudden and unexpected death of an infant. So far as possible, cultural and religious traditions and sensitivities are also respected.

**Q. I have been told that an organ has been removed from my relative's body – why is this necessary?**

In a very small number of cases, it is necessary to remove an organ so that more detailed examination can take place. This examination may take several weeks. The procurator fiscal will contact you to explain the options open to you. Often when an organ has been removed for examination it is reunited with the body before the body is released and only very small samples akin to a medical biopsy are retained. If an organ or sample has been retained, you will be asked to decide how you want this to be treated when the tests are completed.

**Q: When can I get the death certificate?**

If a post-mortem examination is held, the death certificate will be issued by the pathologist. The funeral can take place after the death certificate is issued. There may be local variations throughout the country as to how family members obtain the death certificate. In some areas the Police will collect the certificate and deliver it to the nearest relative. In others, the funeral director may collect it. In some areas you may have to go to the mortuary to collect it in person.



**Q: When can the funeral take place?**

In Scotland, a funeral cannot take place until the death certificate has been issued and the Procurator Fiscal has given permission for the deceased's body to be released for burial or cremation. The timings in relation to this will depend on the nature of any further investigations to be carried out and may be delayed where there is the potential for a criminal prosecution. In some rare circumstances, where a criminal investigation is ongoing, the Procurator Fiscal may only be able to authorise the body for burial and not cremation.

It is understood that some religions say that a funeral must happen as soon as possible. The Procurator Fiscal will try to respect these wishes, but this may not always be possible.

**Q: Can I get a copy of the final Post Mortem Report?**

The Final Post Mortem Report is prepared by the pathologist and details the findings of their examination. This may be provided to family members upon request, although it should be noted that this is a clinical report and that the contents may be distressing. The only exception where the Procurator Fiscal would not give this requested material would be where such a disclosure could prejudice any criminal proceedings against an accused person in connection with the death, which are either pending or ongoing. Following the conclusion of any criminal proceedings however, any such requested information will be provided to the family.

**Q: Where will any meeting with the Procurator Fiscal take place?**

Any meeting between bereaved family members and the Procurator Fiscal will normally take place at an office of the Scottish Fatalities Investigation Unit in the West, East or North of Scotland. These are situated within the Procurator Fiscal's Office in Glasgow, Edinburgh, Dundee, Aberdeen or Inverness. However, if it is not possible for family members to attend at these offices, other arrangements can be made for the meeting to take place at a number of alternative Procurator Fiscal's Offices throughout the country. Family members may be able to claim reasonable travel expenses and loss of earnings in relation to attending these meetings.

**Q: Should I obtain independent legal advice?**

COPFS represents the public interest, which includes consideration of the interests of bereaved family members. However, in some circumstances the family may wish to consider obtaining independent legal advice in relation to matters out with the scope of the COPFS investigation or in relation to any potential Fatal Accident Inquiry. An initial consultation with a solicitor is usually provided free of charge. Alternatively, the Citizen's Advice Bureau may be able to provide assistance.

### **Q: What is the ‘determination’ in an FAI?**

At the end of an FAI, the Sheriff will make a determination. This determination will set out:

- where and when the death occurred;
- the cause of the death;
- any precautions by which the death might have been avoided;
- any defect in systems that caused or contributed to the death; and
- any other facts which are relevant to the circumstances of the death

The Sheriff may make recommendations in the determination on changes that could be made to avoid similar deaths occurring in the future. These recommendations are not legally binding however.

### **Q: Where can I obtain additional support?**

A number of organisations can provide bereaved families with additional support following the death of a loved one:

- [Age Scotland](#)
- [Cruse Bereavement Care Scotland](#)
- [Families Affected by Drug and Alcohol Use \(SFAD\)](#)
- [Families Against Corporate Killers \(FACK\)](#)
- [Interfaith Scotland](#)
- [Muslim Council of Scotland](#)
- [People Experiencing Trauma and Loss \(PETAL\)](#)
- [Scotland’s Campaign Against Irresponsible Drivers \(SCID\)](#)
- [Scottish Council of Jewish Communities \(SCoJeC\)](#)
- [SUDEP – Epilepsy Action](#)
- [Survivors of Bereavement by Suicide](#)
- [The Scottish Association for Mental Health \(SAMH\)](#)
- [The Scottish Cot Death Trust \(SCDT\)](#)
- [Victim Support Scotland \(VSS\)](#)
- [Winston’s Wish – Childhood Bereavement](#)





CROWN OFFICE  
& PROCURATOR  
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

**Crown Office & Procurator Fiscal Service**  
**25 Chambers Street**  
**Edinburgh EH1 1LA**

© Crown Copyright

COPFS/P&E/SEP16