

INTERIM FLO GUIDANCE – FAMILY REPRESENTATIVES

A review of the current PIRC Family Liaison Officer (FLO) Policy is currently ongoing and a revised version will be published in due course, however, the following is provided by way of updated interim guidance in respect of the areas below in light of learning identified from the Sheku Bayoh Public Inquiry.

Identifying the Family

Prior to the FLO/s initial deployment to the family the Lead Investigator should establish as much information concerning the family dynamics as possible. This will include determining any cultural or lifestyle considerations, religious beliefs or potential communication requirements in terms of language or disability which may have a bearing on the conduct of the investigation and the development of the Family Liaison Strategy.

Thereafter the FLO/s should fully identify all relevant family members and, whilst not prescriptive, this should include spouses, partners, parents, siblings, children, guardians and others who have had a direct and close relationship with the deceased. Lead Investigators must always take into account the dynamics of a family's structure to ensure that an appropriate level of support is offered and that this is recorded in the Family Liaison Strategy. This is particularly important in situations where the family is extended or estranged in some way.

Working and Communicating with the Family

The first contact with the family is vital in laying the foundations for a successful partnership.

On first meeting with a family, FLOs should clearly explain who they are and their role. This should be done in clear and unambiguous terms that the family can understand. It is important that they understand that the primary role is that of an investigating officer.

Contact must be honest and, as far as possible, open. It is paramount that families are treated appropriately, professionally, with respect and with consideration given to their needs. Officers must never make assumptions as to the particular needs and expectations of a family and must never deliberately mislead them.

The deceased's family must be provided with the timely sharing of all possible information so far as the investigation permits. It is important to explain to a family that while they will be provided with as much information as possible, there may be times, where to protect the integrity of the investigation, some information has to be withheld.

Family members can be significant witnesses, either in respect of the PIRC investigation and/or any parallel ongoing Police Scotland investigation and, in such cases, there is a need from the outset to exercise caution in the information that is shared with them. This is to safeguard against allegations being made, at any later trial, that the information shared by the FLO contaminated the evidence of a particular family member(s). In all such cases, it is important that the FLO maintains an accurate record of all that is said to and by him/her in the FLO log.

Any information released to the family in relation to the investigation, must be authorised by the Lead Investigator and recorded in the FLO log.

In some cases, language barriers may exist and communication may require the services of a suitably qualified interpreter. Where such a need arises, care must be taken to ensure that all information is clearly relayed and that the family has understood the information provided. Caution should also be taken when interpreters are involved in the investigation process, to ensure that gender, personal background or beliefs are not conflicting with those of the family.

In addition to providing the family with information concerning the death of the victim and explaining the PIRC and legal process, FLOs may also have to address other issues with the family e.g. as far as possible, protect the family from unwanted media intrusion, facilitate the wishes of the family to visit the scene and facilitate access to medical and support services for the family if required.

Indirect Communication

Situations may arise during an investigation where direct dialogue with the family and the FLO cannot be established or breaks down. In such instances the Lead Investigator should take all possible steps to overcome this and maintain direct communication with the family.

In cases where direct dialogue with the family has been ineffective, strained or broken down, the Lead Investigator may consider involving local advocates to facilitate communication. The purpose of an independent advisor would include, advising the Lead Investigator how to re-establish effective dialogue with the family and rebuilding trust and confidence in the PIRC investigation.

The family and / or their representative should be consulted about the engagement of any independent advocate and asked to nominate representatives in whom they have confidence and trust. The Lead Investigator should ensure that a terms of reference, operating protocols and confidentiality agreements are documented when an independent advocate is engaged by PIRC.

In some cases, the FLO may be expected to work alongside local advocates in the liaison process. The intention is to build the families' trust and confidence in the PIRC investigation, with the objective of restoring effective direct communication with the family.

Where the relationship with the family has broken down to the extent that there is no direct dialogue with them, the family may elect to or should be encouraged to appoint a representative to act on their behalf. This may be solicitors or members of community interest groups. The wishes of the family must always be respected in this regard.

Working with Family Representatives

Where a family representative has been appointed, the Lead Investigator should ensure that the Family Liaison Strategy is updated to accurately record the name and details of the representative and agreed arrangements.

The presence of the family's representative must not deter the Lead Investigator from striving for timely and effective communication with the family and from offering continued support to progress the investigation.

Where a representative has been appointed to act on the family's behalf the terms of their engagement should be fully documented within a legal mandate. This should specify which family members they are acting on behalf of, and how information will be communicated to the family.

Thereafter, information should be provided to the family via the appointed representative, with all communication fully recorded contemporaneously within the FLO Log.

The Lead Investigator must ensure that any telephone call with a representative is subsequently supported by written correspondence to provide a formal record of communication.

In situations where there is an extended or estranged family for whom the representative is not acting, the FLO engagement should continue with that family member, ensuring there is equity of information provided to all parties.