

PE1699/D

Victim Support Scotland submission of 15 October 2018

1. VSS is the largest charity supporting people affected by crime across Scotland through the provision of practical help, emotional support and essential information.

We welcome the opportunity to provide evidence to the Petitions Committee in relation to the petitioners request that Scottish Government change post mortem examination protocols to allow for the deceased to be released as early as possible to enable families to make funeral arrangements for their loved ones.

VSS takes very seriously the impact of any delay in the release of the victim's body to the family particularly when linked to post mortems, which is further exacerbated when a family's religion requires that a funeral takes place as soon as possible.

We are also aware that a body may be kept indefinitely under the Scottish system, when no one is charged. This is to allow the Defence the opportunity to carry out a second post-mortem when or if someone is charged. This prevents the family from organising and holding a funeral, further impeding the grief process.

2. The Petitioner highlights the difference between the system in Scotland compared to England and Wales, whereby the Coroner, if after 28 days, there has been no arrest and the Police do not expect to make an arrest, can request a second post mortem be carried out by an independent pathologist, thereafter allowing the body to be released to the family.
3. VSS seeks a criminal justice system which is fair to everyone including victims, witnesses and the accused. We therefore support the England and Wales system where post mortem information is retained and available for the Defence in support of the accused on arrest, but allows the body to be released in a much shorter timescale than currently in Scotland allowing the family to hold a funeral and have the opportunity for some closure after the traumatic event.
4. VSS are currently involved in designing a person led Homicide Service for Scotland. During service user participation for research within the discovery

phase of the project, it has been brought to our attention by families of homicide victims that the post mortem system in Scotland takes too long and is onerous for the family, and that any change in legislation that speeds up the release of the victim's body would be a positive for the families.

5. VSS hopes this review will give rise to change, considering the blockages and delays relating to the current post mortem examination protocols, while considering the impact of indefinite delay on the family of the victim and ensure that those who find themselves having to cope with the murder of a family member in the future don't have to wait too long for the release of the body for burial.