

PE1699/G

Scottish Government submission of 13 August 2019

Thank you for your letter of 29 July 2019 asking for the Scottish Government's view on Petition no. PE1633, by Ms Amanda Digby. This is a petition:-

Calling on the Scottish Parliament to urge the Scottish Government to 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.

As we advised you in our e-mail of 5 October 2018 on this Petition, section 48(5) of the Scotland Act 1998 provides that any decision of the Lord Advocate in his capacity as head of the systems of criminal prosecution and investigation of deaths in Scotland shall continue to be taken by him independently of any other person. In these circumstances arrangements for post mortems, in general, and the protocol, in particular, are a matter exclusively for the Lord Advocate and the Crown Office & Procurator Fiscal Service of which he is the head. I understand, therefore, that the Crown Office & Procurator Fiscal Service will be replying to you in respect of the Committee's questions about:-

- the protocol potentially leading to more homicide victims being classified as "special cases";
- monitoring of the protocol; and
- the Law Society's suggestion that use of new technology in post mortems may speed up the process.

In addition the Committee asks about the Law Society's suggestion that there may be scope for improvements to be made to public information available in relation to post mortems. We would be happy to discuss this further with the Committee or the Law Society in terms of the most effective way to take forward such improvements. The Committee will be aware that we provide funding for the new service for families bereaved by crime operated by Victim Support Scotland. The timely and appropriate provision of information to these bereaved families has been very much at the centre of the service design approach which Victim Support Scotland has put in place. This has been informed by consultation with bereaved families themselves and in the main consists of concise written information with clear signposting as to key contacts for further information, with assistance from a key support worker if particular issues arise.

The Victims Taskforce, chaired by the Cabinet Secretary for Justice alongside the Lord Advocate, has established a number of workstreams to further its objective of improving the experience of victims and witnesses. One of these centres on the development of the victim centred approach and its workplan contains a specific item relating to "A systematic review of: a) of hard copy leaflets and publications; b) online materials; c) official correspondence aimed at victims and witnesses of crime and their families to ensure they are: victim-centred; consistent; up-to-date; and use clear and compassionate language." The Law Society are a member of the Taskforce and we are keen to work with them and the wider membership in taking forward that review.