

FATAL ACCIDENT INQUIRIES BULLETIN

On 26 May 2015 the Solicitor General gave evidence to the Justice Committee in relation to the inquiries into [Fatal Accidents and Sudden Deaths etc. \(Scotland\) Bill](#)

The Solicitor General explained that since the Scottish Fatalities Investigation Unit had been introduced specialists within that unit had been progressing both older and newer cases in tandem. Between 1 April 2014 and 31 March 2015 the number of FAIs held has increased with 69 being held, more than double the number of the previous year.

However, the Solicitor General recognised concerns that have been raised over the length of time that it takes to conclude investigations and inquiries in order to reach a point where a decision can be taken on whether or not to hold an FAI, indeed she shared those concerns.

A number of factors can contribute to the time it takes to conclude investigations and inquiries including:

- The time that has elapsed between the death and it being reported to the Procurator Fiscal
- Criminal proceedings may require to take place first (or at least be ruled out through a detailed investigation) before consideration can be given as to whether a FAI should take place.
- The involvement of regulatory authorities that have duties to carry out their own investigation and inquiry who are not necessarily subject to timescales and are not subject to the direction or control of the Crown.
- Many deaths investigations also require expert evidence. The timing of the provision of reports is not something that the Crown can control, it is not possible to compel experts to provide them within set timescales.
- The availability of suitable court time.

Specialists within SFIU are continuing to ensure that cases are progressed as expeditiously as possible by ensuring that older cases are progressed whilst also working on newer cases so as to compress the timescales without compromising the effectiveness of the investigation. It is imperative that an effective and thorough investigation is conducted to meet our obligations in terms of Article 2 of the European Convention of Human Rights but also in order to ensure appropriate recommendations can be made in any FAI that is held so that further deaths can be prevented.

Statistical information

While numbers of deaths reported to COPFS vary year on year in the past 5 years numbers up to around 11,000 in any one year have been reported to COPFS and approximately half of these, 5,500, require some further investigation. In the year 2013-14 33 FAIs were held. In the year 2014-15 69 FAIs were held.

Some more detailed statistical analysis has been conducted by SFIU for the year 1 April 2014 to 31 March 2015 on the average time taken to hold the FAIs from date of death:

When the 69 cases are looked at within this period the average time taken to hold the FAI from date of death was 808 days.

However, extracting those cases where the death occurred prior to 1 April 2012 (the date when SFIU was re-organised under the present structures and regime of project management of cases) the average time taken to hold the FAI from date of death was 518 days.

COPFS recognises that it is important to bereaved families that the FAI is held as soon as possible and that lessons are learned to prevent future deaths. The Crown is committed to ensuring that improvements continue to be made with timescales without compromising the thoroughness of the investigation or prejudicing any criminal proceedings that may be necessary.

Engagement with bereaved families

The Crown recognises that it is also important that bereaved families are kept informed of progress being made in deaths investigations. SFIU has made significant efforts to engage with families in recent years however there is always room for improvement. When giving evidence to the Justice Committee, the Solicitor General announced that she had commissioned SFIU to produce a charter which would set out various milestones where families would be given specific information on the stage the investigation was at and timescales. Work is well underway to formulate this charter. COPFS have already consulted with key stakeholders and groups that represent the views of families to help shape and formulate its contents and feedback received is currently being collated and analysed with a view to finalising the charter in the near future. Once finalised this charter will be made publically available.