

Review of consular assistance following murder and manslaughter cases overseas



Foreign &
Commonwealth
Office

**Consular Assistance
Department**

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Introduction by the Rt Hon David Lidington MP, Foreign & Commonwealth Minister of State for Europe

The death of a loved one through murder or manslaughter is one of the hardest experiences any of us may go through. The difficulty faced in these circumstances is only heightened when this happens abroad. The Foreign & Commonwealth Office's consular staff in the UK and at our overseas posts play a key role in supporting those bereaved. I know just how much families and friends value support, information and assistance when such tragic deaths occur. The consular support provided directly by the FCO to the British public is one of the FCO's core activities and a ministerial priority.

In 2014 we carried out a review into how we support bereaved families and friends after the murder or manslaughter of a British national abroad, including helping them get access to justice. Our aim is for all those affected to receive excellent consular support throughout this time but we recognised that we were not always providing this level of service and wanted to consider why. Hearing directly from families affected was vital to ensuring we were providing the best possible support.

The review was based on feedback from bereaved families and friends and those who work to help them, including our partners and our own consular staff. Many people praised the service provided by consular staff and I know from my close working with them how committed they are to providing the best support they can in a sympathetic way. But every organisation must always look for areas for improvement and it had become apparent that the assistance we provide following murder and manslaughter cases was not always as supportive as we would have liked.

The review we are publishing sets out our commitments to improving this service. These include setting up a new and specialist Access to Justice Unit within our Consular Directorate, focused on these cases, as well as a renewed focus on consistency and clearer communication. I will be taking a close interest in the work of the new unit and implementation of this review as a whole and I would welcome receiving views on this directly through feedback.consular.services@fco.gov.uk. My hope is that those sadly affected by murder and manslaughter overseas will receive consistently excellent support as a result of this work.

A handwritten signature in black ink, appearing to read 'David Lidington', with a stylized, cursive script.

The Rt Hon David Lidington MP
Foreign & Commonwealth Minister of State for Europe

In 2014 the Foreign and Commonwealth Office's Consular Assistance Department conducted a review of the support it provides to bereaved families and friends after a murder or manslaughter abroad, including help getting access to justice for victims in these cases. Our aim is for all those affected by the murder or manslaughter of a British national overseas to receive excellent consular support throughout this very difficult time but we recognised that we were not always able to provide this level of service and wanted to understand why. We also wanted to identify new ways to provide support.

The review was based on feedback from bereaved families and friends and those who work to support them, including our partners and our own consular staff. It is important to note that many people praised the service provided by caseworkers in London and teams at our Embassies and High Commissions, in particular the high level of empathy that FCO Consular staff had shown. An inquiry conducted by the House of Commons Foreign Affairs Committee this year also concluded that the FCO "should rightly be proud" of the work of Consular Directorate, while identifying support following murder and manslaughter cases as an area where improvements could and should be made. The focus of this document is on those areas for improvement.

The methodology we used is described in Annex A.

Conclusions

Our respondents provided feedback on a wide range of areas:

- The importance of the FCO applying current guidance **consistently**, including across different cases and in the handover of a case from one official to another;
- The importance of providing accurate and timely **information**, both for those who are affected and for the FCO staff who are helping them;
- How best to use existing **resources**, including Embassies and High Commissions, and creation of new resources, including a dedicated Access to Justice Unit;
- Ensuring **lobbying** of other governments and their institutions is maximised to support people who are trying to get justice abroad;
- Increasing **collaboration** with partners, especially Police forces and the organisations the FCO refers people to.

Next steps

A description of the actions we are committing to is below. One of the most important outcomes is the setting up of a specific **Access to Justice Unit** (AJU) dedicated to these cases. This will be operational in early 2015. The Unit will oversee implementation of the changes we are making in response to this review and we will report on progress by June 2015.

Access to services

A: We will make sure that handovers to new caseworkers in London always include full details of existing cases so there is no need for those affected to recount these, and that departing caseworkers confirm to families that this has happened.

B: The level of support we provide may vary according to the needs of the people we are seeking to help and the circumstances of each case but should not be affected by media attention. The AJU will ensure that we act consistently.

C: Families want us to contact them in different ways depending on different circumstances. We will ask the AJU to explore this, including increasing face-to-face contact. Our aim is to develop an approach which ensures timely and effective contact, applied consistently.

D: Most families come to the FCO in London for face-to-face meetings. We will look at whether it is better to hold these meetings in London or if we could meet the needs of families better by having staff travel to them. We will be guided by what would happen in murder and manslaughter cases within the UK and the need to use public money efficiently.

E: We will make sure we always consider who is best suited to meet families when they travel out to a country, in consultation with them where possible, and communicate plans to them before they travel. Often the member of staff most able to assist will be the person with the greatest day-to-day involvement in the case and not necessarily the Ambassador or other senior staff less directly connected with the case.

F: We will add information to our public guidance which explains how Embassies and High Commissions and London teams work together to support families.

G: We will review the information we provide publicly (for example contact details on gov.uk and in printed publications) from a customer perspective to ensure that access is easy and effective, and ask our partners who also carry information about our services to do the same.

The quality of the information we provide

A: We are already looking at how we deliver consular information as a whole to the public and we will ensure that information for people affected by murder and manslaughter is a priority for this work. We will ensure that this work considers the customer's perspective, including alternatives for those who do not use digital tools.

B: We reviewed our approach to lawyers' lists in 2014 and our Embassies and High Commissions are now updating and improving their lists. We will consider how we could use customer feedback on lawyers and other service providers as a next step. Outsourcing and making best use of information held by other countries are new ideas, also raised by the House of Commons Foreign Affairs Committee. We will consider these. We will not move to a system whereby we recommend specific lawyers. This is something we are not qualified to do, the Government does not do this in the UK, and it would risk leading to poor results for families.

C: We will make more information available on financial assistance, through general guidance and specifically for families when a need arises.

D: We will ask the AJU to consider how we can make best use of the information we have on local systems e.g. the police and courts, and have specific guidance on what to expect in a country, including costs, people involved, useful phrases, etc on our Embassy websites. This will vary by country.

E: We will make sure that we have a consistent approach to providing families with information that takes into account the challenges they face in these circumstances, e.g. difficulties assimilating information and retaining it. This includes advising families to read guidance and other information with another person present to help and a strategy for reissuing information, for example always following a phone call with an email to confirm what has been discussed.

F: We will ask the AJU to review existing internal and external guidance (e.g. our “Guide for bereaved families” and internal guidance for staff) to ensure both meet their users’ needs.

G: Together with the FCO’s Media Office we will look for new ways to explain what we do to the public. Our aim is to continue to be accurate and to protect people’s personal information while avoiding causing additional distress, explaining more fully our response to cases and using language that is widely understood.

The level of ability, knowledge and training of FCO staff

A: We are already reviewing training and development opportunities for staff who work on murder and manslaughter cases and we will develop specialist training for the staff in the AJU.

B: Our staff, including those in the AJU, will continue to have access to the FCO’s Legal Directorate when they require advice on international and UK law. We do not plan to provide them with legal training as they will never be able to give legal advice on domestic law in other countries no matter how well trained.

C: For linguistic expertise UK consular staff will continue to rely on colleagues at Embassies and High Commissions overseas. Language training is available to all FCO staff in a range of languages but we cannot train staff in London in all the languages they might occasionally require.

D: Most of our staff already understand the ways in which our external partners work but we will make sure this is consistent and improve initial and in-service training and our internal guidance.

Our processes and structures

A: Consular officers in London and at many Embassies and High Commissions already work together to ensure that families can speak to the people who are best placed to help them - this is sometimes our officials abroad. We will ensure that this happens consistently.

B: We will ask the AJU to consider data protection rules and whether there may be ways of working more smartly within these.

C: We already develop a strategy for each murder or manslaughter case, include agreeing how to work with the bereaved and how to communicate with them, and we review complex cases regularly, but the AJU will ensure this happens more systematically and is recorded effectively.

Our policy on how we can help

A: We will continue to make clear to our staff the importance of telling people about what we can do rather than focusing on what we cannot.

B: We do not intend to increase the number of things we will pay for using public funds. Our resources are limited, the support we provide should be guided by that provided in cases in the UK and we do not want to undermine services provided through travel insurance. This approach was endorsed by the House of Commons Foreign Affairs Committee (FAC) in their inquiry on Consular services: *"We understand that the FCO cannot commit to fund repatriation, legal fees, translation etc. especially where adequate insurance would have covered costs. The FCO's policy of working with partners who can provide funding where needed is sensible."* We will however review our policy on what things we can provide loans for as the FAC has recommended.

C: We will continue to look at ways to support bereaved families and friends at trials and in legal processes in general. This will include considering whether we are able to accompany families more in court and monitor more of a trial or other extended legal processes. But we do not expect a significant change; our resources are limited and some trials can last months or even years.

D: The AJU will consider how best to support relatives and friends beyond the immediate family. As part of planning a strategy for a case, there could for example be an assessment of all those who might be significantly affected and a strategy to support them.

E: The AJU will explore what further measures can be taken at UK and foreign airports to reduce distress for families who are travelling. This could include working with our airport partners to secure access to private waiting areas where there is a risk of media intrusion.

F: The AJU will consider how best to lobby foreign authorities on individual cases and on general issues, including explaining clearly and assertively our expectations of them in murder and manslaughter cases. This will include ensuring Embassies and High Commissions have the right tools available to them.

G: The AJU will consider whether it is helpful, appropriate and an effective use of public funds for a UK caseworker who has developed a supportive and constructive relationship with a family during a long-running case to accompany the family when they travel to the country concerned. In many cases it may be better for a local caseworker to be involved, as they can offer the local expertise a family needs.

H: We will continue to give families information on lawyers and we have recently revised our approach to lawyers lists to ensure these are as clear as possible. We will work to deliver this message as sympathetically as possible. While we understand the frustration some people feel when we urge them to appoint a local lawyer, we see no alternative to this. We are not qualified to provide advice on legal issues, especially local legislation and processes in another country, and families almost always benefit from this advice.

The partners we work with

A: The AJU will review the processes we have in place to refer cases to our funded partners, for example Victim Support and Missing Abroad, and whether the triggers used are the right ones.

B: We already spend time building relationships with caseworkers in our partner organisations, for example by inviting our partner organisations to speak to staff, but we will consider what more we can do to develop these relationships further.

C: We will describe our relationships with our partners in our publications and ask our partners to consider doing the same in their own materials.

E: We will ask the AJU to complete the work we are doing now on development of a new pro-bono legal panel to help families find free legal support, based on the model of the existing death penalty pro-bono panel.

Police forces

A: We will ensure that the role of Police Family Liaison Officers (FLOs) is understood by our staff and communicated clearly to families and other involved groups. We have already prepared new guidance for our caseworkers on this. We will also continue our work with UK police to ensure clarity and consistency in the relationships between consular staff, FLOs, other partners and those affected by murder and manslaughter.

B: We will ask the AJU to focus on delivery of our review of the Memorandum of Understanding between the FCO, Police and Coroners.

Our policy on who we help

A: We will ask the AJU to review our policy on suspicious deaths and consider whether families affected by these can receive similar levels of support. Consistency in defining suspicious deaths may be difficult and our primary focus will continue to be on getting assistance right in murder and manslaughter cases.

Annex A – Methodology

The following groups were invited to participate in this consultation:

- Families who had direct experience of consular assistance after murder, manslaughter or suspicious death;
- MPs and members of the House of Lords who have shown a specific interest in this area;
- Relevant organisations, including those that work with victims' families to provide specialist support. These include some we part-fund;
- The FCO's own consular teams in London and at Embassies and High Commissions around the world.

Respondents were asked to focus on these areas:

- Access to our services;
- The quality of information we provide;
- The ability of FCO staff to respond, including their levels of knowledge and training;
- The partners we work with;
- Our policy on how and who we can help.

Feedback was given through written questionnaires, interviews and group discussions. Face-to-face interviews with families in the UK were carried out by Victim Support England and Wales, and Victim Support Scotland. This was in recognition of the fact that some people would feel more comfortable talking to a third party rather than to us directly. These interviews were recorded with their permission. A small number of families requested to speak to the FCO directly. In these instances, a suitable member of staff was identified outside of the assistance policy team to carry out the interviews, including one abroad.

Feedback was also gathered from a range of other sources including a Parliamentary Round Table in January 2014 and Parliamentary Questions as well as previous feedback received directly from families or organisations. Where relevant similar feedback received by the Parliamentary Foreign Affairs Committee Inquiry on Consular work was identified.

This review was conducted by the FCO's Consular Assistance Department Policy Team with help from Victim Support. The Policy Team also prepared the summary of evidence. Our response was prepared by a wider team from Consular Assistance Department.