

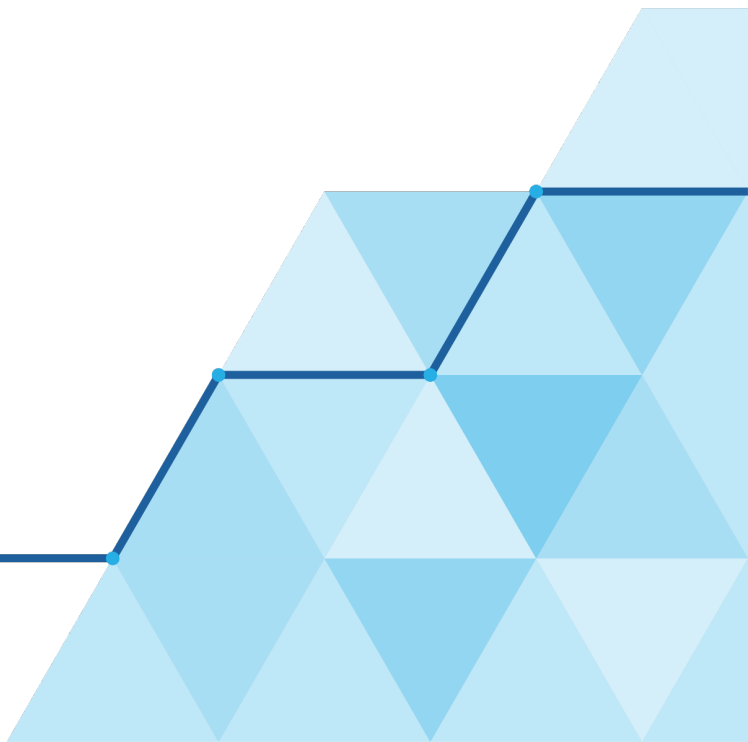


Ministry
of Justice

Independent Public Advocate: Policy Statement

The Definition of a Major Incident and Appointment of an Advocate

September 2025

A decorative graphic in the bottom right corner consisting of a cluster of light blue triangles of various sizes, some pointing up and some pointing down, creating a geometric pattern.



Ministry
of Justice



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Introduction

The Independent Public Advocate (IPA) will support the victims of major incidents in England or Wales. This policy statement sets out the Government's policy for determining whether an incident is a major incident for the purposes of appointing the IPA. It also sets out the factors that the Secretary of State for Justice will take into account when making the decision to declare a major incident and appoint an advocate.

The Ministry of Justice ran a public consultation on proposals to establish an IPA between September and December 2018. We received 42 written responses to the consultation; 33 responses were in favour of establishing an IPA. The Ministry of Justice published a high-level summary of the responses to this consultation on 1 March 2023.¹

Alongside the publication of the consultation responses, the Ministry of Justice also announced its intention to create an IPA and brought forward measures in the Victims and Prisoners Bill to deliver this. The Victims and Prisoners Act 2024 received Royal Assent on 24 May 2024.² The Act sets out detail on what a major incident is, how advocates are appointed, what their functions are, reporting, and information sharing.

Additional guidance for the advocates, and other operational detail, has been published separately.

Unless otherwise stated, any references to the 'Secretary of State' in this document refer to the Secretary of State for Justice. Any references to 'a victim' or 'victims' refer to a victim of a major incident as defined by section 34(5) of the Victims and Prisoners Act 2024:

"'victims', in relation to a major incident, means –

- (a) Individuals who have suffered harm as a direct result of the incident (whether or not that harm is serious harm), and
- (b) close family members or close friends of individuals who have died or suffered serious harm as a direct result of the incident."

This document will guide the Secretary of State's decision-making regarding the declaration of a major incident and the appointment of an advocate. The Government will review and update it at appropriate intervals.

¹ <https://assets.publishing.service.gov.uk/media/63ff167ce90e0740d3cd6f0b/public-advocate-feedback.pdf>

² [Victims and Prisoners Act 2024](#)

What is the IPA?

The IPA is a new statutory office established to support victims of major incidents. The office is made up of a permanently appointed Standing Advocate, as well as a list of suitable individuals who may be appointed as additional advocates to support the response to a major incident as deemed necessary and appropriate. There is a permanent IPA secretariat to support the Standing Advocate to deliver their functions.

What is a Major Incident?

A major incident is defined in section 34(2) of the Victims and Prisoners Act 2024 as “an incident that (a) occurs in England or Wales after [18 September 2024], (b) causes the death of, or serious harm to, a significant number of individuals, and (c) is declared in writing by the Secretary of State to be a major incident for the purposes [of appointing advocates for victims of major incidents]”.

For incidents occurring in Wales, the Secretary of State can only declare a major incident and appoint an advocate once they have consulted Welsh Ministers. More information on incidents in Wales can be found at section 1.4, 2.3 and 3.3.

It is worth noting that the term “major incident” is not exclusive to IPA policy, nor is there a standard definition, and so various bodies may legitimately use different interpretations of the term. One body's use of the term will not bind or influence the Secretary of State's decision to make a declaration under Part 2 of the Victims and Prisoners Act 2024. The Victims and Prisoners Act 2024 defines the parameters for declaring a major incident and appointing an advocate, and this definition is separate from other definitions under the Joint Emergency Service Interoperability Programme (JESIP) or the Civil Contingencies Act 2004. Only incidents falling within section 34(2) of the Act qualify as major incidents for IPA purposes.

Part 1: The Definition of a Major Incident

This part sets out the detail surrounding the definition of a major incident, including the factors the Secretary of State will consider ahead of declaring a major incident.

1.1 Background

- 1.1.1 This Part outlines further detail to support the legislative definition and provides clarity on the circumstances under which a major incident for the purposes of the IPA may be declared.
- 1.1.2 The decision to declare an incident under Part 2 of the Victims and Prisoners Act 2024 rests with the Secretary of State for Justice. However, should the need arise (if the Secretary of State is unavailable for example), the decision to declare a major incident and appoint an advocate may be delegated to another Justice Minister.

1.2 The Definition of a Major Incident

- 1.2.1 Section 34(2) of Part 2 of the Victims and Prisoners Act 2024 defines a major incident as “an incident that (a) occurs in England or Wales after [18 September 2024], (b) causes the death of, or serious harm to, a significant number of individuals, and (c) is declared in writing by the Secretary of State to be a major incident for the purposes [of appointing advocates for victims of major incidents]”.
- 1.2.2 The IPA may only be appointed where an incident has caused the death of, or serious harm to, a significant number of individuals, and the Secretary of State has declared the incident to be a major incident in writing for the purposes of appointing the IPA. This legislative definition and written declaration from the Secretary of State will act as the differentiators between the definition of major incident for the purposes of the IPA and the definition more commonly used by the emergency services. We expect that this declaration will be published on the gov.uk website.
- 1.2.3 Major incidents can take many forms, and the discretion to designate an incident as such rests solely with the Secretary of State.
- 1.2.4 Incidents that the Secretary of State could consider to be major incidents will typically be of a large scale and will generally be easily identifiable. It is likely that they will be single time incidents that emerge quickly and have immediate effects (e.g. ‘rapid onset’ incidents). We expect that the incidents will take place in a single location and are likely to take place within the same 24-hour period. Historical

examples of these ‘rapid onset’ incidents in the context of the IPA would include the Hillsborough disaster, the Grenfell Tower fire, and the Manchester Arena attack.

- 1.2.5 The above incidents are frequently mentioned as examples of incidents that would definitely have been declared as major incidents for the purposes of the IPA. They demonstrate the scale of incident that the Government intends for the IPA to support. However, there have been other incidents in recent years which, if similar events were to occur in the future, *may* be considered as major incidents for the purposes of the IPA. Examples of these are the Shoreham Airshow crash (2015), the Croydon tram derailment (2016) and London Bridge terror attack (2017). These examples are illustrative, and the Secretary of State has broad discretion under the legislation over whether to designate something as a major incident for the purposes of the IPA.
- 1.2.6 The IPA will not be appointed for smaller, single-time incidents or cases involving individual fatalities (unless there is also a significant number of individuals who have been seriously injured), as such incidents typically do not pose the same challenges as larger scale incidents. This position was reflected in the responses to the 2018 consultation on establishing an IPA, in which fewer than 10% of those who responded felt that the IPA should be deployed in all circumstances, regardless of scale. However, while we expect smaller incidents will generally not to be in scope of the IPA scheme, this will ultimately be at the discretion of the Secretary of State.
- 1.2.7 Since section 34(2) of the Act requires a major incident to be ‘an incident’, a series of connected incidents over time, of which none individually meet the threshold in section 34(2)(b), would not fall within the definition of major incident. The most common examples of these are healthcare related e.g., a repeated failure resulting in fatalities within a hospital.
- 1.2.8 However, while a series of incidents over time, such as those occurring over weeks, months or years would be out of scope for IPA support, it may be that where several events that occur in quick succession and are clearly linked may be considered as ‘an incident’. An example of this would be the 7/7 London Bombings. It is important to note, however, the discretion for deciding whether such incidents should be declared a major incident rests with the Secretary of State.
- 1.2.9 There are several categories of incidents that will not generally be in scope of the IPA. These events are likely to be out of scope because they either do not align with the purpose of the IPA (to support victims of large-scale incidents which have resulted in a significant number of fatalities or casualties); they do not result in the complex investigatory procedures that other major incidents do; or because they would be too large for the IPA support offer/other Government procedures would be enacted.

1.2.10 The following will generally not be in scope:

- Individual cases of death or serious injury
- Human and animal health – diseases, pandemics, antimicrobial resistance (this does not exclude other incidents within a healthcare setting e.g. a terror attack in or at a hospital)
- Societal – industrial action, immigration, drugs, corruption, small scale crime
- State threats – for example, war, attacks on the Stock exchange, financial institutions (banks) or cyber and/or physical attacks on telecommunications lines
- Natural and Environmental
- Cyber attacks

1.2.11 Although the above will generally not be in scope, there may be circumstances where they do meet the definition in section 34(2). For example, the majority of incidents under the natural and environmental category (storms, floods, earthquakes, severe space weather) would not be in scope. However, if an incident of this type occurs because of a system failure, such as a flood defence or dam break due to a manufacture fault which resulted in the deaths of, or serious harm to, a significant number of individuals, the Secretary of State may consider declaring such an incident as a major incident in order to appoint an advocate. Additionally, while cyber-attacks are not in scope in isolation, a cyber-attack that causes a major incident may be considered by the Secretary of State for an advocate to be appointed in respect of, for example, an aircraft crash in England or Wales that results in the deaths of, or serious harm to, a significant number of individuals.

1.2.12 The IPA can only be appointed to support victims of major incidents that occur after 18 September 2024, the commencement date of section 34 of the Victims and Prisoners Act 2024. The IPA is forward-facing and designed to provide support from the immediate aftermath through to the conclusion of any investigation, inquest, or inquiry, which would not be possible if the incident were to have occurred in the past.

1.2.13 While the Secretary of State cannot appoint an IPA to provide support to victims in respect of historic incidents, the Standing Advocate may engage with victims of previous disasters in order to learn from their experiences as part of their business-as-usual functions.

1.3 Secretary of State Considerations

- 1.3.1 Major incidents can often be identified by the scale and the impact of the incident; the demands it is likely to make of local responders; and the exceptional deployment of resources. In light of this, the Secretary of State will consider the following factors when deciding whether or not to declare a major incident and appoint an advocate in respect of that major incident:
1. The number of fatalities
 2. The number of people injured and the extent of their injuries
 3. The type and scale of the incident
 4. The level of support required, including who or what has been mobilised in response to the incident
 5. The level of impact on the community
 6. The public interest.
- 1.3.2 This list of considerations is not exhaustive. It is illustrative and covers the essential factors that the Secretary of State should consider when taking the decision whether to declare a major incident. The incident must always meet the legislative definition before any of these factors can be considered.
- 1.3.3 There is no specific weighting to any of these factors, as it will vary according to the facts of each incident, and each consideration factor does not necessarily need to be present in order for the incident to be declared a major incident.
- 1.3.4 We recognise that the type of incident may not be known with certainty at the time of Secretary of State decision-making, e.g. an ongoing investigation in the case of a suspected terror attack. Where this is the case, the Secretary of State will be advised on the latest position, and a decision will be taken on the information available. There are no restrictions on the timing of the Secretary of State's decision.
- 1.3.5 There is no specific threshold for fatalities or casualties. However, it is important to consider the scale of past incidents that, as outlined in 1.2.5, would have justified appointing an advocate and on which the IPA policy is based. While the decision rests with the Secretary of State and future incidents cannot be predicted, the examples previously outlined provide an indicative guide to scale.
- 1.3.6 Under the public interest factor, it is likely that the Secretary of State will consider questions such as:
1. What are the circumstances of, and the harm caused, to the victims?
 2. What is the impact of the repercussions on the country?
 3. What is the strength of public feeling over the incident?

4. Is it proportionate to appoint an advocate?

- 1.3.7 While the public interest is an important factor to consider when making the decision to appoint an advocate, it is unlikely that an appointment would be made solely on this factor. In consideration of the public interest, there will not be any form of formal consultation process. We recognise that some of these consideration factors are subjective, and that the breadth of the answers to them may not have emerged fully at the time of decision-making – therefore, as in 1.3.4, the Secretary of State will be advised on the latest position, and a decision will be taken on the information available. While any information in this regard will be given proper consideration, the ultimate decision rests with the Secretary of State.
- 1.3.8 When considering whether to declare a major incident (and subsequently appoint an advocate), the Secretary of State may seek advice, including from policy officials and operational staff (whether that is Government officials or emergency responders). Should they wish to, the Secretary of State may also seek information from, and the views of, the Government department with the relevant policy responsibility (e.g., if the incident relates to a crash on a rail line, the department would be the Department for Transport). For incidents which directly relate to Home Office owned policy, the Secretary of State must consult the Home Secretary ahead of a declaration and appointment decision. The Standing Advocate may also recommend to the Secretary of State that a major incident should be declared. The final decision to declare an incident remains with the Secretary of State.

1.4 Major Incidents in Wales

- 1.4.1 For incidents occurring wholly or partly in Wales, while the power to declare a major incident remains with the Secretary of State for Justice, section 34(3) of the Victims and Prisoners Act 2024 mandates that this decision can only take place once they have consulted Welsh Ministers. The views of Welsh Ministers during this consultation will be carefully considered. This consultation will take place at pace, to ensure that victims are in receipt of timely IPA support.

1.5 Appeals

- 1.5.1 The power to declare a major incident and appoint an advocate in respect of that major incident rests with the Secretary of State. This decision can be subject to challenge as it is governed by public law principles. There is no specific appeal mechanism against a decision not to declare an incident and so any such challenge would be by judicial review.

- 1.5.2 We expect that Parliament will also hold the Government to account over any decision made by the Secretary of State and make full use of the mechanisms available to it, such as urgent questions, parliamentary questions, and requests for debates.

Part 2: Appointment of the Standing Advocate in respect of a Major Incident

This part sets out the detail surrounding the appointment of the Standing Advocate in respect of a major incident, including the relevant background, definitions, processes, and appeals.

2.1 Background

- 2.1.1 Part 2 of the Victims and Prisoners Act 2024 imposes a duty on the Secretary of State to appoint an individual as the permanent Standing Advocate for victims of major incidents. The Secretary of State will also have the ability to bolster the IPA's resilience by appointing additional advocates to support victims in respect of a specific major incident if necessary.
- 2.1.2 When the Standing Advocate works independently, they will be referred to as the IPA. However, when acting with other additional advocates, the group will be referred to collectively as the IPA, and the terms 'Standing Advocate', 'lead advocate' and 'additional advocates' will denote each advocate's respective positions/roles.

2.2 Appointing an Advocate

- 2.2.1 The decision on whether an incident is a major incident and whether to appoint an advocate is at the discretion of the Secretary of State.
- 2.2.2 If the Secretary of State declares an incident to be a major incident under the Victims and Prisoners Act 2024, they will then decide whether to appoint an advocate to support the victims. We expect that the decision-making process will be combined and consider it highly unlikely that there would be a situation in which a major incident under Part 2 of the Victims and Prisoners Act 2024 is declared but an advocate is not then appointed.
- 2.2.3 Following an incident, it is important that the decision to declare a major incident and appoint an advocate in respect of that major incident is made efficiently, in order to provide timely support to victims. It is imperative that this process is not burdensome or overly bureaucratic. Whilst the Government appreciates the view put forward that victims themselves should be involved in the initial decision on appointment, it would in practice be very difficult to identify relevant persons to

consult and to reach a consensus quickly enough for support to be given in a timely manner.

- 2.2.4 It is the Government's intention that the first appointed advocate to a major incident will be the Standing Advocate. Having a Standing Advocate permanently in post will ensure that the appointment process to a major incident is as efficient as possible. Although the Standing Advocate is a permanent position, in order to directly support victims of an incident they must first be appointed to that specific incident.
- 2.2.5 If the first appointed advocate is not the Standing Advocate (if they are unavailable for example), the chosen individual will be appointed to that role based on their background and experience, or because they possess specialised knowledge or skillsets in relation to the specific incident. An illustrative example of the decision-making process for this initial appointment can be found at **Annex A**.
- 2.2.6 The Government's ambition is for the appointment of an advocate in respect of an incident to be as smooth and efficient as possible. Any appointment of an advocate will be sensitive to the established processes that follow a major incident (such as the deployment of Family Liaison Officers). The timing of the advocate's engagement with victims will reflect this.

2.3 Major Incidents in Wales

- 2.3.1 As with the power to declare an incident, for incidents occurring wholly or partly in Wales, section 36(2) of the Victims and Prisoners Act 2024 mandates that while the power to appoint an advocate remains with the Secretary of State for Justice, this decision can only take place once they have consulted Welsh Ministers. The views of Welsh Ministers during this consultation will be carefully considered, and decisions will be made with the best interests of the victims in mind. This consultation will take place at pace, to ensure that victims are in receipt of timely IPA support.

Part 3: Appointment of Additional Advocates in respect of a Major Incident

This part sets out the detail surrounding the appointment of additional advocates in respect of a major incident.

3.1 Background

- 3.1.1 The scale or complexity of a major incident may require the bolstering of the IPA's resources. Although supported by the IPA secretariat, in some circumstances a single advocate may not be sufficient to support the number or specific needs of the victims. The Secretary of State therefore can appoint additional advocates in respect of a major incident, where this is necessary, to provide greater resilience, diversity of skillsets, and help to ensure a high-quality service for victims.
- 3.1.2 There is no limit on the number of advocates that can be appointed in respect of a major incident. However, the Secretary of State will only exercise this power when it is necessary and proportionate. While there is no upper limit to the number of advocates that can be appointed, the number will be proportional to the size of the incident.
- 3.1.3 We will recruit, through an open and fair competition, a register of individuals who are suitable to be appointed as advocates, who can be called upon in the event of a major incident that requires additional support. These individuals will be properly scrutinised (including security and DBS checks) and will receive training in advance. The Secretary of State may also directly appoint an individual to be an additional advocate who is not on the pre-recruited list. We envisage that this might, for example, be necessary for incidents where specialist knowledge is required.

3.2 Appointing Additional Advocates

- 3.2.1 The decision process for additional advocates is two-fold. First, the Secretary of State will decide whether there is a need to appoint additional advocates, and if so, how many additional advocates are needed. Second, they will decide who to appoint (typically from their list of pre-recruited and pre-trained potential advocates).
- 3.2.2 When deciding whether additional advocates are needed, the Secretary of State may consider factors such as the scale of the incident and the number of victims,

any specific expertise that may be valuable, and the views of the victims. They would also likely consider the views of the first appointed advocate.

- 3.2.3 When deciding who the most appropriate person(s) is to appoint, the Secretary of State may consider factors such as who has the appropriate skillset or experience for the incident, who is best placed geographically to the victims / site of the incident, and the views of the victims and the advice of the initial advocate. These are not exhaustive examples, and the Secretary of State has discretion to consider other factors.
- 3.2.4 When appointing any additional advocates, the Secretary of State may want to take the views of the victims into account. The Secretary of State may do this by seeking the first advocate's (likely to be the Standing Advocate) views on the appointment of additional advocates. It will be a part of the role of the first appointed advocate (as they are likely to have been appointed before decisions on any additional advocates are made) to informally gather victims' views through their engagement with them. Using their situational awareness, the advocate will advise the Secretary of State on what victims may need from any additional advocates. All engagement with victims will be conducted with sensitivity to their needs and circumstances at the time.
- 3.2.5 When considering the appointment of additional advocates, the Secretary of State must also secure agreement from the Government department with the relevant policy responsibility, or Welsh Ministers where the policy responsibility is devolved. This will help to establish the suitability of doing so and whether any other forms of aid are being mobilised to support the victims of the incident.
- 3.2.6 Where more than one advocate has been appointed in respect of the same major incident, the Secretary of State must appoint one as the lead advocate. As we expect that the Standing Advocate will be appointed first following the declaration of a major incident, they will therefore be the lead advocate for most major incidents (provided additional advocates are also appointed). However, the Secretary of State may nominate any of the appointed advocates as the lead. This allows for rare scenarios where the Standing Advocate is unavailable. The other advocates must have regard to directions given by the lead advocate when exercising their functions.
- 3.2.7 If multiple major incidents occur at the same time, the Standing Advocate would be appointed as the lead advocate for both, if available and depending on the scale of the incidents. Additional advocates could be appointed to support the Standing Advocate in managing multiple incident responses. The Ministry of Justice would consider how to ensure sufficient secretariat support in such a scenario.
- 3.2.8 At any point following a major incident where the Secretary of State has appointed multiple advocates, they may reduce the number of advocates actively supporting

victims. This may be due to a decrease in need for support, or due to a period of reduced activity in terms of the investigatory processes that follow a major incident (e.g. a gap between the investigation concluding and an inquiry beginning). In making the decision to reduce the number of additional advocates, the Secretary of State will consider the needs and views of victims and the advice of the Standing or lead advocate. Further information on the conclusion of support is found in Part 4 below.

3.3 Major Incidents in Wales

- 3.3.1 As with the power to appoint the Standing Advocate, should the decision be taken that additional advocates are required for an incident occurring wholly or partly in Wales, under section 36(2) of the Victims and Prisoners Act 2024 they can only be appointed once the Secretary of State has consulted Welsh Ministers. The views of Welsh Ministers during this consultation will be carefully considered, and decisions will be made with the best interests of the victims in mind. This consultation will take place at pace, to ensure that victims are in receipt of timely IPA support. As set out at 3.2.5, if the policy responsibility relating to the incident is devolved, Welsh Ministers must agree to the appointment.

Part 4: Conclusion of IPA Support

4.1 Conclusion of IPA Support

- 4.1.1 4.1.1 We expect that, in most instances, the lifetime of a major incident (and therefore IPA support) will be from the initial aftermath to the conclusion of any investigation, inquest, inquiry or other review mechanism. This may not be the case for every appointment, as the length of IPA support will depend on the needs and circumstances of the specific incident and its victims.
- 4.1.2 Following the conclusion of the investigation / inquest / inquiry / review mechanism, the appointed advocate(s) will end their support for the incident. The Secretary of State for Justice will notify the advocate(s) that their appointment to the incident will be terminated in accordance with their terms of appointment.
- 4.1.3 As outlined in section 3.2.7, at any point following a major incident where the Secretary of State has appointed multiple advocates, they may reduce the number of advocates actively supporting victims. During the lifetime of the incident, it may be appropriate for the Secretary of State to scale back the number of additional advocates providing active support, as different points of the process will likely require different levels of support. Therefore, while the lead advocate may still be offering support to victims of an incident, any additional advocates' appointment may have been terminated prior to the official declaration of the conclusion of IPA support.
- 4.1.4 After the conclusion of support declaration, should the victims have anything else to raise with the IPA, they can direct enquiries to the secretariat or the Standing Advocate. The Standing Advocate will be able to engage with the victims, but they will no longer be offering direct support in respect of the incident.
- 4.1.5 If, as in most incidents, the Standing Advocate was appointed to the incident, they will then transition from their appointed functions back to their business-as-usual functions.

4.2 Termination of an Advocate's Appointment

- 4.1.6 Once the IPA support has concluded, any appointed advocates will have their appointment terminated under their terms of appointment.
- 4.1.7 Outside of the conclusion of support, there are other circumstances in which the appointment of an advocate can be ended. Section 37(2) of the Victims and Prisoners Act 2024 gives the Secretary of State the power to terminate an advocate's appointment on such grounds as they consider appropriate. Examples of these grounds would be performance concerns, a conviction for a criminal offence, or a personal change in circumstances.
- 4.1.8 This power is intentionally broad – this will allow the Secretary of State the discretion necessary to ensure that they are able to act in the interests of victims during unforeseen circumstances. We also expect this power to be used in situations such as those outlined in section 3.2.7.
- 4.1.9 Additionally, an advocate's appointment can also be terminated should they give notice of their resignation.



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