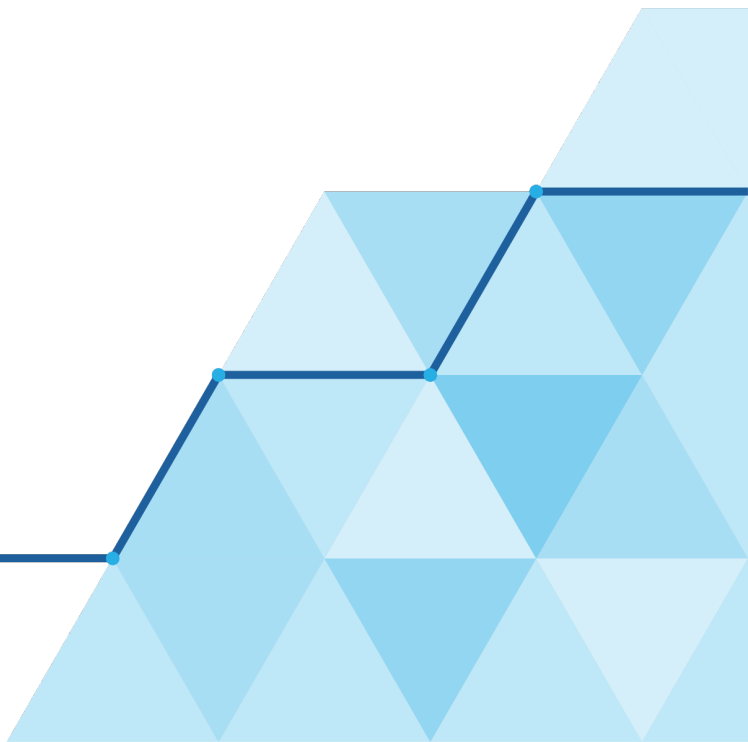




Ministry
of Justice

Guidance for the Independent Public Advocate

September 2025

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Introduction

Introduction

The Independent Public Advocate (IPA) is an independent statutory body established under Part 2 of the Victims and Prisoners Act 2024 (“the Act”) to support victims of major incidents occurring in England and Wales. This guidance, issued under section 44 of the Act, sets out the matters to which an advocate must have regard when exercising their functions.

The aftermath of a major incident can be extremely difficult for victims, both the bereaved and injured, and will often involve many different state agencies and processes. These can be daunting or difficult for victims to follow. The IPA will help victims to navigate this by supporting them to understand and participate in the complex processes that follow a major incident, signposting them to support services and helping them from the days following the incident through to the conclusion of potentially long-term proceedings. The IPA will also be an important conduit between victims and public authorities.

Once an incident is declared a major incident under Part 2 of the Act and an Advocate is appointed, they take on a specific role in relation to that incident. This guidance outlines the scope of that role and how advocates should carry out their duties in order to deliver for victims.

Terminology

In this guidance, the term ‘IPA’ is used to refer to the office as a whole – this includes any advocates that are appointed and the secretariat that supports them. ‘Advocate(s)’ is used to refer to any individual(s) appointed as an advocate under Part 2 of the Act to support victims of a major incident. ‘Standing Advocate’ refers to the permanently appointed advocate who has statutory functions, regardless of whether they have been appointed to support victims of a major incident.

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 Act.

“‘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.”

In this legislative definition, ‘as a direct result’ refers to being physically present at the site of the incident when it occurred. The Act does not define ‘serious harm’; however, ‘serious harm’ is understood to mean injuries caused by the incident that have life-changing consequences and are unlikely to improve significantly over time. Under the Act, ‘harm’ includes physical, mental or emotional harm.

This document, and other related IPA documents, refer principally to ‘victims’, to mirror the language used in the Act. However, not all individuals who have experienced harm identify as a ‘victim’ – they may instead identify as a ‘survivor’, a ‘victim-survivor’, or they may not define themselves in relation to what they have experienced with any term. However, as the IPA’s underpinning legislation identifies those eligible for its support as ‘victims’, the term is used throughout the related IPA documents to reflect that these individuals are legally victims for the purposes of the IPA legislation. It is however important that when the IPA staff, whether that is the advocates or the secretariat, are engaging with the victims directly, they are mindful of the victim’s preferred terminology.

A major incident has been defined in the Act, for the purposes of the IPA, as an incident that:

- (a) occurs in England or Wales;
- (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 an incident to be formally declared a major incident for the purposes of the IPA, it must have caused the death of, or serious harm to, a significant number of individuals and be declared as such in writing by the Secretary of State for Justice. Please refer to the ‘Independent Public Advocate Policy Statement: The Definition of a Major Incident and Appointment of an Advocate’ for further details about this process.

Part One: Role of the Advocates

1.1. Overview

1.1.1. The Standing Advocate has specific functions outlined in section 35 of the Act.

These legislative functions are to be undertaken whether or not they are appointed to an incident. These functions are:

- (a) to advise the Secretary of State as to the interests of victims of major incidents, and their treatment by public authorities in response to major incidents;
- (b) to advise other advocates as to the exercise of the functions of those advocates;
- (c) to make reports in accordance with section 41 of the Act.

1.1.2. The Standing Advocate must report annually to the Secretary of State for Justice on: the exercise of their functions in that year; such matters that the Secretary of State for Justice may require in writing; and such other matters that the Standing Advocate considers relevant to their functions or the functions of another advocate. The Standing Advocate should consider how best to utilise these reports and should consider whether it would be appropriate to include any reflections on recent developments in support for victims of major incidents.

1.1.3. One of the Standing Advocate's statutory functions under section 35(2)(a) of the Act is to advise the Secretary of State on the interests of victims of major incidents and their treatment by public authorities. This may include monitoring public authorities' adherence to the Charter for Families Bereaved through Public Tragedy¹ ('the Charter'), which was proposed by Bishop James Jones. The Government is a signatory to the Charter which sets out a series of commitments to act transparently and in the public interest.

1.1.4. The Charter provides a benchmark for public bodies to ensure they will not repeat the failures that caused such pain and suffering for the Hillsborough families. The Standing Advocate has an important role in ensuring the commitments of the Charter are being upheld in relation to victims of major incidents. The Standing Advocate should encourage, as much as possible, the adoption of good practice in the treatment of victims of major incidents, and adherence to the Charter is an important part of that. Should the Standing Advocate be made aware that authorities are not adhering to the Charter in relation to victims of major incidents, it is for the Standing

¹ [Charter for Families Bereaved through Public Tragedy.pdf](#)

Advocate to decide how to address this, but they should typically use the usual means to raise this (a letter, a meeting with the relevant Minister, or inclusion in an IPA report). Advocates appointed to an incident should consider how they could support the Standing Advocate in this monitoring exercise.

- 1.1.5. Additionally, in the course of executing their functions, all advocates should have mind to the guidance from His Majesty's Treasury, 'Managing Public Money'.

1.2. The Role of Advocates when Appointed to a Major Incident

- 1.2.1. Once the Secretary of State declares a major incident in writing, they can appoint an advocate to support the victims of the incident. It is the Government's intention that the first appointed advocate to a major incident will generally be the Standing Advocate, unless they are unwell or otherwise unavailable.
- 1.2.2. Advocates may use their discretion in deciding who to support, however, a person must meet the eligibility criteria in order to receive support. If individuals who do not meet the eligibility criteria contact the IPA, advocates should consider how best to signpost them to other appropriate support services.
- 1.2.3. A person is eligible for support from an advocate if they meet one of the following criteria:
- 1) they were physically present at the incident and experienced harm or serious harm as a direct result of the incident; or
 - 2) they are a close family member or a close friend of someone physically present at the incident who died or suffered serious harm as a direct result of the incident.
- 1.2.4. Advocates are not permitted under the Act to directly support individuals under the age of 18 – if a victim of an incident is under 18, the advocates may only support them via an adult representative.
- 1.2.5. When deciding who to support, advocates should ensure they are able to support those most in need. For victims as defined in point (1) above, wherever possible and appropriate, advocates should in the first instance aim to support the person directly harmed by the incident. If the victim is under the age of 18, or if they are an adult who wishes or needs to be supported via a representative, advocates may also support them via a representative.
- 1.2.6. It is for the advocate(s) to decide who to support. Advocates should generally consider directly supporting only one close family member or friend of an individual

who was seriously harmed or died as a result of an incident, but should use their discretion in instances where this is not appropriate (for example, if a victim's parents are separated).

- 1.2.7. Providing the incident took place in England or Wales, all victims of the incident will be eligible for IPA support, regardless of their place of residence. This includes British nationals and foreign nationals who ordinarily live outside of England and Wales.
- 1.2.8. Individuals who are eligible for IPA support are not obliged to accept it. Advocate support is optional and can be requested at any point in the aftermath of the incident. However, no one is entitled to require an advocate to provide support, or a particular type of support, either to themselves or to anyone else.
- 1.2.9. The support that advocates provide will be informed by the circumstances of the incident and the needs of victims. Under the Act, advocates may provide such support to victims of an incident as they consider appropriate in relation to the aftermath of the incident, an investigation by a public authority into the incident (including a non-statutory inquiry), an inquest into a death the incident may have caused or contributed to, or an inquiry into the incident under the Inquiries Act 2005.
- 1.2.10. The advocates' primary objective is to support victims to navigate the processes that follow; this objective should guide advocates throughout their appointment. It is vital their approach is guided by what victims need. All engagement with victims must take a trauma-informed approach. The Standing Advocate, additional advocates and the IPA secretariat are expected to maintain a good understanding of current trauma-informed practice.
- 1.2.11. While the legislation gives advocates broad discretion over how they support victims, section 39 of the Act includes a list of examples of support the advocates may offer, to which advocates should have regard. This list is as follows:
 - (a) helping victims understand the actions of public authorities in relation to the incident, and how the views of victims may be taken into account;
 - (b) informing victims about other sources of support and advice, and services, that may be available in connection with the incident;
 - (c) communicating with public authorities on behalf of victims in relation to the incident;
 - (d) assisting victims to access documents or other information in relation to an investigation, inquest or inquiry into the incident (to the extent that victims are, or a particular victim is, entitled to such access).

- 1.2.12. This list of suggested methods of support is not exhaustive. Advocates should use their judgement to decide which courses of action are appropriate based on the circumstances of the specific incident.
- 1.2.13. A key part of the advocate's role is their responsibility to produce reports. Advocates can report to the Secretary of State:
- a) following a notice by the Secretary of State (under section 41(4)) which will specify what the report should be on; or
 - b) at their own discretion on matters that they consider relevant to the major incident to which they are appointed; or
 - c) the Standing Advocate can report at their discretion at any time on matters they consider relevant to any major incident, whether or not they are appointed in respect of it.
- 1.2.14. Advocates are not permitted to provide financial support, health care, or legal advice or representation to any person. However, while they cannot act as legal representatives or give legal advice to victims, they can offer guidance on the implications of engaging lawyers during any investigation, inquest or inquiry. Advocates may advise victims on the process of engaging a lawyer, when legal representation may be appropriate, and whether a law firm is already representing other victims of the incident. When advising on whether a law firm is already representing other victims, advocates should be careful not to disclose any personal data of those victims. Any input from advocates relating to legal matters should be considered advisory, and victims should refer to their lawyers for formal advice.
- 1.2.15. As outlined above, the IPA is operationally independent of Government and advocate(s) have broad discretion over how they support victims, report on the experiences of victims, and make recommendations for improvements. As this role is unique and new, the role of the Standing Advocate outside of major incidents will develop over time. This document will be updated as and when necessary to reflect the current role of advocates.
- 1.2.16. As major incidents are unpredictable and unique, it is likely the support offered will differ from incident to incident. All support offered should be centred around the best interests of the victims. This section of the guidance outlines the principles the advocates should have mind to when carrying out their functions during their response to an incident.

Engagement with victims

- 1.2.17. Positive engagement with victims is central to the role of the advocates. Advocates must be mindful when planning engagement with victims and considered thought should be given to how this engagement will take place. Any engagement with victims must be done with a trauma-informed approach at its heart. Engagement should be guided and led by the victims.
- 1.2.18. Advocates must be aware of the time it may take to establish the identities of the injured/deceased and should be aware of and sensitive to the complexities inherent in operating in this context. In particular, they should be careful not to conduct any engagement that may be inappropriate before any Disaster Victim Identification process has concluded. Any proactive engagement from the victims before the conclusion of this process must be handled in a sensitive and considerate manner.
- 1.2.19. IPA support will be given on a referral basis – support is not mandatory, and in order to receive it, victims must consent to have their information shared with the IPA (whether this is through an autonomous self-referral or through a referral from their police Family Liaison Officer (FLO)). To ensure that this consent has been given, advocates should, where possible, wait until victims have been referred to IPA support or have self-referred before engaging directly with them.
- 1.2.20. Engagement in the initial period following an incident will likely consist of light touch activity, for example, signposting victims to support services and giving guidance and information to help them navigate any complex post-incident processes that are taking place in the immediate aftermath. Advocates should ensure that proper consideration has been given to the services that they are signposting to. Advocates should liaise with operational partners who are responding to the incident and providing victim support to ensure that the support offer for victims is coordinated and not duplicated. As outlined above, advocates have discretion over how to execute their functions, and it is therefore for them to judge what action is most appropriate in the initial period following the incident.
- 1.2.21. When engaging with the judicial system (including but not limited to coroners) Advocates should be mindful of the separation of powers and the constitutional independence of the judiciary².
- 1.2.22. In discharging their functions, particularly those concerning signposting to support, advocates should consider other providers of victim support services to ensure overall alignment of support and avoid confusion and information overwhelm for victims. It is

² [Independence - Courts and Tribunals Judiciary](#)

essential that the wider victim support offer for the incident is clear for victims to understand and access. Advocates should facilitate this where possible.

- 1.2.23. The advocate should make sure the victims understand their rights at the various stages and may help them to access information so they can participate in the post-incident processes as fully as possible. Advocates can only assist victims in asking for information to which they are entitled. Please refer to Part 3 for more detail on information sharing.
- 1.2.24. Advocates will act as a crucial conduit between the victims and public authorities or the Government and will strive to amplify the voices of the victims, helping them raise concerns if needed. This must be informed by engagement with the victims. The advocate will be able to feedback concerns or issues the victims have as they are experiencing them, which will hopefully result in a faster resolution where possible.
- 1.2.25. Advocates may also consider whether it would be appropriate for them to share insights with the Government, based on their experience gained in their role, to inform the development of policies that relate to the victims of major incidents.

Interaction with existing processes

- 1.2.26. There are already many existing support services and state processes available in the aftermath of a major incident. It is crucial that advocates do not obstruct, impede or duplicate these. Advocates should consider how to interact with existing support services to complement their support, and how to avoid duplicating their functions where these are already being provided. In particular, advocates must respect and be mindful of the role of the FLOs who are appointed by the local police force in the aftermath of a criminal incident. Such roles are critical for victims in this context and an advocate should seek to supplement and complement them, rather than duplicate.
- 1.2.27. The IPA will not have an active involvement in investigatory processes; their role is to offer support to victims. The IPA must not duplicate or undermine the work of investigative bodies following a major incident.
- 1.2.28. In this context, advocates must be aware of the investigative processes which occur following a major incident and must take care to avoid prejudicing, influencing or impeding these investigations in any way. In particular, advocates should not take any actions or make any public statements which may prejudice or otherwise undermine an investigation.
- 1.2.29. Advocates will work with the relevant police force(s) to understand any developments concerning the investigation which are pertinent to the IPA's functions, including in the Disaster Victim Identification process. They will need to ensure FLO teams are aware of how to signpost the IPA's support.

- 1.2.30. Should the appointed advocate wish to visit the site of the incident, they must be mindful of when, where and how this should take place, particularly in the immediate aftermath. Any decision on visiting the site must be made following advice from the Senior Investigating Officer (SIO) or the Senior Identification Manager (SIM) for the incident. There may be circumstances in which it is not possible for the advocate to be physically present at the site of the incident until it has been declared safe by the emergency responders, if at all.

Coroner's investigation and other review mechanisms

- 1.2.31. A coroner is a special type of judge who investigates unnatural or violent deaths, where the cause of death is unknown, or because the death took place in prison, police custody or another type of state detention, such as a mental health hospital. As a judge the coroner is independent, including from government but also from other participants in the process. Because of this independence, their decisions are only challengeable through appropriate legal routes via the High Court; this means that, outside of formal and appropriate legal routes, coroners should not be approached by Advocates (or others) informally to request that – for example – evidence should be disclosed, a particular judicial decision should be made or a particular outcome reached.
- 1.2.32. Following a major incident, a coroner investigation will almost certainly culminate in an inquest, which is a public court hearing held by the coroner to decide who died and how, when and where the death happened.
- 1.2.33. Section 47(2)(kb) of the Coroners and Justice Act 2009 ('the 2009 Act') includes an advocate appointed in respect of a major incident as an "interested person" for the purposes of a coroner's investigation. Interested persons have a number of statutory rights during the investigation process. These are set out in the Ministry of Justice's 'A Guide to Coroner Services for Bereaved People'³.
- 1.2.34. Some of the rights of an interested person qualify as legal activities. Advocates are not permitted to exercise these rights because, under section 39(8)(a) of the Act, they are prohibited from carrying on a 'legal activity'. In addition, an advocate will not be represented at post-mortem examinations (as interested persons are entitled to be under regulation 13 of The Coroner (Investigations) Regulations 2013⁴). Advocates will not have a role in explaining the findings of forensic or other post-mortem examinations and pathology to victims.
- 1.2.35. For other inquisitorial or review mechanisms, such as a statutory or non-statutory inquiry, the advocate's role should be a supportive one for victims to assist their participation in the process. Advocates should ensure the victims understand the

³ [A Guide to Coroner Services for Bereaved People](#)

⁴ <https://www.legislation.gov.uk/ukSI/2013/1629/regulation/13/made>

upcoming processes and that they are aware of what will happen and when.

Advocates should not play an active role in the proceedings nor interfere with the review's investigative function. The only exception to this may be if the victims ask for the advocate to speak on their behalf (with the Chair's permission), or if they are called as a witness.

1.2.36. If the advocate is attending only to observe or support victims, it is up to them to decide if they should attend the inquest/inquiry/review in person (or through other permitted means such as video). This decision should be made with regard to the appropriateness of attendance and the views of the victims.

1.2.37. As part of their role in public inquiries, advocates may represent the interests and views of victims when the Government is considering whether to initiate a review of the incident, including its appropriate vehicle and scope. Advocates should convey victims' priorities and expectations regarding a proposed review, based on their engagement with them. If, in their view, these differ from what is in the victims' best interests, advocates should also highlight this distinction. Ultimately, however, the advocate's role is to understand and distil the collective perspectives of the victims and relay them to the Government. This representation role does not prevent the Government from engaging with victims directly if they wish to.

1.2.38. The advice from the advocate is not binding on a Minister and does not place any statutory obligations on them to act upon it.

1.2.39. The appointment of an advocate does not, in itself, necessitate the establishment of a coroner's investigation or an inquiry.

1.3 The Role of Additional Advocates when Appointed to a Major Incident

1.3.1. In some circumstances, the number or specific needs of victims may exceed what a single advocate can effectively support. The Secretary of State can therefore appoint additional advocates where necessary.

1.3.2. Where multiple advocates have been appointed, the Secretary of State must nominate a lead advocate to have a clear line of accountability. The lead advocate should give direction to the other advocates and provide a leadership and coordination function. They will be responsible for coordinating reports to the Secretary of State and for providing any updates required in respect of the major incident.

1.3.3. As it is the Government's intention that the first appointed advocate to a major incident will generally be the Standing Advocate, it is therefore likely that they will act

as the lead advocate in the majority of incidents where additional advocates are appointed. However, there may be incidents where it is more appropriate to appoint another advocate as the lead – for example, circumstances in which more specialised knowledge or specific skills may be required.

- 1.3.4. If multiple major incidents occur simultaneously, the intention is for the Standing Advocate to be appointed as the lead advocate for all incidents (provided they are available and depending on the scale of the incidents). It is therefore likely that additional advocates will be appointed to support the increased demand. Where possible, victims should be informed of these appointments before they are made public.
- 1.3.5. Under section 38(3) of the Act, if additional advocates are appointed, they must have regard to any directions given by the lead advocate when exercising their functions. While the lead advocate will provide leadership for the additional advocates, they do have some flexibility to use their judgement when carrying out the directions of the lead advocate, where appropriate. Advocates are expected to reach agreement with the Standing Advocate (or alternative lead if they are unavailable) in any areas of misalignment. The Standing Advocate (or alternative lead) is the ultimate decision maker.

1.4 The Role of an Advocate after the conclusion of proceedings

- 1.4.1. There is no formal role for the IPA following the conclusion of a related review into the incident (e.g. an inquiry). Once an investigation, coroner's investigation, or review following a major incident has concluded, the advocate (or, if more than one advocate has been appointed, the lead advocate) may produce, either independently or on the request of the Secretary of State, a report detailing the support provided to victims, their reflections on the victims' experience, and any best practice or lessons learned. Their interest should remain focused on the victims of the incident. If the advocate reports at a similar time as an inquest conclusion or an inquiry into the incident, they should consider the timing of their publication and its interaction with the inquest/inquiry report. There is no obligation for Government to respond to or act on recommendations made in IPA reports.
- 1.4.2. Future IPA support should also be informed by learnings arising from previous appointments to an incident. Following the first appointment of an advocate to an incident under the Act, a review will be conducted by the Ministry of Justice concerning the operation of Part 2 of the Act during the 18-month period following the advocate's appointment. At the conclusion of this period, the Secretary of State will

produce a report, as required by section 47 of the Act. Advocates should bear in mind the conclusions of this review during future appointments to an incident.

Part Two: Working with Public Authorities

2.1 Background

2.1.1. One of the core functions of the IPA is to liaise and work with public authorities in order to best support victims and understand their needs in the aftermath of an incident. This is critical to ensure the IPA receives the information it needs about a major incident to successfully execute the advocate's functions. This section outlines specific principles advocates should adhere to when working with public authorities.

2.1.2. A public authority for the purposes of the IPA is defined in section 35(5) of the Act as:

“(a) a court, tribunal, coroner or inquiry panel within the meaning of section 3 of the Inquiries Act 2005, and

(b) any other person certain of whose functions are functions of a public nature,

But does not include the Security Service, the Secret Intelligence Service or the Government Communication Headquarters”.

2.2 Principles

2.2.1. Advocates should adopt a co-operative and collaborative approach when working with public authorities to ensure effective working relationships are established and maintained with the relevant public authorities. This is vital in order for advocates to fulfil their role including, where appropriate, assisting victims to understand the actions of public authorities and communicating with public authorities on behalf of victims, in accordance with the functions of advocates covered in the legislation, as set out at paragraph 1.2.6. It is also important the support provided to victims is informed by an understanding of the broader circumstances of the incident.

2.2.2. Advocates should be mindful of the existing support services and state processes in the aftermath of a major incident and should consider how they interact with these. Interaction should be positive and should not duplicate or impede the work of the support services or state processes.

2.2.3. The IPA must, at all times, comply with all existing data protection and records management legislation and have due regard to pre-existing disclosure protocols established by public authorities when requesting information (Part 3 of this guidance provides further information concerning information sharing and management).

2.3 Raising a Complaint with a Public Authority

- 2.3.1. Advocates must, where possible, work collaboratively with the public authority to address any concerns or complaints which may arise and seek solutions informally, where appropriate.
- 2.3.2. However, where an advocate considers it necessary to raise a formal complaint with a public authority (whether on behalf of a victim(s) or in relation to their own engagement with that authority), the advocate should pursue the complaint via the public authority's existing complaint procedure. If the complaint is on behalf of a victim, advocates should ensure that the victim is supported throughout this process and any action should be led by them.
- 2.3.3. If a formal complaint does not resolve the issue, advocates may consider further escalation. Where appropriate, the Standing Advocate may raise concerns with the Secretary of State under section 35(2)(a) of the Act, which relates to advising on the interests and treatment of victims, or they can escalate the complaint to the appropriate Ombudsman.
- 2.3.4. Specific complaints procedures exist in relation to judicial processes (including the coroner system). Judicial decisions (including, but not limited to, whether to hold a post-mortem examination, decisions on what evidence to hear in the inquest as well as the findings of the coroner or jury at the end of an inquest) can only be challenged via the appropriate legal route. For coroner decisions, this is via the High Court, and depending on the circumstances will either be by judicial review or via the procedure set out in section 13 of the Coroners Act 1988.
- 2.3.5. However, it would not be appropriate for Advocates to initiate legal challenges to judicial decisions as they are prohibited from carrying out a 'legal activity'.
- 2.3.6. Separately, complaints about the personal conduct (but not the judicial decisions) of any judicial office holder, including a coroner, should be made to the Judicial Conduct Investigation Office (JCIO)⁵.

⁵ [Judicial Conduct Investigation Office \(JCIO\)](#)

Part Three: IPA Information Sharing & Management

3.1 Background

- 3.1.1. Advocates will ensure victims understand their rights and may, where appropriate, help victims access data and information. This is to ensure they can participate in post-incident processes as fully as possible, within the framework and limits of the specific investigation, coroner's investigation or review. The advocate can help victims navigate open-source information and assist them in asking for information from public authorities, for example, assisting victims in navigating information on Government websites or through pre-existing disclosure procedures.
- 3.1.2. Advocates must respect any request from a public authority to limit the wider sharing of information provided to them. If an advocate considers onward sharing to be necessary and appropriate, they must first seek agreement from the relevant public authority.
- 3.1.3. If there are issues of non-compliance with existing disclosure protocols or with any data sharing agreements in place between the IPA and a public authority, advocates should raise this with the public authority in question and, where necessary, raise a complaint using existing complaints/challenge procedures.

3.2 The IPA and existing legislative frameworks

- 3.2.1. The IPA must, at all times, comply with all existing data protection legislation and records management regulations.
- 3.2.2. Section 43 of the Act contains a data sharing gateway which allows public authorities to share information with advocates if it will help the advocate carry out their role, and vice versa. It is not a mechanism to compel information. The gateway allows advocates, to the extent they consider appropriate, to share information they receive in the exercise of their functions with:
- the Standing Advocate;
 - any other advocate appointed in respect of the same major incident;
 - the Secretary of State;
 - any other person exercising functions of a public nature;
 - a victim of major incident in respect of which the advocate is appointed.

- 3.2.3. The statutory gateway does not supersede existing data protection legislation. IPA staff must, at all times, comply with national security exemptions and ensure that, when processing and/or sharing personal data using this gateway, it is compliant with Article 6 of UK GDPR⁶. It is likely the vast majority of processing and/or sharing of personal data using this gateway falls under the lawful basis of “public task”; however, the advocates and the IPA secretariat must ensure this (or another lawful basis under Article 6) applies prior to proceeding.
- 3.2.4. The gateway facilitates access to information to which victims are already entitled and maintains victims’ existing rights to information. The IPA will not provide a route to accessing information to which victims are not already entitled.
- 3.2.5. Onward sharing of information may occur through communication with victims or public authorities. In all cases where the advocate considers the onward sharing of information to be appropriate, they must first consider and ensure (whether by discussion with the public authority who shared the information or by other means) the sharing of any information will not:
- (a) cause risk of death or injury to any person
 - (b) risk damage to national security or international relations
 - (c) risk damage to the economic interests of the United Kingdom or of any part of the United Kingdom,
 - (d) risk damage caused by disclosure of commercially sensitive information
 - (e) breach any conditions as to confidentiality subject to which the advocate acquired the material
 - (f) contravene the data protection legislation (within the meaning given by Section 3 of the Data Protection Act 2018), or
 - (g) prejudice-
 - i. the investigation or prosecution of an offence
 - ii. an inquiry under the Inquiries Act 2005
 - iii. an investigation under section 1 of the Coroners and Justice Act 2009, or
 - iv. any other investigation or inquiry by a person exercising functions of a public nature.
- 3.2.6. Where it is reasonably assessed by the advocate that sharing information would risk or cause any of the above, the sharing of that information is strictly prohibited. Ahead of this decision, advocates should consult with the original source of the information for their views.

⁶ [Article 6 UK GDPR - Lawful Basis for processing/sharing information](#)

3.3 How the IPA will use information

3.3.1. The IPA should assess any data it receives that does not carry a HMG Security Classification marking (guidance for information which has a marking is set out below) and consider whether the information received can be appropriately shared (as needed) with other public authorities or victims under the IPA's statutory information sharing gateway. Whilst deciding whether to onward share information, the IPA must ensure doing so is in compliance with existing data protection legislation and individual Memorandums of Understanding and/or Data Sharing Agreements in place with public authorities.

Personal information

3.3.2. Advocates, in the execution of their functions, will necessarily gather and process personal data of the victims of a major incident to which an advocate has been appointed. This data may include the victims' names, addresses, e-mail addresses, or telephone numbers for example. This data may have been:

- shared with the IPA by public authorities on behalf of victims, e.g. via FLOs where a victim(s) has requested to be put in touch with the IPA;
- gathered via an advocate's direct interaction with a victim or victims in the aftermath of the major incident;
- gathered via "self-referrals" for support that are made by victims using the IPA's website, e-mail or postal address;
- disclosed by the coroner due to the IPA's status as an interested person.

3.3.3. Full details of how the IPA will collect and use personal information is outlined in the IPA's privacy notice.

Information with an HMG Security Classification Policy marking

3.3.4. During the exercise of the advocate's functions, the IPA may receive information marked under the HMG Security Classifications Policy⁷ from a public authority. The information may only be used in the exercise of the IPA's functions and the IPA must comply with the classification policy when determining how the information is processed, shared and stored. The IPA will not provide access to information to which victims of a major incident would not already be entitled.

Information relevant to an ongoing investigation

3.3.5. The IPA may, in the exercise of their functions, receive information they consider to be relevant to an ongoing criminal investigation. If this occurs, the appointed advocate must contact the relevant Senior Investigative Officer or other agreed/established police representative within the relevant police force or investigative body as soon as

⁷ [HMG Security Classifications Policy](#)

practicable to notify them. Advocates can share information, personal or otherwise, given to them with law enforcement agencies in compliance with Article 6 of General Data Protection Regulations⁸, if necessary.

Storage and disposal (All information and record types)

- 3.3.6. All digital and physical papers, records and documents created, gathered, received or processed by the IPA must be stored securely and in line with the IPA's Records Retention and Distribution Schedule (RRDS).
- 3.3.7. All unique records as outlined on the IPA's RRDS should be retained in line with the stated retention periods in the RRDS and either securely destroyed or transferred to the Ministry of Justice's Departmental Records Officer for subsequent review and potential transfer to the National Archives.

⁸ [A guide to lawful basis | ICO](#)



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