

THE CRIMINAL JUSTICE SYSTEM IN THE UK

A Guide for Bereaved Families





MESSAGE FROM THE JOSH HANSON TRUST FOUNDER AND CEO

The Josh Hanson Trust is honoured to collaborate with Dechert LLP and extends sincere thanks to LawWorks for facilitating this partnership.

As a bereaved mother with lived experience of navigating the criminal justice system, I understand how overwhelming it can be when essential information is not readily available in one place. It is therefore a real privilege to be heard, understood and to help amplify the voice of bereaved families.

I am proud my work has helped influence change and improve awareness of end-to-end victim care and victims' rights. With the help of Dechert's legal expertise and unwavering commitment this guide provides a tool to help bereaved families navigate the complex landscape of the criminal justice system. The clarity of the guidance they have provided from a legal perspective will bring much-needed stability and strength to families during their darkest times.

At The Josh Hanson Trust, we believe that access to information empowers bereaved families to uphold their rights, and we remain committed to advocating for a criminal justice system focused on the needs of victims.

Tracey Hanson MA, FRSA
CEO,
The Josh Hanson Trust

PREFACE

This report was authored by **Dechert LLP¹** on behalf of **The Josh Hanson Trust** and provides a guide to the Criminal Justice System for bereaved families in the UK.

The report was delivered to The Josh Hanson Trust **December 2024**, the same year the *Victims and Prisoners Act (VPA) 2024* was passed. Part 1, section 1 of the Act focusses on the “Meaning of Victim” and defines a “victim” for the purposes of the legislation. Most of Part 1 of the VPA came into force on **29 January 2025**.

Subsection (1) describes a victim as somebody who has been harmed by a crime and is the person against whom the crime is committed or somebody who fits into one or more of the categories in subsection (2).

Subsection (2) captures other individuals who can be a victim:

- Those harmed as a result of witnessing criminal conduct, meaning those who see, hear or directly experience the crime in live time.
- Individuals born as a result of rape or any sexual offence that can directly result in a pregnancy.
- **Close family members of individuals killed by criminal conduct.** This reflects the current Victims’ Code which specifies that bereaved families are victims for the purposes of the Code.
- A child under 18 years of age who sees, hears, or experiences the effects of domestic abuse which constitutes criminal conduct between adults (aged 16 and older).

The Code of Practice for Victims of Crime (Victims’ Code) is a practical guide for victims to understand what they can expect from the criminal justice system if they have been a victim of a crime. The Victims’ Code’s definition had already recognised that a person can suffer harm that was directly caused by a crime without being the direct subject of that crime, such as families bereaved by homicide. The VPA 2024 now reflects the Victims’ Code’s wider definition of a victim of crime.

¹ Dechert Team includes Tim Bowden and Jonathan Groves.

I. EXECUTIVE SUMMARY

The Crown Prosecution Service (**CPS**) assists bereaved families at key stages of the Criminal Justice System (**CJS**) process. The key stages of that process are set out in this guidance note as follows:

- **The Investigation:** this section summarises the role of the Family Liaison Officer (**FLO**) and the rights of the bereaved family in respect of the CPS's charging decisions (**Section II**).
- **Awaiting Trial:** this section includes the support provided to people bereaved by murder or manslaughter in the UK before the trial (e.g. FLO and Witness Care Units), the first meeting with the prosecution team and the purpose of a Victim Personal Statement (**Section III**).
- **During Trial:** this section includes the role and support provided by the FLO and Witness Care Units during the trial and the purpose of a Victim Personal Statement (**Section IV**).
- **After the Verdict:** this section includes the details in respect of the sentencing hearing, the purpose of a Victim Personal Statement, the post-trial review by the Crown Prosecution Services, the right to meet with the prosecution team and how to access court documents (**Section V**).
- **Challenging a Sentence:** this section outlines the process to appeal against sentence from the Crown Court to the Court of Appeal (**Section VI**).
- **After Proceedings Conclude:** this section includes the details about how to re-engage with Victim Support (**Section VII**).
- **Key Contacts and Sources of Help:** this section includes the details of the key support groups and sources of help for bereaved families (**Section VIII**).

II. THE INVESTIGATION

A. Support to bereaved families during the investigation: the Family Liaison Officer

Bereaved close relatives are entitled to have a FLO (usually a police officer) assigned during the investigation where appropriate. Unless the Senior Investigating Officer (**SIO**) considers it inappropriate or the family do not wish it, in all qualifying offences a FLO will have been appointed from the outset. The categories of qualifying offences are: (i) murder; (ii) manslaughter; (iii) corporate manslaughter; (iv) familial homicide; (v) causing death by dangerous driving; (vi) causing death by careless driving while unfit through drink or drugs; (vii) causing death by careless or inconsiderate driving; (viii) causing death by driving whilst unlicensed, disqualified or uninsured; and (ix) aggravated vehicle taking where death is caused.

The FLO's role is to gather evidence and information from the bereaved family to contribute to the investigation and to act as a point of contact between the family and the SIO. The FLO is an essential part of the investigation and acts as the point of contact for communicating prosecution decisions to the family as well as taking any Victim Personal Statement (**VPS**). The FLO also provides support and information, in a sensitive and compassionate manner, securing confidence and trust of families of victims of crime, ensuring family members are given timely information in accordance with the needs of the investigation.

FLOs partner with Victim Support, an independent charity dedicated to supporting victims of crime and traumatic incidents in England and Wales, to help victims navigate through the criminal justice journey. FLOs will refer bereaved families to Victim Support to provide them with emotional, specialist and practical support.

In some cases, FLOs can also act as a spokesman for any statements the family might want to make to the press.

B. Bereaved Family's rights in relation to CPS's charging decisions

Decision not to charge:

To comply with the Victims' Code, bereaved families must be informed of any CPS decision not to charge within one working day of the decision being made. Either a CPS prosecutor or a police investigator will offer to meet with the bereaved family to explain any decision not to charge. Whether it is the police or the CPS who meet with the family will depend on who made the decision, the information upon which the decision was based, and the individual circumstances of the case, as they affect who would be best placed to hold the meeting.

Bereaved families must be informed of any CPS decision not to charge within one working day of the decision being made. Bereaved families are entitled to seek a review of the decision if they are dissatisfied with it in accordance with the Victims' Right to Review scheme (<https://www.cps.gov.uk/legal-guidance/victims-right-review-scheme>).

Decision to charge:

A letter explaining a decision to charge should, wherever possible, be dispatched within a period no longer than 10 days from the date of the decision. The letter should explain the purpose of the VPS scheme and that bereaved families are entitled to make a VPS. The CPS will offer to meet

with the family at an appropriate time either prior to or after a decision to charge, depending on the individual circumstances of the case. The CPS will write to the family, via the FLO, to offer a meeting. The family may provide an indication to the FLO at this stage as to whether they wish to meet the prosecutor. An initial refusal does not preclude the family from requesting a meeting at a later stage.

At the meeting, the prosecutor will:

- explain the role of the CPS and the legal basis of the charges.
- explain why it is necessary to use particular evidence, how the prosecution, defence and the judge will deal with it, and what the questions asked by the other party might be;
- outline the court process and anticipated progress of the case, including what is expected to happen at each court hearing.
- explain special measures, where relevant if family members are also witnesses, and practical considerations in relation to child witnesses;
- explain the different position of those who are not witnesses i.e. who will be able to sit in court and hear all the evidence, and who will not.
- explain the VPS and its purpose and disclosure;
- explain possible sentences, including an explanation of life sentences and spending a minimum amount of time in prison before being considered for release in relevant cases;
- explain the legal position if the defendant were to be found not guilty i.e. there are very limited circumstances when the prosecution can challenge a verdict; and
- answer any questions that the family may have.

III. AWAITING TRIAL

A. The role of the FLO whilst awaiting trial

FLOs can help with information on the criminal and legal processes, particularly in the run up to any trial. Ahead of a trial, FLOs can also introduce bereaved families to the Citizens Advice Witness Service, which provides free and independent support for both prosecution and defence witnesses in every criminal court in England and Wales. Their volunteers can provide practical information about the court process and give emotional support to help witnesses feel more confident when giving evidence.

B. Witness Care Units

Witness Care Units manage the care of victims and witnesses who are due to attend court. They will get involved when someone is charged and will continue to support victims and witnesses until the end of the case. They are staffed by people from the police and the CPS and guide people through the criminal justice process. They also coordinate support with other services. Witness Care Officers are members of the police staff who are part of the Witness Care Unit. They act as a single point of contact between victims and witnesses and relevant agencies, including the CPS. Witness Care Officers provide victims and witnesses with updates as the case they are involved in progresses through the court. If a victim or witness is required to attend the

court to give evidence, a Witness Care Officer will provide them with practical support to assist with attendance. The CPS updates the Witness Care Officer as to whether a victim or witness is required to attend to give evidence. If a victim or witness is required to give evidence, the Witness Care Officer will discuss the procedures with them in detail and make sure they have access to any support.

C. Meeting with prosecutors/counsel team

The CPS will offer the bereaved family an opportunity to meet with the prosecutor. This meeting will take place at an appropriate point before the commencement of the trial, or, if it is known that there will be a guilty plea, before that plea is entered.

The main purpose of this meeting is for the family to have personal contact with the prosecutor who will present the case in court.

D. Victim Personal Statement

A VPS is a statement given by victims of crime to the police. Victims of the most serious crimes (including bereaved close relatives) are entitled to be offered the opportunity to make a VPS at court. It is important as it gives victims a voice in the criminal justice process by helping others to understand how the crime has affected them. It is the victim's way of telling the court about the crime they have suffered and the impact it has had on them - whether physical, emotional, psychological, financial or in any other way. The VPS also helps criminal justice agencies make decisions on the support and services that victims and their families may need, which may include special measures to be used in court and referral to information and support services.

The first meeting with the CPS following a decision to charge should explain:

- The purpose of the VPS;
- Disclosure of the VPS;
- The entitlement to read out the VPS or have it read;² and
- The relevance of the VPS in sentencing.³

² Under the Victims' Code, bereaved close relatives are entitled to say whether they would like to read the VPS aloud in court, or whether they would like it to read for them. The decision on the VPS being read (in whole or in part) is at the discretion of the court, but the court will take account of the victim's preferences and follow them unless there is good reason not to do so. A VPS that is read aloud or played in open court will, however, no longer be treated as a confidential document and may be reported on in the press. It is therefore important that the bereaved family are aware of this when deciding on their preference.

³ The VPS and any evidence in support should be considered and taken into account by the court, prior to passing sentence. The court must pass what it judges to be the appropriate sentence having regard to the circumstances of the offence and of the offender, taking into account, so far as the court considers it appropriate, the impact on the victim.

IV. DURING TRIAL

A. The role of the FLO during trial

FLOs can help with information on the criminal and legal processes. Sometimes they can also act as a spokesman for any statements the family might want to make to the press.

B. Witness Care Units

Witness Care Units manage the care of victims and witnesses who are due to attend court. They will continue to support victims and witnesses until the end of the case. They are staffed by people from the police and the CPS and guide people through the criminal justice process. They also coordinate support with other services.

Witness Care Officers are members of the police staff who are part of the Witness Care Unit. They act as a single point of contact between victims and witnesses and relevant agencies, including the CPS. Witness Care Officers provide victims and witnesses with updates as the case they are involved in progresses through the court. If a victim or witness is required to attend the court to give evidence, a Witness Care Officer will provide them with practical support to assist with attendance. The CPS updates the Witness Care Officer as to whether a victim or witness is required to attend to give evidence. If a victim or witness is required to give evidence, the Witness Care Officer will discuss the procedures with them in detail and make sure they have access to any support.

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V. AFTER THE VERDICT

A. Sentence Hearing

Where the defendant has been convicted, the prosecutor and the trial advocate will meet with the family. This meeting is informal and will normally take place at court immediately after conviction. The purpose of this meeting is to ensure that a VPS has been made (if the family wished to do so) and/or to confirm it is up to date. Where amendment to the statement is required, the FLO or other police officer at court will be asked to take a supplementary VPS.

Where the defendant has been found not guilty or convicted on a less serious charge, the CPS will offer the bereaved family a meeting. A letter offering a meeting will be sent to the family (via the FLO or SIO as appropriate) approximately 3 weeks after the verdict of not guilty. This does

not preclude any discussion which may take place with the family at court and at the time the defendant is found not guilty. The meeting also provides the family with an opportunity to put forward their views about the proceedings and/or possible future actions.

At the meeting, the prosecutor will:

- deal with any questions that the family may have about the process, including the trial and verdict.
- provide an explanation of any appeal process where a person has been convicted of an alternative offence.
- provide an explanation as to the high level of proof necessary to trigger an application to overturn a verdict of not guilty.
- draw attention to the support available to the families through victim support groups; and
- offer to act as a contact point for any queries up to three months after the verdict.

B. Victim Personal Statement

The VPS and any evidence in support should be considered and taken into account by the court, prior to passing sentence. The court must pass what it judges to be the appropriate sentence having regard to the circumstances of the offence and of the offender, taking into account, so far as the court considers it appropriate, the impact on the victim.

C. Post-trial review by CPS

Following a verdict of not guilty, both the CPS and the police will each conduct a case review. In some circumstances, they may conduct a joint review, but this will be decided on a case-by-case basis.

These reviews will consider the evidence in the case, how the evidence was presented during the trial and whether anything could have been done differently.

The victim's family and/or their representative will not be present during the review stage, but they will be kept informed throughout. This may be via the FLO, the Senior Investigating Officer, the family's representative or following the post acquittal meeting with the CPS.

Following the case review, the police and CPS will share their review findings with the victim's family and/or their representative. The meeting will be jointly chaired by the police (Senior Investigating Officer) and the CPS and may include the FLO and a representative from Justice After Acquittal or other support group if requested by the family.

The case review meeting will include:

- whether any evidence from the case review may provide opportunity for a further trial.

- a reference to the requirement for and availability of new and compelling evidence to support any subsequent proceedings;
- where appropriate, identification of how new and compelling evidence will be obtained in this case; and
- a discussion to establish the needs of the victim's family in relation to further contact and to identify and maintain, if possible, a specific point of contact.

The meeting will also give the family a further opportunity to ask any questions they may have and to express their views/opinions. It will also establish the needs of the family in relation to further contact and to identify and maintain, if possible, a specific point of contact.

A police review of these cases will be held every 2 years with new evidence/developments being submitted to the CPS as appropriate.

There will also be an obligation on the police (or other single point of contact as agreed) to keep the family informed where there is new evidence or developments in the case progress. This does not prevent the family asking to be specifically informed every time there is a review, even if there is no update.

D. Rights to meet with counsel

Meeting following conviction:

Where the defendant has been convicted, the prosecutor and the trial advocate will meet with the family. This meeting is informal and will normally take place at court immediately after conviction, although this may not always be the case.

The purpose of this meeting is to ensure that a VPS has been made (if the family wished to do so) and/or to confirm it is up to date. Where amendment to the statement is required, the FLO or other police officer at court will be asked to take a supplementary VPS.

Meeting following verdict of not guilty or conviction on a less serious charge:

The CPS will offer the bereaved family an optional meeting following a verdict of not guilty or a conviction on less serious charges. A letter offering a meeting should be sent to the family (via the FLO or SIO as appropriate) approximately 3 weeks after the verdict of not guilty, which will give the family the opportunity to consider any points they wish to raise at the meeting. This does not preclude any discussion which may take place with the family at court and at the time the defendant is acquitted.

It may sometimes not be entirely clear why a verdict of not guilty was returned. There are, however, limits on what the prosecutor is able to say, and it should be noted that a jury is not required to give reasons for its verdict therefore the prosecutor may not know exactly why the verdict was returned.

The meeting also provides the family with an opportunity to put forward their views about the proceedings and/or possible future actions.

At the meeting, the prosecutor will:

- Deal with any questions that the family may have about the process, including the trial and verdict;
- Provide an explanation of any appeal process where a person has been convicted of an alternative offence;
- Provide an explanation as to the high level of proof necessary to trigger an application to reject a verdict of not guilty;
- Draw attention to the support available to the families through victim support groups; and
- Offer to act as a contact point for any queries up to three months after the verdict.

E. How to access court documents

Family members and any other member of the public can apply for a transcript of a court or tribunal hearing if the hearing was recorded. See www.gov.uk/apply-transcript-court-tribunal-hearing for details on how to apply for a transcript.

The court can refuse to provide part or all of a transcript (for example, if details of the hearing are confidential).

VI. CHALLENGING A SENTENCE

The CPS (where possible the prosecutor) and the trial advocate will meet the family at court following sentence, to explain the sentence and answer any questions. To appeal against sentence from the Crown Court to the Court of Appeal there must be good reasons for an appeal. There is therefore no automatic right of appeal against sentence from the Crown Court to the Court of Appeal. The good reasons (known as grounds) to appeal include the following:

- There is an error in law or a procedural irregularity.
- A sentence is too long.
- A sentence is too short.

There may be situations where the prosecution seeks to appeal against a sentence imposed on a defendant as being unduly lenient. In these situations, the CPS may seek a referral from the Attorney General to the Court of Appeal.

Requests for a sentence to be referred can also come from other parties including family members, members of the public, MPs and pressure groups within 28 days of sentence under the Unduly Lenient Sentence Scheme (ULS) (see <https://www.gov.uk/ask-crown-court-sentence-review>).

The key points in relation to the procedure for making an application are:

- The Attorney General must serve a notice of application for leave to refer a case to the Court of Appeal.
- This notice must be given within 28 days of the date of sentence. This is a strict time limit.
- The defendant can serve a respondent's notice no more than 14 days after the application was served.
- The Court of Appeal may then alter the sentence imposed by the Crown Court. This can include decreasing or increasing the final sentence.

VII. AFTER PROCEEDINGS CONCLUDE

A. Re-engagement with Victim Support

The Victim Support National Homicide Service provides free support to people bereaved by murder and manslaughter (also referred as co-victims) in the UK and abroad who are resident in England and Wales. The Homicide Service, delivered on behalf of the government by charity Victim Support, provides essential services and practical support to families bereaved by murder or manslaughter – such as emotional, specialist and practical support like accessing financial assistance and transportation as well as trauma and bereavement counselling and help navigating the criminal justice system.

Victim Support works closely with the police FLO. Access to the Homicide service is made through a referral by a FLO or, when the death occurs abroad, through the Foreign, Commonwealth and Development Office (FCDO). People can also self-refer to the service by calling the National Homicide Service on 0300 303 1984 or by completing an online form (<https://www.victimsupport.org.uk/help-and-support/get-help/request-support/>). The service is delivered free of charge to the bereaved person and support can be accessed at any time no matter when the homicide occurred and is available for as long as required. In addition, the bereaved person can re-join the service at any time.

VIII. KEY CONTACTS AND SOURCES OF HELP

Victim Support: 0300 303 1984 or complete an online form
<https://www.victimsupport.org.uk/help-and-support/get-help/request-support/>

Bereaved families can seek a review of a decision not to charge if they are dissatisfied with it in accordance with the Victims' Right to Review scheme:
<https://www.cps.gov.uk/legal-guidance/victims-right-review-scheme>.

Unduly Lenient Sentence Scheme (ULS): <https://www.gov.uk/ask-crown-court-sentence-review>.

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