

Undertaking Domestic Homicide and Suicide Reviews in Scotland: Draft Statutory Guidance

Scottish Government Consultation 2025/26

Victim Support Scotland is a national organisation dedicated to supporting victims and witnesses of crime. As Scotland's largest victims' organisation, people impacted by crime have access to our services right across the country. We are a listening ear when people need to talk to someone about the impact of crime, we provide practical support such as when people need a safety plan to feel secure in their home and we give access to critical crime-related emergency funds in their time of need.

We play a crucial role in delivering victim-centred support, and this in turn drives our forceful and successful lobbying and campaigning for change within the criminal justice system. As an organisation rooted in the experiences of victims and witnesses, we aim to ensure that their voices are central to the development of policy and practice.

Background to the consultation:

[Undertaking domestic homicide and suicide reviews: draft statutory guidance - consultation - gov.scot](https://www.gov.scot/consultations/draft-statutory-guidance-undertaking-domestic-homicide-and-suicide-reviews)

The statutory guidance this consultation is intended to support the Review Oversight Committee and Case Review Panels to undertake domestic homicide and suicide reviews which both the Committee and Panels must have regard for.

Given that domestic homicide and suicide reviews are a new process, it is anticipated that the first version of the guidance will be updated within approximately two years post introduction of domestic homicide and suicide reviews. This will allow for value feedback to be gained and utilised to revise the guidance in order to ensure it supports the effective undertaking of domestic homicide and suicide reviews.



Question 1: Is the content of 'Section 2 Legislation clear?

Answer:

Victim Support Scotland welcomes the broad scope of Domestic Homicide and Suicide Reviews outlined in this consultation and agrees that the content in Section 2 of the legislation is largely clear and comprehensive.

We support the definition of domestic homicide which includes cases of suspected abuse, as well as confirmed abuse. Including suicide cases where abuse is suspected ensures a more holistic understanding of the impact of domestic abuse, including the profound psychological and emotional toll it takes on victims and their families.

We particularly welcome the inclusion of deaths of unrelated children in the scope of reviews. During the consultation on the Criminal Justice Modernisation and Abusive Domestic Behaviours Reviews Bill, Victim Support Scotland voiced our support for this as we believe it is pertinent to include reviews of homicide or suicide of children in all relevant circumstances within scope of these reviews, as this helps to build a bigger picture of how domestic abuse manifests and the far-reaching consequences of this aspect of gender-based violence in Scotland. The ability to scrutinise the circumstances of child homicides or suicides in the context of domestic abuse will be vital in developing safeguards for children and young people.

In a previous appearance before the Criminal Justice Committee, Victim Support Scotland stated that it welcomed the inclusion of honour killings as part of the reviews, and that these should be added as quickly as possible.

However, we seek clarity on what 'future expansion and adaptability' could include. VSS feels there may be a gap in who is covered by a DHSR. We raise a particular point on circumstances where an additional adult or young person may be present in the home during an episode of violence who then goes on to kill the perpetrator to protect the person being attacked. That person who ends up killing the perpetrator, for the purposes of protecting the person initially under attack, could be related or unrelated to anyone in the house. VSS suggests this could be taken into consideration under the 'violent resistance' definition provided.

Question 2: Is the content of 'Section 3 Review Oversight Committee Chair and Case Review Panel' clear?

Answer:

Victim Support Scotland largely agrees that the content in Section 3 is clear.

Review Oversight Committee

We have concerns that Victim Support Organisations do not have an automatic place on the ROC. Given that the ROC is responsible for the overall functioning of a Review with the aim of influencing systemic change, it would be beneficial for members of victim support organisations to be afforded a place on the Committee. Victim Support Organisations are uniquely equipped in supporting victims of crime and families. Victim Support Organisations such as Victim Support Scotland and others specialise in providing support to and working with victims of domestic abuse and families who have bereaved by domestic homicide or suicide. As organisations, we are regularly involved in several high-level policy and legislative changes. Victim Support Organisations therefore have the experience and awareness of what is required for systemic change in the criminal justice system – especially for victims and their families.

Case Review Panel

Victim Support Scotland welcomes an automatic place for victim support organisations on the Case Review Panel. Victim support organisations are essential in bringing expertise in working with victims and their families and often possess points of view that may not always be considered. This knowledge is paramount if DHSRs are to be trauma informed and successful in their goals, ensuring justice is reached and families have the support and answers they deserve. We welcome clarification on whether the victim support organisation on the panel will change depending on the case as one victim support organisation may be better equipped than others for a certain Review. We also seek clarity on who/what expertise would be required from each organisation so that they can accurately select the correct member of staff to take part.

Integral to the participation of victim support organisations is ensuring there are clear lines of access to support for practitioners and all members of the Review Panel.

- Vicarious trauma and the effects it can have must be taken into consideration for every member of the Review Panel as well as any staff providing support to a family during a review. Deaths that will be the subject of reviews are likely to involve distressing information and so it is important that review panel members and support workers are adequately supported throughout.
- Victim Support Scotland suggests a support system in which a ‘check in’ is carried out with the worker ahead of participation in a review (in whatever capacity that is), and that a ‘check out’ is carried out at the conclusion of a Review. This could help to identify any support the worker may want or need.

Victim Support Scotland seeks clarity on potential conflicts of interest that may arise and affect the integrity of a Review. For example, if a victim support organisation was currently providing or had provided support to anyone involved that particular review. A

clear set of guidance must therefore be provided to outline what constitutes a conflict of interest and when a member of a review panel should not participate in such instances.

Additionally, we feel that on every panel there should be experts on the cycle of domestic abuse and trauma who are able to provide an independent view of the case and outcome. An expert in the cycle of domestic abuse and trauma who is completely unknown to the victim or their family will be important. This will ensure that each review will be looked at objectively and without the perception of connectedness to the case.

Question 3: Is the content of 'Section 4 Death Notifications and Referrals' clear and do you have any comments?

Answer:

Victim Support Scotland feels that some of the content of Section 4 is clear, whilst other parts need more clarity.

Greater clarity is needed in the guidance that anyone, including family members of a deceased person, can complete a referral form to request a Domestic Homicide or Suicide Review be carried out. The guidance should clearly signpost where the referral form can be accessed by families or other members of the public. The guidance for completing the referral form should have a clear outline of the process including anticipated timelines once a form has been submitted, and where to get in touch if they have further information or support needs.

A crucial part of trauma informed practice in engaging with victims and/or families is ensuring timely and sensitive engagement. To this end, Victim Support Scotland feels that more explicit guidance should be given on how families will be able to express a preference over how they can be contacted. Through supporting families through other criminal justice processes, such as parole hearings, we have seen that contact via a letter with no warning can be traumatic for victims and families. Trauma informed approaches in relation to correspondence with a family are therefore essential.

Victim Support Scotland argues that more clarity must be provided for the inclusion of deaths abroad within the scope of a Domestic Homicide or Suicide Review. Whilst the guidance makes clear that a death abroad would be referred by Scottish Ministers to the ROC, more explanation is required as to how a domestic homicide or suicide review would be carried out for a death abroad as it is likely to have additional legislative challenges compared to a review carried out for a death that occurred in Scotland.

- VSS suggests this could be included in guidance as an appendix which outlines the specific steps and processes associated with carrying out a DHSR for a death abroad.
- The additional guidance should also refer to any applicable legislation and crucially, how the death occurring abroad will impact the process of a review – including the process for the family and expectations.

We also seek clarity on the difference in criteria when determining whether a DHSR or Fatal Accident Inquiry is required in relation to deaths abroad. We seek guidance on the following question:

- Would a domestic homicide or suicide review be the preferred route over a Fatal Accident Inquiry?
 - o If this is the case, we seek assurances that deaths abroad will be investigated. For example, figures have shown that around 600 British nationals die abroad every year, but no Fatal Accident Inquiry (FAI) has been carried out into the deaths of Scots abroad since the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 was made law.
 - o Explanation offered for this is in relation the definition of ‘ordinarily resident.’
 - ❓ VSS is aware of Petition '[PE2085: Introduce a statutory definition of residency for Fatal Accident Inquiries into the deaths of Scots abroad](#)’ to establish a definition of ‘ordinarily resident.’ This petition has received cross-party support from Michael Marra MSP, Liam Kerr MSP, Elena Whitham MSP, Bob Doris MSP, Jackie Baillie MSP, Katy Clark MSP and Martin Whitfield MSP.
 - ❓ The Petition and its overarching aim have also received support from Dave Doogan MP and Douglas McAllister MP.

Question 4: Is the content of ‘Section 5 Notification of review revocation: Suspension and Discontinuation of Review Proceedings’ clear?

Answer:

Victim Support Scotland feels that the majority of the content in Section 5 is clear. We feel there should be more clarity on the following point:

‘Where a previous sift decision not to carry out a review was made by the Scottish Ministers following a referral by the ROC Chair, Ministers equally may reconsider that decision where new information has come to light.’

Victim Support Scotland seeks further clarity on what information Scottish Ministers may use to reconsider a decision may be useful. VSS presents the following example -

If a family member of a homicide victim was to seek support from VSS and in doing so tells us that they had not been interviewed in relation to the homicide but have information that could be useful for the case – what (if any) routes are available for VSS to refer this information to Ministers?

Clarity on this would be helpful so that we do not give assurances to families that it is possible to provide this information to Ministers for use in the DHSR when it may be the case that Ministers will not accept it.

Consideration must be given to the potential distress that a family might experience if they hear that a review is being revoked or not going ahead. In the event of this happening, every step must be taken to ensure families are told in a trauma informed manner, including provision of a clear rationale for the decision. Referral and signposting routes should be available, and consideration should be given to whether victim support organisations could be nominated to access that information to share it with family members. This would be in line with other schemes with prescribed organisations and associated information sharing agreements.

Finally, it would be useful to record when a DHSR does not go ahead or is revoked – including the reasons for doing this. This would help to show patterns, collate intelligence and perhaps help to streamline the process.

Question 5: Is the content of ‘Section 6.1 Terms of Reference for a review (including timeframe for the review)’ clear and do you have any comments?

Answer:

Victim Support Scotland feels that aspects of Section 6.1 require greater clarity and there are further comments VSS wishes to make in relation to this section.

Firstly, we welcome that each ToR will be amended to each case as this will assist in avoiding any missing key information or evidence, which could happen if a fixed and unchangeable ToR was used on all cases, as DHSRs in which all information are the same are unlikely to occur.

Victim Support Scotland seeks clarity on the how the Case Review Panel will discuss the ToR with bereaved family members where the family has chosen to engage in the review process. Greater clarity would be useful on the following questions:

1. How will they discuss this with the family? What formats will be available, and can the family choose how to participate in discussion?
2. Which family members and, how many within the family, are eligible to hear this information?

Victim Support Scotland questions the point on timescales in the ToR. We appreciate the learning from other jurisdictions which carry out DHSRs suggests they have not met these timeframes. The lack of any stated timescale is likely to have a detrimental wellbeing impact on families. It could also create greater communication burden on the process as families do not know when to expect updates or decisions and contact agencies regularly for updates. Much of the time, families may be focused on ensuring justice for the victim and so, will look for timely decisions and outcomes. Not giving specific timescales leaves the process ambiguous for families which could cause frustration.

VSS recommends that once the DHSR process is established and several Reviews have been carried out, the guidance should be updated with indicative timescales based on learning. As the Review process becomes more established and learning progresses, timescale estimates for reviews should become more accurate. These recommendations help to give some parameters for families.

Reviews running concurrently to live criminal proceedings

Victim Support Scotland recommends the establishment of clear lines of contact for any criminal trial and the DHSR to provide essential support to the families. Managing family expectations, and supporting understanding, is critical in relation to differences between any criminal trial and the DHSR. VSS notes that it is often very challenging for families to track the progress of the trial, and an additional process will bring a large amount of extra information to digest.

In relation to the point which states *'The protocol sets out how the reviews should be conducted to avoid prejudicing live criminal investigations, proceedings or inquiries,'* whilst Reviews and Criminal Procedures are an essential part in securing justice, participating in any process concerning the death of a family member carries substantial mental load and can cause re-traumatisation for families. To support meaningful involvement, trauma-informed support must be available throughout both Reviews and trials. Potential trauma to families should always be considered, as each family experiences and responds to trauma differently. Assessments must therefore be made on an individual basis. However, practitioners should avoid assuming that a family's reluctance to participate is due to trauma.

If there are live criminal proceedings occurring at the same time as a Review, it is essential that the Point of Contact for the family informs them of the parameters for

their participation in a Review whilst also being involved in a trial – especially regarding the information they are and are not allowed to bring to a review before a trial is concluded. This is because there may be evidence being presented in a trial that could not be used during a Review as a guilty verdict has not yet been reached.

For example, if a family wished to see the results of a second postmortem as part of a trial, will this affect the extent to which they can participate in a DHSR.

Victim Support Scotland, and other victim support organisations, would benefit from the provision of official guidance on supporting families going through a review and a trial at the same time. This will assist VSS to be clear of any expectations of their role and how they communicate that to family members. This support will ensure families do not have to decipher for themselves, and provide clarity from the outset, around what they can and cannot know during either process.

Additional Considerations – perpetrator on bail

Finally, we feel that guidance should be included on what steps would be taken if the perpetrator in a case is on bail at the time when a Review is taking place. Consideration must be given to the dangers this could cause for people involved if the perpetrator knows the Review is taking place, and the steps to mitigate and manage this potential additional risk should be set in the guidance.

Question 6: Is the content of ‘Section 6.2 Data Sharing and Data Protection’ clear and do you have any comments?

Answer:

Victim Support Scotland agrees that overall, the content of Section 6.2 is clear. However, there are details that require clarification and we have provided some commentary.

There requires greater guidance on the request for information that may be made to a support organisation. It would be helpful to have clarity on how anyone who had supported the victim, staff or volunteer, would be engaged in the review. There will be support requirements for anyone involved in such a review, especially if they are a volunteer. We suggest that this could involve a ‘check in’ prior to an evidence session and a ‘check out’ afterwards to ensure anyone who provides evidence are signposted to support they may want or need.

Conversely, the guidance should state the steps that will be taken where there may be a lack of information about a victim available. For example, if they were kept from

registering with or attending a doctor as part of the domestic abuse committed against them.

Additionally, it may be useful for guidance to be issued for organisations to explain what useful information to look for and when to raise it – before a request is made or should a request not be made for the information at all. In the case of VSS, this would be particularly useful for our locality teams to know so that they are able to identify and flag such information or seek guidance as soon as possible.

One concern we would raise over this is the security of data sharing. There is no explanation provided in this guidance as to the legal basis for and how information will be shared between an organisation and the Case Review Panel. Further detail should be provided on this to give assurances that people's data is safe and how it will be used. Here, it may be useful to consider an Information Sharing Agreement for this purpose.

Question 7: Is the content of 'Section 6.3 Case Review Panel and Chair' clear?

Answer:

The content of Section 6.3 is largely clear. However, it would be useful to know what constitutes a 'conflict of interest' for a Chair. Furthermore, we ask for greater clarity on the qualifying criteria for what 'strong knowledge' will be.

Question 8: Is the content of 'Section 6.4 Assembling a Case Review Panel' clear?

Answer:

Victim Support Scotland agrees that the content of Section 6.4 is largely clear but seeks some further clarifications.

We seek clarity on whether the composition of a Case Review Panel is set before the family become involved or whether it is flexible. That is, can the composition of a panel change as the Review progresses, and it is determined that one expert is no longer required but a different expert is? We also seek clarity on whether there would be scope in such circumstances for families or other professionals to suggest an expert they would like on the panel – for example, they may have been aware of mental health issues their family member was experiencing that were not reported to anyone else.

The guidance should explicitly state that the intention is for Case Review Panel meetings to be predominantly held virtually rather than in person. This will help organisations and individuals decide on the appropriate staff member to participate on a panel. It should also be made clearer that the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Act 2025 has provisions for covering expenses, should an organisation encounter losses when a staff member participates on a panel.

Victim Support Scotland supports the explicit inclusion of gender-based expertise on panels. Given that for 2023-2024, 83% of domestic homicide victims were female – it would be beneficial to ensure that there is gender-based expertise on the panel to ensure that gender specific issues are considered. The Guidance recommends that expertise in child protection and early years will be utilised on review panels where a child is involved, therefore, automatic inclusion of gender-based organisations on Case Review Panels is comparative into this provision.

Furthermore, as a victim support organisation is afforded a place on the Case Review Panels – we ask that clear guidance is provided as to what particular expertise the panel is looking for. This will help the organisation to ensure that the correct member of staff from the organisation is selected and that that staff member is adequately equipped to participate.

Inclusion of perpetrator focused organisations:

Whilst Victim Support Scotland's focus on the victim and their family, we seek clarity as to whether a perpetrator focused organisation – such as staff from The Caledonian System, will be considered for inclusion on a Case Review Panel. Including programmes/organisations with a perpetrator focus could be beneficial as they will possess learning and expertise from working with offenders.

- The Caledonian System in particular could be beneficial as they work specifically with males who have committed domestic abuse against a partner. The knowledge from people who work within The Caledonian System could provide systemic learning on the context in which domestic abuse occurs.

However, a balance must be struck here as including a perpetrator focused organisation may cause anger and upset for families. Including such organisations could cause them to view the system/process as perpetrator focused, taking the focus off their family member who has passed away. It is our experience that many domestic abuse victims already feel as though the justice system favours the accused, so including a perpetrator focused organisation could reinforce this feeling for families.

Additional organisations that may be more offender focused which may be considered for inclusion on the panel could be:

- Families Outside
- Parole Board for Scotland
- Scottish Prison Service

Each of these organisations could bring important learning to a Review. However, we reiterate our point on how this may impact families. The reasoning for the organisation's inclusion in the review must be clearly and sensitively explained to families.

Question 9: Is the content of 'Section 6.5 Additional expertise' clear?

Answer:

Victim Support Scotland feels that the content in Section 6.5 is mostly clear and offers the additional suggestions and clarifications.

We are glad to see consideration of the additional expertise required as this will best ensure a broad spectrum of needs and beliefs are met. We would however like to see clarity in the guidance on the following points:

Marginalised or minoritised communities

Further clarification should also be given on the use of the term 'marginalised or minoritised communities,' with regard to requesting expertise from these groups by a Panel Chair. For avoidance of doubt amongst families, VSS suggests that 'marginalised or minoritised communities' could be more clearly stated as characteristics which are accounted for under the Equalities Act 2010. Providing this clarity should help to ensure less ambiguity for families around the review process.

We support the inclusion of experts in each of the protected characteristics, as required by individual cases, as this could help to bring context to circumstances surrounding a death and offer greater clarity into the dynamics of such characteristics and whether these could be a contributing factor in a death. This could be pertinent for reviews relating to both domestic homicides, or a suicide as a result of domestic abuse.

Cultural Considerations

In addition, we draw attention to specific points relating to cultural differences which have been informed by experiences of VSS staff and volunteers. For cases involving other cultures, victims tell us that they feel like authorities do not understand the dynamics of the culture. In such cases a cultural expert is vital to ensure these families feel heard and they are engaged with appropriately.

Victim Support Scotland suggests that inclusion of cultural experts is undertaken mindful of the possibility of close-knit minority and/or cultural communities and the

possible impact of this. For example, VSS has seen cases in which a translator involved in proceedings is known to the perpetrator. Requiring experts, cultural or otherwise, to disclose any potential conflicts of interest should be built into the process. This process should be explained to the family, and they should also be given the opportunity to comment on the inclusion of any 'additional expertise'.

Religion and Faith Experts

Parallel to this, the inclusion of religion and faith leaders when necessary is vital. Religion and faith for people who practice, and also for people who do not practice but come from religious families, can have an impact on the context of people involved in the Review. This might include context regarding any perpetrator as well as the deceased. Involving religious leaders/experts will allow for a proportionate and in-depth assessment of the potential role of religion in the victim and/or perpetrator's lives which could reveal any context for the circumstances of the death. We suggest the same 'conflicts of interest' approach as above.

Question 10: Is the content of 'Section 6.6 Combined Deaths and Joint Reviews' clear and do you have any comments?

Answer:

Victim Support Scotland is of the view that the content in Section 6.6 is clear but has some additional comments. We are happy to see the inclusion of combined deaths and joint reviews. This could be considered trauma informed as the load on families is reduced from having to endure two separate reviews.

Victim Support Scotland does not want to see any detail lost within a joint review. It is imperative that each individual situation receives the full scrutiny it requires to ensure information is not diluted and accurate conclusions are reached. Each victim deserves to have the full review conducted and any lessons pertinent to each individual are considered.

Question 11: Is the content of 'Section 6.7 Combined and Joint Review Terms of Reference' clear and do you have any comments?

Answer:

Victim Support Scotland feels additional clarifications could be made in relation to Section 6.7.

Further clarification and guidance should be provided in situations where there are live criminal proceedings happening at the same time as a review. For example, we have

heard concerns where a family member may be cited as a witness in a trial, and seek clarity on whether they would be able to contribute to the domestic homicide or suicide review.

We have also heard concerns from families that where they have requested more information during a trial, such as a second postmortem, and their participation in the trial is then impacted. We seek clarification whether this would also be the case for participating in a DHSR. Guidance is therefore essential to ensure that families know exactly what information they are allowed to know in order to be able to participate in a DHSR.

We acknowledge that avoiding prejudice where there is an ongoing criminal investigation is important, we again raise the need to be aware of the mental load of a Review being carried out at the same time as a criminal investigation and therefore ensuring that the appropriate level of support is available for families

Question 12: Is the content on the ‘Section 6.8 National Hub for Reviewing and Learning from the Deaths of Children and Young People’ clear and do you have any comments?

Answer:

The content of section 6.8 is clear. Victim Support Scotland feels that this is a helpful inclusion as it will allow for monitoring to be carried out.

Question 13: Is the content of ‘Section 7 Engagement with Family, Friends, Colleagues and Communities’ clear and do you have any comments?

Answer:

Victim Support Scotland is content that parts of Section 7 are clear but seeks clarity on other parts. VSS is supportive of the intentions outlined in Section 7, particularly the subsections on ‘Family Engagement: Information and Support’ and ‘Review Participation Process.’

Victim Centred Approach to Justice

Victim Support Scotland has and always will be steadfast in our belief and support of the Victim Centred Approach to justice, which is designed to ensure that victims, their families as well as witnesses are treated with fairness, compassion and in a trauma informed manner where their safety and well-being is the priority. Under this approach, victims, families of victims and witnesses will have access to consistent, appropriate

and timely information and support and are supported to understand their rights and have confidence that these rights will be upheld, and they will be able to participate effectively. The provision of this support is underpinned by effective collaborative working across the justice system and sector.

This victim centred approach must be applied to families who are going a DHSR, and especially when the DHSR may be running concurrently to a live criminal trial.

Embedded throughout the process of involving family, friends, colleagues and communities must be the acknowledgement that participating in investigations or reviews concerning death, at any level, carries a great psychological impact. The details and steps outlined in Section 7 are trauma informed and address the key information needed to ensure families are supported throughout the process. We know first hand of the re-traumatising effect when families are left in the dark around processes and participation. Providing this information and support families is key to putting them at the heart of the review process, allowing them to better share their invaluable insights.

Whilst Victim Support Scotland is supportive of the implementation of a Single Point of Contact, we raise questions around the effective inclusion of deaths abroad. The guidance must be made clearer as to who deals with a death abroad and what the process is for families affected by a death abroad. More clarity is required on how a death abroad will be included in a Domestic Homicide or Suicide Review, as it is likely the process for such cases will differ to deaths that have occurred in Scotland.

- As mentioned in a previous answer, VSS suggests that this could be included with the guidance as an appendix given that deaths abroad often result in complicated processes which can differ from country to country.

Finally in relation to this, and referring back to our point made in the response to Question 3, it should be made clear to families the differences between a DHSR and a Fatal Accident Inquiry, whether the criterion of 'ordinarily resident' will apply to a DHSR and why a DHSR is being pursued over an FAI or vice versa. Assurances must be made that a DHSR will be conducted, using the same criteria outlined in this guidance, so that relevant deaths abroad are included.

We note the recent announcement regarding the appointment of an Advocacy Worker and highlight that to our knowledge this had not previously been discussed by or brought to the attention of the DHSR Taskforce. It appears that this decision has been finalised without input from the wider Taskforce.

In the new knowledge of this position's existence, VSS offers to work closely with and alongside the Advocacy Worker to ensure victims have the best possible experience and information available to them.

We suggest that the Supporting Families Bereaved by Crime Service, run by Victim Support Scotland, is specifically mentioned as a resource. This is similar to the inclusion of 'Bairn's Hoose' as a partner organisation to support children.

The SFBC service provides essential support to families who have been bereaved by crime. The Service provides a dedicated support worker who will support families during their entire journey following a bereavement. The team is specially trained, and their support can be accessed at any time, regardless of when a crime happened. This support is based entirely on a family's needs. The SFBC team provides support in the following ways:

- Practical Support – Assisting with immediate practical tasks after death such as funeral, accessing financial support and how to contact agencies. They can help make sure families feel safe.
- Emotional Support – Providing a safe and confidential space to talk. They are not counsellors but are trained in trauma support. They have access to support for children as well as resources to help with their grief.
- Advocacy – Providing and accessing information where possible through Police, Court and agencies. Empowering families to have their voice heard. They provide consistent support throughout the criminal justice process.

The SFBC team also supports people living in Scotland who have lost a family member abroad, or who are living abroad and have lost someone in Scotland. In collaboration with the Foreign, Commonwealth, and Development Office, they provide emotional and practical support, addressing various needs. They can offer emotional and practical support, such as funding accommodation, providing information and help returning the deceased's body home.

It is essential that every step is taken to platform the targeted support and there is a clear referral pathway available for families who have been bereaved by crime. Although Police Scotland's Family Liaison Officers are the main referral partners, VSS endeavours to ensure families have every opportunity to be receive support. To this end, there must be a clear and robust referral process agreed implemented, this will help to ensure that everyone eligible for support has multiple opportunities to access this.

- In relation to the 'point of contact', timescales need to be considered. Depending on the timeline of when the review takes place, Family Liaison Officers may have already stepped back from the family, and the Victim

Information and Advice Service may have already taken over as the main point of contact. Additionally, it is possible that relationships may have broken down between families and services, so it would be beneficial for VSS's SFBC Service to be specifically mentioned as an additional agency that can facilitate discussions.

For support workers, like our SFBC team there must be clear guidance and support made available to them throughout the process to help ensure they are able to provide support to the best of their ability within any parameters set by the Review process. A final point VSS would like to make in relation to 'Point of Contact' is that the guidance needs to be clearer on which family members are eligible to engage with. It would be useful if key family members were mapped for communication purposes. This would help to ensure only those who need to be contacted are.

This would also be helpful in relation to those outwith the family who should be engaged with. For example, a best friend of the deceased could provide more information regarding the person or their circumstances than the mother of the victim could. In such cases, it is crucial that all appropriate stakeholders are identified and mapped out in relation to their relevance and involvement.

However, when deciding who to contact, key considerations must be made for situations in which the next of kin do not wish to be involved with the Review process and the responsibility gets passed to a family member that may be unknown to the deceased. Guidance should outline the protocol for when this happens.

Question 14: Is the content of 'Section 8.1 Individual Management Review' clear and do you have any comments?

Answer:

VSS is content Section 8.1 is clear. We feel that it is important to ensure that support service casework notes or held data is used here, as organisations such as VSS may have provided support to a victim before they become a victim of domestic homicide.

Question 15: Is the content of 'Section 8.2 Animals' clear and do you have any comments?

Answer:

VSS is happy that the content in Section 8.2 is clear and has no further comments.

Question 16: Is the content of ‘Section 8.3 Requesting relevant information on person A and services, including children of person A’ clear and do you have any comments?

Answer:

Victim Support Scotland feels Section 8.3 is clear. We feel that there is limited input for VSS on this matter as we are a victim focused organisation. However, there may be rare circumstances where we would be able to share information on Person A – such as if we had previously provided support to Person A before the homicide took place.

Question 17: Is the content of ‘Section 8.4 Involvement of family, friends and others including support services and bereaved children’ clear and do you have any comments?

Answer:

Section 8.4 is largely clear, but we seek some additional clarity.

It is of the highest importance that families are placed at the heart of the review process. This is essential not only for ensuring they are adequately supported throughout the process, but it will also allow them to better share their invaluable insights, helping them to feel seen and heard.

This guidance does not include the methods in which families, friends and others may be contacted for participation. Families, friends and others must be contacted in a trauma informed way, and it would be useful to outline in the guidance the options available for this.

Once contact has been established, the methods in which family, friends and others choose to provide input throughout the review should be made clear, be consistent and be adhered to. As part of a trauma informed approach to including families in the process, it is essential that they have a choice as to how they participate. For some, speaking to a Review Panel in person may be too much, and so they may prefer the opportunity to provide their input in a written manner. This is similar to a Victim Impact Statement as this often carries less psychological impact and trauma than speaking in front of people. These options for participation should be clearly outlined in guidance. At every stage, participants should be reminded that they have the option to change how they contribute. Integral to this participation is ensuring clear parameters and expectations for participation of family are set from the outset of the Review and adhered to throughout.

Victim Support Scotland seeks clarity on whether there will be guidance given to support agencies who support families going through this process, on what their role is in the process. For example, Victim Support Scotland requests clear guidance on what the parameters for providing support and what the expectations of them are, such as, would they be required or permitted to attend meetings with the family?

Linking back to our point made in our answer to Question 2 - integral to the involvement of support workers from any victim support organisation is ensuring there are clear lines of access to support for them. We recognise that support for workers involved in supporting victims and families may be protected by their organisation's own procedures, however, it would be useful for this guidance to acknowledge the overall need for support.

- One Supporting Families Bereaved by Crime Support Worker suggested a support system in which a 'Check in' is carried out with the worker ahead participation in a review (in whatever capacity that is) and a 'Check out' is carried out at the conclusion of a Review. This will help to identify any support the worker may want or need.

Question 18: Is the content of 'Section 8.5 Establishing a timeline/ chronology' clear and do you have any comments?

Answer:

Victim Support Scotland is content that Section 8.5 is mostly clear but seeks clarity on some points.

Victim Support Scotland is supportive of establishing a chronology/timeline in order to build an overall fuller picture of the circumstances surrounding a death by domestic homicide or suicide.

However, it is important to recognise that organisations have different data retention policies. For example, Victim Support Scotland holds the records of people who use our services for seven years. It would be useful for the guidance to outline the protocol for situations in which a domestic homicide review seeks information about a person prior to the seven years in which we have held their data.

For example, for a Review taking place in 2026, the review panel may request information from 2012, but because VSS only keeps records for seven years, we would be unable to provide the information requested.

We therefore request that this guidance is updated to outline what steps will be taken in such circumstances.

We further emphasise the importance of involving victim support organisations who had engaged with the victim or family members. Our support services – whether that is SFBC, locality teams or the National Support Centre – all maintain useful notes on individual circumstances which could prove vital in the process of a Review.

We again raise that the guidance should state the protocol for what happens when there may be a complete lack of information about a victim. For example, if they were kept from registering with or attending a doctor as part of the domestic abuse committed against them.

Question 19: Is the content of ‘Section 8.6 Domestic Homicide Reviews – additional factors’ clear and do you have any comments?

Answer:

Victim Support Scotland is content that Section 8.6 is clear but raises the following question.

It is often the case in domestic abuse criminal cases that multiple victims of a perpetrator are called upon for evidence to show corroboration and patterns of behaviour. Clarity must be provided on whether other victims of a perpetrator could be called to give evidence at a DHSR. These victims may be able to provide additional evidence to the panel which could help inform learning on patterns and cycles of domestic abuse. As always, if approached for evidence, these additional victims should be offered a choice in how they provide evidence. This could be in person if they are comfortable with doing so, or as a written statement in a similar format to a Victim Impact Statement. They should also be offered support from a victim support organisation.

Question 20: Is the content of ‘Section 8.7 Domestic Abuse Related Suicide Reviews – additional factors’ clear and do you have any comments?

Answer:

Victim Support Scotland is content that Section 8.7 is clear and has no further comments.

Question 21: Is the content of 'Section 9 Review Analysis' clear and do you have any comments?

Answer:

Victim Support Scotland would like a more explicit mention and consideration of intimate sexual partner violence, given that this is key aspect of the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Act.

Furthermore, we are aware the Scottish Government is considering making non-fatal strangulation a standalone offence. If such legislation is to be passed, this guidance must be updated to take account of this. This is essential to ensure that learnings can be made from intimate partner violence and the correlation between this and domestic homicides and suicides.

Finally, we are supportive of the wording used - 'A direct causal link is not required to be determined as part of the review.' This is a positive inclusion as it will help ensure that key points, or cases overall, are not missed simply because it was found there was no direct causal link.

Question 22: Is the content of 'Section 10.1 Identifying Learning, Recommendations and Actions' clear and do you have any comments?

Answer:

Victim Support Scotland is content that Section 10.1 is clear, and we have no further comments.

Question 23: Is the content of 'Section 10.2 Preparing Review Reports' clear, and do you have any comments?

Answer:

Victim Support Scotland is content that Section 10.2 is clear. However, it is important to highlight that this is where a Report has the potential to become very identifiable and surviving family members must be protected by anonymising it as far as possible.

We emphasise that we are glad to see acknowledgement that reports must be written 'without technical language that obscures meaning.' It is the experience of VSS when supporting victims or families, that when they are presented with technical jargon, they feel overwhelmed and confused as it can often be challenging to understand what they are being told. This can be re-traumatising for them, an outcome that must be avoided.

Question 24: Is the content of ‘Section 10.5 Anonymity of persons’ clear and do you have any comments?

Answer:

Victim Support Scotland feels that the content is clear on the whole.

The level of anonymity of a report should be guided by families. We have seen in some situations that families want to have the information in the public domain uncensored as a way of achieving justice for the deceased. However, there are also cases in which families want the least amount of information made publicly available to protect the privacy of themselves, the deceased, and surviving family members including children.

Anonymity for victims and families must be considered in light of the number of domestic homicides that take place in Scotland. This consultation states that there are, on average, eight homicides a year where a homicide victim has been killed by a partner or ex-partner. This is a relatively low number, and in situations where there may be very specific characteristics around the death, this may make it easier for others to identify the case that is the subject of the review.

In England families have been able to select the pseudonyms for their family member and the perpetrator to be used in the Report. We have heard that this has been empowering for the family and gave them a degree of control over the situation and the Report. VSS would therefore like to see this provision considered in Scotland for families going through a DHSR.

Anonymity is essential to protect rights of the person and their family and VSS warns that any official documentation that goes into the public domain tends to trigger media response (true crime bloggers etc). VSS is particularly concerned with the rise in AI generated material which, in a recent case, has included murder victims (adult and children) ‘speaking’ about their own murder. We have seen how distressing this is for families and so every step must be taken to minimise the content available to creators of such media.

Any media coverage of homicide can objectify the victim, exploit the family and report in a sensational and simplistic way. When such media is created, families are immediately exposed to a myriad of coverage, that can vary greatly in tone and include a range of graphic and unnecessary details.

Victim Support Scotland is particularly concerned with media reporting of child homicide and have the following concerns:

- The impact on surviving siblings. It is essential that any information that could identify other children in the family should be removed.

- The impact of having this material available online forever.

Victim Support Scotland's Supporting Families Bereaved by Crime service works closely with family members whose family member has been a victim of homicide (domestic homicide or otherwise). The Service has received the following feedback from families in such situations:

- They must closely control access to the internet for fear that their other children learn about the distressing detail of their sibling's death.
- They know that this content is available to their other children's peers and that they may learn distressing detail through friends and school connections.
- They are often personally recognisable and therefore are approached by often well-meaning public and cannot move on with their lives for fear of being recognised and asked about their child's murder.

We emphasise that prevalence of child homicide (domestic homicide or otherwise) is low but the impact on families is high. Consequently, media interest is also high, but this cannot come at the expense of the victim's family's wellbeing.

Question 25: Is the content of 'Section 10.6 Sharing draft review reports' clear and do you have any comments?

Answer:

Victim Support Scotland asks for further explanation on who 'specified individuals' are. This wording is ambiguous and may bring anxiety to families if they do not know who reports are being shared with.

Question 26: Is the content of 'Section 10.7 Finalising draft review reports' clear and do you have any comments?

Answer:

Victim Support Scotland is content that this is clear but raises questions around consensus of report findings. It would be helpful for clarity to be provided on what the protocol is when there are disputes over findings and / or what is included in the report.

Question 27: Is the content of 'Section 10.8 Submitting report to Review Oversight Committee for Quality Assurance' clear and do you have any comments?

Answer:

Victim Support Scotland asks for more clarity on who are ‘specific individuals.’ Currently, it is unclear whether this means professionals or family members.

Question 28: Is the content of ‘Section 11 Publication of Reports and Dissemination of Learning’ clear and do you have any comments?

Answer:

Victim Support Scotland is content that Section 11 is mostly clear, however, there are points we seek further clarification on.

Firstly, it must be made clear that Executive Summaries will be published on the Scottish Government website.

We acknowledge that the guidance states that an Executive Summary will be published and seek clarity on the difference between ‘publish’ and ‘make available.’ Whilst an Executive Summary would be sufficient for wider public access, we suggest that consideration could be given to accessibility of the full report for families.

Whilst we do not suggest that families should be able to have ownership of the full Report, we could look to the process for DHSRs in England where a mutually convenient date is set for the family to sit down with their point of contact to read through the full Report and do not get to keep a copy of the report. We feel that this protocol should be replicated for Scottish DHSRs as this will allow families the opportunity to access as much or as little information as they wish.

To expand on the point above, we suggest that the Report continues to be held centrally, but the family can have the ability to request access to it. This may be particularly welcomed in situations where a child may not be old enough to hear the findings at the time but wishes to view it when they are an adult.

National recommendation obligations

In relation to making national recommendations, we ask for clarity on what exactly the obligation placed on Scottish Ministers is and how that obligation will be enforced. If Scottish Ministers fail to implement the recommendations, who is responsible for holding them to account?

- When supporting families, VSS has seen how important it is that families are aware of who to expect an answer from, especially if there are national recommendations. Leaving this ambiguous often causes frustration.

Providing transparency on such things helps in managing the expectations of those involved in a DHSR.

Victim Support Scotland questions whether the new-to-be established office of the Victims' Commissioner will have a role in this process. Given that the overarching role of the Commissioner is to:

- Provide an independent voice for victims and witnesses and champion their views
- and*
- encourage policy makers and criminal justice agencies to put victims' rights at the heart of the justice system,

It would be remiss if the Commissioner were not considered for inclusion in the implementation of the recommendations of a Domestic Homicide or Suicide Review. If it is the case that the Commissioner will be involved, this should be stated in guidance and their role explained to families.

Question 29: Is the content of 'Section 12 Biennial Thematic Reports' clear and do you have any comments?

Answer:

The content in this section is clear and VSS is supportive of its intention. Reporting of such information is important for analysis of trends and influencing systemic change.

It would also be helpful to include here, data on when Reviews are revoked and for what reasons they were revoked. This will help with analysis and evaluation of the process and therefore help to streamline the DHSR process.

Question 30: Do you think 'Flowchart for each section of the whole process' is useful?

Answer:

Victim Support Scotland feels that the flowchart is clear and useful. People absorb information in different ways so a pictorial flowchart could help some people to understand the process. It is a useful tool to refer back to for clarity, especially for VSS's Supporting Families Bereaved by Crime Service, and other organisations' supporting victims.

Question 31: Do you think there are any ways that the guidance could be improved overall?**Answer:**

Victim Support Scotland has included our comments and thoughts on this throughout our response.

Question 32: Is there anything missing in the guidance that you would like to see included?**Answer:**

Overall, Victim Support Scotland has provided our thoughts on points we feel are missing throughout this response. In summary, our main points of concern are:

Deaths abroad

We seek assurances that comprehensive guidance for deaths abroad and cross border reviews will be included in the next iteration of this guidance. This is crucial as it is likely that dealing with a death abroad will include additional and perhaps complicated steps and considerations. It must therefore be made clear in the guidance what the process of carrying out a DHSR for a death abroad is.

We also seek clarity on the difference in criteria when determining whether a DHSR or Fatal Accident Inquiry is required in relation to deaths abroad. We seek guidance on the following questions:

1. What assurances and obligations will be in place to ensure that a domestic homicide or suicide review **will** be carried out?
2. Could a DHSR be stopped and replaced by an FAI?
3. Will the 'ordinarily resident' criterion that is in place for FAIs also be applied to DHSRs?

Ministerial Responsibility

Whilst we appreciate that in line with legislation, a specific Cabinet Secretary or Minister cannot be named, however, 'Scottish Ministers' is an ambiguous term. This ambiguity has the potential to cause frustration amongst families as they feel there is not a line of clear accountability. A simple explanation of what the term means and an explanation as to why it is used would be appreciated.