

# Family Support



Help and Information Following a  
Death in Custody





Our thoughts are with you at this sad  
and difficult time.

We hope this booklet assures you  
that there are people, inside and  
outside the prison, available to listen  
and to support you and your family.

Sheena Orr  
Prison Chaplaincy

Elaine Stalker  
Families Outside

## Following a death in custody

When someone dies in prison it can be difficult to understand what happened and to deal with the grief of the loss of a loved one in such circumstances. We want you to know that care and support is available for you and your family.

In the first instance, support can be provided by the PRISON CHAPLAIN, who works closely with people inside the prison on a daily basis, and by FAMILIES OUTSIDE, an independent charity working with families affected by imprisonment.

This booklet tells you more about the help on offer and information about what will happen because of the death of your loved one occurring in custody

**Chaplains** offer you support and provide a link to others in the prison or in the community as you need or wish.

The name of the Prison Chaplain is:

\_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

**Families Outside** can provide independent support and advice to family members in the community.

Families Outside 0800 254 0088

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# What Support is Available?

## From Families Outside

- ∂ Listening and emotional support via our Helpline, email, webchat or text. See page 8 for contact details.
- ∂ Practical advice.

## From Prison Chaplains

- ∂ Be your contact on behalf of the prison, providing support and a listening ear.
- ∂ Arrange for your loved one's possessions to be returned to you.
- ∂ Arrange for you to visit the prison.
- ∂ Assist with regard to funeral arrangements. Liaising with the necessary organisations (religious or non religious) if you wish.

## From Prison Chaplains & Families Outside

- ∂ Both are available as listening ears, offering caring and individual support.
- ∂ Both can put you in touch with others who can offer you assistance.
- ∂ Both can tell you about the Death in Prisons Learning Audit and Review (DIPLAR) which takes place after a death in custody has occurred See page 4.
- ∂ Both can give you information about the other inquiries that the death in custody may be subject to, such as the Fatal Accident Inquiry. See page 6.



## DIPLAR - DEATH IN PRISONS LEARNING, AUDIT AND REVIEW

The death of a loved one can be difficult at any time. When it happens in prison it is only natural to want to know the circumstances surrounding the death. The Scottish Prison Service (SPS) also wants to understand what has happened and takes care to review each death individually through a process called DIPLAR (Death In Prisons Learning Audit & Review).

As members of the family you are not able to attend the DIPLAR meeting but you can ask the Chaplain to put forward any questions or comments you may have. A member of the prison Senior Management Team will respond to you following the DIPLAR.

### Some facts about DIPLAR

- ∂ The DIPLAR is chaired by an independent person for apparent suicide or apparent drug related death and by the Prison Governor or Deputy for any death by apparent natural causes.
- ∂ The meeting is made up of Prison and Health staff.
- ∂ Most DIPLAR's take place within 3 to 4 weeks of the death, 12 at most.
- ∂ All the circumstances surrounding the death of your relative are discussed including the immediate actions taken; how your relative was being cared for in prison; if joined up

services were in place; how the death of your relative has impacted those involved including the family, other prisoners and those known to your relative; prison management processes and practices.

∂ A report is produced after the DIPLAR has taken place. In the case of apparent suicide and drug-related deaths a summary of the DIPLAR findings and actions are sent to the National Suicide Prevention Management Group. This is an internal SPS document.

The process is not about blaming anyone but focuses on improving the care of prisoners at local and national level.

## Where to find more information

More information on the DIPLAR process can be found on the SPS website:

[www.sps.gov.uk/Corporate/Publications/Publication-6308.aspx](http://www.sps.gov.uk/Corporate/Publications/Publication-6308.aspx).

The Chaplain and Families Outside can also help answer your questions and point you in the direction of other resources.

If the death of your loved one was suicide you can find information about the 'Talk To Me' Prevention of Suicide in Prison Strategy on the SPS website:

[www.sps.gov.uk/Corporate/Publications/Publication-4678.aspx](http://www.sps.gov.uk/Corporate/Publications/Publication-4678.aspx)

## FATAL ACCIDENT INQUIRY (FAI)

A Fatal Accident Inquiry is mandatory into the death of a person who dies in prison under the Fatal Accidents and Sudden Deaths etc (Scotland) Act 2016. The decision to hold an FAI (and the timing of a Sheriff Court being petitioned to hold an FAI) is a matter for the Lord Advocate/Procurator Fiscal. It can take some time before an FAI is held and in some circumstances, it could be a number of years after the death.

### What is the purpose of an FAI?

The purpose of an FAI is to determine:

- ∂ Where and when the death took place
- ∂ The cause of death
- ∂ Reasonable precautions whereby the death might have been avoided
- ∂ The defects, if any, in any system of working which contributed to the death or any accident resulting in the death
- ∂ Any other facts relevant to the circumstances.

### What evidence is gathered?

The Procurator Fiscal will examine Police, post mortem and medical reports, any prison sentence and care management plans including suicide risk assessment documents where relevant. The Procurator Fiscal will also call and question witnesses.

### Can I meet the Procurator Fiscal?

The Procurator Fiscal will contact the next of kin to offer a meeting. If you have anything you feel may be relevant to the Inquiry, you are

entitled to inform the Procurator Fiscal. Families Outside (0800 254 0088) can help you contact the Procurator Fiscal before the FAI.

## Who is entitled to appear or be represented at an FAI?

Those entitled to appear or be represented at an FAI include the spouse or next of kin, close family members and any other person whom the Sheriff agrees has an interest. You are entitled to have a solicitor present and may qualify for Legal Aid for the Inquiry. There is no jury at an FAI.

## Can I get a copy of the Sheriff's findings?

At the end of an FAI, the Sheriff presents his/her "determination". A Sheriff's determination is a summary of the findings around the cause of death and any other facts which are relevant.

If you would like a copy, it is best to inform the Procurator Fiscal at the close of the FAI. You can seek a Judicial Review if you are not happy with the Determination of the inquiry.

## Where can I go for support and information?

An FAI can be an upsetting time especially for family and friends, and you may wish to have a family member, friend or someone else to support you at the hearing. Further information about support can be found at the end of this leaflet. Information concerning details of any FAI preliminary hearings and inquiry dates can be found on the Scottish Courts and Tribunals Service web site at <https://www.scotcourts.gov.uk/the-courts/sheriff-court/preliminary-hearings-and-dates-of-inquiry>.

Although specific to England and Wales you may also find useful information here <https://www.inquest.org.uk/>

## SUPPORT ORGANISATION CONTACT DETAILS

### Prison related Support

#### Families Outside

- ∂ Information, support and signposting service for families affected by imprisonment
- ∂ Telephone: 0800 254 0088 (*Freephone*)
- ∂ Email: [support@familiesoutside.org.uk](mailto:support@familiesoutside.org.uk)
- ∂ Website: [www.familiesoutside.org.uk](http://www.familiesoutside.org.uk)

### Support for Bereavement

#### Cruse Bereavement Care

- ∂ Advice, support and counselling for people who have been bereaved.
- ∂ Telephone: 0870 167 1677
- ∂ Email: [helpline@cruse.org.uk](mailto:helpline@cruse.org.uk)
- ∂ Website: [www.cruse.org.uk](http://www.cruse.org.uk)

#### Survivors of Bereavement by Suicide

- ∂ A national helpline run by a self-help group for people bereaved by suicide.
- ∂ Telephone: 0300 111 5065
- ∂ Email: [sobs.admin@care4free.net](mailto:sobs.admin@care4free.net)
- ∂ Website: [www.uk-sobs.org.uk](http://www.uk-sobs.org.uk)



## Petal Support

- ∂ Counselling and support services to people who have been affected by the loss of a family member or partner to homicide or suicide in Scotland.
- ∂ Telephone: 01698 324502
- ∂ Email: [info@petalsupport.com](mailto:info@petalsupport.com)
- ∂ Website: [www.petalsupport.com](http://www.petalsupport.com)

## Support if you are feeling distressed

### Samaritans

- ∂ Emotional support for people experiencing feelings of distress or despair
- ∂ Telephone: 116 123 (*Freephone*)
- ∂ Email: [jo@samaritans.org](mailto:jo@samaritans.org)
- ∂ Website: [www.samaritans.org](http://www.samaritans.org)

### Breathing Space

- ∂ A confidential phonenumber for anyone in Scotland over the age of 16, feeling low, anxious or depressed.
- ∂ Telephone: 0800 83 85 87 (*Freephone*)
- ∂ Website: [www.breathingspacescotland.co.uk](http://www.breathingspacescotland.co.uk)

## CHAPLAINCY CONTACT NUMBERS

HMP Addiewell	01506 874500 ext.3606
HMP Barlinnie	0141 770 2059
HMP Castle Huntly	01382 319388
HMP&YOI Cornton Vale	01786 835365
HMP Dumfries	01387 294214
HMP Edinburgh	0131 444 3117
HMP Glenochil	01259 767211
HMP Grampian	01779 485744
HMP Greenock	01475 787801
HMP Inverness	01463 229020 ext. 244
HMP Kilmarnock	01563 548928
HMP Low Moss	0141 762 9727 or 9728
HMP Perth	01738 458216
HMYOI Polmont	01324 722241
HMP Shotts	01501 824071/2

Families Outside 0800 254 0088



