



SCOTTISH  
**CHILDREN'S REPORTER**  
ADMINISTRATION

14 August 2009

Andrew P. Mackenzie  
Secretary to the Review of Fatal Accident Inquiry  
Legislation  
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Via email: [Andrew.MacKenzie@FAIreview.org](mailto:Andrew.MacKenzie@FAIreview.org)

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Dear Andrew,

### **Review of Fatal Accident Inquiry Legislation**

Thank you for contacting the Scottish Children's Reporter Administration (SCRA) in relation to the Review of Fatal Accident Inquiry Legislation. We appreciate that timescales are tight and have therefore sought to restrict our comments to brief bullet points. We are happy to discuss these further if that would be helpful.

- SCRA considers that it would be inappropriate and potentially disproportionate to hold an FAI into the deaths of all looked after children. It is important to remember that FAIs are public proceedings and such a provision might cause unnecessary distress and intrusion where death was clearly the result of an accident or illness
- We do, however, consider that there are certain circumstances in which there should be a presumption that an FAI would be held. For example, the death of a child who is looked after or accommodated away from home
- For those cases where an FAI is discretionary, we also consider that it will be important for there to be transparency in relation to the factors that will be taken into account in relation to the exercise of that discretion. For example it would seem appropriate for the views of the family to continue to be considered by the Lord Advocate
- Furthermore, it will be important to ensure that there remains sufficient clarity in relation to the interface between Significant Case Reviews on a child who has died and the decision as to whether an FAI should be held.

We look forward to receiving a copy of the final report.

Yours sincerely

**Nick Hobbs**  
**Policy Officer**