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Cùisean na Dùthcha
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30 May 2025

Dear Convener,

APPOINTMENT OF CHAIR OF THE REVIEW OF FATAL ACCIDENT INQUIRIES RELATING TO DEATHS IN CUSTODY - 2025

As you know, I announced a review to consider the Fatal Accident Inquiry system relating to deaths in custody in Parliament on 23 January 2025. I restated that commitment in parliament on 27 March 2025.

The purpose of this independent Review is to consider the Fatal Accident Inquiry system and make detailed and actionable recommendations which focus on improving the efficiency, effectiveness and trauma-informed nature of investigations into deaths in prison custody. The Review will also identify the specific barriers that families face in engaging with the process and the timescales involved, identifying any improvements that can be made on both fronts.

I am writing today to provide Parliament with an update on the above review. I can now confirm that Retired **Sheriff Principal Ian Abercrombie** has been appointed as Chair. He will be supported by an advisory group, recommended by the Chair and appointed shortly by Scottish Ministers.

Sheriff Principal Abercrombie graduated with an LLB Hons from Edinburgh University in 1978 and joined the Faculty of Advocates in 1981. He has served as a Curator of the Advocates Library and was a member of the disciplinary committee of the Institute of Chartered Accountants of Scotland, and of a Scottish Law Commission advisory group. He became a QC in 1993 and was appointed a sheriff in 2009. He became Sheriff Principal of South Strathclyde, Dumfries and Galloway in 2014 and retired in 2020.

I also attach the terms of reference for the review at the **Annex**, for your information.

Yours sincerely,

ANGELA CONSTANCE

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

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TERMS OF REFERENCE

FATAL ACCIDENT INQUIRY REVIEW

Purpose and remit

The Cabinet Secretary announced an independent review to consider the Fatal Accident Inquiry system in Parliament on 23 January 2025 in response to the fatal accident inquiry into the deaths of Katie Allan and William Lindsay or Brown. Ms Constance restated that commitment in Parliament on 27 March 2025.

The purpose of this independent Review is to consider the Fatal Accident Inquiry system and make detailed and actionable recommendations which focus on improving the efficiency, effectiveness and trauma-informed nature of investigations into deaths in prison custody.

The Review will also identify the specific barriers that families face in engaging with the process and the timescales involved, identifying any improvements that can be made on both fronts.

Membership, timescales and reporting arrangements

The Review will be led by an independent Chair appointed by Scottish Ministers. The Chair will provide strategic direction and leadership to the Review.

It is anticipated that work will be supported by an advisory group recommended by the Chair and appointed by Scottish Ministers. The advisory group will provide input on the work of the Review, including its priorities and strategic direction. The Chair will decide how the aims of the Review should be prioritised and achieved. A report, which will be published, containing recommendations should be presented to the Scottish Government before the end of 2025.

Once a report and recommendations have been submitted prior to 31 Dec 2025, the Chair may consider that there are further areas that the Review may address. If so, Scottish Ministers may consider it appropriate to extend the appointment for up to five months, after which point, consideration of any further work would be a matter for the next Parliament.

The Review will engage with stakeholders as appropriate. Work undertaken may make use of Scottish Government analysis which will be provided at the outset of the group's deliberations.

Sponsorship

The Review will be sponsored by the Civil Law and Legal System Division of the Scottish Government. They will advise the Chair and Secretariat on any issues (particularly financial or logistical) which cannot be resolved by the Secretariat.

Updates from the Review will be submitted to the Sponsorship lead within the Civil Law and Legal System Division in the first instance, though periodic meetings between the Chair and the Cabinet Secretary for Justice and Home Affairs will also be arranged. The Review may engage with the Scottish Government's Justice Analytical Service.

Secretariat support

Secretariat support for the Review will be provided by the Scottish Government. Relevant officials will report directly to the Chair for the duration of the Review and meet regularly to provide support in taking forward the work plan.