

Meeting the Service Needs of Families Bereaved by Homicide

INTRODUCTION

In July this year, I published my *Review into the Needs of Families Bereaved by Homicide*. Clearly, the death of a relative through homicide is a profound and life-changing event for families, generating significant need. In these circumstances, society at large would expect that these families receive not only compassion but help from the state to try to deal with this most terrible of tragedies. However, I was concerned to learn that despite progress, we are failing to provide them, and their children, with the right kind of help at the right time.

This paper supplements my earlier report and considers, in more detail, the services that are valiantly trying to respond to these overwhelming levels of need. While the number of families affected by homicide may be relatively small, these families may develop multiple, complex and long-term problems, which often require specialist support and advocacy to overcome. Currently, the level and depth of demand is simply outstripping supply and there are insufficient resources available to expand. At best, this can leave families needing trauma counselling on lengthy waiting lists or travelling potentially hundreds of miles at their own expense to receive the support they need. At worst, this can leave families isolated, alone and in despair.

The landscape of support services for bereaved families has improved dramatically. The Homicide Service has developed considerably thanks to the dedication of Victim Support and the police. Furthermore, the Ministry of Justice's announcement of an additional £500,000 following my review will enable struggling volunteer-led peer support groups to help more bereaved families and enable family members bereaved prior to April 2010 to receive trauma counselling and other help.

However, this will simply not be enough and, in this paper, I propose a number of measures, which should be considered to ensure that this country could guarantee these families a minimum level of integrated support in their time of need.

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Commissioner for Victims and Witnesses

1. TRAUMA

1.1. Families need access to specialist support to come to terms with the trauma of their bereavement:

The need for support to cope with the immense trauma of the murder or manslaughter of a family member is overwhelming. During the course of the review, the Victims' Commissioner's office worked with the charity SAMM national¹ to undertake the largest ever survey of bereaved families. We found that over 80 per cent of families surveyed for our review suffered from trauma-related symptoms; three-quarters suffered from depression; and one-in-five became addicted to alcohol.

"Still get flashbacks – panic attacks. Don't go out. Friends have all disappeared. Am a different person, like I've changed a lot. I feel 'stained'. Part of my soul just can't be repaired. Have to put on a false face when talking to others."

In many cases, the trauma of the bereavement is then exacerbated by the justice process itself, as families battle to reclaim the body of their loved one from coroners, to access information about what has happened in their case from prosecutors, and to understand the verdict and sentence that defendants receive from the court. While some of the aspects of the justice system cannot be changed, the state could do more to minimise the impact of it and aid a families' recovery from this ordeal.

1.2. Only a patchwork of trauma support is available:

The survey provides clear evidence that trauma is a very predictable feature of being bereaved by homicide, not an unexpected effect. The level of services needed can therefore be planned with reasonable accuracy.

However, the demand for specialist trauma services simply outstrips demand. Our survey² found that eight-out-of-ten respondents had sought help for their trauma, along with 60 per cent of their other family members, but many were simply prescribed medication, rather than receiving any form of therapeutic response.

As part of our review, we also undertook a survey of trauma services across England and Wales with members of the UK Trauma Group³ to learn more about the availability and scope of services. We found twelve organisations that provide trauma therapy for families bereaved by homicide. While the existence of these services is positive, it is not enough. They currently lack the capacity or coverage to meet the need. Most services are handling no more than six cases per year and their geographical coverage is patchy. While they stretch across seven major cities and most take referrals from any area, many families are either left to travel long distances, rely on locally commissioned NHS services or pay for private counselling.

Provision for children seems particularly scarce⁴. In the absence of specialist services, the referral process for children through Child and Adolescent Mental Health Services (CAMHS) is often slow and we have heard from multiple services that some children who have been bereaved are not meeting the CAMHS threshold and are, therefore, being turned away.

¹ Support After Murder and Manslaughter

² See above for details of our work with SAMM national

³ A managed clinical network for trauma and post-traumatic stress disorder

⁴ Jigsaw, ASSIST and Great Ormond Street are exceptions

In recent months, there have been some positive developments which could help to address these gaps in provision. During the course of our review, specialist organisations providing trauma and/or bereavement counselling and therapy were commissioned via the Ministry of Justice to provide a service to families referred to them from Victim Support's homicide caseworkers. While this is welcome, it appears that the Ministry of Justice lacked necessary information about needs (and, therefore, likely demand) to commission on the basis of a block contract. As a result, the Ministry of Justice let the contract on a payment-by-case basis. This makes it difficult for service providers to plan and develop service capacity which, in turn, is likely to lead to long waiting lists, poor economies of scale and undermined value for money.

In addition, this arrangement applies to counselling and therapy for families bereaved since 2010. The survey of families bereaved by homicide conducted as part of the Victims' Commissioner's review revealed what appeared to be very significant and ongoing levels of need for therapeutic support among respondents – the vast majority of which had been bereaved before 2010.

Overall, it is clear that a patchwork of specialist provision exists and, in recent months, the Government has invested to improve its availability. However, it is questionable whether this will be sufficient and the geographical coverage of these services may exacerbate some of the other financial and practical needs of families (see below). Furthermore, the apparent lack of support for children is particularly alarming and requires urgent attention.

2. COPING WITH THE PRACTICALITIES

2.1. The practicalities of bereavement through homicide can overwhelm families:

Following the death of a family member through homicide, most families are faced with both the demands that one would associate with any bereavement – such as informing others, probate etc – and a series of additional practical burdens. For some, the basic necessities of having a roof over their heads and putting food on the table can suddenly become a problem. For example, their home may become a crime scene, which they are required to leave for weeks, or even months; and where the victim was the wage earner, partners may suddenly become responsible for providing financially for their family. In Victim Support's 2006 report, *In the Aftermath*, the charity made a compelling case for the need for someone to take charge of such problems for the family – a 'gatekeeper' who can deal with the phone calls, communicate with employers and schools, cancel appointments and control the flow of people into the house.

2.2. Some help is available, but demand will soon outstrip capacity:

In part, this 'gatekeeper' role is being performed by the Government's new Homicide Service, which was rolled out nationally in April 2010. In this short time, it appears to be making a positive contribution to meeting the basic practical needs of families bereaved by homicide. While this is not the entirety of its remit and the scheme is evolving, most of its work appears to focus on the financial and welfare entitlements of families (e.g. helping to fill out forms for the Criminal Injuries Compensation scheme, arranging help with shopping and travel costs etc).

Furthermore, the Homicide Service has been structured so that Victim Support can use a ring-fenced commissioning services budget (£600,000 per year) to 'spot purchase' additional specialist support for families. This gives the scheme some useful flexibility to fill gaps in need that the caseworkers are unable to meet themselves. Our interviews with the Service's caseworkers have found that a significant proportion of this budget seems to be

used to meet the essential practical needs of families – everything from nappies to food. One extremely worrying implication of this is that families are finding themselves in such dire financial straits that they are unable to feed themselves at a time of tragedy, suggesting that state safety nets (such as welfare benefit payments and social services) are failing to meet the needs of these families. This also suggests the importance of caseworkers, and where necessary specialist advisers to advocate for a family's entitlements, rather than relying on handouts.

Despite the good work that the Homicide Service is doing to provide families with practical support, demand is already outstripping its capacity. Caseworkers are each handling approximately 25 cases (or 50 individuals). Everyone – from Ministry of Justice officials, the police, to victims groups – agrees that the Service was set up in haste. As a result, the funding provided to run the Homicide Service was not calculated on a sufficiently robust modelling of supply and demand. It is currently unclear how it will be able to meet demand from newly bereaved families, while still meeting the needs of the existing caseload. Given the level of public resource being invested in this service it would also have made sense to commission it on a three- yearly basis to ensure it was achieving value for money, and that a proper evaluation of the service should be undertaken ahead of that process.

3. ACCESS TO SPECIALIST LEGAL ADVICE AND ADVOCACY

3.1. Justice for these families is about more than the criminal justice process:

Depending on the circumstances of the homicide, the practical problems faced by families bereaved by homicide may require specialist advice, relating to complex legal matters, including probate and property issues, employment, child custody and guardianship. The review revealed a myriad of these problems which endure for years. In particular, many families require specialist support to deal with housing- related issues as they need to move away from what has become a crime scene or an unbearable association with the murder. The absence of specialist advice in these kinds of situations can have alarming consequences for families. For example, one family with four children, whose father had been murdered in their home, could not face returning so they gave up their local authority flat. While they face a lengthy wait to be re-housed, the council placed the family in a hostel, where they have to pay £80 per week just to travel to school, and their possessions have been destroyed because she was unable to afford their storage. This family has literally lost everything, and it could have been avoided with specialist advice and advocacy.

3.2. The legal advice available is insufficiently integrated and leaves some important needs unaddressed:

Families in receipt of services from the Government's Homicide Service are able to access to Co-op legal advice telephone line, which provides up to 15 hours of free legal advice on matters such as probate and property issues, employment and child custody and guardianship. This service is well-used. However, it can neither represent families nor advise on a range of key legal issues, including benefits, road deaths or legal issues relating to the criminal justice process. While it is undoubtedly a valuable service, it does not meet the entirety of families' needs. As a result, families are forced to look to multiple sources for legal advice, when a single integrated service would better meet their needs.

In addition to the Co-op legal advice line, Homicide Service caseworkers offer help and information (although not legal advice) on related matters – such as housing/ tenure issues, child custody proceedings. However, it is not within the current remit of this Service to advocate on behalf of families. Many of the caseworkers describe their role as being

'impartial', rather than being on the side of the family. As a result, the design of the service leaves a void, where families are left struggling to advocate for themselves.

Some peer-led organisations try to fill this gap. However, this is not the norm and, in most cases, groups are unable to offer legally trained advisors themselves. Rather, they are offering information based on their own experiences or signposting families to other service providers. In some cases, groups have managed to secure specialist legal advice for families. This work is often unfunded and reliant on relatively marginal levels of *pro bono* support from local solicitors. This is valuable, but insufficient to meet the level of need.

Overall, there is a fragmented network of different forms of legal advice available to families, but families are often required to seek help from multiple sources and the level of demand generally outstrips the capacity of existing provision.

4. SUPPORT TO COPE WITH THE FINANCIAL STRAIN

4.1. Families are often crippled by the financial impact of a homicide:

Many families struggle under the financial strain of their circumstances and need specialist advice and support to avoid spiralling debt and to navigate the complexities of making an application to the Criminal Injuries Compensation scheme. Our review compiled detailed case studies of 36 families bereaved by homicide and established that the total estimated costs incurred by these families as a result of their homicide in their families were £1.3million (or £4million if loss of earnings is included). This equates to £37,000 per family (or £113,000 if loss of earnings is included). Families faced the costs for a broad range of matters, including inquests, civil prosecutions, accommodation, counselling, trial transcripts and travel to hearings.

Certain types of cases bring particular financial burdens. For example, where deaths occur abroad, costs relating to travel, accommodation, repatriation of the body, translation of documents and fees for foreign legal representation mount up. For the six families considered whose family member died abroad, the average cost was £59,000 per family.

4.2. The existing system of financial support is draining resources from other support services and failing families in their immediate needs:

The Criminal Injuries Compensation scheme, run by the Criminal Injuries Compensation Authority (CICA), provides some compensation for victims of crime, including families bereaved through homicide. However, our survey found that 45 per cent of families had difficulties dealing with CICA, describing it as 'faceless' and 'judgemental'. There are four main problems with the way in which CICA operates:

- The level of evidence required is intrusive and administrative burdensome;
- Payments are often subject to long delays, often leading families in unmanageable levels of debt and deepening their emotional distress;
- Payments are reduced where the victim had a criminal record, even when the claimant has no record and the claim relates to compensation for surviving children; and
- Families often feel mistreated by CICA staff. They described the Authority as 'faceless', 'judgemental' and 'cold'.

The caseworkers and volunteer support workers of the Homicide Service appear knowledgeable about the process of making an application to CICA and it is clear that they offer some extremely beneficial support for families on this matter. However, the nature of CICA's systems means that the Homicide Service is forced to dedicate a great deal of its resources to assisting with the application process and appealing claims. This means that Victim Support is forced to use one pot of Government money (the Homicide Service) to compensate for the flaws of a Government agency (CICA). This is a waste of public money and, more importantly, it means that Government is failing to use the relatively small amount of money it spends on these families to best effect.

Overall, the CICA system is another example of a fragmented and wasteful service. This system has failed to shape itself around victims' needs and, as a result, many families face terrifying levels of debt.

5. SOMEONE WHO UNDERSTANDS

5.1. Families need the support of their peers:

For many families bereaved through homicide, the sense of isolation and impact on their family relationships and friendships can be considerable.

“...People saying ‘if it was me’ etc who have really no idea do more damage than they realise. You tend to not discuss your feelings with ‘outsiders’ as we have been told we were ‘wallowing’ in the attention etc that unfortunately comes with this horrendous situation.”

Over a third (37 per cent) of the families we surveyed said that the strain and burden of their grief on them and their relationships was the most difficult aspect of the bereavement. Nearly three quarters (73 per cent) experienced difficulties in their relationships following the bereavement. Wider relationships also suffer because of the nature of the death and families can feel isolated from friends and others.

“You can never explain to anyone who has not gone through it the effect on your whole life afterwards. It's in front of you every single day and you cannot live life the same way again.”

The ongoing impact of homicide cannot be over-emphasised. While relationships, families and friendships may hold together through the initial crisis, strains may show later on when the trial is over. This has implications for services, how they are delivered and when and where people need to access them.

5.2. Peer support groups help to fill this void, but are under-resourced and fragmented:

There are many peer support groups across the country, providing friendship, support and help to families bereaved by homicide. In almost all cases, these organisations are led by someone who has been bereaved and they are motivated by a desire to help and support others who are going through similar experiences.

While many of these organisations have developed as campaigning groups, some are developing more structured service provision. They provide a degree of befriending and emotional support, usually from volunteers who have a personal experience of being bereaved, via one-to-one telephone and face-to-face sessions, group fora and email/web-

based support. Some have also developed workshop and retreats⁵, which offer intensive support and an opportunity to escape the day-to-day stress of their lives. Most of these organisations work on a membership basis, often counting their members in the hundreds. This ‘membership’ ethos is critical to the impact of these organisations, providing a sense of belonging and companionship.

While these peer support groups are clearly meeting an important need for many families bereaved by homicide, they currently lack the coverage, resources or strategic partnerships to offer a genuine national service offer to all families in need. This situation is born of many interconnected issues. The peer-to-peer and enduring nature of the relationships created makes it difficult to define the service they offer and, therefore, credibly capture the value of these organisations. As a result, they often struggle to secure funding from charitable or public sources and become almost entirely reliant on volunteers and the personal commitment of those involved. In many cases, this creates tensions between organisations as they compete for scarce funding, feeding criticisms about working practices and general mistrust. Although there are some emerging and promising alliances, this can affect the credibility of the peer support sector and mean that its full potential is not realised.

There are other groups that seek to support people in specific circumstances such as those bereaved through a homicide abroad, or where a defendant has been acquitted following a trial. In these circumstances, a response from someone who understands those specific scenarios is important.

Furthermore, the relationship between the Government’s Homicide Service and the peer support sector is another example of the fragmented nature of provision for families. As outlined above (2.2), the Service’s caseworkers have a ring-fenced commissioning budget to ‘spot purchase’ services for families. Caseworkers’ knowledge of peer support providers is limited. Victim Support are now providing training to remedy this, but the caseworkers still appear to commission these groups on a relatively *ad hoc* basis. There is still no agreement about what support families can expect and from whom after the initial period of help from the Homicide Service finishes.

Families’ need to receive support from someone who has been in their shoes is probably the most difficult to assess and the value of the services that attempt to respond is probably equally difficult to measure. However, the strength of the relationships and solidarity that these organisations bring is undeniable and clearly helps many of the families involved. However, this is also the area of provision in need of the greatest investment and transformation. The challenge for these organisations is to establish a more integrated national network of provision. While additional public funding is needed, it should be conditional on their agreement to collaborate with other service providers – whether peer-led, casework or specialist organisations.

6. Conclusions and Recommendations

Across all areas of need, there are clearly promising, valuable and critical services available to families bereaved by homicide. However, there are a number of common issues across all forms or provision:

- Firstly, demand is consistently outstripping current capacity. All services, including the Government’s relatively new Homicide Service, are unable to respond to the

⁵ For example, SAMM National and National Victims’ Association

needs of families as they present, frequently resulting in unacceptably long waiting lists or, in the worst cases, completely unmet needs;

- Secondly, this is a postcode lottery. There is no clear national offer to families bereaved by homicide. The Homicide Service is a positive step in the right direction, but it is working in a landscape of geographically patchy provision and where the levels of knowledge about available services outside the immediate local area is relatively low;
- Finally, this is a fragmented sector of providers, where the opportunity to come together and develop more holistic and integrated packages of support is being missed.

To address all of the above issues, the Government should consider the following proposals in the development of its new approach to commissioning services:

- Services for families bereaved by homicide should be commissioned nationally and bids should be assessed on their ability to demonstrate a genuinely **new integrated package of support to families bereaved by homicide**. This service should be the overarching umbrella for all services which are funded directly or indirectly by government for this purpose. To ensure integration, partnership and consortia bids across the range of national and local providers should be encouraged. This service should be properly evaluated (especially the major provider of the casework service) and should be 'tested' for value for money after its first three years.
- The new integrated package of support should be based on a set of **four minimum entitlements**, whereby every family should be able to access to the following free services at the point of demand:
 - (1) The spine of the 'offer' should be a **dedicated casework service** of paid staff, which builds on the successful elements of the existing Homicide Service and has an explicit remit to **advocate for the family** and genuinely be 'on their side' in times of need. There should be tighter commissioning and specification of this casework service by government. This service should not withdraw immediately after a trial, offering good and effective handover arrangements agreed with the family and any onward care provider;
 - (2) In line with NICE Guideline on post-traumatic stress disorder⁶, families who demonstrate symptoms of **trauma** should be offered specialist **psychological support (or bereavement counselling)** promptly following their bereavement. This is an early intervention measure. If symptoms persist, they should be offered longer-term⁷ specialist support. These services should be provided via centrally let contracts on the basis of annually assessed demand to allow providers to plan capacity and delivery, with six-monthly reviews to allow for demand variations;
 - (3) Caseworkers should have swift referral access to contracted **specialist advice** where necessary, on issues including housing, finances, childcare, employment rights and probate. The commissioning budget of the Homicide Service should be maintained, but have a more explicit remit to purchase specialist advocacy and legal representation for families, as appropriate; and

⁶ Clinical Guideline 26, March 2005

⁷ Recommended 8-12 sessions

- (4) Caseworkers should be familiar with the services offered by government-funded **befriending and peer support groups** whose volunteers and workers have experienced homicide themselves. Families should have access to these services at the point of demand. This support may be in a combination of one-to-one help and support, group meetings, or telephone or internet support. This support should be fully integrated with services being provided by the homicide casework service (for newly-bereaved families) and specialist services where appropriate – and should cover the whole country. It should meet clear minimum standards and groups should demonstrate their ability to work collaboratively with other support providers.
- The national offer for children should fulfil the four minimum entitlements, but also ensure delivery in an **age-appropriate** way.
 - The dedicated caseworker should be responsible for assessing the needs of the family on an ongoing basis and then referring the family to other support providers as necessary. Outcomes should be tracked against each of the family's needs to ensure that they are access **the right types of support at the right times**. It is important for the family that this experience is seamless and the onus is on the caseworker to coordinate provision and take pressure off the family at this time of need.
 - The **Criminal Injuries Compensation scheme** is in need of urgent consideration to ensure families are treated with appropriate sensitivity and respect. As part of the Government's forthcoming review of this scheme, it should explicitly consider how CICA could be reformed to avoid the wasteful use of resources by other support providers in enabling families to navigate burdensome application processes and complaints procedures.

Government has put over £2 million into services to support families bereaved by homicide but as this paper illustrates, gaps remain. In particular, families need an 'integrated' offer of help which addresses the range of problems and needs that they face – an offer which recognises that one service will not be able to meet all the family's needs, but encourages services to work collaboratively to ensure that problems are not neglected because services lack the expertise to deal with them.

Following the publication of the Victims' Commissioner's review, the Government committed to providing an additional £500,000 per year over the next three years to services for families bereaved by homicide. This is a very welcome step and we recommend that these additional and much-needed resources are spent in the ways recommended in this report, to both improve services and to help meet unmet needs.