



**National Road
Victim Service**

When someone dies in a road crash

Information and advice for
bereaved families and friends
following death on the road
in England or Wales

Get in touch for help

0808 8000 401

help@brake.org.uk

www.brake.org.uk/support

When someone dies in a road crash

Information and advice for bereaved families and friends following death on the road in England or Wales

This guide aims to help if:

- someone close to you has been killed in a road crash, or
- you are helping someone who has been bereaved.

Who writes this guide?

This guide is written by the charity Brake. Brake runs a free, specialist support service for road victims called the National Road Victim Service.

We are an independent service working in partnership with other services to care for your needs.

We offer emotional support and practical help and advice. We also help people seriously injured in road crashes.

Get in touch for help

call: 0808 8000 401

email: help@brake.org.uk

info: www.brake.org.uk/support



**National Road
Victim Service**



Introduction	4
How to use this guide	4
The online version of this guide	5
Looking after your own needs	6
Help for children and families	7
Your right to support: Help from the police	8
Your right to support: Help for victims of crime	9
Important contacts	11
SECTION 1: What happens now?	23
Organ and tissue donation	23
What happens to a loved one's body?	24
Return of belongings	31
What happened in the crash?	32
SECTION 2: Practical issues	37
Informing people	37
Burials or cremations	40
Legal and financial issues	44
The media	48
Memorials	52
If the crash happened abroad	53
SECTION 3: Criminal investigation and charges	55
The police investigation	55
The Crown Prosecution Service and your right to be heard	60
Charging someone	64
Criminal offences	67

SECTION 4: Court cases

69

Attending court	69
If you are asked to be a witness	71
Court procedures	73
Verdicts and sentencing	78
Appeals	82
Prisoner release	84
Coroner investigations and inquests	87
Having your say about criminal justice	94
Restorative justice	96

SECTION 5: Can I claim compensation?

97

Can I claim compensation?	97
Hiring a solicitor	98
Paying your solicitor	100
Types of compensation	102

SECTION 6: Useful organisations

107

Useful organisations	107
Solicitor directory	119
Index	130
Acknowledgments	134

How to use this guide

You can use the contents on the previous pages to find out what this guide contains and go to the pages you need to read.

If the crash happened very recently, **Section 1: What happens now?** may be the most useful part to read first. This section gives information and advice on things that often happen in the first few days after a fatal crash.

The rest of the guide provides information and advice on other issues you may face at different times.

If you don't feel able to read this guide yourself, you can ask someone else to read it for you.

If you need extra copies of this guide for others, call Brake's National Road Victim Service on 0808 8000 401 or email help@brake.org.uk.

The online version of this guide

This guide is available online at brake.org.uk/support-literature. You can download the complete guide as a pdf or read the web pages online. The online version contains links to the websites referred to in this guide.

If you do not have access to the internet, call Brake's National Road Victim Service on 0800 8000 401 to get the help you need.

Brake produces other free guides that may be useful to you:

- Someone has died in a road crash (support book for children and their carers)
- Information and advice for bereaved families and friends following death on the road in Scotland
- Information and advice for bereaved families and friends following death on the road in Northern Ireland
- Serious injury in a road crash: Help and information for victims, and their family and friends

These guides are online at www.brake.org.uk/support-literature.

If you need a copy of any of these guides, call Brake's National Road Victim Service on 0808 8000 401 or email help@brake.org.uk.

Looking after your own needs

Coping after a sudden and shocking bereavement can be very challenging. You, or others, may be suffering from significant shock and distress, and experiencing a range of emotions and reactions. Different people react in different ways at different times. You may feel exhausted.

It is important to look after your emotional and physical welfare, and, if you are part of a family, look after each other too. Remember to:

- eat regularly, and drink water or have comforting hot drinks
- stay warm, and get sleep when you can
- seek support, and support each other.

If you were also in the crash, and have injuries, it is important they are treated too. Make sure you receive any medical attention you need.



The yellow book inside the front cover of this guide provides advice on coping after such a terrible bereavement.

If you need extra copies of this book for others, call Brake's National Road Victim Service on 0808 8000 401 or email help@brake.org.uk.

Help for children and families

If a child or young person has also been bereaved in a road crash, it is important to provide the love and support they need.

Children's needs are often the same as adults' needs. They need to feel safe, supported, calm, informed and involved. Make sure they are surrounded by familiar adults, who they know and trust.

Try to keep to their usual routines if you can. For example, children can go to school if they want to.

Give children honest, short answers, using language they know and can understand easily.

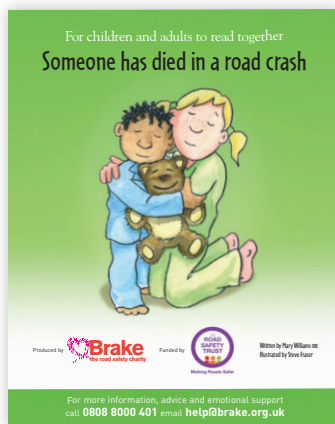
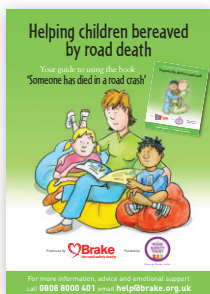
Try not to give too much information at once. Give them a chance to ask questions.

If you need emotional support for parents, children or young people, or help with arranging care for children, or any other issue affecting a family, contact Brake's National Road Victim Service.

We can put you in touch with specialist organisations that help care for families.

We can also send a support book for children and their adult carers.

**Call 0808 8000 401
or email
help@brake.org.uk.**



Your right to support

Help from the police

You should be offered help from a Family Liaison Officer (FLO), a police officer with special training in helping families.

If you have not been offered help from a FLO, ask if this is possible.

Your police contact can:

- help with immediate things, such as seeing a loved one's body or telling other people about the crash (see pages 24 and 39)
- give you basic details about what has happened. These may be needed by a solicitor (see page 33) or an insurance company (see page 38)
- return to you any personal items found in a vehicle or at the place where the crash happened (see page 31)
- tell you the location of a vehicle you own, if it was involved and they are examining it (see page 35)
- keep you informed about the progress of their investigation and whether anyone has been arrested or is on bail (see page 64)
- put you in touch with the Crown Prosecution Service (see page 60).

Your police contact may also be able to help you:

- visit the scene of the crash, if you were not in the crash and want to go
- manage media interest in your case
- get information and support later on, for example if there is a court case.

The police have produced guidelines on family liaison that they should follow. You can read these guidelines at www.brake.org.uk/codes-and-standards.

See page 55 for more information on the police investigation and criminal prosecutions.

Your right to support

Help for victims of crime

The police, prosecution agencies, and courts are required to provide certain services to help victims of crime.

These services and the minimum standards they must meet are written into a government document called 'Code of practice for victims of crime in England and Wales (Victims' Code)'.

The Victims' Code says that as a victim of crime you have the right to:

- be treated with respect, dignity, sensitivity, compassion and courtesy
- make informed choices that are fully respected
- have your privacy respected by service providers in accordance with privacy and data protection laws
- have services provided to assist you and your family to understand and engage with the criminal justice process and that are offered in a professional manner, without discrimination of any kind.

You also have the right to:

- get an assessment to find out what support you might need
- have your details passed to organisations that give help and support to victims of crime, unless you do not want them to be
- get information about what will happen and what to expect from services involved in law, crime and punishment
- get information about what the police are doing and if someone has been arrested for the crime
- make a Victim Personal Statement about how the crime has affected you (see page 62)
- ask the Crown Prosecution Service to look at things again if you are not happy with what they decide

- know what is happening about the trial and sentence
- get help or support to go to court and give evidence
- know if a person accused of a crime makes an appeal to ask a different court to look at their case again
- choose support from the Victim Contact Scheme if your case qualifies for this scheme (see page 86)
- apply for compensation if you are entitled to it
- be told about restorative justice (see page 96)
- complain if you do not get the information and support you should (see page 94).

If, in your case, it is possible that someone may be charged with a crime, the Victims' Code is there to help you.

You can read the Victims' Code at www.brake.org.uk/codes-and-standards.

If you need help with practical challenges or emotional support, Brake's National Road Victim Service is here for you.

Call 0808 8000 401, email help@brake.org.uk or go to www.brake.org.uk/support.

Important contacts

Your contacts

You can use the space on these pages to record names and contact details of people you may need to talk to over the coming weeks and months.

Your National Road Victim Service caseworker

Contact Brake's National Road Victim Service to be assigned a caseworker to help you with emotional support and practical needs. Call 0808 8000 401 or email help@brake.org.uk.

Name

Phone

Email

Your police contact(s)

Police contact name

Station phone number

Mobile number

Times they can be contacted

Email

Notes

.....

.....

.....

.....

.....

.....

Police officer in charge of the investigation
(Senior Investigating Officer)

Name

Phone

Email

Coroner's office (see page 87 in Section 4: Court cases)

Name

Phone

Email

Hospital or mortuary staff

Name

Phone

Email

Funeral organiser

Name

Phone

Email

Witness Care Unit

Name

Phone

Email

Solicitor helping you with a compensation claim

(see Section 5: Can I claim compensation?)

Name

Phone

Email

Charities and other organisations helping you

(see Section 6: Useful organisations)

Organisation

Name

Phone

Email

Website

Organisation

Name

Phone

Email

Website

Organisation

Name

Phone

Email

Website

Organisation

Name

Phone

Email

Website

Health professionals helping you (for information on how to get this help, call Brake's National Road Victim Service on 0808 8000 401 or email help@brake.org.uk)

Organisation

Name

Phone

Email

Website

Organisation

Name

Phone

Email

Website

Organisation

Name

Phone

Email

Website

Faith or spiritual leader

Name

Phone

Email

You can use the blank pages that follow to write down questions you want to ask and information you have been told by these people and others.

It's also helpful to keep copies of any letters or documents you receive in a safe place.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

[illegible]

SECTION 1

What happens now?

What happens now?

Information and advice on things that often happen in the first few days after a fatal crash

Organ and tissue donation	23
----------------------------------	----

What happens to a loved one’s body

Seeing a loved one’s body	24
What happens at a post mortem?	26
Return of a loved one’s personal belongings	31

What happened in the crash

Visiting the crash site	32
How did a loved one die?	33
Why did the crash happen?	34
What happens to a vehicle involved in the crash?	35

Organ and tissue donation

Organ donation is only possible if a person has died in hospital, and in specific circumstances.

Tissue donation, such as skin, bone, heart valves and corneas, may be possible whether the death happened in a hospital or not. It can happen up to 24 or even 48 hours afterwards.

The opt-out system

England and Wales both operate an 'opt-out' system for organ and tissue donation. This means that someone is considered to have agreed to be a donor when they die, unless they have recorded a decision not to donate, or are in an excluded group. Families are always involved before donation goes ahead, however they are expected to support any decision the donor made.

If medical staff confirm that donation could be possible, a specialist nurse will talk to the family to tell them what will happen next. The faiths, beliefs and culture of the person who died will always be respected.

Organs and tissue are removed with care and do not delay burial or cremation arrangements or affect your ability to see a loved one's body.

Only those organs and tissue specified by the donor and supported by the family will be removed.

Donating children's organs and tissue

The opt-out system does not apply to children under the age of 18. If a decision about organ or tissue donation is required for someone under 18, the family will be asked to make that decision.

Organ donation will always take place in a hospital. If you want to find out if tissue donation is possible, but haven't been contacted by medical staff, you need to act quickly (usually within 24 hours, although sometimes up to 48 hours, after the death).

For tissue donation call 0800 432 0559.

For more information, go to www.organdonation.nhs.uk.

This section includes information about seeing your loved one's body and what happens in a post mortem. This may be difficult to read. If you don't feel ready to read this information yourself, you can ask someone else to read it for you and help you understand what will happen.

Seeing a loved one's body

After someone dies suddenly or unexpectedly, their body is taken to a hospital mortuary or a local authority mortuary.

You can decide whether or not to see a loved one's body. To help you make this decision, and if you didn't see a loved one in hospital or at the roadside before their death, you can ask your police contact or medical staff to tell you about injuries to a loved one's body and what their body looks like.

Sometimes the bodies of people killed in road crashes have few visible injuries because injuries are internal. Sometimes bodies are very badly damaged. If a body is badly damaged, medical staff may cover the most damaged areas with a sheet. You can ask which areas of a body will be covered or uncovered. Sometimes the whole body is very badly damaged. Sometimes a body is a different colour, due to internal bleeding or bruising.

**You may choose to see a loved one's body to say goodbye.
Or you may choose to remember someone as they were.
The decision is yours. You can take your time to decide.**

**If a loved one's body is in a hospital, there may be a bereavement officer or hospital chaplain who can support you at this time.
You can ask if this support is available.**

Touching a loved one's body

If you decide to see a loved one's body, you may wish to touch their body. If you want to do this, talk to your police contact or medical staff. Sometimes the bodies of people killed in road crashes are very delicate because they are damaged, or bodies should not be touched for reasons to do with a police investigation. If you touch a loved one's body, it may help to remember their body will feel cold.

Identifying a loved one's body

The police sometimes require a family member to identify a person who has died. If the police ask you to do this, they may ask you to identify your loved one's body or identify them from their belongings.

If you do not want to see a loved one's body but you are asked to identify their body, ask the police if there is anyone else who could do this for you. Alternatively, you may be able to identify the body through an internal glass window (at the mortuary), or by photograph or by video recording.

Sometimes a body is harder to identify because it is so badly injured. In this case, police may ask you to help identify a loved one through dental records or by providing a sample of their DNA (for example, from a hairbrush or toothbrush).

What happens at a post mortem?

After someone dies on the road, there is likely to be an examination of their body. This is usually called a post mortem.

A post mortem is a medical examination to help find out the cause of death. It includes examination of body organs, tissues and fluids, and is carried out by a specialist doctor called a pathologist.

A post mortem is carried out on behalf of the coroner. The coroner is a special judge who investigates sudden deaths (see page 87 in Section 4: Court cases). The coroner does not need your permission to carry out a post mortem, but you can ask the coroner's office to explain why they think it is necessary. The coroner's office decides what type of post mortem should be carried out.

Usually the coroner asks the pathologist to open and examine inside the body. The body is then closed again. This is called an invasive post mortem. Sometimes a post mortem is limited to certain areas of the body, for example the head or chest.

Some people have objections, for faith or other reasons, to an invasive post mortem. If you have objections, or concerns about the way it will be carried out, you should tell the coroner's office or your police contact as soon as possible so they can consider your views.

Alternatives to an invasive post mortem are sometimes available. For example, sometimes a body can be scanned instead. Scans do not physically damage the body. If you request a scan, you may be asked to pay a fee.

A post mortem may include toxicology tests. This means that the pathologist takes samples of blood and urine, and possibly other samples such as stomach contents, fluid from an eye and pieces of tissue, to find out if they contain any toxic substances, such as alcohol or drugs. These tests may take place instead of, or as well as, an invasive post mortem or scan.

Your police contact can tell you how to get in touch with the coroner's office. You can write their contact details on page 12.

Representation at a post mortem

You cannot attend a post mortem yourself but you have the right to be represented by a medical professional during a post mortem. You can ask a doctor to attend for you. This could be a GP or another pathologist that you choose and there may be a charge. You will need to tell the coroner if you wish this to happen.

If you have told the coroner that you wish to be represented, the coroner's office should tell you when and where the post mortem is taking place.

An explanation of what happens at a post mortem is written into the government document called 'Guide to Coroner Services'. This guide also sets out the standards you can expect to receive from a coroner's office and what to do if you feel those standards have not been met. You can read this document at www.brake.org.uk/codes-and-standards.

Organ or tissue samples

Some post mortems involve taking small tissue samples, known as 'tissue blocks'. These are less than six millimetres thick and are embedded in wax or resin. From them, very small amounts of tissue, thinner than a hair, are placed on glass slides so they can be examined under a microscope. These slides help confirm the cause of death. Taking tissue samples does not disfigure a body.

A pathologist may need to remove and retain an organ temporarily, so they can examine it closely. The coroner's office will tell you if this is going to happen.

After the post mortem you can decide if any tissue or organs should be returned to the body, although this may mean you have to delay a burial or cremation. If you want to proceed with a burial or cremation earlier, you can ask for any retained tissue or organs to be disposed of by the pathologist in a respectful way or stored for future use, including for research, education or training. This requires the agreement of the person who died (if they were an adult) or their nearest relative.

Your police contact should explain these options to you and discuss what you want to do.

You can ask the coroner or the pathologist to provide more information about your case.

You can get more information about what happens with organ and tissue samples from the Human Tissue Authority's website at www.hta.gov.uk.

The law on organ and tissue retention is explained in the Human Tissue Act 2004. You can read this document at www.brake.org.uk/codes-and-standards.

Delays to a burial or cremation

A burial or cremation can only take place once the coroner has given permission for the body to be released. To find out how long a post mortem will take, or if you have objections to a burial or cremation being delayed, talk to the coroner's office or your police contact.

The post mortem report

The pathologist who carries out the post mortem will send a short report to the coroner explaining what they have found. This report will explain what the pathologist did, any tissue and organs that were retained and why, and any further tests which are being carried out.

Once all the tests have been completed, the pathologist will send the coroner a full report.

You can ask the coroner's office for a copy of the full report, if you want to see it.

You may or may not want to see the post mortem report. The coroner's office can arrange for it to be sent to your GP who can help explain it. A pathologist may also be able to call you to discuss the report. If a loved one died before emergency services reached them, the pathologist may be able to tell you information, if you want to know, about your loved one's death.

Sometimes you cannot see a copy of the post mortem report until after any criminal proceedings are finished.

The post mortem report forms part of the evidence that the coroner will consider as part of their investigation (see page 87 in Section 4: Court cases). If there is an inquest, the post mortem report will form part of the evidence. The coroner is responsible for the final decision on the cause of death, not the pathologist.

Sometimes it takes a long time for the full post mortem report to be written. The coroner's office should tell you if there will be a delay.

If you disagree with the post mortem report, you should tell the coroner's office. You can also ask the coroner if they will request a second post mortem (see next page).

Second post mortems

If you are not satisfied with the information you receive about the cause of death, you may be able to ask for your own post mortem after the coroner has released the body. This would be carried out privately for you by a pathologist of your choice, and you would have to pay for this yourself. This requires the agreement of the coroner.

If you have a solicitor (see page 44) they will be able to instruct a pathologist on your behalf and tell you how much it will cost.

Sometimes the coroner may be asked to agree to a second post mortem. A second post mortem may be requested if someone has been arrested or charged in connection with the death. The coroner will consider all requests for second post mortems very carefully.

Guidance on whether a second post mortem should take place after a road death is written into a government document called 'Guidance on post-mortem examinations, including second post-mortem examinations'. This guidance recognises that a second post-mortem examination can be very distressing for bereaved families and recommends that, where possible, less invasive methods of examination, such as scans, should be used if a second post mortem is required. The guidance also recommends that all requests for second post mortems should be examined very carefully. You can read this document at www.brake.org.uk/codes-and-standards.

Return of a loved one's personal belongings

The police, hospital officials or mortuary staff may be holding personal belongings of a loved one who has died, such as a bag, mobile phone, clothes or jewellery. You can ask if they are holding any belongings. You may decide you want all, some or none of them returned. If you are using a funeral director, you can ask them to collect any personal belongings for you when they collect the body.

Personal belongings, particularly clothes, are often damaged or blood-stained in crashes. Before deciding if you want certain belongings, you may want to ask about the condition of them. In some cases, it may not be possible for clothes to be returned.

If you want something returned that has been blood-stained, you can choose whether you want it returning just as it is, or cleaned first. Some people don't want a loved one's clothes cleaned because the clothes may carry the smell of that person. Some clothes may be very badly damaged and you may want them cleaned or not returned at all. The police may or may not charge you a fee for any cleaning you want them to do.

If a loved one who has died was in a vehicle, you can ask your police contact to check if any belongings are still in that vehicle, and ask for these to be returned to you.

Sometimes belongings are kept temporarily by the police because they need them as part of their investigation. Once the police investigation and any resulting criminal prosecution are finished, these belongings can be returned if you want them. Belongings should not be disposed of by police, medical or mortuary staff without consent.

Many people treasure the smell of a loved one who died. You may wish to preserve their smell for a while by storing clothing they recently wore in an odour-free zip-locked bag.

Visiting the crash site

If you were not in the crash, you may or may not want to visit the place it happened. If you want to visit, your police contact can tell you the precise location if you do not know it and tell you any dangers such as parking problems, lack of pedestrian access or fast traffic. They may be able to accompany you to ensure your safety and answer questions you may have about the site.

If the crash site is far away and not accessible by public transport, your police contact or someone else may be able to drive you there. You may want them to do this if you do not drive, do not feel able to drive because of the shock, or you can't drive because your vehicle was damaged in the crash.

You may or may not want to place flowers or something else at the crash site. For information on roadside memorials, turn to page 52 in Section 2: Practical issues.

How did a loved one die?

If you were not in the crash yourself, you may or may not want to know the details of how a loved one died. You may want to know about medical treatment given at the roadside or in a hospital, and whether a loved one said anything or was unconscious during this time.

Sometimes it is possible to meet and talk to people who provided help at the crash site, such as a paramedic, air ambulance crew or a fire officer, or members of the public who provided first aid. If you want to do this, your police contact will be able to find out if this is possible. Alternatively, your police contact may be able to ask these people questions on your behalf.

If a loved one died in hospital you can ask to talk to doctors or nurses who provided treatment. The Patient Advice and Liaison Service (PALS) can help you do this. You can contact this service through a hospital switchboard. You can also ask your GP if they can find out about treatment given and explain it to you.

If you are the next of kin, you can get a copy of a medical report prepared by the hospital on treatment given. This can be requested by you or your solicitor and there may be a fee. This report may use unfamiliar medical terms, so you may want to ask a hospital doctor or your GP to explain it to you. You may not be able to get full details of treatment until after the coroner's investigations into the death are finished.

To find out more about the Patient Advice and Liaison Service (PALS), go to www.nhs.uk and search for 'PALS'.

If you have a concern that a hospital treated your loved one inadequately, you may wish to consult a solicitor (see page 98 in Section 5: Can I claim compensation?). In some cases, you may be able to claim compensation for medical negligence. The charity AvMA (action against medical accidents) can also offer free advice if you are concerned a loved one has suffered injury following medical care. To find out more, go to www.avma.org.uk

Why did the crash happen?

It is common to want to know straight away what happened in a crash and who was involved.

The police will carry out an investigation into the crash and collect evidence. If it appears that someone may have committed an offence, they may be charged. You can ask your police contact questions and seek information from them at any time during their investigation. (See Section 3: Criminal investigation and charges.)

If a solicitor is working on your behalf to find out if you can claim compensation, they will need information from the police (including names of people involved, witness statements, and evidence such as photographs). It is important that your solicitor requests and gets information as soon as possible. (See Section 5: Can I claim compensation?)

In some cases, for legal reasons, some information may not be released until after an investigation or a prosecution has happened.

Guidelines for when information about a road crash can be released are written into a Crown Prosecution Service document called 'disclosure of material to third parties'. To access this document, go to www.brake.org.uk/codes-and-standards.

What happens to a vehicle involved in the crash?

If a person who died was in a vehicle or on a motorbike or bicycle, it should be taken away for examination by the police along with any other vehicles involved in the crash. The police examine vehicles involved in fatal crashes to find out if they were mechanically defective, and to get more information about what happened in the crash.

Vehicles may be kept until the end of the police investigation and any resulting criminal prosecution. Sometimes the police have to take vehicles apart to find out what happened. Your police contact can tell you where vehicles are being stored and what is happening to a vehicle. If you were not in the crash, you may want to see a vehicle. You can ask your police contact to arrange this. Many vehicles involved in crashes are very badly damaged, although some are not. Ask your police contact to tell you in advance what a vehicle will look like.

You can ask your police contact questions at any time during the police investigation. They may not have much information at first and may not be able to tell you certain things until their investigation is complete, but should tell you as much as they can.

You can pay for an independent examination of a vehicle if you or your solicitor think this is necessary. If you wish to do this, tell your police contact. For a list of crash investigators, go to www.itai.org.

For more information about the police investigation, see Section 3: Criminal investigation and charges.

If you need help with practical challenges or emotional support, Brake's National Road Victim Service is here for you. Call 0808 8000 401, email help@brake.org.uk or go to www.brake.org.uk/support.

SECTION 2

Practical issues

Practical issues

Information and advice on practical issues that often come up after a road crash

Informing people

Registering a death	37
Talking to motor insurers	38
Telling others	39

Burials or cremations

Arranging a burial or cremation	40
Using a funeral director	41
Burial grounds and ashes	42
Coffins and shrouds	42
Paying for a burial or cremation	43
Direct funerals or cremations	43

Legal and financial issues

Hiring a solicitor	44
Wills	45
Benefits	45
Financial issues	46
Stopping unwanted mail	47

The media

Social media	48
Your case in the media	49
Police help with the media	50
Photographs and videos	50
Being interviewed by a journalist	51
Making a comment or complaint about the media	51

Memorials 52

If the crash happened abroad 53

Registering a death

Registering a death is a legal requirement to tell the government that a person has died.

If a death on the road was due to natural causes, you will have to register the death yourself.

If the coroner decides to investigate the death, the death cannot be registered until their investigation has been completed. The coroner's office will tell you when and how the death will be registered.

Once the death has been registered, you can obtain a certified copy of the entry in the register, which is called a 'death certificate', from the Registrar. Local authorities can give you contact details for a Registrar.

Some organisations will ask for an original copy of a death certificate. It's a good idea to order as many copies of a death certificate as you think you will need. It may be more expensive to order extra copies at a later date.

You cannot register a death until the cause of death is known. You may need a death certificate sooner than this, for example to enable you to move money between bank accounts or claim benefits (see page 45). The coroner can give you, for free, a 'coroner's certificate of the fact of death' to help you deal with administrative matters. This is sometimes called an 'interim death certificate'.

For information about the coroner's investigation, see page 87 in Section 4: Court cases.

For general advice from the government on what to do after a death, go to www.gov.uk and enter the word 'death' into the search box.

The standards you can expect to receive from a coroner's office and what to do if you feel those standards have not been met are written into the government document called 'Guide to Coroner Services'. You can access this document at www.brake.org.uk/codes-and-standards.

Talking to motor insurers

If a person who died was driving a vehicle then you, or someone on your behalf, needs to tell their motor insurer that they have died. The police can give you basic details that the insurer needs, such as the details of another driver. You do not have to tell the insurer what happened in the crash. You only need to say that the crash is being investigated by the police.

The motor insurer may offer you a solicitor to help you find out if you can make a claim for compensation. It is up to you whether you choose this solicitor or a different solicitor.

Whether or not a person who died was driving, you are advised to consult a solicitor of your choice as soon as possible. It may be possible, at no cost to you, to make a significant claim for compensation from the motor insurer of a vehicle that contributed to the crash.

You may be contacted by the motor insurer for other people involved in the crash. They may offer you money in settlement for any compensation claim you may have. If this happens, you are strongly advised not to accept this money. Do not sign any forms they send you. A settlement they offer may be lower than the amount that a solicitor could obtain for you.

For more information about compensation claims and important advice about choosing a solicitor, see Section 5: Can I claim compensation?

Telling others

There may be people other than friends and family who need to be told about a death quite soon. You can choose to tell these people yourself or ask someone to do it for you. These people may include:

- employers (if you are employed you may be entitled to immediate bereavement leave or be given permission to take some holiday; some employers and trade unions also have funds that provide support to families of employees who have died)
- school, college or nursery (teachers can provide valuable support)
- doctor (your GP)
- life insurance and pension companies (the sooner you tell them, the sooner you may be able to make a claim from any plans)
- bank or building society
- mortgage or loan provider
- landlord
- housing department or housing association (if a person who died was living in social housing)
- utility providers (for example, gas, electricity and phone), particularly if a person who died lived alone
- benefit providers (see page 45)
- HM Revenue and Customs (if a person who died paid tax)
- Passport Office (if a person who died had a passport)
- DVLA (if a person who died had a driving licence)
- social clubs that a person who died attended.

The 'Tell Us Once' service can report a death to other government organisations on your behalf, so you don't have to tell lots of different people. To find out if the service is available in your area, you can go to your local authority website, speak to the coroner's office or registrar when you register a death, or go to www.gov.uk and search for 'Tell Us Once'.

LifeLedger is a free service that can help you tell other organisations, including banks, utility providers, insurers and social media, about a death. To find out more, go to lifeledger.com.

Arranging a burial or cremation

Burial or cremation can take place once a coroner has given permission for the body to be released (see page 28 in Section 1: What happens now?).

Arrangements for a loved one's body to be buried or cremated, and arrangements for any funeral service or gathering in their memory, are usually overseen by a close relative or group of relatives or friends.

If you are the person making arrangements, or involved in making arrangements, consider any instructions that the person who died left in a will (see page 45) or elsewhere, or told anyone. If the person who died followed a religion, there may be religious practices to follow.

People often have different or strong views on what should be done. Discussing options together with other family members, or other people who were close to the person who died, and sharing tasks, can help. Alternatively, you may choose to let someone else make decisions.

As long as a legal method is chosen, no one should push you to make arrangements for a burial or cremation that you are not comfortable with.

This means that no one else (for example, a faith leader or a funeral director, or friends) has the right to decide the details.

Some people hold more than one memorial event, so everyone gets an opportunity to say goodbye in a way that has meaning to them.

Using a funeral director

Many people use a funeral director to help arrange a burial or cremation. A funeral director may offer a range of services, including:

- looking after a loved one's body before a burial or cremation
- arranging for you to visit a loved one's body
- providing a choice of coffins, shrouds or urns to buy
- liaising with the burial or cremation authority on your behalf
- organising a funeral ceremony
- transporting a loved one's body.

Some people choose to use a funeral director only for certain things, such as looking after the body or helping with the paperwork that needs to be completed after a death.

Funeral directors should publish a standardised price list so you can compare prices and services of different funeral directors in your area. You can ask them to send a price list for other options including bespoke coffins, flowers and funeral vehicles. To find a funeral director in your area, you can use one of these websites:

- www.funeral-directory.co.uk
- www.yourfuneralchoice.com
- beyond.life

If you decide to use a funeral director, you may want to choose one who is a member of an association and follows a code of practice. For a list of associations of funeral directors, see Section 6: Useful organisations.

Some people choose not to use a funeral director because they want to manage arrangements themselves. You can get advice on managing arrangements yourself from the charity the Natural Death Centre. Go to www.naturaldeath.org.uk or call 01962 712 690.

Some people choose not to use a funeral director because arrangements are being managed by a faith leader.

Burial grounds

Your local authority or funeral director can provide you with lists of local cemeteries and church graveyards. Some burial grounds may already be full. The person in charge of a burial ground can tell you.

There are also an increasing number of woodland and meadow burial grounds. These are run by local authorities, private landowners and wildlife charities and provide a natural setting for burial, while also using the land to grow plants and encourage wildlife.

Ashes

If your loved one's body is being cremated, then their ashes can be scattered in a place of your choice or garden of remembrance, buried in a cemetery or graveyard, or kept by you. You need to get permission from any landowner before making arrangements to scatter or bury ashes.

Coffins and shrouds

Bodies can be placed in coffins made from a range of materials, including cardboard. The body can alternatively be wrapped in a shroud before being buried or cremated. You can buy coffins and shrouds from a funeral director, over the internet or make your own.

There are rules governing the materials that can be used to make coffins and wrap bodies. Your funeral director, if you are using one, should be able to give you advice about coffins and shrouds.

The Natural Death Centre can give you information and advice about natural burials, coffins and shrouds. They can also give you information about direct funerals and cremations (see page 43). Go to www.naturaldeath.org.uk or call 01962 712 690.

Paying for a burial or cremation

You may be able to get help paying for all or some of the costs of a burial or cremation if:

- you receive certain benefits or tax credits. (Ask your local benefits office as soon as possible whether the government can help you pay, or go to www.gov.uk and search for 'funeral payment');
- the person who died was signed up to a scheme providing payment for such costs. This scheme could be part of an employment package, a personal pension plan, or an insurance plan;
- the person who died had paid in advance for their own burial or cremation through a payment plan. Some credit union accounts also make a payment towards funeral costs when the account holder dies. (Some payment plans may only pay for the use of a particular funeral director.)

If you aren't eligible for help paying funeral costs, you should still keep receipts of costs in case you can claim them back later. You may be able to do this if someone is found to have been responsible for a death and you are making a claim for compensation (see next page).

Direct funerals or cremations

One way to reduce the cost of a funeral is a burial or cremation without any mourners present. This is sometimes called a 'direct' funeral or cremation. The funeral director makes arrangements with the crematorium or burial site, collects the body, and returns ashes from the crematorium in an urn. Many people who choose this option still have a memorial ceremony, but hold it on a different day, later on.

All funeral directors should now be able to offer direct burials or cremations. They should also be able to advise you on other ways to lower the cost of a burial or cremation.

A direct cremation can also be arranged without a funeral director although you will need to make arrangements to transport the body yourself. You can ask a crematorium about how to arrange a direct cremation.

Hiring a solicitor

Many people bereaved by a road crash benefit from hiring one or more solicitors as soon as possible. The earlier you consult a solicitor, the sooner they can consider your case and the greater the chance they will be able to help you. An initial consultation with a solicitor should be free.

Different solicitors specialise in different areas of law.

A personal injury solicitor is the best person to advise you on whether you can claim compensation and pursue any claim for you. Sometimes a lot of money can be claimed, so it is important to find out.

You may also need advice from a solicitor specialising in wills (see next page).

Depending on your circumstances, you may also need specialist advice regarding issues around an inquest, a post-mortem examination, a criminal case, or a death that happened abroad.

It is important to use solicitors experienced in the right areas of law. A solicitor who has helped you before, for example to buy a house, may not be the best solicitor for you now.

For advice on choosing a solicitor specialising in road death and personal injury claims, see Section 5: Can I claim compensation?

For more information about finding an expert solicitor that can help you, go to www.brake.org.uk/legal.

Wills

If you are the next of kin of an adult who has died, or you have been appointed as their representative, you need to find out if they made a will. Copies of wills may be held by a bank or solicitor or may have been deposited with the Probate Service. For more information, go to www.gov.uk and search for 'probate'.

A will appoints a person or people (known as an executor) to administer a dead person's estate (everything they owned). It gives instructions on what should happen to their possessions and money after their death. It may also include information about what sort of funeral they would like and whether they would prefer a burial or cremation.

Wills can be complicated. Sometimes there is no will. Whether or not there is a will, a specialist solicitor can give you advice on what you need to do. STEP provides details of solicitors who specialise in wills. Go to www.step.org, email step@step.org or call 020 3752 3700.

If you need advice about a will but cannot afford a solicitor, you can contact your local Citizens Advice office (www.citizensadvice.org.uk) or law centre for free advice. To find your nearest law centre, go to www.lawcentres.org.uk.

Benefits

Some people qualify for benefits after being bereaved. You may be able to claim benefits for all sorts of reasons, for example if a partner has died, or you are bringing up children on a low income.

If a person who died was claiming benefits or a state retirement pension, or you were receiving benefits for them, you need to let their benefits office know about the death.

To find out if you can claim any benefits, go to www.gov.uk and search for 'benefits'. For free advice from Citizens Advice, go to www.citizensadvice.org.uk.

Financial issues

Many people find their bereavement causes financial issues. For example, this may happen if a person who died was working and provided income. Some bereaved people struggle to pay bills at this time.

You may be able to get Bereavement Support Payment if your partner has died and you were under state pension age when they died. To find out more, go to www.gov.uk and search for 'bereavement support payment'.

Some bereaved people also find they are managing finances for the first time, because this used to be done by a person who died. Understanding finances that someone else previously managed can be challenging, particularly at such a difficult time.

The following organisations can give advice:

- StepChange Debt Charity
call 0800 138 1111 or go to stepchange.org
- National Debtline
call 0808 808 4000 or go to www.nationaldebtline.org
- Citizens Advice Adviceline
England: call 0800 144 8848 or go to www.citizensadvice.org.uk
Wales: call 0800 702 2020 or go to www.citizensadvice.org.uk
- MoneyHelper
call 0800 138 7777 or go to www.moneyhelper.org.uk

If you are pursuing a claim for compensation, it is sometimes possible to obtain an early partial payment, to help with immediate financial needs. Your solicitor can advise you (see page 104 in Section 5: Can I claim compensation?).

The Death Notification Service is a free service that allows you to notify a number of banks and building societies about a person's death, at the same time. To find out more, call [0333 207 6574](tel:03332076574) or go to www.deathnotificationsservice.co.uk.

Stopping unwanted mail

You may find it upsetting to receive junk mail, email or sales calls for someone who has died. One way to reduce the chance of this is to register, for free, with The Bereavement Register. Call 0800 082 1230 or go to www.thebereavementregister.org.uk. You can also register with The Bereavement Register by completing the form inserted in the cover of this pack.

You can also stop unwanted sales calls, mail and faxes by registering with the following services:

- Telephone Preference Service
call 0345 070 0707 or go to www.tpsonline.org.uk
- Mailing Preference Service
call 0207 291 3310 or go to www.mpsonline.org.uk
- Fax Preference Service
call 0345 070 0702 or go to www.fpsonline.org.uk

You may have to re-register with these services every few years.

Registering with these services may not stop all unwanted correspondence, but will reduce the chance of it happening.

Social media

Communicating with friends, family or colleagues through social media (such as Facebook, Instagram and X, or Twitter) is an important part of many people's lives. You may find comfort and support through your use of social media at this time.

It is important not to make comments publicly on websites that could create problems for a police investigation, a criminal trial or a compensation claim. If you wish to discuss such things with people who are close to you, it is safest to do so only through private messages or email.

There are websites that encourage people to state their views on public forums (for example, on news websites). These forums often contain a variety of views, some of which may not be sensitively worded nor fair comment. They may contain incorrect information.

A driver who has caused a crash may also post things on their own social media accounts that you may find upsetting. For your wellbeing, you may choose to avoid sites which could contain insensitive posts or incorrect information, and only visit places on the internet where you feel safe, supported and can trust what you are reading.

If you feel you are suffering online harassment, for example threats to harm you physically, talk to the police.

Your case in the media

Journalists from newspapers, online media, or radio or TV programmes, often want to cover crashes and court cases. You cannot stop the media from reporting on your case or publishing your name and where you are from. Journalists may publish or broadcast stories about your case without talking to you, or they may phone you, knock on your door, or approach you at a court hearing for a comment. They may ask you for a photograph or video of someone who has died. They may ask to interview you or photograph you.

Different people feel differently about the media. You may feel grateful for media coverage, or dislike it, or feel disappointed that there isn't more media coverage. It is up to you whether you talk to journalists or not.

You may decide to talk to journalists to help raise awareness of road safety, or to help find witnesses to the crash. You may find that you prefer to talk to some journalists but not to others. You may decide not to talk to journalists for personal reasons.

If you aren't contacted by journalists but want media coverage, you can contact them. You can call, email or write to journalists. Your solicitor (see page 44) or the police (see next page) may also be able to help you liaise with journalists.

Ask your police contact or your solicitor if there is anything you shouldn't talk about to journalists. If someone is accused of causing a death, it is important not to make comments that could create problems for a police investigation, a criminal trial or a compensation claim.

Police help with the media

The police may be able to help you to manage your relationship with the media, particularly in the first few days after the crash or around any court case.

The police often release their own media statements about crashes and resulting court cases to the media, and will be able to give these to you.

Your police contact should be able to give the media any written statement you want to make, any photograph you want to see published or video you want broadcast. In some cases, the police also organise press conferences for bereaved families. This might happen at the end of a court case, or to appeal for witnesses.

Police best practice is to help you develop a ‘media strategy’ that takes into account your views on media coverage.

Photographs and videos

When choosing a photo or video of someone who has died to pass on to the media, you may wish to consider how they might have wanted to be remembered. Your police contact can arrange for a photo to be altered if necessary – for example, taking a loved one’s image from a group photo.

You can ask the media to use a photo for a specific purpose and on just one occasion, accompanied by specific words from you, and then ask for the photo not to be used again.

If you would like a photo to be used on just one occasion, you should agree this with the journalist who contacts you, before the photo is used, and you should get a record of this agreement. You can ask the journalist to email you about how the photo will be used or you can ask if you can record their verbal agreement on your mobile phone.

You can release a photo to just one journalist or lots of journalists. Your police contact may be able to help.

You are advised not to give original photos or home videos to the media in case they lose them. Newsrooms can be hectic, messy places. It is better to give a digital copy, if you can.

Being interviewed by a journalist

Being interviewed by a journalist can be hard, particularly if they are a stranger and they want you to talk about how you feel. It can be particularly hard to do interviews that are being broadcast on radio or TV. If you decide to talk to a journalist, it can help to ask in advance what questions they want to ask, and to think what you might want to say. If you are doing an interview at a radio or TV station, you might want to take a friend for support, or if you would prefer, ask for the interview to be done at your home.

Making a comment or complaint about the media

If you are unhappy with a journalist's conduct or think that a journalist has published or broadcast something that is incorrect or unfair, you can make a complaint to the relevant news outlet, following their published complaints procedure. Sometimes the media offers to print or broadcast an apology. A newspaper or magazine may offer to print a letter from you.

Media outlets often sign up to codes of practice that require them to respect privacy and feelings of victims. To read these codes, go to www.brake.org.uk/codes-and-standards.

If you feel you are being harassed by a journalist, contact the Independent Press Standards Organisation (IPSO) helpline: 07799 903 929.

To make a complaint about broadcasting, go to www.ofcom.org.uk or call 0300 123 3333.

Roadside memorials

Some people bereaved in road crashes wish to place flowers and other things at the place where a loved one has died, in their memory. Some people see this as an important expression of their grief. You may or may not want to do this.

Many local authorities allow small temporary memorials such as flowers and cards. Some local authorities allow small permanent memorials, such as a plaque on a grass verge or, depending on the location, larger memorials such as a bench. Some local authorities may not allow any roadside memorials, and some may limit the length of time that flowers can be placed at the site of a crash. Memorials are not allowed on motorways.

If you want to seek permission for a roadside memorial, you need to talk to the highways department of the relevant local authority to find out what they allow. You may want to ask someone else to talk on your behalf to your local authority about roadside memorials. Brake's National Road Victim Service can do this for you. Your solicitor, police contact, or another support agency may also be able to help.

If cards or notes are placed by other people, you may want to ask your police contact to collect them after a period of time and give them to you.

The charity RoadPeace can provide a small plaque to use as a roadside memorial in memory of a loved one who has died. To order a plaque, email info@roadpeace.org or go to www.roadpeace.org.

Website memorials

Some people bereaved in road crashes decide to have a website in memory of a person who died, where they publish memories, poems, songs, messages, pictures or videos. There are several organisations that can provide this service, including ones that are free or low cost. You can ask a funeral director about these services.

Brake's National Road Victim Service can also put you in touch with these services, call [0808 8000 401](tel:08088000401) or email help@brake.org.uk.

You can find more information about memorialising and other ways to honour a loved one's memory at www.brake.org.uk/memories.

Some people bereaved by a road crash wish to campaign for road safety. For a list of organisations that can help you do this, turn to Section 6: Useful organisations.

If the crash happened abroad

If a loved one died abroad, there may be many added complications, such as different legal procedures or a language barrier.

Brake's National Road Victim Service works with the Foreign, Commonwealth and Development Office (FCDO) to provide emotional and practical support to families and friends in the UK of anyone killed in a road crash abroad.

If you have been in touch with the FCDO you should have been offered support from the National Road Victim Service. If not, you can call the National Road Victim Service on 0808 8000 401 (Monday–Friday, 10am–4pm) or email help@brake.org.uk.

You can also ask for support from FCDO Consular staff based at British Embassies, High Commissions and Consulates overseas, and in London in the Consular Directorate of the FCDO.

Consular staff can:

- give you information about burial or cremation in the country in which someone died, or information about transporting the body and personal belongings back to the UK;
- advise you how to register a death in the country where the person died;
- help you transfer money from the UK to pay costs;
- offer basic information about the local police system and legal system, including the availability of any legal aid;
- provide you with details of local lawyers, interpreters and funeral directors.

Consular staff cannot investigate deaths abroad nor give legal advice. If you have concerns about legal issues, a solicitor with experience of dealing with deaths abroad can advise you (see page 44).

Foreign, Commonwealth & Development Office (FCDO) guidance explains what support is available to family and friends if a loved one died abroad. To get this guidance online, go to www.gov.uk and search for 'support for British nationals abroad'.

If the person who died had travel insurance, it is advisable to contact the insurer as soon as possible, in case there is a possibility of a claim.

You can contact the FCDO for help and advice from anywhere in the world by calling [+44 \(0\)20 7008 5000](tel:+442070085000) or go to www.gov.uk and search 'support for British nationals abroad'. To find your nearest British embassy, High Commission or Consulate, go to www.gov.uk/world/embassies.

If you need help with practical challenges or emotional support, Brake's National Road Victim Service is here for you. Call [0808 8000 401](tel:08088000401), email help@brake.org.uk or go to www.brake.org.uk/support.

SECTION 3

Criminal investigations and charges

The police investigation

A death on the road is investigated by the police and you can contact them to find out how an investigation is progressing.

The police have a duty to gather evidence that might indicate someone, or more than one person, committed a crime and needs to be prosecuted. A police investigation can take a long time. How long it takes will depend on your case, and the police can advise you.

Often a crash has one or more causes that can be identified. Sometimes, but not always, one or more of these causes is a crime.

Sometimes one or more causes are not due to a crime. It is not the main purpose of the police investigation to identify those other causes or call for any changes to be made to eliminate those causes.

If someone has died, but there is no evidence a criminal offence has been committed, then no one will be charged. Criminal charges require criminal evidence.

Even if a driver is suspected of committing a criminal offence, they may not be arrested. A driver will only be arrested if certain conditions are met. If they are not arrested, they will be interviewed under caution at a later date, and may be charged with committing an offence.

The Crown Prosecution Service (CPS) decides whether a criminal charge will be brought against a person. For more information about the CPS, see page 60.

You have the right to be provided with information about the police investigation. This is written into a government document called 'Code of practice for victims of crime' (Victims' Code). You can access this document at www.brake.org.uk/codes-and-standards.

Evidence from vehicles

Crash investigation officers, employed by the police or other agencies working in partnership with the police, may remove and examine vehicles to:

- find out if they are mechanically defective
- get more information about what happened, by studying vehicle damage or vehicle electronic data, for example a vehicle's speed and braking, or how long it was driven for.

Cameras attached to a vehicle that were pointing at the driver, or the road, may provide vital information. Cameras are also used by some cyclists.

If a lorry, bus or coach was involved, then a vehicle examiner with particular expertise in studying commercial vehicles should carry out the vehicle examination. They may look at brakes and other potential major faults and any driving records (showing when a driver took breaks and how long for).

Evidence from people

People involved in the crash can be tested for alcohol, drugs and have their eyesight checked. This includes testing injured drivers if permission is given by medical staff caring for them.

The police may seek other medical evidence to help show what happened in a crash. Medical evidence may be provided by staff who tended to a loved one at the crash or in hospital, and by the pathologist who did the post mortem (see page 26 in Section 1: What happens now?).

People involved in the crash, or who witnessed the crash or events leading up to or after the crash, may be asked to give a statement (see page 58). They may also be asked to give the police their mobile phones.

The police may issue an appeal for witnesses, through the media or through notices at the scene.

Evidence from the scene

Crash investigation officers can photograph, video and measure the crash location, at the time of the crash and sometimes later too.

They record things like vehicle positions in the crash, skid marks on the road, and damage to objects, such as bollards. They also analyse any available footage, for example from street cameras (CCTV).

If the crash involved someone driving for work

If the crash involved someone driving for work, the police or other agencies may need to investigate their employer, to find out if there was any failure by the employer to ensure a vehicle was safe or driven safely.

They may need to interview people or seize paperwork.

The Health and Safety Executive (HSE) may get involved in the investigation. HSE inspectors aim to identify whether an employer has failed to ensure effective health and safety procedures were in place and followed. The investigation will usually be conducted jointly with the police. The police will be able to tell you if the HSE are involved. The HSE can take enforcement action against an employer.

For more information about the Health and Safety Executive (HSE), go to www.hse.gov.uk.

Giving a statement

The police may take statements from different people. If you were involved in the crash, you saw the crash, or you saw vehicles before or after the crash, you may be asked to give a statement.

If you were not involved in the crash, but knew the movements of a loved one on the day they died, you may be asked to give a statement.

If you give a statement, the police will write down and may record what you say.

If you give a statement, a lawyer, or more than one lawyer, may want to interview you too. This is an essential part of the investigation and helps lawyers understand the evidence you are providing.

Your contact details remain confidential - they cannot be given to someone accused of a crime.

It may be possible for a relative or friend to attend an interview with you to offer support. If you want to be accompanied ask if this is possible. If you have particular communication needs you may also be entitled to assistance from an interpreter or intermediary (someone who helps communicate questions the police ask, and your answers).

The police may also offer you the opportunity to make a Victim Personal Statement (see page 62).

If you give a statement, you may or may not be required, at a later date, to give evidence in court. For information about giving evidence in court and support to help you do this, see Section 4: Court cases.

The police are required to meet certain standards for how they investigate fatal road crashes. These standards are written into a police document called 'Authorised Professional Practice (APP): Investigation of fatal and serious injury road collisions'. You can access this document at www.brake.org.uk/codes-and-standards.

Police reports

After the crash, the police may prepare a basic collision report that contains information about who was involved, where the crash happened, who witnessed the crash and the circumstances of the crash.

If someone has died, the investigating officer prepares a full report that contains additional information, such as witness statements, a forensic collision investigation report and a post-mortem report. It can take the police a long time to gather all the evidence they need and prepare the full report. This will depend on your case and your police contact can advise you.

If the police investigation finds any evidence that suggests a crime may have been committed, this evidence is compiled into a prosecution report. This report is sent to the Crown Prosecution Service (see next page) to see if one or more criminal charges should be brought against anyone. For more information about this process, talk to your police contact.

You are not automatically entitled to see any of the police reports. You may be able to get a copy after any criminal proceedings have finished, or if there is no criminal prosecution.

If you wish to see a copy of a police report or parts of it, you or your solicitor can ask the police. You may have to pay for it. If you are using a solicitor to make a claim for compensation, your solicitor may be able to reclaim the charge as part of the claim.

Before reading a police report, you may want to ask your solicitor or police contact what it contains. Police reports often contain sensitive evidence which you may find upsetting. It will be possible for the police or your solicitor to remove anything you don't want to see or read.

The police are required to meet certain standards for the disclosure of information after a road crash. These standards are written into a Crown Prosecution Service document called 'Disclosure of Material to Third Parties'. You can access this document at www.brake.org.uk/codes-and-standards.

The Crown Prosecution Service

The Crown Prosecution Service (CPS) is the main agency responsible for prosecuting criminal cases that have been investigated by the police in England and Wales. It works from regional offices.

The purpose of a criminal prosecution is to find out if someone has broken the law and appropriately sentence them.

The CPS employs lawyers who use a two-part test to decide whether a person should be prosecuted:

1. **There must be enough evidence for a 'realistic prospect of conviction'.**
This means that it is more likely than not that the person will be convicted. (This is different to the way a court decides whether to convict a person. A court should convict someone only if they are sure they are guilty.)
2. **It must be in the public interest to prosecute.** If someone has died as a result of a crime, a prosecution is usually in the public interest.

The CPS will only make a decision to prosecute a case if both parts of the test are met.

Following a review of the evidence, the CPS selects the most appropriate charge or charges to reflect the seriousness and extent of any offending.

There may be rules about the time frames for starting a prosecution. The CPS or your police contact can advise you.

The general principles the CPS must follow when making decisions on cases are written into a CPS document called 'The Code for Crown Prosecutors'. You can access this document at www.brake.org.uk/codes-and-standards.

Meeting the CPS

If someone is being charged with committing a serious offence, the CPS will offer to meet you to explain what will happen. They will explain the progress of the case and what may happen at any court hearings. They will also explain the possible sentences available for the offences charged. The CPS will also offer to meet with you if there are any substantial changes to the charges or if a charge is being dropped (see page 65). Evidence relating to the case will not be discussed at a meeting with the CPS.

If you aren't offered a meeting, and you would like to talk to the CPS, you can ask if a meeting is possible.

The CPS acts independently and not on behalf of victims. However, when deciding if a prosecution is in the public interest, the CPS should consider your views about how the death of your loved one has affected your life and the lives of others.

To find contact details for your local CPS office, go to www.cps.gov.uk.

Telling the CPS what you think, and staying informed

You can help the CPS to hear your views and help them inform you about a criminal prosecution (whether it is happening, or if charges are changed or dropped, and reasons why). You can:

- make a Victim Personal Statement (see page 62)
- contact the CPS and ask them to keep you informed. You can do this directly or through your police contact, or solicitor
- ask for a meeting with the CPS.

The CPS is required to meet certain standards, that aim to help victims of crime. These standards are written into a government document called 'Code of practice for victims of crime' (Victims' Code). You can access this document at www.brake.org.uk/codes-and-standards.

For more information about your right to support from criminal justice agencies, including the CPS, see page 9.

Victim Personal Statements

A Victim Personal Statement is a written statement by you, about the effect of the crash on you and your family.

In your statement you can explain how the crash has affected your life and others' lives, for example physically, emotionally, and financially.

A Victim Personal Statement cannot be used to express thoughts on who caused a crash or what punishment they should be given.

A Victim Personal Statement is an important document because it:

- will be read by the CPS when considering prosecution decisions (see page 60)
- becomes part of the CPS's case papers and helps show the level of harm caused by an alleged offence. This is considered when sentencing someone, along with evidence and sentencing rules
- can be used within a claim for compensation by you (see page 97)
- can be taken into account if decisions are being made about an imprisoned offender's parole (for example, their release date)
- can help the public understand the effect of crashes and the importance of road safety, if it is read in court and reported in the media (see page 79 about a victim statement being read in court, and page 49 for information about talking to the media)
- will be seen by a person who committed a crime.

If the police have not already offered the opportunity to make a Victim Personal Statement, ask your police contact. If you think of something later, that you want to add, you can make another statement.

You do not have to make a Victim Personal Statement if you do not want to. It will not damage the case in any way or affect whether the defendant is found guilty or not guilty.

Help writing your Victim Personal Statement

You can write your own statement or someone else can write down what you say. You may wish to seek help with your statement, to ensure you:

- comply with the rules about what can be said in it
- say everything you want to say, with accuracy
- say everything that may be useful to be heard in various circumstances, for example prior to sentencing someone, when considering parole, or in a claim for compensation you are pursuing
- express your thoughts in ways that reflect your views and values.

You may want to seek help from:

- a solicitor you have hired to pursue a claim for compensation (see page 44). They can make sure you include things in your statement relevant to that claim
- the National Road Victim Service
- your police contact
- a charity that supports victims of crime
- other people you know in your family or community.

You may particularly want to seek help if you have challenges communicating, for example due to English not being your first language, or due to disability or illness.

Your right to make a Victim Personal Statement and what this entails is written into a government document called 'Code of practice for victims of crime' (Victims' Code). You can access this document at www.brake.org.uk/codes-and-standards.

For more information and a guide to making a Victim Personal Statement, go to www.gov.uk and search for 'victim personal statement'.

Charging someone with an offence

Someone who is charged with an offence is often called 'the accused'. If the CPS decides to prosecute, they may be arrested and taken to a police station to be charged. Alternatively, they may be issued with a court summons which describes the offence and when the case will be heard in court.

The possibility of bail

An accused person may be remanded in custody (imprisoned) or given bail (allowed to remain free before their case is heard). The accused will be granted bail unless the court has reason to believe they would:

- not attend a court appearance
- commit an offence while on bail
- interfere with witnesses
- obstruct the course of justice.

An accused person remanded in custody may apply for bail at different stages, even if bail has been refused earlier. They may appeal against a decision not to grant bail. If bail is refused on appeal, the accused can ask for the decision to be reviewed, but only if there is good reason. If bail is granted, the prosecution can only appeal against the decision in rare circumstances.

People on bail are required to turn up, when required, to court hearings. Other conditions may include limiting where the accused person can live, or preventing them coming near you or your home or near someone else. A person on bail can also be electronically tagged.

Decisions about whether an accused person can drive

A court may require an accused person to refrain from driving as a condition of bail, but only if it considers that it is necessary to prevent them from committing further offences.

Otherwise, an accused person who is on bail and who possesses a valid driving licence will be allowed to continue driving while awaiting trial. If convicted of a crime, they may or may not be disqualified from driving. See page 81 for more information about disqualification.

If the accused is granted bail and their behaviour concerns you, for example you see them driving in a way you consider dangerous, or if they threaten you, report it to your police contact.

Victims' Right to Review

If you are unhappy with a police or CPS decision about prosecution, you may have the right to request a review of the decision under the Victims' Right to Review Scheme.

To find out if you qualify for the Victims' Right to Review scheme, talk to your police contact or the CPS. For more information, go to www.cps.gov.uk and search for 'Victims' right to review scheme'.

Bringing a private prosecution or a judicial review

It is sometimes possible for a member of the public, rather than the CPS, to prosecute another person for a criminal offence. This is called a private prosecution. The process is very expensive and you cannot claim legal aid.

Members of the public can also use a process called judicial review to challenge the way the CPS has made a decision about prosecution. This process is also expensive.

For more information about charging policy, go to www.cps.gov.uk.

Changes to charges

Sometimes, if the accused is charged with a serious offence, their lawyers ask the CPS for the charge to be changed to a less serious offence. This request can happen before a case goes to trial.

The CPS may decide to continue charging the accused with the serious offence or may decide to charge the accused with a less serious offence. Their decision is based on the evidence and what is in the public interest. It may include factors such as the availability of witnesses.

The CPS will offer to meet with you if there are any substantial changes to the charges or if a charge is being dropped. They will also write to you to explain how this decision has been made.

Criminal offences

There are different offences that someone can be charged with after a crash, depending on the evidence collected.

It may help to know that:

- some offences mention that a death or deaths have occurred, but others do not
- sometimes it is only possible for someone to be charged with an offence that does not mention the death or deaths
- sometimes a person, or more than one person, is charged with committing more than one offence.

Some of the offences that someone can be charged with following death on the road include:

Offences that mention that a death or injury has occurred

- Causing death by dangerous driving
- Causing death by careless or inconsiderate driving
- Causing death by careless driving when under the influence of drink or drugs
- Causing death by driving: unlicensed or uninsured drivers
- Causing death by driving: disqualified drivers
- Causing serious injury by dangerous driving
- Causing serious injury by careless or inconsiderate driving
- Causing serious injury by driving: disqualified drivers
- Murder and manslaughter
- Wounding/causing grievous bodily harm with intent
- Wanton or furious driving causing bodily harm
- Corporate manslaughter and corporate homicide
- Gross negligence manslaughter by company employees

Offences that do not mention that a death or injury has occurred

- Careless driving
- Dangerous driving
- Driving otherwise than in accordance with a licence
- Driving while disqualified
- Driving without insurance
- Aiding and abetting another offence
- Aggravated vehicle taking
- Failing to stop or report an accident

For more information about these offences and the maximum penalties for each offence, go to www.brake.org.uk/offences.

Maximum penalties are set by Parliament and are different for different offences, sometimes significantly. Courts rarely impose the maximum penalty.

Sometimes, new offences are created, or there are changes to the definition of offences or the maximum penalty for an offence.

If you need more information about why someone has, or has not, been charged with a particular offence, you can ask the CPS for a meeting (see page 61), or ask your solicitor (see page 44). You can also ask the National Road Victim Service to email you more information or explain something to you over the phone.

If you need help with practical challenges or emotional support, Brake's National Road Victim Service is here for you. Call 0808 8000 401, email help@brake.org.uk or go to www.brake.org.uk/support.

SECTION 4

Court cases

Court cases

Information and advice on court cases after a fatal crash

Attending court	69
Seeing the accused or their friends around the courthouse	69
Where you can sit in the courtroom	70
What you may see and hear, and how you may feel	70
Courtroom changes and delays	70
If you are asked to be a witness in court	71
Support for vulnerable or intimidated witnesses	71
Support in court	72
Court procedures	
Courts where offences are heard	73
Preliminary hearings and length of trials	73
What happens in a Magistrates' Court?	74
What happens in the Crown Court?	75
Youth Courts	77
The verdict	78
Pleas in mitigation and background reports	78
Sentencing	79
Driving bans	81
Appeals	
Appeals by an offender	82
Appeals by the prosecution	82
Appeals to the Supreme Court	83
When can appeals be lodged?	83
Prisoner release	
Will an offender serve their whole sentence in prison?	84
Will an offender serve their whole driving disqualification?	85
Will I be told when an offender is going to be released?	86
Coroner investigations and inquests	87
Having your say about criminal justice	94
Restorative justice	96

Attending court

Most criminal cases and appeals are held in public courtrooms. This means that you can attend, although you don't have to unless you are called as a witness (see page 71). The information in this section can help you decide if you want to go or not, and help prepare you if you do decide to go.

Your Witness Care Unit contact or your police contact should tell you the date, location and outcome of any criminal court hearing within one working day of knowing the date themselves.

If you decide to attend a court hearing, it may help to have support. Your police contact may be able to come with you. You can also bring friends and family. The court will try to find places for everyone to sit, although the number of seats available may be limited.

For more information about who can help you prepare for a court visit and support you in court, see page 72. If you are unsure who is going to help you, or what will happen, talk to your police contact.

The police and Witness Care Units are required to meet certain standards, that aim to help victims of crime. These standards are written into the government document called 'Code of practice for victims of crime' (Victims' Code). You can access this document at www.brake.org.uk/codes-and-standards.

Seeing the accused or their friends around the courthouse

If you were not in the crash, court may be the first place that you see an accused person or their friends. If the accused is on bail, they will be able to use the public areas of the court.

You may want to avoid being in the same space as the accused. Some courts can provide a quiet room for victims to sit and wait for the court hearing. You can ask court staff or the Witness Service if this is possible.

Someone from the Witness Service may be able to accompany you if you need to use the same public areas as the accused. See page 72 for more information about the Witness Service.

Where you can sit in the courtroom

In the courtroom, you and anyone supporting you, as well as friends of the accused and any journalists, can sit in the public gallery. (If you are a witness, you will not be able to sit in the gallery until you have given evidence.)

It may be possible for you to be seated away from the accused's friends in court. You can ask court staff, or the Witness Service (see page 72) about this.

In court, the accused person is referred to as the defendant. This is because they are defending the case against them.

What you may see and hear, and how you may feel

Evidence is presented in court for the benefit of the judge and jury or magistrates. Sometimes you may not be able to see evidence being discussed (such as diagrams or videos). If you can see evidence, some of it may be particularly upsetting. You may also strongly disagree with one or more things said in court by a lawyer for the defendant, or by a witness.

If you think you may get upset and need to leave the courtroom, you can. You are allowed to leave and re-enter a courtroom quietly. While you are in court, you are required to sit quietly and not talk. People who disturb court proceedings can be asked to leave.

You are usually allowed to take notes in court, but sometimes there are legal reasons that prevent this. You should check with court staff first. You are not allowed to take photos or make sound recordings. You should switch off your phone or other devices before you enter the courtroom.

Courtroom changes and delays

Sometimes a court building has many courtrooms in it. Sometimes the courtroom in which your case will be heard changes. Sometimes the start time of a hearing is delayed, or a hearing is postponed to another day. Your police or CPS contact should be able to keep you up to date with what is happening.

If you are asked to be a witness in court

If you are a witness, you will already have given a statement (see page 57). In some cases, this statement can be used as your evidence in court. In other cases, you may have to give evidence in court.

If you are asked to be a witness, it may help to have support. A list of people and organisations that can support you is on page 72.

Support for vulnerable or intimidated witnesses

Witnesses who are vulnerable or feel intimidated may be able to give evidence with the assistance of special measures such as:

- screening (so you and the defendant cannot see each other)
- live television links
- hearings in private
- use of an intermediary (someone who helps communicate to you questions you are being asked by the court, and communicate back your answers)
- allowing a video-recorded statement to act as evidence at trial.

The court has to follow legal guidelines regarding who is eligible for special measures. If you want to find out if you can use any special measures, talk to your police contact or witness care officer.

The CPS has to apply to the court for use of special measures and the court decides whether they will allow you to use them or not. You may be able to practise using special measures during a court visit before the trial.

If you have access to the internet, you can take a virtual tour of some courtrooms to see the layout of the courtroom and find out more about court procedures. The charity Victim Support has an interactive courtroom on its website to explain to children and young people what happens in a courtroom. To visit the interactive courtroom, go to www.victimsupport.org.uk and search for 'interactive courtroom'.

To find out more about going to court and giving evidence as a witness, go to www.gov.uk and search for 'witness'.

Support in court

Attending a court hearing or being a witness in court is a new experience for most people. The following may be able to help you prepare for a visit to court or support you in court.

- **The Crown Prosecution Service (CPS).** The CPS should provide someone to help you understand what is happening in court and answer your questions about court procedures. Your police contact can help you arrange this. The CPS is committed to treating all witnesses in court with respect and sensitivity. This is written into the government documents called 'Code of practice for victims of crime' and 'Victims and witnesses: Care and treatment'. You can access these documents at www.brake.org.uk/codes-and-standards.
- **Witness Care Units.** Witness Care Units provide information and support to victims and witnesses in cases progressing through the criminal justice system. Witness Care Units are run jointly by the CPS and the police.
- **Witness care officer.** You should be assigned a witness care officer to help you and give you information about what will happen in court. The witness care officer works for the Witness Care Unit. You can ask your witness care officer to help you if you don't have access to the internet, or need information in a different language.
- **The Witness Service.** The Witness Service may be able to help you prepare for court and support you in court. The service is run by Citizens Advice and is free and confidential. Your Witness Care Unit or police contact can refer you to the Witness Service or you can refer yourself. To get help from the Witness Service, call 0300 332 1000 or go to www.citizensadvice.org.uk/witness.

For more advice on how to access support in court, call Brake's National Road Victim Service on 0808 8000 401 or email help@brake.org.uk.

The criminal justice system is required to meet certain standards of care for people who have witnessed a crime. These standards are written into the government document called 'The Witness Charter'. You can access this document at www.brake.org.uk/codes-and-standards.

Courts where offences are heard

There are three kinds of offence and these can be heard in different courts.

- **Summary offences.** Summary offences are heard at a Magistrates' Court. For some offences, a Magistrates' Court can sentence offenders to up to six months in prison (or 12 months in some cases) and an unlimited fine.
- **Indictable-only offences.** Indictable-only offences are heard at a Crown Court. A Crown Court can impose more severe sentences.
- **'Either way' offences.** An either way offence can be heard in a Magistrates' Court or a Crown Court. A more serious either way offence may be heard by the Crown Court. An either way offence will also be heard at a Crown Court if an accused person chooses to have their case heard there.

Preliminary hearings and length of trials

Before the main trial goes ahead, a prosecution may start with one or more short hearings, which are also called 'preliminary hearings'.

These short hearings give lawyers an opportunity to talk about any legal issues that may affect the case and discuss the availability of witnesses.

The aim of these hearings is to help a trial proceed smoothly without unnecessary delays. No witnesses will be called at these hearings.

Cases can take a long time to come to court. This may be because witnesses need to be traced or documents need to be obtained, or for other reasons. Court hearings may also start late, be cut short or be postponed.

Your witness care officer (see page 72) will be able to explain to you what is likely to happen at a planned hearing and how a case is progressing.

What happens in a Magistrates' Court?

A case heard in a Magistrates' Court is usually determined by magistrates. Magistrates are trained volunteers who normally sit in twos or threes with one as chairperson. They sit with a legal adviser who is a qualified lawyer. The legal adviser gives the magistrates advice about the law and court procedure and records decisions. Magistrates do not wear robes or judicial wigs. In some Magistrates' Courts there are legally qualified district judges who sit alone.

Magistrates' Court hearings and trials

The defendant is usually required to appear in court to plead guilty or not guilty.

In some cases, someone who is accused of a less serious offence may be able to plead guilty by completing a form and posting it to the court instead of attending court.

If the defendant pleads guilty, the magistrates or district judge will hear the facts of the case before sentencing.

If the defendant pleads not guilty, then a date is usually set for a trial and the case is adjourned until that date. Magistrates' Court trial dates may be set some time ahead to allow lawyers time to prepare. Sometimes trial dates are postponed, occasionally this happens at the last minute.

The people who speak in court for each side are usually lawyers. In some cases, a trained representative who is not a lawyer may speak for the CPS. The defendant may choose to speak for themselves.

The person speaking for the CPS presents the evidence against the defendant. The person speaking for the defendant then presents their case.

Both sides may call witnesses to give evidence. Witnesses may include police crash investigation officers or someone who witnessed a crash.

Photographs, videos and diagrams may be shown. Both sides can ask questions or put statements to witnesses. The magistrates can also ask witnesses questions.

If both sides agree in advance of the trial that a written statement given by a witness is not going to be challenged in court, then that witness may not be required to attend court, and their written evidence may be read out instead. The defendant can choose not to give evidence. If they do give evidence, they can also be questioned.

After all of the evidence has been presented, the lawyers for both sides make closing speeches. The person speaking for the CPS will speak first. The magistrates, or district judge, then consider their verdict. If found guilty, the offender is sentenced. See pages 78–81 for information on verdicts and sentencing.

Magistrates' Courts are sometimes held in buildings which serve other uses, such as town halls.

What happens in the Crown Court?

Most cases heard in the Crown Court are determined by judges and juries.

The judge decides on matters of law and the sentence if a defendant pleads guilty, or is found guilty after a trial. The judge and the lawyers who present evidence in the Crown Court wear robes and some wear judicial wigs.

If a defendant pleads not guilty, there will be a trial by jury to decide if they are guilty or innocent. A jury is made up of 12 members of the public, chosen at random from the electoral register. The judge will direct the jury to try to reach a unanimous verdict, which means that all members of the jury reach the same verdict. In some cases, the judge may allow a jury to reach a majority verdict. This means that 10 of the 12 members of the jury need to agree the verdict.

Crown Court hearings and trials

Before a Crown Court hearing, a defendant must appear at least once in a Magistrates' Court, where the charge is read out.

If a defendant is being charged with an 'either way' offence that will be heard in the Crown Court, the defendant will usually appear once in the Magistrates' Court before the case moves to the Crown Court. Sometimes a case can be heard entirely in the Magistrates' Court. Sometimes a case is heard in the Magistrates' Court but sentencing takes place in the Crown Court.

- If a defendant pleads not guilty, the first hearing at Crown Court should take place about four weeks after they appear at a Magistrates' Court.
- If a defendant pleads guilty to an 'either way' offence (see page 73) in the Magistrates' Court, the sentencing hearing in the Crown Court should take place after about three weeks.

At the first Crown Court hearing, the defendant usually says whether they are pleading guilty or not guilty. Sometimes the judge will set a date for this to happen at a second hearing.

- If a defendant pleads guilty, the judge will sentence them (see page 79). This may be at a later date.
- If the defendant pleads not guilty, a date is set for a trial.

A trial date may be many weeks or months ahead. Sometimes additional hearings take place before a trial so lawyers and the judge can discuss certain legal matters.

At a Crown Court trial, the evidence for the prosecution is presented by a lawyer. The prosecution lawyer may be someone who is employed by the CPS, or someone who is paid to represent the CPS for the case.

The lawyers for the prosecution and defence present evidence to the judge and jury to support their cases. Photos, videos and diagrams may be shown to the jury. The lawyers may read statements from witnesses and call witnesses to give evidence in court. Witnesses may include police crash investigation officers or someone who witnessed a crash.

The lawyers representing either side, and the judge, can ask any witness questions. The defendant can choose not to give evidence.

After the evidence has been presented the lawyers make closing speeches. Then the judge sums up. The jury retires to consider its verdict. If the verdict is guilty, the judge considers the sentence. Turn to pages 78–81 for information on verdicts and sentencing.

Youth Courts

If a young person aged between 10 and 17 is charged with one or more criminal offences, their case will be heard in a Youth Court.

Youth Courts are part of Magistrates' Courts. Up to three specially trained magistrates or a district judge hear a case. If a young person is charged with a very serious offence, the Youth Court can send them to the Crown Court for trial or sentence.

Youth Court hearings are not open to the public and you can only attend if you have been given permission by the magistrates.

If a young person is found guilty of a criminal offence they may receive a custodial sentence. Custody for young people is unusual.

For more information about sentences for young people who commit criminal offences, go to www.gov.uk and search for 'sentences for children'.

The verdict

At trial, there are three possible verdicts: guilty, not guilty, and, in some cases, guilty of a lesser offence.

Sometimes, no verdict can be reached. In this case, a retrial may happen. Sometimes during a trial the defendant changes their plea. They might decide to plead guilty after previously pleading not guilty. Or they might decide to plead guilty to a lesser offence.

If the verdict is not guilty, the defendant goes free. Even if new evidence emerges against them, they cannot be tried again (except in very rare circumstances and for very serious offences).

A person who is found guilty of committing a crime is called an offender.

Pleas in mitigation and background reports

Before an offender is sentenced, their lawyer will advise the judge or magistrates about any mitigating factors that they think might reduce the sentence, such as an offender's stated remorse or personal circumstances.

The judge or magistrates may ask for background information about the offender. Sentencing may be delayed to a later date so this background information can be provided and the judge or magistrates can consider the sentence.

Sentencing

An offender's sentence is decided by the magistrates, district judge or Crown Court judge.

When sentencing, the court must follow any sentencing guidelines for specific offences. If these are not available, courts must follow the general sentencing guideline and case law (the level of sentences in similar cases in the past).

Various other things may be taken into account, including:

- the facts of the case, including the standard of the driving of the offender
- any 'pleas in mitigation' or the findings of background reports (see previous page)
- Victim Personal Statements (see page 62 in Section 3: Criminal investigation and charges)
- whether the offender pleaded guilty or not. If the offender pleaded guilty, then the sentence can be reduced. This is called a 'discount'. The maximum discount for an early guilty plea is one-third of the sentence
- the maximum penalty of the offence. The Crown Court can impose much tougher penalties than a Magistrates' Court. In some cases, a Magistrates' Court may refer a case to the Crown Court for sentencing.

The court will consider whether to impose a prison sentence, a community-based sentence (see pages 81 and 82) or a fine.

For more information about sentencing, including sentencing guidelines, go to the Sentencing Council website at www.sentencingcouncil.org.uk.

Community sentences

Often a community sentence is given, rather than a prison sentence. This means an offender has to serve their sentence under supervision in the community.

For adults this is called a community order.

For young people this is called either a youth rehabilitation order or a referral order.

As part of a community order or youth rehabilitation order, the judge or magistrates can impose a combination of different requirements, including:

- unpaid work on behalf of the community
- a curfew
- a requirement to attend an offender training course (for example a course on the dangers of drink driving).

In a referral order, a panel of people from the local community and youth justice workers agree a programme of work to address the young person's behaviour.

If an offender doesn't comply with the requirements of a community sentence, they may have to go back to court and they may receive a different sentence.

For more information, go to www.gov.uk and search for 'community sentences'.

Suspended sentences

If an offender is given a prison sentence of two years or under, the court may decide to suspend the sentence. This means that the offender does not go to prison, so long as they do not reoffend during the period of their suspended sentence, and comply with any requirements set by the court.

These requirements could include unpaid work on behalf of the community, a curfew, or attending a treatment programme for alcohol or drugs, or another rehabilitation activity.

If an offender does not comply with the requirements, or is convicted of another offence during their suspended sentence, they may be ordered to serve the original prison sentence as well as any sentence they are given for a new offence.

Driving bans

Some offenders are disqualified from driving for a minimum period. This depends on the offence that has been committed. For example, an offender convicted of causing death by dangerous driving must be disqualified from driving for five years. The court will take into account any previous convictions or disqualifications.

The law sets out the minimum period of a driving disqualification but courts can impose longer bans, including life bans. Courts are required to consider the impact of a prison sentence when imposing a driving ban, which means the disqualification should be extended by the amount of time the offender spends in prison. They will also consider how a ban might affect an offender's rehabilitation.

If an offender is classed as a 'High Risk Offender', they will need to prove to the DVLA that they are medically fit to drive again. They will also need to complete, and pay for, a medical assessment, including blood tests, before they can drive again.

A court rarely imposes the maximum penalty and often imposes a lower penalty. If you are unhappy with a sentence and wish to make your views known, you can contact the CPS. See page 95 for how to do this.

Appeals by an offender

An offender may appeal against their conviction or sentence or both. If they are in prison, they can apply for bail and in some cases may be released while waiting for their appeal.

If the case was heard in a Magistrates' Court, the offender has the right to appeal against their conviction or sentence. The appeal will be heard in the Crown Court by a judge who sits with two magistrates. There is no jury. The Crown Court has the power to quash the conviction or to change the sentence to be more lenient or more severe.

If the case was heard in the Crown Court, the offender has the right to appeal against their conviction or sentence, or both. If an appeal does go ahead, it is heard in the Court of Appeal. The Court of Appeal may uphold the conviction, change the conviction to a conviction for a different offence, change the sentence to be more lenient, acquit the person, or order a re-trial. The Court of Appeal can also order an offender to serve additional days in prison if it considers the appeal should never have been brought.

Appeals by the prosecution

The prosecution has no automatic right to appeal a decision made in a Magistrates' Court. However, in some circumstances, if there has been a legal error, it may be possible. This appeal is made to the High Court.

The CPS has no power to appeal against a verdict of not guilty in the Crown Court. For some serious offences, if the CPS thinks the sentence is too low, they may ask the Attorney General to refer a sentence to the Court of Appeal.

If you think a Crown Court sentence is too low, you can ask for it to be reviewed by the Attorney General's Office (AGO). For more information, go to www.gov.uk and search for 'ask Crown Court sentence review'.

Appeals to the Supreme Court

Either the prosecution or the offender may appeal to the Supreme Court if there is a point of law being questioned that is of general public importance.

When can appeals be lodged?

All appeals must be lodged within 28 days of a sentence being imposed and sometimes sooner. Appeals to the High Court (judicial review) must be brought within three months.

You have the right to be informed of any appeals. This is written into the government document called 'Code of practice for victims of crime'. You can access this document at www.brake.org.uk/codes-and-standards.

You can ask your police or Witness Care Unit contact whether an appeal has been lodged by the offender or the CPS. They can tell you the date of an appeal, update on its progress or tell you any outcome.

Will an offender serve their whole sentence in prison?

Offenders are usually released from prison before the end of their sentence.

Most offenders are given a standard determinate sentence and will be released on licence after serving 40% of their sentence in prison. Some offenders who have committed very serious offences will be required to serve two-thirds of their sentence in prison.

An offender who has committed a serious offence and is considered by the courts to be dangerous may be given an extended sentence or a life sentence. In this case they are likely to serve more, or all, of their sentence in prison. This depends on a risk assessment by the Parole Board.

After release, an offender will serve the rest of the sentence on licence. An offender on licence is supervised in the community by the probation service.

An offender serving a sentence of less than two years will usually serve an additional period of post-sentence supervision after their sentence has expired. This is also supervised in the community by the probation service.

Offenders who are on licence or serving a period of supervision are required to comply with certain conditions. These may include living at a certain address, a curfew, a requirement not to make contact with you, and compulsory meetings with the probation service. If an offender fails to comply with these conditions or commits another offence they may be given a warning or have to go back to prison.

Sometimes an offender is released early under the Home Detention Curfew Scheme. Under this scheme, an offender must stay at a particular address during certain hours and wear an electronic tag to monitor their movements.

Sometimes an offender is released from prison for a short time on a temporary licence. This could be to attend a funeral, to have medical treatment, or to prepare for their return to the community. Offenders must return to prison at the end of a temporary licence.

Will an offender serve their whole driving disqualification?

Under certain circumstances, an offender who has been disqualified from driving can apply to court to have their disqualification period reduced.

This process is normally called a 'removal of disqualification' application. An offender can apply to the court for a removal of disqualification after:

- two years, if the disqualification was for between two and four years;
- half the disqualification period, if the disqualification was for between four and 10 years;
- five years, if the disqualification was for 10 years or more (including disqualification for life).

The offender must have a good reason for asking for the disqualification to be reduced: for example, if there has been a change in circumstances such as the offender developing a disability. If the court refuses the application, the offender can reapply after three months.

Will I be told when an offender is going to be released?

If an offender is sentenced to 12 months or more in prison for certain, serious violent offences (which includes some serious driving offences), you should be invited to join the Victim Contact Scheme run by the National Probation Service. If you join the scheme, you should be assigned a Victim Liaison Officer.

You can join the scheme when an offender is sentenced or at a later date, while they are still serving their prison sentence. This is written into the government document called 'Code of practice for victims of crime'. You can access this document at www.brake.org.uk/codes-and-standards.

Your Victim Liaison Officer can inform you, if you wish, about key stages in an offender's sentence. For example, they can tell you:

- if an offender is being considered for transfer to an open prison; or
- if an offender becomes eligible to be considered for release.

You can also talk to your Victim Liaison Officer about the conditions that are attached to an offender's release licence and you may be able to ask for certain conditions to be attached to the licence. For example, you can ask for a condition that the offender must not try to contact you or your family. You can also ask for an exclusion zone, banning the offender from going near your home or workplace or another place you travel to frequently.

To find out if you are entitled to join the Victim Contact Scheme, go to www.gov.uk and search for 'get support as a victim of crime' or email vcsenquiries@justice.gov.uk.

If you are worried about the release of a prisoner or you have received unwanted contact from a prisoner, you can call the Victim Helpline run by Her Majesty's Prison and Probation Service (HMPPS). Call [0300 060 6699](tel:03000606699) between 9am and 4pm, Mondays to Fridays, or email victim.helpline@justice.gov.uk.

Coroners

Coroners are special judges who investigate violent or unnatural deaths or deaths where the cause is unknown. This is likely to include most road deaths. Coroners have a legal qualification. They are appointed by local authorities (or councils) with the consent of the Chief Coroner and Lord Chancellor.

The purpose of a coroner's investigation is to find out who has died and how, when and where they died, as well as other details to register the death. The investigation may include an inquest (see page 89).

The coroner is responsible for authorising the release of the body for burial or cremation. Before this happens, a coroner will often order a post mortem (see page 26) to help find the cause of death. If a post mortem takes place and the coroner is satisfied that a death was due to natural causes, they will usually end their investigation and an inquest will not be held.

If someone is likely to face criminal charges for causing the death, the coroner will usually suspend their investigation until the criminal proceedings have finished. If this happens, the coroner may provide a 'certificate of the fact of death' (also known as an interim death certificate). Once criminal proceedings have finished, the coroner can only resume the investigation if they consider that there is a "sufficient reason" for doing so.

If, after a trial, you think the circumstances surrounding the death are still not clear, you, or a solicitor representing you (see page 44), can ask the coroner to consider continuing with their investigation and inquest. The coroner will decide whether they should do this or not. If the coroner continues with the investigation and inquest after criminal proceedings have finished, their finding of the cause of death must be consistent with the outcome of the criminal trial. You can ask the coroner's office for more information.

A coroner's investigations cannot apportion criminal blame nor decide if someone should be punished or receive compensation. These things are decided through criminal proceedings (see Section 3: Criminal investigations and charges) and civil proceedings (see Section 5: Can I claim compensation?). However, if the coroner's investigation finds evidence which suggests someone may be to blame for the death, the coroner can pass the evidence to the police or CPS.

Coroners are assisted by coroners' officers. Part of their role is to give you information, and answer any questions you may have, about the coroner's investigation. Sometimes this role is carried out by other staff in the coroner's office. Your police contact can tell you how to contact the coroner's office.

Inquests

An inquest is a public court hearing to discover the facts of the death. An inquest is unlikely to be held if, after criminal proceedings have finished, the coroner considers that all relevant evidence has been heard as part of the criminal proceedings. An inquest is also unlikely if the cause of death is identified as natural causes.

If an inquest takes place it will be held in a court or another building such as a town hall. An inquest is different from other types of court hearing because there is no prosecution or defence.

In some cases, an inquest may be held with a jury. This may happen in certain cases that raise issues of public safety, including cases where the police are involved (for example if a fatal crash happened after a police pursuit).

Before an inquest, you or a solicitor representing you, can ask for copies of any documents that are going to be used at the inquest. This may include medical records, witness statements and expert reports. Sometimes a coroner decides a document or part of a document cannot be shared for legal reasons.

During the inquest, the coroner should try to explain any technical terms that are used so everyone can understand what is being said.

Sometimes one or more hearings take place before an inquest to decide what an inquest will cover, what documents should be presented and who should give evidence. This is called a 'pre-inquest review'. You, or a solicitor you are using, can attend a pre-inquest review if you want to. You have the right to give your views about what an inquest should cover but the coroner will make the final decision.

Giving evidence at an inquest

At an inquest, witnesses are usually called to give evidence. The coroner will decide who should give evidence. Witnesses may include the police, medical staff, expert witnesses and eyewitnesses. A relative or friend of the person who has died may also be allowed to act as a witness. There may be other people who you or your solicitor think are important witnesses and you or your solicitor can suggest these people to the coroner.

Anyone who has been charged with, or may be charged with, a criminal offence in connection with your case may be required to attend the inquest as a witness, although they have the right not to answer questions that may incriminate them.

Sometimes no witnesses are called to give evidence. The coroner may still use evidence provided in a witness statement but will only call a witness if they want a more detailed explanation or want to ask questions.

If you are asked to give evidence then you, and other family members who are giving evidence, will usually do so first. You will give evidence 'under oath'. This means you will swear to tell the truth on the holy book of your religion, if you have one. If you prefer, you can 'affirm' (promise) that you will tell the truth.

The coroner will ask you questions and may ask you to talk about your written statement, if you have made one. You may also be questioned by other people, known as 'interested persons'. This could be someone else close to the person who died, or your solicitor. Jury members may also ask you questions, if there is a jury. A coroner may also allow a solicitor representing someone accused of a criminal offence in connection with the crash to ask you questions. All questions must be about the facts of the death. The coroner will decide whether a question is relevant.

When everyone has finished asking questions, you may return to your seat in the court and stay to listen to the rest of the hearing and other witnesses if you want to. Some evidence can be read and not all witnesses need to attend in person.

Coroner's summary and conclusions

When the coroner has heard all the evidence, they will give a summary of the main points. This is called 'summing up'. A solicitor representing you can ask the coroner what the law says about possible conclusions the coroner or jury could make.

The coroner, or the jury if there is one, will then give their conclusion. They will say who died, and where, when and how they died. They will give the legal decision of what happened, the cause of death, and any 'findings' such as what facts contributed to the death.

When giving the cause of death, the coroner or jury may make one of the following conclusions:

- unlawful killing
- accidental death or misadventure
- road traffic collision
- suicide
- natural causes.

The coroner or jury may explain their reasons for coming to a conclusion. Sometimes the coroner or jury may give a longer explanation about the facts surrounding a death and why they reached their conclusion. This is called a 'narrative conclusion'.

A conclusion of 'road traffic collision' or 'accidental death' may sometimes be reached in a case even though someone else may have caused the death. This can be upsetting but someone may still be charged with committing an offence (see page 55) and you may still be able to pursue a claim for compensation (see page 97).

Reports to prevent future deaths

Sometimes a coroner's investigation will show that something could be done to prevent other deaths. If the coroner considers this to be the case, they must write a 'report to prevent future deaths' (PFD report) that outlines road safety concerns that arose during an inquest. This report will be sent to any relevant organisation (or person) who may be able to take action to address these concerns.

Anyone who is sent a PFD report must respond in writing to say what action they will take. You can ask the coroner's officer to tell you if a PFD report is being written and who it will be sent to.

If you would like to read a PFD report and any responses, you can ask the coroner's office or go to www.judiciary.uk and search for 'PFD reports'.

Attending an inquest

An inquest is a public hearing and you can attend if you want to. You do not need to attend an inquest if you are not giving evidence. This is entirely your decision.

You may wish to, and are allowed to, have legal representation at an inquest. See page 89 for information about the role of a solicitor at an inquest and page 44 for information about hiring a solicitor.

The coroner's office should tell you and other 'interested persons' (see page 90) the date and time of an inquest, and where it will be held. If you are not told, you can ask the coroner's office.

For most people, attending an inquest is a new experience. The coroner's office may be able to arrange for you to visit the courtroom before the inquest.

You may find some evidence given at an inquest upsetting, for example descriptions of injuries or photographs. The evidence may include personal information about the lifestyle of the person who has died. If you get upset during an inquest, you can leave the courtroom at any time. If you leave, the coroner may agree to adjourn the inquest for a short time to allow you to recover and so you do not miss any part of the inquest.

All inquest hearings must be recorded and you or your solicitor can ask for a recording of the hearing, for a fee. If you didn't attend the inquest, you can ask the coroner's officer what the recording contains, in case there is anything you don't want to hear because it may distress you.

Because inquests are held in public, someone who may have caused the death, and their family or friends, may also attend. Journalists may attend and report on what happens and ask to talk to you (see pages 49 to 51). You may wish to ask family or friends to attend the inquest with you for support. The coroner's office can tell you how many seats will be available and may be able to reserve seats at the front of the courtroom for you.

An explanation of the coroner investigation and inquest process is written into the government document called 'Guide to Coroner Services'. This guide also sets out the standards you can expect to receive from a coroner's office and what to do if you feel those standards have not been met. You can access this document at www.brake.org.uk/codes-and-standards.

The Coroners' Courts Support Service may be able to provide a trained volunteer to talk to you about what will happen at an inquest and sit with you in the coroner's court during the inquest. To find out if the service is available, call 0300 111 2141 or email helpline@ccss.org.uk, or go to www.coronerscourtsupportservice.org.uk.

Having your say about criminal justice

If you have a comment or a concern about the criminal justice system you have a right to be heard and your point of view considered. Speaking up may also help improve criminal justice in the future.

You may have one or more points you wish to raise with one or more criminal justice organisations.

Your first step should be to decide which organisation you need to contact:

- **Police forces** are responsible for police family liaison (see page 8) and criminal investigations (see page 55).
- **The Crown Prosecution Service (CPS)** is responsible for bringing prosecutions (see page 60).
- **Her Majesty's Courts and Tribunal Service (HMCTS)** is responsible for providing court buildings, facilities and staff.
- **Judges and magistrates** make decisions about when and how cases are heard and the outcomes of those cases. These decisions can only be challenged by appeal (see page 82).
- **The Prison Service** is responsible for what happens to an offender (see page 84).

Your next step is to find out the complaint policy of the organisation you want to contact. Different organisations have different complaint policies, and these policies explain how to have your say. You can usually find an organisation's complaint policy on their website, or ask a local official who works for that organisation to give you a copy.

A complaint policy usually asks you to submit comments in writing. It should explain who will respond (usually a complaints officer or someone close to your case) and how quickly. Whoever responds should aim to address your comments to your satisfaction. You may also be able to request a meeting.

The standard of services that must be provided to victims of crime is written into a government document called 'Code of Practice for Victims of Crime' (Victims' Code). You can access this document at www.brake.org.uk/codes-and-standards.

If you are not satisfied with a response you receive

Complaint policies usually explain steps you can take if you are not satisfied with a response. Usually, this includes giving you the chance to have your comments considered by someone else, such as someone more senior.

If you are still not satisfied with another response you receive, a complaint policy may give you further opportunities, such as having your comments reconsidered by a specialist team, or by the boss of the organisation. There may also be an opportunity to have your comments considered by an independent agency. For example, the Independent Office for Police Conduct investigates complaints about the police.

The Independent Office for Police Conduct also investigates road deaths that happened during or after contact with the police. For example, if someone dies while the police are pursuing a vehicle. To find out more, go to www.policeconduct.gov.uk.

Having your say to the government

Criminal justice organisations, such as the police and CPS, are set up and regulated by the government, and are the responsibility of particular government departments and their ministers.

If you feel your concerns have not been answered by a criminal justice organisation and you wish the relevant minister to know your concerns, you have a right to contact that minister. Any criminal justice organisation can confirm for you which government minister they report to, in which department, and how to contact that minister.

You may choose to contact a minister directly, or through your MP. Your MP can also refer your complaint to the Parliamentary and Health Service Ombudsman, who is responsible for investigating complaints about government departments. For more information go to www.ombudsman.org.uk or call 0345 015 4033.

For a list of government bodies with responsibility for criminal justice, see Section 6: Useful organisations.

If you are not sure how to have your voice heard, or you need help preparing what you want to say, call Brake's National Road Victim Service on 0808 8000 401 or email help@brake.org.uk.

Restorative justice

Restorative justice provides an opportunity to communicate with an offender to explain the impact of their crime on you. It also aims to help offenders take responsibility and make amends. The offender must have admitted to the crime and must be willing to participate.

Restorative justice can involve a meeting with an offender, guided by a trained facilitator. Alternatively, it could involve letter correspondence, or audio or video recordings. You will have the opportunity to consider and discuss what will work best for you.

It's up to you whether you get involved with restorative justice and no one should try and persuade you to get involved if you don't want to. If it is offered, you can talk to the facilitator about whether to do it or not. If it is not offered, and you want to consider it, talk to your police contact or ask your local Police and Crime Commissioner. To find your local Police and Crime Commissioner, go to apccs.police.uk.

If restorative justice is available in your area, you should be told about it. This is written into the government document called 'Code of practice for victims of crime' (Victims' Code). You can access this document at www.brake.org.uk/codes-and-standards.

If you need help with practical challenges or emotional support, Brake's National Road Victim Service is here for you. Call 0808 8000 401, email help@brake.org.uk or go to www.brake.org.uk/support.

SECTION 5

Can I claim compensation?

Can I claim compensation?

Information and advice about making a claim for compensation after a road death

Can I claim compensation?	97
Hiring a solicitor	98
Paying your solicitor	100
Rogue offers of help	101
Types of compensation	102
Preparing and negotiating your claim	104
Going to court	105

Can I claim compensation?

There is no automatic compensation for people bereaved by a road crash. However, compensation can often be awarded through a legal process using civil law, pursued by a solicitor who you instruct.

To award compensation, civil law requires someone (usually a driver in the case of road deaths) to be found at least partly responsible for a death. Sometimes this is possible even if no-one was charged with or convicted of a criminal offence.

Compensation is then usually paid by the responsible person's insurance company. If they were not insured, or can't be found, then an organisation called the Motor Insurers' Bureau will deal with the claim. (Find out more at www.mib.org.uk)

Compensation can be awarded for different things (see pages 102 and 103). The amount of compensation awarded for these things is usually decided through negotiation, but sometimes by a court (see page 105).

A suitably qualified and experienced solicitor can advise you whether you have a claim for compensation, pursue the claim on your behalf, and work to ensure you are awarded the compensation you are entitled to.

As well as advising you about a compensation claim, an experienced solicitor will be able to help with other matters, including:

- applying for government benefits you are entitled to
- helping you prepare a victim statement
- representation at an inquest (see page 89).

Your solicitor should also support you and your family during any criminal proceedings.

Instructing a solicitor to pursue compensation

To pursue a claim for compensation, you need to instruct a solicitor. You are advised to use a solicitor who specialises in fatal injury cases and who is qualified to act in the country which has jurisdiction.

A solicitor you are considering using should agree to meet with you for free initially. You may wish to meet with more than one solicitor to ensure you are choosing the best one for you.

The following organisations provide lists of solicitors that specialise in fatal injury cases:

- **The Association of Personal Injury Lawyers (APIL)**
call 0115 943 5400 or go to www.apil.org.uk
- **The Motor Accident Solicitors Society (MASS)**
call 0117 925 9604 or go to www.mass.org.uk

Here are some questions that you can ask to help you decide which solicitor to choose:

- Do you think I have a strong claim and are you willing to take on my case?
- Are you qualified to practise within the jurisdiction of the country where the crash occurred?
- What experience do you have in handling similar cases? Can you give me examples and their outcomes?
- How many similar cases have you handled in the past five years?
- What expertise do you have relevant to my case?
- What fees do you charge?
- What arrangements can you put in place for payment of these fees?
- Will any compensation I receive be reduced to cover legal fees?

- Will I have to pay any legal costs if I lose, and if so, how much will I have to pay?
- Will I have to pay a success fee if I win my case, and if so, how much will I have to pay?
- Will you handle my case yourself entirely, or involve colleagues?
- If you plan to involve colleagues, how much will they be involved, and if a lot, can I meet them now?
- How will we communicate during the process? Will you be available to explain things to me and answer my questions regularly through meetings, emails or over the phone?
- Are you a member of APIL and/or MASS?

It is important you sign an agreement with your solicitor that you understand thoroughly and consider fair.

It is also helpful to keep notes of conversations with your solicitor and copies of correspondence, so you can keep track of your claim.

Do not delay consulting solicitors. If you have a good chance of getting compensation, the solicitor you choose will want to work on your case as soon as possible. It can take time to compile evidence to support your case, and the earlier you hire a solicitor, the sooner compensation can be awarded.

Most claims must be submitted within three years of the date of the death, although sometimes claims must be made within two years. If the crash happened abroad, time limits for claims may be shorter, and can be one year or less.

Your solicitor may also be able to request for Interim Payments (see page 104) to be made in advance of any final settlement.

For a list of solicitor firms that specialise in fatal injury cases, see page 119.

Paying your solicitor

There are different ways to fund a claim for compensation and you should talk to your solicitor about the options available. Make sure you understand exactly what you may have to pay for if you win or lose your claim.

Some people pay their solicitor as they go, either because they have the funds to do so, or because they have an insurance policy that covers legal costs and expenses. Your solicitor can help you check any insurance policies to find out if you are covered for legal fees. Some insurance policies have a limit on how much they will pay to cover legal costs. You should talk to your solicitor about what will happen when this limit is reached.

It is usually possible to pay your solicitor at the end of the case. If you win your case, the person you are claiming compensation from will probably have to pay some of your legal fees.

Many people do not have available funds to pay a solicitor to pursue a claim for them. However, it should be possible to reach an agreement with your solicitor that means you won't have to pay anything, even if you lose your claim.

Depending on the agreement you sign with your solicitor, you may also have to pay your solicitor additional fees from your compensation, such as a 'success fee' for winning your case.

There are complex laws governing how solicitors are paid in compensation cases. It is important that you understand, from the beginning, how your solicitor intends to cover the costs of your claim and any fees you may personally be liable for, at any time, if you win or lose your claim.

It is important that you do not sign an agreement that would result in your solicitor unreasonably taking a large amount of your compensation if you win your case. You should also be protected from having to pay expensive legal costs if you lose your case.

Rogue offers of help

Someone called a claims assessor, claims handling company, or claims management company (CMC), may offer to pursue your claim for you, often on a 'no win, no fee' basis. They are not personal injury solicitors, and are not qualified or regulated to the standards of solicitors.

You may also be approached by someone representing the insurance company of a driver you want to claim from, offering to settle your claim directly and quickly with you, without the need for you to instruct a solicitor.

Do not accept these offers of help. If you do, you will not be independently represented by a suitably qualified solicitor, and you may receive far less compensation than you are entitled to.

Complaining or changing solicitor

If, at any stage, you are unhappy with the service you are getting from your solicitor, you can ask to speak to the person at your solicitor's firm who is responsible for looking after clients. This person is often called the 'complaints partner'.

If you remain dissatisfied, it may be possible to change solicitor. If you have a complaint about a personal injury solicitor, you can complain to the legal ombudsman. Call **0300 555 0333** or go to www.legalombudsman.org.uk.

Types of compensation

Some types of claims for compensation are listed below. Your solicitor may advise you to make one, several or none of these claims. All claims depend on some liability (or blame) being established.

1. Dependency claims

There are two types of dependency claim that can usually be made.

In certain circumstances, people who were financially reliant (or who had an expectation of becoming financially reliant) on a person who has died can claim for the loss of that support. This is called a **financial dependency claim**. The amount that can be claimed is not fixed. It depends on the amount of financial support provided by the person who has died and how that would have continued in the future.

A dependency claim can also include loss of services provided by a person who has died, such as childcare, DIY, gardening or other household and domestic tasks. This is called a **services dependency claim**. An expert may be required to help you work out what services you have lost. Your solicitor will tell you if this is necessary.

It is important that all potential dependants are identified in the claim. Your solicitor will ask you questions to find out who may have had a dependency of any kind on the person who has died.

Evidence including income, pensions, employment records and evidence of the services provided by the person who has died may be required to prove dependency claims.

2. Bereavement awards

Some people may be entitled to a fixed, statutory bereavement award, currently £15,120. This is only payable to the wife, husband or civil or cohabiting partner of someone who has died, or the parents of a child under the age of 18 who has died. Your solicitor can tell you if you are eligible for this award.

3. The suffering of someone who has died

If someone died after surviving for a period of time, it may be possible to claim compensation for their pain and suffering. The amount that can be claimed is based on the amount of time that the person suffered and the extent of their awareness or suffering.

4. Burial or cremation expenses

It may be possible to make a claim for the costs of a funeral (burial or cremation) and associated expenses such as a gravestone. You should keep all receipts.

5. Claims for injuries

If you, or anyone close to you, were injured in the crash, it is important to find out if you can make a claim for those injuries and losses resulting from injuries. Your solicitor will advise you.

You may be entitled to make a claim for the loss of love and affection provided by the person who has died. Your solicitor can tell you if you are eligible for this.

Preparing and negotiating your claim

Your solicitor will prepare your claim by collecting evidence, such as proof of past earnings of the person who died.

Once your solicitor has prepared your claim, they will contact the insurance company of the person you are making a claim against.

If the insurance company admits liability, your solicitor will start negotiating with them to determine how much compensation they should pay.

If the insurance company denies liability, your solicitor will request evidence about the crash from the police, coroner and witnesses. In this case, your claim may take longer to pursue.

The insurance company may try to argue that your claim is too high. For example, if you are pursuing a dependency claim, they may argue that the person who has died would not have earned as much money in the future as your solicitor is claiming. The negotiations can take a long time but most claims where someone has admitted liability are settled through negotiation without needing to go to court.

If a claim is likely to take some time, it may be possible to receive an early, partial payment called an Interim Payment, to help cover costs such as funeral expenses. Your solicitor will tell you if this is possible.

Knowing that solicitors and insurance companies are negotiating over the value of your loss can be distressing, particularly if your case takes time to be resolved. Ask your solicitor to keep you updated on a regular basis about how your case is progressing.

Offers made during negotiation

Both sides can make offers of compensation during negotiations. Offers can be made over the telephone, in a meeting, letter or email. Some offers are made without any acceptance of liability.

Either side has the right to accept or reject an offer. Your solicitor should advise you about any offer you receive, the risks involved in accepting or not, and help you reach a decision. You should consider all offers seriously.

Going to court

If your compensation cannot be agreed through negotiation, or if no one admits liability, your solicitor may start legal action against the other side.

Even after legal action has started, your solicitor is likely to continue trying to negotiate a settlement.

Sometimes, the other side will make an acceptable offer just before a case is heard in court.

If an agreement cannot be reached, your claim will be heard in a County Court or the High Court by a judge.

Success in court is not guaranteed. You cannot pre-determine the decision of a judge. Court cases may also take a long time to be heard.

Settlement of cases brought on behalf of children under the age of 18 have to be approved by a court. In most cases, money awarded to children is kept and administered by the court in a special account until the child is 18 years old.

If you need help with practical challenges or emotional support, Brake's National Road Victim Service is here for you.

Call 0808 8000 401, email help@brake.org.uk or go to www.brake.org.uk/support.

SECTION 6

Useful organisations

Useful organisations

Here you can find details of organisations that may be able to support you after a road crash. This includes:

- Organisations that support road crash victims
- Organisations that support victims of crime
- Organisations that support people bereaved by any cause
- Organisations campaigning for safe and healthy mobility
- Government bodies with responsibility for criminal justice and road safety
- Your political representatives

You can contact these organisations directly using the information provided.

Brake's National Road Victim Service can help you get the help you need from people and services in your community. Call **0808 8000 401** or email **help@brake.org.uk**.

More organisations are listed at **www.brake.org.uk/orgs**.

See page 119 for a list of solicitor firms that specialise in fatal injury cases.

Organisations that support road crash victims

Brake

www.brake.org.uk

If someone you love has been killed or seriously injured in a road crash, the charity Brake is here to help. We can help you during your darkest and most difficult times.

After the crash, your police contact will give you information about the support you can get from Brake's National Road Victim Service. You can ask the police or a friend to call us for you, or contact us yourself. First, we'll talk to you, to find out what's happened and what support you need. We can help you with practical challenges and help you understand the complex, unfamiliar procedures that often follow a road crash. You can talk to us if you're worried about money or a court case, or how to find legal support. We can also help you support children affected by the crash, or tell other people what has happened. If you're finding it difficult to cope, we're here to talk. We promise to listen to you, and provide a safe space for you to talk about your feelings.

Brake's National Road Victim Service is here for you, from day one, for as long as you need us.

To get help from Brake, call **0808 8000 401** or email help@brake.org.uk.

Brake also:

- Campaigns for solutions that are known to prevent road crashes and reduce harm if a crash does happen.
- Empowers people to speak up for their right to make safe and healthy journeys, whoever they are and however they travel.
- Helps people understand how they can use roads safely to protect themselves and others.
- Helps organisations to learn about, and manage, work-related road risk.

Aftermath Support

www.aftermathsupport.org.uk

Aftermath Support provides information, guidance, advocacy, and emotional and practical support to anyone affected by a road crash living in North West England. Support is free, independent and confidential, and available to people bereaved or seriously injured, and their families and carers.

The charity also supports some drivers and witnesses of collisions and can offer some telephone support to people living in other areas.

Call 0845 634 4273 or 0151 777 2562 or

e-mail support@aftermathsupport.org.uk

Day One Trauma Support

dayonetrauma.org

The charity Day One Trauma Support provides practical and emotional support to help people who have suffered major physical trauma to manage their circumstances and make the best possible recovery. In some cases, they may be able to help pay for travel and overnight stays if a loved one is in hospital.

Call 0333 034 2107 (Monday-Friday, 9am-5pm) or

email support@dayonetrauma.org

RoadPeace

www.roadpeace.org

RoadPeace provides support and information to people bereaved or seriously injured by a road crash. They offer support through their helpline, befriending service, trauma support programmes, local group network and remembrance activities including Remember Me roadside plaques.

RoadPeace has an extensive range of post-crash legal guides that can help families navigate the criminal justice system and their Legal Panel provides advice on civil compensation. The charity also campaigns to improve victims' rights and the response of the criminal justice system to road danger, and for greater priority to be given to reducing the number of future victims.

Helpline 0800 160 1069 (Mon-Fri 9am-5pm) or helpline@roadpeace.org

Office 020 7733 1603 or info@roadpeace.org

Road Victims Trust

www.rvtrust.org.uk

The Road Victims Trust (RVT) offers emotional and practical support to anyone who lives in Bedfordshire, Cambridgeshire and Hertfordshire who is affected by a serious road collision. The charity can offer telephone support to people living outside the area.

Call 01234 843345 or email enquiries@rvtrust.co.uk

SCARD (Support and Care after Road Death and Injury) and CADD (Campaign Against Drinking and Driving)

www.scard.org.uk

www.cadd.org.uk

SCARD and CADD work together to provide emotional and practical support to people who have lost a loved one in a crash, and highlight the dangers of drink- or drug-driving. The charities offer practical, legal and emotional help to anyone bereaved or injured in a road crash.

Helpline 0345 123 5542 (7 days a week, 9am-9pm including bank holidays)
Office enquiries 01924 562252 or info@scard.org.uk

Coroners' Courts Support Service

www.coronerscourtsupportservice.org.uk

The Coroners' Courts Support Service offers emotional and practical support for bereaved people facing an inquest. Trained volunteers can offer guidance on procedures in the court.

Call 0300 111 2141 (Mon-Fri, 9am-6pm) or email helpline@ccss.org.uk.

Organisations that support victims of crime

Victim Support

www.victimsupport.org.uk

Victim Support is a charity that supports people affected by crime and traumatic events in England and Wales. Trained staff and volunteers can provide information and advice, emotional and practical help, advocacy, help navigating the criminal justice system.

Free Supportline 08 08 16 89 111 (24 hours a day, 7 days a week)

Citizens Advice Witness Service

www.citizensadvice.org.uk/witness

Free and independent support for both prosecution and defence witnesses in every criminal court in England and Wales.

Trained volunteers provide practical information about the process, as well as emotional support to help witnesses feel more confident when giving evidence.

Call 0300 332 1000

London Victim and Witness Service

www.londonvws.org.uk

The London Victims and Witness Service (LVWS) is a support service for London residents who are affected by or witness to crime. The service provides support to adult victims of crime, access to restorative justice and support for witnesses who attend court.

Call 0808 16 89 291

Organisations that support people bereaved by any cause

AtaLoss

The charity AtaLoss runs a bereavement signposting website to help bereaved people find support.

Go to www.ataloss.org

Citizens Advice

Your local Citizens Advice can provide access to free, impartial and confidential advice, including on financial and legal matters.

To find your local branch, go to www.citizensadvice.org.uk

Cruse Bereavement Care

Call 0808 808 1677 or go to www.cruse.org.uk

For children and young people go to www.hopeagain.org.uk

Samaritans

Samaritans operates a 24-hour helpline for anyone in need.

Call 116 123 or go to www.samaritans.org

Quaker Social Action

Quaker Social Action provides practical support for people struggling with funeral costs. Call 020 8983 5055, email downtoearth@qsa.org.uk or go to quakersocialaction.org.uk.

If a partner has died:

WAY (Widowed and Young)

WAY offers a peer-to-peer support network for anyone who's lost a partner before their 51st birthday.

www.widowedandyoung.org.uk

If a child or child's relative has died:

Child Bereavement UK

Call 0800 02 888 40, email helpline@childbereavementuk.org or go to www.childbereavementuk.org

Child Death Helpline

Call 0800 282 986 or go to www.childdeathhelpline.org.uk

The Compassionate Friends

Call 0345 123 2304 (7 days a week, 10am-4pm and 7pm-10pm), email helpline@tcf.org.uk or go to www.tcf.org.uk

Care for the Family

Call 029 2081 0800 or go to www.careforthefamily.org.uk

Winston's Wish

Call 08088 020 021 or go to www.winstonswish.org

Associations of funeral directors

The following associations provide lists of funeral directors that follow a code of practice.

National Association of Funeral Directors

Call 0121 711 1343 or go to www.nafd.org.uk

National Society of Allied and Independent Funeral Directors

Call 0345 230 6777 or 01279 726 777 or go to www.saif.org.uk

The Good Funeral Guide

www.goodfuneralguide.co.uk

Organisations campaigning for safe and healthy mobility

RoSPA (Royal Society for the Prevention of Accidents)

www.rospa.com

RoSPA's road safety department raises awareness about the causes of road crashes and promotes measures to help prevent them. This charity does not provide support services for road crash victims.

Call 0121 248 2000 or email enquiries@rospa.com

Campaign for Better Transport

www.bettertransport.org.uk

Promotes sustainable and public transport.

Living Streets

www.livingstreets.org.uk

Promotes safety and accessibility for pedestrians.

Sustrans

www.sustrans.org.uk

Making it easier for people to walk and cycle by creating spaces that are walkable and cycle-friendly; supporting communities to have the opportunity and ability to walk, cycle, scoot and wheel; and working with decision-makers to create policies that make walking and cycling a more attractive choice.

BUSK

www.busk-uk.co.uk

BUSK works with the minibus and coach industry and other passenger transport providers to promote safe journeys for all passengers. The charity specialises in home-to-school transport, school trips in the UK and school visits abroad. BUSK provides free services for parents and schools and runs an independent star rating service for the coach industry based on safety and legal compliance.

Call 01495 981185 or email buskuk@btinternet.com

Government bodies with responsibility for criminal justice

The Crown Prosecution Service

The Crown Prosecution Service (CPS) is the main agency responsible for prosecuting criminal cases that have been investigated by the police in England and Wales. It works from regional offices.

To find contact details for your local CPS office, go to www.cps.gov.uk

Ministry of Justice (MoJ)

www.gov.uk/moj

The Ministry of Justice (MoJ) is responsible for these parts of the justice system:

- Courts
- Prisons
- Probation services
- Attendance centres

The MoJ works with other government departments and agencies.

HM Prison and Probation Service

www.gov.uk/hmpps

HM Prison and Probation Service carries out sentences given by the courts, in custody and the community, and rehabilitates people in its care through education and employment.

HM Courts & Tribunals Service

www.gov.uk/hmcts

HM Courts & Tribunals Service is responsible for the administration of criminal, civil and family courts and tribunals in England and Wales.

Government bodies with responsibility for road safety

The government bodies listed below have responsibility for road safety regulation and education. You can contact the relevant organisation directly if you have a road safety concern.

The Department for Transport

www.gov.uk/dft

The Department for Transport is responsible for many areas of road safety policy, ranging from setting the drink drive limit to road safety TV campaigns. The Department for Transport also commissions research on road safety topics.

The department's road safety work is led by the Road Safety Minister.

The Welsh Government

www.gov.wales/transport

The Welsh Government is responsible for some aspects of transport and road safety in Wales, including maintenance of motorways and major trunk roads.

National Highways

nationalhighways.co.uk

National Highways is the agency responsible for managing and improving motorways and major A roads in England.

Local authorities

Local authorities are responsible for local roads that are not motorways or major A roads. Local authority highway engineers oversee local roads' design, repair, markings and speed limits. Local authority road safety officers run pedestrian and cycle training for children, manage school crossing patrols and run local publicity campaigns. Contact your local authority for more information.

To find your local authority in England, go to www.gov.uk/find-local-council

To find your local authority in Wales, go to gov.wales/find-your-local-authority

Driver and Vehicle Licensing Agency

www.gov.uk/dvla

The DVLA is responsible for licensing and registering drivers and vehicles and collects vehicle excise duty (tax).

DVSA (Driver and Vehicle Standards Agency)

www.gov.uk/dvsa

DVSA is responsible for annual testing of vehicles and enforcement checks on the maintenance standards of lorries, buses and coaches, and their compliance with laws including drivers' hours rules. It is also responsible for driving tests and promoting road use rules such as the Highway Code.

Traffic commissioners

Traffic commissioners are regionally appointed officials responsible for licensing companies to operate lorries, buses and coaches. Traffic commissioners have powers to issue and take away an operator's licence.

To find your local traffic commissioner go to www.gov.uk/traffic-commissioners

Your political representatives

Your local councillor

If you are worried about a particular local traffic problem your local councillor may be able to help. You can find their contact details by phoning your local authority (see above).

Your Member of Parliament (MP)

Your MP's job is to represent your interests in Parliament. You may want to write to them or meet them to discuss any aspect of your case which you think they could act upon.

To find the name of your MP, go to members.parliament.uk/FindYourMP.

You can find out who represents you, how they've voted and what they've said in debates at www.theyworkforyou.com.

You can write to your MP at the House of Commons, London, SW1A 0AA.

You can also call the freephone enquiry service on [0800 112 4272](tel:08001124272) or email hcenquiries@parliament.uk

Your Senedd Member

If you live in Wales, your Senedd Member may be able to help.

To find details of your Senedd Member, go to senedd.wales/find-a-member-of-the-senedd.

Brake's National Road Victim Service can help you get the help you need from people and services in your community. Call [0808 8000 401](tel:08088000401) or email help@brake.org.uk.

More organisations are listed at www.brake.org.uk/orgs.

Solicitor directory

You can use this solicitor directory to help you find an expert solicitor that can help you after a crash. Some are national, and you can also browse the directory by region, to find a solicitor close to you.

All of the solicitor firms listed in this directory specialise in fatal injury cases. All of the firms listed are sponsors of Brake's National Road Victim Service. They have all also signed up to Brake's Solicitor Code of Conduct for supporting road crash victims. This means they have agreed to help you in ways that are expert, in your interest, empathetic and confidential. You can request a meeting free of charge from any solicitor in our directory, with no obligation to use their services. To read Brake's Solicitor Code of Conduct for supporting road crash victims, go to www.brake.org.uk/legal

For more advice on choosing and hiring an expert solicitor, see Section 5: Can I claim compensation.

You can also call the National Road Victim Service on 0808 8000 401 or email help@brake.org.uk.

Brake's National Road Victim Service is sponsored by:

- Alderstone Solicitors
- Hodge Jones & Allen
- Horwich Cohen Coghlan (HCC) Solicitors
- Hugh James
- Irwin Mitchell
- JMW Solicitors
- Slater & Gordon

You can read more about the sponsors at www.brake.org.uk/legal.

Eastern

Irwin Mitchell

Irwin Mitchell are one of the UK's most respected law firms with an independently, nationally recognised personal injury team. We help support our clients with their claims after a road traffic collision as well as their families to help them access the best possible medical care, rehabilitation and financial support, reaching an outcome that can make a real difference to their lives.

Our personal injury lawyers also help bereaved families, who rely on us to fight fearlessly to protect their best interests and to try and gain justice for them in the most difficult of situations.

We are one of the only law firms in the country to have a national specialist road traffic collision team, with years of experience in dealing with road traffic collisions; this offers extra insight in investigating and supporting your claim.

We have nationally recognised legal teams who can offer you support in other areas that could also be impacted by the incident. For example: employment, family matters, commercial matters, wills, trusts and probate, tax and pensions.

Stephanie, Irwin Mitchell client: "I valued the honesty of the solicitor that I dealt with. The approachability and the humanness. They were caring."

For an initial call with one of our specialist expert lawyers, please contact us using the details below and we will get back to you as soon as possible.

Contact:

Angela Batchelor

T: 0207 4213915 (DDI)

T: 07341047403 (mobile)

E: Angela.Batchelor@IrwinMitchell.com

www.irwinmitchell.com



East Midlands

Hodge Jones & Allen

Hodge Jones & Allen have been helping individuals to right wrongs for nearly 50 years. We are a Times Top 100 Law Firm with an unrivalled reputation for fighting for justice on behalf of ordinary individuals and their families. Our team of Fatal and Catastrophic Injury lawyers all have years of experience and expertise and will guide you through the process with compassion and clear advice. We deal with:

- Pursuing a claim for damages when a death or serious injury has occurred, due to negligence
- Dealing with Inquests - a very specific legal investigation conducted by a coroner to establish the circumstances surrounding a person's death
- Managing the financial implications of a sudden death, including dealing with the will/probate issues
- Mental capacity and deputyships - a highly specialist area, dealing with the Court of Protection
- Family law and housing issues arising from death or serious injury.

We know that a serious or fatal injury is life-changing for the injured party and devastating for families. It can be difficult to know where to turn for help. We are experts in this area and if you have been seriously injured we will ensure early access to top-tier rehabilitation care and personal support throughout the claims process.

We feel privileged to be part of our client's journey and will dedicate our time to helping you and working closely with your Brake case worker to get the justice and compensation you and your family deserve.

Contacts:

Ken Brough

T: 07964 946051

E: kbrough@hja.net

www.hja.net

Leticia Williams

T: 0808 252 7713

E: lwilliams@hja.net

help.
HODGE JONES & ALLEN

London

Alderstone Solicitors

See page 124 for full profile

Contact: Quentin Underhill

T: 0161 238 4373

E: qunderhill@alderstonesolicitors.co.uk

www.alderstonesolicitors.co.uk

Hodge Jones & Allen

See page 121 for full profile

Contact: Ken Brough

T: 07964 946051

kbrough@hja.net

Leticia Williams

T: 0808 252 7713

lwilliams@hja.net

www.hja.net

Horwich Cohen Coghlan (HCC) Solicitors

See pages 126 and 129
for full profile

Contact: Patrick Maguire

T: 07775 808 820

E: Patrick.Maguire@hccsolicitors.com

www.hccsolicitors.com

Hugh James

See page 127 for full profile

Contact: Cari Sowden-Taylor

T: 02922 675870

E: cari.sowden-taylor@hughjames.com

www.hughjames.com

Irwin Mitchell

See page 120 for full profile

Contact: Angela Batchelor

T: 0207 4213915 (DDI)

07341 047403 (mobile)

E: Angela.Batchelor@IrwinMitchell.com

www.irwinmitchell.com

JMW Solicitors

See page 128 for full profile

Contact: Clare Stevens

E: clare.stevens@jmw.co.uk

D: 0161 8382873 / 07548239034

Caroline Fox

caroline.fox@jmw.co.uk

D: 0161 5275135 / 07442875965

www.jmw.co.uk

Slater & Gordon

See page 123 for full profile

Contact: Tracey Benson

T: 0330 995 5578

E: tracey.benson@slatergordon.uk

www.slatergordon.co.uk

North East

Slater & Gordon

At Slater and Gordon, we are dedicated to supporting individuals affected by serious injuries, especially those resulting in life-altering consequences or fatalities from road traffic collisions.

We understand the emotional impact this can have on every aspect of life, for both the individual and their loved ones. With years of experience, our dedicated legal experts are skilled at navigating these complex legal cases and will help you through every stage of the legal process. Our approach is tailored to meet the needs of our clients, addressing not only their legal matters but also ensuring they have access to essential care and resources for their long-term recovery.

We are your legal support network, and we are committed to empowering our clients to rebuild their lives with dignity and strength, providing expert guidance to secure the compensation and ongoing support they need after a life-changing incident.

Contact:

Jenny Keith,
Principal Lawyer - Serious Injury
T: 0330 995 5360
E: jenny.keith@slatergordon.uk
www.slatergordon.co.uk



North West

Alderstone Solicitors

For more than 30 years our solicitors have supported people who have been bereaved or seriously injured on UK roads. From providing free legal advice and representation for families during inquests and criminal proceedings, to taking on compensation claims, our solicitors have been part of Brake's legal services since 2019. We're proud to support such a vital charity.

Our priority is early financial support, rehabilitation whenever possible and to recover maximum compensation to put road victims and their families in the best position possible to move forward and rebuild a future.

This requires us to be more than legal experts. We work with empathy and sensitivity, and we collaborate with post-crash professionals to support your practical and emotional needs.

As your specialist road traffic collision solicitor, we will:

- Work with you on a no-win, no fee basis
- Visit you at home or wherever you feel most comfortable
- Represent you and your family at any pre-inquest reviews and inquest hearings
- Liaise with the Coroner's Court on your behalf
- Attend any criminal proceedings to support you and your family
- Apply for early interim payments whenever possible to support you financially or help pay for funeral costs
- Assist with obtaining Probate
- Help you access the best physical and psychological medical care and experts
- Deal with media enquiries

This can all feel overwhelming at such a difficult time but our dedicated team will be with you every step of the way to help guide you through the process. In the first instance, contact us to discuss what has happened and obtain free initial legal advice. There are no obligations, and we will listen to you and advise you in confidence.

Contact:

Quentin Underhill, Partner and Head
of Serious & Catastrophic Injury

T: 0161 238 4373

E: qunderhill@alderstonesolicitors.co.uk

www.alderstonesolicitors.co.uk



South and Central

Slater and Gordon

At Slater and Gordon, we are dedicated to supporting individuals affected by serious injuries, especially those resulting in life-altering consequences or fatalities from road traffic collisions.

We understand the emotional impact this can have on every aspect of life, for both the individual and their loved ones. With years of experience, our dedicated legal experts are skilled at navigating these complex legal cases and will help you through every stage of the legal process. Our approach is tailored to meet the needs of our clients, addressing not only their legal matters but also ensuring they have access to essential care and resources for their long-term recovery.

We are your legal support network, and we are committed to empowering our clients to rebuild their lives with dignity and strength, providing expert guidance to secure the compensation and ongoing support they need after a life-changing incident.

Contact:

Tracey Benson,
Head of Serious Injury - South
E: tracey.benson@slatergordon.uk
T: 0330 995 5578

www.slatergordon.co.uk

**Slater
Gordon**
Lawyers

West and South West

Horwich Cohen Coghlan (HCC) Solicitors

HCC Solicitors is an award-winning law firm that takes a 'family first' approach to supporting those who have lost loved ones in a road collision.

We work proactively for justice - and the truth for our clients. We understand that every fatality has a devastating impact on family life. Our experienced team ensures that families are fully supported in every way during what we know is a traumatic time. The sensitive nature of fatalities means we prioritise your needs at all times. It is also very important to us that any children involved are given the support they need in line with our family first approach. This includes visiting you personally when you are ready.

Our professional team are experts in helping families who have experienced the death of a loved one as a result of a fatal collision through no fault of their own - including:

- the death of a driver or passenger
- incidents involving cyclists
- death of pedestrians involving vehicles
- motorbike incidents leading to the death of the rider or others

Inquest support

We also represent families at Inquests across the UK. We have longstanding relationships with multiple professionals and agencies, including the police and the HSE, who may be involved in the investigation.

Our lawyers will liaise proactively with all the professionals who are investigating the incident and will represent your family in official proceedings at the Coroners' Court, being by your side every step of the way.



Contacts:

Patrick Maguire

E: patrick.maguire@hccsolicitors.com

T: 07775 808 820

www.hccsolicitors.com

Hollie Muckley

E: hollie.muckley@hccsolicitors.com

T: 07792 395 867

Wales

Hugh James

Hugh James is a top 100 UK law firm, providing expert legal services to a wide range of business and individual clients. Established over 60 years ago, it has grown to become a full-service firm operating from award-winning offices in Cardiff, London, Manchester, Plymouth and Southampton.

Hugh James is well-known for its award-winning claimant teams, who support bereaved families, and seriously injured people, representing them at inquests and in the civil courts. Their English and Welsh-speaking lawyers also advise victims of abuse, catastrophic injury, victims of violent crime, medical negligence and incidents resulting in injury or death overseas.

Contact:

Cari Sowden-Taylor

T: 02922 675870

E: cari.sowden-taylor@hughjames.com

www.hughjames.com

HUGH | JAMES

Understanding law, understanding you

West Midlands

JMW Solicitors

JMW is an award-winning law firm that prides itself in providing outstanding client care and acting as a steady hand during one of the most challenging times of your life. Whilst we can't turn the clock back and undo the harm that has been caused, our dedicated personal injury team will ensure you and your family have everything you need after a road crash, from the best possible medical care and rehabilitation to specialist housing, care and financial security.

We understand how devastating the loss of a loved one is and how daunting the inquest process can be; we will guide and support you through it, ensuring your questions are answered and obtaining compensation to safeguard your family's future. Our specialist team and client support manager can guide you in the immediate aftermath of a road traffic accident, providing advice on welfare rights, wills and probate, criminal law, employment and family matters.

**Contacts:**

Clare Stevens

E: clare.stevens@jmw.co.uk

T: 0161 8382873 / 07548239034

www.jmw.co.uk

Caroline Fox

E: caroline.fox@jmw.co.uk

T: 0161 5275135 / 07442875965

Yorkshire & the Humber

Horwich Cohen Coghlan (HCC) Solicitors

HCC Solicitors is an award-winning law firm that takes a 'family first' approach to supporting those who have lost loved ones in a road collision.

We work proactively for justice - and the truth for our clients. We understand that every fatality has a devastating impact on family life. Our experienced team ensures that families are fully supported in every way during what we know is a traumatic time. The sensitive nature of fatalities means we prioritise your needs at all times. It is also very important to us that any children involved are given the support they need in line with our family first approach. This includes visiting you personally when you are ready.

Our professional team are experts in helping families who have experienced the death of a loved one as a result of a fatal collision through no fault of their own - including:

- the death of a driver or passenger
- incidents involving cyclists
- death of pedestrians involving vehicles
- motorbike incidents leading to the death of the rider or others

Inquest support

We also represent families at Inquests across the UK. We have longstanding relationships with multiple professionals and agencies, including the police and the HSE, who may be involved in the investigation.

Our lawyers will liaise proactively with all the professionals who are investigating the incident and will represent your family in official proceedings at the Coroners' Court, being by your side every step of the way.

Contacts:

Kelly Hutton

E: kelly.hutton@hccsolicitors.com

T: 07494 784 207

www.hccsolicitors.com



Philippa Simpson

E: philippa.simpson@hccsolicitors.com

T: 07702 004 770

Index

A

alcohol, 26, 56, 67, 80
 appeal, 64, 82-83, 94
 autopsy (see post mortem)

B

bail, 8, 64, 69, 82
 benefit claims, 37, 43, 45, 97
 Bereavement Register, the, 47
 burial, 28, 40-43, 45, 53, 87, 103

C

cause of death, 26, 28-30, 37, 87, 89, 91
 Citizens Advice, 45-46, 72
 claims management company, 101
 compensation, 34, 38, 44, 46, 59, 97-105
 complaint, 51, 94-95, 101
 coroner, 26-30, 37-40, 87-93
 court, 57, 60, 62, 64, 70
 court procedures, 69-71
 Crown Court, 73, 75-77, 79, 82
 Magistrates' Court, 73-77, 79, 82
 Supreme Court, 83
 trial, 65-65, 71, 73-78, 87
 Youth Court, 77
 cremation, 23, 28, 40-43, 45, 53, 87, 103
 criminal charge, 30, 34, 55, 59-61, 64-67, 76-77, 87, 90-91
 Crown Court (see court)
 Crown Prosecution Service (CPS), 34, 55, 59-61, 71-72, 94

D

dangerous driving, 66
 death abroad, 44, 53-54, 99
 death certificate, 37, 87
 death notification service, 39, 46, 47
 DNA sample, 25
 disqualified driver, 64, 66-67, 81, 85

drink driving, 66, 80
 driving licence, 39, 64,
 unlicensed driving, 67
 driving offences, 66-67
 drugs, 26, 56, 66

E

evidence, 29, 34, 55-62, 65, 74, 78, 88, 99,
 102-103
 giving evidence in court, 70-71, 74-77
 giving evidence at an inquest, 89-93

F

Facebook (see social media)
 faith (see religion)
 family liaison officer (FLO) (see police)
 financial advice, 46, 102, 104
 funeral, 31, 40-45, 52-53, 103

H

harassment, 48, 51
 helpline, 51, 86, 93

I

inquest, 87, 89-90, 92-93, 97
 insurance, 54, 66-67, 97, 100-101
 dealing with insurers, 38-39, 104
 paying for burial or cremation, 43
 interim payment, 99, 104
 interview, 49, 51, 55, 57-58
 investigation (see police)

J

judicial review, 65, 83

M

Magistrates' Court (see court)
 media, 48-51, 56, 62
 medical report, 33
 memorial, 40, 43, 51

N

National Road Victim Service, 4-7, 107
 notification
 Death Notification Service, 46
 Tell Us Once service, 39
 Victim Contact Scheme, 87

O

organ donation, 23
 organ sample, 28-29

P

Patient Advice and Liaison Service, 33
 personal belongings, 25, 31, 53
 photograph, 25, 49-50, 70
 photographic evidence, 34, 58, 75-76, 93
 police, 8, 25, 31, 38, 49-50, 62, 64, 69, 72, 74, 76, 88-90
 family liaison officer, 8, 31, 94
 police investigation, 8, 31, 34-35, 48, 55-59
 police report, 59
 police standards and guidelines, 8-9, 31, 65, 69, 95
 post mortem, 26-30, 44, 56, 59, 87
 prison sentence, 60, 73, 75-79, 82-86
 probate, 45
 probation service, 84, 86
 prosecution, 31, 34-35, 55, 59-62, 64-65, 73, 76, 82-83, 89, 94

R

registering a death, 37
 religion, 26, 40-41, 90
 restorative justice, 96

S

second post mortem (see post mortem)
 sentencing, 62-63, 74-80
 social media
 solicitor, 30, 33-35, 45, 49, 54, 59, 87, 89-93, 119-129
 solicitor directory, 119-129
 choosing a solicitor, 38, 44, 97-101
 special measures (see witness)
 statement
 media statement, 50
 victim statement, 61-63, 79, 97
 witness statement, 34, 56-57, 59, 71, 75-76, 89-90
 suspended sentences, 81

T

Tell Us Once service, 39
 telling people, 38-39
 tissue donation, 23
 tissue sample 26, 28-29
 toxicology test, 26
 trial (see court)
 Twitter (see social media)

V

verdict, 75, 77-78, 82
 Victim Contact Scheme, 86
 video, 25, 49-50, 52, 58
 video evidence in court, 70-71, 75, 81

W

will, 40, 44-45
 witness, 34, 49, 56, 59, 64-65, 73-77, 89
 acting as a witness, 69-71, 90
 special measures for vulnerable witnesses, 71-72

Notes:

Dotted lines for note-taking.

[illegible]

Acknowledgments

This guide is written by the charity Brake. This edition was updated and revised following consultation with representatives from the following organisations:

APIL (The Association of Personal Injury Lawyers)	Ministry of Justice
Coroners’ Courts Support Service	National Association of Funeral Directors
Coroners’ Society of England and Wales	Natural Death Centre
Citizens Advice	NHS Blood and Transplant
Crown Prosecution Service	Psychological Trauma Consultancy
Devon and Cornwall Police	Restorative Justice Council
Hampshire Constabulary and Thames Valley Police	Sentencing Council
HM Courts and Tribunals Service	Victim Support
Leicestershire Police	West Yorkshire Police
MASS (Motor Accident Solicitors Society)	

Please give us your feedback

Your feedback is important to us and helps us improve the support we provide and gain funding. If you would like to give feedback about this guide, please email admin@brake.org.uk.

Published by Brake, the road safety charity
 2024-2025 edition
 ISBN: 978-1-906409-85-2
 © Brake 2024. All rights reserved.
 Brake, PO Box 548, Huddersfield HD1 2XZ
 Charity registration: 1093244. Company no: 3260243
 Registered in the UK. Limited by guarantee.
 Printed by E petch Printers Ltd 0161 303 9482



National Road Victim Service

If someone close to you has died in a road crash, this guide aims to help.

Find out more about the complex, unfamiliar procedures that often follow a road death, including how the police will investigate the crash, what happens during a court case, and how to choose a solicitor or make a claim for financial support.

If you need help with practical challenges or emotional support, Brake's National Road Victim Service is here for you.

Get in touch for help

0808 8000 401

help@brake.org.uk

www.brake.org.uk/support

Published by Brake, the road safety charity

2024-2025 edition

ISBN: 978-1-906409-85-2

© Brake 2024. All rights reserved.

Brake, PO Box 548, Huddersfield HD1 2XZ

Charity registration: 1093244. Company no: 3260243

Registered in the UK. Limited by guarantee.

Brake's National Road Victim Service is sponsored by



HODGE
JONES &
ALLEN



HUGH | JAMES
Understanding law, understanding you

