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By email: justicecommittee@parliament.scot

16 January 2023

Dear Ms Nicoll,

Thank you for your letter of 16 December in relation to the Criminal Justice Committee's ongoing work on policing and the mental health of officers and staff.

You have asked why the suicide of a police officer or staff member, where there is a workplace element, is not subject to a Fatal Accident Inquiry. Section 2(3) of The Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 confirms that an inquiry is to be held into the death of a person if that death was the result of an accident which occurred in Scotland and while the person was acting in the course of the person's employment or occupation. The Explanatory Note for this Section specifically states that 'the death of a constable of Police Scotland who dies in the course of their duties would trigger a mandatory FAI'.

However, Section 2(3) makes it clear that an FAI is mandatory in relation to a death in the course of employment only where the death has been as a result of an accident. Accordingly, an FAI would not automatically fall to be held where the person died as a result of suicide (or from natural causes), even if that death were to occur at their workplace.



As you have stated, Section 4 of the Act does provide that an FAI may be held where I consider that the death was sudden, suspicious or unexplained, or occurred in circumstances giving rise to serious public concern, and where I decide that it is in the public interest for an inquiry to be held into the circumstances of the death. Every death by suicide of a police officer or staff member will be fully investigated by the Crown and that investigation will examine whether the person's employment or duties may have played any part in their decision to end their life. Consideration will be then given as to whether it would be appropriate to hold a Fatal Accident Inquiry to explore the circumstances surrounding that death.

I hope this information is of some assistance to you.

Yours sincerely

**RT HON DOROTHY BAIN, QC
LORD ADVOCATE**