Missing People consultation response: Improving the Code of Practice for Victims of Crime

1. Introduction

Missing People welcomes the opportunity to contribute to the Ministry of Justice’s consultation on improving the Code of Practice for Victims of Crime.

Missing People is a UK charity that exists to ensure that those affected by a disappearance are able to access the support they need. We offer a lifeline to missing children and adults, as well as the families they leave behind through our helpline, publicity, and advocacy work, and by working in partnership with the police and other statutory and voluntary sector organisations.

In 2010/11, approximately 327,000 missing person reports we made to police forces across Britain.\(^1\) Whilst the vast majority of disappearances are resolved relatively quickly, data gathered by the UK Missing Persons Bureau suggests that around three percent of reports remain open for more than a week,\(^2\) and one percent for longer than a year,\(^3\) leaving families to cope with the pain of not knowing what has become of their loved one.\(^4\)

Missing People welcomes the Government’s broad aim to improve support for those that have fallen victim to crime. Our submission explores two key areas:

- **The absence of provisions for families of missing people within the Victim’s Code:**
  Whilst a person’s whereabouts are unknown, there is the possibility that they may have been the victim of crime, and our research suggests that families of missing people have support needs akin to those of victims of crime; namely practical, legal and emotional support. As such, we believe that families of missing people should be categorised as victims and be afforded appropriate support as standard if their relative remains missing beyond a predetermined period of time.

- **The proposal of having a section of the Victim’s Code dedicated to children:**
  Missing People believes that this is a very positive step; the charity works with children and young people who have been victims of crime or are at risk of being so, and as such we see this as an important provision.

Our comments in connection to each of these areas are detailed below, and we hope they will help to inform the Government’s plans for improving support for victims when read in

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\(^4\) Some people go missing one than once; data suggests that the number of reports made 2010-11 pertain to approximately 216,000 individuals. Some people will remain missing for much longer than a year, creating a backlog of unresolved missing person cases.
conjunction with our submission to the previous consultation, *Getting it Right for Victims and Witnesses* (see appendix).

2. The absence of provisions for families of missing people within the Victim’s Code

“As human beings, we are not equipped to deal with such profound and extreme, devastating emotion, and neither are our friends and family. The ramifications of an event like this are huge”

- Kate McCann, mother of missing Madeleine

In connection to question two of the consultation, Missing People urges the Government to acknowledge the emotional, practical and legal support needs of families of missing people by incorporating them into the Victim’s Code.

2.1 The support needs of families of missing people

Evidence demonstrates how the support needs of families of missing people echo those of victims of crime, in that they may need emotional, practical and legal assistance to help them cope with their circumstances. Furthermore, as a result of the duration of the case, or the circumstances of the disappearance, some families may also believe their relative has been the victim of crime, and indeed, in a proportion of instances this will be the case; Police guidance for missing person investigations reminds officers that, in a few instances, a missing person report will be the beginning of major crime investigation, and ‘if in doubt, think murder’.

The charity’s work with families, as well as our research report, *Living in Limbo: the experiences of, and impacts on, families of missing people*, demonstrates the range of repercussions that having a missing loved one can bring. The emotional toll can be enormous, with families often stating that this does not ease over time as their questions as to what has become of their relative remain unanswered:

“Living with a missing child is the most devastating experience any parent could ever live through. I live in a constant state of grief.”

- Nicki Durbin, mother of missing Luke

Yet in addition to emotional trauma, families may additionally face a range of practical, legal and financial difficulties, some of which can be very serious and may jeopardise the financial

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7 Ibid. p. 15.

stability of the family. These can include issues with bills, rent and mortgage payments, along with benefits and pensions, and can be particularly acute when the missing person was the main breadwinner of the family, or there are assets or liabilities held with them:

“My mortgage is in mine and my husband’s name... My mortgage rate has gone up – the bank won’t have anything to do with it – I am potentially going to lose my home.”
- Jacqui Hoyland, wife of missing Jeremy

Such practical and legal issues were also found by the All-Party Parliamentary Group for Runaway and Missing Children and Adults and the Justice Select Committee following their inquiries into matters connected to the experiences of families of missing people.10

Families also need clear information in connection to the police, in terms of what to expect from them and where the investigation has got to:

“I feel that it is critical that all families have constant, continuous lines of communication, and a point of contact with the police who they can exchange information with, because to be left in the dark when your child is missing is unbearable and bordering on inhumane.”
- Kate McCann, mother of missing Madeleine

As such, it is vital that families of missing people know where to they can find emotional, practical and legal support. Yet evidence suggests that many do not know what help is available to them, or where to find it, and without such support, some report feeling isolated. Missing People believes this must change, and sees the revision of the Victim’s Code as an important opportunity to ensure that these families are able to find the support they so urgently need.

2.3 Links between missing persons and issue of victims

There are several links between missing persons and the issue of victims. These include cross-over between these groups, and the similarities in the needs of the families of missing people and victims of crime in terms of both support and services.

In terms of the former, whilst a person’s whereabouts are unknown, there is the possibility that they may have been the victim of crime or accident, or are at risk of being so. Furthermore, research indicates that about one percent of missing person cases result in a fatal outcome (this figure rises to approximately 10 percent for those cases held by Missing

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9 Ibid. p. 10.
People as the charity tends to work on longer term cases), and as such, a subset of these families will have been bereaved as the result of their missing relative being a victim of crime; indeed, there have been several high profile instances of criminal investigations following people going missing in recent months.

As for the latter, as outlined above, research demonstrates that families of missing people have support needs akin to those of victims of crime. In addition, like victims of crime, these families also come into contact with the criminal justice system, and possibly for an extended amount of time if their relative remains missing, and possibly intensively, should the nature of the investigation change to a criminal one. They also have similar needs in this respect in that they require regular updates as to case progress and expectations as to the service they will get from the system.

2.3 Current provisions for families of missing people

There are several organisations which provide support to families of missing people by way of helping them to deal with some, or all, of the issues that they might encounter, and which operate at either an international, national or local level. This includes Missing People, which offers a range of services to families, including a helpline which is open 24/7, a suite of online guidance on a range of practical, financial and legal issues, and services such as telephone counselling.

Guidance issued by the Association of Chief Police Officers (ACPO) on missing person investigations, and the Cross Government Strategy on Missing Children and Adults, both impress the importance of ensuring that families of missing people are referred to sources of support such as Missing People:

‘As the first responders to missing reports the police should ensure all families of missing people are automatically signposted to support services that are available to them (for example the ‘Missing People’ Charity helpline).’

- Cross Government Strategy on Missing Children and Adults

The charity works with ACPO and other partners such as the UK Missing Person Bureau and the Child Exploitation and Online Protection Centre to encourage this in practice.

Yet whilst it is clear that families could benefit from being made aware of the support available to them, it clear that not all families are, since referrals to support are not mandatory:

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12 Newiss, G. (2011) Learning from Fatal Disappearances London: Missing People p. 6. This report details a sample of Missing People cases which had a fatal outcome, and includes information as to the cause of death, including instances of homicide.


“I had never heard of [Missing People] until a colleague at work told me about the charity. It was never suggested to me by the police.”
- Nicki Durbin, mother of missing Luke

Missing People believes it is vital that families who could benefit from services designed to support them are made aware of what is available, and as such that there should be mandatory referral mechanism for this – similarly to how victims of crime have been historically been referred to Victim Support. The charity understands that there is appetite for such a move within relevant senior policing circles.

The police are additionally a key source of support for families of missing people, beyond their signposting role. Research highlights that the response of the police to a missing person case is very important in reassuring the family that their relative’s disappearance, and the resulting search, is being taken seriously. Yet whilst some families report an excellent service from the police, others have less positive experiences, and it is clear that they would benefit from clear communication lines as to what steps are being taken to find their loved one – similar to provisions afforded to victims by the Victim’s Code:

“I got, er, [my named officer] on my phone, and the amount of times I’ve phoned her. I mean, I’ve probably spoken to her twice in three years, but I must have phoned her thirty.”
- Daughter of a missing woman

2.4 Incorporating families of missing people into the Victim’s Code

Missing People believes that including families of missing people in the Victim’s Code would ensure that they able to find the support they need at an unimaginably difficult time, by making this referral mandatory. In addition, it would ensure that they are entitled to minimum level of service from the criminal justice system.

Yet we appreciate that the vast majority of missing person cases are resolved relatively quickly, and therefore the charity suggests that only those outstanding after a predetermined period of time be referred to sources of support. Families of longer term missing people are more likely to have complex needs, and require specialist assistance that may not be met by mainstream provisions, such as financial advice and emotional support. Such an approach would ensure that resources are directed to where they will be most effective; a theme we acknowledge runs through the consultation proposals.

Missing People would be pleased, as a key source of support for families of missing people, to be the organisation to which these families would be signposted to. We convene a group

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17 In the charity’s submission to the connected consultation, ‘Getting it Right for Victims and Witnesses’, we proposed a 90 time period for such purposes.
known as the ‘Missing Forum’ – a collection of organisations that work on the missing persons issue – and therefore have sound links with others who we can collaborate with to meet the often diverse needs of this group of families; for example, if they have particular issues as a result of their relative going missing overseas.

3. The proposal of having a section of the Code dedicated to children

In connection to question 17 of the consultation, Missing People believes it is important that any revision to the Victim’s Code includes appropriate and targeted support for children and young people who have been victims of crime.

This is an area of interest to the charity, as approximately two-thirds of missing person incidents relate to children and young people,\textsuperscript{18} and some those who go missing or runaway will have been, or will become, victims of crime – indeed, going missing can be an indicator that a child or young person may be part of, or subject to, criminal activity.

For example, research indicates that there is a strong link between sexual exploitation and children going missing. This includes a report recently published by the Office of the Children’s Commissioner, which shows that, of the sexually exploited children who were interviewed, 70 percent had gone missing; furthermore, 58 percent of the call for evidence submissions showed that children had gone missing from home or from care as a result of sexual exploitation.\textsuperscript{19}

Such children must be provided for by the criminal justice system, and as such we welcome specialist provisions for this group.


Appendix

Ministry of Justice
Consultation Paper: Getting it right for victims and witnesses

Introduction
Every year, approximately 216,000 children and adults go missing and are reported to the police (NPIA, 2012). The vast majority of people who go missing return or are found quickly; the latest data supplied by the Missing Persons Bureau indicates that 77 per cent of missing people come back or are located within 16 hours. However 3 per cent of cases remain outstanding for longer than a week (NPIA, 2012) and around 1 per cent of cases for more than a year (NPIA, 2010).

Missing People is a UK charity that not only provides a lifeline to the many thousands of adults and children who go missing each year, but also to the families they leave behind. The charity’s research report Living in Limbo reveals the range of impacts faced by families when someone goes missing, including emotional, social, financial and legal difficulties.

Missing People therefore welcomes this consultation on victims and witnesses by the Ministry of Justice which provides a timely opportunity for Government to recognise the impact a missing incident can have on family members.

Question 1: Are there groups of victims that should be prioritised that are not covered by the definitions of victims of serious crimes, those who are persistently targeted and the most vulnerable? If so, can you provide evidence of why they should be prioritised and what support needs they would have?

Missing People believes that a strong case exists for the ‘family spokesperson’ category under Section 32(3) of the current Victim Code (in cases where a person has died as a result of criminal conduct) to be widened to include families in cases where a family member has been missing for 90 days or longer.

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20 This data only represents a partial picture but it is consistent with previous research which has also found that the majority of missing persons are resolved quickly.

21 See the ‘Missing Children and Adults Strategy’ published in December 2011; and the Justice Select Committee’s report on ‘Presumption of Death’ published in February 2012.
As the consultation paper notes, for some victims of crime – particularly those of relatively low level offences – the impact may be practical and short-lived. It also notes that not all victims of crime want or need support. Where missing person investigations are concluded within 16 hours, it is unlikely that all families will require high levels of support beyond the services that Missing People already provides to local police forces in helping to resolve cases. In many of these cases it may be that a crime has not been committed and families would not recognise themselves as secondary victims.

Yet for missing cases that last for a longer period of time, some of the families that the charity works with may suspect that their missing person is a victim of crime. They may also start to recognise that their support needs are becoming increasingly more complex:

“Our friend’s number plate was stolen and they were offered counselling by the police, but we’ve been offered no counselling, you feel there’s no real back up or support.”

“If you get robbed, you’d get a counsellor or something; but if someone goes missing you don’t really have that guidance.”

Policy guidance already exists around police practice in referring families of missing people to Missing People as soon as they report the missing incident (ACPO, 2010; HM Government, 2011) and the charity will continue to work with ACPO and other partners such as the Missing Person Bureau and CEOP to encourage this.

After 90 days however Missing People is proposing that this referral should be mandatory so that families of missing people are routinely made aware of the charity’s services and are offered the opportunity to take up emotional and practical support and help with financial and legal matters. This time period is consistent with current proposals around introducing legislation to allow the families of missing people to access a legal system of ‘guardianship’ that would allow them to safeguard their missing person’s financial and legal affairs for the duration of the missing incident (Justice Select Committee, 2012).

A range of evidence exists to suggest that families of people missing for more than 90 days meet the criteria for prioritisation set out at paragraph 9 of the consultation paper:

- Taking and acting on missing person reports is a routine public protection matter for the police. The possibility that a missing person is a victim of crime is central to the ACPO Guidance on the Management, Recording and Investigation of Missing Persons (4.3.1).\(^{22}\)

The Guidance states that the initial stages of any missing person enquiry should commence on the basis that the case may escalate into a serious crime enquiry. It states that ‘being missing’ is widely recognised as a key indicator in identifying victims of various crime types (5.4) and confers a duty of positive action on the police to investigate.

\(^{22}\) There are three basic reasons for conducting searches in a missing person investigation: locate the missing person; identify any information that may lead to their discovery; and establish whether a crime has been committed against the missing person.
Police are advised that if there is any doubt about a missing person case then they should ‘think murder’ (2.1). Furthermore, the Guidance advises that ‘low risk does not equate to no risk’ and reminds police officers that many homicide cases initially reported as missing persons fit the low risk classification (3.3.1).

- When the family of a missing person makes a report to the police, they come into contact with the criminal justice system. The ACPO Guidance notes that the responsibilities of the first officer attending a report of a missing person include assessing the level of support required for the family with a family liaison officer appointed in appropriate cases (4.11 and 4.2.1).

During a recent All Party Parliamentary Group inquiry into support for the families of missing people (see below), the Missing Person’s Bureau, based in SOCA, referenced the importance of providing a response similar to that provided to other victims of crime:

“We liken it to support given to victims…the Bureau definitely has a role to play in assisting forces get it onto the same kind of level of response to the type we see in victim support.”

- The All Party Parliamentary Group for Missing Children and Adults made a number of recommendations to Government following its inquiry into support for the families of missing people (APPG, 2011). One of these recommendations included the need to introduce a statutory requirement so that family members who make a missing person report are signposted to the police to the appropriate services for free emotional, practical and legal support as standard.

- The recently published cross-government strategy on Missing Children and Adults recognises that missing persons are some of the most vulnerable members of society. It states that many vulnerable children and adults suffer harm and exploitation whilst missing and that, sadly, some never return.

The Government commits to focus primarily on vulnerable people who go missing within England and Wales; working to prevent people going missing in the first place as well as working to: ‘reduce the harm to vulnerable children and adults when they do go missing, focusing on those most at risk, and ensuring that families are supported’.

The strategy sets out the expectation that: ‘the police should ensure all families of missing people are automatically signposted to support services that are available to them, for example the Missing People charity helpline’.

- The draft Directive of the European Parliament and of the Council on the rights, support and protection of victims of crime makes provision for support and protection to be

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23 Figures from the National Policing Improvement Agency (2009/10) suggest that between 400-1,800 missing people will be found dead each year in Great Britain.
given to **family members of victims** since such persons are often harmed by the crime and may also themselves be at risk of secondary victimisation. Article 7.1 (right to access victim support services) sets out that: Member States shall ensure that victims and their family members, in accordance with their needs, have access to free of charge, confidential victim support services.

**Question 2: Should supporting victims to cope with the immediate impacts of crime and recover from the harms experienced be the outcomes that victim support services are assessed against?**

As one of the principles of the suggested new approach, this should be included in the criteria for assessment. In addition, the principle that victim’s services should be targeted at those who have suffered the greatest impact from crime needs to be assessed.

**Question 3: Are the eight categories of need identified correct? Are there any other categories of need that support services should address?**

Missing People believes that there are very clear parallels between the long term negative impacts of bereavement (including ill health, unemployment, debt, relationship breakdown and housing problems) identified by the former Victim’s Commissioner, Louise Casey, in her ‘Review into the Needs of Families Bereaved by Homicide’ (July, 2011) and those identified by Missing People’s own research into the impact of a missing episode on families left behind. Furthermore, for both bereaved families and families who are ‘left in limbo’ these problems come at a time of despair and emotional trauma.

The eight categories of need suggested within the consultation paper for the commissioning framework all have resonance with the type of support that Missing People provides. Additional needs identified by the charity include support around legal issues as well as media attention.

Details in relation to all these needs are outlined below. They are drawn from Living in Limbo (Holmes, 2008) as well as findings of the most recent family feedback survey (Missing People, 2011) and illustrate that the impact of a missing incident can include emotional trauma, negative physical impacts and hardship to the families left behind. They also identify a clear need for specialised practical advice and counselling services to help people deal with everyday life.

**A. Mental and physical health**

Families of missing children and adults report experiencing a wide range of often conflicting emotions such as sadness, worry, guilt, anger and hope. They can experience ‘highs’ of hopefulness as well as ‘lows’ of despair. Overall, 41 per cent of family members in the 2011 feedback survey reported mental health concerns as a consequence of having someone missing.

It is important to note that these emotional impacts do not diminish over time. Because families ‘live in limbo’ for as long as their family member are missing, their loss is filled with
uncertainty and ambiguity without the certainty of life or death. This lack of information or ‘closure’ in many cases means that there is not a recovery process as there can be following loss by bereavement, for example. As such, this scenario has been labelled ‘ambiguous loss’ (Boss, 1999, 2002, 2007).

The emotional impacts of having a loved one missing may also result in physical symptoms such as sleeplessness, stress and deteriorating health. 39 per cent of families questioned in the 2011 feedback survey reported a physical health concern.

B. Shelter and accommodation
There are a number of financial impacts (see below) of having a loved one, who is also responsible for some, or all, of the household income, go missing. This includes cases of family members being evicted from their homes as a consequence of being unable to cover housing costs, or having to stand by as their missing relative’s home is repossessed in their absence.

The family feedback survey in 2011 identified that that 6 per cent of respondents had experienced difficulties with paying the mortgage and 14 per cent had problems with paying rent or bills.

C. Family, friends and children
Overall, reliance on family and friends is extremely important in supporting the families of missing people through the experience.

For families of missing children and adults, there is a significant impact when someone goes missing – both on the family as a whole and on relationships between family members. Sometimes this will result in negative changes to family relationships such as disagreeing over whether the missing person is likely still to be alive. An example of positive change however includes improved communication between family members left behind as a consequence of needing to collaborate during the search and to comfort each other. Friends can provide another source of emotional support.

Yet some families of missing people worry about the burden on friends and other relatives when confiding in them. This is especially true in medium to long term cases when the initial flurry of activity around the search for the missing person has passed, and fewer people may be asking them about their relative and how they are feeling. This can lead to feelings of isolation.

Part of the value of accessing support services in the community, rather than within friends and family, is that there is less need to consider the impact of the burden on the support provider. It is also difficult to consider confiding in friends and family when they themselves may be struggling to cope with the missing person’s disappearance.

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24 Missing People, with support from the Big Lottery Fund is currently piloting a bespoke counselling project called ‘Living Better, Whilst Living in Limbo’
D. Education, skills and employment
Some family members report disruption to work caused by the emotional or practical pressures of having someone missing. This can also have financial consequences for families (see below).

E. Drugs and alcohol
Families identify many coping strategies to help them deal with a missing incident, including focussing on the practical, normalising or rationalising the experience, cutting off or compartmentalising feelings and seeking support such as counselling or medication. Talking to people, in order to share feelings, discuss the situation and reminisce, is another strategy which is felt to be extremely helpful. However some people, understandably, may turn to more unhelpful coping activities like drugs or alcohol.

F. Finance and benefits
There are some immediate and practical costs for families of missing people associated with undertaking search activity such as producing posters and leaflets and travelling in the UK and abroad. In addition, the loss of the missing person’s income can have a significant impact on families where this income contributed to paying bills and supporting other family members.

Some family members may even find themselves in a position of paying the missing person’s bills or covering their debts in order to maintain the missing person’s affairs and avoid defaulting on payments. This can be particularly fraught if they share assets or liabilities with their relative, such as a joint mortgage. It can also link to difficulties in having conversations with banks and other financial institutions that, in the absence of a legal mandate, are unlikely to disclose the missing person’s financial affairs. Indeed 16 per cent of families in 2011 reported having problems notifying the bank when their loved one disappeared and 17 per cent had problems with benefits.

Dealing with financial affairs can also be costly to the families of missing people when expert financial or legal advice is required, as well as being a cause of stress and worry. In recognition of this, the charity’s Missing Rights campaign is calling for a system of guardianship to address these issues.

G. Outlook and attitudes
The impact on the outlook and attitudes of family members during a missing incident are two-fold. Firstly, families’ emotional response is affected by the degree of ‘intent’ on the part of the missing person. The distinction between intentional and unintentional absences is important.

Secondly, a family’s perception of the quality of services provided to them affects their outlook. This includes: whether they believe that everything possible is being done to find the missing person; the extent to which they have been taken seriously; how well services meet their expectations; the personal manner of service providers; the quality and consistency of long term contact; and how well they are kept informed of developments (or lack thereof).
Depending on the length their relative is away, family members’ outlook and attitudes may shift over time as they revised their beliefs around the circumstances that led their relative to be missing, or if there are any changes in the level of service they receive from agencies.

H. Social interaction
Whilst some families actively seek to tell as many people as possible about the disappearance, others fear negative reactions and are wary about whom they tell. The expected, feared or actual reaction that is received can have a profound impact on the families of missing people. A mixture of reactions is described by families, from positive and supportive help to negative and unhelpful comments.

I. Legal issues
Legal issues are another identified support need for the families that Missing People works with. As well as seeking information on legal provisions that will allow them to maintain their missing person’s financial affairs (see above), families need support around the legal mechanisms in cases where they need to have their missing family member presumed dead. This is generally to resolve legal issues that include administering the missing person’s estate or dissolving a marriage.

Again, in recognition of the complex mixture of current common law, statute and probate rules related to people presumed dead, the Missing Rights campaign is calling for a single piece of legislation on presumption of death for England and Wales (which already exists in Scotland and Northern Ireland).

J. Media attention
Families report feeling obliged to have contact with the media to maintain publicity about their missing person’s case. However media contact can prove stressful as families seek to portray a sympathetic image of the missing person and their family and possibly have to confront prejudice and challenge negative assumptions.

Question Four: Is a mixture of locally led and national commissioning the best way to commission support services for victims of crime?

Missing People acknowledges the value of introducing a mixture of locally led and national commissioning structures. The charity already works through its local coordinators and a growing network of volunteers to provide services to families of missing people. In addition, the charity works closely with local police forces, assisting them to deploy their resources effectively through providing case publicity. Missing People is therefore keen to explore how it might support police forces in resolving missing person cases within commissioning arrangements led by the new Police and Crime Commissioners.

As noted above, Missing People also believes that the small number of families still missing their loved one after 90 days have particularly acute needs and require types and level of support which will require specialist provision. Missing People understands that the Government already funds the National Homicide Service and thinks that there is a similarly
strong case to be made for the family support element of our work to be recognised as a national service.

**Question 5: Should Police and Crime Commissioners be responsible for commissioning victim support services at a local level? Who else should commission support services?**

Missing People believes that any local level commissioning should be undertaken in collaboration with a range of local partners, including local authorities and local communities. With respect to assessing need at the local level, Missing People thinks it is important for commissioning processes to refer to national level strategies and action plans on missing children and adults as well as related crimes such as sexual exploitation, domestic violence and hate crime. It is common by their very nature for these issues to be largely ‘hidden’ from public and political awareness and as a consequence will not always be issues that local politicians and residents will necessarily identify as areas of concern.