

All-Party Parliamentary Group for Runaway and Missing Children and Adults



Inquiry: Support for Families of Missing People Report with recommendations

July 2011
Produced by Missing People,
Secretariat to the APPG

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Foreword



Listening to families of missing people talk of their devastating experiences is a very sobering experience. You can literally hear the pain in their voices.

As part of the United Kingdom's first ever Inquiry into support for families of missing people, these families told the APPG what they need most to help them cope at such a traumatic time. We listened closely, and we have carefully considered how support for them can be improved in line with what they said.

The families were joined by a range of agencies who also gave evidence about their role and experience of working with families of missing persons. Throughout the Inquiry we were encouraged by the number and breadth of organisations that wanted to be involved, and are grateful to those who invested their time, including Home Office Minister James Brokenshire, and the Chief Executives of the Child Exploitation and Online Protection Centre (CEOP), Peter Davies, and the National Policing Improvement Agency (NPIA), Nick Gargan.

We must act on the evidence heard by providing families with the emotional, practical and legal support that they need.

It is clear that the Inquiry has already started to make a difference, with those present at the hearings having left with a much better understanding of the devastation families face every day their loved one is missing. As Nick Gargan said in the first session:

“There’s not a police officer in the country who wouldn’t change how they respond to missing person reports were they to listen to the testimony of the three mothers we just listened to.”

The needs of this group of victims must be met, and the Government must listen to the voices of the families and professionals reflected in the recommendations within this report. None are particularly costly and yet, if implemented, would make all the difference in the world to the families living a nightmare we all fear the most – someone we love going missing.

A handwritten signature in cursive script that reads "Ann Coffey".

Ann Coffey MP

Chair of the All-Party Parliamentary Group for Runaway and Missing Children and Adults

Overview of the Inquiry

“Earlier this year we heard from families of missing people in distress, and the barriers in law, and in practical terms what happens to families when a member goes missing... it is very important that the evidence we give is acted upon.”

Ann Coffey MP, Chair of the Inquiry
Session one

“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 of the type we see in victim support.”

Sean Sutton, Head of the Missing Persons Bureau
Session four

“It is curious that offenders in the criminal justice system are subject to professional interventions, and across the victim care world, including the missing world, the care we give families is by and large down to voluntary, charitable and third sector effort, and that to me is a fundamental misconnection in a modern society.”

ACC Phil Thompson, ACPO lead on missing persons
Session one

The decision to run an Inquiry into support for families of missing people stemmed from the APPG’s March 2011 meeting, which explored the numerous and complex practical issues that families can face following a disappearance. At the close of the meeting, Members unanimously decided that an Inquiry would be an appropriate way of examining the needs of these families more closely.

The Inquiry hearings took place over four sessions in June 2011. Each was co-chaired by a cross-party committee of Parliamentarians, who heard evidence from a range of relevant public, private and voluntary sector organisations, along with families of missing people themselves.

Once the hearings were complete, the co-chairs regrouped to discuss the key issues they had taken from each of the sessions. Recommendations were then formed which outline measures through which families of missing people could be better supported.

This report of the Inquiry outlines the recommendations and provides a summary of the main themes found in each of the Inquiry’s sessions. This report will be delivered to the Coalition Government for consideration in July 2011.

Main findings and recommendations

“It is trying to ease the areas that can be eased, because the area that is not going to be eased is that the person is missing; but there are things that can be done that will make your path a little easier whilst you are dealing with that.”

Sarah Godwin, mother of missing Quentin
Session one

“There are hundreds, if not thousands, of families out there who have got so worn down that they do not have any fight left in them. No family should have to fight to ensure their loved one gets the service they deserve.”

Nicki Durbin, mother of missing Luke
Session one

The Inquiry co-chairs have developed 12 recommendations that, if implemented, would ensure that comprehensive support is available for families of missing people, and would bring provisions for them in line with those available to victims of crime.

The Inquiry recommends that a cross-departmental policy framework setting out the Coalition Government’s outcomes in relation to missing people is established and that progress towards achieving these outcomes is reported annually.

The co-chairs heard families describe their need for information and support following the disappearance of loved one, yet were concerned to hear that the majority were not signposted to sources of specialised help by statutory services.

The co-chairs heard from specialist organisations such as Missing People, The Children’s Society, The Salvation Army and Missing Abroad about the difficulty some families of missing people face in remaining up to date with the search for their loved one, and the emotional impact of this.

The Inquiry further **recommends** that the Home Office and ACPO ensure, as a matter of urgency, that a statutory requirement is introduced so that family members who make a missing report are signposted by the police to appropriate services (such as those provided by Missing People, Missing Abroad, The Salvation Army and The Children’s Society) for free emotional, practical and legal support as standard.¹ This should include those reports which are not assessed to be police cases.

The Inquiry further **recommends** that the Home Office and ACPO review the role of designated missing person coordinators across police forces and explore mechanisms for ensuring that families are provided with the contact details of a named officer knowledgeable of their relative’s case.

The co-chairs noted that the Department for Education is currently preparing a Government action plan on child sexual exploitation and recognised that there is a need to support missing children and their families who are affected by this issue.

The Inquiry further **recommends** that the Department for Education makes explicit the evidenced link between children who go missing and child sexual exploitation in its forthcoming action plan and considers how to collect more accurate local authority statistics in order to best reflect the national picture. The Department of Education should also work with CEOP to recognise the support needs of families of children who go missing.²

The co-chairs also heard evidence around how not every missing person report is taken on as a police case, yet some of those that fall into this bracket have later been found to have been victims of crime. Additionally, they heard from families who are not confident that the search for their relative was appropriately resourced by the police following the level of risk allocated to it.

¹ Previously recommended in the October 2010 parliamentary debate on missing persons where it was noted that this already happens for victims of crime

² The CEOP (2011) report ‘Out of Mind, Out of Sight’ also recommends that victims of child sexual exploitation and their families should receive support from specialist services

The Inquiry further **recommends** that ACPO ensures that every missing person report is appropriately risk assessed and resourced in line with national guidance, and that those reports deemed outside of the police's responsibility are referred onto other appropriate searching organisations as standard.

The Inquiry recommends that the Ministry of Justice provides a framework for consultation on presumption of death and guardianship provisions, exploring the evidence base that exists in relation to presumption of death in Scotland and Northern Ireland and in relation to guardianship in Australia.

The Inquiry recommends that this framework, along with a timetable for future action, should be in place by the end of the current session, with any resulting provisions to be implemented by the end of the current Parliament.

The co-chairs were concerned to hear how families of Scotland and Northern Ireland – as well as some as other groups of citizens – are able to access more favourable presumption of death provisions than those in England and Wales.

The co-chairs were surprised to learn that there are no provisions made in law for the protection of a missing person's assets whilst they are away, and heard of the devastating repercussions this can have for the families left behind in trying to maintain them.

The co-chairs further noted that several international federations recommend or enforce particular standards with regard to legal provisions for families of missing people. The exposure of the UK Government to claims of inequality in relation to human rights provisions was of particular concern to the co-chairs. They were also struck by the benefits that quality international liaison can bring to the area of missing persons in terms of the operational search.

The Inquiry further **recommends** that relevant Government departments evaluate whether legal provisions for families of missing people meet agreed standards of international federations the UK is a member of, such as the Council of Europe.

The inquiry recommends a review of national procedures in relation to cross-matching to ensure that comprehensive data on missing persons is collected and that there is national oversight and coordination in relation to bodies held by the police and coroners.

The co-chairs were concerned to learn how the fragmented landscape of governance within cross-matching means that there is a lack of overall oversight and coordination within the system. The co-chairs were also concerned to hear that, in some instances, families have felt compelled to instigate cross-matching themselves.

The Inquiry further **recommends** that the Home Office examines how Her Majesty's Inspectorate of Constabulary (HMIC) can contribute to ensuring that police forces are compliant with the missing persons policy framework and the national police code for missing persons data collection.

The Inquiry further **recommends** that the benefits of a comprehensive UK-wide federal database for missing persons and unidentified body cases is considered within the current review of policing services.

The Inquiry further **recommends** that international missing persons cases should be considered under the remit of the National Crime Agency (NCA) in order that operational liaison would function through CEOP and other NCA agencies.

Session One: Supporting families of missing people: existing provisions and the Missing Persons Taskforce recommendations

“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

More than 350,000 missing person reports are made to police forces across the UK each year – the equivalent to about one report every 90 seconds. Whilst the majority of disappearances are resolved within 48 hours, an estimated 25,000 cases remain open for more than a week each year, and approximately 3,500 last for longer than a year. Some unfortunately remain open for much longer, creating a cumulative number of ‘long term’ cases.

The opening session of the Inquiry explored the wide-ranging impacts that having a missing loved one can have on families left behind, as well as the landscape of services currently available to help them cope. It also explored with families where they saw gaps in these provisions, and where new services are required to ensure that their needs are met holistically.

The session was co-chaired by:

- Ann Coffey MP (Labour, Stockport – lead)
- Nigel Adams MP (Conservative, Selby and Ainsty)
- Robert Buckland MP (Conservative, South Swindon)
- Annette Brooke MP (Liberal Democrat, Mid Dorset and North Poole)

Evidence was received from:

- Families of missing people: Nicki Durbin, Sarah Godwin and Kate McCann
- Home Office: James Brokenshire (Minister for Crime and Security)
- Missing People: Martin Houghton-Brown (Chief Executive) and Jo Youle (Director of Services)
- Children’s Society: Elise Noblet (Support Worker)
- The Salvation Army: Major Graham Kinsley (Director of Family Tracing Services) and Dr Helen Cameron (Head of Public Affairs)
- National Policing Improvements Agency: Nick Gargan (Chief Executive)
- Association of Chief Police Officers: ACC Phil Thompson (Lead on Missing Persons)
- The Child and Online Exploitation Protection Centre: Peter Davies (Chief Executive)

Themes

“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

“What I will certainly take away from this morning’s session, is to ensure the families in this terrible position are better directed to support and advice and care...I am sure there are things we, in Government, should be looking at more.”

James Brokenshire, Minister for Crime and Security

The co-chairs identified several themes within the evidence of this session: the need for families to be signposted to specialist support by the police; the value of providing families with a named officer in the police force dealing with their missing relative’s case, and; how the cross-cutting nature of the missing persons issue requires an overarching policy framework.

Signposting families to specialist support

“This is a tremendously isolating experience.”

Sarah Godwin, mother of missing Quentin

The session opened with three mothers of missing children talking about the devastating emotional impact of having a missing relative. Their accounts were corroborated by the charity Missing People and a representative of the Children’s Society, based on learning from the broad range of cases they deal with.

The accounts demonstrated the urgent need families in these circumstances have for specialist support:

“I think families deserve a very specialised service to help them with the unique and devastating situation they find themselves in.”

Jo Youle, Missing People

Yet none of the families giving evidence were automatically signposted to support by the statutory services they were in contact with around their loved one’s disappearance. Instead, they had all stumbled upon support through their own searching, or had been recommended particular services by friends:

“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

“Families don’t even know that support exists and they are in isolation.”

Martin Houghton-Brown, Missing People

The families and Missing People expressed how those reporting a missing loved one should be signposted to sources of specialised emotional, practical and legal support by the police. This would then give families the option of accessing help above the operational assistance offered by the police in physically searching for their relative:

“The needs of families are hugely important, not always met, and not always a matter for the police... but our role should really be to signpost people on towards those better equipped than us to provide support.”

Nick Gargan, NPIA

“To know that Missing People existed and what their services are, and the support they can offer... would be incredibly valuable.”

Sarah Godwin, mother of missing Quentin

“I hope the Parliamentary Inquiry has the ability to change the way families are treated, and that ... it is standard that all families are immediately signposted to the charity Missing People.”

Nicki Durbin, mother of missing Luke

Whilst ACPO guidance on police missing person investigations states that forces *should* refer families to the charity Missing People, ACC Phil Thompson stated that *“quite clearly one of the of the fundamental challenges I face on behalf of the service is that this is not working well enough and we have to do better.”*

The importance of specialist psychological support for families was also addressed in helping them to deal with their emotional trauma:

“We are medically trained and we couldn’t function... I think it is of paramount importance that psychological support is offered to the family.”

Kate McCann, mother of missing Madeleine

The value of a named police contact

The families demonstrated how it is of utmost importance for them to feel confident and reassured that everything possible is being done to find their missing loved one. Yet not all of the families had this comfort:

“We all feel that stones have been left unturned, and having to find them and turn them over yourself is nearly impossible. It is a path beyond people’s capabilities in many cases.”

Sarah Godwin, mother of missing Quentin

In order to gain this reassurance, families expressed the importance of having solid lines of communication with the police as the agency responsible for the operational search for their loved one. The Inquiry heard that whilst some forces provide families with a named officer who they could contact with regard to their relative’s case, not all do, and those who are not given this contact can find it challenging to access timely information and updates.

Those families giving evidence impressed upon the co-chairs the importance of having access to a named contact in the force who is knowledgeable of their case:

“I feel 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

“I certainly think I should have had a named police officer.”

Nicki Durbin, mother of missing Luke

In connection to this, the appointment of defined coordinators was highlighted as a useful way in which the complexity of the missing issue could be understood within forces:

“What we had in some areas are defined missing people co-ordinators. I think there is probably a significant rationale for making sure that role is widened.”

ACC Phil Thompson, ACPO

An overarching policy framework

It was clear from all those giving evidence that the missing persons issue is multifaceted and requires the effective coordination of a number of different services in order for reports to be responded to comprehensively. One mother highlighted this when asked what she hoped the Inquiry would achieve:

“For me it is the interconnectedness of all the service provision, and the real feeling of reassurance that everyone is doing the best for you whatever the circumstances of the disappearance.”

Sarah Godwin, mother of missing Quentin

Home Office Minister James Brokenshire also referred to how the issue touches a number of different policy areas, and how the Government is currently looking at these with a view to linking them together:

“‘Missing’ elements [are] touching upon a number of different policy strands, whether that be vulnerable adults, whether that be mental health issues, whether that be child sexual exploitation. So what we are doing is seeking to analyse those areas where there may be a ‘missing’ element, and seek to draw those together.”

James Brokenshire, Minister for Crime and Security

Further to this, the ACPO lead on missing persons, ACC Phil Thompson, spoke of the number of different agencies involved in missing persons and how a clear framework which outlines the responsibilities and standards expected from all involved is required. He stated these should be drawn together into a consolidated, coordinated approach:

“My view is that this is crying out for a national strategy for missing people [...] There is a disjoint between agencies and that is a fundamental challenge which must be taken on.”

ACC Phil Thompson, ACPO

Session Two: Resolving a missing person's affairs: presumption of death

“It was very difficult; the solicitor hadn't done it before. We didn't know what was going to be the next step. If we knew what was going to lie ahead of us, it would have eased the situation.”

Rachel Elias, sister of missing Richard

Over time, or as a result of the circumstances in which the person went missing, some families accept that their missing relative is 'missing, presumed dead'. These families may want – or indeed need – to resolve their missing loved one's practical affairs.

The second session of the Inquiry explored the issues families can face when looking to do this through presumption of death provisions in England and Wales (an area of devolved responsibility in Scotland and Northern Ireland). This included awareness and accessibility of measures currently in place, and how these compare to the consolidated processes found in Scotland and Northern Ireland.

The session was co-chaired by:

- Lord Boswell of Aynho, (Conservative – lead)
- Ann Coffey MP (Labour, Stockport)
- Chris Evans MP (Labour, Islwyn)
- Baroness Kramer (Liberal Democrat)

Evidence was received from:

- Families of missing people: Rachel Elias, Alan Smith and Jacqui Hoyland
- Missing People: Martin Houghton-Brown (Chief Executive) and Holly Towell (Policy Advisor)
- Missing Abroad: Matt Searle (Director of Operations & Consular Liaison)
- National Policing Improvements Agency: Sean Sutton (Head of the Missing Persons Bureau)
- Ministry of Justice (written submission)
- Scottish Government (written submission from Leslie Evans, Director General Learning and Justice)

Themes

“Not only are lawyers confused, but probate courts are confused, coroners are confused and families find themselves in distress.”

Martin Houghton-Brown, Missing People

The evidence highlighted two main themes: an absence of clear and informed guidance and support around presumption of death, and a disparity of legal provisions across the UK:

Lack of information and guidance

The decision to resolve a missing person’s affairs is often one of necessity in order to deal with issues which may otherwise negatively impact on those left behind, e.g. if they share joint assets or liabilities with their missing relative, or to get closure:

“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

“We estimate from our current database something in the region of 5,000 cases which are outstanding, and behind each one of those cases is a story of family members who want closure... Many of these people believe the missing person is dead but struggle to obtain a death certificate.”

Sean Sutton, NPIA

Yet the Inquiry heard of how family members are commonly faced with a complex legal situation when they attempt to broach this area. As stated in written evidence from the Ministry of Justice, *‘in the case of a person who goes missing there is no corpse to prove death, and consequently no death certificate will be issued’*, so families therefore need to obtain alternative documentation. Yet trying to establish what legal document(s) they need can be confusing, finding advice can be challenging and advice that is received can be conflicting:

“Over the last two or three years I have been trying on and off to see what to do. The solicitors I have spoken to don’t know what to.”

Alan Smith, brother of a missing Donald

The Ministry of Justice’s written evidence outlines four ways in which families can have a missing person presumed dead. Each process deals with a particular area of a missing person’s affairs, and therefore the resulting document will differ depending on which process is being followed. For example, ‘a decree of presumption of death and marriage dissolution order’ resolves a missing person’s marriage, whilst ‘a leave to swear death order’ enables a family to apply for probate which in turn administers a person’s estate. Therefore families may need to access several processes.

With such a mixture of provisions, it can be difficult for families to find knowledgeable, professional advice. Missing People told the Inquiry of how it is approached by families for information on presumption of death as there is no other source of help or clear information: *“we have ended up being the organisation that people turn to; that doesn’t mean we are any clearer than the families we talk to.”*

The charity reported that solicitors also approach it for advice, demonstrating that legal professionals too can struggle to understand the current framework. Furthermore, the NPIA stated that it had *“identified a lack of knowledge in police officers in this area.”* Both the families and Missing People highlighted an absence of knowledge in agencies involved in delivering the measures currently in place:

“In the end I was told to speak to the Probate Office, which I did, and sent them off a

letter with a whole load of evidence, and they sent me back a letter saying that it was a complex situation.”

Alan Smith, brother of a missing Donald

As a result of the widespread confusion, Missing People outlined how it has been calling for the simplification of current presumption of death legal provisions. A representative of Clifford Chance LLP, which has supported Missing People’s efforts around legal reform, gave evidence to the Inquiry of her legal opinion of current provisions:

“When I looked into it, it became clear that this was a confused area of law, a patchwork of statutory legislation, primary legislation, secondary legislation, probate rules, mixed with common law provisions... I am not surprised lawyers find it difficult to advise.”

Patricia Barratt, Senior Associate at Clifford Chance LLP

Disparity of legal provisions across the UK

With the lack of awareness and confusion displayed from a number of sectors and agencies – along with families themselves – the Inquiry explored ways in which this could be remedied.

When a family member was asked what she felt was needed to help those left behind, she replied *“a clear, simple, usable system that is open to people, so people know what to expect.”* Along these lines, the Inquiry discussed how presumption of death provisions have been consolidated in the devolved nations:

“The complexity that the families we advise find themselves in - the torturous processes - can be made less complex, and be simplified, and indeed have been made more simple in Scotland and Northern Ireland.”

Martin Houghton-Brown, Missing People

The legislation in both Scotland and Northern Ireland enables families to go to court just once to deal with all of their missing relative’s affairs. The Scottish Government’s submission to the Inquiry explains it revised the law in order to streamline existing provisions into one court process:

‘Prior to the Presumption of Death (Scotland) Act 1977, a missing person could be declared dead for limited purposes only in Scotland. The family of a missing person might have to raise separate actions to deal with the individual’s affairs, each dealing with a separate issue.’

Leslie Evans, Scottish Government

The Scottish Government goes on to mention that the law is *‘operating effectively.’* Thus, as explained by Missing People, the Presumption of Death Act (Northern Ireland) 2009 was modelled on the Scottish Act. Yet with no counterpart legislation in place in England and Wales, families in these nations face a cumbersome legal situation:

“I find it extremely challenging, and very difficult to justify why, because they live in a different part of the United Kingdom, they have to go through this terribly onerous and cumbersome process.”

Holly Towell, Missing People

The arduous nature of the existing system appears to have been acknowledged by the Ministry of Justice in its submission through reference to emergency measures that were put in place following the Asian tsunami. This measure simplified existing processes for the affected group of people, making it a lot less onerous:

‘This emergency measure did not remove the requirement for a leave to swear death order to administer the estate or a decree of presumption of death to dissolve a marriage, but it did make the process of obtaining these orders a lot less onerous.’

Ministry of Justice

Session Three: Managing a missing person's affairs – guardianship

“[Claudia] is a chef, she has her own house, almost inevitably with a mortgage, house insurance, car insurance, bank accounts and investments. It was literally a very few weeks before I realised the difficulty in trying to deal with these matters when she is missing.”

Peter Lawrence, father of missing Claudia

In addition to the emotional trauma families face when a loved one disappears, they often experience a range of practical issues too. From banking and insurance, to drawing benefits payments, families can encounter a range of challenges whilst attempting to maintain their missing loved one's practical affairs, or their own, if they have joint assets or liabilities with the missing person or are financially depend on them.

These issues tend to start to arise in cases which have been open for a week or more, of which there are approximately 25,000 a year. It is an area very much distinct from presumption of death (the focus of session two), as families are seeking to manage and protect a missing person's assets, rather than administer them.

The third session of the inquiry explored the current absence of provisions to enable them to protect their relative's affairs, and the range of issues that families can therefore face as a result. It additionally looked at what help institutions can provide without a legal framework to guide them, and what form such a framework could take.

The session was co-chaired by:

- Nigel Adams MP (Conservative, Selby and Ainsty – lead)
- Jonathan Evans MP (Conservative, Cardiff North)
- Caroline Nokes MP (Conservative, Romsey and Southampton North)
- Baroness Sherlock (Labour)

Evidence was received from:

- Family of a missing person: Peter Lawrence
- Missing People: Martin Houghton-Brown (Chief Executive) and Helen Morrell (Family Support Services Manager)
- Association of British Insurers: Tim Humphreys (Policy Advisor)
- National Policing Improvements Agency: Sean Sutton (Head of the Missing Persons Bureau)
- Ministry of Justice (written submission)
- British Banking Association (written submission)

Themes

‘Under the law of England and Wales there is no specific provision or procedure for the protection of the assets of a person who has disappeared.’

Ministry of Justice

Three themes were identified in this session’s evidence in response to the Ministry of Justice’s statement that there are no provisions in law to protect the assets of a missing person: the issues this legal gap causes for the missing person and their family; the issues the gap creates for institutions that families approach for help, and; the need for such provisions.

Absence of legal provisions – difficulties for the missing person and their family

The session started with an account from the father of a missing woman who has faced challenges in maintaining her assets. This included particular challenges with her banking:

“Claudia’s bank would not consider even moving any money from one account, a savings account, to her own current account to enable direct debits to continue to be paid.”

He went on to outline scenarios faced by other families to demonstrate the breadth of practical problems that having a missing loved one can lead to:

“There are several families who have spoken to me who have a joint account, and because the person who is still around is not the primary account holder, the bank is reluctant to discuss the account... and certain wives I have spoken to whose husbands are missing, where they are the second-named mortgage holder, the mortgage company has not been prepared to speak to them.”

Peter Lawrence, father of missing Claudia

Missing People expanded on this when it explained that families encounter different problems depending on their relationship with the missing person and how long their relative has been away. Further to those outlined by the family representative, the charity stated that issues with benefits, housing and tax credits are more examples of the types of matters brought to its attention.

The family representative went on to highlight how families can have disparate experiences when trying to resolve these problems with institutions. In relation to his struggle to move money from one account to another to ensure direct debits were paid, he explained how *“another family member I spoke to... with the same bank had persuaded that bank to move money from one account to another.”* Such contrasting responses can be upsetting, and difficult for families to understand.

Missing People explained that it is approached for advice as to how families can protect a missing relative’s assets, and that families *“are expecting a process exists.”* Yet in the absence of clearly defined procedures there is little the charity can give by way of advice, and the challenges families face as a result can exacerbate the emotional impact of having a missing loved one:

“The reality is that these families are plunged into emotional trauma, and they are trying to manage their practical affairs at a time when they are going through a scenario... impossible to place yourself in.”

Peter Lawrence, father of missing Claudia

Absence of legal provisions – difficulties for institutions and agencies that families approach for help

Missing People explained how the lack of provisions to protect a missing person’s assets leaves it constrained in terms of the practical guidance it can provide to its service users:

“Our practical advice is significantly limited because there are no mechanisms to get round these protections that are in place for dealing with bank accounts, social security, mortgage arrangements, therefore families find themselves in situations where they are left incredibly vulnerable, and we find ourselves where we are unable to provide them with the support that we would like.”

Martin Houghton-Brown, Missing People

This absence of measures is not just problematic for families and the agencies they approach for advice; it can also cause issues for the institutions that missing people hold policies and assets with since, without a legal framework, the institutions may be unclear as to how they can respond to and work with families.

In the British Banking Association’s written submission, it outlines how, without a legal mandate, it has little flexibility to alter a missing person’s financial arrangements whilst they are away:

‘When an individual signs a mandate with a bank for an account or a loan, that mandate must be upheld else the bank will be in breach of duty to the customer under law and contract. Any deviation from this mandate would ordinarily require a legal request, a legislative duty or some other compelling reason to arrange for: A stop to be placed on accounts once a person is considered to be missing; To transfer/stop direct debits and standing orders for household matters, and; To obtain disclosure of what accounts the missing person holds. Without this legal requirement or legislative duty there is limited room for banks to act in a discretionary basis.’

British Banking Association

However, as noted in the above section, some families have been able to “persuade” institutions to help them to protect assets. Without a legal mandate through which to alter arrangements on the request of families, it is possible that staff who assist them are left legally exposed in doing so.

The lack of clarity as to how institutions can legally respond to families’ requests was also demonstrated by the Association of British Insurers which stated that clarification would be helpful for its members in enabling them to deal with missing person cases with confidence:

“Industry-wide guidance would be welcomed by the membership... I think insurers would like to know they can act in a certain way as regards data protection... I think they would like to be provided with that reassurance.”

Tim Humphreys, Association of British Insurers

The NPIA also added that clarification would be useful in equipping police officers – often the first point of call for families of missing people – with knowledge of this area:

“It is a relatively big issue from our perspective... We are aware that families find these things distressing, and... police are often asked for indicators of this kind.”

Sean Sutton, NPIA

A framework to protect a missing person’s assets

Both the family representative and Missing People proposed that some form of provision needs to be introduced to overcome these challenges faced by families and institutions:

“The Ministry of Justice... do admit that there are no provisions in English law at the moment to enable us to deal with these practical affairs that need to be dealt with on a daily or weekly basis [...] I want families to be able to manage the practical affairs of adult family members that go missing... It will make a difference to an enormous number of people.”

Peter Lawrence, father of missing Claudia

Missing People suggested that some form of guardianship order – similar to Power of Attorney, or the status of a protected missing person as is in place in Australia – would remedy this by providing a mechanism through which a missing person’s assets could be protected. The charity told the Inquiry that this would “*fill a gap in our legislative process*”, and is “*exactly what families are looking for.*”

When an NPIA representative was asked whether such a legal mechanism would be helpful for the police, he replied “*Certainly... the ACPO lead believes this probably would need to take place within a few months of the person going missing and should be dealt with by a separate court.*” The Association of British Insurers was similarly asked if it would help its members, to which it replied “*That is something that came out of the responses... To sum up we would say we support further consultation.*”

Session Four: Cross-matching unidentified bodies with missing person reports

There was no initiative on the part of the police at all. I myself contacted coroners... I found toiletries and just approached the police myself... and they took a full DNA profile... so it was all done on my part."

Rachel Elias, sister of missing Richard

Unfortunately some disappearances – less than one percent – end in a fatality. In some cases bodies are discovered that are not immediately identifiable and there can be delays before a body is returned to a family. Many of these bodies are likely to relate to missing persons, and there are currently approximately 1,000 unidentified bodies across the UK.

This session of the Inquiry explored current practices used to cross-match unidentified bodies and missing person reports, and the agencies involved in this. It additionally looked at data systems and whether any alterations are needed in current practices to ensure that agencies are able to make as many positive matches as possible.

The session was co-chaired by:

- Alan Campbell MP (Labour, Tynemouth – lead)
- Ann Coffey MP (Labour, Stockport)
- Mike Crockart MP (Liberal Democrat, Edinburgh West)
- Baroness Hamwee (Liberal Democrat)
- Baroness Kramer (Liberal Democrat)

Evidence was received from:

- Family of a missing person: Rachel Elias
- Missing People: Martin Houghton-Brown (Chief Executive) and Holly Towell (Policy Advisor)
- Missing Abroad: Matt Searle (Director of Operations & Consular Liaison)
- National Policing Improvements Agency: Nick Gargan (Chief Executive) and Sean Sutton (Head of the Missing Persons Bureau)
- West Mercia Police: Detective Inspector Phil Shakesheff
- The Coroner's Society for England and Wales (written evidence from Andre Rebello, Honorary Secretary)

Themes

“There is no national strategy on cross-matching bodies, no clear leadership for it across government departments, no one to police it and no one to sign the cheques.”

Martin Houghton-Brown, Missing People

Several key themes emerged from the evidence: clarity for families on cross-matching; the necessity of complete and accurate data; the need for better coordination in relation to bodies held by coroners and the police, and; the importance of effective risk-assessment of missing person reports and signposting of non-police cases.

Clarity for families

The session opened with the sister of a missing man speaking of her experience of cross-matching. Her brother went missing in 1995, and her account outlined the types of concerns and questions that families tend to have on this area.

The family member stated that there had been no initiative on the part of the police to initiate cross matching and that she had felt compelled to contact nearby coroners herself to see if they had records of any unidentified bodies that matched her brother’s description. Later, when DNA was in more frequent use around missing persons, she proactively approached the police in 2005 to request that a sample of her brother’s DNA was profiled.

The family member expressed her concerns that a body matching her brother’s description may have been found and disposed of in the period between him going missing and the DNA sample being profiled:

“I think it would have been really positive for us if the police had offered that service when it became available, because the evidence was there... Now there is a gap, where if a body in the meantime has been buried, or worse cremated, (which is the worse scenario), there is a huge gap then during that time period.”

Rachel Elias, brother of missing Richard

Missing People gave evidence following the family, and reported that this topic is one of concern for a number of the families it serves. The charity explained that relatives of people who have been missing for several weeks or more often seek clarification around what happens after the initial period of intensive searching comes to an end, and cross-matching can feature within this:

“Cross-matching is one part of this big jigsaw which a lot of families come to us for clarification on, and we would dearly love to be able to give them more information on it, but the information is not really publicly out there.”

Holly Towell, Missing People

With little information in the public domain as to cross-matching processes, Missing People representatives explained that the charity has been seeking to increase its knowledge of the area so that it can advise families and undertake advocacy where necessary.

Complete and accurate data

Cross-matching is one of the primary functions of the Missing Persons Bureau (the ‘Bureau’) and relies on two complete data sets: outstanding missing person reports and unidentified bodies. The Inquiry explored the comprehensiveness of the Bureau’s data, as any gaps will compromise how effectively it can carry out this role.

Missing persons report data

The Inquiry heard that missing persons report data should be provided by police forces in line with their reporting obligations (as set out in the Police Code on the Collection of Missing Persons Data; the 'Code') to ensure the Bureau holds comprehensive national missing persons data. Yet, as Missing People explained, there is not full compliance with the Code:

"It has been a labour to attempt to gain compliance with the Code... I think that part of the problem is that we have police forces operating disparate systems, some of them significantly under-developed, and therefore the procedures associated with sharing information are onerous, and because they are administrative procedures, they are way down their priority lists."

Martin Houghton-Brown, Missing People

This means that the Bureau's database is incomplete, and so the NPIA was asked what it believed could be done to encourage compliance. A representative replied "*this is a perennial issue,*" and suggested it has not been addressed due to a number of competing matters on ACPO's agenda.

Missing People suggested that a federal database could be one way in which the Bureau could overcome the matter of incomplete data:

"I am convinced that the solution is to mandate a national federal database for missing persons that has an automated system, whereby data is only entered once and therefore it is easy to analyse".

Martin Houghton-Brown, Missing People

The Inquiry also looked at how compliance with the Code is not a legal obligation in Scotland and Northern Ireland because of devolution. Data submissions to the Bureau therefore rely on best practice, and a representative of Missing People commented that "*it is clear that this leaves a loophole... which means that one of the Bureau's primary functions is thwarted to a degree."*

An NPIA representative responded to this later by stating that talks are taking place with ACPO's Scottish counterpart, the Association of Chief Police Officers in Scotland, and in Northern Ireland on this matter.

Unidentified body data

Like missing persons reports, the Code legally obliges police forces to submit information on outstanding unidentified bodies to the Bureau. Whilst coroners are outside of the jurisdiction of both the Code and the Bureau, they too are asked to provide this information to ensure that the Bureau has a fully comprehensive database.

The Inquiry heard that the Bureau cross-matches those unidentified bodies that *it receives* notice of. When questioned on this statement, a representative responded that the Bureau has no way of knowing whether its data set is complete:

"We cannot always guarantee we receive every single case, it is very difficult for us to know if we do receive every case."

Sean Sutton, NPIA

Missing People brought up the matter of whether coroners may have records of cases that the police and Bureau do not, and that it has approached the Ministry of Justice for data on unidentified cases encountered by coroners:

“I have contacted the Ministry of Justice previously and asked if they had any specialised data around the number of unidentified cases coroners come up against; I know the Bureau are very good at trying to track and manage cases from a police perspective, but there might be [other] cases that coroners encounter, but they said they don’t have central records.”

Holly Towell, Missing People

Yet the Coroner’s Society of England and Wales’ written evidence states that *“The Society works closely with the NPIA with regard to disseminating information to coroners”* which includes around cross-matching, indicating coroners are aware of the importance of cooperating with the police and the Bureau on this matter.

National oversight

The Inquiry heard evidence describing how cross-matching responsibilities are split between a localised system and a national agency: the legal duty to name the deceased sits with local coroners, whilst the Missing Persons Bureau is mandated to operationally cross-match.

The Inquiry examined whether dividing cross-matching responsibilities across two systems was problematic. The NPIA stated it felt it was not a significant issue:

“I don’t see it as a huge problem, we have a good relationship with coroners and a good relationship with the police service, I can’t comment on the relationship between the police and coroners.”

Sean Sutton, NPIA

However, when asked where overall national leadership for cross-matching sits, an NPIA representative replied that the *“operational need will remain a partnership endeavour between ACPO and the [NPIA],”* but that *“there is this broader responsibility that sits across the Government”*.

Missing People took a stronger approach to the issues that arise from dividing responsibilities by stating that it makes the system unclear and results in the risk that important matters, such as which agency should pay for DNA profiling, remain unresolved. In particular, it commented on the autonomous nature of the coroner service since *“without that national leadership, it is going to be difficult to have accountability and standardisation”*.

A charity representative went on to state that, as a cross-jurisdiction issue, it needs clear leadership:

“Whilst I know the NPIA do all they can with the resources they have available to them, the fact of the matter is that this crosses a number of jurisdictions, and it needs clear leadership.”

Martin Houghton-Brown, Missing People

Risk assessment

The matter of risk assessment was discussed in both sessions one and four. This is an important part of missing person investigations as the level of risk allocated to a case (low, medium or high) dictates the level of police resources invested into it:

“There are in the region of 360,000 [missing person] events a day... One every 90 seconds, so in order for us to be able to deal effectively and identify those areas, we need to take a very sensible and pragmatic assessment of the risks of each case.”

**ACC Phil Thompson, ACPO
Session one**

Yet families are not always satisfied with the risk level given to a case, and others have concerns around whether the search for their relative reflects the level of risk attached to it. In terms of the latter, the Inquiry heard from a family in session four who felt that the resources invested in the search for her brother did not reflect the vulnerabilities connected to his case:

“In the missing person reports he was classified as a vulnerable adult because he had previous psychiatric history but, unfortunately, the search was only limited, it didn’t reflect that.”

**Rachel Elias, brother of missing Richard
Session four**

The Inquiry explored how the police respond to missing person reports not assessed to fit police case criteria; what Missing People terms as ‘lost contact’ cases. Missing People described how it takes on both police and lost contact cases, and therefore holds records of a number of reports not held by the police. The charity explained the importance of this since some of those people represented in its lost contact cases have later been found to have been victims of crime – including several of Fred and Rose West’s victims.

As a consequence, the charity highlighted that there must be a referral mechanism for cases that the police assess as not falling within its remit of responsibility, so that a record is made of these:

“There must be another way for us to record those missing persons, and a statutory requirement for police forces to refer them to agencies who can take a record, like Missing People, so we don’t have a situation where we potentially could have victims with no report on any organisation’s database to reconcile with.”

**Martin Houghton-Brown, Missing People
Session four**

Summary of recommendations

“I hope this will help to form the Government’s policy around this area, and certainly it is difficult not to be affected by the evidence we have just heard.”

James Brokenshire, Minister for Crime and Security
Session one

The Inquiry recommends that a cross-departmental policy framework setting out the Coalition Government’s outcomes in relation to missing people is established and that progress towards achieving these outcomes is reported annually.

The Inquiry further **recommends** that the Home Office and ACPO ensure, as a matter of urgency, that a statutory requirement is introduced so that family members who make a missing report are signposted by the police to appropriate services, such as those provided by Missing People and the Children’s Society, for free emotional, practical and legal support as standard. This should include those reports which are not assessed to be police cases.

The Inquiry further **recommends** that the Home Office and ACPO review the role of designated missing person coordinators across police forces and explore mechanisms for ensuring that families are provided with the contact details of a named officer knowledgeable of their relative’s case.

The Inquiry further **recommends** that the Department for Education makes explicit the evidenced link between children who go missing and child sexual exploitation in its forthcoming action plan and considers how to collect more accurate local authority statistics in order to best reflect the national picture. The Department of Education should also work with CEOP to recognise the support needs of families of children who go missing.

The Inquiry further **recommends** that ACPO ensures that every missing person report is appropriately risk assessed and resourced in line with national guidance, and that those reports deemed outside of the police’s responsibility are referred onto other appropriate searching organisations as standard.

The Inquiry recommends that the Ministry of Justice provides a framework for consultation on presumption of death and guardianship provisions, exploring the evidence base that exists in relation to presumption of death in Scotland and Northern Ireland and in relation to guardianship in Australia.

The Inquiry recommends that this framework, along with a timetable for future action, should be in place by the end of the current session, with any resulting provisions to be implemented by the end of the current Parliament.

The Inquiry further **recommends** that relevant Government departments evaluate whether legal provisions for families of missing people meet agreed standards of international federations the UK is a member of, such as the Council of Europe.

The inquiry recommends a review of national procedures in relation to cross-matching to ensure that comprehensive data on missing persons is collected and that there is national oversight in relation to bodies held by the police and coroners.

The Inquiry further **recommends** that the Home Office examines how HMIC can contribute to ensuring that police forces are compliant with the missing persons policy framework and the national police code for missing persons data collection.

The Inquiry further **recommends** that the benefits of a comprehensive UK-wide federal database for missing persons and unidentified body cases is considered within the current review of policing services.

The Inquiry further **recommends** that international missing person cases should be considered under the remit of the National Crime Agency (NCA) in order that operational liaison would function through CEOP and other NCA agencies.

Further information

For more information on the Inquiry or a copy of the full transcripts go to www.missingpeople.org.uk/appg or email appg@missingpeople.org.uk.

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