

IN THE NOTTINGHAM INQUIRY

CROWN PROSECUTION SERVICE OPENING SUBMISSIONS

Introduction

1. These opening submissions are intended to provide the Inquiry with an introduction to the role of the Crown Prosecution Service (CPS) and the applicable legal framework in the prosecution of Valdo Calocane (VC). It seeks to cover, in outline, the three main issues that the Inquiry wishes to consider, relating to:
 - a. charging and acceptance of pleas;
 - b. seeking the relevant information to inform decisions; and
 - c. handling of and communications with the survivors and bereaved families.¹

2. At the outset, the CPS extends its condolences to Barnaby, Grace and Ian's families and its thoughts remain with Wayne, Sharon and Marcin and their loved ones. Nothing that is set out in these submissions detracts from the enduring pain and devastation that VC has caused to their lives. However, it is important for the Inquiry and those following it to understand that the CPS is bound to act in accordance with the law and not be swayed by sympathy and emotion, no matter how strong those feelings are. Just as juries are routinely directed to try the case only on the evidence and not allow themselves to be influenced by any emotional reaction to the case or any sympathy, the CPS must make decisions based solely

¹ See further the Inquiries list of questions to be addressed in respect of the CPS at questions 37-40 - <https://cdn.websitebuilder.service.justice.gov.uk/uploads/sites/64/2025/05/Questions-to-be-addressed-by-the-Inquiry.pdf>

in line with the applicable legal test for commencing and continuing a prosecution.

Role of the CPS and Prosecution Counsel

3. The CPS prosecutes criminal cases investigated by police and other bodies in England and Wales. Established by the Prosecution of Offences Act 1985, the CPS is independent of the police and the government. Its main responsibilities include deciding which cases to prosecute, determining charges for complex cases, advising police during investigations, presenting cases in court, and supporting victims and witnesses.

4. All prosecutors are required to follow the Code for Crown Prosecutors (the Code).² The Code provides guidance to prosecutors on the general principles to be applied when making decisions about prosecutions. The Code specifically states that it is the duty of prosecutors to ensure that *“the right person is prosecuted for the right offence...and that the law is properly applied.”*³ The Code further notes that prosecutors must always act in the interests of justice and not solely for the purpose of obtaining a conviction.⁴ Furthermore, prosecutors are required by the Code to keep every case under continuing review, and take account of *“any change in circumstances that occur as the case develops. This includes what becomes known of the defence case...”*⁵

5. VC’s case was prosecuted by the East Midlands Complex Casework Unit (CCU). In June 2023, the Chief Crown Prosecutor (CCP), Janine McKinney **GRO-E** **GRO-E** and so the position was being covered by Suzanne Llewellyn until Ms McKinney returned on 1 July 2023. The CCP provides oversight and management

² WITN0080003

³ WITN0080003_0004 para 2.5

⁴ WITN0080003_0004 para 2.7

⁵ WITN0080003_0006 para 3.6

of the high risk and sensitive cases in the East Midlands area and reports to the Director of Legal Services.

6. Day to day decision making is undertaken by lawyers in the CCU. At the time of the prosecution of VC, the Head of the CCU was Samantha Shallow (then Senior District Crown Prosecutor, now Deputy Chief Crown Prosecutor), the Deputy Head of the CCU was Michelle Mannion (District Crown Prosecutor) and the Reviewing Lawyer who was allocated the case was Alan Murphy, a Specialist Prosecutor within the CCU. Specialist Prosecutors are responsible for the most serious, sensitive and complex cases within the CCU.

7. The CPS instruct counsel to prosecute cases. In this case Karim Khalil KC was instructed along with Junior Counsel, Peter Ratliff. As with all prosecutors, prosecution counsel is required to abide by the Bar Standards Board's Code of Conduct and the Farquharson Guidelines (updated January 2020). The prosecutor acts on behalf of the State and prosecutes in the name of the King or Queen. Supporting and explaining matters to victims of crime and bereaved families is an important part of the role, but prosecutors are not instructed by the victim. Prosecution Counsel's role is perhaps best encapsulated by the words of Mr Justice Avory "*Counsel for the Prosecution throughout a case ought not to struggle for the verdict against the prisoner, but they ought to bear themselves rather in the character of ministers of justice, assisting in the administration of justice.*"⁶ As observed by the Judicial Committee of the Privy Council in *Randall v The Queen* [2002] UKPC 19, [at §10], it is not the role of the prosecutor to obtain a conviction at all costs but instead, to act as a minister of justice.

Charging Decisions

8. Before a prosecution can commence, the CPS must apply the Code for Crown Prosecutors. The Code sets out the two tests that can be applied prior to charging

⁶ R v Banks [1916] 2 KB 621

a suspect, depending on the circumstances of the case: either the Full Code Test or the Threshold Test.

9. The Full Code Test requires both the evidential test and the public interest test to be met.⁷

- a. Evidential Test - Prosecutors must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against the suspect on each charge. They must consider what the defence case may be, and how it is likely to affect the prospects of conviction. A case which does not pass the evidential stage must not proceed, no matter how serious or sensitive it may be.
- b. Public Interest Test - In every case where there is sufficient evidence to justify a prosecution or to offer an out-of-court disposal, prosecutors must go on to consider whether a prosecution is required in the public interest. In deciding whether the public interest test is met, the Code requires prosecutors to consider seven separate questions.⁸ In VC's case, there can be no doubt that, providing the evidential test was met, the public interest test was met.

10. In VC's case, initially the Threshold Test was applied. Where the Full Code Test is not met (for example because the investigation is still in its infancy), the Threshold Test may be applied to charge a suspect. The seriousness or circumstances of the case must justify the making of an immediate charging decision, and there must be substantial grounds to object to bail.⁹ There must be a rigorous examination of the five conditions of the Threshold Test, to ensure that it is only applied when necessary and that cases are not charged prematurely. All five conditions must be met before the Threshold Test can be applied.

- a. There are reasonable grounds to suspect that the person to be charged has committed the offence;

⁷ WITN008003_0008-0012

⁸ WITN008003_0010-0011

⁹ WITN008003_0013-0014

- b. Further evidence can be obtained to provide a realistic prospect of conviction;
- c. The seriousness or the circumstances of the case justifies the making of an immediate charging decision;
- d. There are continuing substantial grounds to object to bail in accordance with the Bail Act 1976 and in all the circumstances of the case it is proper to do so;
- e. It is in the public interest to charge the suspect.

11. In VC’s case, the Reviewing Lawyer, Mr Murphy correctly applied the Threshold Test and, on Friday 16 June 2023, advised the police to charge VC with the murders of Barnaby, Grace and Ian and the attempted murders of Wayne, Sharon and Marcin.¹⁰ As the Code makes clear, decisions to charge under the Threshold Test must be kept under review and the Full Code Test must be applied as soon as the further evidence or material is received and, in any event, in Crown Court cases, usually before formal service of the prosecution case.¹¹

Chronology of key dates in the prosecution of VC

12. The following table sets out the key dates of CPS decisions and hearings in VC’s case.

Date	Event
13 June 2023	VC arrested.
16 June 2023	VC charged with 3 offences of murder and 3 offences of attempted murder.
17 June 2023	1st appearance at Nottingham Magistrates’ Court.
20 June 2023	Preliminary hearing at Nottingham Crown Court. Court set a timetable to progress the case, including service of a defence

¹⁰ CPSE000004

¹¹ WITN0080003_0014

Date	Event
	psychiatric report, which counsel indicated was due in 6-8 weeks. ¹²
2 October 2023	<ul style="list-style-type: none"> • Defence served the expert report of Dr McSweeney • Full Code Test review
21 November 2023	CPS received Dr Blackwood's expert report.
23 November 2023	Prosecution team conference – attended by CPS, police and counsel. Subject to the third psychiatric report reaching the same conclusion, it was decided that the pleas to manslaughter on the basis of diminished responsibility would be accepted.
24 November 2023	<ul style="list-style-type: none"> • Defence served Dr Shaffiullha's expert report.¹³ • A meeting took place between CPS, counsel, police and the parents of Grace and Barney, at which concerns were raised by the families about the acceptance of pleas to manslaughter.
27 November 2023	Dr Latham instructed by the CPS.
28 November 2023	<p>PTPH at Nottingham Crown Court. VC pleaded guilty to three counts of manslaughter by reason of diminished responsibility and three counts of attempted murder. Pleas to manslaughter were not acceptable at that stage pending receipt of Dr Latham's report.</p> <p>The Court ordered Dr Latham's report to be served by 15 December 2023.</p>
12 December 2023	CPS received Dr Latham's expert report.

¹² CPSE0000221

¹³ CPSE0000013

Date	Event
16 December 2023	Prosecution Counsel provided written advice which advised that the pleas to manslaughter should be accepted.
17 December 2023	CPS conducted a further review of the case. Applying the Full Code Test, CPS decided to accept the pleas to manslaughter. ¹⁴
19 December 2023	A letter was hand-delivered to each of the bereaved families setting out the rationale for the decision to accept the pleas.
23-25 January 2024	Sentencing hearing at Nottingham Crown Court. VC was sentenced to a hospital order with restrictions pursuant to Section 37/41 MHA 1983.

Legal framework in murder/manslaughter cases

13. In law, murder is defined as the unlawful killing of another with the intention to kill or to cause grievous bodily harm (i.e. really serious physical injury). There are a range of defences to murder (e.g. alibi, self-defence, lack of intent) including partial defences. Partial defences apply only in cases of murder. If established, they reduce what would otherwise be a conviction for murder to a conviction for manslaughter. Diminished responsibility is one of the statutory partial defences available. Where the offence is one of attempted murder, the defence of diminished responsibility is not available.

14. The partial defence of diminished responsibility is set out in Section 52 of the Coroners and Justice Act 2009. Section 52 states:

“(1) A person (“D”) who kills or is a party to the killing of another is not to be convicted of murder if D was suffering from an abnormality of mental functioning which—

¹⁴ CPSE0000012

- (a)arose from a recognised medical condition,
- (b)substantially impaired D's ability to do one or more of the things mentioned in subsection (1A), and
- (c)provides an explanation for D's acts and omissions in doing or being a party to the killing.

(1A) Those things are—

- (a)to understand the nature of D's conduct;
- (b)to form a rational judgment;
- (c)to exercise self-control.

(1B) For the purposes of subsection (1)(c), an abnormality of mental functioning provides an explanation for D's conduct if it causes, or is a significant contributory factor in causing, D to carry out that conduct.”

15. Put more simply, Section 52 requires a defendant (D) charged with murder to prove on the balance of probabilities that:

- (1) D was suffering from an “*abnormality of mental functioning*”; and
- (2) the abnormality of mental functioning must have arisen “*from a recognised medical condition*”; and
- (3) there was a substantial impairment of D’s ability to do one or more of the things in s.2(1A), i.e.
 - (a) to understand the nature of D’s conduct;
 - (b) to form a rational judgment;
 - (c) to exercise self-control; and
- (4) the abnormality of mental functioning from a recognised medical condition must have been a cause or contributory cause of (or an explanation of) the accused’s conduct in killing.

16. It is important to note that the burden of proving diminished responsibility rests with the defendant to prove “*on the balance of probabilities.*” This means that if

the defendant is able to show that it is more likely than not that the test for diminished responsibility is met, then he/she is able to rely on the partial defence. This is a lower standard than that which applies when the burden is on the prosecution which requires prosecutors to prove their case so that the tribunal is “sure” of guilt.

Acceptance of pleas to Diminished Responsibility in VC’s case

17. In VC’s case, it was immediately apparent given his prior history with mental health services, that issues relating to his mental health might result in diminished responsibility being raised. Accordingly, on 14 June 2023, the CPS retained Dr Nigel Blackwood, Professor of Psychiatry at Kings College, London as the prosecution psychiatrist. Experts instructed in criminal cases are independent and their primary duty is to the Court (and not to the party that is instructing them). This means they are required to give unbiased and objective opinion on matters within their expertise.¹⁵

18. Following his initial instruction, Dr Blackwood was sent the relevant case papers and medical records and on 2 October 2023, he was immediately forwarded the defence expert psychiatric report from Dr Leo McSweeney (dated 25 August 2023 served on 2 October 2023).¹⁶ Dr Blackwood was specifically asked by the CPS to address VC’s apparent ability to exercise self-control, for example by stopping his attempt to enter Seeley Hirst House when a car drove past and slowing down for speed bumps.¹⁷ In his report, Dr Blackwood explained:

¹⁵ Criminal Procedure Rules 2020 Rule 19.2 9 (Rule 19.2 remains in force in the Criminal Procedure Rules 2025)

¹⁶ CPSE0000003

¹⁷ CPSE0083001_0039

*"Those in the grip of a psychotic episode do not necessarily lose all aspects of their rationality: thus, despite the psychosis, he remained capable of seemingly rational behaviours such as slowing for speed bumps or even modifying his breaking and entering behaviours when he considered he may be observed by others."*¹⁸

19. Independent of each other, both Dr McSweeney and Dr Blackwood concluded that VC had the partial defence of diminished responsibility available to him.¹⁹ In addition, on 24 November 2023, the defence served a second psychiatric report from Dr Shaffiullha (dated 19 November 2023) which also concluded that the defence of diminished responsibility was available.²⁰ In accordance with usual practice therefore, on 23 and 24 November 2023, the case was reviewed and discussed in detail in conference. The CPS, prosecution counsel and police all agreed that the weight of the psychiatric evidence was such that there was no longer a realistic prospect of conviction for murder and, thus, the evidential test in the Code for Crown Prosecutors was no longer met in respect of the murder counts.

20. This was not a case where the defence sought to negotiate a lesser plea for their client (sometimes referred to as a 'plea deal') - it was a careful analysis of all the evidence in the case to ascertain whether the Full Code Test was met. As set out above, a case which does not pass the evidential stage must not proceed, no matter how serious or sensitive it may be. Accordingly, it was determined that pleas to manslaughter on the grounds of diminished responsibility were acceptable.²¹

21. Given the circumstances in which VC carried out the killings, and his obvious and indeed admitted intention to kill, it is understandable that there were concerns

¹⁸ CPSE0000011_0023

¹⁹ CPSE0000003_0018; CPSE0000011_0023

²⁰ CPSE0000013

²¹ CPSE0000194; CPSE0000009

about the possibility that the murder charges would not be pursued to trial. Many lay people may share those concerns and find it difficult to understand the law relating to diminished responsibility and the framework within which the police, CPS and criminal justice system operate. In particular, following the conference with Grace and Barnaby's families on 24 November 2023, Grace's parents expressed their concern that the psychiatrists had not necessarily, or not properly, considered how VC presented on the day of the attacks as he may not have been suffering from a mental illness at the time and may have deteriorated once in prison.²² They also wanted consideration to be given to the instruction of a further psychiatric report.²³

22. As is apparent, the CPS took these concerns seriously; prosecution counsel and the CPS were in contact over the weekend of 25-26 November 2023 discussing what further steps, if any, could be taken to address these concerns. On Sunday 26 November 2023, the Reviewing Lawyer conducted a further review of the psychiatric reports focussing on those concerns. As set out in his review, Mr Murphy concluded that *"There is nothing in any of the reports as I read them to suggest that the authors have come to an assessment of the defendant on the date of interview and then "backdated" it to the date of the offence with the potential erroneous inclusion of a deterioration in his mental health that occurred in custody after the date of the offences."*²⁴ Nevertheless, in light of the strength of feeling that existed, prosecution counsel suggested that a fourth expert report should be obtained.²⁵ In order to address the concerns of the families that the three experts had been influenced by VC's presentation many months following his arrest, counsel suggested that the fourth expert should not meet with VC and instead, he should conduct his assessment on the material available *"with a specific focus on whether appropriate weight has been given to the defendant's presentation at the time of the arrest and immediate period in custody."* Counsel

²² This included consideration as to how he was deemed fit to be detained, what reviews were conducted whilst in custody and how he presented when interviewed.

²³ CPSE0007625_0004

²⁴ CPSE0007616_0007

²⁵ CPSE0008516

further noted that both Dr Blackwood and Dr Latham had been identified as suitable experts because of their proven track record in identifying malingerers and dubious diagnoses.

23. At a case conference the following day (27 November 2023), it was agreed that the CPS would instruct Dr Latham to address these concerns and he was instructed later that day.²⁶ Dr Latham was expressly asked not to interview VC so as to avoid any suggestion that he was basing his conclusions on VC's current mental state as opposed to his mental state on 13 June 2023.

24. At a meeting with Grace and Barnaby's parents on 7 December 2023, Ms Shallow explained that Dr Latham was instructed because the CPS had a statutory responsibility to listen to the views of the families and the CPS wished to provide the families with as much reassurance as possible.²⁷ Whilst the CPS did not anticipate that Dr Latham would come to a different view, the CPS made clear that they would reconsider the position if he did so.²⁸

25. At the same meeting, the Webber and the O'Malley-Kumar families raised concerns about why none of the psychiatrists had interviewed VC's brother or the security guard from Seely Hirst House, both of whom had had contact with VC close to the time of the killings.²⁹ Dr Blackwood and Dr Latham were both subsequently asked to address this. Dr Blackwood explained that whilst he may "*occasionally*" interview family members to help with coming to a diagnosis, he did not normally do so when preparing expert reports. In VC's case, Dr Blackwood was of the view that the material he had seen "*clearly demonstrate[d]*" the nature of VC's illness which was consistent with his "*earlier and later clinical presentations.*"³⁰ Similarly, Dr Latham did not consider that the expert reports

²⁶ CPSE00000405; CPSE0000016

²⁷ WITN0161001_0049-0050

²⁸ CPSE0000201_0002

²⁹ CPSE0000201_0003

³⁰ CPSE0000166; See further Dr Blackwood's statement WITN0308001_0016, para 39

were in some way deficient or limited because witnesses had not been spoken to.³¹

26. Diminished responsibility as a concept is complex and application of the legal test is far from straightforward. The CPS has Legal Guidance in murder and manslaughter cases which, in accordance with case law, makes clear that, *“Where there is unchallenged medical evidence of diminished responsibility and no other evidence which, looked at in the round, was at least capable of rebutting the defence, the trial judge should withdraw a charge of murder from the jury.”*³²

27. In this case, there was a lack of *“other evidence”* capable of rebutting diminished responsibility. As set out at paragraph 18 above, Dr Blackwood explained why VC’s apparent ability to control some aspects of his behaviour on the night of the attacks did not rebut the defence of diminished responsibility. This conclusion was subsequently supported by Dr Latham who stated that *“there are some aspects of his behaviour and mental state which might appear to contradict the formulation of a link between his mental disorder and the offences. However, in my opinion, they do not ... severely mentally ill people do not necessarily look or behave in a way that allows determination of whether they are in fact ill”*.³³

Intoxication and Diminished Responsibility

28. One issue the Inquiry will wish to consider is what the legal position would have been had there been evidence that VC was intoxicated (whether through alcohol or drugs or both) at the time of the attacks.

³¹ WITN0126001_0003; CPSE0000017_0027

³² See R v Brennan [2014] EWCA Crim 2387. In Brennan, the CACD reviewed the authorities relating to diminished responsibility and noted that where the “other evidence” is too tenuous or, taken at its highest, insufficient (set in the light of the uncontradicted expert evidence) to permit a rational rejection of the defence of diminished responsibility, murder should be withdrawn from the jury [§65]. Murder cannot be left to the jury simply and solely because the prosecution wants it to be [§66]; CPSE0010216_0007 In addition, there is Legal Guidance ‘Mental Health: Suspects and Defendants’ – CPSE0010218

³³ CPSE00000_0025 para 23.1

29. In due course the CPS will set out the myriad pieces of evidence that demonstrate that VC's paranoid schizophrenia was not linked to or exacerbated by voluntary intoxication of drink or drugs. However, in summary, there was no evidence within the case papers that in the three-four years preceding the attacks, VC was a drug user or someone who drank anything other than the occasional alcoholic drink.³⁴ Indeed, the statements obtained by the Inquiry paint no different picture. There was also no evidence (for example from arresting officers or from searches conducted upon arrest) that he was intoxicated by drink or drugs at the time of the attacks.

30. There is some concern amongst the bereaved families about the police's decisions in respect of the samples they took or requested to be taken at the Police Station whilst VC was in custody between 13-17 June 2023. It is important to understand that even if VC had consumed alcohol and/or drugs just before/on the night of 13 June 2023, it does not follow that this would have deprived him of the defence of diminished responsibility. In *R v Dietschmann* [2003] UKHL 10, the House of Lords set out the correct legal test to apply in such cases, namely: "*despite intoxication, did the abnormality of mental functioning (as a result of his schizophrenia) substantially impair his mental responsibility for his fatal acts?*"³⁵ If the answer is yes, the defence is made out. The overwhelming evidence from four independent psychiatrists is that VC's abnormality of functioning as a result of his schizophrenia substantially impaired his responsibility.

31. Similarly, in *Kay and Joyce* [2017], the defendant suffered from paranoid schizophrenia and, at the time of killing, was heavily intoxicated. The Court of Appeal made clear:

"...The law does not debar someone suffering from schizophrenia from relying on the partial defence of diminished responsibility where voluntary

³⁴ CPSE0000011_0005 para 20

³⁵ *R v Dietschmann* [2003] UKHL 10 a case relating to the 1957 Act but nonetheless still applicable under the 2009 Act.

intoxication has triggered the psychotic state, but he must meet the criteria in section 2 (1). He must establish, on the balance of probabilities, that his abnormality of mental functioning (in this case psychotic state) arose from a recognised medical condition that substantially impaired his responsibility. The recognised medical condition may be schizophrenia of such severity that, absent intoxication, it substantially impaired his responsibility (as in the case of Jenkin); the recognised medical condition may be schizophrenia coupled with drink/drugs dependency syndrome which together substantially impair responsibility. However, if an abnormality of mental functioning arose from voluntary intoxication and not from a recognised medical condition an accused cannot avail himself of the partial defence. This is for good reason. The law is clear and well established: as a general rule voluntary intoxication cannot relieve an offender of responsibility for murder, save where it may bear on the question of intent.”³⁶

32. As explained by Dr Blackwood, VC’s *“mental state abnormalities continued to obtain many months after any such substances would have left his system: that is, even if substance misuse had obtained in the weeks before or on the day in question, his illness was not/ is not reducible to a drug-induced psychosis. The clinical picture is of a major mental illness (paranoid schizophrenia) with an onset and course unrelated to substance misuse.”³⁷*

33. The CPS appreciates that the decision to accept pleas to manslaughter on the grounds of diminished responsibility may be difficult for the public to understand, but from the legal perspective there was clear evidence that the statutory test for diminished responsibility was met. VC’s case was properly and fully reviewed and had there been an evidential basis for challenging the psychiatrists’ conclusions, the CPS would not have hesitated to do so.

³⁶ R v Kay and Joyce [2017] EWCA Crim 647

³⁷ WITN0308001_0020

Communications with the bereaved families and victims

34. The Victims Code³⁸ sets out the 12 rights of victims and the Enhanced Rights applicable under the Bereaved Families Scheme (BFS).³⁹ At their core, both documents stress the need for communications to be tailored to the specific needs and wishes of the respective victims and bereaved families. In VC's case, the needs of each of the bereaved families and the injured victims were very different and it is clear that the CPS tried to balance how best to communicate with each family and when, cognisant of the fact that each family in their own way had been through the most traumatic and devastating events.

35. Under the Victim's Code, bereaved families have the right to have a Family Liaison Officer (FLO) assigned by the police. The Victim's Code specifically states that the FLO "*will normally act as the single point of contact*" between the family and other organisations including the CPS.⁴⁰ FLOs play a vital role in both investigating and providing support and information to victims of crime. The BFS makes clear the circumstances in which the CPS should offer to meet with bereaved families (e.g. either prior to or after charge; where charges are discontinued or substantially altered). CPS communication by letter should be sent via the FLO.

36. In this case, there were 5 sets of FLOs working under the Family Liaison Advisor (DI Clare Gould):

- a. DC Fiona McVey and DC Gill Cutts - family of Grace O'Malley-Kumar
- b. DC Gina Farrell and DC Gemma Piggot— family of Barnaby Webber
- c. DS Mark Kimberley and DC Sarah Draper— partner of Ian Coates (Elaine Newton and her sons)

³⁸ WITN0080006. The Code was established pursuant to s. 32 Domestic Violence, Crime and Victims Act 2004

³⁹ WITN0080005

⁴⁰ WITN0080006_0022

- d. PC Jo Baxter—sons of Ian Coates (James, Darren and Lee Coates)⁴¹
- e. DC Raj Johal and Louise Melbourne⁴² - Sharon Miller, Marcin Gawronski and Wayne Birkett.

37. In accordance with the BFS, the four bereaved families were written to and/or had meetings with the CPS. The following table sets out a summary of the key dates relating to communications (a fuller chronology can be found in Part 4 of the HMCP SI report).⁴³

Date	Contact	Summary
16 June 2023	Letter to all four bereaved families.	Letter from Suzanne Llewellyn (CCP) explaining that VC had been charged, the anticipated Court timetable and providing information about the next steps depending on whether VC pleaded guilty or not guilty. Meeting with CPS offered.
20 June 2023	Meeting with Elaine Newton and Ian Coates' sons (Darren, Lee and James).	Meeting at Nottingham Crown Court at VC's first Crown Court hearing. Alan Murphy and Peter Ratliff (Junior counsel) outlined how the Crown Court proceedings would progress and referred to the need for medical evidence to be obtained.
2 October 2023	Alan Murphy to FLOs. ⁴⁴	Alan Murphy responded to an email from DC McVey updating him on recent contact that had taken place with the Webber and O'Malley-Kumar families. He informed the FLOs that the defence psychiatric report had been received that day and had been provided to the investigation team. He suggested that the FLOs

⁴¹ As at the time of drafting, the statement from Jo Baxter has not been disclosed

⁴² In her statement, Louise Melbourne makes clear she was only involved on 13 June 2023 as thereafter it was necessary to deploy her to other police cases – WITN0239001

⁴³ HMCP0000625. In addition, the FLOs had significant other contact (phones calls, emails and meetings) with the bereaved families the detail of which is set out in the witness statements provided by Nottinghamshire Police

⁴⁴ NGPF0009544

Date	Contact	Summary
		should speak to the investigation team about a strategy for communicating the contents of the report to the families.
3 October 2023	FLOS to O'Malley-Kumar family. ⁴⁵	The FLO for Grace's parents told them that the first defence psychiatric report had raised the partial defence of diminished responsibility. The FLO revisited whether they were ready to hear more details of the incident, but they confirmed they were not. They were informed that the prosecution would now obtain a psychiatric report.
4 October 2023	FLOs to Mrs Webber. ⁴⁶	DC Piggott informed Mrs Webber that the psychiatric report raised the defence of diminished responsibility and CPS would now instruct an expert. The PTPH would therefore be adjourned to 28 November.
6 October 2023	FLO to Elaine Newton. ⁴⁷	Elaine Newton was informed of the content of the defence psychiatric report and offered a home visit from the SIO. This was declined.
9 October 2023	FLOs to Ian's sons. ⁴⁸	PC Baxter informed Ian's sons of the content of the defence psychiatric report and the fact that the prosecution would now instruct an expert. A meeting was offered with the SIO, but it was declined.

⁴⁵ HMCP0000625_0026. Taken from the HMCPSP report, as at the date of drafting, the FLO Log has not been disclosed.

⁴⁶ WITN0289002_0022

⁴⁷ WITN0246001

⁴⁸ WITN0128002, p.13

Date	Contact	Summary
7 November 2023	Mrs Webber contacted FLOs. ⁴⁹	Mrs Webber asked for a meeting with CPS so that they could explain diminished responsibility to her.
21 November 2023	Police to Ian's sons. ⁵⁰	A meeting was offered with the CPS. Mr Coates' sons did not wish to meet CPS, noting that they would speak to CPS at court on 28 November.
24 November 2023	Meeting with Barnaby and Grace's families. ⁵¹	Virtual meeting with families, CPS, prosecution counsel and police, at the families' request. Families informed that given the contents of Dr McSweeney and Dr Blackwood's psychiatric reports, pleas to manslaughter on the grounds of diminished responsibility would be accepted. Sentencing options discussed.
28 November 2023	Meetings with Grace's family and Ian's families.	PTPH at Nottingham Crown Court. ⁵² Meetings with the families both pre and post Court where the decision to instruct Dr Latham was discussed and the impact this had on the Court proceedings given VC's pleas.
7 December 2023	Meeting with Barnaby and Grace's families.	Meeting in Bristol with Barnaby and Grace's families, at their request, at which details of the case were provided; the psychiatric reports were discussed including the decision to instruct Dr Latham.
18 December 2023	Letter to all four bereaved families.	Letter from Janine McKinney (CCP) explaining why the CPS accepted the pleas to

⁴⁹ WITN0289002_0023-0024

⁵⁰ CPSE0007427

⁵¹ At the same time as this meeting, the FLOs spoke to Ian Coates' families to inform them about the contents of the psychiatric reports and the acceptability of pleas

⁵² NB. The Court had initially directed the PTPH to take place on 25 September 2023. This was then moved administratively to 31 October 2023 and, following a request by the CPS, to 28 November 2023.

Date	Contact	Summary
		manslaughter on the grounds of diminished responsibility.
15 January 2024	Meeting with Barnaby and Grace's families.	Virtual meeting with the families, CPS, prosecution counsel and police to discuss the sentencing options and, in particular, the prosecution's submission that the Court should impose a hybrid order.
23- 25 January 2024		Sentencing hearing at Nottingham Crown Court.
29 January 2024	Letters to all four bereaved families.	Letter from Janine McKinney (CCP) offering to meet the families (on 7 February 2024) following the conclusion of the Crown Court proceedings.
5 February 2024	Letters to all four bereaved families.	Letter from Janine McKinney (CCP) reiterating the offer to meet the families at any time convenient to them but pausing the proposed meeting on 7 February 2024 in light of the independent review.

38. In VC's case, the CPS decided that the Enhanced Rights would be offered to the injured victims as well as the Bereaved Families.⁵³ On 16 July 2023, the CPS was informed that none of the injured parties wished to meet with the CPS and were content to receive updates from the FLO. If this position changed, the families were aware that they could contact their FLO.⁵⁴

39. Communicating with victims and bereaved families necessarily requires a case specific approach which adapts and responds to the views and wishes of each victim/bereaved family. In VC's case, the individual circumstances of each bereaved family demonstrate why there is not a 'one size fits all approach'.

⁵³ WITN0081001_0007 para 23

⁵⁴ CPSE0006150; CPSE0000187

Communications with the families has been the subject of an HMCPSI report. This topic may be the matter of further comment once the Inquiry has heard from the respective witnesses.

Conclusion

40. In addition to the many thousands of pages of disclosure provided to the Inquiry, the CPS has provided the Inquiry with a number of witness statements from the lawyers involved in the case, three of whom have been asked to give evidence.⁵⁵ The CPS will continue to assist the Chair to fulfil the Inquiry's Terms of Reference and, in so far the CPS is able, make meaningful recommendations so that lessons can be learned to prevent similar attacks.

JACQUELINE CAREY KC
CHARLOTTE BREWER

19 February 2025

⁵⁵ Sam Shallow, Michelle Mannion and Alan Murphy