INDEPENDENT REVIEW OF THE UK GOVERNMENT'S RESPONSE TO THE DEATH OF HARRY DUNN AND THE SUPPORT OFFERED TO THE FAMILY BY THE FOREIGN AND COMMONWEALTH OFFICE

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FOREWORD

Harry Dunn was 19 and loved motorcycling. He had passed his motorbike test on the day of his sixteenth birthday and had covered 50,000 miles in the three and a half years since then. He was studying coding and gaming at college, while working part-time to support his biking. He was described by his family as having 'a real zest for life'. He died on 27 August 2019 after his motorbike was hit by a car driven by a US citizen, Anne Sacoolas. She had just left the US base at RAF Croughton and was driving on the wrong side of the road. She had been in the UK for only three weeks and immediately admitted to police at the scene that she was at fault.

Mrs Sacoolas was married to a US State Department official, one of the 'administrative and technical staff' based at RAF Croughton, under the provisions of the Vienna Convention on Diplomatic Relations (VCDR)[1]. The Foreign and Commonwealth Office (FCO) had responsibility for overseeing the application of the convention in the UK. Normally, diplomats have immunity from criminal prosecution. However, under an agreement between the UK and US, that immunity had been waived for administrative and technical staff at Croughton, so that they could be prosecuted; but in an unnoticed loophole, this waiver had not been explicitly extended to their dependants. The US refused to agree to waive Mrs Sacoolas's immunity, and a month later she and her family were withdrawn from the UK and returned to the US.

This review focuses on the actions of the FCO, and its relationship with the family of Harry Dunn, in the immediate aftermath of his death, during 2019. There is no doubt that officials, and then ministers, were shocked by the US's initial response, and made those views clear at increasingly high levels. However, as the review points out, there were failings and omissions in the department at this time. The issue was not recognised as a crisis and escalated to a sufficiently high level at an early stage, losing opportunities to influence, rather than respond to, events. Direct communication with the family was late, sporadic and often overtaken by events, and the FCO was slow to recognise that the family were allies in achieving justice and securing other necessary changes. Within the FCO, there was an over-rigid demarcation of roles, both in internal and external relationships, that did not make best use of the knowledge and skills available.

In the six years since Harry Dunn's death, there have been notable changes. The Croughton Agreement has been revised, to close the loophole in relation to prosecuting dependants, and to widen the waiver to include arrest and detention. Mrs Sacoolas, in unprecedented remote proceedings, was tried and convicted of death by careless driving. There have been road safety improvements around Croughton and other US bases, including improved driver training. The UK took a strong line from the beginning in relation to a later fatal car crash involving a member of the US military. An

[1] Incorporated into UK law in the Diplomatic Privileges Act 1964. See Chapter 2 and Annex A

investigative review of the actions of Northamptonshire Police has made recommendations for improved police practice.

This review recognises that these changes owe a great deal both to the persistence and determination of the family and their spokesperson and to the commitment and work of officials and ministers in the Foreign, Commonwealth and Development Office (as it now is[2]). I am grateful to all those who took time to speak to me: the FCDO officials involved, for reflecting candidly about what was done and what could have been done differently; and to the family and their spokesperson, for their openness and engagement. I have also had the opportunity to look at all the relevant documentation held by the FCDO during this period. Drawing on these conversations and this evidence, I have made 12 recommendations for further change, to improve the FCDO's response to deaths and serious incidents and the support provided to families and victims.

This review was called for by the family of Harry Dunn. They have always made clear that they want to ensure that systems are in place that can help avoid similar tragedies, or respond more effectively if they occur. Nothing can compensate for their loss; but I hope they can take some comfort from the changes that have already happened since Harry died, and the further changes this review proposes.

[2] The then Prime Minister announced the merger of the Foreign and Commonwealth Office and Department for International Development on 16 June 2020. The new Department – the Foreign, Commonwealth and Development Office (FCDO) – was created on 2 September 2020

CHAPTER 1: 27 AUGUST 2019 – 9 OCTOBER 2019

Harry Dunn died on 27 August 2019 from injuries sustained in a road traffic collision caused by Anne Sacoolas. She had just left the US base at RAF Croughton, with two of her children in the car, and was driving on the wrong side of the road. Mrs Sacoolas was a US national, married to a US State Department official who was one of the 'administrative and technical' US State Department staff based at RAF Croughton. She had been in the UK for only three weeks and immediately admitted to police at the scene that she was at fault. Harry's father was called to the scene of the accident and was with him at the roadside.

The following day, 28 August, the US Embassy in London informed a senior official in the Foreign and Commonwealth Office (FCO) of the fatality. This was unusual, as information about potential offences involving foreign diplomats usually came via the police (the Parliamentary and Diplomatic Protection (PaDP) unit of the Metropolitan Police) to the FCO's Protocol Directorate, whose responsibilities include liaison with foreign diplomatic missions. After some initial confusion about the police force responsible, it was established that the accident had happened in the Northamptonshire Police area.

On the same day, Northamptonshire Police visited Mrs Sacoolas at home as part of the investigation. A representative of the US Embassy and US State Department, and a legal counsel, were present. At this point, there was no mention of diplomatic immunity, and no indication that Mrs Sacoolas or her family might leave the UK. The police themselves did not know that diplomatic immunity was potentially in play until later the same day, when they were contacted by the PaDP, who advised them to complete a request for the US to waive immunity and submit it to the FCO.

Meanwhile, however, the Protocol Directorate had established that there were unusual arrangements in relation to administrative and technical staff at RAF Croughton. They were accredited as diplomatic staff, who would usually have immunity from criminal prosecution. However, since 1995 the US had agreed to waive immunity for those staff (see Chapter 2 for a description of the various forms of diplomatic immunity, and the specific Croughton Agreement[3]). Both the Protocol Directorate and the PaDP assumed at this point that the waiver of immunity for staff automatically applied to their dependants.

This view was communicated to the US Embassy on 29 August. On 30 August, the US Embassy responded that in its view the advance waiver did not apply to dependants, since they were not specifically referred to in the UK/US agreement. FCO officials then searched through the documentary records of the discussions that lay behind the agreement. This found that there was nothing in the records that specifically referred to the immunity of dependants.

[3] As explained in Annex A, the formal title of the agreement is the Croughton Arrangement. For ease of reading, this Report uses the term Croughton Agreement

Internal FCO discussions flagged the likelihood that, if Mrs Sacoolas did indeed have immunity, the US would withdraw the family rather than agreeing to waive her immunity, as this was its normal practice. An information note was sent to the two relevant junior ministers, copied to the offices of the Foreign Secretary and Permanent Under-Secretary. A further update on 4 September informed them that the Protocol Directorate would formally ask the US Embassy to waive Mrs Sacoolas's immunity, if indeed she had it. Though the Foreign Secretary's office was copied in, this would not normally have resulted in him being directly briefed on the matter at this stage. On 5 September, an official in the Protocol Directorate handed a formal written communication (called a Note Verbale) to the US Embassy, requesting a waiver of immunity, while still not conceding whether it was in fact needed because of the pre-existing waiver. The FCO continued to consider options if the US refused to waive immunity.

On Friday 13 September the US responded, refusing to waive Mrs Sacoolas's immunity, even partially to allow preliminary investigations, and indicating that the family would leave over the weekend. The Protocol Directorate made clear its strong objections. In the late afternoon, an update was sent to the Foreign Secretary's office and later copied more widely to include a Director-General and the British Embassy in Washington. However, as the Foreign Secretary's box had closed for the weekend, he was not directly informed until Monday 16 September, when he was told that Mrs Sacoolas and her family had in fact left the UK on the previous day.

On the same day, 16 September, the Protocol Directorate told Northamptonshire Police for the first time both that a waiver of immunity had been refused and that Mrs Sacoolas had left. This appears to have been the first contact with the police since 2 September, and the first indication to them that this was a possible outcome. The Directorate asked the police for there to be 'a day or two' before the family was informed, in order to consult the Foreign Secretary and work out a response strategy. In fact (see below) the family were not informed by the police until 26 September; this was initially because Harry's funeral was about to take place and then because of the relevant police officers' other commitments.

Within the FCO, there was further consideration of actions that might be taken, given the loophole in the Croughton Agreement. The first step was to formally summon the US Ambassador to the FCO. This resulted in the senior US diplomat who had been leading the discussions with the UK attending the FCO on 24 September to meet the Permanent Under Secretary, who conveyed the UK's 'grave disappointment' at the US's action and invited it to reconsider. It was also made clear that the UK would be seeking a review of the Croughton Agreement. This was followed by a call from the Foreign Secretary to the US Ambassador on 26 September, with the same message.

On the same day, 26 September, the family of Harry Dunn were formally told for the first time, by Northamptonshire Police, that Mrs Sacoolas had been the driver of the car, that she had diplomatic immunity, and that she had left the country.

The family were assigned a police family liaison officer, which is routine for bereaved families when criminal investigations are ongoing. On 30 September, the family, through the Northamptonshire Police, asked for direct contact with the FCO, and on 1 October the family liaison officer forwarded an email from the family's spokesperson to the FCO, asking for details about the special arrangements at RAF Croughton and for a meeting with the Foreign Secretary. The following day, Sky News contacted both the FCO and the US Embassy to say that they were interviewing the family about the incident and would be running a story on 5 October. On 4 October, the Protocol Directorate contacted the family, both to confirm Mrs Sacoolas's immunity and to offer a meeting with the Foreign Secretary.

On 7 October, the Prime Minister issued a statement criticising the US's position on Mrs Sacoolas's diplomatic immunity, and the Foreign Secretary also raised the issue with the US Secretary of State. The government agreed that it would seek a review of the Croughton Agreement, as well as continuing to press the US to return Mrs Sacoolas or at least allow the UK police to speak to her.

On Wednesday 9 October, the family met the Foreign Secretary; on the same day the Prime Minister raised the issue directly with the US President.

Comment

There are two issues in this period: how the evolving situation was dealt with in the FCO, and how and when it was communicated to the family and the Northamptonshire Police.

Within the FCO

I have spoken to the officials involved in the discussions with US officials: those who were then in the Protocol Directorate, as well as senior officials in other directorates who later became directly involved. It is clear that there was shock, frustration and exasperation at the US's decision to refuse to waive immunity. It was considered that the US was exploiting a loophole in the Croughton Agreement, in a way that had never been intended by the drafters, and which resulted in the anomaly that Mrs Sacoolas, as a dependant, had immunity that her husband, the principal, lacked.

It was also very clear from the outset that this was an unusual case that had attracted immediate high-level interest from the US, and that the US was taking an inflexible approach. It has since been revealed that Mrs Sacoolas had herself been employed by the US State Department (and indeed in subsequent correspondence with the UK Coroner before the inquest into Harry Dunn's death, the US authorities described her as an employee of a department or agency of the US). However, at the time of the accident, she was in the UK as her husband's dependant, not as a State Department employee.

By contrast, on the UK side this was initially treated as business as usual, to be dealt with by staff in the Protocol Directorate, who were used to dealing with the complex technical and practical details of immunity (see below for a description of the role and

remit of the directorate). Junior Foreign Office ministers, and other parts of the organisation, such as the Americas and Legal Directorates, were kept informed of the situation, but they were not asked to take any action. The Foreign Secretary's office was copied in to some messages, but not in a way that would have necessitated an urgent briefing of the Minister himself. Until the US formally rejected the UK's request for a waiver, and indicated that the Sacoolas family was about to leave the UK, there was no direct involvement by senior officials outside the Protocol Directorate in discussions with, or lobbying of, the US Embassy. At ministerial level, the first time that the Foreign Secretary was directly briefed was the day after Mrs Sacoolas had left the UK.

This sequence of events is important because it had significant consequences, at this early stage, for the relationship between the FCO and Harry Dunn's family, and for the handling of the incident. Everyone I have spoken to within the FCO who was involved with the case is clear that there should have been much earlier and more senior grip of a very serious and complex matter, across the various relevant parts of the FCO – recognising that this was a crisis that required the skills, experience and diplomatic weight of senior staff across the department, with family engagement as part of the strategy.

The Protocol Directorate's responsibilities were, and still are, niche and specialised. It ensures the effective functioning of the very large number of diplomatic missions and international organisations in the UK, including appointments and, where necessary, diplomatic sanctions. Its work includes liaising with the royal households in relation to ambassadors' credentials as well as organising state and other high-profile visits (for example, in 2019, the first state visit of President Trump). Some of this carries significant reputational risks. Despite this, the Directorate was at that time led at SCS1 level, rather than a more senior SCS2, which was normal for other Directorates. In practice, in this case most of the early communication and contact with the US and the police was carried out at Grade 7 and HEO level.

The Directorate itself was located within the part of the Foreign and Commonwealth Office largely responsible for internal administrative functions (such as finance, estates and personnel), reporting to the Chief Operating Officer. It was therefore somewhat isolated from those parts of the organisation that dealt with strategy, policy and communications. That includes the geographical desk that dealt with relationships with the US, and the consular staff whose responsibilities include dealing with difficult issues involving British nationals abroad, including sudden deaths and bereaved families. I believe that this contributed to the late recognition in the FCO as a whole, and its ministers, that this was far from 'business as usual'. I look at the current and planned location of the Protocol Directorate in Chapter 4.

There were a number of obvious red flags: the unlawful death of a young man; the unusual and contested nature of the Croughton Agreement; the high level at which the issue was being dealt with by the US; the potential consequences, given that it was known that the US rarely if ever waived immunity, and was refusing to do so in this case. Senior officials in the wider FCO later recognised that this placed huge pressure on

Protocol Directorate staff, given the magnitude of the issues and the likely degree of public attention.

I am aware that some material subsequently disclosed to the family raised concerns about the actions and motives of those involved. For example, documents released to the family in 2020, after they launched a judicial review, included a message sent to the US Embassy the day before Mrs Sacoolas left the UK, apparently conceding her imminent withdrawal. This understandably gave rise to a suspicion that underneath the formal protests there was an informal agreement between the UK and US that Mrs Sacoolas should quietly be withdrawn for fear of prejudicing bilateral relationships on a range of sensitive issues.

It would be naïve to assume that there were no other countervailing considerations in play in the FCO as a whole. This was the post-Brexit period, with attempts to secure new trade agreements, in addition to important bilateral security and diplomatic relationships with the US. However, I have looked at the internal and external communications between relevant officials around this time, and I believe that the message, though badly phrased, reflected a reluctant recognition of the US's decision, rather than agreement with it.

Records of waiver requests received by the UK since 2004 show that the UK has waived the immunity of its own diplomats in the US on 13 occasions. The US has never done so for its diplomatic staff in the UK. Therefore, it had been recognised in the FCO that the most likely outcome would be a refusal to waive immunity. That did not prevent the UK authorities from arguing strongly that they should do so in this case. From the documentation I have seen, there is no doubt that those who were directly involved hoped and expected that the US would, as one put it, 'do the right thing', irrespective of any other considerations. But there was a significant delay in recognising that this should be a priority across the department as a whole, and in escalating it to a sufficiently senior level.

In the aftermath of the 9 October meeting with the Foreign Secretary, it was recognised that the workload and pressure on the Protocol Directorate during this period was unsustainable and should have been alleviated. In fact, when the issue, as predicted, reached the public domain, responsibility for dealing with it moved straight from the Protocol Directorate to the Foreign Secretary himself, bypassing whole layers of intermediate management and support (see p24), and within days the Prime Minister himself was involved.

If the Foreign Secretary, and indeed the Prime Minister, were to be deployed to try to convince their US counterparts to take an unprecedented step and waive immunity, the most effective time to do so would have been while Mrs Sacoolas was still within the UK's jurisdiction – even though it is arguable whether this would have had a different result, given the approach taken by the US.

I believe that the machinery that was set up later, to respond to the crisis, communicate with the family, and support staff, could and should have been deployed much sooner.

Those I spoke to agreed that there should have been what was described as a 'break glass' protocol, to recognise that this was a crisis that required a cross-departmental urgent response. That should have been accompanied by a clear message, across the department, about the importance of securing justice in this case, using leverage through the bilateral relationship.

Recommendation: there should be clear and well understood processes within the FCDO for recognising and responding to exceptional circumstances, whether in the UK or overseas, particularly those involving death, serious injury or serious criminal activity. This should involve an immediate surge of resources, using all relevant cross-departmental skills, with early ministerial involvement.

Relations with the family

The second issue is the communication with, and provision of information to, the family of Harry Dunn: both how and when communication happened, and what was communicated. Again, this was initially treated as 'business as usual' – the deployment of a police family liaison officer supported by a senior investigating officer – even though it is far from usual for the first interview with a suspect in a road traffic accident to be conducted in the presence of a representative of the US Embassy and US State Department. As above, the police themselves were not aware that immunity was at issue during that interview, and it was only after Mrs Sacoolas had left the UK that they were told that her immunity had not been waived and that she had gone.

As far as the family was concerned, it was not until 26 September that they were formally told the name of the driver, her immunity, and that she had left the UK. This was eleven days after Mrs Sacoolas's departure, and nearly a month after Harry's death. The following day, the family met with neighbours and friends to consider what to do next. Among the neighbours was a recently retired lawyer, with experience of litigation in complex cases, who later became the family's spokesperson. The Justice4Harry campaign was set up.

The responsibility for the delay in informing the family is somewhat contested. It is referred to in the investigative review of the Northamptonshire Police's handling of the case, published in June 2025[4]. As noted above, on 16 September the FCO had asked for a delay of 'a day or two' in order 'to get our ducks in a row', while they briefed the Foreign Secretary (who had only just been told), and he had considered options. The FCO later asked for this request to be removed from the statement the Northamptonshire Police prepared for the family meeting on 26 September.

In fact, by the time of the meeting, the family of Harry Dunn had already found out about both the identity of Mrs Sacoolas and the fact that the Sacoolas family had left the UK.

[4] Investigative review of the fatal road traffic collision which resulted in the death of Harry Dunn, June 2025: EAST MIDLANDS SPECIAL OPERATIONS UNIT

There was a large US presence at Croughton (see p 14) within a relatively small community, and there were rumours about US personnel being withdrawn following other incidents. More specifically, Harry's father was the head of maintenance at the school attended by two of the Sacoolas children. Along with other heads of department, he had been sent a memo saying that the children had been suddenly withdrawn from school and had returned to the US. An internet search by Harry's stepfather revealed Mrs Sacoolas' personal details and photograph.

Therefore, by the time the family was officially told who had driven the car and what had happened to her, they already knew. This understandably created distrust both of the message and the messengers: the belief that there had been a conspiracy between the UK and US authorities to secretly 'spirit her out', with information deliberately withheld from the family.

The delay was not entirely due to the FCO. However, the fact that FCO staff asked the police to delete any reference to its initial request for delay has attracted the criticism that the FCO was seeking to distance itself altogether from the decision. The wider question, however, is whether and how the complications and difficulties of the situation could have been communicated to the family earlier. In later periods – for example, when discussions were taking place about the possibility of a remote trial of Mrs Sacoolas – it is clear that a relationship had been developed where the FCO shared information with the family about the ongoing situation, on a 'no surprises' basis (see Chapter 4 of this report). By contrast, at this early stage, when emotions were most raw, the family were told nothing for a month, until they were presented with the outcome of a complex sequence of events, apparently resulting in the inability to hold anyone accountable for the death. At this stage, both the Crown Prosecution Service (CPS) and police said that there was little or no chance of doing so.

From all the documentation I have seen, and the discussions I have had, I believe that this lack of communication was institutional and cultural, rather than specific to individuals or to this particular case. The normal practice for serious incidents that happen in the UK is for direct contact to be through a police family liaison officer, who can provide information to families in such situations and guide them through the processes that will take place. The Protocol Directorate and the FCO saw their role, by contrast, as trying to negotiate with the US authorities, passing information to and through the family liaison officer when they believed there was something concrete to report. But this left the police themselves unsighted about what was happening for over two weeks, and in any event they were in no position to be able to explain the complexities and sensitivities in a case that was, even for the FCO, exceptional.

This indirect messaging created space for misunderstanding and distrust, especially as the family had in fact been able to piece together events and decisions of which they had not been officially informed. Unlike in a normal criminal investigation, the family were not updated in a timely manner about what was happening.

This raises the question of when, and by whom, information could have been given to the family in the aftermath of Harry Dunn's death. I note that the investigative review of the actions of the Northamptonshire Police recommends that, in the spirit of the Victims' Code, the police should have informed the family of key events, such as the departure of Mrs Sacoolas, within a day of learning about it. In practice, though, that would have meant the family receiving distressing and devastating news the day before Harry's funeral.

The view taken in the FCO was firstly that this was the police's role and secondly that it would be better to inform the family once the situation, and the UK's response, was clear, so as not to share incomplete information and create uncertainty. On the first point, such a strict demarcation of roles was in practice unhelpful to both the family and the officials involved. On the one hand, officials were unhappy that the family appeared to characterise them as 'faceless bureaucrats' when in fact they believed they were doing all they could to put pressure on the US. However, on the other hand, those officials were also adamant that it was inappropriate for them to have direct contact with the family, and that this was the role of the family liaison officer. In the next section, I set out the difficulties that are inherent in this rigid demarcation of roles, and some of the confusions that have therefore arisen (see p 17).

On the second point, those experienced in dealing with bereaved families, particularly in the early stages when emotions are most raw, know how easy it is to lose their trust and how difficult it is to recover it. In most circumstances, it is better to be open from the outset, to be clear about what is known. what is unknown, and what the next steps are. Indeed this is how relationships with Harry Dunn's family were managed later on.

It would have been possible to explain to the family at an early stage that there were complex issues of diplomatic immunity which were still being explored, and the possible outcomes, without destabilising the significant diplomatic efforts being made. The FCO, which is less used than other government departments to scrutiny of its actions in the UK, seemed unable to get on the front foot and articulate clearly the action it was taking. This could have been done in confidence, if there was a fear of publicity which might prejudice the outcome - though in the event, with or without publicity, the outcome was the refusal of a waiver and the withdrawal of the family.

The Victims' Code (the Code of Practice for Victims of Crime in England and Wales[5]) sets out the standards and principles that should apply to victims and their families. Among other things, it gives the family of a deceased person the right to nominate a family spokesperson to act as their point of contact. It does not specifically refer to the role of the FCDO, either in the UK or abroad, but refers to guidance issued by the FCDO in relation to British national victims overseas. In Chapter 4, I make a recommendation for a revision of that guidance.

[5] MoJ Victims Code 2020

There was in fact no direct contact between the FCO and the family until 4 October, the day before the Sky News interview was due to go out, when the family was offered a meeting with the Foreign Secretary himself. The family drew the conclusion that this rapid escalation to a very senior level was a direct result of the spotlight of media coverage.

There is a more general issue about how the FCDO engages with external organisations and individuals: whether the fact that it is an organisation accustomed to dealing with sensitive diplomatic issues out of sight of external scrutiny can inhibit the provision and clarification of information at a time when it is most needed and most useful. The need for appropriate and regular communication is one of the themes running through this review. I make recommendations about the nature and regularity of these communications in Chapter 3.

Recommendation: the processes outlined above should include, where relevant, strategies and plans for communication and engagement with families and victims, and/or any spokesperson that they choose to nominate.

CHAPTER 2: IMMUNITY AND THE CROUGHTON AGREEMENT

There are a number of conventions and agreements that set out the privileges and immunities of foreign diplomatic staff, as well as the arrangements for foreign military personnel stationed in the UK. They are set out in Annex A.

Generally speaking, diplomatic staff are appointed under the **Vienna Convention on Diplomatic Relations** (VCDR) and operate out of embassies and high commissions based in London. They have inviolability (freedom from being arrested or detained) and immunity from criminal prosecution in the country where they are posted. Some consular staff (appointed under the **Vienna Convention on Consular Relations** (VCCR)) are also based in London, but most of them are based outside London in consulates and consulates-general. They have more limited inviolability and immunity. Foreign military personnel, under the various military agreements, are in bases spread across the UK, though concentrated in certain areas; again with different, and more limited, immunity. There are between 25,000 and 27,000 foreign diplomatic and consular staff and their dependants living in the UK at any one time, and a similar number of foreign military personnel and families, of whom the great majority are US nationals.

The CPS, which will be engaged if there is a question of prosecution or extradition, has issued a guide for prosecutors, also used by the police, to help them navigate this complex landscape. However, the subject matter expertise about the effect and operation of the various diplomatic privileges and immunities sits with the Protocol Directorate in the FCDO. The Ministry of Defence (MoD) plays a similar role in relation to military service personnel.

The Croughton situation was exceptionally complex. The base holds over 1,600 US nationals. Around 1,300 are military service personnel and their dependants, under the NATO Status of Forces Agreement, subject to military discipline while performing military duties and in relation to offences against military property or other US military personnel. They are subject to UK jurisdiction in other circumstances. However, there are also a smaller number of US civilian staff located on the base, deployed by the US State Department, and accredited under the VCDR. Most of them are the 'administrative and technical staff' referred to in the previous chapter, whose immunity from criminal prosecution had been agreed in advance by the US and UK. It is highly unusual for staff appointed under the VCDR to be located in such numbers outside London: staff in diplomatic outposts in the nations and regions are normally accredited under the VCCR, with lesser immunities because of their different role and function.

There are two issues raised in this case which have caused confusion. The first is Mrs Sacoolas's immunity status at the time of the crash, and the second is her status once she had returned to the US. I have referred earlier to the fact that there was no direct contact between the FCO and the family until just before the meeting with the Foreign Secretary on 9 October to explain this. Nor were the complexities of the Croughton immunity situation shared with the Northamptonshire Police at this point. There are a

number of key points, which were contested or unclear at the time but which have now been established, both in the judicial review in November 2020 and through subsequent events.

(i) At the time of the crash, there was no doubt that Mrs Sacoolas had inviolability from arrest and detention under the VCDR. There was no waiver in relation to arrest for administrative and technical staff or their dependants at this point. If she had been arrested and questioned under caution before the police realised this, the evidence provided would almost certainly have been inadmissible in court, since it would have been obtained unlawfully. There might have been a request for a retrospective waiver, but, given the US's default position, this was unlikely to have been granted.

(ii) Mrs Sacoolas's immunity from criminal prosecution was clearly anomalous, on the grounds that it could not have been the intention of the Croughton Agreement that dependants should have protection that was not deemed necessary for the officials themselves. It is clear that there were differing views at the time about the basis on which she could have an immunity that her husband lacked. The FCO accepted the US view that she did have immunity but nevertheless pressed the US to respect the spirit and intention of the Croughton Agreement. The courts later confirmed the FCO position: that, given the wording of the agreement, and because waivers of immunity need to be express, Mrs Sacoolas was immune from criminal prosecution while she was in the UK.

(iii) The UK's clear view is that immunity falls away, for both the officer and their dependants, when they leave their role and the country where they have been posted[6]. So, the fact that both extradition and criminal proceedings were later taken against Mrs Sacoolas was not an indication that she had never had immunity, but rather that she had lost that protection once she left. (The US later claimed she retained immunity from extradition under the UK/US extradition framework.)

(iv) Individuals cannot waive their own immunity. Only the sending state can do this. Therefore, even if Mrs Sacoolas had wished to subject herself to UK jurisdiction immediately after the accident, or even to offer a voluntary statement to police, she could not have done so, unless the US agreed to waive her immunity. Once she no longer had immunity, she cooperated with the UK police, and indeed was prosecuted, tried and convicted *in absentia* (see Chapter 4).

[6] See for example Lord Sumption in *Reyes v Al-Maki, Supreme Court 18/10/17. UKSC 61*

In the period covered by this review, there appear to be two occasions when the US reached a position on immunity ahead of the FCO. First, the gap in the Croughton Agreement that meant that Mrs Sacoolas was not covered by the advance waiver was raised by the US authorities before it was recognised in the FCO (see p 23). Second, the US authorities appear to have reached a view that Mrs Sacoolas' immunity was 'no longer pertinent' after Mrs Sacoolas left the UK, at a time when the UK government still assumed that a waiver was necessary in order for her to face criminal charges (see Chapter 3). This is an indication of the complexity of the issues involved.

Both before and since 2019, when it has been apparent that there have been misunderstandings in relation to how the various conventions interact, the FCO has been reluctant to share its expertise in this complex area with those on the ground: either the police or those directly affected. In the course of this review, current and former staff have reiterated that, in the FCDO's view, it is the police's responsibility to seek their own legal advice, and that the police are the proper conduit for information to go to families. Both aspects can be unhelpful in ensuring that those directly involved fully understand the issues and can have confidence in the outcome. At times, there has been an assumption that to cite the law, and explain the basis on which diplomats are accredited, is the same as providing legal advice. This has sometimes increased both confusion and distrust.

There has been further confusion, which still persists, about the kind of immunity that Mrs Sacoolas held. Some of this has unfortunately arisen from misreading the CPS's published guidance on Diplomatic Immunity and Diplomatic Privileges. The guidance sets out the immunities conferred on staff at diplomatic missions and London-based consular missions. It then sets out the different, and lesser, immunities for staff at consular missions outside London (as above). Under the VCCR, it has always been the case that those staff can lose their inviolability, and therefore be arrested and detained, if they are accused of a 'grave crime' (one that would be punishable on a first conviction with a sentence of five years or more). There is no specific reference in the CPS guidance to the fact that there can also be *diplomatic* staff based outside London, and that, unlike consular staff in the regions, they retain inviolability from arrest, because they are considered as outposts of the embassy or high commission (see Chapter 4 for subsequent changes to the position at Croughton).

So, the CPS guidance can be misread as meaning that in 2019 Mrs Sacoolas, being outside London, was liable to arrest and detention for what was clearly a grave offence. And it was misread in exactly this way, both initially on behalf of the family, in an email of 9 October 2019, and most recently in the investigative review of the actions of the Northamptonshire Police in the Sacoolas case, published in June this year[7]. On neither occasion did the FCO/FCDO correct this misinterpretation of fact.

[7] Investigative review of the fatal road traffic collision which resulted in the death of Harry Dunn, June 2025: EAST MIDLANDS SPECIAL OPERATIONS UNIT

On the earlier occasion, this did not in fact form the basis of the family's judicial review proceedings, which rested on the claim that Mrs Sacoolas's criminal immunity had been waived along with her husband's. On the most recent occasion, however, in the police investigative review, the investigating officer concluded that the police could and should have arrested Mrs Sacoolas at the scene or very shortly afterwards. While this is a valid point in relation to road traffic accidents in general, it was not applicable in this case, since Mrs Sacoolas had inviolability from arrest: see (i) above. I do not criticise the investigating officer. He had specifically asked the FCDO for information and advice on this point, and the email chain that I have seen clearly indicates that he believed, wrongly, that Mrs Sacoolas, being outside London, was liable to arrest. He cited the CPS guidance in support of this view.

Rather than being told that he had misinterpreted this, he was advised to seek his own advice or read the judicial review. The FCO, and its Protocol Directorate, are the subject matter experts on immunity. They were not being invited to give legal advice on a current or past case, but to explain to a non-expert police officer how the different conventions operated in practice, as confirmed in the judicial review. I do not understand why the opportunity was not taken to correct a misapprehension, which inevitably has once again caused doubt and uncertainty about what could or should have happened.

I am aware that since 2019 the FCDO, together with the Met Police's PaDP, has made efforts to explain immunities to police forces outside London in areas where there is a significant number of diplomatic and consular staff. However, I do not believe that this obviates the need to provide an explanation of how the complex web of privileges and immunities works, if asked and if this is clearly needed. As the CPS guidance and the Northamptonshire Police investigative review show, these are complex and difficult issues. In any specific force, especially outside London, they will in practice happen very rarely, if at all. It is unrealistic to expect that at that point staff then in post will recall or understand the technicalities and nuances of information or training provided some time ago. It is not unreasonable to expect that they will be guided through it – clarifying the questions that need to be asked – by Protocol Directorate staff who deal with this on a daily basis, without compromising the operational independence of the police and CPS.

Recommendation: that the CPS amend its guidance on Diplomatic Immunity and Diplomatic Premises, with the assistance of FCDO Protocol and Legal Directorates, to state explicitly that VCDR staff, wherever situated, have inviolability and immunity, unless this has been expressly waived by the sending state.

Recommendation: that the FCDO, and its Protocol Directorate, should be proactive in responding to requests to clarify the nature and complexity of diplomatic immunity to relevant external authorities, particularly where it is evident that these have been misunderstood.

CHAPTER 3: 9 OCTOBER 2019 – 20 DECEMBER 2019

On 9 October, the family and their spokesperson met the Foreign Secretary. From the FCO point of view, this was seen as a positive response to the family's concerns, but it did not have a positive outcome. It was always going to be a difficult and emotional meeting, given the circumstances. The family had only recently learnt about Mrs Sacoolas's withdrawal and apparent avoidance of accountability for Harry's death, and there had been no direct contact from anyone in the FCO until five days previously. They believed and hoped that the fact of the meeting signalled that there would be news of a breakthrough. On the FCO side, the Foreign Secretary and his officials believed that this was an opportunity to explain both the efforts they had made, and were planning, in light of the limitations of what could be done, given the terms of the Croughton Agreement and the intransigence of the US.

At one critical point in the meeting, the Foreign Secretary, having stated the problem, invited the family to say what else he could have done. This was heard by the family as a statement of defeat, rather than an invitation to discuss options. They continued to question Mrs Sacoolas's immunity and were clearly both upset and disappointed at what appeared to be an acceptance of impotence. There was no mention at the meeting that the FCO was considering any alternative options for pursuing the case, though the family did refer to reports in the media that Mrs Sacoolas might be charged in her absence.

In comments to the press after the meeting, the family said that they felt 'let down' and were no further forward in terms of securing justice for Harry's death. On the same day, the Foreign Secretary issued a statement to say that he shared the family's frustration that the justice process was not being allowed to run its course. The Prime Minister had spoken to the US President to make clear that what had happened was not acceptable, and the UK would continue to press for Mrs Sacoolas' cooperation with police enquiries.

In fact, by the time of the meeting, matters had moved on from the question of whether or not Mrs Sacoolas had immunity at the time of the accident and, if so, whether it would be waived. The previous day, the US had informed the FCO that 'immunity was no longer pertinent' (see Chapter 2); in other words, that it had fallen away once she left the UK. This was not disclosed to the family at the meeting: the FCO was still digesting this information and considering its response.

Three days after the meeting, on 12 October, the Foreign Secretary wrote to the family to update them on the immunity position. The letter confirmed that the UK accepted that Mrs Sacoolas had immunity at the time of Harry's death, and that the US had refused to waive it. However, the letter also stated that the UK agreed with the US position: that immunity was no longer relevant, as she had returned home. Therefore, Northamptonshire Police and the CPS were deciding what could be done, with a view to possible charging and extradition. The letter was followed up by a phone call the following day between the Protocol Directorate and the family's spokesperson (who was

in the US: see below) to explain this more fully: that it did not represent a change of mind by the FCO in relation to the immunity issue, but a change of circumstance, once Mrs Sacoolas had left the UK. From this point on, decisions about charging, prosecution and extradition would fall to the independent CPS and police, and the FCO could not be seen to influence this. A statement was issued to the media on 15 October, to confirm that immunity no longer applied.

On 13 October, the same day as the phone call about immunity, the family travelled to the US, to raise their concerns there. While they were in New York, the White House contacted the UK Embassy to ask how they might get in touch with the family and were put in touch with their spokesperson. He and the family then travelled to Washington, where they met the US President on 15 October. Mrs Sacoolas was also in the White House, in an adjacent room, and the family were asked if she could speak with them directly. They were unprepared for this, and did not agree to a meeting, which they later described as an 'ambush'.

At this point, the family had not been offered any consular support from the British Embassy in Washington: initially because the UK authorities did not know about the Washington visit in advance, and the family had not specifically asked for help. The embassy nevertheless asked whether they should be proactive in offering assistance, but was advised by the FCO not to offer consular support, as this was outside normal consular responsibilities, would set an unhelpful precedent and might prejudice ongoing criminal proceedings.

At the time, the police were continuing to gather evidence so that the CPS could make a decision about how to proceed. This included discussions about whether to seek Mrs Sacoolas's extradition from the US if criminal charges were laid. Mrs Sacoolas had indicated that she was willing to be interviewed in the US by the UK police, and this was formally confirmed to the Foreign Secretary by the US Ambassador on 16 October. On 18 October, police investigators therefore applied for visas to travel to Washington to carry out an interview in the week beginning 28 October.

On 21 October, the Foreign Secretary made a statement in Parliament, setting out the course of events, the issues around immunity, and the fact that the case was now with the police and CPS. In addition, he confirmed that a review of the immunity arrangements under the Croughton agreement was being carried out 'to make sure [they] cannot be used in this way again'. This was the first time that the Croughton arrangements had been notified to Parliament. Harry's parents, and their spokesperson, were interviewed on television, and welcomed the fact that the police were going to the US. They later met the Shadow Foreign Secretary.

Meanwhile, within the FCO, significant changes were being made in the wake of the family's meeting with the Foreign Secretary. It was apparent that there needed to be both additional and more senior resource to grip a complex and important case. This included the direct involvement of the Foreign Secretary's office (see below). At official level, a Director-General was charged with overall responsibility and commissioned a

review of how the case had been dealt with so far. On 17 October, an enhanced team was set up, using the recognised process for managing major incidents: a Gold commander (at SCS2 Director level) responsible for overall strategy, a Silver commander responsible for overseeing operations, and implementation teams for litigation, parliamentary and media relations, negotiations with the US, family engagement and links with the CPS. From 5 November this coalesced into a dedicated Croughton Unit, with a core team of around seven staff, supported by around 13 others assisting with four workstreams: preparations for the judicial review (see below); advising on family engagement; negotiating the revisions to the Croughton Agreement; lobbying the US about Mrs Sacoolas's engagement with the judicial process.

Family engagement was identified as a key strand of this work, and a strategy was drawn up, with a recommendation that a letter should be sent to the family. This recommended continuing to use the police family liaison officer as the main channel of communication, with the possibility of some direct FCO contact with the family when there were significant updates relevant to the FCO's role, as well as consular support if the family travelled again to the US. There were, however, differing views within the department: some staff argued for a greater emphasis on direct communication, rather than it being filtered through the police; and it was clear that the police themselves were uncomfortable with being the conduit for FCO matters.

In any event, this strategy was never implemented or communicated to the family. Before it was put in place, the FCO learned that the family were planning to take judicial review proceedings against the department. A pre-action letter was issued on 25 October, including the claim that the FCO had acted unlawfully, in that Mrs Sacoolas did not have, or alternatively should not have had, diplomatic immunity. It was therefore decided not to proactively reach out to the family, both because of the judicial review and because issues of prosecution and extradition were not FCO responsibilities.

In fact, there is little if any record of direct contact between the FCO and its Croughton Unit and the family of Harry Dunn between the middle of October and the next meeting with the Foreign Secretary on 17 December, which the family requested.

During this period, there was, however, communication between the family's lawyers and the FCDO about the judicial review. Given the family's circumstances, and the public interest in establishing the correct interpretation of the Croughton Agreement, the family's lawyers wrote to the FCO on 27 November to ask the department to waive its costs or cap them at £5,000. On 30 December, the FCO said that it was open in principle to a costs capping order, but did not commit to a specific sum. However, this was not formally agreed, and the cap set at £5,000, until September 2020.

Meanwhile, the police and CPS were progressing the criminal investigation. On 28 October, as previously indicated to the FCO, the Northamptonshire Police interviewed Mrs Sacoolas in the US at a US government facility; they informed the family of this two days later. There was frequent communication between the FCO and the CPS during

November and early December about the progress in making a charging decision and the request for extradition that was expected to follow. It was made clear to the FCO that these were decisions for the independent CPS, and subsequently for the Home Secretary, who makes decisions on extradition, but the Foreign Secretary was kept updated. Internal FCO documents record some frustration by officials at the length of time taken to make a charging decision in what was clearly a complex case. Initially they were told to expect a charging decision in early November, with discussions about extradition to follow. However, it was not until 9 December that the CPS confirmed that there would be a meeting on 18 December to decide both on charging and extradition. On 20 December, the CPS announced that they would be charging Mrs Sacoolas with death by dangerous driving and seeking her extradition. The CPS met the family on the same day to tell them about the decision.

The family had met the Foreign Secretary three days before, on 17 December. This was more positive than the first meeting. The Foreign Secretary made it clear that he and the UK government wanted Mrs Sacoolas to return, and that he would shortly be announcing a review of the Croughton Agreement, to deal with the anomalies the case had revealed and seek to ensure that this situation could not recur. The family expressed concern about the lack of support during the family's October visit to Washington, the fact that there had been no proactive contact from the FCO in the intervening period, and that the Foreign Secretary had not previously publicly stated his wish for Mrs Sacoolas to return. They also pressed the issue of charging and extradition, but at that stage the FCO was unable to confirm that a CPS decision was imminent, even though this was known at the time. Following the meeting, the Foreign Secretary issued a statement, confirming the review of the Croughton Agreement and urging Mrs Sacoolas to return to the UK if charged. The family indicated that they were planning to return to the US in the new year.

Comment

It is accepted that relationships between the family and the FCO were set back by the first meeting with the Foreign Secretary. The meeting ended with some of the family in tears, having interpreted what they had heard as meaning that nothing could or would be done. It is clear that they expected something more concrete and positive to come out of the meeting. There had been no direct contact between the FCO and the family until five days before the meeting, and therefore no opportunity to build relationships or create trust. Nearly all of those present to whom I have spoken believe that the meeting could have been handled and prepared for better. Ideally, there should have been earlier conversations, with a senior official, to clarify the current situation and its complexity and to describe what the UK's options were, so that the family could prepare the questions they wanted to raise with the Foreign Secretary, in what were rather intimidating formal surroundings. There should also have been a recognition, as in the Victims' Code, of the role of a family spokesperson as a point of contact and liaison.

It did not help that the FCO itself had not yet clarified its position about Mrs Sacoolas's residual immunity. Until the 8 October message from the US, it appears that the UK had

still been seeking to waive an immunity that no longer existed, in order that Mrs Sacoolas could return to the UK and face charges. It was only after the 8 October communication from the US that the focus changed to interviewing her overseas with a view to charging or extradition. This change of approach was not communicated to the family until three days after the meeting with the Foreign Secretary. This inevitably gave rise to further confusion and doubt, since this had not been communicated to the family at the meeting. Again, a further face-to-face meeting after the family had returned from the US, to hear and respond to their questions, explain why and how the situation had changed and set out the possible next steps, would have been helpful. Indeed, that was suggested within the FCO at the time but not pursued.

Instead, during the period between 9 October and the second meeting with the Foreign Secretary on 17 December, communication between the FCO and the family was sporadic or non-existent. This was partly because responsibility for action on charging and extradition had passed to the police and CPS, and partly because the family had issued judicial review proceedings. However, as later events showed (see Chapter 4) neither of these was necessarily a barrier to any communication. There was continuing confusion, and some disagreement, about whether direct contact was necessary or desirable, rather than passing messages through the police. A further complicating factor (see below) was the instruction that all contact with the family should go through or be approved by the Foreign Secretary's office.

While clearly it is neither possible nor desirable to provide a blow-by-blow account of complex and sometimes sensitive bilateral discussions, the best approach in these situations is for there to be regular contact, at an appropriate level, even when there is little substantively to report. Regular and proactive contact by senior officials from the FCO was indeed the pattern that was adopted and refined during 2020. By contrast, during this earlier period, information provided at ministerial meetings was almost immediately overtaken by events. As above, this happened after the 9 October meeting, and it happened again after the 17 December meeting. Three days later, the family were told that the CPS was in fact going to charge and seek extradition, something that the FCO had known at the time of the meeting but had not been able to communicate to the family.

These sporadic high-level meetings in October and December therefore did not track the progress of the case or align with its significant milestones. As a result, from the family's perspective, crucial information was not shared, the responses of public bodies appeared disjointed, and it appeared that decisions and steps were taken only either in preparation for formal meetings with them or as a result of those meetings.

Moreover, when the family and their spokesperson later asked for disclosure of information held about them, through a subject access request, this included some highly prejudicial and unprofessional comments, for which the then Permanent Under Secretary apologised. Most of those comments relate to a later period than the time covered by this review and may not have come from the core Croughton team. However, they inevitably reflected badly on the approach and underlying culture in the

FCO, and damaged trust that was slowly being rebuilt. There was undoubtedly frustration within the department that the scale and level of FCO engagement (see below) did not seem to be recognised by the family and their spokesperson. However, given the information vacuum and lack of trust generated in the early period, this was scarcely surprising. In one later comment, an FCO official ruefully notes the 'outstanding success' of the campaign's media work. It does not appear to have occurred to the FCO that this publicity, in both the US and UK, could assist the UK government in achieving its own stated objectives of bringing Mrs Sacoolas to justice and amending the Croughton Agreement.

Within the FCO, it is clear that the amount and level of resources devoted to the case, and the underlying issues that it raised, was on quite a different scale after the 9 October meeting. It was belatedly recognised and dealt with as a crisis, requiring an initial surge of resources and activity, which could be scaled back later if needed. Had this happened earlier, it could have been more effective, as well as creating less stress for individuals and a greater degree of assurance for the family.

The direct involvement of the Foreign Secretary and his office during this period indicated the importance given to the issue and the seriousness with which the government was approaching the matter. The Foreign Secretary's personal commitment was clear. In quarterly 'all staff' meetings, speaking to FCO staff all over the world, the Foreign Secretary made clear that securing justice for Harry Dunn was one of his three priorities for the department. It was also raised repeatedly in bilateral meetings with the US government, to the extent that US counterparts expressed both irritation and bemusement at the level of attention it was receiving. The UK made clear that it was pressing for Mrs Sacoolas's prosecution, and for a maximal approach to renegotiating the Croughton Agreement.

However, there were also downsides to the Foreign Secretary's direct involvement. Regular (at first daily) briefings to the Foreign Secretary were required, and all communication with the family or the US Embassy had to be channelled through, or cleared by, his private office. This micro-management at times slowed down processes and to some extent disempowered officials from taking or proposing new action or making direct contact with the family. The normal escalation process, through the management line and junior ministers, was bypassed. Moreover, the internal review that was commissioned into the early handling of the case was experienced very negatively by those who had been involved at that time: having initially been unsupported, they were now being blamed. This did not improve morale or encourage initiative. Senior officials who took over responsibility for the Croughton Unit were clear that it had been a systemic and organisational failure to allow the Protocol Directorate team to carry on without reinforcement, to the point where it was overwhelmed and had lost the Foreign Secretary's confidence (see Recommendation at p 30).

A further issue that emerged during this period was the role and involvement of the consular side of the FCO. One of the responsibilities of the department is to provide consular assistance to British nationals overseas who are in distress, including

bereaved families. These can sometimes be high profile cases, which attract media and public attention. This was exactly such a case; but because it happened in the UK, consular staff were not involved, even in providing advice to colleagues in the Protocol Directorate. It was assumed that the usual process – information conveyed via a police family liaison officer – would be sufficient, even when it was evident that this was an exceptional case, outside the normal experience of both the Protocol Directorate and the police. There was considerable resistance, throughout this period, to consular resources being deployed, even when the family were in the US, rather than the UK. It is perhaps understandable that there was no consular support during the first US visit, when the FCO was unprepared, but it is apparent from later exchanges that the objections to this were doctrinal, not pragmatic.

The lack of support from the embassy in Washington was an issue raised by the family in their 17 December meeting with the Foreign Secretary. As the family were planning another US visit, the Croughton Unit therefore asked the consular team from the British Embassy in Washington to be on hand to provide support, using their specific skills and experience. This was supported by senior staff in the embassy, but was strongly resisted by the FCO's own Consular Directorate, on the grounds that it would unacceptably blur the line and that offering services beyond the normal scope of consular work could set a precedent for other cases. It was only after the intervention of more senior FCO staff, pointing out the need for flexibility and agility within what was supposed to be 'One FCO', that this resistance was overcome. It was acknowledged at that point that a more consular approach should have been taken at the start, not just in the US but also in the UK, and that there had been an over-rigid definition of the parameters of consular support. The move from 'we don't do this' to 'we could do this' was welcome, but late. The new approach, put in place during 2020, was welcomed by the family.

I am not confident, however, after discussions with those currently working on these cases, that this would necessarily be the approach in a future high profile and sensitive case. There is now a complex cases team within the Protocol Directorate, set up to deal with complex and sensitive cases. However, there is still what was described to me as a 'steer clear' approach: a concern about setting precedent, a rigidity about role demarcation, and a reluctance to have direct interaction with families or victims, on the grounds that this is the role of the police family liaison officer, and that the Protocol Directorate should involve itself only with diplomatic issues. There are still no staff from the Consular Directorate embedded in the Protocol Directorate's complex cases team: though there is, helpfully, a secondee from the Metropolitan Police, to assist with police-related issues.

The precise circumstances of Harry Dunn's death are unlikely to be repeated, but with up to 27,000 foreign diplomatic staff and their dependants in the UK, there are at any one time a small number facing potentially high-profile criminal charges, some of them involving complex multi-agency discussions and support. There was an average of 15 serious and significant offences by foreign diplomats between 2007 (when numbers

were first recorded) and 2017. The number appears to have dropped between 2018 and 2022 (which may partly be a reflection of Covid restrictions). These statistics are now reported annually to Parliament; there were 9 such offences in 2023, and 17 in 2024. None of the cases involved a death, but they include offences such as grievous bodily harm, modern slavery, domestic abuse, sexual assault and child abuse, as well as driving offences. In some cases, there may be UK victims. In these cases, a waiver may be requested to allow criminal investigations to take place; if this is not approved, the FCDO will ask for the diplomat to be withdrawn.

Given the nature and complexity of these cases, a number of those I spoke to argued that the complex cases team should include a member of staff with consular experience, or at least that there should be a draw-down agreement that such a person can be seconded into the team when needed. I deal in Chapter 4 with the wider issue of the placing of the Protocol Directorate within the FCDO.

Finally, during this period, it took some time to clarify the costs position in relation to the judicial review, and it remained uncertain until a couple of months before the hearing that this would be conceded, or at what level. Yet it was evident that there were important points of principle and public interest that should be tested in court, given that the Croughton Agreement was open to interpretation.

Recommendation: the skills and experience of consular staff should be deployed when needed in sensitive cases involving diplomats in the UK. Those staff should be directly available to the complex cases team, either as core members of the team, or called in for advice in individual cases.

Recommendation: in high-profile and sensitive cases that raise complex diplomatic issues, there should be regular and direct FCDO contact with families or victims, specifically to deal with the issues for which the FCDO is responsible (see later recommendation on the Victims' Code).

Recommendation: the FCDO should consider, at an early stage in any proposed judicial review whether there is a public interest in clarifying the law and therefore whether a cost capping order or a waiver of costs is appropriate.

CHAPTER 4: LATER EVENTS AND THE CURRENT POSITION

The focus of this review is the events that happened during 2019, in the first four months after Harry Dunn's death. However, it is necessary to describe what happened later, in order to put those early months in context, and to reach conclusions about recommendations for the future.

In January 2020, the UK formally requested that the US extradite Mrs Sacoolas to face a charge of death by dangerous driving. The US described this as 'highly inappropriate… it is the position of the US government that a request to extradite an individual under these circumstances would be an abuse' which would set 'an extraordinarily troubling precedent'. On 23 January, the US Secretary of State formally refused extradition. The UK government, both privately and publicly, protested at this decision: the Foreign Secretary called it 'a denial of justice' and made clear that the UK would have acted differently in a similar case. There were also discussions within the UK government about the perceived imbalance in the extradition treaty with the US, under which US extradition decisions do not need to go to a court.

Discussions then moved to whether there were alternative ways of securing justice, and this led in the end to an agreement with the US that Mrs Sacoolas would be tried remotely, using legislation that had been passed in 2022 in the wake of the Covid pandemic, to allow defendants to appear in UK courts by video-link. Mrs Sacoolas pleaded guilty to the lesser charge of causing death by careless driving and was sentenced on 8 December 2022 to eight months imprisonment suspended for 12 months, and disqualified from driving for 12 months. She did not agree to return to the UK for sentencing, as the judge requested, but it is understood that she voluntarily agreed to undertake some community work in the US.

Other significant changes which have since happened:

- The renegotiation, and announcement in Parliament, of a revised Croughton Agreement in July 2020, through an Exchange of Notes between the UK and US. The waiver of immunity now extends expressly to family members, and to all diplomatic, as well as administrative and technical, staff on the base. In addition, there is a further waiver in relation to inviolability from arrest and detention for these staff and their dependants. The precise terms of this agreement have not been disclosed to Parliament or any of its committees.

- The decision in the Divisional Court in November 2020 in the judicial review, where the court agreed with the FCO's position that Mrs Sacoolas did have diplomatic immunity at the time of the crash, since there had been no express waiver of immunity for dependants of administrative and technical staff.

- A road safety audit by the Road Safety Foundation around a number of US military bases, including RAF Croughton, resulting in funding for infrastructure

improvements such as better signage (including a reminder to drive on the left), and improved training and information for US military personnel. In recognition of her work on this issue, Harry Dunn's mother was appointed MBE this year for outstanding services to road safety.

- Information and training provided by the Met Police's PaDP to police forces in areas where there are concentrations of US personnel, to explain the various immunities they may have and the actions that can be taken.

- The creation of the complex cases team within the Protocol Directorate (see Chapter 2).

- The prosecution of a US servicewoman, Mikayla Hayes, who was the driver of a car which collided with a motorcyclist, Matthew Day, just outside the base at RAF Lakenheath, resulting in his death. She was subject to the Visiting Forces Act for military personnel, not the Vienna Conventions that apply to diplomatic or consular staff (see Annex A). The UK pressed the US authorities to agree to her being prosecuted and tried in the UK, as opposed to being withdrawn, as had happened in other cases. This involved successfully challenging the proposition that she was still on duty (and therefore subject to military discipline) when travelling home from the base. A court found that she was not guilty of causing death by dangerous driving.

During this later period, it is also clear that there was a significantly more proactive and positive approach by the FCO to their relationship with the family and their spokesperson. As well as formal meetings with the Foreign Secretary (and a visit from the Home Secretary in relation to extradition), there were regular catch-up calls from a senior official in the FCO with the family's representative, which aimed to keep the family abreast of developments and outcomes, and to discuss the family's concerns. This carried on, and developed further during the year, even while judicial review proceedings were ongoing and were inevitably causing some friction as documents were disclosed.

Comment

It is clear that significant changes have happened since the tragic death of Harry Dunn. These are intended to lessen the chance of similar incidents happening, to remove barriers to arrest and prosecution for diplomatic staff based at RAF Croughton, and to strengthen the approach to prosecuting offences in the UK where there is a fatality.

These changes could not have happened without the agreement and commitment of ministers and officials within the FCDO. It is clear that from the outset there was shock, dismay and challenge in relation to the US's position, both publicly and privately – though it took too long to elevate this from 'business as usual', in relation both to

contacts with the US and the family. I have no doubt, however, that those actions and that commitment were strengthened by the persistent pressure from, and on behalf of, the family to see justice done, however uncomfortable and counter-cultural that was at times. Their campaign, and the media interest it generated, helped to keep pressure on the US and encouraged the UK authorities in pushing the boundaries of what was considered possible. It is also clear that during 2020, there was a recognition within the FCO, and wider government, that the family were potentially allies, not opponents, in both seeking justice for Harry and securing positive change for the future.

In earlier chapters, I have made recommendations that are specific to the issues raised during those periods. Some of them focus on the importance of communication with a family or victim at all stages. I know this is something that the family of Harry Dunn feel particularly strongly about.

One of the major changes has been the redrafting, and significant strengthening, of the Croughton Agreement. Its existence, and the fact of the US State Department presence at Croughton, was not public knowledge until after Harry Dunn's death. Even now, the Foreign Secretary has only sketched out in Parliament the main terms of the revised agreement. Nor was the agreement itself provided to the House of Lords International Agreements Sub-Committee, after its chair, Lord Goldsmith, requested it in October 2020 – even on a confidential basis or with limited redactions for sensitive security issues. Lord Goldsmith noted that the Croughton arrangements were now a matter of serious public concern and therefore should be open to parliamentary scrutiny.

The Diplomatic Privileges Act 1964, which incorporates the provisions of the VCDR into UK law, allows sending states to decide to waive immunity from prosecution. However, this is clearly designed to be on a case-by-case basis. The Croughton Agreement, by contrast, provides for a blanket pre-waiver for whole categories of staff, in effect exempting them in advance from the provisions of the legislation. Yet it was not placed before Parliament; it was only made public after there had been a tragedy, rather than being subject to scrutiny beforehand. If Parliament, or its expert sub-committee, had been able to have sight of the original Croughton Agreement, the gap in relation to dependants might have been noticed and filled.

Recommendation: the government should put the terms of the revised Croughton Agreement before Parliament, if necessary with redactions for sensitive national security matters.

Protocol Directorate

I have made recommendations earlier about a more proactive role for the Protocol Directorate, and a crisis response model within the FCDO as a whole. I believe that there has also been an underlying issue about the positioning, as well as the role, of the Directorate. In the current structure, it sits within a directorate largely responsible for internal FCDO matters. I have been told that under restructuring plans, it would sit

within a 'strategy and delivery cone': in a directorate also responsible for monitoring and evaluating the effectiveness of delivery across the department. Though protocol work is largely procedural, it inevitably touches on serious and sensitive issues that may become public and that impact on, or require input from, other parts of the organisation. Its work can carry significant reputational risks. I understand that, in other jurisdictions, this is a function that reports directly to the equivalent of the foreign ministry's Permanent Secretary, and in some cases in fact to the head of state. There is a risk in the current plans that Protocol will, once again, be lost within a directorate with a different focus and priorities, and without the necessary links with geographic and policy areas: operating out of sight of the rest of the office, and without the ability swiftly to mobilise cross-departmental resources if and when they are needed. This should be a key consideration in any restructuring.

Recommendation: Any reorganisation should ensure that the protocol function is fully integrated into the geographic and policy work of the FCDO, and is led by a Director at SCS2 level.

Road traffic offences

My understanding from discussions with the MoD is that there have been some significant changes in relation to US military personnel and road traffic incidents. As well as discussions on tightening the definition of 'on duty' (see the Hayes case above), there has been a major push on road safety, jointly with the Department for Transport and the leadership of the base, including the necessity of passing the DVLA-approved written theory test on the Highway Code, and a strict drink-drive policy, with sanctions that include the removal or discharge of personnel. This takes into account the fact that road conditions and signage in rural parts of the UK differ considerably from those that most US personnel are accustomed to. I am not clear that there are the same strict requirements for State Department staff at the base, though I am aware that information and training have been provided to those staff by the police.

Recommendation: the FCDO should seek an assurance from the US Embassy that all US State Department personnel at RAF Croughton are subject to the same road safety training and requirements as those now in place for military personnel.

Victims' Code

The Victims' Code (the Code of Practice for Victims of Crime in England and Wales[8]) is statutory guidance issued under section 32 of the Domestic Violence, Crime and Victims Act 2004. The current version came into force in April 2021. It sets out the

[8] MoJ Victims Code 2020. The Government will consult on a new version of the Victims' Code as provided by section 2 of the Victims and Prisoners Act 2024 in due course

principles and practices that specified authorities must provide to victims of crime in England and Wales. The FCDO is not one of the authorities specifically listed in the code, but the Code does make reference to guidance issued by the FCDO in relation to families and victims of homicide overseas[9].

The FCDO guidance sets out what support it can offer and also signposts families towards Victim Support. However, the guidance only applies to the families of those who have been victims of murder or manslaughter abroad, and not to victims in other cases of death or serious injury, or to any victims or their families as a result of the actions of diplomatic staff in the UK. The guidance does refer to the role of the police family liaison officer if families are in the UK, but also states that the FCDO can provide updates directly if that is preferred. There are no guiding principles as to how FCDO support or liaison should be carried out, either in the UK or abroad.

Recommendation: in consultation with the Victims Commissioner and the Ministry of Justice, the FCDO should revise its guidance on support for victims and families to ensure that it follows the principles and best practice expressed in the Victims' Code. In particular, the revision should consider

- *setting out the principles and strategy for the provision of information and communication with victims and families, and how it is to be implemented;*
- *expanding the guidance to include support in all cases of unlawful killing, including driving offences, and to those offences committed by diplomatic staff in the UK;*
- *consulting on whether other serious and significant offences should be included;*
- *specifying that victims and families may appoint a family spokesperson.*

Victims' Commissioner and Independent Public Advocate

I note that the Victims and Courts Bill currently before Parliament will allow the Victims' Commissioner to exercise their functions (to promote the interests of victims, encourage good practice, and make recommendations and proposals) if an individual case raises issues of public policy of relevance to other victims, and promotes their interests. This is an important extension to the Victims' Commissioners role, and could usefully have been employed in this case to raise some of the general policy issues covered in this review.

The Victims and Prisoners Act (s.34(2)) has also established the office of the Independent Public Advocate (IPA), to provide support and guidance to individuals, or their close friends or families, who have suffered harm as a direct result of a major

[9]Support after murder or manslaughter abroad, FCDO 11/10/23

incident. It was set up in light of major incidents such as the Hillsborough disaster, the Grenfell Tower fire and the Manchester Arena bombing.

A major incident is defined as one that 'causes death or serious injury to a significant number of individuals'. Among other things, the IPA will guide people through complex processes, signpost them to further support and help them understand their rights. The IPA was deployed for the first time by the Secretary of State for Justice to offer support to those bereaved, injured in or affected by the Manchester synagogue attack on October 2025, in which two members of the synagogue died. This was clearly a major incident because of its importance and impact.

It is important not to widen the scope of the IPA so broadly that its resources are overstretched and it confuses or duplicates other services available. However, an incident may be 'major' not because of the number of casualties, but because it raises important issues of public concern, and significant and complex public interest issues. This was self-evidently the case in the death of Harry Dunn.

Recommendation: in consultation with the Independent Public Advocate and the Ministry of Justice, there should be consideration of an amendment to the Victims and Prisoners Act, to allow the Justice Minister exceptionally to designate an incident as 'major' because of the complexity of the issue and the public interest involved, irrespective of the number of casualties.

Legal Aid

The IPA, the Victims' Commissioner, and other organisations like Victim Support, cannot provide legal support or advocacy. The Public Office (Accountability) Bill (also known as the Hillsborough Bill) is currently before Parliament. Clause 18(1) provides for legal aid to be available 'without means test to bereaved families at inquests where a public authority is an interested person'. This would have applied to the family of Harry Dunn at the inquest held into his death in 2024.

Legal aid is currently available for judicial review cases, but in general it is subject to a means test, as well as a merits test, although under some circumstances there is no means test (for example, for children and young people under 18).

I have earlier recommended that the FCDO takes an early decision to waive or cap costs in cases where there is a genuine public interest in allowing the litigation to proceed (see Chapter 3). This would reduce the risk for applicants taking on high profile and important challenges. There are wider issues here about legal aid funding for applicants for judicial review. This raises the question of whether such funding, as at inquests, should be available without a means test in judicial review cases where Article 2 of the European Convention on Human Rights (the right to life) is engaged. This is beyond the scope of this review, but is, I believe, something that the government should consider.

ANNEX A

DIPLOMATIC PRIVILEGES AND IMMUNITIES

Foreign diplomatic, consular and military based in the UK[10] have certain privileges and immunities, which vary according to their status and role. Privileges and immunities derive from multilateral or bilateral treaties, or other arrangements, and are essential for the effective functioning of missions and personnel; they are based on principles of consent and reciprocity.

These treaties provide different levels of privileges and immunities for diplomatic, consular and military personnel. The most extensive is personal immunity for diplomatic staff, designed to ensure that they can perform their functions without fear of coercion or hindrance. Each sending state, when notifying the UK of the deployment of an official and any dependants, will appoint diplomats under the relevant treaty. Appointments are confirmed by the Protocol Directorate of the FCDO. In many cases, privileges and immunities extend to dependants[11], whose privileges and immunities normally match those of the principal.

The international or bilateral agreements and treaties relevant to, or referred to, in this review are:

- The Vienna Convention on Diplomatic Relations (1961), incorporated into the UK's domestic law in the Diplomatic Privileges Act (1964). It sets out privileges and immunities for diplomatic staff;

- The Vienna Convention on Consular Relations (1963), incorporated into the UK's domestic law in the Consular Relations Act (1968), does the same for consular staff;

- The NATO Status of Forces Agreement (1951), incorporated into UK domestic law under the Visiting Forces Act (1952) (and associated secondary legislation), does the same for military personnel from certain states;

These agreements can be supplemented or amended by bespoke arrangements agreed bilaterally. One of these was the 'Croughton Arrangement' (referred to throughout as the Croughton Agreement) for non-military personnel stationed at RAF Croughton, agreed between the UK and the US since 1995 (see below).

There are two aspects of these agreements or arrangements that are particularly relevant to this review. One is 'inviolability': which includes physical protection from being arrested or detained. The second is 'immunity': which, depending on the scope of

[10] The UK hosts 169 resident diplomatic missions in London and 42 consulates outside London. As of October 2025, including staff of international organisations, there are about 27,000 people – staff and their dependants – who hold some kind of immunity in the UK through connection to missions, consulates or international organisations

[11] Normally defined as spouses and civil partners, children under 18, and children aged 18-25 who are in full time education

the immunity, may include immunity from the host state's criminal jurisdiction. The fact, and extent, of these protections vary across the different treaties and roles.

Below is a summary of the provisions of the relevant conventions and agreements that have been used or referred to in relation to this case.

Vienna Convention on Diplomatic Relations (VCDR)

This applies to diplomatic officials, who in general will be stationed in and around London. There are four categories: Head of Mission, Diplomatic Agent, Administrative and Technical staff, and Service staff. The first three categories, and their dependants, have inviolability from arrest and detention (VCDR Articles 29, 37(2)); Service staff do not. The first three categories, and their dependants, also have immunity from criminal jurisdiction. They also have some immunity from civil and administrative jurisdiction (for Administrative and Technical staff this is only in relation to acts carried out in the course of their duties, and does not extend to dependants) (VCDR Articles 31(1), 37(2), 37(3)). Service staff have immunities in relation to acts performed in the course of their duties, but their dependants have no inviolability or immunity.

Vienna Convention on Consular Relations (VCCR)

This applies to consular staff. There are four categories: Head of Consular Post, Consular Officer, Consular Employee, and Service staff.

The first two categories have inviolability, except in the case of a grave crime (one punishable on conviction, as a first offence, by a sentence of five or more years). Their dependants are not inviolable, and neither are consular employees or service staff. The first three categories have immunity from criminal, civil and administrative jurisdiction only in respect of acts carried out in the performance of their duties, except for certain contractual or third-party vehicle claims. Their dependants have no immunity, unless it is specifically granted by the host country. Service staff and their dependants have no immunity (VCCR Articles 41, 43).

It is the UK's normal practice for staff based outside foreign missions in London – for example in consulates in Birmingham, Edinburgh or Belfast – to be appointed under the VCCR (with its more limited immunity provisions), though there are exceptions.

Visiting Forces Act

There are separate arrangements for foreign military forces stated in the UK. Under the Visiting Forces Act, there is an interaction between UK law and the military law of the sending State. Broadly speaking, offences relating to military duties, other military personnel or military property will be dealt with by the authorities of the sending State, for example through military disciplinary proceedings in service courts. In other cases, the UK authorities have primary jurisdiction, though the sending State may ask for this to be waived. There is no immunity for dependants, and no inviolability for arrest or detention (VFA s.3 and s.5(1)).

Diplomatic privileges and immunities under the VCDR are specifically related to the role being carried out, in order to provide the necessary protections while it is being exercised. Personal immunity therefore ceases once the individual leaves their post

and leaves the host country's jurisdiction, except for a certain type of immunity for the actions attributable to the state, performed in the course of their duties (so-called functional immunity)[12]. It is therefore possible for individuals to be subject to UK police investigation and subsequent criminal justice processes after they have left the UK, even though they had personal immunity while they were in post.

These privileges and immunities do not exempt individuals from obligations to respect the laws and obligations of the host country. In the UK, those entitled to immunity are expected to obey the law. In individual cases, the sending state can choose to waive immunity, partially or wholly, to allow processes to take place. Individuals cannot waive their own immunities: only the sending state can do that, and any waiver has to be 'express': specifically stated and defined. For the most serious offences, and when a relevant waiver has not been granted, the FCDO will request the immediate withdrawal of the diplomat and any dependents.

The Croughton Agreement

In 1995, the UK and US signed a bilateral agreement known as the London Annex (Croughton) Arrangement. The RAF base at Croughton hosted not only US military personnel, but also US State Department personnel, both diplomatic agents and administrative and technical staff. Under this agreement, those State Department staff would be considered to be working in a diplomatic annex of the US Embassy in London: essentially as an outpost of the embassy. They and their dependants would therefore be accredited under the VCDR, unlike other diplomatic staff based outside London, who are normally accredited under the VCCR, with more limited immunities.

However, given the number of administrative and technical staff who would then be outside the direct control of the US Embassy in London, the UK made the proviso that the immunity of those staff from criminal prosecution under the VCDR should be waived, except for acts carried out in the course of their duties. There was no change to their inviolability, so neither these staff nor their dependants could be arrested or detained. This agreement was revised in both 2001 and 2006 as the number of such staff at Croughton increased.

Jonathan Sacoolas was one of the administrative and technical staff at RAF Croughton at the time of Harry Dunn's death, and so his immunity from criminal proceedings had been waived in advance. Since dependants normally have the same level of immunity as the principal, it was assumed initially that the same applied to Mrs Sacoolas. However, this had not been expressly stated in the Croughton Agreement, which referred only to the administrative and technical staff themselves. The US position was, and the UK courts later agreed, that in the absence of an express waiver, Mrs Sacoolas was entitled to immunity from prosecution, even though her husband was not. As inviolability had not been waived for staff or their dependants, there were no powers to arrest or detain any of the family.

[12] Article 39(2) VCDR. See *Reyes v Al-Maliki and another [2017] UKSC 61*

Subsequent to the death of Harry Dunn, and the concerns this had raised in the UK, the UK and US agreed a revision of the Croughton Agreement in 2020. This reduced still further the immunities available to US State Department staff at Croughton. It expressly stated that dependants were not immune from criminal procedures. Moreover, for the first time, there was no automatic inviolability from arrest for these staff nor their dependants. Finally, these immunities were waived for diplomatic agents, as well as administrative and technical staff.

ANNEX B

LIST OF RECOMMENDATIONS

There should be clear and well understood processes within the FCDO for recognising and responding to exceptional circumstances, whether in the UK or overseas, particularly those involving death, serious injury or serious criminal activity. This should involve an immediate surge of resources, using all relevant cross-departmental skills, with early ministerial involvement. (p10)

The processes outlined above should include, where relevant, strategies and plans for communication and engagement with families and victims, and/or any spokesperson that they choose to nominate. (p13)

That the CPS amend its guidance on Diplomatic Immunity and Diplomatic Premises, with the assistance of FCDO Protocol and Legal Directorates, to state explicitly that VCDR staff, wherever situated, have inviolability and immunity, unless this has been expressly waived by the sending state. (p17)

That the FCDO, and its Protocol Directorate, should be proactive in responding to requests to clarify the nature and complexity of diplomatic immunity to relevant external authorities, particularly where it is evident that these have been misunderstood. (p18)

The skills and experience of consular staff should be deployed when needed in sensitive cases involving diplomats in the UK. Those staff should be directly available to the complex cases team, either as core members of the team, or called in for advice in individual cases. (p26)

In high-profile and sensitive cases that raise complex diplomatic issues, there should be regular and direct FCDO contact with families or victims, specifically to deal with the issues for which the FCDO is responsible (see later recommendation on the Victims' Code). (p26)

The FCDO should consider, at an early stage in any proposed judicial review whether there is a public interest in clarifying the law and therefore whether a cost capping order or a waiver of costs is appropriate. (p26)

The government should put the terms of the revised Croughton Agreement before Parliament, if necessary with redactions for sensitive national security matters. (p29)

Any reorganisation should ensure that the Protocol function is fully integrated into the geographic and policy work of the FCDO, and is led by a Director at SCS2 level. (p30)

The FCDO should seek an assurance from the US Embassy that all US State Department personnel at RAF Croughton are subject to the same road safety training and requirements as those now in place for military personnel. (p30)

In consultation with the Victims Commissioner and the Ministry of Justice, the FCDO should revise its guidance on support for victims and families to ensure that it follows the principles and best practice expressed in the Victims' Code. In particular, the revision should consider

- *setting out the principles and strategy for the provision of information and communication with victims and families, and how it is to be implemented;*
- *expanding the guidance to include support in all cases of unlawful killing, including driving offences, and to those offences committed by diplomatic staff in the UK;*
- *consulting on whether other serious and significant offences should be included;*
- *specifying that victims and families may appoint a family spokesperson. (p31)*

In consultation with the Independent Public Advocate and the Ministry of Justice, there should be consideration of an amendment to the Victims and Prisoners Act, to allow the Justice Minister exceptionally to designate an incident as 'major' because of the complexity of the issue and the public interest involved, irrespective of the number of casualties. (p32)

ANNEX C

TERMS OF REFERENCE

Aims

1) To examine the support which the Foreign and Commonwealth Office ("FCO", as it then was) offered to the family of Harry Dunn from 27 August to the end of December 2019, and identify any key lessons for the future.

Objectives and Scope

2) The objectives of the independent review are to establish:

    a. What actions the FCO took to support the family of Harry Dunn, on learning of his accident and subsequently until the end of 2019;

    b. The nature of the internal decision-making in determining the FCO's actions to support Harry Dunn's family; and

    c. What (if any) key lessons might be learned for the FCDO for comparable future situations, where the FCDO might need to engage with the families of British Nationals who have died or are facing serious harm.

3) The Scope of the Independent Review shall not include the following factors:

    a. issues already considered under related historic legal proceedings, though it may refer to those proceedings; and

    b. the United Kingdom's relationship with other countries or the role or actions of any other countries.

Timing

4) The timescale for the Independent Review will be 3 months from the date that the Chair of the Independent Review commences work, to be determined by the Foreign Secretary. The Chair will provide their report to the Foreign Secretary within that timescale – and by no later than the end of 2025.

5) The Foreign Secretary will conclude the process by providing a Written Ministerial Statement to the House of Commons within a reasonable period after receiving the report. The final report of the Independent Review will be published in full, subject only to redactions relating to national security or personal information, and will be laid before Parliament along with the Foreign Secretary's Written Ministerial Statement.

Outputs

6) The Chair to the Independent Review will provide an interim report in writing at a suitable midpoint of their choosing, which should update the Foreign Secretary of the Review's progress.

7) The Independent Review will provide a final report in writing that addresses the objectives at paragraph 2, to the Foreign Secretary. The report will not allow for the identification of current or former members of staff.

Approach and conduct of the review

8) The Chair of the Independent Review will independently lead the review, with support from a small team of officials. Legal support to the Independent Review will be provided by the Government Legal Department and external Counsel, if necessary.

9) The Chair of the Independent Review may request documentary evidence from the FCDO within and for the purposes of its aims, objectives and scope, and they may also equally request interviews with relevant staff.

10) The conduct of the Independent Review, its analysis, reports, and all material provided to the review shall remain confidential and not publicly disclosed without the express consent of the Foreign Secretary. Legal professional privilege will be protected.

11) The Independent Review may request access to classified material, which will be considered by FCDO officials. Where appropriate, and on a case by case basis, arrangements will be established to provide for such access. The security protocols applicable to the confidential nature of that material will remain at all times and continue after the conclusion of the review.

12) The Independent Review may consult with external organisations or public bodies in order to provide recommendations on best practice relating to supporting the families of those who have died or face serious harm.

13) Should the Chair of the Independent Review wish to raise a concern about the FCDO's engagement with the review, query the scope of the review, or raise any other matter relating to the progress or substance of the review, they will write confidentially to the FCDO's Permanent Under Secretary, for the attention of the Foreign Secretary.

7 July 2025