

2013 PROTOCOL AND GOOD PRACTICE MODEL DISCLOSURE OF INFORMATION IN CASES OF ALLEGED CHILD ABUSE AND LINKED CRIMINAL AND CARE DIRECTIONS HEARINGS (“2013 PROTOCOL”)

REGIONAL LEICESTERSHIRE PROTOCOL TO GIVE EFFECT TO THE 2013 PROTOCOL

1. Background

- 1.1. The 2013 protocol was signed on 17 October 2013 and came into force on 1 January 2014.
- 1.2. In accordance with paragraph 19.1 of the 2013 protocol, local agencies should agree and adopt a local protocol to give effect to the 2013 protocol. The local protocol must not depart from the requirements of the PLO and must require that orders used are in the form of Annex H and Annex I in the 2013 protocol.

2. Parties

2.1. The parties to this Leicestershire protocol are:

- The Designated Family Judge,
- The Resident Crown Court Judge,
- Leicester City Local Authority & County Local Authority
- Leicestershire Police
- CPS East Midlands

3. Agreement

3.1. Subject to paragraph 4 below (local variations), the parties to this Leicestershire protocol hereby agree to give effect to all of the provisions in the 2013 protocol.

4. Local variations

4.1. The parties to this Regional protocol agree to the variations from the 2013 protocol as set out in **Part 1 of the Schedule** to this Regional protocol.

5. Lines of communication

- 5.1. Single points of contact (SPOCs) and secure email addresses for Leicestershire Police and for CPS East Midlands are set out at **Annex A** to this Regional Leicestershire protocol.
- 5.2. SPOCs and secure email addresses for the Local Authorities are set out at **Annex B** to this Regional Leicestershire protocol.
- 5.3. The SPOCs will be used in accordance with the provisions of the 2013 protocol for information exchange and for the service of the disclosure forms.

6. Forms for use in connection with this protocol

6.1. The disclosure forms annexed to the 2013 protocol have been modified for regional use. The forms are attached at **Annex C** (disclosure request to Local Authority), **Annex D** (disclosure request to police), **Annex E** (notice to Local Authority from CPS that material meets the disclosure test) and **Annex F** (Local Authority representations on disclosure to the defence).

6.2. The other forms and orders annexed to the 2013 protocol have not been modified for local use; namely Annex G (form of undertaking- video-recorded evidence), Annex H (disclosure direction to police) and Annex I (linked criminal and care directions).

7. Commencement and review

7.1. This Regional Leicestershire protocol will come into force on XXXX 2014.

7.2. The parties to this regional Leicestershire protocol will continuously review its operation. In any event, the protocol will be subject to a formal review 12 months after its commencement.

8. Signatories

	Name	Signature	Date
Designated Family Judge	HHJ Bellamy		
Crown Court Resident Judge	HHJ Pert QC		
Leicester City Council			
Leicestershire County Council	Lauren Haslam (Head of Legal Services)		
Leicestershire Police	Simon Edens, Deputy Chief Constable		
CPS East Midlands			

SCHEDULE TO REGIONAL LEICESTERSHIRE PROTOCOL

PART 1: AGREED VARIATIONS FROM 2013 PROTOCOL

Paragraph in 2013 protocol	Agreed variation
4.1	As soon as reasonably practical and in any event on the commencement of the pre proceedings process or issue of

	<p>family court proceedings, the Local Authority will provide notice to the police of the contemplation (via pre proceedings) or existence of family proceedings using the form at Annex D to this agreement.</p>
4.3	<p>Where the information or documents sought do not relate to a current child abuse investigation and where the information or documents sought relates to past relevant criminal investigations, prosecutions and convictions (to include offences linked to potential harm to children* with the principles regarding relevance set out in paragraph 4.4 in mind), the police disclosure team will forward the Annex D form to the unit or units holding the information or documents and will take responsibility for liaising with those units and for ensuring the provision of information to the Local Authority. The Local Authority will undertake further checks of disclosed material to ensure that redaction has been properly completed by the police/CPS before disclosing the material to relevant third parties/professionals and parties in the family proceedings.</p> <p>*Defined as:-</p> <ul style="list-style-type: none"> • All significant offences of assault • All offences of sexual assault • All offences involving drink or drugs • All offences involving firearms or weapons • All offences of arson • All offences against children or animals • All incidents where concerns for mental health arise • All offences of harassment • All offences of threats of child abduction • All offences involving, or in the presence of, children • Incidents relating to emotional harm or inter-parental conflict (including domestic incidents)
5.1 – 5.5	<p>Clarification - this section only applies to current criminal investigations and prosecutions, not information about past relevant criminal investigations, prosecutions and convictions.</p>
6.2	<p>The Local Authority agrees that the police material will only be disclosed to relevant third parties in pre proceedings and/or the professionals and parties in the family proceedings (unless the permission of the Court is obtained to disclose material to others). The Local Authority will not be required to seek the prior consent of the police/CPS to relevant third party disclosure within pre proceedings but will inform the police/CPS when this takes place. Any onward disclosure made by the Local Authority</p>

	to relevant third parties in pre-proceedings and professionals and parties in family proceedings will take account of the law on Confidentiality and the Data Protection Act.
Sections 6 and 7	Any disclosure made by the police and the CPS under either Section 6 (voluntary disclosure) or Section 7 (order for disclosure) will in every case be redacted by the police/CPS in respect of details which might identify any third parties not involved with the investigation/prosecution before disclosure takes place. The Local Authority will undertake further checks of disclosed material to ensure that redaction has been properly completed by the police/CPS before disclosing the material to relevant third parties/professionals and parties in the family proceedings.
7.1	Clarification - "Prosecution material" includes not just current prosecution material but prosecution material relating to past prosecutions (disclosure being proportionate and in accordance with the principles at paragraph 4.4).
7.3	The police and/or the CPS agree they will accept an unsealed typed copy of the order against the police and/or the CPS as proper service of the order.

ANNEX A

POLICE AND CPS CONTACT POINTS

LEICESTERSHIRE POLICE

CPS East Midlands

ANNEX B

DETAILS OF SINGLE POINTS OF CONTACT AND SECURE EMAIL ADDRESSES

Leicestershire County Council – Pauline Swift	pauline.swift@leics.gov.uk.cjism.net			
Leicestershire Police	Data.protection@leicestershire.pnn.police.uk			