



**Kent
Police**



2013 PROTOCOL AND GOOD PRACTICE MODEL DISCLOSURE OF INFORMATION IN CASES OF ALLEGED CHILD ABUSE AND LINKED CRIMINAL AND CARE DIRECTIONS HEARINGS IN KENT

This Protocol is made between the following parties:

KENT FAMILY COURT SERVICE

KENT POLICE

KENT CROWN PROSECUTION SERVICE

KENT COUNTY COUNCIL

MEDWAY COUNCIL

8 August 2014

SCOPE

This Protocol amends and supersedes The Information Sharing Protocol dated December 2007 and the Kent Police Protocol for Disclosure of Information into Family Proceedings and comes into effect on 29 July 2014 and will apply to all cases whether issued prior to or subsequent to this date.

This Protocol will apply to cases involving criminal investigations into alleged child abuse and/or civil proceedings relating to children in the Family Court in the area of Kent. This Protocol is in no way intended to prevent or inhibit dialogue and exchange of information between agencies for the purpose of safeguarding or protecting children or in the furtherance of joint investigations under sections 47 and 17 of the Children Act 1989.

AIM AND OBJECTIVE

The aim of this document is to:

- Confirm that the 2013 Protocol and Good Practice Model for Disclosure of Information in Cases of Alleged Child Abuse and Linked Criminal and Care directions Hearings dated October 2013 (the 2013 Protocol) has been acknowledged and adopted by the signatories hereto.
- Set out any specific areas where there has been a departure from, or addition to, the terms of the 2013 Protocol and to provide an explanatory note with regard to local practice and procedure in the area of Kent.

Note: this document should be read in conjunction with the 2013 Protocol and Good Practice Model Parts A, B and C and references in brackets are to that document.

DISCLOSURE OF POLICE MATERIAL INTO THE FAMILY COURT

1. Where Police material is likely to be relevant to the matters to be determined by the Family Court, the Local Authority will as soon as reasonably practicable provide notice to the police of the contemplation or existence of family proceedings and request disclosure from Kent Police as soon as it is known that Care Proceedings are likely to be issued. Late requests for information can be difficult to manage and all parties should try to avoid such requests. (4.1)
2. If the parties consent has not been obtained, requests for disclosure should be made using the Form Annex D, which should be emailed to the Kent Police SPOC using the secure email details set out in Annex A. Hard copies of Annex D should not be sent

in the post and Annex D forms should not be submitted to any other unit or location within Kent Police. Any proposed draft directions or Court Order should be attached to the Annex D. (4.1)

3. If the parties consent has been obtained, Form Annex D is not required to be submitted and any requests for disclosure should be sent to Kent Police Legal Services Dept, email: legal.services@kent.pnn.police.uk
4. Requests for Police disclosure must always be specific, proportionate and relevant. (4.4)
5. Kent Police will respond to requests for disclosure within 20 working days using the Form Annex D (1). Annex D (1) will set out the information and/or documents available for disclosure and advise what additional and potentially relevant documents are held by Kent Police; whether they are available for disclosure and, if not, the reasons why they are not available for disclosure; when it is considered that they will be made available for disclosure; and whether draft directions are agreed or require amendment.
6. Documents disclosed to the Local Authority by Kent Police will be returned to the Local Authority by email using a secure email address eg GCSX or CJSM or, if a secure email address is not available, to the Local Authority SPOC set out in Annex B. (6.2)
7. Where ABE visual evidence is shared, Kent Police will require an undertaking to be signed by recipients before the material is released in accordance with ABE guidance and the protocol. Kent Police will not transcribe or make arrangements to transcribe any ABE or tape recorded interviews. (6.3)
8. The Parties acknowledge that there is a duty to safeguard and manage disclosure of images of an intimate or indecent nature. Disclosure of material within this category will usually be in the form of supervised viewing and Kent Police will indicate the nature of the material and how disclosure will be facilitated.

9. Any Order made by the Family Court for disclosure of Police material will be in the form set out at Annex H and will be sent by the Family Court to the Kent Police SPOC within 2 working days of the hearing date. (7.1)
10. In the event of any difficulty in complying with the Order for disclosure, Kent Police will within 5 working days upon receipt notify the Court that made the Order, in writing, specifying the reason for non-compliance/delay.
11. Where a criminal charge is still under investigation and, particularly when the CPS have been asked by Kent Police for advice or charges have been preferred, it will be necessary for Kent Police to liaise with the CPS regarding disclosure. The CPS will deal promptly with such requests to enable Kent Police to comply with disclosure. (6.1)
12. The Local Authority will keep Kent Police updated in respect of the timetable for the Family Proceedings and advise Kent Police of any relevant hearing dates where it is envisaged that the Court is likely to consider the issue of disclosure of Police material.

DISCLOSURE OF LOCAL AUTHORITY MATERIAL INTO THE CRIMINAL JUSTICE SYSTEM

13. To facilitate criminal investigations into allegations of child abuse to be completed expeditiously and to allow all relevant information to be available to Kent Police and to Kent CPS to enable decisions to be made in respect of charging at an early stage, Kent Police require disclosure of relevant material held by the Local Authority. It is likely that relevant material will be held on Social Care and Education files held by the Local Authority and may include social work case notes, minutes of meetings, reports and documents filed within public and private family proceedings where the Local Authority has been a party or has filed a report pursuant to Section 7 or 37 of the Children Act 1989.
14. Within 5 working days of the commencement of a criminal investigation in to allegations of child abuse, the Police will submit a request for disclosure of

information and/or records held by the Local Authority using the form at Annex C. The Annex C should be sent to the Local Authority SPOC set out in Annex B. (9.2).

15. If the information requested relates to a victim and the victim has capacity to consent to their information being disclosed to the Police for the purposes of the investigation, a written consent in the form set out at Annex C (i) should be attached to the Annex C.
16. The Local Authority will aim to respond to requests made for disclosure within 20 working days and will endeavour to expedite requests where the Police can demonstrate a particular and specific need to do so to ensure a criminal investigation is not jeopardised e.g. to ensure all material is available to the CPS for charging advice/within the time-constraints of bail dates.
17. The Local Authority will identify and collate relevant material and make arrangements for the material to be disclosed to the investigating officer by allowing a review of the material or by sending copies. If copies are sent to the investigating officer by the Local Authority, they will be emailed by secure email using GCSX or CJSM. (10.1)
18. The investigating officer will acknowledge receipt of any material disclosed by signing and returning the form set out at Annex C (ii) which will be provided by the Local Authority at the point of disclosure. The Annex C (ii) will also act as a formal reply to the Annex C and will set out a summary of the material disclosed together with a summary of any material which is considered to be potentially relevant but which cannot be disclosed and the reason why it cannot be disclosed. Annex C (ii) will be provided to the CPS by the investigating officer.
19. If, on reviewing the material held, the Local Authority considers that documents filed within Family Proceedings (whether the proceedings are currently live before the Court or have been completed) are potentially relevant to the criminal investigation, the Local Authority SPOC will advise the Police of the existence of the material and give sufficient details on the Annex C (ii) to allow Kent Police to make the necessary application to the appropriate Court for an Order to allow disclosure. This will usually be a description of the document which is considered relevant, the case

reference; the status of the proceedings, the details of the parties and, if the proceedings are live, the parties' representatives. (10.3)

20. Applications by Kent Police for disclosure of material filed in Family Proceedings will be made in accordance with the procedure set out in the 2013 Protocol and will be made with the consent of all parties, where that is practicable. Any Order made by the Family Court allowing for disclosure of material filed in Family Proceedings to Kent Police will include a direction providing permission for the material to be shared with Kent CPS and the Defence. (11.4 – 8)

21. If the Police investigation proceeds to trial, the investigating officer shall advise the Local Authority SPOC as soon as a date is fixed and update the Local Authority once the case has concluded. Similarly, if the investigation results in no further action, the investigating officer shall advise the Local Authority SPOC as soon as this is known to enable the Local Authority to return to archives any social care files or other documents that are being held and to enable the Social Work Team to be kept updated.

22. Where any Local Authority material reviewed by the CPS falls within the statutory disclosure test under the Criminal Procedure and Investigations Act 1996, the CPS will write to the Local Authority SPOC with a copy of the material and a completed Annex E. (13.9). The Local Authority will respond to the CPS using Annex F. (13.11)

LINKED CRIMINAL AND CARE DIRECTIONS


The parties acknowledge and agree the procedure for dealing with linked criminal and care directions as set out in the 2013 Protocol.

REVIEW


The parties to this Protocol will continuously review and monitor the operation of the Protocol, which will be subject to a formal review on 30 January 2015.

SIGNATORIES

The following are signatories to the Protocol

 His Honour Judge Richard Polden

His Honour Judge Richard Polden, Designated Family Judge for Kent



Ms Jo Shiner, Assistant Chief Constable for Central Operations, Kent Police



Mr Andrew Ireland, Corporate Director of Social Care, Health and Wellbeing,
Kent County Council



Mr David Quirke-Thornton, Deputy Director, Children and Adult Services, Medway Council



Mr Kris Venkatasami, Deputy Chief Crown Prosecutor, Crown Prosecution Service
South East Kent

Date of Protocol 8th August2014



Annex A – Details of Single Point of Contact (SPOC) within Kent Police

**Civil Court Orders team
Kent Police
Public Protection Unit (HQ)
Sutton Road
MAIDSTONE
Kent ME15 9BZ**

DX 134270 Maidstone 8

Tel: 01622 652026 | 01622 652022 | 01622 654715 | 01622 652524

Fax: 01622 654710

Secure email: civil.court.orders@kent.pnn.police.uk

Annex B - Details of single points of contact within Kent County Council

West Kent

For matters dealt within the west of the County (including Maidstone, Tunbridge Wells, Tonbridge, Dartford, Gravesend, Swanley, Sevenoaks, Sittingbourne, Sheppey)

Kent Legal Services
Kent County Council
County Hall
Maidstone, Kent.
ME14 1XQ

DX: 123693 Maidstone 6

Tel: 01622 694410

Fax: 01622 694266

Secure email: west.disclosures@kent.gcsx.gov.uk

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East Kent

For matters dealt within the east of the County (including Canterbury, Ashford, Broadstairs, Ramsgate, Margate, Herne Bay, Whitstable, Dover, Folkestone, Hythe, Romney)

Kent Legal Services
Kent County Council
Council Offices
Military Road
Canterbury, Kent
CT1 1YW

DX: 99713 Canterbury 3

Tel: 01622 696514

Fax: 01227 781349

Secure email: east.disclosures@kent.gcsx.gov.uk

Annex B - Details of single points of contact within Medway Council

For matters dealt within the area of Medway Council (including Strood, Rochester, Chatham, Gillingham and Rainham)

Medway Council Legal Services
Medway Council
Gun Wharf
Dock Road
Chatham
Kent.
ME4 4TR

DX: 140142 Chatham 8

Tel: 01634 332268

Fax: 01634 332796

Secure email: childcareinstruction@medway.gov.uk.cjsm.net

Annex C - Protection of Children: Request for Disclosure of Material

1. The Police are conducting a criminal investigation into allegations made against the following individuals:-			
NAME:			
ADDRESS:			
DATE OF BIRTH:			
2.The circumstances of the allegations are as follows: (Include details of the offence, including key dates, addresses etc and attach case summary or other documents providing detailed information about the allegations)			
3.Details of child/ children involved in the allegations			
Name			
Address			
Date of Birth			
Relationship to offender(s)			
Victim or witness			
Social worker			

School(s) attended (with dates)			
Consent has been obtained from the victim in the form shown at AnnexC(i) and is attached Yes/No			
If the victim has capacity to consent to disclosure but consent has not been given please detail why.			
4. I believe that your Authority may hold the following material relating to the alleged offender(s) or the above child/ children which may be relevant to my investigation. [Describe material in precise detail, specify relevant time periods, relevant addresses, schools attended etc]			

Any material obtained by us will be treated as sensitive and dealt with in accordance with Criminal Procedure and Investigations Act 1996. In accordance with paragraph 3.5 Code of Practice CPIA, we are under a duty to pursue all reasonable lines of inquiry, whether these point towards or away from the suspect. Such lines of enquiry include seeking access to the above material which you may hold. Our investigation might be prejudiced or delayed if we are not allowed access to the material.

In accordance with the Kent Area Protocol re exchange of information in child abuse cases, we would ask that arrangements are made for us to examine the above material. Any material relating to Family Court Proceedings must not be made available except with consent of the court or in accordance with Family Procedure Rules 2010

5. In the circumstances of this investigation, it is important that arrangements are made for us to examine the material by:[Date]

Stage reached in investigation and custody status of the alleged perpetrator:

Date of next Court hearing and any relevant Court time scales:

Contact details for CPS prosecutor:

Officer:	Police Station:
Date:	
Tel:	Fax:
Secure Email:	

**Is officer serving in child protection unit or paedophile unit?:
Please select**

Case File No.

**Consent for access to relevant material in the
possession of Kent County Council Children,
Families and Education Directorate / Medway
Council**

I consent to investigators employed by Kent Police having access to, and copies of, my Social Services records and School records including any relevant medical records or reports held on those files.

I understand that the information disclosed to Kent Police will be treated as being given to the police in confidence and for the sole purpose of considering it in the context of a criminal investigation or pending prosecution.

I also understand that the information obtained by Kent Police from my Social Services records and/or School records may be disclosed to parties in the criminal prosecution in accordance with obligations placed upon the Prosecution contained in the Criminal Procedure and Investigations Act 1996 or by Order of the Court.

Print name:

Signature: Date:

Address: DOB

.....

.....

Name of parent/guardian:

Signature: Date:

**LOCAL AUTHORITY RESPONSE TO ANNEX C REQUEST AND RECORD OF
INFORMATION RELEASED FROM THE LOCAL AUTHORITY TO KENT POLICE**

I THANK YOU FOR YOUR ANNEX C REQUESTED DATED _____ SEEKING
DISCLOSURE OF RECORDS HELD BY THE LOCAL AUTHORITY TO ASSIST WITH A
CRIMINAL INVESTIGATION.

The records have been reviewed and collated and relevant documents have been
identified in accordance with the details you have supplied in Annex C.

SOCIAL SERVICES FILE(S) IN RESPECT OF

.....

SUSPECT/DEFENDANT.....

SUSPECTED/ALLEGED OFFENCE.....

.....

TO BE COMPLETED BY LOCAL AUTHORITY

Records Reviewed and Collated by. _____

Position: _____

Address: _____

Email/Tel No: _____

Date _____.

SUMMARY OF RECORDS DISCLOSED

Please include a brief summary of records disclosed eg Social care paper files, electronic records etc

SUMMARY OF RECORDS HELD WHICH MAY BE RELEVANT TO THE INVESTIGATION (if this includes documents filed with the Family Court include a description of the document, nature of the proceedings, status of the proceedings, parties (and representatives if live) and reasons why the document may be relevant

TO BE COMPLETED BY INVESTIGATING OFFICER

Received/Inspected by.....

Position/Rank.....Station.....

DOCUMENTS COPIED YES/NO

IF YES, INDICATE HOW A RECORD HAS BEEN KEPT

IF NOTES HAVE BEEN TAKEN, A PHOTOCOPY OF THE NOTES SHOULD BE LEFT WITH THE LOCAL AUTHORITY SPOC TO BE RETAINED ON THE FILE

I UNDERSTAND THAT COPIES OF THE RECORDS HAVE BEEN GIVEN TO THE POLICE IN ACCORDANCE WITH THE 2013 PROTOCOL AND GOOD PRACTICE MODEL. I UNDERSTAND THAT ANY MATERIAL READ, ANY COPIES RECEIVED OR ANY NOTES MADE ARE TO BE REGARDED AS SENSITIVE MATERIAL AND SHOULD NOT BE DISCLOSED TO ANY PARTY WITHOUT KENT COUNTY COUNCIL'S WRITTEN CONSENT OR AN ORDER OF THE COURT IN ACCORDANCE WITH THE 2013 PROTOCOL FOR DISCLOSURE.

Signed Date
(Name of Police Officer inspecting the file)

Annex D – Standard Request for Disclosure of Police Information

INCORPORATING POLICE REPLY	
[This form should be completed in accordance with the agreed protocol]	
Police information will not be disclosed unless there are important considerations of public interest to justify departure from the general rule of confidentiality. These considerations include the protection of vulnerable members of society. The information below is provided on the strict understanding that such information is only for the current proceedings. It will be treated as confidential and will not be used for any other purpose.	
REQUEST FOR INFORMATION	
Person Requesting Information:	Name & Organisation:
	Address:
	Job Title:
	Tel No:
	Email:
Date of Request:	
Purpose of the information:	Please select <input checked="" type="checkbox"/>
	Children Act 1989 <input type="checkbox"/>
	Family Law Act 1996 <input type="checkbox"/>
	Other <input type="checkbox"/>
Case Proceeding at: (if underway)	Family Court: please select <input checked="" type="checkbox"/>
	Canterbury <input type="checkbox"/>
	Medway <input type="checkbox"/>
	Other <input type="checkbox"/>
Case No. (if known):	
Next hearing date (if known):	
Date Information is required by:	

	Party 1	Party 2	Party 3
First Name			
Surname			
Alias			
Date of Birth			
Current Address			
Previous Address(es)			
Party to Proceedings	Yes/No	Yes/No	Yes/No
Legal representative			
	Child 1	Child 2	Child 3
First Name			
Surname			
Date of Birth			
Current Address			
Previous Address(es)			
Party to Proceedings			
Legal representative			
Information requested about the above person(s): If you are requesting information for more than three parties and/or for more than three children then please continue on a separate sheet			
BRIEF DETAILS (INCLUDING DATE AND PLACE) OF THE SPECIFIC INCIDENT(S) UPON WHICH INFORMATION IS SOUGHT, CRIME REFERENCE NUMBER (IF KNOWN), NATURE & RELEVANCE OF THE DOCUMENTS, RECORDS OR OTHER EVIDENTIAL MATERIAL SOUGHT:			

Officer(s) details (if known)		
AN INDICATION OF THE PROPOSED DIRECTIONS FOR DISCLOSURE LIKELY TO BE MADE (INCLUDING THE DATE BY WHICH ACTUAL DOCUMENTS WILL BE REQUIRED) AND WHETHER AND IF SO WHAT DATE HAS BEEN FIXED: (list directions or attach draft order for directions)		
Signature of person making request		
Print name		
On behalf of (name of party/organisation etc)		

Please note in order to determine what information is relevant and necessary for proceedings you will be required to complete all fields applicable to your request. Failure to do so may result in a delay in processing your request.

Annex D (1) - Response to Annex D

To:	From: Civil Court Orders team Kent Police Public Protection Unit (HQ) Sutton Road MAIDSTONE Kent ME15 9BZ DX 134270 Maidstone 8 Tel: 01622 652026 652022 654715 652524 civil.court.orders@kent.pnn.police.uk
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Your ref:	Our ref:	Date:
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NAME(S):	DATE(S) OF BIRTH:

From the details provided in your completed Annex D dated ????? and in line with the 2013 Protocol and Good Practice Model, the above named have been checked via Kent Police database with the following results:

Crime report no	Date of offence	Offence Description	*	#	Documents available e.g. Crime report, witness statements, record of interview, etc.	^	Available Yes / No

* Victim's/Involved Party Initials (TP – Third Party or NR – Not Recorded)

Suspect/Offender's Initials (TP – Third Party or NR – Not Recorded)

^ D - Detected Charge, DS - Detected Summoned, DC - Detected Cautioned, PND – Penalty Notice for Disorder issued

U – Undetected, N - No Crime Secondary Incident, NFA - No Further Action

The Police National Computer database (PNC) has also been checked with the following results:

Name:	Available Yes / No / No Trace

The above information is disclosed for the sole purposes of, and preparation for, the current proceedings relating to ????? and should not be used for any other purpose without prior written consent of this office. Full disclosure of the above mentioned material can be made upon receipt of all parties signed written consent to disclose the information to you or an order from the court directing the Chief Constable of Kent Police to do so. Please note that if a court order is obtained, it should allow the Chief Constable the opportunity to apply to vary or set aside the terms of the Order.

Signed: _____ Dated: _____
on behalf of Kent Police

Annex H – Disclosure direction to police



In the Court
Sitting at [Place]

No:

The Children Act 1989

The Protocol concerning the disclosure of information in cases of alleged child abuse and linked criminal and care directions hearings dated [dd/mm] 2013
("The Protocol")

The Marriage/Civil Partnership/Relationship/Family of XX and YY

The Children AA (a boy/girl born on dd/mm/yyyy)
 BB (a boy/girl born on dd/mm/yyyy)
 CC (a boy/girl born on dd/mm/yyyy)

Adapt as appropriate

After hearing [name the advocate(s) who appeared]
After consideration of the documents lodged by the Parties

**ORDER MADE BY [NAME OF JUDGE] ON [DATE] SITTING IN OPEN
COURT/PRIVATE**

The Parties

1. The applicant is XX ("The Local Authority")
 The respondent is YY
 The second respondent is ZZ
 Specify if any party acts by a litigation friend
 The third respondent is AA (acting by his/her guardian FF)
 The third respondent is BB (acting by his/her guardian FF)
 The fourth respondent is CC (acting by his/her guardian FF)
 Delete or Adapt as appropriate

Recitals

2. This is an order for information to be provided to this court by the [name of police force].
3. The reason that this request for information is made is [specify].
4. This order was made at a hearing [without notice]/[on short informal notice] to the [name of police force]. The reason why the order was made [without notice]/[on short informal notice] to the [name of police force] was [set out].

The [name of police force] has the right to apply to the court to vary or discharge the order – see “The right to seek variation or discharge of this order” below

IT IS ORDERED (BY CONSENT):

5. The [Commissioner of the Metropolitan Police] / [Chief Constable of [name] Police] shall by 16:00 on [date no sooner than 28 days from the date of the order] disclose to the Local Authority the following information:

The following are examples:

- (a) Copies of police call out records and logs relating to [], date of birth [], and [], date of birth [], at [address(es)] between the dates of [] and [].
 - (b) Evidence relating to the allegations made by [] against [], date of birth [], of [address] including all statements made and photographs taken in connection with the allegations.
 - (c) A copy of any video-taped interview of [], date of birth [], on [date] together with a copy of any transcript available of that interview when completed.
 - (d) A copy of any audio-taped interview of [], date of birth [], on [date] together with a copy of any transcript available of that interview when completed.
6. The Local Authority [or other named party] shall serve a copy of this order on [specify the relevant police officer] together with a letter setting out in respect of the solicitors representing each party the full name of the firm, the full postal address, and the reference at that firm dealing with the matter giving his/her email address and direct telephone number.
7. The Local Authority [or other named party] shall file with this court and serve on the other parties the above evidence by 16:00 on [date].
8. The information when supplied may be used only for the purposes of these proceedings and must not be disclosed to any third party without the express permission of this court.

The right to seek variation or discharge of this order

9. (Where the order was made on no, or short, notice) The [Commissioner of the Metropolitan Police] / [Chief Constable of [name] Police] may apply for discharge or variation of this order, upon giving two clear business days' notice of the hearing to the parties, by 16:00 on [date no later than 14 days from date of the order].

Dated