2013 Protocol and Good Practice Model

Disclosure of information in cases of alleged child abuse and linked criminal and care directions hearings

October 2013

Association of Chief Police Officers

Association of Directors of Children Services

Association of Independent Local Safeguarding Children Board Chairs

Crown Prosecution Service

Department for Education

HM Courts & Tribunals Service

Local Government Association

President of the Family Division

Senior Presiding Judge for England and Wales

Welsh Government

Contents

1. Parties....3
2. Scope....3
3. Aims and Objectives....4

Part A: Disclosure into the Family Justice System....5

4. Local authority request to the police for disclosure....5
5. Notification by the police to the local authority of the existence and status of criminal investigation....5
6. Voluntary disclosure by police/CPS to local authority and into the family justice system....6
7. Family court proceedings: orders for disclosure against the police and/or the CPS....7

Part B: Disclosure from the Local Authority/ Family Justice System into the Criminal Justice System....9

8. Notification by local authority to the police of the existence and status of family proceedings....9
9. Police request to local authority for disclosure....9
10. Disclosure by the local authority to the police....10
11. Applications by police and the CPS to the family court for disclosure of material relating to family proceedings....11
12. Text or summary of judgment in family proceedings....13
13. Disclosure by the CPS to the criminal defence....13
14. Public Interest Immunity (PII) Application....15

Part C: Linked Directions Hearings....17

15. Linked criminal and care directions hearings - criteria....17
16. Arrangements for linked directions hearings…. 17

17. Matters to be considered at the linked directions hearing 19

18. Review 20

19. Local Protocols 21

20. Signatories 21

Annexes 22

Annex A - Details of single points of contact within police forces 22

Annex B - Details of single points of contact within local authority legal departments 23

Annex C - Protection of children: request for disclosure of material 24

Annex D - Standard request form for disclosure of police information 26

Annex E - Protection of children: notice to local authority from prosecutor that material satisfies CPIA disclosure test 29

Annex F - Protection of children notice from local authority: representations on disclosure 31

Annex G - Video - taped evidence of a child witness confidentiality undertaking 32

Annex H - Disclosure direction to police 34

Annex I - Linked criminal and care directions 36

1. Parties

1.1. The signatories to the 2013 Protocol and Good Practice Model (hereinafter the "2013 protocol") with the exception of the paragraphs listed at 1.4 below are the Senior Presiding Judge, the President of the Family Division, and the Director of Public Prosecutions on behalf of the Crown Prosecution Service (CPS).

1.2. This 2013 protocol is issued with the support of the Association of Chief Police Officers (ACPO), HM Courts & Tribunals Service and the Association of Independent Local Safeguarding Children Board (LSCB) Chairs.

1.3. The Department for Education (DfE), the Welsh Government (WG), Local Government Association (LGA) and Association of Directors of Children Services (ADCS) are not signatories to the 2013 protocol and the content of this document is not, nor does it seek to be binding on Local Authorities. However, the DfE, WG, LGA and ADCS support the content of this document and consider it to be a Good Practice Model, offered by way of assistance, and therefore urge all Local Authorities to adopt the disclosure practices described within the document, observance of which will improve timeliness and therefore achieve better outcomes for children and young people who are subject to the relevant proceedings.

1.4. Paragraphs 7.1, 11.5, 11.7, 11.8, 16.1 to 16.7, 16.9, 16.10, 16.15 and all of 17 of this 2013 protocol are directed at the judiciary. The signatories to those paragraphs are the President of the Family Division and the Senior Presiding Judge.

2. Scope

2.1. This 2013 protocol will apply to cases involving criminal investigations into alleged child abuse[1] (child victims who were aged 17 and under at the time of the alleged offending) and/or Family Court[2] proceedings concerning a child (aged 17 and under).

2.2. This 2013 protocol will come into force on 1 January 2014.

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[1] Child abuse includes both sexual abuse and non-sexual abuse

[2] Family Court means for the time being the Family Proceedings Court, the County Court (when exercising its family jurisdiction) and the Family Division of the High Court. Once the Family Court comes into existence it means the Family Court and the Family Division of the High Court

3. Aims and Objectives

3.1. To provide early notification to the Local Authority and to the Family Court that a criminal investigation has been commenced.

3.2. To provide timely early notification to the Local Authority and to the Family Court of the details and timescale of criminal prosecution.

3.3. To facilitate timely and consistent disclosure of information and documents from the police, and the CPS, into the Family Justice System.

3.4. To provide notification to the police and the CPS of an application to the Family Court for an order for the disclosure of prosecution material into the Family Justice System.

3.5. Subject to the Family Procedure Rules 2010 (and relevant Practice Directions[3]) the Criminal Procedure Rules 2013 and the common law duty of confidentiality, to facilitate timely and consistent disclosure of information and documents from the Family Justice System to the police and/or the CPS.

3.6. To provide a timely expeditious process for the Local Authority to respond to a request from the police for material held by the Local Authority which would assist a criminal investigation.

3.7. To provide for timely consultation between the CPS and the Local Authority where Local Authority material satisfies the test in Criminal Procedure and Investigations Act 1996 for disclosure to the defence.

3.8. To provide a streamlined and standard process for applications by the police and/or the CPS for the permission of the Family Court for disclosure of material relating to Family Court Proceedings.

3.9. To specify a procedure for linked directions hearings in concurrent criminal and care proceedings.

[3] In particular, Practice Direction 12G

Part A: Disclosure into the Family Justice System

4. Local authority request to the police for disclosure

4.1. As soon as reasonably practicable and in any event on issue of proceedings, the Local Authority will provide notice to the police of the contemplation or existence of Family Proceedings using the form at Annex D to this agreement. The form at Annex D also acts as a request for disclosure from the police (to include a reasonable timescale[4] not exceeding 14 days for the disclosure of the material). The form at Annex D will be sent to the police single point of contact (SPOC) attached at Annex A; (see paragraph 19.2 below).

4.2. Where criminal proceedings have been commenced (or are contemplated), the police will immediately forward a copy of the form at Annex D to the CPS. The CPS will give due priority to making charging decisions in cases involving Family Court Proceedings.

4.3. Where the information or documents sought does not relate to a child abuse investigation, the police SPOC will forward the form at Annex D to the unit or units holding the information or documents and will take responsibility for liaison with those units and to ensure the provision of information to the Local Authority.

4.4. It is to be understood by all Parties that the 2013 protocol should be used proportionately and is designed to facilitate only requests for material held by the police relevant to the central issues in the case. Requests for disclosure should not be drawn any wider than is absolutely necessary and only relevant material should be disclosed. The disclosure request to the police must be focussed identifying the documents which are really needed[5].

5. Notification by the police to the local authority of the existence and status of criminal investigation

5.1. Within 5 working days of the commencement of the investigation, the police will provide to the Local Authority SPOC details of the criminal investigation using the form at Annex C to this Protocol (contact details for Local Authority SPOCs are listed at Annex B, see paragraph 19.3 below).

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[4] In setting the appropriate reasonable timescale, the Local Authority will take account of the timetable of the Family Court proceedings, the requirement that care proceedings must be completed within 26 weeks of the date on which the application was issued, and the requirements of the revised Public Law Outline (PLO)

[5] Re H-L (A child) [2013] EWCA Civ 655

5.2. The police will contact the Local Authority SPOC at the point of charge, providing details of offences, custody status of defendants, bail conditions and court timescales. The police will also provide to the Local Authority contact details for the CPS.

5.3. In the event that the suspect(s) is/are not charged, the police in consultation with the CPS will provide the Local Authority with reasons why there will be no prosecution[6].

5.4. Within 5 working days of each Case Management Hearing[7] in the Crown Court, the CPS will provide to the Local Authority SPOC (or Local Authority lawyer if known) details of the future timetable of the criminal proceedings and details of any directions relevant to the Local Authority or to concurrent Family Proceedings.

5.5. Within 2 working days of receipt, the Local Authority will forward the details at paragraphs 5.1 to 5.4 above to the Family Court.

6. Voluntary disclosure by police/CPS to local authority and into the family justice system

6.1. Where criminal proceedings have been commenced (or are contemplated), the police should consult with the CPS before a decision is made on whether to disclose police material to the Local Authority. The timing of such consultation must take into account any reasonable timescale specified by the Local Authority at paragraph 4.1 above.

6.2. Within the timescale specified by the Local Authority in Annex D (paragraph 4.1 above), the police will provide (via secure means, e.g. secure email) the requested material to the Local Authority. The police will complete and return the second part of the form at Annex D. The Local Authority agrees that the police material will only be disclosed to the professionals and Parties in the Family Proceedings (unless the permission of the court is obtained to disclose material to others).

6.3. Visually recorded interviews (Achieving Best Evidence interviews) will not be released to the Local Authority except against a written undertaking from the Local Authority in order to prevent the unauthorised use of the evidence. The form of undertaking at Annex G should be used for this purpose.

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[6] Decisions to prosecute are made in accordance with the Code for Crown Prosecutors (section 10 Prosecution of Offences Act 1985)

[7] Case management hearings in the Crown Court will include Preliminary Hearings and Plea and Case Management Hearings

6.4. Unless disclosure is required to ensure the immediate safety of a child, the police will not disclose material where to do so might prejudice the investigation and/or prosecution (or where on the grounds of confidentiality it is necessary to obtain the consent of persons providing statements). However, redacted disclosure should be made wherever possible. The police will indicate on the form at Annex D the approximate date on which disclosure can be made. The police (in consultation with the CPS) must provide detailed reasons on Annex D as to why any material is being withheld.

6.5. Alternatively, the police can indicate that disclosure will be made in the event that the Local Authority obtains a Family Court order stating that the material is not to be disclosed to named individual(s) (typically, suspects and/or witnesses in the criminal proceedings). Such a court order should also be obtained where possible in the event that disclosure is made (as at paragraph 6.4 above) to ensure the immediate safety of a child.

6.6. The Family Court may request disclosure from the Local Authority of material held by them and relating to the criminal case. Again, the Local Authority will notify the CPS (or the police if criminal proceedings have not commenced) as soon as reasonably practicable. Where the police and/or the CPS object to disclosure, they will make appropriate **and timely** representations to the Family Court explaining why such disclosure might be capable of prejudicing the criminal proceedings.

7. Family court proceedings: orders for disclosure against the police and/or the CPS

7.1. The Local Authority shall notify (within 2 working days of the application being made) the police and the CPS of any application to the Family Court (whether by the Local Authority or any other party) for disclosure of prosecution material. The Local Authority shall notify the police and/or the CPS of the date and time of the Family Court hearing at which disclosure will be determined[8]. Any order by the Family Court for disclosure will be in the form at Annex H to this protocol (use of which by the Family Court is mandatory). Where appropriate, the police and/or the CPS will assist the Local Authority in drafting Directions.

7.2. Where directed, the police and/or the CPS shall attend the Family Court hearing to explain the implications for a criminal trial when

[8]The Standard Directions Order, which is made by the Family Court in accordance with the PLO within 24 hours of care proceedings being issued, provides for any application for disclosure from any agency to be filed and served by a specified date *prior to* the Case Management Hearing (CMH) in the Family Court. Note that the PLO requires the CMH to be no later than 12 working days after the commencement of the care proceedings

orders for disclosure are being considered by the court. In any event, the police and/or the CPS shall provide written representations to the Family Court and the Local Authority where disclosure is opposed (**explaining why** disclosure might reasonably be considered capable of prejudicing the investigation and/or prosecution).

7.3. The Local Authority will ensure that any Order against the police and/or the CPS is served as soon as reasonably practicable (and in any event within 2 working days of the date of the order) on the police and/or the CPS.

7.4. The police and the CPS will comply with any court order.

Part B: Disclosure from the Local Authority/ Family Justice System into the Criminal Justice System

8. Notification by local authority to the police of the existence and status of family proceedings

8.1. As soon as reasonably practicable and in any event on issue of proceedings, the Local Authority will provide notice to the police of the contemplation or existence of Family Proceedings using the form at Annex D to this 2013 protocol. Where Family Proceedings have commenced, details of all parties (and legal representatives) will be provided. Details of the allocated Local Authority lawyer will be provided. The form at Annex D will be sent to the police single point of contact (SPOC) attached at Annex A.

8.2. Where the form at Annex D is sent to the police at a stage before details of all parties to the Family Proceedings are known, the Local Authority will notify the police recipient of Annex D of the details of all parties (and legal representatives) to the Family Proceedings. The Local Authority will also provide details of the future timetable of the Family Proceedings. The police will forward the information to the CPS.

8.3. Where criminal proceedings have been commenced (or are contemplated), the police will forward a copy of the form at Annex D to the CPS. The CPS will give due priority to making charging decisions in cases involving Family Court Proceedings.

9. Police request to local authority for disclosure

9.1. Following the commencement of the investigation, the police will provide to the Local Authority SPOC the form at Annex C to this 2013 protocol. Details of the SPOC for each Local Authority are set out at Annex B (see paragraph 19.3 below).

9.2. The Annex C form will include details of the investigation and prosecution if commenced (see paragraph 5.1 above). Requests for material **must** be as prescriptive and detailed as possible and necessary for the pursuit of reasonable lines of enquiry[9]. The form at Annex C will include reasonable timescales for the police to be given access to relevant material, but the presumption will be that the Local Authority will deal with any request from the police as expeditiously as possible so as to not to jeopardise the criminal investigation.

[9] Paragraph 3.6 Code of Practice Criminal Procedure and Investigations Act 1996

Timescales will be case specific taking account of the stage/nature of the investigation and/or prosecution.

10. Disclosure by the local authority to the police

10.1. Upon receipt of the form at Annex C from the police, the Local Authority SPOC (or delegated officer) will identify and collate relevant material from the Children's Services or other files as appropriate, the SPOC (or delegated officer) will liaise with relevant departments within the Local Authority in the collation of such material for the police to assist the criminal investigation.

10.2. The Local Authority will identify for the police the school(s) attended by the child/children subject to the investigation. This will enable the police to approach the school directly. Alternatively, if it is practicable to do so, the Local Authority will obtain and collate relevant educational files for police examination.

10.3. Subject to paragraphs 10.4 and 10.5 below, the Local Authority will ensure that documents relating to Family Court proceedings[10] are not included in the files to be examined by the police. Where there are documents relating to Family Court proceedings, the Local Authority will provide a list (e.g. by providing a copy of redacted court index) of that material without describing what it is, in order for the police and/or the CPS, if appropriate, to apply to the Family Court for disclosure.

10.4. Importantly, the Local Authority can disclose to the police documents which are lodged at court, or used in the proceedings, which already existed[11] (e.g. pre-existing medical reports). Similarly, the text or summary of a judgment given in the Family Court proceedings can be included in the files to be examined by the police[12].

10.5. Paragraph 10.3 above does not prevent the Local Authority providing to the police documents or information relating to Family Court proceedings where (a) the police officer to whom disclosure is made is carrying out duties under section 46 Children Act 1989 or serving in a child protection or paedophile unit and (b) disclosure is for the purposes of child protection and not for the purposes of the criminal investigation[13].

10.6. Where material is disclosed in accordance with paragraph 10.5 above, the police cannot make onward disclosure of any documentation **or information** contained therein for the purpose of the investigation or

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[10] Section 12(1) Administration of Justice Act 1960 prohibits such communication
[11] Re Ward (A Child) [2010] EWHC 16 (Fam); [2010] 1 FLR 1497
[12] Rule 12.73(1)(c) Family Procedure Rules 2010 and Practice Direction 12G
[13] Rule 12.73(1)(a)(viii) Family Procedure Rules 2010

prosecution without the express permission of the Family Court[14] (for the avoidance of doubt, this will include disclosure to the CPS).

10.7. Where, in exceptional circumstances[15], the Local Authority is not able to include other material (not relating to Family Court proceedings) in the files to be examined by the police, the Local Authority will notify the police in writing of the existence of this material; indicating the reason why the material is not being made available to the police. Such a course should be exceptional because the Local Authority recognises that the material will be regarded as sensitive by the police and the CPS. It will not be disclosed to the defence without further consultation with the Local Authority or order of the court (see paragraph 13.9 to 14.3 below).

10.8. Within the timescales set out in the Annex C request (or otherwise agreed between the Local Authority and the police), the police will examine and review the material collated by the Local Authority. The review will usually take place on Local Authority premises but may be elsewhere by agreement. The police may make notes and/or take copies of the material. The material will not be disclosed to the defence without further consultation with the Local Authority or order of the court (see paragraph 13.9 to 14.3 below).

10.9. Where further relevant Local Authority material comes to light after the police examination of the material at paragraph 10.8 above, the Local Authority will contact the police and/or the CPS to arrange an examination of the new material by the police.

10.10. Similarly, where new issues arise in the criminal case (e.g. following the receipt of the defence case statement), the police will submit a further Annex C form requesting access to material not previously examined.

11. Applications by police and the CPS to the family court for disclosure of material relating to family proceedings

11.1. At the stage prior to service of prosecution papers pursuant to section 51 of the Crime and Disorder Act 1998, applications will be generally made by the police. After this stage, applications will generally be made by the CPS.

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[14] A District Council (Applicant) v M (Respondent) & West Yorkshire Police (Interveners) [2007] EWHC 3471 (Fam); [2008] 2 FLR 390

[15] The law permits the disclosure of confidential information where a countervailing public interest can be identified. Such a public interest will include the administration of justice, the prevention of wrongdoing and enabling another public body to perform its public duty (R v Chief Constable of North Wales Police ex parte Thorpe [1996] QB 396). In these circumstances, the exchange of relevant material with the police and CPS is not restricted under Data Protection Act 1998

11.2. Applications by the police for disclosure must contain details of the named officer to whom release is sought[16] and must specify the purpose and use to which the material is intended to be put. Applications should seek leave (where appropriate) to disclose the material to the CPS, to disclose the material to the criminal defence solicitors[17] and (subject to section 98(2) of the Children Act 1989[18]) to use the material in evidence at the criminal proceedings.

11.3. Applications by the CPS must specify the purpose and use to which the material is intended to be put and should seek leave to share the material with the police and with the defence and (subject to section 98(2) Children Act 1989) to use the material in evidence at the criminal proceedings.

11.4. Applications shall be made on Form C2. The application must be served by police or the CPS on all Parties to the Family Proceedings (The Local Authority having informed the police of details of all parties to Family Proceedings as per paragraphs 8.1 and 8.2 of this protocol).

11.5. The application will be determined at a hearing at the Family Court. Police and the CPS will not attend the hearing unless directed to do so by the Family Court.

11.6. Where it is practicable to seek prior written consent to disclosure from **all Parties** to the Family Proceedings, the police or the CPS should do so. Application should then be made in writing to the Family Court seeking a consent order.

11.7. Alternatively (**and whenever this is possible**), the police and/or the CPS will ask the Local Authority allocated lawyer (or SPOC if details of allocated lawyer are not known) to request that the Family Court considers the issue of disclosure to the police and/or the CPS at the next hearing. In this way, the Family Court will be in a position to make any orders as appear appropriate without the need for police and/or the CPS to make application to the Family Court. When requesting the Family Court to make an order in accordance with this paragraph, the Local Authority will put the other parties to the proceedings on notice; and will provide the court with details of the officer to whom disclosure is to be made and the purpose for which it is to be made.

11.8. In rare cases, where it considers it appropriate to do so, the Family Court should make orders for disclosure to the police and/or the CPS without application having been made by the police or the CPS.

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[16] Re H (Children)[2009] EWCA Civ. 704; [2009] 1 FLR 1531

[17] Where required under section 3 or section 7A Criminal Procedure and Investigations Act 1996

[18] Section 98(2) provides that statements and admissions in Family Court proceedings are not admissible in criminal proceedings

12. Text or summary of judgment in family proceedings[19]

12.1. The Local Authority will forward to the CPS copies of relevant Family Court judgments (and summaries thereof) in the possession of the Local Authority. The judgments may be appropriately redacted.

12.2. Where the Local Authority is not in possession of a judgment which appears to be relevant to the concurrent criminal proceedings (e.g. fact-finding judgment), it will notify the CPS in order that the CPS can obtain the judgment directly from the Family Court. In these circumstances it will not be necessary to make formal application for disclosure on Form C2; the CPS will request release of the judgment under Practice Direction 12G above.

12.3. Where it appears to the Local Authority that the judgment will be relevant to the criminal proceedings, the Local Authority will request that the Family Court expedites the preparation of the judgment for release to the CPS (and if possible at public expense). Alternatively, the issue of disclosure of the judgment to the CPS under Practice Direction 12G can be considered at a linked directions hearing.

13. Disclosure by the CPS to the criminal defence

13.1. The Criminal Procedure and Investigations Act 1996[20] requires the prosecution to disclose to the defence any material (including sensitive material) that could reasonably be considered capable of undermining the prosecution case against the accused or of assisting the case for the accused (the “disclosure test”). Where appropriate, application can be made to the criminal court to withhold sensitive material which satisfies the disclosure test on the grounds of public interest immunity (PII application).

13.2. PII applications to the criminal court for the withholding of sensitive material should be rare. Fairness ordinarily requires that all material which weakens the prosecution case or strengthens that of the defence should be disclosed. There is no basis for making a PII application except where the prosecutor has identified material that

[19] Rule 12.73(1)(c) Family Procedure Rules 2010 and Practice Direction 12G permits the disclosure of the text or summary of the whole or part of a judgement given in family proceedings to a police officer or a member of the CPS for the purpose of a criminal investigation or to enable the CPS to discharge its functions. The Police Officer or CPS lawyer may only communicate the information for the purpose for which he/she received the information.

[20] Section 3 and section 7A

fulfils the disclosure test, disclosure of which would create a real risk of serious prejudice to an important public interest[21]

13.3. All material obtained from the Local Authority will be listed by the police on the sensitive disclosure schedule MG6D. The lists of material not disclosed by the Local Authority to the police will also be included on the MG6D (see paragraph 10.3 above: material relating to Family Proceedings; and paragraph 10.7 above: material withheld on the ground of confidentiality).

13.4. Material obtained by the police in accordance with Rule 12.73(1)(a)(viii) Family Procedure Rules 2010 (see paragraphs 10.5 and 10.6 above) must not be disclosed to the CPS. The police will reveal the existence of the material on the MG6D (without describing it). As appropriate, the CPS will seek the permission of the Family Court to access the material.

13.5. Where the material has been obtained following an application by the police to the Family Court, the police must indicate to the CPS whether the Family Court has given permission for the material to be shared with the CPS and with the defence. Further application to the Family Court may be required by the police and/or the CPS as appropriate.

13.6. The CPS will review the material in accordance with its statutory duties[22] and under the Attorney General's Guidelines on Disclosure. Only material which might undermine the prosecution case or might reasonably assist the defence case will fall to be disclosed. There will in no circumstances be “blanket” disclosure to the defence.

13.7. Where in accordance with paragraph 10.7 above a Local Authority document is not made available to the police on the basis of confidentiality (e.g. consent has not been obtained from the person to whom the document relates), the CPS will consider whether it is appropriate to seek access to such material by means of a witness summons in the criminal court[23].

13.8. Where in these circumstances application is made by the CPS for a witness summons, the CPS will serve the application on the criminal court and the Local Authority, identifying the Local Authority SPOC as the person who is required to produce the document(s)[24]. In addition, where the Crown Court so directs[25], the CPS will, in accordance with the Criminal Procedure Rules, serve the application on the person to whom the confidential document relates.

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[21] R v H and C [2004] 2 AC 134
[22] Under Criminal Procedure and Investigations Act 1996
[23] Section 2 Criminal Procedure (Attendance of Witnesses) Act 1965
[24] Rule 28.5(3)(a) Criminal Procedure Rules 2013
[25] Rule 28.5(3)(b)(i) Criminal Procedure Rules 2013

13.9. Where any Local Authority material reviewed by the CPS falls within the statutory disclosure test under the CPIA, the CPS will write to the Local Authority SPOC, within 2 working days of review whenever possible, setting out the reasons why the material falls to be disclosed and informing them of that decision. The form at Annex E to this 2013 protocol will be used by the CPS. The CPS will provide to the Local Authority proposals for the editing or summarising of the material for the purposes of disclosure to the defence. Where no material falls for disclosure, the CPS will inform the Local Authority that this is the case.

13.10. Within 5 working days of receipt of that notification, the Local Authority shall be given an opportunity to make any representations in writing to the CPS on the issues of disclosure. This will include objections to disclosure on the basis that the person to whom the material relates has not consented. Note that disclosure of documentation which has been created under the auspices, and for the purposes, of the LSCB, can only be made with the prior consent of the LSCB Chair[26].

13.11. The form at Annex F to this 2013 protocol will be used for this purpose. Where, exceptionally, the Local Authority is unable to meet the 5 working day timescale, the Local Authority will contact the CPS to discuss whether the timescale can be extended in the particular circumstances of the case.

14. Public Interest Immunity (PII) Application

14.1. If the Local Authority does not agree to disclosure of Local Authority material to the defence, the CPS must negotiate with the Local Authority to explore whether disclosure can be made in edited form or by summarising in another document the issues arising in the material[27]. Whilst recognising that the prosecution must always comply with its statutory duty of disclosure, the sensitivity can often be removed in this way. PII applications in the criminal court will be rare. Local Authority material relating to a child is no longer a “class” of material to which PII applies. Depending on the sensitivity of the material, the Local Authority may itself agree that the public interest in the prosecution of crime overrides the interests of confidentiality[28]. In highly exceptional cases, the CPS may need to make disclosure to the defence of the edited/summarised document without the consent of the Local Authority.

14.2. If a PII application is appropriate, the CPS will make a PII application to the criminal court as soon as reasonably practicable. The CPS will

[26] For example, reports or documentation related to a Serious Case Review belong to the LSCB, rather than the Local Authority or other member agency of the LSCB.
[27] R v H and C [2004] 2 AC 134
[28] R v Chief Constable of West Midlands ex parte Wiley [1995] 1 AC 274

notify the Local Authority of the date and venue of the PII application and inform the Local Authority of their right to make representations to the criminal court[29].

14.3. Where PII is sought on the basis of lack of consent from the person to whom the confidential document relates, CPS must in accordance with the Criminal Procedure Rules notify the person to whom the document relates[30] (as above, notification of date and venue of PII application and the interested person's right to make representations to the court).

[29] Rule 22.3(b)(ii) Criminal Procedure Rules 2013
[30] Rule 22.3(b)(ii) Criminal Procedure Rules 2013

Part C: Linked Directions Hearings

15. Linked criminal and care directions hearings- criteria

15.1. This 2013 protocol will apply where a person connected with the child who is the subject of the care proceedings or the child himself is to be tried at the Crown Court for any violent or sexual offence or for an offence of child cruelty against the child, or any other child or any person connected with the child; and either:

(i) The Local Authority, CPS, or any party to the care proceedings (including the child's guardian) considers that the care and criminal proceedings do, or may, impinge on one another; or

(ii) In any public law proceedings in the High Court or County Court or in any proceedings in the Crown Court, a judge is satisfied that the protocol does, or may, apply.

16. Arrangements for linked directions hearings

16.1. The allocated case management judge in the Family Court (ACMJ)[31] will consider whether or not there is likely to be a need for a linked directions hearing in respect of the criminal and family cases. If the ACMJ considers that a linked directions hearing is likely to be appropriate he/she shall liaise with the relevant Resident Judge to invite him to nominate a judge to be responsible for the management of the criminal case.

16.2. In the care proceedings it is expected that the ACMJ will issue directions for the linked hearing which will spell out the respective parties' obligations, and which may include, but will not be limited to, recordings and, orders in the form at Annex I to this protocol (use of which by the Family Court is mandatory). At the same time, the ACMJ will consider giving permission to the Local Authority to serve its case summary on the CPS and the Crown Court (in accordance with paragraph 16.6 below).

16.3. Once a judge has been identified to manage the criminal proceedings, the Resident Judge shall direct the listing officers to liaise with family listing to agree the listing of the criminal and care cases for a linked directions hearing before the nominated criminal judge and the ACMJ. In an appropriate case the Resident Judge may agree to the ACMJ

[31] In the Family Proceedings Court this will be the legal adviser

undertaking the responsibility for the management of the criminal case if he/she is authorised to try criminal cases, and, where appropriate, serious sexual offence cases.

16.4. If on receipt of criminal proceedings sent from the Magistrates' Courts and consideration of that case by the Resident Judge, or if during a Case Management hearing[32] or other pre-trial hearing listed before the Crown Court, the Resident Judge or judge (as the case may be) is satisfied that this Protocol does or may apply but that no reference has yet been made to the ACMJ for consideration in accordance with paragraph 16.1 above, the judge shall notify the Designated Family Judge accordingly who shall consider with the relevant Resident Judge and the ACMJ, whether a linked directions hearing is required. If there is agreement on the need for a linked directions hearing, the Resident Judge shall nominate a judge to be responsible for the management of the criminal case and arrangements shall then be made for the criminal and care cases to be listed for a linked directions hearing in accordance with paragraph 16.3 above.

16.5. The criminal case shall be listed before the judge at the Crown Court in public with the linked directions appointment in the care proceedings listed for hearing in private immediately thereafter. Subject to any specific objections raised by the parties, the advocates appearing in the criminal case may be invited to remain during the directions appointment in the care proceedings.

16.6. In every case involving a linked directions hearing the Local Authority's legal representative, **by no later than 4.00pm not less than 5 working days prior to the linked directions hearing**, shall with the permission of the family court prepare and serve on the CPS and the Crown Court a case summary setting out the basis of the Local Authority's application, its contentions in respect of findings sought in relation to the "threshold criteria" (Local Authority's "threshold document"), the current position in respect of the child, details of the proposed assessments and/or expert(s) assessments being undertaken and the timescales for the same and the timetable (if any) set for the proceedings within the Family Court.

16.7. The Local Authority's legal representative and the CPS shall agree a schedule of issues identifying those matters which are likely to be considered at the linked directions hearing. The Local Authority shall circulate the Schedule to the solicitors for the other parties in the criminal and care proceedings **by no later than 4.00pm not less than 2 working days prior to the linked directions hearing**.

[32]Case management hearings in the Crown Court will include Preliminary Hearings and Plea and Case Management Hearings

16.8. On the day of the linked directions hearing the advocates in the criminal and care proceedings shall meet **no later than one hour prior to the time fixed for the hearing** to discuss the schedule of issues with a view to identifying what directions may be required with particular reference to the trial timetable, disclosure and expert evidence and such other matters as may be identified by this Protocol.

16.9. The respective court files in the criminal and care proceedings shall be cross referenced and shall be clearly marked as "linked" cases.

16.10. The directions hearing will be linked but not wholly combined because of the different parties and different procedural rules (such as with regard to privacy and rights of audience) which apply. The judge shall determine whether it is appropriate for some or all of the directions to be issued at a joint hearing or separately and the order of any directions to be issued.

16.11. At the conclusion of the hearing in the criminal case, counsel for the Crown will be invited to draw the minute of order, to be agreed with the defence, which will be submitted to the judge on the day of the hearing, for his/her approval.

16.12. The approved minute of order made in the criminal proceedings will be copied to the parties in the care proceedings by the CPS.

16.13. With the permission of the family court, the order made in the care proceedings will be copied by the Local Authority to the CPS and defence lawyers in the criminal proceedings.

16.14. The timing of the proceedings in a linked care and criminal case should appear in the Timetable for the Child[33].

16.15. **Judicial continuity**: Any adjourned linked directions hearing shall be listed before the same judge (unless the judge otherwise directs) but the judge who is the ACMJ shall not preside over the trial in the criminal proceedings, or pass sentence if there is a guilty plea, nor shall the judge give a "Goodyear indication". The judge in the criminal trial or who passes sentence if there is a guilty plea shall notify the ACMJ of the outcome.

17. Matters to be considered at the linked directions hearing

17.1. The timetabling[34] of both the criminal and care proceedings (with a view to such timetabling being coordinated to ensure the most

[33] In accordance with the Public Law Outline

appropriate order of trial and that each case is heard as expeditiously as possible).

17.2. Disclosure of evidence with particular reference to disclosure of evidence from one set of proceedings into the other with such permission as may be required by the relevant procedural rules.

17.3. Expert evidence with particular reference to the identification of expert witnesses, their willingness to act within the court timetable and the requirements of the Practice Direction concerning the instruction of Experts, their availability and role in the criminal and care hearings.

17.4. Any directions to be given in relation to issues of public interest immunity and for any witness summonses required for third party disclosure (Rule 28 Criminal Procedure Rules 2013).

17.5. Arrangements for the interviewing of children in care for the purpose of the criminal proceedings and any arrangements for the child to give evidence at any criminal or family hearing.

17.6. To ensure where appropriate that a transcript of relevant evidence or judgment in the trial heard first in time is available in the subsequent proceedings.

17.7. Issues relating to any question of assessment or therapeutic input required by any child involved in the proceedings.

17.8. Issues in relation to restrictions on publicity which it is considered may be required.

17.9. Issues in relation to any relevant material which may be pertinent to the issue of bad character (in respect of previous convictions or other alleged “reprehensible behaviour”), whether of defendants or non-defendants.

17.10. Other legal or social work related steps in the Family Court proceedings.

18. Review

18.1. The parties to this 2013 protocol and Good Practice Model and the organisations at paragraphs 1.1 and 1.2 above supporting the 2013

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[34] Re TB [1995] 2 FLR 801 makes it clear beyond peradventure that the starting point is that the existence of criminal proceedings is not a reason to adjourn the care proceedings. For an exception see:
Re L [2010] 1 FLR 790: in the particular circumstances, the welfare stage of Family Proceedings should have been delayed until after the criminal proceedings

protocol will continuously review and monitor the operation of the provisions. The protocol will be subject to a formal review 12 months after the date of implementation.

19. Local Protocols

19.1. Local agencies should agree and adopt a local protocol to give effect to this 2013 protocol signed by the Crown Court Resident Judges, Designated Family Judges, Police Forces, CPS and Local Authorities in each CPS Area. A 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.

19.2. Each Police Force signatory to the local protocol will provide on the form at Annex A details of a suitable single point of contact (SPOC) for the receipt by secure email of the Annex D disclosure request from the Local Authority.

19.3. Each Local Authority signatory to the local protocol will provide on the form at Annex B details of a suitable single point of contact (SPOC) for the receipt by secure email of the Annex C disclosure request from the police.

20. Signatories

20.1. The following are signatories to the protocol:

Date of agreement: ..... **17 October 2013**

Senior Presiding Judge for England and Wales
Lord Justice Gross.....

President of the Family Division
The Rt. Hon Sir James Munby.....

Director of Public Prosecutions,
Crown Prosecution Service
Keir Starmer QC.....

The following support the protocol:

Association of Chief Police Officers, Association of Directors of Children Services, Association of Independent Local Safeguarding Children Board Chairs, Department for Education, HM Courts & Tribunals Service, Local Government Association, Welsh Government.

Annexes

Annex A - Details of single points of contact within police forces

Police force: **Name:** **Tel:** **Fax:** **Secure email:**	**Police force:** **Name:** **Tel:** **Fax:** **Secure email:**
Police force: **Name:** **Tel:** **Fax:** **Secure email:**	**Police force:** **Name:** **Tel:** **Fax:** **Secure email:**
Police force: **Name:** **Tel:** **Fax:** **Secure email:**	**Police force:** **Name:** **Tel:** **Fax:** **Secure email:**
Police force: **Name:** **Tel:** **Fax:** **Secure email:**	**Police force:** **Name:** **Tel:** **Fax:** **Secure email:**

Annex B - Details of single points of contact within local authority legal departments

Local Authority: **Name:** **Tel:** **Fax:** **Secure email:**	**Local Authority:** **Name:** **Tel:** **Fax:** **Secure email:**
Local Authority: **Name:** **Tel:** **Fax:** **Secure email:**	**Local Authority:** **Name:** **Tel:** **Fax:** **Secure email:**
Local Authority: **Name:** **Tel:** **Fax:** **Secure email:**	**Local Authority:** **Name:** **Tel:** **Fax:** **Secure email:**
Local Authority: **Name:** **Tel:** **Fax:** **Secure email:**	**Local Authority:** **Name:** **Tel:** **Fax:** **Secure email:**

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: **(Attach case summary, key witness statements, expert reports as appropriate)**			
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)			
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 … 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:
Please select

Date of next Court hearing:

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

Annex D – Standard request form for disclosure of police information

STANDARD REQUEST FORM 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:** **Job Title:** **Telephone Number:** **Secure Email:**
Date of Request	
Case Proceeding at: (if underway)	Please select
Case No:	
Name of all parties to proceedings and legal representatives:	
Next hearing date:	
Expert reports to be prepared by:	
Advance notice of family proceedings and any request [for information][to indicate availability of] information should be made as soon as possible and at least **10 working days** before the relevant directions hearing date	
Date Information is required by:	

	Information should be received at least **5 clear working days** before the hearing date	
Purpose of the Information	Please select	
Request for Disclosure of Material held by		
INFORMATION REQUESTED ABOUT THE FOLLOWING PERSON(S):		
1. NAME (Alleged perpetrator(s)):	**DoB:**	**Address:**
2. NAME OF OTHER PARTY/PARENT [if applicable]:	**DoB:**	**Address:**
3. NAME(S) OF RELEVANT CHILD(REN) /(ALLEGED VICTIM(S)):	**DoB:**	**RELATIONSHIP TO ALLEGED PERPETRATOR:**
1. **2.** **3.**	**1.** **2.** **3.**	**1.** **2.** **3.**
4. BRIEF DETAILS (INCLUDING DATE AND PLACE) OF THE CIRCUMSTANCES OF THE INCIDENT(S) IN RESPECT OF WHICH FAMILY PROCEEDINGS ARE BEING TAKEN /CONTEMPLATED:		
4. CRIME REFERENCE NUMBER		
5. NAME & COLLAR		

NUMBER OF OFFICER(S)	

6. BRIEF DETAILS (INCLUDING DATE AND PLACE) OF THE SPECIFIC INCIDENT(S) UPON WHICH INFORMATION IS SOUGHT:

7. NATURE OF THE DOCUMENTS, RECORDS OR OTHER EVIDENTIAL MATERIAL REQUESTED AND ITS RELEVANCE TO THE CIVIL/FAMILY PROCEEDINGS NOTED ABOVE: (List documents with as much particularity as possible e.g. father's interview, mother's statement, sister's video interview, etc) ***Police to mark each one that is available now and complete section 19 below for those that are not.***	**Disclosure Available? (Police to complete for each)**

8. AN INDICATION OF THE PROPOSED DIRECTIONS FOR DISCLOSURE LIKELY TO BE MADE (INCLUDING THE DATE BY WHICH ACTUAL DOCUMENTS WILL BE REQUIRED): (list directions or attach draft order for directions)

9. WHETHER AND IF SO WHAT DATE HAS BE FIXED FOR ANY Please select AND WHETHER THE OFFICER(S) INVOLVED IS LIKELY TO BE REQUIRED TO GIVE EVIDENCE AND Please select , Please select, OFFICER(S) Please select.

NAME OF PERSON MAKING REQUEST:	
ON BEHALF OF: (NAME OF PARTY/ORGANISATION ETC)	

Annex E – Protection of children: notice to local authority from prosecutor that material satisfies CPIA disclosure test

PROTECTION OF CHILDREN: NOTICE TO LOCAL AUTHORITY FROM PROSECUTOR THAT MATERIAL SATISFIES CPIA DISCLOSURE TEST		
You will be aware that the police have recently examined material held by your Authority in the following proceedings:-		
	NAME	**DATE OF BIRTH**
Lead Defendant		
Lead Child victim		
I have received the material in accordance with Criminal Procedure and Investigations Act 1996. Please note that in accordance with Section 3 CPIA, the following material falls for disclosure to the defence because it is capable of undermining the prosecution case or assisting the case for the accused.		
Document Reference	**Description**	**Reason why disclosable**
I would be grateful if you would indicate in respect of each item listed above whether a) you have no objections to disclosure, b) you have no objections to disclosure subject to appropriate editing, c) you object to disclosure (in which case I will not make disclosure subject to any Court order).		
I would be grateful if you could reply by		
Prosecutor:	Name: Telephone: Fax:	

	Secure Email:
Date:	

Annex F – Protection of children notice from local authority: representations on disclosure

<table>
<tr><th colspan="2">PROTECTION OF CHILDREN
NOTICE TO PROSECUTOR FROM LOCAL AUTHORITY:
REPRESENTATIONS ON DISCLOSURE</th></tr>
<tr><td colspan="2">I thank you for your notice dated indicating that certain Local Authority material satisfies the test for disclosure in Section 3 CPIA.</td></tr>
<tr><td colspan="2">I have the following representation in respect of proposed disclosure to the defence.

(Indicate in respect of each item a) that disclosure is agreed b) that disclosure is agreed subject to editing (specify where appropriate) c) that disclosure is not agreed, with reasons e.g. absence of consent from person to whom document relates)</td></tr>
<tr><td colspan="2">a) Disclosure is agreed</td></tr>
<tr><td>Item</td><td>Comment</td></tr>
<tr><td></td><td></td></tr>
<tr><td colspan="2">b) Disclosure is agreed subject to editing</td></tr>
<tr><td>Item</td><td>Comment</td></tr>
<tr><td></td><td></td></tr>
<tr><td colspan="2">c) Disclosure is not agreed</td></tr>
<tr><td>Item</td><td>Comment</td></tr>
<tr><td></td><td></td></tr>
<tr><td>Representative of Local Authority:
Choose Local Authority</td><td>Name:

Telephone:
Fax:
Secure Email:</td></tr>
</table>

Annex G – Video- taped evidence of a child witness confidentiality undertaking

UPON { Solicitor } …….. undertaking

1 Not to cause or permit any further copies to be made of the tapes*

2 To keep the tapes in a locked, secure container when not in use or in transit

3 To use his/her best endeavours to ensure that the tapes are kept within the personal custody of a single adult when in transit and not to deliver the tape to the Post Office or any commercial carrier

4 To release the tapes only to:
(1) Counsel instructed in the case
(2) any expert authorised by the court to prepare a report for use by the court
(3) any other person only with the leave of the court

5 To require any person to whom the tape is released to sign a form of undertaking in the same terms as this undertaking.

6 To use his/her best endeavours to obtain the return of the tapes to his/her personal possession within 28 days of its release to any person

7 To permit his/her client to view the tapes only at his/her professional premises and in his/her presence

8 To permit other parties to the proceedings to view the tapes in the presence of that party's legal advisor at the professional premises of one of the parties' legal advisor

9 To return the tapes to the police, or arrange for the secure and confidential destruction thereof, forthwith upon his/her ceasing to be instructed in this matter and in any event on closure of the case

10 To keep a written record of the name of any person allowed access to the tapes and the date of such access

*except for those listed in clause 5

Schedule of persons that have viewed the tapes in accordance with this undertaking

Description of tape (inc id-number)	**By whom**	**In presence of (where relevant)**	**Date seen /released**	**Date returned**	**Under-taking given**

Signed: Date: ……..

Taped returned to custody of the police/ securely destroyed on ……

Signed: …… Date: ……..

Annex H – Disclosure direction to police

In the Court No:
Sitting at [Place]

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

Annex I – Linked criminal and care directions

In the Court No:
Sitting at [Place]

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. [*name*] has been charged with offences of [*specify the alleged offences and against whom they were committed*] to which (s)he pleaded not guilty on [*date*] and the proceedings under case number [*xxx*] are listed for [trial]/[plea and case management] on [*date*] at the [*name*] Crown Court].

3. This court on [*date*] made a police disclosure direction order. The order [was complied with on] / [is expected to be complied with by] [*date*].

4. *(for example)* ZZ is [to be] / [being] assessed by Dr [*name*], Consultant Psychiatrist, in readiness for the Plea and Case Management Hearing on [*date*].

5. It is recognised that the CPS will seek disclosure of the papers from these proceedings [and from the previous proceedings] regarding [*names of children*] the children of [*name*] and [*name*] [deceased] as well as documents held by the Local Authority on its Social Services files.

6. The Local Authority is expected to ensure that a copy of the Protocol is made available to the CPS solicitor with conduct of the criminal proceedings and the defence solicitor(s) (who will supply it to instructed counsel).

Request

7. Pursuant to Part C of the Protocol this court considers that a linked directions hearing is appropriate. This court by this order requests that the Resident Judge should nominate a judge to be responsible for the management of the criminal case with a view to listing a linked directions hearing at the [*name*] Crown Court before the nominated judge and the Allocated Case Management Judge in this case namely [*name*].

IT IS ORDERED (BY CONSENT):

8. These proceedings and the criminal proceedings are listed for a linked directions hearing at 10.00am on [*date*] before His/Her Honour Judge [*name*] and His/Her Honour Judge [*name*] sitting at the [*name*] Crown Court, [*address*] (estimate 1 hour).

9. The Local Authority shall by 14:00 on [*date*] serve on the Crown Court, the CPS and the defence solicitors a case summary as set out in para 17.6 of the Protocol, and shall file and serve a copy of it in these proceedings.

10. In accordance with para 17.7 of the Protocol the Local Authority and the CPS shall agree a schedule of issues, setting out those matters which are likely to be considered at the linked directions hearing and the Local Authority shall circulate the schedule to the solicitors for the other parties in the criminal and care proceedings by no later than 16:00 on [*date*].

11. The Local Authority shall by 12:00 on [*date*] file with the Court an agreed bundle prepared in accordance with the Family Procedure Rules 2010 PD 27A to include the case summary, the schedule of issues (agreed if possible), and the proposed directions to be sought. The Local Authority shall by the same time file and serve on each of the respondents an index to the bundle. If any respondent is unrepresented the Local Authority shall supply him/her with a full copy of the bundle.

12. The Governor of HM Prison [*name*] is directed to ensure that the respondent (father) ZZ is produced at 09:30 for the hearing on [*date*].

13. The Local Authority shall serve a copy of this order on the CPS prosecutor with conduct of the criminal proceedings and on the defence solicitor(s) (who shall provide copies to instructed counsel).

Dated

2013 Protocol and Good Practice Model

Disclosure of information in cases of alleged child abuse and linked criminal and care directions hearings

October 2013