**Public Law Police Disclosure Order Template[[1]](#footnote-2) - when submitted to the Court all red text must have been amended and/or deleted and converted into black text and all Guidance Notes should be deleted.[[2]](#footnote-3)**

CASE NUMBER: \_\_\_\_\_\_\_\_\_\_\_\_

IN THE FAMILY COURT SITTING IN:

CARLISLE COMBINED COURT

BARROW-IN-FURNESS COMBINED COURT

WEST CUMBRIA COMBINED COURT

IN THE MATTER OF:

THE CHILDREN ACT 1989

The Children:

Name Gender DOB

\_\_\_\_\_\_\_\_\_\_\_\_ Boy/Girl \_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_ Boy/Girl \_\_\_\_\_\_\_\_\_\_\_\_

Before HHJ XXX / District Judge XXXXX / Deputy District Judge XXXXX / The Family Proceedings Court

Sitting in private

on [DATE]:

After reading the materials filed, which are described on the Court Bundle Index.

# The Parties:

# The applicant local authority is XXXXX

# The first respondent (mother) is XXXXX

# The second respondent (father / father of XXX) is XXXXXX

* 1. The third respondent child(ren) are acting by their children’s guardian XXXXXX.
	2. The first intervener (RELATIONSHIP TO CHILDREN) is XXXX
	3. The second intervener (RELATIONSHIP TO CHILDREN) is XXXXX (delete as appropriate).

# Representation:

# The parties are represented as follows:

# The applicant local authority is represented by XXXXX.

# The first respondent mother is represented by XXXXX.

# The second respondent father is represented by XXXXX.

# The third respondent child(ren) are represented by XXXXX.

# The following people appeared in person:

# XXXXX whose contact details are XXXXX

* + 1. XXXXX whose contact details are XXXXX (delete as appropriate)

**The identity of the children and family set out above are not to be disclosed in public without the permission of the court.**

# Recitals

# This is an order for information to be provided to this court by the Cumbria Constabulary. (alter if appropriate)

# In this order the terms ‘Constabulary’ ‘Force’ and ‘Police Force’ are used interchangeably and have the same meaning.

# The reasons that this request for information is made are (include in this section reason for a time period of less than 28 days being provided if relevant):

# the children are currently subject to applications for public law orders; and

# the information will assist the court in determining the welfare of the children.

1. **Notice**
	1. The Local Authority has in advance of this hearing submitted to Cumbria Constabulary (alter as appropriate) a request for disclosure, via the completion of the Standard Request Form dated (insert date);
	2. The documentation already supplied by the Force is referred to in Part B of the **Schedule to this Order** (attached). That documentation does not need to be re-supplied unless specified within Part C of the Schedule to this order by reason of a need to remove specific redaction made by the Force.
	3. This order was made at a hearing without notice to the relevant Police Force. The reason why the order was made without notice was to avoid delay with respect to the court determining the welfare of the children.
	4. Cumbria Constabulary (alter as appropriate) 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:

1. **Police Disclosure**
	1. The Chief Constable of Cumbria Constabulary (alter as appropriate) shall, within 28 days[[3]](#footnote-4) of notice of this order, disclose to the Local Authority the information set out in Part C of the **Schedule to this Order** (attached)
	2. For the avoidance of doubt, the **Schedule to this Order** (attached) forms part of this order.
	3. The Local Authority shall file with this court and serve on the other parties’ legal representatives the above evidence upon receipt; having verified that each of the parties’ legal representatives has signed the standard undertaking in relation to their management and storage of such police material.
2. **Service of this Order**
	1. The Local Authority shall, upon lodging the draft order with the court, immediately serve the same upon Cumbria Constabulary, via email to the designated email address namely: familycourtdisclosure@cumbria.police.uk (alter as appropriate)[[4]](#footnote-5)
	2. The local authority shall, upon the court sealing the Order, serve the same directly upon the relevant Force by way of the above email address.
3. **The right to seek variation or discharge of this order**
	1. Upon service of this order the Force shall be at liberty to seek to vary or discharge any provision of this order, as follows:-
	2. *Extension Requests:*

* + 1. If a request for standard disclosure triggers a need for the police to take further non-standard steps to secure relevant documentation, that will take longer than the 28 days given, then the Police Force should use their power to seek a variation of time allowed in respect of that additional documentation. The force should still proceed to give the standard documentation on time.
		2. In the event that the force seeks an extension of time for the filing of relevant material, on the basis that they have collated some of the relevant material but they require additional time to complete the task due to volume or some other unforeseen event, they are at liberty to request an extension. The Template Form D1 ‘Request For Extension’ should be used for this purpose.
		3. Any such requests for extensions shall be directed to the lead solicitor (usually the Local Authority) in the first instance so that they can liaise with the other parties and assess impact on the court timetable, and assess whether a formal application to vary the timetable will be necessary, and either make one or advise the police that such an application is necessary.
		4. In the event that the extension requested by the force is agreed by all, and has no impact on the wider timetable, the matter may be dealt with by correspondence and without the need for a formal C2 application and / or hearing. In the event that agreement can not be reached the Force should make an application to the court, for the attention of the allocated Judge.
	1. *Applications to discharge / otherwise vary:*
		1. In the event that the Force seek to discharge any provision of this order, or seek to assert Public Interest Immunity over any relevant material held, whether pending further investigation, or for any other operational reasons, they shall file a C2 application with the court, along with supporting documents, not less than 7 days before the deadline for disclosure.
		2. In the event that only a short time is required to complete investigations before disclosure a request may be directed to the Local Authority in the first instance to enable them to liaise with the other parties and the court in an attempt to deal with the matter proportionately and avoid a formal application and court hearing.
		3. All parties shall be provided with no less than 24 hours-notice of any hearing listed to consider such application for PII or to discharge or vary this order UNLESS THE POLICE WISH FOR THE APPLICATION FOR PUBLIC INTEREST IMMUNITY TO BE DEALT WITH WITHOUT NOTICE TO THE PARTIES. The court will rule on the need for notice at the subsequent PII hearing. (see FPR 21.3)
1. **Compliance**
	1. In the event that disclosure is not provided as directed above, the Local Authority (adjust as appropriate) should restore the matter back to court, and (as appropriate) seek a witness summons for the outstanding information; having first liaised with the disclosure unit manager of Cumbria Constabulary to clarify the basis of any delay and proactively assisted the Constabulary in identifying any outstanding material/issues with disclosure.
2. **Data Protection and Redaction**
	1. The Court notes that pursuant to Section 36(4) of the Data Protection Act 2018, this Court Order provides the authorisation in law for the Police to disclose law enforcement data for a non-law enforcement (GDPR) purpose and Schedule 2, Part 1, paragraph 5 of the Data Protection Act 2018 disapplies the listed GDPR provisions regarding personal data where disclosure of that data is necessary for the purposes or in connection with legal proceedings.
	2. The Court also notes that compliance with the Data Protection Act 2018 and General Data Protection Regulation 2016, and in particular the data minimisation principle, would ordinarily require the redaction of personal data, such as that which relates to third-parties. The circumstances of this case are such that the Court believes that un-redacted disclosure is necessary (save personal details such as telephone numbers).
	3. No name mentioned in the Schedule to this Order (or aliases thereof) shall be redacted from the material disclosed pursuant to this order unless an application is made by the relevant police force seeking permission to redact any such material on the grounds of PII.
	4. Individuals not named in the schedule to this order may only be redacted from the material disclosed if (i) in the view of the Constabulary it is necessary to redact the name in order to prevent that individual coming to harm for a specific, known and justifiable reason or (ii) an application is made by the relevant police force seeking permission to redact any such material on the grounds of PII.
	5. Where it is considered necessary to remove a name, for example where it would expose the third party to a risk of harm to their welfare, the name should be replaced with a unique reference to preserve their anonymity whilst ensuring the document can still be understood by the reader.
	6. The court respectfully remind the Constabulary that redaction that allows for ‘jigsaw’ identification e.g. by reason of identifying initials or familial relationships is not, in any event, effective redaction and merely serves the purpose of rendering a document difficult to read.
3. **Prohibition on Further Disclosure**
	1. The information when supplied may be used only for the purposes of these proceedings and must not be disclosed to any third party or published in any way without the express permission and order of this court.
	2. The court prohibits disclosure of any material obtained from any police force and disclosed within these proceedings pursuant either to court order or as a consequence of any informal request pursuant to paragraph 5.1 above to any third party. This prohibition includes those individuals or class of individuals specified in Practice Direction 12 G of the Family Procedure Rule 2010.
	3. Pursuant to section 12 of the Administration of Justice Act 1960, publication, disclosure or dissemination of any material obtained from any police force disclosed within these proceedings pursuant either to court order or as a consequence of any request pursuant to paragraph 5.1 above to any third party will be a contempt of court and punishable by a fine or imprisonment or both.
	4. Any material supplied shall be retained by legal representatives (and not lay parties) in accordance with any undertaking given to the relevant police force, unless express permission is given by the court for an alternative arrangement.

Dated: (insert date)

Judge: (insert Name of Judge)

Schedule

**to the order of (insert name of Judge) regarding disclosure of police material dated (insert date of order) in Case Number (insert Case Number).**

## Part A - The key issues

1. The parties to this matter are:
	* 1. The mother, [name, dob and address]
		2. The father, [name, dob and address]
		3. XXXXX [name, dob and address].[[5]](#footnote-6)
		4. The Child(ren) – [Name] and [Name]
2. The other persons relevant to this matter are:
	* 1. The maternal grandmother - [name, dob and address]
		2. The paternal uncle - [[name, dob and address]
3. A summary of the relevant facts and key issues in the case is as follows:
	1. e.g. The local authority has issued care proceedings with respect to the children named above. Part of the grounds for asserting that the children have or are likely to suffer significant harms relate to the criminal activities of the parents / the parents’ involvement in incidents of domestic violence / the parents’ involvement with drug use and / or supply / sexual abuse allegations made against [name].
	2. The parents (identified above) and a third party [name] are suspected to have been involved in incidents of domestic violence. This court is likely to need to determine the nature and extent of such allegations, who they have involved, the identity and involvement of any witnesses or related complainants and whether it is necessary for this court to make findings with respect to the same.
	3. The child [name] is known to have made allegations of sexual abuse against two individuals [name] and [name]. This court is likely to need to determine the nature and extent of such allegations, who they have involved, the identity and involvement of any witnesses or related complainants and whether it is necessary for this court to make findings with respect to the same.
	4. The father [name] in alleged to be involved with organised crime, in particular the trafficking, supply of drugs and ‘county lines’ related activity. This court seeks to determine the truth, nature and extent of those allegations so far as is possible and relevant to the child welfare issues in this case.

## Part B – The Disclosure Already Provided

1. The disclosure already provided by the Force is as follows:
	1. set out in the document dated (insert date) and headed (insert document heading), a copy of which can be provided on request by the local authority.
	2. Add any additional documents/evidence that need to be listed.
	3. Specify any previous police disclosure order made by the court if this is a further order.

## Part C - The Disclosure Sought

**This section requires active and thorough consideration by the parties and the court. Only those paragraphs and items relevant to the issues in the case must be retained within the order. Extensive disclosure of detailed, individual evidential documents/records regarding individual incidents should be sought in relation to the most significant incidents only; including those which have triggered a child protection process and are relied upon within the threshold document before the court. Close reference should be made to the principle of proportionality in considering which categories of records are needed in respect of each of those incidents. Please do not seek disclosure of information already supplied (see para 4(b) and Part B above) and DO NOT embark on a ‘fishing’ exercise. Order that simply seek ‘everything’ will not be approved by the Court.**

1. Police National Computer records (if any) in relation to the individuals listed at Part A paragraphs 1 and 2 above.
2. Relevant records held within local crime incident recording system, incident logs and associated crime reports or equivalent databases, in relation to the subject children, and those individuals named at Part A paragraphs 1 and 2 above. Such disclosure shall cover:
	1. A 1 year period[[6]](#footnote-7); and
	2. any specific incidents listed in Part C paragraph 3 below that are outside of this time period.
3. Any other relevant evidence held in relation to the specified incident(s) / offence(s) below:-

|  |  |  |
| --- | --- | --- |
| **Date of Incident(s) (or approximate timeframe)**  | **Nature of Incident** | **Person(s) Involved**  |
| From 2018 to 2020 | Allegations of domestic violence. | [Name], [Name] and [Name] |
| In about June 2019 | Allegations of sexual abuse. | [Child name] [alleged perpetration name] |
| December 2020 | Supply of Cocaine | [Father’s name] [Mother’s name] |
|  |  |  |

1. In relation to the specified incidents / offences (as listed within the table above at Part C paragraph 3, Cumbria Constabulary (alter as appropriate) shall disclose the following relevant evidence (where in existence):-
	1. Individual witness and victim statements
	2. Digitised interview recordings
	3. Officers written records of interview (ROI’s)
	4. Approved transcripts of interviews (TOI’s)
	5. Achieving Best Evidence (ABE) records and recordings
	6. Officer pocket books/day books, officer enquiry log entries (specify names of relevant officers and date of log book entry / time if known)[[7]](#footnote-8)
	7. Sexual offences booklet(s)
	8. Photographs or relevant video recordings of injuries / home conditions / alleged incidents / other (please specify)
	9. Phone records / data held (insert details of the phone owner, and the specified date / time of the phone records sought).
	10. Report(s) re expert / technical analysis of the phone seized (if available).[[8]](#footnote-9)
	11. MG5 Police Report(s), the MG12 Exhibit List(s).
	12. Body Warn Camera Footage (limited to that which is relevant to any of the issues or events identified in this order at Part C paragraph 3 above).

[Re: a. to k. above - Delete as appropriate, having considered whether each category of records / evidence is required and proportionate).

With respect to Body Worn Camera (“BWC”) footage, the Police cannot be expected to disclose as standard all BWC material from every officer who attends a scene (often resulting in hours of video that is not relevant or watched by any party). If BWC footage disclosure is sought, sufficient detail must be provided to enable the constabulary to identify the relevant footage.

1. In the event that any of the persons named at paragraph 1 of Part A above are linked to Major Crimes, relevant records from the Home Office Large Major Enquiry System (HOLMES). (only to be included with the express leave of the court in the event that there is some evidence of the individual concerned being link to Major Crimes such as murder, serious assaults, serious sex offences, abductions and some robberies or involvement with an organised crime gang.)
2. The following individuals or class of individuals are known to be have been involved in incidents of concern or alternatively their identity is relevant to the issues before this court, and those names should not be redacted from the directed police disclosure:
	1. Any individuals named in Part A of this Schedule.
	2. family members related to the parties identified in Part A of this Schedule (Parties and Relevant Persons).
	3. Witnesses to the incidents set out in Part C paragraph 3 of this Schedule.
	4. [name/other]
	5. [name/other]
3. The following categories of incidents / offences listed below will always be considered ‘relevant’ and require disclosure of the officer enquiry log entries, and the associated witness evidence (including the identity of any witnesses). Any incident / allegation of:-
	1. physical or sexual abuse
	2. violent / aggressive behaviours (including domestic violence)
	3. child abuse or neglect
	4. serious or violent crimes
	5. gang involvement / offences
	6. drug use or dealing
	7. incidents related to poor mental health which gave rise to police attendance or engagement with an individual named in Part C paragraph 6 above.
	8. any other incidents related to the key issues identified at Part A above.
4. The Force should consider the identified key issues in the case (Part A of the Schedule above) when seeking to determine whether records relating to wider incidents / offences are relevant to the proceedings.
5. The Constabulary must, as a matter of law, consider carefully pursuant to [*Lancashire County Council v A, B and Z (A Child Fact Finding Hearing Police Disclosure) [2018] EWHC 1819 (Fam)*](https://www.familylawweek.co.uk/site.aspx?i=ed191126)*,* whether there is any other material within the possession of the Constabulary that falls outside of either the time periods specified in this order or incidents referred to about which the court and the parties in the family matter ought to be alerted to by way of a compliant schedule specifying the other information within the possession and/or knowledge of the constabulary.
6. The Local Authority and the Constabulary must keep under active consideration whether the nature and issues in a case warrant a specific disclosure meeting be held between the local authority and the Disclosure Unit and/or Officer in Charge so as to ensure that the principles set out in *Lancashire County Council v A, B and Z (A Child Fact Finding Hearing Police Disclosure) [2018] EWHC 1819 (Fam)* have been complied with.

Judge: (insert name)

Dated: (insert date)

1. Saving this document as a Template (“.dotx” or “.dot”) will enable its repeated use. [↑](#footnote-ref-2)
2. Deleting a reference number from the body of the template order will delete the associated footnote. [↑](#footnote-ref-3)
3. The time given to the police must be *no less* than 28 days from notice of order (i.e. not a specific date) unless the reasons for truncating the time are as a consequence of **exceptional** urgency and/or child welfare concerns, in which case those reasons must be set out on the order. If the force can be given more time to comply with the order consideration should be given to allowing such time. [↑](#footnote-ref-4)
4. Cumbria Constabulary have agreed to begin collating the disclosure material upon draft orders sent to them via the identified email address but will not release the material until they receive a sealed copy of the disclosure order. [↑](#footnote-ref-5)
5. Insert: full name, include previously used, given and family names; date and place of birth (if known) ; current domicile address, and details of any known previous addresses occupied within the last 5 years, and specify the relationship of the person to the subject children. [↑](#footnote-ref-6)
6. The 1 year period specified should only be varied if justified and not covered by paragraph 3 below. [↑](#footnote-ref-7)
7. Explanatory note - Uniformed officers have ‘pocket books’ and non-uniform have ‘day books’. *In order to allow the relevant books to be identified, please specify names of relevant officers and date of pocket book entry / time of attendance if known).* [↑](#footnote-ref-8)
8. Note: It is not the job of the Constabulary/Police Force to produce tailored expert reports or analysis ‘on demand’ for the family proceedings. In the event that a particular data analysis has not been carried out by the Constabulary, compliance with this order may be achieved by the Constabulary providing the raw data or digital item for analysis by an IT expert (e.g. Cyfor) always providing that the chain of custody is appropriately maintained. [↑](#footnote-ref-9)