

# WESTGATE CHAMBERS



Police Disclosure Template (Sussex Police)

Greg Johnson



In the Sussex Family Court  
sitting at

Case 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 17 October 2013 (“The Protocol”)

The Sussex Protocol for disclosure of police material for Public Law proceedings June 2020 (updated 7 June 2021 **and amended on 15 December 2022**)

### The child[ren]

[Name of child] [Girl] / [Boy] [dob dd/mm/yy]

[Name of child] [Girl] / [Boy] [dob dd/mm/yy]

### The parties and representation at this hearing

1. The applicant is [name of local authority], represented by [barrister/solicitor name] [instructed by [solicitor firm name]] whose contact details are [chambers/firm name], [phone number], [email]

The first respondent is [name], the [relationship to child], [in person], represented by [barrister/solicitor name] [instructed by [solicitor firm name]] whose contact details are [chambers/firm name], [phone number], [email]

The second respondent is [name], the [relationship to child], [in person], represented by [barrister/solicitor name] [instructed by [solicitor firm name]] whose contact details are [chambers/firm name], [phone number], [email]

The third respondent[s] [is] / [are] the child[ren] (by their children’s guardian [guardian name], represented by [barrister/solicitor name] [instructed by [solicitor firm name]] whose contact details are [chambers/firm name], [phone number], [email]

After consideration of the documents lodged by the Parties including the Initial Report provided by Sussex Police

**[WHERE THE INITIAL REPORT IS NOT AVAILABLE AT THE INITIAL HEARING THIS REPORT MAY BE DIRECTED AT THE INITIAL HEARING AS ONE OF THE DOCUMENTS TO BE DISCLOSED WITH FURTHER DISCLOSURE TO BE SOUGHT AT THE CASE MANAGEMENT HEARING.]**

**IF THE INITIAL REPORT IS NOT AVAILABLE BY THE TIME OF THE CASE MANAGEMENT HEARING THE GENERAL DIRECTION MUST BE LIMITED TO INCIDENTS WHICH OCCURRED NO MORE THAN 2 YEARS PRECEDING THE DATE OF THE ORDER, SUBJECT TO EXCEPTIONAL CIRCUMSTANCES**

**WHERE THERE IS AN INITIAL REPORT AVAILABLE BY THE TIME OF THE CASE MANAGEMENT HEARING, THE DIRECTION FOR DISCLOSURE SHOULD SELECT FROM THE REPORT RELEVANT AVAILABLE INFORMATION FROM THE LAST 2 YEARS, SUBJECT TO EXCEPTIONAL CIRCUMSTANCES.**

**IN EXCEPTIONAL CIRCUMSTANCES WHERE THE COURT CONSIDERS THAT DISCLOSURE OF HISTORICAL INFORMATION OLDER THAN 2 YEARS IS NECESSARY TO DETERMINE THE ISSUES IN THE CASE, THE COURT ORDER MUST SPECIFY WITH REFERENCE TO THE INITIAL REPORT THE ADDITIONAL INFORMATION REQUIRED AND WHY THIS IS CONSIDERED NECESSARY**

**IN ALL CASES THE DISCLOSURE REQUESTED MUST BE PROPORTIONATE AND RELEVANT TO THE ISSUES IN DISPUTE WITHIN THE PROCEEDINGS**

**ORDER MADE BY [NAME OF JUDGE] ON [DATE]**

#### **Recitals**

1. This is an order for information to be provided to this court by Sussex Police.
2. The reason that this request for information is made is [should specify here brief details of the issues in the case as relevant to the request for disclosure e.g. to obtain important information held by the police in respect of alleged incidents of domestic violence between the parents and any police investigation in respect of the same].
3. This order was made at a hearing [without notice] / [on short informal notice] to Sussex Police. The reason why the order was made [without notice] / [on short informal notice] to Sussex Police was [specify]. Sussex Police 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.

**[Where the court considers it is necessary for disclosure to be provided from more than 2 years ago the following to be included in the order]**

4. Having considered the Initial Report the court considers that there are exceptional circumstances and it is necessary for Sussex Police to disclose information older than 2 years. The disclosure over 2 years is limited to information relating to [named person with date of birth and nature of specific incidents as referred to in the Initial Report]. The disclosure is necessary due their relevance to the issues being determined in this matter.

**IT IS ORDERED (BY CONSENT):**

5. The Chief Constable of Sussex Police shall by 4.00pm on [date] 20 WORKING DAYS FROM THE DATE OF THE ORDER FOR CASES THAT FALL WITHIN THE DEFINITION OF 'URGENT FOR THE PURPOSES OF POLICE DISCLOSURE' (AS DEFINED IN THE SUSSEX FAMILY JUSTICE BOARD APPROVED NOTES FOR GUIDANCE ATTACHED) AND FOR ALL OTHER CASES, 12 WEEKS FROM THE DATE OF THE ORDER)] disclose to the Local Authority the following information:

(THE ORDER MUST SPECIFY WHAT DISCLOSURE IS BEING SOUGHT WITH REFERENCE TO THE INCIDENT/OCCURRENCE NUMBER OR DATE OF THE INCIDENT WHICH CAN BE TAKEN FROM THE INITIAL REPORT– THE FOLLOWING ARE EXAMPLES – THE FULL NAME, DOB AND ADDRESS MUST BE PROVIDED FOR EACH PERSON REFERRED TO)

- a. PNC records for [full name date of birth and address]
  - b. Based on the Initial Report the primary records relating to specified incidents referred to therein including copies of police call out records, crime reports and incident logs relating to [INSERT TYPE OF INCIDENT] involving [name], date of birth [dob], and [child/name], date of birth [dob], at [address(es)] between the dates of [date] and [date]
  - c. Based on the Initial Report, statements, interviews, SCARF reports and photographs taken in connection with the allegations made by [full name], date of birth [dob], of [address] against [full name], date of birth [dob], of [address] on [date] under incident number [incident number].
  - d. A copy of any video-taped interview of [name], date of birth [dob], on [date] together with a copy of any transcript available of that interview when completed.
  - e. A copy of any audio-taped interview of [name], date of birth [dob], on [date] together with a copy of any transcript available of that interview when completed.
  - f. Where a request for disclosure of body worn video footage is included in the order, consider if it is necessary for known persons to be identified in accordance with paragraph 7 below to avoid unnecessary redaction and whether the footage of more than one officer attending the same incident is really necessary.
  - g. If any information requested is not available despite a search of the records, the police must notify the Local Authority of any material that cannot be provided and the reason for this so that the Local Authority can update the Court and all parties as necessary.
6. The information in respect of the people named in paragraph 6. or as follows, does not need to be redacted:
- a. [full name, dob and address]

7. [The Local Authority] / [Specify other named party] shall serve a copy of this order on the Chief Constable of Sussex Police. This approved order is effective and should be actioned without a seal in the first instance.
8. [The Local Authority] / [Specify other named party] shall send to the other parties the above evidence within 7 working days of receipt.
9. 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 Sussex Police

**The right to seek variation or discharge of this order**

10. **(WHERE THE ORDER WAS MADE ON NO, OR SHORT, NOTICE AND FOLLOWING CONSULTATION WITH THE LOCAL AUTHORITY AS TO ANY ISSUES AS TO THE SCOPE OF THE DISCLOSURE ORDERED WITH A VIEW TO REACHING AGREEMENT AS TO ANY PROPOSED VARIATION)** The Chief Constable of Sussex Police may apply for discharge or variation of this order, upon giving two clear business days' notice of the hearing to the parties, by 4.00pm on [date (NO LATER THAN 14 DAYS FROM DATE OF THE ORDER)].
11. **WHERE, AS A RESULT OF CONSULTATION BETWEEN THE POLICE AND THE LOCAL AUTHORITY, AGREEMENT IS REACHED AS TO THE NATURE AND EXTENT OF ANY VARIATION OF THIS ORDER, THE LOCAL AUTHORITY SHALL TAKE THE LEAD IN SUBMITTING A CONSENT ORDER BY EMAIL TO THE RELEVANT JUDGE FOR THE APPROVAL OF THE COURT OF ANY PROPOSED VARIATION WITHOUT THE NEED FOR ANY FORMAL APPLICATION BY WAY OF C2 OR PAYMENT OF FEE.**

Dated