



**CHILDREN AND YOUNG PEOPLE'S SERVICES**



**ADULT AND COMMUNITY SERVICES  
(SAFEGUARDING ADULT BOARD)**



**SUFFOLK CONSTABULARY**



**CROWN PROSECUTION SERVICE**



**Joint Protocol for Disclosure of Information in  
Criminal Proceedings  
(Criminal Procedure and Investigation Act 1996)**

October 2012

**PROTOCOL SUBJECT TO RATIFICATION  
BY THE CROWN PROSECUTION SERVICE**

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### **1 PARTIES**

The parties to this protocol are the Suffolk County Council Children and Young Peoples Services (CYPS), Safeguarding Children Board (SCB), Adult and Community Services (ACS) Safeguarding Adult Board (SAB), the Suffolk Constabulary, Crown Prosecution Service (CPS) and Suffolk Legal.

### **2 AIMS AND OBJECTIVES**

The aim of this protocol is to provide an agreed framework between parties for the disclosure of relevant information during child or adult protection criminal investigations and to provide guidance for a consistent approach to disclosure of confidential material within criminal investigations and proceedings within Suffolk.

This protocol recognises that:

- CYPS/ACS and Schools will always act in the best interests of children and vulnerable adults with whom they are involved; and
- The Police and the Crown Prosecution Service are bound by a duty to protect the confidentiality of material held by Suffolk County Council and will not disclose to third parties, except with the leave of the court, or with the consent of Suffolk County Council, any material obtained directly or indirectly as a result of having access to material held by Suffolk County Council.

### **3 PROCEDURES**

- 3.1 When Police are investigating a suspected crime and believe material may exist within CYPS/ACS and schools files which may be relevant to the investigation and they wish to access relevant records, they will notify the Suffolk County Council (SCC) Children and Young Peoples Services (CYPS) and Adult and Community Services (ACS) by means of a written notice.
- 3.2 The Police will appoint, as appropriate, the Officer in the Case or a suitably trained Disclosure Officer, who will carry out the examination of relevant material on Social Services and Education files held by the Suffolk County Council and whose task it will be to liaise with the Suffolk County Council CYPS/ACS representative.
- 3.3 The written notice used by the Police will include:
  - The identity and contact details of the Police Officer in the Case/Disclosure Officer
  - A summary of the case and the details of the offences being investigated;
  - A summary of the relevant information which is sought from the records in order to pursue all reasonable lines of enquiry, and why that information is thought likely to be relevant to the investigation;
  - A statement of how failure to disclose relevant information would prejudice or delay the investigation.

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- 3.4 On receipt of a request from the Police (form as at Annex A), the CYPS/ACS Disclosure Officer will in light of the information provided by the Police, identify and collate relevant material and CYPS files which might have a bearing on the police investigation. Any forms or confidential information should be notified via secure email to [criminaldisclosure@suffolk.gcsx.gov.uk](mailto:criminaldisclosure@suffolk.gcsx.gov.uk)

It is the responsibility of the Police Officer or Police Disclosure Officer to view the records when they have been collated. This will be undertaken at SCC offices by appointment.

- 3.5 Police reviewing records held by CYPS/ACS will be asked to mark or flag the information they deem relevant to their investigation and that may have potential to undermine any prosecution or may assist the defence case. This marked or flagged information will be copied by the SCC Disclosure Officer and sent to Police with appropriate information on how the information should be handled and advising them of Public Interest Immunity (PII) procedures. It is accepted by Suffolk County Council that Police may take notes as they require for the purposes of their investigation.

Schools records should be reviewed by the Police Officer in the Case/Police Disclosure Officer and will take place on the school premises. Police should contact either the Head Teacher or the Senior Designated Professional (SDP) for Safeguarding within the school. Police should ask to see both academic school records and any confidential Safeguarding files. School staff can provide copies of any documents identified by the Police as relevant.

Police Officers may identify documents filed within Care Proceedings, medical reports provided by health professionals or psychological reports provided by independent professionals that are held within confidential records; these should not be routinely copied to the Police or Crown Prosecution Service. Suffolk County Council will provide details of those documents to Police, in order for them to apply to the appropriate originator of the documents or other Court or agency for formal disclosure.

All information from CYPS, ACS or schools records is confidential and must not be disclosed to the Defence without prior agreement with the SCC Legal Department or by order of the Court.

The information obtained should be appropriately shared with the CPS who will then review the information given to them and apply their test for disclosure in any prosecution.

- 3.6 Access to Adoption records will comply with Adoption Agency Regulations 2005 and in most cases disclosure from these records will only be granted on production of a Court order detailing the information that is sought and why it is relevant to an investigation.
- 3.7 It will be the responsibility of the Police Officer in the Case or Disclosure Officer to notify, as is appropriate, the complainant or defendant of the fact that schools and CYPS/ACS information may be reviewed and the circumstances in which it will be reviewed.
- 3.8 Witness statements will not exhibit confidential records, unless prior agreement has been sought from a CYPS or ACS Manager and SCC Suffolk Legal.
- 3.9 Information provided to Police within a specific investigation should not be used in any other investigations that may involve the same individuals.

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- 3.10 Timetable for disclosure process – see 3.15
- 3.11 The Suffolk County Council will provide the Police and CPS with a continuous opportunity to review records held. Many CYPS/ACS records are ongoing and an updated review should be considered prior to any trial or on receipt of any Defence Case Statement, or if an Indictment is changed after the initial review. It will be a Police responsibility to request any further reviews.
- 3.12 On submission of an advice file or prosecution file to the CPS, they will identify all unused material obtained through the review of education or social care files on MG6D Sensitive Material forms. Police Disclosure Officer must identify any material which might undermine the prosecution case or might reasonably assist the defence case using form MG6E.
- 3.13 The CPS will review the CYPS/ACS and schools records provided to them by the Police in accordance with the Criminal Procedures and Investigations Act 1996 (CPIA). Where any material reviewed by them meets the test for disclosure the CPS will notify Suffolk County Council Legal Services setting out the material they wish to disclose and the reasons why the information is relevant to disclose, at the same time CPS should also provide details of the Indictment, Case Summary and Defence Case Statement.

Suffolk County Council Suffolk Legal will consider any Public Interest Immunity (PII) in relation to the information that falls to be disclosed and will either agree to disclosure or make necessary arrangements for a PII hearing at the relevant Court. SCC will then comply with any order made by the Court.

- 3.14 When the Local Authority discloses material to the Defence either voluntarily or under Court Order they will reveal it to the Police or Crown Prosecution Service.
- 3.15 Timetable for disclosure process:
- Officer in the Case/Police Disclosure Officer to notify SCC of initial request to review records either prior to charge or post charge as agreed between Police and CPS.
  - Any second or updated review to take place after charge as is deemed appropriate between first court hearing and committal or after Section 51 hearing. This is to be an agreed procedure between Police and CPS.
  - **Court Courts** Direction on third party disclosures to be made by Crown Court Judge at Plea and Case Management Hearing (PCMH). SCC Legal Services to be notified within 28 days of PCMH of relevant directions and trial fixture date.
  - **Magistrates Courts** Direction on third party disclosure to be made to the Justices/District Judge at the first Case Management Hearing, Suffolk Legal Services to be notified within 28 days of PCMH of relevant directions and trial fixture date.
- 4 For disclosure of material held within Chapter 8 Serious Case Reviews please see ‘A Guide for the Police, the Crown Prosecution Service and the Local Safeguarding Children Boards to assist with Liaison and the Exchange of Information when there are simultaneous Chapter 8 Serious Case Reviews and Criminal Proceedings’.

**SIGNATORIES:**

Children and Young Peoples Services  
Safeguarding Children Board  
Adult and Community Services  
Safeguarding Adults Board

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Suffolk Constabulary  
Crown Prosecution Service  
Suffolk Legal

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## SUFFOLK CONSTABULARY

### ANNEX A

REQUEST FOR THIRD PARTY DISCLOSURE OF MATERIAL HELD BY SUFFOLK COUNTY COUNCIL.

The Suffolk Constabulary are conducting a criminal child abuse / vulnerable adult / other investigation. I believe that your Authority may hold material relating to the alleged victim/s, offender/s or other related people who may be relevant to our investigation.

*Full details of the procedures in connection with this application please read the **Joint Protocol for Disclosure of Information in Criminal Proceedings – 2012.***

**Police Disclosure Officer details:**

**Address**

**Contact telephone number:**

**Email address:**

**Offences under investigation:**

**Circumstances of offences** (*this should include time, date, place*):

The below details relate to victims, offenders and for related people, multiple victims, witnesses, other individuals or family records that may hold relevant information.

Please also give details of full names, previous names, maiden names or alias names. (Repeat as necessary)

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Name of the **Victim**:

Address:

Date of Birth:

Social Worker/Office previously involved

Relationship to the alleged offender (if any):

Name and dates of the school attended (if appropriate):

Name of the alleged **offender**:

Address:

Date of Birth:

Social Worker/Office previously involved:

Relationship to the alleged victim (if any)

Name and dates of the school attended (if appropriate):

I confirm that [name/s of those about whom information is requested] has/have been advised of the intention to view Social Services information and the implications of consenting to disclosure of the material sought and a signed consent form is attached.

OR (delete as appropriate)

It is not appropriate to seek the consent of [names of the individuals about whom the information is requested] to the disclosure of the material sought for the following reasons: [set out reasons why it is not appropriate to seek consent]

A reply to this correspondence is required so that the Police can demonstrate it has complied with its obligations to seek and or identify any adverse unused or third party material. Not meeting this obligation could result in the failure of any prosecution.

Any material obtained by us in the course of our investigation will be treated as sensitive and dealt with in accordance with the Criminal Procedure and Investigations Act 1996.

Deadline date for completion of review (Date )  
Please note any relevant bail or Court dates.

Please reply to me at the address included on this application. If you wish to discuss this request, or any further information, please do not hesitate to contact me

I thank you in advance for your assistance.

Date of application: (Date )

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