

DISCLOSURE BY WEST MIDLANDS POLICE TO THE BIRMINGHAM FAMILY COURT

It is essential for the efficient working of the Family Court that disclosure by the Police becomes more timely and meets the requirements set out in Court orders.

The Police will join the Local Family Justice Board (LFJB) and the LFJB's Public Law Sub-Group for at least six months, to ensure the smooth working of the disclosure process.

Contact details:

West Midlands Police Legal Services: ls_joint_services@westmidlands.police.uk

Public Protection Unit: ppu_disclosure@westmidlands.police.uk

Birmingham Children's Trust Legal Team: BCT.Legal@birminghamchildrenstrust.co.uk

Solihull MBC Legal Services: legalsocialcare@solihull.gov.uk

1. At the outset of the case and throughout, the Local Authority (LA) should liaise with the Police in accordance with the 2013 Protocol using the standard Annex D request form to inform them of the existence of Family Proceedings, of the details of the parties and the local authority lawyer and of what disclosure is required. This information shall be sent by email to West Midlands Police Legal Services and the Public Protection Unit. The LA will provide the Police with a single point of contact and, where there is an ongoing criminal investigation and the details are known, the name and email address of the Officer in Charge (OIC).
2. Each Court order will name the OIC (where there is an ongoing criminal investigation) and will be served on the OIC, Legal Services for West Midlands Police and the Public Protection Unit prior to sealing and as soon as approved by the Judge in order to avoid delay. A sealed order will be served by the LA upon the Police within 48 hours of being placed on the Portal. Police Disclosure Orders are to be prioritised by the parties to avoid delay. The Court is to ensure that there is no delay in uploading the order to the Portal and sealing it.
3. The general rule is that disclosure orders will give the Police 28 days to comply. There will then be an ongoing duty to give rolling disclosure on the first working day of every second month of the proceedings (or on dates to be specified in the Court order). The OIC shall, throughout the investigation and parallel family proceedings, and notwithstanding the rolling disclosure requirement, liaise with the LA about the progress of the investigation. All disclosure should be served unredacted save for contact details and addresses.
4. The Police will use all reasonable endeavours to comply with Court orders. If they cannot comply, they will notify the local authority as soon as possible and make an

application to the Court for an extension of time, with a short explanation of why compliance cannot be achieved and the timetable that is sought.

5. If the Police fail to comply with a Court order for disclosure the Court will take steps, whether of its own motion or on application, to enforce the order.
6. Any PII application by the Police will be made promptly and, in any event, within 28 days of the relevant material being otherwise disclosable. The Court will ensure that such applications are listed promptly.
7. In respect of phone and computer downloads, the Police will liaise with the LA as to whether a digital forensics company could be used within the Family Court proceedings to provide the download and data search and the consequent sharing of the data after the police have had an appropriate opportunity to review the data for investigative purposes prior to this being disclosed to the LA.
8. In Private Law, the Police will endeavour to provide disclosure, including call-out logs, within 28 days. To achieve this, accurate information as to the names and dates of birth of the relevant people, addresses and a proportionate timescale for the information sought (that is the period for which logs are sought) is to be provided.
9. The Police will consider its charging policy for Private Law cases and ensure that the Court is kept fully informed if a difficulty arises with an Applicant having not paid a fee.
10. The LA will use the Annex D form to request disclosure of information from the Police in circumstances where proceedings have not been issued. The Police will provide the requested information within 28 days. If full disclosure cannot be provided, an explanation will be provided to the Local Authority along with timescales for compliance.

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