

SUSSEX LOCAL PROTOCOL FOR THE DISCLOSURE OF MATERIAL BETWEEN FAMILY AND CRIMINAL AGENCIES IN RELATION TO CHILDREN PUBLIC LAW PROCEEDINGS

This protocol is agreed by the following organisations:-

Sussex Family Court Service	Sussex Police
East Sussex County Council	Brighton and Hove City Council
West Sussex County Council	

**The Crown Prosecution Service have been notified of this protocol by email:
se.crowncourt@cps.gov.uk**

1. CONTENTS

2. Overview
3. Definitions
4. Pre-proceedings disclosure
5. Disclosure within proceedings
6. Urgent applications for court proceedings
7. Concurrent criminal and family proceedings
8. Ongoing disclosure
9. Caselines
10. Disclosure to the Police
11. Charging

2. Overview

- a) This protocol sets out the procedures and expectations within Sussex for the disclosure of Police material both prior to proceedings and within proceedings, and for disclosure of material from the Local Authority to the Police or CPS
- b) This protocol follows the 2024 National Police Disclosure Protocol and its implementation within Sussex. Where this protocol is silent, the National Protocol prevails.
- c) This protocol should be treated as a guide to minimum expectations and where possible, the aim should be to exceed these expectations.
- d) The Local Authority and Police recognise the importance of maintaining good channels of communication at all times.
- e) This protocol reflects the agreed aim of the Police and the Local Authority to work co-operatively in the interests of the safety of children.

3. Definitions

Annex 1 – Application for Disclosure of Police Information in Family Proceedings (made by the Local Authority)

Annex 6 – Third Party Material Request Form (Police/CPS requesting material for disclosure from the Court)

Caselines - cloud based storage system used by the Local Authority to create and store court bundles. Access is given by invitation only by the Local Authority to relevant personnel involved in the case, including lawyers, experts and Judges. Where a confidentiality agreement is used by the relevant Local Authority a Litigant in Person will be asked to sign the same prior to access to Caselines being permitted. The strict rules of

confidentiality as prescribed by the Family Procedure Rules (Rule 12) and s12 Administration of Justice Act 1960 still apply in all circumstances. The invitee is required to create an account and access is password protected.

The Court – The Sussex Family Court and Family Division of the High Court sitting in Sussex.

Summary Report – report provided by Sussex Police with list of incidents and occurrences available on their systems.

The Local Authority – East Sussex County Council. Brighton and Hove City Council and West Sussex County Council.

The Police – Sussex Police

4. Pre-proceedings disclosure

- a) In the event that the Local Authority is contemplating public law children proceedings, and it is believed that disclosure from the Police will be relevant to those proceedings, the Local Authority must make a request for material to the Police using an Annex 1 form.
- b) The request must be limited to what is necessary and relevant. In addition to a PNC and a Summary Report, more detailed information in respect of up to 6 incidents may be requested via the Annex 1. Note that the number of incidents that may be requested is limited to 6 incidents. If more than 6 incidents are required, consideration may be given by the Local Authority to seek Occurrence Summaries rather than full disclosure at an initial stage, ensuring any request is appropriate and proportionate.
- c) Disclosure shall be limited to information up to 2 years preceding the date of the request. In exceptional circumstances (for example, in cases where there are

complexities and there is a likely need for a fact-finding hearing, or where there are a few significant similar incidents over a longer period of time), information in relation to specific incidents older than 2 years may be requested. Such a request must include details of why it is relevant, necessary and proportionate, taking into account the material that will be available from the standard disclosure.

- d) Blanket requests for 'all information' will be rejected.

- e) Documents will be provided by the Police on the understanding that they will be disclosed within the proceedings, if issued, and within the pre-proceedings to the subject of the disclosure to ensure proper assessments are undertaken when a decision has been made to utilise this process, rather than issue court proceedings. This is in keeping with the National Protocol Annex 3 guidance, Public Law Outline and the expectation of the Public Law Working Group Best Practice Guidance on Prior to Court Proceedings February 2024. Following general data protection principles, sharing the documents with others who are part of the pre-proceedings process will require the consent of the subject of the disclosure. If the subject consents, such disclosure can be shared with the other parent of the child/ren.

- f) Annex 1 requests shall be made by email to the Information Access team at Sussex Police Headquarters Lewes (N.Order@sussex.police.uk) and identify in the subject heading the name of the person(s) in respect of whom disclosure is sought.

- g) Documents shall be provided by email to a Local Authority email address supplied with the request.

- h) The expectation is that information requested under the Annex 1 procedure shall be provided within 20 business days. Where the information is likely to take longer to provide, the Police shall contact the Local Authority with an updated timescale.

- i) Where the disclosure requested includes digital material, the Local Authority lawyer is required to provide to the Police a signed Agreement in the format ([2024 Protocol Handling Instructions embedded below](#)) regarding the handling of this information, this is in place of the undertaking at the end of the Annex 1.



2024 Protocol -
Handling Instructions

- j) After receipt of the Summary Report, or if there is a new incident during the pre-proceedings, further information on specific incidents may be requested by completing sections 6 and 7 of the Annex 1 and re-submitting it. This additional request may be made and the information provided (subject to availability), even if the original Annex 1 request was for the maximum of 6 incidents.

5. **Disclosure within proceedings**

Where no Annex 1 disclosure request has been made pre-proceedings

The Local Authority may request disclosure either using the Annex 1 **or** via a court order.

([Order 11.2: Order for Disclosure by the Police of Relevant Criminal Material into Care Proceedings](#))

- a) Where Annex 1 disclosure has been provided prior to public law children proceedings and further disclosure is required, or where the disclosure request falls outside of the scope of a standard Annex 1 request, for example because,

- The number of incident requests exceeds 6
- The disclosure is required to be provided in shorter timeframes than provided for within the Annex 1
- There is live investigation
- Rolling disclosure is requested

Further disclosure may be sought via a court order

Court Orders

- b) Court orders must be focused on the issues, be specific and only include disclosure which is necessary, relevant and proportionate

- c) Court orders should be in the agreed template format and must include:-
- The issues in the case and the Court timetable, including confirmation of the date for compliance with the direction and the date of any Court hearing for which the disclosure is required;
 - Full name(s), dates of birth and address(es) of the person(s) in respect of whom disclosure is sought;
 - The incident/occurrence number and/or date and to what it relates;
 - Details of the documents sought e.g., statement, summary of ABE interview.
 - Orders for the disclosure of information which is older than 2 years must specify why this historical information is necessary.
 - The name(s) of any person which shall not be redacted.
- d) Blanket requests for 'all information' in a Court order should not be made and if made will likely lead to the Police seeking to vary the order.
- e) Where the request for disclosure includes digital materials, the order must make clear the expectations of all parties regarding the handling of this information upon disclosure
- f) The Local Authority shall serve the approved but unsealed court order on the Police by sending it to the Information Access team at Sussex Police Headquarters Lewes (N.order@sussex.police.uk). The subject heading of the email shall include identification of the person(s) in respect of whom disclosure is sought. An order which is confirmed by the Local Authority to be approved by the Judge but which has not yet been sealed will be actioned however, the information will not be provided until receipt of the sealed order. For the avoidance of doubt an Annex 1 is not required to be submitted alongside the court order.
- g) The Police shall prepare the requested disclosure for provision as directed by the Court, the expectation being that usually the date for disclosure will be within 20 business days of the court order being made. The Police require a copy of the sealed court order or written approval of the designated Judge in urgent cases to release

the requested disclosure. More time should be allowed for the disclosure of digital media or large quantities of material. In such circumstances, best practice is to inquire with the Police how long is needed to provide the disclosure prior to the order being sought so that the order provides for realistic timescales.

- h) If the Local Authority anticipates potential difficulties with disclosure being provided prior to seeking the court order, for example due to the volume of the request, an ongoing investigation, digital material requiring redaction, and/or the urgency in which material is required, the Local Authority shall contact the Police Disclosure Unit prior to seeking the disclosure to attempt to pre-empt any such difficulties so that the Court can be informed of, and take into account, at the time it is making the court order.

- i) Documents shall be provided by email to a Local Authority email address provided in the court order.

- j) The Local Authority shall serve the disclosed documents on the parties as soon as practicable after receipt.

- k) If there are any subsequent difficulties complying with the court order within the timescale given, the Police shall make the Local Authority aware by email within 7 days of receipt of the court order so that the Local Authority can raise such issues with the parties by way of correspondence with a view to seeking a resolution acceptable to all parties and the Police. If agreement is reached and the revised date for compliance does not impact on the court timetable, the Local Authority will at the next court hearing make an oral application for the Court's approval of the revised date for compliance. If this is not possible, or if the difficulties with compliance will have a cumulative effect on compliance with and effectiveness of the court timetable overall, the Local Authority will notify the Police and the Police shall apply to vary the court order and attend a hearing as appropriate.

6. Urgent Applications for Court Proceedings

- a) In the event that the Local Authority makes an urgent application to the Court seeking immediate emergency protection of a child where it has been unable to provide advance notice of a request for disclosure and information is required for an initial hearing, an urgent request limited to essential information required for the hearing may be made to the Police. Please e-mail N.order@sussex.police.uk
In such circumstances the Police will use its best endeavours to provide the disclosure prior to the initial hearing.
- b) In urgent applications where the Local Authority is already in receipt of Police information (other than SCARF's or SIGNS) provided for child protection purposes and this information is vital to the initial hearing, the Local Authority may seek urgent permission from the Police to disclose the information already in its possession with suggested redactions, if required. This request to be made to the Police by sending an email the Information Access team at Sussex Police Headquarters Lewes (N.Order@sussex.police.uk) marked urgent.
- c) In urgent applications where the Local Authority is already in possession of a SCARF(s)/SIGNS and the Local Authority is of opinion that disclosure of the SCARF/ SIGNS is necessary for the immediate protection of the child and that delay whilst written consent is obtained from the Police would be likely to be harmful, consent is given to the Local Authority to disclose the SCARF/SIGNS on the proviso that:-
- i) The names and other details identifying third parties in the Occurrence Details section are redacted;
 - ii) The Address Section is redacted in its entirety, except where an address is already known to all parties;
 - iii) The question section is redacted unless there is an answer which relates specifically to a party in the case;
 - iv) The Police SCARF/SIGNS disclaimer is supplied with the SCARF/SIGNS when it is disclosed. This clarifies that a SCARF/SIGNS is a Police record but is not written with the intention that it will be used as evidence.

7. Concurrent criminal and family proceedings

- a) Upon receipt of a Part A request the Police shall provide an update to the Local Authority on the progress of the case, bail conditions, whether and when a charging decision will be made, court timescales and the information that has been obtained to date so that a decision can be made on what material is relevant to the issues in the public law case.

- b) Where the disclosure relates to a criminal charge still under investigation and particularly when the Crown Prosecution Service has been asked for advice or charges are being made and/or the matter has been listed for trial, it will be necessary for the Police to liaise with the Crown Prosecution Service regarding disclosure. The Crown Prosecution Service will deal promptly with such requests to enable the Police to comply with the request for disclosure within the directed timeframe.

- c) In the event that the Court requires information regarding Crown Prosecution Service decision making, this request should be directed in a stand alone Court order and made to the se.crowncourt@cps.gov.uk or Crown Prosecution Service, City Gate, 185 Dyke Road, Hove, East Sussex, BN3 1TL. The Crown Prosecution Service shall comply with such a request within 10 working days or provide to the Local Authority and/or Court its reasons for not being able to comply and an up to date summary of the current situation.

- d) Where there is a requirement to consult the Officer in the Case, this consultation will be managed via the Police Information Access Team or the Lawyer instructed by the Police (usually Weightmans); the Local Authority should not contact Officers in the Case directly as operational Officers are not trained in compliance with this Protocol nor in this area of civil law.

8. Rolling disclosure

- a) Rolling orders should be necessary and proportionate and should be specific, in terms of when further disclosure should be provided, and time limited up to a fact

finding or final hearing. The recommendation is that additional disclosure is provided once a month and must be led by the Local Authority lawyer. If the fact finding or final hearing date is moved, any order varying a timetable must also extend the Police disclosure.

- b) Any directions for rolling orders should use wording such as the following: *Upon receipt of written confirmation from the Local Authority that updating disclosure is required, the Police are hereby directed to provide updated disclosure including [insert what is required] on [insert specific dates, up to the listed fact-finding or final hearing on X date].*
- c) Where further incidents similar in nature to information already provided under the original court order occur during the course of the proceedings and/or further information/documents become available during the course of the proceedings in relation to the original incident(s), the Local Authority may request disclosure of this information from the Police under the remit of the original court order.
- d) The Local Authority has responsibility for ensuring that all relevant Police disclosure has been requested. The Local Authority may prior to a hearing ask the Police whether it holds in its possession any further information obtained since disclosure was last given which may be relevant to the public law proceedings by sending an email to N.court.order@sussex.police.uk. The Police shall respond to such a request within 7 days, if relevant, with a list of the additional information in its possession. The Local Authority may make a request for any further relevant information to be provided under an Annex 1 under the existing court order if there is a rolling order in place.

9. Caselines

- a) Once the Police have disclosed material to the Local Authority, the Local Authority becomes the Data Controller and may add the disclosed material to the Court bundle on Caselines, this includes audio and visual material.
- b) The Local Authority accepts that as the Data Controller it is responsible for ensuring that the information is secure and processing is compliant with the Data Protection Act 2018.

- c) Litigants in person and experts will not be automatically granted permission to download material from Caselines. Where litigants in person or experts request permission to download material from Caselines and/or access for administrative staff, the permission must be given to a named person and they must accept responsibility in writing for maintaining the confidentiality of the material, any loss of data, and the secure destruction of documents. The strict rules of confidentiality as prescribed by the Family Procedure Rules (Rule 12) and s12 Administration of Justice Act 1960 still apply in all circumstances.

- d) In the event that audio and visual material is uploaded onto Caselines, there would be no requirement for the Police to provide additional copies of discs for the parties and the court.

10. Disclosure to the Police and CPS

- a) A request by a Police Officer to the Local Authority for disclosure of information from Children's Services for the purpose of a criminal investigation or child protection shall be made to:

East Sussex County Council

CS.MASH@eastsussex.gov.uk

childsocialcare.legal@eastsussex.gov.uk (direct requests from CPS only)

Brighton and Hove City Council

familycourtorders@brighton-hove.gov.uk

West Sussex County Council

police.disclosure.team@westsussex.gov.uk

- b) All requests for disclosure of material must be made using Annex 6.

- c) If requested, the Local Authority will endeavour to communicate to the Police what information is available as soon as possible after the initial request is made.

- d) If required, the Local Authority shall make arrangements with the Police Officer for the available information to be viewed for the purpose of identifying what material is relevant within 10 working days. The Local Authority shall provide copies of the identified material within 20 days. If there is any difficulty with complying with the request and/or these timescales, the Local Authority shall inform the Police within 7 days of the request.

- e) Where the information requested is required for child protection purposes, the Local Authority shall disclose all relevant information within its possession, subject to g) below, including information obtained at the direction of the Court for court proceedings and the details of the Court which is hearing/heard the case, including case number, address and Judge, and details of the solicitors representing the other parties.

- f) Information disclosed by the Local Authority to the Police Officer for child protection purposes **which was not obtained at the direction of the Court in public law proceedings** may be shared with other investigating Police Officers, the Crown Prosecution Service and any legal representative instructed by the Police or the Crown Prosecution Service, but may not be shared with anyone else or used in criminal proceedings without giving at least 7 days prior notice to the Local Authority so that objections, if any, can be raised and the material can be redacted if considered necessary prior to onward disclosure.

- g) **Information provided by the Local Authority which was obtained at the direction of the Court in proceedings**, may not be shared without the parties to those proceedings being on notice and the permission of the Family Court being obtained by the Police making an application to the Court.

- h) Where the information requested is required for the purpose of criminal investigation, the Local Authority shall disclose relevant information within its possession, redacted if necessary, and, where there are public law children

proceedings, the index to the Court bundle, redacted if necessary, Court judgments, or summaries thereof, in the possession of the Local Authority and the details of the Court which is hearing/heard the case, including case number, address and Judge, and details of the solicitors representing the other parties. Where the Local Authority is not already in possession of a transcript of the Court judgment, the Local Authority will notify the Police and a request will be made to the Court for a copy of the judgment to be obtained at public expense on the basis that it is relevant to a criminal investigation. If this is not ordered by the Court, it will be for the Police to request and fund a transcript of the judgment as its own expense, if still required.

- i) In the event that the Police wish to make use of information obtained and filed in the public law children proceedings for a criminal investigation and/or within any criminal proceedings, the Police must make an application to the Family Court for permission to do so.

- j) In all cases where information held by the Local Authority was provided to the Local Authority by third party organisations. The Police will be signposted to request information directly from that third party.

- k) In any case which involves a joint investigation with the Police, the Local Authority social worker shall notify the Police Officer of the outcome of any fact-finding hearing in the Court, and the Police Officer shall inform the Local Authority social worker of the outcome of any criminal trial.

11. Charging for disclosure

The Police and the Local Authority agree that they are working in partnership together with the shared aim of the protection of children and vulnerable adults and on this basis:-

- a) Disclosure will be provided by the Police to the Local Authority without charge.

b) Disclosure will be provided by the Local Authority to the Police without charge.

14 November 2025