

**2013 PROTOCOL AND GOOD PRACTICE MODEL DISCLOSURE OF
INFORMATION IN CASES OF ALLEGED CHILD ABUSE AND LINKED
CRIMINAL AND CARE DIRECTIONS HEARINGS**

**REGIONAL WEST MIDLANDS PROTOCOL TO GIVE
EFFECT TO THE 2013 PROTOCOL**

1. Background

1.1. The 2013 protocol was signed on 17 October 2013 and came into force on 1 January 2014.

1.2. In accordance with paragraph 19.1 of the 2013 protocol, local agencies should agree and adopt a local protocol to give effect to the 2013 protocol. The local protocol must not depart from the requirements of the PLO and must require that orders used are in the form of Annex H and Annex I in the 2013 protocol.

2. Parties

2.1. The parties to this Regional West Midlands protocol are:

- The Designated Family Judges in the West Midlands region,
- The Resident Crown Court Judges in the West Midlands region,
- Birmingham City Council, Coventry City Council, Dudley MBC, Sandwell MBC, Solihull MBC, Walsall MBC, Wolverhampton City Council, Warwickshire County Council, Staffordshire County Council, Stoke-on-Trent City Council, Herefordshire Council, Shropshire Council, Telford and Wrekin Council and Worcestershire County Council
- West Midlands Police, Warwickshire Police, Staffordshire Police and West Mercia Police
- CPS West Midlands

3. Agreement

3.1. Subject to paragraph 4 below (local variations), the parties to this Regional West Midlands protocol hereby agree to give effect to all of the provisions in the 2013 protocol.

4. Local variations

4.1. The parties to this Regional West Midlands protocol agree to the variations from the 2013 protocol as set out in **Part 1 of the Schedule** to this Regional West Midlands protocol.

4.2. The parties to this Regional West Midlands protocol agree to the local variations within the West Midlands region as set out in **Part 2 of the Schedule** to this Regional West Midlands protocol.

5. Lines of communication

- 5.1. Single points of contact (SPOCs) and secure email addresses for the four police forces and for CPS West Midlands are set out at **Annex A** to this Regional West Midlands protocol.
- 5.2. SPOCs and secure email addresses for the 14 Local Authorities are set out at **Annex B** to this Regional West Midlands protocol.
- 5.3. The SPOCs will be used in accordance with the provisions of the 2013 protocol for information exchange and for the service of the disclosure forms.

6. Forms for use in connection with this protocol

- 6.1. The disclosure forms annexed to the 2013 protocol have been modified for regional use. The forms are attached at **Annex C** (disclosure request to Local Authority), **Annex D** (disclosure request to police), **Annex E** (notice to Local Authority from CPS that material meets the disclosure test) and **Annex F** (Local Authority representations on disclosure to the defence).
- 6.2. The other forms and orders annexed to the 2013 protocol have not been modified for local use; namely Annex G (form of undertaking-video-recorded evidence), Annex H (disclosure direction to police) and Annex I (linked criminal and care directions).

7. Commencement and review

- 7.1. This Regional West Midlands protocol will come into force on 1 April 2014.
- 7.2. The parties to this Regional West Midlands protocol will continuously review its operation. In any event, the protocol will be subject to a formal review 12 months after its commencement.

8. Signatories

	Name	Signature	Date
Designated Family Judges	HHJ Duggan		
	HHJ Hindley QC		
	HHJ Hughes		
	HHJ Rundell		
	HHJ Watson		
Crown Court Resident Judges	HHJ Davis QC		
	HHJ Eades		
	HHJ Glenn		
	HHJ Griffiths-Jones		
	HHJ Jukes QC		
	HHJ Onions		
	HHJ Tonking		
	HHJ Wait		
	HHJ Warner		
Birmingham City Council			
Coventry City Council			
Dudley MBC			
Sandwell MBC			
Solihull MBC			
Walsall MBC			
Wolverhampton City Council			
Warwickshire County Council			
Staffordshire County Council			
Stoke-on-Trent City Council			
Herefordshire Council			
Shropshire Council			
Telford and Wrekin Council			
Worcestershire County Council			
West Midlands Police			
Warwickshire Police			
Staffordshire Police			
West Mercia Police			
CPS West Midlands			

SCHEDULE TO REGIONAL WEST MIDLANDS PROTOCOL

PART 1: AGREED VARIATIONS/POINTS OF CLARIFICATION FROM 2013 PROTOCOL

Paragraph in 2013 protocol	Agreed variation/ point of clarification
4.1	The Annex D form need not be submitted to the police SPOC where there is no intention to request disclosure from the police. However, if at a later stage the Local Authority receives an Annex C request because the police have commenced a criminal investigation, then at that stage, the Local Authority should provide to the police SPOC details of the Family Court proceedings.
5.1/ 9.1	The Annex C request is not to be submitted except on the authority of an officer at the rank of sergeant or above
9.2	Clarification on what is meant by “reasonable timescale” for the police to be given access to Local Authority material. The timescale will depend on the timescale for the police investigation. A timescale of 14 days would normally be reasonable; bringing this in line with the timescale at paragraph 4.1 (disclosure by the police to the Local Authority).
10.1	<p>Clarification is sought on the extent to which the Local Authority is required to “identify and collate relevant material”</p> <ul style="list-style-type: none"> • The starting point is that there is a statutory duty on the police to obtain relevant material; there is no statutory on the Local Authority to assess their material for relevance to the criminal case • The Annex C request should be prescriptive and detailed (e.g. “please provide any documentation relating to self-harm and or drug taking by X when she was in year 10”) • Where the Annex C is prescriptive and detailed, the Local Authority will be in a position to collate the precise material. Where the Annex C is less prescriptive, the Local Authority will inevitably provide a wider range of material for the police to sift • Where appropriate, the Local Authority should challenge the Annex C request where it is not sufficiently prescriptive (although the parties must not allow this to impact on the timescales for police examination) • Whilst each case must be taken on its own facts, in examining the Local Authority material, the police will have particular regard to the following (non-exhaustive): <ul style="list-style-type: none"> • Records of conversations with the child/ young person concerning the alleged abuse or previous abuse • Previous complaints made by the child/young person against the person subject to the police investigation <u>or against others</u> • Previous criminal injuries compensation claims

	<ul style="list-style-type: none"> • Details of behavioural difficulties involving the child/young person (especially where this involves untruthfulness) • History of drug/ alcohol abuse by the child/young person • History of self-harm by the child/young person • Details of mental health problems suffered by the child/young person
10.8	Where the Local Authority material is presented to the police in digital format, the Local Authority should provide administrative support to the police officer to enable him/her to navigate the system.
Annex C	The Annex C form is amended to include specific reference to the DPA principles under which disclosure is made
Annex D	A simplified version of the Annex D form has been drafted for regional use
Annex E	“Reason disclosable” on Annex E to be amended to “reason why the material undermines the prosecution case or assists the defence”. The prosecutor should provide sufficient detail to enable the Local Authority to understand why the material needs to be disclosed. Similarly, the Annex E form has been amended to require the CPS to specify all of the children/ young persons subject of the material which is disclosable

PART 2: AGREED LOCAL VARIATIONS WITHIN WEST MIDLANDS REGION

Paragraph in 2013 protocol	Agreed variation
7.1& Annex H	West Midlands Police has indicated that it is content for Annex H (Disclosure Direction to the Police) to be used by the Family Court in cases outside the remit of the 2013 protocol not involving children (e.g. non-molestation orders)

ANNEX A

POLICE AND CPS CONTACT POINTS

West Midlands Police

SPOC: ppu_disclosure@west-midlands.pnn.police.uk

All requests will be allocated to the appropriate PPU Child Protection Detective Inspector who will act as Senior Responsible Officer (SRO)

Warwickshire Police

SPOC: fd.bureau@warwickshire.pnn.police.uk

Staffordshire Police

SPOC: ppu.disclosure@staffordshire.pnn.police.uk

West Mercia Police

SPOC: safeguardingservices@westmercia.pnn.police.uk

CPS West Midlands (incorporating the West Midlands, Warwickshire, Staffordshire and West Mercia Police force areas)

PPUWest.MidsCC@cps.gsi.gov.uk or individual CPS lawyer

ANNEX B

DETAILS OF SINGLE POINTS OF CONTACT AND SECURE EMAIL ADDRESSES

Birmingham City Council Name: Disclosure Team Tel: 0121 675 3110..... Fax: 0121 675 3109..... Email: CYPF.Disclosure@birmingham.gcsx.gov.uk	Coventry City Council Name: Anjeli Bajaj/ Ramona Barreto Tel: 02476 833085/ 02746 833262 Fax: 02476 833004/ 02476 833253 Email: Anjeli.Bajaj@coventry.gcsx.gov.uk Ramona.Barreto@coventry.gcsx.gov.uk
Dudley MBC Name: Richard Clark Tel: 01384 815371..... Fax: 01384 815325..... Email: Richard.Clark@dudley.gcsx.gov.uk	Sandwell MBC Name: Lisa Southall; Annalouise Holmes; Kelly Merry Tel: 0121 569 3970 Fax: 0121 569 3825 Email: lisa_southall@sandwell.gcsx.gov.uk annalouise_holmes@sandwell.gcsx.gov.uk kelly_merry@sandwell.gcsx.gov.uk
Solihull MBC Name: Andrew Shipway Tel: 0121 704 6069/6251 Fax: 0121 704 6008..... Email: ashipwaygc@solihull.gcsx.gov.uk	Walsall MBC Name: Lynn Levesley Tel: 01922 654842 Fax:01922 638267 Email:lynn.levesley@walsall.gcsx.gov.uk

<p>Wolverhampton City Council</p> <p>Name: Tracey Christie/ Annette Harvey-Pittaway</p> <p>Tel: 01902 554925.....</p> <p>Fax: 01902 554970.....</p> <p>Email: tracey.christie@wolverhampton.gcsx.gov.uk annette.harvey-pittaway@wolverhampton.gcsx.gov.uk</p>	<p>Warwickshire County Council</p> <p>Name: Sarah Gallagher</p> <p>Tel 01926 684446 / 07920 071161</p> <p>Fax: 01926 684466</p> <p>Email: sarah.gallagher@warwickshire.pnn.police.uk</p>
<p>Herefordshire Council</p> <p>Name: Claire Ward</p> <p>Tel: 01432 260657.....</p> <p>Fax:</p> <p>Email: disclosure@herefordshire.gcsx.gov.uk</p>	<p>Shropshire Council</p> <p>Name:</p> <p>Tel:</p> <p>Fax:</p> <p>Email: iru@shropshire.gcsx.gov.uk</p>
<p>Telford and Wrekin Council</p> <p>For Annex C requests: Tel: 01952 385385 Email: familyconnect@telford.gcsx.gov.uk</p> <p>Name: Hayley Downton [Assessment & Case Management] Tel: 01952 385700 Fax: 01952 385702 Email: hayley.downton@telford.gcsx.gov.uk</p> <p>For witness summons/ PII applications/ CPS correspondence: Name: Hannah Gorman [Legal Services] Tel: 01952 383255 Fax: 01952 383253 Email: hannah.gorman@telford.gcsx.gov.uk</p> <p>Name: Taranjit Sahota [Legal Services] Tel: 01952 383255 Fax: 01952 383253 Email: taranjit.sahota@telford.gcsx.gov.uk</p>	<p>Worcestershire County Council</p> <p>Name:</p> <p>Tel:</p> <p>Fax:</p> <p>Email: data.protection@worcestershire.gcsx.gov.uk</p>

Staffordshire County Council	Stoke-on-Trent City Council
Name: Philip Jones.....	Name: Claire Clarke.....
Tel: 01785 854290.....	Tel:
Fax:	Fax:
Email: ruth.simmons@staffordshire.gcsx.gov.uk	Email: art@gcsx.stoke.gov.uk