

**GUIDANCE TO PRACTITIONERS REGARDING THE POLICE SERVICE OF
NORTHERN IRELAND (PSNI) DISCLOSURE PROTOCOL FOR CONCURRENT
CARE AND CRIMINAL PROCEEDINGS IN FAMILY COURTS**

OBJECTIVE

1. The objective of this guidance is to provide a means of effective management of public law proceedings under the Children (Northern Ireland) Order 1995 when a criminal investigation is ongoing (or has concluded within 6 months of public law proceedings commencing).
2. The guidance takes into account the Article 3 principles enshrined in the Children (NI) Order 1995, particularly the welfare principle and the “no delay” principle as well as the need to properly conduct criminal investigations in the interests of justice.
3. All parties to proceedings (“the parties”) and PSNI recognise the need to conduct all investigations in an efficient manner, without undue delay in the best interests of the children involved and that there is an overriding onus upon the parties to provide updated developments and to highlight any issues to the courts involved.

USE OF DISCLOSURE PROTOCOL (Protocol attached at Annex A of this guidance)

4. PSNI disclosure may involve relevant criminal proceedings which have concluded, up to and including six months prior to the concurrent care and criminal proceedings commencing.
5. Multi-Agency Risk Assessment Conference (MARAC) documentation will not be disclosed under this Protocol.
6. Immediately upon the Health and Social Care Trust (HSCT) initiating public law proceedings, where there are criminal investigations ongoing (or have been concluded within 6 months prior to the public law proceedings commencing) in relation to either parent/relevant person and/or child, the Directorate of Legal Services (DLS) shall complete Section A of the PSNI Disclosure Protocol at Annex A setting out all relevant information.
7. Upon completion, DLS to seek administrative directions by way of form C2 for leave of the Court to release the Disclosure Protocol to PSNI. A copy of the Disclosure Protocol is to be attached to the court application.
8. Following Court directions, DLS to forward the Disclosure Protocol and Court Directions to the PSNI designated email address.

9. An acknowledgement receipt via email to DLS to be sent by PSNI within 24 working hours.
10. PSNI to complete the Disclosure Protocol within 28 calendar days from receipt of court directions. The redaction of any material shall be by PSNI. Any agreed disclosure shall be sent to the DLS by way of CJSM (Criminal Justice Secure Mail) encrypted email. For litigants-in-person, a designated, password protected, secure email shall be sent by DLS.
11. The DLS shall share the completed Disclosure Protocol and any disclosure with parties by way of CJSM encrypted email or for litigants-in-person, a designated, password protected, secure email.
12. All disclosures shall be treated in the same manner as if they had been filed in court and shall not be disclosed to any person (other than a party to proceedings) without seeking leave of the court.
13. In the event any disclosure sought is refused, PSNI shall provide a short explanatory note detailing sufficient reasons for refusal. These reasons shall be disclosed to the parties.
14. The parties and PSNI, shall liaise to resolve any outstanding disclosure issues. The DLS solicitor shall be the lead contact for these discussions. In the absence of agreement, any party to the Proceedings may refer the matter to Court for adjudication by way of a C2 application attaching the completed Disclosure Schedule and outlining the issue/item in dispute.
15. The **Pathway** explaining the process and the **Contact Details** for the PSNI are attached to this Guidance.

INFORMATION SHARING

16. The agreed method of information transfer between PSNI and users is CJSM. For litigants-in-person the DLS shall communicate via a designated, password protected, secure email.
17. With particular reference to retention and destruction of the relevant Information users should follow their own professional/Agency guidance in relation to Security, Data handling, Management, Retention and Storage of information.



Police Service
of Northern Ireland

[SECURITY CLASSIFICATION]

Request for information from PSNI in relation to concurrent care and criminal proceedings

Email to: CRU@PSNI.POLICE.UK

SECTION A	
Requestor Details	
Date of Request:	
Issuing Court:	

Name of Case:	
Child/Children involved	
DOB:	
Parent Name:	
DOB:	
Date of Court direction	

Name of Allocated Social Worker:	
Address:	
Mobile:	
Email:	

SECTION B	
Name of Investigation Officer:	
Address	
Phone:	
Email:	

CC Reference:	
Case File Number:	
Summary of Case:	

Criminal Offences:	
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PPS Directing Officer Name:			
Date file sent to PPS:			
PPS Decision:		Date of decision	
Date set of PE			
Date for Arraignment			
Date for Trial:			

Details of any issues or specific information requested, reason for request and how information will be used	
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SECTION C						
Document	Held by Police (Y/N)	Able to share immediately (Yes/No) If no please provide rationale	Able to share at a later date (to include rationale when it is expected to be able to be shared)	Not able to share and Rationale	Format (Hard copy, electronic, other)	Detail
PJ11	Select	Select			Select	
PJ12	Select	Select			Select	
PJ13	Select	Select			Select	
PJ14	Select	Select			Select	
PJ15	Select	Select			Select	
ABE	Select	Select			Select	
ABE transcripts	Select	Select			Select	
Statement of Complaint	Select	Select			Select	
Detail of Witness Statements recorded	Select	Select			Select	
Medical Examination Record	Select	Select			Select	
FMO Statement	Select	Select			Select	
Other medical reports/statements	Select	Select			Select	
Suspect Interview	Select	Select			Select	
Suspect Interview to still be carried out	Select	Select			Select	
Suspect Interview Transcript	Select	Select			Select	
BWV	Select	Select			Select	
Photographs	Select	Select			Select	
Expert Witness Report	Select	Select			Select	
Any other material	Select	Select			Select	

Additional Information:

NB: Response required 28 days from submission date

PATHWAY REGARDING PSNI DISCLOSURE PROTOCOL FOR CONCURRENT CARE AND CRIMINAL PROCEEDINGS IN FAMILY COURTS

