


4. In early 2003, the Manchester Care Centre Family Court Business Committee started work to develop a Protocol for Disclosure of Police Information in Family Proceedings. The Deputy Force Solicitor, a senior Children Panel solicitor and one of the Care Judges prepared a draft which was approved by the judiciary, the police and the Court Service with a view to implementation in January 2004.
5. Coincidentally, the Metropolitan Police Legal Services Directorate had made an approach to the President of the Family Division about the same issues. Consideration was to be given to exploring the feasibility of a Practice Direction being issued to address the difficulties. In October 2003 the President issued some informal guidance to the judiciary as to how applications for orders for disclosure should be dealt with. In the meantime the Metropolitan Police commenced work on drafting its own Protocol.
6. The Association of Chief Police Officers ("ACPO") has as its members chief police officers within England, Wales and Northern Ireland and is concerned with the development of policy and policing excellence amongst all forces. ACPO has set up a number of stakeholder sub-groups to tackle the many issues facing statutory and voluntary agencies in dealing with domestic violence and related issues. ACPO established a Working Group entitled 'Interface between the Civil and Criminal Justice Systems' which chose, as its first task, to develop a protocol for information sharing to facilitate the exchange of information between the police and the family courts. It was intended that this should be adopted by all police forces.
7. ACPO was aware of the work done in Manchester and the Metropolitan Police initiative which it decided to use as the basis of its work. The ACPO lead for domestic violence considered that a formal Pilot Scheme should take place to ascertain whether the Protocol should be applied nationally. The ACPO Working Group proposed that the scheme should be piloted and evaluated in a selected number of police areas. The Department for Constitutional Affairs supported the work proposed by ACPO and it was agreed to introduce a Pilot Scheme to test out the efficacy of the proposed Protocol. The Manchester Care Centre agreed to defer implementation of its Protocol pending the development of the ACPO Pilots.
8. In March 2004, support was formally given to the ACPO/DCA proposals in respect of the Pilot Scheme by the President and Solicitor-General's Family-Criminal Interface Steering Committee which it considered should include all family courts (County Courts and Family Proceedings Courts). ACPO proposed that police forces on the Northern Circuit (specifically Cumbria, Lancashire, Merseyside and Manchester) as well as the Metropolitan Police Service Area covering most of Greater London should participate in the Pilot Scheme.
9. Agreement to the ACPO Working Group proposals was given at a meeting convened by it and attended by representatives from the police, the judiciary, Magistrates' Courts, Crown Prosecution Service, DCA and Court Service, local authorities and CAF/CASS in the areas selected to participate.

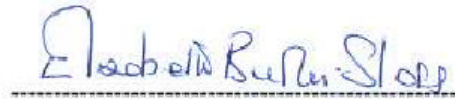
The 'ACPO Pilots'

10. The Protocol for Disclosure of Police Information in Family Proceedings (known as 'The Police/Family Disclosure Protocol') Pilot Project is primarily the responsibility of ACPO and the DCA. It has the support of a number of partners across ACPO and local Police Areas as well as the Court Service, members of the judiciary, Magistrates' Courts, Home Office, Crown Prosecution Service, local authorities, Cafcass and others who have been consulted.
11. The President of the Family Division, the Right Honourable Dame Elizabeth Butler-Sloss DBE, has also lent her support to the Pilots. Being keen to improve the police and family court interface, Dame Elizabeth has commended the efforts being made not just to improving the mechanics of the procedures, but also in developing and maintaining closer working relationships between the police and the courts with the common aim of protecting domestic violence victims and their vulnerable children.
12. The Pilots will aim to test the practicalities and effectiveness of using the agreed Protocol and Standard Forms (a copy accompanies this Memorandum) for early request of information, response, standardised orders and effective service of court orders on those responsible for dealing the information requests. The objectives are set out in detail in the Protocol, in summary they are: -
 - To provide timely advance notice to the police of the existence of family proceedings and level of information being sought.
 - To enable the police to indicate in advance what evidential material is or may be available and highlight any difficulties with disclosure of the information required.
 - To assist the court and the parties in framing workable, standard directions directed to the police without undue delay.
 - To encourage early disclosure of full and frank information between the police, the parties and the Court.
13. The use of the Standard Forms for requesting information and replying should ensure that all requests and replies will be able to be dealt with more efficiently with better more focussed use being made of police resources. Similarly, it should mean that the parties and the courts are provided with both accurate and detailed information as to what material can be disclosed without the need for a court order and avoid the necessity of applications or continuing unnecessary and wasteful correspondence. The key to the success of the Protocol lies in solicitors and others making early written requests to the police as soon as they are aware that information held by the police may be relevant to issues in the family proceedings.
14. The Pilot Project is to be monitored and evaluated and it is intended that a 'pre-implementation evaluation period' of 2 months will begin in October 2004 in the Pilot areas. This will permit the Department for Constitutional Affairs to establish a baseline against which the working of the Protocol during the Pilots can be effectively measured.

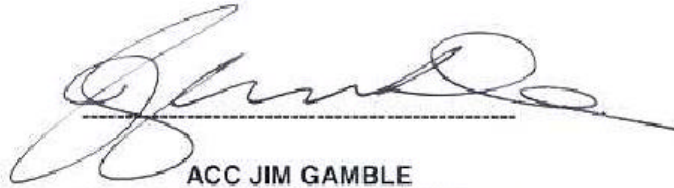
15. During the Pilot period of 9 months, commencing 1st December 2004, quantitative information will be collated on a monthly basis on the number of requests made, timeliness of police response, number of orders made and number of applications made by the police to set aside or vary orders etc. Qualitative information will be gathered on perceptions of the process before and during the pilot. The evaluation will enable judgements to be made on what, if any, changes may be required in the Protocol or the Standard Forms or any refinements which may be required in the detail of its operation.
16. Subject to the findings of the evaluation of the pilots, which should be available in September 2005, it is anticipated that the Protocol will be implemented across England and Wales in the autumn of 2005.



Lord Filkin
Parliamentary Under Secretary of State
Department for Constitutional Affairs



The Right Honourable
Dame Elizabeth Butler-Sloss DBE
President of the Family Division



ACC JIM GAMBLE
Association of Chief Police Officers