

**Family Procedure Rule Committee Consultation on procedure for Police Disclosure Orders: proposed Practice Direction changes**

**Family Justice Council response**

**CONSULTATION QUESTIONS**

**Question 1**

Do you have any feedback on the amendments relating to police disclosure orders, as currently drafted?

**Response**

In public law proceedings, the parties have first to seek voluntary disclosure using the Protocol and Good Practice Model for disclosure of information in cases of alleged child abuse and linked criminal and care directions hearings (<https://www.judiciary.uk/wp-content/uploads/JCO/Documents/Guidance/protocol-good-practice-model-2013.pdf> and attached).

The Family Justice Council queries whether a similar process could be adapted for use in private law proceedings, with the applicant ordinarily making the request for voluntary disclosure. This could be addressed by a direction in the allocation order, as parties are unlikely to be aware of the option or process.

The Family Justice Council notes that increasing numbers of parties in private law proceedings are litigants in person (<https://www.gov.uk/government/statistics/family-court-statistics-quarterly-january-to-march-2021/family-court-statistics-quarterly-january-to-march-2021> ), so any changes (including adding provisions for voluntary disclosure) would have to allow for the possibility that one or all of the parties might be without legal representation.

The police will expect that any audio or video recordings are sent and stored securely and will ask parties’ solicitors for undertakings to that effect. Again bearing in mind that increasing numbers of parties in private law proceedings are litigants in person, that has to be considered. It might be that the police would have to arrange for litigants in person to hear or view such material without releasing it to them.

**Question 2**

Do you have any feedback on the draft template order?

**Response**

No, the draft order appears to be comprehensive.

**Question 3**

Please indicate what areas would be particularly useful for the guidance, as mentioned in Paragraph 7, to cover?

**Response**

Guidance could usefully give information about the sort of material held by the police (CRIS reports, CPN records, form 78 reports, etc.), the need to be as specific as possible about what material is being requested, and the police’s usual requirement that any audio or video recordings are sent and stored securely with parties’ solicitors giving undertakings to that effect. The guidance could also address what to do if the police are reluctant to release documents directly to parties, so that arrangements can be made for that material to be viewed.

The guidance might also refer to the guidance notes to the London request form (LRF) for disclosure of information in family proceedings

(<https://www.met.police.uk/SysSiteAssets/media/downloads/central/services/request/information/met/lrf-guidance-notes.pdf> ) . These notes summarise the process for seeking police disclosure.

The guidance could refer to the Law Society’s ‘*Related Family and Criminal Proceedings*

*A Good Practice Guide*’, available on the judiciary.uk website -

<https://www.judiciary.uk/wp-content/uploads/JCO/Documents/FJC/Publications/RelatedFamCrimPro.pdf>

**Family Justice Council**

**9 August 2022**