**Greater Manchester Police - Disclosure under the 2013 Protocol and Good Practice Model.**

GMP have continued to experience some issues that have caused delays in being able to provide disclosure as requested via the protocol and by order of the court.

Under the 2013 Protocol and Good Practice Model, Local Authorities and Greater Manchester Police agreed to incorporate Parts A & B into their practices on a case by case basis. This agreement and associated annex, together with FAQ's can be found using the following link.

<https://www.judiciary.gov.uk/publications/protocol-good-practice-model-2013/>

The aim of the protocol agreement was ;

* For early notification between the 2 jurisdictions of linked proceedings.
* Facilitate timely and consistent disclosure of relevant information.
* Establish standard process

It should be noted that consideration must be given to the following when submitting any request for disclosure from GMP.

* Police only disclose information pertinent to the parties within the family court case.
* Protocol form evaluated on information contained. Need clear identification and explanation of the central issues.
* GMP need to be proportionate in the disclosure of material.

In respect of all requests for relevant police material, Protocol point 4.4 states it must be –

**proportionate, “…central issues in the case …”,** not be drawn any wider than is absolutely necessary. Requests should therefore not be made for ALL MATERIAL HELD.

All requests must be done so via a fully completed protocol form and should be sent by email to

**CRU.CareAndFamilySection@gmp.police.uk**

Or by post to

Care and Family Section

Greater Manchester Police

Astley Bridge Police Station

Criminal Records Unit (First floor)

Crompton Way

Bolton

BL1 8UN

Poor Protocol Examples

We are unable to process incomplete or inaccurate protocol forms, the following are examples of where we are unable to locate the information required from police systems, or an undue delay is being caused;

* Incomplete names
* Incomplete or no address
* Incomplete address(es) information ;

- flat number

- dated range of each residency

- hotel/hostel room numbers

The brief summary of events giving rise to the proceedings is also of particular importance, below is an example of a poorly completed request. This is quite commonly submitted

*“All fwins, any PNC computer records, other logs or computer records, domestic violence records, witness statements, interview records, ABE interviews and other such material in relation to the individuals named on this request.”*

As you can see this gives little or no summary of events giving rise to family court proceedings. It does not detail ;

* + - central issues
		- known incidents
		- incident dates / log numbers

GMP need to be proportionate in the disclosure of the material it holds.

Evaluation of material requires identification of central issues to establish relevancy.

In order for GMP to comply with the directions of the court, and to be able to provide disclosure in a timely manner to assist both councils and the courts, the protocol at paragraph 7.3 states

* “… any Order against the police … is served as soon as reasonably practicable (and in any event within 2 working days of the date of the Order) on the police …”

Only court orders that specifically direct GMP to act i.e. *“The Chief Constable of GMP shall disclose …”* can be complied with and that order must be sealed. Early notification via unsealed order does assist, but it MUST be followed up with the sealed order.

**Emergency arrangements order**

In November 2020, meetings with Her Honour Judge Singleton QC Designated Family Judge for Greater Manchester resulted in the following emergency arrangements order being introduced intended to assist the police to reduce backlogs. The latest version was recirculated in April 2021 and should still be being upheld.

* 1. When a local authority seeks disclosure, whether under the Protocol or by way of Court direction, usually it should initially be for FWINS and antecedents only. Such application or request must be made as early as possible.
	2. The protocol request or directions order must include full names and addresses of each party about whom disclosure is sought. Without this, GMP will not be able to provide the disclosure.
	3. In general disclosure should be in respect of a period of no more than two years before the request. If there is a significant event or issue which predates two years before the request, then the party requesting the disclosure must specify the date or period and summarise the event or events in respect of which FWINS disclosure is sought.
	4. When issuing proceedings, the local authority should provide to the Court a copy of the protocol request made to the police.
	5. If the case requires additional evidence or, in the absence of compliance with the protocol prior to issue, at the point of issue or at First Case Management Conference, a draft order should be supplied which specifies exactly what is required from GMP by way of disclosure and explaining in summary why it is relevant to the issues in the case.
	6. General directions for the production of BodyCam footage and/or which require statements from officers should be avoided unless it is clear that a specific incident is in issue and a determination of the disputed facts is essential for the resolution of the case.
	7. Where relevant, when a final order is made and outstanding disclosure is no longer required by the court, that order should provide for the police to be informed.

Final orders made in care and private law proceedings should include this paragraph: -

***The court/LA will disclose a copy of this order to the police. Any previous order for the police to file disclosure in relation to this case is dispensed with.***

GMP will always use its best endeavours to provide disclosure in a timely manner and your continued assistance and compliance with the emergency arrangements order to make this an efficient process is appreciated.