

A PRACTICE NOTE TO DEAL WITH THE ROLE OF THE POLICE IN THE FAMILY JUSTICE SYSTEM IN CHESHIRE AND MERSEYSIDE

Judicial criticism

1. Where the court makes criticism in a judgment of the manner in which the Police have conducted their investigation (for example, the way in which the Police have conducted the ABE interviews) the judgment should be transcribed and, subject to the usual rules of disclosure, a copy provided to the legal department for the relevant Police Force for the purpose of bringing those criticisms to the attention of the Police.

Egress

2. If police disclosure is given via Egress there is a 30 day time limit on downloading the disclosure. If it has not been downloaded within that time period, then it will disappear. That will then mean that the whole process will have to be gone through again. That will result in the Police having to create a package and re-sending it which is labour intensive. If you receive it, please download it within the 30 days. The Police have cited many occasions where a package is sent and they hear nothing in response. They then receive either a summons, threat of summons or a chaser and it transpires the Local Authority member of staff either hasn't downloaded it or has left.

Summoning a Police officer to give evidence: identification of issues

3. If a police officer is directed/summonsed to court to give evidence, it will help for the Police Legal Department to be given notice of the issues that the individual officer will be asked to deal with. Often the request is to deal with an investigation months or years before, often the case will be closed and the officer will have little recollection without refreshing their memory. They do not have time and resources to work out why their attendance is required at court. It will also lead to much more focused evidence and help to avoid delays.
4. In terms of officer availability/service of summons;

Merseyside Police: requests for officer availability should be sent to; prosecution.unit.support@merseyside.police.uk they will then provide an MG10 showing the officers availability together with their direct email address. The summons should then be served upon the officer direct and also to the Force resourcing unit at FRU.Court.Warnings@merseyside.police.uk

Cheshire Police: an email should be sent to all of the following three addresses unless it is known which is the relevant address for the officer concerned;
Northern.WCU@cheshire.police.uk (cover Runcorn and Warrington)
Eastern.WCU@cheshire.police.uk (cover Cheshire East footprint)
Western.WCU@cheshire.police.uk (covers Cheshire West footprint).

Service of Police Disclosure Orders

5. On occasions, local authorities are serving orders for police disclosure directly on a police officer rather than by email to the standard address on the PDO.
Family.Court.Proceedings@merseyside.police.uk.
family.court.proceedings@cheshire.police.uk . That must not happen.
6. It will help the Police to work efficiently if the number of the PDO is put in the heading of the order itself if there is more than one PDO in any given case.

Issues with failure to comply with PDO or with the disclosure given

7. If any party has issues arising out of police disclosure they should be sent in the first instance to the Police in writing. Requests for clarification should be addressed as follows;

Merseyside Police: The Data Access Unit -

Family.Court.Proceedings@merseyside.police.uk

Cheshire Police:

family.court.proceedings@cheshire.police.uk

Please do not just serve a witness summons on a police officer. The issues may well be capable of clarification in correspondence. If it is to be suggested that the Police have given insufficient disclosure then you should provide full particulars of;

- a) which documents are said to exist and have not been disclosed;
 - b) the basis for that assertion;
- so that they can address it.

8. If there has been a perceived failure to comply with a court order you should telephone the Police in the first instance rather than issuing an immediate witness summons as the issue may well be capable of swift resolution.

Merseyside Police- Alex Galvin, Data Access Supervisor – 0151 777 1701

Cheshire Police- Jane Norton 01606 366538 or Nicola Wilkins 01606 363905 or Hannah Baker 01606 364620

Police Disclosure Orders

9. Please ensure that in Public Law cases the PDO template is followed. Do not, for example;
 - a) direct or ask for ‘all intelligence’ rather than ‘all relevant intelligence’.
 - b) complete, and do not remove the ‘key issues’ section;I have agreed with the Police that the standard order provides 28 days to give disclosure from the date they are given notice of the order, not from the date of the hearing. That time limit should only be varied for good and sufficient reason and in exceptional circumstances. The reasons should be communicated to the Police.
10. Please consider carefully how frequently rolling disclosure should be given. Each time the Police are required to update disclosure eg monthly that requires a piece of

labour intensive work. Will it be sufficient therefore if given every, say, 2-3 months?
All requests/directions should be necessary and proportionate.

His Honour Judge Steven Parker
The Designated Family Judge for Cheshire and Merseyside.
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