

## **FREEDOM OF INFORMATION ACT 2000**

Your request for information has now been considered and the Council's response to your questions is shown below.

### **You asked:**

- a) **If this council has adopted the “2013 Protocol and Good Practice Model: Disclosure of information in cases of alleged child abuse and linked criminal and care directions hearings” launched by the CPS in October 2013; and if it hasn't, if it plans to.**

(See:

[http://www.cps.gov.uk/publications/docs/third\\_party\\_protocol\\_2013.pdf](http://www.cps.gov.uk/publications/docs/third_party_protocol_2013.pdf)

### **ANSWER:**

Leicester City Council has adopted the new National Protocol very recently and discussions are taking place locally amongst Judiciary, Local Authorities and local police force as to implementation and local variations.

- b) **If this council adopted the CPS 2003 model protocol on information-sharing**

(<http://www.cps.gov.uk/publications/agencies/protocolletter.html> )

Yes, on 30.07.07 Leicester City Council, Leicestershire County Council, Rutland County Council, Leicestershire Constabulary and Crown Prosecution Service Leicestershire implemented a Local Protocol based upon the National Protocol. The Local Protocol adopts the same format and Annex Forms as the CPS 2003 model protocol, with only very minor amendments made to certain wording and, for example, timescales, general procedure.

- c) **The council's policy on requiring a public interest immunity hearing before disclosing information held by its children's services department requested by the police and/or CPS**

Leicester City Council does not have a written policy relating to Public Interest Immunity Hearings. However, following the implementation of the Local Protocol, as mentioned above, Leicester City Council, the Leicestershire Constabulary and Leicestershire Crown Prosecution Service have developed 'standard practice' in terms of the day to day working of the Protocol and the completing and responding to the Annex Forms by the parties. Public Interest Immunity becomes a live issue at the point where the Crown Prosecution Service send an 'Annex D' identifying material from the initial disclosure from Children's Services' records which satisfies the CPIA disclosure test and fails to be disclosed within a case to the defence and the Court. Upon receipt of an 'Annex D' local practice is for the Council to write to the victim/complainant/potential other third

parties named within the disclosure to obtain their consent for the information relating to them to be disclosed. If consent is obtained the Council will respond on 'Annex E' to agree to the material listed being disclosed within the proceedings. If, however, consent is not obtained then it is Leicester City Council's practice to respond on 'Annex E' to refuse disclosure and assert Public Interest Immunity, thus requiring a public interest hearing. There may be other factors which lead to a request for such a hearing and this will depend upon the facts of each case.

The legislation allows you to use the information supplied for your own personal use. Please be aware that any commercial or other use, for example publication, sale, or redistribution may be a breach of copyright under the Copyright, Designs and Patents Act 1988 as amended unless you obtain the copyright holder's prior permission.

Not all the information that is supplied which is covered by copyright will be the Council's copyright, for example it may be the copyright of a government department or another Council. You should seek either the Council's consent or their consent as appropriate. The Council is willing to advise you of any such potential issues on request. In order to make a request to re-use the information please contact the Information Governance Manager using the details below.

If you are dissatisfied with the handling of your request please write to:

**Information Governance Manager**  
**Information and Support**  
**Leicester City Council**  
**FREEPOST (LE985/33)**  
**New Walk Centre**  
**LEICESTER LE1 6ZG**  
e-mail: [FOIA@leicester.gov.uk](mailto:FOIA@leicester.gov.uk)

Your request for internal review should be submitted to the above address within 40 (forty) working days of receipt by you of this response. Any such request received after this time will only be considered at the Council's absolute discretion.

You can also complain to the Information Commissioner at:

**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow SK9 5AF**  
**Telephone: 01625 545 700**  
[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

Please be aware that the Information Commissioner does not normally consider appeals or complaints until the internal appeals and complaints processes of the public authority which is answering the request have been

exhausted. You are therefore advised to complain or appeal to the Information Governance Manager before contacting the Commissioner.