

Guidance on disclosing information about Family Proceedings involving children which are heard in private.

Guidance for Court Users and people receiving information.

From 31st October 2005 new rules will allow parties and other specified people to disclose certain information from family proceedings heard in private involving children to other specified people, without needing the specific permission of the court, or being a contempt of court.

Who is this leaflet for?

Anyone who is a party to proceedings concerning children, or who receives information about proceedings. **This guidance does NOT include disclosure of information in adoption proceedings, where different rules apply.**

What is disclosure of Information?

Disclosure means sharing information. It includes verbal or non - verbal communication and sending documents to someone by post or electronically.

Disclosure of information includes information about your case given in writing or verbally about the proceedings. It includes information about your case given in discussions held inside and outside of court, and in correspondence concerning the case. It also includes information contained in documents on the court file, or evidence given in court such as statements, reports, and the judgment or reasons given by the judge or magistrates for the decisions and orders they make.

The existing law already allows you to tell someone else that your child is involved in court proceedings, but does not allow you to tell the public at large or a section of the public through the media. The new rules do not change this.

The existing law allows you to share information relating to proceedings with:

- Your legal representative or other professional legal adviser;
- any other parties in your case;
- A CAFCASS officer, Welsh family proceedings officer or a welfare officer;
- the Legal Services Commission;
- an expert authorised by the court;
- and/or a professional, including the police and the NSPCC, whose job it is to protect children.

The new rules will, in addition, allow you to share some information with a number of other people, so long as it is for one of the specific reasons set out below.

This guidance does not apply to court orders, where the law has already been changed, so that parties to family proceedings may disclose orders to other individuals or bodies, but not to the general public or the media.

Who you can share information with without the specific permission of the court

The sort of information you can share depends on **who** you wish to share the information with and **why**. You may want to make people that you are sharing information with aware of this guidance.

The section below tells you:

- What information you may share;
- Who you can share it with;
- The purpose for which you can share it; and
- What someone receiving the information is allowed to do with it.

You can share any information relating to proceedings with:

- A lay adviser (e.g. Citizens Advice Bureau) or a McKenzie friend (person granted permission by the court to assist you and give advice, take notes etc.) **so you can** get help and advice in connection with your case and in court.
- Your spouse, cohabitant or close family member **so you can** have confidential discussions about it with them.
- A health care professional or a person/body providing counselling services for children and families **so you can** seek health care or counselling for you or your child.
- The Children's Commissioner or the Children's Commissioner for Wales **so you can** refer a matter to them which may affect the interests of children.
- A person or body conducting an approved research project **so that they can** carry out an approved research project.
- A mediator **so that you can** receive mediation in relation to the proceedings.
- A person or body responsible for investigating complaints about legal representatives or advisers **so that they can** investigate or determine the complaint in question.

You can also **share the text or summary of the whole or part of a judgment** given in proceedings with:

- Your MP, MEP (Member of European Parliament) elected in England and Wales, National Assembly member, or a Member of the House of Lords **so they can** advise you or investigate any complaint or raise any question of policy or procedure.
- The General Medical Council **so you can** make a complaint to the GMC.
- A police officer **so they can** investigate a crime, or whether a crime has been committed.
- A member of the Crown Prosecution Service **so that it** can carry out its legal functions.

It is essential that you share information in a safe way. This is because the information is confidential and may contain very personal or sensitive information about you, the children concerned, or other adults.

- If you are sending information, by post or electronically, make sure the recipient is identified by name and that the information is marked **private and confidential**.
- Make sure the person you are sharing the information with understands why they are receiving it and that they can only use the information for the reason they receive it (you may want to refer them to this guidance).
- Keep an accurate record of what documents you have shared, including the recipient's name, job title and contact details; and why they have received it.

This guidance sets out some of the circumstances in which you can share information without it being a contempt of court. If you want to share information about your case with someone else outside the circumstances given in this guidance you should inform the court of your intentions. The courts retain their inherent powers to authorise or restrict disclosure of information in any particular case. The rules do not allow disclosure of information to the media or change the arrangements for hearing family cases in private.

Please note that information in this leaflet is only a guide and not a statement of the law.

Further information can be obtained by visiting www.hmcourts-service.gov.uk.