

Southampton City Council Trading Standards & Port Health Disclosure Protocol



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Disclosure Protocol			
Version	0.1	Approved by	Click here to enter text.
Date last amended	24/05/2018	Approval date	Click here to enter a date.
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Introduction

1. This protocol document provides an open and transparent basis for disclosure decisions and to encourage disclosure discussions at an early stage for relevant non-sensitive material. Relevant non-sensitive material satisfying the disclosure test will be handled in accordance with the Criminal Procedure and Investigations Act 1996 (as amended) ('the CPIA') and the Attorney General's Guidelines. Any representations the defence wish to make on this protocol document should be forwarded to the prosecutor at the earliest convenience.
2. This statement is to be provided to the defence together with any schedule of unused material.

Intention

3. Southampton City Council will apply the CPIA in discharging its disclosure obligations, including the duty for continuing review. Only unused material that is required to be disclosed under the CPIA 1996 will be disclosed.
4. Unless otherwise indicated all the material on the non-sensitive schedule will have been inspected by the disclosure officer(s). It has also been inspected by the identified prosecutor as evidenced on the endorsed schedule.
5. Where disclosure counsel has been appointed the non-sensitive schedule will have been inspected by disclosure counsel and this will be stated

The Schedule

6. The unused schedule will be created as an Excel document and will be disclosed as such together with the same document in PDF.
7. The PDF document will include the signatures of the disclosure officer and prosecutor
8. The schedule and any accompanying material will be served as follows in agreement where possible with the defence
 - a. by email. AND/OR
 - b. on disc or other medium and by DX or special postal delivery: OR
 - c. in hard paper copy where the volume of material is low

Inspection of Unused Material by the Disclosure Officer

9. The following material will be inspected by the Disclosure Officer by utilising the following means:

Hard Copy Documents and Physical Materials

10. These will be visually examined

Electronically Stored Data

11. Specific items of electronically stored data will be identified by reference to the non-sensitive schedule.
12. The extent to which the material has been examined by the prosecution, and by whom will be stated.
13. The method of examination will be set out e.g. through the use of software search tools or dip sampling. If particular key words have been used, these should be set out in full, save for those that may be sensitive. Consideration will be given to an appropriate invitation to the defence to suggest additional key words. Such an invitation will be time limited and the prosecution may seek reasonable justification as to why any such terms are identified by the defence
14. The schedule may set out the extent to and method by which the defence will be given disclosure of material that satisfies the disclosure test.
15. Electronic data will be stored, disclosed or made available in Windows accessible file types.

Video Footage

16. Specific items of video footage will be identified by reference to the non-sensitive schedule.
17. The extent to which the material has been examined by the prosecution, and by whom will be stated
18. The method of examination will be stated
19. The extent to and method by which the defence will be given disclosure of material that satisfies the disclosure test will be stated

20. Video footage will be stored, disclosed or made available in Windows accessible file types

Linked Investigations

21. The reasons why the investigations are considered to be linked for the disclosure purposes will be identified and the following stated
- a. Any relevant Operational Memorandum of Understanding or disclosure agreement between the investigators and any third party
 - b. The prosecution belief as to its disclosure obligations to be in relation to material from linked investigations
 - c. The method by which these disclosure obligations will be discharged.

Other Categories of Material

22. Where there is a belief that third parties have relevant non sensitive material or information that might satisfy the disclosure test if it were in the hands of the prosecution the following will be stated:
- a. The reason for this belief
 - b. The type of relevant material
 - c. The steps taken to obtain the relevant material
23. If such material is obtained the intention to examine or details as to any completed examination will be stated including as applicable the following
- a. inspection of material by disclosure officer/reviewing prosecutor/disclosure counsel
 - b. any case summary provided to such a third party with request to disclose material that satisfies the disclosure test
 - c. any other action taken

Defence Case Statements

24. The prosecution will, on receipt of any defence case statement set out it's understanding of the defence case and will identify material disclosed in respect of such defence statement and schedule and identify any material added to any disclosure schedule as a result of any review completed.
25. If no defence case statement is available the prosecution will make the following statement
- a. *The prosecution is complying with its duty of continuing review and on receipt of a defence case statement all relevant material will be reviewed by the prosecution team in accordance with the CPIA 1996.*

Other Matters

- 26.** On receipt of further disclosure request(s) post receipt of any defence case statement the prosecution will
 - a. consider the request in the context of any previously provided defence case statement
 - b. if necessary seek clarification as to the identification of material requested
 - c. apply the disclosure test within CPIA 1996 and disclose only such material as falls to be disclosed within that Act

- 27.** The prosecution may invite inspection of unused material

Format of Electronic Documents

- 28.** Southampton City Council IT operates a Microsoft Windows environment

- 29.** All electronic material supplied subsequent to this policy will be supplied in a Microsoft Windows compatible format

- 30.** Where disclosed material includes emails these will be supplied in an Outlook compatible format