

# PRACTICE DIRECTION 12G – COMMUNICATION OF INFORMATION

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This Practice Direction supplements FPR Part 12, Chapter 7

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### 1.1

Chapter 7 deals with the communication of information (whether or not contained in a document filed with the court) relating to proceedings which relate to children.

### 1.2

Subject to any direction of the court, information may be communicated for the purposes of the law relating to contempt in accordance with paragraphs 2.1, 3.1 or 4.1.

## Communication of information by a party etc. for other purposes

### 2.1

A person specified in the first column of the following table may communicate to a person listed in the second column such information as is specified in the third column for the purpose or purposes specified in the fourth column

A party	A lay adviser, a McKenzie Friend, or a person arranging or providing pro bono legal services	Any information relating to the proceedings	To enable the party to obtain advice or assistance in relation to the proceedings
A party	A health care professional or a person or body providing counselling services for children or families		To enable the party or any child of the party to obtain health care or counselling

A party	The Child Maintenance and Enforcement Commission, a McKenzie Friend, a lay adviser or the First-tier Tribunal dealing with an appeal made under section 20 of the Child Support Act 1991		For the purposes of making or responding to an appeal under section 20 of the Child Support Act 1991 or the determination of such an appeal
A party or other person lawfully in receipt of information	The Secretary of State, a McKenzie Friend, a lay adviser or the Upper Tier Tribunal dealing with an appeal under section 24 of the Child Support Act 1991 in respect of a decision of the First tier Tribunal that was made under section 20 of that Act		For a purpose connected with an appeal under section 24 of the Child Support Act 1991 in respect of a decision of the First-tier Tribunal that was made under section 20 of that Act
A party	An adoption panel		To enable the adoption panel to discharge its functions as appropriate
A party	A local authority's medical adviser appointed under the Adoption Agencies Regulations 2005 or the Adoption Agencies (Wales) Regulations 2005		To enable the medical adviser to discharge his or her functions as appropriate
A party	The European Court of Human Rights		For the purpose of making an application to the European Court of Human Rights
A party or any person lawfully	The Children's Commissioner or the Children's		To refer an issue affecting the interests of children to the

in receipt of information	Commissioner for Wales		Children's Commissioner or the Children's Commissioner for Wales
A party or any person lawfully in receipt of information	The Welsh Language Commissioner		To refer an issue so that the Welsh Language Commissioner can consider whether to institute or intervene in legal proceedings or to assist a party or prospective party to legal proceedings.
A party, any person lawfully in receipt of information or a proper officer	A person or body conducting an approved research project		For the purpose of an approved research project
A legal representative or a professional legal adviser	A professional indemnity insurer		To enable the professional indemnity insurer to be notified of a claim or complaint, or potential claim or complaint, in relation to the legal representative or a professional legal adviser, and the legal representative or professional legal adviser to obtain advice in respect of that claim or complaint
A legal representative or a professional legal adviser	A person or body responsible for investigating or determining complaints in relation to legal representatives or professional legal advisers		For the purposes of the investigation or determination of a complaint in relation to a legal representative or a professional legal adviser

A legal representative or a professional legal adviser	A person or body assessing quality assurance systems		To enable the legal representative or professional legal adviser to obtain a quality assurance assessment
A legal representative or a professional legal adviser	An accreditation body	Any information relating to the proceedings providing that it does not, or is not likely to, identify any person involved in the proceedings	To enable the legal representative or professional legal adviser to obtain accreditation
A party	A police officer	The text or summary of the whole or part of a judgment given in the proceedings	For the purpose of a criminal investigation
A party or any person lawfully in receipt of information	A member of the Crown Prosecution Service		To enable the Crown Prosecution Service to discharge its functions under any enactment
A party or an adoption agency	An adoption agency	Any information relating to the proceedings	To enable the sharing of relevant information between adoption agencies for more effective undertaking of their functions

## Communication for the effective functioning of Cafcass and CAFCASS CYMRU

### 3.1

An officer of the Service or a Welsh family proceedings officer, as appropriate, may communicate to a person listed in the second column such information as is specified in the third column for the purpose or purposes specified in the fourth column –

A Welsh family proceedings officer	A person or body exercising statutory functions relating to inspection of CAFCASS Cymru	Any information relating to the proceedings which is required by the person or body responsible for the inspection	For the purpose of an inspection of CAFCASS Cymru by a body or person appointed by the Welsh Ministers
An officer of the Service or a Welsh family proceedings officer	The Health and Care Professions Council or the Care Council for Wales	Any information relating to the proceedings providing that it does not, or is not likely to, identify any person involved in the proceedings	For the purpose of initial and continuing accreditation as a social worker of a person providing services to Cafcass or CAFCASS Cymru in accordance with section 13(2) of the Criminal Justice and Courts Services Act 2000 or section 36 of the Children Act 2004 as the case may be
An officer of the Service or a Welsh family proceedings officer	A person or body providing services relating to professional development or training to Cafcass or CAFCASS Cymru	Any information relating to the proceedings providing that it does not, or is not likely to, identify any person involved in the proceedings without that person's consent	To enable the person or body to provide the services, where the services cannot be effectively provided without such disclosure
An officer of the Service or a Welsh family proceedings officer	A person employed by or contracted to Cafcass or CAFCASS Cymru for the purposes of carrying out the functions referred to in column 4 of this row	Any information relating to the proceedings	Engagement in processes internal to Cafcass or CAFCASS Cymru which relate to the maintenance of necessary records concerning the proceedings, or to ensuring that Cafcass or CAFCASS Cymru functions are carried out to a satisfactory standard

## Communication to and by Ministers of the Crown and Welsh Ministers

### 4.1

A person specified in the first column of the following table may communicate to a person listed in the second column such information as is specified in the third column for the purpose or purposes specified in the fourth column –

A party or any person lawfully in receipt of information relating to the proceedings	A Minister of the Crown with responsibility for a government department engaged, or potentially engaged, in an application before the European Court of Human Rights relating to the proceedings	Any information relating to the proceedings of which he or she is in lawful possession	To provide the department with information relevant, or potentially relevant, to the proceedings before the European Court of Human Rights
A Minister of the Crown	The European Court of Human Rights		For the purpose of engagement in an application before the European Court of Human Rights relating to the proceedings
A Minister of the Crown	Lawyers advising or representing the United Kingdom in an application before the European Court of Human Rights relating to the proceedings		For the purpose of receiving advice or for effective representation in relation to the application before the European Court of Human Rights
A Minister of the crown or a Welsh Minister	Another Minister, or Ministers, of the Crown or a Welsh Minister		For the purpose of notification, discussion and the giving or receiving of advice regarding issues raised by the information in which the relevant departments have, or may have, an interest

## 5.1

This paragraph applies to communications made in accordance with paragraphs 2.1, 3.1 and 4.1 and the reference in this paragraph to ‘the table’ means the table in the relevant paragraph.

## 5.2

A person in the second column of the table may only communicate information relating to the proceedings received from a person in the first column for the purpose or purposes –

- (a) for which he or she received that information; or
- (b) of professional development or training, providing that any communication does not, or is not likely to, identify any person involved in the proceedings without that person's consent.

## 6.1

In this Practice Direction –

‘accreditation body’ means –

- (a) The Law Society,
- (b) Resolution, or
- (c) the Lord Chancellor in exercise of the Lord Chancellor's functions in relation to legal aid;

‘adoption panel’ means a panel established in accordance with regulation 3 of the Adoption Agencies Regulations 2005 or regulation 3 of the Adoption Agencies (Wales) Regulations 2005;

‘approved research project’ means a project of research-

- (a) approved in writing by a Secretary of State after consultation with the President of the Family Division,
- (b) approved in writing by the President of the Family Division, or
- (c) conducted under section 83 of the Act of 1989 or section 13 of the Criminal Justice and Court Services Act 2000;

‘body assessing quality assurance systems’ includes –

- (a) The Law Society,
- (b) the Lord Chancellor in exercise of the Lord Chancellor's functions in relation to legal aid, or
- (c) The General Council of the Bar;

‘body or person responsible for investigating or determining complaints in relation to legal representatives or professional legal advisers’ means –

- (a) The Law Society,
- (b) The General Council of the Bar,
- (c) The Institute of Legal Executives,
- (d) The Legal Services Ombudsman; or
- (e) The Office of Legal Complaints.

‘Cafcass’ has the meaning assigned to it by section 11 of the Criminal Justice and Courts Services Act 2000;

‘CAFCASS CYMRU’ means the part of the Welsh Assembly Government exercising the functions of Welsh Ministers under Part 4 of the Children Act 2004;

‘criminal investigation’ means an investigation conducted by police officers with a view to it being ascertained –

- (a) whether a person should be charged with an offence, or
- (b) whether a person charged with an offence is guilty of it;

‘health care professional’ means –

- (a) a registered medical practitioner,
- (b) a registered nurse or midwife,
- (c) a clinical psychologist, or
- (d) a child psychotherapist;

'lay adviser' means a non-professional person who gives lay advice on behalf of an organisation in the lay advice sector;

'McKenzie Friend' means any person permitted by the court to sit beside an unrepresented litigant in court to assist that litigant by prompting, taking notes and giving him advice; and

'social worker' has the meaning assigned to it by section 55 of the Care Standards Act 2000.

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