

IN THE UNDERCOVER POLICING INQUIRY

For provisional hearing 22 June 2016

SUBMISSIONS ON BEHALF OF THE NPCC ON THE PRINCIPLES APPLICABLE TO DISCLOSURE OF DECEASED CHILDREN'S IDENTITIES

1. These submissions are filed on behalf of the National Police Chiefs Council ('NPCC') in respect of the issues identified by the Chairman in relation to deceased children's identities.
2. The NPCC has been provided with Counsel to the Inquiry's note on the principles applicable to disclosure of deceased children's identities.
3. The issues identified by the Chairman for consideration were:
 - (1) whether the state has a duty to disclose to the parents of a deceased child that the identity of that child was used for police purposes; and
 - (2) if there is a public interest test to be applied what does it comprise and how is it to be measured.

The Duty to disclose

4. The NPCC agrees with Counsel to the Inquiry that, save where disclosure may arise from and for the purposes of the Inquiry itself, there is no freestanding legal obligation on the state to disclose that the identity of a child was used for police purposes.

The Public Interest Test

5. The NPCC agrees with Counsel to the Inquiry's position on public interest factors.

6. The NPCC agrees that the question of disclosure of the fact that a particular identity was not used should be delayed until the consequences of disclosure can be properly identified.

Procedure

7. The NPCC supports the procedure proposed by Counsel to the Inquiry to cater for circumstances where a party wishes to make an application to restrict any evidence that the identity of a deceased child was used by a police officer.

NPCC

1 June 2016