

Clare's Law

The Domestic Violence

Disclosure Scheme

**This leaflet is for you if you are concerned that
someone you know may be in a relationship
and at risk of domestic violence**



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What is the Domestic Violence Disclosure Scheme?

The Domestic Violence Disclosure Scheme goes live nationwide on 08 March 2014, allowing members of the public to approach Police where they have a concern that their partner may pose a risk to them or where they are concerned that the partner of a friend/ member of their family may pose a risk to that individual.

The Domestic Violence Disclosure Scheme is a national scheme that has been set up to give members of the public a formal mechanism to make enquiries to Police about an individual who they are in a relationship with, or who is in a relationship with someone they know, and there is a concern that the individual may be abusive towards their partner.

What is the aim of the scheme?

The aim of the scheme is to give a you, a third party, a mechanism to make enquiries about the partner of a friend or a member of your family if you are worried that this individual may have been violent or abusive in the past. If Police checks show that this individual has a record of abusive offences, or there is other information to indicate that your friend/family member may be at risk from the individual, the Police will consider sharing this information. Where there is a risk and there is a need to provide information, the scheme aims to give these partners information that will enable them to make an informed choice on whether to continue their relationship. The scheme also aims to provide help and support when making that choice.

Who can ask for a disclosure?

A disclosure under this scheme is the sharing of specific information about the partner either with your friend/family member, you or someone else who is best placed to use the information to protect your friend/family member from Domestic Violence.

You can make an application to Police about the partner if you have a concern that they may harm your friend/family member.

Under the scheme, a person can make an application themselves if they have concerns about their partner, and there is a separate guidance leaflet for those making an application for themselves.

Who would a disclosure be made to?

Just because you have made an application does not mean that you are the best placed person to receive information about the partner if a decision is made to make a disclosure. Usually disclosures under the scheme would be made directly to the individual at risk, unless it is more appropriate to involve a third party. If you or someone else is approached with information, this is done in order to protect the friend/family member from abuse. In certain circumstances, you as the applicant may not be informed whether a disclosure has or has not been made.

How does the Scheme work?

The first thing you need to do if you want to make an application under the scheme is contact your local Police. There are four stages to the process.

Stage One: Making an application

When you attend a Police Station to make an application, a Police Officer or member of Police Staff will take the details of what prompted your enquiry. A safe means of contacting you and the person you are concerned about will be established. You will need to give your name, address and date of birth. The Police will run some checks based on the information you have provided to establish if there are any immediate concerns.

If when speaking to the Police you make a criminal allegation against the partner, for example, that the partner has hit your friend/family member, then the Police are required by law to record and investigate the crime.

No disclosure of information will take place at this stage unless it is necessary to provide immediate protection to your friend/family member.

If the Police believe they are at risk and in need of protection from harm, they will take immediate action.

Stage Two : Face to face meeting to complete the application

Depending on the outcome of Stage One, you may be required to participate in a face to face meeting with an officer from the Police's Community Safety Unit. During this meeting you will need to provide further details about the nature of your relationship with your friend/family member and their partner. This meeting will be with a specialist officer and will establish further details about your application in order to assess any risk. You will be required to provide proof of your identity - this should comprise two forms of ID. At least one of these should be photo ID. Forms of ID that could be used are your passport, driving licence, a household utility bill, your bank statement or your birth certificate.

The Police will use the information gathered at the meeting to decide if your friend/family member is at risk from domestic abuse. As well as using Police held information, Police will also work with partner agencies such as Social Services, the Prison Service and the Probation Service to get as full a picture of any risk as possible.

Police will aim to process the application, complete all the checks and, if appropriate, make a disclosure within no more than 35 days.

The Police will act immediately if at any point they consider your friend/family member to be at risk and in need of protection from harm.

To make an enquiry about the scheme you can -

- visit a Police Station
- phone 101, the non-emergency number for Police
- speak to a member of the Police on the street

To make an application you will need to visit a Police Station

Always call 999 in an emergency or there is an immediate risk of harm to someone

How does the Scheme work?

If a decision is made to make a disclosure, this will usually be made to the person at risk. This is unless, in the circumstances, someone else is best placed to use the information to protect them from abuse.

There may be occasions when the Police do not let you know whether a disclosure has or has not been made.

Any disclosure will be made in person - none of the disclosure is made in writing and you will not be given any documentation.

Stage Three: Multi-agency forum considers disclosure

The Police will liaise with other safeguarding agencies (such as Social Services, the Probation Service, the Prison Service) to discuss the information you have provided. The Police and the other agencies may also have additional information relevant to your application.

This multi-agency forum will then decide if any disclosure of information is necessary, lawful and proportionate to protect your friend/family member from their partner. If a decision is made to disclose information, the forum will decide who should receive the information and set up a safety plan tailored to the needs of your friend/family member to provide them with help and support.

Stage Four : Potential Disclosure

If the checks show that the partner has a record of abusive offences or there is other information that indicates that there is a pressing need to make a disclosure to prevent further crime, the Police may disclose this information to your friend/family member or to a person who is more able to protect them, which may be you.

An individual's previous convictions are treated as confidential and the information will only be disclosed if it is lawful, proportionate and there is a pressing need to make the disclosure to prevent further crime.

If it is decided that a disclosure is to be made, this may not be to you. This may be where the disclosure is to be made directly to your friend/family member or it is decided that there is another person better placed to use the information to protect your friend/family member from abuse.

If the checks do not show that there is a pressing need to make a disclosure to prevent further crime, Police may inform you of this. This may be because the partner does not have a record of abusive offences or there is no information held to indicate they pose a risk of harm to your friend/family member. Or it may be that some information is held on the partner but this is not sufficient to demonstrate a pressing need for disclosure.

It may be the case that the partner is not known to the police for abusive offences or there is insufficient information to indicate they pose a risk of harm to your friend/family member but they are showing worrying behaviour. In this case, the Police or other support agencies can work with you and your friend/family member by providing advice and support.

How to use disclosed information

You should be aware that Police checks and any disclosure made are not a guarantee of safety. The Police will, however, give you advice on how to best protect your friend/family member and will make you aware of what local and national support is available.

Who can I tell?

If you receive a disclosure it should be treated as confidential. Information is only being given to you so that you can take steps to protect your friend/family member. You must not share this information with anyone else unless you have spoken to the Police, or the person who gave you the information, and they have agreed with you that it can be shared. You should discuss with Police if you want to discuss what you have been told with your friend/family member.

Any information that is disclosed is provided to protect your friend/family member and prevent further crime.

All information is provided for that purpose only and must be treated as confidential.

Subject to the condition that the information is kept confidential, you can:

- use the information to make decisions about your friend/family member's safety
- use the information to make decisions about keeping any children involved in the situation safe
- use the information to seek further support from Police and other agencies
- seek further advice on how to keep your friend/family member safe

The Police may decide not to give you information if they think that you will discuss it with others.

However, the Police will still take steps to protect your friend/family member if they are at risk of harm.

The Police may take action against you if the information is disclosed without their consent, which could include civil or criminal proceedings. You should be aware that it is an offence (under Section 55 of the Data Protection Act 1998) for a person to 'knowingly or recklessly obtain or disclose personal data without the consent of the data controller' which in this case is usually the Police.

If no disclosure is made but you still have concerns the Police can provide you with information and advice on how to protect your friend/family member and how to recognise the warning signs of domestic abuse.

There are also a number of specialist services and organisations providing information about domestic abuse, how to spot it, and how to work with the authorities to intervene.

Right to know

Under the scheme, Police and partner agencies have a duty to consider and deal with information that indicates that an individual may pose a risk to a partner.

Under the Scheme, you may receive a disclosure even if you have not asked for one. That is because, if the Police receive information about a person you know which they consider puts them at risk of harm from domestic abuse, they may consider disclosing that information to you if they consider that you are the best placed person to use that information to protect that individual from harm.

Information can be disclosed where Police feel there is a right to know this information. When you have not asked for a disclosure but one is made the disclosure will only be made if it is lawful and proportionate, and

Support Helplines

You can contact the Metropolitan Police on 101 - in an emergency always ring 999

If you would like additional help and support on domestic abuse then you can contact any of the following national helplines -

Domestic Violence Helpline

0808 2000 247 - www.womensaid.org.uk

Free 24 hour national helpline run by Women's Aid and Refuge.

Broken Rainbow

0300 999 5428 - www.broken-rainbow.org.uk

Support for LGBT victims of domestic abuse.

Men's Advice Line

0808 801 0327 - www.mensadviceline.org.uk

Confidential helpline for male victims of domestic violence and abuse.

National Centre for Domestic Violence

0844 8044 999 - www.ncdv.org.uk

A charity that specialises in providing assistance to obtain injunctions to prevent further abuse.

Victim Support Service

0845 3030900 - www.victimsupport.org

National charity giving free and confidential help to victims of crime, witnesses, their family and friends.