

Clare's Law

The Domestic Violence
Disclosure Scheme



Home Office



Devon & Cornwall Police

Blue section:

If you are in a relationship and are worried that your partner may have been abusive in the past

Support helplines

Orange section:

If you are concerned about someone you know who is in a relationship and may be at risk of domestic abuse

What is this scheme?

The aim of the Domestic Violence Disclosure Scheme (DVDS) is to give you a formal mechanism to make enquiries about your partner if you are worried that they may have been abusive in the past. It also allows a person to enquire about an ex-partner, if concerned about their own safety, when no longer in the relationship.

If police checks show that your partner or ex-partner has a record of abusive behaviour, or there is other information to indicate that you may be at risk from your partner, the police will consider sharing this information with you.

The scheme aims to help you to make a more informed decision on whether to continue a relationship, and provides further help and support to assist you when making that choice.



Who can ask for disclosure?

A disclosure under this scheme is the sharing of specific information about your partner with either you or a third person for the purposes of protecting you from domestic violence.

- You can make an application about your partner or ex-partner if you have a concern that they may harm you.
- Any concerned third party, such as your parent, neighbour or friend can also make an application if they are concerned about you.
- However, a third party person making an application would not necessarily receive information about your partner or ex-partner. It may be more appropriate for someone else to receive the information, such as you, or a person that is in a position to protect you from the abuse.
- Information will only be given to someone who is in a position to use the information to protect you from the abuse.

How do I make an application?

Contacting the police

There are many different ways you can contact the police:

You can

- visit a police station
- phone **101**, the non-emergency number for the police
- email **101@dc.police.uk**
- speak to a member of the police on the street

If you believe there is an immediate risk of harm to someone, or it is an emergency, you should always call 999.

Step One: Initial contact with the police

When you contact the police, a police officer or a member of police staff will take the details of what prompted your enquiry and the nature of your relationship with your partner or ex-partner.

They will ask you when and where it is safe to make contact with you again.

You will need to give your name, address and date of birth. At a later stage, you will need to provide proof of your identity.

The police will run some initial checks based on the information you have provided and conduct an initial risk assessment.

The purpose of these initial checks is for the police to establish if there are any immediate concerns.

These checks will not be undertaken while you are present.

If when speaking to the police you allege a crime against your partner or ex-partner – for example, you tell them that your partner or ex-partner has hit you, then the police may investigate this as a crime and may arrest your partner.

No disclosure of information will take place at this stage unless it is necessary to provide immediate protection to you.

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

Step two: Face-to-face meeting to complete the application

Depending on the outcome of Step One, you may then be required to participate in a face-to-face meeting with the police. This meeting will be to establish further details about your application in order to assess any risk and for you to provide proof of your identity. This should be completed within 10 days of initial contact. Proof of identity should comprise of a photo ID and another form of ID (if photo ID is not available, the police will consider other forms of ID).

The forms of ID that could be used are:

- your passport
- your bank statement
- your driving licence
- your birth certificate
- a household utility bill

The police will then use the meeting to gather more information from you about the nature of the relationship between you and your partner or ex-partner to help decide whether you are at risk of domestic abuse.

The police may run checks and speak to other agencies including the Prison Service, the Probation Service and Social Services based on the information you give them. They will work as quickly as possible to complete the checks but, depending on the circumstances, some checks may take longer for the results to be received by the police.

It is envisaged that the maximum time that it will take to complete the whole process, including these checks, and the disclosure of information if decided necessary, is 35 days.

The police will act immediately if at any point they consider you to be at risk and in need of protection from harm.

Step three: Multi-agency meeting to consider disclosure

The police will meet with other safeguarding agencies (such as the Probation Service, Prison Service, Social Services) to discuss:

- the information that you have given them
- any additional information the police may have received from the checks they have run
- relevant information from the agencies they have talked to.

The multi-agency meeting will then decide whether any disclosure is lawful, necessary and proportionate to protect you from your partner or ex-partner. If they decide to disclose information, they will determine who should receive the information and set up a safety plan tailored to your needs, to provide you with help and support.



Step Four: Potential disclosure

What kind of information you might be given

If the checks show that your partner or ex-partner has a record of abusive offending or there is other information that indicates there is a pressing need to make a disclosure to prevent further crime, the police may disclose this information to you or to a person who is more able to protect you.

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

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

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

Your Right to Know

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 your partner which they consider puts you at risk of harm from domestic abuse, then they may consider disclosing that information to you or another person who they consider best placed to protect you.

The decision to disclose information when you have not asked for a disclosure will be made by the multi-agency meeting, and the disclosure will only be made if it is lawful and proportionate, and there is a pressing need to make the disclosure to prevent further crime.

Important note

You should be aware that police checks or any disclosures made are not a guarantee of safety. They will, however, make sure you are aware of what local and national support is available.

After you are given information:

“Can I tell my family and friends about this? I really need to talk to someone.”

If you receive a disclosure, it should be treated as confidential. It is only being given to you so that you can take steps to protect yourself. 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 will be shared.

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

- use the information to keep yourself safe
- use the information to keep any children involved in the situation safe
- ask what support is available
- ask for advice on how to keep yourself and others 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 you if you 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 and want further information about protecting yourself, there is action you can take to protect yourself in the future.

The police can provide you with information and advice on how to protect yourself 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.

Support helplines

Devon & Cornwall Police:

- Tel: 101
- Email: 101@dc.police.co.uk
- Visit: www.domesticabusehelp.co.uk

The Devon & Cornwall police website provides a full list of services and organisations who can help across the region.

In an emergency always ring 999.

Regional:

- Victim Care Unit - 01392 475900
The Victim Care Unit will help victims navigate and make informed choices about the organisation they wish to receive support from. Lines are open 8am to 8pm Monday to Friday, Saturday and Sunday 9am to 5pm
- Victim Support - 0300 303 0554
- Devon's Domestic Abuse Helpline - 0345 155 1074
- Cornwall Domestic Abuse 24hr Helpline - 01872 225629
- Plymouth Domestic Abuse Service (PDAS) - 01752 252033
and for the refuge 01752 562286
- Are you OK? - 01803 698869
Torbay Domestic abuse support services

National:

- National Domestic Abuse Helpline - 0800 2000247
- Galop - 0800 999 5428
- Men's Advice Line - 0808 801 0327
- Stalking Helpline - 0808 802 0300



Orange section:

If you are concerned about someone you know who is in a relationship and may be at risk of domestic abuse

What is this scheme?

The aim of this scheme is to give members of the public a formal mechanism to make enquires 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 have a record of abuse.

If police checks show that the individual has a record of abusive offending, or there is other information to indicate the person you know is at risk, the police will consider sharing this information with the person(s) best placed to protect the potential victim.

Your local police force will discuss your concerns with you and decide whether it is appropriate for you to be given more information to help protect the person who is in the relationship with the individual you are concerned about.

The scheme aims to enable potential victims to make an informed choice on whether to continue the relationship, and provides help and support to assist the potential victim when making that informed choice.



Who can ask for disclosure?

A disclosure under this scheme is the sharing of specific information about an individual with the person making the application or a third person for the purposes of protecting a potential victim from domestic violence.

- Anyone can make an application about an individual who is or was in an intimate relationship with another person, and where there is a concern that the individual may harm or have harmed another person.
- Any concerned third party, such as a parent, neighbour or friend can make an application, not just the potential victim.
- A third party making an application would not necessarily receive the information about the individual concerned. It may be more appropriate for someone else to receive the information such as the potential victim or another person who is best placed to protect the potential victim.

How do I make an application?

It is important to remember that anyone can make an application to the police about an individual who is in an intimate relationship with another person, and there is a concern that the individual may present a risk of harm to their partner.

Contacting the police

There are many different ways you can contact the police:

You can

- visit a police station
- phone **101**, the non-emergency number for the police
- email **101@dc.police.uk**
- speak to a member of the police on the street

If you believe there is an immediate risk of harm to someone, or it is an emergency, you should always call 999.

Step One: Initial contact with the police

When you contact the police, a police officer or a member of police staff will take the details of what prompted your enquiry and the nature of your relationship with the potential victim and their partner.

They will ask you when and where it is safe to make contact with you again.

You will need to give your name, address and date of birth. At a later stage, you will need to provide proof of your identity.

The police will run some initial checks based on the information you have provided and conduct an initial risk assessment.

The purpose of these initial checks is for the police to establish if there are any immediate concerns.

These checks will not be undertaken while you are present.

If speaking to the police you allege that a crime has taken place – for example, if you say that you witnessed someone hit their partner, then the police may investigate this as a crime and may arrest the partner.

If the police believe that someone is at risk and in need of protection from harm, they will take immediate action.

No disclosure of information will take place at this stage unless it is necessary for the immediate protection of the potential victim.

Step two: Face-to-face meeting to complete the application

Depending on the outcome of Step One, you may then be required to participate in a face-to-face meeting with the police. This meeting will be to establish further details about your application in order to assess any risk and for you to provide proof of your identity. Proof of identity should be completed within 10 days of initial contact. This should comprise of a photo ID and another form of ID (if photo ID is not available, the police will consider other forms of ID).

The forms of ID that could be used are:

- your passport
- your driving licence
- a household utility bill
- your bank statement
- your birth certificate

The police will use this meeting to gather more information from you about the nature of the relationship between the person you are concerned about and their partner or ex-partner. They may also ask for further information from you on why you have made an enquiry under this scheme.

The police may run checks and speak to other agencies including the Prison Service, the Probation Service and Social Services based on the information you give them. They will work as quickly as possible to complete the checks but, depending on the circumstances, some checks may take longer for the results to be received by the police.

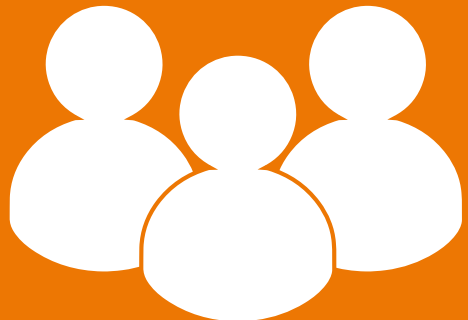
It is envisaged that the maximum time that it will take to complete the whole process, including these checks and the disclosure of information, if decided necessary, is 35 days. The police will act immediately if at any point they consider the potential victim to be at risk and in need of protection from harm.

Step three: Multi-agency meeting to consider disclosure

The police will meet with other safeguarding agencies (such as the Probation Service, Prison Service, Social Services) to discuss:

- the information that you have given them
- any additional information the police may have received from the checks they have run
- relevant information from the agencies they have talked to.

The multi-agency meeting will then decide whether any disclosure is lawful, necessary and proportionate to protect the person you are concerned about from their partner. If they decide to disclose information, they will decide who should receive the information disclosure and set up a safety plan tailored to the potential victim's needs, to provide them with help and support.



Step Four: Potential disclosure

What kind of information you might be given

If the checks show that the individual you are enquiring about has a record for abusive offending or there is other information that indicates there is a pressing need to make a disclosure to prevent further crime, the police may disclose this to the person who is most able to protect the victim.

It should be noted that details about a person's previous convictions are treated as confidential and information will only be disclosed if it is lawful and proportionate, and there is a pressing need to make the disclosure to prevent further crime.

If the checks do not show that there is a pressing need to make a disclosure to prevent further crime, the police will tell you that. This may be because the individual does not have a record of abusive offending or there is no information held to indicate they pose a risk of harm to the potential victim. Or it may be that some information is held on the individual but this is not sufficient to demonstrate a pressing need for disclosure.

It may be the case that the individual you are asking about is not known to the police for abusive offences or there is insufficient information that indicates they pose a risk of harm to the potential victim, but they are showing worrying behaviour. In this case the police or other support agency will work with you to protect the potential victim and can provide advice and support.

Your Right to Know

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 the person you know which they consider puts that person at risk of harm of domestic abuse by their partner, then they may consider disclosing that information if you are the best placed person to protect the victim.

The decision to disclose information when you have not asked for a disclosure will be made by the multi-agency meeting (described above), and the disclosure will only be made if it is lawful and proportionate, and there is a pressing need to make the disclosure to prevent further crime.

Important note

You should be aware that police checks or any disclosures made are not a guarantee of safety. The police will give you advice on how to protect the potential victim and how to recognise the warning signs of domestic abuse. They will also make sure you are aware of what local and national support is available.

After you are given information:

“Can I tell my family and friends about this? I really need to talk to someone.”

If you receive a disclosure, it should be treated as confidential. It is only being given to you so that you can take steps to protect the potential victim. 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 will be shared.

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

- use the information to keep the potential victim and yourself safe
- use the information to keep any children involved in the situation safe
- ask what support is available
- ask for advice on how to keep yourself and others safe

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

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 and want further information about protecting someone from domestic abuse, there is action you can take for the future.

The police can provide you with information and advice on how to protect someone from violent behaviour 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.

For support and help information, scroll up to the purple section of this document.