

# **Clare's Law** **The Domestic Violence** **Disclosure Scheme**

**This leaflet is for you if you are in a relationship and you are worried that your partner may have been abusive in the past.**

**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 you a mechanism to make enquiries about your partner if you are worried that they may have been violent or abusive in the past. If Police checks show that your partner has a record of abusive offences, 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 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 your partner with you or a third person for the purpose of protecting you from Domestic Violence. You can make an application to Police about your partner if you have a concern that they may harm you. A third party, for example a parent, sibling, neighbour or friend can also make an application to Police if they are concerned about you.

## ***Who would a disclosure be made to?***

Just because a third party has made an application, this does not mean that they would receive information about your partner. If a decision is made to make a disclosure, usually this disclosure would be made to you unless it is more appropriate to involve a third party in order to protect you from the abuse. Information would only ever

## **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 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 your partner, for example, that your partner has hit you, then the Police will investigate this 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 you 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. 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 you are 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 your 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 you to be at risk and in need of protection from harm.**

### ***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 you from your 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 your needs to provide you with help and support.

### ***Stage Four : Potential Disclosure***

If the checks show that your 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 you or to a person who is more able to protect 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 the checks do not show that there is a pressing need to make a disclosure to prevent further crime, you will be informed of this. This may be because your 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 but this is not sufficient to demonstrate a pressing need for disclosure. It may be the case that your 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 agencies can work to protect you 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, 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 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 can be shared. Subject to the condition that the information is kept confidential, you can:

- use the information when making decisions about your 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 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 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.

## 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, 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 multiagency forum, 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.