

VICTIM'S LEAFLET

Keeping People Safe From Domestic Violence

The Domestic Violence
Disclosure Scheme



Preventing crime, protecting the public and helping those in need
www.west-midlands.police.uk

This leaflet is for people who are in a relationship with someone that they think may have been abusive in the past.

What is the Domestic Violence Disclosure Scheme?

Also known as Clare's Law, the Domestic Violence Disclosure Scheme (DVDS) aims to give you the opportunity to make inquiries about the person you are in a relationship with if you are worried that they may have been abusive in the past.

If checks show that this person has a record of violent behaviour, or there is other information to indicate that you may be at risk, we will consider sharing this information with you.

The scheme aims to help you 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 a disclosure?

A disclosure is the sharing of specific information about the person you are in a relationship with, with either you or a third person, for the purposes of protecting you from domestic violence.

You or any concerned third party, such as a parent or friend, can make an application about the person if there is a concern that they may harm you. However, if a third party person does make an application, they may not necessarily receive any information. This is because it may be more appropriate for someone else to receive it information, such as you, or a person that is in a position to protect you.

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?

You can make your application by:

- completing the online form on our website. To do this, search "Clare's Law."
- using our live chat facility, which can be accessed by visiting our website and clicking the button on the right hand side of the screen
- calling 101
- visiting a police station
- speaking to a member of the police on the street

Remember, 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 us, a police officer or a member of police staff will take the details of what promoted your enquiry and the nature of your relationship with the person.

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.

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

We 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. They will not be undertaken while you are present.

If when speaking to the police you allege a crime against the person you are in a relationship with, for example you say that they has hit you - then the police may investigate this as a crime and may arrest the person you are in a relationship with.

No disclosure of information will take place at this stage unless we feel that you are at immediate risk and it is necessary to provide immediate protection to you.

Step Two: Face to face meeting to complete the application

Depending on the outcome of the initial meeting, you may then be required to participate in a face to face meeting. This is to establish further details about your application in order to assess any risk.

This also gives you a chance to provide proof of your identity. 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 we accept are:

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

We will use the meeting to gather more information from you about the nature of the relationship, which will help us decide if you are at risk.

We may run checks and speak to other agencies including the Prison Service, the Probation Service and Social Services based on the information you give.

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.

We aim to complete the whole process, including these and the disclosure of information if decided necessary, within 35 days.

If at any point we consider you to be at immediate risk and in need of protection from harm, we will act without delay.

Step Three: Multi-agency meeting to consider disclosure

We will meet with other safeguarding agencies such as those mentioned in step two to discuss:

- the information that you have given,
- any additional information police we have gathered from checks we have run
- any relevant information from the agencies they have talked to

The meeting will then decide whether any disclosure is lawful, necessary and proportionate to protect you. If we decide to disclose information, we will decide who should receive it and set up a safety plan tailored to your needs to provide you with help and support.

Your Right to Know

Under the DVDS, you may receive a disclosure even if you have not asked for one. That is because if we receive information about the person who you are in a relationship with that we think puts you at risk of harm from domestic violence, we 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 one will be made at a multi-agency meeting, and 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. We will, however, make sure you are aware of what local and national support is available.

Step Four: Potential Disclosure

If the checks show that the person you're in a relationship with has a record of violent offences, there is a pressing need to make a disclosure to prevent further crime, we 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 must be 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, we will tell you that. This may be because the person does not have a record of violent offences, or there is no information indicating that they pose a risk of harm to you. It could also be that some information is held on them, but is not sufficient to demonstrate a pressing need for disclosure.

It also might be the case that the person is not known to the police for violent 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, we can work to protect you by providing advice and support.

Step Five: After you are given information

If you do 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 us, 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 and any children involved in the situation safe
- ask what support is available
- ask for advice on how to keep yourself and others safe.

We can decide not to give you information if we think that you will discuss it with others. However, we will still take steps to protect you if you are at risk of harm.

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. We may take action against you if the information is disclosed without our consent, and this could result in civil or criminal proceedings.

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. We can provide you with information and advice as well as how to recognise the warning signs of domestic violence. There are also a number of support groups providing information about domestic violence, how to spot it and how to work with the authorities to intervene.

Support

If you would like additional help and support on domestic violence, please visit the domestic abuse page on the West Midlands Police website.

You can also ask us for information on support groups that exist where you live.