

The Domestic Abuse Disclosure Scheme

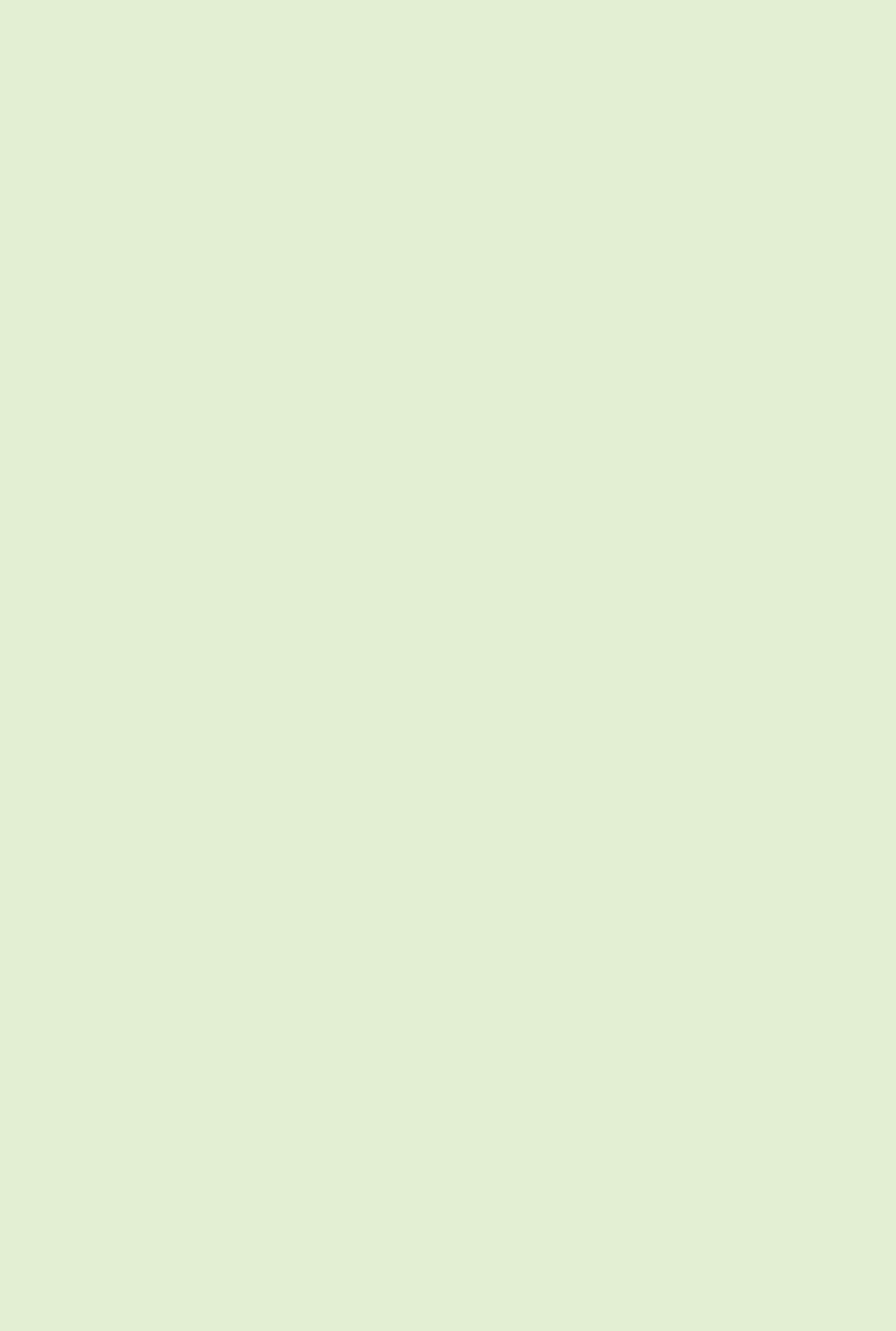
This leaflet is for you if you or someone you know is in a relationship and you are worried that your or their partner may have an abusive past.

Clare's Law

Operation Oak – protecting people from domestic abuse



— **David Lloyd** —
**Police and Crime
Commissioner**
for Hertfordshire



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What is Clare's Law?

Clare's Law gives you a formal way to ask the police about your partner's past. You can do this if you are worried that they may have been abusive or violent before. You can also ask if you have concerns about the partner of someone you know.

The police will check to see if that person has a record of domestic abuse. They will also look for any other information to suggest he or she poses a risk of abusive behaviour.

If they find concerning information, the police will then share this with the person at risk of abuse. This means that person can make a more informed decision about whether to continue with the relationship. It also helps them access further help and support in dealing with an abusive relationship.

Anyone in any kind of intimate or emerging relationship can use the scheme.

In certain circumstances, it can even be used where a two people have recently separated and there is still a risk of abuse.



Who can ask for a disclosure?

A disclosure under Clare's Law is the sharing of specific information about a person whose behaviour is of concern with either their partner or a third person. This can only be done for the purposes of preventing crime and protecting their partner from domestic violence or abuse.

You can apply for a disclosure in two situations:

- You can make an application about your partner if you have a concern that they may harm you.
- You can also make an application under Clare's Law if you have concerns about someone else's partner.

In this second situation, police will only disclose any relevant history to the person who is at risk, or to someone who is in a position to protect that person.

This means if you have made an application about someone else's partner, you may not be entitled to receive the information yourself.

Likewise, if someone else has made an application because they are concerned about your partner's behaviour towards you, it does not necessarily mean police will share any private information with that person.

The only situation where a third party will be informed is if they are in a position to protect the person at risk of abuse.

How can I make an application?

Contacting the police

To make an application under Clare's Law you have to contact the local police force to where the person at risk of abuse lives.

If they live in Hertfordshire, you can make an application online by visiting this webpage:

- www.herts.police.uk/ClaresLaw

Or if you prefer you can:

- call the police non-emergency number 101
- visit a police station. Go to www.herts.police.uk for details of your nearest station
- approach a police officer in the street

Hertfordshire Constabulary cannot deal with Clare's Law applications where the person at risk does not live in the county. In these circumstances, please contact their local police force via 101 or visit that force's website for more information.

In an emergency or if you believe someone is at immediate risk of harm, always call 999 straight away.

Step one: initial contact with the police

If you are applying online, you will need to fill out a short form via the web address on page three. If you use another means of applying, a police officer or member of police staff will take details of who is involved and what prompted your enquiry.

You will be asked when and where it is safe to make contact with you again. This is to avoid any risk of harm coming to you as a result of contacting the police.

You will also need to give your name, address and date of birth. At a later stage, you will need to provide proof of 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 that a crime, such as an assault, has taken place against you or the person you are concerned about, then police may investigate this crime. They may go on to arrest the alleged offender as part of that investigation.

If the police believe that you, or the person you have concerns for, are in need of immediate protection from harm, they will quickly take action. But no disclosure of information will take place at this stage unless it is necessary for the immediate protection of someone.

Step two: face to face meeting to complete the application

Depending on the outcome of step one, you may then be required to meet with a specially-trained officer from the police's Domestic Abuse Safeguarding and Investigation Unit.

This meeting will be to establish further details about your concerns so they can better assess the risks of any domestic abuse taking place.

At this stage you will also need to provide proof of your identity. This should comprise of a photo identification (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 benefit book
- your birth certificate

The officer will ask more questions about the person who is of concern and the nature of the relationship they are in.

Afterwards the police may run more checks based on the new information they have received. They may also contact other agencies including the prison, probation and social services for further information, if it is considered appropriate to do so.

They will work as quickly as possible to complete these checks. However it can be difficult to predict how long this will take as some checks may take longer than others.

Police aim to complete the whole process within 35 days, however this may not always be possible as it can depend on the circumstances.

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: meeting to consider disclosure

The police will meet relevant safeguarding agencies (such as the probation, prison or social services) to discuss the information that you have provided.

They will also discuss any additional information the police may have received as a result of their checks and any relevant information provided by the other agencies.

At the meeting they will decide whether any disclosure of information is lawful, necessary and proportionate to protect the person who may be at risk of domestic abuse.

If the agencies decide to disclose information, they will decide who should receive that information, whether that is the person at risk themselves and/or someone who is in a position to protect that person.

They will also set up a safety plan tailored to provide the person at risk of abuse with help and support.

Step four: potential disclosure

What kind of information might be disclosed

If checks show that the person whose behaviour is of concern has a record of abusive offences, the police may disclose this information.

A person's previous convictions are treated as confidential. 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.

This disclosure may be made to you if you are the person at risk of abuse, or to someone else if they are in a position to protect you from abuse. No one else will receive this information.

A disclosure may also be made regarding an ex-partner where potential abuse has occurred following a recent separation and where it is deemed necessary to increase the victim's safety.

If the checks do not show that there is a pressing need to make a disclosure to prevent further crime, the police will say that.

This may be because the person in question does not have a record of abusive offences or there is no information held to indicate they pose a risk of harm. Or it may be that some information is held on them but it is not sufficient to demonstrate a pressing need for disclosure.

Although there may not be information to disclose, you must remain vigilant. The decision in this case is based on the information available to the police at this point in time. The police will never be able to offer categorical assurances about the risk posed by any individual.

Fact file:

- Domestic abuse is not just about violence. It can include behaviour such as being coercive or controlling, sexual abuse, financial abuse, emotional abuse or other. These are criminal offences – as are harassment and stalking.
- The Domestic Abuse Disclosure Scheme was introduced in 2014. It is known to many as Clare's Law – named after Clare Wood who was murdered by her former partner in 2009. Her death may have been prevented if she had known about his previous abusive and violent behaviour towards women.

Can you share disclosed information?

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 or the person at risk of abuse.

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 that it will be shared.

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

- use the information to keep yourself, or the person at risk, 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 or someone else, there is action you can take to protect yourself.

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.

Further support in Hertfordshire, including access to independent domestic abuse advisors, can be found on the following page.

Other requests for disclosures:

- If you wish to formally ask the police if someone who has access to a child has a record of child sexual offences, then you should not use the Clare's Law process. You should contact your local force about an application under the Child Sex Disclosure Scheme (also known as 'Sarah's Law').
- For information that is required for disclosure at family court then please submit a request to the email address below (if you have an order from the court directing Hertfordshire Constabulary to complete the disclosure). legaldisclosure@bedfordshire.pnn.police.uk
- If not you do not have such a court order, please complete a subject access request, further details can be found at www.herts.police.uk/access-your-personal-data

Contact details for help and support

To report a crime or domestic abuse incident in

Hertfordshire go online to www.herts.police.uk/report or call the police non-emergency 101. In an emergency, always call 999.

To make a Clare's Law application to Hertfordshire Constabulary

If the person at risk lives in Hertfordshire, you can make a Clare's Law application online at www.herts.police.uk/ClaresLaw. Or if you prefer to speak to someone, you can call the police non-emergency number 101. If the person at risk does not live in Hertfordshire, please contact their local police force to enquire about a Clare's Law application.

Herts Sunflower website www.hertssunflower.org

Information about domestic abuse and where to find help and support in Hertfordshire is available here.

Hertfordshire Domestic Abuse Helpline 08 088 088 088

This helpline is a confidential, free, support and signposting service for anyone affected by domestic abuse in Hertfordshire. www.hertsdomesticabusehelpline.org

Herts SARC (Sexual Assault Referral Centre) 0808 178 4448

Herts SARC offers free support and practical help to anyone in Hertfordshire who has experienced sexual violence and/or sexual abuse. www.hertsarc.org has more information about SARC services.

Hertfordshire Beacon 03000 11 55 55

Beacon offers free and confidential support to all victims of crime in Hertfordshire. www.hertfordshirebeacon.org

Independent Domestic Violence Adviser (IDVA) services

0300 790 6772 Support and advice for people aged 16 and over experiencing domestic abuse.

National Domestic Violence Helpline 0808 2000 247
24-hour helpline run in partnership between Women's Aid & Refuge

Victim Support 0808 16 89 111
Information and support from the national charity Victim Support

NSPCC 0808 800 5000
Specialise in child protection and the prevention of cruelty to children

Southall Black Sisters 0208 571 0800
Advice and support for black and minority women experiencing domestic abuse

Mankind Initiative 01823 334244
Helpline service for male victims of domestic violence

GALOP 0800 999 5428
24-hour helpline service for lesbian, gay, bisexual and transgender people who are experiencing domestic violence

Karma Nirvana helpline 0800 5999 247
Support for victims of honour-based abuse and forced marriage

Jewish Women's Aid 0808 801 0500
For Jewish women and children affected by domestic and sexual violence

National Centre for Domestic Violence (NCDV) 0844 8044 999
Legal advice and help with civil injunctions for victims of domestic abuse. www.ncdv.org.uk

National Stalking Helpline 0808 802 0300
Provides practical advice about personal safety, collecting evidence and different legal routes. www.stalkinghelpline.org

