**Clare’s Law – The Domestic Violence Disclosure Scheme**

**What is the Domestic Violence Disclosure Scheme?**

The Domestic Violence Disclosure Scheme is a national scheme that went live from **8th March 2014**. It has been set up to give members of the public a formal mechanism to make enquires to the 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 people a mechanism to make enquiries about their partner, if they are worried they may have been violent or abusive in the past, which is called **‘Right to Ask’**. If Police checks show that the partner has a record of abusive offences, or there is information to indicate that the person may be at risk from the partner, the Police will consider sharing this information with the individual who is at risk. The scheme aims to help people make a more informed decision on whether to continue the relationship and provides help and support when making that choice.

**Who can ask for a disclosure?**

A person can make an application themselves if they have concerns about their partner. People can also make an application to Police about a person if they have a concern that they may harm a friend/ family member.

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

Usually disclosures under the scheme would be made directly to the individual at risk, unless it is more appropriate to involve a third party e.g. a parent or carer. Just because an individual has made an application does not mean that they would be best placed to receive the information about the person, if a decision is made to make a disclosure. In certain circumstances the applicant may not be informed whether a disclosure has or not been made.

**Right to Know**

This is where police receive indirect information arising from the following types of activity:-

* An investigation into a criminal act or a report of an incident where, as part of that investigation, the police have significant concerns about the victim and are of the view that consideration of a disclosure to the person at risk may be necessary to prevent them from harm.
* Information on alleged violent offending by the subject that is received from partner agencies/ intelligence sources / police checks carried out as part of safeguarding procedures/ information gained as a result of police investigations in relation to an unconnected incident.

This will also include where as a result of investigations / attendance at incidents, the attending Police Officer considers that there is a right to know issue and that the information they have come across requires further investigation with a view to a possible disclosure to the person at risk.

**Who can be told?**

If a disclosure is made to an individual it should be treated as confidential. Information is only given to people to protect themselves or family members. The information can not be shared with anyone else unless they have first spoken to the Police and agreed the information can be shared.

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

* Use the information when making decisions about their 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 themselves and others safe.

The Police may take action against an individual if it is found that disclosed information is given to others without their express permission. 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 consent of the data controller’ which in this case is usually the police.

**The Process following application**

Stage 1 – Initial contact – to be completed within 24 hours.

Stage 2 – Face to face meeting with the applicant – to be completed no later than 10 days following initial contact.

Stage 3 – Education and empowerment – information regarding the scheme and process will be offered to the applicant.

Stage 4 – Risk Assessment.

Stage 5 – Decision making process.

Stage 6 – Disclosure meeting.

The maximum time it will take to complete the whole process, including all checks and the disclosure of information if deemed necessary, is 35 days.

**The decision making process will include the Police, the Probation Service, Children’s Social Care and the Independent Domestic Violence Advocacy Service (IDVAS).**

[**http://www.southyorks.police.uk/help-and-advice/domestic-abuse/domestic-abuse-disclosure-scheme**](http://www.southyorks.police.uk/help-and-advice/domestic-abuse/domestic-abuse-disclosure-scheme)