



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.

Keeping People Safe from Domestic Abuse



Warwickshire
POLICE



West Mercia
POLICE

What is this Scheme?

The aim of this scheme is to give you a formal mechanism to make inquiries about your partner if you are worried that they may have been abusive in the past.

If police checks show that your 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 a 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 abuse.

- you can make an application about your 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. 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
- 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.

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

You will also 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 – for example, you tell them that your 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 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 benefit book
- your birth certificate

The police will then use the meeting to gather more information from you about the nature of the relationship between you and your partner to help the police decide if 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 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 discuss with other safeguarding agencies (such as the Probation Service, Prison Service, Social Services) to discuss the information that you have given them, along with additional information the police may have received from the checks they have run, and any relevant information from the agencies they have talked to. The multi-agency discussion will then decide whether any disclosure is lawful, necessary and proportionate to protect you from your partner. If they decide to disclose information, they will decide 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 has a record of abusive offences 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 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 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

You can contact
Warwickshire Police and West Mercia Police on 101.

In an emergency always ring 999.

If you would like additional help and support on domestic abuse, then you can contact any of the following national helplines:

- National Domestic Violence Helpline – 0808 2000 247
- Broken Rainbow – 0300 999 5428
- Men’s Advice Line – 0808 801 0327
- Stalking Helpline – 0808 802 0300

You can also ask the police for information on specialist services and organisations that exist where you live.

