



Leicestershire Police

Domestic Violence Disclosure Scheme (DVDS) Procedure

This procedure supports the following policy:

REQUIRED

Procedure Owner: Safeguarding Partnership Manager

Department Responsible: Crime and Intelligence Department

Chief Officer Approval: Assistant Chief Constable

Protective Marking: Official Sensitive [REDACTED]

Date of Next Review:

**This document has been produced in conjunction with
the Leicestershire Police Legislative Compliance Pack**

Review log

Date	Minor / Major / No change	Section	Author
April 2021	Live	Document Creation	[REDACTED] [REDACTED]

NOTE: This procedure has been reviewed against Authorised Professional Practice

1. Contents

1	Contents.....	
2	Introduction.....	2
3	Definitions.....	3
3.1	Domestic Abuse.....	3
3.2	Intimate relationship.....	3
4	Guidance.....	3
4.1	Domestic Violence Disclosure Scheme (DVDS).....	
5	Process.....	4
5.1	Right to ask.....	5
1.	Initial Application/contact with the police.....	5
2.	Initial Triage Checks.....	5
3.	DVDS Panel meeting.....	5
4.	Initial phone/email contact	7
5.	DVDS Panel review Meeting (if required).....	8
6.	Research.....	8
7.	Research sent to the DI.....	9
8.	Disclosure.....	10
9.	Non-Disclosure.....	11
10.	Post-Disclosure.....	12
11.	Differences if it is a third party application.....	13
5.2	Right to know.....	14

2. Introduction

Leicestershire Police recognise the importance of identifying and safeguarding 'Adults at Risk', which includes safeguarding victims of Domestic Abuse.

The Domestic Violence Disclosure Scheme (DVDS) often referred to as Clare's Law was introduced following the tragic case of Clare Wood, who was murdered by her ex-partner in 2009.

The principal aim of the DVDS scheme is to introduce recognised and consistent procedures for police to consider disclosure of information to protect a member of the public who may be at risk of domestic abuse.

The purpose of the scheme is to facilitate disclosure in order to protect a potential victim from harm.

This procedure document has been written and should be considered in conjunction with the Home Office DVDS Guidance December 2016.

3. Definitions

3.1 Domestic Abuse

Leicestershire Police has adopted the Government definition of Domestic abuse, as revised in March 2013:

'Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those who are aged 16 or over, who are or have been, intimate partners or family members regardless of gender or sexuality.'

3.2 Intimate Relationship

This refers to a relationship between two people, regardless of gender, which may be reasonably characterised as being physically and emotionally intimate.

4. Guidance

4.1 Domestic Violence Disclosure Scheme (DVDS) Guidance

The DVDS recognises two procedures for disclosing information;

- 1) 'Right to ask' which is triggered by a member of the public applying to the police for a disclosure.
- 2) 'Right to know' which is triggered by the police making a proactive decision to disclose information to protect a potential victim.

The scheme introduces a number of benefits including;

- a. Introduces recognised and consistent procedures for disclosing information that enables a partner (A) who was/is in an intimate relationship with a previously violent or abusive individual (B) to make informed choices about continuing in that relationship or about their personal safety if no longer in the relationship;
- b. Enhances the previous arrangements whereby disclosure occurred largely in a reactive way when agencies came into contact with information about an offender having a history of previous violence.
- c. Under 'right to ask', individual members of the public, whether the partner (A) or a third party (C), can now proactively seek information, with an expectation that the agencies responsible for safeguarding victims of domestic violence will check to see whether relevant information exists and if it does, that consideration will be given to its disclosure where necessary to protect the victim;
- d. Under 'right to know', where a safeguarding agency comes into possession of information about the previous violent and abusive behaviour of B that may cause harm to A, members of the public can now expect the safeguarding agency to consider whether any disclosure should be made and to disclose

information if it is lawful, i.e. if it is necessary and proportionate to protect the potential victim from crime;

- e. Encourages individuals to take responsibility for the safety of the potential victim.

The guidance highlights that A does not need to be in a relationship for a disclosure to be made. If there is an indication that B may pose a risk to A following separation then a disclosure can still be made.

Any disclosures are made to the person best placed to protect A from further harm. This would usually be A themselves. In some circumstances A may not be the most appropriate person to protect themselves from harm. In these circumstances consideration may be given to including another person in the disclosure (such as a social worker or support worker). This was be agreed prior to disclosure.

The information disclosed as part of the process is to be used by A for safeguarding purposes. The information is not to be shared with others and cannot be used as part of family court proceedings etc. Prior to disclosure A will be asked to sign an undertaking which indicates they understand this.

The DVDS does not replace existing arrangement for Disclosure and Barring Service (DBS) checks, Subject Access or Freedom of Information (FOI) requests. If it is identified during initial contact that the request one of these other types of enquiry then it should be directed down the existing route for this type of request.

The DVDS may overlap with and complement other disclosure processes, such as Multi-Agency Public Protection Arrangements (MAPPA) and the Child Sex Offender Disclosure Scheme (Sarah's Law). Consideration should be given to which process is the most appropriate in each case.

5. The Process

It is important to note that throughout the process all officers and staff involved need to be mindful of escalating risk to the person at risk and/or others, such as the applicant or children. [REDACTED]

Furthermore, contact with the applicant and/or person at risk should only be made via their preferred method of contact which they identify in the application form. [REDACTED]

If, during any part of the process, any crimes are identified the PCSO will record these and ensure they are allocated to the appropriate investigative unit.

If any immediate risks are identified at any stage of the process, then immediate safeguarding action must be taken. [REDACTED]

5.1 'Right to Ask' entry route

1. Initial Application/contact with the police

The person who may be at risk, or a third party, makes an application to the police. There is an online application form, which is available on the force website. There is also an older paper application form which can be used if required.

2. Initial Triage Checks

[REDACTED]

The triage checks are also completed on third party applicants if applicable. [REDACTED]

[REDACTED]

[REDACTED]

The triage checks are completed on the person of concern and applicant to form part of the risk assessment process. This will assist the PCSO's in making decisions about the contact they have with the person.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The case is referred to the panel once it is recorded [REDACTED]

[REDACTED] The case is logged [REDACTED]

[REDACTED]

3. DVDS Panel Meeting

The DVDS panel is held daily Monday-Friday [REDACTED]
[REDACTED] All new applications are discussed to assess if they meet the criteria.

To assess if the application meets criteria, the panel will consider the relationship between the person at risk of harm and the person of concern. If they are currently in an intimate relationship, then the application will meet criteria. If the person at risk and person of concern are not in a relationship, then the panel will review the information further.

If the person at risk is considering reconciling with the person of concern, then the application will meet criteria as it could enable the person to make an informed choice about the further of the relationship. If the person at risk is not in a relationship and no intending to reconcile, then the panel will consider if the disclosure could assist the person at risk to make informed choices about their personal safety. The panel will look at if there is likely to be ongoing contact and if the person of concern has a history of post separation harassment/abuse.

The panel also enables the PCSO's to bring their cases for a further review should they require it.

At this meeting there are four outcomes:

1. The application has insufficient information to make an assessment on whether it meets the criteria to go to the next stage and this is returned to the PCSO to progress those enquiries.
2. It does not meet the criteria.
3. It meets the criteria however contact has not yet been made with the person at risk. In these circumstances the application will be sent for research prior to the ID being obtained as standard. There may be some circumstances where further investigation/ID is required prior to research. These will be identified during the panel meeting and an OEL will be added to reflect this.
4. The person at risk has had ID checks / Initial contact completed and it meets the criteria.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Using information [REDACTED] the panel will also consider if there is a concern for disclosure. [REDACTED]

[REDACTED]

4. Initial phone/email contact

The Domestic Violence Disclosure Scheme (DVDS) Guidance includes a face to face meeting with the person at risk, or the applicant if this differs to the person at risk. It is the decision of Leicestershire Police that this part of the process can be conducted via email and/or phone. [REDACTED]

[REDACTED]

[REDACTED]

During the initial contact the PCSO will introduce themselves as the persons point of contact and explain the DVDS process.

Whilst explaining the process the PCSO will highlight that any disclosure made is to safeguard the person from further harm. The information should not be shared with others and cannot be used as part of a court process etc.

[REDACTED]

The PCSO may consider asking further questions to gain additional information. The questions may include;

- Why the person has made the application
- What the person wants the information for (is it to safeguard themselves from harm)
- What the current situation with the person of concern is;
 - Are they in a relationship?
 - Is there ongoing contact?
 - Are they concerned about their safety?
- What the person already knows about the person of concern
- Does the person currently have any support (consider professionals such as UAVA and social workers but also family members).
- Has the person made any previous reports to the police?

During this initial contact the PCSO can request a copy of photo ID from the person at risk, which can be provided via email. If the PCSO is unable to obtain ID prior to the disclosure meeting then it can be obtained at that meeting. The PCSO's must ensure

they identify confirm the identity of the person who is to receive the disclosure prior to the disclosure actually being made.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

If the PCSO is struggling to make contact with the person at risk via the preferred means identified on the application form then the PCSO can bring the application back to the panel for a review meeting. A range of options to attempt to establish engagement will be considered, including the use of support workers and other professionals.

5. DVDS Panel review meeting (if required)

[REDACTED]

If a PCSO does identify additional information they will notify the panel members via email. The application will then be discussed further during the next panel.

Using this additional information the panel will decide if the application meets criteria.

[REDACTED]

[REDACTED]

[REDACTED]

The PCSO's may also bring an application back to the panel

6. Research

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7. Research sent to the

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8. Disclosure

[REDACTED]

[REDACTED]

[REDACTED]

The PCSO will then make contact with the person at risk to arrange a suitable time and place for the disclosure. This could be at the persons home, a police station or an alternative safe location.

[REDACTED]

[REDACTED]

[REDACTED]

When the disclosure is made the person at risk will be asked to sign an undertaking. The undertaking confirms that the person understands that the information disclosed is for them to use for safeguarding purposes and should not be disclosed to others. The person will also sign to confirm the disclosure has been received. The form is then retained by the police. [REDACTED]

[REDACTED]

[REDACTED]

If it is safe to do so a leaflet explaining the DVDS process should be given along with the DA leaflet providing information on support services.

[REDACTED]

[REDACTED]

The PCSO should attempt to make contact with the person at risk via safe means of contact in order to make the disclosure. [REDACTED]

[REDACTED]

9. Non-Disclosure

During the panel discussion the panel will use the information [REDACTED]

[REDACTED]

The PCSO will make contact with the person at risk and request ID to confirm their identity. Once the identity of the person has been confirmed the PCSO will explain that the application will not be progressed further as no disclosure will be made and the reason for this.

In some circumstances [REDACTED] may make a decision not to disclose the information to the information to the person at risk.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10. Post Disclosure

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11. Differences in the process if it is a third-party application

The DVDS application may be submitted by a third party, who is not the person at risk. Anyone can submit an application and applicants can include concerned family members or friends.

With these applications the process of receiving the application [REDACTED] is the same.

These applications are also discussed at the panel meeting. [REDACTED]

[REDACTED]

[REDACTED]

The third party applicant will be asked for any further relevant details and the PCSO will make it clear to the applicant that any disclosure will be made to the person best placed to safeguard the person at risk, which is likely to be the person at risk themselves.

Once there is enough information the panel will make a decision to progress the application or not.

If the application is not progressed then the PCSO will make contact with the applicant to inform them of this and explain the reasons. If appropriate, the applicant may be signposted to other services and will be encouraged to be vigilant and report any further concerns.

If the application is to be progressed it will be sent [REDACTED] for research as per the above process. The same process will be followed up until the point of disclosure.

If there is no disclosure to be made as per [REDACTED] decision the PCSO will make contact with the applicant and explain there is no disclosure.

If there is a disclosure to be made the PCSO will make contact with the person at risk (not the third party applicant) to arrange disclosure. As above, when the disclosure is made the person at risk will be asked to sign the undertaking. The person will also sign to confirm the disclosure has been received.

5.2 'Right to Know' entry route

Under the 'right to know' route a safeguarding agency becomes aware of information about previous violent and abusive behaviour from the person of concern that may cause harm to the person at risk.

In these circumstances consideration is given to disclosing the information if it is necessary and proportionate to protect the person at risk from potential crime.

'Right to know' applications can come from within the police force and from other agencies such as probation and domestic violence services. Right to know applications can also come from the previous partners of a person of concern. They may be aware of the history of the person of concern and are now aware they are in a new relationship with an individual so they make the application to enable information to be shared with the individual with the view of preventing them becoming victims of crime.

The 'right to know' applications are submitted via the same routes as the 'right to ask' applications and are processed and allocated in the same way up until the panel meeting.

The panel meeting will discuss the application to establish if it meets the criteria for the DVDS. If the application does meet criteria then the application will be sent for research as per the above process. This will then be sent to [REDACTED] who will decide if a disclosure is to be made.

If a disclosure is authorised then the PCSO will make contact with the person at risk. They will inform the person of the application and arrange a suitable time and place for the disclosure to take place. As above, when the disclosure is made the person at risk will be asked to sign the undertaking.

If there is no disclosure to be made then the applicant, who initiated the application, will be informed of this.