

Disclosure Scheme for Domestic Abuse Scotland



Keeping People Safe from Domestic Abuse

This leaflet is for you if you are concerned that someone you know may be in a relationship and is at risk of domestic abuse.



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Disclosure Scheme for Domestic Abuse Scotland

The aim of this scheme is to give members of the public a formal mechanism to make enquiries 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.

If police checks show that the individual has a record of abusive behaviour; or there is other information to indicate the person you know is at risk, the police will consider sharing this information with the person(s) best placed to protect the potential victim.

The police will discuss your concerns with you and decide whether it is appropriate for you to be given more information to help protect the person who is in the relationship with the individual you are concerned about.

The scheme aims to enable potential victims to make an informed choice on whether to continue the relationship, and provides further help and support to assist the potential victim when making that informed choice.

Who can ask for a disclosure?

A disclosure under this scheme is the sharing of specific information about an individual with the person making the application or a third person for the purposes of protecting a potential victim from domestic abuse.

- Anyone can make an application about an individual who is in a relationship with another person and where there is a concern that the individual may harm the other person;
- Any concerned third party, such as a parent, relative, neighbour or friend can make an application not just the potential victim; however:
- A third party person making an application would not necessarily receive information about the individual concerned. It may be more appropriate for someone else to receive the information, such as the potential victim or another person who is best placed to protect the potential victim.

Step One - How do I make an application?

It is important to remember that anyone can make an application to the police about an individual who is in a relationship with another person and there is concern that the individual may present a risk of harm to their partner.

Contacting the police

There are a number of different ways you can contact the police:

You can

- go 'online' to www.scotland.police.co.uk;
- visit a police office;
- phone 101 the non emergency number for the police; or
- 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 Two: Initial contact with the police

When you contact the police, a police officer or member of police staff will take details from you of what prompted your enquiry and the nature of your relationship with the potential victim and their 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, date of birth and other details. 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 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 report a crime has taken place - for example, if you say that you have witnessed someone hit their partner, then the police may investigate this as a crime and may arrest the partner.

If the police believe that someone is at risk and in need of protection from harm, they will take immediate action.

No disclosure of information will take place at this stage unless it is necessary for the immediate protection of the potential victim.

Step Three: Face to face meeting to complete the application

Depending on the outcome of Step Two, 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
- Some other trusted form of photo identification
- Your birth certificate (including authorised extract copies)
- A household utility bill (council tax, water, gas, electricity)
- A bank statement

These documents must be originals. Unfortunately copies cannot be accepted.

The police will use this meeting to gather more information from you about the nature of the relationship between the person you are concerned about and their partner. They may also ask for further information from you on why you have made an enquiry under this scheme.

The police will run more detailed checks and speak to other agencies including Social Work Services and Prison Service, 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 45 days.

The police will act immediately if at any point they consider the potential victim to be risk and in need of protection from harm.

Step Four: Multi-agency meeting to consider disclosure

The police will meet with relevant partner agencies (such as Social Work Services, Prison Service, Domestic Abuse Advocates/Advisors) 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 meeting will then decide whether any disclosure is lawful, necessary and proportionate to protect the person you are concerned about from their partner. If they decide to disclose information, they will decide who should receive the information and set up a safety plan tailored to the potential victims needs to provide them with help and support.

Step Five: Potential disclosure

What kind of information you might be given

If the checks show that the individual you are enquiring about has a record for violent 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 to the person who is most able to protect the victim.

It should be noted that details about a person's previous convictions are treated as confidential and 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 the individual does not have a record of violent offences or there is no information held to indicate they pose a risk of harm to the potential victim. Or it may be that some information is held on the individual but this is not sufficient to demonstrate a pressing need for disclosure.

It may be the case that the individual you are asking about is not known to the police for violent offences or there is insufficient information to indicate they pose a risk of harm to the potential victim, but they are showing worrying behaviour. In this case, the police or other support agency will work with you to protect the potential victim and can provide advice and support.

The Police- Power to Tell

Under the Disclosure Scheme for Domestic Abuse Scotland, you may receive a disclosure even if you have not asked for one. That is because, if the police receive information about the person you know which they consider puts that person at risk of harm of domestic abuse by their partner, then they may consider disclosing that information if you are the best placed person to protect the victim.

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. The police will give you advice on how to protect the potential victim and how to recognise the warning signs of domestic abuse. They will also 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 do receive information from the police it should be treated as confidential. It is only being given to you so that you can take steps to protect the potential victim. You must not share this information with anyone else unless you have spoken to the police, or 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 the potential victim and 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 the potential victim and yourself if there is a 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 someone from domestic abuse, there is action you can take for the future.

The police can provide you with information and advice on how to protect someone from abusive behaviour 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 Police Scotland 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:

Scottish Domestic Abuse Helpline - **0800 027 1234**

Rape Crisis Scotland - **08088 01 03 02**

Men's Advice Line - **0808 801 0327**

Abused Men in Scotland - **0808 800 0024**

www.scottishwomensaid.org.uk/advice-information

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