



Home Office

## **Domestic Violence Disclosure Scheme (DVDS) Pilot Assessment**

# Executive Summary

## Background

In 2012/13, a 14 month pilot to test a national Domestic Violence Disclosure Scheme (DVDS) took place across four police force areas (Gwent, Wiltshire, Greater Manchester and Nottinghamshire)<sup>1</sup>. This report sets out the findings from an assessment of the pilot. Within existing legislation and common law, police have the power to disclose information to an individual, if it might help protect them, about previous violent offending by their partner. The DVDS pilot aimed to introduce a consistent process for this. The pilot tested two processes for disclosing this information, 'Right to Ask' where a disclosure request is triggered by a member of the public directly contacting the police about a partner, and 'Right to Know' where a disclosure request is triggered by police or partner agencies based on information that an individual is at risk of harm from their partner.

Requests are subject to police checks before potentially being referred to a local multi-agency decision-making forum, where a decision is made about whether to make a disclosure. The forum must justify that there is 'pressing need' for disclosure, and that a disclosure is lawful, necessary and proportionate to protect the potential victim from future crime.

## Aims and Approach

This assessment aimed to capture views of the pilot to help understand how the process was working in practice and identify lessons learnt to inform any decisions about roll-out of the process. The assessment was not designed to consider any impact the scheme may have had on domestic abuse victims or estimate the 'value for money' of the scheme.

Specifically, the assessment aimed to understand:

- the nature of cases going through the scheme, including the volume and characteristics of applications and disclosures;
- perceptions of police officers and partner agencies involved in implementing the scheme, to capture lessons learnt; and
- experiences of those who requested and/or received a disclosure.

This assessment drew on pilot police force monitoring data, focus groups with practitioners who delivered the scheme and a small number (38)<sup>2</sup> of questionnaires completed by those who had applied for and/or received a disclosure. Further details on these methods are provided in the main report.

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<sup>1</sup> The pilot began in Gwent and Wiltshire police force areas from July 2012, and in Greater Manchester and Nottinghamshire from September 2012. The pilot ended in September 2013.

<sup>2</sup> Around one-fifth of those who received a disclosure during the pilot completed a questionnaire. The majority of respondents were from Greater Manchester meaning findings may be skewed towards this pilot area.

## Key Findings

### Throughput and nature of DVDS cases

Police monitoring data shows that between July 2012 and September 2013:

- There were 386 applications for a disclosure, made up of 231 Right to Ask requests initiated by members of the public (mostly from individuals who had concerns about their partner) and 155 Right to Know requests initiated by police and statutory or voluntary services.
- The majority of applications requested information about the previous history of a woman's male partner. The most common reported trigger for requesting a disclosure was due to the behaviour of a partner.
- Of the 386 applications, almost one-third (29%, 111 applications) resulted in a disclosure. Right to Know applications were more likely to result in a disclosure (34%) compared to Right to Ask applications (26%). Greater Manchester had the highest number of disclosures and a markedly higher disclosure rate than the other pilot areas (Table 1).

**Table 1: Volume and throughput of DVDS cases**

Force:	Gwent	Wiltshire	Greater Manchester	Nottinghamshire	Total
Right to Ask Applications	60	39	73	59	<b>231</b>
Right to Know Applications	16	79	36	24	<b>155</b>
<b>Total Applications</b>	<b>76</b>	<b>118</b>	<b>109</b>	<b>83</b>	<b>386</b>
Disclosure from Right to Ask	8	7	39	5	<b>59</b>
Disclosure from Right to Know	5	15	27	5	<b>52</b>
<b>Total Disclosures</b>	<b>13</b>	<b>22</b>	<b>66</b>	<b>10</b>	<b>111</b>
<b>Disclosure Rate</b>	<b>17%</b>	<b>19%</b>	<b>61%</b>	<b>12%</b>	<b>29%</b>

- Over the pilot, the volume of Right to Ask applications fluctuated each month while the volume of Right to Know applications increased.
- Common reasons why cases did not result in a disclosure were:
  - the decision-making forum felt there was no 'pressing need' to disclose information;
  - there was no information available to disclose that suggested an individual was at risk of harm from their partner; and
  - the case did not meet the criteria for the scheme.

### Perceptions of the pilot scheme

- Overall, those involved in the pilot were positive about the disclosure scheme (police officers, partner agencies and applicants). The scheme was perceived as a useful way of providing individuals with information to help them make a more informed choice about

their relationship, and was seen to have encouraged multi-agency working around domestic abuse.

- Practitioners highlighted the importance of having a safety plan in place following a disclosure and having a support worker attend a disclosure alongside the police, in order to give a potential victim immediate support. Respondents involved in the research who received a disclosure with a support worker present found this useful. Practitioners felt it was essential that there was sufficient support service coverage in place if the scheme was rolled-out.
- Overall, almost all respondents involved in the research were satisfied with their experience of the scheme. The majority of respondents who had received a disclosure felt that the information had helped them to make a more informed choice about their relationship. Most stated they would keep a closer eye out for warning signs of domestic abuse in their relationship following the disclosure.

## Implementation of the Pilot Process

- All pilot areas successfully set up a process for disclosure. Overall, the process was felt to be fit-for-purpose, functioning effectively and became perceived as ‘business-as-usual’ for police officers and partner agencies directly involved in the pilot as time went on.
- Practitioners were positive about the scheme guidance, feeling it was not overly prescriptive, and that it gave them flexibility in setting up a process. This resulted in some parts of the process operating slightly differently between pilot areas. There were mixed views between practitioners about whether ‘minimum standards’ should be built into guidance to ensure a level of consistency across different local areas.
- This assessment did not consider value for money of the disclosure scheme. However cost estimates based on information supplied by Wiltshire suggest the average cost of a DVDS application is around £740 (the average cost of a Right to Ask application is around £690 and the average cost of a Right to Know application is around £810). These costs are likely to be underestimates because of conservative assumptions about the time taken on certain stages of the process. It is not possible to know how generalisable costs reported by Wiltshire would be across different local areas. Costs are likely to vary between areas depending on how they implement the process and the volume of cases experienced.

## Issues experienced during the pilot

The assessment aimed to identify challenges experienced during the pilot in order to capture lessons learnt. Although implementation was perceived positively, some issues were identified across all pilot areas:

- **Perceived bureaucracy of police process:** police officers felt certain stages of the process were bureaucratic and lengthy, particularly conducting research on an individual’s offending history.
- **Public awareness and understanding of the scheme:** practitioners felt that public awareness of the disclosure scheme was low with some confusion about what the disclosure scheme was for and how the process worked (misunderstandings were resolved once process was explained).

- **Frontline police officer awareness of the scheme:** practitioners suggested that not all frontline police officers knew about the existence of the scheme and it was felt that a basic knowledge for all was useful.
- **Overlap between disclosure processes:** some practitioners identified a need for further guidance about how the DVDS overlaps with and complements other disclosure processes, such as Multi-Agency Public Protection Arrangements and the Child Sex Offender Disclosure Scheme<sup>3</sup>.
- **Lack of understanding of the term ‘pressing need to disclose’:** practitioners involved in decision-making forums felt that the term ‘pressing need’<sup>4</sup> was unclear and subjective, but reported that this had been overcome in practice.
- **Delivery of Right to Know disclosures:** Police officers felt it was difficult to practically manage the delivery of a Right to Know disclosure. Support services were concerned that this could place a potential victim at greater risk of domestic abuse if not managed carefully.
- **Lack of consistency in information given in disclosures:** There were differences between pilot areas in the level of detail contained within a disclosure and what previous offences were disclosed, achieving some level of consistency across areas was felt to be useful.
- **Follow-up support for non-disclosures:** There was a lack of consistency between pilot areas in the type of follow-up support given to those who were told there was no information to disclose, a set of ‘minimum standards’ of support to provide for non-disclosures was seen as useful.

## Recommendations

- 1) Work with the police to embed routine training on the Domestic Violence Disclosure Scheme for front-line and specialist domestic abuse police officers and staff (to include consistency of approach when disclosing information).
- 2) Work with voluntary and community sector to develop a standard package of support that can be given to individuals who applied for a disclosure via the Right to Ask route where there is no information to disclose.
- 3) Develop ways to raise awareness of the Domestic Violence Disclosure Scheme locally that balances public safety and local agency resources.

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<sup>3</sup> Multi-Agency Public Protection Arrangements (MAPPA) involve the management of violent and sex offenders. The Child Sex Offender Disclosure Scheme (CSODS) allows parents, carers and guardians to formally ask the police if someone has a record for child sex offences.

<sup>4</sup>‘Pressing need’ is one of the criteria the decision-making forum must use to justify the decision to make a disclosure.

# Main Report

## Overview of DVDS Pilot

This report sets out a summary of the findings from an assessment of a 14 month pilot in 2012/13 across four police force areas (Gwent, Wiltshire, Greater Manchester and Nottinghamshire) to test the Domestic Violence Disclosure Scheme (DVDS). The DVDS pilot aimed to introduce a framework with recognised and consistent processes to enable the police to disclose to the public information about previous violent offending by a new or existing partner where this may help protect them from further violent offending. The pilot began in Gwent and Wiltshire police force areas from July 2012, with Greater Manchester and Nottinghamshire starting from September 2012. The pilot ended in all four areas in September 2013.

Tackling domestic violence and abuse is one of the Government's key priorities, and its approach is set out in its Violence Against Women and Girls (VAWG) strategy and accompanying Action Plans. The DVDS pilot is a key outcome from the VAWG Action Plan published in March 2012 (action 95).

The pilot was implemented following a consultation by the Government in 2011 which invited views from the public on whether the protection of victims of domestic violence could be enhanced by the establishment of a national Domestic Violence Disclosure Scheme. The consultation itself followed a Coroner's report into the tragic murder of Clare Wood recommended that subject to appropriate risk assessment and safeguards "*consideration should be given to the disclosure of such convictions and their circumstances to potential victims in order that they can make informed choices about matters affecting their safety and that of their children.*"<sup>5</sup>

In addition, a report commissioned by the Home Office and published in 2009 by Chief Constable Brian Moore of Wiltshire Police on behalf of the Association of Chief Police Officers (ACPO) - *Tackling Perpetrators of Violence against Women and Girls* set out a series of ten recommendations which included a "right to know". Chief Constable Moore concluded that "*whilst routine disclosure should not be common practice, following risk assessment it may be proportionate and necessary to enable a potential victim to make choices about her safety and that of her children.*"<sup>6</sup>

The Government consultation closed on 13<sup>th</sup> January 2012 and, having considered the 259 responses received to the consultation, where the majority of responses focused on the implementation of a disclosure scheme, the Home Office announced that the DVDS would be tested in a one-year pilot from the summer of 2012. The disclosure process would be tested within existing legislation and the common law, to share information and to ensure that appropriate risk assessments and safeguards were in place to accommodate safety and process concerns raised by the consultation. A non-statutory guidance document accompanied the pilot.

The pilot was designed to test two types of process for disclosing information about a partner's previous history – Right to Ask and Right to Know. Both processes were implemented within existing legal powers. An overview of the DVDS processes is provided

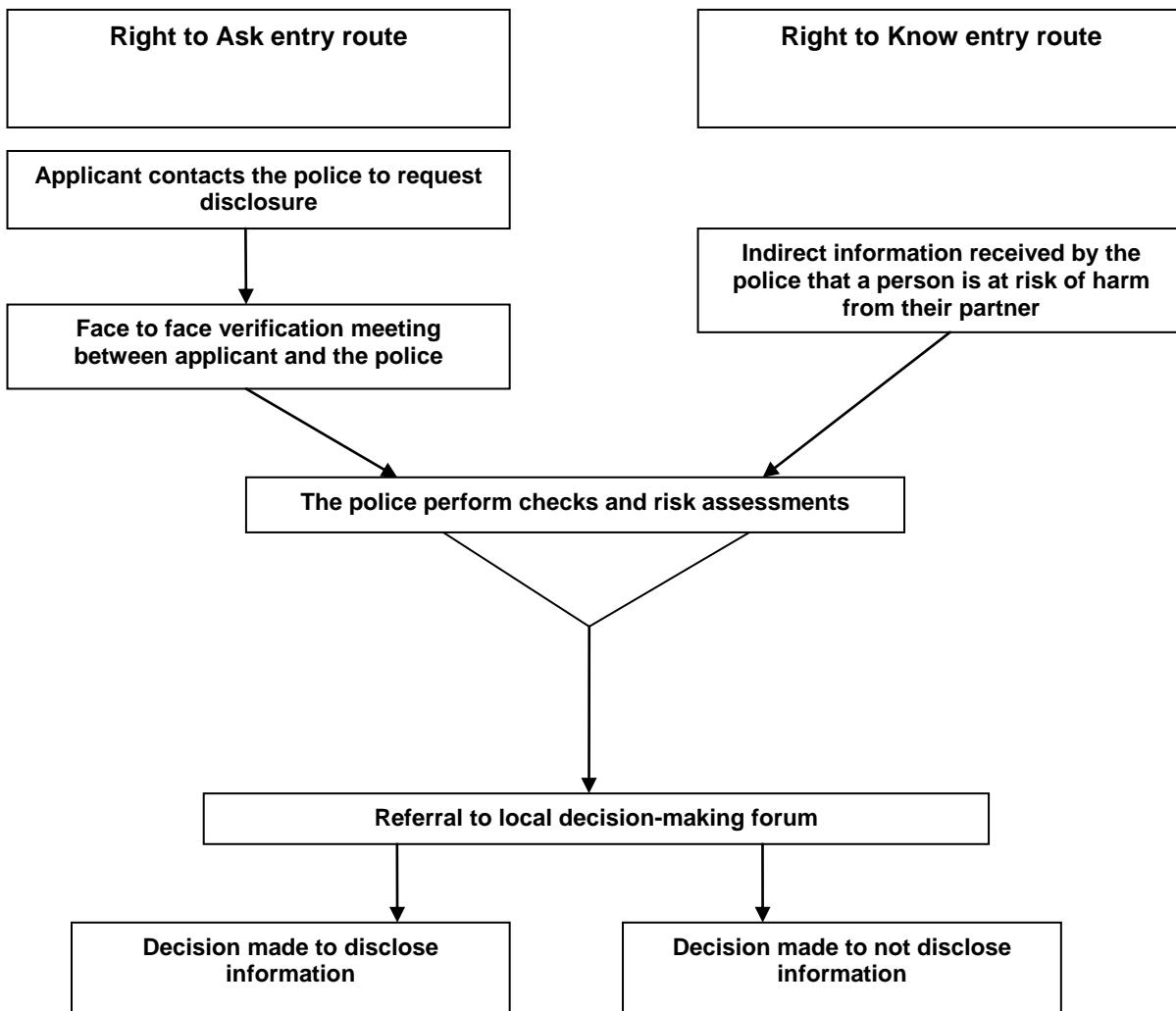
<sup>5</sup> *Summary of Reports and Responses under Rule 43 of the Coroners Rules – Sixth Report*, May 2012, p 12

<sup>6</sup> *Tackling Perpetrators of Violence Against Women and Girls – ACPO Review for the Home Secretary*, September 2009, p20

below and at Figure 1:

- Right to Ask requests are triggered when a member of the public contacts the police directly to request a disclosure. This can be the individual who is in a relationship with a potentially violent partner, or a third-party who has concerns on their behalf. The police complete initial checks and attend a face-to-face meeting with the applicant to verify their identity.
- Right to Know requests are triggered by the police where they receive indirect information or intelligence (from police or partner agencies) that indicates an individual is at a risk of harm from their partner.
- For both Right to Ask and Right to Know requests, police perform a set of checks and risk assessments to build up a picture of the potential victim and their partner.
- If initial checks give the police cause for concern, they refer the case to a local multi-agency decision-making forum where a decision is made about whether or not to make a disclosure, and who to make a disclosure to. The decision-making forum must ensure that there is a 'pressing need' to disclose, and that any disclosure is lawful and proportionate to protect the potential victim from harm. The disclosure should be given to the person best placed to safeguard the person at risk from harm (in most cases, this is the person at risk). If at any stage of the process the police identify that the potential victim is at immediate risk of harm, they can bypass the decision-making forum stage and make a disclosure straight away.
- If a decision has been made to disclose information, the decision-making forum considers which agencies are best placed to deliver the disclosure. The potential victim is offered support alongside the disclosure.
- If a decision has been made not to disclose information and the request was triggered by a Right to Ask application, the disclosure scheme guidance strongly advises that police visit the applicant and offer support if they have concerns about their partner.
- Following a ruling from the High Court in March 2013 on the Child Sex Offender Disclosure Scheme, the DVDS guidance was amended so that, at the point where a decision is being made on whether to make a disclosure, consideration is also given on whether to seek representations from the subject of the disclosure request before the disclosure is made. However, consideration should also be given on whether there are good reasons not to seek a representation, such as the need to disclose information in an emergency or where seeking the representation might put the potential victim at risk.

**Figure 1: Overview of DVDS process**



The DVDS guidance suggests a maximum timescale of around a month between an application and a decision about whether to disclose.

## Assessment Aims and Approach

This assessment considered the specific disclosure process that has been introduced by the domestic violence disclosure scheme pilot. The pilot has not introduced any new legislation or powers to enable police to disclose information, as police officers already have the ‘common law’ power to disclose any information that is necessary to prevent and detect future crime. Instead, the pilot has introduced a recognised and consistent process for making disclosures. The assessment aimed to capture views of those involved in the pilot, in order to understand how the process was implemented across the four pilot areas. The assessment also aimed to identify good practice and issues that emerged during the pilot that could be used as lessons learnt if the scheme is rolled-out nationally.

The overall aims of this assessment were to understand:

- the nature of DVDS cases, including the volume and characteristics of applications and disclosures.
- how the DVDS process has been implemented in pilot areas, including police officer and partner agency views of the lessons learnt and key issues with the process.
- the views of applicants and those who had received a disclosure about their experience of the process.

This assessment focused on capturing views of the disclosure process and was not designed to assess any impact of the pilot scheme for victims or perpetrators of domestic abuse (for example, changes in potential domestic abuse victimisation or recidivism), or assess ‘value for money’. The costs of the pilot have been absorbed within existing local budgets, though illustrative costs based on data supplied by Wiltshire have been provided. The assessment did not consider the views of those who had a disclosure made about them. This is because in all cases during the pilot, police officers and partner agencies had considered but not then sought representation from this individual regarding the disclosure. Police officers had also considered whether to inform this individual that a disclosure was to be made about them however had decided not to inform them as they felt this might compromise the safety of potential victims.

The following sources were used to inform this assessment report:

### 1) Police Monitoring Data

Pilot police forces collated data about DVDS cases on a monthly basis from July 2012 to September 2013 throughout the pilot. The data provided the following information:

- the volume and type of disclosure requests.
- reasons for disclosure requests.
- the volume of disclosures, and the route the disclosure was made from (Right to Ask or Right to Know).
- who the disclosure was made to (person at risk or third-party).
- when the disclosure was made (before or after the decision-making forum).
- who made the disclosure (police only, or police and support worker).
- the number of referrals to other agencies following the disclosure.
- reasons why requests did not result in a disclosure.
- demographic information on the person at risk and the subject of the request.

This data was voluntarily supplied by pilot forces using a consistent template spreadsheet. However different forces interpreted some of the data fields differently meaning it was not possible to compare some data across forces.

## 2) Workshops with those involved in implementing the pilot scheme

Two workshops were held at the Home Office in December 2012 and September 2013. The workshops included focus groups run by researchers from the Home Office Crime and Policing Analysis Unit, with police and partner agency representatives from the four pilot areas who had direct experience of implementing the pilot scheme. Focus groups covered the following themes: the police process, awareness and understanding of the scheme, the decision-making process and supporting victims.

A total of 28 participants attended the workshop in December 2012 and 31 participants attended the workshop in September 2013. Attendance was higher from Greater Manchester, Nottinghamshire and Wiltshire, meaning that findings may be skewed slightly towards the experiences of these areas. Due to staff turnover within pilot areas, some participants only had limited experience of the scheme to draw upon during focus group discussions.

## 3) Questionnaires with those who had applied for and/or received a disclosure

Questionnaires were conducted by police and support services in the pilot areas with a small number (38) of individuals who had applied for and/or received a disclosure under the scheme. The questionnaires were tailored according to the route (Right to Ask or Right to Know) that the applicant had gone through. Of the 38 questionnaires, 23 were completed by those who had received a disclosure via the scheme, which represents around one-fifth of the total number of disclosures that were made during the pilot (111). The remainder of the questionnaires were completed by third-parties who had requested a disclosure (6) or individuals who had applied for but not received a disclosure (9). Police officers used their professional judgement and risk assessment tools to ensure victim safety was not compromised by completing questionnaires. Throughout the report we will refer to those who completed a questionnaire as respondents, and highlight any findings based on just those respondents who received a disclosure.

The approach did not aim to obtain a representative sample of those who had applied for a disclosure, but rather a flavour of different experiences. Specific limitations of the questionnaires were:

- findings are not necessarily representative of all applicants who used the scheme. This is because it was only possible to conduct questionnaires with a small number of individuals (38), due to the difficulty of retrospectively contacting applicants.
- the majority of questionnaires were completed in Greater Manchester, meaning the findings may be skewed towards experiences in this pilot area.
- most questionnaires were completed with a police officer present, rather than completed directly by the respondent which may affect the content and candour of responses.

## 4) Informal feedback from those involved in implementing the pilot

Throughout the pilot, the Home Office received informal feedback from the DVDS steering group and police force pilot leads about the implementation of the pilot. This has enabled identification of any immediate issues and implementation of solutions where necessary.

## Key Findings

### Throughput and nature of DVDS cases

Over the course of the pilot, from July 2012 to September 2013, police monitoring data recorded a total of 386 applications for a disclosure, made up of 231 Right to Ask applications (60%) and 155 Right to Know applications (40%). It is likely that there will have been enquiries to the police about the disclosure scheme from members of the public, that did not proceed as formal Right to Ask requests.

Table 1 provides a detailed breakdown of the number and type of applications by pilot area.

**Table 1: Disclosure Applications in DVDS pilot areas, July 2012 to September 2013<sup>7</sup>**

Force:	Gwent	Wiltshire	Greater Manchester	Nottinghamshire	Total
Right to Ask Applications	60	39	73	59	<b>231</b>
Right to Know Applications	16	79	36	24	<b>155</b>
<b>Total</b>	<b>76</b>	<b>118</b>	<b>109</b>	<b>83</b>	<b>386</b>

Overall, there were a higher number of Right to Ask applications than Right to Know applications, though this varied by pilot area. Wiltshire had a much higher proportion of Right to Know than Right to Ask applications as Wiltshire had introduced the policy of automatically considering all cases heard at a local Multi-Agency Risk Assessment Conference<sup>8</sup> (MARAC) as potential Right to Know cases for the disclosure scheme.

Of the 231 Right to Ask requests, around three-quarters came from the person who had concerns about their partner (75%) with the remainder being from a third-party who had concerns on behalf of a person at risk. Third-party requests were mostly from parents, carers or guardians of the person at risk.

For the 155 Right to Know requests, most were initiated by statutory and voluntary services (86) and the remainder were initiated by police officers (67)<sup>9</sup>.

The most common reported trigger for requesting a disclosure was the behaviour of a partner. Demographic information recorded by police suggests that the vast majority (98%) of applications requested information for women about their male partners, and most of these women were aged between 19 and 50. Almost two-thirds (63%) had children (see Annex A for detailed demographic information).

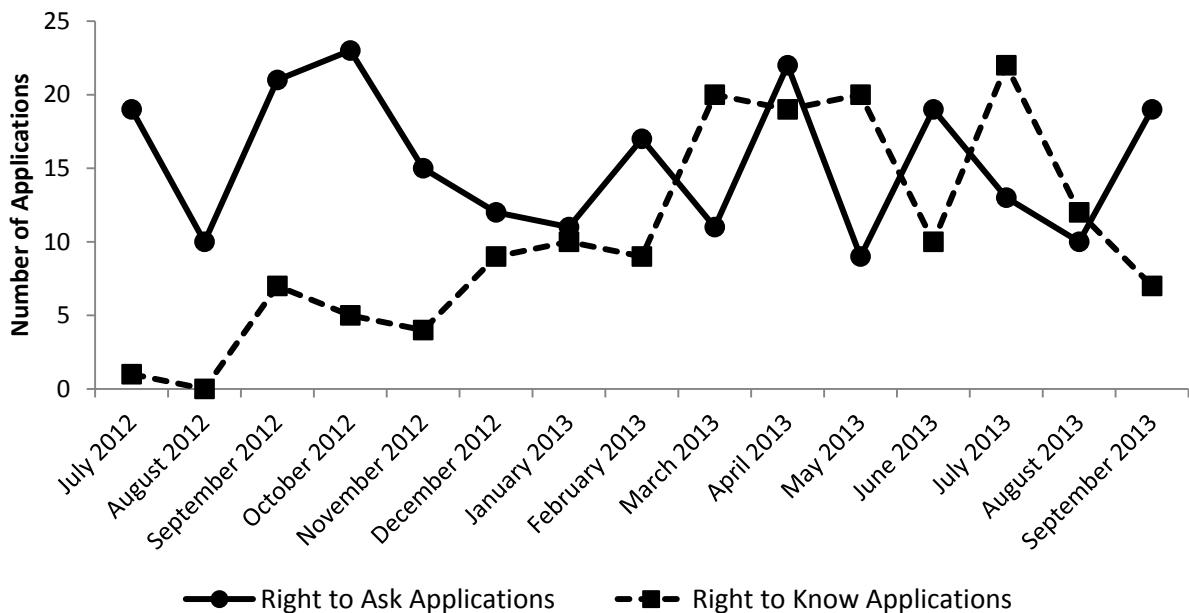
<sup>7</sup> Gwent and Wiltshire began the pilot in July 2012, Greater Manchester and Nottinghamshire began in September 2012

<sup>8</sup> Multi-Agency Risk Assessment Conferences (MARACs) are multi-agency meetings where statutory and voluntary agency representatives share information about high-risk victims of domestic abuse in order to produce a co-ordinated action plan to increase victim safety.

<sup>9</sup> There were 2 Right to Know applications where no information was recorded about who initiated the application

Over the course of the pilot, the number of Right to Ask applications fluctuated each month with no consistent pattern (Fig. 2). The number of Right to Know applications increased over time, however this trend may be dominated by Wiltshire who experienced a large increase in the volume of Right to Know applications as they introduced a policy of considering all MARAC cases for the domestic violence disclosure scheme.

**Figure 2: Number of Right to Ask and Right to Know Applications per month during the DVDS pilot in all pilot areas, July 2012 to September 2013**



## Progression of cases through the scheme

Around half of the 386 disclosure applications (194) were referred to and discussed at the local decision-making forum, where decisions are made about whether or not to make a disclosure. The most common reported reasons why a case was not referred to the forum were that the police had categorised the case as 'no concern'<sup>10</sup>, or the case did not meet the criteria for the disclosure scheme. There were differences between pilot areas in the proportion of requests that were referred to the decision-making forum due to differences in how the scheme had been implemented. Some areas filtered out more applications before sending them to the forum, resulting in a lower proportion of cases being referred.

## Volume and nature of DVDS disclosures

Over the course of the pilot, police monitoring data recorded a total of 111 disclosures given by the police about a partner's previous abusive behaviour, of a total of 386 applications. This represents an overall disclosure rate<sup>11</sup> of 29 per cent. There were 59 disclosures resulting from Right to Ask applications, and 52 disclosures resulting from Right to Know applications. Right to Know applications were slightly more likely to result in a disclosure than Right to Ask applications.

<sup>10</sup> The DVDS guidance document suggests police should categorise cases as 'concern' or 'no concern' based on initial checks and risk assessments.

<sup>11</sup> The disclosure rate refers to the proportion (%) of requests that resulted in a disclosure

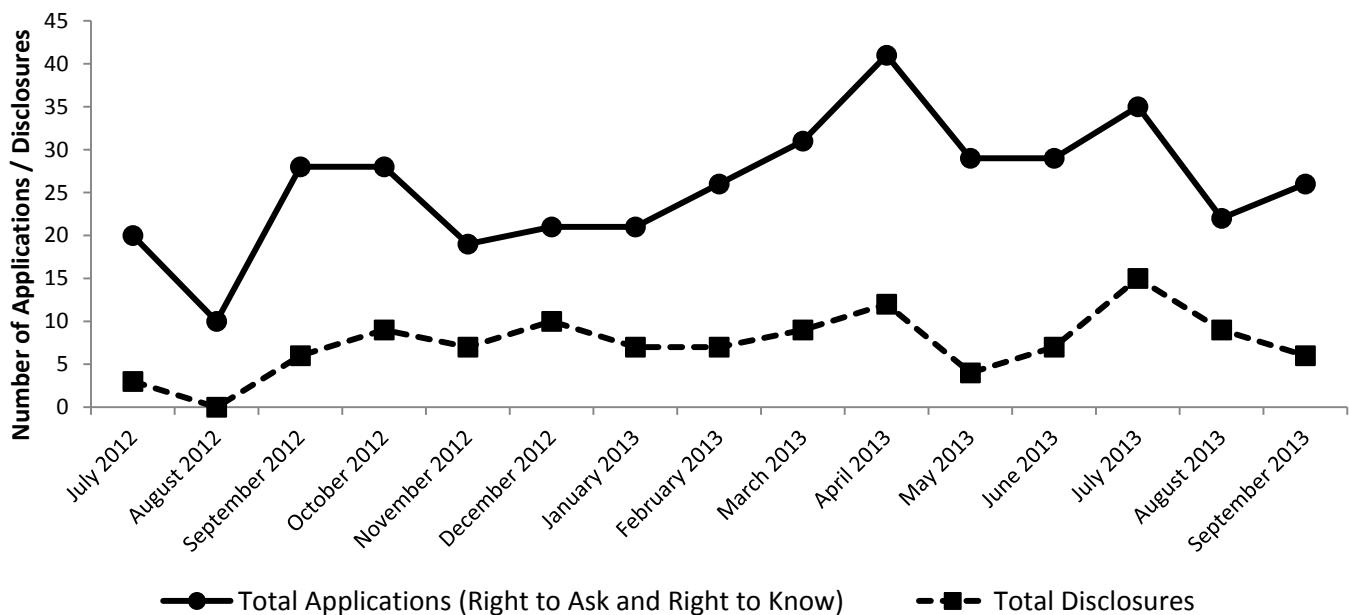
Greater Manchester had a much higher disclosure rate than the other pilot areas (Table 2). Practitioners involved in the research suggested this may be because other pilot areas had a higher proportion of applications that did not meet the criteria for the scheme, or where it was felt there was no 'pressing need' for a disclosure. These data suggest there may have been some variations in practice and/or interpretation of 'pressing need' across different areas.

**Table 2: Disclosures made in DVDS pilot areas, July 2012 to September 2013**

Force:	Gwent	Wiltshire	Greater Manchester	Nottinghamshire	Total
Disclosures from Right to Ask	8	7	39	5	<b>59</b>
Disclosures from Right to Know	5	15	27	5	<b>52</b>
<b>Total Disclosures</b>	<b>13</b>	<b>22</b>	<b>66</b>	<b>10</b>	<b>111</b>
<b>Disclosure Rate</b>	<b>17%</b>	<b>19%</b>	<b>61%</b>	<b>12%</b>	<b>29%</b>

Over the pilot, the number of disclosures fluctuated each month with no upward or downward trend (Fig. 3). The volume of disclosures roughly reflected the volume of applications, suggesting the disclosure rate remained consistent over the course of the pilot.

**Figure 3: Number of Applications (Right to Ask and Right to Know) and Disclosures per month during the DVDS pilot in all pilot areas, July 2012 to September 2013**



The majority of disclosures were made by the police after the decision-making forum, though in a small number of cases (5) the disclosure had been made urgently, before the forum, as risk assessments indicated the person was at a high risk of harm. In some pilot areas, these cases were retrospectively reviewed at decision-making forums so local agencies were aware that a disclosure had taken place.

The majority of disclosures (90%) were delivered to the person at risk and in the remainder of cases a third-party was given the information alongside them (11), as it was felt they were best placed to safeguard this individual. In most cases, the disclosure was given jointly by the police and a support worker (99 of the 111 disclosures) in order to provide immediate support to the person at risk and offer them the option of working with support services. The remainder of disclosures were made by police officers alone. Additionally, following disclosures 65 referrals were made by police to other agencies, suggesting the pilot encouraged some multi-agency referral pathways. However these referrals were only made in two of the pilot areas (Greater Manchester and Wiltshire), highlighting differences in implementation between the pilot areas.

The most common reported reasons for requests not resulting in a disclosure were:

- the decision-making forum felt there was no ‘pressing need’ to disclose information. For example, an intimate relationship had ended before a decision was made about whether or not to make a disclosure.
- there was no information available about previous violent offending that suggested an individual was at risk from their partner.
- the case did not meet the criteria for the scheme, for example it was referred to another disclosure scheme that was felt to be more appropriate. This often occurred for cases including child protection issues.

## Overall views of the scheme

Police and partner agencies involved in delivering the pilot were positive about the disclosure scheme. Overall, they thought the scheme was a good idea as it represented an opportunity to give potential victims of domestic abuse information that would help them to make a more informed choice about their relationship. They felt this may help to prevent domestic abuse starting. Case study examples of where practitioners felt the scheme had worked well are provided at Annex B.

*“It’s a fantastic tool to empower people to make informed decisions”.* (Police officer, Gwent)

Perceptions of the scheme were also captured from a small number of individuals who had applied for and/or received a disclosure. Findings therefore might not be representative of all individuals who applied for a disclosure during the scheme.

The majority of respondents who had received disclosures stated that the information the police had given them had helped them to make more informed choices about their relationship. As a result of the information disclosed, respondents stated they would be more likely to keep a closer look out for signs of domestic abuse in their relationship and seek support from family and friends. A small number of respondents (4) reported that they were likely to seek support from support services following the disclosure.

Police and partner agencies involved in the pilot felt the Right to Ask route was particularly useful because it had introduced a new process that enabled individuals to contact the police directly about concerns they had about their partner. In some cases, this had brought potential victims and perpetrators of domestic abuse to the attention of the police and other agencies for the first time – for example in cases where the potential victim alleged their partner was abusive but the police had no prior intelligence about this. In these cases, police had created an intelligence log for this individual to highlight that a partner had raised concerns about their behaviour. The Right to Know route was felt to have formalised existing processes for making disclosures that are established under police ‘common law powers’.

Those involved in implementing the scheme locally felt that it offered them a useful way to tackle domestic abuse, and had become another important ‘tool in the box’ for professionals working on domestic abuse, but it should not be seen as a ‘catch-all’ for domestic abuse prevention work. They also felt that the scheme helped to promote and reinforce local multi-agency responses to domestic abuse. Multi-agency ownership and buy-in for the scheme from the start of the pilot was seen as key to successful implementation.

Police and support workers thought that safety planning for potential victims was a vital stage of the DVDS process. They felt that offering this support was essential for the success of the scheme. Police and support workers considered it crucial that an Independent Domestic Violence Adviser (IDVA) or support worker attended the disclosure with the police, as this would offer immediate support to the potential victim and the option of talking through the information contained in the disclosure, so they could understand how it was relevant to their situation. Practitioners had made every effort to ensure disclosures were given with a support worker, and monitoring data shows that 89 per cent of disclosures were given jointly by the police and an IDVA or support worker. In some cases, if there was not sufficient capacity for a support worker to be present at a disclosure, practitioners had delayed making a disclosure beyond the timescales suggested by the DVDS guidance to ensure a support worker could be there.

Questionnaire responses from those who received disclosures with a support worker present stated that they found the support worker presence useful. They felt support workers were knowledgeable, sympathetic and assisted them in understanding what the information meant and what their options were.

*“If we delivered a disclosure without a support worker there, we would be ‘setting the potential victim up to fail’”* (Support worker, Gwent)

There were some concerns about whether an appropriate level of support could always be provided if the scheme was rolled out. Support workers suggested that the different levels of domestic abuse support service coverage across England and Wales might affect the ability of support workers to attend disclosures and provide support in some areas. Police officers and support workers felt that if the scheme was rolled-out more widely, there needed to be sufficient support service capacity in place in all areas.

## Implementation of the Pilot Processes

All pilot areas had successfully set up a process for the disclosure scheme that followed the principles set out in the non-statutory guidance. Overall, practitioners felt the DVDS process was fit-for-purpose, all parts of the process were functioning effectively and the process offered police a useful and consistent way to make disclosures.

Police and partner agencies generally felt the guidance for the scheme was not overly prescriptive about how to run the scheme and this had allowed them to be flexible in setting up the process. Pilot areas operated certain parts of the process differently to each other, reflecting local circumstances and structures. For example, each area operated the decision-making forum slightly differently, in terms of the frequency of forums and the participants that attended. This largely depended on existing multi-agency structures for domestic abuse and the number of cases to be discussed.

However some practitioners felt there needed to be a set of ‘minimum standards’ built into the guidance to ensure that all local areas were providing a consistent process and level of service. They felt there should be more guidance about what to disclose, and the level of support that should be provided to those who apply for but do not receive a disclosure. However there were mixed views from practitioners about how prescriptive they felt any guidance should be.

All pilot areas generally felt the decision-making forum process had gone well over the course of the pilot. All areas had successfully set up a multi-agency decision-making forum and did not report any difficulties with reaching consensus about whether or not to disclose. Across all pilot areas, decision-making forums contained at least the minimum number of representatives suggested in the guidance for the scheme (police, probation and IDVA), and in many areas a range of other representatives attended the forum, such as health, community safety, social services and support services. All police officers and partner agencies with experience of decision-making forums were positive about the multi-agency view of risk at the forums, and felt it was a useful checkpoint built into the process.

Overall, the majority of questionnaire respondents who had used the scheme were satisfied with their experience of the process. Most were satisfied with the level of explanation and amount of information provided by police officers at the initial request, at the face to face meetings (for Right to Ask applications) and during the disclosure (where they had received one). Those who were asked about whether they would recommend the scheme reported that they would recommend the scheme to others and would use the process again if they had concerns about a future partner.

*"Having been in an abusive relationship before I was very satisfied with the way that the police dealt with me on this occasion (taking everything very seriously) and feel that this new process is beneficial to women at risk of domestic violence."* (Questionnaire respondent)

This assessment did not consider value for money of the disclosure scheme. However an approximation of scheme costs based on information supplied by one pilot area (Wiltshire) suggests that the average cost of an application is around £740 (the average cost of a Right to Ask application is around £690 and the average cost of a Right to Know application is around £810). This is based on the estimated time required of police officers and other agency workers on each stage of the process, for example performing research and checks on a request, attendance at a decision-making forum and delivering a disclosure.

It is important to note that these figures are likely to be underestimates because of conservative assumptions about the time taken on certain stages of the process. It is not possible to know how generalisable the costs reported by Wiltshire would be across different local areas. Costs are likely to vary between areas depending on how they implement the process and the volume of cases they experience.

## Issues experienced during the pilot

The assessment aimed to identify challenges experienced during the pilot in order to capture lessons learnt. While the implementation of the pilot had gone well overall, there were some areas where there were felt to be issues.

During the early implementation of the pilot, some issues were experienced however these were generally felt to have been resolved over the course of the pilot. The early issues that were eventually resolved were:

### DVDS process was not initially felt to be embedded into routine work

During the early implementation phase, most police officers working in domestic abuse units perceived the disclosure process as an 'add-on' to their everyday work. There was a sense that most specialist officers working on the DVDS were not familiar with the paperwork and processes involved in the scheme. However this seemed to result from a lack of experience of

the process. By the end of the pilot, those working directly on the scheme felt that the process had become well embedded into their routine workload and was now ‘business as usual’.

## **Confusion around the rationale for referring Right to Know applications to the decision-making forum**

During the early implementation phase, a small minority of police officers were unsure why Right to Know applications had to be discussed at local decision-making forums. They felt that Right to Know disclosures were something the police could already make through their ‘common law powers’ and suggested that referring these cases to forums slowed down the time taken to disclose and had generated additional paperwork. However over the course of the pilot this became perceived as less of an issue as police officers reported that they thought sending all cases to decision-making forums was useful as it helped to bring in a multi-agency view of risk to the potential victim.

There were some issues that were felt to have remained throughout the pilot period. These issues were:

### **Perceived bureaucracy of police process**

Police officers involved in implementing the scheme generally felt that most of the paperwork associated with the scheme was bureaucratic. They felt that some forms duplicated each other, and that paperwork could be streamlined, for example through auto-populating forms. However they also thought it important to keep detailed paperwork on cases, to record the rationale for making a decision about a disclosure.

It was also felt that certain stages of the process were fairly resource-intensive for police officers, with the most time-consuming stage being perceived as the research that is required to investigate an individual’s offending history. In practitioners’ experience, this had taken around 1 to 2 hours per case, but longer for more complex cases. Some officers were unclear about whether they could stop background research once they had found evidence of previous offences that indicated someone was at risk from their partner, or whether they had to do a complete search to ensure they had information on the full extent and severity of previous violent offending. Most officers had erred on the side of caution and carried out complete searches to ensure they had all information to hand at the decision-making forum.

### **Public awareness and understanding of the scheme**

Police and other agencies felt that not many people in their local areas knew about the existence of the disclosure scheme. The number of Right to Ask applications was lower than the pilot areas had initially expected. Pilot areas had undertaken some initial public awareness-raising at the start of the pilot, such as publicity via local media. However most pilot areas had not actively publicised the disclosure scheme throughout the pilot, as they felt they would not have enough capacity to resource large volumes of disclosure applications. These concerns could partly reflect the scheme being in pilot stage.

Applicants’ understanding of what the disclosure scheme was for and how the process works was reportedly varied. Police officers had experienced cases where individuals requesting a disclosure assumed they would automatically be given information relating to their partner’s previous behaviour when they initially contacted the police. Also some third-party applicants reportedly assumed they would receive the information themselves rather than the person at risk. However most Right to Ask applicants who completed a questionnaire reported that they did not expect the police to automatically give them a disclosure, and they assumed the police would only make a disclosure if they felt it was necessary.

Practitioners felt that any misunderstandings about the scheme tended to be ‘ironed out’ once an applicant contacted the police and the process was explained to them. If the pilot was to be rolled out nationally, targeted and clear communication about the scheme was considered important to manage applicants’ expectations of the scheme before they contact the police. Practitioners also felt it was important that future publicity was available in a range of languages and formats to ensure the scheme was accessible to as wide a range of individuals as possible.

## Frontline police officer awareness of the scheme

Police officers working on the disclosure scheme felt that not all frontline officers in their police force knew about the scheme. This was perceived to result in missed opportunities for frontline officers to promote the scheme to members of the public, for example after they had been called out to a domestic incident, or to refer cases for disclosure to the Right to Know route. Police officers felt that it would be useful for all frontline officers to have a basic understanding of what the scheme was and where it could be used but they did not need the same level of detailed understanding as specialist officers. They suggested this could be promoted through face-to-face briefing or training sessions, and that this would be more effective than eLearning.

In Wiltshire, a question had been added to police DASH risk assessment forms<sup>12</sup> about whether the case should be referred to the disclosure scheme. This was to enable frontline officers to consistently pick up cases where a disclosure might be appropriate. Specialist officers suggested that some frontline officers completing the DASH were unsure in some cases what this question meant, therefore some cases were being referred to DVDS that were not appropriate. This area is aiming to revise the question for the DASH form to ensure appropriate referrals are sent through and further help encourage use of the scheme.

## Overlap between the DVDS and other disclosure processes

There were mixed views between practitioners about whether more guidance was needed about the overlap between the DVDS and other disclosure processes. Some police and partner agencies felt there needs to be clearer guidance about how the scheme, particularly the Right to Know route, overlaps with other processes that involve disclosure about risky behaviour, such as MAPPA, CSODS and child protection arrangements<sup>13</sup>. Some police and probation officers had experienced cases where it was possible to make a disclosure under the DVDS and another process, however were not sure which disclosure process would be most appropriate to use. In these cases, professionals had used their judgement and decided the process to use on a case-by-case basis. However some officers thought that the priority should be disclosing information rather than concerns over which process to use:

*“All that matters is trying to safeguard, whatever the route”* (Police officer, Greater Manchester)

## Lack of understanding of the term ‘pressing need to disclose’

There were differences in how individual professionals interpreted and understood the term ‘pressing need to disclose’ and this may be reflected in police monitoring data that shows wide

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<sup>12</sup> Domestic Abuse, Stalking and Honour Based Violence (DASH) risk assessments are a checklist for identifying and assessing risk of domestic violence.

<sup>13</sup> Multi-Agency Public Protection Arrangements (MAPPA) involve the management of violent and sex offenders. The Child Sex Offender Disclosure Scheme (CSODS) allows parents, carers and guardians to formally ask the police if someone has a record for child sex offences.

variation in the disclosure rates between pilot areas (Table 2). The guidance for the scheme suggests that 'pressing need to disclose' is one of the criteria the decision-making forum must meet in order to make a disclosure. None of the pilot areas had tried to codify what is meant by 'pressing need', and felt it was a subjective term.

*"Pressing need ... it's a subjective term, it means one thing to one person and another thing to somebody else"* (Police officer, Wiltshire)

However in practice, practitioners felt this had not been an issue for them as they had considered 'pressing need' on a case-by-case basis and used their professional judgement to assess whether they felt there was a pressing need to disclose. Those involved in decision-making forums reported viewing 'pressing need' in terms of risk. If there was felt to be a risk to an individual from their partner, then this meant that there was a pressing need for a disclosure. Participants suggested that agencies working on domestic abuse were more familiar with the terminology of 'risk', rather than the legal terminology of 'pressing need', as risk is commonly assessed using DASH risk assessment forms and is part of the criteria for referring cases to a MARAC.

*"Something like 'is there an identifiable and ongoing risk that means we should disclose?' seems more useful than 'is there a pressing need to disclose?'"* (Probation, Nottinghamshire)

The level of information known by a potential victim about their partner's previous domestic abuse was seen as an important factor for helping to decide whether there was 'pressing need' to disclose. There were some differences in opinion between those involved in decision-making forums about how important this level of existing knowledge is. Some felt there was no pressing need to disclose if a potential victim already knew their partner had been abusive in the past, because the potential victim was already aware of the risk they faced. Other forum participants felt that even if a potential victim knew about their partner's previous domestic abuse, it was still important in circumstances and determined on necessity, to give them a disclosure to confirm what they knew and make them aware of the extent and severity of risk they faced. Practitioners with experience of decision-making forums felt it was important that there was consistency across all areas about whether or what to disclose if a potential victim is already aware of their partner's previous domestic abuse.

Practitioners had experienced some difficulties when an individual's existing knowledge about their partner's previous domestic abuse was based on 'hearsay' about their partner, and there was no police or partner agency intelligence to confirm this. In these cases, police officers made a 'non-disclosure' (as there was no information available to disclose) however felt it was important to stress to the individual that just because there was no information to disclose did not necessarily mean they were not at risk. In these cases, police and partner agencies had offered support to potential victims. Most of these cases had been flagged on police and partner agency systems so professionals knew that there had been concern raised by the individual so they were treated as urgent in future.

## **Delivery of Right to Know disclosures**

Police and support workers found it difficult to practically manage the delivery of a Right to Know disclosure. This was because the potential victim was often not aware that an application for disclosure had been made, whereas in Right to Ask cases, the applicant had pre-arranged safe contact locations with police officers. Practitioners used their professional judgement and risk assessments to assess when might be the most appropriate time to make a disclosure to a potential victim via Right to Know. However experienced domestic abuse police officers

reported that it was sometimes difficult to find a time when they knew the alleged perpetrator was not present.

Practitioners had found that making disclosures via Right to Know was also difficult as in some cases, the potential victim had been dismissive of the information contained in the disclosure, or refused to listen to the disclosure. Support workers expressed some concerns that the disclosure could increase risk to a potential victim in some cases if they did not recognise the level of risk they faced.

## Lack of consistency in information given in disclosures

There was a lack of consistency between pilot areas over the course of the pilot about the level of detail of information given in disclosures, and the types of previous offences that were disclosed.

*Level of detail of disclosures:* Pilot areas differed in how they decided on the wording of disclosures and the level of detail that the disclosure would contain. In some areas, the wording was decided at the decision-making forum and in other areas this was decided by police officers after the forum.

Police officers in all pilot areas felt that the content of a disclosure had evolved over the course of the pilot to give more detailed information about an individual's previous violent behaviour. At the start of the pilot, during disclosures, the police told an individual that their partner had been abusive in the past but usually did not give details about the nature of previous offences. However over time, officers reportedly felt more comfortable disclosing specific details about previous offences, such as the number of offences, or any known aggravating factors for the alleged perpetrator, such as weapons used. They felt this enabled the potential victim to be more aware of the risks they may face. Based on their experience of attending disclosures, support workers felt that more detailed disclosures helped messages to 'hit home' and for the potential victim to make links with their own situation. They felt that more detailed disclosures may help to contradict misinformation from alleged perpetrators as they would not be able to 'downplay' previous offences. Questionnaire respondents who had received a disclosure also suggested that they would find further detailed information in the disclosure more useful.

*"Should disclose all of the convictions and the investigations, it leaves you dangling about what 'else' there could be in his past."* (Questionnaire respondent)

*What previous offences are disclosed:* There were some differences between pilot areas in terms of what information they would disclose. Some areas only disclosed information on previous domestic abuse offending, while other areas disclosed any previous offences they felt were relevant, such as sex offences or violence. They felt it was relevant to disclose these offences as they indicated that an individual was at risk of harm from their partner. The precise information to be disclosed tended to be decided on a case-by-case basis, though the police suggested more guidance about disclosing non domestic-abuse offences would be useful, to ensure consistency across different areas.

## Follow-up support for non-disclosures

There was a lack of consistency between pilot areas in the follow-up support given to those who received non-disclosures i.e. those who were told there was no information to disclose. In some cases, those receiving a non-disclosure were signposted to support services, in other cases a DASH risk assessment was completed and in other cases, they were flagged on police and partner agency systems to treat as urgent in future. Police and support workers suggested it would be useful for a set of 'minimum standards' of support to provide for 'non-disclosures'

(from both the Right to Ask and Right to Know route) to ensure a consistent level of support was provided across different local areas.

## Discussion and Conclusion

Overall, those involved in implementing the pilot disclosure scheme and the applicants involved in the research were positive about the process. The major perceived benefit of the scheme was that it gives individuals information that may help them to make a more informed choice about their relationship. The process through which the police can deliver disclosures was considered to be fit-for-purpose, and those who used the scheme were generally satisfied with their experience of the process<sup>14</sup>.

Ensuring support for those who receive a disclosure was considered extremely important for the success of the scheme. Pilot areas had made every effort to ensure a support worker or IDVA was present during all disclosures, to enable the person at risk to talk through the information and support options available. Questionnaire responses from those who received a disclosure with a support worker present indicated that this was very useful as it had helped them to understand the disclosure and how it related to their own situation. Ensuring there is enough capacity to provide such support in future if the number of applications increases was seen as a key issue.

While the pilot areas have been able to set up a process for implementing the scheme, many areas chose not to actively publicise the scheme as they were concerned that they would not have the resources in place to deal with large numbers of applications. This may reflect that the scheme was a pilot and not yet fully embedded into routine police practice, though suggests a need for careful planning of resources if the process is rolled-out nationally, to ensure that police and support services have sufficient capacity to deal with high volumes of requests and to ensure high awareness amongst individuals who may benefit from the scheme.

At the start of the pilot, there were some initial ‘teething problems’ experienced by local areas, such as confusion about why Right to Know cases should be referred to a decision-making forum, and the process being perceived as an ‘add-on’ to everyday routines. However these problems were felt to have been resolved over the course of the pilot.

There were some areas where issues were felt to have been experienced throughout the pilot. These issues related to the perceived bureaucracy of some elements of the police process, low public awareness and understanding of the scheme and low awareness of the scheme amongst some frontline police officers. There were also some issues surrounding the practicalities of delivering disclosures from the Right to Know route.

The pilot has suggested lessons learnt for further consideration if the pilot is rolled-out nationally. Many of these lessons reflect concerns that there needed to be more guidance in place to ensure the process is more consistent across different local areas. The specific areas where more guidance or clarity was felt to be needed were about:

- How the DVDS overlaps with other statutory disclosure processes.
- The minimum level of support that should be offered following a ‘non-disclosure’.
- The disclosure of offences other than domestic abuse.
- Interpretation of the term ‘pressing need to disclose’.

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<sup>14</sup> The views of those applicants involved in the research might not necessarily be representative of all applicants who went through the disclosure scheme.

## **Recommendations**

- 1) Work with the police to embed routine training on the Domestic Violence Disclosure Scheme for front-line and specialist domestic abuse police officers and staff (to include consistency of approach when disclosing information).
- 2) Work with voluntary and community sector to develop a standard package of support that can be given to individuals who applied for a disclosure via the Right to Ask route where there is no information to disclose.
- 3) Develop ways to raise awareness of the Domestic Violence Disclosure Scheme locally that balances public safety and local agency resources.

# Annex A: Demographic Information

The tables below show detailed demographic information provided by police monitoring data about the ‘person at risk’ (individual for whom a disclosure was requested) and the ‘subject of request’ (individual who information was requested about)<sup>15</sup>.

## Person at risk demographic information

**Table A1: Gender of person at risk**

	n	%
Females	380	98
Males	5	1
Gender unknown/not recorded	1	0
<b>Total</b>	<b>386</b>	<b>100</b>

**Table A2: Ethnicity of person at risk**

	n	%
White	321	83
Other	18	5
Ethnicity unknown/not recorded	47	12
<b>Total</b>	<b>386</b>	<b>100</b>

**Table A3: Age of person at risk**

	n	%
0-18	12	3
19-30	173	45
31-50	160	41
51 and over	17	4
Age unknown/not recorded	24	6
<b>Total</b>	<b>386</b>	<b>100</b>

<sup>15</sup> Total percentages in tables may not sum to 100 due to rounding.

**Table A4: Children of person at risk**

	n	%
Number with children	245	63
Number with no children	108	28
Number where children unknown/not recorded	33	9
<b>Total</b>	<b>386</b>	<b>100</b>

**Subject of request demographic information****Table A5: Gender of subject of request**

	n	%
Females	5	1
Males	380	98
Gender unknown/not recorded	1	0
<b>Total</b>	<b>386</b>	<b>100</b>

**Table A6: Ethnicity of subject of request**

	n	%
White	309	80
Other	35	9
Ethnicity unknown/not recorded	42	11
<b>Total</b>	<b>386</b>	<b>100</b>

**Table A7: Age of subject of request**

	n	%
0-18	4	1
19-30	135	35
31-50	192	50
51 and over	27	7
Age unknown/not recorded	28	7
<b>Total</b>	<b>386</b>	<b>100</b>

# Annex B: Case study examples of the DVDS scheme

Case studies of where the scheme has been used are provided below (Boxes A1 and A2). These case studies are anonymised and names have been changed. The case studies have been provided by practitioners involved in implementing the pilot<sup>16</sup>.

## **Box A1: Case study of Right to Ask disclosure request**

Diane\* made a Right to Ask application to the police for a disclosure on behalf of her daughter Becky\*. Diane's motivation for making the application was that she had heard her daughter's boyfriend Chris\* had a background of violence in a previous relationship. Diane also felt that Becky's behaviour had changed since her relationship with Chris began.

Local agencies conducted background checks on Chris. The police, an Independent Domestic Violence Adviser (IDVA) and probation all held significant amounts of information that indicated Chris had been violent and abusive in several relationships in the past. In addition, probation had details of Chris' attitudes and was able to provide risk assessments that indicated known triggers for violence for Chris, such as drug use and breakdown of relationships.

The decision-making forum decided to make a disclosure and the disclosure was delivered to Becky jointly by the police and an IDVA. Becky was given information about the support available to her, and probation were made aware of the disclosure to assist them in their risk management of Chris.

## **Box A2: Case study of Right to Know disclosure request**

Sarah\* is a high-risk victim of domestic abuse and her ex-partner Dave\* is serving a prison sentence for assaulting her. Sarah is working with the police Domestic Abuse Team regarding Dave's release from prison. During this time, Sarah begins a relationship with a new partner Rob\*. The police who were working with Sarah had concerns about Rob and initiated a Right to Know disclosure request.

The police conducted background checks on Rob that revealed he had a history of domestic abuse in a previous relationship. The decision-making forum decided to make a disclosure and this was delivered to Sarah by the domestic abuse officer she had been working with. While Sarah was shocked by the disclosure, she reportedly stated the police 'should have been doing this (making disclosures) for years'.

<sup>16</sup> At the DVDS workshops, practitioners were asked to provide examples of cases where they felt the DVDS process had worked well. These cases are therefore based on practitioner's experience. All cases have been fully anonymised.