

# DOMESTIC VIOLENCE DISCLOSURE SCHEME A CONSULTATION

October 2011



Home Office



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# Ministerial foreword



I have been clear that ending violence against women and girls is a personal priority for me and for this Government. Domestic violence is a particularly dreadful form of abuse. The fact that two people are killed by their current or former partner each week in England and Wales shows just how serious this issue is and demonstrates just how urgent is the need for action.

The Government's commitment to tackling domestic violence is set out in our call to end violence against women and girls action plan, which we published in Spring 2011. This action plan places prevention, rightly, at the heart of our approach. We've already made good progress. For example, at the end of June we began piloting Domestic Violence Protection Orders in three police force areas. DVPOs are designed to give immediate protection to victims by banning a perpetrator from returning to the house and giving the victim the breathing space they need to consider their next steps. We have also directed that local areas and agencies should undertake a domestic homicide review after every domestic violence death to make sure the right lessons are learned to help stop future homicides and violence. Overall, we are providing £28m of stable Home Office funding for specialist domestic and sexual violence services over the next four years.

But I want us to constantly look at new ways of protecting victims and preventing tragic incidents from happening. That is why this consultation is seeking views on whether the protection of victims of domestic violence can be enhanced by the establishment of a national Domestic Violence Disclosure Scheme. This scheme would be based on recognised and consistent processes that could enable new partners of previously violent suspects to know more about their partner's history of abuse. They could then make informed choices about how and whether they take that relationship forward.

Stopping domestic violence is one of the most important tasks we face. Your views and opinions will help decide how and whether this new scheme should be implemented.

A handwritten signature in black ink, which appears to read 'Theresa May'.

Theresa May  
Home Secretary

# About this consultation

## SCOPE OF THE CONSULTATION

<b>Topic of this consultation:</b>	This consultation seeks views on the desirability of disclosing information about an individual's history of domestic violence to a new partner. It seeks views on a suitable model where the public have a "right to know" or a "right to ask", or whether current arrangements under existing legislation are sufficient. The consultation will also establish the potential scope for any disclosure scheme.
<b>Scope of this consultation:</b>	This is a consultation to seek views of key partners, and directly affected parties, including the police, practitioners, other government departments and organisations with a direct interest in preventing domestic violence. The consultation is also available on the Home Office website and we also invite comments from members of the public.
<b>Geographical scope:</b>	England and Wales
<b>Impact assessment:</b>	A consultation stage impact assessment is available on the Home Office website alongside this consultation.

## BASIC INFORMATION

<b>To:</b>	This consultation is open to the public.
<b>Duration:</b>	12 weeks
<b>Enquiries and Responses:</b>	Domestic Violence Disclosure Consultation 4th Floor, Fry Building 2 Marsham Street London SW1P 4DF Email: DVDisclosurescheme@homeoffice.gsi.gov.uk
<b>Additional ways to become involved:</b>	This will be an online consultation exercise. Please contact the Home Office (as above) if you require information in any other format, such as Braille, large font or audio.
<b>After the consultation:</b>	A summary of responses will be placed on the Home Office website.
<b>Getting to this stage:</b>	The Home Office has worked closely with the Association of Chief Police Officers to explore the issue under consideration and to develop proposals.
<b>Previous engagement:</b>	None.

# 1. Introduction

Domestic violence is a widespread problem. According to the British Crime Survey 2010/11, domestic violence comprises 18% of all violent incidents.<sup>1</sup> From April 2009-March 2010, the Crown Prosecution Service (CPS) dealt with 74,113 cases of domestic violence – an increase of 7009 cases from 2008-09.<sup>2</sup> Domestic violence is rarely a one-off incident, and should instead be seen as a pattern of abusive and controlling behaviour through which the abuser seeks power over their victim. Domestic violence costs both the private and public sectors a significant amount of money. In her paper *The Cost of Domestic Violence: Up-date 2009*, Sylvia Walby estimated that domestic violence costs £15.7 billion in 2008 in public services, loss to the economy and victims.<sup>3</sup>

In 2009/10 in England and Wales, 21 men and 94 women were killed by a partner, ex-partner or lover. Based on the figures for the last 10 years, there is an average of between 111 and 146 people murdered by their partner, ex-partner or lover annually and there is little sign of any longer term reduction in this trend.<sup>4</sup> Domestic violence and domestic homicide affects all communities and transcends age, gender, race, sexuality and social status. The dynamics of such abuse mean that it is often frequently repeated and the violence can escalate over time. A domestic violence incident which results in the death of the victim is often not a first attack, and serious injury and homicide can be prevented with early intervention.

## BACKGROUND TO THE CONSULTATION

The ambition of this government is to end violence against women and girls, and the government is committed to ensuring that the police and partner agencies have the tools they need to bring offenders to justice and to ensure victims have the support they need to rebuild their lives. The case of Clare Wood, who was murdered by her former partner in Greater Manchester in 2009, has brought to national attention the issue of police disclosure of information on previous violent behaviour against different partners. Noting that her former partner had three previous convictions under the Protection from Harassment Act 1997, the Coroner's report into the murder published in July 2011 contained the following recommendation:

**subject to appropriate risk assessment and safeguard, I recommend that 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.**

The tragic case of Clare Wood follows 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’. Chief Constable Moore set out a series of ten recommendations which included a “right to know” – ie. that the police should proactively disclose information to a new partner of an individual's previous domestic violence history. His proposal was based on research into the extent of serial perpetration of domestic violence within the Wiltshire Police Force area between 2006-09 which found that, of 126 serial perpetrators identified, 115 serial perpetrators committed domestic abuse offences against two unrelated victims, 10 serial perpetrators committed domestic abuse offences against three unrelated victims, and 1 serial perpetrator had committed domestic abuse offences against four unrelated victims over a period of 3 years or less.

1 Edited by Chaplin R, Flatley J, and Smith, K (2011) *Crime in England and Wales 2010/11: Findings from the British Crime Survey and police recorded crime*. London: Home Office

2 Edited by: Flatley J, Kershaw C, Smith K, Chaplin R and Moon D (2010) *Crime in England and Wales 2009/10: Findings from the British Crime Survey and police recorded crime*. London: Home Office

3 Walby S, *The Cost of Domestic Violence: Up-date 2009*, Lancaster University: UNESCO Chair in Gender Research, p2

4 Smith, K et al (2011) *Homicides, Firearm Offences and Intimate Violence 2009/10*, Home Office Statistical Bulletin 01/11, London: Home Office

Extrapolating these figures to a national level, Chief Constable Moore estimated that nationally there may be 25,000 serial domestic abuse perpetrators.<sup>5</sup> He 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 CURRENT LEGAL POSITION

The police already have common law powers to disclose information relating to previous convictions or charges to the public where there is a pressing need for disclosure of the information concerning an individual’s history in order to prevent further crime. It therefore follows that currently:

- any member of the public can already ask the police for information about a third-party’s violent history;
- the police have discretion on whether to disclose the information if there is a need to prevent a further crime.

Under the Multi-Agency Public Protection Arrangements (MAPPA), where a violent offender requires interagency management at Level 2 or Level 3 as defined by the MAPPA criteria, the local MAPPA panel is already obliged to consider disclosing previous convictions to potential victims every time an offender’s case is reviewed.<sup>7</sup> The relevant areas of existing law are as follows:

- the common law power for the police to share information for policing purposes (for the prevention and detection of crime);
- Data Protection Act 1998;
- Human Rights Act 1998;
- Children Acts (1989) and (2004); and
- Criminal Justice and Immigration Act (2008)

This consultation paper therefore seeks views on whether the existing legal provisions for disclosing information to an individual (referred to in this consultation paper as “A”) about previous violent offences committed by another individual (referred to in this consultation paper as “B”, and who has an intimate relationship with A) are sufficient, or whether the protection available to A should be extended by establishing a national domestic violence disclosure scheme with recognised and consistent processes for the police to disclose information to A. The advantage behind such a national scheme is that new partners of previously violent suspects can make informed choices about how and whether they take forward that relationship.

The Government seeks views on the following three options:

- **Option 1: continue current arrangements under existing law** where the police already have common law powers to disclose information relating to previous convictions or charges to A where there is a pressing need for disclosure of the information concerning B’s history in order to prevent further crime.
- **Option 2: a “right to ask” national disclosure scheme** which enables A to ask the police about B’s previous history of domestic violence or violent acts where the police would undertake full checks to inform a risk assessment and disclosure. A precedent upon which suitable adaptations could be made exists with the Child Sex Offender Disclosure Scheme;
- **Option 3: a “right to know” national disclosure scheme** where the police would proactively disclose information in prescribed circumstances to A relating to B’s previous history of domestic violence or violent acts (as envisaged in the ACPO report of 2009).

The capability of the police to support options 2 and 3 has been enhanced by the introduction in 2011 of the Police National Database (PND) which can identify serial perpetrators of domestic violence. The PND is an intelligence system designed to support

5 ACPO, Tackling Perpetrators of Violence against Women and Girls – ACPO Review for the Home Secretary, September 2009, p21

6 ACPO, Tackling Perpetrators of Violence against Women and Girls – ACPO Review for the Home Secretary, September 2009, p20

7 For an explanation of the MAPPA levels of management, see: Mappa Guidance 2009 – Version 3.0, pp 90-96

operational policing using data from police forces' major information systems. Whilst the PND can be used for any policing purpose, its initial focus is in three key areas of policing: safeguarding children and vulnerable adults, countering terrorism and preventing and disrupting serious and organised crime.

The PND will provide forces with the opportunity to act on national markers, such as the Domestic Abuse Serial Perpetrator marker to flag prolific and dangerous subjects operating with and across force boundaries. Such markers are likely to be available by June 2012 to all police forces in England, Wales and Northern Ireland, meaning that, for example, a person reported for previous domestic violence incidents in London and Lancashire will be known to the police in Leicestershire.

## 2. Options for disclosing information on domestic violence

The Government seeks views on whether the existing legal provisions for disclosing information to A about previous violent offences committed by B are sufficient, or whether the protection available to A should be extended by establishing a national domestic violence disclosure scheme with recognised and consistent processes for the police to disclose information to A.

The Government seeks views on the scope of disclosure and on three options by which disclosure could take place.

### **OPTION 1: CONTINUE CURRENT ARRANGEMENTS UNDER EXISTING LAW**

The police already have common law powers to disclose information relating to previous convictions or charges to A where there is a pressing need for disclosure of the information concerning B's history in order to prevent further crime. It therefore follows that currently:

- any member of the public can already ask the police for information about a third-party's violent history;
- the police have discretion on whether to disclose the information if there is a need to prevent a further crime.

Under the Multi-Agency Public Protection Arrangements (MAPPA), where a violent offender requires interagency management at Level 2 or Level 3 as defined by the MAPPA criteria, the local MAPPA panel is already obliged to consider disclosing previous convictions to potential victims every time an offender's case is reviewed.<sup>8</sup> The relevant areas of existing law are as follows:

- the common law power for the police to share information for policing purposes (for the prevention and detection of crime);
- Data Protection Act 1998;
- Human Rights Act 1998;
- Children Acts (1989) and (2004); and
- Criminal Justice and Immigration Act (2008)

This consultation paper therefore seeks views on whether the existing legal provisions for disclosing information to A about previous violent offences committed by B are sufficient, or whether the protection available to A should be extended by establishing a national domestic violence disclosure scheme with recognised and consistent processes for the police to disclose information to A. The advantage behind such a national scheme is that new partners of previously violent suspects can make informed choices about how and whether they take forward that relationship. The Government seeks views on whether the current arrangements are sufficient to provide protection for A.

### **QUESTIONS**

- 1) To what extent do you believe that the current arrangements are effective in preventing domestic violence?
- 2) How could the current arrangements be improved?

### **OPTION 2: A "RIGHT TO ASK" NATIONAL DISCLOSURE SCHEME**

Under this option, the Government envisages that A would be able to ask the police for a disclosure of B's past where A has concerns about B's behaviour or background. We propose that the model for disclosure would mirror that of the Child Sex Offender Disclosure Scheme, and might involve the following steps:

- Step 1:** after an initial enquiry by A to the police, the police undertake an initial check on the Police National Database to identify whether any information is held on B;
- Step 2:** A is met face-to-face to confirm their identity and that of B and to confirm the relationship between A and B, and to enable them to complete a formal application for disclosure;
- Step 3:** the police conduct full checks on police database systems to inform a risk assessment for A;

<sup>8</sup> For an explanation of the MAPPA levels of management, see: Mappa Guidance 2009 – Version 3.0, pp 90-96



**Step 4:** The police refer information about B to an appropriate multi-agency setting (probably a Multi-Agency Risk Assessment Conference), who would then make a decision on whether to disclose the information to A. Such a decision would be informed by the risk assessment and whether appropriate safety measures can be put in place for the applicant. If disclosure is approved, then the disclosure would be made by the police with an Independent Domestic Violence Adviser (IDVA) present in order to provide support to A if required.<sup>9</sup>

Although a scheme like this could be delivered under existing legal powers, it would be possible to go further and create a statutory right for the public to ask for such information.

The Child Sex Offender Disclosure Scheme, on which this option is based, has proven to be both an effective and cost-effective method for disclosing information about potentially dangerous people to the public. The scheme enables anyone with a concern about an individual with access to a child to ask the police about the previous violent and sexual convictions on that individual. The police will, where appropriate, make a disclosure to the parent or guardian of that child. During the 12 month pilot in four police force areas, the public made 315 applications for disclosure of information which uncovered 21 cases where a potentially dangerous person did have access to an applicant's child.<sup>10</sup> An evaluation of the pilot found that applicants were largely satisfied with the process, valuing timely contact and the professional conduct of staff.<sup>11</sup> Since April 2011, the scheme has been in place across all 43 forces in England and Wales and data held by the Home Office shows that between August

2010 to July 2011, there were 1458 enquiries of which there were 162 positive disclosures. Of the 162 disclosures, 119 disclosures were on specific child sex offences and 43 disclosures were on other offences.<sup>12</sup>

## QUESTIONS

- 1) Should a formal system be put in place to enable A to ask the police for information about the previous violent behaviour of B?
- 2) Do you agree that the Child Sex Offender Disclosure Scheme, with appropriate modifications, is a suitable model to apply under this option?
- 3) What do you see as the potential risks and benefits of such a scheme? How might any risks be minimised?
- 4) What are your views on placing such a scheme on a statutory footing?

## OPTION 3: A "RIGHT TO KNOW" NATIONAL DISCLOSURE SCHEME

This option is based on Chief Constable Brian Moore's recommendation in his 2009 report – 'Tackling Perpetrators of Violence against Women and Girls' – that information about B's previous history should be proactively disclosed in certain prescribed circumstances to A. Under this option, the police would proactively disclose information on B which is held on police records (via the new police national database as described in Chapter 1) to the Multi-Agency Risk Assessment Conference (MARAC), who would then consider whether to disclose the information to A and other third-parties (e.g. family members). ACPO considers that the MARAC is the appropriate forum to consider disclosing information about the subject to A. The advantage of considering and disclosing information via the MARAC is that

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<sup>9</sup> Independent Domestic Violence Advisers (IDVAs) are trained specialists who provide a service to victims who are at high risk of harm. IDVA involvement with victims of domestic violence has been shown to decrease victimisation and reduce victim withdrawal.

<sup>10</sup> Kemshall H, Wood J et al, Child Sex Offender Review (CSOR) Public Disclosure Pilots: a process evaluation – 2nd edition, 2010, p29

<sup>11</sup> Kemshall H, Wood J et al, Child Sex Offender Review (CSOR) Public Disclosure Pilots: a process evaluation – 2nd edition, 2010, pii

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<sup>12</sup> Source: Home Office Safeguarding and Public Protection Unit (Sept 2011). Note: under the Child Sex Offender Disclosure Scheme, a disclosure is deemed "positive" when there is information held and disclosed about the subject's convictions and any other relevant information deemed necessary to protect a child.

it will have the necessary knowledge and expertise to consider appropriate disclosure and ensure that appropriate safety and risk-assessment procedures are followed when disclosing the information.

Although existing common law already gives the police discretion to disclose such information to A, it would be possible to go further and place a duty on the police to disclose information through primary legislation. Setting the duty out in primary legislation would bring two benefits: firstly, it would ensure that the circumstances where disclosure should be made are clearly specified; secondly, it would ensure that the necessary safeguards are in place to ensure compatibility with all appropriate law – for example, the Data Protection Act 1998, Human Rights Act 1998, Rehabilitation of Offenders Act 1974.

## QUESTIONS

- 1) Should a ‘right to know’ system be put in place to ensure that the police proactively share information to A about the previous violent behaviour of B?
- 2) What do you see as the potential risks and benefits of such a scheme? How might any risks be minimised?
- 3) What are your views on placing such a scheme on a statutory footing?
- 4) What other mechanisms for disclosing information about a subject’s violent behaviour do you consider appropriate?

## SCOPE OF DISCLOSURE

Regardless of the mechanism of disclosure to be used, important questions arise over the scope of any disclosure to be made. Under the Child Sex Offender Disclosure Scheme, the guidance specifies that information held by the police about a person should be categorised as either “concerns” or “no concerns”. A situation where a category of “concerns” occurs will be where the person has:

- convictions for child sexual offences;
- other convictions relevant to safeguarding children (e.g. adult sexual offences, violence, drugs or domestic abuse);
- there is intelligence known about the subject relevant to safeguarding children (e.g. cases not proceeded with or intelligence concerning sexual or violent offences, or previous concerning behaviour towards children);
- there is concerning behaviour relevant to safeguarding children now being displayed by the subject or child, that has been disclosed as part of the disclosure application, e.g. grooming/unusual behaviour that indicates sexual harm to children might be likely or sexual harm may have occurred.

Using this model, information disclosed under a “concerns” category under a domestic violence disclosure scheme could include:

- convictions for offences relating to domestic abuse including assault and harassment;
- convictions for other sexual or violent offences;
- allegations or intelligence about previous domestic violence incidents
- intelligence about previous civil injunctions (eg non-molestation orders)

A further question arises over the nature of the relationship between A and B before a disclosure is considered. The Child Sex Offender Disclosure Scheme guidance states that ‘any person can make an application about a person (the subject) who has some form of contact with a child/children’.<sup>13</sup> Under a Domestic Violence Disclosure Scheme, the Government proposes a criterion as follows:

**any person can make an application about a person with whom they have entered an intimate relationship**

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<sup>13</sup> The Child Sex Offender (CSO) Disclosure Scheme Guidance Document, p8, para 5.1.3

The Government therefore seeks views on the following:

- whether disclosure should cover all violent behaviour by B or only those relating to domestic violence instances;
- the desirability of extending disclosure of the past behaviour of B beyond convictions to encompass allegations and other information held by the police (such as civil injunctions);
- whether applications for disclosure could be made by a third party (eg a sibling or parent of A) or only by A;
- the extent of the relationship between the A and B before a disclosure is considered;
- the circumstances where a disclosure should not be made.

The Government is acutely aware that the safety of A is paramount when considering whether to disclose information. Any disclosure process will build in appropriate risk assessment and safety procedures that can inform both the consideration of disclosure and its outcome.

## QUESTIONS

- 1) Should disclosure cover all violent behaviour by B or only those relating to domestic violence instances?
- 2) Should disclosure of B's violent behaviour be extended beyond convictions to encompass intelligence?
- 3) Do you agree that information should be disclosed to third parties other than A?
- 4) Do you agree with the Government's proposed criterion that any person can make an application about a person with whom they have entered an intimate relationship?
- 5) What in your view are the circumstances where a disclosure should not be made?

# 3. Groups affected by this consultation

There are two main categories of individuals / groups which may be affected by the proposals outlined in this consultation:

- a person wishing to make an enquiry on another individual's history of previous domestic violence, and to whom information about that individual may be disclosed. This person is known as "A".
- the person about whom information on his or her history of previous domestic violence may be disclosed. This person is known as "B".

During the initial development of this consultation, the Home Office has given due consideration to the impact it will have on different groups and does not consider that any disclosure scheme as set out in this consultation paper highlights any specific issues in relation to:

- Race
- Disability
- Gender
- Gender Identity
- Religion, belief and non-belief
- Sexual orientation
- Age

We will take account of the evidence gathered through this consultation in developing final policy proposals. We envisage that any disclosure scheme will apply equally to all individuals, and it is not envisaged that a disclosure scheme will disproportionately affect any particular group.

## QUESTIONS

- 1) What are your views on the impact of the current arrangements for different groups?
- 2) What are your views on the impact of a "right to ask" scheme for different groups?
- 3) What are your views on the impact of a "right to know" scheme for different groups?

## 4. Timescales / next steps

A summary of responses will be published on the Home Office website following completion of the consultation period.

If either option 2 or 3 emerges as the preferred way forward, we will work the preferred option into a detailed disclosure model which will then be piloted. We envisage that the pilot will take place from Spring 2012.

# 5. Consultation information

## CONFIDENTIALITY & DISCLAIMER

The information you send us may be passed to colleagues within the Home Office, the government or related agencies. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 [FOIA], the Data Protection Act 1998 [DPA] and the Environmental Information Regulations 2004).

If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.'

## GOVERNMENT'S CODE OF PRACTICE ON CONSULTATION

This Consultation follows the Code of Practice on Consultation – the criteria for which are set out below:

### Criterion 1 – When to consult

Formal consultation should take place at a stage when there is scope to influence the policy outcome.

### Criterion 2 – Duration of consultation exercises

Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

### Criterion 3 – Clarity of scope and impact

Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

### Criterion 4 – Accessibility of consultation exercises

Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

### Criterion 5 – The burden of consultation

Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

### Criterion 6 – Responsiveness of consultation exercises

Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

### Criterion 7 – Capacity to consult

Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

The full Code of Practice on Consultation is available at: <http://www.bis.gov.uk/policies/better-regulation/consultation-guidance>

## CONSULTATION CO-ORDINATOR

If you have a complaint or comment about the Home Office's approach to consultation, you should contact the Home Office Consultation Co-ordinator, Adam McArdle. Please DO NOT send your response to this consultation to Adam McArdle. The Co-ordinator works to promote best practice standards set by the Code of Practice, advises policy teams on how to conduct consultations and investigates complaints made against the Home Office. He does not process your response to this consultation.

The Co-ordinator can be emailed at:  
Adam.McArdle2@homeoffice.gsi.gov.uk  
or alternatively write to him at:

Adam McArdle,  
Consultation Co-ordinator  
Home Office  
Performance and Delivery Unit  
Better Regulation Team  
3rd Floor Seacole  
2 Marsham Street  
London  
SW1P 4DF

# 6. Summary of consultation questions

## INFORMATION ABOUT YOU

Are you responding on behalf of an organisation or as a member of the public?

- On behalf of an organisation
- As a member of the public

Which of the following best describes you/your organisation:

- Victim of domestic violence
- Police
- Local authority / Local government / Local council
- Community Safety Partnership
- Multi-agency Risk Assessment Conference (MARAC)
- Independent Domestic Violence Adviser (IDVA)
- Charitable and voluntary sector
- Home Office
- Other government Departments
- Other

## OPTION 1: CONTINUE CURRENT ARRANGEMENTS UNDER EXISTING LAW

- 1) To what extent do you believe that the current arrangements are effective in preventing domestic violence?
- 2) How could the current arrangements be improved?

## OPTION 2: A “RIGHT TO ASK” NATIONAL DISCLOSURE SCHEME

- 1) Should a system be put in place to enable A to ask the police for information about the previous violent behaviour of B?
- 2) Do you agree that the Child Sex Offender Disclosure Scheme, with appropriate modifications, is a suitable model to apply under this option?
- 3) What do you see as the potential risks and benefits of such a scheme? How might any risks be minimised?

- 4) What are your views on placing such a scheme on a statutory footing?

## OPTION 3: A “RIGHT TO KNOW” NATIONAL DISCLOSURE SCHEME

- 1) Should a ‘right to know’ system be put in place to ensure that the police proactively share information to A about the previous violent behaviour of B?
- 2) What do you see as the potential risks and benefits of such a scheme? How might any risks be minimised?
- 3) What are your views on placing such a scheme on a statutory footing?
- 4) What other mechanisms for disclosing information about a subject’s violent behaviour do you consider appropriate?

## SCOPE OF DISCLOSURE

- 1) Should disclosure cover all violent behaviour by B or only those relating to domestic violence instances?
- 2) Should disclosure of B’s violent behaviour be extended beyond convictions to encompass intelligence?
- 3) Do you agree that information should be disclosed to third parties other than A?
- 4) Do you agree with the Government’s proposed criterion that any person can make an application about a person with whom they have entered an intimate relationship?
- 5) What in your view are the circumstances where a disclosure should not be made?



## **GROUPS AFFECTED BY THIS CONSULTATION**

- 1) What are your views on the impact of the current arrangements under existing law for different groups?
- 2) What are your views on the impact of a “right to ask” scheme for different groups?
- 3) What are your views on the impact of a “right to know” scheme for different groups?



**Home Office**

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