



Department of  
**Justice**

An Roinn Dlí agus Cirt

Mánnystrie o tha Laa

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**DOMESTIC VIOLENCE  
AND  
ABUSE DISCLOSURE SCHEME  
NORTHERN IRELAND  
(DVADS NI)  
GUIDANCE**

**December 2023**

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## OVERVIEW

### What is DVADS?

DVADS is a Police operated scheme.

It lets individuals, or those concerned about them, make enquiries to the police if they are worried that a partner or ex-partner may have a history of domestic abuse and they are at risk of harm. This enables the person at risk to get information and make an informed decision (including whether to stay or return to the relationship) to help keep safe.

### Who can apply?

- The partner, or ex-partner of a person suspected of having an abusive past or who they have concerns about.
- The people must be (or have been) married, in a civil partnership, living together or in an intimate personal relationship (it need not be sexual).
- Information can be sought on behalf of someone else, with any disclosure likely be to the person at risk of harm.
- Applicants must be 16 or over.
- Person at risk must live in Northern Ireland, or their circumstances are such that there is potential for them to be at risk here.

### What is meant by risk of harm?

This relates to the risk of harm from domestic abuse. Harm is physical or psychological, which is reasonably likely to cause a person to suffer fear, alarm and distress, but which must be more than transient and trifling.

### Right to Ask – how is it instigated?

- A person can make a direct request to the police.
- Applications can be made through the [PSNI](#) and [NIDirect](#) websites.
- A person can apply at a police station or call 101.

### Power to Tell – how is it instigated?

- A police officer or member of staff receives information a person may be at risk of harm.
- Police make necessary checks.
- The police may disclose information to the person, telling them they are at risk of harm.

### How does 'Right to Ask' work?

- **Application** made to police, acknowledged using a safe contact method.
- **Police checks** made using a range of means.
- **Initial risk assessment** and police Sergeant decides whether to progress application (it is meets scheme criteria).
- If application is to be progressed, **further information** may be sought from partner agencies (if decision cannot be reached on police only information).
- Police invite the applicant to a **face to face** meeting to discuss the application.
- Safety plan discussed, further risk assessment and signposting to support services.
- **Proof of ID** to be provided at the meeting.
- If partner agencies are involved police refer application to a multi-agency **Decision Making Forum** for disclosure recommendation.
- Categorise as '**a concern**'/'**no concern**'
- Decision as to whether disclosure is **lawful, necessary, and proportionate**.
- Police Sergeant recommends to Inspector (considering any DMF recommendation) if disclosure should be made.
- Police Inspector decides on what, if anything, is disclosed.

### How does 'Power to Tell' work?

- A **police** officer or staff member receives, or **becomes aware** of, information that indicates that an **individual may be at risk of harm**.
- Application made.
- **Police checks** using a range of means.
- **Initial risk assessment** and Sergeant decides whether to progress application (if it meets scheme criteria).
- If application is to be progressed, **further information** may be sought from partner organisations (if decision cannot be reached on police only information).
- If partner agencies are involved police refer application to a multi-agency **Decision Making Forum** for disclosure recommendation.
- Categorise as '**a concern**'/'**no concern**'
- Decision as to whether disclosure is **lawful, necessary and proportionate**.
- Police Sergeant recommends to Inspector (considering any DMF recommendation) if disclosure should be made
- Police Inspector decides on what, if anything, is disclosed.

**Right to Ask – 45 calendar days if partner agencies and DMF involved, 25 days for police only**

- Initial contact, checks, risk assessment and if meets scheme criteria (**3 days**)
- Face to face meeting, full risk assessment and categorise as ‘a concern’/‘no concern’ (**12 days**).
- *Only if partner agencies are involved – Further checks, plus DMF consideration/ recommendation (20 days).*
- Sergeant recommends to Inspector whether to disclose (including any DMF recommendation).
- Inspector takes decision and any disclosure made (**10 days**).

**Power to Tell – 38 calendar days if partner agencies and DMF involved, 18 days for police only**

- Initial checks, risk assessment and that it meets scheme criteria (**3 days**).
- Full risk assessment and categorise as ‘a concern’/‘no concern’ (**5 days**)
- *Only if partner agencies are involved – Further checks, plus DMF/recommendation (20 days).*
- Sergeant recommends to Inspector whether to disclose (including any DMF recommendation).
- Inspector takes decision and any disclosure made (**10 days**).

**What if there is an immediate or imminent risk of harm?**

If, at any time during the DVADS process, police consider a person is at immediate risk of harm, they must disclose information to safeguard them.

**Disclosure of Information**

- Disclosure generally to the person at risk, unless not appropriate and made to a third party who is best placed to safeguard them.
- Disclosure face to face (in person or virtually)
- Disclosure information is confidential, only to be used for safeguard the person at risk.
- Individual will be asked to sign a confidentiality agreement.
- Police must be informed if the information is to be shared; legal proceedings could be instigated if breached.
- If partner agencies are involved DMF recommends wording for disclosure.

**The legal bit**

Police have the power to make disclosures under common law to prevent crime, and under Section 32(1) of the Police (NI) Act 2000 police to protect life, property and prevent the commission of offences.

## 1. INTRODUCTION

1. Tackling domestic abuse remains a priority for the Department of Justice (DoJ) and other safeguarding statutory and voluntary partners. A focus of the 'Stopping Domestic and Sexual Violence and Abuse' Strategy is on prevention and early intervention. The introduction of the Northern Ireland Domestic Violence and Abuse Disclosure Scheme (DVADS) in April 2018 was a key action under this.
2. The concept of a disclosure scheme was first introduced in England and Wales in March 2014, where it is commonly known as 'Clare's Law'. This followed the murder of Clare Woods in Greater Manchester in 2009 by her former partner who, unbeknown to Clare, had a criminal history of domestic abuse offences with previous partners. A similar scheme was introduced in Scotland in October 2015 and extended internationally in New Zealand and Australia. In developing DVADS, DoJ considered the frameworks of these schemes, as well as ensuring that the Northern Ireland model met the specific needs of victims in this jurisdiction.
3. DVADS was introduced to formally set out procedures the Police Service of Northern Ireland (PSNI) could use to disclose information about previous abusive behaviours of an individual to a partner or ex-partner, where this may help protect them from abuse or further abuse.
4. This revised guidance supports the delivery of the scheme and includes advice on the practical application for police, who hold responsibility for operating the scheme. It will also assist statutory and voluntary partners who have responsibilities in sharing information, for safeguarding and supporting victims of domestic abuse, and may be involved in the process about whether a disclosure should be made.
5. The guidance is non-statutory and should not be regarded as authoritative legal advice. Each request for information under the scheme should be considered on case-by-case basis and police should seek legal advice, as necessary.
6. The police, especially the Public Protection Branch (PPB) who has the main responsibility for operating the scheme, and relevant partner agencies, should familiarise themselves with the full guidance.
7. **Annex A** includes the 'Right to Ask' application, for use by members of the public.
8. **Annex B** provides information on the principles underpinning DVADS.
9. **Annex C** sets out the principles to be considered when making a decision to disclose.

## 2. WHAT IS DVADS?

10. DVADS is a police operated scheme, providing a formal way of sharing information about a partner or ex-partner's domestic abusive history and/or other related information showing their propensity for violence or abuse with a victim or potential victim. **The principal aim is to keep people safe, helping protect potential victims, by enabling a person to make informed decisions about their relationship and about their personal safety.** The scheme identifies risk and manages this through disclosure of information, alongside safeguarding and safety planning.
11. Individuals have a '**Right to Ask**' the police if they are at risk of harm from their current or ex-partner, if they have concerns, they may have a history of violent or abusive behaviour towards a previous partner. A third party (e.g. relative, friend, neighbour or support organisation) can also make enquiries about a person's partner or ex-partner, where they consider that they pose a risk of harm. The scheme also gives police the '**Power to Tell**' individuals if they are at risk of harm.
12. In cases where police alone do not hold sufficient information to make an informed decision about whether a person is at risk of harm, they will seek information from relevant partner agencies. Should they subsequently assess that there is a risk, then a multi-agency meeting, called the **Decision Making Forum (DMF)**, will be convened. That body may make a recommendation as to whether a disclosure should be made to an individual. DMF consists of the same representation as Multi-Agency Risk Assessment Conferences (MARAC). The minimum number of bodies for DMF is three and must include police, with a PPB Sergeant chairing. The agencies will discuss the information obtained and make representations about whether a disclosure should be made and by whom. Police will consider the recommendation(s) and make a final decision on disclosure. For the purpose of this guidance references to MARAC and DMF, includes references to other appropriate multi-agency forums.
13. DVADS relies on powers police have to make disclosures through:
  - Common law – power to disclose relevant information to the public when it is necessary to do so to prevent crime.
  - Section 32(1) of the Police (Northern Ireland) Act 2000 – power to disclose to protect life and property and to prevent the commission of offences.
14. These powers mean information can be shared about a person's known police history of abuse, relating to previous convictions, cautions, charges or intelligence / information for domestic abuse or related offences, where there is a pressing need to do so, in order to prevent future crime. It may also include

non-domestic abuse matters that reasonably leads the police and other safeguarding agencies, if involved, to believe the person poses a risk of harm to their partner or ex-partner.

15. All must be considered against the 'three stage disclosure test, i.e. they must be lawful, necessary and proportionate to protect individuals from potential or further harm. Decisions to make disclosures must comply with legal powers and obligations of the Human Rights Act, in particular Article 2 (right to life), Article 3 (prohibition of torture), Article 6 (right to a fair trial) and Article 8 (respect for private and family life, including physical and psychological integrity). Disclosures must also comply with the General Data Protection Regulations (GDPR) and relevant case law, including the case of Osman v United Kingdom (threats to life).
16. The threshold for any disclosure made is that an individual is potentially at risk of 'harm' from domestic abuse.

**Domestic abuse is defined as:**

***'threatening, controlling, coercive behaviour, violence or abuse (psychological, virtual, physical, verbal, sexual, financial or emotional) inflicted on anyone (irrespective of age, ethnicity, religion, gender, gender identity, sexual orientation or any form of disability) by a current partner or former intimate partner or family member.***

17. The threshold for disclosure has been reduced from that of the original guidance, in which an individual was potentially at risk from 'serious harm', that is life threatening and/or traumatic and from which recovery, whether physical or psychological, can be expected to be difficult or impossible'.
18. A risk of harm is based on behaviour which, given past and/or current evidence is likely to be a significant contributory factor towards harm being caused to another person.

**'Harm', for DVADS' purposes, is defined as:**

***'physical or psychological, which is reasonably likely to cause a person to suffer fear, alarm and distress, but which must be more than transient and trifling'.***

19. In making a disclosure, i.e. sharing specific information about a partner or ex-partner's history of abusive behaviour, an individual will receive information to help them make plans about how they will keep safe and whether they wish to remain in, or return to, the relationship.
20. The success of the scheme is dependent on appropriate and timely information sharing, continuous risk assessment and safety planning by police and partner



agencies (where involved) at each stage of the disclosure process and, if applicable, appropriate disclosure to protect individuals from the risk of harm.

21. DVADS may overlap with and complement other disclosure processes, such as Public Protection Arrangements Northern Ireland (PPANI) and the Child Protection Disclosure Arrangements (CPDA). Consideration should be given to the most appropriate process in each case. DVADS does not replace these Disclosure and Barring Service (DBS) checks, Freedom of Information requests, Subject access requests etc. Applicants should be advised of this and that DVADS cannot be used to access information related to these. The person should be directed through the existing route for that type of request.
  
22. During all stages of the process, it is imperative that consideration is given to anyone who may be at risk of harm and appropriate safeguarding measures implemented. This will include children, vulnerable adults, other partners and ex-partners and any third party who has made an application. At any point in the process, if any person is at immediate or imminent risk of harm, then urgent safeguarding action must be taken. This may also include considering whether a protection order may be needed. More on these considerations is included in Section 8.

### 3. DVADS PATHWAYS TO DISCLOSURE

23. There are two entry pathways for potential disclosure through the scheme:

- **'Right to Ask'** is triggered when a person (**'Person A'**) makes an application to police for information about their partner or ex-partner's history of abusive behaviour (**'Person B'**). A third party (**'Person C'**) who knows **'Person A'** may make an application, with or without their permission. This could be a family member, friend, colleague, neighbour or support organisation.
- **'Power to Tell'** is triggered when a police officer or staff member makes an application to the scheme, with information and/or intelligence which suggests that a person (**'Person A'**) may be at risk of harm from a partner or ex-partner (**'Person B'**) and where they consider disclosure is needed to safeguard **'Person A'**. The information may be gathered from an incident, crime investigation, intelligence sources, from partner agencies or as an action from a local MARAC.

**'PERSON A'**

*The person (usually the applicant) who is, or was, in a relationship with 'Person B' and has concerns they are at risk from them.*

**'PERSON B'**

*The partner, or ex-partner, of 'Person A', about whom inquiries are being made.*

**'PERSON C'**

*Concerned member of the public making an application who knows 'Person A', e.g. a family member, friend, colleague, neighbour or support organisation.*

24. The scheme applies to those **aged 16 years or over**, whether **'Person A, B or C'**. The standard criteria for an application to be eligible is that **'Person A'** lives in Northern Ireland. **'Person B'**, about who inquiries are being made, does not have to live in Northern Ireland.

25. There may be occasions when it would be appropriate to consider applications where **'Person A'** does not permanently live in Northern Ireland. This could include, for example, where **'Person A'** comes to Northern Ireland to visit **'Person B'** or if they are planning to visit or move here to be in a relationship with them. If **'Person A'** normally lives in England, Scotland or Wales, it may be appropriate to refer them to their local police force, and similar schemes in operation there.

26. Where **'Person C'** makes an application, any disclosure will be made to

'Person A', unless it is not considered the best approach e.g. due to their vulnerabilities. This is explained at paragraphs 119 - 121.

27. For '**Persons A and B**' to be considered partners, or ex-partners, they must be (or have been):
  - married;
  - in a civil partnership;
  - living together as if they were married or in a civil partnership;
  - in an intimate personal relationship, which does not necessarily have to involve a sexual element.
28. What constitutes an intimate person relationship will differ from case to case. A relationship could be intimate even if not physical or sexual, based on emotional intimacy. A relationship can be intimate even if it is in early stages and/or is conducted online. Consideration should also be given to individuals being, or having been, in a relationship where it may not be obvious, e.g. "just friends" or "only talking". It might be an intimate relationship even if it were not considered by the parties to be a formal relationship. Consideration should also be given to information suggesting individuals are, or have been in a relationship, even if they state that they are not.
29. **Applications may be made regarding ex-partners, and must be considered**. People are often most at risk of harm after a relationship has ended. Indeed, after separation is commonly a time when abuse can commence or escalate, and often when the risk of homicide is highest. The scheme also allows individuals to make an informed decision over whether to return to an ex-partner.
30. Police should consider each case, the nature of the relationship and whether information should be disclosed, on its own merits and should consider seeking legal advice where individual cases raise particularly complex or unusual issues.
31. If a person makes an enquiry for information to a partner agency rather than police, then the internal freedom of information procedures adopted by that agency for handling the type of request should apply. However, if the person makes it known that they are making an enquiry under DVADS, then they should be referred to the police. A partner agency may facilitate the submission of an application if appropriate.

## 4. DISCLOSURE PROCESS OVERVIEW

32. For **'Right to Ask'** applications, the **maximum timescale** from receipt of application to disclosure is **25 calendar days for police only decisions, and 45 calendar days if DMF is involved**. For **'Power to Tell'** applications, the **maximum timescale** is **18 calendar days for police only decisions and 38 calendar days when the application is referred to DMF**. However, the process should be completed as quickly as possible. **Where an immediate or imminent threat has been identified, police must deal with the disclosure request and associated safeguarding actions urgently**. The table below outlines the process and **maximum timescales**:

RIGHT TO ASK	POWER TO TELL
<b>Stage 1</b>	<b>Stage 1</b>
<p><i>To be completed within 3 calendar days of receipt of application</i></p> <ul style="list-style-type: none"> <li>i. PPB makes initial contact with applicant.</li> <li>ii. PPB undertakes police checks.</li> <li>iii. Initial risk assessment and decision made by Sergeant (or above) whether to progress application (does it meet the criteria for the scheme).</li> </ul>	<p><i>To be completed within 3 calendar days of receipt of information.</i></p> <ul style="list-style-type: none"> <li>i. PPB undertakes police checks.</li> <li>ii. Initial risk assessment and decision made by Sergeant (or above), to progress application (does it meet the criteria for the scheme).</li> </ul>
<b>Stage 2</b>	<b>Stage 2</b>
<p><i>To be completed within 12 calendar days from conclusion of Stage 1.</i></p> <ul style="list-style-type: none"> <li>i. If needed (a police only decision cannot be made) partner agencies' information requested (to be provided within 3 working days).</li> <li>ii. PPB hold face to face meeting with applicant, completion of DASH risk assessment (if 'Person A', where relevant) and devise safety plan with applicant.</li> <li>iii. PPB Sergeant undertakes a full risk assessment based on collated information and categorises application as 'a concern' or 'no concern'. If 'a concern', progress to Stage 3A or 3B.</li> </ul>	<p>If needed (a police only decision cannot be made) partner agencies' information re <i>To be completed within 5 calendar days from receipt of application.</i></p> <ul style="list-style-type: none"> <li>i. requested (to be provided within 3 working days).</li> <li>ii. PPB Sergeant undertakes a full risk assessment based on collated information and categorises application as 'a concern' or 'no concern'. If 'a concern', progress to Stage 3A or 3B.</li> </ul>
<b>Stage 3A – Police only decision</b>	
<p><i>To be completed within 10 calendar days of conclusion of Stage 2.</i></p> <ul style="list-style-type: none"> <li>i. PPB sergeant reviews the information and recommends whether to make a disclosure.</li> <li>ii. PPB Inspector considers this and makes a decision whether a disclosure should be made.</li> <li>iii. PPB makes a disclosure to 'Person A', with further risk assessment (if PTT disclosure, then DASH assessment) if required, safety planning and signposting/referral to support agencies.</li> </ul>	
<b>or - Stage 3B (i) Partners and DMF</b>	
<p><i>To be completed within 20 calendar days of the conclusion of stage 2.</i></p> <p>DMF recommends whether a disclosure should be made and what information to disclose.</p>	
<b>Stage 3B (ii) Inspector decision making and disclosure</b>	
<p><i>To be completed within 10 days of conclusion of Stage 3B(i)</i></p> <p>PPB Inspector considers DMF's recommendations and decides whether disclosure should be made. PPB makes a disclosure to 'Person A', with further risk assessment (if PTT disclosure, then DASH assessment) if required, safety planning and signposting/referral to support agencies.</p>	

## 5. 'RIGHT TO ASK' PROCESS – STAGES 1 and 2

### Making an application

33. 'Person A or C' can make an application to police by:
- Completing an application form (**Annex A**) available on the PSNI website at [www.psnipolice.uk/crime/domestic-abuse/dvads/](http://www.psnipolice.uk/crime/domestic-abuse/dvads/) or via the nidirect website ([www.nidirect.gov.uk/articles/checking-partners-history-abuse/](http://www.nidirect.gov.uk/articles/checking-partners-history-abuse/));
  - Going to a police station to make a written application (**Annex A**);
  - Contacting police by telephone on '101'. While individuals should be directed to the above, the call-taker may complete the application at the time of the call, if this is deemed more appropriate.
34. If they go to a police station, they should be given the opportunity to make their application in private. If they ask for help in completing the application, police should facilitate this.
35. Where police receive an enquiry about DVADS, during the course of normal duties, they should advise the individual about the above pathways.
36. **The overall maximum timescales for the 'Right to Ask' pathway is 25 calendar days for police only decisions, and 45 calendar days where police have insufficient information to make a decision and partner agencies and DMF are involved.**

### STAGE 1

#### INITIAL CONTACT WITH APPLICANT, POLICE CHECKS, INITIAL RISK ASSESSMENT AND DECISION TO PROGRESS APPLICATION.

37. **This stage is to be completed within 3 calendar days of receiving the application.**
- (i) Initial contact with applicant*
38. PPB officer should make initial contact with the applicant ('Person A or C'), acknowledging the application, using the safe means of contact recorded on the application form, seeking clarification as required and ascertaining that there is or has been a relationship between 'Person A' and 'Person B'.
39. The applicant should be given an overview of the scheme and the timescales for each stage (see page 10). They should also be advised that:
- Police will conduct checks on their systems on all parties.

- Partner agencies (and who these are) may be contacted for information about the applicant and related parties if police do not hold sufficient information.
  - Following an initial assessment, should the police assess that the application should progress, then they will be invited to attend a face-to-face (could be virtual) meeting to verify their identity and discuss the application in more depth. **The applicant must be told that no disclosure will be given at that meeting.**
  - Any decision not to progress the application does not mean that **'Person A'** is safe, and they should continue to be diligent and report concerns.
  - Disclosure will only be made if there are identified concerns that someone is at risk of harm and disclosure meets data protection requirements.
  - If there is an immediate or imminent threat, safeguarding action must be taken to protect the person(s), including a robust safety plan.
  - Should safeguarding concerns for children or vulnerable adults be identified, information will be passed to Social Services for investigation.
  - If any new alleged crime is disclosed police are duty bound to investigate.
  - Should there be any change in their circumstances that may increase risk or impact on safety, they should contact police.
40. Should the applicant be **'Person C'**, they should be advised that any disclosure will be provided to **'Person A'**, unless this is not considered to be the best approach, due to **'Person A's'** vulnerabilities.
41. If **'Person A'**, should they disclose any vulnerabilities, identify who may be the best person to support them during any subsequent disclosure, or receive the disclosure instead of them.
42. The applicant should be told that if, after initial checks and assessment, a decision is made to proceed with the application, they will be contacted by the agreed safe method to arrange a suitable date, time, method (in person or virtual) and venue (if applicable) for a face-to-face meeting. Any face-to-face meeting should be approached with an investigative mind set, not simply to resolve the issue of potential disclosure. The applicant should be told that in the event that the application will not be progressed, a face-to-face meeting will not be required, and they will be contacted using a safe means of contact to be informed of this.
43. Applicants should be told they will be required to provide official photographic proof of identity. If the applicant is **'Person C'**, evidence of their relationship with **'Person A'** should be shown, e.g. from text messages or social media content.
44. Applicants should also be advised that any disclosure provided will not contain detailed information.

**(ii) Police checks**

45. Following initial contact, police checks should be undertaken by PPB to build a picture of **'Person A, B or C'** (as applicable) and assess whether the application should be progressed. This should include NICHE, PNC (Police National Computer); CRV (Criminal Record Viewer); PND (Police National Database); and ViSOR (Violent and Sex Offender Register).
46. The checks by PPB are to ascertain if **'Person B'** has a history of violence or abuse which would demonstrate that they pose a risk of harm to **'Person A'**. The checks will establish whether:
- **'Person B'** has convictions or out of court disposals for domestic abuse related offences (including spent convictions and offences taken into consideration);
  - There is other information (including intelligence) about the previous violent or abusive behaviour of **'Person B'**, which may include:
    - 'not guilty' disposals at Court and offences which the Court has directed to 'lie on file';
    - cases not proceeded with, either following arrest or voluntary interview, or following charge or summons;
    - previous concerning behaviour, or convictions linked to, harassment, stalking, coercive control or other potentially violent or abusive behaviour.
47. From the initial checks, there may be cases where PPB require further information from other police and security forces (for example, GB and ROI police forces, Royal Military Police; Ministry of Defence or National Crime Agency). Should information not be received in order for it to be included in any risk assessment and decision-making within DVADS' timescales, the application should continue to be progressed. This can subsequently be incorporated into the process and decisions reviewed as appropriate. Similarly, if a provisional decision is made by a Sergeant not to progress the application based on the information available, then a decision should not be made until the information is received.
48. As regards checks on **'Persons A or C'**, PPB should consider any information that may impact on the application.

**(iii) Initial risk assessment and decision on whether to progress application (including request for partner agencies' information if applicable)**

49. A PPB Sergeant (or above) will review the application and ensure the application meets the criteria (i.e. age, residence, nature of relationship) for the scheme in order for it to proceed. If criteria is not met, and the application is not to progress, the rationale should be recorded along with any other actions

needed.

50. The Sergeant (or above) should then undertake an initial risk assessment on the information in the application form, initial contact with the applicant and police systems. If police consider that they do not hold sufficient evidence to assess whether there is a risk of harm, then information should be requested from relevant partner agencies (**proceed to Stage 2(i)**).
51. If police consider that they hold sufficient evidence to assess whether there is a risk of harm then a decision should be made on whether to progress with the application and **proceed to Stage 2(ii)**. Should the decision be made not to progress, the rationale should be recorded, along with any other actions needed.
52. There is no formal tool for the risk assessment at this stage of the application. PPB should assess this from the available information, plus using their professional judgement and experience.
53. In doing so PPB should be mindful of any 'trigger factors' which contribute towards the behaviour of '**Person B**', such as substance misuse or mental health issues. They should also consider potential escalation, e.g. looking at the number of police call outs to partners / ex-partners within the last 12 months, the circumstances of these and any other relevant information. They should also consider patterns of abusive behaviour, including coercive control stalking or harassment.
54. As with at any stage of the process, if there is an immediate or imminent threat to any person, the police must ensure appropriate action is taken.



## STAGE 2

- (i) **PARTNER INFORMATION, RISK ASSESSMENT AND DECISION TO PROCEED**
- (ii) **FACE TO FACE MEETING**
- (iii) **CATEGORISATION OF APPLICATION**

To be completed within 5 calendar days for police only decisions and 12 calendar days if partner agencies and DMF are involved.

*(i) Partner agencies' information, risk assessment and decision to proceed.*

55. **Stage 2 (i) is only to be completed if police do not have sufficient information to make an informed decision, based on police information only (as outlined in paragraphs 40 and 41), and information needs to be sought from partner agencies.**
56. If police consider that they do not have sufficient information to categorise an application as '**a concern**' or '**no concern**' details of the application (not the application form itself) should be shared with relevant partner agencies, to seek further information, as soon as possible. These include:
- Health and Social Care Trusts;
  - Northern Ireland Housing Executive;
  - Education Authority;
  - NSPCC;
  - Probation Board for Northern Ireland;
  - Youth Justice;
  - Relevant support services such as ASSIST NI, Men's Advisory Project, Men's Action Network; Women's Aid, etc.; and
  - Any other body that can inform the risk assessment.
57. **Partner agencies should provide relevant information within three working days of receipt of the request from police**, for inclusion in a referral to DMF. The information should be concise but detailed enough to enable police to determine whether there is '**a concern**' (case progresses) or '**no concern**' (case is closed).
58. Any information sought or provided for DVADS is separate to that related to MARAC and is **not transferrable across these processes due to data protection**.
59. The PPB Sergeant should undertake a risk assessment based on the

information in the application form, police information and any partner agencies' information. Should the assessment indicate that '**Person A**' is at risk of harm, the application should proceed to a face-to-face meeting (in person or virtual) (Stage 2(ii)). If there is no evidence to suggest there is a risk of harm, then the application should be closed.

***(ii) Face to face meeting***

60. If PPB decide the application is to progress, '**Person A**' or '**Person C**' must be invited to a face-to-face meeting (in person or virtual, taking account of applicant's views) to:

- ensure that the application is genuine and not malicious;
- obtain further information to further assess risk and inform a decision around disclosure;
- provide safety information and advice to safeguard '**Person A**' (as relevant).

61. There are a number of areas that PPB should address with '**Person A or C**':

- that if they wilfully or maliciously provide false information to try to obtain a disclosure they are not entitled to, they may face prosecution. If this is suspected, the evidence to support this must be fully documented;
- that any information disclosed must only be used for the purpose for which it has been shared, i.e. to protect '**Person A**' from harm. **It cannot be used in any child contact disputes where Children's Services are involved or in civil family court disputes.**
- that the application will be dealt with confidentiality, pending the outcome of the risk assessment process. If a disclosure is to be made, police must consider whether '**Person B**' should be informed. If such a disclosure would increase the risk to '**Person A**', or any other person, then '**Person A or C**' should be informed that '**Person B**' will not be approached.
- that if they disclose evidence of an offence during the process, it may not be possible to maintain their confidentiality;
- where the applicant is '**Person A**', ensure they are aware of support services (or advise this to anyone else to whom the disclosure is made);
- ask for photographic proof of identity including confirmation of address and date of birth. Acceptable forms of identification include:
  - passport;
  - driving licence;
  - other trusted form of photo identification;
  - birth certificate; and
  - household utility bill (electric, gas, rates) or bank statement within the previous 3 months.

62. Where formal identification is not available it may be possible to make enquiries

with a partner agency to confirm the applicant's identity.

63. A disclosure cannot be made to **'Person A or C'** without verification of identity, or if the applicant chooses to remain anonymous. However, if concerns are identified, consideration should be given to progressing the application through the 'Power to Tell' pathway.
64. Where there is ambiguity over the identity of **'Person B'**, police should confirm the following information about **'Person B'** with **'Person A or C'**:
  - name, including any other names used;
  - date and place of birth;
  - last known (or previous) addresses; and
  - other relevant information to enable identification such as employer.
65. Police should also obtain information from the applicant about the reason for making the application; history of the relationship between **'Persons A and B'**; and, if applicable, evidence of the relationship between **'Persons A and C'**.
66. **'Person A or C'** should be told that the person to whom any subsequent disclosure is made will be asked to sign an undertaking (physically or virtually as applicable) stating they agree that the information is confidential and that they will not disclose this information further. They should be warned that there could be legal proceedings if this is breached.
67. If a signed undertaking is not given the PPB officer should record this and inform their Inspector who will need to consider whether a disclosure should still take place. The outcome should be recorded and considered in the subsequent risk assessment, decision making process and safety plan.
68. Where the applicant is **'Person A'**, the Domestic Abuse, Stalking and Harassment and Honour Based (DASH) risk assessment should be completed, where relevant. Where stalking is identified, the S-DASH risk assessment should be completed, where relevant. **'Person A'** should be advised about the purpose of DASH, i.e. to establish the level of risk and to consider appropriate victim safety measures/planning.
69. At the start of the meeting applicants should be advised that should a crime be disclosed it **must** be recorded and an investigation commenced (if not already reported to police). Should the victim disclose a crime, then the officer should complete the DASH form, if not already commenced, and give the victim the opportunity to report the incident and make a statement.
70. As part of the face-to-face meeting, **'Person A or C'** should be offered the DVADS information leaflet (physically or online version), where this would not place them at further risk. A safety plan should be devised with **'Person A'**, including signposting to support agencies. Where **'Person A'** has advised

**'Person B'** that they have made an application PPB should warn them not to tell **'Person B'** of the safety plan, so as not to reduce its effectiveness.

71. It would be useful to establish from the applicant, what, if any, support services are involved with **'Person A'**, e.g. social services, mental health worker, Women's Aid. These agencies should be contacted for relevant information from the allocated workers and for involvement in safety planning.
72. Given that DASH is a dynamic risk assessment tool it should be reconsidered in light of any additional information provided by **'Person A or C'**, **partner agencies** (where police do not have sufficient information and partner agencies and DMF are involved) and checks /or any further information on police systems, filling in any information gaps.
73. Where the applicant is **'Person C'**, a DASH form should not be completed until there is any contact with **'Person A'** and completed where relevant.

**(iii) Risk assessment and categorisation of application as 'a concern' or 'no concern'**

74. PPB will undertake a full risk assessment based on information from the applicant, police checks and, if applicable, from partner agencies. They should determine whether there is a credible risk of harm to **'Person A'** from **'Person B'**.
75. At this point sufficient information should have been gathered and checked to determine whether there is a credible risk of harm to **'Person A'** from **'Person B'**. Where police do not consider they have sufficient information this will include checks with partner agencies for any information they may hold on **'Persons A, B (or C, if relevant)'**.
76. Police should categorise the application as either a **'concern'** or **'no concern'**, approved by the PPB Sergeant. Where DMF is involved while it will recommend whether a disclosure should be made by police it will still be for the PPB Sergeant to approve the categorisation.
77. **'A concern'** occurs if **'Person A'** is at risk of harm from **'Person B'**, taking account of the following factors:
  - **'Person B'** has convictions or out of court disposals for domestic abuse related offences (including spent convictions and offences taken into consideration);
  - There is other information (including intelligence) about the previous violent or abusive behaviour of **'Person B'**, which may include:
    - 'not guilty' disposals at Court and offences which the Court has directed to 'lie on file';
    - cases not proceeded with, either following arrest or voluntary

- interview, or following charge or summons;
- previous concerning behaviour, or convictions linked to, harassment, stalking, coercive control or other potentially abusive or violent behaviour.

78. A '**no concern**' is when there are:

- no convictions for an offence related to domestic violence or abuse;
- no intelligence that indicates that the behaviour of '**Person B**' may cause harm to '**Person A**';
- there is insufficient intelligence or information to register a concern; or
- there are no other convictions of concern that could be linked to potentially abusive or violent behaviour.

79. If there is deemed to be '**a concern**', PPB must consider if representations should be sought from '**Person B**', including whether there are good reasons not to seek representation, such as the need to disclose information in an emergency or if doing so may put '**Person A**' at risk.

80. Where police consider the disclosure of relevant spent convictions to be applicable, it is important to ensure this is reasonable and proportionate taking account of their age. Legal advice should be sought where necessary. Where such disclosure is lawful, the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 provides a legal exemption from prosecution for the disclosure.

81. Where a decision is made to categorise an application as '**a concern**', based on police information only, then the Sergeant will refer the matter to the PPB Inspector. **Proceed to Stage 3A** (see Section 7).

82. Where a decision is made to categorise the application as '**a concern**' based on police and partner agencies' information (if cannot be made on police only information), **police should make a referral to DMF**. This should contain relevant information from the application form, police systems and partner agencies. **Proceed to Stage 3B** (see Section 7).

83. Applications categorised as '**no concern**' should be closed. The applicant must be updated and safety advice given as appropriate.

## 6. 'POWER TO TELL' PROCESS – STAGES 1 AND 2

### How an application is made

84. The police officer or staff member who receives the information must submit a 'Power to Tell' application to PPB without delay, on an internal application form. **Overall timescales for 'Power to Tell' are 18 calendar days for police only decisions and 38 calendar days if partner agencies and DMF are involved.**

### STAGE 1

#### Checks, risk assessment and decision to progress application

85. **To be completed within 3 calendar days of receipt of the information, not from the receipt of application.**

*(i)* Police checks

86. PPB should follow the same process as under 'Right to Ask' (paragraphs 44 – 47) when conducting initial police checks.

*(ii)* **Initial risk assessment and decision whether to progress application (including request for partner agencies' information, if applicable)**

87. PPB to follow the same process as under 'Right to Ask' (paragraphs 48 – 53).

### STAGE 2

**To be completed within 5 calendar days for police only decisions and 12 calendar days if partner agencies and DMF are involved.**

*(ii)* **Request for information from partner agencies (if applicable)**

88. Requesting information from partner agencies is only to be completed if police cannot make an informed decision based on their information only. In these circumstances, PPB should follow the same process as under 'Right to Ask' (paragraphs 54 – 58)

*(iii)* **Risk assessment, categorisation of application as 'a concern' or 'no concern'.**

89. PPB to follow the same process as under 'Right to Ask' (paragraphs 73 – 82).

*(iv)* **Referral to DMF (if applicable)**

90. PPB to follow the same process as under 'Right to Ask' (paragraphs 105 - 113).

## 7. STAGE 3 – ‘Right to Ask’ and ‘Power to Tell’ – Process for Decision whether to make a disclosure.

91. There are two different processes for decision making:

- Applications which have been categorised as ‘**a concern**’ from police information only, **proceed to Stage 3A**; or
- Applications which have been categorised as ‘**a concern**’ from police and partner agencies’ information, or partner agencies’ information only **proceed to Stage 3B**.

### STAGE 3A – APPLICATIONS CATEGORISED AS ‘A CONCERN’ FROM POLICE INFORMATION ONLY

(v) **DECISION TO MAKE A DISCLOSURE**

(vi) **DECISION NOT TO MAKE A DISCLOSURE**

92. This stage to be completed within 10 calendar days of the end of Stage 2.

(i) **Decision to make a disclosure.**

93. **The section applies where decisions can be taken on the basis of police only information – that is information is not needed from partner agencies or DMF involved.** At this point there should be sufficient information to determine if there is a credible risk of harm to ‘**Person A**’ from ‘**Person B**’. A Sergeant or above, where they have categorised it as ‘**a concern**’, will refer their recommendation for disclosure, or not, to the PPB Inspector for consideration. The PPB Inspector must make a decision as to whether the application should proceed to a disclosure being made. In doing so, police must consider the three principles below, which are fully explained in **Annex C**:

1. the three-stage disclosure test (lawfulness, necessity and proportionality);
2. Data Protection Act 2018 and UK General Data Protection Regulation (GDPR) considerations;
3. informing ‘**Person B**’ of the disclosure.

94. Police will consider what safeguarding measures could support and safety plan for ‘**Person A**’, in anticipation of disclosure, and determine the actions needed.

95. The PPB Inspector will decide the wording to be used in a disclosure. The following aspects should be considered.

(i) **What will be disclosed?**

- This should contain sufficient information to allow the recipient to make an informed choice about their relationship with **'Person B'** and how they will keep safe.
- Disclosure must be accompanied by a robust safety plan tailored to **'Person A'**, identifying who will deliver ongoing support to them.
- The disclosure wording must not prejudice any current/potential investigations or prosecutions of **'Person B'**. Consideration must also be given to any risk posed to a previous victim or **'Person C'**, as a direct consequence of the scheme's process.
- DMF should be advised of the disclosure and what was shared.

**(ii) To whom should the disclosure be made?**

- The disclosure should be provided to **'Person A'** or the person best placed to safeguard them, even where **'Person C'** has made the application.
- Whilst most disclosures will be to **'Person A'**, it may not always be appropriate.

**(iii) How will the disclosure be made?**

- Consider whether joint-agency delivery is best or, in exceptional circumstances, a partner agency making it instead of police.
- The inclusion of a support service provider at the disclosure meeting should also be considered, subject to the consent of **'Person A'**.
- Disclosure should be made face to face (in person or virtually). This must be at a safe time and location to meet the needs of **'Person A'**.

**(iv) Advice to the person to whom the disclosure is made**

The person to whom the disclosure is made must be advised that:

- the disclosure must only be used in order to safeguard **'Person A'**;
- they will be asked to sign an undertaking that the information is confidential and that it may only be shared further, with due regard for others' rights to privacy and fair trial, in order to safeguard **'Person A'**;
- the person receiving the disclosure must inform police of any intention to share the information and with whom;
- legal proceedings could result if this confidentiality is breached.

Other factors to consider when making a disclosure

96. **Those providing the disclosure should check the understanding of information provided.**

97. If the person is not willing to sign the undertaking, police will need to consider if disclosure should still take place. The outcome should be recorded and considered in the risk assessment, decision-making process and safety plan.



98. At **no time** should written correspondence concerning the specifics of the disclosure be sent to, or left with, the applicant, given the range of risks posed. The person to whom the disclosure is made should be given information to assist them in safeguarding **'Person A'**.
99. What the applicant is told at disclosure should be recorded verbatim on the form and signed by them. **It must not be given to the applicant and will be retained by PPB.** PPB should inform DMF of the date of disclosure (plus any changes made to the script) as soon as possible via secure email.

#### ***Decision made not to disclose information***

100. If the decision is made not to disclose information, because there is judged to be no risk of harm to **'Person A'** that warrants disclosure, follow the below:
- (i) Under **'Power to Tell'** record the decision not to disclose, plus the rationale. This may inform future disclosure considerations on **'Person B'**.
  - (ii) Under **'Right to Ask'** **'Person A'** (or other person if necessary):
    - (a) should be told in person, or via a safe telephone number (reducing the risk to **'Person A'** of written correspondence), that there is no information to disclose on the basis of the information/details provided and checks made;
    - (b) must be told that a lack of information to disclose **does not mean that there is no risk of harm and that they are safe.** They should remain vigilant and report any future concerns; and
    - (c) should be given information to help safeguard **'Person A'** in the future. At no time should this contain written correspondence concerning the specifics of the disclosure consideration, given the risk this could pose.
101. **'Person B'** will not be notified where no disclosure is made to the applicant.

#### ***Maintaining a record of the disclosure scheme outcome***

102. At the closure of every case (whatever the outcome) a final report must be submitted onto police systems to record the request/information received, outcomes/decision made and details of all parties involved. This will be retrievable to all police forces via PND. Decisions made must be human rights compliant and recorded fully in a format that would stand scrutiny of any formal review including Domestic Homicide and judicial reviews.
103. Any relevant information coming to light from DVADS as part of this process should be shared, as appropriate, with all relevant agencies, in accordance with the principles of information sharing and disclosure, as articulated in this guidance document.

**Stage 3B – Applications categorised as ‘a concern’ from police and partner agencies’ information, or partner agencies’ information only**

104. Overall, this stage should be completed within 30 working days from the completion of Stage 2. Stage (i) within 20 calendar days from the completion of Stage 2 and (ii) within 10 calendar days from the completion of Stage 3B(i).
105. The section applies where decisions require partner agencies’ information and the associated involvement of DMF, that is police cannot reach an informed decision on the basis of police only information.

***(vii) DMF – Recommendation for disclosure***

**To be completed within 20 working days from the completion of Stage 2.**

106. PPB will have referred an application to DMF, where a Sergeant or above has categorised it as ‘**a concern**’, to recommend if disclosure should be made. DMF will consider the application and police information. Each agency should make their own categorisation of the case as ‘**a concern**’ (recommend disclosure) or ‘**no concern**’ (application closed) (see paragraphs 75 – 82). Police should have regard to this.
107. DMF must consider the three principles set out at paragraph 92 (and **Annex C**).
108. In recommending whether to make a disclosure DMF should consider, as set out at paragraph 94:
- ‘What will be disclosed’;
  - ‘To whom should the disclosure be made’; and
  - ‘How will the disclosure be made’,
- as well as what safeguarding measures could support and safety plan for ‘**Person A**’, in anticipation of disclosure, and determine the actions agencies could offer.
109. DMF will need to consider what safeguarding measures could support, and safety plan for, ‘**Person A**’, in anticipation of disclosure, and determine the actions agencies could offer.
110. DMF, in addition to the above, should also:
- recommend the wording to be used in any disclosure to be made. Where this is changed by the PPB Inspector (e.g. not to disclose when disclosure has been recommended or changing the wording of the disclosure) DMF must be informed. DMF will also be informed where a disclosure had been made for police only cases;

- recommend who the disclosure is to be made to; and
- recommend who the disclosure is to be made by, whether this should be police, joint-agency or a partner agency instead of police

***(viii) PPB Inspector decision-making process.***

**To be completed within 10 working days from the completion of Stage 2.**

111. Following the DMF meeting, the Sergeant will refer the recommendation(s) for disclosure, or not, to the PPB Inspector for consideration. If the decision was not unanimous, the Inspector will be advised of each agency's position.
112. The PPB will Inspector will consider the recommendations of DMF in order to make the ultimate decision whether a disclosure should be made or not. The Inspector should follow the process outlined in paragraphs 90 – 94.
113. When **making a disclosure**, the process outlined in paragraphs 90 - 94 should also be followed. If the 'form of words' given differs from those recommended at the DMF members should be informed of this.
114. If the decision is that a **disclosure is not to be made**, then the process outlines in paragraphs 99 – 102 should be followed.

## 8. CONSIDERATIONS DURING THE DVADS PROCESS

115. As part of the DVADS process the following areas should be considered.

### Risk assessment

At any stage of the process, if police identify that there is an immediate or imminent threat to **'Person A'** or any other person, action must be taken immediately to safeguard those at risk.

116. If during any contact with **'Person A or C'** under DVADS police believe that they are alleging a crime, whether domestic abuse or any other, then they must pursue the crime report under their criminal investigation procedures. These two aspects, DVADS and a criminal investigation, can run in parallel.
117. Police, and partners agencies where involved, should ensure that risk assessments made throughout the process are dynamic and fluid, responding to any information which comes to light. Safety planning should be reviewed and revised accordingly. Consideration should be given to any significant changes or events which occur with **'Person A or B'** during the application process which may heighten any risk, such as:
- **'Person B'** becoming aware of the application or any disclosure;
  - **'Person A'** has ended the relationship with **'Person B'** or **'Person B'** becomes aware that they are considering doing so.
  - **'Person A'** or another party reports a crime or incident of which **'Person B'** is aware.
  - Evidence of **'Person B's'** past trigger factors to offending, i.e. misuse of substances, mental health concerns.
118. If through a DASH risk assessment **'Person A'** is identified as being at 'high risk of serious harm' from **'Person B'**, then police must make a MARAC referral. Similarly, a referral should be made if they meet the threshold based on professional judgement or potential escalation. If during the disclosure process, previously unreported incidents of domestic abuse are disclosed about **'Person A'**, and the case has been discussed at MARAC within the past 12 months, **'Person A'** should be referred immediately again.
119. Protection should also be given to any previous victims of **'Person B'** or **'Person C'** making an application that may be identified at risk, as a direct consequence of the scheme.

### Vulnerability of **'Person A'**

120. Throughout the process, police must remember their statutory obligations regarding accessibility and reasonable adjustments toward those involved.

121. Police officers should be mindful of any factors which may mean the applicant has been unable or reluctant to disclose information that might highlight the risk more clearly, make decisions about their relationship or be able to adhere to any safety plan. These may include, for example, cultural or language barriers, immigration issues, learning or physical disability, gender or sexuality issues or fear.
122. Whether the applicant is **'Person A'** or **'Person C'** any disclosure should be made to **'Person A'**, unless this is considered not to be the best approach given the particular circumstances. For example, **'Person A'**, for reasons of vulnerability (e.g. limited capacity, mental health issues, substance addiction, physical difficulties or learning disability) may be unable to fully understand the disclosure information and/or the potential risks it holds. Another person may be best placed to receive the disclosure (which may be **'Person C'**, a family member, support worker or social worker). Consideration should be given to whether that person should attend alone, or along with **'Person A'**.

### **Safeguarding of children and vulnerable persons**

123. Police must be alert to the impact of abuse on any children (under 18) referred to in the DVADS application. Should there be safeguarding child protection concerns for any child with whom **'Person B'** has contact, then police should make the necessary referrals to the relevant Health and Social Care Trust's Gateway Teams or Regional Emergency Social Work Service without delay. Where an immediate concern is identified, emergency protective measures should be taken. If any child protection concerns are identified during the DVADS' process the police have a duty to undertake their statutory safeguarding duties.
124. Similarly, if there are safeguarding concerns for any vulnerable adult, then the police must refer these to the relevant Health and Social Care Trust Vulnerable Adults Safeguarding Team without delay. Consideration should also be given to whether civil protection orders may be needed.

### **Risk from 'Person B'**

125. If **'Person B'** is managed under PPANI, the police should inform their Police Offender Manager without delay, who together with PPB should jointly assess whether any disclosure should be given through PPANI' or DVADS' processes.
126. If **'Person B'** has breached any of their Probation licence conditions (e.g. to disclose any developing relationships), police must inform their Probation Officer without delay. Should **'Person B'** have their licence revoked or receive a warning as a result of the DVADS application, measures must be put in place to safeguard **'Person A and/or C'**.

127. Regardless of whether a decision is made to disclose information under DVADS, police and DMF should consider whether **'Person B'** should be referred to an appropriate local framework for managing offenders based on the risk of harm posed by **'Person B'**.

**'Right to ask' application to become 'Power to tell' disclosure**

128. Where a 'Right to Ask' application has been made and it has been assessed that **'Person A'** is at risk of harm from **'Person B'** and they are not the applicant or disengage at any time, then the application should be treated as a 'Power to Tell'.

129. Where there is a decision to disclose information a proportionate and defensible response by police should be made in their efforts to do so.



OFFICIAL [PUBLIC]

**DOMESTIC VIOLENCE AND ABUSE DISCLOSURE SCHEME**

**Right To Ask**

**Application Form**

**Section 1: Person At Risk (PAR)**

*This section relates to the person you believe may be at risk of harm. Complete this section with as much detail as you know. Please note, if your concern relates specifically to a child/children only, please submit an application via the [Child Protection Disclosure Scheme](#).*

<b>Full Name:</b>	<b>Any other names i.e. married/maiden name:</b>
<b>DOB:</b>	<b>Place of Birth:</b>
<b>Gender:</b>	<b>Preferred Language:</b>
<b>Address of PAR, including postcode:</b>	<b>Employer details including address, if known:</b>
<b>Preferred Contact Number:</b>	<b>Safe day/time to contact (if known):</b>

**Section 2: Person You Believe to be a Risk to Others (Subject)**

*This section relates to the individual whom you believe may be a risk to others. Please complete all sections as accurately as possible.*

<b>Full Name:</b>	<b>Any other names i.e. married/maiden name, nicknames or aliases:</b>
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<b>DOB:</b>	<b>Place of Birth:</b>
<b>Gender:</b>	<b>Any known contact number:</b>
<b>Address, including postcode:</b>	<b>Employer details including address, if known:</b>
<b>What is the relationship between this person and the person you believe may be at risk?</b>	
<b>Section 3: About you</b>	
<b>Are you the Person At Risk? Y/N – if yes, please go to Section 4</b>	
<b>Full Name:</b>	<b>DOB:</b>
<b>Place of Birth:</b>	<b>Gender:</b>
<b>Gender:</b>	
<b>Address of PAR, including postcode:</b>	
<b>Preferred Contact Number:</b>	<b>Preferred day/time to contact:</b>
<b>How do you know the Person At Risk?</b>	
<b>Section 4: Children</b> <i>Please provide details for <u>ALL</u> involved children. This includes children of both the PAR and the subject, whether resident at the same address or not, and details of any known children in care. Please also include any known children that the Subject has contact with e.g. children of a new or ex-partner</i>	



**Are there any children in the family? Please include any children linked to either person, even if they do not live with them.**

**Y/N - If no, please go to Section 5**

**Surname:**

**Forename(s):**

**DOB:**

**Place of Birth:**

**Gender:**

**Ethnic Origin:**

**Address, including postcode:**

**Surname:**

**Forename(s):**

**DOB/Age:**

**Place of Birth:**

**Address, including postcode:**

**Are there any other parents not already mentioned on this form?**

**Y/N – if no please go to Section 5**

**Section 5: Why are you concerned?**

Tell us why you are concerned, and why you are applying to the Scheme? Include as much detail as you can think of. Include any behaviour that has caused/is causing concern, and what effect this is having on the Person At Risk. Please specify if you have personally witnessed these behaviours, and if any children have been present.

**Section 6: Safety Questions**

**Do you believe there is an immediate risk that police should act on quickly? Remember, in an emergency situation please dial 999, or if reporting a crime you can contact police on 101.**

Does the person you are requesting information about (Subject) know you are making this application?

Please tell us about any other risks, concerns or comments you may have?

**Information to be read by the applicant:**

The Domestic Violence and Abuse Disclosure Scheme does not replace existing procedures that are currently in place for the Disclosure and Barring Service(DBS), Subject Access or Freedom of Information (FOI) requests, nor does it replace existing Safeguarding Adults procedures. Where an enquiry is made that is unsuitable for the disclosure scheme, Safeguarding Adult procedures may be taken.

Disclosure will only be given to the person at risk and / or the person who is in the best position to safeguard the person at risk from harm.

Relevant checks should be completed by POLICE using the information given in this form. The results of these checks will be used to assess whether there is an immediate or imminent risk of harm to the person at risk from the subject.

Should a decision be made to progress the disclosure application further, a face-to-face discussion with the applicant will be arranged by a specially trained officer. This should take place no longer than 12 days after the initial contact. You are advised that credible proof of identity will be required at this stage (preferably photo ID such as a passport or driving licence). From this, the necessary checks and risk assessments MUST be completed, which will then be discussed at a Decision Making Forum before any disclosure can be made. Other than in exceptional circumstances, applications for disclosure should be completed within 45 days of initial contact.

If any immediate risks are identified at any stage, then immediate safeguarding action will be taken, including a safety plan delivered by PSNI and partners.

**IN CIRCUMSTANCES WHERE CHILD PROTECTION CONCERNS ARE IDENTIFIED THE INFORMATION WILL BE PASSED TO THE RELEVANT SOCIAL SERVICES TRUST.**

**By ticking the box below I understand that:**

- If I have wilfully given false or malicious information to the police to try and obtain information about another person, I may be liable to criminal proceedings.

- Should I receive a subsequent disclosure regarding the person I have enquired about, this will be solely for the purpose of keeping myself and/or my child(ren) safe.
- I must not share this information with any other person.
- If I breach this confidentiality, I understand that I may be liable to legal proceedings.
- I agree that should I receive a disclosure, I will abide by an undertaking to keep this information confidential.

**I agree to the terms stated above**

**How did you hear about the Scheme?**

- Select -  
PSNI website  
NI Direct  
Poster  
Radio advert  
Press advert  
Leaflet  
Word of Mouth  
Department of Justice Website



OFFICIAL [PUBLIC]

**DOMESTIC VIOLENCE AND ABUSE DISCLOSURE SCHEME**

**Power To Tell**

**Application Form**

<p><b>Section 1: Person At Risk (PAR)</b>  <i>This section relates to the person you have concerns about. Complete this section with as much detail as you know.</i></p>	
<p><b>Full Name:</b></p>	<p><b>Any other names i.e. married/maiden name:</b></p>
<p><b>DOB:</b></p>	<p><b>Place of Birth:</b></p>
<p><b>Gender:</b></p>	<p><b>Preferred Language:</b></p>
<p><b>Address of PAR, including postcode:</b></p>	<p><b>Employer details including address, if known:</b></p>
<p><b>Preferred Contact Number:</b></p>	<p><b>Safe day/time to contact (if known):</b></p>
<p><b>Section 2: Person You Believe to be a Risk to Others (Subject)</b>  <i>This section relates to the individual whom you believe may be a risk to others. Please complete all sections as accurately as possible.</i></p>	
<p><b>Full Name:</b></p>	<p><b>Any other names i.e. married/maiden name, nicknames or aliases:</b></p>
<p><b>Niche ID:</b></p>	
<p> </p>	<p> </p>

<b>DOB:</b>	<b>Place of Birth:</b>
<b>Gender:</b>	<b>Contact Number:</b>
<b>Address, including postcode:</b>	<b>Employer details including address, if known:</b>
<b>What is the relationship between this person and the PAR?</b>	
<b>Section 3: Children</b> <i>Please provide details for <u>ALL</u> involved children. This includes children of both the PAR and the subject, whether resident at the same address or not, and details of any known children in care. Please also include any known children that the Subject has contact with e.g. children of a new or ex-partner</i>	
<b>Surname:</b>	<b>Forename(s):</b>
<b>DOB:</b>	<b>Place of Birth:</b>
<b>Gender:</b>	<b>Ethnic Origin:</b>
<b>Address, including postcode:</b>	
<b>Surname:</b>	<b>Forename(s):</b>
<b>DOB:</b>	<b>Place of Birth:</b>
<b>Gender:</b>	<b>Ethnic Origin:</b>
<b>Address, including postcode:</b>	
<b>Section 4: Why are you concerned?</b>	

Please outline why you have registered an interest in the subject of this application. Please include the reasons you are concerned about the PAR, including as much detail as possible about the subject's behaviour. If the PAR has disclosed any information which causes you concern, please also record this in this section. Include any and all information you believe to be relevant, including details of how this person came to your attention, and any relevant CC numbers.

**Section 5: Submitting Officer Details**

<b>Name:</b>	<b>Rank:</b>	<b>Service No:</b>
<b>Department:</b>	<b>Date Completed:</b>	

When complete, this form should be emailed to DVADS for processing. **If you believe there to be an urgent risk, please contact your local PPB DA office via telephone:**

- Belfast Trust – Antrim Road
- Northern Trust – Ballymena
- Southern Trust – Mahon Road
- South Eastern Trust – Newtownards
- Western Trust – Strand Road/Omagh

## ANNEX B

### PRINCIPLES UNDERPINNING DVADS

#### Information sharing and disclosure – overview

1. The successful implementation of DVADS is dependent, firstly, on appropriate information sharing between agencies and, secondly, on appropriate disclosure to a third party for the purpose of protecting the public. At all times, the power to both share and/or disclose information must be considered on a case-by-case basis, and each decision must be justifiable as being lawful i.e. necessary and proportionate.
2. As part of the disclosure process referral of the case may be made by police to DMF, operating under the auspices of the current MARAC process which is police led. **It will be for police to make the ultimate decision on whether or not to disclose the information under consideration.**
3. Where DMF is involved it is not a 'data controller' (for the purposes of GDPR). Rather, it is an arrangement for recommendations to be made on the management of risks and disclosure.
4. Information that is shared under DVADS remains the responsibility of the agency that holds it and will be for the relevant agency to deal with any Subject Access Request (SAR).

#### The power to share information

5. In assessing risks and managing them all relevant information should be shared, while adhering to common law and legislation. The law has established a defence to breach of confidence where disclosure is in the public interest. The prevention of abuse or harm may well amount to a sufficiently strong public interest to override the usual duty of confidence.
6. Information sharing under DVADS must comply with the data protection principles set out in GDPR and reproduced in the ICO Code of Practice. There is an exemption from GDPR where personal data is processed for the purpose of preventing or detecting of crime. Use of this must be considered on a case by case basis.
7. Data sharing must also comply with the Human Rights Act 1998. Article 6 provides the right to a fair trial and would involve engagement with '**Person B's**' rights under the scheme. Article 8 provides a right to respect for private and family life, home and correspondence. Any interference with this right by a public authority (such as a criminal justice agency), must be "necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for

the protection of health or morals, or for the protection of the rights and freedoms of others”.

8. The sharing of personal information about ‘**Person B**’ may be an interference with a person’s right to a private and family life. To comply with Article 8, any such interference must be shown to be necessary and proportionate in the pursuit of a legitimate aim, such as public safety, or the prevention of disorder or crime.
9. Agencies must also respect the statutory rights of individuals including the right to privacy. The most relevant factors are common law (where appropriate), section 32 of the Police (Northern Ireland) Act 2000, the General Data Protection Regulation and the Human Rights Act 1998.

### **The power to disclose information**

10. Disclosure of information must be decided on a case-by-case basis, which will ultimately rest with police. Where DMF is involved it should bear in mind that police will need to be satisfied that any such disclosure is **lawful, necessary and proportionate** to justify the disclosure being made. When considering whether to recommend disclosure, including where DMF is involved, a three stage test should be applied:
  - DMF can recommend a disclosure by police in terms of the 2000 Act if it accords with one of the general policing duties in the 2000 Act. Police must be able to show that such disclosure is necessary to protect the public (or particular sections of the public) from crime.
  - Police would conclude that disclosure is necessary to protect ‘**Person A**’ from being a victim of a crime or abusive behaviour; and
  - Any disclosure is an interference with the rights of ‘**Person B**’ (under Article 8 ECHR) and it must be proportionate.
11. The principle of proportionality provides that whilst Articles 6 and 8 are necessary, the protection of vulnerable individuals means that where there is a pressing need to disclose information to ensure their safety there is an overriding public interest to do so. An examination of the circumstances will be considered relative to the threat presented. The decision to disclose information balancing the likely consequences for ‘**Person B**’ if certain details about him/her are disclosed against the nature and extent of the risks that ‘**Person B**’ poses to ‘**Person A**’;
  - This stage of the test also involves considering the extent of the information which needs to be disclosed e.g. it may not be necessary to tell the applicant the precise details of the offence for steps to be taken to protect ‘**Person A**’. There must be a balance of the rights of ‘**Person B**’ against the need to prevent crime and all decisions in this regard must be fully documented.



## Other principles

The following principles also underpin DVADS at every stage of the process:

- DVADS endeavours to advance a model for the assessment sharing and possible disclosure of information about those with a history of domestic violence and abuse to assist those who might yet become victims of same. It also endeavours to raise public confidence and increase the protection of potential victims of domestic violence and abuse by sharing relevant sources of information showing, or tending to show, that an individual has a history of domestic violence and abuse. Such information will be judged based on a risk assessment.
- No disclosures should be made without following all appropriate stages of this guidance document (unless there is an identified immediate/imminent risk of harm to the potential victim, as per Articles 2 and 3 ECHR);
- At all times, consideration must be given to the safety of the potential victim with appropriate actions (e.g. safety planning, information on safeguarding) implemented, followed through and recorded;
- Under the 'Right to Ask' route, if at any stage police believe that the applicant is alleging a crime (e.g. a specific incidence of domestic violence and abuse), then police they must pursue a crime report under normal criminal investigation procedures;
- Subject to the processes outlined in this document being met in full, including the data sharing and disclosure process mentioned earlier. A disclosure will be made to the potential victim, unless there is a compelling reason(s) not to, for example the potential victim is considered too vulnerable to understand the consequences of the disclosure. In such circumstances, disclosure will be made to the person best able to safeguard the potential victim, as determined by the level of risk identified (e.g. relative, social worker).

## ANNEX C

### PRINCIPLES TO BE CONSIDERED IN MAKING A DECISION TO DISCLOSE

#### Principle 1: The three stage disclosure test

1. Under DVADS three stages must all be satisfied in order for this test to be met.
  - (i) *Lawfulness*: Police will use their powers (see paragraph 13) to make a DVADS disclosure, with the purpose of protecting **'Person A'** from domestic abuse. It must be shown that it is reasonable to conclude that disclosure is necessary to protect the public, or particular sections of the public, from crime. This makes any such disclosure lawful.
  - (ii) *Necessity*: Disclosure is necessary to protect **'Person A'** from harm, or being a victim of crime, where it is reasonable to suspect **'Person A'** would be likely to suffer harm and disclosure is required to safeguard them.
  - (iii) *Proportionality*:
    - Any disclosure that interferes with **'Person B's'** Article 6 and 8 rights and the Data Protection Act 2018 **must be proportionate**. All factors should have been considered and the threat carefully assessed before a decision is made to disclose information.
    - This will include, among other matters, the possible consequences for **'Person B'** of disclosure against the risks that they pose to **'Person A'**. There must be a balance between the rights of **'Person B'** against the need to prevent crime. All decisions about this must be fully documented.
    - As part of this PPB should consider:
      - If **'Person B'** should be asked if they wish to make representations, so all the necessary information is at the police's disposal;
      - The extent of the information to be disclosed, e.g. this may not need to include precise details of the offence for steps to be taken to protect **'Person A'**.
2. There may be concerns that relate to **'Person B's'** current behaviour towards **'Person A'** within the disclosure application e.g. abusive or threatening behaviour. In this case, even though there is no relevant information held by police or other agencies to disclose to the applicant, the applicant may still be contacted to talk about concerns the police or DMF have in relation to **'Person B's'** current behaviour and a DASH risk assessment completed where relevant.

## **Principle 2: Data Protection Act 2018 and UK General Data Protection Regulation (GDPR) considerations**

3. Where the disclosure may include sensitive, personal data (such as information about a person's previous convictions) police, and DMF where involved, must be satisfied that disclosure is in accordance with the Data Protection Act 2018 and GDPR. Information and guidance on applying the Data Protection Act 2018 and the UK General Data Protection Regulation (GDPR) can be found at the Information Commissioner's Office website at <https://ico.org.uk>.

## **Principle 3: Informing 'Person B' of the disclosure**

4. Police and DMF, where involved should consider whether '**Person B**' should be told that information about them may be disclosed, taking account of the risk of harm to '**Person A**' of this. Any risk to them, a previous victim or '**Person C**', which may arise as a consequence of the scheme's process, should also be considered. If this is the case, no disclosure should be given to '**Person B**'.
5. In the event that '**Person B**' is to be informed that a disclosure is to be made they should be informed in person and given information about the scheme and the implications for them.