

DOMESTIC VIOLENCE DISCLOSURE SCHEME POLICY

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DOMESTIC VIOLENCE DISCLOSURE SCHEME

Owning Department: Norfolk Safeguarding and Investigations Command

Department SPOC: DAST D/Insp

Assurance Rating: High

Legal Sign Off: 26.08.26 Alison Ings

Approval Board: September 2026

Published Date: 14/09/2026 (v1)

Review Date: 13/09/2028

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Legal Basis

Legislation specific to the subject of this policy document:

- Domestic Abuse Act 2021 (sec 77)
- Human Rights Act 1998 (Article 8 – Right to private and family life)

Other relevant legislation which you must check this document against (required by law)

- Human Rights Act 1998 (in particular A.14 – Prohibition of discrimination)
- Equality Act 2010
- Crime and Disorder Act 1998
- Health and Safety at Work etc. Act 1974 and associated Regulations
- General Data Protection Regulation (GDPR) and Data Protection Act 2018
- Freedom of Information Act 2000
- The Civil Contingencies Act 2004

Other documentation which you must check this document against:

- College of Policing – Code of Ethics
- Norfolk and Suffolk Constabularies' Standards of Professional Behaviour
- College of Policing – Authorised Professional Practice

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1. Introduction

- 1.1 The Domestic Violence Disclosure Scheme (DVDS) (also known as “Clare’s Law”) enables the police to disclose information about an individual’s history of domestic abuse or related offending where necessary to protect a partner, ex-partner, or potential partner from harm.

2. Policy Purpose

- 2.1 This policy provides a clear framework for the consistent, lawful and effective operation of the Domestic Violence Disclosure Scheme within Norfolk Constabulary.
- 2.2 The policy sets out the processes, governance arrangements and decision-making requirements to ensure disclosures are made in a manner that is risk-led, proportionate and focused on safeguarding.
- 2.3 The policy aligns with Home Office DVDS statutory guidance regarding safeguarding, risk management, and the use of police disclosure powers

3. Statement of Policy

- 3.1 This policy has been formally agreed via the approved policy development/review process. It will be maintained by the Norfolk Safeguarding and Investigations Command in conjunction with the Central Policy Unit.
- 3.2 The policy is intended to promote equality, eliminate unlawful discrimination and actively promote good relations regardless of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, economic or family status.
- 3.3 Norfolk Constabulary is committed to:
- Protecting individuals from domestic abuse through timely and appropriate disclosure
 - Applying the DVDS in a manner that is lawful, necessary and proportionate
 - Ensuring decisions are risk-led, evidence-based and subject to appropriate scrutiny
 - Working in partnership with relevant agencies to safeguard victims and manage risk

4. Applicability

- 4.1 This policy applies to all officers and staff involved in:
- Attendance and recording of Domestic Abuse Incidents, including DVDS applications.
 - Risk assessment and safeguarding.
 - Case research and development.

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- Multi-agency decision-making.
- Disclosure delivery.
- Governance, audit and performance management.

5. Definitions

- Right to Ask (RTA): Application made by a member of the public
- Right to Know (RTK): Police-initiated disclosure where risk is identified
- Individual A: Person at risk of harm
- Individual B: Subject of the disclosure
- Individual C: Third-party applicant
- Third Party: Individual best placed to safeguard Individual A

6. Core Principles

6.1 DVDS activity must be underpinned by the following principles:

- Risk-led: Decisions are based on threat, harm, and risk.
- Victim-focused: Safeguarding of A and any children is paramount, if risk to child please consult the Child Sex Offenders Disclosure Scheme (CSODS) policy and consider if required.
- Lawful: Decisions comply with legislation and common law.
- Necessary and proportionate: Disclosure is justified and balanced.
- Accountable: Decisions are recorded, auditable and subject to oversight.
- Multi-agency informed: Partner information is considered wherever appropriate.

7. Application and Referral Pathways

7.1 The DVDS applies where there is, or has been, an intimate relationship, or where there is a clear intention to enter into one.

7.2 Applications must be considered on a case-by-case basis. Early-stage or non-cohabiting relationships must not be excluded where credible safeguarding concerns exist.

7.3 Applications may be submitted by:

- The person at risk (Individual A)
- A third party (Individual C), including friends, family members, or professionals

7.4 Disclosure will be made to the person best placed to safeguard the individual at risk.

7.5 Applications may be received via:

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- Online application
- Calls to 101
- Police station attendance

7.6 All online applications are directed to the Multi-Agency Safeguarding Hub (MASH) Disclosure Team for assessment and progression.

7.7 Where an application is made via 101, the applicant should be encouraged to complete an online application where appropriate. Where vulnerability or other barriers exist, officers may be allocated to support completion.

7.8 Where an application is made at a police station, reasonable steps must be taken to enable the applicant to provide information in a safe and private environment.

7.9 Where domestic abuse is identified at first contact:

- Immediate safeguarding action must be taken
- A Domestic Abuse Risk Assessment (DARA) must be completed
- The matter must be managed in accordance with the Domestic Abuse policy.

7.10 If immediate or imminent risk is identified, a Computer Aided Dispatch (CAD) must be created and deployment considered in conjunction with Contact and Control Room supervisors.

8. Initial Risk Assessment and Triage

8.1 All applications must be subject to an initial risk assessment within 24 hours of receipt, including weekends.

8.2 Initial checks will be undertaken by the MASH Disclosure Team within 24 hours of receipt, or wider MASH weekend provision.

8.3 At this stage:

- Applications that clearly do not meet DVDS criteria must be identified and closed at the earliest opportunity
- A clear rationale must be recorded
- All decisions must be subject to supervisory oversight

8.4 Minimum checks:

- Police National Computer (PNC)
- Police National Database (PND)
- Athena
- Crime Information System (CIS)
- ViSOR (where relevant)

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8.5 Where there is an identified risk of immediate or imminent harm:

- Immediate action must be taken to safeguard the individual
- Deployment must be considered where appropriate

8.6 Applications not meeting DVDS criteria must be:

- Closed at the earliest opportunity
- Supported by a clear rationale
- Subject to supervisory oversight

9. Recording and Case Management

9.1 All qualifying applications must be recorded on Athena as a Non-Crime Investigation (DVDS).

9.2 Accurate and complete records must be maintained.

9.3 All documentation must be uploaded to the investigation record.

9.4 Cases must be monitored via force tracking mechanisms.

10. Applicant Engagement

10.1 Applicants must be engaged in a manner that prioritises safety and supports effective risk assessment. This must include:

- Verification of identity (via police systems or identification documents where required)
- Confirmation that the application is genuine and not malicious
- Collection of additional risk information
- Provision of safeguarding advice and signposting
- Applicants must be informed:
 - The process may take up to 28 days, depending on complexity
 - Checks will be made with police systems and partner agencies
 - Immediate safeguarding action will be taken if risk is identified
 - Their information will be handled confidentially

10.2 A face-to-face or virtual meeting should normally be offered where safe and practicable. Officers must:

- Consider vulnerability and communication needs
- Agree a safe method, time and means of contact
- Make reasonable adjustments where required
- Use interpreters or appropriate adults where necessary

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10.3 All adjustments and engagement decisions must be recorded.

10.4 A DARA must be completed where risk is identified.

11. Position of Trust Considerations

11.1 Where Individual B holds a position of trust:

- Applicants must be advised regarding Disclosure and Barring Service (DBS) processes
- A Position of Trust referral must be submitted where appropriate

12. Research and Information Gathering

12.1 All DVDS cases must be subject to comprehensive research. This must include consideration of:

- Convictions (spent and unspent)
- Domestic abuse-related offending
- Non-domestic abuse offending where relevant
- Intelligence, reports and non-conviction information
- Patterns of coercive or controlling behaviour
- Escalation, repeat offending, and frequency of incidents

12.2 Where police checks identify that either party holds a firearms licence, consideration must be given to notifying the Firearms Licensing Department of the application and any associated risk identified through the assessment.

12.3 Particular attention must be given to high-risk behaviours including:

- Stalking and harassment
- Coercive and controlling behaviour
- Strangulation
- Threats to kill
- Use of weapons

12.4 Decision-makers must consider both individual incidents and patterns of behaviour.

12.5 Safeguarding referrals (Child Protection Investigation (CPI)/Adult Protection Investigation (API)) must be made where:

- Children are identified
- Vulnerable adults are at risk

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13. Decision Making Framework

13.1 All disclosure decisions must apply the nationally recognised three-stage test:

- Necessity – Disclosure is required to prevent crime or protect A
- Risk of Harm – There is a reasonable belief that A is at risk
- Proportionality – Disclosure is a justified interference with B's rights

13.2 Decision-makers must:

- Balance the rights of A and B
- Ensure decisions are evidence-based
- Record clear and defensible rationale

13.3 There may be a presumption in favour of disclosure where:

- The parties remain in a relationship; and
- There is evidence of previous domestic abuse-related offending

13.4 There is a presumption against disclosing information that the subject (B) is unaware of unless it is assessed as necessary and proportionate to manage risk.

13.5 There is a general presumption against informing B where doing so may increase risk.

13.6 Consideration may be given to whether B should be invited to make representations prior to disclosure, but only where it is safe and does not increase risk to A.

14. Multi-Agency Panel (MAP) Process

14.1 All cases must be considered at a weekly multi-agency DVDS panel unless urgency requires an expedited decision. The panel will:

- Review all available information
- Apply the disclosure test
- Determine whether disclosure is appropriate
- Inform safeguarding planning
- Agree disclosure wording where applicable

14.2 Core representation includes:

- Police
- Probation
- Local Authority (Children's and Adult Services)
- Domestic abuse support services

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14.3 Panels will take place on a weekly basis using an agreed format (e.g. virtual or in person).

14.4 Police retain responsibility for the final decision.

14.5 Urgent decisions may be authorised by a Detective Inspector.

14.6 Disclosure wording must:

- Be clear and understandable
- Focus on risk and safeguarding
- Enable the recipient to take protective action

15. Disclosure

15.1 Where disclosure is approved:

- It must be delivered verbally only
- It must follow the agreed wording
- A confidentiality agreement must be obtained

15.2 Delivery must be:

- Planned to ensure safety
- Conducted at a safe time and location
- Supported by partner agencies where appropriate

15.3 Disclosures must enable the recipient to:

- Understand the nature of the risk
- Make informed decisions
- Access safeguarding support

16. Outcomes

16.1 All cases must result in one of the following outcomes:

- No Further Action (NFA)
- Disclosure made
- No disclosure
- Withdrawn

16.2 All outcomes must be recorded with full rationale.

17. Withdrawal and Non-Delivery

17.1 Where disclosure cannot be delivered:

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- All reasonable attempts must be made and documented
- Consideration must be given to alternative recipients
- Safeguarding activity must continue

17.2 In RTK cases where A cannot be located:

- A locate marker must be placed on PNC

17.3 Failure to deliver a disclosure does not remove the responsibility to manage ongoing risk. Safeguarding actions must continue in line with statutory guidance.

18. Timescales and Performance

18.1 The target for completing DVDS cases is 28 days.

18.2 Cases exceeding 28 days must be subject to formal weekly review by MASH DS.

18.3 Reviews must include:

- Progress towards disclosure
- Contact attempts and methods used
- Enquiries with partner agencies
- Reasons for delay
- Outstanding actions

18.4 Delays must be justified and recorded.

18.5 Performance must be actively monitored, including:

- Timeliness
- Disclosure rates
- Risk management outcomes

19. Perpetrator Management

19.1 Where appropriate, consideration must be given to referral into offender management frameworks, including:

- Multi-Agency Public Protection Arrangements (MAPPA)
- Integrated Offender Management (IOM)
- Other local perpetrator programmes
- Domestic Abuse Perpetrator Partnership Approach (DAPPA)

20. Governance, Scrutiny and Assurance

20.1 DVDS activity is subject to robust governance to ensure compliance and continuous improvement.

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Operational Governance

- Supervisors must review and oversee cases
- Decision-making must be auditable and recorded

Audit and Quality Assurance

- Regular dip sampling of cases
- Panel scrutiny of non-disclosure decisions (monthly sample taken to multi-agency panel to review veracity of decision making)
- Thematic audits where required

Performance and Oversight

- Use of performance data (including dashboards)
- Monitoring of timeliness and outcomes

Escalation

- Issues must be escalated through supervisory and governance structures
- Risks must be recorded and actively managed

21. Compliance

21.1 All DVDS activity must comply with:

- Common law disclosure principles
- Human Rights Act 1998
- Data Protection Act 2018
- Domestic Abuse Act 2021
- Home Office DVDS statutory guidance

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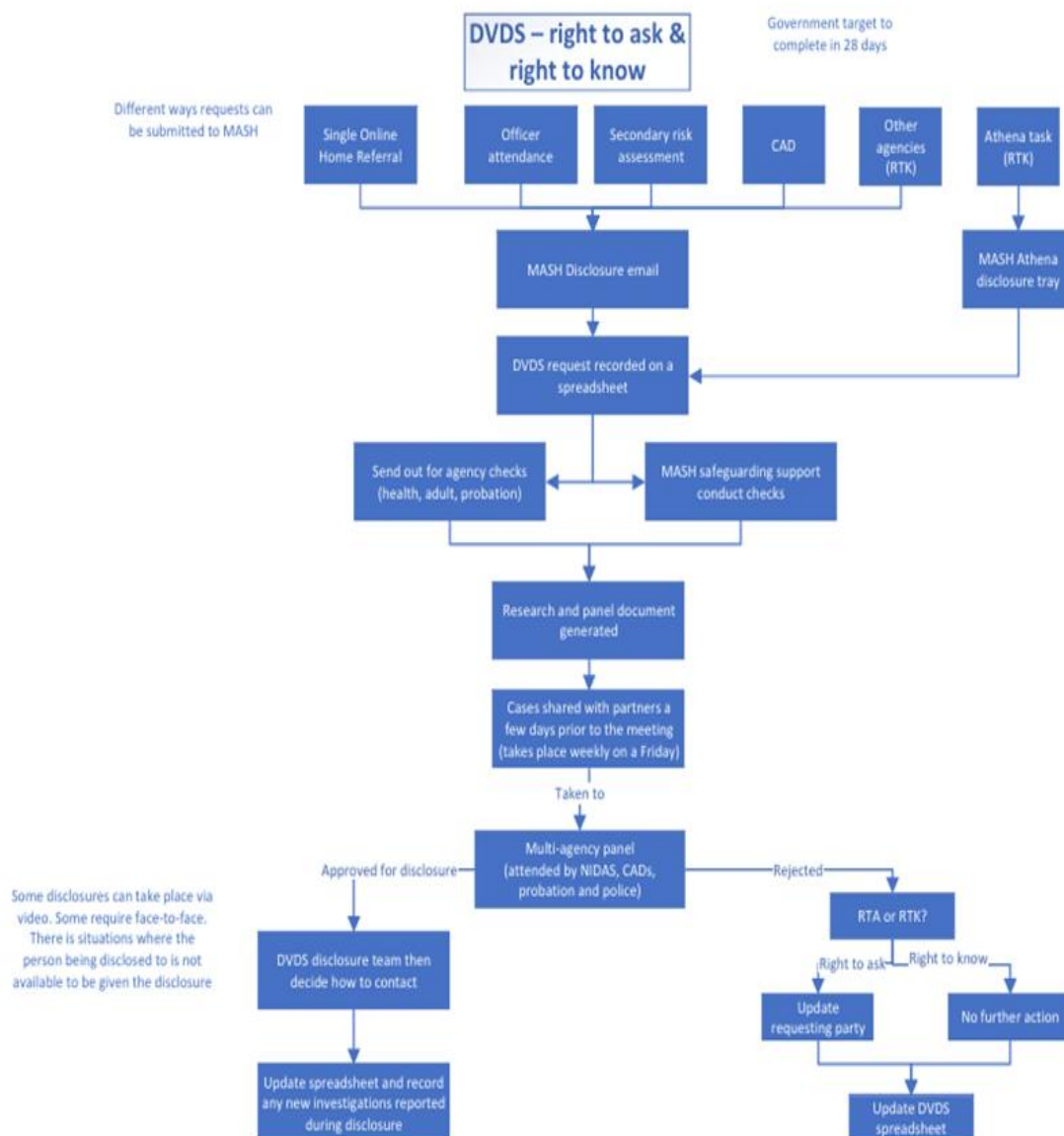
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Appendix A – DVDS Workflow



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Appendix B – Overdue Review Template

Overdue Domestic Violence Disclosure Scheme DVDS Review			
Review completed with			
Request pathway (RTA/RTK)	Date instigated	28-day expiry date	Days overdue
Disclosure agreed date and Due to be delivered by			
Person at Risk (PAR) believed to be residing at			
Contact made and reason for non-disclosure or No contact and attempts made			
Trace locate marker added to PNC (reason)			
Enquires made with (agencies involved with PAR and result)			
PAR believed in relationship / separated from subject			
Domestic abuse incidents between parties and Risk level			
Outstanding enquiries PND check completed			
PAR aware of outstanding disclosure and willing to receive it or PAR not aware due to lack of contact			