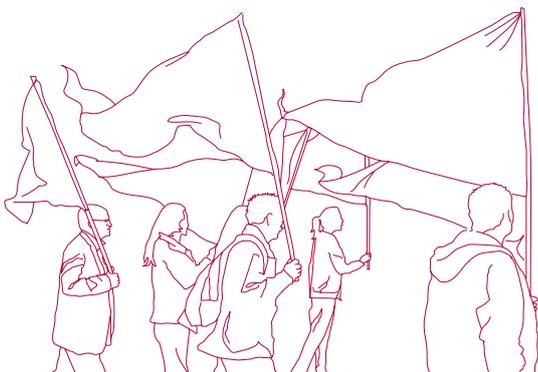


DoJ Consultation on Domestic Abuse Offence and Domestic Violence Disclosure Scheme



INTRODUCTION

1. NIPSA is the largest trade union in Northern Ireland representing over 42,500 members employed across the whole of the public services in organisations such as the Northern Ireland Civil Service and its Agencies, Local Government, Education and Library Boards, the Health and Personal Social Services, the NI Housing Executive as well as a host of Non-Departmental Public Bodies (NDPBs). NIPSA also represents a significant number of members in the Voluntary Sector.
2. NIPSA works to promote equality and human rights for all its members including civil society. We regularly represent workers suffering from the impact of violence and work with employers in raising awareness of domestic violence and abuse and developing related policies and practices. We have been working with organisations such as Women's Aid, Amnesty International, Northern Ireland Human Rights Commission, Equality Commission, International Labour Organisation, the Rainbow Project and others to ensure that all victims of domestic violence and abuse get both the services they need and an appropriate response from the civil and criminal justice systems.
3. We therefore welcome the opportunity to comment on this consultation and in doing so NIPSA endorses the submissions made by the Women's Aid Federation for Northern Ireland, Irish Congress of Trade Unions and the Belfast Area Domestic Violence Partnership.

DOMESTIC ABUSE OFFENCE

Q.1 Does the current law adequately provide sufficient protection to victims of domestic abuse?

4. NIPSA believes that while existing legal provision, such as common law offences of breach of the peace and assault, along with offences of alarming and threatening behaviour and stalking under the Justice Act (NI) 2015, provides some powers to investigate and prosecute perpetrators of domestic abuse, more can be done to recognise the true causes and consequences of domestic abuse.
5. Domestic abuse is not an individual incident or occurrence. Nor is it purely about physical abuse, although this can be a feature. Domestic abuse is a pattern of behaviour that is sustained over time, which is based on control and coercion, and which is not appropriately recognised within our existing legal framework.
6. The nature of the intimate relationship between perpetrators and people experiencing domestic abuse allows for the repeat abuse and victimisation of all who are abused that does not end. Leaving an abuser is often the most dangerous time for victims and post-separation child contact is frequently used as a vehicle to continue the abuse and control. **We would therefore support legislation that addresses the specific dynamic of domestic abuse and which fully recognises the impact of this on the victims, including children and LGB&T people.**
7. Indeed, international evidence suggests that specific legislation for domestic abuse and other forms of violence against women is foundational for good national policy and practice on violence against women (Htun and Weldon 2012). They go on to point out that "*Responding to violence against women requires action on the many dimensions and types of abuse that occur in contemporary societies. Legal reforms need to specify that violence against*

women is a crime, even where one might think that general laws against assault and murder should apply to women (Carrillo et al. 2003; Chalk and King 1994; Crowell and Burgess 1996; Davies 1994; Martinez and Schrottler 2006).”¹

Q.2 Should the law be strengthened, for example, to include a specific abuse offence that captures patterns of coercive and controlling behaviour in intimate relationships?

8. Domestic abuse is a cause and consequence of women’s inequality and occurs within the context of ongoing control and repeated abuse.

9. **A new criminal offence capturing patterns of coercive and controlling behaviour in intimate relationships between partners and ex-partners would strengthen the law in this area.** There is a need, as the consultation paper acknowledges, for an offence to bridge the gap in addressing controlling behaviours not covered by existing offences and crimes, particularly those that cannot be dealt with via common assault, threatening and abusive behaviour, and stalking. A new offence would also need to address the cumulative effect of domestic abuse, and the long-term damaging impact that this can have on all victims.

10. Professor Evan Stark reframes domestic abuse as a crime against autonomy, freedom, liberty and equality:

...coercion entails the use of force or threats to compel or dispel a particular response. In addition to causing immediate pain, injury, fear or death, coercion can have long-term physical, behavioural, or psychological consequences... Recognition of coercive control entails defining a new ‘course of conduct’ crime with sanctions appropriate to the rights and liberties that are jeopardised. Such a crime will include elements such as psychological and economic abuse, along with stalking, harassment and isolation, among others. However, for a coercive control law to be effective, it must be written and implemented in a way to avoid manipulation by offenders who claim emotional abuse by victims. That said, with an effective coercive control law in hand, police can assess whether a seemingly trivial incident is an isolated event or part of the pattern typical of the most serious cases.

...If taken alone, many tactics used in coercive control could typify a “bad” marriage. So it is critical to recognise that it is the combination of these tactics into a pattern of domination that comprises the offense, not the acts themselves. Front-line responders will determine appropriate interventions based on the particular combination of violence, intimidation, humiliation, isolation and control they encounter.²

11. The specific offence must also recognise the impact of domestic abuse on children, and a stronger and clearer offence would create more opportunity for this impact to be addressed through greater access to justice for victims. Considerable work has been done in recent years to recognise children as experiencing and not just witnessing domestic abuse and this must be reflected in the wording of the offence.

12. A domestic abuse offence will assist in raising public awareness and in educating the public as to the range, pattern and severity of behaviours that can

¹ MALA HTUN and S.LAUREL WELDON (2012). The Civic Origins of Progressive Policy Change: Combating Violence against Women in Global Perspective, 1975-2005. American Political Science Review, 106, pp 548569 doi: 10.1017/S0003055412000226 http://polisci.unm.edu/common/documents/htun_apsa-article.pdf

² Stark, E (2012) Re-presenting Battered Women: Coercive Control and the Defense of Liberty. http://www.stopvaw.org/uploads/evan_stark_article_final_100812.pdf

equate to domestic abuse and that such abuse is intolerable and an offence which society takes seriously. It will send a strong message to perpetrators that their behaviour is criminal and will be dealt with as such.

13. We also believe that creating a specific offence could help bring an end to a 'victim blaming' culture and would help those experiencing domestic abuse to understand they are being abused, are not at fault and that something can be done to stop the abuse.

Q.4 How would any changes be practically implemented?

14. In line with the Women's Aid Federation for Northern Ireland (WAFNI) position we believe this is an opportunity to create an offence and sentencing regime that matches the seriousness of domestic abuse and its impact on victims. **We are supportive of the law as formulated in England and Wales.**

15. We also support WAFNI's suggestion that certain elements of the law could be mandatory, so that there is no room for error as a result of individual lack of understanding of domestic violence and coercive control on the part of the police, solicitors, barristers or judges etc. To this end we endorse the following **recommendations** by WAFNI:

- (a) A strong sentencing regime for the coercive control offence similar to that in England/Wales;
- (b) Development of specific guidance for bail for the domestic abuse offence, which reflects the increased likelihood of further abuse and intimidation of victims following release;
- (c) Special measures granted for victims as standard/mandatory, unless the victim expressly desires not to avail of them;
- (d) Mandatory jail time for both guilty and not guilty plea if convicted.

16. In terms of securing convictions, innovative evidence collection approaches could be considered. These could include:

- (a) Use of the Domestic Violence register showing the number of times police have been called to the house, to build a picture of the frequency and nature of abuse;
- (b) Use of PSNI intelligence and evidence gathered from incidents to build a picture of coercive control as a course of conduct;
- (c) Use of body worn camera evidence from the scene on each occasion to effectively demonstrate the impact and seriousness of abuse. In parts of England where body worn cameras have been rolled out, there is a marked increase in the severity of sentences for domestic violence related crimes.

17. We also **recommend** any offence should:

- (a) Be an effective response to coercive control, the legislation must be written and implemented so as to avoid manipulation by offenders who claim abuse by victims;
- (b) Abusive situations can be very complex and systems will need to recognise the extent to which partner abuse can involve mutual abuse.

18. Finally we would suggest that involving expert agencies such as Women's Aid, the Northern Ireland Law Centre, in the framing of the offence will help to ensure the legislation is effective, including being written in a way which does not allow perpetrators to use it to further abuse partners or former partners. It will also be necessary for additional specialist training and guidance for criminal justice, social work, adult and child protection professionals and courts on the nature of coercive control and the impact of this behaviour on women, children, men, LGB&T and young people will be required.

DOMESTIC VIOLENCE DISCLOSURE SCHEME

19. NIPSA welcomes the proposals to introduce a Domestic Violence Disclosure Scheme along the lines of Clare's Law to Northern Ireland. In fact this was one of the differences in terms of protection and justice issues in Northern Ireland compared to England, Wales and Scotland that we presented in our submission to the consultation on the '*Stopping Domestic and Sexual Violence and Abuse Strategy*' that must be addressed.³

OPTION 1: CONTINUE CURRENT ARRANGEMENTS UNDER EXISTING LAW

Q4: To what extent do you believe that the current arrangements are effective in preventing domestic violence?

20. NIPSA is concerned that existing disclosure laws are reactive rather than proactive: that they place responsibility on the potential victim (most often a woman) to seek information, and give the police too much discretion regarding disclosure. We are concerned that this leads to inconsistent and ineffective practice. Our understanding is that disclosure by the police varies greatly between forces, and that some officers are reluctant to disclose because they do not fully understand their rights, or the circumstances in which they should, or can, disclose.
21. According to the PSNI 67 domestic homicides were recorded between 2005/06 and 2014/15. Thirty-six females and 31 males lost their lives to current or former partners or family members. The death toll includes adults and children, with 13 children in the youngest age category of 0 to 9 years old. As acknowledged in this consultation the level of domestic abuse crimes and incidents continue to rise with 2014/15 witnessing the highest level ever recorded by the PSNI of 28,287. The domestic abuse crimes committed against women, men and young children in the last year include:⁴
- 6 separate murders;
 - 28 attempted murders;
 - 449 sexual offences including 176 rapes;
 - 7446 assaults; and
 - 116 cases of cruelty to children/young people.
22. Clearly then, current arrangements are not effective in preventing domestic abuse from happening in the first place (*primary prevention*). Furthermore, current arrangements are not effective in preventing domestic abuse from occurring repeatedly once it has already taken place (*secondary prevention*). Current arrangements neither prevent perpetrators from committing acts of domestic abuse numerous times (including against multiple victims), nor do they

³ <http://www.nipsa.org.uk/NIPSA-in-Action/Equal-Opportunities/Domestic-Violence/NIPSA-Response>
page 10, paragraph 35

⁴ The Detail: 'Home is where the hurt is' 6 September 2015

protect victims from experiencing domestic abuse numerous times (from more than one perpetrator).

23. **For these reasons we believe that the introduction of a Domestic Violence Disclosure Scheme is essential and one of a number of tools which would assist the police to keep people safe, and for people to be empowered to make informed choices about keeping themselves safe.**
24. The key to the success of any disclosure scheme will be the **detail of how it operates**. This crucial detail could be the difference between a scheme that enables people to take steps to make themselves safe, and one that may in fact put people at risk. **The scheme must provide potential victims with the tools to enhance their safety, facilitate exit from a relationship with a perpetrator, and link effectively with support provision for victims of domestic violence.**
25. A disclosure scheme can only work effectively in an environment where there is **adequate support provision** for those affected by domestic violence, and **adequate training** of front-line professionals such as police to understand and be able to identify domestic violence. It must operate in conjunction with **proactive policing** to pursue perpetrators and partnership work between statutory agencies and expert voluntary service providers.

Q5. How could the current arrangements be improved?

26. While we appreciate that a great deal of work has been done in recent years aimed at improving victims' confidence in the police and to improve the ways in which the criminal justice system treats victims, the fact remains that only a small proportion of victims who have experienced domestic abuse report the crime to the police. There are a wide range of reasons for this, including a lack of confidence in the police, previous bad experiences with the police, and a lack of confidence to report abuse due to the nature of domestic abuse, which systematically erodes a victim's self-confidence and self-worth.
27. To improve the current arrangements, there must be an investment in ensuring that the victims have the confidence in the police and criminal justice system to report domestic abuse. People need to know that if they become a victim of domestic abuse, they can seek support from the police and criminal justice system and will be assisted by these agencies.
28. Closely related to improving victims' confidence it is vital that we improve conviction rates for domestic abuse related offences. A total of 13,426 crimes were recorded in 2014/15. Of all the incidents recorded 27% were sent on to the Public Prosecution Service (PPS) to be considered for prosecution. Of those, 242 resulted in a conviction, 3,220 in a charge/summons, 8 discretionary disposals (victim's option for informal outcome) and 4 penalty notices for disorder. Conviction and arrest rates need to be improved in order to improve victims' confidence and bring perpetrators to justice.
29. In the light of this pressing evidence, **NIPSA believes that funding and resources should be prioritised to ensure we get the basics right**. We believe that the priorities should be:
 - (a) Increasing and improving the quality of domestic violence training for police officers. Reports would suggest that too few officers truly understand the complex dynamics of abuse. Negative attitudes which blame victims and excuse perpetrators still exist. Training should be delivered by specialist domestic violence service providers such as Women's Aid.

- (b) Strengthening risk assessment processes.
 - (c) Developing the skills needed to respond to children at the scene of domestic violence incidents.
 - (d) Improving the police's ability to offer safety planning. This includes further training on how/when to refer women on to specialist services such as Women's Aid and Independent Domestic Violence Advocacy (IDVA) services.
 - (e) A rigorously enforced 'arrest and charge' policy.
 - (f) More rigorous collection of evidence, to support successful prosecutions.
30. In our response to the DOJ/DHSSPS consultation on 'Stopping Domestic and Sexual Violence and Abuse in Northern Ireland Strategy'⁵, NIPSA argued for a **specialist response** to domestic abuse cases. **Post-disclosure action plans** must be developed which would include referring victims on to a wide range of specialist services, including refuge accommodation, Independent Domestic Violence Advisers (IDVA), community outreach, psychological support and other vital specialist services. These vital services act as a 'safety net' following disclosure; without them victims will continue to be at risk of violence. NIPSA is concerned, however, that the current provision of domestic violence services is inadequate.
31. There are significant gaps in services which address the needs of children and young people living with domestic violence. There is no appropriate refuge and other support facilities available for LGB&T people. People from Black and Minority Ethnic (BME) communities face particular difficulties in accessing services that are responsive to their needs. Year on year funding for support services such as Women's Aid, Mens Advisory Project and others are being cut.
32. NIPSA **recommends** that the government urgently address these gaps and ensure that a full continuation of sustainable, specialist services exists to support the diverse needs of victims.
33. We believe that there is a particular **need to expand IDVA services across the country**, since the services of a disclosure scheme will depend heavily on expert IDVA involvement. IDVAs have been shown to be a cost-effective way of supporting high-risk women and children, and improving local police responses to domestic violence. NIPSA **recommends** that IDVA posts should be made mandatory in police stations across the country, and that Children's IDVAs should also be seriously considered. No disclosure should be performed without an IDVA present.
34. NIPSA would also **recommend** the introduction of **Dedicated Specialist Domestic Abuse Courts** in Northern Ireland similar to the Scottish model and a multi-agency **Domestic Homicide Reviews** to be considered in Northern Ireland in order to identify what needs to change to reduce the risk to future tragedies.
35. Prevention must be at the heart of any disclosure scheme. True prevention strategies must challenge and dismantle those deeply entrenched social attitudes. This would necessitate a shift in attitudes towards women and an increase in gender equality, as violence against women is both a cause and a consequence of broader social gender inequalities.

⁵ <http://www.nipsa.org.uk/NIPSA-in-Action/Equal-Opportunities/Domestic-Violence/NIPSA-Response>
Page 9, 10 and 11, paragraphs 32 to 37

36. Schools and other educational settings are a vital site for primary prevention, including mandatory education within the curriculum on healthy relationships – delivered from a perspective of gender equality and human rights, from an early age and in an age-appropriate manner. It would also be beneficial to educate our young people about how to assess those that they meet with a view to beginning a relationship. Databases do not improve relationships, but consistent and high-quality healthy relationships education would. **We believe that teaching on domestic violence, healthy relationships, respect and consent must be embraced as part of a ‘whole school’ approach.**
37. High-profile, Government-funded **public awareness campaigns** aimed at preventing domestic and sexual violence and abuse are also necessary if the Government wants to achieve its ambition of ending such violence and abuse by placing prevention at the heart of its strategy. Such campaigns should take a preventative, attitude-changing approach and should be designed by organisations and agencies with expertise in engaging with men and young boys, LGB&T community and women and girls. These should take the same approach (and receive similar priority and funding commitment) as high-profile campaigns that have been initiated to generate behavioural change, such as Government campaigns to reduce drink driving.
38. So whether or not the Government introduces a Domestic Violence Disclosure Scheme, **it is imperative that we improve the conviction rates, police response, increase provision of specialist domestic violence services and expand awareness raising work.**

OPTIONS 2 AND 3: A ‘RIGHT TO ASK’ AND A ‘A RIGHT TO KNOW’ NATIONAL DISCLOSURE SCHEME

39. NIPSA supports the introduction of both a *‘Right to Ask’* and a *‘Right to Know’* national disclosure scheme. As previously stated while there is currently provision in common law for police to disclose information relating to an individual’s previous convictions or charges; according to Women’s Aid Federation for Northern Ireland there is no evidence of this having been used in cases relating to domestic violence perpetrators. We understand a similar experience has been reported by Women’s Aid in England and Wales that the police have never used their common law powers to proactively inform someone of their partner’s violent past.
40. We believe that **clear guidance within a scheme** like this will give police greater awareness of their power to inform people of a perpetrator’s past, and will give them the confidence to use that power. **We would urge that the introduction of a Right to Know scheme in Northern Ireland is accompanied by clear guidance and training for police**, so that police are fully aware of the extent of this power and are not discouraged from exercising this duty on account of data protection concerns.
41. We would also counter any argument which would suggest that the scheme would be too administratively onerous by pointing out that it is less onerous than investigating and pursuing convictions for murder, rape etc. We would however be in favour of a scheme that works as quickly as possible to come to a decision about disclosure, while still thoroughly investigating the person in question’s background for anything of concern.
42. NIPSA fully supports Women’s Aid advice on the following aspects of a National Disclosure Scheme.

What should be disclosed?

43. For a disclosure scheme to be effective, it must be possible for police to disclose more than just convictions for crimes with a domestic motivation. The majority of domestic violence perpetrators do not have any convictions, despite being prolific and serious abusers. There are many reasons for this:
- (a) Some elements of domestic violence, such as coercive control, are not currently criminal offences;
 - (b) Individual instances of abuse may be considered too 'minor' for conviction and our criminal justice system does not punish offenders for the cumulative effect of domestic violence;
 - (c) Abusers take extreme measures to avoid detection and conviction;
 - (d) It is widely acknowledged in research and practice that victims of domestic violence tend to significantly downplay the severity of their abuse, which works against them in a criminal justice setting;
 - (e) The relationship between perpetrator and victim makes it difficult for victims to partake in criminal proceedings, either because of fear and intimidation or love and loyalty felt towards their partner.
44. Disclosure information should include convictions, spent convictions relating to domestic violence, non-molestation orders and other protective orders against them at present or in the past, plus any intelligence held by police on the individual such as previous call-outs for domestic incidents with different partners, any instances they have been identified as a perpetrator at MARAC (particularly if they have been flagged as perpetrators more than once). Given the link between domestic violence and child protection issues, NIPSA believes that disclosure information should also include any child protection investigations involving the potential abuser. Police should also disclose if they have general concerns or have noted worrying behaviour that they believe might put the applicant at risk. For example, there is a well-established link between abuse of humans and abuse of animals, so a significant history of animal cruelty may be a red flag. If police have information relating to a perpetrator of domestic violence, and they are asked by that person's new partner whether they have any concerns about that perpetrator, it is most likely in the interest of the applicant's safety that disclosure is made. Police should also make checks in other jurisdictions if the potential perpetrator has lived outside Northern Ireland in the recent past. We would also advocate that the Northern Ireland scheme follows the Scottish example of consulting Social Services departments and voluntary sector support organisations, to both gather intelligence of concerning behaviour and gain an understanding of whether there is a risk of harm to the current partner.

How should disclosures be handled?

45. The mechanics of how disclosures are dealt with by police will be crucial to whether a disclosure scheme enhances or jeopardises the safety of potential victims. It is vital that the **scheme incorporates mechanisms** for dealing with safety issues and appropriate signposting to support agencies for those making applications, including if applicants are concerned third parties. **Risk assessment and safety planning should be integrated into the process, and specialist support organisations should be embedded in the process** to ensure that once an applicant is given a disclosure there is a pathway of support and manageable next steps for that applicant. **Leaving an abusive relationship can be the most**

dangerous time for women, and a perpetrator does not have to have been physically violent in the past to commit serious acts of violence once a victim tries to leave. If an applicant decides to leave their relationship on the basis of a disclosure, support must be there to help them do this safely.

46. The manner of disclosure is also important. Like the English and Welsh system, police should carefully **identify a safe course of action to contact the person receiving the disclosure without putting them at risk of harm.**
47. We would also suggest that **alternative venues for meeting** with applicants to discuss a disclosure could be considered, if those applicants are put off or daunted by a police station setting. Existing partnerships with organisations like Women's Aid could be utilised, and meeting rooms in resource centres could be used as a neutral, non-threatening alternative venue if the applicant prefers.

Messaging: Helping people understand that no disclosure does not mean that there is no abuse in their relationship

48. It is necessary that police convey information in a manner that does not put that person at risk of harm. For this reason, it should be made clear to those receiving information that if no disclosure is made, this does not necessarily mean that their partner is not a domestic violence perpetrator. It is very possible for someone to be an abuser and not be yet known to police. For this reason NIPSA would strongly advocate for signposting of applicants to support services even if there is no disclosure, so that they can talk over their concerns and the reason they made the application for disclosure in the first place with trained experts. By offering routes to specialised support regardless of the outcome of the police assessment, the disclosure scheme has the potential to be a preventative and early intervention tool even in cases where no disclosures are made.

Confidentiality

49. A scheme that operates confidentially, similar to the scheme in England and Wales. The confidentiality clause for disclosed information would allow police to navigate conflicts between data protection, privacy, and the need to keep people safe. We accept that information disclosed to an applicant should be treated as confidential and only used to protect the potential victim. A similar process in Northern Ireland, where those receiving the information are instructed to only share the information in as far as is necessary to protect the potential victim, would strike a balance between safety and privacy concerns. It is important that police ensure that those receiving disclosure information understand the confidentiality of the information being disclosed, especially given the civil and possibly criminal law implications if they breach that confidentiality.
50. **Confidentiality should never prevent applicants from reasonably using the information to keep themselves safe, keep any children involved safe, or seek support and advice from support service providers.**

WHO CAN APPLY?

51. NIPSA supports the system in the rest of the UK whereby third parties can apply for a disclosure, but the disclosure information would only be given to the person in the relationship or the person best placed to protect them. This, combined with the confidentiality of disclosed information, would act to discourage vexatious applications. It would be for police to decide whether the application is based on genuine concern or not, and whether it is appropriate to make a disclosure to someone who was not in fact the applicant. Guidance should be developed for

those making decisions on third party applications to ensure that the safety and agency of the potential victim remain at the heart of the process.

52. We understand from Women's Aid Federation England that vexatious applications have not been an issue with the roll out of Clare's Law nationally.

KEEPING VICTIM BLAMING OUT OF A DISCLOSURE SCHEME

53. Not all people who are told of their partner's abusive history will leave the relationship, or they may return to their abuser after some time apart. There are many reasons for this, among which are loyalty or love for their partner, belief that they are not in danger, or successful manipulation of disclosed information to convince their partner that no abuse took place. This is sadly part of domestic violence, and it is important that the statutory response to domestic violence does not punish victims because they don't fit into the mould of the 'perfect victim' who leaves a relationship and doesn't go back. The disclosure scheme must make it clear in its messaging that the door is always open to victims of domestic violence, and support is there for them, even if they did not act on disclosure information or return to an abusive partner after leaving.
54. Similarly, police must make it clear to applicants who don't receive a disclosure that the door to support remains open to them even if no information is shared at the time, in case the person they are concerned about actually is an abuser.

LISTENING TO SURVIVORS AND EXPERT SERVICE PROVIDERS

55. A disclosure scheme runs the risk of being ineffective or even harmful if it is not fit for purpose. Therefore it is **important to listen to victims and survivors, and expert service providers like Women's Aid who have supported victims and survivors for decades, when shaping the scheme**. While different women will have had different experiences, and the scheme will not benefit everyone, it should be rolled out in such a way as to be most beneficial to as many potential victims as possible. This can only be done in consultation with victims and survivors.
56. A disclosure scheme must be accompanied by an **effective pathway for victims to leave a relationship safely** should they wish to do so, or to take steps to protect themselves while in the relationship. The scheme should be an open door for future support – there should be no judgment if a disclosure takes place and a woman decides to stay with a partner.

CLARE'S LAW – THE ENGLISH AND WELSH EXPERIENCE

57. Northern Ireland is in a fortunate position where we can use the lessons learned from England and Wales to implement an improved scheme which addresses those shortcomings. Clare's Law has been operating nationally across England and Wales since the beginning of 2014. Service providers like Women's Aid in England and Wales have monitored the implementation of the scheme, and have highlighted a number of ways in which the scheme should be improved. These include:
- (a) Inclusion of data on spent convictions, especially in light of amendments to the Rehabilitation of Offenders Act made through LASPO which mean that convictions become spent in a shorter time.
 - (b) Better guidance on what situations should result in disclosure, to ensure that police are not erring on the side of caution and failing to disclose information that could keep people safe.

- (c) Incorporation of any coercive control offences into disclosure scheme.
- (d) More proactive use of the Right to Know element of the scheme.
- (e) Better training for police in DV so that they are able to exercise their discretion based on expertise and understanding of the issues.
- (f) Wider consultation by police about perpetrators to determine risk. For example, in the Scottish version of the disclosure scheme, police consult with other agencies such as social services to check if there are any concerns about the person in question and input from advocacy groups such as Assist and Scottish Women's Aid is taken into account when considering whether to make a disclosure.

58. It would be important for any National Disclosure Scheme introduced in Northern Ireland to address these shortcomings.