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Our Ref: IM-FOI-2022-0530  
Date: 18<sup>th</sup> March 2022



## **FREEDOM OF INFORMATION (SCOTLAND) ACT 2002**

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

Tackling domestic abuse is a priority for Police Scotland and we are committed to working with our partners to reduce the harm it causes and ultimately eradicate it.

Domestic abuse is a despicable and debilitating crime which affects all of our communities and has no respect for ability, age, ethnicity, gender, race, religion or sexual orientation.

Police Scotland will not tolerate it.

Police Scotland will proactively target perpetrators and support victims to prevent domestic abuse from damaging the lives of victims and their families.

Police Scotland defines domestic abuse as:

“Any form of physical, verbal, sexual, psychological or financial abuse which might amount to criminal conduct and which takes place within the context of a relationship. The relationship will be between partners (married, cohabiting, civil partnership or otherwise) or ex-partners. The abuse may be committed in the home or elsewhere including online”

This definition is included in the Joint Protocol between Police Scotland and the Crown Office and Procurator Fiscal Service (COPFS), “In partnership challenging domestic abuse” which is a public document that can be found at the Police Scotland website on <https://www.scotland.police.uk/spa-media/ymzlwhwj/joint-protocol-between-police-scotland-and-copfs-in-partnership-challenging-domestic-abuse.pdf?view=Standard> or on the COPFS website on <http://www.copfs.gov.uk/>.

For ease of reference, your request is replicated below together with the response.

**1) The total number of Disclosure Requests made under the Domestic Violence Disclosure Scheme (also known as “Clare’s Law”) during the period 1st January 2021 up to and including 31st December 2021 by Gender, Age, & Ethnicity.**

**For your ease of reference, please provide the details for the “Person at Risk”**

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i.e. the person for whom the enquiry has been made by directly and/or on behalf of.

2) During the period 1st January 2021 up to and including 31st December 2021 please provide the Gender of the person making the enquiry regarding their current partner and/or the person making the enquiry directly on behalf of the person at risk.

**An email was sent requesting clarification on question 2 and you then requested this question be removed.**

The Domestic Violence Disclosure Scheme (DVDS), known as 'Clare's Law' was introduced in England and Wales in March 2014.

The DVDS was not introduced in Scotland. As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

In order to be of some assistance however, I can confirm that on the 1<sup>st</sup> October 2015, Police Scotland introduced the Disclosure Scheme for Domestic Abuse Scotland (DSDAS) which operates in a similar way to the DVDS. I have therefore elected to answer your questions on this basis.

Full details of the Disclosure Scheme for Domestic Abuse Scotland (DSDAS) are available on the Police Scotland website on the following links;

<https://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-scheme-domestic-abuse-scotland>

<https://www.scotland.police.uk/keep-safe/domestic-abuse/disclosure-scheme-for-domestic-abuse-scotland>

DSDAS aims to prevent domestic abuse by empowering people with the **Right to Ask** about the background of their partner, potential partner or someone who is in a relationship with someone they know, when there is a concern that the individual may be abusive. The scheme enables potential victims to make an informed choice on whether to continue their relationship, and provides further help and support to assist the potential victim when making that choice.

DSDAS also provides the **Power to Tell** where Police Scotland receives information or intelligence that domestic abuse may impact upon the safety of a victim or potential victim.

Every application received by Police Scotland is assessed to confirm that it meets the criteria for disclosure. A disclosure will only be made if it is considered lawful, necessary and proportionate. Where this threshold is not met, Police Scotland will not progress the application.

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**1) The total number of DSDAS applications during the period 1<sup>st</sup> January 2021 up to and including 31<sup>st</sup> December 2021 by Gender and Age for person potentially at risk.**

The statistics produced in the below tables have been electronically extracted from the DSDAS database which is a dynamic database constantly being updated and changed.

Please note that we are unable to provide the ethnicity as this cannot be extracted electronically from DSDAS application forms and would require a manual review of each form. Had your request been for statistics under DSDAS, an excessive cost of compliance exemption under Section 12(1) of the Act would have applied as this review would have exceeded the cost threshold within the Act.

The Disclosure Scheme Domestic Abuse Scotland (DSDAS) database is a dynamic database which is constantly being updated and changed. Duplicate applications are often submitted for persons potentially at risk. Although captured in the demographic table below only one disclosure outcome would be recorded for multiple applications.

Please note that when the date of birth of the applicant, or person potentially at risk is unknown, the date of the submission of the application is automatically entered resulting in statistics regarding 'Under 16s' in the table below.

Age/ Gender	16- 18	19- 21	22- 25	26- 30	31- 35	36- 40	41- 50	51- 60	61 and Over	Not recorded	Under 16	Total
Male	3	13	30	39	54	48	52	19	10	0	3	271
Female	64	242	452	658	732	494	469	143	21	8	46	3329
Total	67	255	482	697	786	542	521	162	31	8	49	3600

All statistics are provisional and should be treated as management information. All data has been extracted from the Police Scotland DSDAS database and is correct as at 24<sup>th</sup> February 2022.

DATE RANGE	APPLICATIONS	RIGHT TO ASK	POWER TO TELL
01-01-2021 & 31-12-21	3862	1114	2748

All statistics are provisional and should be treated as management information. All data has been extracted from the Police Scotland DSDAS database and is correct as at 24<sup>th</sup> February 2022.

The DSDAS application form provides applicants with four gender identity options; male, female, transgender or 'prefer not to say'. However when the information is transferred on to the DSDAS database, the gender options are limited to male or female.

Information cannot be extracted electronically from DSDAS application forms, therefore the statistics produced in the above tables has been electronically extracted from the DSDAS database.

To ascertain the number of applicants who selected the gender options of transgender or 'prefer not to say' on DSDAS application forms would require a manual review of all application forms. Had your request been for statistics under DSDAS, an excessive cost of compliance exemption under Section 12(1) of the Act would have applied as this review would have exceeded the cost threshold within the Act.

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I regret to inform you that I am unable to provide any further information on the gender of the 'person at risk'

Every application received by Police Scotland is assessed to confirm that it meets the criteria for disclosure. Once an application has been submitted further information may come to light meaning that the application is no longer appropriate, for example if the applicant is no longer in a relationship with that person. In this instance the application will not be progressed further. Additionally in such circumstances where there is no information to disclose the application will not progress to a disclosure. In this instance the applicant will be informed.

Should you require any further assistance please contact Information Management quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to [foi@scotland.pnn.police.uk](mailto:foi@scotland.pnn.police.uk) or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision.

You can apply [online](#), by email to [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info) or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.

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