

Clare's Law: Domestic Violence Disclosure Scheme

What is the Domestic Violence Disclosure Scheme?

The Domestic Violence Disclosure Scheme (DVDS) allows people to make enquiries with the police about an individual they are in a relationship with, or who is in a relationship with someone they know, where there are concerns that this individual may be violent towards their partner.

The scheme is also referred to as Clare's Law, named after Clare Wood, who was murdered by her ex-partner, who had a history of violence towards women.

This law applied to all people, regardless of gender or sexuality; it should not be viewed solely as a mechanism for women to make enquiries about male partners.

There are two aspects to the Domestic Violence Disclosure Scheme; Right to Know and Right to Ask.

Right to Know refers to the obligation police have to disclose information to individuals without it being requested, if they consider that information suggests the individual is at risk of harm from domestic violence.

Right to Ask refers to the rights of members of the public to apply to the police for a disclosure of specific information for the purposes of protecting individuals from domestic abuse.

What information may be disclosed?

The police may disclose the following relevant police information in relation to a subject, under either 'The Right to Know' obligation or the 'Right to Ask' application:

- Convictions for an offence related to domestic violence, which are not yet considered 'spent' under the Rehabilitation of Offenders Act (1974);
- History as a serial perpetrator of domestic violence; i.e. committed domestic violence acts against two or more victims;
- Intelligence about previous violent offending, which may include cases not proceeded with, or previous concerning behaviour towards partners;
- Concerning behaviour by the subject towards the potential victim, which may include a pattern of behaviours relating to exerting coercive control.

The police have a duty to protect members of the public from crime, and are allowed to balance the subject's right to confidentiality against a potential victim's right not to suffer harm from them.

How can members of the public make an application under the DVDS?

Individuals can make contact with the police in a number of ways: using the 101 non-emergency telephone number; in person at a police station; by speaking to a police officer on the street.

There are four stages to the process:

Initial contact and information gathering: A police officer will speak to the applicant and take details about the partners involved, what prompted the enquiry, and when and where it is safe to make further contact with the applicant. If a crime is alleged to have taken place at this point, then this will be investigated and responded to in line with existing DV procedures. Initial checks will be run to establish if there are any immediate concerns.

Face to face meeting to complete the application: If the application progresses, the applicant may need to attend a face to face meeting with the police. The purpose of this meeting is to obtain further information about the relationship between the partners to help assess the risks, establish whether there are any children in the household, and check the identity of the applicant. The police may run checks and speak to other agencies about information they hold.

Multi-agency meeting to consider disclosure: The final decision about whether to disclose will be made by the police and other key safeguarding agencies (e.g. Probation, Prison Service) who will discuss the information provided by the applicant and any relevant information from agencies. If they decide to disclose, they will decide who should receive the information and any safety plans which need to be in place to protect potential victims.

Disclosure of information: The decision to disclose or not to disclose will be relayed to the applicant in person. If information is shared, the applicant will be asked to sign a written undertaking that they will not share this information further. No written information is given to an applicant, but the conversation is recorded verbatim and kept on police records.

Key contacts

You can use this guide to explain the scheme and the process to people you are working with who may wish to make an application under the scheme.

If you suspect that domestic abuse is present, you should follow your agency's safeguarding procedures. This may include contacting the Children's Services Duty and Advice Team if there are children in the home, by calling 01642 726004 (or 0870 240 2994 for out of hours).

There are leaflets about the scheme, as well as other sources of information and support in relation to domestic abuse, available from Middlesbrough Council or Cleveland Police.

For advice about Clare's Law, you can contact Cleveland Police on 101. In an emergency always ring 999. If you would like additional help and support on domestic abuse, then you can contact any of the following:

My Sisters Place: 01642 241864; **Harbour:** 03000 20 25 25; **Halo:** 01642 683045

If you need more information please contact Claire Moore, domestic abuse lead for Middlesbrough Council, on 01642 728691.