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Background

Clare's Law, (the Domestic Violence Disclosure Scheme) (DVDS) was introduced following the death of Clare Woods (1973-2009) who was in a relationship with George Appleton and was unaware of his violent history of abuse.

When the relationship ended, she was subjected to harassment by George Appleton and was raped and murdered by him and later discovered in her home in Salford.

At the inquest, the coroner said: "Consideration should be given to the disclosure of such convictions and their circumstances to potential victims in order that they can make informed choices about matters affecting their safety and that of their children.

Clare's Law or DVDS has two main elements: the "Right to Ask" and the "Right to Know".

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Why it matters

The aim of DVDS is to enable the person potentially at risk to have a formal mechanism to make enquiries about any individual who they are in a relationship with, so they can make an informed decision regarding the continuation of the relationship.

It was initially set up as a pilot scheme in September 2012 across four areas but went nationwide on March 8th, 2014.

The police already have common law powers to disclose information relating to an individual's previous convictions or charges, where there is a pressing need for a disclosure in order to prevent further crime.

The DVDS provides the police with a clear framework and makes sure the scheme is applied consistently across all police forces.

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Information

Under the scheme an individual or relevant third party (for example, a family member) can ask the police to check whether a current or ex-partner has a violent or abusive past. This is the "Right to Ask".

In both cases the police and other safeguarding agencies will carry out checks and where necessary the police have common law powers to disclose information about a person's known history of violence or abuse.

Whilst actual disclosure falls to the police, it is generally a multi-agency panel that decides whether the risk is sufficient to warrant disclosure.

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Who has a right to ask and know?

Anyone has the right to ask and submit an application. This includes where a person asks, because they believe that their friend or relative might be in a relationship with a potentially abusive partner. However, any disclosure will only be made to the person in the relationship i.e., the person at risk.

The same principle applies to the 'right to know'. There may be some occasions where disclosure might be made to a third party if they are best placed to safeguard the person at risk.

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Questions to consider

Useful resources

<https://www.lancashire.police.uk/help-advice/personal-safety/domestic-violence-disclosure-scheme-clares-law/>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1162788/Domestic_Violence_Disclosure_Scheme.pdf

<https://www.ncdv.org.uk/>
<https://www.victimsupport.org.uk/resources/lancashire/>

<https://safenet.org.uk/>

<https://www.thewishcentre.org/>

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What to do

The following steps should be considered by professionals when making an application:

- Has a safe means of contact been established? Police should provide safety advice.
- No written correspondence should be sent to the applicant.
- A risk assessment should be completed.
- A safety plan should be in place when disclosure is made to the person at risk.
- Signpost to local support where relevant (IDVA etc)

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How is disclosure given?

There is standard wording that must be read to the person receiving the disclosure.

They will be told that the information must only be used for the purpose for which it has been shared i.e., safeguarding.

They will be asked to sign an undertaking that they agree that the information is confidential, and they will not disclose this any further.

As a professional, you can ask information under the right to know.

If you are working with an adult or a young person who expresses concerns, you can make an application for this information on their behalf.

