

7 Minute Briefing: "Clare's Law"

What will protect the Person at Risk or the Applicant?

There are a number of safeguards throughout the process:

- during the initial contact the police believe the applicant is alleging a crime, they must deal with the crime and begin an investigation.
- A safe means of contacting the applicant will be established
- Police should provide safety advice
- No written correspondence should be sent to the applicant
- A risk assessment should be completed at every stage of the process
- If an immediate risk is identified, then safeguarding action must take place
- A safety plan should be in place when disclosure is made to the person at risk
 - Sign post to local support where relevant

What is Clare's Law?

The official name for Clare's Law is the Domestic Violence Disclosure Scheme (DVDS).

It simply means any member of the public has the right to ask the police if their partner might pose a risk to them by accessing their partners criminal history.

This also applies to 'third party' members of the public who are able to make enquiries of the partner of a family member or close friend.

This is known as a 'right to ask'. There is also a 'right to know' which places a risk management responsibility on safeguarding agencies.

Why is it called Clare's Law?

Clare's Law is named after Clare Wood who was murdered in February 2009 by her ex-boyfriend. Clare was aware he had a criminal record however believed this was for motoring offences. Clare ended the relationship after she found out he was having affairs with several other women. A few days later Clare reported to police he had threatened to burn down her house and have her stabbed. Following several incidents of harassment and denying an allegation of sexual assault, the breach to bail conditions was deemed as minor and non-threatening by the officers dealing with the case. Advice given by CPS was to issue a fixed penalty notice for causing criminal damage. They were not aware of the sexual assault allegation. A month later, he attended her address, battered and strangled her to death, then set fire to her body. The IPCC later criticized the way the police had handled the case.

How is the 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.

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

Domestic Violence Disclosure Scheme (DVDS)

Clare's father began campaigning, calling for a system to be put in place to allow people to find out whether their new partners had a violent past. In July 2012, Clare's Law was launched as a pilot in 4 police forces. After a successful pilot, the scheme was launched across England and Wales on 8th March 2014 – International Women's Day.

How does the scheme work?

There are 2 procedures under the DVDS:

1. The **'Right to Ask'**, triggered by a member of the public applying to the police for a disclosure.
2. The **'Right to Know'**, triggered by the police making a proactive decision to disclose information to protect a potential victim.

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