

# Clare's Law - Domestic Violence Disclosure Scheme

## Briefing June 2024

### 1. Background

Clare's Law, the Domestic Violence Disclosure Scheme (DVDS) was introduced in 2014 following the death of Clare Woods in Manchester in 2009 who was in a relationship with her killer but unaware of his violent history of abuse.

When the relationship ended Clare was subjected to harassment, then raped and murdered. 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."

Her father campaigned for the introduction of Clare's Law as he believed she would not have continued a relationship with someone she knew was a previous perpetrator of domestic abuse.

### 2. How does it help?

The DVDS did not introduce any new legislation. It relies on the police's common law power to disclose information where it is necessary to prevent crime but it provides a framework and guidance to give a person potentially at risk from a partner or former partner information so they can make a more informed decision regarding their risk.

The Domestic Abuse Act 2021 placed the DVDS on a statutory footing placing a duty on police to have regard to the guidance.

The purpose of the DVDS is to help protect a potential victim and children from harm by providing information they can use to help make decisions around their own safety.

### 3. Powers to disclose

Common law allows the Police (and some other agencies) to share information about an individual where it is necessary to protect another person from harm and it is deemed necessary to override that person's right to privacy under the European Convention of Human Rights.

### 4. Right to Ask

Any member of the public may come into possession of information that makes them believe someone is at risk from a partner or ex-partner. They have a **Right to Ask** under the DVDS. It could be an individual who is concerned for themselves or friends or family.

Information can usually only be disclosed to the person potentially at risk, not the person who requests it unless they are acting as 'appropriate adult'. The person at risk will not be told who made the application. Any professional can ask for information under '**Right to Ask**'.

If you are working with an adult or a young person who expresses concerns, you can encourage or support them to make an application.

### 5. Right to Know

Where police receive information from any source that a person is at risk of harm they have a duty to act. Under the DVDS if that person is deemed at risk from a partner or former partner they have a **Right to Know**.

Once police are aware of a potential risk they will make immediate enquiries to establish the details and decide whether there is an urgent need to make a disclosure.

All DVDS applications are discussed in a multi-agency forum to establish all the available information and agree an appropriate disclosure plan. After the 'person potentially at risk' has been provided with information they may be in a very difficult and dangerous position. It is essential that all disclosures are supported with robust safety plans and specialist support.

## 6. Disclosures

Calderdale hold a weekly multi-agency meeting to discuss DVDS applications.

Information of concern could be criminal convictions; intelligence relating to violence and abuse behaviour which may not necessarily be domestic abuse related; previous concerning behaviour towards a partner. All information must be considered on merit of age, relevance and reliability to ensure that any disclosure is proportionate, necessary and reasonable. They must also consider whether that individual is informed about the intention to disclose their information.

The disclosure must be made within 28 days of the application or sooner if urgent.

## 7. Resources

[Domestic Violence Disclosure Scheme - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Applications can be made through calling 101, attending the police station or online at [Clare's Law - Domestic Violence Disclosure Scheme | West Yorkshire Police](#)