**Guide to Clare’s Law / Domestic Violence Disclosure Scheme – all the questions you have and more!**

**OVERVIEW**

Clare's Law is also known as the Domestic Violence Disclosure Scheme. It was set up following the death of Clare Wood who was murdered by her ex-partner. She didn’t know his full history of violent abuse and did not know how much of a risk he was to her.

**The scheme allows you to ask the police if your partner has a history of violent behaviour. The police will then undertake a series of checks alongside partner agencies and a risk assessment. Once this is completed a decision may be taken to share information with you and you will also be supported to make a safety plan.**

**Nearly 6,500 people applied last year and 40% were given a disclosure.**

The scheme may seem quite complicated so we have created this guide, which will hopefully answer your questions and any concerns you may have.

**SECTION 1 – DETAILS ABOUT THE PROCESS**

**You can use the scheme if:**

* you are experiencing domestic abuse
* you suspect your partner may have a history of abusive behaviour
* you are a friend or family member of a person who is experiencing domestic abuse or you suspect their partner may have a history of abusive behaviour

Please don’t apply just on speculation, there needs to be sufficient reason or concern for your request.

**Who can apply?**

There are two ways of starting the application process.

* You or a family member / friend can apply (this is called the ‘right to ask’)
* A professional who is working with you can apply (this is called the ‘right to know’).

**How do I apply?**

* Phone the police on 101 or go to a police station, or talk to a professional who is working with you.

**What do I say to the police?**

This may help you if you don’t know what to say…

***‘I want to talk to someone about the domestic violence disclosure scheme. I’m worried that my partner / husband / wife may be a violent person. I’m scared and I don’t know what to do. I’ve heard about Clare’s Law and think I want to apply. Can you help me?’***

**How long does the application take?**

* Around 25 days.

**What happens next?**

1. **Application** – One you have applied the police take the details of your enquiry and establish a safe way to contact you.
2. **Police complete initial checks**
   1. You will be informed of any immediate risk.
   2. The police make a decision to continue to a full check or end the application.
3. **Face to face meeting with the police**
   1. You will provide ID (ideally with a photograph), share further details of your concerns and the officer will risk assess you.
   2. You need to be honest. You will be warned against any malicious behaviour or sharing false information.
   3. Any new crimes the police become aware of during the meeting will be investigated alongside this process.
   4. A safety plan and actions taken to address risk known at this stage will be completed (e.g. referral to domestic abuse support services, safeguarding). This includes supporting you if you have reported a new crime.
   5. You will be asked to sign a confidentiality form.
4. **Full checks completed by the police and partner agencies** e.g. social services, probation service, domestic abuse support services.
5. Police databases are checked for details of any previous convictions, reprimands, final warnings for violent and/or abusive offences. This list is not exhaustive, but includes battery, common assault, murder, manslaughter, kidnapping, false imprisonment, threats to kill, wounding, harassment, sexual offences, criminal damage, and stalking.
6. All services search for other information about your partner’s behaviour. For example if your partner has abused previous partners.
7. **A decision is made on whether to disclose**

**SECTION 2 – THE DISCLOSURE**

**How do they decide if a disclosure is to be made?**

Before you can receive any information, the police have to consider if it meets the criteria to share. Less than half the people who applied last year had information shared, therefore there is no guarantee you will receive information. The decision to share is made on a case by case basis and considers:-

* What information is in the police records and what risk the person may pose to you;
* If it will help protect you from harm;
* Human rights and data protection laws;
* What information will be shared with you: it needs to be necessary and proportionate to protect you and remain within the law.

**What happens when I get the disclosure?**

The police will usually provide the information directly to you – if your family or friends have made the request the information will still come to you, not them. The police may invite another professional (who is working with you) to be part of the meeting, if that would be helpful.

* The police will arrange to meet you in a safe location;
* You will be reminded of your legal responsibility that you must not share the information with anyone else;
* You will be asked to sign an agreement;
* You will get the information verbally;
* You will not be given any written documents;
* You will be supported to make a safety plan;
* You will get details of local support services.

**Why can't I tell anyone?**

A person’s previous convictions are confidential and so the police need to make sure that you don't tell anyone else as this could mean that you have broken the law.

**Why was my application unsuccessful and what happens next?**

More than half of all applications are unsuccessful, so it is not unusual if you do not get a disclosure. There are many reasons why including:

* the information the police have is not sufficient enough for a disclosure to be made, or it would not be lawful;
* your partner may not have a police record of abusive / violent offences;
* there is no information held by agencies to suggest that they pose a risk to you;
* there is not enough information about your partner to meet the rules of the scheme.

If you do not get a disclosure this doesn’t mean you are not at risk of harm, just that there may not be records of previous abusive behaviour. The police will still contact you and you may still be supported to make a safety plan and signposted to domestic abuse support services.

**Section 3 - WORRIES AND CONCERNS**

**What if I’m scared to go to the police?**

This is understandable, your abuser may have told you not to contact the police, or you may be concerned that they may get into trouble.

The scheme allows someone else to apply for you.

* A family member or friend can apply for you. If they do this, and the outcome is for information to be shared, only you get to hear the information.
* You can talk to the Sheffield domestic abuse service IDAS who can help you, phone – 0808 8082214
* You can talk to any other professional, for example your social worker or a health worker.

**I have found out about my partner’s past through my support worker or the police direct. I didn’t apply. Why did this happen?**

You may find that you hear some information even if you have not made an application yourself. This is because, if the police receive information about your partner and they consider that it puts you at risk of harm from domestic abuse, then they may tell you that information, or tell a professional who they consider best placed to protect you. This is part of the ‘right to know’ process.

**What if my partner finds out?**

* You partner will not be told of the application unless there is a decision made to do so, based on the information gathered. An agency may need to work with your partner in order to protect you: for example to investigate any new crimes reported or to put restrictions on their behaviour in place. You will be kept informed if this happens and you will be supported to make a safety plan.
* Don’t talk to anyone about this process who you think will tell your partner. It is best to keep this to yourself. If you want to share your concerns, phone the police or the domestic abuse service, IDAS 0808 808 2241.
* You cannot share the information you have been given with your partner or anyone else. It is illegal for you to do so.

**Will applying make me unsafe?**

The aim is to make you safer. At the end of this process you may have more information that will help you make a decision about the future of your relationship. The police will help keep you safe during and after the process. They will make a safety plan with you and you will be told if you are at imminent risk from the start of the process.

We would advise you to contact the domestic abuse support service, IDAS. They can provide you with the latest safety advice and make this specific to your situation. They can also offer you other types of support, if this is what you want.

**Help, I’m still not sure what to do**

Phone the Sheffield Domestic Abuse Helpline provided by IDAS on 0808 808 2241 or discuss with the police on 101.

**Where can I find more details?**

* At the South Yorkshire Police website <https://www.southyorks.police.uk/find-out/right-to-information/claire-s-law/>
* The national guidance <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/575361/DVDS_guidance_FINAL_v3.pdf>
* The national factsheet <https://www.gov.uk/government/publications/domestic-abuse-bill-2020-factsheets/domestic-violence-disclosure-scheme-factsheet>