

Briefing on Domestic Violence Disclosure Scheme (DVDS) (Clare's Law): March 2014

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Overview

- The Domestic Violence Disclosure Scheme (otherwise known as 'Clare's Law') aims to provide a framework for police to disclose to individuals details of their partners' abusive pasts
- Piloted and then extended by UK Government to police forces across England and Wales from March 2014
- Information available at www.sussex.police.uk/help-centre/ask-us/domestic-abuse, including
 - Guidance for Practitioners
 - Minimum Standards Form (for 'right to know' applications)
 - Common Sussex MARAC referral form

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What is the DVDS?

- **‘Right to ask’** - this enables an individual to ask the police about a partner’s previous history of domestic violence or violent acts; A precedent for such a scheme exists with the Child Sex Offender Disclosure Scheme; and
- **‘Right to know’** - police can proactively disclose information in prescribed circumstances where an agency comes into the possession of information about the previous violent behaviour of a person.

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‘Right to ask’: the applicant

For a ‘right to ask’ about a **potentially violent person (person B)**, application can be made by

- The **partner (person A)** who is in the intimate relationship; or
- A **third party (person C)** who has some form of contact with person A (e.g. parent, neighbour, friend).

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‘Right to ask’ : the process

Step 1: Contact with the Police, 101 or online

- Initial checks completed within 24 hours
- If criteria are not met, the applicant is informed
- If there is an imminent risk of harm, action taken immediately

Step 2: Face to face meeting with the police

- Within 10 working days

Step 3: Full risk assessment

- Case categorised as ‘concern’ or ‘no concern’ within 5 working days of face to face meeting

Step 4: Case referred to the local MARAC

- Within 20 working days

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‘Right to know’: the process

Step 1: Indirect information

- Indirect information is received by police or partner agency which may impact the safety of a person (A)

Step 2: Minimum Standards Form

- Completed by practitioner
- Sent to Sussex Police Contact Centre within 2 working days
- Where high risk also make a MARAC referral

Step 3: Minimum checks

- Carried out by the police to build an initial picture
- Within 5 working days categorised as ‘concern’ or ‘no concern’

Step 4: Case referred to the local MARAC

- Within 20 working days

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‘Concern’ or ‘No concern’

- Prior to referral to the MARAC, the police categorise the ‘right to ask’ application or ‘right to know’ information received as either a **‘concern’** or **‘no concern’**
- A ‘concern’ is where person A is deemed by police to be at risk of harm from person B
- This may be based on person B having
 - Convictions for offence(s) related to domestic violence & abuse
 - Being a serial perpetrator of domestic violence & abuse
- Other factors may include
 - Intelligence about previous violent offending by person B
 - Concerning behaviour by person B, include a pattern of behaviour indicating coercive control

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At the MARAC

- Following information sharing, the MARAC makes the final decision on whether there is a 'concern' or 'no concern'
- The MARAC should consider whether it is lawful, necessary and proportionate to disclose
- The MARAC has to consider a 3 stage test:
 - There is **power to disclose** the information
 - There is a **pressing need** for such a disclosure;
 - A disclosure is **necessary and proportionate** for the prevention of crime.

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Decision to disclose

- What will be disclosed?
 - Specific wording will be agreed considered
- Who will the disclosure be made to?
 - The best place person to safeguard person A will be identified
- How will the disclosure be made?
 - A joint agency visits will be considered
 - Usually this will be the Police and IDVA service, but it could include another professional

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Decision not to disclose

- The applicant (person A or C) will be told that there is no information of concern
- Person A will be told that the lack of information:
 - Does not mean that there is no risk of harm
 - They should remain vigilant and report any concerns
- The applicant (person A or C) will be given any appropriate information on support services
- *For right to know applications: where a decision not to disclose is made this decision plus the rationale will be recorded*

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Issues for services

- Awareness & understanding among staff (in particular, first responders), especially:
 - ‘Pressing need’ to disclose
 - Timeframe for disclosure
- Embedding disclosure process into routine work
 - Advice to service user/clients on ‘right to ask’
 - Identify ‘right to know’ application in standard/medium risk cases
 - Ensuring that in cases identified as high risk and referred to MARAC, a ‘right to know’ application is also considered / made
- Taking responsibility for immediate actions to safeguard those at risk where appropriate

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Issues for consider for applicants – no disclosure or no concern

- Managing 'no disclosure'/ 'no concern'
 - What alternative options are available for them to manage their concerns? E.g. referral to specialist services for community based support, safety planning etc
 - How do we ensure they remain confident to access help & support in the future if the situation changes?
 - What steps could they, or services, take to increase their safety
- Managing 'no concern' disclosure
 - 'No history' does not necessarily mean someone is safe
 - How does someone 'remain vigilant'?

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Issues for consider for applicants – managing disclosures

- Managing a disclosure
 - How is this delivered in practice?
 - Could a disclosure place a potential victim at greater risk?
 - What steps could services take to mitigate any risk?
- What happens after a disclosure
 - How might someone react after a disclosure (what is a 'reasonable' response)?
 - What steps could they take to increase their safety?
 - How might services interpret an individual's response?
 - What expectations might services have about the 'right' response? Is there a risk of secondary victimization
 - What help and support is available?

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More information

- For information on the help and support available in the city: <http://www.safeinthecity.info/getting-help>
- On the DVDS: www.sussex.police.uk/help-centre/ask-us/domestic-abuse
- On the DVDS and MARAC: <http://www.safeinthecity.info/marac>

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