



Standing Together's Response to Domestic Violence Disclosure Scheme (DVDS – Clare's Law) Guidance consultation

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Submitted on 29/06/22 by Kira Gregory via weblink:

<https://www.homeofficesurveys.homeoffice.gov.uk/s/RN41BV/>

SECTION SPECIFIC QUESTIONS

Section 1: Initial Contact with the Police

Do you have any comments on the ‘Step 1 Initial Contact with the Police’ section, including on online applications, in terms of content or clarity?

Paragraph 16: Replacing the word **should** with **must** would be more appropriate in this paragraph, given that referrals to MARAC for high-risk cases is a mandatory requirement, rather than a suggestion.

Paragraph 25: “Police should consider their legal obligation to make reasonable adjustments to accommodate the accessibility requirements of A or C. This will be at the discretion of local forces”. All victims of abuse should be able to contact the police to make a DVDS application, regardless of any accessibility requirements, therefore it should not be at the discretion of local forces, but a mandatory requirement.

In section 1, it would be good to add a paragraph to remind police officers to offer onward referrals to specialist services, such as a local DA service / specialist service, for ongoing support, and to include a link to annex J, so that this is in the mind of the police officer throughout the DVDS process.

Section 2: Face-to-Face Meeting: Do you have any comments on the ‘Step 2 Face-to-Face Meeting’ section, in terms of content or clarity?

Step 2: at the end of this section, reference is made to victims being signposted to relevant support services. This section would benefit from being in bold or the box having a coloured background to emphasise the importance of offering support throughout the process.

Paragraph 44: In this section, it states that “However, it is accepted that some of the vulnerable individuals who may make applications may not have the above forms of identification”. This seems to imply that only vulnerable people do not have photo ID, whereas this is more likely to be linked to poverty. The word ‘vulnerable’ seems unnecessary and should be removed.

Section 3: Full Risk Assessment: Do you have any comments on the ‘Step 3 Full Risk Assessment’ section, in terms of content or clarity?

Paragraph 53: This paragraph requires an acknowledgement that A could also be experiencing harmful practices, and that this should be thoroughly explored as part of the risk assessment. Example wording could be: ‘As part of this risk assessment, consideration should be given to whether person A could be a victim of harmful practices such as ‘honour’ based abuse, forced marriage or spiritual abuse, and if disclosed, appropriate safety planning should be carried out. Specialist support services should be offered if harmful practices are identified, ideally from ‘by and for’ agencies with a specialism in harmful practices.’ This is particularly important to highlight because many police officers have a more limited experience in this area than other forms of domestic abuse.

Paragraph 56: We would suggest that 'by and for' VAWG ending services are included in this list, given that for some Black and Minoritised women they may be the only service in contact with the survivor.

Paragraph 59: In this paragraph, it states "partner agencies (statutory and/or third sector) as part of routine information sharing at local safeguarding meetings" MARAC should explicitly be named here as it is highly likely that information will be received from this forum.

Paragraph 64: "Whilst the inclusion of a relevant local multi-agency forum or equivalent local partnerships to support the choice to disclose is encouraged in all cases". It would be useful to clarify what is meant by local agency forums, that are not a MARAC, as the lack of clarity could result in inappropriate referrals to MARAC. If information is shared within the MARAC but does not meet the threshold, there would be no legal basis to discuss this information and would be a breach of GDPR. If this paragraph suggests that multi-agency forums are convened to discuss cases, then relevant documentation to allow this information sharing needs to be provided, to ensure that information is shared safely, effectively, and timely. Some areas have a separate DVDS forum set up, whereas other areas will not have this, therefore further guidance would be needed to set out who would chair these meetings, attendees and expectations/commitment, criteria for case discussion, as well as the legal basis for information sharing.

Standing Together have participated in multi-agency meetings that have been set up specifically to discuss DVDS applications and found this to be a very efficient and useful forum to discuss DVDS applications. Standing Together attended this meeting in our role as a coordinator and criminal justice expert, alongside police and frontline domestic abuse service colleagues. This meeting allowed for consultation within 24 hours, but in most cases within 1 hour, and still allowed for MARAC referrals to be made for high-risk cases.

Paragraph 66: "iii. previous concerning behaviour towards previous partners. This may include a pattern of behaviours that indicate that B has stalked or exercised coercive control over previous partners, including after the end of a relationship". We would suggest that previous stalking or harassment towards 'personally connected' individuals should be considered here, as this is often a predictor of future stalking behaviour/tendencies depending on typology. We would also suggest that so called 'honour' based abuse is added in here as a previous concerning behaviour.

Paragraph 71: Replacing the word '**should**' with '**must**' be more appropriate in this paragraph, given that referrals to MARAC for high-risk cases is a mandatory requirement, rather than a suggestion.

Paragraph 74: 20 working days is a long period of time, and we would strongly advocate that this timeline is shortened. Most MARACs convene monthly, with referral deadlines occurring approximately 1.5 weeks before the meeting, therefore if a referral is submitted 20 working days after the categorisation of the “concern” or “no concern” is decided, this could cause a considerable delay to the case being discussed at MARAC. We would suggest that this deadline is shortened to 10 working days.

It is also important to reiterate in this paragraph that the MARAC may not be appropriate to fully discuss the details of a disclosure, as there is limited time for case presentation at MARAC, and this should focus on all of the risks related to the abuse, rather than just focusing on the disclosure. MARACs are already a very busy forum, therefore it would be advisable that a separate multi-agency forum is set up for the purpose of discussing Clare’s Law disclosures, that would likely include similar professionals and agencies. Cases should then be referred to this forum, as well as an additional referral to MARAC (where threshold is met), to ensure that all risks are discussed and addressed in the correct forums.

Paragraph 64: Do you have any comments on Paragraph 64 ‘Sharing information with the local multi-agency forum’ in terms of content or clarity?

“Whilst the inclusion of a relevant local multi-agency forum or equivalent local partnerships to support the choice to disclose is encouraged in all cases. High risk cases should be shared with MARAC or equivalent as part of the decision making process.” These 2 sentences should have a comma in-between to merge them into 1 or the word “Whilst” should be removed at the beginning of the first sentence. Replacing the word ‘**should**’ with ‘**must**’ would be more appropriate in this paragraph, given that this is a mandatory requirement, rather than a suggestion.

Paragraph 75: Do you have any comments on Paragraph 75 (‘Principles the local multi-agency forum or domestic abuse specialised team must consider when making a decision on whether to disclose’) in terms of content or clarity?

Principle 3 (paragraphs 81-83): We would strongly suggest that B is not informed about a disclosure being made under any circumstances, as this could significantly increase the risk posed to A. Even if a risk assessment is completed, it is impossible to predict the risk that may arise if B is informed that a disclosure is being made, A’s trust in and chance of future engagement with the police may decrease, and the disclosure to B could pose more risk than may be negated by the disclosure to A in the first place.

Paragraph 90: this paragraph should also outline that in managing the perpetrator, it is vital to always remain victim focused, and where necessary, refer the victim/survivor to MARAC and to a specialist frontline service for support. MARAC provides a useful forum to discuss not only to discuss the safety of the victim/survivor and any children, but also to discuss opportunities to manage the perpetrator’s behaviour, with agencies including the police, probation, mental health services, adult social care and drug and alcohol services.

GENERAL COMMENTS

Do you have any comments regarding content or clarify on the timescales for disclosure outlined in the guidance?

No

Do you think there are any other key barriers faced by frontline agencies when it comes to using the Domestic Violence Disclosure Scheme?

No

Do you think there are any overarching ways the guidance could be improved?

The use of the word “must” instead of “should”, where appropriate, to encourage adherence to processes and procedures, rather than considering them as optional.

Do you think there are any significant gaps in the guidance that should be addressed?

There is no mention throughout the document of any form of harmful practices. Harmful practices such as so called ‘honour’ based abuse and spiritual abuse can be forms of domestic abuse and are perpetrated by partners and ex partners as well as family members. It would be useful to make this explicit in the document.

Paragraph 16: “It is important to all involved in delivering this scheme that potential or actual victims of domestic violence and abuse are protected from harm. By making a request for disclosure, a person will often also be registering their concerns about possible risks to their own safety or that of another individual. Risk assessment should be completed at every stage in the disclosure process, and cases which meet the high-risk threshold should be shared with MARAC or equivalent local partnerships for safeguarding purposes in line with forces usual risk assessment practice to ensure that any possible risks of harm to A are fully assessed and managed.” It would be useful to explicitly mention children here, as by protecting potential or actual victims we will also be protecting their children. Where local partnerships are referenced it would be good to explicitly note that referrals to children’s services should be made where there are children in the household.

Annex J: Support available for victims references Imkaan as “a women’s organisation providing dedicated support for black and minority ethnic women.” IMKAAN are a second-tier organisation who do not directly support victims.