



Home Office

Domestic Violence Disclosure Scheme Guidance Consultation

Government response

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Chapter 1 – Background to the consultation

1.1 Introduction

The public consultation on the draft Domestic Violence Disclosure Scheme Guidance launched on 7th May 2022 and ran for eight weeks, concluding on 2nd July 2022. The consultation invited feedback from all interested stakeholders, including police, specialist domestic abuse services, and members of the public who may be applicants.

We are grateful to the respondents and appreciate the time taken by a wide range of individuals to provide their views. The Home Office has taken the time to carefully consider all of the views and opinions provided, noting the themes that have emerged.

This Government consultation response includes: a background to the Domestic Violence Disclosure Scheme (**Chapter 1**); analysis of the consultation responses and a summary of key themes (**Chapter 2**); and next steps (**Chapter 3**).

1.2 Background to the Domestic Violence Disclosure Scheme

The Domestic Violence Disclosure Scheme (the “DVDS”) – often referred to as “Clare’s Law” after the tragic case of Clare Wood who was murdered by her former partner in Greater Manchester in 2009 – was rolled out across all 43 police forces in England and Wales in March 2014. This followed the successful completion of a 14-month pilot.

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 and provides structure and processes for the exercise of those powers. The DVDS was introduced to set out procedures that could be used by the police to disclose information about previous violent or abusive offending, including emotional abuse, controlling or coercive behaviour, or economic abuse by an individual where this may help protect their partner or ex-partner from violent or abusive offending. A review of the DVDS was conducted in 2015.

Section 77 of the Domestic Abuse Act 2021 (“the DA Act”) places the guidance for the DVDS on a statutory footing by placing a duty on the Home Secretary to issue guidance on the DVDS to chief officers of police. **The guidance is being published ahead of the commencement of Section 77 of the Domestic Abuse Act 2021, and as such has no legal effect until that point.**

The DA Act does not change the legal basis under which the police can make a disclosure of information, but it does impose a duty on the police to have regard to the guidance when using the DVDS. This in effect means that any police force seeking to deviate from the guidance would need to justify that course of action with a good reason – and, in the event of challenge, would need to be able to show they had regard to the duty, but had robust reasons for failing to adhere. This will not be the case until the guidance is placed in statute.

The DVDS is comprised of two elements: the “Right to Ask” and the “Right to Know”. Under the “Right to Ask” aspect of the DVDS an individual or relevant third party, for example a family member, can ask the police to check whether a current or ex-

partner has a violent or abusive past. The “Right to Know” element enables the police to make a disclosure on their own initiative if they receive information about the violent or abusive behaviour of a person that may impact on the safety of that person’s current or ex-partner.

1.3 Updated Domestic Violence Disclosure Scheme Guidance

To support the creation of a statutory obligation to issue guidance under the DA Act, and to further assist the police in working with this scheme, the Home Office has updated the Domestic Violence Disclosure Scheme Guidance. **The guidance is being published ahead of the commencement of Section 77 of the Domestic Abuse Act 2021, and as such has no legal effect until that point.**

Upon the commencement of the provision which will place the guidance into statute, the police will be required to disclose information on perpetrators more rapidly. Police will have 28 days to disclose the information, reduced from the current guidelines of 35 days. This will mean victims and potential victims should have the information that could be critical to their safety faster.

The updated guidance is intended to provide:

- Clear information on the DVDS process, both through the “right to ask” and “right to know” routes;
- Guidance to the police and other criminal justice and domestic abuse-related agencies on circumstances where the DVDS should be utilised and by who;
- Best practice for managing applications that are received online, including setting out that links to specialist domestic abuse services must be provided, and safety measures such as quick escapes must be in place on online portals to help protect applicants;
- Updated time frames for DVDS disclosures.

Chapter 2 – Consultation analysis and summary of key themes

2.1 Summary of responses

The consultation on the updated draft DVDS guidance ran for eight weeks from 7th May to 2nd July 2022. Respondents had the option to respond to the consultation via an online consultation platform or by email.

The consultation received 240 consultation responses. This comprised of 53 completed survey responses, 169 blank survey responses¹ and 18 email responses. All responses have been analysed and given full consideration. **The DVDS Statutory Guidance has been reviewed and updated, taking into account the responses received.**

We are grateful to all respondents who shared their experience with us.

2.2 Overview of respondents

A variety of organisations and individuals responded to this consultation. The majority of responses received were from individuals as part of an organisation. Responses were received from service providers for forms of violence against women and girls¹ (VAWG), including specialist domestic abuse services, policing, local authorities, and local housing and homelessness teams.

The consultation invited respondents to answer a total of 14 questions. Questions 1-5 sought information about the individual or organisation responding to the consultation. The responses of those who responded via the smart survey are summarised in the tables below. These are set out as follows:

Question 1 – Are you responding as an individual, as part of an organisation or on behalf of an organisation?

Question 2 – If you are responding on behalf of or as part of an organisation, what is the type of organisation?

Question 3 – What is the name of the organisation?

Question 4 – What is your email address?

Question 5 – From the list below, where are you or your organisation based?

Table 1 provides a breakdown of the consultation responses by type of respondent.

Table 1: Type of consultation respondent	Response Percent (of non-blank responses)	Response Total
An individual	17%	9
On behalf of an organisation	40%	21

¹ We are defining blank responses as those where no information was given past question 5

As part of an organisation	43%	23
Total non-blank responses		53
Blank responses		169
Total responses		222

Table 2 provides a breakdown of the consultation responses by organisation, for those people who responded as part of or on behalf of an organisation.

Table 2: Type of organisation	Response Percent (of non-blank responses)	Response Total
English and Welsh local authorities	19%	8
Police forces	16%	7
Police and Crime Commissioners (PCCs)	11%	5
Specialist domestic abuse and other violence against women and girls support services	20%	9
Local housing and homelessness teams, registered social landlords	9%	4
Early years, childcare, schools, colleges and higher education setting	0%	0
Children's social care providers	2%	1
Adult social care providers	0%	10
NHS England and NHS Improvement (from 2022, NHS England)	0%	0
Clinical Commissioning Groups (from 2022, Integrated Care Systems)	7%	3
NHS Trusts and NHS Foundation Trusts	0%	0
Employers	0%	0
HM Prison and Probation services	0%	0
HM Courts and Tribunals Service	0%	0
Jobcentre Plus	0%	0
Community and faith groups	0%	0
Other	16%	7
Total non-blank responses		44

Table 3 below provides a breakdown of the consultation responses by region where the individual or the organisation is based.

Table 3: Consultation respondent and region	Total responses (percent)	Total responses
North East	6%	3
North West	17%	9
Yorkshire and the Humber	9%	5
East Midlands	11%	6
West Midlands	4%	2
East of England	2%	1
London	8%	4

South East	11%	6
South West	23%	12
Wales	6%	3
National	4%	2
Blank responses		169
Total		222

2.3 Analysis methodology

The consultation was designed in a modular way to reflect each section in the draft guidance and to allow respondents to focus on the areas of most interest or relevance to them.

The consultation sought both quantitative and qualitative feedback on the draft guidance. The questionnaire allowed respondents to answer 'yes' or 'no' to each question, and free text boxes allowed respondents to provide narrative submissions and further evidence or case studies.

As well as the online questionnaire function, respondents were also able to submit queries and substantive responses to a dedicated consultation inbox.

Both quantitative and qualitative analysis was used, in line with Government best practice. Whilst the online consultation platform was able to generate numbers of yes/no responses to questions, each response was then manually analysed for qualitative views.

Key themes that emerged were noted via a series of 'tags'. This methodology helped to draw out data emerging from the consultation in terms of the numbers of respondents expressing a particular view.

2.4 Summary of responses received

This section provides a summary of the consultation responses received. It does not attempt to capture all consultation feedback received, nor does it cover feedback on issues that fall outside the scope of this consultation. This feedback was used to inform the revision of the guidance.

This section also summarises changes the Government has made to the guidance, following careful consideration of all consultation feedback.

Many additional issues were also helpfully raised. These fall outside of the scope of this consultation but are nevertheless relevant to domestic abuse and related harms.

Questions 6-18 were open-ended and sought information on the content and clarity of the draft guidance. These are set out as follows:

Question 6 – 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? Please enter "No" if you do not have an opinion.

Question 7 – Do you have any comments on the ‘Step 2 Face-to-Face Meeting’ section, in terms of content or clarity? Please enter ‘No’ if you do not have an option.

Question 8 – Do you have any comments on the ‘Step 3 Full Risk Assessment’ section, in terms of content or clarity/ Please enter “No” if you do not have an opinion.

Question 9 – Do you have any comments on Paragraph 64 ‘Sharing information with the local multi-agency forum’ in terms of content or clarity? Please enter "No" if you do not have an opinion.

Question 10 – 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? Please enter "No" if you do not have an opinion.

Question 11 – Do you have any comments regarding content or clarify on the timescales for disclosure outlined in the guidance? Please enter "No" if you do not have an opinion.

Question 12 – Do you think there are any other key barriers faced by frontline agencies when it comes to using the Domestic Violence Disclosure Scheme? Please enter "No" if you do not have an opinion.

Question 13 – Do you think there are any overarching ways the guidance could be improved? Please provide comments. Please enter "No" if you do not have an opinion.

Question 14 – Do you think there are any significant gaps in the guidance that should be addressed? Please enter "No" if you do not have an opinion.

It should be noted that respondents did not have to answer all of the above questions.

2.5 Key themes and issues

All answers to each question were reviewed and categorised (‘tagged’) under key themes for a thematic analysis. All responses, both via the smart survey and via email, have been analysed and the most recurring and pertinent issues raised are summarised as follows:

Clarity on what defines persons ‘A’, ‘B’, ‘C’ and third party and their roles in the process
Mandatory face-to-face interaction throughout the disclosure process vs telephone contact
Safeguarding of persons ‘A’, and, any relevant children, as per the Family Law Act 1996, in particular when involving persons ‘B’ in the process
Referrals to MARAC or local multi-agency panels and their purpose in the process
Risk assessments
Police training, resource and understanding

In the following section we have used the terms “a large number” to refer to themes or comments that were overwhelmingly prevalent in the responses received where

they were not blank, and “some” to refer to comments that were raised to a lesser extent but in a substantial minority of responses.

Clarity on what defines persons ‘A’, ‘B’, ‘C’ and third party and their roles in the process

Consultation response

A large number of respondents suggested that the definitions of persons **A**, **B**, **C** and third party were confusing. There was anecdotal evidence suggesting that due to the lack of clarity, forces have been reluctant to proceed with the DVDS on this basis, for example if they thought the applicant was not eligible for the DVDS. It was also suggested that the definition for person **A** should be broadened to be inclusive of those who may have been “casually” involved or where either party may not consider it to be a formal relationship, and made clearer that **A** could be a former intimate partner of **B**.

Recommendations were made that the definitions of **A**, **B**, **C** and third parties should be reworded with clarity provided on each person’s role in the process, particularly to clear up confusion around the difference between persons **C** and third party.

Government response

The definitions for persons **A**, **B**, **C** and third party have been revised in the guidance to provide clarity as to whom they refer to and their role in the process. This includes broadening the definition of person **A** and providing clarity on the difference between person **C** (an applicant), and another third party to whom a disclosure may be made.

Mandatory face-to-face interaction throughout the disclosure process vs telephone contact

Consultation response

Whilst many respondents commended the inclusion of face-to-face technology in the updated guidance, a lot of respondents felt that this did not go far enough to ensure the DVDS was inclusive to the different needs of all applicants. Respondents recommended that telephone communication be added as an option to liaising with the applicant and as a means for disclosure. They recommended this on the basis that applicants may not want to meet in person, nor is it always safe for them to do so and they may not feel comfortable with the use of video calls. Many respondents who recommended telephone communication be permitted for information gathering and disclosure qualified the need for this by justifying the ability to still be able to establish further details to assess risk, assess if the request is genuine and offer all safety information via a telephone call. They also acknowledged that whilst this is not suitable in all cases, it may be in some and should be assessed on a case-by-case basis and be added as a proportionate option in the guidance.

Some respondents, however, argued the opposite when considering telephone as an available means of contact with the applicant or a means to disclosure. They argued

that it would be harder to appropriately safeguard the applicant via this method and that face-to-face contact was vital to corroborate the legitimacy of an applicant and thoroughly establish risk in order to devise a safety plan.

Government response

After considering the consultation feedback and the arguments for and against the use of telephone communication in the DVDS process, we have on balance included the option to use telephones as a means of communication in the DVDS. This decision was made on the basis that by broadening the methods to communicate within the process, the DVDS is more accessible to everyone who may need to utilise it, including those in rural communities, or those who do not have technology to make video calls. This therefore gives the police more autonomy to use the approach that is deemed best for the victim on a case-by-case basis and puts the victims' needs at the heart of the DVDS. The guidance does, however, caveat that all safeguarding procedures must still be followed and suitably fulfilled when using telephone communication and the same steps to ensure the victim is adequately protected followed, as well as the need to ensure verification of the identity of the individual to whom a disclosure is being made. We will keep this under review.

Safeguarding of A, and where relevant, and, any relevant children, as per the Family Law Act 1996, in particular when involving persons B in the process

Consultation response

It was noted in some consultation responses that the extension of the definition of an intimate personal relationship, based on the definition of 'personally connected' in the recently published Domestic Abuse Statutory Guidance, is a welcome change which will encourage disclosure where relationships are, for example, in early stages or are more "casual" in nature therefore allowing for more potential victims to be reached. A large number of respondents, however, suggested that the guidance could go further to emphasise the importance of victim safety and any relevant children, as per the Family Law Act 1996. There was particular concern around the implication that **B** may be contacted in advance of a decision about disclosure in cases where it may be deemed necessary for **B** to seek representations. The respondents postulated that there is a risk that this would, in many cases, pose a risk to **A** and undermine **A**'s consent to a disclosure.

Given that the DA Act explicitly recognises children as victims if they see, hear or experience the effects of abuse, a large number of respondents also commented on the need for the emphasis on children as victims and their safety throughout the guidance.

Recommendations were therefore made that victim safety, including the safety of any relevant children, as per the Family Law Act 1996, be re-addressed throughout the guidance to ensure the safety of **A** is at the heart of the process throughout. It was also recommended by some that in those circumstances where **B** may need to be involved in the process, representations must not be sought from **B** without first giving **A** the opportunity to withdraw the application in order to negate the risk of harm.

Government response

In response to feedback that victim safety, and the safety of any relevant children, as per the Family Law Act 1996, should be of paramount importance throughout the process, we have reviewed the guidance to ensure that at every stage of the DVDS process emphasis is placed on victim safety and to ensure that victims' and, where relevant, their or any relevant children, are at the heart of the process. We have ensured that at every stage victim safety is discussed in the guidance, and that the guidance explicitly makes reference to safeguarding children, including signposting the use of Operation Encompass where needed.

We have also added in a requirement that if there is a need to involve **B** in the process, person **A** or the applicant must be notified and given the opportunity to withdraw their application to ensure they are not placed in any danger and to ensure transparency in the process.

Referrals to MARAC or local multi-agency decision panels and their purpose in the process

Consultation response

A large number of respondents flagged that the use and purpose of MARACs or local multi-agency decision panels in the DVDS decision process was unclear, with some stipulating their purpose as proposed in the draft guidance was counterproductive. It was suggested that the guidance on the purpose of MARACs and local multi-agency decision panels in the DVDS resulted in confusion around who the final decision to disclose information sat with. It was also raised that with the stipulation in the guidance that every case should be referred to MARAC or a local multi-agency decision panel as part of the DVDS process, the process would be delayed and therefore the new shortened 28-day timeframe not met. Some respondents also flagged that the expectation that every case should be referred to MARAC or a local multi-agency decision forum would result in capacity and resourcing issues in their force which would mean not as many DVDS applications would be able to be handled if this was the requirement.

It was recommended that the guidance state that only cases flagged as high risk should be required to be referred to MARAC and that this should be considered on a case-by-case basis. A large number of respondents emphasised the fact that the guidance should be clear that the decision to disclose information rests with the police and that any consultation with multi-agency forums as part of the process detailed in the guidance should not impact disclosure decisions.

Government response

Following the consultation, the purpose of MARACs or local multi-agency decision panels in the process has been reframed. We have removed any implication that all cases should be referred to a MARAC or equivalent as part of the decision-making process. We have instead suggested that it is good practice to share DVDS cases with multi-agency forums to provide additional considerations around disclosure, and for information sharing purposes, however the guidance is explicitly clear that the

final decision to disclose rests with the police. We have, however, clarified and emphasised the requirement that any case flagged as high risk in the process must be shared with a MARAC or local multi-agency decision forum to ensure victim safety is at the forefront of the DVDS and formal procedures appropriately followed. The risk levels of applicants are also not static, and the guidance makes clear that this should be continually revisited.

Risk assessments in the DVDS

Consultation response

Some number of respondents commented that the requirement in the guidance to conduct a full risk assessment (Domestic Abuse Risk Assessment (DARA), Domestic Abuse, Stalking and 'Honour' Based Violence (DASH) assessment, or equivalent) following the initial meeting with **A** was not proportionate. They felt that it was impractical and unnecessary to conduct a full risk assessment when an applicant may not be a victim or at risk. They recommended instead that an ongoing safety plan be devised, any risk to **A** established, and that a full risk assessment be considered on a case-by-case basis. They also stated that the need for a full risk assessment should be revisited throughout the DVDS process and any changes in circumstances would be acted on accordingly. Many respondents did not comment on this area.

Some respondents also commented that the guidance, at times, refers to **A** as the victim which they believed to be inaccurate given that **A** will not always necessarily be a victim. They recommended on this basis that the wording be changed.

Government response

The guidance now no longer requires a full risk assessment (DARA, DASH or equivalent) to be conducted following the initial meeting for every case. It instead places an emphasis on ongoing safety planning. The person undertaking the initial contact, subsequently handling the case and therefore devising the safety plan, should have an appropriate level of domestic abuse expertise. In those circumstances where an officer with this level of knowledge is not available, the guidance states that questions in a DARA, DASH or equivalent should be used as a prompt to garner relevant information to establish risk and devise the safety plan. The guidance also stipulates that during the initial contact, or at any stage of the process, if **A** appears to be disclosing an incident of domestic abuse, a full DARA, DASH or equivalent must be conducted to ensure **A** and any children are appropriately safeguarded. The guidance sets out that the need for a full risk assessment should be revisited and reconsidered at every stage of the process as part of ongoing safety planning.

Police training, resource and understanding of the DVDS

Consultation response

While respondents welcomed the DVDS guidance being updated and put into statute, concerns were raised regarding adequate training and knowledge about the scheme and police resources to implement and utilise the DVDS fully. These respondents felt that further training is required in relation to how the DVDS works. They also felt that further training was needed to ensure that there is a universal understanding that domestic abuse is wider than just physical violence, so that the complexities of domestic abuse can be fully understood and recognised.

Some respondents also raised concerns about victims' cases not being proactively investigated and information shared, often due to a lack of understanding of the nature of domestic abuse and a lack of police resource, particularly when utilising the "right to know" part of the DVDS.

Government response

While these recommendations fall outside the scope of the consultation, the Government has noted and recognises these concerns. We continue to work closely with the College of Policing to encourage take up of the Domestic Abuse Matters programme in order to standardise the police response to domestic abuse and promote police understanding of crimes of this nature.

Chapter 3 – Conclusion, next steps and contact details

3.1 Conclusion and next steps

We would like to thank all those who responded to the Domestic Violence Disclosure Scheme Guidance consultation and contributed to the redrafting of the guidance. From responses received there was an overall consensus supporting our current approach, however, there were a number of areas highlighted where the guidance could be strengthened, particularly around risk assessments and safeguarding, the purpose of MARACs or equivalent in the process, telephone disclosures and police resource. **Taking the responses submitted to this consultation into account, we have updated the guidance, which has been published on GOV.UK on 20th February 2023 alongside this government response to the consultation. The guidance has no effect until section 77 of the Act is commenced.**

This guidance is intended to be read alongside the [Domestic Abuse Statutory Guidance](#), the [Violence Against Women, Domestic Abuse and Sexual Violence \(Wales\) Act 2015](#) and the Welsh Government [National Strategy on Violence against Women, Domestic Abuse and Sexual Violence](#).

The Government has also published a refreshed [Tackling Violence Against Women and Girls \(VAWG\) Strategy](#) which has been followed by a [Tackling Domestic Abuse Plan](#) and a [Position Statement on Male Victims of crimes considered in the cross-Government Tackling Violence Against Women and Girls Strategy and the Tackling Domestic Abuse Plan](#).

The Tackling Domestic Abuse Plan sets out the detail on the range of measures HM Government is taking to enable the whole system to operate with greater

coordination and effectiveness. The Tackling VAWG Strategy and Tackling Domestic Abuse Plan are supported by a revised [National Statement of Expectations](#), which provides clear and consistent guidance for local areas on how to commission support services for victims and survivors of all forms of violence against women and girls.

We would like to once again thank all individuals and organisations who have taken the time to submit their views and evidence to inform the development of the Domestic Violence Disclosure Scheme Guidance.

3.2 Contact details

For any queries related to the government response to the Domestic Abuse Guidance, please contact:

Domestic Abuse Perpetrators and Policing Team

Interpersonal Abuse Unit
5th Floor, Fry Building
Home Office
2 Marsham Street
London, SW1P 4DF

DVDS-consultation@homeoffice.gov.uk

Annex A – Glossary of acronyms

DARA – Domestic Abuse Risk Assessment

DASH – Domestic Abuse, Stalking and Honour Based Violence Assessment

DVDS – Domestic Violence Disclosure Scheme

PCC – Police and Crime Commissioner

VAWG – Violence Against Women and Girls