

## A guide to Clare's Law

Is Clare's Law a legislation?

No, Clare's Law is a domestic violence disclosure scheme that was rolled out across England and Wales in 2014 after a campaign was launched by Michael Brown, father of Clare Wood who was murdered by her abusive ex-partner in 2009. However, since the introduction of the Domestic Abuse Act 2021 the right to request information under Clare's Law has gained statutory footing meaning victims or potential victims have a legal right to information instead of information being at police discretion.

This scheme allows people to ask the police to check if their partner, or the partner of a loved one has a criminal record for domestic violence.

How does Clare's Law work?

You can request information about a partner, ex-partner by either contacting the police directly in a police station or via 101.

If requesting information regarding an ex-partner you would need to highlight reasons for believing you may be at risk from them.

This scheme covers all genders, there is no discrimination between genders or gender identity. You can also request information if you are concerned on behalf of a close friend, neighbour or relative.

What are the two rights under Clare's Law?

1. Right to ask.
  2. Right to Know.
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1. Right to ask means that you can request information under Clare's Law as stated above if you believe that you or someone you know closely may be involved with someone who has a record of abusive behaviour or violence. Any information shared with you is classed as a disclosure. Please note that if you request information under this scheme on behalf of someone else, you may not be given a disclosure as the police will work out who the best contact for protecting the potential victim is and disclose to them.
  2. Right to Know means that if a police check has been carried out and your ex or current partner has flagged as a risk, in other words they have a history. They may share that information with you to help keep you safe.

Any disclosure under Clare's Law has to be considered, proportionate, lawful and necessary.

This means that police must first decide whether it is appropriate to disclose your partner's confidential records as part of your or a loved one's request under this scheme. If there is enough to suggest that you may be at risk, then the police will make a collective decision on what information to disclose to you.

When you make a personal request under this scheme and disclosure will be made to you directly, when making a request on behalf of someone else the police will look at your relationship with the person and your ability to keep them safe.

If the checks come back clear or suggest there is no threat you will be told this. However, the police will not disclose any non-relevant information with you. i.e driving violations etc.

Does Clare's law take into account different types of domestic abuse / violence?

Yes, Clare's law does take into considerations the various types of domestic abuse / violence including but not limited to the following:

Physical, Harassment, Verbal, Stalking, Manipulation or psychological threats, financial, economic, violence and sexual.

As the subject of domestic abuse continues to evolve and the types of behaviours covered under the heading of domestic abuse change, the police will update their policies, procedures and schemes to ensure that those who need protecting gain the correct information to help keep them safe.

Will the subject of the check be informed?

Unlike Sarah's Law, there is little information available to answer this question adequately. In my humble opinion, I believe that due to the nature of any disclosures and risks surrounding ending abusive relationships the police would not inform the subject that they have been checked and disclosures given. I base this opinion on the fact that the most dangerous time for a victim is when they try to leave, or just after they've left the abusive relationship.