

**Safer Bromley Partnership**  
**Response to the Home Office consultation**  
**on a possible domestic violence**  
**disclosure scheme**

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**General background:**

- According to the British Crime Survey 10/11, domestic abuse comprises 18% of all violent incidents, and in the last financial year the CPS dealt with 74,113 cases of domestic abuse – an increase of 7009 cases from the previous year.
- Over the last five years Police in Bromley have received an average of approximately 6000 reports of domestic abuse each year, with around 50% being classified as crimes.
- Using Home Office data we can conservatively estimate that at least 15,000 individuals in Bromley experience domestic abuse each year.
- Over the last 10 years between 111 and 146 people were murdered each year by their partner or ex-partner in the UK and there is no sign of any reduction in this trend.
- Domestic abuse is rarely a one-off incident, generally being a pattern of abusive and controlling behaviour through which the abuser seeks power over their victim.
- It has been estimated that across the UK domestic abuse in 2008 cost £15.7 billion in public services, loss to the economy and victims.

**The consultation:**

The case of Clare Wood, murdered by her ex-partner in Greater Manchester in 2009, brought to national attention the issue of disclosure of information regarding previous violent behaviour against different partners. Noting her former partner had three previous convictions under the Protection from Harassment Act 1997, the Coroner's report into the murder contained the following recommendation:

*"subject to appropriate risk assessment and safeguard, I recommend that consideration should be given to the disclosure of such convictions and their circumstances to potential victims in order that they can make informed choices about matters affecting their safety and that of their children."*

Additionally in 2009 Chief Constable Brian Moore of Wiltshire Police on behalf of ACPO set out ten recommendations in the report 'Tackling Perpetrators of Violence against Women and Girls' which included a 'right to know' – ie. that police should proactively disclose information to a new partner of an individual's previous domestic abuse history.

The Government seeks views on the following three options:

- **Option 1: continue current arrangements under existing law** where the police already have common law powers to disclose information relating to previous convictions or charges to person A where there is a pressing need for disclosure of the information concerning person B's history in order to prevent further crime. *Note: this arrangement is not currently routinely used in situations of domestic abuse.*
- **Option 2: a "right to ask" national disclosure scheme** which enables person A to ask the police about person B's history of domestic violence or violent acts where the police would undertake full checks to inform a disclosure. A precedent upon which suitable adaptations could be made exists with the Child Sex Offender Disclosure Scheme.
- **Option 3: a "right to know" national disclosure scheme** where the police would proactively disclose information in prescribed circumstances to person A relating to person B's

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previous history of domestic violence or violent acts (as envisaged in the ACPO report of 2009). *Note: it is proposed that this arrangement would be administered through the MARAC process, and therefore only individuals who have already been highlighted as high risk victims of domestic abuse would be considered for disclosure.*

**Scope of Disclosure:**

Under the Child Sex Offender Disclosure Scheme information held by the police about a person should be categorised as either “concerns” or “no concerns”.

Using this model, information disclosed under a “concerns” category under a domestic violence disclosure scheme could include:

- convictions for offences relating to domestic abuse including assault and harassment;
- convictions for other sexual or violent offences;
- allegations or intelligence about previous domestic violence incidents
- intelligence about previous civil injunctions(eg non-molestation orders)

A further question arises over the nature of the relationship between A and B before a disclosure is considered. The Child Sex Offender Disclosure Scheme guidance states that ‘any person can make an application about a person (the subject) who has some form of contact with a child/children’. Under a Domestic Violence Disclosure Scheme, the Government proposes a criterion as follows: **any person can make an application about a person with whom they have entered an intimate relationship**

Additional information regarding the consultation can be found on the following sites:

<http://www.homeoffice.gov.uk/media-centre/news/clare's-law-consultation-launch>

<http://www.homeoffice.gov.uk/publications/about-us/consultations/domestic-violence-disclosure/>

**Partnership Response:**

With the Partnership’s agreement I would suggest that we send a response with the following issues highlighted and recommendations:

Issues:

- ♦ Probable low uptake in right-to-ask
- ♦ Probable low action in right-to-know
- ♦ How do we identify new partners? (Suggestion is via MARAC)
- ♦ Disclosure of ‘concerns’ currently would include unsubstantiated allegations
- ♦ Management of risk when a disclosure is made

Recommendations for response:

- ♦ Note probability of low uptake / action *but* emphasise that in cases where action is taken it could have potentially life-saving effects
- ♦ Ask for both right-to-ask and right-to-know to be implemented to ensure as many victims / potential victims are protected
- ♦ Removal of unsubstantiated allegations or tight guidance on what constitutes a ‘concern’, but that civil orders such as non-molestation orders are included.
- ♦ That generalised violent behaviour not be included as this has not been shown to have a causal correlation to domestic abuse, but that sexual offenses and (if the offender is male) any general violence against women is included as both of these behaviours have strong links to domestic abuse.
- ♦ That enquires can also be made by professionals working with a victim or potential victim – i.e. social worker, support worker, health visitor, GP etc – where they are concerned about a relationship; but that rights of enquiry are not extended to other third parties such as parents or siblings.

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