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**Victim Responsibility and the Domestic Violence Disclosure Scheme**

Domestic violence is never far from the news. With an average of two women a week being killed by a current or former partner, and an increasing number of cases involving the murder of children too, initiatives to address this form of interpersonal victimisation have been increasingly prioritised by governments.One such initiative in the UK is the *Domestic Violence Disclosure Scheme* (DVDS). Launched on International Women’s Day (8th March) 2014 by Home Secretary Theresa May MP, the DVDS offers members of the public the ‘right to ask’ the police for information about a partner’s past if they are concerned that there is a history of domestic violence or violence against women. The policy was heralded by the Home Secretary as part of a “raft of measures” designed to “hand control back to the victim by ensuring they can make informed decisions about their relationship and escape if necessary”.

The DVDS is usually referred to in media reports as ‘Clare’s Law’ in tribute to Clare Wood, who was murdered by her ex-partner George Appleton in 2009. Unbeknownst to Clare, Appleton had a history of violence towards women, having served prison sentences for harassment and breaching a restraining order. Four months after she ended their relationship, the violence escalated to a fatal level. Following an inquiry into Clare’s death, calls for a policy that would allow people to seek out information on a partner’s past from the police were supported by the coroner, senior police officers, Clare’s father and several media publications. As Theresa May has indicated, the inference with this policy is that access to relevant information may result in a reduction in people experiencing domestic abuse. This was certainly the belief of those close to Clare who believed that she may have been saved if such a policy had existed earlier. However, there are several elements of the DVDS which prove concerning to those familiar with the nature and impact of domestic violence victimisation which, taking Clare’s case as an example, are outlined below.

First, the ‘right to ask’ aspect of this policy requires a person with concerns about their partner to know that the scheme exists, to instigate the application process and to meet the necessary criteria. Assuming that Clare had known about this scheme and had applied to it, the convictions on file in Appleton’s case were there due to previous partners’ engagement with the police. But many domestic violence victims have no contact with the police whatsoever. This means that the policy relies partly on previous victims coming forward (or the police to be called out) so that information will be held on a person.

Second, to have met the DVDS criteria Clare would have needed to *still be* in an intimate relationship with Appleton. Applicants who separate from their partner will not have any information disclosed to them as the risk is no longer considered to be ‘proportionate’. Therefore, if the applicant chooses to leave their partner before a decision is made on their request, they may never know whether or not the fears prompting them to contact the police in the first place were founded. As it turned out, Clare didn’t need the DVDS to end her relationship with Appleton. But as she and so many other women have discovered, leaving a violent and abusive relationship can be as dangerous a decision as staying, as Appleton’s threats and violence towards Clare escalated in seriousness *after* she had ended the relationship.

Last, if we imagine instead that Clare *had* successfully applied while still with Appleton, and a disclosure of his past violence *had* been made, what would have happened next gives further cause for concern. The disclosure would usually be made by a police officer, possibly accompanied by an Independent Domestic Violence Advisor. They would impart the information together with details of local domestic violence support organisations. Upon doing so, their role is complete; no further police involvement is suggested or required in the policy guidelines. Furthermore, at this point, Clare would have been bound by the Data Protection Act 1998 and prohibited from sharing the information she received with anyone – particularly Appleton. She would have been unable to discuss her options with family and friends, or explain her reasons for leaving the relationship if that is what she chose to do. She would also have been prohibited from discussing her situation with any of the domestic violence organisations she may have contacted as telling *anyone* would have meant she could have faced criminal charges.

In order for this policy to achieve its aim of violence prevention, it needs to ensure that it is as accessible and beneficial as possible to those it’s seeking to protect. This means recognising that people who are experiencing domestic violence may feel vulnerable, confused and unsure of what to do. Therefore, they may not be in the best position to undertake the kinds of responsibilities involved with the DVDS as it currently operates.