

**London Borough of Bexley**

**Multi-Agency Risk  
Assessment Conference  
(MARAC)  
Operating Protocol**

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## 1. Introduction

1.1 This document, the Multi-Agency Risk Assessment Conference (MARAC) Operating Protocol (MOP) and accompanying Information Sharing Agreement (ISA) has three parts:

- **Section 1** (paragraphs 2 – 8) sets out the manner, process and operation of the MARAC, as well as reporting and accountability
- **Section 2** (paragraphs 9 - 11) sets out other arrangements relating to breaches, complaints, freedom of information, withdrawal and review
- **Section 3** (paragraph 10) sets out the process by which partner agencies will sign up to this agreement

### The MARAC

1.2 A MARAC is a meeting that brings together representatives from a number of agencies including police, Local Authority, health, housing, domestic abuse specialists and representative from statutory and voluntary sectors in the local area to discuss the safety, health and well-being of people experiencing the highest risk domestic abuse (and their children).

1.3 At the heart of a MARAC is the working assumption that no single agency or individual can see the complete picture of the life of a victim, but all may have insights that are crucial to their safety. The victim does not attend the meeting but is usually represented by an Independent Domestic Abuse Advisor (IDVA) who speaks on their behalf. On occasion, when the IDVA is not engaged with the victim, another agency may fulfil this role. More about the role of IDVA at MARAC is at Appendix A.

1.4 The primary focus of the MARAC is to safeguard the victim and its aims are to:

- share information to increase the safety, health and well-being of high risk victims/survivors and children
- determine whether the alleged perpetrator poses a significant risk to any particular individual or to the general community
- construct jointly, and implement a risk management plan, that provides professional support to all those at risk and that reduces the risk of harm
- reduce repeat victimisation
- improve agency accountability, and
- improve support for staff involved in high risk domestic abuse cases.

1.5 In addition, the MARAC will act as the 'safeguarding forum' for the purposes of the Domestic Violence Disclosure Scheme (DVDS) (Clare's Law) applications (*see paragraphs 7.1 – 7.6*).

1.6 The MARAC is designed to enhance existing arrangements, rather than replace them, so this protocol also identifies how the MARAC will make links with other fora to safeguard children and manage the behaviour of the perpetrator.

- 1.7 For the purposes of the MARAC, the definition of domestic violence and abuse is that used by the UK Government:

*'Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members\* regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:*

*Psychological - physical - sexual - financial - emotional*

*Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour. Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.'*

*\*Family members are mother, father, son, daughter, brother, sister and grandparents; directly-related in-laws or step-family.*

- 1.8 The Government definition which is not a legal definition, includes so-called 'honour' based violence and abuse, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

## **MARAC Steering Group**

- 1.9 The Bexley MARAC Steering Group sets the overall direction for the MARAC. Terms of reference at Appendix B. The governance sits within the Domestic Abuse Strategic Group. The MARAC Steering Group members are senior representatives for each MARAC agency and will meet quarterly and aims to:
- set the overall direction for the MARAC
  - provide a robust performance management function for the MARAC process
  - monitor and evaluate the data from MARAC
  - monitor and regularly assess the overall performance of the MARAC and ensure it operates in line with the '10 principles of an effective MARAC' guidelines, and
  - ensure that there is appropriate multi agency representation at the MARAC and that appropriate information sharing protocols are in place.

## **Section 1**

### **MARAC Operating Protocol**

#### **2. Partner Agencies**

- 2.1 The agencies which attend the MARAC routinely include statutory services such as the Police, Probation, Children's and Adult Social Care services, as well as the local specialist domestic abuse service and other voluntary and community organisations. The lead agency for Bexley MARAC is the Metropolitan Police.
- 2.2 Each agency that routinely attends the MARAC will nominate:
- A representative (*'the MARAC representative'*) who will represent the agency at the meeting. This person must be able to bring research, offer action(s) on behalf of their agency and, where appropriate, make decisions at the meeting. They should be an

operational manager or, if they are a frontline professional, have delegated authority. In order to ensure consistent representation at the meeting. This representative must have an identified deputy. A list of MARAC representatives is at Appendix C.

- A named contact that is responsible for strategic issues relating to the MARAC (*'the Single Point of Contact' (SPOC)*). This person will not attend the meeting routinely, but will be available to support the MARAC representative, attend the MARAC Steering Group to support any internal or external audit processes and/or take a leadership role in relation to the MARAC process within the agency. The SPOCs will also be responsible for liaising with the agency data controller as appropriate (in some cases, they may also be the agency data controller). An up to date list of MARAC SPOCs can be obtained from the MARAC Chair or Coordinator

- 2.3 The MARAC Coordinator will maintain a contact list of these representatives, including the name, role and contact details, alongside any other contacts identified by agencies (this may include administrative contacts who will conduct the research on behalf of the MARAC representative). This will be reviewed quarterly and will be shared with all MARAC representatives.
- 2.4 The role of the MARAC representative at the meeting is to ensure that their agency is able to share relevant, accurate and proportionate information relating to the cases discussed at MARAC in a timely fashion. The MARAC representative also has responsibility for offering actions on behalf of their agency. Offering actions at the MARAC helps ensure that an effective and complete action plan is developed.
- 2.5 The type of information brought by agencies is described in the MARAC Agency Research Form at Appendix D. Agencies are also required to identify what routine actions they may offer at the MARAC when signing up to the MOP and ISA (see Appendix E for MARAC ISA).
- 2.6 It is recognised that the MARAC representative will change from time to time. Where a new MARAC representative is nominated by an agency, the following is recommended:
- the outgoing representative should inform the MARAC Coordinator of the change in representative
  - a handover from the outgoing representative to the new representative should be given, particularly highlighting any outstanding or ongoing actions for that agency. Where practicable, the incoming representative should shadow the outgoing representative at a MARAC
  - the MARAC Coordinator will contact the incoming representative and offer a one-to-one meeting to explain the MARAC Operating Protocol and provide further background materials (e.g. the relevant SafeLives representative's toolkits) as required
  - the incoming representative should attend relevant local training to ensure that they have a good understanding of domestic abuse, common dynamics, risk assessment and risk management, as well as the MARAC process (Level 3 Domestic Abuse Training).
- 2.7 Additional agencies will be invited on a case by case basis as appropriate and will be required to sign a confidentiality declaration.
- 2.6 There are a range of resources and training to support agency participation in the MARAC, which can be accessed via the [www.bexleydomesticabuseservices.org.uk](http://www.bexleydomesticabuseservices.org.uk) There are also a number of national drivers which govern and influence a local response from partners in Bexley to domestic abuse (see Appendix F for guidance and research).

### 3. Governance and performance management

- 3.1 The aims of the MARAC are set out above and will contribute to the wider strategic aims of the Bexley Domestic Abuse Strategic Group.
- 3.2 The MARAC will be a standing item for the Domestic Abuse Operational Group. These groups meet every quarter with a membership that includes members of the organisations represented at the MARAC and other key partners from the wider partnership. Any concerns raised will be further reported to the Domestic Abuse Strategic Group.
- 3.3. The MARAC Steering Group will:

- ✓ monitor and evaluate the data from the MARAC
- ✓ ensure that effective partnerships are maintained with other safeguarding and public protection bodies and other MARAC areas
- ✓ monitor and regularly assess the overall performance of the MARAC and ensure it operates in line with national best practice
- ✓ address operational issues of the MARAC
- ✓ report to strategic partnership on a quarterly basis
- ✓ develop and review annually a MARAC Operating Protocol for Bexley
- ✓ monitor and regularly assess the overall performance of the MARAC and ensure it operates in line with the 10 principles of an effective MARAC
- ✓ oversee efforts to raise awareness with local practitioners about the MARAC
- ✓ communicate to the public, to stakeholders and to government about the successes of the MARAC
- ✓ ensure that the MARAC operates in line with legal responsibilities and keeps up-to-date with changes to legislation and national guidance.

<http://www.safelives.org.uk/practice-support/resources-marac-meetings/resources-people-referring>

- 3.4 The Domestic Abuse Operational Group will oversee efforts to raise awareness with local practitioners about the MARAC. The group will:
- communicate the performance of the MARAC to key stakeholders
  - participate in reviews following a 'near miss' or domestic homicide where appropriate
  - ensure that the MARAC operates in line with legal responsibilities and keeps up-to-date with changes to legislation national guidance.

### 4. Process of the MARAC

#### Identification of MARAC cases

- 4.1 All agencies involved in the MARAC must ensure that:

- they have procedures in place to enable an effective response to disclosure or the identification of domestic abuse
  - staff can access training to 'routine enquiry' about domestic violence and abuse
  - staff can access training about, and have confidence to use, the Domestic Abuse Stalking and Honour Based Violence Risk Indicator Checklist (DASH RIC)
  - any staff member who is likely to come into contact with victims of domestic abuse has access to support; it is best practice to have a named domestic abuse lead who can provide support in these cases.
- 4.2 At the point a victim/survivor makes a disclosure, or where domestic abuse is identified, it is good practice to complete a DASH RIC (see Appendix G). The DASH RIC is designed to help professionals make an accurate and fast assessment of the danger someone is in, i.e. it is an evidence based judgement of risk of serious harm or homicide. The RIC also helps professionals to identify what support someone might need, which could include a MARAC referral.
- 4.3 Where a case is identified as standard or medium risk, while this would not meet the MARAC threshold, agencies should provide advice on the help and support that is available locally, including onward referral to specialist services where appropriate.
- 4.4 While the DASH RIC is the recommended and preferred tool to inform a referral to MARAC, there are other tools used by some professional groups (e.g. the Probation Service uses SARA). In these cases, professionals should use the appropriate tool, however, the MARAC referral should be supported by evidence, preferably in the form of a fully completed DASH RIC, which can, where appropriate, capture third party information.
- 4.5 Agencies must also have a process for identifying and responding to safeguarding concerns for adults and children and the responsibility to make a referral in these cases is not transferred to the MARAC. There are 'additional questions' in the DASH RIC relating to children and adults, which prompt consideration of risks and a safeguarding referral. **When making a referral to MARAC it is the responsibility of the referrer to ensure that a correlating referral to MASH (children's) and Adults Safeguarding is also made. This is not transferred to the MARAC.**

#### Criteria for MARAC

- 4.6 A case is considered high risk if any of the following criteria is met:
- professional judgement of high risk<sup>(4)</sup> of serious harm<sup>(5)</sup> or significant concern for safety: if a professional has serious concerns about a victim's situation, they should refer the case to MARAC. There will be occasions where the particular context of a case gives rise to serious concerns even if the victim has been unable to disclose the information that might highlight their risk more clearly. This could reflect extreme levels of fear, cultural barriers to disclosure, immigration issues or language barriers particularly in cases of honour-based violence. This must be evidenced in the referral. This judgement would be based on the professional's experience and/or the victim's perception of their risk even if they do not meet criteria below
  - visible high risk: 14 or more 'yes answers' or 'ticks' on the SafeLives-DASH risk identification checklist (RIC)

(4) "High Risk" means that there are identifiable factors of risk of serious harm: the potential event could happen at any time and the impact would be serious

(5) "Serious harm" means 'a risk which is life threatening and/or traumatic and from which recovery, whether physical or psychological, can be expected to be difficult or impossible'.

- potential escalation: 3 or more incidents as a result of domestic violence or abuse in the past 12 months. This criterion can be used to identify cases where there is not a positive identification of a majority of the risk factors on the RIC, but where abuse appears to be escalating and where it is appropriate to assess the situation more fully by sharing information at MARAC.

## MARAC repeat

4.7 Where there is a further incident within 12 months from the date of the last MARAC referral and there has been a further incident, regardless of whether it has been reported to the police or the level of risk), the case should be referred back to the MARAC. There is a national definition for a MARAC Repeat which is available at [www.safelives.org.uk/definition-repeat-marac](http://www.safelives.org.uk/definition-repeat-marac)

SafeLives defines a 'repeat' as ANY instance of abuse between the same victim and perpetrator(s), within 12 months of the last referral to MARAC. The individual act of abuse does not need to be 'criminal', violent or threatening but should be viewed within the context of a pattern of coercive and controlling behaviour.

Some events that might be considered a 'repeat' incident may include, but are not limited to:

Unwanted direct or indirect contact from the perpetrator and/or their friends or family

A breach of police or court bail conditions

A breach of any civil court order between the victim and perpetrator

Any dispute between the victim and perpetrator(s), including over child contact, property, divorce/separation proceedings etc.

These events could be disclosed to any service or agency including, but not exclusive to, health care practitioners (including mental health), domestic abuse specialists, police, substance misuse services, housing providers etc

4.8 The age threshold for referral to the MARAC for a victim is aged 16 and over:

- if an (alleged) perpetrator is less than 16 years, then the referrers must also consider a parallel child safeguarding referral
- at the MARAC meeting where the case is heard the most appropriate action may be to discharge the case to child safeguarding arrangements.

## Referral

4.9 At the point at which a case is identified as high risk (via SafeLives DASH Risk Assessment), a referral to the MARAC should be made. Any professional can make a MARAC referral although in practice agencies may have an internal process of identifying and managing referrals through a domestic abuse lead.

4.10 Referrals must be completed using the **Bexley MARAC Referral Form** (Appendix H) and can be obtained through the services link on [www.bexleydomesticabuseservices.org.uk](http://www.bexleydomesticabuseservices.org.uk)

4.11 The victim should normally be involved and informed about the referral to the MARAC. It is helpful to explain the MARAC process at the point of completing a risk identification

checklist, making the referral so that the victim can understand how agencies will work together to help increase their safety by offering services or support:

- 4.12 There is a MARAC leaflet available which includes information for victims on the MARAC process at [www.bexleydomesticabuseservices.org.uk](http://www.bexleydomesticabuseservices.org.uk)
- 4.13 The MARAC referral form requests the referring professional to identify contact details for the victim, including any safe contact information. It is the responsibility of the referring agencies to obtain all relevant details from the victim to complete the referral form in full. The MARAC referral form includes a prompt for professionals to indicate whether the victim has consented to the MARAC and/or is aware of the MARAC.
- 4.14 In some cases a victim may be referred to the MARAC without their consent. In these cases, practitioners must assess whether it is proportionate and defensible to share information, depending on the level of risk which the victim is facing. If a professional is making a referral to the MARAC, and they do not have the consent of the victim to do so, they must follow their agency's guidance on information sharing in such cases. There is a template, **MARAC information shared without consent form**, available from SafeLives which may help evidence a decision to share without consent, see Appendix J. **Agencies must evidence on the MARAC referral form which legislation they are using when no consent has been gained.**
- 4.15 As part of the MARAC referral, professionals should also consider whether a disclosure under the Domestic Violence Disclosure Scheme would be appropriate (if this has not already been considered) and this will be discussed with partners at the MARAC.
- 4.16 A completed **MARAC Referral Form** should be sent to the MARAC email using Secure Electronic Mail. (MARAC@bexley.gov.uk)
- 4.17 Upon receipt of a MARAC referral the MARAC Coordinator will:
- confirm receipt of the referral and review the referral for completeness and accuracy and request further information where necessary
  - add the case to the agenda for the next available meeting in line with the published **referral deadlines and meeting dates** for the MARAC. (If an agency misses the referral deadline, the case will be listed at the next subsequent MARAC). Agency representatives have the option of triggering an emergency MARAC referral if they consider this to be too long (*see paragraphs 4.37 – 4.3*)
  - make a referral to the local specialist IDVA service, which receives all MARAC referrals ahead of the meeting and will attempt to contact the victim (*see paragraph 4.23*).

### **The MARAC agenda**

- 4.18 The MARAC agenda will be circulated five days prior to MARAC, including as a minimum:
- the name, date of birth and address of the victim, children and alleged perpetrator
  - the referring agency and reason for referral
  - identify those cases that are referred without awareness and/or consent
  - repeats
  - high risk factors identified.
- 4.19 The agenda is ordered, listing cases with children first, or reflecting guidance from the MARAC chair for that meeting.

- 4.20 In some exceptional circumstances a case will not be included on the MARAC agenda. These may be cases involving so called 'honour based' violence or abuse, high profile victims or where an employee of a partner agency is a victim or (alleged) perpetrator and there are concerns about data security. In these cases a bespoke distribution list will be created by the Chair, with information circulated to the minimum number of agencies identified as required, also:
- the distribution list will be limited to the MARAC representative only
  - the MARAC representative will undertake the research themselves (they must not delegate this to any administrator who might normally conduct the research on their behalf)
  - the MARAC representative must take the appropriate steps to shield or restrict access to the case information on their agency's systems.
- 4.21 Upon receipt of the MARAC agenda the MARAC representative must:
- research the cases, identifying any relevant information held by their agency with regard the victim, any children, (alleged) perpetrator or any other individuals who may be at risk
  - ensure a **MARAC research form** is available for all partner agencies to help MARAC representatives structure the information they will collect and share at the MARAC meeting.

#### **Actions before the MARAC (where safe to do so)**

- 4.22 The MARAC does not take away responsibility for any agency to take immediate actions in relation to the safety of high risk victims, particularly with regard to safeguarding duties (for example children's safeguarding and adult safeguarding etc.)
- 4.23 Contact with the victim in advance of the meeting will be attempted (where safe to do so) by the IDVA service. This is in order to:
- discuss the MARAC referral with the victim
  - share information on the process (in practice the victim should normally have been informed by the referring agency) (*see 4.1 above*)
  - begin, review or continue safety planning
  - bring the views of the victim to the meeting.
- 4.24 Where the IDVA service is unable to contact the victim ahead of the MARAC they should inform the referring agency.
- 4.25 On receipt of a referral which meets the MARAC criteria the police will:
- place a flag on the victim's last known address in order to identify any incidents at that address as potentially involving a high risk victim
  - undertake research for the MARAC using an agreed template, police MARAC representative then presenting this information at the meeting.

#### **MARAC meeting**

- 4.26 The role of the Chair is to structure the meetings, ensure that agency representatives understand the actions agreed and which agencies are responsible for the actions and to review any actions that are outstanding from the last meeting.
- 4.27 The Bexley MARAC is chaired by the Detective Inspector from the Metropolitan Police Safeguarding Unit or appointed similarly qualified professional with relevant expertise in risk management, if the regular chair is unavailable.

### **Information sharing at MARAC**

- 4.28 The MARAC is not a legal entity in its own right and therefore the information shared at MARAC belongs to each agency individually. The framework for sharing information at the meeting is set out at Appendix D. If it is identified:
- at the meeting that information needs to be shared with an agency that does not participate in the MARAC, partner agencies will agree as an action whether the minutes relating to that case, in addition to any other information, can be shared. This could be in the context of a Domestic Homicide Review, a MARAC to MARAC referral or a Court Order
  - following the meeting that information will need to be shared, the MARAC Chair will make the decision on the appropriate process for agreeing what information to share following the guidance in Paragraph 7.
- 4.29 The Chair will read out a confidentiality statement at the beginning of each meeting reminding agency representatives of their responsibilities in relation to information sharing. Agency representatives will be asked to sign the confidentiality statement.
- 4.30 At the meeting, the MARAC representative should share information from their agency verbally, where relevant and proportionate:
- if the MARAC representative is unable to attend the MARAC, they should, in the first instance, send a deputy in their place
  - if there is no one who can take their place, the MARAC representative should contact the **MARAC Coordinator** and advise of non-attendance.
- 4.31 The MARAC representative will still need to complete the research and will be asked to provide a report prior to the MARAC meeting. This will be shared / read out at the meeting by the MARAC Coordinator and added to the minutes (the report should include any relevant information on cases, as well as confirming those cases where the agency has no relevant/proportionate information to share).

### **Action planning**

- 4.32 During the MARAC, a tailored action plan will be developed for each case with the aim of increasing the safety of the victim, children, perpetrator, other vulnerable parties and any professionals. At the start of each meeting agency representatives will be reminded that responsibility to take appropriate actions **rests with individual agencies**; it is not transferred to the MARAC. The role of the MARAC is to facilitate, monitor and evaluate effective information sharing to enable appropriate actions to be taken to increase public safety.
- 4.33 In all cases:

- agencies should flag and tag their files in relation to the perpetrator, victim and any children. This ensures that repeat incidents can be identified and, should a victim later come into contact with another agency, the appropriate level of support can be given
- feedback will be provided to the victim on the outcome of the MARAC meeting as soon as possible after the meeting
- normally the IDVA service will contact the victim to give a verbal update on the outcome(s) that relate to the victim directly and are safe to share. Information about the alleged perpetrator or another person will not be shared with the victim. In addition information which may increase risk to another person will not be shared with the victim
- in some cases another agency may be best placed to give a verbal update on the outcome(s) of the meeting
- the agency providing feedback to the victim will be recorded as an action in the minutes.

4.34 All actions agreed at the meeting will be **specific, measurable, achievable, relevant and timely** (i.e. within 24 hours / 48 hours).

4.35 All agencies will provide an update to the MARAC Coordinator on the status of actions as soon as possible after the meeting.

4.36 The MARAC Coordinator will maintain an action list, in order to record where actions have been completed and identify incomplete actions:

- incomplete actions will be reviewed at the beginning of the next MARAC meeting
- if an action has not, or cannot, be completed a rationale should be provided.

### **Emergency MARACs**

4.37 If a partner agency identifies a case that requires MARAC support and believes that the needs are urgent and the case cannot wait until the next scheduled MARAC then the agency can initiate an emergency MARAC.

4.38 In the first instance the agency must contact the MARAC Coordinator who will liaise with the MARAC Chair and identify which agencies should be represented at the emergency MARAC.

4.39 The MARAC Coordinator will arrange the emergency MARAC (ideally on the same day) which will follow the same guidelines as a MARAC.

4.40 The agency identifying a case must complete a MARAC referral form and share with the MARAC representatives at the emergency MARAC in order to effectively share information and create an effective safety plan.

4.41 Emergency MARAC cases will also be listed at the next available MARAC meeting for review. (If appropriate)

### **Referral to and from other MARACs**

4.42 If it comes to the attention of any agency that a high risk victim has, or intends to, move to a new area that agency must inform the MARAC Coordinator.

4.43 If the victim has already moved out of the area the MARAC Coordinator will:

- advise the police to alert the relevant police authority in the new area

- transfer the case to the new area using **the MARAC-to-MARAC Referral Form**, reflecting the SafeLives guidance, see Appendix L.

4.44 There is an expectation that MARAC representative will fulfil any responsibility to liaise with counterparts in the new area.

4.45 The IDVA service will take the appropriate steps to liaise with the specialist domestic abuse service in the new area.

## **5. Administration**

5.1 The MARAC process will be administered by the MARAC Coordinator.

5.2 Minutes will be circulated no later than three working days after the meeting.

5.3 Participating agencies are expected to have the capacity to remove a 'flag' (*see paragraph 4.33*) when 12 months has passed since the last MARAC. This practice will be reflected in the Information Sharing Agreement.

5.4 The MARAC Coordinator will retain a 'MARAC Index', (currently held within Modus Paloma case management database) with the name and date of birth and the date at which the case was heard at the MARAC.

5.5 The MARAC Coordinator can advise partner agencies if 12 months has passed since the last MARAC and therefore would not be considered a repeat should another incident occur.

## **6. Equality**

6.1 Data will be collected by the MARAC Coordinator on the profile of the local population referred to MARAC in order to monitor equality of outcome to all.

6.2 This data will be reported quarterly to the MARAC Steering Group and Domestic Abuse Operational Group which will be responsible for monitoring and reviewing this data and, where actions are required, will either agree ad-hoc activity to be undertaken or ensure that these are included in the relevant partnership Action Plan.

6.3 Equality will also be considered annually in relation to the MARAC, as part of the wider Strategic Assessments relating to domestic violence and abuse, to identify the needs of the local population (including age, disability, race, belief, sexual orientation, gender or gender identity).

6.4 Where appropriate, the MARAC Coordinator will identify how specialist agencies or representatives will participate in the MARAC, including engaging them for any cases identified as requiring specialist support.

## **7. Other matters**

### **Domestic Violence Disclosure Scheme**

7.1 The Domestic Violence Disclosure Scheme (also known as 'Clare's law') was launched nationally on the 8th March 2014.

7.2 Under the scheme an individual can ask police to check whether a new or existing partner has a violent past. This is the 'right to ask'. If records show that an individual may be at risk of domestic violence from a partner, the police will consider disclosing the information.

- 7.3 Also under the scheme an agency can apply for a disclosure if the agency believes that an individual is at risk of domestic violence from their partner. This is the 'right to know'.
- 7.4 The implementation of this across London will mean that the Metropolitan Police Service (MPS) will receive the request for 'right to ask' and 'right to know'. For cases identified as meeting MARAC threshold the MPS will seek permission from the MARAC for 'right to know' cases to the local MARAC for consideration of whether information held by other MARAC agencies can support a decision to disclose information on the basis of whether it is lawful, necessary and proportionate to do so.
- 7.6 Further guidance for practitioners on how the domestic violence scheme works can be found on [www.bexleydomesticabuseservices.org.uk](http://www.bexleydomesticabuseservices.org.uk)

### **Domestic Violence Protection Notices (DVPNs) / Orders (DVPOs).**

- 7.7 From 12th June 2014, MPS have been using Domestic Violence Protection Notices (DVPNs) and Domestic Violence Protection Orders (DVPOs).
- 7.8 DVP Notices/Orders are aimed at perpetrators who present an on-going risk of violence to the victim and/or associated persons, with the objective of securing a co-ordinated approach across agencies for the protection of victims and the management of perpetrators.
- 7.9 The orders /notices build on existing procedures and bridge the previous protective gap, providing immediate emergency protection for the victim and allowing them the protected space to explore the options available to them and make informed decisions regarding their safety.
- 7.10 The power to issue a DVPN and subsequent application for a DVPO lies with the police and ultimately the Criminal Justice Service (CJS), the success of any such process will be reliant on the partnership work with other agencies such as the IDVA service and other organisations represented at MARAC.
- 7.11 MOPAC has agreed to fund a DVPO Caseworker through a pilot project until 31/03/19 through Victim Support's Uplift Service focussing on victims assessed as standard and medium risk who will support MPS to deliver and monitor this.
- 7.12 Further guidance for practitioners on how DVPNs and DVPOs work can be obtained through [www.domesticabuseservices.org.uk](http://www.domesticabuseservices.org.uk)

### **MARAC disclosure into court proceedings**

- 7.13 Where a court requests disclosure of documents, the MARAC will follow the principles outlined by the working party of the Family Justice Council/CAADA document '**MARAC and disclosure into court proceedings**' published in December 2012. It is available at [www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/FJC/FJC\\_MARAC\\_Guidance\\_Dec2011.pdf](http://www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/FJC/FJC_MARAC_Guidance_Dec2011.pdf)

### **Domestic Homicide Review and other review processes**

- 7.14 Domestic Homicide Reviews were established on a statutory basis under Section 9 of The Domestic Violence, Crime and Victims Act (2004). This provision came into force on 13th April 2011.
- 7.15 In the event that a MARAC case becomes subject of a Domestic Homicide Review the Chair of panel may make a written request for a Summary of Involvement and / or an Internal Management Review (IMR).

- 7.16 MARAC information will be provided to a Domestic Homicide Review in the following circumstances:
- a victim in a domestic violence and abuse related homicide has previously been discussed at the MARAC
  - a suspect in a domestic violence and abuse related homicide has previously been discussed at the MARAC
  - the MARAC had involvement with another relevant party e.g. the child of a client of the MARAC.
- 7.19 In the event that there is a request for MARAC information as a result of any other review process (e.g. a Safeguarding Adult Review, Serious Case Review, Serious Incident) the same process shall apply.

### **Observers**

- 7.20 It is recognised that the MARAC is likely to be of interest to many partner agencies locally, including for training purposes. In the first instance any partner agency that wants to invite an observer should ensure that staff / volunteers meet any relevant requirements e.g. in terms of safer recruitment or employment practices.
- 7.21 In such cases the agency will be required to comply with the following requirements:
- the Chair, via the MARAC Coordinator, should be advised before the meeting of the proposed observer and given an opportunity to agree or otherwise to the observer attending the meeting
  - the agency that has invited the observer takes full responsibility for the observer, including briefing them beforehand on the confidentiality requirements of the MARAC.

### **MARAC and MAPPA Information Exchange**

- 7.22 It is important that information is effectively exchanged between the MARAC and MAPPA process. The following actions are therefore required:
- the MARAC Coordinator will send the MAPPA Co-ordinator the MARAC agenda which includes a list of domestic violence perpetrators where the victim is to be discussed at a MARAC
  - MPS will always share information if an offender is subject to MAPPA at the MARAC meeting.

### **CR MARAC**

- 7.23 The Community Safety Partnership oversees the Community Risk MARAC for offenders that do not meet the criteria for other high risk panels.
- 7.24 To ensure coordination between the processes the MARAC coordinator will:
- ensure that the CR MARAC Coordinator receives the MARAC agenda
  - the CR MARAC Coordinator to provide information regarding the offender to the MARAC.

## National Crime Recording Standard (NCRS)

- 7.25 Further information, including guidance on recording practice, is available at [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/489732/count-general-january-2016.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/489732/count-general-january-2016.pdf)
- 7.26 For the purposes of the MARAC, it is recognised that information shared by partner agencies may constitute a 'Third Party' report, as the MARAC representative is acting as a professional, reporting crimes (often of a safeguarding nature), on behalf of victims of any age.
- 7.27 In such cases, to meet the NCRS, this information will be recorded by the MPS regardless of whether the victim has given their permission for the reporting individual to speak to the police and irrespective of whether the victim subsequently confirms that a crime has been committed.
- 7.28 It is the responsibility of MARAC representatives to be aware of the requirements of the NCRS when sharing information at the MARAC meeting.
- 7.29 Further information, including guidance on recording practice, is available at [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/489732/count-general-january-2016.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/489732/count-general-january-2016.pdf)

## Counter allegations

- 7.30 In some cases that are referred to the MARAC, it may be unclear who is perpetrating violence and abuse, for example someone may be referred as a 'victim' when they have previously been known as the alleged perpetrator, or someone may be referred as the 'alleged perpetrator' when they have previously been known as the victim. There may have been counter-allegations or concerns about disclosures made by a service user about their use of violence or abuse:
- if counter allegations are identified ahead of the meeting, the MARAC Coordinator will record that the case involves counter-allegations on the MARAC agenda
  - if counter-allegations are identified as an issue during the meeting, these should be noted as a specific risk and actions agreed to address these.
- 7.31 Normally the IDVA service will review any counter-allegations and identify how to manage these either at the point of referral, as part of contact ahead of the meeting or following the meeting. Where appropriate the IDVA service will liaise with other agencies. The actions that may be taken include:
- considering whether contact with either or both parties would be appropriate and, if so, how this will be facilitated and coordinated
  - whether a 'Who Does What to Whom' assessment is required
  - completion of the Respect Screen Tool

## 8. Evaluation

- 8.1 All MARAC data will be collected on a monthly basis and entered into the SafeLives MARAC spreadsheet by the MARAC Coordinator.
- 8.2 The MARAC Steering Group will facilitate a MARAC audit process to identify risks, issues and areas for development, including:

- rolling MARAC case audit: completed quarterly using a standardised MARAC case audit tool
- a scheduled audit programme: topics agreed in response to the MARAC case audit process, or as a response to incidents or complaints. This will be delivered through a multi-agency audit, using a case pro-forma with clear inclusion criteria
- where appropriate making requests for single agency / other partnership to conduct audit activity (e.g. through the Safeguarding Adults Board or All together for Children Board previously Local Safeguarding Children Board)
- annual survey of MARAC representatives, capturing feedback on MARAC process
- completion of the SafeLives MARAC review tool once every two years.

8.3 The data, risk register and audit activity will be reported on a quarterly basis to the Bexley Domestic Abuse Operation Group and other relevant partnership groups and boards.

## Section 2

### 9. Arrangements for breaches, complaints, Freedom of Information requests, withdrawal and review

#### Breaches

- 9.1 It is vitally important that all agencies and their representatives are aware of the MOP and ISA and take all necessary steps to ensure that it is not breached. Such breaches would be extremely damaging for all parties to the MOP and ISA and may result in an increase in risk for any high-risk victim.
- 9.2 MARAC representatives who receive information on MARAC cases should be aware that they might personally know, know of, or work with the victim or alleged perpetrator. To share the information provided verbally or electronically, for purposes other than the management of risk through the MARAC process, is a breach of Data Protection rules and of the MOP and ISA.
- 9.3 Furthermore, it could also cause distress to the individual concerned and potentially put them at further risk of harm. Where recipients of MARAC case information find themselves in the position of knowing the victim or (alleged) perpetrator they should seek advice from their line manager or agency MARAC representative.
- 9.4 Each partnership agency will be accountable for any misuse of the information supplied to it and the consequences of such misuse by its employees, servants or agents. If any (potential) breach of this MOP and ISA occurs under the established policies and procedures of any agency then that agency must deal with the (potential) breach.
- 9.5 In the event of a (potential) external breach, the SPOC (*see paragraph 2.2*) for the agency concerned should be notified immediately. They are responsible for taking all necessary actions to safeguard the victim or any other individuals if there is an imminent risk, as well as taking any appropriate action in relation to the breach itself in line with the relevant agency process.
- 9.6 In the event of any (potential) internal non-compliance the single point of contact (*see paragraph 2.2*) for the agency concerned should be notified immediately. They are responsible for taking all necessary actions to safeguard the victim or any other individuals if there is an imminent risk, as well as taking any appropriate action in relation to the breach itself in line with the relevant agency process.

- 9.7 In all cases, the SPOC must report any (potential) external breach or internal non-compliance to the MARAC Chair, setting out the nature of the breach and any actions subsequently taken.
- 9.8 Any breaches will be referred to the MARAC Steering Group for consideration and may be referred to the Domestic Abuse Strategic Group or Local Safeguarding Boards as required.
- 9.9 In all cases, if the breach or non-compliance cannot be resolved data transfers may be stopped. If data transfers are stopped they will not resume for the purpose of this MOP and ISA until the MARAC Steering Group is satisfied with the remedial actions and / or security of data transfer arrangements.

## **Complaints**

- 9.10 Anyone wishing to make a complaint related to the MARAC must follow the procedure as set out below:
- complaints may be made in person, by telephone, or in writing (by letter or e-mail)
  - in the first instance all complaints are to be made to the MARAC Chair, care of the MARAC Coordinator
  - an acknowledgement of receipt of the complaint will be provided within 5 working days, which will include a timeframe in which a response will be made
  - the relevant MARAC Chair will investigate the complaint and advise the Chair of the MARAC Steering Group
  - in considering a response to the complaint the MARAC Chair will follow the principle of subsidiarity (i.e. complaints should be dealt with under an agency's own internal complaints procedures via the appropriate manager)
  - the MARAC Chair will agree the response with the Steering Group Chair
  - the MARAC Chair will write to the complainant offering an explanation / list of reasons / facts of all issues and concerns
  - if the complainant is not satisfied with the initial response from the MARAC Chair then an escalated letter of complaint can be sent to the Chair of the MARAC Steering Group
  - the Chair of the MARAC Steering Group will acknowledge receipt of the complaint within five working days and respond within a stated time frame.
- 9.11 In the event of a complaint data transfers may be delayed until the risk or issue is resolved. If data transfers are stopped they will not resume for the purpose of this MOP and ISA until the MARAC Steering Group is satisfied with the security arrangements.

## **Freedom of Information Requests**

- 9.12 In the event of a Freedom of Information request being received by any recipient(s), which relates to the MARAC process and / or information shared by another agency at the MARAC who are the data owner(s), the recipient will notify the MARAC Coordinator and the data owner(s) to allow it/them the opportunity to make representations on the potential impact of disclosure.

## **Withdrawal**

- 9.13 The MOP and ISA are merely guidance and an agreement to abide by it. Information can be shared outside of the MOP and ISA providing the principles of the ISA are adhered to.

- 9.14 All partner agencies have the right to withdraw from the MOP and ISA or to refuse to sign up to it. Agencies that withdraw from, or do not sign up to, the MOP and ISA will be excluded from participation in the MARAC meetings and will not receive information on MARAC cases.
- 9.15 If an agency wants to withdraw from the MARAC then a letter should be sent in writing to the Chair, care of the MARAC Coordinator, clearly stating the reasons why the agency wants to withdraw. The agency must continue to comply with the terms of this MOP and ISA in respect of any data that the agency has obtained through being a signatory.

## **Review**

- 9.16 Monitoring the effectiveness of this MOP and ISA and on-going management and governance of MOP and ISA is the responsibility of the MARAC Steering Group and will be reviewed annually.

## **Section 3**

### **10. Signatories**

- 10.1 All agencies that routinely attend the MARAC must sign up to the MOP and ISA: the parties to the agreement are specified in the ISA (Appendix E).
- 10.2 Any agency that is regularly invited on a case by cases basis will be invited to routinely attend the MARAC and sign up to the MOP and ISA.
- 10.3 Agencies will complete, sign and return Appendix E to the MARAC Coordinator.

## **Appendix A**

### **The role of Independent Domestic Abuse Advisor (IDVA) in relation to MARAC**

#### **The IDVA will:**

- Receive notifications of all MARAC referrals, including DASH Risk Assessment, from the MARAC Coordinator.
- Contact victim using safe contact number and discuss the MARAC referral form.
- Record all attempts to make contact.
- Gain the victims views, wishes and feelings and obtain any updated information.
- Represent victim in relation to views, wishes and feelings and provide known update information to the MARAC.
- Where agreed at MARAC, contact victim and provide feedback within two working days of MARAC (alternative agency may be identified to provide this feedback).
- Carry out actions allocated to the IDVA role and provide update/s to MARAC Coordinator.

Services will be regularly reviewed and some additional services maybe commissioned and/or altered dependent on needs. The audit will be the responsibility of the MARAC Strategic Steering Group

## Appendix B

### Domestic Abuse Multi Agency Risk Assessment Conference (MARAC) Steering Group

#### TERMS OF REFERENCE

##### Purpose

The purpose of the MARAC steering group is to ensure proper accountability on the part of participating agencies in the MARAC to their representatives, to one another and to victims. It provides a platform to embed the process in key local partnerships, to promote sustainability and to ensure the MARAC demonstrates that it is a process which is structured to deliver equality of outcome to all.

##### Aims

The Steering Group aims to:

- provide strategic governance to the domestic abuse service and MARAC in order to reduce repeat victimisation and reduce levels of harm posed to high risk victims of domestic abuse in Bexley; and
- provide quality assurance to the MARAC

##### Objectives:

- Support the Bexley MARAC in achieving SafeLives principles of an effective MARAC through facilitated self-assessment
- Utilise best practice available in developing the Bexley MARAC
- Develop and review annually a MARAC Operating Protocol for Bexley
- Monitor and evaluate the data from the Bexley MARAC
- Ensure that effective partnerships are maintained with other public protection bodies and other MARAC areas
- Monitor and regularly assess the overall performance of the MARAC and ensure it operates in line with the 10 Principles of an effective MARAC
- Ensure operational issues of the MARAC are resolved as required
- Oversee efforts to raise awareness with local practitioners about the MARAC
- Implement effective channels of communication both between and within agencies
- Communicate to the public, to stakeholders and to government about the successes of the MARAC
- Ensure that the MARAC operates in line with legal responsibilities and keeps up-to-date with changes to legislation and national guidance.

##### Chair:

The chair is the Bexley Domestic Abuse & Sexual Violence Strategy Manager.

##### Attendance:

The Bexley MARAC Single point of contact will be responsible for attending the MARAC Steering Group. In order for this to be a strategic group, members should be of a senior level above the MARAC representative:

- London Borough Bexley
- Children's and Adults Services, Housing
- Metropolitan Police
- National Probation
- London CRC
- Housing Associations
- IDVA Service
- Specialist Domestic Abuse Service
- Victim Support
- Education
- Midwifery
- London Ambulance
- Substance Misuse Service
- Mental Health
- Health Visiting

Where an organisations representative is unable to attend, a deputy should attend meetings in their place. Failure to attend 75% of meetings will result in the Chair reviewing the appropriateness of that organisations membership of the MARAC Steering Group and escalating the matter.

For a meeting to be quorate, at least the Chair and 3 agencies must be present.

#### **Administration:**

- The Steering Group will meet quarterly
- Any additional items for the agenda of each meeting should be submitted to the Chair 14 days before the meeting takes place
- An agenda should be prepared and circulated with the minutes of the last MARAC Steering Group meeting at least 7 days before the next meeting
- Data will be provided to the group by the MARAC Coordinator in line with SafeLives data collection
- The chair is entitled to call an extra-ordinary meeting should the need arise e.g. to resolve an urgent operational issue
- Minutes will be taken by the MARAC Coordinator

#### **Accountability:**

- Reporting Lines to Domestic Abuse Strategic Group and Community Safety Partnership.
- Information will be shared with both Adult and Children's Safeguarding Boards.

#### **Terms of Reference review date**

The group's Terms of Reference will be reviewed annually.

#### **Terms of reference for audit purposes:**

- Ofsted
- Domestic Homicide Reviews

- Local Learning Reviews
- Serious Case Reviews
- Adult & Children’s Safeguarding Boards

## Appendix C

### Bexley – MARAC representatives

Agency	Representatives
Police	<b>MARAC Chair:</b> Detective Inspector, Bexley BOCU Community Safety Unit
	PC – CSU Hub & MARAC Officer Based at Bexley CSU, Bexleyheath Police Station
	Researcher, Bexley Domestic Abuse Hub
Housing, London Borough of Bexley	<b>MARAC Coordinator:</b> Domestic Violence & MARAC Coordinator, Crisis Intervention Team
	Tenancy Support Manager, Team Leader
Housing Associations	Hyde Housing: Housing Officer
	Orbit: Team Manger Bexley
	Gallions, Peabody Group: Community Safety Officer
IDVA Service	IDVA Service Manager: Domestic Violence & MARAC Coordinator (same officer as the MARAC Coordinator above)
	IDVA – Crisis Intervention Team
Specialist DA Services	Bexley Women’s Aid: MARAC Representative
	Bexley Women’s Aid: Community Outreach Manager
	Victim Support: Senior IDVA (uplift service)
Schools and Lifelong Learning	Team Manager, Education Welfare
	Family Liaison Officers
Adult Safeguarding	Head of Safeguarding Adults Deputy: Adult Safeguarding Coordinator
Named Midwife	Named Midwife for Safeguarding for Greenwich & Bexley
London Ambulance Service	Vacant
Children’s Social Care	Service Manager, Referral & Assessment
	Service Manager, MASH
	Social Workers who are holding a case being discussed at MARAC
National Probation Service	Probation Officer
	Offender Manager
London CRC	Probation Officer
Community Health CIC Drugs & Alcohol	Team Leader, Pier Road Project
Community Health Drugs & Alcohol: South London and Maudsley NHS Foundation Trust	Team Leader, Bexley Addictions Clinical Academic Group
	Substance Misuse Nurse
Community Mental Health	Bexley AMHP Manager
Health Visiting	Professional Development Lead
Victim Support	Enhanced Service Delivery Manager
London Fire Brigade	Borough Commander

## Appendix D

### LONDON BOROUGH OF BEXLEY

#### MARAC RESEARCH FORM

This research form is to assist you in bringing information to share to the MARAC. Consistent and accurate research will help attendees at MARAC build up a comprehensive picture. The information should be current, accurate and, where necessary, a distinction made between fact and professional opinion.

Research should be completed and available in advance of the meeting. DO NOT contact the victim or perpetrator prior to the meeting.

Some agencies may be working with the victim, perpetrator and/or the children so you may need additional research forms or need to add to them.

<b>Name and agency</b>	
<b>Telephone / email address</b>	
<b>Date</b>	
<b>Time / date of MARAC</b>	
<b>Case reference number</b>	
<b>Brief summary of history / current situation, including dates</b>	
<b>Other agency involvement</b>	
<b>Note records of recent interactions with your agency – for example recent sightings, meetings or telephone conversations</b>	
<b>Note recent attitude, behaviour and demeanour, including changes</b>	
<b>How long has the victim or perpetrator been known to your service?</b>	
<b>Please list any actions you are aware have been taken already to address the victim's safety</b>	
<b>What are the victim's greatest priorities to address their safety?</b>	
<b>Who is the victim afraid of? To Include all potential threats, and not just the primary perpetrator</b>	
<b>Risk factors identified</b>	
<b>Any other concerns about the safety of the victim</b>	
<b>Any other relevant information</b>	
<b>Any other information not covered previously about the offender / children / other</b>	

## Appendix E

### MARAC Information Sharing Agreement

#### 1. Introduction

1.1 This information sharing agreement, hereafter 'ISA' sets out:

- the specific purposes for which the parties (including all staff, workers, consultants and volunteers working for and on behalf of these agencies) have agreed to share information
- the legal framework within which the information is shared and held
- the arrangements for monitoring and reviewing the agreement.

1.2 Sharing relevant information with other agencies is crucial in order to reduce the risk of harm to high-risk victims. The ISA exists to facilitate information sharing between all the agencies, both in the statutory and voluntary sectors that have agreed to work together within the MARAC framework in Bexley. This information sharing comprises:

- information held by various agencies on individuals who pose a high risk of harm to their partners or children
- personal information pertaining to high risk victims or their children and other family members at risk.

1.3 Any decision to disclosure or share information must be necessary, justified and proportionate to risks taking into account:

- the prevention or detection of a crime
- the public interest
- the right to life

1.4 The decision to disclose must be properly documented, including:

- the reasons for the decision to disclose
- the extent of the disclosure made
- the permitted use of the disclosed information.

1.5 The following legislation provides the statutory powers for the partner organisations to share information under the MARAC Operating Protocol (MOP) and ISA:

- Data Protection Act (2018) and GDPR
- Human Rights Act (2000)
- Crime & Disorder Act (1998)
- The Housing Act (2004)
- Domestic Violence & Victims Act (2004)
- Children Act (1989 and 2005)

#### 2. MARAC Information Sharing Guidance for partners

##### What information is being shared?

2.1 The following information about high risk victims of domestic violence and abuse, their children and the perpetrators can be shared under the MOP and ISA:

- personal details such as name, date of birth, address, ethnicity, sexuality
  - employment details
  - housing information
  - financial details including information about receipt of benefits
  - criminal offences or alleged offences, particularly those relating to violence in a non-domestic context
  - physical or mental health conditions
  - relevant history of domestic violence or associated behaviour e.g. sexual abuse.
- 2.2 The MARAC is not a legal entity and therefore, the original supplying agency retains ownership of any information shared at or for MARAC.
- 2.3 Information gained at the MARAC cannot be used by another agency without the permission of the agency that supplied it.

## **Consent**

- 2.4 It is best practice to obtain the victim's consent to share their personal information and the referring agency should seek this consent as part of the risk identification and referral process:
- where possible victims should be asked for their consent at the time of referral and this should be indicated on the MARAC referral form. Responsibility for gaining consent and explaining how the information will be shared to reduce risk lies with the referring agency
  - Where consent is given, the information can be shared at the MARAC without contravening data protection rules or breaching confidentiality
  - all information shared should be relevant and appropriate to the aims of the MARAC in reducing risk and increasing safety
  - information provided by partner agencies will be used only for the purpose of reducing risk and increasing safety.
- 2.5 Where there are serious concerns about a child or an adult at risk, refusal of consent should not be regarded as a barrier to sharing the information. It should be noted that refusal to consent might be an indicator of control by the (alleged) perpetrator or the victim's fear of recrimination, both of which might further justify sharing information without consent.
- 2.6 It is recommended that consent should not be sought if asking for it would:
- place a child or young person at increased risk of significant harm
  - place an adult at risk of serious harm e.g. in cases of honour based violence this might be the preferred option to best protect the victim
  - prejudice the prevention or detection of a crime
  - lead to an unjustified delay in making enquiries about allegations of significant harm.
- 2.7 In these circumstances information can legally be shared without consent. Where information is shared without the consent of the victim the following should be considered before the information is shared:
- danger to the victim, including threat to their life

- children at risk/danger to a child
- vulnerable adult at risk/danger to a vulnerable adult
- the victim poses a risk to themselves or others
- prevention of a crime
- public interest (based on a judgement of the facts in the case).

2.8 Any decision to share information without consent must be clearly documented stating the reasons why.

2.9 Whether or not information has been provided by the alleged perpetrator, consent to share this information will not be sought from the alleged perpetrator, in order to protect the safety of the victim. Such sharing will usually be on the basis of the crime prevention exemption.

### **How is the information to be shared?**

2.10 All MARAC documentation containing personal data relating to victims, perpetrators and their children should be marked 'RESTRICTED'.

2.11 On every occasion that personal and sensitive personal information is shared for the purposes of MARAC it must be sent via secure electronic transmission:

- email sent between staff within London Borough of Bexley are secure (as the email does not cross the internet) however, initials should be used in the email subject
- email sent from secure Government email systems (e.g. email addresses with the following suffix: .gcsx, .gsi, .pnn, .nhs.net, .cjsm.net) is secure if the recipient also uses a secure Government encrypted email system
- all information relating to MARAC such as the case agenda and minutes will be shared via Egress, which is a secure network. Agencies are required to sign to Egress as part of the protocols.

2.12 Referrals to the Bexley MARAC should be sent via [MARAC@bexley.gov.uk](mailto:MARAC@bexley.gov.uk) and secured by Egress if not supported by the above encrypted system should be password protected.

2.13 The MARAC Coordinator, using secure email and/or data transfer using a shared case management system, will automatically refer referrals from the MARAC to the IDVA service.

2.14 All MARAC documentation (including the MARAC agenda, referral forms, minutes and any other material) will be circulated via the MARAC distribution list, which includes those partner agencies signed up to the MOP and ISA.

2.15 The MARAC distribution list will be checked quarterly.

2.16 It is the responsibility of partner agencies to inform the MARAC Coordinator when people should be removed from the MARAC distribution list or additional staff added.

2.17 The single point of contact will ensure appropriate briefing and training has been put in place before an individual receives MARAC information via the distribution list.

2.18 The MARAC Chair will approve any new agencies wishing to join the MARAC or individuals from existing agencies who want to be added to the circulation list to receive referrals (taking advice from the MARAC Coordinator where necessary). The MARAC Chair has the right to reject such applications if they are deemed unsuitable or inappropriate or if the agency is unwilling to sign up to this MOP and ISA.

## **When will the information be shared?**

### **Ahead of the MARAC**

- 2.19 There are two MARAC meetings held in Bexley, meeting on the 1st and 3rd Tuesday of each month.
- 2.20 Information on the cases to be discussed at each MARAC meeting using the MARAC agenda, which will be circulated by the MARAC Coordinator ahead of the MARAC.
- 2.21 In some cases, MARAC partner agencies will share information about a MARAC case via email to the MARAC Coordinator and this will be read out at the relevant MARAC.

### **At the MARAC**

- 2.22 All participants will sign a 'confidentiality agreement' at the start of the meeting this will highlight that the information disclosed at the MARAC is confidential and must not be disclosed to a third party without the agreement of partners of the meeting.
- 2.23 The MARAC Coordinator is responsible for taking minutes at MARAC meetings and for circulating these after each meeting along with the action plan.
- 2.24 The draft minutes for each MARAC will be circulated to MARAC partners after the meeting. Each MARAC partner representative is responsible for checking the draft minutes issued and providing feedback regarding any changes needed to accurately reflect the information their agency provided at the meeting. If any changes are required, the minutes will be revised and re-issued.
- 2.25 Minutes will only be circulated to the agencies routinely attending the MARAC meeting:
- individual case minutes will be sent to agencies that have made referrals and/or presented the case at the MARAC meeting but which are not usually in attendance
  - MARAC attendees must not pass on minutes to any third parties not involved in the MARAC meetings without the agreement of the MARAC and the agencies that shared the information.

### **Information sharing outside of the MARAC process**

- 2.26 There may be occasions where, in order to implement a safety plan that has been agreed at the MARAC, that any agency that is not signed up to the MOP and ISA needs to be informed of certain facts (e.g. a perpetrator's name disclosed to a school so that the school cannot admit the (alleged) perpetrator to the premises).
- 2.27 The MARAC Coordinator may share the names and details of MARAC victims, perpetrators and associated children and other MARAC documentation in undertaking a MARAC to MARAC transfer.
- 2.28 Action plans or individual actions can be shared as part of child protection conferences, adult safeguarding and MAPPA meetings with the agreement of the MARAC Chair and the agencies supplying the information. Care should be taken to ensure that information generated through the MARAC process is not shared inappropriately in other conference or partnership settings as this may increase the risk to the victim involved.
- 2.29 Any requests for information on MARAC cases outside of MARAC meetings or for copies of minutes or action plans (e.g. to support Family Court proceedings or Reviews) will be managed on a case by case basis in line with the process set out in the MOP and ISA and legal advice will be sought as required.

- 2.30 Any release of information outside of the MARAC process will be documented and the agency receiving the information should be informed of the purpose for which have been given the information, that it must remain confidential, be kept and shared safely and securely and the permitted use of the disclosed information.

### **How will the information be stored (by the recipient(s))?**

- 2.31 In order to protect victims and to maintain safety, any data provided and shared in the context of the MARAC should be stored and processed so that its integrity and confidentiality are maintained at all times. All MARAC partner agencies should store and process MARAC data in line with both this MOP and ISA and their local policies and protocols.
- 2.32 Where the need to print off hard copies of MARAC documentation (MARAC risk identification checklists, referral forms, minutes or action plans) exists, there will be a minimum security requirement for all agencies to store the information within a lockable cabinet within a room with a door that is locked and secured when the premises is vacant.
- 2.33 Staff may need to travel with printed MARAC information in order to attend MARAC meetings. Staff should only take as much information as necessary and for as long as necessary. Staff should transfer any printed MARAC information back to a secure location as soon as possible and take all reasonable precautions to keep the records safe and secure e.g:
- carry the data in a secure briefcase/container
  - keep it with you whenever possible; lock it away securely when you can't – this applies in the home as well as other locations
  - never leave it in plain sight in public places
  - do not leave it in a car overnight
  - do not work on the papers where they can be seen by unauthorised people
  - report loss/theft immediately.
- 2.34 Partner agencies are requested to 'flag and tag' that the victim, (alleged) perpetrator and child were discussed at MARAC and the date of the MARAC if any of the subjects are open to the service. Partner agencies do not need to 'flag and tag' that a client was discussed at MARAC if the subject is not known to the service, unless otherwise requested to do so as an action agreed at the MARAC at which the case was discussed.

### **Who will have access to the information?**

- 2.35 All partner agencies receiving MARAC case information are required to sign up to the MOP and ISA. The MARAC representative and single point of contact will be considered as authorised officers. The agency representative will refer to others within their organisation where necessary to obtain relevant information on the victim or (alleged) perpetrator to be shared at the MARAC meeting whilst ensuring that anyone who has sight of MARAC referral information is aware of the sensitivity of the information, the need to maintain confidentiality and not to share the information further.
- 2.36 Only those with legitimate interest to the information should be allowed access. MARAC information such as referral form, completed SafeLives DASH RIC, minutes and action plan should be stored in a restricted way, for authorised personnel only. If a victim, perpetrator, child is an open case to the service then it may be appropriate to save the relevant MARAC papers on an agency's case management system. MARAC information is restricted and staff accessing information must 'need to know'. Therefore MARAC partners must take steps to ensure MARAC information is only accessed by those permitted to do so.

- 2.37 Staff within MARAC partner agencies should receive suitable training on information governance and be made aware of their responsibilities in handling the MARAC data before permitted access to MARAC information (i.e. added to the MARAC distribution lists to receive referrals, minutes and relevant updates).

#### **For how long will the information be kept?**

- 2.38 The MARAC agenda should be destroyed on completion of all relevant checks.
- 2.39 MARAC information should be disposed of after 12 months from the initial referral to MARAC, unless local policy dictates that it must be retained for longer. Each agency that attends a MARAC meeting can hold relevant information for as long as a risk to the victim or children remains. The information retained should be proportionate to the perceived risk and will be covered by the main retention schedule for their organisation (to ensure consistency within their organisation).
- 2.40 Where information is retained for longer than 12 months it is recommended that the file be marked as a closed MARAC case. Any information held electronically should be password protected or stored in a secure area that cannot be accessed by staff not involved with MARAC cases. Particular care should be taken with information that relates to a member of staff who has been identified as a high risk victim or alleged perpetrator.
- 2.41 It is good practice for each agency attending a MARAC meeting to review its own initial recording of a case after twelve months and decide whether it was still relevant to retain all or some of the information that was initially recorded.
- 2.42 The MARAC Coordinator will retain a 'MARAC Index', with the name and date of birth and the date at which the case was heard at the MARAC.
- 2.43 The MARAC Coordinator will retain a 'MARAC Case Record' for each case (e.g. MARAC IDVA referral form, the MARAC minutes) for 8 years after the last contact.

#### **How will the information be destroyed?**

- 2.44 Hand written notes at MARAC meetings should be kept to a minimum and be taken only for the purposes of agencies noting their actions. The MARAC minutes will be the formal record of what was discussed at the MARAC meeting. Hand written notes should either be destroyed after the meeting or kept securely following both this MOP and ISA and local agency policies and protocols.
- 2.45 Once hard copies of any documentation have fulfilled their use they must be disposed of as confidential waste by shredding or other secure means.
- 2.46 Flags on electronic systems or paper files should be removed 12 months after the last referral to MARAC.

### **3. Parties to the agreement**

Agencies represented on the MARAC are the nine core agencies identified by SafeLives as:

- Metropolitan Police Service
- National Probation Service
- Community Rehabilitation Company (CRC)
- Housing
- Substance Misuse Services
- Mental Health
- Social Services – Children's and Adult services

- Public Health
- IDVA Service
- Specialist Domestic Abuse Services

**Additionally:**

- Domestic Abuse Specialist Services refuge
- Schools and Lifelong Learning
- Accident and Emergency Departments
- Youth Offending Team
- Specialist BME, LGBTQ or other service as required

Sharing of information between these agencies will be carried out on a confidential basis, with Designated Officers only and will be proportionate to the needs of the agencies, and to individual cases.

**Signatory**

**MARAC representative**

<b>Name</b>	
<b>Agency</b>	
<b>Job title</b>	
<b>Email address</b>	
<b>Please describe below the routine actions your agency is able to offer at MARAC</b>	

**Signatory information – MARAC single point of contact**

<b>Name</b>	
<b>Agency</b>	
<b>Job title</b>	
<b>Email address</b>	

By signing this document, the signatory (the single point of contact) confirms that the agency will undertake to ensure that its representatives are aware of the requirements set out in the Bexley MOP and ISA and that the agency will take all necessary steps to ensure that it is not breached. The signatory also confirms that they have sufficient seniority to bind the agency.

<b>Signature</b>	
<b>Date</b>	

## Appendix F

### Guidance and research

There are a number of national drivers which govern and influence a local response from partners in Bexley to domestic abuse, these are listed here:

#### Guidance

- **Home Office (2016)** *Strategy to end violence against women and girls: 2016 to 2020*
- **Home Office (2016)** *Violence Against Women and Girls Services: Supporting Local Commissioning*
- **National Institute for Health and Care Excellence (2014)** *Domestic Violence and Abuse: How Services Can Respond Effectively*

#### Legislation

- **Adoption and Children Act (2002)** Extends the definition of ‘harm’ to include ‘impairment suffered from seeing or hearing the ill treatment of another’ (section 120)
- **Family Law Act (1996)** Allows the court to exclude from the home someone who is suspected of abusing a child within the home including a domestic violence perpetrator
- **Housing Act (1996)** and the **Homelessness Act (2002)** Provides a statutory scheme of help to victims who become or are likely to become homeless as a result of fleeing domestic abuse
- **Crime and Disorder Act (1998)** Places a duty on local authorities, police, probation, clinical commissioning groups and the fire service to work together to tackle crime and antisocial behaviour. They must demonstrate that they have done all that they reasonably can to prevent crime and disorder.
- **Police Reform and Social Responsibility Act (2011)** Provides for the appointment of Police and Crime Commissioners responsible for setting the strategic direction for policing and crime within the police force area
- **Domestic Violence, Crime and Victims Act (2004)** Made several provisions relating to victims witnesses and perpetrators of domestic violence including under section 9 established domestic homicide reviews on a statutory basis, creating an expectation for local areas to undertake a multiagency review following a domestic violence homicide. This has been further extended in 2012 to include causing death or serious harm to a vulnerable child or adult.
- **The Forced Marriage (Civil Protection) Act (2007)** Offers protection to adults and children being forced into marriage and to offer protection for those who have already been forced into marriage.
- **Specialist Domestic Violence Court (SDVC) Programme Guidance (2006)** Outlined the requirement for areas selected to achieve SDVC status. Achieving this status is reliant on areas having IDVA and MARAC provision and can lead to the swift and safe prosecution of perpetrators and protection of victims.  
Other legal frameworks which necessitate a coordinated response from partners to meet the needs of women and children who are victims of violence are:
  - Children’s Act (1989)
  - Children’s Act (2004)
  - The Human Rights Act (1998), which enshrines the European Convention on Human Rights
  - Equality Act (2010)
  - United Nations Convention on the Elimination of all Forms of Discrimination against Women United Nations Convention on the Rights of the Child.  
European Union Strategy for Equality between Women and Men United Nations Security Council Resolution 1325

Other legal frameworks which necessitate a coordinated response from partners to meet the needs of women and children who are victims of violence are:

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- Equality Act (2010)
- United Nations Convention on the Elimination of all Forms of Discrimination against Women United Nations Convention on the Rights of the Child.
- European Union Strategy for Equality between Women and Men United Nations Security Council Resolution 1325

## Appendix G

### DASH Risk Identification checklist

For use by IDVAs and other non-police agencies for identification of risks when domestic abuse, ‘honour’ based violence and / or stalking are disclosed. Agencies can complete this form or submit their own completed version.

Please explain that the purpose of asking these questions is for the safety and protection of the individual concerned.

Check the box if the factor is present . Please use the comment box at the end of the form to expand on any answer.

It is assumed that your main source of information is the victim. If this is not the case please indicate in the right hand column.

Question	Yes	No	Don't know	State source of information if not the victim, e.g. police officer	Comments
Has the current incident resulted in injury? (Please state what and whether this is the first injury).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Are you very frightened?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
What are you afraid of? Is it further injury or violence? (Please give an indication of what you think (name of abuser(s) ) might do and to whom, including children)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Do you feel isolated from family/friends, ie does (name of abuser(s) ) try to stop you from seeing friends/family/doctor or others?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Are you depressed or having suicidal thoughts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Have you separated or tried to separate from (name of abuser(s) ) within the past year?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Is there conflict over child contact?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Does ( ) constantly text, call, contact, follow, stalk or harass	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

you? (Please expand to identify what and whether you believe that this is done deliberately to intimidate you? Consider the context and behaviour of what is being done).					
Are you pregnant or recently had a baby (within the last 18 months)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Is the abuse happening more often?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Is the abuse getting worse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Does ( ) try to control everything you do and/or are they excessively jealous? (In terms of relationships, who you see, being 'policed at home', telling you what to wear for example. Consider 'honour'-based violence and specify behaviour).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Has ( ) ever used weapons or objects to hurt you?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Has ( ) ever threatened to kill you or someone else and you believed them? (If yes, check who.) <input type="checkbox"/> You <input type="checkbox"/> Children <input type="checkbox"/> Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Has ( ) ever attempted to strangle/choke/suffocate/drown you?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Does ( ) do or say things of a sexual nature that make you feel bad or that physically hurt you or someone else? (If someone else, specify who.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Is there any other person who has threatened you or who you are afraid of? (If yes, please specify whom and why. Consider extended family if HBV.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Do you know if ( ) has hurt anyone else? (Please specify whom including the children, siblings or elderly relatives. Consider HBV.) <input type="checkbox"/> Children <input type="checkbox"/> Another family member <input type="checkbox"/> Someone from a previous relationship <input type="checkbox"/> Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Has ( ) ever mistreated an animal or the family pet?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Are there any financial issues? For example, are you dependent on ( ) for money/have they recently lost their job/other financial issues?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Has ( ) had problems in the past year with drugs (prescription or other), alcohol or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

<p>mental health leading to problems in leading a normal life? (If yes, please specify which and give relevant details if known.)</p> <p><input type="checkbox"/> Drugs    <input type="checkbox"/> Alcohol</p> <p><input type="checkbox"/> Mental health</p>					
<p>Has ( ) ever threatened or attempted suicide?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<p>Has ( ) ever broken bail/an injunction and/or formal agreement for when they can see you and/or the children? (You may wish to consider this in relation to an ex-partner of the perpetrator if relevant).</p> <p><input type="checkbox"/> Bail Conditions</p> <p><input type="checkbox"/> Non Molestation/Occupation Order</p> <p><input type="checkbox"/> Child contact arrangements</p> <p><input type="checkbox"/> Forced Marriage Protection Order</p> <p><input type="checkbox"/> Other</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<p>Do you know if ( ) has ever been in trouble with the police or has a criminal history? (If yes, please specify).</p> <p><input type="checkbox"/> DV</p> <p><input type="checkbox"/> Sexual violence</p> <p><input type="checkbox"/> Other violence</p> <p><input type="checkbox"/> Other (please specify)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Total number of yes responses = [Click here to enter text.](#)

**For consideration by professional:** Is there any other relevant information (from victim or professional) which may increase risk levels? Consider victim's situation in relation to disability, substance misuse, mental health issues, cultural/language barriers, 'honour'- based systems, geographic isolation and minimization. Are they willing to engage with your service? Describe below.

[Click here to enter text.](#)

**Consider abuser's occupation/interests - could this give them unique access to weapons? Describe below.**

[Click here to enter text.](#)

**What are the victim's greatest priorities to address their safety?**

[Click here to enter text.](#)

**Do you believe that there are risks facing the children in the family? Comment below.**

[Click here to enter text.](#)

**If yes, please confirm if you have made a referral to safeguard the children.**

<b>Date of referral</b>	<a href="#">Click here to enter a date.</a>
-------------------------	---

Date referral made	<a href="#">Click here to enter a date.</a>
--------------------	---

Signed (electronic signature if possible)	
---	--

Name	
------	--

Date	
------	--

Practitioner's Notes
Click here to enter text.

## Appendix H

### MARAC REFERRAL FORM

Please note this form will be returned and the referral will not be processed unless completed in full and received with a completed DASH Risk Indicator Checklist.

Send this form securely to: [marac@bexley.gov.uk](mailto:marac@bexley.gov.uk)

IT IS YOUR RESPONSIBILITY TO ENSURE THAT ANY ADULT AND CHILD SAFEGUARDING REFERRALS ARE COMPLETED AND INDICATED ON THIS FORM.

SECTION A – Referring agency				
Referring practitioner name			Referring agency	
Telephone number			Email address	
Postal address				
Date of referral	Click here to enter a date.		Crime report number (if known)	
Repeat referral?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	If yes, date of last MARAC	Click here to enter a date.
Has victim been referred to MARAC in another area	<input type="checkbox"/> Yes	<input type="checkbox"/> No	If yes, where and when?	

SECTION 2 - Victim				
Name			Age	
Date of birth			Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female
Address			Telephone number	
Relevant contact information (eg times to call, is the number safe to call)				
Home owner details (eg Housing Association (specify if known), landlord, including contact details)				
Victim's first language, if not English			Does the victim require an interpreter?	<input type="checkbox"/> Yes <input type="checkbox"/> No
GP's details			Is the victim pregnant?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Occupation (does LADO need to be considered?)			Place of work	
Is the victim aware of the MARAC referral	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Has the victim consented to the MARAC referral? If no, Section 8 must be completed	<input type="checkbox"/> Yes <input type="checkbox"/> No

SECTION 3 - Diversity		
Black and minority		Ethnicity

ethnic group			
Is a BME specialist required?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Disabled
Lesbian, gay, bisexual, transsexual			Any other information

SECTION 4 – Perpetrator(s)			
Name		Address	
Date of birth		Age	
Gender	<input type="checkbox"/> Male	<input type="checkbox"/> Female	Ethnicity
Relationship to victim		Occupation (does LADO need to be considered)	

SECTION 5 - Children						
Name	DoB	Age	Address	Relationship to victim	Relationship to perpetrator	School / educational setting

SECTION 6 – Additional Information								
Reason for referral	Professional judgement	<input type="checkbox"/>	Escalation	<input type="checkbox"/>	Visible high risk (14 or more ticks on DASH)	<input type="checkbox"/>	Claire's Law authorisation (police only)	<input type="checkbox"/>
Number of ticks on DASH		Please ensure completed DASH is included with this form						

SECTION 7 – Reason for referral	
Current incident	Notes to include: <ul style="list-style-type: none"> <li>Date of incident and briefly what happened</li> <li>Why is this case high risk now?</li> </ul>
Click here to enter text.	
Background	Notes to include: <ul style="list-style-type: none"> <li>How long together?</li> <li>When separated?</li> <li>Over what period of time has abuse occurred and brief summary of what has occurred. (You do not need to list every incident, use 'first', 'last', 'worst' incidents).</li> </ul>
Click here to enter text.	
Risks identified (Please include if perpetrator has access to weapons, particularly firearms. Are they a firearms license holder?)	<input type="checkbox"/> Substance misuse <input type="checkbox"/> Mental health <input type="checkbox"/> Animal cruelty <input type="checkbox"/> Strangulation <input type="checkbox"/> Pregnancy <input type="checkbox"/> Breach of Orders <input type="checkbox"/> Threats to commit suicide <input type="checkbox"/> Isolation <input type="checkbox"/> Harassment <input type="checkbox"/> Controlling/jealous

	<input type="checkbox"/> Escalation <input type="checkbox"/> Threats to kill <input type="checkbox"/> Separation <input type="checkbox"/> Child contact <input type="checkbox"/> Weapons <input type="checkbox"/> Firearms <input type="checkbox"/> HBV	<input type="checkbox"/> Sexual abuse <input type="checkbox"/> Financial issues <input type="checkbox"/> Cultural <input type="checkbox"/> Child protection <input type="checkbox"/> Stalking <input type="checkbox"/> Criminal history <input type="checkbox"/> Violent history
<b>Other (please specify)</b> Click here to enter text.		
<b>Action taken at time of referral</b>	<input type="checkbox"/> IDVA referral <input type="checkbox"/> Child Protection referral safety planning <input type="checkbox"/> Police notified <input type="checkbox"/> Alarm <input type="checkbox"/> NCDV referral <input type="checkbox"/> Legal advice <input type="checkbox"/> 999/101Adve <input type="checkbox"/> S-DASH completed (if yes please attach)	
<b>Other (please specify)</b> Click here to enter text.		
<b>Does the victim wish to report any offences disclosed in this referral to the police?</b>	Click here to enter text.	
<b>Anything else you wish to note?</b>	Click here to enter text.	

### SECTION 8 – Information sharing without consent

- Prevention / detection or crime and/or apprehension or prosecution of offenders (DPA, Sch. 29)
- To protect vital interests of the data subject; serious harm or matter of life or death (DPS, Sch. 2 & 3)
- For the administration of justice - *usually bringing perpetrators to justice* (DPA, Sch. 2 & 3)
- For the exercise of functions conferred on any person by or under any enactment - *Police/Social Services* (DPA, Sch. 2 & 3)

<b>If no consent, on what legal basis is this referral being made?</b>	<input type="checkbox"/> In accordance with a court order? <input type="checkbox"/> Local Authority Enquiry under Care Act 2014 <input type="checkbox"/> Prevention of abuse and neglect (The Care Act 2014) <input type="checkbox"/> Overriding public interest - <i>Common law</i> <input type="checkbox"/> Child protection - <i>Disclosure to Social Services or Police for the exercise of functions under the Children Act, where the public interest in safeguarding the child's welfare overrides the need to keep the information confidential</i> (DPA, Sch. 2 & 3) <input type="checkbox"/> Right to life (Human Rights Act, Art. 2 & 3) <input type="checkbox"/> Right to be free from torture, of inhuman or degrading treatment (Human Rights Act, Art. 2 & 3)	
<b>Balancing considerations</b>	<input type="checkbox"/> Pressing need <input type="checkbox"/> Respective risk to those affected <input type="checkbox"/> Public interest of disclosure <input type="checkbox"/> Duty of confidentiality	<input type="checkbox"/> Risk of not disclosing <input type="checkbox"/> Interest of another agency receiving information <input type="checkbox"/> Human Rights <input type="checkbox"/> Other

**Comments**

Click here to enter text.

**Line managers details**

Click here to enter text.

## DASH Risk Identification checklist

For use by IDVAs and other non-police agencies for identification of risks when domestic abuse, 'honour' based violence and / or stalking are disclosed. Agencies can complete this form or submit their own completed version.

Please explain that the purpose of asking these questions is for the safety and protection of the individual concerned.

Check the box if the factor is present . Please use the comment box at the end of the form to expand on any answer.

It is assumed that your main source of information is the victim. If this is not the case please indicate in the right hand column

Question	Yes	No	Don't know	State source of information if not the victim, e.g. police officer	Comments
Has the current incident resulted in injury? (Please state what and whether this is the first injury).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Are you very frightened?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
What are you afraid of? Is it further injury or violence? (Please give an indication of what you think (name of abuser(s) ) might do and to whom, including children)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Do you feel isolated from family/friends, ie does (name of abuser(s) ) try to stop you from seeing friends/family/doctor or others?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Are you depressed or having suicidal thoughts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Have you separated or tried to separate from (name of abuser(s) ) within the past year?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Is there conflict over child contact?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Does ( ) constantly text, call, contact, follow, stalk or harass you? (Please expand to identify what and whether you believe that this is done deliberately to intimidate you? Consider the context and behaviour of what is being done.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Are you pregnant or recently had a baby (within the last 18 months)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Is the abuse happening more often?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Is the abuse getting worse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Does ( ) try to control	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

everything you do and/or are they excessively jealous? (In terms of relationships, who you see, being 'policed at home', telling you what to wear for example. Consider 'honour'-based violence and specify behaviour).					
Has ( ) ever used weapons or objects to hurt you?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Has ( ) ever threatened to kill you or someone else and you believed them? (If yes, check who.) <input type="checkbox"/> You <input type="checkbox"/> Children <input type="checkbox"/> Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Has ( ) ever attempted to strangle/choke/suffocate/drown you?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Does ( ) do or say things of a sexual nature that make you feel bad or that physically hurt you or someone else? (If someone else, specify who.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Is there any other person who has threatened you or who you are afraid of? (If yes, please specify whom and why. Consider extended family if HBV.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Do you know if ( ) has hurt anyone else? (Please specify whom including the children, siblings or elderly relatives. Consider HBV.) <input type="checkbox"/> Children <input type="checkbox"/> Another family member <input type="checkbox"/> Someone from a previous relationship <input type="checkbox"/> Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Has ( ) ever mistreated an animal or the family pet?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Are there any financial issues? For example, are you dependent on ( ) for money/have they recently lost their job/other financial issues?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Has ( ) had problems in the past year with drugs (prescription or other), alcohol or mental health leading to problems in leading a normal life? (If yes, please specify which and give relevant details if known.) <input type="checkbox"/> Drugs <input type="checkbox"/> Alcohol <input type="checkbox"/> Mental health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Has ( ) ever threatened or attempted suicide?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Has ( ) ever broken	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

bail/an injunction and/or formal agreement for when they can see you and/or the children? (You may wish to consider this in relation to an ex-partner of the perpetrator if relevant.) <input type="checkbox"/> Bail Conditions <input type="checkbox"/> Non Molestation/Occupation Order <input type="checkbox"/> Child contact arrangements <input type="checkbox"/> Forced Marriage Protection Order <input type="checkbox"/> Other					
Do you know if ( ) has ever been in trouble with the police or has a criminal history? (If yes, please specify.) <input type="checkbox"/> DV <input type="checkbox"/> Sexual violence <input type="checkbox"/> Other violence <input type="checkbox"/> Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Total number of yes responses = <a href="#">Click here to enter text.</a>					

<b>For consideration by professional:</b> Is there any other relevant information (from victim or professional) which may increase risk levels? Consider victim's situation in relation to disability, substance misuse, mental health issues, cultural/language barriers, 'honour'- based systems, geographic isolation and minimization. Are they willing to engage with your service? Describe below.	
<a href="#">Click here to enter text.</a>	
<b>Consider abuser's occupation/interests - could this give them unique access to weapons? Describe below.</b>	
<a href="#">Click here to enter text.</a>	
<b>What are the victim's greatest priorities to address their safety?</b>	
<a href="#">Click here to enter text.</a>	
<b>Do you believe that there are risks facing the children in the family? Comment below.</b>	
<a href="#">Click here to enter text.</a>	
<b>If yes, please confirm if you have made a referral to safeguard the children.</b>	
<b>Date of referral</b>	<a href="#">Click here to enter a date.</a>

Date referral made	<a href="#">Click here to enter a date.</a>
Signed (electronic signature if possible)	
Name	
Date	

<b>Practitioner's Notes</b>
<a href="#">Click here to enter text.</a>

## Appendix J

### SHARING INFORMATION WITHOUT CONSENT AND GUIDANCE

<b>Client name and number</b>		<b>DOB</b>	
<b>Address and contact details</b>			
<b>Children</b>		<b>DOB</b>	
<b>Address and contacts (if different to above)</b>			
<b>Perpetrator name</b>		<b>DOB</b>	
<b>Address and contacts (if different to above)</b>			

### Concerns and risk information

<b>Who are you concerned about</b>	<b>What are your concerns or worries? Include who they may be at risk from (may be self-harm)</b>	<b>Are there any immediate concerns requiring immediate action?</b>
<b>Child[ren]</b>		
<b>Client/victim</b>		
<b>Perpetrator</b>		
<b>Family member</b>		
<b>Agency Staff</b>		

1. **Information sharing decision making process – to be kept on file**

What information am I sharing? (be clear & concise)		
For what purpose am I sharing this information?		
With whom am I sharing this information (name agency/ies)		
Has the client met the Threshold for a referral to Marac (High Risk) Give details here		Visible high risk (DASH RIC) <input type="checkbox"/> Professional Judgment <input type="checkbox"/> Escalation in severity &/or frequency of abuse <input type="checkbox"/>
Lawful Basis for Sharing Information -consider your local MARAC ISP (please see links and justify your choice):e.g:		<a href="#">Vital Interest</a> <a href="#">Legitimate Interest</a>
I am sharing information based on the legal authority of (tick one or more):		
Child Protection Act 2004	<input type="checkbox"/>	
s.115 Crime & Disorder Act 1998	<input type="checkbox"/>	
Pt 3. Schedule 8 Data Protection Act 2018	<input type="checkbox"/>	
Human Rights Act 2004	<input type="checkbox"/>	
Common Law	<input type="checkbox"/>	
The Care Act 2014	<input type="checkbox"/>	
I have balanced the following considerations:		
Information is relevant? <input type="checkbox"/>		
Information is adequate & necessary to achieve the purpose <input type="checkbox"/>		
Information is proportionate <input type="checkbox"/>		
Sharing this information will NOT significantly increase risk to the client/family <input type="checkbox"/>		
I have discussed this internally with: (line manager/senior practitioner)		
Has the client been notified of or involved in the decision to share information?		
Yes <input type="checkbox"/>	Date:	
No <input type="checkbox"/>	Reasons for not informing client:	
<b>Case Worker:</b>		<b>Date:</b>

**SAFELIVES RECOMMEND THAT ALL PRACTITIONERS HAVE A GOOD WORKING KNOWLEDGE OF THE PROVISIONS IN The GDPR 2018 and the Data Protection Act 2018) AND REFER TO THE INFORMATION COMMISSIONER’S OFFICE (ICO) FOR ADVICE AND GUIDANCE ON INFORMATION SHARING. YOU SHOULD ALSO REFER TO INTERNAL POLICIES AND YOUR LOCAL MARAC’S OPERATING PROTOCOL/INFORMATION SHARING PROTOCOL.**

## 2. Guidance for Sharing Information without consent

Sharing personal information is essential to safeguard the individual. [Article 5 of the GDPR](#) sets out seven key principles which lie at the heart of the general data protection regime.

Lawfulness, fairness and transparency  
Purpose limitation  
Data minimisation  
Accuracy  
Storage limitation  
Integrity and confidentiality (security)  
Accountability

These principles should lie at the heart of your approach to information sharing (processing personal data).

The GDPR specifies what individuals have a right to be informed about when you collect and use their personal data, who you share it with and how long you keep it for. Providing this information is a key element of the principle of transparency and can also help you to build trust with clients. This form has been designed to encourage the safe, lawful and secure sharing of personal information with relevant agencies by providing a clear framework to assist and record the decision-making process.

You must ensure the information you share is:

- adequate – sufficient to properly fulfil your stated purpose;
- relevant – has a rational link to that purpose; and
- limited to what is necessary – you do not share (or hold) more than you need for that purpose.

## 3. Purpose

You must be clear about what your purposes for processing are from the start. You need to record your purposes as part of your documentation obligations and specify them in your privacy information for clients. You can only use the personal data for a new purpose if either this is compatible with your original purpose, you get consent, or you have a clear basis in law. Reference your local Marac Operating/Information Sharing Protocol which will detail the Lawful Basis for information sharing in the Marac process.

## 4. Lawful Basis

There are six available lawful bases for processing. No single basis is 'better' or more important than the others – which basis is most appropriate to use will depend on your purpose and relationship with the individual. Most lawful bases require that processing is 'necessary'. If you can reasonably achieve the same purpose without the processing, you won't have a lawful basis. You must determine your lawful basis before you begin processing, and you should document it. Take care to get it right first time - you should not swap to a different lawful basis at a later date without good reason. Your privacy notice should include your lawful basis for processing as well as the purposes of the processing. If your purposes change, you may be able to continue processing under the original lawful basis if your new purpose is compatible with your initial purpose (unless your original lawful basis was consent). If you are processing special category data you need to identify both a lawful basis for general processing and an additional condition for processing this type of data. If you are processing criminal conviction data or data about offences you need to identify both a lawful basis for general processing and an additional condition for processing this type of data.

## 5. Consent

The GDPR sets a high standard for consent. But you often won't need consent. Consent means offering individuals real choice and control. Genuine consent should put individuals in charge, build trust and engagement. When a person is assessed to be at high risk of serious harm or homicide (Marac threshold) information can be shared without consent thus the client cannot choose or control the process. In order to lawfully process special category data (formally sensitive data), you must identify both a lawful basis under Article 6 and a separate condition for processing special category data under Article 9. These do not have to be linked.

You must ensure the personal data you are processing is:

- adequate – sufficient to properly fulfil your stated purpose;
- relevant – has a rational link to that purpose; and
- limited to what is necessary – you do not hold more than you need for that purpose.

## 6. Safety

The safety of the victim and children living with domestic abuse is paramount. When considering whether to share information you must always consider risk factors – how great is the risk? Will that risk increase if information is shared. Can that risk be managed? Do I need to limit who the information is shared with? Record and document all decisions whether to share or not to share information. Decisions should be defensible NOT defensive.

## 7. Useful links

The ICO have published detailed guidance on [children and the GDPR](#).  
ICO guidance on [determining what is personal data](#).

[The ICO guidance](#) will help you to understand what information you need to provide people with when you collect their personal data, when it needs to be provided, and how you can provide it.  
[GDPR – A Briefing for Maracs \(SafeLives\)](#)  
[s.115 Crime & Disorder Act 1998](#)

If in doubt always seek advice from management/ your Data Protection Officer and or legal experts

## Appendix K

### Examples of information shared

CAFCASS	Court proceedings and orders, feedback from supervised contact
Domestic abuse specialist services	Views and fears of the victim (for themselves and their children) , willingness to engage with IDVA, information about incidents not reported to the police, information from agencies not attending the MARAC, information about related abuse e.g. sexual, civil injunctions in place, contact disputes, actions taken by the victim to protect themselves, harassment , housing needs, diverse needs. Other providers may also share: information on admissions to refuges (historic and current), contacts with outreach services, direct information provided by the victim, views and fears of the victim
Drug and alcohol services	Information on (alleged) perpetrator and victims' drug and alcohol use, disclosures relating to domestic violence and abuse or other risks or needs
London Borough of Bexley	Information on adult safeguarding cases/vulnerable adults (alleged) perpetrator and victim), child protection conferences and safeguarding plans, children's needs and disabilities, mental health, children's centers, localities, early years, school

	attendance and performance, truancy and exclusion, incidents at school, collection of children from school. Information on vandalism, neighbour complaints and antisocial behaviour if related to domestic violence (with dates), victim and (alleged) perpetrator or tenancy and addresses
Fire Service	Fire safety checks completed; equipment fitted at the property
Health Sector	Presentations to A&E (victim, (alleged) perpetrator and children) with dates and pattern of injuries, GPs data, and maternity information e.g. missed ante natal appointments or (alleged) perpetrator attendance, victim and (alleged) perpetrator mental health, health visitor information on child's development or damage to home, attendance by partner at appointments
Rape Crisis	History of sexual abuse, current sexual abuse, barriers to accessing support
National Probation Service, Community Rehabilitation Company	Perpetrator attendance, compliance or completion and non-completion of specified activity requirements, women's safety worker feedback (professional judgment on perpetrator), previous convictions, breaches of orders, prison information,
Other voluntary and community sector services	Information on (alleged) perpetrator and victims' use of the service, including presentation and engagement, disclosures relating to domestic violence and abuse or other risks or needs
MPS	Police callouts, current and previous domestic violence incidents, escalation of incidents or callouts, crimes resulting from domestic violence incidents, information on the (alleged) perpetrator e.g. relevant previous convictions, use of or access to weapons, threats to kill, breaches of bail, warning signals such as suicide threats, use of weapons or assaults on police, breach of civil injunction
Housing Associations	Information relating to tenancy agreements, arrears, security, housing options.

## Appendix L

### MARAC to MARAC referral form

MARAC referrals should only be sent using secure email or other secure method. Where available, the contact details for MARACs can be found at: [safelives.org.uk/findamarac](https://safelives.org.uk/findamarac)

<b>To:</b>	<b>Date:</b>
<b>From referring area:</b>	<b>Contact name:</b>
<b>Contact number:</b>	<b>Contact email:</b>

### Victim information

<b>Victim name:</b>	<b>Victim DOB:</b>
<b>Address to which victim has moved:</b>	
<b>Is this safe for correspondence?</b>	

Telephone number:	
Is this safe to call?	Is there any other relevant contact information (e.g. times to call)?
Did the victim ever consent to a MARAC referral?	Is the victim aware of the case transfer?

**Current IDVA service information**

IDVA service:	Contact name:
Contact number:	Contact email:

**Please attach additional information**

Original MARAC referral form: Y/N	MARAC minutes: Y/N	Other: Y/N
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Is there any additional information on the risks and needs of the victim, children or any other vulnerable party since the case was heard at the original MARAC?

Is there any additional information relating to risks in the new area?

**Appendix M**

**Governance structure in relation to MARAC in Bexley**

