



SHEFFIELD MARAC OPERATING PROTOCOL

**Version 2
February 2015**

| Version date | Changes |
|---------------------|--|
| July 2014 | Updated re. administrative processes, operational changes and links to other safeguarding processes. Including reference to use of Paloma Modus case management system by administrator. |
| February 2015 | Additions made to ISP to reflect creation of a register for signatories to the ISP of non-core agencies |

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Background

The purpose of a Multi-Agency Risk Assessment Conference (MARAC) is to reduce the risk of further assault, injury and homicide, to victims of domestic violence who have been assessed as at high risk of further abuse. The MARAC forms part of a package of measures which also includes the Independent Domestic Violence Advocacy Service, and sits within the Specialist Domestic Violence Court Programme.

The Sheffield MARAC has been in operation since 2007, and deals with nearly 900 high risk cases per year. To date the MARAC has operated according to the guidance provided by CAADA, (Co-ordinated Action Against Domestic Abuse) the charity commissioned by the Home Office to establish MARACS and train agencies. The CAADA website contains a comprehensive list of documents¹ covering all aspects of the running of the MARAC, and the roles and responsibilities of member agencies.

Now that the MARAC is embedded into core business in Sheffield, it is appropriate that we produce a Sheffield Protocol, which in addition to the universal guidance provided by CAADA, provides specific information about the operation of the MARAC in Sheffield.

Sheffield completed the CAADA MARAC Accreditation process in 2009, one of the first 20 areas in the country to do so. Production of this document was also one of the recommendations of the Accreditation Report.

2 Introduction

The purpose of this Protocol is to establish accountability, responsibility and reporting structures for the MARAC and to outline the process of the Sheffield MARAC. It will provide guidance for member agencies and their staff on the roles and responsibilities of agencies in relation to MARAC. It will also include as Appendices key documents for reference purposes.

The MARAC is designed to enhance, not replace, existing arrangements for public protection, including safeguarding children and adults, and has a specific focus on the safety of the victim and any children.

The Government defines domestic abuse as:

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.

¹ http://www.caada.org.uk/marac/Resources_for_people_involved_in_MARACs.html

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.²

3 Aims of the MARAC

The over-arching aim of the MARAC is to protect victims of domestic abuse and their children and reduce serious harm and homicide as a result of domestic abuse.

It also improves effectiveness by enabling agencies to work together, improves accountability through the action planning, and provides support for staff working with high risk domestic abuse cases.

The Sheffield MARAC brings agencies together, 3 times a month, to consider cases of domestic abuse where the victim has been assessed as at high risk of serious harm, with the aim of reducing that risk, and promoting safety.

This includes:

- Accepting referrals from any agency whose staff have assessed the case as High Risk.
- Ensuring the victim's voice is heard (if they engage with the process), represented by the Independent Domestic Violence Advocate.
- Sharing appropriate and relevant information to provide a full picture to enable appropriate action to be agreed.
- Agreeing actions to reduce risk and promote the safety and well-being of the victim and any children or adults with support needs.
- Providing professional support to reduce the risk of further harm.

4 Partner Agencies

The MARAC has a core membership comprising the responsible strategic leads from the statutory and voluntary sector agencies which work directly with victims and offenders. In addition some agencies may attend as required, should they refer a case in or should a case have particular relevance to their service.

Core Membership

- South Yorkshire Police
- Sheffield Independent Domestic Violence Advocacy Service
- Sheffield City Council, Children, Young People and Families Service – Social Care and MAST
- Sheffield City Council – Safeguarding Adults, Adult Social Care
- Sheffield City Council – Housing Solutions and Housing Services.
- National Probation Service
- South Yorkshire Community Rehabilitation Company
- Sheffield Children's NHS Foundation Trust
- Sheffield Teaching Hospital's Trust
- Sheffield Health and Social Care Trust – Mental Health, Substance Abuse services and IAPT
- Sheffield Drug Intervention Project
- Community Youth Teams

² <http://www.homeoffice.gov.uk/crime/violence-against-women-girls/domestic-violence/> This is the new definition to be implemented in March 2013

- Youth Justice Service

Other agencies that may attend (This list is not exhaustive.)

- Victim Support Sheffield
- Women's refuge providers
- Domestic Abuse outreach and floating support services
- Sexual violence and abuse services
- Substance Abuse Services
- Housing providers

5 Responsibilities of member agencies.

The MARAC can only operate effectively if all member agencies participate fully in the process. This means in addition to attending the MARAC meeting, they must also ensure that effective systems are in place within member organisations to meet the requirements of the MARAC.

The purpose of the MARAC is to reduce the risk of further abuse to those victims of domestic violence who have been assessed as at high risk of such abuse. This is achieved through sharing information between agencies, to ensure that a full picture of the risk can be identified and appropriate measures implemented to reduce the risk.

In addition the aim is to ensure that whichever agency a victim meets or discloses to, they receive an appropriate response that reflects their experience of domestic abuse. Where possible agencies should offer support so that cases do not escalate to high risk, at a minimum this should result in referral or signposting to the Sheffield Domestic Abuse Helpline³.

Member agencies should ensure that:

- Relevant staff and managers have received Domestic Abuse Training.
- Front line staff, working with individuals / families, and their managers, have also received training on the DASH Risk Assessment model and MARAC process.
- Staff are confident to assess risk, understand the local risk thresholds, and refer high risk cases to the MARAC (and to the IDVAS).
- Referrals to MARAC are of good quality e.g. all relevant information is clearly provided and forms are typed where possible
- They have a process for ensuring risk assessments are carried out, a process for internal quality assurance (e.g. a MARAC champion role identified), and timely referrals into the MARAC (and to the IDVAS) are made for any assessed as high risk.
- Once a case has been assessed as high risk by any agency, all members work together to address the risk both before and after the MARAC meeting.
- A named individual is the regular representative for the MARAC, and is of the level of seniority that can suggest/agree actions for their agency and take responsibility for ensuring that actions are carried out, and information is passed back to the worker dealing with the case.
- A named deputy will attend the MARAC in that person's absence.
- Upon receipt of the MARAC list, (8 days prior to the MARAC) the agency will ensure that the research form is completed for all cases known to the agency, and the information passed to the MARAC representative.
- At the MARAC representatives will suggest actions to reduce risk.
- After the MARAC representatives will ensure that agreed actions are carried out to required timescale, and report back to the administrator (based with the Domestic Abuse Coordination Team in Sheffield City Council).

³ 0808 808 2241 or see www.sheffielddact.org.uk for details of all Sheffield services

- MARAC cases are flagged/marked on all agencies systems, to show that the individual has previously been referred to the MARAC.
- Staff are aware of what a MARAC flag or marker means and take this into account during any future contact work with the client, e.g. liaising with the IDVA service so as to understand the context.

6 Governance and Performance Management

The principle objective of the MARAC is the safety of high risk victims of domestic violence and their children. This is achieved through multi-agency working, sharing of information, joint risk management and safety planning.

In Sheffield, domestic abuse is a priority in the Safer and Sustainable Communities Partnership Plan and the Violent Crime Reduction plan and there is a multi agency approach to managing it. The MARAC sits within this framework as part of the work led by the Safer and Sustainable Communities Partnership through the Domestic Abuse Strategic Board and its Civil and Criminal Justice Sub Group.

The Domestic Abuse Strategic Board meets every three months, and is chaired by the local authority lead for domestic abuse. Representatives from relevant agencies attend this group.

The Civil and Criminal Justice Sub Group reports to the Strategic Board and receives a range of performance information, and the overall performance of the MARAC is a standing item on the agenda. Governance and performance information regarding all MARACs in South Yorkshire, is reported into the MAPPA SMB (Multi-Agency Public Protection Arrangements Strategic Management Board). Performance and operational issues are also discussed at the Specialist Domestic Violence Court sub group of the Local Criminal Justice Board.

The Safer and Sustainable Communities Partnership undertakes the following through the Domestic Abuse Strategic Board:

- Monitor and evaluate the data from the 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.
- Communicate the success and positive outcomes of the MARAC to partner agencies and the public
- Address any operational issues.
- Consider MARAC caseloads and consider what action may be needed if volume is unmanageable
- Ensure that the MARAC operates in line with legal responsibilities and keeps up to date with changes to legislation and national guidance.
- Management of Domestic Homicide Reviews in line with legislation and Home Office guidance.

7 MARAC Process

Identification

Early identification and intervention is the key to reducing risk. Agencies should implement their own systems as appropriate to the service, to ensure that service users are able to talk to

someone about domestic abuse, that staff understand local pathways and referral processes and that sufficient staff have been trained in Risk Assessment.

The Safer and Sustainable Communities Partnership will continue to support partner agencies by providing publicity material and information via the Sheffield Domestic Abuse website, www.sheffielddact.org.uk

Sheffield MARAC uses the ACPO DASH Risk Assessment Tool (Appendix C), which consists of a Risk Indicator Checklist to help determine the level of risk, defined as High, Medium or Standard levels of risk. This tool enables the professional to make a judgement as to the risk level and appropriate action.

Training is available in the use of the Risk Assessment Tool, through Sheffield Safeguarding Children Board and commissioned training providers. The MARAC Referral should ideally be made by a trained practitioner and quality assured by the agency lead for MARAC. If individual staff have not attended DASH training but have good knowledge of the case, they should record the known risk issues and discuss the case with a manager, or their agency MARAC rep, before referring to MARAC. Staff should take care in completing the DASH and ensure all relevant information is recorded, specifying in particular the imminent risks of serious harm and being mindful of protective factors in place that may mean the case is not high risk. MARAC referrals cannot be accepted for under 16s and for 16s and over MARAC referrals should be made using the ACPO DASH Risk Assessment Tool.

All cases assessed as High Risk, by any agency, are referred to the MARAC administrators. Referrals are made by secure E mail, or by FAX by arrangement.

All MARAC referrals must also be sent to the Independent Domestic Violence Advocacy Service (IDVAS) at the same time as they are sent to the MARAC administrators. The IDVA service provides support to high risk victims, and this gives them the opportunity to contact and carry out a visit and / or further assessment of the situation before the MARAC meeting.

In addition, where there are children and young people, or vulnerable adults in the household, or affected by the abuse, the MARAC referral form must also be sent to Sheffield's Children Young People and Families Service area screening team and/or Adults' Services as appropriate.

- Children Young People and Families:

domestic.violence@sheffield.gcsx.gov.uk.cjism.net - This is the central screening team address. Referrals also need to go to the relevant area address:

CYPF-east.gcsx@sheffield.gcsx.gov.uk.cjism.net (Stadia – previously known as Darnall)

CYPF-north.gcsx@sheffield.gcsx.gov.uk.cjism.net (Meade)

CYPF-west.gcsx@sheffield.gcsx.gov.uk.cjism.net (Redvers - Also covers the South of Sheffield)

- Adult Access Team:

adultaccess@sheffield.gov.uk

Criteria for MARAC

The DASH checklist provides a summary of the identified risk factors, and trained staff will use their own professional judgement to determine the risk level.

Clearly the number of risk factors identified is one consideration, but users of the DASH model are trained to assess the risk, taking into account all of the circumstances. In some cases this

may be in the absence of identified risk factors, or with only a few. Similarly escalation, and repeated incidents are notable as risk factors and can be the primary reason for a referral to MARAC, but we do not specify a number of incidents or the time frame in which they occur to meet the criteria as High Risk.

Each agency's MARAC representative, who may also be the designated MARAC lead or champion, also has a role in supporting and advising colleagues on the risk assessment. Specialist agencies such as the IDVA service, and the DASH Risk Assessor based with the Domestic Abuse Outreach Service will also provide advice to Health agencies if required (the latter specifically for A and E staff , Maternity, GPs and Health Visitors).

MARAC cases remain subject to the MARAC for 12 months after the date of the MARAC. If another incident occurs within 12 months that is or would be a crime, if reported to the police, then the case must be returned to the MARAC as a repeat, regardless of the actual risk identified at the time of the second or subsequent incident.

Where a further incident occurs which does not fit within the criteria of a repeat case, and therefore will not be referred to the MARAC, it will nevertheless be referred to the IDVA, for follow up / information purposes as required.

Referral

Agencies who have signed up to the information sharing protocol, may make referrals into the MARAC using the standard MARAC Referral Form (which forms part of the ACPO DASH Appendix C). Agencies should agree who in their organisation may make the referral and who will ensure it is high risk and of good quality e.g. who will sign off the referral.

Referrals must be sent by Secure Email to the MARAC administrator and to the IDVA service. As MARAC volumes are high in Sheffield and MARAC should only hear high risk cases, the IDVA service may contact a referring agency to discuss the case prior to MARAC if there is any concern that the case may not meet the high risk threshold. However, the decision remains the referring agencies as to whether the keep the case on the agenda or not. Internal agency quality assurance should also mean that such instances are kept to a minimum.

The MARAC Case Summary is produced 8 working days before the meeting. Therefore the cut-off date for referrals is 4pm two weeks prior to the next MARAC (See Appendix F for dates). Referrals received after this deadline will go into the next MARAC.

MARAC Case Summary

The MARAC Case Summary, listing all cases to be discussed is circulated to all Agencies by Secure Email eight working days prior to the MARAC meeting taking place.

The Case Summary contains the following details for each Victim, Perpetrator and any Children linked to either of them:

- Full Names – including aka, previous names
- Dates of birth
- Current and/or previous address including postcode
- Name of the referring agency
- If the case is a repeat incident.

A Template Research Form is available for agencies to use or adapt to ensure they provide all relevant information to the MARAC (Appendix E)

Agencies must complete the Research Form and provide it to their MARAC rep before the MARAC meeting.

Actions to be taken prior to the MARAC meeting.

The MARAC meeting does not take away from agencies responsibility for immediate actions that may be necessary to protect victims. For example, Children & Young Peoples Services may have statutory duties, Health services may need to attend to immediate needs, and the Police may attend to helping to secure property, tagging the address, applying for bail conditions, etc.

The IDVA service will aim to make contact with the Victim within 48 hours of receipt of the referral, and will try where possible to visit prior to the MARAC.

At this visit the IDVA will listen to the victim's perspective on the situation, carry out a further risk assessment, undertake safety planning, and agree a support plan to promote the safety of the victim and their family.

The IDVA will inform the Victim about the MARAC, and will undertake to contact them after the meeting to update on any actions agreed. The IDVA will attend the MARAC to give the viewpoint of the victim.

Victim contact before the meeting

The referring agency should inform the victim, once assessed as High Risk, that a referral will be made into the MARAC and the IDVA service. They should advise the victim that they will be contacted by the IDVA. MARAC Leaflets and IDVA Leaflets are available on Sheffield DACT website for agencies to give to victims that are being referred.

MARAC meeting

Sheffield MARAC is chaired by the Detective Inspector of the Public Protection Unit of South Yorkshire Police, deputised by a Sergeant and lead officers in the Council's DACT.

The role of the chair is to structure and facilitate the meetings. At the start of the meeting a Confidentiality Statement is read out by the Chair, and all people attending also sign the confidentiality statement. (Appendix F) (Please see also Sheffield MARAC Information Sharing Protocol).

If there are any outstanding actions from the last meeting, these will be reviewed and new actions may be created. There is an expectation that agencies complete actions prior to the next meeting at the latest.

The Case Summary is then considered, with discussion of each case normally taking 10-15 minutes. Repeat cases, where the client has been presented to MARAC previously, will be listed at the beginning of the Case Summary.

Each agency contributes their information, and hears the information provided by other agencies. The risks are identified, and appropriate actions are suggested and agreed within relevant and achievable timescales to protect the safety of the victim and any children or any other adults that may be vulnerable (including staff). Where a repeat case is to be presented at MARAC, minutes from previous meetings will not be re-issued to agencies with the Case Summary. The onus is on agencies, especially those presenting the case, to check the original minutes of the previous meeting before presenting new information on the Victim, Offender or other related parties.

Where the representative is unable to attend, they must ensure that either a deputy attends on their behalf or an accurate and up to date report with all the information for all parties to be discussed is submitted for discussion at the meeting. Repeated non attendance by agencies will be considered a breach of the MARAC Protocol and be reported to the Safer and Sustainable Communities Partnership.

Minutes and Administration

The Administration for the Sheffield MARAC is undertaken by the DACT. The administrator accesses the DASH referrals and Paloma Modus case management system for domestic abuse services in Sheffield in order to help prepare the case list. Case lists are circulated by secure email. Case lists should be stored securely prior to the meeting and only shared with relevant staff. Following the meeting they should be destroyed or stored securely.

As Sheffield holds its MARACs three weeks out of every four currently it is crucial that the minutes are received within 8 working days from the previous MARAC. The minutes will be distributed by secure email and should be stored securely prior to the meeting and only shared with relevant staff. Following the meeting they should be destroyed or stored securely.

All agencies should 'flag and tag' their own cases as to when 12 months elapse since the last MARAC, to determine whether another incident is a repeat or a new case.

Use of any part of the minutes in any other circumstance than the MARAC meeting requires the express written permission of the Chair (please liaise with the MARAC Coordinator if you want to request the sharing of minutes), or will be as a result of existing information sharing agreements where the same subjects are being considered by another multi agency risk management process e.g. Vulnerable Adult Panel or Vulnerable Adult Risk Management Mechanism or for the purposes of safeguarding children. However, MARAC representatives are expected to ensure that frontline or operational staff are made aware of the MARAC outcome and any agreed actions for their agency.

Information shared at MARAC

The Sheffield MARAC Information Sharing Protocol (ISP) covers the information that can be shared, the legal authority for sharing information, including without the subject's permission, and the procedure for requesting and recording requests for information outside of the MARAC. Please note this ISP relates only to **High** Risk cases, agencies should have a thorough and robust approach to risk assessment to minimise the chance of medium risk cases being referred that are **not** covered by the ISP.

In addition to the above, Sheffield also follows guidance on information sharing from the following:

- Data Protection Act
- Sheffield City Council Information and Data Protection Policy.
- CAADA guidance on information sharing,
- Management Of Police Information guidance

All files should be stored in a secure location, so that only authorised members of staff can have access to them.

1. Paper files should be stored in a locked cabinet with access to the key restricted to relevant staff

2. Electronic files should be kept securely on your computer system, with access restricted as necessary.
3. Secure email must be used to send all sensitive documents.
4. Sensitive information should not be stored on portable items such as laptops unless these have built in encryption
5. Special care must be taken when responding to requests by telephone or FAX. (See ISP)

Only accurate information that is directly relevant to the safety of the victim/children/other adults that may be at risk/workers should be shared at the MARAC. This includes:

- Basic demographic information including any pseudonyms used and whether there are any children and their ages.
- Information on key risks, including where appropriate professional opinion on the risks.
- Any relevant history of domestic abuse or other associated behaviour (child abuse, sexual assault) by the perpetrator or victim.
- The victim's perspective, usually provided by the IDVA.
- Relevant history from children's files including child being subject to a Child Protection Plan or Court Proceedings

Action Planning

A detailed action plan will be developed to increase the safety of the victim, children, perpetrator and any other vulnerable parties and professionals.

Each agency will consider what they can do to protect the victim, and agree actions accordingly. Some actions will be standard, and occur in almost all cases, such as

- Agencies to Flag and Tag the case for future reference.
- Schools and Children's centres will be informed.
- GPs will be informed for all cases where the victim is registered with a practice
- An individual (usually the IDVA) will be identified to update the victim on the outcome of the MARAC.

There will also be other actions that are very specific to individual cases and the risks identified. Actions will be SMART: Specific, Measurable, Achievable, Realistic and Time-bound.

All agencies will take responsibility to ensure all agreed actions are carried out and completed within an agreed timescale and to notify the MARAC Administrator of their completion. Agencies will also ensure that IDVAS are informed of any new relevant information regarding risk.

Highly Sensitive or Complex Cases

As Sheffield's MARACs take place three times a month provision for emergency MARACs is not necessary. However there may be situations where sensitive or confidential cases are referred that are not suitable for discussion in the full MARAC forum. Alternatively, some cases may need longer discussion outside MARAC due to their complexity. These will be dealt with on a case by case basis. Individual cases may be discussed outside the normal MARAC meeting in exceptional circumstances only – or in where complexity is the issue, only after discussion at MARAC. Such meetings will not take place without consultation with the MARAC Coordinator.

Referral to and from other MARACs

Where a victim whose case is being managed by the MARAC, moves to another area, and the risk remains high, the case should be referred to the new area. If the risk has been reduced or

removed by the fact that the victim has moved address, or had reduced before the move, then it will not be necessary to refer to the MARAC in the new area.

Before making a referral to another MARAC, a new risk assessment should be completed, and the referral only be made if the risk is still high. This will be done by the IDVA service (if contact can be made with the victim).

The IDVA service will make links with the relevant services in the new area to ensure the victim receives ongoing support if they need it.

Incoming referrals from other areas may be received by any of the MARAC agencies. Again, a risk assessment will determine the current level of risk, which will determine whether it is referred to the MARAC (and to the IDVAS).

Please refer to the Information Sharing Protocol for guidance on sharing information with other areas. Note that MARAC minutes are not to be shared without the express permission of the MARAC Chair.

Referral to other processes – Vulnerable Adults Panel

If a case has been referred to or considered by MARAC (within the last 12 months) it will not be appropriate to refer the case to the Vulnerable Adults Panel as this would be a duplication of resources.

8. Equality and Diversity

It is recognised that some victims of domestic abuse have additional difficulties in accessing support services. This might be due to language, cultural or religious issues, physical or mental illness or disability, age, gender or sexual orientation. The issues of social isolation which are part of a pattern of domestic abuse can be even worse for victims who are marginalised in some way.

In order to improve reporting of domestic violence by minority groups, links are being made through community networks to ensure that information is made available, and that victims know where and how to get help.

Representatives from specialist support agencies will attend MARAC on a case by case basis.

MARAC data will include equalities information to enable monitoring of access to MARAC. Agencies must record ethnicity, disability and sexual orientation information where known on the referral and / or bring this information to the meeting.

9. Evaluation

South Yorkshire Police collect and analyse headline data relating to the MARAC, for Sheffield as well as Doncaster, Rotherham and Barnsley. This enables comparison across districts. Sheffield DACT also collects data e.g. a further breakdown of referring agencies, and also performance manages the IDVA service. Data collected from Her Majesty's Courts and Tribunals Service, South Yorkshire Probation Trust and the Independent Domestic Violence Advocacy services across South Yorkshire is collated and analysed by the LCJB, and reported to the South Yorkshire SDVC Steering Group. It is also sent to CAADA to contribute to the national dataset.

10. Complaints

In the event of an agency having a complaint or concern about another agency that has signed up to this protocol, they should first raise it with individual agency involved, and follow that agency's complaints process.

If the issue has implications for other services or service users, then it may be appropriate to raise it with the Chair of the MARAC. If the matter can still not be resolved then it will be raised at the next Sheffield Civil and Criminal Justice Sub Group, and may ultimately be referred to the Sheffield Domestic Abuse Strategic Board and / or the South Yorkshire SDVC Steering Group.

11. Breaches

This protocol has been developed to ensure a consistent and effective operation of the MARAC. Breaches of the protocol may increase risk to the victim and their children, for example if information is inappropriately disclosed.

MARAC agencies should establish their own internal policies and procedures to ensure their responsibilities to the MARAC are complied with, including this protocol and the Information Sharing Protocol.

Any breaches should be reported to the Chair of the MARAC in the first instance.

12 Appendices

Flowchart – Appendix A

DASH Risk Identification Checklist and MARAC referral form – Appendix B

Sheffield MARAC Information Sharing Protocol – Appendix C

Local Practice Guidance – Appendix D

MARAC Research Form – Appendix E

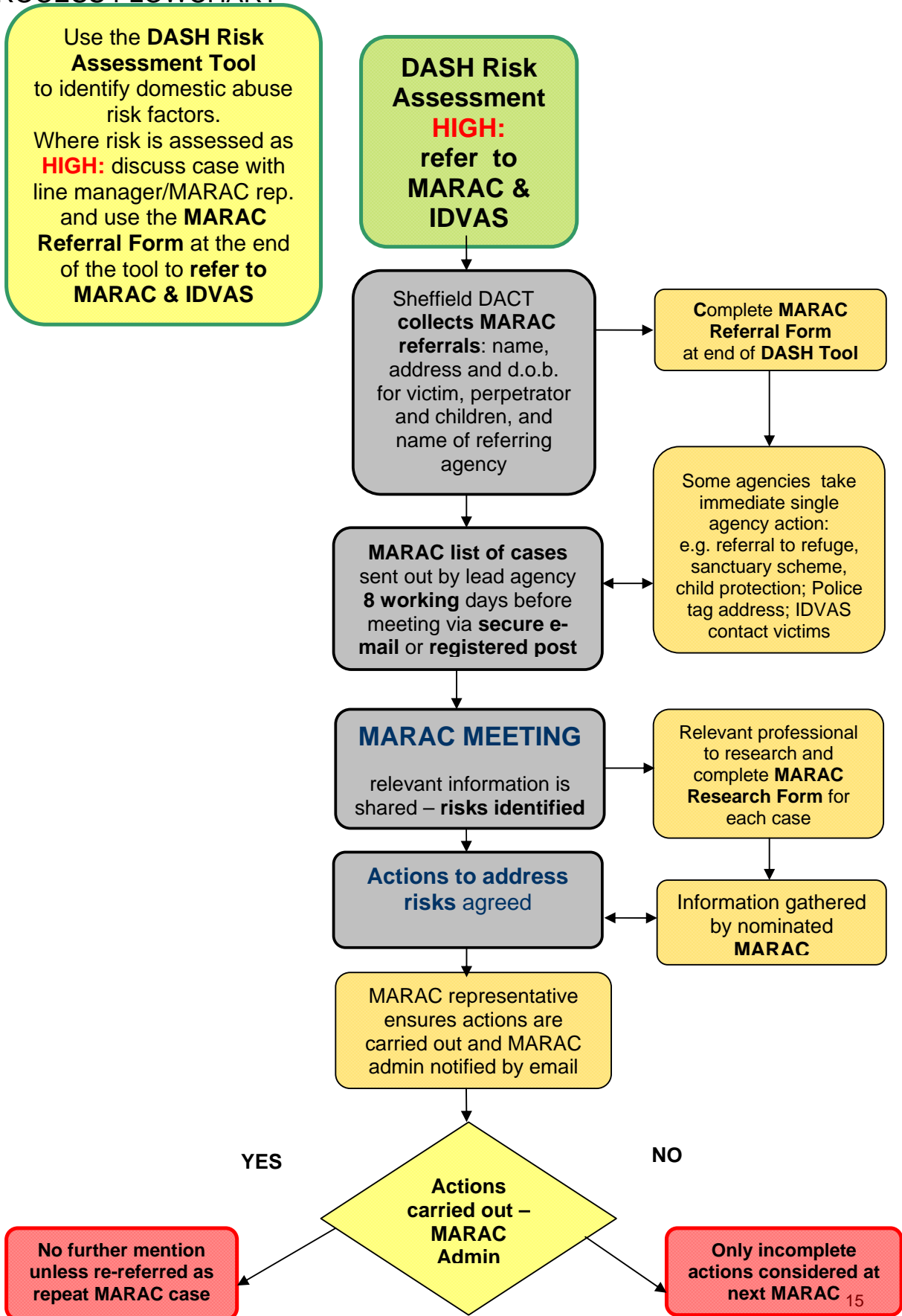
Confidentiality statement – Appendix F

Guidance re. Disclosure of MARAC information to Courts – Appendix G

13 Key MARAC Contacts

| Name | Tel | Email |
|--------------------------------------|------------------------------|--|
| Detective Inspector Karen Hockley | 07919 300326 01142 964592 | karen.hockley@southyorks.pnn.police.uk |
| MARAC Administrators | 0114 2053965 | marac@sheffield.gcsx.gov.uk |
| MARAC Coordinator | 0114 252 3831 | Tim.staniforth@southyorks.pnn.police.uk MARAC_Sheffield@southyorks.pnn.police.uk |
| Sheffield IDVA Service | 0114 249 3920 | IDVAS.groupmailbox@sheffdap.cjsm.net |

Appendix A Multi-Agency Risk Assessment Conference (MARAC) PROCESS FLOWCHART





DASH RISK ASSESSMENT

DOMESTIC ABUSE, STALKING, HARASSMENT & 'HONOUR' BASED VIOLENCE

AFTER COMPLETING DASH, CIRCLE RISK LEVEL HERE: **High** / Medium / Standard

↓
Complete MARAC Referral section

Date:

Name of person completing DASH:

Agency:

VICTIM'S DETAILS

NAME :

DATE OF BIRTH:

ADDRESS OF VICTIM:

TELEPHONE NO:

IS IT SAFE TO CALL? Y / N

Is it safe to post to this address Y/N

If no please provide an alternative

Gender (please tick):

Ethnicity (please state):

Disability (please state - inc. learning disability):

Sexual Orientation (please state):

Male / Female / other

PERPETRATOR'S DETAILS

NAME :

DATE OF BIRTH:

Gender M / F

ADDRESS OF PERPETRATOR:

RELATIONSHIP TO VICTIM (please state):

CHILDREN'S DETAILS (IF ANY)

IF YOU RUN OUT OF ROOM PUT DETAILS IN REASONS FOR REFERRAL

| NAME | ADDRESS | DATE OF BIRTH | RELATIONSHIP TO VICTIM | RELATIONSHIP TO PERPETRATOR | SCHOOL (If known) |
|------|---------|---------------|------------------------|-----------------------------|-------------------|
| | | | | | |

RISK ASSESSMENT CHECKLIST- DASH TOOL

THE CONTEXT AND DETAIL OF WHAT IS HAPPENING IS VERY IMPORTANT.

THE QUESTIONS HIGHLIGHTED IN **BOLD** ARE **HIGH RISK FACTORS**.

TICK THE RELEVANT BOX AND ADD CONTEXT WHEREVER YOU TICK YES

| CURRENT SITUATION | YES | NO |
|--|-----|----|
| <p>1. Has the current incident resulted in injury? (please state the date this occurred, what the injury was and whether this is the first injury)</p> | | |
| <p>2. Are you very frightened? Comment on the level of fear and reasons:</p> | | |
| <p>3. 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)</p> <p>Kill: Self Children Other (please specify)</p> <p>Further injury & violence: Self Children Other (please specify)</p> <p>Other (please clarify): Self Children Other (please specify)</p> | | |
| <p>4. Do you feel isolated from family / friends i.e. does (name of abuser (s)) try to stop you from seeing friends / family / others?</p> | | |
| <p>5. Are you feeling depressed or having suicidal thoughts? (Give reasons)</p> | | |
| <p>6. Have you separated or tried to separate from (name of abuser (s)) within the past year?</p> | | |
| <p>7. Is there conflict over child contact (please state what)</p> | | |
| <p>8. Does (.....) constantly text, call, contact, follow, stalk or harass you? (Please expand to identify what and whether you believe that this done deliberately to intimidate you? Consider the context and behaviour of what is being done)</p> <p>MARAC Operating Protocol revised July 2014</p> | | 18 |

RISK LEVEL: STANDARD:

MEDIUM:

HIGH:

THE RISK LEVEL MUST BE BASED ON PROFESSIONAL JUDGEMENT, NOT No. of ticks

ALL **HIGH RISK** CASES MUST BE REFERRED TO MARAC ON REFERRAL FORM ATTACHED

For MEDIUM/STANDARD risk cases, WITH CONSENT, refer to Sheffield Domestic Abuse Helpline (or without consent - signpost) for specialist support, advice and referral to other services on **0808 8082241** (you can also email a referral to daos.groupmailbox@sdaos.cjsm.net or via fax to 0114 2412727)

MARAC REFERRAL FORM – FOR HIGH RISK CASES ONLY

REFERRAL FROM (AGENCY):

TO LEAD AGENCY: FOR BARNESLEY AND ROTHERHAM : SOUTH YORKSHIRE POLICE TEL: 0114 252 3682 / 0114 252 3597 FAX: 0114 252 3095

FOR SHEFFIELD: SHEFFIELD DRUGS AND ALCOHOL | DOMESTIC ABUSE CO-ORDINATION TEAM

TEL - 0114 2053965 FAX - 0114 2736984

FOR DONCASTER: IDVA SERVICE, ADULTS AND COMMUNITIES TEL: 01302 737080

DATE:

NO. OF RISK ASSESSMENTS COMPLETED BY REFERRER IN LAST 12 MONTHS (with this victim):

IS THIS REFERRAL A MARAC REPEAT?

YES / NO

REASON(S) FOR REFERRAL:

IDENTIFY **CURRENT** KEY RISKS TO THE VICTIM:

| | |
|--|---------------------------------|
| IF ANY OTHER AGENCY IS KNOWN TO BE INVOLVED, PLEASE SUPPLY CONTACT DETAILS (NAME, ADDRESS, PHONE NUMBERS ETC)? | |
| IS THIS PERSON AWARE OF THE MARAC REFERRAL? YES / NO IF NO WHY NOT? | |
| HAS THE VICTIM BEEN REFERRED TO ANY OTHER MARAC? YES / NO IF YES WHERE / WHEN? | |
| REFERRING PERSON'S DETAILS | |
| NAME & ROLE IN AGENCY: | |
| ADDRESS: | |
| TELEPHONE: | FAX: |
| MOBILE: | |
| EMAIL: | IS EMAIL ADDRESS SECURE? YES/NO |
| The MARAC Referral should be quality assured by a trained practitioner in your agency (this may be your MARAC rep) and / or your manager before submission. | |
| Signature of MANAGER/MARAC REP CONSULTED: | |
| THIS MARAC REFERRAL MUST <u>ALSO</u> BE FORWARDED TO THE LOCAL IDVA SERVICE – see below | |

NOTES FOR GUIDANCE:

- Please **type** the form wherever possible, if hand written please use BLOCK capitals.
- Please **complete all parts** of the form in as much detail as possible. **Add relevant information whenever you tick 'yes'** in answer to any of the questions.
- **One** form must be used per victim.
- **For MARAC Referrals** - in the '**reasons for referral**' put as much information in but be brief and concise (for police officers information should be included from all police systems).
- **NO** extra paperwork is to be sent with the form, just send the referral form only.

WHERE TO SEND THE MARAC REFERRAL FORM:

To refer a **High Risk** case to the MARAC process, the completed form should be returned to the MARAC administrators.

This can be done by:

- (a) **E-MAIL**. This is the preferred method and should be used all the time **BUT ONLY** if you have a secure e-mail. If you do not you cannot use e-mail. The email addresses are:

marac@sheffield.gcsx.gov.uk

MARAC_rotherham@southyorks.pnn.police.uk

MARAC_barnsley@southyorks.pnn.police.uk

marac@doncaster.gcsx.gov.uk

- (b) **FAX.** Send by FAX to 0114 252 3095 or 8095 (Police internal number)
FOR SHEFFIELD: FAX - 0114 2736984

- (c) **POST.** Post should only be used if you cannot use E-MAIL or FAX. If you post the form **you must** use 1st class registered post and send the form to:

South Yorkshire Police, **FOR SHEFFIELD**
Public Protection Unit, **Sheffield Drugs and Alcohol | Domestic Abuse Co-ordination Team**
Unit 20, **New Bank House,**
Churchill Way, **Ground Floor,**
Sheffield, **100 Queen Street,**
S35 2PY **Sheffield,**
S1 2WA

ALL MARAC REFERRALS MUST BE ALSO FORWARDED TO THE LOCAL IDVA SERVICE:

Sheffield - idas.groupmailbox@sheffdap.cjism.net Tel: (0114) 249 3920 Fax: 272 4296

Rotherham rotherham.idvas@rotherham.gov.uk.cjism.net –Fax 01709 371637

Barnsley – kath.huckle@barnsley.cjism.net Tel/Fax 01226 731812

Doncaster - idas@doncaster.gcsx.gov.uk Fax 01302 862354

WHEN TO SEND THE FORM:

1. MARAC Referral Forms must be with the MARAC administrators **NO LATER** than 9 working days before the date of the MARAC
2. If a case is urgent then you must consider calling an emergency MARAC outside of the normal MARAC framework.

Multi Agency Risk Assessment
Conference (MARAC)

INFORMATION SHARING PROTOCOL
FOR DOMESTIC ABUSE

INTRODUCTION

The Sheffield First Safer and Sustainable Communities Partnership is committed to partnership working. This protocol is designed to be utilised in relation to the domestic violence Multi-Agency Risk Assessment Conferences (MARACs) throughout South Yorkshire.

This Information Sharing Protocol has been developed under the overarching principles of the Sheffield Safer & Sustainable Communities Partnership Information Sharing Protocol and replaces any former agreements by the parties named for the described purpose(s).

This document sets out the arrangements by which the identified information sharing will be achieved in compliance with the provisions of the Data Protection Act 1998 and any other relevant legislation.

PARTNERS

This agreement is between the following partners:

Statutory Core Representatives:

South Yorkshire Police, Sheffield

National Probation Service

South Yorkshire Community Rehabilitation Company

Sheffield Clinical Commissioning Group

Sheffield City Council

Sheffield Teaching Hospitals NHS Foundation Trust

Sheffield Children's NHS Foundation Trust

Sheffield Health & Social Care NHS Foundation Trust

Sheffield Youth Justice Service

Sheffield Community Youth Teams

Non-core agencies will either be contractually bound to adhere to the protocol or will sign up to the protocol via a register held by the Domestic Abuse Coordination Team in Sheffield City Council.

It will be the responsibility of these signatories to ensure that:

- Policies and procedures in place to facilitate information sharing under this protocol to control the flows of information
- Systems and procedures are in place to ensure that the requirements of data protection and other relevant legislation are met

- Appropriate training and briefing is provided to representatives attending the MARAC about their role and any limitations relating to information sharing
- They contribute to MARAC to ensure adequate arrangements exist to test adherence to the Agreement
- Agencies are notified of any restriction on the subsequent use of information they disclose
- They have identified to agencies where any disclosed information is time sensitive; that is, the information is only valid or useful for a limited time period

1. Purpose of This Information Sharing Agreement

The purpose of this Agreement is to facilitate the sharing of information between agencies and organisations with a duty or specific objective of protecting victims of domestic violence. The specific purposes of sharing information within the MARAC are to:

- (a) Identify those victims who are of a high risk of serious harm, personal harm or injury from domestic violence which is life threatening and/or traumatic and from which recovery whether physical or psychological can be expected to be difficult or impossible.
- (b) Ensure that the assessment of risk to the victims is adequate.
- (c) Enable the most appropriate risk reduction/management plans to be drawn up.
- (d) Identify the most appropriate agency/organisation to implement the tasks identified in the Management Plans
- (e) Protect the primary victim and any secondary victim(s) from harm

The Crime and Disorder Act 1998 places this obligation on a statutory footing, requiring some organisations to form partnerships to tackle crime and disorder, including domestic violence, and provides a legal power to share information.

The Home Office report “*Safety and Justice: Sharing personal information in the context of domestic violence – an overview*” provides guidance for Police Officers, Health Visitors, Midwives and Local Authority Social Services concerning the method and responsibility for sharing information. Further advice and guidance can be found in this document.

Other relevant legislation includes:

- Adoption and Children Act 2002
- Articles 2, 3 and 8 of the Human Rights Act 1998
- Children Act 1989
- Sections 37, 39 and 115 of the Crime and Disorder Act 1998
- Health and Social Care Act 2001
- Housing Act 1996
- Mental Health Act 1983
- NHS and Community Care Act 1990
- Domestic Violence, Crime & Victims Act 2004
- Data Protection Act 1998
- Human Rights Act 1998

- Professional Codes of Conduct and / or Departmental Guidance

2. Information Sharing – Process and Standards

Consent

An individual's right of confidentiality is protected by the Data Protection Act 1998, the Human Rights Act 1998 and the Common Law Duty of Confidence. The fundamental principle rooted in professional, ethical and legal requirements is that the use of information that an individual provides in confidence is supported by their **informed consent**.

Consent is considered to be any freely given, specific and informed indication of a data subject's wishes by which the data subject signifies his/her agreement to personal data relating to him/her being processed.

Consent should be obtained wherever possible before sharing information at the MARAC. Where consent to share all or part of the information is withheld, or it is not possible to request consent, the common law duty of confidentiality permits confidential information to be shared [without consent] where it is required by law or where it is in the public interest to do so. However, sharing information without consent should only be undertaken in exceptional circumstances; in all other circumstances an individual's wishes not to share their information should be respected.

Examples of sharing information in the public interest include:

- Where a child is believed to be at risk of harm (Children Act 1989)
- Where there is a risk of harm to anyone⁴
- Where information is required for the prevention, detection or prosecution of a crime⁵

Given that MARACs are a forum to discuss the most serious cases of alleged or suspected domestic violence, it is likely that there will be cases which come before MARAC in which information can be shared without consent in the public interest. Decisions to share without consent must be considered on a case by case basis. It is the responsibility of each professional/agency attending the MARAC with information to share to assess whether the information they are about to share is likely to have an

⁴ Department of Health Confidentiality: NHS Code of Practice (2003), section 33 states: "Disclosures to prevent serious harm or abuse also warrant breach of confidence. The risk of child abuse or neglect, assault, a traffic accident or the spread of an infectious disease are perhaps the most common that staff may face. However, consideration of harm should also inform decisions about disclosure in relation to crime. Serious fraud or theft involving NHS resources would be likely to harm individuals waiting for treatment. A comparatively minor prescription fraud may actually be linked to serious harm if prescriptions for controlled drugs are being forged. It is also important to consider the impact of harm or neglect from the point of view of the victim(s) and to take account of psychological as well as physical damage. For example, the psychological impact of child abuse or neglect may harm siblings who know of it in addition to the child concerned."

⁵ Department of Health guidelines indicate that there is no clear definition of serious crime. Section 33 of the above guidance also states: "Murder, manslaughter, rape, treason, kidnapping, child abuse or other cases where individuals have suffered serious harm may all warrant breaching confidentiality. Serious harm to the security of the state or to public order or crimes that involve substantial financial gain or loss will generally fall within this category. In contrast, theft, fraud or damage to property where loss or damage is less substantial would not generally warrant breach of confidence."

impact on the risk assessment, reduction or management of the victim. Each professional/agency should assess whether in sharing information the breach of confidentiality is therefore justified and outweighed by the increased risk of harm, crime or public safety if the information is withheld. Professionals will also be guided by their own professional codes of conduct on this matter. Only a minimum amount of information that will fulfil the purpose of sharing should be disclosed.

Consent, and the withholding of consent, should be recorded in the MARAC records. (This includes both verbal and written consent.) Reasons for sharing without consent should also be documented. Wherever possible, written consent should be obtained.

Other legal bases for sharing information

The legal basis for sharing information found under the provisions of:

- Section 115 of the Crime and Disorder Act 1998⁶
- Section 29 of the Data Protection Act 1998 (DPA): Prevention and detection of crime and/or the apprehension or prosecution of offenders. The prevention of crime exemption under the DPA can be used if disclosure to members of the MARAC is **necessary** to prevent a crime against a named individual or specified household. The risk of crime must be a genuine or likely risk. NHS Agencies can only share information in relation to serious crime. A reason for processing information in Schedules 2 **AND** 3 of the DPA must apply.⁷
- Article 8 of the Human Rights Act 1998, which states that:
 - *“Everybody has the right to respect for his private and family life, his home or his correspondence. There shall be no interference with the exercise of this except such as in accordance with the law and is **necessary** in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention and detection of crime, for the protection of health and morals, or for the rights and freedoms of others.”*

The type and extent of information to be shared

Only information that may have an impact on the risk assessment, reduction of harm, or effective management of the case will be shared within the MARAC. The collective

⁶ This ensures all agencies have a power to disclose for the purposes of prevention and detection of crime: it does not impose a requirement on them to exchange information, and so control over disclosure remains with the agency which holds the data. Information exchange, whether carried out under the power in section 115 or under any other common law or statutory power, is therefore controlled by the normal data protection regime and common law. The public rightly expects that personal information known to public bodies will be properly protected. However, the public also expects the proper sharing of information, as this can be an important weapon against crime. Agencies should, therefore, seek to share information where this would be in the public interest.

⁷ You need to list the specific schedules in each schedule and should note that information can only be shared where it is necessary and should note in the protocol that the Information Commissioner has stated that vital interests refer to life and death.

information will only be used to assess, reduce or manage the risk to the victims in order to prevent them being subject to further crime and risk of injury and ill health from incidents of domestic abuse.

On identification of a victim who exhibits high-risk indicators in accordance with the ACPO Domestic Abuse, Stalking and 'Honour'-Based Violence (DASH) Risk Assessment, the agency or other organisation identifying the risk indicators will supply to the other MARAC partners sufficient details of that victim to enable the other partners to make a search of their records for any information held that could have an impact on the risk level to that victim.

Victims may be identified in either of the following ways:

- Self presenters; or
- Evidence of suspicious incidents

The information supplied by the originating agency to MARAC partners would normally include some or all of:

- (a) Name, date of birth and address of the victim
- (b) Any previous name, date of birth and address of the victim
- (c) Name(s), date(s) of birth of victim's children or those normally resident with the victim
- (d) Name and date of birth of the perpetrator
- (e) Any previous name, date of birth and address of the perpetrator
- (f) Relevant previous convictions
- (g) Other relevant information – this could include information relating to disability, culture, General Practitioner, tenure/property issues.
- (h) Weapon(s) on the premises
- (i) Known children at the property
- (j) Offences and allegations

Access to information subject to this Agreement will be on the basis of relevant information given to those professionals who "*need to know*" in order to effectively discharge their duties.

On receipt of the identification information supplied by the originating agency that has identified the risk, all MARAC partners will collate any information they hold relating to the victim, children or perpetrator that could have an impact on the risk assessment or risk management of the high-risk victim. The information disclosed may include:

- Name, date of birth, address(es), aliases and gender
- Current information relating to recent contact
- Historic relevant information
- Other information relating to the risks facing the victim or other data subjects

Where an agency holds information that may be relevant to the risk assessment or risk management of the victim they will attend the MARAC with all relevant information. Partners attending the MARAC may wish to use a triage process on information they hold that may be relevant to the case, prior to attending. This will allow them to identify which information they will definitely share at MARAC; which information definitely will

not be shared; and any data that they may be willing to share if found to be relevant based on discussions at the MARAC.

After a full discussion of the identified risk each agency / organisation will share any information they have collated and brought to the MARAC in accordance with the above principles concerning consent, confidentiality and data protection.

How this information may be used

Personal data obtained under this Agreement may only be used for the Purpose(s) listed above and must **not** be further processed in any manner incompatible with the identified Purpose(s).

The administrator accesses the DASH referrals and Paloma Modus case management system for domestic abuse services in Sheffield in order to help prepare the case list. Case lists are circulated by secure email. Case lists should be stored securely prior to the meeting and only shared with relevant staff. Following the meeting they should be destroyed or stored securely.

If any data that is shared and/or discussed at the MARAC is deemed too sensitive and/or inappropriate to be recorded within the MARAC minutes this should be made clear at the time of being shared by the agency who owns the data. The fact that data was too sensitive to be recorded should be minuted including the reason and which agency shared the information.

The MARAC minutes will contain sufficient detail to be a full record of information that is required, and therefore agencies attending the MARAC should not independently minute a record of the meeting. However, agencies may need to take notes of information that is relevant to any actions they need to carry out in order that these can be completed as soon as possible.

The minutes will be distributed by secure email within 8 working days of the meeting taking place. Minutes should be stored securely prior to the meeting and only shared with relevant staff. Following the meeting they should be destroyed or stored securely.

Where information shared in the MARAC is to be recorded by an attending agency in systems or files other than the official MARAC records this should be specifically detailed as an action within the minutes.

For some purposes electronic and/or paper copies of data/files/information discussed in the MARAC may need to be provided by one agency to another. Where this is necessary this action will be recorded in the minutes.

No secondary use or other use may be made unless the consent of the disclosing party is sought and granted and only where a legal basis exists.

Permission to share information from the MARAC with persons outside of the MARAC must be sought from the agency that shared the information.

Data Quality

Information shared under this Agreement will be adequate to enable the effective discharge of MARAC objectives and will not be excessive for the Purpose.

Where information received by any Partner is insufficient to achieve the agreed Purpose, clarification will be sought from the providing Partner before the information is acted upon.

Only relevant information can be sent under the Data Protection Act 1998. Excessive information that exceeds the Purpose must not be sent.

Information discovered to be inaccurate, out of date or inadequate for the purpose should be notified to the Data Controller of the originating partner who will be responsible for correcting the data and notifying all other recipients of the information who must ensure the correction is made.

Data retention, review and disposal

Sheffield Domestic Abuse Coordination Team (DACT) within Sheffield City Council undertakes the administration of the MARAC process in the city and a digital recorder is used in meetings to enable this process. These recordings act as a complete and accurate case record. The recordings are stored for a maximum of six years in an electronic folder restricted to key people in the DACT. The minutes provide a summary of risks, key information and actions agreed. All agencies will retain formal records of the meetings and each case for as long as is relevant and as determined under their organisation's relevant information management policy together with any legal requirements placed upon data retention. Any questions relating to past or present cases, actions and minutes should be directed to the relevant agency or the DACT holds a rolling record of MARAC cases in order to identify repeat cases (case details are removed after 12 months have elapsed if no further incidents have been reported).

Minutes of the MARAC are the official record of shared information and agreed actions. The purpose of the minutes is to:

- Record the risk issues identified in order to demonstrate that the actions agreed are designed to address these risks
- Provide an audit trail of the actions taken in each case
- Identify relevant information if a case is identified as a repeat
- Identify relevant information if a case is referred to another MARAC
- Provide relevant information for risk management for all relevant agencies involved in the case

Individual agencies / organisations attending the MARAC will only retain information in addition to the minutes received from the MARAC where they have agreed specific actions sanctioned by and minuted by the MARAC. Personal and confidential information that has been shared within the MARAC will not be recorded by individuals

and agencies in attendance other than in the official minutes, unless specifically actioned to do so by the MARAC.

Information no longer required for the agreed Purpose will be disposed of in a manner consistent with the security obligations defined below. All MARAC partners will have a relevant and up-to-date data protection policy in place within their organisation.

Appropriate Security

General

The Partners to this Agreement acknowledge the security requirements of the Data Protection Act 1998 applicable to the processing of the information subject to this Agreement.

Each Partner will ensure that appropriate technical and organisational measures are taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

In particular each Partner shall ensure that measures are in place to do everything reasonable to:

- Make accidental compromise or damage unlikely during storage, handling, use processing transmission or transport
- Deter deliberate compromise or opportunist attack
- Dispose of or destroy the data in a manner to make reconstruction unlikely
- Promote discretion in order to avoid unauthorised access

Additional arrangements

The partners to this Agreement will be aware of the principles of the Government Protective Marking Scheme which requires all records to be marked, retained and stored accordingly. Those partners who have not already adopted the Scheme will do so wherever possible

Information will normally be transferred by Registered Post or via a Secure Email address domain. Domains that are secure for the exchange of patient data are: .x.gsi.gov.uk; .gsi.gov.uk; .gse.gov.uk; .gsx.gov.uk; .police.uk; .pnn.police.uk; .cjsm.net; .scn.gov.uk; .gcsx.gov.uk; .nhs.net. No other domains should be used. Where appropriate information may be delivered by hand in which case a signature confirming receipt will be required.

Information should not be transferred by FAX, as it is not considered secure for restricted information, though FAX may be considered as a last resort in extreme cases only. Telephone contact should be made prior to sending the FAX to confirm that the receiver can obtain the documents without them being seen by unauthorised person(s). Similarly, requests or replies should not be communicated via unsecured e-mail, as the Internet is not secure for the transmission of personal or sensitive information.

Protectively marked information will not be transferred by e-mail unless arrangements have been agreed for secure connection to an accredited Government network and approved by the Partner's information security officials.

Requests for information may be made by telephone in cases of emergency, for people where there is a risk of immediate violence. Where this occurs, the request for information **must** be recorded.

Each agency must appoint a single point of contact ['SPOC'], this post holder must work together to jointly solve any problems relating to this Agreement. The current identified SPOCs are outlined at Appendix A to this Agreement.

3. Complaints and Breaches

All complaints and breaches relative to this Agreement will be notified to the MARAC lead, who will inform the relevant SPOC and Agency Security Representative of the relevant Partner.

4. Requests for Information under Data Protection or Freedom of Information Acts

Where any Partner agency receives a request for information under either the subject access provisions of the Data Protection Act 1998 or the Freedom of Information Act 2000, and that request covers information which may have originated from a Partner, the designated Data Protection or Freedom of Information Officer of the originating Partner will be consulted prior to any response in order that any relevant exemptions from disclosure may be considered.

All requests received should be handed to the designated Data Protection Officer or Freedom of Information Officer at the relevant agency in order that they can liaise with the Partner that provided the information.

5. Designated Managers

Responsibility for this Agreement belongs to the city's Domestic Abuse Strategic Board. A list of agency MARAC contacts is provided at Appendix A, to be updated as necessary.

6. Compliance With the Agreement

The designated managers identified above will assume responsibility for the compliance with this Agreement within their organisation by regular monitoring of the arrangements in place.

7. Review of the Information Sharing Agreement

This Agreement will be reviewed by the Partners and their respective Data Protection Advisors on an annual basis.

8. Closure/Termination of the Agreement

Either Party for up to 30 days, in the event of any significant breach may suspend this Agreement in order to negotiate appropriate remedial action.

Where negotiations do not successfully resolve the concerns of either Party, the Agreement may be terminated in writing with immediate effect. Should such a termination occur information received under this Agreement is protected under the terms of the Agreement.

9. Indemnity

As receivers of confidential information each signatory will accept liability for any breach of this Information Sharing Agreement by their agency/organisation, should legal proceedings be served in relation to the breach.

10. Signatory Organisations

By signing this Agreement, all signatories accept responsibility for its execution and agree to ensure that staff are trained so that requests for information and the process of sharing itself is sufficient to meet the Purpose of this Agreement. Organisations from the voluntary and community sector that are commissioned or funded by statutory bodies to provide domestic and sexual abuse services, or services that are likely to refer to MARAC, are also contractually bound by this Agreement. A register of non-core organisations that have signed up to the ISP will be held by the Council's Domestic Abuse Coordination Team and updated regularly. This is available on request from dact@sheffield.gov.uk

Organisations that are not contractually bound to comply with the MARAC Information Sharing Protocol but who have identified or are working with high risk victims of domestic abuse are expected to comply with the MARAC protocol in accordance with best practice in Information Sharing in order to support the safeguarding of individuals from serious harm and homicide and prevention of crime.

Signatories must also ensure that they comply with all relevant legislation.

| | | | | | |
|-----------------|--|--------|---------------------------------|-------|--|
| Name and title: | | Agency | For South Yorkshire Police: | Date: | |
| Name and title: | | Agency | For National Probation Service: | Date: | |

| | | | | | |
|-----------------|--|--------|--|-------|--|
| Name and title: | | Agency | For South Yorkshire Community Rehabilitation Company | Date: | |
| Name and title: | | Agency | For Sheffield City Council: | Date: | |
| Name and title: | | Agency | For Sheffield Homes: | Date: | |
| Name and title: | | Agency | For NHS Sheffield | Date: | |
| Name and title: | | Agency | For Sheffield Teaching Hospitals NHS Foundation Trust: | Date: | |
| Name and title: | | Agency | For Sheffield Children's NHS Foundation Trust: | Date: | |
| Name and title: | | Agency | For Sheffield Health & Social Care NHS Foundation Trust: | Date: | |
| Name and title: | | Agency | For CAFCASS: | Date: | |
| Name and title: | | Agency | For Sheffield Youth Justice Service | Date: | |
| Name and title: | | Agency | For Community Youth Teams | Date: | |

INFORMATION SHARING AGREEMENT

MULTI-AGENCY RISK ASSESSMENT CONFERENCES (MARACs)

Version: [Sheffield Final version 3.1]

Date of next review: March 2014

| Document change history | | |
|-------------------------|----------------|--|
| Version | Date | Comments |
| 1.0 (draft) | March 2007 | |
| 1.1 (draft) | April 2007 | |
| 1.2 (draft) | June 2007 | |
| 1.3 (draft) | May 2008 | |
| 2.0 | September 2008 | Appendix A attached – list of MARAC Agency Contacts |
| Final | November 2009 | S&SC logo changed; Agency list updated; Appendix A updated |
| 3.0 | March 2012 | Minor amendments to document (re-ordering of paragraphs and a few deletions to aid clarity.) Contact list updated. |
| 3.1 | July 2012 | Minor amendments to document to remove need for commissioned services to sign. |
| FINAL | January 2013 | Minor amendments to document, following agreement by Safer and Sustainable Communities Partnership Board November 2012, re. changes to governance following Domestic Abuse Strategic Review. |
| First Review | July 2014 | Minor amendments re. administration of MARAC and use of recording device in meetings. |

APPENDIX D: SHEFFIELD AGENCY CONTACTS FOR DOMESTIC ABUSE MARAC February 2013

MARAC Champions are denoted by a (C) and Deputy Champions / Reps are denoted by a (D)

| Agency | Name | Telephone | Email |
|--|--|---|---|
| South Yorkshire Police | Karen Hockley Michael Allatt Suzanne Bluck (C) DVOs (D) | 01142 9645920 (T) 0114 296 4517 (T) 0114 296 4532 (T) | karen.hockley@southyorks.pnn.police.uk (Secure) michael.allatt@southyorks.pnn.police.uk (Secure) suzanne.bluck@southyorks.pnn.police.uk (Secure) |
| IDVA - Service Manager | Theresa Ward (C) | 0114 249 3920 (T) | idvas.groupmailbox@sheffdap.cjsm.net (Secure) |
| IDVA - Advocates | Bernice O'Brien (C) Rachel Hampshire (D) Kylie Morris (D) | 0114 249 3920 (T) | idvas.groupmailbox@sheffdap.cjsm.net (Secure) |
| Sheffield City Council – DACT | Alison Higgins (C) Andrew Rodgers | 0114 20 53671 0114 20 53965 | alison.higgins@sheffield.gcsx.gov.uk (Secure) andrew.rodgers@sheffield.gcsx.gov.uk (Secure) |
| National Probation Service | Sheena Kime (C) Sue Moss (D) | 0114 272 6407 (T) 0114 278 1892 (F) | sheena.kime@south-yorkshire.probation.gsi.gov.uk (Secure) susan.moss@probation.gsi.gov.uk (Secure) |
| South Yorkshire Community Rehabilitation Company | Julie Colleyshaw | 03000 470600 | julie.colleyshaw@south-yorkshire.probation.gsi.gov.uk (Secure) |
| Sheffield Homes | Beverley Woodward | 0114 227 35434 (T) | karen.hannah@sheffieldhomes.cjsm.net (Secure) elizabeth.sayles@sheffieldhomes.cjsm.net (Secure) joan.saxton@sheffieldhomes.cjsm.net (Secure) |
| SCC Housing Solutions – Neighbourhoods & Community Care incl. Sanctuary Scheme | Paul Birch-Garth Team Managers (C) Senior Housing Officers (D) | 0114 2735597 | paul.birch-garth@sheffield.gcsx.gov.uk (Secure) |
| SCC Children & Young People's Specialist Services | Lesley Skelton (C) | 0114 203 7463 (T) | lesley.skelton@sheffield.gcsx.gov.uk (Secure) |

| Agency | Name | Telephone | Email |
|---|---|-------------------------------------|---|
| Safeguarding Children Service | Debbie Gooden | 0114 273 4926 (T) | cypdcpets@sheffield.gov.uk.cjism.net (Secure) |
| Safeguarding Children Service (Education) | Flora Bandele Bea Kay | 0114 205 3714 (T) 0114 273 5655 | flora.bandele@sheffield.gcsx.gov.uk (Secure) |
| Early Years Safeguarding Children Advisor | Jo Saville | (0114) 273 6646 | jo.saville@sheffield.gcsx.gov.uk (Secure) |
| Safeguarding Adults/Mental Capacity Acting Service Manager | Cath Erine | 0114 2736870 | cath.erine@sheffield.gov.uk (Unsecure) safeguardingadults@sheffield.gcsx.gov.uk (Secure) |
| NHS Primary Care Trust | Caroline Spencer (C) Judy Palmer Specialist Health Visitors (D) | 0114 205 3845 (T) | caroline.spencer3@nhs.net (Secure) judy.palmer@nhs.net (Secure) |
| NHS - Sheffield Teaching Hospitals Trust incl. Maternity Services | Karen Selby (D) Joanne Fletcher (D) | 0114 226 8308 (T) 0114 226 8315 | karen.selby@nhs.net (Secure) jfletcher@nhs.net (Secure) |
| NHS - Sheffield Teaching Hospitals Trust Vulnerable Adults | Christina Herbert (C) | 0114 226 6659 (T) | christina.herbert@sth.nhs.uk (Unsecure) (does not attend or receive MARAC information) |
| STH – Emergency Department, NGH | Richard Kemp | 0114 271 5227 | richard.kemp@nhs.net (Secure) |
| NHS – Sheffield Health & Social Care Trust (mental health) | Paul Nicholson Paul Firth (C) | 0114 271 8809 (T) 01142716310(T) | paul.firth@shsc.nhs.uk (Secure) paul.nicholson@sct.cjism.net (Secure) |
| NHS – Sheffield Children's Hospital Trust | Meeta Palawan | 0114 205 3842 (T) | meeta.palawan@nhs.net (Secure) |
| Ashiana | Jacqueline Yafai | 0114 2555740 (T) | rachel.mullan-feroze@ashianasheffield.cjism.net (Secure) jacqueline.yafai@ashianasheffield.cjism.net (Secure) ashiana.groupmail@ashianahelp.cjism.net (Secure) |

| <u>Agency</u> | <u>Name</u> | <u>Telephone</u> | <u>Email</u> |
|-----------------------|---|---|---|
| SARAS | Jacqueline Yafai Julie O'Rourke (C) | 0114 236 2518 (T) | julie.o'roure@saras.org.uk |
| Victim Support | Julie Butcher (C) Service Delivery Managers (D) | 0114 275 8411 (T) 0114 276 7692 (F) | julie.butcher@victimsupport.cjism.net (Secure) |
| Specialist Midwife | Helen Friend / Heather Paine | 0114 2268453 (T) | helen.friend@nhs.net (Secure) heather.paine@sth.nhs.uk (Unsecure) (does not attend or receive MARAC info) |
| CAFCASS | Pat Armitage | 0844 3534220 (T) 07827983812 | pat.armitage@cafcass.gsi.gov.uk (Secure) sheffield@cafcass.gsi.gov.uk (Secure) |
| Youth Justice Service | Katie Hewitt (C) CYT & YJS deputise for each other | | katie.hewitt@sheffield.gcsx.gov.uk (Secure) |
| Community Youth Teams | Lisa May (C) CYT & YJS deputise for each other | 0114 2057440 Mobile - 07800979149 | lisa.may@sheffield.gcsx.gov.uk (Secure) |

Appendix E

Local Guidance re. MARAC referrals

All domestic and sexual abuse agencies, and agencies where domestic abuse is a common factor for clients, will use the ACPO DASH tool to risk assess clients where risk factors are evident or suspected (unless like Victim Support they use another recognised tool e.g. the CAADA DASH in line with national policy or there is a specific agreed protocol for assessment e.g. for some universal health services). This protocol outlines the process for MARAC referrals if the assessment identified that someone is at high risk of serious harm or homicide.

The ACPO and MARAC referral form is available to download from the Sheffield DACT website: <http://sheffielddact.org.uk/domestic-abuse/resources/marac-information-and-forms/>. Practice guidance re. using the DASH is also available here.

Referral to MARAC:

1. Worker risk assesses client /referral, using the ACPO DASH/MARAC checklist (appendix 1).
2. If client is clearly high risk, the worker should discuss the case with their line manager and refer to MARAC with their line manager's agreement. Advice can also be sought from your agency MARAC representative or the IDVAS team as necessary (0114 249 3920).
3. When a MARAC referral is made always consider whether a referral is also necessary in relation to children or vulnerable adults in the household, in which case please follow your agencies usual safeguarding procedures.
4. If the client is borderline high risk, or there is any uncertainty, the worker should discuss the case with their manager, who can also take advice from your agency MARAC representative or the IDVAS Manager before referring to MARAC.
5. If a client assessed as high risk leaves a refuge or other safe temporary accommodation (e.g. in an unplanned way) – the IDVAS should be alerted as soon as possible in order that they can discuss with Police and other relevant agencies the most appropriate course of action to safeguard the victim / children – this may result in a MARAC referral.
6. If the client has left Sheffield to get away from the perpetrator, action needs to be taken if staff become aware that the situation has changed e.g. if the client is planning to return to Sheffield and this would mean the case became high risk. This would usually mean referral to MARAC and IDVAS at this stage.
7. NB workers must check the MARAC referral deadlines to establish if there is time to make further enquiries to gain as full a picture as possible regarding current risks before referring.

Referral to IDVAS:

1. High risk cases referred to MARAC will also be referred to the IDVAS via secure email or via Modus at the same time as the referral to MARAC is made **NB the MARAC admin staff will not do this for you.**
2. Services will initially continue to support the client with immediate safety needs (referral to Sanctuary Scheme, referral to solicitor, liaising with the Police etc.) until the IDVAS service are able to take the referral on, which will normally be within two working days.
3. Some cases could be offered a joint package of support e.g. the IDVAS offering to manage the risk and MARAC actions, with the referring service offering support with other areas beyond the IDVAS remit e.g. where a client has a range of support needs beyond their safety issues.

However, once the case has been referred to IDVAS, their role will be primary and they will explain to the client that she still has the option to access the other service if she has an urgent need for advice, support or information and is unable to contact the IDVA.

If any such calls are made, an email update should be made to the IDVA in the case. Once the risk level has reduced to standard or medium risk level, the client may then benefit from further input from the referring service.

4. High risk clients moving out of Sheffield – it is useful to let the IDVAS know of these cases as they will then alert the IDVAS in the new area.
5. If there is a failure to agree on risk levels etc. it is the decision of the referring agency as to whether the case should be referred to MARAC / remain on the agenda.

Presenting the Case at MARAC:

1. Agencies that have referred the case to MARAC will attend in order to present the case.
2. However it is recognised that in some cases it may be more appropriate for the IDVAS to present following discussion between the referring agency and the IDVAS e.g. it will usually be the IDVAS that present a case referred by the Domestic Abuse Helpline due to the nature of their work, or where involvement with the referring agency has been brief – the client has been risk assessed as high following first contact and has been referred to the IDVAS as main service provider.
3. If it has been agreed that the IDVAS will present a case that has been referred by the Helpline, the Domestic Abuse Outreach Service, a refuge or any other service, this service must ensure that the IDVAS has all relevant information to enable a productive discussion at MARAC – this may involve updates as late as the day before. However, with the exception of referrals that are as a result of a 'one off' contact, or from the Helpline, it is expected that the referring agency will attend. Non attendance may impact on appropriate actions being issued by the Chair if IDVAS becomes responsible for agreeing to actions on behalf of agencies that are not present
4. Before MARAC, any queries about the case should be fully explored and clarified through good communication between all the agencies involved.
5. Agencies with actions to complete following the MARAC must email the MARAC Coordinator prior to the next MARAC with an update as to whether the actions have been completed or not, and the reason for any outstanding actions.

CHECKLIST FOR ACPO DASH RISK ASSESSMENT AND REFERRAL TO MARAC

Some additional things to consider when a worker has risk assessed a service user as HIGH RISK. This is also useful if there are differences between risk levels assessed by a domestic and sexual abuse service or other agency staff and the Police.

- **Always discuss with your manager** and/ or team before referring to MARAC. The referral can usually be left to the following day depending on the MARAC referral date. Check date of next MARAC meeting. Your agency MARAC rep or the IDVAS can also be consulted if necessary.

- **Contacting the victim** – always try and contact the victim before referring to MARAC. If you cannot make contact, raise this with your manager. Again you can discuss this with your MARAC rep or the IDVAS.
- **Emphasis on recent incidents** – CAADA guidelines note that the risk assessment should be triggered by an incident that has happened within the last 3 months. Ensure that you have the most up to date incident recorded clearly (what was it – assault? Threat? Stalking, harassment etc. Date, where did it happen, who was involved, children present etc), even if it has not been reported to the Police.
- **New Information** – Record this clearly if there is a difference between police or another agency's risk level and your assessment. This might not be a new incident but additional information that a victim has given e.g. this may be information that the perpetrator has access to weapons – NB ***new information re. firearms*** must be passed to Police (PPU) as intelligence, they will then check their systems and investigate if necessary . Or it may be information about previous incidents or previous relationships.
- **Verifying information from other sources** – if other agencies have been involved with the victim / children / alleged perpetrator please ask them for any relevant information to help inform the risk assessment.
E.g. probation (re. perpetrator and/ or victim), children's social services, adult social care re. someone with a disability or the Health and Social Care Trust re. someone with a serious mental health issue.
- **Isolation** - Remember to check around 'isolation' and cultural issues – are they alienated from, not allowed contact with or controlled by their family?
- **Requesting information from the Police:** a request must be made by email to the Disclosure Unit (email: cafcass@southyorks.pnn.police.uk). NB the police will only provide this information if there is a clear justification for it i.e. the victim has lead you to think there is a clear risk of imminent harm to them, staff or other users (e.g. in a refuge). They can only provide information relating to South Yorkshire.
- **Itemising Risk Factors** – make sure that all the risk issues that you regard as being current are clearly spelled out e.g. 'stalking / harassment – he is constantly texting her, three times a day average, 16/8/12 incident included threat to kill. Use of weapons – he holds a gun licence. SYP checking if this is still current'
- **What has changed to increase the Risk?** – Incidents may be happening more **frequently** and becoming more **severe or escalating**. Does the victim

or do you think that a further incident is **imminent**? How serious is that likely to be?

- **Confidentiality** – If you have not been able to talk to the victim **do not** share their information with their friends / family. You need the victim's permission to pass on any information about them or decisions relating to them e.g. if a family member is ringing on their behalf.

- **Safety Planning** – think about immediate support that can be offered to increase their safety e.g. asking the police to tag the address, referral to Sanctuary Scheme, drawing up a tailored safety plan (code words with neighbours / friends, thinking about escape routes from house etc.), useful numbers (Helpline, National D.V. Helpline), legal options etc. More information can be found on www.sheffielddact.org.uk re. safety planning.

- **Safeguarding children and vulnerable adults** – if a child or young person, or vulnerable adult is at risk it is your responsibility to make a referral straightaway. Don't wait for the IDVAS or MARAC to do this.

- **Concerns re. safety** –if you have not been able to contact someone and are worried about their welfare you have two options:
 - Ring the main police switchboard on 999 to request an immediate response i.e. if you think that she/he is in imminent risk of serious harm or may already have been assaulted

 - Contact the Police PPU (in working hours) to discuss if a 'safe and well' check may be appropriate – if you are concerned but you don't think the risk of a new incident is imminent or that the outcome is likely to be serious. Outside of working hours you should ring 101, further information about these processes can be found in the 'Essential information for MARAC' form that can be found in the resources section on the DACT website: www.sheffielddact.org.uk

Appendix F



MARAC: Research Form

| |
|------------------------|
| Name of Agency: |
| Contact: |
| Tel: |
| Email: |

Research all information, files and databases, using NAME, DOB AND/OR ADDRESSES of ALL individuals concerned. Please confirm all basic information, DOB of all concerned and number of children and clarify any inaccuracies on the agenda, (e.g. alias names, conflicting information, additional alleged perpetrators/other children linked to the family/any vulnerable adults).

| | | | |
|-----------------------|--------------------------------------|-----------------------|-------------------------|
| Victim's name: | Any other known names/aliases | Date of Birth: | Current address: |
|-----------------------|--------------------------------------|-----------------------|-------------------------|

| | | | |
|-----------------------------|--------------------------------------|-----------------------|-------------------------|
| Alleged perpetrator: | Any other known names/aliases | Date of Birth: | Current address: |
|-----------------------------|--------------------------------------|-----------------------|-------------------------|

Household member's details:

| | | |
|-----------------|-----------------------|-------------------------|
| Person 1 | Date of Birth: | Current address: |
|-----------------|-----------------------|-------------------------|

| | | |
|----------|----------------|------------------|
| Person 2 | Date of Birth: | Current address: |
| Person 3 | Date of Birth: | Current address: |
| Person 4 | Date of Birth: | Current address: |
| Person 5 | Date of Birth: | Current address: |
| Person 6 | Date of Birth: | Current address: |

Please continue here if you need more space:

Referring agency:

- Please provide the date when the DASH was completed and summarise the high risk issues that prompted the referral to MARAC:

- Please note any actions that have been taken to address these issues:

- Please advise of any additional information that you require from the attending agencies that will support your ongoing risk management of the case and/or your work with the victim:

- Please advise of the MARAC outcomes that you feel are required to address any ongoing/outstanding risk issues:

All agencies:

For the victim (If known) -

Contact relevant officer or support/key worker in your team and request current and accurate information, including their professional opinion, about the individuals concerned and how that relates to any of the risk indicators on the DASH. Please ensure that it includes details of any recent contact, phone calls etc; Please record here:

For the alleged perpetrator, (If known): As above for the victim and please also record recent attitude,

behaviour and demeanour, including any changes:

Please give details of any other agencies that are involved with either the victim or the alleged perpetrator:

All agencies:

Has a referral been made to CYPFS/Adult safeguarding? YES

NO

Please give details, including dates and details of the person taking the referral:

Have you had an update? YES

NO

If yes, please give details:

Please identify any further concerns your agency may have about the victim, including additional vulnerabilities and/or any of the issues listed below:

Mental health: please give details, including any known medication:

Drugs: please give details

Alcohol: please give details

Disabilities: please give details

Pregnancy: please give details

Preferred language?

Interpreter required?

FOR IDVAS SERVICE ONLY:

Agency check

Victim

Alleged perpetrator

| | | |
|--|--|--|
| | | |
| Probation | | |
| Mental health | | |
| Fitzwilliam Centre/Guernsey Hse | | |
| Addaction | | |
| GP identified? | | |

Appendix G

MARAC Confidentiality Statement and Attendance Record

Chair Reads the following statement at the start of the meeting :

As Chair of Sheffield MARAC, I must remind you that this meeting is strictly confidential. Discussions must not be shared outside of this meeting and must not be disclosed to a third party unless they are signed up to the Sheffield MARAC Information Sharing Protocol.

The minutes may not be copied or circulated outside of the agencies present without specific authority from the Chair who will consult with relevant members before authorising this. Minutes and related documentation must be retained in a confidential and appropriately restricted manner.

Individuals who are discussed at these meetings will be treated fairly, with respect and without improper discrimination, and the minutes will reflect this. All work undertaken at the meetings will be informed by a commitment to equal opportunities and effective practice.

THE PURPOSE OF THE MEETING IS AS FOLLOWS:

1. To share information to increase the safety, health and well being of victims – adults and their children;
2. To determine whether the perpetrator poses a significant risk to any particular individual or to the general community;
3. To construct jointly and implement a risk management plan that provides professional support to all those at risk and that reduces the risk of harm;
4. To reduce repeat victimisation;
5. To improve agency accountability; and
6. Improve support for staff involved in high-risk DV cases.

The responsibility to take appropriate action 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.

BY SIGNING THIS DOCUMENT WE AGREE TO ABIDE BY THESE PRINCIPLES.

APPENDIX H

MARACs and disclosure into court proceedings

Working Party of the Family Justice Council

December 2011

MARACs and disclosure into court proceedings

1. Multi-agency risk assessment conferences (MARACs) are a recent development in addressing the highest risk cases of domestic abuse. There are regular MARAC meetings held in most local authority areas in England and Wales that collate information about high risk cases of domestic abuse with a view to creating a co-ordinated safety plan for the victim and children (if any). The work is case specific and all relevant agencies (both statutory and voluntary) will attend at or contribute to the conference. MARACs can therefore appear a valuable source of information in court proceedings where domestic abuse may be an issue.

2. Normally, if it is a matter of public record that domestic abuse has occurred (e.g. through Police involvement), the victim is aware that a MARAC is taking place and should be offered support through an Independent Domestic Violence Advisor (IDVA). However, the alleged perpetrator will not have been so informed but may sometimes be aware of it e.g. through the victim.

3. The essential purposes of a MARAC are:

- a) To share information about risk;
- b) To devise a co-ordinated safety plan for the adult victim;
- c) To liaise with appropriate agencies to address safety of children and include as needed safety actions in the plan;
- d) To address the behaviour of the alleged perpetrator;
- e) To address the safety of staff working with the family.

Clearly it is of importance that generally the details of the MARAC safety plan are kept confidential if it is to be effective for to do otherwise would be to increase risk. Hence the tension between the potential existence of relevant information and the need for confidentiality.

4. MARAC staff members are neither lawyers nor paralegals. Thus they will have no inherent appreciation of what may be 'disclosable material'. Moreover, minute-taking may not be seen as a primary skill and thus minutes may be neither full nor entirely reliable.

5. Accordingly it is thought helpful to offer some guidance both to legal practitioners and to MARACs where consideration is being given to seeking disclosure of documents or other information. Such a request is most likely to come from the one whose conduct is under scrutiny at the MARAC.

6. Three key principles underpin this guidance -

- a) A MARAC is not a legal entity and therefore the owner of information shared at a MARAC is the original supplying agency;
- b) b. MARACs should only be required to disclose information by an order of the court;
- c) c. Any request for information must be an informed request setting out the nature of the information sought i.e. there must be no 'fishing

7. The question of disclosure should always be considered well in advance of a contested hearing and be dealt with by an order for directions. Notice should ordinarily be given to the Chair of the MARAC; if that is not practicable, the order should allow a MARAC representative to appear and object before compliance is required. Any order should be addressed to the Chair of the MARAC.

8. When any such order for disclosure is made and served on a MARAC, the Chair of the MARAC is under a duty to raise formal objection if any disclosure will interfere significantly

with a safety plan or may cause harm to any relevant child. If, however, a decision is made not to make a formal objection -

- a) The MARAC Chair should identify the documents currently held (which in practice will
- b) usually only be the minutes);
- c) If the minutes refer to information supplied and held by another organisation, the court should be invited to make an order directed to that organisation (if necessary) unless the Chair has that organisation's consent to disclose;
- d) This approach should apply both to statutory and voluntary organisations;
- e) If any document ordered to be disclosed is believed by the Chair to be potentially unreliable (e.g. the minutes), the court should be so informed;
- f) If a MARAC is in doubt whether to disclose they may make disclosure to the court setting
- g) out their concerns and reservations (e.g. any potential impact on safety) but, in so doing, they accept that the court may nevertheless order disclosure;
- h) The MARAC Chair may also draw to the attention of the court, the parties or the relevant organisation (as the case may be) that the significance of any information held depends upon other information held by a participating organisation and identify that organisation.

9. It will sometimes happen that MARACs hold information that they believe would be useful to a court but which they do not want to disclose to all parties. In those circumstances they should disclose the information to the relevant statutory body (local authority, Police, Cafcass) for them to use as appropriate in court proceedings.

10. As with supported contact centres, MARAC workers and IDVAs (as opposed to professional representatives of organisations attending a MARAC) should not ordinarily be called as a witness in court proceedings.

Members of the working party

The Honourable Mr. Justice Hedley, High Court Judge (Chair)

Diana Barran, Chief Executive, Co-ordinated Action Against Domestic Abuse (CAADA)

Professor Rosemary Hunter, Professor of Law, University of Kent

Maura Jackson, Director, ADVANCE

Adam Lennon, HMCtS

Penny Logan, Principal Lawyer, Cafcass Legal

Her Honour Judge Lesley Newton, Circuit Judge, Manchester

Briony Redman, MARAC Co-ordinator, Standing Together

Jan Salihi, Ministry of Justice